



NOTICE OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 2 MAY 2023, 9.00am
VIA A DIGITAL MEETING FACILITY

Agenda of Business

Apologies

Declarations of Interest

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

1. Minutes for Approval: Planning Committee, 28 March 2023 **(pages 1-20)**
2. Planning application no. 23/00072/P: Erection of two agricultural buildings, East Fortune Farm, East Fortune, Athelstaneford **(pages 21-28)**
Note – this application was called off the Scheme of Delegation List by Councillor Findlay for the following reasons: Given the high number of objections and the erection of these buildings are on prime agricultural land the application should be looked at and decided by the Planning Committee.
3. Further Report of Handling of Planning Application no. 23/00059/P – Change of use of agricultural land to form car park, erection of gates and fencing (Retrospective) at Hopes Estate, Yester, Gifford, Haddington – Report by the Service Manager – Planning **(pages 29-42)**
4. Further Report of Handling of Planning Application no. 20/00939/P – Erection of 27 flats and associated works, Land South of St Andrews Centre, Bayswell Road, Dunbar – Report by the Service Manager – Planning **(pages 43-80)**
5. Planning application no. 22/01308/P: Siting of containers for sports training facility for temporary period of 36 months (Retrospective), Hallhill Healthy Living Centre, Lochend Road, Dunbar **(pages 81-86)**
Note – this application was called off the Scheme of Delegation List by Councillor Collins for the following reasons: To allow fair discussion and comments from the local residents.

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

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

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

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

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

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

6. Planning application no. 22/01323/P: Erection of agricultural buildings, Seton East Steading, Longniddry **(pages 87-92)**
Note – this application was called off the Scheme of Delegation List by Councillor Ritchie for the following reasons: There is local concern about the visual impact of this development and it is felt that the Planning Committee would benefit from a site visit before determining this application.
7. Planning application no. 22/01344/PM: Section 42 application to remove condition 2 of planning permission 04/00007/FUL, Thurston Manor Holiday Home Park, Innerwick, Dunbar **(pages 93-98)**
8. Planning application no. 22/00852/PPM: Planning permission in principle for a converter station and associated development including a landfall at Thorntonloch and connected buried cabling, all in association with the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link, Land adjacent to Dunbar Landfill Site, Oxwell Mains, Dunbar **(pages 99-126)**
9. Planning application no. 22/00732/AMM: Approval of matters specified in conditions of planning permission in principle 16/00485/PPM – Erection of 90 houses, 51 flats and associated works, Longniddry Farm, Longniddry **(pages 127-164)**

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

25 April 2023

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

**TUESDAY 28 MARCH 2023
VIA A DIGITAL MEETING FACILITY**

1

Committee Members Present:

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

Other Councillors Present:

Councillor C McFarlane

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Governance
Ms J McLair, Senior Planner
Mr D Irving, Senior Planner
Mr C Redpath, Team Manager – Roads Engineering
Mr N Morgan, Outdoor Access Officer
Mr M Greenshields, Senior Roads Officer
Ms M Haddow, Transportation Planning Officer

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Ms M Houchin, Mr J Wright, Mr P Cooper, Mr A Shepherd

Apologies:

None

Declarations of Interest:

None

1. MINUTES OF PLANNING COMMITTEE MEETING, 7 MARCH 2023

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

2. PLANNING APPLICATION NO. 23/00059/P: CHANGE OF USE TO AGRICULTURAL LAND TO FORM CAR PARK, ERECTION OF GATES AND FENCING, HOPES ESTATE, YESTER, GIFFORD, HADDINGTON

A report was submitted in relation to Planning Application No. 23/00059/P. Julie McLair, Senior Planner, presented the report, summarising the key points. The report recommendation was to refuse consent.

Officers responded to questions from Members. Ms McLair, and Nick Morgan, Outdoor Access Officer, confirmed that Core Path 55 ran along the public road to the east of the application site. The right to responsible access was for non-motorised access, and they also confirmed that where the gates to the car park were formed did not impact upon the public road. Officers would address the applicant on the matter of fence posts remaining for a gate which would block a public road if closed. Ms McLair advised of an historic agreement with Scottish Water (SW) that the public could park on land they owned as long as SW vehicles had priority.

Councillors McGinn and McIntosh asked about the legality and enforcement for charging for parking within the county. Carlo Grilli, Service Manager – Governance, advised that there was no licensing requirement to charge for parking on private land and described types of charging regime; landowners were at liberty to set up a private charging regime over their land.

Officers responded to further questions from Members. Ms McLair advised that the current surface was loose chipping, a permeable surface, and permission to change the surface to tarmac would have to be sought from the planning authority. It would be possible to add a condition to remove permitted development rights on the car park, such as adding gates. Mr Grilli advised that any recourse to parking not be available at an advertised time would be a commercial matter between the landowner and permit holder.

Councillor McGinn asked about adding planning conditions that access must be available for owners to recover their vehicles. Mr Grilli advised that, provided times were made known that the car park would be closed, access to recover a vehicle was a commercial concern, and provided examples of other sites in East Lothian whereby cars could become stuck overnight. Ms McLair understood there to be concerns regarding the access road, but reminded Members that this was not part of the application and therefore not a valid reason to refuse consent.

Mr Dingwall, Service Manager – Planning, advised that countryside recreation was a category of development under Policy DC1, and therefore did not require justification despite there being another car park available. Ms McLair confirmed that the site would be considered brown field land once permission was granted for a car park; another application could be made for development on the land, but such an application would also have to be determined on its own merits.

John Wright, agent, spoke to the application. He highlighted that the council's adoption of the road had been to benefit the SW operation. He said the verge was not wide enough for parking in several places. He acknowledged an informal arrangement whereby cars could park on the SW car park, but said this made it difficult for SW vehicles to be given priority. SW's hands-off approach to managing this land had left the applicant to address activity from inconsiderate users, including overnight stays and blocking access for farming

activities. He said the car park would not restrict access, but rather would enable access to be controlled, safe, and manageable. He noted that the Gifford Post Office was open 7 days a week to obtain a permit, and permits clearly stated the opening days (Tuesday, Wednesday, Thursday, and Sunday) and times, and he said any night time parking would be unacceptable. Closures were for a sheep management program to control the population of tics. Gates were also required in a flood event. He said access to the SW car park would be suspended during maintenance work. He also noted that if planning permission were refused, the informal arrangement at the SW car park would be the only option for visitors.

Mr Wright responded to questions from Members. He reiterated issue with SW vehicles having priority access if walkers left cars parked for extended periods. He pointed out that cars with permits may make multiple visits, and said more people would park on the verge or in a gateway if the car park did not exist. Money made from the sale of permits was donated to the local church. He noted that mobile connectivity in the area was poor, but the opportunity to apply online could be looked into, and opening times could also be looked at. He advised that estates workers passed the car park regularly and would check whether parked cars had permits displayed.

Responding to questions from Councillor Akhtar, Mr Wright accepted that SW had said that the public could park in the SW car park, but reiterated that it was difficult to achieve their stipulation that SW vehicles must have priority to park in this area when required. Responding to the community's feeling that the opening days and times were restrictive, Mr Wright felt that providing the car park could only enhance the public's access to the area, and reiterated that there were other agricultural uses of the land.

Responding to further questions, Mr Wright said that the problems associated with drug use etc. had not been as prevalent recently following the estate's contact with the police and the council's Access Officer, but he noted that it was difficult to get anyone to attend when the antisocial behaviour was underway due to the rural location. Ghost cameras had been considered but removed from the proposal. An enforcement query had been raised and the Enforcement Officer had requested that the works become regularised through a grant of planning permission. He agreed that given SW's position on their car park, this car park the subject of the application could be considered additional car parking.

Responding to further questions, Mr Wright clarified that around 20 permits per month were issued. Responding to Councillor McGinn's suggestion that the best way to encourage responsible use of the car park would be to only lock the gates between 10pm and 8am each day, Mr Wright said that the applicants encouraged access by avoiding aborted trips; he appreciated there were other options, but said that this was how the estate wished to operate the car park. He confirmed that the car park area was where sheep were gathered for treatment against tics and not where they were treated, so there was no risk to dogs. He highlighted the costs involved in installing a pay-to-enter barrier system. He said that removal of the gates would not be acceptable as the gates were required for sheep gathering and to close the area off in a flood event.

Alastair Shepherd spoke against the application. He was the path warden and walked the paths once or twice each month. He advised that walkers had parked in the SW car park without issue for decades prior to March 2020, and there had never been more than four or five cars. There was plentiful parking on the verge up to West Hopes, but people had been put off by a 'private road' sign. He had never seen evidence of the antisocial behaviour described by Mr Wright, and read from the path warden's report from March 2020 when the area was busier than it had ever been. Shortly after this time, the applicant closed the SW car park, mistakenly thinking he owned it, and Mr Shepherd persuaded SW that they did indeed own their car park land. Signs were erected which said 'Scottish Water – no parking', but Mr Shepherd reported that SW had not been responsible for these signs. Mr Shepherd reported that in recent weeks some of his acquaintances had been told by the applicant or

his representatives not to park in the SW car park. Mr Shepherd had persuaded SW to erect a sign to encourage parking, but it was removed the following day. He contended that if consent were granted without conditions, then the new car park would be used to control access, as had happened in the past. He felt that the car park in its current state discriminated against disabled people, and noted that Gifford Community Council were not in favour of the car park. He felt that conditions should be added that opening hours must be by arrangement with the council.

Councillor McMillan, Local Member, said that more dialogue was required between car park users and the applicant and agent. He said the issue was of responsible and reasonable public access. He noted the estate's recognition for the best of integrated sustainable upland management. He acknowledged issue with encouraging cars to access countryside locations, but felt that the current system with the car park was not right. He also felt that disabled access must be encouraged to the site, but the current system of permits was not inclusive. Community leaders wanted to encourage responsible access, and he would support the application, however, he wanted to encourage the applicant to accept hours of opening, suggesting 8am to 8pm. He thought the current system was in danger of discouraging use of the Hopes Estate, and he hoped that officers would word suitable conditions for opening times/days to encourage access but also protect the site's heritage. Councillor Akhtar, Local Member, and Councillors Allan and McIntosh supported these comments.

Councillor Cassini sought the removal of permitted development rights so that any changes would require approval from the planning authority.

Councillor McIntosh commented on misinformation regarding the availability of car parking, and highlighted that the SW car park was free to use and almost always available. She agreed that a condition regarding opening hours would be helpful. She noted that National Planning Framework 4 (NPF4) Policy 19 said that Local Development Plans should safeguard access rights and core paths and encourage new and enhanced opportunities for access links to wider networks; she said this case highlighted that this should be considered as part of the updated Local Development Plan. She suggested that the Visit East Lothian App could be expanded to other popular sites across the county.

Councillor McGinn said that all community members and visitors should have the right to roam, but understood that this could lead to dangerous parking and other problems. He would support the car park in trying to encourage access to an area of outstanding natural beauty, but only with the conditions laid out by Councillor McMillan. He was very concerned that previous signage had sought to discourage access.

The Convener said that actions had sought to restrict access to the area, and felt that if the applicant had been serious about minimising congestion, he would have made the car park available to all who wished to use it. Members were willing for the car park to be established with more generous opening hours. He noted that the SW car park was available at any time, as was access to the land, and said that any signage or gates which restricted access to the land had to be removed. He was happy to side with the Local Members, who would support the car park but with strong conditions regarding opening hours.

Mr Dingwall suggested wording based on Councillor McMillan's proposed condition, namely: the car park here proposed shall be open 0800 to 2000 (days of the week to be determined) unless approved in writing by the planning authority, for the reason of encouraging responsible access to the countryside. However, he noted Members' wish to work with the applicant to find a solution; he therefore suggested that Members could approve the application, subject to a condition being imposed regarding access, with final wording to be agreed between officers and Local Members following consultation with the applicant. To avoid the risk of non-determination, the decision notice would have to be issued by 8 April

2023; he therefore suggested that if agreement could not be reached with the applicant by this date, the decision would proceed on the basis that the car park would be open between 0800 and 2000. Councillor McMillan and Councillor Allan formally proposed and seconded this condition, respectively.

The Convener then moved to a roll call on the officer recommendation to grant consent. Members unanimously supported the officer recommendation.

DECISION

The Planning Committee granted planning permission, subject to the following:

Officers and Local Members would work with the applicant to try to reach agreement on the opening days and times of the car park. If no agreement could be reached by 8 April 2023, the following condition would be imposed:

1. The car park here proposed shall be open 0800 to 2000 daily unless approved in writing by the planning authority.

Reason
To encourage responsible access to the countryside.

3. **FURTHER REPORT OF HANDLING OF PLANNING APPLICATION NO. 21/01608/PM – ERECTION OF 86 HOUSES, 4 FLATS AND ASSOCIATED WORKS, LAND TO THE NORTH OF CASTLEHILL, MAIN STREET, ELPHINSTONE**

Due to an ecological matter that had been raised, a section of the officer report was delivered in private session and the webcast was paused.

PRIVATE

[Redacted content]

[Redacted content]

Following the section in private session and a break, the public meeting resumed.

PUBLIC SESSION

A further report of handling was submitted in relation to Planning Application No. 21/01608/PM. Mr Dingwall presented the remainder of the report, which concluded that the proposals were generally compliant with NPF4. The report recommendation was to grant consent.

Officers responded to questions from Members. Following a discussion regarding NPF4 Policy 13, Councillor McIntosh asked the planning authority to be more ambitious when considering future developments and the next local development plan, suggesting that spaces that might ordinarily be for visitor car parking be instead given over to bike hangars.

Councillor McGinn asked about work going on to the rear of Marchmont Court in Elphinstone regarding raising the ground level. Mr Dingwall confirmed the matter had been raised previously. He would check in with planning enforcement and would inform Councillor McGinn of the outcome.

Responding to questions from the Convener, Mr Dingwall advised that NPF4 stated that there should be support for allocated housing sites to be developed, and thus it followed that it would not be competent to refuse the proposal on the basis of NPF4 Policy 5. Mr Dingwall said there were other material considerations to consider, and therefore it was not the case that every application on primary agricultural land would be refused under NPF4. The new Local Development Plan would have to have due regard to NPF4, but local circumstances were still considered.

Megan Houchin spoke against the application on behalf of Rob Moore. She highlighted Policy 2 of NPF4 relating to climate mitigation; she felt that the photovoltaics and car charging ports being installed by the developer would be of limited use when many people could not afford an electric car, and felt that installing air source heat pumps would be of greater use. On NPF4 Policy 3, enhancing biodiversity, she hoped checks would be made to ensure indigenous and diverse planting appropriate for the site. On Policy 13, sustainable transport, she felt that car charging points still encouraged car use, and the developer contribution to transport improvements should be used to upgrade cycle paths to encourage use of the Wallyford transport hub. She also felt that cycle parking should be added to the development, particularly at the football pitch. On Policy 14, liveable places, she said roof levels should be lowered to blend in with the village, and felt slate should be used. She also felt that providing a majority of large homes was not appropriate for the needs of the county. On Policy 22, flood risk and water management, she said the drain at the corner of the site was draining very slowly, and felt the SUDS needs for the site should be revisited. On Policy 24, digital infrastructure, she said the junction box in the village would require to be upgraded as there were already broadband issues.

The Convener responded to some of Ms Houchin's points. He said that the planning authority could not specify what technology was to be provided for digital infrastructure. He said that electric car usage would increase going forward and gas boilers in new houses were allowed until 2024. He advised that landscape officers did check the planting. He would ask officers to look at the path to the station and upgrade this to encourage active travel to Wallyford Station, and agreed that cycle parking should be considered.

Councillor McLeod referred to his comments from the December 2022 meeting, when the application was last considered. He said that housing was needed in the area, but encouraged the installation of a raised table to prevent speeding.

Councillor McIntosh thanked Ms Houchin for her points and thought that this type of debate around place-making should be encouraged. She shared Ms Houchin's frustration regarding

the installation of gas boilers in new homes. She said that those without an electric car would still benefit from the solar panels. She hoped that in future, developers could be asked to contribute more to blue and green infrastructure in town centres to boost biodiversity and help deal with any flood risks; this would be in line with several NPF4 policies.

Councillor McGinn had also previously raised issues regarding a speed table and the impact of flooding, but felt the developer had responded well to issues of flooding. He was concerned to hear that the SUDS ponds may be reaching capacity, and asked the developer to take action on this. He thought that Core Path 168 may require some work to be brought up to standard.

The Convener agreed that it would be useful for the village to have direct access for active travel to Wallyford Station, and asked the officers check what work may be required on this path. He referred to the previous approval of the application in December 2022, and was pleased that it had now been considered against NPF4.

The Convener then moved to a roll call on the officer recommendation to grant consent, as well as the other recommendations contained within the report. Members unanimously supported the officer recommendation.

DECISION

The Planning Committee granted planning permission, subject to the following:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - (i). a financial contribution to the Council of £1,322,440.00 towards the provision of additional primary and secondary school accommodation within the catchment;
 - (ii) the provision of 23 affordable housing units within the application site;
 - (iii) a financial contribution to the Council of £26,880.30 towards the refurbishment of the existing changing pavilion at the Elphinstone Playing Field; and
 - (iv) a financial contribution to the Council of £15,753 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements.

In accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 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 without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient primary and secondary school capacity within the catchment, a lack of provision of affordable housing, a lack of sports infrastructure improvements and a lack of roads and transport infrastructure contrary to, as applicable, Policy 18 of NPF4 and Policies DEL1, HOU3, HOU4 and Proposals T9, T10, T11, T15, T17, T21, T27, T28, ED4 and CF1 of the adopted East Lothian Local Development Plan 2018.

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 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 buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

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

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

Year 2023/24 - 40 residential units
Year 2024/25 - 40 residential units
Year 2025/26 - 10 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2026/27 or beyond and not added to the subsequent year.

Reason:

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

- 4 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include:

(i) Three path connections from the west boundary of the site to connect to the core path to the west of the site;

(ii) Two path connections from the east boundary of the site to connect to the woodland strip to the east of the site;

(iii) A 2 metres wide, hard-surfaced, lit (street lighting) footpath suitable for walking and cycling to be formed between the northwest corner of the extended park/play area within the site to the southern edge of the site to the west of the property of 'Lynhaven' and connecting on to Main Street;

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of the 15 car parking spaces and associated electric vehicle charging point to serve the playing field, drainage infrastructure, landscaping and open space. The details to be submitted shall also include construction phasing plans.

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

Reason:

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

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

No residential unit hereby approved shall be occupied unless and until (i) a gateway feature and a raised table or other suitable traffic calming feature is installed at the western end of the south boundary of the site, (ii) a 3 metres wide, lit (street lighting) shared use path is provided on the north side of the B6414 along the full length of this site boundary to tie into the existing footway and (iii) a suitable crossing of the B6414 is provided in the vicinity of the primary school. Details of the proposed gateway feature, the raised table or any other suitable traffic calming features, the shared use path and the crossing shall be submitted for approval by the planning authority along with a Road Safety Audit of the proposals. These measures shall be implemented in accordance with the details as approved by the planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 6 A visibility splay of 4.5 metres by 90 metres shall be provided and maintained on each side of the proposed access 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 90 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 and pedestrian safety.

- 7 Prior to the commencement of development a timetable for the implementation of the recommendations made in the Quality Audit hereby approved shall be submitted to and approved by the Planning Authority. Thereafter the recommendations shall be implemented in accordance with the detailed design stages and the full audit process completed through the design and implementation stages including post construction/occupation with measures to make good any issues raised being fully implemented.

Reason:

In the interests of road and pedestrian safety.

- 8 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, a pair of bus stops shall be provided, one on either side of the primary spine road running through the site in accordance with details, showing the locations and details of the bus stops with associated hard surfaced stances, to be submitted to and approved in advance of their construction by the Planning Authority.

Reason:

To ensure the provision of adequate bus stop provision in the interests of the residential amenity of the future occupants of the development hereby approved.

- 9 Prior to the occupation of any of the flats hereby approved bin storage facilities and cycle storage facilities shall have been formed and made available for use. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in writing by the Planning

Authority. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

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

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

Reason:

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

- 11 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and routes of construction traffic to/from the site, delivery time restrictions and a health and safety method statement. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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

The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction of the Sustainable Urban Drainage System.

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.

- 12 The actions to be taken to reduce the carbon emissions from the building and the provisions for private electric vehicle charging all as detailed in the 'Statement on Energy' and on drawing titled 'Site Layout EV Charging' with drawing number ELPH/DL/003 docketed to this planning permission shall be fully implemented on site prior to the occupation of the last residential unit hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Notwithstanding that stated on drawing titled 'Site Layout EV Charging' with drawing number ELPH/DL/003 docketed to this planning permission, details of the public electric vehicle charging point(s) to be provided in the communal car parking area in the south west corner of the site shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details so approved and shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

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

Reason:

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

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

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

Reason:

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

- 16 No development shall commence until temporary protective fencing has been erected in accordance with the docketed and stamped approved report titled; Tree Survey & Arboricultural Impact Assessment, Revision R3, dated 10 November 2022 and in the positions shown on docketed and stamped approved drawings titled: The Tree Survey Plan with drawing reference BS-020222_AIA_R1 and Landscape Proposal Plans numbered 231.24.01 - 231.24.06 Revision F and dated October 2022. The temporary protective fencing shall be erected to the specification shown on drawing titled; The Tree Survey Plan, survey reference BS_020422_A1A_R1 shall be erected prior to the commencement of development and shall remain intact and in place through to completion of development. All weather notices containing the wording "Construction exclusion zone - Keep out" shall be erected on said fencing. Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

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

Reason:

To ensure the retention and maintenance of trees which are an important landscape feature of the area.

- 17 No development shall take place on site until a person who, through relevant education, training and experience, has gained recognised qualifications and expertise in the field of

trees in relation to construction, has been employed by the developer to monitor any works within the root protection area or canopy spread of trees on or adjacent to the application site. Arboricultural monitoring shall including the supervision and reporting to the Planning Authority on the installation of the required tree protection fencing and any development within the root protection area of trees shown to be retained and protected in strict compliance with docketed and stamp approved report titled : Tree Survey & Arboricultural Impact Assessment, dated April 2022 and drawings titled: The Tree Suvey Plan with drawing reference BS-020222_AIA_R1 and Landscape Proposal Plans numbered 231.24.01 - 231.24.06 Revision F and dated October 2022. All tree work shall be approved in writing by the Planning Authority before work is carried out.

Reason:

To ensure the retention and maintenance of the trees adjacent to the site which are an important landscape feature of the area.

- 18 No trees, shrubs or hedgerows which are to be retained on the site, other than the crab apple tagged 419 as shown on stamped approved and docketed drawing no, Landscape proposals Plan numbered 231.24.01 - 231.24.06, Revision F and dated October 2022 shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All tree management works shall be carried out under the supervision of an appointed Arboricultural Consultant in compliance with British Standard 3998: 2010 "Tree work ~ Recommendations" Section 7, Pruning and related work and Figure 2 - Positions of final cuts; leaving an overall balanced tree shape on completion of the works.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

- 19 Unless otherwise approved in writing by the Planning Authority, the structural landscape planting (woodland planting on east and west boundaries) shall be implemented within 1 year of the commencement of development and all other new planting as shown on stamped approved docketed drawings titled; Landscape Proposal Plan numbered 231.24.01 - 231.24.06, Revision F and dated October 2022, 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.

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. The developers Landscape Architect, shall carry out a site inspection once the scheme of landscaping has been implemented and shall report on such inspection to the Planning Authority within 6 months of the scheme of landscaping being implemented. All defects identified by the developers Landscape Architect shall be rectified by the developer within two years of the occupation of the last house or flat in the development.

The scheme of landscaping shall be maintained in accordance with docketed and stamp approved report titled; Communal Landscape Maintenance with appended plans titled; Communal Landscape plans numbered 231.24.07 - 231.24.08

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 and to improve the biodiversity value of the area.

- 20 The approved scheme of landscaping shall be maintained and managed in compliance with the docketed and stamped approved report titled: Communal Landscape Maintenance. The scheme of landscaping shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority. The developer shall include a copy of the communal landscape maintenance report and communal landscape plans numbered 231.24.07 - 231.24.08 dated November 2022 in the hand over documents to the management Factor and the owners of properties within the

development. Within the missives, the final land use plan and deed of conditions shall be based on the aforementioned report and plans.

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.

- 21 Unless otherwise approved by the Planning Authority all of the open space and communal landscape as detailed in the docketed and stamped approved drawing titled; Landscape proposals plans numbered 231.24.01 - 231.24.06 Revision F, dated October 2022 and Communal Landscape plans numbered 231.24.07 - 231.24.08 dated November 2022 and the report titled; Communal Landscape Maintenance shall be retained and maintained as such by a Factor or a Residents Association n in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping and open space on the site in the interest of amenity.

- 22 Prior to commencement of development:

a) confirmation of Scottish Water's Technical Approval of the Sustainable Drainage System (SuDS) details hereby approved shall be submitted to the Planning Authority; and

b) a timetable for the installation of the approved SuDS system shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

To ensure that the final SuDS design complies with 'Sewers for Scotland 4' and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 23 Prior to the occupation of any of the residential units hereby approved, a timetable for the provision of all of the play equipment and associated play surfacing, bin, bench and any enclosure of the play area to be provided on the site and details of how the equipped play area is to be managed and maintained are to be submitted to and approved in advance by the Planning Authority and the play area shall thereafter be installed, surfaced, enclosed, managed and maintained in accordance with the details so approved and shall be used for such purposes at all times thereafter unless approved by the Planning Authority..

Reason:

To ensure the satisfactory provision of adequate and suitable play provision and the future maintenance of it within the development.

- 24 All of the gas prevention measures (gas and radon) as identified in the Site Investigation Report and Remediation Method Statement docketed to this planning permission shall be carried out on site in accordance with the terms of those Reports prior to the commencement of any other development on the site. On completion of the remedial works and prior to the occupation of any residential unit, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development hereby approved, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a further Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to modify the Remediation Strategy should the reporting determine that additional measures are required. It should also be noted that a

Verification Report would also need to be submitted confirming the satisfactory completion of all these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new builds.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 25 All of the remedial treatment works to address land instability arising from shallow coal mining legacy as identified in the Site Investigation Report docketed to this planning permission shall be carried out on site in accordance with the terms of that Report prior to the commencement of any other development on the site. On completion of the remedial works and prior to the occupation of any residential unit, a signed statement or declaration prepared by a suitably qualified person confirming that the site has been made safe and stable for the development hereby approved and confirming the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity shall be submitted to and approved in writing by the Planning Authority and any mitigation works identified shall thereafter be fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

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

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

Reason:

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

Sederunt: *Councillor McMillan left the meeting.*

4. PLANNING APPLICATION NO. 22/00749/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 15/00537/PPM – RELATING TO INFRASTRUCTURE INCLUDING ACCESS, DISTRIBUTOR ROADS, LANDSCAPING, SUDS PROVISION AND ASSOCIATED WORKS, LAND LOCATED TO THE SOUTH AND EAST OF WALLYFORD AND AT DOLPHINGSTONE

A report was submitted in relation to Planning Application No. 22/00749/AMM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to refuse consent.

Officers responded to questions from Members. Mr Irving referred to the drainage masterplan, which provided details of surface water management and SUDS ponds. He advised that the Flooding and Structures Officer had been satisfied with the details, and said that plans should not lead to any undue surface water going onto the A199. SEPA had also been satisfied with the drainage arrangements. Mr Irving said that the potential educational value of the SUDS ponds had not been considered as part of the application, but instead

had been designed to enhance the landscaping of the wider site; he suggested that the applicant may wish to consider this.

Councillor McGinn raised potential issues with the new junction, particularly with traffic turning right to come out of the new development. Marshall Greenshields, Senior Roads Officer, highlighted the reduction in the speed limit at this site, and said a ghost island would be installed to assist with the right turn out of the junction; officers were satisfied that these arrangements would be adequate. As part of the approval, an independent audit would be required. The audit would look at the initial design and would follow the phases of the development, enabling recourse to any issues once the junction was in operation. The design was to push traffic towards the A1 more quickly than travelling through Wallyford. A pedestrian island would also be installed to enable safe crossing to the bus stops, helping the environment feel more urban and thus decreasing traffic speeds.

Responding to questions from the Convener, Mr Irving said that officers had looked for proposals to enhance the biodiversity of the site, and the Convener felt that the SUDS ponds always retaining some water would help to increase this biodiversity.

Robin Holder, agent, and Philip Cooper, on behalf of Taylor Wimpey, were present to answer Member questions. Mr Holder highlighted that the council's development brief had insisted on access to the A199 from the site. Mr Cooper highlighted that Condition 12 of the permission in principle was for a priority junction rather than a roundabout. At pre-application meetings, the planning authority had requested that SUDS proposals be improved, and the developer had added a boardwalk, landscaping, high-value planting, and introduced a play area around the site. The SUDS basins were to be lined, and the large size was to cope with climate change allowances under new regulations. Water sitting in the SUDS basin would discharge, but risk assessments were required by SEPA and the developer would comply with any requirements. Councillor Forrest raised maintenance issues with SUDS basins and gully clearing on the developer's other sites, and Mr Cooper advised that the developer would be responsible for maintaining the SUDS basins and landscaping. The developer would look to undertake gully clearing and to manage silt run into water courses.

Responding to further questions, Mr Cooper said that play areas were phased within the development; they would come forward in a timely manner when it was safe for play areas to come into use. Councillor Forrest asked the developers to consider play areas that would develop children's dexterity and development. Mr Holder said that a full transport assessment had been submitted with the planning permission in principle, and the junction that came forward was compliant with the council's requirements following their evaluation of the document.

Councillor McGinn, Local Member, remained concerned about the traffic flow coming out of the development and turning right. He would support the application, but had reservations about this junction and thought this would have safety and financial implications in the future.

Councillors McLeod and Forrest shared concerns about flooding and traffic, but would support the application. Councillor Forrest also raised concern that the development would cause further stress on the Riverside Medical Practice in Musselburgh if a surgery was not opened in Wallyford.

The Convener commented on the further infrastructure that was greatly needed within the county due to the significant population growth. He said that Transport Scotland needed to work with the council to ensure safe access to the A1. He would support the application.

The Convener then moved to a roll call on the officer recommendation to grant consent. Members unanimously supported the officer recommendation.

DECISION

The Planning Committee granted planning permission, subject to the following conditions:

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

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing.

Reason:

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

- 2 Prior to the commencement of development:

- (i) a timetable for the provision of the new 3 metre wide footway along the south side of the A199 public road over the full extent of the application site frontage shall be submitted to and approved by the Planning Authority;

- (ii) a timetable for the provision of the east and west bound bus stops with shelters on the A199 and the new centre island on the A199 shall be submitted to and approved by the Planning Authority; and

- (iii) a timetable for the provision of the new stone rubble wall to be built along the south side of the new 3 metre wide footway shall be submitted to and approved by the Planning Authority. The new stone rubble wall shall, as far as possible, be constructed of stone salvaged from the existing wall on north application site frontage that is to be removed to facilitate the new footway.

Development shall thereafter be carried out in full accordance with the timetables so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety, sustainable transport and the amenity of the area.

- 3 Notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, 2 large play areas (formal play area and natural play area) and 1 toddlers play area shall be provided on the application site.

The large formal play area shall be provided on the area shown for it on the docketed masterplan layout drawing no. A/02/02 C and will be equipped as shown on the docketed Dolphingstone Main Play Area drawing by Kompan.

Prior to the commencement of development details of the large natural play area and the toddlers play area shall be submitted to and approved by the Planning Authority. The submitted details shall comply with the following requirements:

- (i) one large natural play area with equipment suitable for children aged 0 - 15 years shall be provided on the area shown for it on docketed masterplan layout drawing no. A/02/02 C. This shall generally accord with the detail for it shown on the docketed Dolphingstone Natural Play Area drawing by Kompan, but will include additional play equipment suitable for children aged 8 - 15 years; and

- (ii) one toddlers play area with equipment suitable for children aged 0 - 8 years shall be provided within development area Phase 2A as shown on docketed drawing no. A/02/01.1D, unless otherwise agreed in writing with the Planning Authority.

The submitted details shall include details of all play equipment, play surfacing, bins and benches to be installed in each play area.

The play areas shall thereafter be installed, surfaced and enclosed in accordance with the following timetable, unless otherwise agreed in writing with the Planning Authority:

- (i) the large natural play area being provided prior to the occupation of the 31st residential unit on development area Phase 2A as shown on docketed drawing no. A/02/01.1D;
- (ii) the large formal play area being provided prior to the occupation of the 31st residential unit on development area Phase 4 as shown on docketed drawing no. A/02/01.1D, and;
- (iii) the toddlers play area being provided prior to the occupation last residential unit on development area Phase 2A as shown on docketed drawing no. A/02/01.1D.

The play areas shall be used solely for such purposes at all times thereafter unless approved in writing by the Planning Authority, and shall be managed and maintained in accordance with that detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

Reason:

To ensure the satisfactory provision of adequate and suitable play provision and the future maintenance of it within the development.

- 4 Prior to the commencement of development, a timetable for the provision of the large area of open space at the northeast corner of the site as shown on the drawings docketed to this approval of matters specified in conditions permission shall be submitted to and approved by the Planning Authority. The submitted timetable shall show the open space being provided in a timely manner relative to the completion of the residential developments within the development phases as shown on docketed drawing no. A/02/01.1D.

Thereafter, the area of open space shall be formed in accordance with the timetable so approved and shall be used solely for such purposes at all times thereafter unless approved in writing by the Planning Authority.

The open space shall be managed and maintained in accordance with that detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

Reason:

To ensure the satisfactory provision of adequate open space within the development.

- 5 Prior to the commencement of development a detailed Construction Risk Assessment and Method Statement for the proposed works to the culverts on the application site shall be submitted to and approved by the Planning Authority. The Construction Risk Assessment and Method Statement shall also include a timetable for the implementation of the works to the culverts. The development shall thereafter be carried out in strict accordance with the detailed Construction Risk Assessment and Method Statement so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding.

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

(i) notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, speed humps that do not form part of an uncontrolled crossing shall not be formed;

(ii) notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, the hatch markings on the A199 proposed ghost island shall be orientated and provided in accordance with Traffic Signs Manual Chapter 5 Road Markings, and;

(iii) uncontrolled pedestrian crossing points on the proposed road shall be coincident with raised tables and flat top speed humps.

Reason:

In the interests of road safety.

- 7 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic, shall include hours of construction work and routes of construction traffic to/from the site and delivery times. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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

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.

- 8 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. The Quality Audit shall include swept path assessments for refuse collection and fire appliance access.

Reason:

In the interests of road and pedestrian safety.

- 9 Prior to the commencement of development a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved, and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1, or as amended by latest version.

Reason:

In the interests of road and pedestrian safety.

- 10 All planting, seeding or turfing comprised in the details of landscaping on drawing nos. 1857/08 Rev D, 1857/09 Rev B, 1857/10 Rev B, 1857/11 Rev B, 1857/12 Rev B, 1857/13 Rev B and 1857/14 Rev D all docketed to this approval of matters specified in conditions permission shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

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.

Signed

.....

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

***Note** – this application was called off the Scheme of Delegation List by Councillor Findlay for the following reasons: Given the high number of objections and the erection of these buildings are on prime agricultural land the application should be looked at and decided by the Planning Committee.*

Application No. **23/00072/P**
Proposal Erection of two agricultural buildings
Location **East Fortune Farm
East Fortune
Athelstaneford
East Lothian**

Applicant R Brand And Son
Per BHC Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

This application relates to a site located within the East Lothian countryside at East Fortune Farm, East Fortune to the north east of Athelstaneford. The site is located within the open countryside as designated by Policy DC1 of the East Lothian Local Development Plan 2018. The site is not located within any area of special character.

The land is bound to the north by an existing agricultural building as well as the Edinburgh - North Berwick Railway line beyond. The west and south of the site is bound by agricultural land while a telecommunications mast lies to the east. The south east of the site is bound by land associated with Station Park Caravan Site. The nearest residential properties are sited some 115 metres to the south.

PLANNING HISTORY

In November 2022, an application for prior notification for the erection of two agricultural buildings was submitted (Ref: 22/01245/NAF) to East Lothian Council. The Council as Planning Authority Raised Objection to application 22/01245/NAF given that it did not comply with the provisions of Class 18 of Part 6 (Agricultural Buildings and Operations) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as the agricultural buildings would be located within 3 kilometres of the boundary of East Fortune Airfield and the buildings as proposed exceed 3 metres in height. Accordingly, prior notification for the erection of two agricultural buildings at the above site was refused in December 2022 and the applicant was advised that full planning permission was therefore required for the works as proposed.

PROPOSAL

Planning permission is sought through this application for the erection of two agricultural buildings on the site. The proposed agricultural building No. 1 as proposed would have a rectangular footprint. It would measure some 48.768 metres in length and some 12.190 metres in width. It would also have a height of 6.151 metres in height to the ridge of its dual pitched roof and 4.8 metres to the eaves. The elevations would be finished in a Juniper Green coloured plastisol cladding with the roof being clad fibre cement sheets and 16 roof lights. A large gate would be inserted within each gable elevation. The new building would be for an agricultural use for the storage of straw, hay and machinery. The proposed building would be situated approximately 200 metres to the north of the nearest public road.

The proposed agricultural building No. 2 as proposed would again have a rectangular footprint. It would measure some 24 metres in length and some 12 metres in width. It would also have a height of 6.13 metres in height to the ridge of its dual pitched roof and 4.8 metres to the eaves. The elevations and roof would be finished in a Juniper Green coloured plastisol cladding. A large roller shutter door would be inserted within the side elevation with a personal door within one gable elevation. The new building would be for an agricultural use to store feedstuffs and smaller implements. The proposed building would again be situated approximately 220 metres to the north of the nearest public road.

The agent has stated that the agricultural buildings are to be used for agricultural purposes as part of the agricultural holding at East Fortune. More specifically, they state that the applicant has recently been given notice to vacate rented steadings at the East Fortune Hospital site as well as the original East Fortune Farm steading site and as such require additional infrastructure at the proposed site to house those activities and to facilitate the ongoing operations of the existing agricultural business at East Fortune Farm. The agent has informed that one of the sheds is intended for the storage of straw, hay and machinery while the second would be used for the storage of feedstuffs and smaller implements.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 5 (Soils) and 29 (Rural Development) of NPF4 and Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

One representations and fifty nine letters of objection have been submitted in respect of the proposed development. The main grounds of representation and objection are:

- o Use of the buildings not for agricultural purposes;
- o Lack of need for the new buildings given the modest scale of the farm operation;
- o Potential relocation of East links Family Park to the application site;
- o Loss of privacy;
- o Loss of property values;
- o Operation of other business from the site such as markets, caravan storage and existing shed converted to a farm shop;
- o Increase in noise pollution in the area from potential recreational use;
- o Increased traffic congestion and road safety issues associated with potential recreational use;
- o Insufficient access to utilities;
- o Loss of prime agricultural land;
- o Detrimental impact on the appearance of the rural landscape;
- o Displacement of natural wildlife;
- o The area is a conservation area;
- o Adverse effect on the railway line;
- o the height is dangerous due to the location of the airfield; and
- o Neighbour notification not undertaken correctly.

With regards to the use of the site for Recreation/Tourism as part of the potential relocation of East Links Family Park, a Proposal of Application Notice (Ref: 23/00002/PAN) was submitted to the Council as Planning Authority in February 2023 which was consulting on the proposed relocation of East Links Family Park to East Fortune Farm. The Proposal of Application Notice is submitted to inform the Council of what pre-application community consultation an applicant intends to undertake in advance of an application for planning permission being submitted for the proposed development. The Council has no involvement in the operation of the community consultation event and any comments should be made to the applicant/ agent. The pre-application consultation notice does not give planning permission for the use of the site as a family park. Therefore, whilst the Pre application Notice has been submitted the site does not have planning permission to operate as a family park and there is no presumption that planning permission will be granted for that use. This planning application has been submitted on the basis of the 2 agricultural buildings will be used in association with East Fortune Farm and therefore for agricultural purposes. It is on that basis that this application will be determined.

Any future use of the buildings as part of any proposal to relocate East Links Family Park to East Fortune would require planning permission and would therefore be subject to a further application for planning permission for the change of use. An assessment of any application submitted for a family park would be determined on its merits in accordance with the development plan unless material planning considerations indicate otherwise. Furthermore, any application submitted would be the subject of neighbour notification and advertisement in the local press and members of the public would have the opportunity to make representations to that application.

Issues of other commercial uses operation from the site without the benefit of planning permission are subject to a planning enforcement investigation and should planning permission be required, a further planning application for such uses would be sought separately and considered on its own merits.

The issue of loss of property values is not a planning consideration relevant to the determination of this planning application and as such cannot be taken into account in the determination of this planning application.

All neighbour notification has been undertaken in full accordance with statutory requirement as well as an advert being placed in the East Lothian Courier on the 10th February 2023.

The height of the buildings would not have a detrimental impact on the operation of the nearby airfield.

Access to utilities is not a material planning consideration relevant to the determination of this application.

The site is not located within a Conservation Area or any area of special character.

Further issues raised within the written objections are addressed in the planning assessment below.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

Policy 29 of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. Policy DC1 of the East Lothian Local Development Plan 2018 supports the principle of development in the countryside where it is for agricultural use.

In this regard, the proposed agricultural buildings are required to support and further develop the existing agricultural business at East Fortune Farm. The agent has stated that due to a recent change in available rented buildings offsite, there is a requirement to provide additional infrastructure onsite to house equipment and feedstuffs. Notwithstanding that there is no requirement to demonstrate the need for the 2 new sheds the agent has informed that one of the sheds is intended for the storage of straw, hay and machinery while the second would be used for the storage of feedstuffs and smaller implements. Therefore the principle of the siting of this agricultural building in this countryside location and within an area of prime agricultural land is consistent with Policies 5 and 29 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

In this instance as the proposed 2 agricultural buildings would be related to an existing agricultural holding then there is an operational requirement for them in this location. Therefore and as this is small scale development directly linked to an existing rural business the proposed 2 agricultural buildings do not conflict with Policy 5 of NPF4.

Policy 29 of NPF4 also states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy

DP1 of the East Lothian Local Development Plan 2018 states that new development must be well integrated into its surroundings by responding to and respecting landform.

Policy DP2 of the East Lothian Local Development Plan 2018 seeks for new development to be designed to be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings.

The proposed agricultural buildings would be visible from the public road which runs from the south west to north east to the south of the site. The buildings would be of a functional design to reflect their agricultural purpose and they would be of a form, size and scale reflective of other agricultural buildings typically seen throughout the agricultural landscape of East Lothian. Furthermore, the proposed building would be seen in the context of and in relation to an existing agricultural building at East Fortune Farm with which it would have a visual relationship with.

In that locational circumstance and by virtue of their architectural form, size, scale, materials and positioning the proposed agricultural buildings would be appropriate to their countryside setting and would not be out of keeping with their surroundings. The agricultural buildings would not harm the character of the surrounding landscape or be visually intrusive or harmfully prominent within their landscape setting.

On the above considerations, the proposed agricultural buildings are consistent with Policy 29 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

With regards to neighbouring amenity, in assessing whether or not a proposed new development would result in overlooking and loss of privacy to other residential properties it is the practice of the Council as planning authority to apply the general rule of a 9 metre separation between the windows on the proposed house and the garden boundary of neighbouring residential properties and an 18m separation between directly facing windows, if they are not adequately screened.

In this regard, given the siting of the nearest residential properties some 135 metres to the south of the site the proposed agricultural buildings would not result in a loss of amenity to surrounding residential properties by way of overlooking and loss of privacy.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed development on the daylight and sunlight received by neighbouring properties. In this instance given the siting and orientation of the building and its proximity away from the neighbouring dwellings to the south, there would be no detrimental loss of daylight to any adjacent residential properties.

Similarly, levels of sunlight to nearby residential properties would not be harmfully affected given the position and orientation of the proposed agricultural buildings some 135 metres to the north of these dwellings.

The Council's **Senior Environmental Protection Officer** has been consulted on the application and raises no objection to the proposed development, satisfied its operation would not result in a loss of amenity to any neighbouring residential property.

On those matters of amenity the proposed agricultural buildings are consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's **Road Services** have been consulted on the application. They have responded to state that the proposed agricultural buildings are for use as storage of agricultural feedstuffs and machinery for an already established farm and agricultural business. They note that the only vehicular access to the site is via a private track that is shared with the adjacent caravan park which takes access to / from the B1377 via a simple T-junction arrangement that is shared with the adjacent farm shop and residential properties. They state that this access has large gates set back from the road that can close off access to the farm and caravan park site specifically if needed. They conclude that given the nature of the proposed buildings uses, there would not be any associated requirements for car parking as such, however, there is scope for agricultural vehicles to park within the land so there is flexibility in that regard. Furthermore they state that given the nature of the uses there would not be a significant increase in vehicles using the existing shared access onto the public road network. As such, given the above, the Council's Road Services do not have any objections to this proposal. Therefore the proposed development does not conflict Policy T2 of the adopted East Lothian Local Development Plan 2018.

Given the proximity of the site to the adjacent railway, Network Rail has also been consulted on the proposal. They have responded to confirm that the proposal will have no impact on railway infrastructure and they therefore have neither any objections to this application nor any comments to make.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 or 2 of NPF4.

On the matter of displacement of wildlife it is the responsibility of the applicant to ensure they are compliant with relevant legislation including the Wildlife and Countryside Act 1981. Furthermore, Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

As no details have been submitted on this it would be prudent to attach a condition to a grant of planning permission requiring that, prior to the commencement of any development, that the details of the measures to support and enhance the biodiversity of the site are submitted to and approved by the Planning Authority. Subject to the imposition of the aforementioned planning control the proposed development would not be contrary to Policy 3 of NPF4.

The proposed agricultural buildings do not conflict with Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 5 (Soils) and 29 (Rural Development) of NPF4 and Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

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

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 Prior to the commencement of development , details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

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

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee

MEETING DATE: 2 May 2023

BY: Planning Service Manager

SUBJECT: Further Report of Handling of Planning Application No. 23/00059/P – Change of use of agricultural land to form car park, erection of gates and fencing (Retrospective) at Hopes Estate, Yester, Gifford, Haddington, East Lothian, EH41 4PL

3

1 PURPOSE

- 1.1 This application was reported to the Planning Committee on 28th March 2023 and it was decided by the Committee that planning permission be minded to grant subject to Planning Officers and the applicant negotiating the hours of use of the car park which would then be reported back to and agreed with Members and the Convenor and controlled through a planning condition.
- 1.2 Councillor McMillan proposed a condition, namely 'The car park here proposed shall be open 0800 to 2000 (days of the week to be determined) unless approved in writing by the Planning Authority. Reason: To encourage responsible access to the countryside' as a starting point for Planning Officers to work with the applicant to find a solution.
- 1.3 Officers and Local Members would work with the applicant to try to reach agreement on the opening days and times of the car park. If no agreement could be reached by 8 April 2023, to avoid the risk of non-determination, the following condition would be imposed: The car park here proposed shall be open 0800 to 2000 daily unless approved in writing by the planning authority. Reason: To encourage responsible access to the countryside.
- 1.4 Discussions have been held by Planning Officers with the applicant and his agent with the aim of negotiating the operating hours of the car park and agreeing the wording of a condition which would satisfactorily address the views expressed by Members regarding the hours of use of the car park however agreement has not been reached and as such the application is brought back before Planning Committee for Members to consider the wording of the condition.

2 RECOMMENDATIONS

- 2.1 That planning permission be granted subject to the condition set out in Appendix C.

3 BACKGROUND

- 3.1 The Planning Committee considered this application at their meeting on 28th March 2023. As originally proposed the hours of operation of the car park were 0900 – 1800 Tuesday, Wednesday, Thursday and Sunday only with the car park closed Friday, Saturday and Monday. Members' discussion at the Planning Committee on the 28th March 2023 related to their concern over the limited operating hours and as such Committee were minded to grant planning permission subject to Planning Officers and the applicant negotiating extended hours of use of the car park and agreeing the wording of such condition.
- 3.1 A copy of the Report of Handling for application 23/000059/P, which was considered at Planning Committee on the 28th March 2023, is attached as Appendix A.
- 3.2 Planning Officers contacted the agent immediately following the Planning Committee on 28th March to commence dialogue regarding this. The agent initially suggested that the condition be worded: 'Where practicable the car park shall be open 0800-1830 Tuesday, Wednesday, Thursday and Sunday'.
- 3.3 Planning Officers advised that this would not be acceptable as the use of the phrase 'where practicable' would mean the condition would be neither precise nor enforceable and given the discussion by Members at the 28th March Planning Committee it was clear Members had felt the car park should be open more days of the week.
- 3.4 A meeting was subsequently held with Planning Officers, the applicant and the agent in an attempt to reach an agreement. However the applicant stated that he was not agreeable to the times being anything other than 0800 – 1830 Tuesday, Wednesday, Thursday and Sunday, as the land was required the rest of the time for sheep management operations involving tick treatment (3 days in the summer and 2 days in the winter). Planning Officers advised that this was unlikely to be acceptable to Members. As such given no agreement was reached with the applicant over the wording of the condition. Planning Officers sought agreement from the applicant and agent for an extension of time to the determination period of the application to the 2nd May to allow the application to be reported back to Committee. The agent subsequently agreed in writing to the extension to the determination period to allow the application to be reported back to the 2nd May Planning Committee for a decision.
- 3.5 In a further attempt to negotiate the opening hours of the car park, Planning Officers contacted the agent to ask, given that the applicant had advised he required the land 3 days a week in the summer and 2 days a week in winter for sheep management, whether the applicant would be agreeable to the car park being open 4 days a week in the summer (1st April - 30th September) and 5 days a week in the winter (1st October – 31st March).
- 3.6 The agent advised that the sheep management for tick treatment runs up to the end of November and would, weather dependent, commence again around the end of January as such he was not agreeable to the suggested condition but instead proposed that the condition be: *"The car park hereby approved shall be open for public use (subject to obtaining a permit) between the hours of 8am-7pm 4 days a week Tuesday, Wednesday, Thursday and Sunday (1st February – 30th November) and 5 days a week Tuesday, Wednesday, Thursday, Sunday and Friday (1st December – 31st January), unless required by Scottish Water.*

- 3.7 Given the views expressed by Members with regard to the car park not being open on Saturdays, Planning Officers went back to the agent and asked whether the applicant would be agreeable to the fifth day of opening during the winter period being a Saturday rather than the Friday proposed by the applicant.
- 3.8 The agent advised that *'the days and times we have offered are the days that it can be available taking into account the other use of the area. Our position has moved since the initial application both in terms of the days and the times available, but that is as far as we can go. The condition is a product of our negotiation and Members are either happy with it, or they are not.'*

CONCLUSION

- 3.9 Planning Officers, the agent and the applicant have sought to negotiate the opening hours of the car park the subject of this application. As originally proposed by the applicant the car park was to operate by permit: 0900 – 1800 four days a week Tuesday, Wednesday, Thursday and Sunday, only with the car park closed Friday, Saturday and Monday.
- 3.10 At Planning Committee on 28th March, Councillor McMillan proposed a condition, namely 'The car park here proposed shall be open 0800 to 2000 (days of the week to be determined) unless approved in writing by the Planning Authority. Reason: Encouraging responsible access to the countryside' as a starting point for Planning Officers to work with the applicant to find a solution.
- 3.11 Through the discussions which have taken place the applicant has agreed to increase the operation of the car park to 0800 – 1900 four days a week Tuesday, Wednesday, Thursday and Sunday (1st February – 30th November) and five days a week Tuesday, Wednesday, Thursday, Sunday and Friday (1st December – 31st January), unless required by Scottish Water. As such the applicant has agreed to extend the opening hours by a total of 2 hours a day on the originally proposed four days 10 months of the year (1st February – 30th November) and 2 hours a day on the originally proposed four days plus one additional day 2 months of the year (1st December – 31st January).
- 3.12 In conclusion, the application is brought back to Members for their consideration as to whether the proposed condition:

The car park hereby approved shall be open for public use (subject to obtaining a permit) between the hours of 8am-7pm four days a week Tuesday, Wednesday, Thursday and Sunday (1st February – 30th November) and five days a week Tuesday, Wednesday, Thursday, Friday and Sunday (1st December – 31st January), unless required by Scottish Water.

Reason: In the interests of encouraging responsible access to the countryside.

meets Members requirements such that they are minded to grant planning permission subject to the imposition of the said condition.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
6.2 Personnel – none.
6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 None.

Appendix A: Report of Handling for application 23/00059/P considered by the Planning Committee on 28th March 2023

Appendix B: Copies of the 38 written representations received (*n.b. these are available only to Councillors and can be found on the Councillors' shared area*)

Appendix C: Condition

AUTHOR'S NAME	Keith Dingwall/Julie McLair
DESIGNATION	Planning Service Manager/ Planner
CONTACT INFO	kdingwall@eastlothian.gov.uk 01620 827229 jmclair@eastlothian.gov.uk 01620 827631
DATE	19 April 2023

REPORT TO: Planning Committee
MEETING DATE: 28 March 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

Application No. **23/00059/P**

Proposal Change of use of agricultural land to form car park, erection of gates and fencing (Retrospective)

Location **Hopes Estate
Yester
Gifford
Haddington
East Lothian
EH41 4PL**

Applicant Moorfoot Capital Management Ltd

Per Wright Planning and Development Ltd

RECOMMENDATION Grant Permission Retrospectively

REPORT OF HANDLING

The site the subject of this application is a 0.08 hectare area of land located within the East Lothian Countryside to the south east of the Gifford and north east of Hopes Reservoir. The application site is bound to the north, south and west by grassed agricultural land and to the east by a public access road which encompasses route core path 55 on the opposite side of which lies a Scottish Water Filter House and compound and the residential property of Mid Hopes Cottage. The application site is located adjacent to the Lammermuirs Local Biodiversity Site (LBS) and within the Hopes to Yester Special Landscape Area.

PLANNING HISTORY

Following an enforcement investigation ref: 22/00232/COM regarding the alleged unauthorised change of use of land and formation of a car park it was established that the works were unauthorised and that planning permission was required. The applicant was advised of this and informed that a retrospective planning application required to be submitted.

PROPOSAL

Planning permission is retrospectively sought through this application for the change of use of the agricultural land to form a car park, erection of gates and fencing. The car park which has been formed is an irregular shaped area of ground which is accessed off the existing access road which runs to the immediate west of Hopes Filter House and Mid Hopes Cottage. The drawing submitted with the application indicate that the car park can accommodate 20 car parking spaces although the car park does not have defined parking spaces within it. The car parking area is enclosed by a timber post and wire fence some 1.1 metres in height with two metal gates, one at the north entrance and one at the south both measuring some 4.2 metres wide and 1.1 metres in height.

The applicant has submitted a supporting statement which states that during recent repair work to the Hopes Reservoir carried out by Scottish Water in 2020 this area (approx. 0.08ha) was used by Scottish Water as a compound (hardcore from a nearby Estate quarry/borrow pit topped with Type 1) for accommodation, welfare facilities and parking for the duration of the works. The works concluded in June 2020 but there is a strong likelihood that they will require further work and need this facility again in the future. Following completion of the works, and in light of there being no parking provision (with associated adverse impacts on Scottish Water and agricultural operations by inconsiderate parking by the public at the end of the public road) in an area popular with hillwalkers (Core Path 55 passes the car park, and a wider path network exists) it was considered logical to retain the area for use by the public (predominantly local people) and to resolve the issues arising from inconsiderate parking. This work was completed 1st July 2020. The area is also used from time to time for gathering sheep associated with the wider agricultural operations. Users of the car park are prompted by the signage to acquire a permit (£5 for a month) from the local shop the proceeds of which are donated to Gifford Church and other local charities.

The applicant received a letter from the Enforcement Officer (Amelia Smith) under reference 22/00232/COM on the 31st August 2022 and we have been in contact with the Enforcement Officer to clarify elements of the proposal that require permission. It is our understanding from discussions with the Enforcement Officer that the elements requiring permission comprise "the change of use of land to form car park and the erection of gates". The fence posts have been reduced to 1m in height meaning they do not require consent, the CCTV camera and pole are being removed.

An application for advertisement consent will follow this application if permission is granted for the proposal.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 4 (Natural Places), 22 (Flood Risk and Water Management) and 29 (Rural Development) of NPF4 are relevant to the determination of the application. Policies DC1 (Rural Diversification), DC9 (Special Landscape Areas), NH3 (Protection of Local Sites and Areas), DP1 (Landscape Character), DP2 (Design), T2 (General Transport Impact), T4 (Active Travel Routes and

Core Paths as part of the Green Network Strategy), and NH11 (Flood Risk) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

A number of written public representations have been received to the application. Thirty nine letters of written representation have been received within the period of receipt of representations all of which object to the application.

A further 10 letters of written public representations have been received to the application after the expiry date for receipt of written representation.

The main grounds of objection of the letters received within the time period for receipt of written representations are:

- i) Industrial nature of the car park not in character with this special countryside location, the hardcore and Type 1 surface is not in character with the rural location;
- ii) Rationale for creating the car park is bogus ("in the light of there being no parking provision") as there is perfectly adequate public parking available in the adjacent Scottish Water car park, as well as the availability of verge parking on the public road right up to West Hopes.
- iii) Hopes Water has a history of flooding as can be seen where banks have been washed away and restored further upstream;
- iv) The supporting statement states that the car park is "a beneficial feature resolving local parking issues" but in fact the illegal creation of the car park CAUSED local parking issues, as the applicants, allegedly, claimed the existing (Scottish Water owned) car park belonged to them, and illegal signage continues to make this claim by stating that "no other parking is available". The applicant has, allegedly, ever since the structure was erected attempted to stop legal parking in the existing car park by erecting signage of an intimidatory nature, erecting signage purporting to be official Scottish Water signs, and demanding that visitors return to Gifford to buy a permit for the illegally constructed car park;
- v) The planning application makes no reference to the signage erected by the applicant in connection with the car park. These signs are numerous, unsightly, confusing, inappropriate for a public road, and are at best misleading and at worst mendacious. If retrospective consent is granted, it should be granted subject to the removal of all existing signage and all intended replacement signage should be approved by East Lothian Council Planning and/or Transportation Departments;
- vi) The planning application makes no reference to the obstructions erected on the public road verge (bollards, tree planting, fencing) solely to prevent legal verge parking and to direct visitors to the car park. If retrospective planning is granted, it should be granted subject to certain of these obstructions being removed to the satisfaction of East Lothian Council Planning and/or Transportation Departments;
- vii) The CCTV is offensive and not in character for this quiet rural setting and should be removed;
- viii) The gate with padlock and chain across the public road before the cattle grid was erected to intimidate potential verge parkers between the site of the car park and West Hopes. If planning consent is granted, it should be granted subject to the applicant being prevented from blocking the public road at this or any other point;
- ix) The permit system created by the applicants is restrictive and discriminatory, and this is reflected in the supporting statement by the frequent use of the word "local". It is contended that restricting access in this way to "local people" is discriminatory against diverse communities;

- x) The carpark is frequently closed with no obvious reason why this should be. There is simply a sign on approach stating car park closed today -rather late if one has driven there. If it is indeed intended for 'local' (much stressed in the application but not defined) people, it should be open at all times and not subject to purchase of a permit; rarely available and only from the Gifford newsagent;
- xi) Signage associated with the car park is intimidating and misleading;
- xii) Opening times of car park - should have no time restrictions, currently only open 3 days a week 9am-6pm with restricted permit availability;
- xiii) There is no need for the car park as ample parking is available on land owned by Scottish Water adjacent to the sludge tanks and on the verge of the public road which, despite the "Private Road" signs, extends as far as West Hopes. The applicant has, allegedly, placed barriers (posts, fences, wooden tree shelters and stones) on the verge within 2 metres of the public road solely to prevent legal responsible verge parking and direct people to his illegal construction. The applicant has also, allegedly, placed no parking signs on the verge wherever responsible parking would have been possible again it seems solely to direct people to his illegal construction;
- xiv) In 2021 Scottish Water spent £80,475 to create the hard standing, (although owned by the applicant) which is now the proposed car park, when they needed to do major engineering work. In 2020 East Lothian Council spent £50,000 resurfacing the road. As so much public money has been used a car park that restricts reasonable access should not be permitted. It is therefore inappropriate that public funding is to be used to finance a structure that is not properly publicly accessible;
- xv) Signage to the effect that the only parking is available to the public is private and within the new fenced off car park which the applicant has, allegedly, erected along the public access road is inaccurate, aimed at deterring visitors who are free and always have been free to use the car park owned by Scottish Water. Signage disallowing parking in the Scottish Water carpark needs to be removed. These are not Scottish Water signs - the applicant, allegedly, put them up. Signage on the road in suggesting the road is private should also be removed the road is a public road;
- xvi) the erection of a locked gate has had the effect of making one of the most scenic walks in East Lothian unavailable to the general public. The onerous procedure set up to get access to the car park is clearly designed to close it off to all but a small minority of intended walkers. At the very least access to the car park should be easily available to everyone who turns up without having to make a prior arrangement;
- xvii) If the land owner wanted to make a genuine attempt to facilitate access by building a carpark, then fair enough. Building a carpark, then making it impossible to procure a pass to use it, is obviously problematic - as is, allegedly suggesting to visitors that land owned by the council and by Scottish Water is private (owned by Moorfoot Capital Management), so cannot be accessed at all;
- xviii) The Hopes Estate owner has taken extraordinary measures to discourage legitimate visits to this area of natural beauty; Scottish Water has advised that the public are welcome to use their car park as long as Scottish Water vehicles get priority. A sign was put up to advise this but it soon disappeared by person(s) unknown. The Estate has, allegedly, erected a sign that says this car park is only for Scottish Water vehicles. The Estate has, allegedly, placed numerous unauthorised signs along the public road such as: "The Hopes Car Park. Permit Holders Only", "No other parking available", "and Private Road No Entry ", " The Hopes Estate Private No Entry". All these signs are unauthorised and / or are misleading. Some untruthful; wooden posts have been placed in the verge of the public road to restrict / prevent reasonable, legitimate verge parking. A gate with a padlock on it has been placed across the public road at the Scottish Water car park;
- xix) As a walker/runner in the hills I used to make regular use of Scottish Waters car park at the Hopes. Since the installation of the gate and new car park this has not been possible. I feel the whole idea goes against the Scottish Outdoor Access Code limiting access to a

very few people;

xx) It restricts access by preventing people from parking in the car park for most of the week. The owner frequently locks the access gates and deliberately restricts access to the Scottish Water car park preventing walkers and runners accessing the Lammermuirs. In addition displaying unauthorised signs in the Scottish Water car park stating that people cannot park there;

Regarding the matter of alleged unauthorised signage the **Council's Enforcement Officer** has been in contact with the applicant and advised that an application for advertisement consent is required for the signage. Any forthcoming advertisement consent application for the signage will require to be determined on its own merits. The signage is not located within the application site the subject of this application and as such is not a material planning consideration in the determination of it.

Regarding the matter of alleged unauthorised works to the public road, including the grass verge which forms part of it, the **Council's Road Services** have advised that they will be investigating this matter and contacting the applicant direct. The alleged unauthorised works to the public road are not located within the application site the subject of this application and as such are not a material planning consideration in the determination of it.

Matters raised regarding the alleged behaviour/action of the applicant in claiming that land belonging to Scottish Water/The Council is in his ownership is a legal matter and not a material consideration in the determination of this application.

Matters raised regarding the hours of opening and payment method of the car park which is located on privately owned land are not material considerations in the determination of this planning application.

Other matters raised which are material considerations in the determination of this application are addressed in the Planning Assessment below.

COMMUNITY COUNCIL COMMENTS

Gifford Community Council have provided comments and state:

The Hopes Estate and land around the Hopes Reservoir is popular with hillwalkers from both the immediate neighbourhood and visitors to Gifford. The land includes Core Path 55 with access to a number of other paths.

Since 2021, the change in parking arrangements for visitors to the Hopes Estate has been a cause of concern for many Gifford residents. It is accepted that there has been a problem with inconsiderate parking on the verges and gateways along the approach road to Mid Hopes. This was a particular issue during the pandemic, when visitor numbers increased. The voluntary creation of a car park at Mid Hopes by the landowner is therefore very much to be welcomed.

However, the restrictions on use of the car park are such that they severely limit public access to the hills:

- o The requirement to pre-purchase a monthly parking permit from a shop in Gifford is not practical for visitors from outside the local area.
- o The limit to the number of permits available for purchase is unnecessarily low. The car park is never anywhere near full.
- o There is no need for the car park to be open only on certain days of the week and for limited hours (currently 3 days a week and from 9am to 6pm). Whilst overnight parking is

to be discouraged, walkers should be allowed to park in the early morning and into the evening.

We therefore suggest that the lockable gates to the car park should be removed and the permit system be replaced with either a ticket machine or honesty box at the car park. If considered necessary, height restrictions could be installed at the entrance and exit to the car park to prevent entry by camper vans.

We note that the applicant states that he intends to apply for Advertisement Consent for the various signs which deter parking outwith the car park. The legality of these signs would be the subject of consideration under this separate application and would involve determining whether the access road was public or private and whether parking in the area adjacent to the Scottish Water works was allowed. Until such time as this future application has been submitted and considered, we suggest that all signage should be removed.

PLANNING ASSESSMENT

The application site is located within the East Lothian countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. It is located adjacent to the Lammermuirs Local Biodiversity Site (LBS) and within the Hopes to Yester Special Landscape Area.

The area of land the subject of this retrospective application was originally hard surfaced by Scottish Water as a statutory undertaker through permitted development rights to form a site compound while carrying out Scottish Water works. It is a requirement of permitted development rights for statutory undertakers that on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery or apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the planning authority). The area of land which has been hard surfaced has not been returned to its former condition and the applicant, not Scottish Water, is now seeking the permanent change of use of the land through this retrospective application to enable it to be retained and used as a car park.

The area of former agricultural land, the subject of this retrospective change of use, is positioned immediately to the west of the existing public road which encompasses route core path 55 with a Scottish Water Filter House and compound and the residential property of Mid Hopes Cottage located on the opposite side of the road. It is irregular in shape, surfaced in a brown/grey coloured hardcore and measures some 0.08 hectare in area. It is only visible in limited, short duration, views from the unnamed public road to the east, it is also visible from longer views from within the Lammermuir Hills. Due to its size, form and scale and of its close proximity to the existing road, Scottish Water Filter House and compound and the residential property of Mid Hopes Cottage, the retrospective change of use of the area of agricultural land for use as a car parking area does not appear harmfully incongruous or exposed within its landscape setting or harm the character and appearance of the surrounding area or the Hopes to Yester Special Landscape Area. The use of the area of agricultural land as a parking area does not, due to its location, prejudice any well-defined settlement boundary or landscaped edge. It is not contrary to Policy 29 of NPF4 or Policies DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The erected length of 1.1 metres high post and wire fencing and metal gates which enclose the boundaries of the area of land the subject of the retrospective change of use

by virtue of their extents, forms, materials and positions, are appropriate to their place and well absorbed into their surroundings. They do not appear harmfully incongruous or exposed within their landscape setting or harm the character and appearance of the landscape of the area. They are not contrary to policy 29 of NPF4 or Policies DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** have been consulted on the application and advise that they raise no objection to this retrospective planning application for the formation of the car park the subject of this retrospective application being satisfied it is not contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018. However Road Services allege that the applicant has, without authority, placed signs, saplings and other obstructions on the grass verge which is part of the adopted road network. These works are located outwith the application site the subject of this retrospective planning application. Road Services also allege that gates have also been installed on the adopted road. As requested by Road Services the applicant has been advised that all works within or affecting the public road including works on the footway and verge must be authorised in advance by East Lothian Council as Roads Authority. Road Services have advised that they will be contacting the applicant directly regarding the alleged unauthorised works which have been undertaken to the public road network and will be investigating this matter.

The **Council's Biodiversity Officer** has been consulted on the application and advises that with regards to designated sites the proposed development is located adjacent to the Lammermuirs Local Biodiversity Site (LBS). This site is designated for its habitat diversity and connectivity, particular heathland, blanket bog and grassland habitats associated with the uplands. The Council's Biodiversity Officer advises that the loss of the grassland habitat at this location is not significant in relation to the LBS. The proposal will facilitate increased recreation across the biodiversity site which may result in trampling and erosion of priority habitat, disturbance of ground nesting birds, and increased litter and/or fire damage; however given the existing core path and other tracks, and the capacity of the car park the increase in recreation is unlikely to result in significant impacts on the LBS. The Council's Biodiversity Officer advises that she has no records of protected or priority species in this area. The grassland may have supported pollinating species and provided cover and foraging opportunities for small mammals and birds. There is sufficient alternative habitat for these species however, and therefore the loss of this habitat is unlikely to result in negative impacts on protected and priority species. The Council's Biodiversity Officer notes the submission of details of tree planting that has been undertaken on site. This includes Oak, Rowan, Silver Birch, Gorse, Wild Roses and Broom. Given the site characteristics and proximity to woodland areas identified within the CSGN Woodlands Habitat Network this planting is acceptable and contributes to woodland connectivity on a local level. It therefore satisfies the requirements under Policy 3 of NPF4. Accordingly the Council's Biodiversity Officer raises no objection to the application being satisfied it is not contrary to Policy 4 of NPF4 or Policy NH3 of the adopted East Lothian Local Development Plan 2018.

The **Council's Access Officer** has been consulted on the application and advises that he has had many people contact him about this car park. The Council's Access Officer advises that while he has no grounds to object to this retrospective application for the car park which is not contrary to Policy T4 of the adopted East Lothian Local Development Plan. However he wishes the following noted:

There has been a car parking area at the Hopes for many years, this was the ground on either side of the road by the filter tanks. However when Covid lockdown eased in 2020 the applicant, allegedly, took it upon himself to undertake work on the verges and at the old car park to restrict parking. The Council's Access Officer has advised that after much

research it has been established that Scottish Water own the area in front of the filter tanks. Scottish Water have also said that they are happy for the public to park there, providing Scottish Water vehicles have priority. The road is public to beyond this parking area, so the public would have a right to drive to the Scottish Water filter tanks and park in front of them. The Council's Access Officer states that the new carpark is very restrictive, in that people have to firstly buy a permit from the newsagent in Gifford. Only a few permits are made available each month and the start date is the middle of the month. So, if a member of the public arrives at the carpark, they will see they need a permit, then have to drive back to Gifford and will most likely find out that all of the permits have been sold. In addition to this, the carpark is only open on certain days of the week and at certain times of the day. There are also signs along the access road stating that there is no parking ahead unless by permit. This is actually not the case because people can park in the Scottish Water area. All of the above severely impacts on public access to the Hopes area. This leaves a bit of an anomaly as under the right of responsible access, landowners are supposed to respect that right. However, there is no requirement for a landowner to provide any parking and there is no right to take a motorised vehicle onto private land.

The **Council's Senior Engineer - Flood Protection** has been consulted on the application and advises that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year. Car parking falls under amenity uses within SEPA's Land Use Vulnerability Guidance and it is stated that "amenity open space" is a "water compatible use" within SEPA's guidance. Development that is defined as a water compatible use is allowed in the functional flood plain; the definition of amenity in the guidance is relatively vague and open to interpretation. Accordingly The Council's Senior Engineer - Flood Protection advises he has no objection to the principle of this car park being located in the functional flood plain. Therefore the proposal is not contrary to Policy 22 of NPF4 or Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Environmental Health Officer** has been consulted on the application and advised that he has no comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

Scottish Water as a consultee on the application have raised no objection to it, they have also confirmed that they own land immediately to the east of the application site.

The **Council's Landscape Officer** has been consulted on this application but has not provided any response.

In conclusion on the above considerations the proposals are consistent with Policies 1, 2, 3, 4, 22 and 29 of NPF4 and Policies DC1, DC9, DP1, DP2, NH3, T2, T4 and NH11 of the adopted East Lothian Local Development Plan 2018. Therefore, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

1 None

Appendix C:

The car park hereby approved shall be open for public use (subject to obtaining a permit) between the hours of 8am-7pm four days a week Tuesday, Wednesday, Thursday and Sunday (1st February – 30th November) and five days a week Tuesday, Wednesday, Thursday, Friday and Sunday (1st December – 31st January), unless required by Scottish Water.

Reason:

In the interests of encouraging responsible access to the countryside.

REPORT TO: Planning Committee

MEETING DATE: 2 May 2023

BY: Service Manager – Planning

SUBJECT: Further Report of Handling of Planning Application No 20/00939/P –
Erection of 27 flats and associated works, Land South of St Andrews
Centre, Bayswell Road, Dunbar

4

1 PURPOSE

- 1.1 This application was reported to the Planning Committee on 5th October 2021 and it was decided by the Committee that planning permission be granted for the development proposed subject to conditions and the satisfactory conclusion of a Section 75 Agreement designed to secure developer contributions towards education.
- 1.2 The Section 75 Agreement is close to being agreed.
- 1.3 The application is returned to Committee due to the adoption, by Scottish Ministers, on the 13th February 2023, of National Planning Framework 4 (NPF4). NPF4 supersedes National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). Together with the adopted East Lothian Local Development Plan 2018 (ELLDP) and its supplementary guidance, it has now become the statutory development plan for East Lothian. The purpose of this report is to provide a further planning assessment of the application against the relevant policies of NPF4 and to make a recommendation to the Planning Committee based on that further assessment.

2 RECOMMENDATIONS

- 2.1 That Planning Committee agree to grant planning permission subject to:
 1. The conditions set out in Appendix E; and
 2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - i) a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus);
 - ii) a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus); and
 - iii) a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School.

- 2.2 That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement or some other legal 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 without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy 18 of NPF4 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018.
- 2.3 All contributions are based on updated Scottish Futures Trust cost metrics for school buildings and will be subject to indexation in accordance with the BCIS All-in Tender Price from 1st April 2021 to the date of payment of the relevant contributions.

3 BACKGROUND

- 3.1 The Planning Committee considered this application at their meeting on 5th October 2021 and decided that planning permission be granted for the development proposed subject to conditions and the satisfactory conclusion of a Section 75 Agreement. At the time of writing of this further Report of Handling, work on the drafting of the Section 75 Agreement is ongoing and is close to being concluded. A copy of the Report of Handling for application 20/00939/P, which was considered at Planning Committee on the 5th October 2021, is attached as Appendix A. A copy of the Extract from the Minutes of that Meeting is attached as Appendix B.
- 3.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that a planning application be determined in accordance with the development plan, unless material considerations indicate otherwise. The Report of Handling considered by the Planning Committee on the 5th October 2021 concluded that the proposal was considered to be in accordance with the provisions of the stated relevant development plan policies and there were no material considerations which outweighed the proposal's accordance with the development plan. These material considerations included the 7 written representations received to it, all of which raised objections to the proposed development. A copy of the 7 written representations are attached as Appendix C.
- 3.3 The development plan in place at the time of the Planning Committee's consideration of the application on the 5th October 2021 was the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan (ELLDP) 2018 together with its adopted supplementary guidance. A material consideration was Scottish Planning Policy: June 2014.
- 3.4 Since the adoption, by Scottish Ministers, on the 13th February 2023, of National Planning Framework 4 (NPF4), the development plan is now the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP) together with its supplementary guidance.
- 3.5 SPP 2014 has been superseded by NPF4. It no longer represents Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be

taken into account, when determining planning applications. SESplan ceases to have effect and as such is no longer part of the development plan. All references to SPP 2014 and to the South East Scotland Strategic Development Plan (SESplan) in the original Planning Committee report considered on the 5th October 2021 are therefore no longer relevant in the consideration of this application.

- 3.6 The assessment of the proposals against the relevant policies and proposals of the adopted ELLDP, and the conclusions of that assessment, remains the same.
- 3.7 This further Report of Handling assesses the proposals against the policies of NPF4 which are now relevant to the determination of this application. The 33 policies of NPF4 are divided into the three overarching themes of Sustainable Places (Policies 1-13), Liveable Places (Policies 14-24) and Productive Places (Policies 25-33). NPF4 is designed to be read and applied as a whole, but in the case of this application Policies 1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 18, 20, 21, 24 and 31 are all of some relevance to its determination.
- 3.8 The applicant has submitted a supporting Planning Statement containing their responses to the contents and requirements of NPF4 as it relates to their proposals and this is attached as Appendix D.

PLANNING ASSESSMENT IN RESPECT OF NPF4

Sustainable Places

- 3.9 Policy 1 of NPF4 states "when considering all development proposals significant weight will be given to the global climate and nature crises". Policy 2 seeks to ensure that new development minimises emissions and adapts to the current and future impacts of climate change. Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks and Policy 4 protects the natural environment and protected species.
- 3.10 The application is supported by a Design and Access Statement which among other things sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by the ELLDP. Each of the proposed flats will feature low energy lighting and will be served by an internal Air Source Heat Pump to provide a high efficiency heating system within a high performance building envelope. The flats have been designed to achieve the Building Standards Silver Standard sustainability award and to deliver the highest Energy Performance Certificate (EPC) rating. Electric vehicle charging is to be provided within the site along with information for residents on how any future additional electric vehicle charging points are provided and managed. In respect of biodiversity considerations, the application is supported by a Bat Roost Assessment Survey and it is proposed that bat boxes will be fitted within the roof spaces of the buildings. The proposals include measures for habitat creation to benefit and enhance biodiversity including the planting of 26 new trees of mixed species and hedge planting. The Council have agreed that a condition be imposed if planning permission is to be granted to require that no works shall be

implemented to remove the existing trees on the south and west boundaries of the application site during bird breeding season (March-August inclusive) unless a Species Protection Plan is submitted for the approval of the planning authority prior to the commencement of any development. On these climate change, nature and biodiversity considerations, the proposals comply with Policies 1, 2 and 3 of NPF4.

- 3.11 Policy 6 provides significant protection for forestry, woodland and trees. As explained in the original Report of Handling (Appendix A), a submitted Tree Survey and Arboricultural Impact Assessment identifies the existing south and west boundary walls on the site as physical barriers to root growth resulting in the majority of root growth of the existing trees on those boundaries as being into the site. As such those trees cannot be safely retained alongside development proposed within the application. Policy NH8 of the ELLDP states that development affecting trees, groups of trees or areas of woodland will only be permitted in the particular circumstances listed in the Policy. One of those circumstances is that if in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees. Policy 6 of NPF4 also sets out circumstances where development proposals involving woodland and tree removal will be supported that includes where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal which identifies those public benefits as delivering economic, social and environmental benefits. Policy 6 further states that where woodland is removed compensatory planting will most likely be expected to be delivered. In this instance through this application a total of 27 affordable residential units would be delivered by East Lothian Housing Association in a location close to Dunbar Town Centre. The provision of this affordable housing in such an accessible and central location would enhance the mix of affordable housing available for existing and future residents of Dunbar and would make a valuable contribution to the good planning of the area. In the circumstances of this application the proposals fall within the types of acceptable development listed, consistent with Policy 6 of NPF4.
- 3.11 Policy 7 seeks to protect and enhance historic environment assets and places and states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i) architectural and historic character of the area;
 - ii) existing density, built form and layout; and
 - iii) context and siting, quality of design and suitable materials.
- Policy 7 further states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges are retained.
- 3.12 As set out in the original Report of Handling, existing trees on the south and west boundary of the site cannot be safely retained alongside development proposed within the application. This part of Dunbar Conservation Area is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area. The proposals comply with Policy 7 of NPF4.
- 3.13 Policy 12 encourages sustainable waste management. A Waste Management Strategy has been submitted as part of the application to provide details of how onsite refuse storage and collection facilities for the flats proposed would operate. The Council have agreed that a condition be imposed if planning permission is to be granted to require

that onsite refuse storage and collection facilities for the flats will be operated in accordance with the submitted Waste Management Strategy. Swept path analysis drawings submitted by the applicant as part of this application demonstrate that waste servicing vehicles could satisfactorily negotiate the proposed development providing convenient access for the collection of waste. The Council's Waste Services Manager has confirmed that the general collection and management of waste and recycling from the proposed development will be operated by the Council's Waste Services. In all of this the proposal complies with Policy 12 of NPF4.

- 3.14 Policy 13 seeks to facilitate a transition towards more sustainable, lower emissions travel including active travel and public transport. The application site is close to local amenities in Dunbar and to public transport bus stops. The proposals include provision for electric vehicle charging infrastructure and a means to ensure future additional electric vehicle charging points. They also include for cycle storage facilities for the flatted properties, path provision throughout the site and connections to off site paths and traffic calming features. Parking provision is considered by the Council's Roads Services to be acceptable in this location. At their meeting of 5th October 2021 the Planning Committee agreed to impose a condition on a grant of planning permission requiring that a Green Travel Plan is submitted to and approved by the Planning Authority having particular regard to provision for walking, cycling and public transport access to and within the site. In all of this the proposals comply with Policy 13 of NPF4.

Liveable Places

- 3.15 Policy 14 supports development proposals that are well designed and consistent with 'the six qualities of successful places' listed in the policy, which are healthy, pleasant, connected, distinctive, sustainable and adaptable. It states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. The proposed development has already been assessed to be an appropriate residential development of the site that would be well designed and integrated into its wider setting. The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development is not incompatible with existing densities of development in the area. The cumulative effect of the proposed flats alongside the existing St Andrews Centre building and the flatted buildings of Garrison Green to the east would not result in an overdevelopment of the site. In all of this, the proposals are not inconsistent with the six qualities of successful places and as such comply with Policy 14 of NPF4.
- 3.16 Policy 15 seeks to encourage, promote and facilitate the creation of connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Policy 16 encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. The 27 flats proposed would be comprised of 24 two-bedroom and 3 one-bedroom flats, all for use as social housing. Dunbar has a wide range of employment, shopping, health and social care, education and other community facilities which are accessible from the proposed development via walking, cycling and by public transport. In addition, the proposals provide a large communal courtyard garden and open play area providing amenity space in addition to each flat

being provided with a private balcony/terrace area. In all of these considerations the proposals are consistent with Policies 15 and 16 of NPF4.

- 3.17 Policy 18 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. This reflects Policy DEL1 of the ELLDP which stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. These infrastructure considerations have therefore already been assessed and the Planning Committee, at their meeting of 5th October 2021, have agreed that where applicable conditions will be imposed and also that a Section 75 Agreement designed to secure developer contributions towards educational capacity requires to be concluded prior to any grant of planning permission. The proposals therefore comply with Policy 18 of NPF4.
- 3.18 Policy 20 seeks to protect and enhance blue and green infrastructure and their networks. The proposed development would result in some fragmentation or net loss of green infrastructure through the removal of existing trees. However the Council has agreed that a condition be imposed if planning permission is to be granted to require the submission for planning authority approval and thereafter the implementation of a scheme of landscaping to include compensatory tree and hedge planting ensuring that the overall integrity of the network will be maintained. The proposed development will incorporate new open space and landscaped areas that will respond to local circumstances and will include new and enhanced opportunities for access linked to wider networks. In all of this the proposals comply with Policy 20 of NPF4.
- 3.19 Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. The proposals include provision for inclusive informal open space play areas for a variety of age groups within the site and safe footpath linkages with existing neighbouring play areas and facilities. The proposals comply with Policy 21 of NPF4.
- 3.20 Policy 24 supports the delivery of digital infrastructure. Policy DCN2 of the ELLDP also supports the delivery of digital infrastructure and the applicant has confirmed that their proposals are to have BT Openreach provision to the development with all flats benefitting from Fibre to the Premises (FTTP). The applicant further advises that such strategy will provide the fastest available digital data transmission speeds of up to 1Gbps. The proposals therefore comply with the policy intent of Policy 24.

Productive Places

- 3.21 Policy 31 states that "development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported". The proposals the subject of this application include for the creation of new, public open spaces and it would therefore be appropriate for artwork to be incorporated either as an integral part of the overall design or as a related commission. Were planning permission to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. The applicant agrees that if considered necessary and or/appropriate in this particular location, such provision could be secured through the imposition of a condition on any decision to grant. Subject to this planning control being imposed the proposed development is consistent with Policy 31 of NPF4.

CONCLUSION

- 3.22 Assessment of the application against the relevant policies of NPF4 has required the addition of a condition requiring the provision of public art. All of the other conditions that were agreed by the Planning Committee on the 5th October 2021 have been reviewed and no further amendments are required as a result of the assessment of the proposals against NPF4.
- 3.23 In conclusion, and subject to the prior conclusion of a legal agreement and the imposition of the recommended conditions, the proposed development accords with the provisions of NPF4, as well as with the provisions of the ELLDP and its adopted supplementary guidance, and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None.
- 6.2 Personnel - None.
- 6.3 Other - None.

7 BACKGROUND PAPERS

- 7.1 None.

Appendix A: Report of Handling for application 20/00939/P considered by the Planning Committee on 5th October 2021

Appendix B: Extract from the Minutes of the Planning Committee meeting of the 5th October 2021.

Appendix C: Copies of the seven written representations received (*n.b. these are available only to Councillors and can be found on the Councillors' shared area*)

Appendix D: The applicant's Planning Statement on NPF4

Appendix E: The recommended heads of terms for the legal agreement and recommended conditions to be imposed for planning permission 20/00939/P.

AUTHOR'S NAME	David Taylor
DESIGNATION	Planner
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DATE	20 th April 2023

Appendix A



REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: I have concerns about the volume of waste that will be stored at the Entrance to this development and its proximity to the garden of a neighbouring property. I am also concerned that this will also narrow the entrance and the removal of any pavement or safe area for pedestrians to walk at the Entrance of this development. The site lines at the exit are zero and the footpath on Bayswell Road is very busy due to Lauderdale Park and children run across the entrance. The Proposal will also require the removal of a significant number of Important Trees from the Conservation Area. I think members will benefit from a Site Visit.

Application No. **20/00939/P**

Proposal Erection of 27 flats and associated works

Location **Land South of St Andrews Centre
Bayswell Road
Dunbar
East Lothian**

Applicant Whiteadder Ltd

Per LBA Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The application site is an area of land within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 (ELLDP) and is also within Dunbar Conservation Area. The site has an area of some 0.28 hectares and forms part of the established housing land supply, as defined by Policy HOU1 of the ELLDP.

The application site is on land that previously formed the wider garden ground of the former St Andrews Centre a detached 2-storey building and which is to the north of the application site. That building has planning permission (19/00623/P and 20/01433/P) to be converted into 4 flats. Beyond the former St Andrew Centre building is the residential property of The Manse beyond which is Bayswell Road. To the south the site is bounded by a line of mature trees and a high stone wall with the rear gardens of residential houses beyond. The site is bounded to the west by a line of mature trees and a high stone wall with a long linear single storey commercial garage building beyond.

To the east are the flats known as Garrison Green, and which were the subject of planning permission ref: 13/00394/P which granted permission for 18 flats that land. Those flats are comprised of two 3 storey high pitched roof buildings of contemporary style located to the north and south of that site respectively.

Planning permission is now sought by East Lothian Housing Association for the erection of 27 flats and associated works. The 27 flats proposed would be formed within four 3-storey flatted buildings and would be comprised of 24 two-bedroom and 3 one bedroom flats. All of the proposed flats would be affordable house for use as social housing.

It is proposed that the flatted buildings would be laid out in an irregular U-shape that would form an internal courtyard laid out as amenity garden space. Drawings submitted as part of the application show:

- i) an L-shaped 3-storey flatted block located within the northwest corner of the site aligned east to west providing three 1-bedroom and six 2-bedroom flats;
- ii) a 3-storey flatted block within the northeast corner of the site aligned east to west providing three 2-bedroom flats;
- ii) a 3-storey flatted block to the east of the site aligned north to south providing six 2-bedroom flats; and
- iii) an L-shaped 3-storey flatted block within the southwest corner of the site aligned east to west providing nine 2-bedroom flats.

The proposed flatted buildings would be contemporary in their architectural form and design. The roofs of the buildings would be steeply pitched and gabled and finished in standing seam metal. The external elevation walls would be finished in white coloured render punctuated with areas of standing seam metal cladding displaying a limited use of colours. Proposed aluminium clad timber window frames and access door openings would be finished in anthracite grey and be of a modern design and fenestration providing a vertical emphasis to the main elevations of the buildings. All external rainwater good would be finished in anthracite grey metal.

The existing walls which enclose the south and west boundaries of the site would be retained.

Vehicular access to the site would be via the existing access road taken from Bayswell Road to the northeast of the site that serves the former St Andrews Centre and the existing flatted properties of Garrison Green.

The proposed flatted buildings would be accessed by two communal stairways located within gabled outshoots located to the north and south of the courtyard. Deck access walkways enclosed by metal balustrades would provide access to the 1st and 2nd storey flats within each block. Main access to the ground floor flats would be taken directly from the courtyard.

Thereafter pedestrian access to the courtyard would be located between the flatted buildings at the northeast corner of the site.

Parking areas are proposed within the north and east of the site providing a total of 31 parking spaces to serve the proposed flats.

A cycle store providing secure storage for 27 bicycles would be located to the east of the flatted buildings proposed at the south of the site.

It was originally proposed that bin storage and waste collection facilities for both general waste and for recyclable waste for the proposed 27 flats was to be provided on the east side

of the existing access road into the development.

As an amendment to the application it is now proposed that a new purpose-built block and render waste collection compound would be constructed within the site to the east of the southernmost flatted block. This new bin storage area would provide space for 27 standard 240 litre wheelie bins for use by the occupants of each of the proposed flats. Space for one green recycling box, 1 blue recycling box and 1 food caddy would be provided for each of the proposed flats within this compound.

A Design and Access statement has been submitted in support of the application setting out the site history and its context and detailing the design concept of the proposals.

A Tree Survey and Arboricultural Implication Assessment and a Bat Roost Assessment Survey have also been submitted as a part of the application.

Since the application was first registered further drawings have been submitted providing revised details of: proposed site layout and parking arrangements; large vehicle swept path tracking analysis; proposed electric vehicle charging points; and proposed tree planting.

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).

The purpose of the approved 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 planning applications.

Relevant to the determination of the application are Policies CH2 (Development Conservation Areas), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP7 (Infill, Backland and Garden Ground development), DP8 (Design Standards for New Housing Areas), NH8 (Trees and Development), T1 (Development Locations and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix) and DEL1 (Infrastructure and Facilities Provision) of the ELLDP.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: Revised December 2020.

One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability or preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in

Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is ELLDP Supplementary Planning Guidance 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG seeks to raise awareness of the unique characteristics and attributes of East Lothian, how these can be used positively to create new places both small scale and large, and the technical aspects of design that are required to deliver great new places.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Affordable Housing' adopted by the Council in February 2019. The SPG supplements relevant ELLDP policies in relation to the delivery of affordable housing.

REPRESENTATIONS

A total of 7 letters of representation have been received in respect of the application. The main grounds of objection are:

- i) increased traffic and lack of pedestrian footpaths at the existing access from Bayswell Road;
- ii) impact of waste and recycling facilities on neighbouring property;
- iii) the loss of trees on the west side of the site will change character of the conservation;
- iv) the massing and style of the news flats would not relate well to either the historic former manse to the north or to the new housing association flats to the east;
- v) a scheme of almost exclusively single bedded units (23 out of 27) risks creating a ghetto and involves parking problems;
- vi) Garrison Green would become a sea of concrete;

COMMUNITY COUNCIL

Dunbar Community Council have been consulted on the application and support the application but request that consideration be given to the following:

- i) impacts of waste and recycling facilities on neighbouring residential properties;

- ii) additional footpath provision at existing access from Bayswell Road;
- iii) appropriate tree planting in mitigation of trees removed;

PLANNING ASSESSMENT

The application site is within a predominantly residential area as defined by Policy RCA1 of the Local Development Plan. Policy RCA1 does not actively promote the development of land for new build residential development. Its principal purpose is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. Policy RCA1 does however state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the ELLDP.

By its nature the proposed development amounts to urban infill housing development within the town of Dunbar. The principle of such development is supported by Scottish Planning Policy and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 states that infill and backland development, including the subdivision of garden ground, will be supported provided the site can accommodate the entire development, the occupants of existing neighbouring houses experience no significant loss of privacy and amenity and occupants of any new house must also enjoy privacy and amenity, and the scale and design of the proposed development will be sympathetic to its surroundings.

Policy DP2 of the ELLDP, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Policy CH2 of the ELLDP requires that all new development within the Conservation Area be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces.

Thereafter, the main determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations, the detail of the proposed redevelopment of the site to 27 flats with associated access and parking is acceptable, with due regard to the potential impact on the character and amenity of the area, including the impact on neighbouring residential properties and the impact on the Conservation Area.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and 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 place. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The existing residential properties in the vicinity of the site and the former St Andrews Centre are of a variety of architectural styles and ages and which range in height. The majority of the buildings in the vicinity are two storeys high but the St Andrews Centre is a higher, more dominant building which has three storeys of accommodation, with its second floor being in the roof space of the building. The flatted development of Garrison Green immediately to the east of the site consists of two 3-storey high modern flatted buildings with walls finished in render and cladding panels. The existing buildings in the vicinity have, variously, walls

finished with stone or render. The majority of the neighbouring buildings have slate finished pitched roofs with some use of pantiles or more modern tiles. To the west of the site is a single storey linear commercial garage building.

In their positions and by virtue of their heights the proposed flatted buildings would be visible from public places. In particular the upper floors of the buildings would be visible in views from the west where they would be seen above the linear single storey commercial garage building that sits adjacent to the west side of the site. Otherwise the proposed development would be well contained in views from the north, south and east where it would be seen in more glimpsed views between the existing buildings adjacent to the site. Although they would be three storeys in height the proposed flatted buildings would be designed in terms of ground levels to have an overall height not dissimilar to the existing St Andrews Centre building and the neighbouring flatted properties of Garrison Green when viewed from outwith the site. Although displaying contemporary design features, the proposed flatted buildings would each be finished in traditional materials including rendered walls and metal rainwater goods that would be similar to the finishes of the existing flatted buildings of Garrison Green. Therefore, in terms of their size, height, proportion, positioning, architectural form and finishes the proposed flatted buildings would sit comfortably in their setting and would not appear incongruous or out of keeping with the architectural form and finish of other neighbouring buildings in the area. Therefore the proposed flatted buildings would not appear overly large or dominating and would not detract from the character and visual amenity of the Conservation Area.

The use of modern materials such as aluminium frames for windows is not normally acceptable for use in a conservation area. However in respect of this proposal the windows and doors on the north, south and west elevations of the flatted buildings would not be readily visible from public places. Therefore the installation of aluminium framed windows would not be discernible and would not have an appreciable effect on the character and appearance of the Dunbar Conservation. Whilst the windows on the first and second floors of the flatted building to be erected on the western part of the site would be visible in public views, these would be long distance views over the existing commercial garage building. In such long distance views and due to the modern style and appearance of the windows and of the flatted building the aluminium framing of them would not be readily discernible. Therefore they would not have an appreciable effect on the character and appearance of the Dunbar Conservation Area.

A condition can reasonably be attached to a grant of planning permission to control the external finishes of the proposed flatted buildings.

In its location to the east of the southernmost flatted block the proposed bin storage compound would not appear unduly prominent or incongruous. It would not harm the integrity nor the setting of the existing neighbouring development of Garrison Green and the adjacent residential properties of Bayswell Road, nor the character and appearance of the Dunbar Conservation Area.

Car parking and cycle parking for the site would be contained between the proposed flatted buildings and the existing buildings of St Andrews Centres and Garrison Green. In such a contained position the extent of hardsurfacing to accommodate the proposed car parking areas, footpaths, and bicycle store would not be readily visible from outwith the site and therefore would not harm the character and appearance of the Dunbar Conservation Area.

The site is capable of accommodating all of the proposed development including satisfactory vehicular and pedestrian access and amenity space. The proposed flatted development would be of a density not incompatible with existing densities of development in the area. The cumulative effect of the proposed flats alongside the existing St Andrews Centre

building and the flatted buildings of Garrison Green to the east would not result in an overdevelopment of the site.

In all of the above considerations the proposed development would safeguard the character and appearance of this part of the Dunbar Conservation Area. It would add architectural interest to the appearance of the area, which is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area.

On all of these design considerations the proposed 27 flats and associated works are consistent with Policies CH2, DP1, DP2, DP3, DP5 and DP8 of the ELLDP, Supplementary Planning Guidance 'Design Standards for New Housing Areas', Planning Advice Note 67 and with Scottish Planning Policy with respect to the effect of it on the Dunbar Conservation Area.

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.

Windows and other glazed openings are proposed to be formed on the north, south, east and west elevations of the four flatted buildings proposed. By virtue of their positioning and distance away from neighbouring properties, the windows and other glazed openings to be formed in the north, south and west elevations of the proposed buildings would not lead to harmful overlooking of any neighbouring residential property. At some 6 meters at their closest point the windows which are to be formed within the east elevation of the proposed flatted building to the east of the site would be positioned less than 9 meters from the west gable elevation of the existing flatted building within the housing development of Garrison Green to the east. There are 3 windows on the west elevation of that existing flatted building at ground, first and second storey levels. Each of the windows serves a bathroom/shower room and are obscurely glazed. A condition attached to planning permission (Ref: 13/00394/P) requires that these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority. Therefore the proposed development would not have a harmful impact on the privacy and amenity of any neighbouring properties in terms of overlooking.

The proposed buildings would be positioned and orientated so as to not give rise to harmful overlooking of each other.

Given their positioning and orientation the proposed buildings would not give rise to significant harmful loss of sunlight or daylight to any neighbouring residence or garden and would not harmfully overshadow each other.

On the above matters the proposed development is consistent with Policies CH2, DP1, DP2, DP3, DP7 and DP8 of the ELLDP and with Scottish Planning Policy: Revised December 2020.

Policy NH8 of the ELLDP states that there is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

The submitted Tree Survey and Arboricultural Impact Assessment identifies the existing south and west boundary walls on the site as physical barriers to root growth resulting in the majority of root growth of the existing trees on those boundaries as being into the site. As such the Tree Survey and Arboricultural Impact Assessment concludes that those trees cannot be safely retained alongside development proposed within the application.

The applicant proposes that the belt of mature trees on the south and west boundaries of the site are removed and new tree planting implemented in mitigation for the loss of existing trees.

The Council's Landscape Officer has been consulted on the application and concurs that it would not be feasible to retain the existing trees onsite should planning permission be granted for the proposed development.

Whilst the loss of the trees is unfortunate Policy NH8 does not prevent the loss of trees or groups of trees provided the proposed development responsible for their loss would contribute more to the good planning of the area. In this instance through this application a total of 27 affordable residential units would be delivered by East Lothian Housing Association in a location close to Dunbar Town Centre. The provision of this affordable housing in such an accessible and central location would enhance the mix of affordable housing available for existing and future residents of Dunbar. This could make a valuable contribution to the good planning of the area consistent with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer advises that should planning permission be granted with the loss of all of the trees within the site for planning reasons that can be justified within policy NH8, then replacement planting to provide some compensation for the loss of the trees should be carried out on the site. In time, this planting would offer some degree of replacement for the trees to be removed. Therefore a condition should be imposed on any grant of planning permission requiring that prior to the commencement of development a scheme of landscaping be submitted to and approved in writing by the Planning Authority and that such a scheme provides details of tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Subject to the imposition of that planning control and as the proposed development would contribute more to the good planning of the area than would retaining the trees the proposal is not be contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

Policy W3 of the ELLDP requires that all new development, including residential, should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Such provisions should include appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes for all scales of residential development, and appropriate access roads and sufficient space for servicing by collection vehicles. It is proposed that a new purpose built timber waste collection compound would be constructed within the site to the east of the southernmost flatted block.

This timber compound would house all the recycling and waste bins of the proposed new flats.

It is proposed that two visitor parking spaces to the east of the site would be demarcated as areas for the presentation and collection of waste and recycling bins on specific days of uplift. The applicant's agent has submitted a management plan providing details of bin storage facilities for each of the residential units and the means by which bins are to be presented for collection and returned to the bin storage facilities on those days.

A condition can reasonably be attached to any grant of planning permission requiring site refuse storage and collection facilities are operated in accordance with that management plan.

The Council's Waste Services have been consulted on the application and are satisfied with the proposed waste separation and collection arrangements subject to the presentation of waste/recycling containers at the kerbside for collection. The Council's Roads Services confirm that large waste collection vehicles can safely enter and manoeuvre within the site to service the waste facility of the site.

The Council's Environmental Health Service Manager was consulted on the application and has not objected to the application.

The Council's Contaminated Land Officer has been consulted and has responded that undocumented areas of made ground may exist on the site and that, given the proposals are for residential development, further information will be required to determine ground conditions and potential contamination issues. He recommends that prior to any site development works being undertaken a suitable Geo-Environmental Assessment is carried out and made available to the Planning Authority for approval. Should such assessment identify a requirement for remedial works, then prior to the site being occupied a Validation Report is required to be submitted. The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. These recommendations can reasonably be secured by the imposition of a condition on any planning permission granted for the proposed development. Subject to this planning control the contaminated land officer raises no objection to the proposed development.

Vehicular and pedestrian access into the site would be via the existing access from Bayswell Road. **The Council's Roads Services** advise that subject to the provision of traffic speed reduction measures including a raised table pedestrian crossing at the entrance to the site from Bayswell Road and a means of safe pedestrian access to the site that they are satisfied with the proposed arrangements for vehicle and pedestrian site access, car parking and manoeuvring embodied in the site layout.

Roads Services further advise that the provision of two electric vehicle charging points, each capable of charging two vehicles simultaneously, is acceptable and that a Residential Travel Pack be provided to each resident. The Travel Pack should include information on how any future additional electric vehicle charging points are provided and managed, and on local walking, cycling and public transport routes. Signage should also be erected providing information on additional charge point requests.

All of the above requirements can reasonably form the subject of conditions attached to a grant of planning permission.

Subject to the above planning controls the proposed flatted development is consistent with Policies T1 and T2 of the ELLDP.

The Council's Biodiversity Officer has been consulted and is satisfied with the findings of a submitted Bat Roost Assessment Survey. She does however advise that proposed tree works are undertaken outwith the bird breeding season (1st March - 31st August inclusive) unless in accordance with a Species Protection Plan, which must be submitted in advance for approval by the Council. The roost assessment included a nesting bird check, however this was undertaken in February which is too early for most breeding birds. This requirement can be secured through a condition attached to a grant of planning permission for the proposed development.

The Council's Archaeology and Heritage Officer has been consulted on the application and has made no comment.

Scottish Water have been consulted and have no objection to the application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on any planning permission granted for the proposed development.

East Lothian Council's Strategy and Development Team have confirmed that the proposed residential units would be provided as affordable housing by East Lothian Housing Association. They are therefore consistent with policies HOU3 and HOU4 of the ELLDP and in line with the Council's Local Housing Strategy and the Supplementary Planning Guidance: 'Affordable Housing'. As the proposed development would be comprised entirely of affordable housing units there would be no requirement for the provision of any additional affordable housing units under the Council's affordable housing policy.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

The Council's Transport Appraisal (TA) provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. **The Council's Asset and Regulatory Manager** has advised that the 27 flats the subject of this application, whilst not part of that transportation modelling, do not require any developer contribution towards transport interventions.

The application site is located within the primary school catchment area of Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and the secondary school catchment area of Dunbar Grammar School. **The Council's Executive Director (Council Resources)** has been consulted and has considered the implications of the proposal for 27 flats as part of the cumulative impact with other committed developments.

No objection is raised to the proposed 27 flats, subject to the payment of a developer

contribution towards an increase in the educational capacity and facilities of: Dunbar Primary School (John Muir Campus) (£70,173); Dunbar Primary School (Lochend Campus) (£31,131); and Dunbar Grammar School (£26,730).

The payment of financial contributions towards an increase in the educational capacity and facilities of £70,173 at Dunbar Primary School (John Muir Campus), £31,131 at Dunbar Primary School (Lochend Campus) and £26,730 at Dunbar Grammar School can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or some other legal agreement. This approach is consistent with the tests of a planning obligation set out in Planning Circular 3/2012: 'Planning Obligations and Good Neighbour Agreements'.

Therefore, subject to the conclusion of a legal agreement securing those developer contributions, the proposal complies with Proposal ED4 of the adopted East Lothian Local Development Plan 2018. This would also be in compliance with Policy DEL1 (Infrastructure and Facilities Provision) which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. The applicant has confirmed that they are willing to enter into a Section 75 Planning Obligation or other legal agreement to secure these contributions.

Subject to the conclusion of a legal agreement, the proposal complies with Proposal ED4 and Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus), a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus) and a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School, as identified by the Council's Executive Director (Council Resources).

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 75 Agreement or some other legal 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 without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission 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 shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme 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.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

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

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses 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 used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, 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.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are

provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

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

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The 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 Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

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

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

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

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

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

- o A Phase II Ground Investigation (if the 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). The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

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

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

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved.

13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including

i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;

ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and

iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.

5. PLANNING APPLICATION NO. 20/00939/P: ERECTION OF 27 FLATS AND ASSOCIATED WORKS AT LAND TO SOUTH OF ST ANDREWS CENTRE, BAYSWELL ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 20/00939/P. Mr Taylor presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions. On waste storage Mr Taylor clarified that as part of the revised layout the waste and recycling storage would now be provided within the site to the east of the flatted block. He drew attention to the Waste Management Strategy. Regarding management of this storage area, he advised that this was the responsibility of individual tenants however any issues would be addressed by the registered social landlord. Responding to related queries he advised that the applicant had said that 2 visitor parking spaces would be given over on collection days. Waste Services had not objected to this. He clarified that this would be ensured through signage and formed part of the Waste Management Strategy. He confirmed that pedestrians would have clear access to the site. On traffic calming measures he clarified that the proposed measures would also limit movements out of the site as well as into the site. Ms Haddow added that it was a relatively narrow road but there were no additional concerns from a Roads perspective.

Responding to a query from the Convener, Keith Dingwall, Service Manager for Planning, clarified that there was no policy for replanting trees outwith the site and it would not be competent to impose such a condition. He added however that the applicant could be contacted separately afterwards regarding this.

Jacquie Bell, representing Dunbar Community Council said they were generally supportive but wished to highlight several points and had concerns about the cumulative impact of the development. Bins: careful management of waste storage was needed. Pavement: there were now some safety measures but still no clear pavement for pedestrians. Planting/landscaping: loss of so many mature trees was unfortunate. Ongoing and long term landscaping maintenance was essential. Drainage: local residents regularly experienced problems and it was important from the outset that this was looked at. Dunbar needed housing to rent and the East Lothian Housing Association (ELHA) was a good social landlord. A smaller development here however may have been more appropriate.

The Convener, and Local Member, said that as Ms Bell mentioned the site was larger than perhaps desirable but ELHA said they needed this number of flats to be viable. He made several comments regarding the revised proposal. Waste storage: the revised proposal was better but would still be difficult to manage; a Management Plan needed to be in place and enforced. Traffic/pedestrian access: he welcomed the raised table at the entrance and the area now created for pedestrians to existing houses and to the new development, this was a big improvement. Trees: he accepted why these had to be removed but hoped that as many new trees as possible could be planted. As mentioned earlier ELHA would be contacted regarding replacing lost trees elsewhere in Dunbar. He would be supporting the application.

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

For: 8
Against: 0
Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme 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.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

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

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses 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 used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, 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.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

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

Reason:

To minimise the environmental impact of the development and o ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety.

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The 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 Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

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

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketted to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

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

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the

south and west boundaries of the site shall take place during bird breeding season (which is March-August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
 - o A Phase II Ground Investigation (if the 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).
- The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

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

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

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved.

- 13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including
- i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;
 - ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and
 - iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

- 14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

APPENDIX D

Whiteadder Ltd - Planning Application Ref 20/00939/FUL

Whiteadder Ltd - Planning Application Ref 20/00939/FUL

Applicant response to East Lothian Council's request for analysis of Planning Application ref 20/00939/P to National Planning Framework 4 (NPF 4)

The site at 19 Bayswell Road (Planning ref:20/00939/P) supports several of the principles set out in the introduction to NPF 4 Spatial principles and subsequently will meet the tests and requirements set out in NPF 4. The whole document is governed by six overarching principles as set out below and the development of 27 units of social housing meets several of these principles fully, whilst partially meeting remaining policy principles.

NPF 4 states clearly that the Scottish Government will plan future places in line with the following six overarching spatial principles:

1. Just transition. We will empower people to shape their places and ensure the transition to net zero is fair and inclusive.

This development will contribute to the good work in Dunbar of working towards a net zero society through both use of renewable energy and fabric first approach to construction. The provision of high quality, accessible social housing is responding to an almost overwhelming demand for social housing in this location and across Scotland in general.

2. Conserving and recycling assets. We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

This development is ideally located to take advantage of local infrastructure and is capable of integration with the existing urban form as demonstrated by the council committing to grant planning permission on 5 October 2021. Whilst this is not a brownfield site, the site is part of a larger historic landowning. With changes in the way people live, it is impossible to justify use of land in town centres for such low density residential uses. Therefore the development will support the aims of Spatial Principle 2.

3. Local living. We will support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.

This site could hardly be more local, as it is located right off the centre of Dunbar with access to all facilities and local public transport within a 5 minute walk, access to a swimming pool, leisure facilities, parks and open space, beaches and a wide range of shops and dining outlets. Dunbar has a fantastic primary and secondary education provision within a 10 minute walk of the site, along with a wide range of informal sporting facilities. Whilst only a 10 minute walk allows access to road and rail lines linking the site to the rest of Scotland and beyond, and generally by locating the new social housing in a truly accessible place within the Dunbar community.

4. Compact urban growth. We will limit urban expansion so we can optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

The location of the site and the density of the development is an ideal way to use a site within the urban area of Dunbar and development of 27 units will certainly take pressure off the already hugely expanded town.

5. Rebalanced development. We will target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.

The development of this site will create opportunities for the local community to access high quality social housing, engender investment in the town from construction through to occupation, contributing to the sustainable future of Dunbar

6. Rural revitalisation. We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

Whilst this development is not located in a rural area, Dunbar is set within a rural environment and as such will support the overarching aim to grow a town much valued by those living in its rural surrounds.

The Scottish Government is clear that they want “future places to work for everyone. Rather than compromise or trade-offs between environmental, social and economic objectives”

We believe that this proposed development meets the stated aims of the NPF 4 in that it is a high quality design, provides much needed social housing and is located within a 10 minute walk of those facilities that the majority of people access on a daily basis. The project is sustainable on a fabric first and renewable energy basis and certainly allows residents to choose active travel rather than relying on private transport. The proposed project provides a wider housing choice for local communities whilst adding to the sustainable future of Dunbar.

We believe that this proposed development complies specifically with the following NPF policies:

Policy Ref:	Policy Area	Policy Analysis	Compliance
1	Tackling the climate and nature crises	This proposed development promotes local living and compact urban growth by being located in the centre of Dunbar. It balances some of the edge of town development that has proliferated in the past 20 years and encourages all in society to be able to access high quality low carbon affordable housing	Yes

2	Climate mitigation and adaption	Use of whole building approach to carbon use and installation of renewable energy sources will contribute to the red lion in climate impact. In parallel the location of the development reduces reliance on private transport and promotes active travel now and in the future. The building fabric will meet all current building regulations at the time of construction to ensure a robust building envelope which will mitigate against heat loss, creating a more energy efficient development	Yes
3	Biodiversity	By removing trees that are the end of their natural life and generally in poor condition according to the Tree Study, there is an opportunity to provide high quality replacement planting more appropriate for this location. The diverse planting and landscaping scheme will actively encourage further biodiversity on this site which is currently dominated by large trees and formal grassed areas.	Yes
4	Natural places	This development has no impact on the natural environment.	Yes
5	Soils	This policy is not applicable to the proposed development	N/A
6	Forestry, woodland and trees	By removing trees that are the end of their natural life and generally in poor condition according to the Tree Study, there is an opportunity to provide high quality replacement planting more appropriate for this location	Yes
7	Historic assets and places	Part of the site contained an historic building which has been sensitively and appropriately converted to provide four new private residential units. This proposed development forms part of the wider site proposals and is intended to complement the setting within Dunbar conservation area through a design that is sensitive to the architectural and historic character of the area, the existing density built form and layout; and is of a high quality design that is sited appropriately within the local context of this part of Dunbar The proposal for the Manse is to subdivide the existing building and comply with good practice on appropriate re-use of buildings and making efficient use of land for housing.	Yes
8	Green belts	The site is not located in the Greenbelt	N/A
9	Brownfield, vacant and derelict land and empty buildings	The proposed development is located such that it supports and increase in urban density, has a design that enhances the identity of Dunbar and is fully supportive of compact urban growth, local living, rebalancing development and providing social housing to the whole of society	Yes

Policy Ref:	Policy Area	Policy Analysis	Compliance
10	Coastal development	This proposal will not require any flood or erosion measures and is not located in an undeveloped area	Yes
11	Energy	This proposal is not an “Energy” development, albeit it contains small scale renewable energy generation	N/A
12	Zero waste	In line with current best practise, materials that are detrimental to the environment and which do not contribute to the circular economy will not be used on this development. The proposed timber frame and associated structural elements are all capable of being reused at the life end of the buildings. Household waste will be dealt with by the local authority through their waste collection services and in line with their recycling policies. The development will allow space for safe storage of all waste receptacles in a location that is easily accessible for collection	Yes
13	Sustainable transport	By the very nature of this proposed development’s location, active travel is encouraged. Shops and other facilities such as the library, swimming pool, public park and public transport are all located within a five minute walk of the site. For wider travel, Dunbar has a railway station on the East Coast Main line, making travel by public transport accessible to all, while the local bus network provides access to edge of town super markets and other local town. The proposed development includes a bicycle storage facility in line with ELC’s parking standard requirements. Electric car charging infrastructure will be provided in line with the council’s policies.	Yes
14	Design, quality and place	The proposed development is well designed and consistent with the six qualities of successful places as set out in Annex D of NDP 4, namely, Healthy and safe; Pleasant and attractive, Connected and easy to move around and away from without the use of a car; Distinctive in that the design respects local context whilst being creative; Sustainable by creating housing that allows people to live, work and play in Dunbar; Adaptable , the designs are capable of adaption for other users, particularly less able bodies and elderly users in the future. By ensuring the layouts are designed for people of varying needs, the residential units will provide suitable and adaptable space for a wide range of future occupants and exceeds the standards for amenity and storage set out by the council guidelines. The design recognises the importance of private amenity space and each apartment has a private balconies built in to the layouts. The proposal ensures suitable levels of amenity and privacy are achieved via the central communal courtyard and considered window position and orientation of the flats. The courtyard also promotes a sense of community.	Yes
15	Local living and 20 minute neighbourhoods	The principles of 20 minute neighbourhoods and local living are embodied in the proposed development, all local facilities such as schools, play parks, sports facilities, swimming pool, shops, libraries and public transport are within an easy 20 minute walk of the site. By it’s very nature, the proposed development is affordable and accessible in a just society.	Yes

Policy Ref:	Policy Area	Policy Analysis	Compliance
16	Quality homes	The proposed housing is high quality, affordable, located ideally and albeit intended for social rent through management by East Lothian Housing Association, it contributes to the mix of choice of housing in Dunbar and East Lothian. This proposal is a small scale development within Dunbar and is for less than 50 affordable housing units. It is consistent with relevant policies contained in NPF4, particularly local living and 20 minute neighbourhood principles.	Yes
17	Rural homes	These are not rural homes	N/A
18	Infrastructure first	As previously mentioned, the proposed development is located on the very edge of the town centre and benefits from the infrastructure provision enjoyed by the majority of small towns. As per the previous application, the road network is capable of accommodating the estimated number of vehicles. Similarly during the first phase of development on this site water supply and drainage provision was provided by ELHA to accommodate a future development of 27 flats. We are not aware of only wider restrictions on waste or water supply or on the electricity supply.	Yes
19	Heating and Cooling	Hot water and heating on these flats is intended to be supplied by a combination of solar photovoltaic and air source heat pumps. The materials chosen will ensure the building comply with the most current Scottish Building Regulations which are particularly concerned with carbon reduction and minimising heating requirements. The benefit of well insulated building is that they, as well as retaining heat, reduce the need for mechanical cooling.	Yes
20	Blue and green infrastructure	The proposed development does not fragment or reduce the green or blue infrastructure of Dunbar.	Yes
21	Play, recreation and sport	The current site is a private green space on the edge of Dunbar town centre, there is a large formal park immediately to the West of the site which has extensive children's play areas, slightly further west are a number of sporting facilities including tennis and golf, while to the North is a large green space located next to the local swimming pool and leisure centre. Only a short walk away at Hallhill is a significant leisure facility that includes grass and artificial pitches that accommodate football, rugby and hockey. The design of the proposed development allows for the safe movement of children and informal safe play within the site.	Yes
22	Flood risk and water management	We are not aware of any flood risk or water management issues on this site.	N/A
23	Health and safety	The proposed development encourages active travel by its very location in close proximity to a wide range of retail, leisure and recreational facilities in the centre of Dunbar. We consider the proposed development is a safe space in compliance with Secure by Design principles. The development will be constructed in accordance with Building Standards and British Standards ensuring quality and safety.	Yes

Policy Ref:	Policy Area	Policy Analysis	Compliance
24	Digital infrastructure	Broadband connections to the most current highest speed provided by Openreach will be provided on site. At this point in time we understand that this will be Fibre To The Premises (FTTP) which can provide speeds up to 1Gbs.	Yes
25	Community wealth building	Whilst not directly applicable to economic community building, the proposed development will contain 27 new households all of which are likely to contribute to the local economy through spending in local shops, cafe's and recreational facilities.	Yes
26	Business and industry		N/A
27	City, town, local and commercial centres	The proposed development promotes town centre living, which in turn supports compact urban growth and the 20 minute neighbourhood.	Yes
28	Retail		N/A
29	Rural development		N/A
30	Tourism		N/A
31	Culture and creativity		N/A
32	Aquaculture		N/A
33	Minerals		N/A

APPENDIX E

The recommended heads of terms for the legal agreement and recommended conditions to be imposed for planning permission 20/00939/P

It is recommended that planning permission be granted subject to:

1. The undernoted conditions
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - i) a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus);
 - ii) a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus); and
 - iii) a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School.

In accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement or some other legal 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 without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy 18 of NPF4 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

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 ^IN; shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme 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.

Thereafter the materials and finishes used shall accord with the schedule or samples so approved.

Reason:

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

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses 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 used shall accord with the details so approved.

Reason:

In the interest of the character and appearance of the conservation area.

- 4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is accessible and that sufficient parking and circulation space is provided in the interest of road and pedestrian safety.

- 5 Notwithstanding that shown on drawings docketed to this planning permission, 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.

The scheme shall include the provision of larger tree species within the tree mix previously proposed for the site, the replacement of species Prunus 'Spire' in the northwest of the site and the installation of soil cells for trees adjacent to carriageway/car parking areas.

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

To ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the character and appearance of the Conservation Area

- 6 Prior to the commencement of development, details of the provision of the two new car charging points as shown on Drawing ref 18041PI002 Rev 3 'proposed site plan' and infrastructure for them, and all infrastructure required for future charging points to serve the flats hereby approved, shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the two new car charging points and infrastructure for them and all infrastructure required for future charging points, unless otherwise approved in writing by the Planning Authority. .

A signage strategy providing details of how any future additional electric vehicle charging points are provided and managed shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces hereby approved shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

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

Reason:

To minimise the environmental impact of the development and to ensure that the means by which the future provision of electric vehicle charge points is suitably advertised, in the interests of road safety

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The 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 Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 8 Prior to the occupation of any of the flats hereby approved the cycle storage facilities for 27 cycles hereby approved shall have been formed and made available for use. Thereafter, the storage facilities shall be retained in use solely as cycle storage areas.

Reason:

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

- 9 Onsite refuse storage and collection facilities for the residential units hereby approved will be operated in accordance with the Waste Management Strategy docketed to this planning permission, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard residential and visual amenity

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

- 11 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of the trees along the south and west boundaries of the site shall take place during bird breeding season (which is March- August inclusive).

Reason:

In the interests of safeguarding biodiversity interests

- 12 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
 - o A Phase II Ground Investigation (if the 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).

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

If it is concluded by the Reporting that remediation of the site is not required, then Parts a) and b) of this Condition can be disregarded.

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

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

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the flats approved

- 13 Prior to the occupation of any of the 27 flats hereby approved a scheme of roadworks shall have been completed, to the satisfaction of the Planning Authority, including
- i) traffic calming measures to reduce vehicle speeds entering the development from Bayswell Road;
 - ii) a dropped kerb tactile crossing of the access junction on the pedestrian desire line along the Bayswell Road footway; and
 - iii) a means of pedestrian priority access into the development from Bayswell Road. Any space shared by pedestrians and vehicles should have a 1.5m 'safeguarded' area to ensure the safety of vulnerable pedestrians.

Prior to the commencement of developments the details of those road works shall be submitted to and approved by the Planning Authority and the roadworks shall be carried out in accordance with those details unless otherwise agreed by the Planning Authority.

Reason:

In the interests of pedestrian and road safety

- 14 Prior to the commencement of development, a Construction Method Statement (CMS) designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include proposed hours of construction work and details of temporary measures to be put in place to control surface water drainage during the construction works. Thereafter, the CMS shall be implemented as approved unless otherwise agreed by the Planning Authority.

Reason:

To control the operation of the site during construction in the interest of residential amenity, road safety and environmental protection

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

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

Reason:

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

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Note – this application was called off the Scheme of Delegation List by Councillor Collins for the following reasons: To allow fair discussion and comments from the local residents.

Application No. **22/01380/P**

Proposal Siting of containers for sports training facility for temporary period of 36 months (Retrospective)

Location **Hallhill Healthy Living Centre
Lochend Road
Dunbar
EH42 1RF**

Applicant Team East Lothian AC

Per Chris Rhodes Architect

RECOMMENDATION Grant Permission Retrospectively

REPORT OF HANDLING

This application relates to an area of land within the larger Hallhill Healthy Living Centre which incorporates several sports clubs and provides facilities for sporting and leisure activities in Dunbar. The Hallhill Healthy Living Centre building, its associated land and playing fields are all within an area designated as being open space designated by Policy OS1 (Protection of Open Space) of the adopted East Lothian Local Development Plan 2018. The application site is also situated within the Battle of Dunbar II Historic Battlefield Site.

Planning permission is sought retrospectively for a sports training facility comprising two storage containers with associated roof canopy, on land within the Hallhill Healthy Living Centre for a temporary period of 36 months. The sports training facility is operated by Team East Lothian.

The sports training facility is sited on land adjacent to the south of the fenced hockey

astro pitch. It is to the southwest of the Hallhill Healthy Living Centre building and to the west of the grassed rugby pitch and running track.

An area of land some 14.9m in width and some 12.2m in width was excavated to create a flat site on which to position the sports facility. Concrete surfacing was laid and the storage containers were positioned at each side of the excavated area with an area of padded matting placed between them that is covered by the canopy.

Each of the two containers that comprise the sports training facility has a length of 12.5 metres; a width of 2.44 metres and a height of 2.9 metres. The roof canopy that is attached to each of these containers has a length of 10 metres and a height of 2.8 metres, at its peak. Therefore, the overall length of the structure is 14.88 metres; the overall width is 12.6 metres and the height as measured from ground level is 5.7 metres.

The temporary structure is enclosed to the rear (north) by a canopy gable sheeting, to the east and west by the storage containers and is open to the front (south).

The storage containers are of steel construction and have been painted purple to reflect the colours of Team East Lothian and the canopy gable sheeting is an off-white colour.

The applicant's agent has stated that the sports training facility is used as a strength and conditioning training facility by Team East Lothian for sheltered outdoor training due to the lack of any such facilities within the county. The storage containers are used to store the weights and fitness machines and training activities take place beneath the canopied area. The applicant has applied for a temporary planning permission for a period of 36 months to allow Team East Lothian sufficient time to secure a permanent site for the strength and training facility.

In March 2023, an advertisement consent application (reference: 23/00248/ADV) was submitted by the agent for the retrospective display of advertisements in relation to this retrospective planning application. That application stands to be determined on its own merits.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 7 (Historic Assets and places), 13 (Sustainable Transport) 15 (Local Living and 20 minute neighbourhoods) and 21 (Play, recreations and sport) of NPF4 and Policies OS1 (Protected Open Space), CH5 (Battlefields) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

A total of 4 public letters of objection have been received in relation to the application. In summary these state:

- i) The visual appearance of the containers, bright purple, has a negative impact on the local surroundings and can be seen from some distance as you approach down

Kellie Road. The objector requests the containers be more subdued to blend in with the area;

ii) The retrospective development is particularly obtrusive in the long view from the East end of Countess Road looking down towards Traprain Law;

iii) The structure is large and out of keeping with the surrounding environment, it is situated in an open space further re-enforcing its visual impact;

iv) The other facilities at Hallhill are open to the community for rugby, football, field sports, running, dog walking, socialising, eating and drinking. This structure is for a private business to benefit, and they have already started advertising classes on Facebook;

v) An objector raises concerns regarding a conflict of interest with a Councillor and the Trust that managed the land the subject of this application; and

vi) The structure is not temporary as there are concrete foundations built and no commitment to restore the ground after 36 months.

In relation to the above objections, subsequent to the registration of the application the agent submitted a revised land ownership certificate which now states the correct name and address of the owner of the land the subject of this planning application.

With regards to the matters raised in relation to a potential conflict of interest, it would be for any Councillor to declare any conflict of interest in the determination of any planning application.

The matter of the structure being for private use is a matter between the applicant and the Trust that operates Hallhill Healthy Living Centre. It is not a matter relevant to the determination of this application.

COMMUNITY COUNCIL

Dunbar Community Council (DCC) have submitted an objection to the planning application in their capacity as a consultee. In summary this states:

i) DCC are concerned that the applicant did not seek planning permission for such a large structure before works began and it was already in use for commercial coaching classes before an application was validated;

ii) The structure is very dominant in its setting given its scale and colour and that it can be seen from the East Coast mainline;

iii) It is queried if, given the size of the Team East Lothian logos on the structure, Advertising Consent should also be applied for;

iv) DCC have concerns about the security of the structure. The opening under the canopy faces away from the main sports centre building. It is not overlooked by housing and is a quiet area at night. It could potentially be a hangout place for youths or the shipping containers be vulnerable to break in;

v) DCC note any planning permission should not exceed 36 months; and

vi) DCC request a condition be applied to any grant of planning permission that the

structure is removed and the area restored once the facility is no longer required. This should be before 36 months if the Meadowmill move should occur before the 36 month period.

The Council as Planning Authority cannot decline to determine a planning application because it has been made retrospectively. It will be determined on its merits in accordance with the development plan unless material planning considerations indicate otherwise.

An advertisement consent application (reference: 23/00248/ADV) has been submitted by the agent for the retrospective display of advertisements in relation to this retrospective planning application. That application stands to be determined on its own merits.

With regards to the concerns raised about the security of the site this is not a material planning consideration relevant to the determination of this application.

PLANNING ASSESSMENT

The use of the storage container sports facility for strength and conditioning training is in keeping with the sport and recreational use of Hallhill Healthy Living Centre and has not encroached onto any sports pitches or areas of land in use for formal sports. Therefore it is a facility that enhances and does not undermine or affect the existing sport and recreational use of the wider Hallhill Healthy Living Centre. In this location it contributes to local living and the 20 minute neighbourhood principle. Therefore the siting of this strength and condition facility in this location is not contrary to Policies 15 and 21 of NPF4 or Policy OS1 of the adopted East Lothian Local Development Plan 2018.

In its position on land to the south of the Hallhill Healthy Living Centre the sports training facility is readily visible from public views where it is seen in the context of the adjacent sports pitches and facilities of the larger Hallhill Healthy Living Centre, including the Dunbar United football ground with its newly built spectator stand. Therefore whilst visible it is appropriate for its location within this sporting setting and is not a form of development that is out of keeping with the larger Hallhill Healthy Living Centre. However, it is of a functional design that reflects its use for a temporary period and is not suitable for being permanently sited at this location. Therefore, it should be made a condition of any grant of planning permission that after the expiration of a period of 36 months and unless any further planning permission is granted to allow its retention, that the facility is removed and the ground on which it is sited be returned to its original condition. Subject to the imposition of this planning control the sports training facility by virtue of its size, form, materials and positioning will not have a long-term harmful impact upon the character and appearance of the area and does not conflict with Policies OS1 and DP2 of the adopted East Lothian Local Development Plan 2018.

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

In relation to the above, there are no neighbouring residential properties that fall within 18 metres of the facility and thus the use of it does not allow for any harmful overlooking or loss of amenity to any neighbouring residential properties. It does not result in a harmful loss of sunlight or daylight to any neighbouring residential properties.

The Council's **Environmental Health Department** has been consulted on the application and advise they raise no objection.

The structure by being located on land at Hallhill Healthy Living Centre is centrally located within Dunbar and is easily accessible by pedestrian and cyclists. There is a hardsurfaced car park which is open and available to all users of the centre, including those using the strength and conditioning facility. Therefore it does not conflict with Policy 13 of NPF4 or with Policy T1 of the adopted East Lothian Local Development Plan 2018.

Given the temporary nature of the structures and of its location within the Hallhill Healthy Living Centre it will not have a significant adverse effect on the Battle of Dunbar II Historic Battlefield Site.

Given the above considerations, the sports training facility is consistent with Policies 7, 13, 15 and 21 of NPF4 and Policies OS1, CH5, DP2 and T1 of the adopted East Lothian Local Development Plan 2018.

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

CONDITIONS:

- 1 Planning permission is granted for a temporary period of 36 months beginning from the date of this grant of planning permission after which time, unless planning permission is granted, the 2 storage containers, canopy and concrete surfacing shall be removed from the site.

Reason:

To safeguard the landscape character and appearance of the surrounding area.

- 2 Within 2 months of the containers, canopy and concrete surfacing being removed from the site the land on which they are sited shall be restored to its former state as a grassed landscape area, all to the satisfaction of the Planning Authority.

Reason:

To safeguard the landscape character and appearance of the surrounding area.

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

6

Note – this application was called off the Scheme of Delegation List by Councillor Ritchie for the following reasons: There is local concern about the visual impact of this development and it is felt that the Planning Committee would benefit from a site visit before determining this application.

Application No. **22/01323/P**
Proposal Erection of agricultural buildings
Location **Seton East Steading
Longniddry
East Lothian
EH32 0PG**

Applicant Mr A Robertson
Per Thorburn Group Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

This application relates to the land at Seton East Steading, which is in a countryside location to the south of Cockenzie. The application site is some 0.0729 hectares in area. The site is rectangular in shape and comprises former agricultural buildings, now in ruins, and adjacent land. The surrounding buildings comprise eighteenth century farm steading buildings, later brick built barns and small areas of associated agricultural land.

The northern part of the site is bounded by the outbuilding of a residential property of Seton East House (formerly Seton Farmhouse). The outbuilding is a single storey rendered building which forms the northwest range of the steading. The site is bounded to the east by the public road of the C70 Fishergate Road on the opposite side of which are further farm buildings. The site is adjoined to the south west by the gardens and houses of Seton East Cottages and Innisfree and Seton East Farm Shop and to the west by agricultural land with further agricultural buildings, the residential property of The

Cottage, Seton East and agricultural land beyond. The wider surroundings comprise areas of agricultural land. Seton East House (formerly Seton Farmhouse) and its retaining walls are Category C listed as being of special architectural or historic interest.

PLANNING HISTORY

In May 2012, planning permission (ref: 11/00248/P) was granted at this location and the surrounding land for the alteration and extension to agricultural buildings to form 8 houses, conversion of a farm shop to form 1 house, conversion of agricultural building to form farm shop and store, formation of vehicular access and associated works. A subsequent application for planning permission (ref: 15/00213/P) was granted in January 2018 for the renewal of planning permission 11/00248/P. At the time of writing this report, this consent is still extant until 31st March 2023 given the extension of life of planning consents brought about by the Coronavirus (Scotland) Act 2020.

PROPOSAL

Planning permission is sought for the erection of an agricultural building. The building would be used for the purposes of storage for the existing agricultural holding. The proposed building would have a rectangular footprint and measure some 30 metres in length and some 24 meters in width. It would be orientated with the pitch of its roof running from south east to north west and would be some 9.228 metres in height to the ridge of its dual pitched roof and 6 metres in height to the eaves.

The building would be finished externally with 3 metre high pre-cast concrete panels below polyester coated single skin steel profile cladding to the upper sections. The roof would also be finished in grey coloured profiled fibre cement cladding. A roller shutter door and 2 personal doors would be installed within the south west facing elevation. The access to the site would remain as existing.

The existing derelict agricultural buildings on the site would be demolished as well as the reduction in height of the boundary wall to the east adjacent to the road. Planning permission is however not required for these elements of the works.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic assets and places), 14 (Design, quality and place) and 29 (Rural Development) of NPF4 and Policies DC1 (Rural Diversification), CH1 (Listed Buildings), CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

One letter of objection has been submitted in respect of the proposed development. The main grounds of objection can be summarised as follows:

- o Lack of consultation between applicant and neighbouring properties;
- o Queries over what would be stored within the agricultural building and whether a building of this size is necessary;
- o Queries over why this site was chosen nor the siting of the proposed building given that the original buildings on this site may have been smaller in scale. As such, it is considered that alternative locations should be explored;
- o Concerns over how the building would be accessed and whether the proposed use would allow for increased traffic movements to the site of vehicles of a different nature to the existing;
- o The scale, size, massing and height of the proposed farm building in such close proximity to residential properties would be detrimental to residential amenity;
- o The building would have a dominant and overbearing appearance in the surrounding area;
- o Impact on daylight/sunlight to surrounding residential properties;
- o Impact of the proposed building on the setting of adjacent Listed Buildings and the proposal inappropriate within the context of adjacent traditionally designed buildings;
- o Concerns over the impact of drainage within the surrounding area;
- o Impact of the proposal on the structural stability of adjacent buildings; and
- o Potential impact of the proposed building on plans for the location of solar panels on adjacent properties.

With regards to consultation, there is no requirement for the applicant to consult with neighbouring properties prior to the submission of an application of planning permission for a proposal of this scale. All neighbour notification and public consultation has taken place in full accordance with statutory requirements.

The applicant has stated that the building would be used for storage and there is no requirement to state what would be stored within the building as this may be subject to change over the lifetime of the building provided the building is used for agricultural purposes.

There is no requirement for the applicant to explore alternative options for the siting of this development proposal.

Structural issues are controlled by legislation other than planning and as such this cannot be taken into consideration in the determination of this planning application.

The site is not located within an area known for flood risk.

The possibility for proposals for solar panels on adjacent properties at a later date and the potential impact of this proposal on them, cannot be taken into consideration in the determination of this planning application.

Further issues raised within the written objections are addressed in the planning assessment below.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

Policy 29 of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. Policy DC1 of the East Lothian Local Development Plan 2018 supports the

principle of development in the countryside where it is for agricultural use.

In this regard, the proposed agricultural building would utilise previously developed brownfield land to construct a new agricultural building, suitable for modern agricultural practices. As such, the use of existing brownfield land would minimise the loss of good quality land while the proposed building would facilitate the ongoing operations of the existing agricultural business at Seton East Steading. Therefore the principle of the siting of this agricultural building in this countryside location is consistent with Policy 29 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy 29 of NPF4 also states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy DP1 of the East Lothian Local Development Plan 2018 states that new development must be well integrated into its surroundings by responding to and respecting landform.

Policy 14 of NPF4 and Policy DP2 of the East Lothian Local Development Plan 2018 seeks for new development to be designed to be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings.

The proposed agricultural building would be visible from the public road which runs directly adjacent to the site to the south and east. The building would be of a functional design to reflect its agricultural purpose and it would be of a form, size and scale reflective of other agricultural buildings typically seen throughout the agricultural landscape of East Lothian. Furthermore, the proposed building would be seen in the context of and in relation to the existing group of agricultural buildings at Seton East Steading with which it would have a visual relationship with. The retention of part of the boundary wall to the east of the site adjacent to the public road as well as the trees to the south of the site would also provide partial screening to the agricultural building.

In that locational circumstance and by virtue of its architectural form, size, scale, materials and positioning the proposed agricultural building would be appropriate to its countryside setting and would not be out of keeping with its surroundings. The agricultural building would not harm the character of the surrounding landscape or be visually intrusive or harmfully prominent within its landscape setting.

On the above considerations, the proposed agricultural building is consistent with Policies 14 and 29 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

In relation to the historic environment, the existing steading buildings are not listed as being of special architectural or historic character. The farmhouse to the north of the site, Seton East House, and its retaining walls are listed as being of special architectural or historic interest Category C. The intervening outbuilding between the application site and Seton East House is not a listed building.

The proposed agricultural building would be of a modern, utilitarian design suited to its proposed agricultural use. Such buildings are seen throughout the countryside of East Lothian and often in association with an agricultural holding or group of traditional agricultural buildings and associated listed farmhouses. Furthermore, the intervening non-listed outbuilding would provide a degree of screening and separation which would prevent the proposed agricultural building from harmfully impacting the setting of the listed building of Seton East House.

On the above considerations, the proposed agricultural building is consistent with Policy

7 of NPF4 and Policy CH1 of the East Lothian Local Development Plan 2018.

Given the location of the site within the Battle of Prestonpans Historic Battlefield, Historic Environment Scotland (HES) have been consulted on the application. HES advise they have no comment to make on the proposal and as raise no objection to the application. The proposed development would not have any harmful impact on the character or appearance of the Battle of Prestonpans Historic Battlefield site, consistent with Policy 7 of NPF4 and CH5 of the East Lothian Local Development Plan 2018.

With regards to neighbouring amenity, in assessing whether or not a proposed new development would result in overlooking and loss of privacy to other residential properties it is the practice of the Council as planning authority to apply the general rule of a 9 metre separation between the windows on the proposed house and the garden boundary of neighbouring residential properties and an 18m separation between directly facing windows, if they are not adequately screened.

In this regard, no windows or glazed openings would be inserted within the north west, south east or north east elevations of the proposed agricultural building. Accordingly, there would be no loss of privacy to any neighbouring residential property in those directions. While a new roller door and two personal doors would be inserted within the south west elevation of the proposed agricultural building, these would not directly overlook any residential property. As such, the proposed agricultural building would not result in a loss of amenity to surrounding residential properties by way of overlooking and loss of privacy.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed development on the daylight and sunlight received by neighbouring properties. In this instance given the siting and orientation of the building and its proximity away from the neighbouring dwelling at Seton East House, application of the 25 degree test shows that there would be no detrimental loss of daylight to this residential property.

With regards to No's 2-4 Seton East Cottages, given the set back of the proposed agricultural building and its siting to the north west of these properties and their gardens, there would not be a harmful loss of daylight to these properties. Similarly, with regards to sunlight, given the siting of the proposed agricultural building to the north east of the houses at no's 2-4 Seton East Cottages and their gardens, there would be no harmful loss of sunlight to these residential properties.

With regards to Seton East House, the proposed agricultural building would be sited immediately to the south of this property. However, given the set back of the proposed building and the presence of the intervening outbuilding and driveway/hardstanding to Seton East House, the proposed agricultural building would not result in a harmful loss of sunlight to this property. Similarly, levels of daylight to this property would not be harmfully affected given the position and orientation of the proposed agricultural building.

The Council's **Senior Environmental Protection Officer** has been consulted on the application and raises no objection to the proposed development, satisfied its operation would not result in a loss of amenity to any neighbouring residential property.

On those matters of amenity the proposed agricultural building is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's **Road Services** have been consulted on the application and raise no objection to the proposals, satisfied that the use of the proposed agricultural building

would have little or no effect on operation of the public road and therefore would not result in a road or pedestrian safety hazard. Therefore the proposed development does not conflict Policy T2 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 or 2 of NPF4.

With regards to Biodiversity, Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Therefore it would be prudent to attach a condition to a grant of planning permission requiring that, prior to the commencement of any development, details are submitted of measures to support and enhance the biodiversity of the site. Subject to the above control the proposed development would not be contrary to Policy 3 of NPF4.

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

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 Prior to the commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

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

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

7

Application No. **22/01344/PM**
Proposal Section 42 application to remove condition 2 of planning permission 04/00007/FUL
Location **Thurston Manor Holiday Home Park
Innerwick
Dunbar
EH42 1SA**

Applicant Verdant Leisure 2 Ltd
Per Tetra Tech

RECOMMENDATION Application Refused

REPORT OF HANDLING

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

This application relates to a 16 hectare area of land currently in use as static holiday caravan park as part of the wider Thurston Manor Holiday Home Park that is a caravan park in the countryside between Dunbar and Innerwick.

Thurston Manor Holiday Home Park has been in use as a caravan park since the 1990s through various grants of planning permission.

Given that Thurston Manor Holiday Home Park is located within a countryside location, where there is a policy presumption against new residential development, conditions have been imposed on the grant of planning permissions on the site to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences.

PLANNING HISTORY

Planning permission 04/00007/FUL was granted in September 2004 for the change of use of agricultural land to use as a static caravan park as an extension to Thurston Manor Holiday Home Park, the formation of vehicular accesses and associated works. Planning permission 04/00007/FUL was granted subject to a number of conditions including condition 2 which stated:

'The static holiday caravans within this hereby approved extension to Thurston Manor Holiday Home Park and outlined in red in the docketed drawing 3623/06 will only be occupied during the following specified periods and outwith these periods they will not be used for any purpose:

(1) Seven days per week between 1st March and 30th November in any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.'

Planning permission 14/00151/PM was granted in September 2014 for the variation of conditions to allow the occupancy of static and touring caravans within the Thurston Manor Holiday Home Park for 46 weeks of each year (Condition 8 of outline planning permission T/1143/90, Condition 5 of P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL)

With condition 2 of planning permission 04/00007/FUL being varied such that it stated:

'No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.'

PROPOSAL

Through this current planning application it is proposed that condition 2 of planning permission 04/00007/FUL be removed.

The agent has submitted a statement in support of the application stating that the restrictive conditions were imposed so that the caravans and park homes are not used as permanent residences and to protect the amenity of the area. The Site's License restricts the caravans from being used as a permanent residence, therefore the identified conditions are not required. Furthermore, opening the park for 52 weeks of the year as

opposed to the current 46 weeks would create minimal impact on the local area in terms of traffic generation and pressure on local amenities and infrastructure. The requirement for the previous conditions is unjustified and not needed.

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 National Planning Policy Framework 4 (NPF4) and the adopted East Lothian Local Plan 2018.

Policies 1 (Tackling the climate and nature crisis), 2 (Climate mitigation and adaptation), 13 (Sustainable Transport), and 30 (Tourism) of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan are relevant to the determination of this application.

REPRESENTATIONS

No letters of public written representation have been received to the application.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

The Council's **Policy and Strategy Manager** has been consulted on the application and advises that this proposal is to remove condition 2 from the grant of permission of 04/00007/FUL.

The effect of this would be to permit all year round occupancy of the tourist accommodation at Thurston. East Lothian is a tourist area and large holiday parks such as Thurston (176Ha) with hundreds of caravans and holiday homes play an important role in providing tourist accommodation all year round. If the condition were to be removed then the availability of tourist accommodation would be reduced as people seek to use the accommodation at Thurston as all year round residences. This would be to the detriment of East Lothian as a tourism area. It could also set an undesirable precedent for similar change in all other caravan and holiday parks in East Lothian which cumulatively would presumably significantly and adversely affect the tourism market in East Lothian.

From a planning policy perspective, permanently occupied housing should be directed towards existing settlements where facilities and services including public transport are available; this is a sustainable approach to spatial planning and is in line with the LDP and national planning policy. LDP1 encourages housing in the rural area when it is proposed as a conversion of an existing rural building, or, exceptionally, for other reasons but not as permanent occupancy of accommodation intended to be for short stays. If this planning application was approved, a precedent would be set that could result in all holiday accommodation at caravan and holiday parks in East Lothian allowed to change to permanent occupation which would effectively provide a large supply of permanent living accommodation in unsustainable rural locations with poor access to public transport. These would become settlements instead of holiday areas and are not in locations where settlements would or should be encouraged.

NPF4 seeks to give significant weight to the global climate crisis. The effect of supplying all year round accommodation in rural holiday parks would effectively undermine the spatial strategy of the LDP and result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions.

NPF Policy 30 Tourism part d) addresses the change of use of a tourism facility. The removal of condition 2 would lead to a change in the type of accommodation that is offered at Thurston effectively turning it into a place of permanently occupied units which is not in the spirit of a tourism facility. It is considered that this is contrary to part d) of policy 30 as there is no demonstration that the existing facility is non-viable, given it has traded for many years in that location.

Allowing permanent all year round occupation of units at Thurston would not be supported by NPF Policies 1 Tackling the climate and nature crises and 13 Sustainable Transport, given the rural and therefore less sustainable location of Thurston.

Accordingly the Council's Policy and Strategy Manager states that he does not support the application for the reasons states above.

The Council's **Economic Development Service Manager** advises it is the view of the Economic Development Service that in terms of National Planning Framework 4 Policy 30 there are demonstrable local economic benefits delivered by all types of non-serviced accommodation (short term holiday lets) in East Lothian and that existing provision of this type of accommodation must be retained, protected, and supported.

The Council's Economic Development Service Manager advises that the Economic Development Service does not support the proposal to remove the occupancy restriction preventing year round use of the static caravans located on part of the Thurston Manor Caravan site and as such them being used year round as permanent residences for the following reasons:

i) There is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high quality accommodation year on year to facilitate this;

ii) An increasing number of overnight stays in East Lothian are for work purposes, e.g. major events, servicing major infrastructure. This is expected to increase over the next 10-15 years as more nationally significant infrastructure is developed or decommissioned in East Lothian. In this context, any loss of short term accommodation is likely to have significant negative impact on the local tourist economy in monetary and reputational terms.

Retaining the above restriction(s) supports the following strategic goals and objectives of the Economic Development Strategy 2012-2022:

To be Scotland's leading coastal, leisure and food & drink destination.

To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.

Retaining the above restriction(s) supports the intent and outcomes of National Planning

Framework 4, Policy 30 (Tourism):

To encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland.

Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Accordingly the Council's Economic Development Service Manager states that he does not support the application for the reasons states above.

The Council's **Licensing Services** have advised that Licensing have concerns about the planning condition restricting the occupation of this site being removed. Although the Site Licence has its own condition - 'No static holiday caravan or touring caravan shall be occupied during a 6 week period starting from the day after the New Year bank holiday period each year' - enforcement of this licence condition would lie with Police Scotland and not the Licensing Authority. In addition, should the planning condition be removed there would be nothing to prevent the Site owner subsequently making an application to licence the site as a Mobile Homes Site with Permanent Residents (The Licensing of relevant Permanent Sites (Scotland) Regulations 2016) rather than as a holiday home site. At the current time the number of static caravans and touring caravans currently licensed within the Thurston Manor Holiday Home Park are 943 and 145 respectively.

The Council's **Road Services** has been consulted on the application and advise that they raise no objection to the application being satisfied that the proposal does not have an adverse impact on pedestrian or road safety consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Council's **Education Department** have been consulted on the application however no consultation response has been received. However, should permission be granted for the removal of condition 2 as sought which would allow the static caravans to be occupied 365 days of the year and as such used as permanent residences this could result in families with children residing full time within them generating a pupil demand for school places within the locality. This would place additional and unknown pressures on the Education Estate which the Council would have no control over in terms of requiring additional school capacity should it be required.

The current application site and the wider Thurston Manor Holiday Home Park is an established tourism use within the East Lothian Countryside. Given that Thurston Manor Holiday Home Park is located within a countryside location, where there is a policy presumption against new residential development, conditions have been imposed on the grant of planning permissions on the site to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences and thereby ensure that the use of the site remains as a tourism use and not residential.

Original condition 2 of planning permission 04/00007/FUL and subsequent variation of condition 2 approved through planning permission 14/00151/PM were imposed to ensure that the occupancy of the static homes on the application site was consistent with the occupancy restrictions in place on the holiday home units within the wider Thurston Manor Holiday Home Park to ensure they remained in use as holiday home/tourism use and not residential.

The proposed removal of condition 2 of planning permission 04/00007/FUL sought through this application would have the effect of removing the planning occupancy

restriction which is in place to ensure that the static holiday homes located within Thurston Manor Holiday Home Park are used for tourism use and are not used as permanent residences. The proposed removal of the condition would allow the static units to be used 365 days of the year and as such the Council as Local Planning Authority would no longer have any planning control to prevent permanent occupancy of them 365 days of the year and as such as permanent residences.

The applicant's agent has stated that the Site's License restricts the caravans from being used as a permanent residence and as such condition 2 of planning permission 04/00007/FUL is unjustified and not needed. The site Licence is controlled through completely separate legislation from planning legislation. Requirements of the site Licence may be completely different from planning requirements and as such the existence of one does not negate the requirement for the other.

The proposed removal of condition 2 of planning permission 04/00007/FUL would result in the Council as Local Planning Authority losing all planning control in terms of the occupancy of the static holiday homes within the application site. This would result in there being no planning control for them not to be used for permanent residential purposes contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018 which presumes against residential use in the countryside where it does not have an operational justification in relation to agriculture, horticulture or forestry uses or other existing countryside employment uses. If condition 2 is removed and the Council lose all planning control in terms of the occupancy of the static holiday homes there would be nothing to stop the applicant then submitting subsequent applications for the removal of the occupancy condition on other caravans and park homes within the Thurston Manor Holiday Home Park and thereafter applying for a residential permanent site licence for all units within the site.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

RECOMMENDATION:

That planning permission be refused for the following reason:

- 1 The removal of the occupancy condition would result in the Planning Authority having no planning control over the occupancy of the caravan and park home units within the site with the proposed removal of the condition allowing the units to be used 365 days of the year and as such to be occupied 365 days of the year which in doing so could result in the units becoming permanent residential dwellings contrary to Policies 1, 2, 13 and 30 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

8

Application No. **22/00852/PPM**

Proposal Planning permission in principle for a converter station and associated development including a landfall at Thorntonloch and connecting buried cabling, all in association with the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link

Location **Land Adjacent to Dunbar Landfill Site
Oxwell Mains
Dunbar
East Lothian
EH42 1SW**

Applicant SP Energy Networks

Per Anna Clark

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PRE-APPLICATION CONSULTATION

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

As a statutory requirement for national development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 22/00001/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development

type applications a pre-application consultation report is submitted with this application. The report informs that the consultation comprised of an open public exhibition from 31 January to 28 February 2022 in Innerwick Village Hall, online boards and phone one-to-one sessions with the project team. The PAC report informs that 87 public responses were received. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application site has an area of some 146 hectares and stretches from the Broxburn junction of the A1 trunk road in the west, to the coast to the south of Thorntonloch to the east. It has a generally linear shape but includes a larger area situated between the Dunbar Energy Recovery Facility and Dunbar landfill site.

The northwestern part of the site is situated in the countryside on the north side of the A1. The remainder of the site generally consists of more countryside on the southern side of the A1, although the easternmost part crosses back over the A1 to the coast.

The area of land comprising the southeasternmost part of the application site where it meets the coast is within the Thorntonloch to Dunglass Coast Special Landscape Area.

The part of the application site located between the Dunbar Energy Recovery Facility and Dunbar landfill site is within the boundary of the Battle of Dunbar II, a battlefield included within the Inventory of Historic Battlefields.

The part of the application site located between the Dunbar Energy Recovery Facility and Dunbar landfill site is also safeguarded for waste management purposes by Policy W1 of the adopted East Lothian Local Development Plan 2018.

The nearest residential properties to this main part of the application site are located some 450m to the southwest in Easter Meikle Pinkerton.

BACKGROUND

In their Planning Statement, the applicant advises that the UK is a world leader in offshore wind energy and its target of becoming net zero in all greenhouse gases by 2050 for England and Wales and 2045 for Scotland is now enshrined in law. In addition, the UK Government has shown clear commitment to developing offshore wind at scale through the Ten Point Plan and Energy White Paper which were published in 2020, identifying a target of delivering 40GW of wind energy by 2030 which is enough to power every home in the UK. In October 2021, the UK Government published their Net Zero Strategy which sets out they will fully decarbonise the power system by 2035, subject to security of supply. North Sea developments, including offshore wind and interconnectors, will be essential to meeting these climate change targets and driving economic growth across the country.

As the country transitions away from traditional forms of fuel to power vehicles and heat homes there will be a substantially greater need for green electricity. To move this green energy from its source and into people's homes and businesses there will be a need to increase the capability of the electricity transmission network.

Significant offshore wind generation is being developed off the east coast of Scotland. The existing transmission network does not have enough capacity to cope with the level

of connections required and therefore network reinforcements are required.

In January 2022 National Grid Electricity System Operator published its seventh Network Options Assessment (NOA) which describes the major projects considered to meet the future needs of Britain's electricity transmission system as outlined in the Electricity Ten Year Statement (ETYS) 2021 and recommends which investments in the year ahead would best manage the capability of the transmission networks against the uncertainty of the future. The NOA (2022) recommends the development of a number of High Voltage Direct Current (HVDC) reinforcements between the east coasts of Scotland and England, one being the Eastern subsea HVDC link: Torness to Hawthorn Pit, County Durham (E2DC), known as the Eastern Link 1 Project.

The development proposed in this application is required to support and operate the wider Eastern Link 1 project which comprises a new subsea High Voltage Direct Current (HVDC) link between East Lothian, Scotland and Hawthorn Pit in County Durham, England. The Eastern Link 1 project will reinforce the electricity transmission system, enabling large volumes of renewable energy generated in Scotland to be transmitted to England whilst ensuring Scotland remains supported by a secure and stable supply of energy.

The applicant informs that the Scottish Government declared a climate emergency in May 2019 and has passed into law the requirement for a 100% reduction in greenhouse gas emissions in order to attain 'net zero' by 2045 and the interim target of 75% by 2030. The proposed development would play a key role in the transmission of renewable energy which will contribute to the attainment of these very challenging targets.

The Eastern Link 1 Northern Point of Connection in East Lothian would enable the Eastern Link to come ashore and connect with the existing 400kV transmission lines at Branxton. A new substation at Branxton will be required for this, and will be the subject of a future application.

PROPOSAL

Planning permission in principle is sought through this application for the construction and operation of an onshore converter station, and for associated development including underground electricity cables and landfall at Thorntonloch. The proposal forms part of the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link, and comprises the following key elements:

- A new converter station to switch electricity from conventional alternating current (AC) to direct current (DC) for onwards transmission of electricity (or vice versa depending on the direction of operation);
- Onshore underground high-voltage direct current (HVDC) electricity cables required to deliver electricity from the converter station to a landfall south of Thorntonloch Beach (or vice versa). These cables will connect to the onwards marine cables;
- Onshore underground high-voltage alternating current (HVAC) electricity cables required to deliver electricity from Branxton substation to the converter station (or vice versa); and
- A Landfall area where marine cables come ashore and will be joined onto the onshore underground cables.

It is indicated that a converter station platform could have a maximum footprint of approximately 300m by 200m and would be located within the larger area of the application site situated between the Dunbar Energy Recovery Facility and the Dunbar landfill site. A converter station housing the electrical infrastructure would be located on

the substation platform and the electrical infrastructure could have a maximum height of some 29 metres. The application submissions inform that the converter station would comprise several elements to facilitate the conversion from AC to DC (or vice versa):

- AC Switchgear: To connect the converter station to the existing AC transmission system. This would include a range of equipment including high voltage electrical switchgear, filters and compensation units. The main function of this equipment would be to harmonise the converter AC systems characteristics with the wider transmission AC system;
- Converter Transformers: These align the converter AC voltage with the wider transmission network voltage. These units are normally sited outdoors within segregated transformer bays. It is anticipated that there will be six (plus one critical spare) single phase transformers in total;
- Valve Halls: Contain power electronics equipment that convert AC voltages to DC (or vice versa). The suite of converter units cannot be accommodated outdoors and need to be maintained in a controlled environment. Due to the layout of the devices and operating voltage, the DC buildings are usually the tallest within the converter station (maximum 29 m height has been assumed). The semiconductor devices generate heat during operation and require associated localised cooling equipment and wider HVAC plant and systems;
- DC Hall: Houses the converter high voltage DC equipment including switchgear and network resistors and houses the transition equipment for the connection of the DC cables;
- Control Building: Contains building services equipment, control panels and associated control room, protection and communication equipment, offices and welfare facilities and other auxiliary systems all located within an enclosed building;
- Spare Parts Building: To house spare parts and consumable components, supplemented by hardstanding areas provided for storage of spare transformer and spare cable drums; and
- Additional equipment within the site is likely to include a standby/backup diesel generator and fire deluge storage tanks.

The converter station would include buildings housing specialist electrical equipment. All of the ancillary AC and DC electrical equipment will be located indoors. An additional smaller ancillary building would be used to house spare parts. The proposed building units which make up the converter station will all be constructed to a similar specification both in terms of materials and colours.

The proposed cable route would run generally south-east to north-westwards for some 5.8 km from the proposed site for landfall south of Thorntonloch, under open countryside to the south of Dunbar landfill site, where the proposed cable route would then split so that the HVDC cable runs around the south side of the landfill site, and the HVAC cable runs around the north side of the landfill site to both connect with the proposed converter station. The cable corridor crosses an agricultural landscape of predominantly arable fields with occasional woodland belts associated with narrow valley streams such as Thornton Burn and Dry Burn.

Temporary construction facilities would be located adjacent to the cable route at various locations along the route to form the working construction corridor for the cable route. A typical cable swathe for an AC cable is 41.8m with 25m of this swathe being allowed for subsoil and topsoil storage. A typical cable swathe for a DC cable is 35.9m with 25m of this swathe being allowed for subsoil and topsoil storage.

In order to minimise disruption, Horizontal Directional Drilling (HDD) would be utilised to pass under the beach, the A1 and the railway line. The landfall compound would

accommodate joint bays, equipment for an HDD and other temporary construction equipment required to land the marine cables.

Access to the proposed converter station would be provided by a new permanent access road from the existing Dunbar Energy Recovery Facility access road. The proposed permanent access road would be constructed at the beginning of the works so that it can be used by all construction traffic.

The converter station drainage system is expected to include a SuDS basin to the north of the site before discharging into the existing water feature adjacent to the landfill. Detailed design of the drainage system would be considered as part of further applications for approval of matters specified in conditions. Options for drainage include the use of an existing foul drain if present, septic tank or reed beds.

THE DEVELOPMENT PLAN

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

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

NPF4 identifies 18 national developments that are significant developments of national importance. National development 3 of NPF4 (Strategic Renewable Electricity Generation and Transmission Infrastructure) supports renewable electricity generation, repowering, and expansion of the electricity grid. National development 3 informs that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Whilst National development 3 references a Scotland wide rather than a specific location, the south of Scotland (including East Lothian) is identified for delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 7 (Historic Assets and Places), 10 (Coastal Development), 11 (Energy), 13 (Sustainable Transport), 14 (Design, Quality and Place), 22 (Flood risk and water management) and 23 (Health and safety) of NPF4 are relevant to the determination of the application.

Proposal EGT3 (Forth Coast Area of Co-ordinated Action), and Policies EGT4 (Enhanced High Voltage Electricity Transmission Network), DC1 (Rural Diversification), DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), NH7 (Protecting Soils), NH11 (Flood Risk), CH5 (Battlefields), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), DP1 (Landscape Character), DP2 (Design), SEH2 (Low and Zero Carbon Generating Technologies) and W1 (Waste Management Safeguards) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

There have been 6 written representations received to the application. Of these 2 make objection to the proposed development and 4 make comment on it. The main grounds of objection can be summarised as follows:

(i) the cable routing is proposed to be located on restored landfill. As part of the objector's requirements to meet the conditions of their environmental permit, including the ability to manage and monitor leachate, landfill gas and to ensure the full structural integrity of the landfill engineering works, the operation of the adjacent landfill site must not be impeded, or prejudiced by the proposed development, and there are potential conflicts between the proposed ducting/cablings and the landfill gas/leachate infrastructure, and;

(ii) part of the land of the application site is on private land and there is no agreement in place for the applicant to undertake works on the land. The proposed development would be detrimental to the private land and the ability to farm it and could lead to lasting impacts on soil quality, contrary to Policy NH7 of the East Lothian Local Development Plan.

The main grounds of the comments can be summarised as follows:

(i) consideration should be given to traffic movements on the local road network and the impact on vulnerable road users, including horse riders, and;

(ii) insufficient community consultation has been carried out.

In terms of the objection regarding that there is no agreement in place for the applicant to undertake works on private land, this is a separate legal matter and is not a material consideration in the determination of this application. All relevant land owners have been notified of the application in accordance with statutory requirements.

Pre-application community consultation has also been carried out in accordance with statutory requirements.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council raise concern regarding the proposed development on the following grounds:

(i) the land does not belong to SP Energy Networks;

(ii) the proposed structure will be built on what was to be the footprint of the previously proposed plastics recycling plant;

(iii) cumulative impact of industrialised developments on the coastal and countryside setting with an impact of the small communities of East Lammermuir, particularly around Innerwick;

(iv) cumulative needs of accommodation for workers on this and other energy related projects proposed for the area over the next decade;

(v) road safety on junctions onto the A1 and the wider A1 corridor and nearby rural roads; and

(vi) impact of cable works on aquatic life by disturbance of the sea bed.

The concern relating to land ownership is not a material planning consideration in the determination of this planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) Report has been submitted with the application, and has been duly advertised and consulted on.

The submitted EIA Report contains chapters on the method and approach to preparing the Report, the description of the development, site alternatives, landscape and visual impact assessment, geology, hydrogeology and ground conditions, hydrology and flood risk, ecology and ornithology, archaeology and cultural heritage, noise and vibration, access, traffic and transport, land use and agriculture, recreation, tourism and socio-economics and summary of likely significant effects.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA Report, the applicant has submitted with it a table outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are – (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) materials assets, cultural heritage and the landscape.

The EIA Report has considered the likely significant effects from landscape and visual amenity, geology, hydrogeology and ground conditions, hydrology and flood risk, ecology and ornithology, archaeology and cultural heritage, noise and vibration, access, traffic and transport, land use and agriculture, recreation, tourism and socio-economics.

The EIA Report finds that:

* Landscape and visual - the proposed development would result in a 'Moderate' adverse and significant effect on the landscape character of the underground cable route during the period of construction works. Once the proposed development is operational, the landscape change within the converter station site will have a 'Moderate' adverse effect on the landscape character of the converter station site during year 1 of operation, which is significant. Once the proposed planting schemes have matured, the overall magnitude of landscape change during year 15 of operation will reduce to 'Minor' adverse, which is not significant.

* Geology, hydrogeology and ground conditions - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Hydrology and flood risk - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Ecology and ornithology - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Archaeology and cultural heritage - With the implementation of the mitigation measures there are no significant effects.

* Noise and vibration - With the implementation of the mitigation measures there will be no significant effects.

* Access, traffic and transport - With the implementation of the mitigation measures there will be no significant effects.

* Land use and agriculture - No significant effects.

* Recreation, tourism and socio-economics - No significant effects.

The EIA Report concludes that the residual effects will be not significant in relation to:

* Geology, Hydrogeology and Ground Conditions;

* Hydrology and Flood Risk;

* Ecology and Ornithology;

* Archaeology and Cultural Heritage;

* Noise and Vibration;

* Access, Traffic and Transport;

* Land Use and Agriculture; and

* Recreation, Tourism and Socioeconomics.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

Policy 1 of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

The proposed development would enable the transmission of renewable electricity and would contribute to the delivery of infrastructure of national importance. The infrastructure is a key element in the provision of renewable energy and will ensure progress towards achieving net zero and a decarbonised economy. As high voltage transmission infrastructure to support renewable energy technology, it is also part of National Development 3 and is thus supported by NPF4.

As high voltage transmission infrastructure to support renewable energy technology, the principle of the proposal is also consistent with Policy 11 of NPF4, which states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including enabling works, such as grid transmission and distribution infrastructure.

Proposal EGT3 of the adopted East Lothian Local Development Plan 2018 states that the Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met:

- 1) infrastructure is combined wherever possible;
- 2) connection to existing infrastructure at Cockenzie and Torness is prioritised; and
- 3) proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.

In terms of 1) above the applicant informs that a detailed options appraisal assessment was undertaken and did not identify a suitably sized site adjacent to the existing transmission network that would accommodate the proposed converter station, as well as a future new Branxton substation. The applicant further informs that the indicated

size of the proposed converter station and specifically its height (up to a maximum of 29 metres) means that it is not easily assimilated into the landscape and so the site for it was chosen as it was deemed the best location in terms of potential landscape and visual impacts. Further to this the applicant advises that there is insufficient space to co-locate all components for the proposed converter station and associated works with other infrastructure without the need for significant road alterations or earth movements and a greater impact on the landscape.

With regard to 2) the proposed development does prioritise connection to infrastructure south of Torness. With regard to 3) the assessment of that is discussed later in this report and subject to it being demonstrated that the proposed development would not have an adverse effect on the integrity of the Firth of Forth SPA, the principle of it does not conflict with Proposal EGT3 of the adopted East Lothian Local Development Plan 2018.

Policy EGT4 of the adopted East Lothian Local Development Plan 2018 states that the Council supports enhancement of the high voltage electricity transmission network on locations defined by operational requirements, subject to acceptable impacts on landscape, visual amenity, communities, natural and cultural heritage, and the provision of mitigation where required.

The part of the application site proposed for the converter station is within an area covered by Policy W1 of the adopted East Lothian Local Development Plan 2018. This policy seeks to resist proposals that would compromise the operation of any of the waste management sites identified in Policy W1, which includes the Viridor Energy Recovery Facility and the Dunbar landfill site.

The applicant informs that they have discussed the proposal with Viridor from the initial design stage prior to submitting this application for planning permission in principle. The applicant advises that following those discussions with Viridor, in which Viridor explained their future aspirations for the land adjacent to the Energy Recovery Facility, the proposed location and converter station layout was revised to maximise the land between the converter station and the Energy Recovery Facility. The proposed converter station was pushed eastwards and was re-orientated to follow the boundary of the landfill site.

Following the submission of this application, the applicant informs that Viridor reviewed the application documentation and requested that the applicant revise their indicative Landscape Zonal Plan to remove some of the land between the Energy Recovery Facility and the converter station that was shown as restored to grassland to ensure that land was not sterilised for Viridor's use, and to protect Viridor's future aspirations for potential development for waste management. The Landscape Zonal Plan has since been revised to take into account Viridor's comments. Viridor have confirmed in writing that the revised Landscape Zonal Plan and the siting, position and orientation of the proposed converter station is acceptable to them, and have confirmed they are satisfied that the remaining land between the Energy Recovery Facility and the proposed converter station is a sufficient developable area for their future waste management use.

The applicant further advises that negotiations are well underway with Viridor in relation to the land purchase and they have developed the site to minimise any future impact on Viridor's operations, based on information Viridor have provided to them. Furthermore, Viridor have been notified of the planning application and have not commented on it.

With regard to the Dunbar landfill site, the applicant informs that the proposed cable corridors are wide enough to enable them to microsite the AC and DC cables to ensure

they do not interfere with the existing landfill gas infrastructure. The cable corridors have been split around the Dunbar landfill site to further mitigate the potential impact on the landfill gas infrastructure. The applicant further informs that they are working closely with the operator of the landfill site, Valencia Waste Management, regarding the landfill gas/leachate infrastructure and have appointed external consultants recommended by them to identify all known infrastructure and to support the development of the cable routes to ensure that infrastructure is not affected. Therefore it would be possible to ensure that the construction of the convertor station and its associate cable route would not interfere with the existing landfill gas infrastructure required to ensure gases created by the landfill site are extracted and vented safely in accordance with the licence issued by SEPA. In this regard SEPA are satisfied the Dunbar landfill site can continue to be licensed by them.

Given the above it can reasonably be concluded that the proposed development would not compromise the operation of either the Energy Recovery Facility or the Dunbar landfill site. The precise routing of the cables will be the subject of future applications for approval of matters specified in conditions, and through the assessment of that detail it can be ensured the cable routes would not interfere with the operation of the landfill site.

On all of the above considerations, the proposed development does not conflict with Policies 1 and 11 of NPF4, or with Proposal EGT3 and policies EGT4 and W1 of the adopted East Lothian Local Development Plan 2018. As high voltage transmission infrastructure to support renewable energy technology, it is also part of National Development 3.

CLIMATE

It is stated in Chapter 2 of the EIA Report that it is acknowledged that construction of the proposed development would result in the release of greenhouse gas emissions (GHG) from the manufacture of construction materials and products, as well as direct emissions from the transport of materials and to and from the site, and construction site operations such as generators and plant. However, the applicant is committed to the principles of both Publicly Available Specification (PAS) 2080 – Carbon management in infrastructure and British Standard (BS) 8001 – Circular economy principles and sustainability and carbon reduction, and recognise the need to consider energy usage and energy efficiency. The construction of the proposed development would include measures to promote water efficiency and conservation during construction, for example the monitoring and setting of targets for water reduction, the protection of the site as appropriate from increased risk of flooding from rainfall, and the implementation of appropriate pollution prevention systems. Overall, the renewable energy transmitted by the operational development would deliver significant GHG emissions savings.

At its meeting on Tuesday 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the buildings and from the completed development should be imposed on relevant applications for planning permission, which should include the provision of electric car charging points. Such a condition should be imposed on a grant of planning permission in principle for this proposed development, consistent with the requirements of Policy 2 of NPF4 and Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

LANDSCAPE AND VISUAL IMPACT

Chapter 6 of the EIA Report considers the landscape and visual impacts of the proposed development. It establishes the areas from where the proposed development may be visible, the different groups of people who may experience views of the proposed development, the locations or viewpoints where they may be affected and the nature of the views at those locations. It also includes a viewpoint analysis to assess the proposed developments from a number of viewpoints in the surrounding area and further afield in East Lothian.

The Landscape and Visual Assessment within Chapter 6 of the EIA Report concludes that the overall magnitude of landscape change during construction would result in a 'Moderate' adverse and significant effect on the landscape character of the underground cable route during the period of construction works. Once the proposed development is operational, the landscape change within the proposed converter station site would have a 'Moderate' adverse effect on the landscape character of the converter station site during year 1 of operation, which is significant. Once the proposed planting schemes have matured the overall magnitude of landscape change during year 15 of operation will reduce to 'Minor' adverse, which is not significant. During year 1 of operation, the proposed development would also have a 'Moderate' adverse and significant effect on the visually amenity of some receptors within the study area. Following the implementation of the proposed mitigation measures, the overall magnitude of visual change during year 15 of operation would be reduced, however it would remain a 'Moderate' adverse and significant effect.

The Landscape and Visual Assessment within Chapter 6 of the EIA Report informs that the key mitigation strategy has been by an initial routeing and siting study to locate the proposed converter station in an area where environmental impacts will be minimised as far as possible. The cable corridor has been routed so as to avoid the loss of mature vegetation wherever feasible. In addition to the iterative cable routeing and converter station siting studies, mitigation measures are focused on new significant tree and scrub planting to the south, west and east of the converter station site. Along the underground cable route hedgerows would be replanted. Although trees cannot be planted directly above the cables, compensatory planting elsewhere in the vicinity of the proposed development would be undertaken. The land would be reinstated to its previous condition and uses wherever possible.

On the matter of landscape and visual impacts, NatureScot advise that they are only providing detailed advice on such impacts where the effects of proposals approach or surpass levels that raise issues of national interest, which in their view this development does not.

The onshore cables would be sited underground. Consequently, once in place, they would have minimal impact on the landscape character and appearance of the area, including that of the Thorntonloch to Dunglass Coast Special Landscape Area.

The proposed site for the converter station would be aligned with the existing pattern of industrial development along the north side of the A1 in this location within East Lothian, situated to the east of Dunbar Cement Works between the Dunbar Energy Recovery Facility and Dunbar landfill site, with the east coast main line to the north of it and a quarry beyond. The site sits at a lower level to the A1 trunk road and would be screened to a certain degree by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors.

The indicative converter station layout indicates that its buildings could be oriented in a northeast to southwest direction, thereby focusing the greatest extent of building facades within site areas that are enclosed by existing buildings and screening landforms that would reduce the degree of their visibility from external viewpoints. It should be noted that the final layout would be presented through later applications for approval of matters specified in conditions were planning permission in principle to be granted.

The Council's **Landscape Projects Officer** advises that she concurs with the findings of the Landscape and Visual Assessment within Chapter 6 of the EIA Report and advises that although the proposed development would be clearly visible, it would not change the overall perception of existing views due to the current landscape context of the area, which includes the adjacent landfill site, opencast quarry and cement works, and that any change to the landscape character would be localised. The Landscape Projects Officer further advises that the proposed development would not lead to an unacceptable visual and landscape impact on the character of the area given the locational position of the application site and the surrounding built development and existing landscape features. The Landscape Projects Officer further advises that construction impacts would be short to medium term duration and would cease following completion of construction activities and be replaced by operational impacts and as such would not cause any long term significant harmful landscape or visual impacts.

The Landscape Projects Officer recommends that a scheme of landscaping be submitted and that consistent and cohesive landscape measures are taken forward to achieve the best landscape fit for the proposed development in this location. She also recommends that trees are retained and protected during construction works and that arboricultural monitoring takes place. Such control can be competently imposed as conditions on a grant of planning permission in principle, were that to be the decision.

In overall conclusion the proposed development would introduce a large scale significant development in this coastal location, however subject to above recommendations and appropriately worded conditions to control the materials, design and architectural appearance of the proposed converter station, and to secure the protection of existing trees and hedgerows and an appropriate scheme of landscaping, the proposed development could successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape. The nature and scale of the proposed development would not have an unacceptable impact on the natural environment.

On these considerations of landscape and visual impact and design the proposed development does not conflict with Policies 4, 10 and 14 of NPF4 or Policies DC6, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or the Council's approved Special Landscape Areas Supplementary Planning Guidance.

HISTORIC ENVIRONMENT

The part of the application site located between the Dunbar Energy Recovery Facility and Dunbar landfill site (the site of the proposed converter station) is within the boundary of the Battle of Dunbar II, a battlefield included within the Inventory of Historic Battlefields.

Chapter 10 of the EIA Report considers the potential direct and indirect impacts resulting from the proposed development on cultural heritage and archaeology assets.

Historic Environment Scotland (HES) agree with the assessment in the Chapter 10 of the EIA Report that there would be a direct physical impact on the Battle of Dunbar II

battlefield as a result of the proposed development. However HES advise that, as concluded in the EIA Report, the area of the site located within the battlefield has already seen extensive disturbance and alteration. HES therefore raise no objection to the application, being satisfied that the proposed development would not have a significant adverse affect on any key features of the Battle of Dunbar II Battlefield Site.

The Council's **Archaeology/Heritage Officer** advises that the application site has the potential for unidentified archaeological remains to be present. He therefore recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works should be carried out prior to the commencement of development.

Subject to the above recommendations, which could be secured by condition, the proposed development is consistent with Policy 7 of NPF4, Policy CH5 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 2/2011: Planning and Archaeology.

INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY

To the north of application site, some 250m off the coast of East Lothian, is the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (SPA). Some 1.5km to the north of the application site is the Barns Nest Coast Site of Special Scientific Interest (SSSI).

Chapter 9 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecology and ornithology.

A Habitats Regulations Assessment (HRA) report has been submitted with the application to establish whether the proposed development is likely to have any significant effects on the qualifying interests of designated sites.

NatureScot advise that they are satisfied the proposed development would not adversely affect the Barns Nest Coast SSSI.

NatureScot advise that the proposal could affect the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area.

NatureScot advises that the status of the Outer Firth of Forth and St Andrews Bay Complex SPAs means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the competent authority (East Lothian Council) is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

With regard to HRA Stage 1, NatureScot states that the proposal is not connected to conservation management of any European site.

With regard to HRA Stage 2 (is the proposal 'likely to have significant effects' upon the European sites), NatureScot advise that two years' worth of bird surveys have been undertaken to inform the HRA. The results of these surveys show very low numbers of birds using the coastline adjacent to the proposed development and the fields surrounding the site, which are used for feeding and loafing. Various bird species were identified, including breeding herring gull and various wintering bird species but all in low numbers, totalling less than 1% of total populations. Also, the area of works adjacent to

the coastline is small, given the size of the Outer Firth of Forth and St Andrews Bay Complex SPA.

Therefore, NatureScot advise that they agree with the conclusions of the submitted HRA report that it is unlikely the proposal would have a significant effect on any qualifying interests either directly or indirectly. NatureScot therefore advise that an appropriate assessment is not required.

The Council's **Biodiversity Officer** agrees with this conclusion of NatureScot that no appropriate assessment is required, being satisfied that the proposal is unlikely to result in significant effects on the qualifying interests of the Outer Firth of Forth and St Andrews Bay Complex SPAs.

In terms of other designated sites, the Council's Biodiversity Officer advises that the proposed cable corridor crosses the Dryburn and Dunglass Burn (also called the Thornton Burn) Local Biodiversity Sites. The Biodiversity Officer notes that the Dryburn and Dunglass Burn sites are relatively narrow riparian corridors and therefore any reduction in available habitat could have a significant impact on the function and connectivity of this locally important wildlife corridors. The Biodiversity Officer informs that chapter 9 of the EIA Report states that no potential significant effects have been identified, but without further information on the nature of the cable crossing the full extent of any impact cannot be determined. However the Biodiversity Officer advises that habitat loss can be compensated for by the submission of a Habitat Management Plan, which should include measures to restore and enhance the riparian woodland habitat and boundary features. Adopting CIEEM guidance ("Guidelines for Ecological Impact Assessment in the UK and Ireland" September 2019), the developers should incorporate measures that are required to deliver ecological enhancements as well as measures to avoid, reduce or compensate for negative ecological impacts.

With regard to protected species, the Council's Biodiversity Officer notes that chapter 9 of the EIA Report informs that full surveys were undertaken, and impacts identified on bat species, badger and otter, and she advises that with the implementation of suitable mitigation measures no significant impacts on these species would occur.

With regard to habitats, the Council's Biodiversity Officer advises that habitats within the development boundary include mixed woodland, neutral grassland, gorse scrub, hedgerow, river, and cereal crops, and she agrees with the assessment of habitats in chapter 9 of the EIA Report that the habitats are of either poor condition or low conservation value.

In terms of Biodiversity Enhancement, chapter 9 of the EIA Report outlines that land has been identified surrounding the proposed converter station that would be used for landscaping and biodiversity enhancement purposes, which includes landscape planting. In relation to biodiversity net gain (BNG), a new SuDS pond surrounded by wetland planting would be created to the east of the proposed converter station and there would also be areas of native trees and shrub planting as well as areas of restored grassland and native trees and shrubs. Tree planting outside the perimeter of the proposed converter station footprint would be undertaken where feasible to increase tree cover in the area which would provide additional nesting bird habitat and commuting and foraging habitat for bats. Bat boxes are proposed to be placed on trees to be retained close to the route corridor to enhance the area for roosting bats.

The Council's Biodiversity Officer is satisfied with the proposals for biodiversity enhancement and net gain and advise that the proposed retention, remediation and enhancement of habitats should be secured through an ecological management plan, to

include native planting using stock of local provenance where possible.

The Council's Biodiversity Officer there raises no objection to the proposed development subject to:

(i) supplementary surveys being submitted for protected species (bats, otter, badger, and breeding birds) to be carried out by a suitably qualified person; the results of the surveys to be used to inform construction activities and any required mitigation proposals for protected species on the site;

(ii) the submission of a Species Mitigation and Management Plan (including otter, bats, badger, breeding birds) is to be submitted for the approval in writing by the Planning Authority; and

(iii) the submission of a Habitat Management and Enhancement Plan, including on-site and off-site measures as appropriate for broadleaved woodland, neutral grassland, lowland meadow, mixed scrub and native hedgerow.

Accordingly, subject to the above recommended control, the proposals do not conflict with Policies 3 and 4 of NPF4, or with Policies DC6, NH1, NH2 or NH5 of the adopted East Lothian Local Development Plan 2018.

SOILS

Land within the cable route corridor is predominantly low lying with mixed topography, principally agricultural comprising medium-sized open arable and pasture fields. The agricultural land rotates arable crops, from winter or spring wheat/ barley, with occasional use for vegetable production and is predominantly Class 3.1, with small areas of Class 1 and Class 2 land. Classes 1 to 3.1 are regarded as prime agricultural land.

Chapter 13 of the EIA Report sets out the assessment of potential impacts of the proposed development on land use and agriculture. It informs that there is the potential for impacts to soils as a result of their handling and restoration (such as soil compaction) during construction.

The EIA Report informs mitigation measures would be put in place during the construction phase in the form of a Soil Management Plan, to ensure protection, conservation and reinstatement of soil material, its physical and chemical properties and functional capacity for agricultural use. Following completion of the cabling works, the cable construction corridor will be fully reinstated as near as practically possible to its former condition. Full reinstatement would allow normal farming practices to continue. The Soil Management Plan would include appropriate measures for soil handling and storage of soils during construction. These would include a requirement for stripped topsoil and subsoil to be stored separately to prevent mixing and to be reinstated in reverse order of excavation. Stockpiled soils would be protected by appropriate measures, for example, membranes, spraying or seeding.

The proposed development is essential infrastructure with a specific need for its location to reinforce the electricity transmission system, enabling large volumes of renewable energy generated in Scotland to be transmitted to England whilst ensuring Scotland remains supported by a secure and stable supply of energy as part of National Development 3 of NPF4. Therefore, and subject to the requirement for the submission of a Soil Management Plan, on the above considerations the proposed development does not conflict with Policy 5 of NPF4 or Policies NH7 and DC1 of the adopted East Lothian Local Development Plan 2018.

NOISE AND VIBRATION AND AMENITY

The nearest residential properties to the main part of the application site are located some 450m to the southwest in Easter Meikle Pinkerton. There are other residential properties within between 95 and 2000 metres from the proposed cable corridor, these are listed within the EIA Report.

By virtue of its distance away from those residential properties, the proposed development would not result in any harmful overlooking or unacceptable loss of sunlight or daylight to them.

Chapter 11 of the EIA Report considers potential noise and vibration arising from the proposed development on the site both during construction and when the development is operational.

The Council's **Senior Environmental Health Officer** advises he has appraised Chapter 11 of the EIA Report.

The Senior Environmental Health Officer advises that impacts due to construction traffic noise, construction vibration and the operation of the proposed convertor station are not deemed to be significant, therefore he is satisfied they would not cause any harmful impacts to residential amenity.

The Senior Environmental Health Officer advises that he agrees with the conclusions in Chapter 11 of the EIA Report, namely that noise impacts during the construction phase of the proposed development may result in exceedances of the daytime threshold of 65dB_LA_{eq,T} at Blackcastle House, 1 and 2 Old Branxton and Branxton Farm Cottage whilst the majority of the transient cable corridor works are undertaken. For the trenchless techniques that have the potential to extend beyond core working hours during the daytime, the night-time 45dB_LA_{eq,T} threshold criterion is predicted to be exceeded at several sensitive receptors along the cable corridor route. Accordingly, the Senior Environmental Health Officer advises that additional specific mitigation measures would be required to reduce construction noise impacts at these receptors, which may involve, but not be limited to, the use of temporary noise barriers at strategic locations along the boundary of the cable corridor. Any barriers would need to be situated so that an enhanced level of attenuation is provided to the most exposed sensitive receptors. Noise barriers could comprise an earth bund, solid fencing or proprietary acoustic screening systems. The Senior Environmental Health Officer advises that the detail and specific locations and design of any noise barriers would need to be submitted, which should be contained within a Construction Environmental Management Plan (CEMP).

In terms of air quality, the Senior Environmental Health Officer advises that any potential impacts that may arise from dust during the construction phase can be addressed by requiring any dust mitigation measures to be included within a CEMP.

The Senior Environmental Health Officer advises that the CEMP should also detail all other mitigation measures to be adopted to minimise impacts of construction noise and dust and should take account of the following guidance:

* BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites.

* The Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014)

Subject to the above planning control, which could be secured by the imposition of a condition imposed on a grant of planning permission in principle, the proposed development would not have a harmful impact on amenity.

The Council's **Environmental Health Officer (Contaminated Land)** advises that he has reviewed the submitted Contaminated Land Assessment and is satisfied that it has been carried out in accordance with best practice guidelines. He notes that the assessment concluded that there may be the potential for contamination in parts of the study area with the overall risk to receptors considered to be low to medium. He advises that there is no requirement for additional investigative works to be carried out but recommends that in the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the development, work on site shall cease and the issue shall be reported to the Planning Authority immediately.

This requirement can be controlled by a condition attached to a grant of planning permission in principle.

On these above considerations the proposed development is consistent with Policy 14 of NPF4 and Policy DP2 of the adopted East Lothian Local Development Plan 2018.

FLOOD RISK AND SCOTTISH WATER

The Scottish Environment Protection Agency (SEPA) advise that the proposed development is considered to be essential infrastructure and raise no objection to the application on the grounds of flood risk.

The Council's **Senior Engineer - Flood Protection** raises no objection to the application on the grounds of flood risk, subject to the submission of a Flood Risk Assessment Report and a Water and Drainage Assessment Report that would inform the Surface Water Management/Drainage and SuDS Strategy for the development.

On the matter of drainage, the Senior Engineer - Flood Protection advises that a construction surface water management strategy for the site should be submitted to ensure surface water is properly managed.

Scottish Water has been consulted on the application and in respect of the EIA Report. They advise that they have no objection to the proposed development. A copy of Scottish Water's response has been forwarded to the applicant's agent for their information.

The above requirements could be controlled by a condition(s) attached to a grant of planning permission in principle and subject to this the proposed development is not contrary to Policy 22 of NPF4 and Policy NH11 of the adopted East Lothian Local Development Plan 2018.

TRANSPORTATION and ACCESS

Chapter 12 of the EIA Report considers the likely effects on access, traffic and transport associated with the construction of the proposed development. The EIA Report concludes that effects of increased traffic as a result of the proposed development are deemed to be Not Significant once mitigation is put in place. It also concludes that no significant cumulative effects are predicted during construction of the proposed development, particularly if a new future substation comes forward at Branxton. It is also noted that any increased traffic can be accommodated by the existing road network and could be managed effectively by implementation of a Construction Traffic Management

Plan.

The proposed converter station would be accessed from the existing Dunbar Energy Recovery Facility access road. A new permanent access into the site would be created which would be used for construction and for operation of the site. In order to minimise HGV traffic associated with the transport of excavated material on local minor roads and to minimise disruption to the local community, a temporary haul road has been incorporated within the cable construction corridor to enable both labour, plant, and material access during the construction phase of the proposed development. The cable construction corridor to the north-west of the Branxton substation would be accessed using the minor roads, U209 Corsick Hill Road and C121 Oldhamstocks Road. In addition, several temporary and permanent (for future maintenance and fault repair work) access tracks or side accesses would be required which would be confirmed through the submission of future detailed applications.

The Council's **Road Services** have appraised the assessment of the traffic impacts of the proposed development within the EIA Report and raise no objection to the application subject to the following requirements:

A Construction Traffic Management Plan (CTMP) be submitted to include:

(i) detail for access from the A1 to the eastern part of the site, including a robust signage strategy and method of safely and physically controlling/preventing unauthorised access to construction only routes;

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

(iii) 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;

(iv) vehicle tracking of all turning movements onto the local road network, especially from the access route off the A1;

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

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

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

(viii) details of traffic management measures deemed necessary on the local and trunk road networks;

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

(x) arrangements for road maintenance and cleaning;

(xi) 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

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

Road Services also advise they recommend that measures to ensure the safety of vulnerable road users using the U220 public road and accessing the off road section of National Cycle Route 76 at the U220/A1 junction should be undertaken, road safety audits should be submitted and that a dilapidation/condition survey is needed of the roads in the vicinity of the site, these being the sections of the A1087, C122, U220, C120, U209 and C121.

Transport Scotland have been consulted on the application, and raise no objection to the application, being satisfied that subject to the requirement to submit a CTMP to include for the information as detailed above, and to include detail of any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered, the traffic generated by the proposed development would be capable of being accommodated on the existing road network without any requirements for junction upgrades.

Subject to the above recommended control, which can be imposed as conditions on a grant of planning permission in principle, the proposed development is consistent with Policy 13 of NPF4 and Policy T2 of the adopted East Lothian Local Development Plan 2018.

The EIA Report informs that no core paths would be directly affected by the proposed development, but there may be a case where a core path is identified for a temporary closure or diversion for a period of up to six weeks due to excavation works or potential safety risks to the public. The EIA Report continues that the applicant would ensure closure/diversions durations are minimised as far as possible and core paths would be reopened at the earliest opportunity if no longer affected by the construction activities.

Given this, it would be prudent to impose a condition requiring the submission of a Public Access Management Plan, or equivalent, to manage any diversions during the construction period.

Subject to the submission of a Public Access Management Plan to manage any required temporary diversions or rerouting of core paths, which can be imposed as a condition on a grant of planning permission in principle, the proposed development is not contrary to Policy T4 of the adopted East Lothian Local Development Plan 2018.

CONCLUSION

Based on the planning assessment given above and subject to the aforementioned planning controls, the proposed development does not conflict with Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 22 and 23 of NPF4, Proposal EGT3 and Policies EGT4, DC1, DC6, DC9, NH1, NH2, NH5, NH7, NH11, CH5, T2, T4, W1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or with the Council's Special Landscape Areas Supplementary Planning Guidance.

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 in principle be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the converter station, 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 29 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the highest part of the existing ground level of the site;

c) Details of the proposed colour treatment of the converter station 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 converter station platform, which shall not exceed a footprint of 300 metres by 200 metres and which shall generally accord with that shown on the drawing titled 'Eastern Link Northern Point of Connection Converter Station and Cable Corridor: Converter Station Layout' Rev 02 docketed to this planning permission in principle;

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

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

In this condition, the converter station means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the converter station platform, as indicatively described in Chapter 4 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

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

Reason:

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

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

or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 4 Prior to the commencement of development a Public Access Management Plan shall be submitted to and approved in writing by the Planning Authority. The Public Access Management Plan shall include the following details:

(i) the proposed route of any temporary rerouting of Core Paths within 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
(ii) 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, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP 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 CEMP 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".

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

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

Reason:

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

- 6 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

- 7 Prior to the commencement of development, detail of measures to be undertaken to

ensure the safety of vulnerable road users using the U220 public road and accessing the off road section of National Cycle Route 76 at the U220/A1 junction shall be submitted to and approved by the Planning Authority. The detail shall also include a timetable for the implementation of the measures.

Thereafter the measures as so approved shall be implemented in accordance with the detail and timescales so approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and vulnerable user safety.

8 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) detail for access from the A1 to the eastern part of the site, including a robust signage strategy and method of safely and physically controlling/preventing unauthorised access to construction only routes;

(ii) detail of any additional signing or temporary traffic control measures deemed necessary due to the size or length of construction loads being delivered, which shall be undertaken by a recognised Quality Assured traffic management consultant;

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

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

(iv) vehicle tracking of all turning movements onto the local road network, especially from the access route off the A1;

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

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

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

(viii) details of traffic management measures deemed necessary on the local and trunk road networks;

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

(x) arrangements for road maintenance and cleaning;

(xi) detail of how building materials and waste will be safely stored and managed on site;

(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.

- 9 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 the sections of the A1087, C122, U220, C120, U209 and C121 all as identified in Figure 12.1: Study Area within the Environmental Impact Assessment Report docketed to this planning permission in principle.

Thereafter the approved programme of monitoring shall be implemented. Any remedial works required to those public roads 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.

- 10 Prior to the commencement of development, a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all works to the local and trunk public road networks (including those to be introduced on a temporary basis) and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the works, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority for all works that are to remain permanently in place.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1.

Reason:

In the interests of road and vulnerable user safety.

- 11 Prior to commencement of development, a Flood Risk Assessment Report and Water and Drainage Assessment Report shall be submitted to and approved by the Planning Authority.

The approved assessments shall inform a Surface Water Management Plan and Drainage and SuDS Strategy for the development, which shall be submitted to and approved by the Planning Authority prior to the commencement of development. The SuDS strategy shall include a timetable for its implementation.

The development shall thereafter be carried out in strict accordance with the Surface Water Management Plan and Drainage and SuDS Strategy so approved, unless otherwise agreed in writing with 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 commencement of development, a Construction Surface Water Management Strategy shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the Strategy. The development shall thereafter be carried out in strict accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

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, a scheme of landscaping for the application site, 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 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 The development hereby approved shall be carried out in strict accordance with the 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report by RSK ADAS Ltd dated March 2023 docketed to this planning permission in principle, unless otherwise agreed in writing with the Planning Authority.

Other than the list of trees shown to be removed on Appendix 6: Tree Work Schedule within the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report, no other trees or hedgerows which are to be retained on the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and protection of the trees which are an important landscape feature of the area.

- 15 No development shall take place on site until temporary protective fencing in accordance with Appendix 8: Example Tree Protection Barrier of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report has been erected in the positions shown for it on the Tree Protection Plan drawings within Appendix 5: Tree Protection Plan of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report.

The temporary protective fencing shall 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 shall be erected on the temporary protective fencing with words such as "Construction exclusion zone - Keep out". Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall 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. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 16 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor the site works, including the installation of the temporary protective fencing as required by Condition 15 above. The arboriculturist employed shall be required to approve the temporary protective fencing and submit written confirmation and photographic evidence that this has been installed for the prior approval of the Planning Authority prior to the commencement of development.

The arboricultural consultant shall remain the main contact for all tree related matters or queries that arise on the development site. Arboricultural monitoring shall include the supervision and reporting (to include both written and photographic updates). The arboricultural consultant shall be responsible to come up with an appropriate solution to resolve any damage or loss to trees and hedgerows shown to be caused by the development, the details of which shall be included in ongoing site inspection reports to the Planning Authority which shall be submitted quarterly. The Arboricultural consultant shall inspect the remaining trees and hedgerows on completion of the development, updating the tree condition survey and tree management schedule where required.

Reason:

To ensure the retention and protection of trees which are an important feature of the area.

- 17 No development shall take place (including demolition, ground works, and vegetation clearance) until supplementary surveys for protected species (bats, otter, badger, and breeding birds), to be carried out by a suitably qualified person, have been submitted to and approved in writing by the Planning Authority. The results of the approved surveys shall be used to inform construction activities, and detail of any required mitigation proposals for protected species on the site as identified as being required as a result of the approved surveys shall be submitted to and approved by the Planning Authority prior to the commencement of development. The detail shall include a timetable for the implementation of any required mitigation proposals. Development shall thereafter be carried out in accordance with the detail as so approved.

Reason:

To avoid or minimise disturbance of wildlife.

- 18 No development shall take place until a Species Mitigation and Management Plan, which shall include measures to mitigate and manage the effects of the proposed development on species including breeding birds, otter, bats and badger, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be carried out in strict accordance with the approved

Species Mitigation and Management Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 19 No development shall take place until a Habitat Management and Enhancement Plan (HMEP) has been submitted to and approved by the Planning Authority, which shall include on-site and off-site measures as appropriate to restore and enhance habitats including broadleaved woodland, neutral grassland, lowland meadow, mixed scrub and native hedgerow. The HEMP shall also include a timetable for implementation of the measures identified within it.

The development shall thereafter be carried out in accordance with the approved Habitat Management and Enhancement Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 20 No development shall take place on the application site until the applicant has undertaken and reported upon a Programme of Archaeological Work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 21 Prior to the commencement of development a Soil Management Plan (SMP) shall be submitted to and approved by the Planning Authority. The SMP shall include appropriate measures for soil handling and storage of soils during construction and detail of soil reinstatement. Development shall thereafter be carried out in accordance with the SMP so approved.

Reason:

In the interests of soil management.

- 22 In the event the development hereby approved is no longer required for electricity transmission purposes and fails to be used for this purpose for a continuous period of 6 months then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required, after the end of the said continuous 6 months period 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 converter station 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.

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

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

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

9

Application No. **22/00732/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 16/00485/PPM - Erection of 90 houses, 51 flats and associated works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Cruden Homes (East) Ltd

Per APT Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the approval of matters specified in conditions of planning permission in principle 16/00485/PPM it has 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.

The approval of matters specified in conditions is now sought for the erection of 90 houses, 51 flats and associated works on an area of land measuring some 7.5 hectares to the south side of the main east coast railway line at Longniddry and thus on part of the larger site to which planning permission in principle 16/00485/PPM and the masterplan docketed to that permission apply. The associated works include the formation of roads, footpath and parking areas, the formation of SuDS, the formation of areas of amenity open space, the erection of boundary enclosures, and hard and soft landscaping.

The application site comprises the proposed 90 houses and 51 flats, along with land of the larger site to which planning permission in principle 16/00485/PPM applies that would comprise access roads, public open space, SuDS, amenity open space and a sports pitch.

The site that is the subject of planning permission in principle 16/00485/PPM is allocated for mixed use development of circa 450 houses by Proposal PS1 (Longniddry South) of the adopted East Lothian Local Development Plan 2018. A design brief for the site was approved by the Council in October 2018.

This application (Ref. 22/00732/AMM) is one of two approval of matters specified in conditions applications (Refs: 22/00732/AMM and 22/00734/AMM), each submitted by a different applicant, that together with two further applications (Refs. 22/00733/P and 22/00735/P) also submitted by the same two applicants, together all relate to an area of land measuring some 15 hectares that comprises roughly the eastern part of the larger site to which planning permission in principle 16/00485/PPM applies, and which is located to the east of the Braid Burn, excluding Longniddry Farm Steadings.

The land of the application site consists of agricultural fields, and rises gently from north to south. There is an existing length of rubble stone boundary wall located on the northeast part of the site.

The site is bounded to the north by a combination of the main east coast railway line, the residential property of Station House and an area of vacant land between the north boundary of the site and the railway line. Further to the north beyond Station House is Longniddry Railway Station. To the west, the site is bounded by a combination of the residential cottages of Nos. 3 - 6 Longniddry Farm Cottages, the land and buildings of Longniddry Farm Steading, land of Phase 1 of the Longniddry Farm development, and further land of the larger site to which planning permission in principle 16/00485/PPM applies, including the Braid Burn corridor. To the south the site is bounded by a combination of further land of the larger site to which planning permission in principle 16/00485/PPM applies and agricultural land. To the east the site is bounded by agricultural land.

Parts of the Braid Burn corridor to the west of the application site and the area of vacant land to the north of the application site are identified as being of biodiversity interest.

Nos. 3-6 Longniddry Farm Cottages, which are located to the west of the application site are listed as being of special architectural or historic interest, Category C. Longniddry Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest, Category B and are located further away to the west of the application site.

Further to the south, outwith the site, on the south side of the C76 public road, is the Garden County Farmland Special Landscape Area.

The Gosford House Inventory Garden and Designed Landscape is outwith the site to the north, beyond the railway line and to the north of the B1377 classified public road.

Of the 90 houses and 51 flats to be erected on the site, 71 of the houses and 22 of the flats would be for private sale, and 19 houses and 29 flats are proposed as affordable housing units. In terms of their size the affordable housing units would comprise 8 x 1-bed cottage flats, 8 x 2-bed cottage flats, 1 x 2-bed flat over garage, 6 x 1-bed flats, 6 x 2-bed flats, 1 x 2-bed bungalow, 7 x 2-bed houses, and 11 x 3-bed houses. The private sale units would comprise 6 x 1-bed units provided as flats, 21 x 2-bed units provided as

flats, flats over garages, houses and bungalows, 44 x 3-bed units provided as terraced and semi-detached houses, 19 x 4-bed units provided as semi-detached and detached houses, and 3 x 5-bed units provided as semi-detached and detached houses. In terms of their heights, of the 90 houses and 51 flats to be erected on the site there would be a total of 6no single storey bungalows, 5no one and a half storey units, 97no two storey units, 3no two and a half storey units, and 3no three storey flatted buildings. Terraces would vary between 3 and 5 houses in length, though in some instances would comprise of 6 units where cottages flats are proposed.

The majority of the proposed houses and flatted buildings would face towards either the principal and secondary roads of the proposed development or towards areas of open space land on the north, east, west and south parts of the application site, including SuDS areas, the proposed sports pitch and 'village green' area. However some, including the flats above garages, and the single storey bungalows would directly face onto the back lanes/courts. All of the houses would be provided with garden ground. The majority of the proposed houses would have short front gardens to the public street. The cottages flats would have allocated garden areas. None of the proposed flats in the three-storey blocks would have gardens or drying greens.

The submitted details also include for the internal access roads, parking courts, boundary treatments, landscaping, areas of open space and SuDS.

Vehicular access to the proposed 141 residential units would be taken from the classified B6363 public road (Coal Road) via the three access junctions and roads that serve Phase 1 of the Longniddry Farm development of planning permission in principle 16/00485/PPM. The main access junction and associated road (Limekilns Road) is located roughly centrally along the length of the west side of the land of planning permission in principle 16/00485/PPM, the other two accesses and roads are located to the north (Morrison Lane) and south (Queens Road). Morrison Lane is a one-way road, only allowing access from the classified B6363 public road (Coal Road). Primarily access to the proposed 141 residential units would be via the centrally located Limekilns Road, however it would be possible to use any one of the three access junctions and subsequently the secondary and tertiary roads of Phase 1 of planning permission in principle 16/00485/PPM. None of the proposed 141 residential units would individually have direct vehicular access from the classified B6363 public road (Coal Road).

Vehicular, pedestrian and cycle access to the houses and flats would be taken by way of the new roads to be created through the site, which would access the classified B6363 Coal Road by way of the three access junctions and roads that serve Phase 1 of the Longniddry Farm development of planning permission in principle 16/00485/PPM. The proposed housing development would be split into three main blocks, each with smaller back lanes and footpaths that would further sub-divide the housing into smaller groupings.

All of the driveways and private car parking associated with the proposed houses and flats would be located to the rear of the houses and flats and would be accessed from the back lanes/courts. Visitor parking would be provided on-street. Cycle parking for the flatted buildings comprising plots 7-15, 19-27, and 72-83 would be provided in a secure building at a rate of 1 space per flat.

There are no existing trees on the site. There is an existing length of rubble stone boundary wall on the northeast part of the site and it is proposed that the majority of this length of wall would be retained. An area of open space ('village green') would be formed on the southern part of the site to the north of the adjacent housing proposal the subject of planning application 22/00734/AMM. A further strip of open space would be

located on the northern part of the site and on the eastern part of the site in the form of a grass sports pitch. A SuDS basin would be formed towards the northeast and northwest corners of the site.

Landscaping works, including the planting of new trees, would be carried out on the 'village green' area of open space and on the northern area of open space, around each of the SuDS basins and to the west side of the grass sports pitch. Further trees would be planted along the sides of the new roads and back lanes.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout, including changes to plots 84-88 and 104, changes to the colour scheme for the external finishes of some of the plots, to provide a continuous shared use path along the full length of the northern part of the site, and to correct errors and omissions on the application drawings.

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

- Planning Statement (June 2022);
- Design Statement (June 2022);
- Archaeological Evaluation Written Scheme of Investigation (AOC Project No. 26237, dated 7th April 2022);
- Landscape Maintenance and Management Proposals (ref. SC1003-LE-7100, dated April 2023);
- Flood Risk Assessment (prepared by KAYA Consulting Limited, Version 2.0, dated June 2022);
- Transport Addendum (prepared by WSP, dated 27th January 2022);
- Stage 2 Road Safety Audit (prepared by Stewart Paton Associates, Ref. 5354, dated October 2022);
- Drainage Assessment (prepared by Indev Consult, dated March 2022);
- Noise Impact Assessment (prepared by ITP Energised, Version V2, dated 24th April 2023);
- Climate Change Strategy Statement (prepared by APT Planning and Development, dated 15th November 2022);
- Phasing and Delivery Statement (dated 6th February 2023); and
- Phase II Geo-Environmental & Geotechnical Interpretative Report (prepared by Geovia, ref. 1709-03/January 2022).

In addition, the applicant's agent has provided a statement on the policies of National Planning Framework 4 (NPF4).

PLANNING HISTORY

On 26 June 2018 planning permission in principle (Ref. 16/00485/PPM) was granted for residential development with associated greenspace, access and engineering works on some 30.7 hectares of predominantly agricultural land on the south side of the main east coast railway line at Longniddry. The site included Longniddry Farmhouse and Longniddry Farm Steadings along with other agricultural buildings. The Farm Steadings and Farmhouse are both listed as being of special architectural or historic interest, Category B. Nos. 3-6 Longniddry Farm Cottages are listed as being of special architectural or historic interest, Category C. The land of the application also includes the northern end of the Coal Road (the classified B6363 public road), Longniddry Main Street, the roundabout junction immediately to the northwest of Longniddry Railway Station and an area of land immediately to the east of the Railway Station car park. The Braid Burn bisects the site roughly centrally on a north-south alignment.

On 17 December 2020, planning application 17/00194/P was granted for the conversion of agricultural buildings/land at Longniddry Farm Steading to use for class 2, class 3, class 4, and holiday let (sui generis) uses, and for the erection of a covered canopy for class 3 use and associated works. Work to implement planning permission 17/00194/P has commenced.

On 21 December 2020, listed building consent application 17/00178/LBC was granted for alterations and extension to the Steading buildings, the formation of hardstanding areas, and the demolition of building and walls all to facilitate the development proposed through associated planning application 17/00194/P. Work to implement listed building consent 17/00178/LBC has commenced.

On 26 June 2019 planning application 18/01034/AMMM was granted for the erection of 4 houses, 35 flats and associated works as the approval of matters specified in conditions of planning permission in principle 16/00485/PPM.

On 26 June 2019 planning application 18/01038/AMMM was granted for the erection of 47 houses, 12 flats and associated works as the approval of matters specified in conditions of planning permission in principle 16/00485/PPM.

On 26 June 2019 planning application 18/01038/AMMM was granted for the erection of 71 houses, 10 flats and associated works as the approval of matters specified in conditions of planning permission in principle 16/00485/PPM.

Work to implement the approval of matters specified in conditions Refs. 18/01034/AMM, 18/01038/AMM and 18/01048/AMM has commenced and many of the houses and flats of Phase 1 of the Longniddry South development are now completed and occupied.

On 8 December 2020 planning permission 20/01020/P was granted for a variation of condition 20 of planning permission 18/01048/AMM to allow for changes to the positions of the solar panels on the roofs of plots 118 to 121, plot 143, plots 145 to 153, plot 159 and plots 162 to 168 at Longniddry Farm.

On 20 January 2022, a Section 42 application (Ref. 22/00071/PM) was registered for the variation of condition 24 of planning permission in principle 16/00485/PPM. That application was subsequently withdrawn by the applicant.

On 20 January 2023, listed building consent 22/01144/LBC was granted for the installation of solar panels, the re-roofing of a pend and the formation of a doorway on the Steading buildings, as changes to the scheme of development the subject of listed building consent 17/00178/LBC. Work to implement listed building consent 22/01144/LBC has commenced.

On 18 January 2023, planning permission 22/01145/P was granted for the installation of solar panels, the re-roofing of a pend and the formation of a doorway on the Steading buildings, as changes to the scheme of development the subject of planning permission 17/00194/P. Work to implement planning permission 22/01145/P has commenced.

On 3 November 2022, a Section 42 application (Ref. 22/01218/P) was registered for the variation of condition 24 of planning permission in principle 16/00485/PPM to extend the time period for the renovation and conversion of the buildings of the Longniddry Farm Steading to no later than December 31st 2024. Application 22/01218/P is pending consideration and no decision has yet been taken on it.

On 13 March 2023, planning application 23/00228/P was registered alterations,

extension and change of use of a derelict building to the north side of Longniddry Farm Steading to use as a Cafe (Class 3) and associated works. Planning application 23/00228/P is made part retrospectively because works have already commenced. Planning application 23/00228/P is pending consideration and no decision has yet been taken on it.

On 19 October 2022, planning application 22/00734/AMM was registered for the erection of 124 houses, 6 flats and associated works as approval of matters specified in conditions of planning permission in principle 16/00485/PPM. Planning application 22/00734/AMM is pending consideration and no decision has yet been taken on it.

On 13 October 2022, planning application 22/00733/P was registered for the erection of 9 flats and associated works on part of the land of planning permission in principle 16/00485/PPM. Planning application 22/00733P is pending consideration and no decision has yet been taken on it.

On 14 September 2022, planning application 22/00735/P was registered for the erection of 9 houses and associated works on part of the land of planning permission in principle 16/00485/PPM. Planning application 22/00735/P is pending consideration and no decision has yet been taken on it.

EIA

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 7 November 2022, the Council issued a formal screening opinion to the applicant. The screening opinion notes that the proposals are for the approval of matters specified in conditions of planning permission in principle 16/00485/PPM and that a screening opinion was issued for planning permission in principle 16/00485/PPM in June 2015, and that that screening opinion confirmed that the development the subject of that planning permission in principle was not likely to have significant effects on the environment and that an EIA was not therefore required. The screening opinion on the current application (Ref. 22/00732/AMM) concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential development and associated works to be the subject of an EIA.

DEVELOPMENT PLAN

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

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

In terms of Policies 1, 2, 15 and 18 of NPF4, the contribution this development could make to addressing tackling the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2 -

climate mitigation and adaptation), the contribution this development would make towards local living/20 minute neighbourhoods, or towards infrastructure provision is largely predetermined by the grant of planning permission in principle 16/00485/PPM.

Thereafter, Policies 3 (Biodiversity), 4 (Natural Places), 7 (Historic Assets and Places), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Liveable Places), 16 (Quality Homes), 20 (Blue and Green Infrastructure), 21 (Play, recreation and sport) and 22 (Flood Risk and Water Management) of NPF4 are relevant to the determination of this application.

Also relevant to the determination of the application are Proposal PS1 (Longniddry South) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), OS3 (Minimum Open Space Standard for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection), NH3 (Protection of Local Sites and Areas), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), CH1 (Listed Buildings), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), and DP9 (Development Briefs) of the adopted East Lothian Local Development Plan 2018.

Also relevant to the determination of the application is the Council's Sustainable Drainage Systems (SuDS) and Design Standards for New Housing Areas Supplementary Planning Guidance.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Also material is Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places (PAN 67).

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 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 the application is the development brief for allocated site PS1: Longniddry South set out in the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of

planning permission in principle 16/00485/PPM. The development brief sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

REPRESENTATIONS

Four representations to the application have been received. All of the representations raise objection to the proposed development and the main grounds of objection as summarised are:

1, the proposals include an additional 18 dwellings above the number originally approved;

2, a number of buildings are now proposed to be 3 and 2.5 storey and the design and height of these buildings is not in keeping with the village aesthetic and the heights of the other buildings in Longniddry and will lead to a loss of privacy and daylight for nearby properties;

3, it is not clear how the existing local infrastructure will be able to cope with the influx of people into these buildings;

4, the plans have changed greatly since the original designs were displayed.

5, three-storey blocks of flats were not part of the proposals displayed to the Longniddry residents, and the expectation was for houses not blocks of flats;

6, the additional vehicle and pedestrian movements associated with these flatted buildings will also be markedly increased compared to if there were houses on the locations of the flatted buildings;

7, new access road to the existing Nos. 3 - 6 Longniddry Farm Cottages is inappropriately placed and would have a detrimental impact on the amenity of the occupiers of the cottages, and the drawings do not accurately show the existing gardens;

8, the use of the existing driveway that serves the existing cottages of Nos. 3, 4, 5 and 6 Longniddry Farm Cottages as a public footpath would have a detrimental impact on the privacy and amenity of the occupiers of the existing cottages; and

9, how will the existing cottages (Nos. 3 - 6 Longniddry Farm Cottages) get vehicular access to their front gardens?

This application proposes the erection of 141 residential units as approval of matters specified in conditions of planning permission in principle 16/00485/PPM. Condition 3 of planning permission in principle 16/00485/PPM restricts the number of residential units within the development at Longniddry Farm to no more than 450. Phase 1 of the residential development at Longniddry Farm comprised of 179 units of the 450 units approved. The 179 residential units approved through Phase 1 of the Longniddry Farm development, along with the 130 residential units proposed through separate application 22/00734/AMM, and the 141 units proposed through this application (Ref.22/00732/AMM), together amount to the 450 units approved by the grant of planning permission in principle 16/00485/PPM.

Through separate applications 22/00733/P and 22/00735/P a total of 18 residential units are proposed. Those application stand to be determined on their own merits.

In accordance with the masterplan docketed to planning permission in principle 16/00486/PPM the properties of 3-6 Longniddry Farm Cottages will no longer have a vehicular access via the Argyle Bridge from the A198 public road. A new vehicular access will be provided from within the development.

The provision of a continuous shared use path between the northwest boundary of the site of the current application (Ref. 22/00732/AMM) and the Argyle Bridge is a requirement of condition 22 of planning permission in principle 16/00485/PPM, and the details of the path are required to be submitted and approved by the Planning Authority prior to its provision. Those details have not yet been approved. As the path will pass close by 6 Longniddry Farm Cottages then consideration must be given to the impact of that path on the amenity of the occupiers of that house and the other houses of the terrace. Therefore, details of the continuous shared use path will not be approved unless it includes the measures that will be carried out to ensure the privacy and amenity of the occupants of the cottage(s). Notwithstanding, the landowner of those cottages has confirmed that measures would be put in place to mitigate the amenity of those cottages from the formation and use of the continuous shared use path.

Furthermore, the details of the continuous shared use path must include details of the drainage to be installed to prevent water run off and flooding.

COMMUNITY COUNCIL

Longniddry Community Council (LCC), as a consultee on the application, does not support the application in its current form and as summarised their main comments are:

- a) concerns regarding vehicular use of the 'safe routes to school' footpath at the Argyle Bridge by vehicles associated with the existing cottages Nos. 3 - 6 Longniddry Farm Cottages and No. 14 Main Street;
- b) concerns regarding the lack of details of the new access for the existing cottages Nos. 3 - 6 Longniddry Farm Cottages and when this will be delivered;
- c) concerns regarding the proximity of the existing dropped kerb to the new pedestrian crossing on Main Street;
- d) lack of a barrier at the side of the burn to prevent a person from falling in;
- e) water run-off from the driveway of the existing cottages Nos. 3 - 6 Longniddry Farm Cottages onto the 'safe routes to school' footpath at the Argyle Bridge;
- f) the Section 75 Agreement, which required the provision of a continuous footpath route between the development and the Argyle bridge prior to the occupation of any one of the houses or flats, has not been adhered to;
- g) concerns regarding the potential loss of privacy/amenity for the existing cottages of Nos. 3 - 6 Longniddry Farm Cottages as a result of the location of a footpath of the development proposals;
- h) dismay at the number of three storey flatted buildings featured in the proposals, which would not be in keeping with the area in general;
- i) lack of progress in some areas of the Longniddry Farm development approved by the grant of planning permission 16/00485/PPM and communication from the landowner and developers;

j) concerns regarding the width of the junctions of Limekilns Road and Queens Road with the B6363 Coal Road and the visibility at those junctions;

k) lack of dropped kerbs for pedestrians crossing at the Queens Road junction with the Coal Road;

l) deterioration of the surface of the B6363 Coal Road; and

m) lack of information regarding the heating system for the proposed houses, whether or not solar panel will be fitted and lack of details on EV charging points.

LCC also refer to application 22/01218/P for the variation of condition 24 of planning permission 16/00485/PPM. That application has not yet been determined and stands to be determined on its own merits.

Contrary to the LCC comment regarding the S75 Agreement, that Agreement did not include a clause requiring the provision of a continuous footpath route between the development and the Argyle Bridge.

The application drawings include information on proposals for solar panels to be fitted to the proposed buildings. Subsequent to the submission of the application, details have been provided in the Climate Strategy Statement on the matter of the heating system for the proposed houses and flats and on electric vehicle charging.

PLANNING ASSESSMENT

By the grant of planning permission in principle 16/00485/PPM, approval has been given for the principle of the erection of a total of 450 houses on the larger site at Longniddry South, including the land of the current application site, 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 179 residential units on the wider site at Longniddry South (Ref. 18/01034/AMM, 18/01038/AMM and 18/01048/AMM). Therefore as the cap of 450 residential units has not yet been reached within the Longniddry South site, there can therefore be no objection in principle to the erection of the 90 houses and 51 flats now proposed on this particular part of that 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. 16/00485/PPM).

Policy DP3 of the adopted East Lothian Local Development Plan 2018 states that all new housing sites will be expected to achieve a minimum average density of 30 dwellings per hectare using a full range of housing types and sizes.

The proposal would not achieve a minimum average density of 30 dwellings per hectare and, as such, does not comply with Policy DP3. However, that is because the site includes land proposed for access roads, public open space, SuDS and a sports pitch, all of which would serve not just the proposed 141 units but all of the larger housing development the subject of planning permission in principle 16/00485/PPM. If these areas are removed from the calculation, the area of housing would achieve a minimum

average density of 30 dwellings per hectare. Moreover, the density and layout of the proposed development is generally consistent with the density, layout and mix of house types approved in the indicative masterplan of planning permission in principle 16/00485/PPM and accords with the number of residential units indicated in the development brief for PS1.

NPF4 Policy 14 (Design, quality and place) states that development should be designed to improve the quality of an area with well-designed development that makes successful places by taking a design-led approach to create healthy, pleasant, connected, distinctive, sustainable and adaptable places.

Designing Streets and the Council's Supplementary Planning Guidance on Design Standards for New Housing Areas state that new housing development should create distinctive, safe and pleasant, welcoming, adaptable places that are easy to move around and resource efficient. Street layouts should be hierarchical, permeable and interconnected and should complement and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy.

A development brief has been adopted for allocated site PS1 (Longniddry South). The area of the current application, some 7.5 hectares, comprises approximately 24% of the whole PS1 (Longniddry South) allocation, which has an area of some 30.7 hectares.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached, and terraced houses and for flats consisting of a three flatted buildings, cottage flats, and flats over garages (i.e. coach house flats). Houses would be single, two storeys, and two and a half storeys in height, flatted buildings would be three storeys in height, cottage flatted buildings would be two storeys in height, and flats over garage would be one and a half storeys in height. Streetscapes have been designed with subtle hierarchies by using a range of heights and floor to ceiling heights between the larger and smaller houses. This allows for variation in scale to be expressed by varied eaves and ridge lines from plot to plot. The total number of units proposed accords generally with the planning permission in principle granted for this part of the site. Of the 90 houses and 51 flats to be erected on the site, 71 of the houses and 22 of the flats would be for private sale, and 19 houses and 29 flats are proposed as affordable housing units. The mix of residential units includes a range of sizes and types, including flatted buildings and single storey houses.

The proposed residential development would be part of the second housing phase of the eastern part of the wider Longniddry South development, which would form an extension to the southern edge of Longniddry. The proposed housing area would be located to the south of the main east coast railway line and would be seen in relation to this and the existing built form of the housing beyond the railway line further to the north, and in the context of housing of Phase 1 of the wider Longniddry South development to the east, and eventually it would be seen in relation to other parts of the second phase of the new housing development immediately to the south and east of the application site, which is the subject of planning application 22/00734/AMM. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of the settlement and local area.

The majority of the proposed houses and flatted buildings would face towards the principal roads of the proposed development however some would face towards area of landscaped areas, including SuDS basins, and towards footpaths and open space, including the proposed sports pitch on the west, north, east and south parts of the development site. Other properties, including the flats over garages, and the single storey houses would directly front onto the back lanes/courts. All of the houses and the cottage flats would be provided with garden ground. The majority of the proposed houses would have short front gardens to the public street. None of the flatted buildings, including the flats over garages, would be provided with garden ground or drying greens.

The varying heights of the proposed houses and flatted buildings and an articulation of the building lines of their front elevations with the public roads and footpaths they would face towards would add interest to the streetscape. Gables at junctions would include windows to allow for passive overlooking not just from primary elevations. Due to the changes in levels over the site from north to south and the variations in their heights as a result of hierarchical design, some of the terraces of houses would have stepped rooflines adding further detail and breaking up their massing. The three storey flatted buildings (plots 7-15, plots 19-27, and plots 72-83) and the two and a half storey houses (plots 95, 96 and 142) are located at the junction of streets or at a focal point and would be focal buildings at prominent locations within the hierarchy of streets, and in some cases would overlook landscaped open space areas, adding further interest to the streetscape. These buildings would be on the opposite side of the streets from each other, and in the case of the flatted building of plots 72-83 would be on the opposite side of the street to a 3-storey flatted building the subject of planning application 22/00733/P, and together these groupings of higher buildings would form focal points and would frame the views at these street junctions. The two and a half storey houses, along with the single, one and a half, and 2-storey houses would add proportionate variety to the heights of the proposed housing development and would punctuate the views into, out from and through this part of the second phase of this part of the larger housing development the subject of planning permission 16/00485/PPM, whilst also addressing the open space areas within the site.

Parking for the proposed houses and flatted buildings would be primarily located to the rear of the houses and flats and would be accessed from the back lanes/courts. Some of the houses would have private driveways to the rear of them. Those houses are primarily on blocks 1 and 3 of this proposed development. Road widths would be narrowed with on-street visitor parking and traffic calming measures, and the back lanes/courts would be short in length with widths narrowing. All of this would encourage lower vehicle speeds on primary streets and in back lanes/courts. In all of this the proposed housing development would provide an attractive street setting which would not be dominated by parking.

In the design principles of the street layout, the proposals generally respond to the requirements of Designing Streets and the Council's Supplementary Planning Guidance on Design Standards for New Housing Areas. The houses and flatted buildings and associated areas of ground, in their proposed grouping, orientations, and layout would be generally consistent with the principles as set out in Scottish Government's policy statement on "Designing Streets" and in the Council's Supplementary Planning Guidance on Design Standards for New Housing Areas. The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

When viewed alongside the housing developments of Phase 1 of the wider Longniddry South development to the east and in the context of the development proposals the subject of planning applications 22/00733/P, 22/00734/AMM and 22/00735/P, which as yet have not been determined, the proposed permeable street pattern, road and

pedestrian/cycle accesses and open spaces would create a distinctive yet attractive urban expansion of Longniddry that would have due regard to the existing built form of the settlement on the northern side of the main east coast railway line and the development approved by the grants of planning permission 18/01034/AMM, 18/01038/AMM and 18/01048/AMM for Phase 1 of the wider Longniddry South development to the east. The proposed layout is broadly consistent with the pattern, layout and density of development of the approved masterplan drawing of planning permission in principle 16/00485/PPM and also is sufficiently in accordance with the development brief for PS1 (Longniddry South). In this the proposal is also consistent with Policy DP9 of the adopted East Lothian Local Development Plan 2018.

The range of houses and flats proposed and the variations in their heights as a result of both hierarchical design, rising from single storey to three storey and subtle differences in floor to ceiling heights, and accommodating the change in ground levels across the site from north to south, 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, and would add interest and detail to views of the proposed development. The architecture of the proposed houses and flatted buildings is of a traditional pitched roof form that is reflective of the Burgh vernacular with simple windows, doors and detailing, the arts and crafts character and the East Lothian Garden City architectural style that can be seen in other buildings of Longniddry. Details and styles vary from simpler houses to those with a more imposing stature within the streetscape. Architectural details include steeply pitched, hipped and gabled roofs, sprocketed eaves, pitched roof dormers, wall-head gable details, projecting bay windows, painted timber framed windows, a variety of multi-paned astragalled windows, window and door surrounds, and simple chimneys with multiple chimney pots. All of these design features add detail and interest to the proposed buildings using a simple place narrative comprising 'Burgh Vernacular', 'Improvement', 'East Lothian Victorian' and 'East Lothian Garden City' architectural styles. Further variation and detail would be added to the external appearance of the proposed houses and flats through the colour of their external walls, window bands, doors, garage doors, and rainwater goods/downpipes.

The elevations of houses and flats fronting onto areas of landscape open space, including SuDS basins, and onto the proposed sports pitch, are articulated with window openings, including where this is a gable or side elevation, and in all of this add detail and interest to all publicly visible elevations of the proposed development. In all of this, all of the house plots and the flatted buildings together, by virtue of their heights, positioning, architectural form and design and their external finishes and colours, would present an attractive and varied streetscape both within and on the outer edges of the proposed development.

The finish of the external walls of the proposed houses and flatted buildings would be a coloured wet dash render and their roofs would be clad with either natural slates or natural clay pantiles. The frames, and where relevant astragals, of the windows of the proposed houses and flats would be of a painted timber construction and external doors would be of painted timber construction. To continue the character feature of the predominantly white painted external finish of the frames of the windows of the houses and flatted buildings of Phase 1 of the wider Longniddry South development to the east, the external face of the frames of the windows, including where relevant their astragals, of the houses and flats the subject of this application should also be white painted unless otherwise approved by the Planning Authority. This requirement could be made a condition of a grant of approval of matters specified in conditions.

Otherwise, the palette of external finishes and colours for the proposed 90 houses and

51 flats would be in keeping with the distinctive place narrative architectural style, character and integrity of the proposed development, with the architectural style and character of the existing houses and flatted buildings of Phase 1 of the wider Longniddry South development to the east, and with the architectural style and character of the existing houses and buildings of parts of Longniddry. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to secure external finishes and colours.

The appearance of the proposed houses and flats and the narrower and more organic layout of the streets results in a distinctive local character to the proposed development that would be both reflective of the arts and crafts character of some of the houses and buildings of Longniddry and would also be distinct in its own design, character and integrity, and is also reflected in architectural character and layout of the houses and flats approved for Phase 1 of the wider Longniddry South development approved by the grants of planning permission 18/01034/AMM, 18/01038/AMM and 18/01048/AMM, and in architectural character and layout of the houses and flats in the proposals the subject of planning applications 22/00733/P, 22/00734/AMM and 22/00735/P, which as yet have not been determined, and which together with this application (Ref: 22/00732/AMM) form the eastern part of the wider site of planning permission in principle 16/00485/PPM. The lower density and narrower street widths, with the houses having only short front gardens, and the inclusion of housing in the back lanes/courts creates a feeling of a more local scale development that has a more organic character and encourages social interaction.

The application drawings and the Design Statement indicates that solar/photovoltaic panels are proposed to be installed on the roofs of the houses and flatted buildings and that those solar/photovoltaic panels would be integrated into the roof finish of the buildings. Depending on the orientation of the proposed house or flat, those solar/photovoltaic panels would be located to the front or rear elevation roof slope of the building in order to maximise efficiency and in this context there would be many instances where the solar panels would be located on the front elevation roof slope and thus would be readily visible in public views.

Scottish Government guidance for planning authorities on microgeneration technology in relation to renewable energy, which states that solar/photovoltaic (PV) panels can produce energy even in cloudy conditions but the power output increases with the intensity of the sun and for this reason the siting and orientation of PV panels is crucial and they should ideally face between south-east and south-west to maximise the amount of light they receive.

Where solar panels are located on the rear or side elevation roof slopes of the proposed houses and flatted buildings where those elevations are not readily visible in public view, the proposed solar/photovoltaic panels would not be readily visible in public views but rather would primarily be viewed in glimpses between buildings, and subject to them not being an overdevelopment of the roof slope they were installed on, and if integrally fitted into the roof finish, they would not be likely to appear harmfully dominant on the roof slopes and thus would not be harmful to the character and appearance of the development or of the area.

In all cases, the area of the roof slope that the proposed solar/photovoltaic panels would cover would not be an overdevelopment of the roof slope of the building they would be installed on, but rather would be a subservient feature on the roof of the building that would be seen in the context of the greater scale and massing of the roofs they would be installed on and the greater scale and massing of the houses and flats.

In the majority of cases where the proposed solar/photovoltaic panels would be positioned on the front elevation of a proposed house, the proposed roof finish would be natural slate and thus the dark grey/brown colouring of the proposed solar/photovoltaic panels and their associated flashing would be seen in the context of the dark grey colouring of the natural slate roof finish and thus would appear less visually prominent.

Furthermore in June 2019, East Lothian Council (ELC), at its meeting on Tuesday 27th August 2019, approved a motion declaring a Climate Emergency, and moreover NPF4 policies 1 and 2 seek to secure development that makes a contribution to addressing tackling the climate and nature crises (Policy 1) and that makes adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2 - climate mitigation and adaptation).

The installation of solar/photovoltaic panels on the roofs of the proposed houses and flatted buildings will contribute towards reducing greenhouse gas emissions and tackling the climate and nature crises, as well as supporting ELC's climate emergency declaration and its vision for low carbon, sustainable, environmentally friendly and inclusive development for East Lothian.

On balance, taking all of the aforementioned material considerations into account, including the Council's declaration of a Climate Emergency on 27th August 2019 and NPF4 policies 1 and 2, the benefits of the proposed solar/photovoltaic panels outweigh their limited short duration harm to the visual amenity of the proposed development and of the area.

The requirement for the solar/photovoltaic panels to be installed integrally so as to be as flush fitted as possible into the roof finish they would be installed on and for their flashing to be kept to a minimum could be made a condition of a grant of approval of matters specified in conditions.

Notwithstanding the aforementioned design assessment of the proposed development, once built and occupied the proposed houses and flats of the proposed development would benefit from permitted development rights for minor alterations that could be in the form of alterations to them (i.e. changes to windows, roofs, etc) and extension to them and for the erection of or changes to their boundary enclosures. Such alterations to the appearance of the proposed houses and flats or the erection of boundary enclosures could result in a loss of and harm to the distinct architectural character and style of the proposed development. It would therefore be prudent for the Council as Planning Authority to remove permitted development rights for such alterations and means of boundary enclosure, a detail that could be controlled by a condition attached to a grant of planning permission for the proposed development.

The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, architectural character and design and external finishes, would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features within their landscape setting. This coupled with the proposed landscaping along the north boundary with the main east coast railway line, on the eastern part of the site, and along the development streets would ensure a visually attractive and cohesive development, with the proposed houses and flats visible but not appearing incongruous or intrusive in their surroundings.

The listed buildings of Longniddry Farmhouse and Steadings and Nos. 3 - 6 Longniddry Farm Cottages would be intervisible with parts of the proposed development. The immediate setting of Longniddry Farmhouse and Steadings incorporates a number of trees around their north, west and east periphery.

The masterplan layout approved by the grant of planning permission 16/00485/PPM indicatively shows development of the heights now proposed in similar proximity to the listed buildings. Furthermore, in its position to the east of those listed buildings the proposed development the subject of this application would not impact the existing trees around their periphery that provide landscape setting to the listed buildings and would continue to do so. Accordingly, the proposed development would be set back a sufficient distance from the listed buildings of Longniddry Farmhouse and Steadings and Nos. 3 - 6 Longniddry Farm Cottages and would not dominate or draw focus away from those listed buildings and thus would not be harmful to the setting of those listed buildings.

The proposed development would be located on the south side of the main east coast railway line and thus also to the south of the classified public roads of the A198 (Main Street) and the B1377. In such location, the proposed development would be some 75 metres away from the Gosford House Inventory Garden and Designed Landscape. At such distance and due to the intervening land, including the land of the railway station and its car parking areas and a line of trees along the north side of part of the railway station car park, the proposed development is unlikely to be readily visible in views of the Gosford House Inventory Garden and Designed Landscape. In any long range glimpsed views, the proposed development would not have a harmful impact on the elements justifying the designation of the Inventory Garden and Designed Landscape.

The proposed development is part of the wider area of land of Longniddry South, which is allocated for mixed use development by Proposal PS1. The proposed development the subject of this application would be some 445 metres away from the northern edge of Garden County Farmland Special Landscape Area which is located outwith the application site to the south on the south side of the C76 public road. At such distance away from the Special Landscape Area and as part of the wider area of land of Longniddry South, and as the density and heights of the proposed development generally accords with the density, layout and mix of house types approved in the indicative masterplan of planning permission in principle 16/00485/PPM, the proposed development the subject of this application would not have a harmful impact on the special character of the area.

Condition 5 of planning permission in principle 16/00485/PPM requires that a programme of archaeological work (Historic Building Recording, Watching Brief and Evaluation) be undertaken for the whole of the site of planning permission in principle 16/00485/PPM. The Council's **Archaeology Officer** advises that the application site is part of the wider Longniddry South development the subject of planning permission in principle 16/00485/PPM and that the site has been evaluated archaeologically and no further archaeological interventions are required.

On all of these design considerations, the proposed houses and flats would not be harmful to the character and appearance of the area and would not appear incongruous in their landscape setting and would not be harmful to the character and appearance of the area. Nor would they be harmful to or detract from the setting of the nearby listed buildings, the Gosford House Inventory Garden and Designed Landscape or the Garden County Farmland Special Landscape Area.

The site would be accessed from the classified B6383 public road (Coal Road) by the junctions and network of roads and footpaths approved for Phase 1 of the wider Longniddry South development approved by the grant of matters specified in conditions 18/01034/AMM, 18/01038/AMM and 18/01048/AMM. Within the site a network of roads and footpaths would provide access to the 141 residential units the subject of this application and other parts of the larger site the subject of planning permission in

principle 16/00485/PPM. Enhanced pedestrian links approved by the grant of planning permission in principle 16/00485/PPM would provide connections from the proposed development under the railway line to the rest of Longniddry. Further connections in the form of roads, cycle and walking paths would connect the proposed 141 residential units to the areas of open space on the northern and eastern parts of the site and to the Braid Burn corridor further to the west.

The masterplan docketed to planning permission in principle 16/00485/PPM indicates how areas of formal and informal open space, including a sports pitch, could be located throughout the allocated site.

Some 3.9 hectares of the application site consists of land common to this application site and to planning application 22/00734/AMM, which together with planning applications 22/00733/P and 22/00735/P comprise the eastern part of the larger site to which planning permission in principle 16/00485/PPM applies, and includes open space, SuDS and the proposed sports pitch.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space and includes the provision of open space, an equipped play area and the sports pitch.

Open space in the form of a wildflower grassed area, a 'village green', including the provision of an equipped children's play area and a grassed sports pitch would be provided respectively on the northern, southern and eastern parts of the site. The applicant's agent has confirmed that areas of open space including equipped play areas would be managed under the factoring agreement in place for the new homes. This would exclude the proposed sports pitch which, once completed, is to be transferred to the Council as part of the S75 Agreement on planning permission in principle 16/000485/PPM.

SuDS in the form of two SuDS basins and a swale would be located on the northeast and northwest parts of the application site.

The requirement for details of the development and maintenance of the open space and equipped play area to be provided is controlled by condition 21 of the grant of planning permission in principle 16/00485/PPM.

The Council's **Amenity Services Officer** advises that open space and equipped play facilities for the site should be provided according to the larger development site the subject of planning permission in principle 16/00485/PPM of which the application site is a part. The Amenity Services Officer notes that, excluding the SuDS areas, in excess of 60m² per unit of open space would be provided through the development proposals.

On the matter of the equipped play area shown on the 'village green' area of the site, the Amenity Services Officer notes that the equipped play area would be only some 14m to 18m away from the frontages of residential properties which is less than the 20m distance referred to in guidance. She comments that wherever practical the ambition for a minimum 20m buffer is supported however she advises that she does not object to the proposed location of the equipped play area and acknowledges that this is a central location within the development and its position on the larger area of open space allows footpaths to cross the area of open space allowing accessibility whilst not bisecting the main equipped play area.

However, whilst the Amenity Services Officer does not object to the location of the equipped play area on the 'village green' she goes on to comment that the range of play

equipment is not suitable for 0 - 15 years age children and therefore does not support the range of play equipment proposed.

The Amenity Services Officer also advises that additional play equipment such as 'trim trail' and 'natural play' should be incorporated in to the landscaped area along the southeast edge of the wider Longniddry South development the subject of planning permission in principle 16/00485/PPM opposite and adjacent to housing plots 243 and 257.

The Amenity Services Officer advises that the area of wildflower meadow on the northern part of the application site should include mown grass paths.

The requirement for details of the play equipment to cover ages 0-15 years, and the provision of additional 'trim trail' and 'natural play' to be incorporated in to the landscaped area along the southeast edge of the wider Longniddry South development the subject of planning permission in principle 16/00485/PPM, and for mown paths within the wildflower grassed area of the northern part of the site, as well as the timescale for the delivery of the open space and equipped play areas, all to be submitted for the prior approval of the Planning Authority could be controlled by a condition of approval of matters specified in conditions.

By their positioning the areas of open space and equipped play would benefit from passive overlooking from the proposed houses and flats and from nearby proposed footpaths from which they would be accessed.

Accordingly, the open space and formal equipped play area detailed on the application drawings are consistent with the docketed masterplan. On this consideration, and subject to the aforementioned planning controls, the provision of open space would not conflict with NPF4 Policy 21 or Policies OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 or with the indicative masterplan docketed to planning permission in principle 16/00485/PPM.

The application drawings include details of a proposed electricity substation to be located between plots 141 and 142. The proposed electricity substation building would be single storey in height with render walls and a slate roof. It would be small in scale and massing and would not appear harmfully intrusive within the streetscape or be harmful to the character and appearance of the proposed development.

No details have been submitted for the position, size, form, appearance and colour(s) of any gas governors to serve the proposed development. Such forms of structure can impact negatively on the character and appearance of a development and therefore it would be prudent for the Planning Authority to impose a condition requiring details of the position, size, form, appearance and colour(s) of any gas governors to be submitted prior to the commencement of development on the site.

On all of these matters of design, these other components of the proposed development would not be harmful to the character and appearance of the area and would not appear incongruous in their landscape setting and would not be harmful to the harmful to the character and appearance of the area. Nor would they be harmful to or detract from the setting of the nearby listed buildings, Inventory Garden and Designed Landscape or Special Landscape Area.

A scheme of landscaping of the site has been submitted as part of the application for matters specified in conditions including tree planting on the open space land on the northern part of the site, in the vicinity of the SuDS basins and proposed sports pitch,

and street trees along the streets and back courts/lanes.

A Landscape Maintenance and Management Proposals Plan report has also been submitted. That report has been updated in line with comments received from the Council's **Landscape Project Officer**.

The Landscape Project Officer has reviewed this report along with the landscape drawings submitted with the application.

The Landscape Project Officer makes the following comments:

1) the planting schedules of the landscape layout drawings is labelled as being indicative and omits information on the species of the proposed grass mixes;

2) 'structure shrubs' comprising native small tree and shrub species have been shown to the northwest corner of the site adjacent to the SUDS basin and hedgerow and hedgerow tree planting along the eastern site boundary. This will help to provide containment for the development from the east. It is recommended that the trees are positioned to one side of the hedge to enable maintenance of the hedge to be undertaken without damaging the trees. This should be taken on board at the planting plan stage;

3) protective fencing around structure shrubs should be minimum 1.5m high timber post and wire fencing with rabbit/deer proof mesh, and a timescale for its removal should be included in the Landscape Maintenance and Management Proposals Plan report to ensure that this is removed once the plants are established;

4) streetscape hedges or shrub planting is shown for the majority of front gardens which is supported. It is recommended that the front gardens are included in communal landscape maintenance as the planting to these is an important feature of the design that should be retained;

5) fastigate feature trees within communal space within the streetscape is supported;

6) some large species individual feature trees with spreading canopies should be included within the 'village green' area to provide shade and amenity value, particularly around the play area and seating areas;

7) 'Pachysandra' does not grow in East Lothian and should be removed from the indicative planting schedule;

8) the northwest SuDS basin is designed with regular shape and steep sides. If the shape cannot be changed then planting should be included around and within the basin to soften and integrate the basin into the wider landscape with the use of root barriers as required to protect underground pipes; and

9) the northeast is also designed with regular shape and would also be some 3.85m in depth although it is wider and has been designed with varying shallower slopes of between 1 in 6 and 1 in 7. The application drawings show planting within the basin is only wet meadow grass. There is minimal tree planting around the basin, comprising a few trees. If the shape cannot be changed then planting should be included around and within the basin to soften and integrate the basin into the wider landscape with the use of root barriers as required to protect underground pipes.

Accordingly, the Landscape Project Officer recommends the following conditions to

secure:

- A detailed scheme of landscape planting based on the landscape layout drawings taking into account the Landscape Project Officer's comments set out above; and
- The landscape planting shall be implemented and maintained and managed in accordance with the Landscape Maintenance and Management Proposals Plan report.

Subject to the aforementioned planning controls, the Landscape Projects Officer is satisfied that the proposed development could be provided with a satisfactory scheme of landscaping and does not object to the proposed development.

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, DP9, CH1, OS3, OS4 and NH8 of the adopted East Lothian Local Development Plan 2018, the Council's approved development brief for site PS1 (Longniddry South) and Scottish Government policies and guidance given in Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

It is the practice of the Council to consider a distance of 18 metres between directly facing windows and 9 metres between a window and a garden boundary as a sufficient separation distance to prevent harmful overlooking of neighbouring residential properties from proposed new buildings.

However, the Council's Supplementary Planning Guidance on Design Standards for New Housing Areas states that the council recognises that adherence to minimum distances can discourage innovative design and reinforce use of standard layouts and may consider relaxation of these distances where it can be satisfactorily demonstrated that innovative solutions can be employed to retain privacy and protect amenity of existing and new residents. The council may also chose to apply the above standards more flexibly, depending on the context of the site (e.g. conservation area where rear distances are often less than those detailed.)

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. The majority of the houses and flats 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. Where there are instances that do not meet the normally accepted privacy and amenity criteria those instances are primarily in relation to distances across the new public streets. In these cases, the narrower street layout is an integral component of the design ethos of the proposed development to reflect a more compact and organic arrangement of buildings and streets with natural passive overlooking of streets and footpaths and between properties which is reflective of the tighter street patterns in parts of some historic towns and villages of East Lothian.

In the cases of plots 42, 44, 46 and 119, a first floor window of each of those respective houses would allow for harmful overlooking of neighbouring properties by virtue of being less than 9 metres away from neighbouring private garden ground and within 18 metres of directly facing first floor windows. In order to mitigate for such loss of privacy, these respective first floor windows of plots 42, 44, 46 and 119 could be obscure glazed. The requirement for the provision of such obscure glazing can be controlled by a condition attached to a grant of planning permission.

In the cases of plots 36, 37, 104 and 105, roof windows of the rear elevation of each of the respective flats over garages would allow for harmful overlooking of neighbouring

properties by virtue of being less than 9 metres away from neighbouring private garden ground and within 18 metres of directly facing first floor windows. In order to mitigate for such loss of privacy, these respective roof windows of plots 36, 37, 104 and 105 could be positioned on the roof slope so that their bottom sill would be a minimum of 1.8 metres above the finished floor level of the room the roof window would serve. The requirement for such positioning of the roof windows can be controlled by a condition attached to a grant of planning permission.

The proposed public footpaths throughout the development, including the path that would pass along the north part of the site would be a sufficient distance away from existing neighbouring residential properties and proposed properties or would be screened by boundary enclosures of an appropriate solidity and height so as not to result in harmful overlooking or loss of privacy to any existing neighbouring residential property or proposed property.

Thus, on balance and taking account of the design integrity and ethos of the proposed development, and subject to the aforementioned planning control, the proposed development would afford the future occupants of the houses and flats an appropriate level of privacy and residential amenity and would not be harmful to the privacy and amenity of any existing neighbouring residential property.

On the matters of the flatted buildings and the flats over garages not being provided with garden ground or drying greens the applicant's agent advises that each flat will be provided with a washer/dryer and that this is to be agreed with the Council's **Housing Strategy Team**.

The Council's Housing Strategy Team does not raise objection to the proposed development on this matter.

The Council's **Senior Environmental Health Officer** advises that due to its position there are concerns regarding the potential impacts on occupiers of the proposed residential properties arising from noise from road and rail traffic. A Noise Impact Assessment report (Project number 5071 Version V2, dated 2023-04-24) has been submitted with the application. The Senior Environmental Health Officer has reviewed that report and advises that he accepts the conclusions of that report. Accordingly, subject to the glazing units of the windows of plots with line of sight to the railway line being fitted with acoustic vents that provide a minimum reduction of 28 dB Dn,eW, as detailed on drawing 4 of the Noise Impact Assessment report and the gardens that would be fully exposed to road and rail traffic noise being fitted with 1.8 metres high rendered masonry walls and the north and rear boundaries of the rear gardens of plots 41 and 65 being enclosed by 2 metres high rendered masonry walls as detailed on drawing 4 of the Noise Impact Assessment report, details that could be controlled by a condition attached to a grant of planning permission, the Senior Environmental Health Officer raises no objection to the proposed development. Subject to these planning controls, the future occupants of the houses and flats would be afforded an appropriate level of privacy and residential amenity.

The Council's **Environmental Protection Officer (Contaminated Land)** advises that he has reviewed the Phase II Geo-environmental Report (prepared by Geovia) and confirms that he is satisfied that the investigation and assessment has been carried out in accordance with best practice guidelines and the relevant standards. The Environmental Protection Officer (Contaminated Land) agrees with the findings that there are no potentially unacceptable risks to on-site receptors from any viable pollutant linkages and that no mitigation measures are required. In these circumstances, there is no requirement for any additional investigative works to be carried out this stage. However,

the Environmental Protection Officer (Contaminated Land) advises that in light of the sensitive nature of the proposed development (new residential properties) and the extent of the site, he recommends that a condition be imposed to mitigate for unexpected ground conditions (contamination). It would not be unreasonable for such a condition to be imposed.

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

On all of these foregoing findings on matters of design, density, layout, and amenity, the details submitted for approval are consistent with Policies 4, 7, 14, 16 20 and 21 of NPF4 or Policies OS3, OS4, CH1, DP1, DP2, DP3 and DP9 of the adopted East Lothian Local Development Plan 2018, the Council's approved development brief for site PS1 (Longniddry South) and Scottish Government policies and guidance given in Planning Advice Note 67: Housing Quality, Designing Streets and Designing Places.

The Council's **Biodiversity Officer** raises no objection to the proposed development the subject of this application. They note that the site is part of the larger site of planning permission in principle 16/00485/PPM, and that it is at present part of a ploughed field which has limited ecological value.

NPF4 Policy 3 states that major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity including nature networks. This proposal is for matters specified in conditions of planning permission in principle 16/00485/PPM, and a planning control requiring retention of trees and planting of native wildflower mixes and details of the provision of bat boxes and bird boxes is included in the grant of planning permission in principle 16/00485/PPM. Thus, this matter is largely predetermined by the grant of planning permission in principle 16/00485/PPM.

In respect of Policy 3 the applicant's agent has provided a statement that:

- o Longniddry South is being developed on previously farmed land with little biodiversity value;
- o The creation of public open space, new garden ground and improvements to the Canty Burn will all have significant biodiversity benefits; and
- o From the outset (inclusion in the local development plan and supporting studies for planning permission in principle) biodiversity enhancements have been central to the creation of a sustainable and attractive development.

Whilst the development of the application site for housing has been established by the grant of planning permission in principle 16/00485/PPM and a condition of the grant of planning permission in principle 16/00485/PPM requires biodiversity interventions for the Braid Burn corridor, it would be prudent for the Planning Authority to seek a more detailed statement from the applicant, including further appropriate measures to conserve, restore or enhance biodiversity on the site. The requirement for such a statement including any further appropriate measures to conserve, restore or enhance biodiversity on the site could be controlled by a condition of a grant of approval of matters specified in conditions. Subject to the aforementioned control, the proposed development would not be harmful to the biodiversity and would not conflict with NPF4 Policy 3 or Policy NH3 of the adopted East Lothian Local Development Plan 2018.

NPF4 Policy 12 and Policy W3 of the adopted East Lothian Local Development Plan 2018 encourages sustainable waste management.

Swept path analysis drawings submitted by the applicant as part of this application. The Council's **Road Services** advise that due to the narrow geometry of the streets and back courts/lanes of the proposed development there is potential for large vehicles to over-run kerbs and footways. Road Services therefore request that amended swept path analysis drawings be submitted that demonstrate that the wheel-track of an FTA 10 metres (large rigid) vehicle manoeuvring will be 0.3 metres clear of any proposed kerblines and that the body of the vehicle will be 0.5 metres clear of any proposed vertical obstruction (i.e. wall, etc.). The requirement for the revised swept path analysis drawing can be made a requirement of a planning condition.

The Council's **Waste Services** raises no objection to the proposed development but advises that all residents would be responsible for presenting individual containers outwith the property on the public footpath for collection. Waste Services also ask that the containers for the entire development are ordered in one batch rather than individually to reduce unnecessary journeys. This information has been sent to the applicant's agent.

Subject to the aforementioned planning control requiring the submission of the swept path analysis, the proposal complies with Policy 12 of NPF4 and Policy W3 of the adopted East Lothian Local Development Plan 2018.

The principles of the means of accessing of the proposed housing development are already decided by the grant of planning permission in principle 16/00485/PPM. These include vehicular access to the proposed housing being taken from the classified B6363 (Coal Road) through Phase 1 of the Longniddry South development.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the residential development.

The Council's Road Services raise no objection to the proposals subject to the following matters being controlled by conditions:

1) The junction of the B6363 and Queens Road shall be modified to enable concurrent 2-way use by entering and exiting vehicles. The road width shall be a minimum of 5.5 metres. This is a requirement of ELC Standards for Development Roads for developments of 300 houses or more. The applicant shall submit details for approval, including Swept Path Assessments and Road Safety Audit and the junction shall be constructed and available for use prior to the occupation of the 300th unit.

2) The applicant shall provide a 'phasing plan' indicating how an adoptable footpath would be provided to serve each phase of development as it is occupied, to ensure that a continuous pedestrian (and cycle) path, to an adoptable standard, shall be available from any occupied phase to the footway and controlled crossing of the A198 Main Street. This is requested to provide a Safe Route to School.

3) The applicant shall provide Swept Path Assessments (SPA) demonstrating that the wheeltrack of an FTA 10 metre (Large Rigid) Design Vehicle will be 0.3 metres clear of any proposed kerblines and the body of the vehicle 0.5 metres clear of any vertical obstruction (wall etc.), and to identify any locations within the site layout where this cannot be achieved. This assessment shall then inform the applicant's Refuse Strategy, with the applicant confirming that the designated routes shown in the Refuse Strategy are fully accessible for the Design Vehicle. The SPA shall consider all vehicle movements in and out at all junctions. The applicant must ensure that there will be no 'over-sail' of public footways by the body of vehicles.

4) Speed reduction measures shall be incorporated within a revised site road layout, these shall include horizontal and vertical deflection e.g. raised table junctions, road humps etc. These shall be positioned at intervals of 40-80 metres on main access roads within the development. Details shall be submitted for approval.

5) A Stage 2 (Detailed) Quality Audit shall be submitted. This is required a) to ensure that pedestrian and cycling routes have been provided and are continuous and b) to ensure safe pedestrian and cycling routes are maintained through construction phase to occupation for each phase of development and that safe servicing/vehicle turning provision is maintained. This shall be supported by a detailed development phasing plan, demonstrating that a Safe Route to School/ pedestrian route to the village centre will be available to each phase as it is occupied.

6) The proposed access roads, cycleways and external roadworks shall be subject to Road Safety Audit. This process must be completed through Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months) - The audit process shall be undertaken in accordance with GG119 Road Safety Audits, or as amended by latest version. The scope of matters to be considered within Road Safety Audits and Quality Audits shall be agreed with the planning authority in advance and prior to undertaking the audit.

7) Prior to the commencement of development, a programme for monitoring the condition of the construction access route from the A1 trunk road to the construction access to the application site, prior to, during the period of construction on each anniversary of the commencement of the development, and immediately following the completion of the development hereby approved, shall be submitted and approved in writing by the Planning Authority. 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 to ensure that damage to the adjoining road network resulting from the construction of the development is rectified.

8) 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. (Note - road layout within the site is not generally to ELC Standards for Development Roads).

9) 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.

10) 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.

11) 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.

12) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in

the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

13) 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.

14) A Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall include details of:

- (i) mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- (ii) hours of construction work;
- (iii) routes for construction traffic;
- (iv) how building materials and waste will be safely stored and managed on site; and
- (v) wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

15) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation.

16) Construction access route should only be via the B6363 (Coal Road).

17) Details of electric vehicle charging to be installed for all residential units shall be submitted to and approved in advance in writing by the Planning Authority.

18) The three garage spaces forming the ground floor of plot 104 (Flat over garage) shall be retained for the parking of vehicles only.

19) If provision of the off-site path link from the northeast corner of the site to the rear of Longniddry station is possible the said footpath link shall be included in the scheme of landscaping. If such provision is not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

20) The new vehicular access giving access to the parking areas of 3-6 Longniddry Farm Cottages shall be formed and available for use prior to the use of the existing access by vehicular traffic under the Argyll Bridge ceasing.

Subject to the imposition of those controls the proposal is not contrary to Policy T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The proposed development includes provision of footpath connections with Phase 1 of the wider Longniddry South development. It also identifies a potential link between the current application site and the northern side of the Longniddry Farm Steadings, however the detail of that footpath link has not been clearly shown on the application drawings. It would therefore be prudent for the Planning Authority to require details of that proposed footpath link between the current application site and the northern side of the Longniddry Farm Steadings. The requirement for the details of that footpath to be submitted could be controlled by a condition.

The Council's **Outdoor Access Officer** advises that there are a number of footpaths around the edge of the proposed development, within its proposed parks and across the site the subject of this application. The Outdoor Access Officer raises no objection to the proposed development.

A Flood Risk Assessment report (FRA) and SuDS Drainage Strategy report along with SuDS and drainage strategy drawings have been submitted with the application. Following comments from the Council's **Structures Flooding and Street Lighting Team Manager** these reports and drawings have been updated to reflect current climate change allowance levels and to clarify the surface water drainage for the site. They advise that the SuDS basins are designed to attenuate surface water run-off to the 1 to 200 year flood event with an additional allowance for climate change and that the basins are fitted with a flow control measure that limits the outflow to a specific flow rate, and that all of this limits the amount of water that can enter the burn.

The Structures Flooding and Street Lighting Team Manager is now satisfied that the drainage strategy assesses the correct level of climate change allowance and that the proposed drainage and SuDS can attenuate that level of water on the site. Therefore he raises no objection to the application.

SEPA are also satisfied with the updated Flood Risk Assessment and do not object to the application.

Therefore subject to appropriate conditions the proposal accords with Policy 22 Flood risk and water management of NPF4 and Policies NH10 SUDS and NH11 Flooding of the adopted East Lothian Local Development Plan 2018.

Due to being in close proximity to the main east coast railway line, Network Rail have been consulted on the application. Network Rail advise that they raise no objection in principle to the proposed development subject to matters relating to development drainage, boundary treatment, landscape planting, vehicle incursion and construction being taken into account. Network Rail's comments have been sent to the applicant's agent for information. The applicant's agent has confirmed that Network Rail's comments will be taken into account. Network Rail do not raise any concerns that the proposed development could prejudice any future development of the adjacent railway.

The mechanism of the provision of a financial contribution towards additional educational provision for a housing development of 450 residential units has already been secured through the grant of planning permission in principle 16/00485/PPM.

The mechanism of the provision of 25% affordable housing within the larger site for residential development of 450 residential units (i.e. 113 units of the proposed 450 units) is already secured through the grant of planning permission in principle 16/00485/PPM. The masterplan docketed to planning permission in principle 16/00485/PPM does not indicate the locations of the affordable housing. Forty eight of the 141 residential units (19 houses and 29 flats) the subject of this application (Ref: 22/00732/AMM) for matters specified in conditions of planning permission in principle 16/00485/PPM are identified as affordable housing.

The provision of affordable housing units on the larger site of planning permission in principle 16/00485/PPM has to be considered strategically across the whole site of planning permission in principle 16/00485/PPM. The 48 affordable units proposed in this application is greater than 25% of the 141 residential units proposed in this application. When this application is taken alongside the other applications for Phase 2 of the Longniddry South development (Refs. 22/00734/AMM, 22/00733/P and 22/00735/P), and

the applications already approved for Phase 1 of the Longniddry South development (Refs. 18/01034/AMM, 18/01038/AMM and 18/01048/AMM), which together comprise the site of planning permission in principle 16/00485/PPM, an overall figure of 118 affordable housing units across these seven planning applications is a sufficient amount and provides the necessary 25% of affordable housing units and is therefore acceptable.

The Council's **Housing Enabler (Strategy and Development)** advises that the mix of house types, sizes and tenures proposed through this application is satisfactory to meet the current housing needs of the area and to ensure flexibility for future sustainability. The proposals include 48 affordable housing units. The mechanism for securing the delivery of the affordable housing is through the Section 75 Agreement of planning permission in principle 16/00485/PPM. Accordingly, the proposals do not conflict with Policies HOU1, HOU3 and HOU4 of the adopted East Lothian Local Development Plan 2018.

The Council's **Obligations Officer** notes that this application is for matters specified in conditions of planning permission in principle 16/00485/PPM and thus is part of the Section 75 Agreement of that grant of planning permission in principle, which requires financial contributions towards infrastructure to accommodate the development of 450 housing units. The Council's Obligations Officer advises that no further contributions, beyond those already captured in the Section 75 Agreement of planning permission in principle 16/00485/PPM, are required in respect of the 141 housing units proposed through this matters specified in conditions application.

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.

Policies 1 and 2 of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change.

The applicant has submitted a Climate Change Strategy Statement with the application, which advises that the proposed development has been designed to comply with current Scottish Government Building Standards. The statement advises that a 'fabric first' approach will be adopted with improved u-values and reduced infiltration. It goes on to explain that gas boilers are proposed to be installed to provide both hot water and heating to the dwellings, and that solar panels will be installed on each building to provide a minimum 50% carbon emissions abatement. The statement further advises that ductwork for the future installation of electric vehicle charging infrastructure will be provided where private houses have either a private garage or parking space and that a communal 7KW car charging point will be provided in the communal parking area for each flatted block.

Although this statement provides some of the required information, further details on the actions to be taken to reduce the carbon emissions from the build and from the completed development are required and the requirement for this information could be secured through a condition attached to a grant of planning permission for the approval of matters specified in conditions. In addition, in order to further reduce carbon emissions, it would also be prudent to require proposals for the provision of new car charging points and infrastructure for them. This could also be secured by a condition imposed on a grant of planning permission for this proposed development.

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

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 specified in conditions for the proposed residential development be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 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 commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 In the event of the prescence 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.
Thereafter a Verification Report shall be submitted confirming the satisfactory completion of the remedial works.

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, and a Verification Report shall be submitted for approval of the Planning Authority confirming the satisfactory completion of the remedial works.

If no unsuspected or unforeseen ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new dwellings.

Reason:

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

- 5 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'Village Green' and Braid Burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

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

Reason:

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

- 6 Prior to the commencement of development, a report on the actions to be taken to reduce the carbon emissions from the build and from the completed development shall be submitted to and approved in writing in advance by the Planning Authority. This report shall include, but not exclusively, the provision of renewable technology for all new buildings, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 7 Prior to the commencement of development, a scheme for the provision of car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

- 8 No part of the SuDS for the proposed development shall be sited within 10 metres of the railway boundary.

Reason:

To ensure that all surface and foul water arising from the development is collected and diverted away from Network Rail property.

- 9 Notwithstanding that which is shown on drawing nos. SC1003-LE-7000 rev D, SC1003-LE-7001 rev D and SC1003-LE-7002 rev D, a detailed scheme of landscaping, including planting plan and schedule, based on drawing nos. SC1003-LE-7000 rev D, SC1003-LE-7001 rev D and SC1003-LE-7002 rev D, 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 including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. 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.

The landscaping shall be implemented to accord with the 'Phasing plan' drawing no. 1629(PL)002 Rev B with landscaping within each phase carried out in the first planting and seeding seasons following the occupation or completion of each phase, whichever is the sooner. The landscaping for the SuDS basins, open space to the north and the 'village green' area of open space shall be implemented within 1 year of commencement of Phase 1 of drawing no. 1629(PL)002 Rev B.

All planting, seeding or turfing comprised in the approved details of landscaping shall be implemented in accordance with the details so approved, including the timetable for implementation.

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

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.

- 10 The landscaping scheme pursuant to condition 9 shall be implemented, maintained and managed in accordance with the "Planting notes and landscape maintenance and management proposals" report docketed to this grant of matters specified in conditions.

The management of communal areas and front gardens as detailed in "Planting notes and landscape maintenance and management proposals" report shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

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.

- 11 Prior to the commencement of development a detailed statement on the measures to be

implemented to enhance biodiversity on the site, including appropriate measures to conserve, restore or enhance biodiversity on the site and a timescale for their implementation shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the measures to conserve, restore or enhance biodiversity on the site shall be implemented in accordance with the details and timescale so approved.

Reason:

In the interests of enhancing the biodiversity on the site.

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

Reason:

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

- 13 The play equipment for this development is not hereby approved. Prior to the commencement of the development hereby approved, details of how all the areas of open space and the equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for their implementation and delivery shall be submitted to and approved in advance in writing by the Planning Authority. Play equipment shall be suitable for ages 0 - 15 years.

The details shall include additional play equipment such as 'trim trail' equipped play on the green landscaped area of the southeast part of the masterplan of planning permission in principle 16/00485/PPM and shall include for mown paths in the wildflower grassed area of open space on the northern part of the site.

The details shall also include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play areas shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

- 14 Prior to the commencement of development hereby approved, details of the footpath connection from the street south of the existing cottages of No.3- 6 Longniddry Farm Cottages to the north side of Longniddry Farm Steadings to connect to the shared use path leading to the Argyle Bridge shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include a timescale for the provision of the footpath. The footpath shall be formed and made available for use in accordance with the details and timescale so approved and thereafter retained in use.

Reason:

To provide good pedestrian footpath network connections within the Longniddry South development.

- 15 Prior to the occupation of any one of the houses or flats hereby approved, an adoptable continuous footpath route between each phase of the development hereby approved and the controlled crossing of the A198 Main Street via the Argyle Bridge shall be provided in accordance with the details of such a footpath route and the timetable for its delivery to be

submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each phase of the site prior to the occupation of the houses/flats on that phase of the site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 16 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 17 Prior to the commencement of development hereby approved, Swept Path Assessments (SPA) shall be submitted to and approved in advance in writing by the Planning Authority. The information for the Swept Path Assessments (SPA) shall demonstrate that the wheeltrack of an FTA 10 metre (Large Rigid) Design Vehicle will be 0.3 metres clear of any proposed kerbline and the body of the vehicle 0.5 metres clear of any vertical obstruction (wall etc.), shall assess all vehicle movements (i.e. in and out) at all junctions, and shall identify any locations within the site layout where this cannot be achieved.

Thereafter, the layout of the development shall accord with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, details for the modification of the junction of the B6363 classified public road and Queens Road to enable concurrent 2-way use by entering and exiting vehicles shall be submitted to and approved in advance in writing by the Planning Authority. The details shall provide a minimum road width of 5.5 metres and shall include swept path assessments and road safety audit.

Thereafter, and prior to the occupation of the 300th residential unit of matters specified in conditions approvals of planning permission in principle 16/00485/PPM, the modifications to the junction of the B6363 classified public road and Queens Road shall be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 19 Prior to the commencement of development, details of speed reduction measures shall be submitted to and approved in advance in writing by the Planning Authority. The speed reduction measures shall include horizontal and vertical deflection (i.e. raised table junctions, road humps, etc) and shall be positioned at intervals of 40-80 metres on main access roads within the development.

Thereafter, the speed reduction measures shall be implemented, retained and maintained in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 20 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall

be submitted to and approved in writing in advance by the Planning Authority.

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

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

(iii) within 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;

(iv) cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(v) a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved in advance in writing by the Planning Authority prior to the housing being occupied.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

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 ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

- 21 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, the 3 garage spaces forming the ground floor of proposed flat over garage plot 104 shall be retained open on their front elevation and at no time shall any part of the front elevations of those 3 garage spaces be enclosed. Thereafter, those 3 garages spaces shall be retained and maintained for the parking of vehicles only unless otherwise approved by the Planning Authority.

Reason:

To ensure that a sufficient standard of off-street parking is provided in the interests of road safety.

- 22 Prior to the commencement of development hereby approved, a programme for monitoring the condition of the construction access route from the A1 trunk road to the construction access to the application site from the B6363 classified public road shall be submitted and approved in writing in advance by the Planning Authority. The programme of monitoring shall include the condition of the route:
- i) prior to the commencement of the development hereby approved;
 - ii) during the period of construction on each anniversary of the commencement of the development; and
 - iii) immediately following the completion of the development hereby approved.

Unless an alternative means of securing the any remedial works is approved in writing by the Planning Authority, any remedial works identified by the monitoring as arising from the construction of the development hereby approved, shall be undertaken by the applicant/developer within 3 months of the completion of the final monitoring undertaken and shall be approved in advance in writing by the Planning Authority.

Thereafter the approved programme of monitoring shall be implemented in accordance with the details so approved.

Reason:

To ensure that damage to the adjoining road network resulting from the construction of the development is rectified, in the interests of road and pedestrian safety

- 23 The proposed access roads, cycleways and external roadworks shall be subject to Road Safety Audit and Quality Audit that shall be approved in advance in writing by the Planning Authority and thereafter the development hereby approved shall accord with the Road Safety Audit and Quality Audit so approved..

The Road Safety Audit shall be completed through Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months). The audit process shall be undertaken in accordance with GG119 Road Safety Audits, or as amended by latest version.

A Stage 2 (Detailed) Quality Audit shall be submitted to and approved in advance in writing by the Planning Authority. The Stage 2 Quality Audit shall include a detailed development phasing plan demonstrating that a Safe Route to School/pedestrian route to the village centre will be available to each phase of the development hereby approved as it is occupied.

Prior to the undertaking of the Road Safety and Quality Audits, the scope of matters to be considered within the Road Safety Audits and Quality Audits shall be agreed in advance in writing by the Planning Authority and thereafter the Road Safety and Quality Audits shall be undertaken in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 24 Other than to comply with the requirements of conditions 15 to 23, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 25 Prior to the occupation of the houses hereby approved for plots 41 and 65 rendered masonry boundary walls shall be erected as follows:
(i) 2 metres high rendered masonry boundary walls on the north and east boundary of the rear garden of plot 41,
(ii) 2 metres high rendered masonry boundary walls on the north and west boundary of the rear garden of plot 65,

All as shown coloured BROWN in Drawing 4 of ITP Energised's Noise Impact Assessment Report Ref 5071 Version V2 of 2023-04-2023 docketed to this grant of planning permission for matters specified in conditions,

Such 2 metres high masonry boundary walls shall thereafter be retained in situ unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 26 Prior to their occupation the houses and flats hereby approved with glazing units on facades with a line of sight to the rail line will be provided with acoustic vents providing a reduction of 28 dB Dn,eW, enabling appropriate ventilation of habitable rooms with closed windows in accordance with Drawing 4 of ITP Energised Noise Report ref 5071 V2 of 24th April 2023 entitled Longniddy Phase Two Residential Development.

Such glazing units and ventilators shall thereafter be retained in the windows of those houses unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 27 The external finishes of the walls and roofs and other architectural features of the houses and flatted buildings hereby approved shall accord with the External Finishes Summary (nos.12205-HFM-ZZ-ZZ-SH-A-00-001 rev P03 and 12205-HFM-ZZ-ZZ-SH-A-00-002 rev P02) docketed to this approval of matters specified in conditions unless otherwise approved in writing by the Planning Authority.

The slate to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural slate, and the pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile. Samples of the natural slate and natural clay pantiles shall be submitted for the prior written approval of the Planning Authority, prior to their use in the development hereby approved. Thereafter the natural slate and natural clay pantiles used shall accord with the samples so approved.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

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

- 28 The frames of the windows of the houses and flats hereby approved shall be of timber construction and the external face of the frames and where relevant their astragals shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 29 All wall and roof mounted vents and flues to be installed on the houses, flats, garages and buildings hereby approved shall be the minimum number necessary and shall be concealed as much as possible and all visible parts of all vents and flues shall match as closely as possible the colour of the part of the roof or wall of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

- 30 Prior to the occupation of the flats over garages of plots 36, 37, 104 and 105 hereby approved all of the roof windows of their respective rear elevation roof slopes shall be positioned on the roof slope so that their bottom cill would be a minimum of 1.8 metres above the finished floor level of the room the roof window would serve.

Thereafter, the respective roof windows shall be retained in such position on the roof slope with their bottom cill a minimum of 1.8 metres above the finished floor level of the room the roof window would serve, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 31 Prior to the occupation of the flats hereby approved, the bin storage facilities for those respective flatted buildings shall be formed and made available for use.

Reason:

To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area.

- 32 The solar/photovoltaic panels hereby approved to be installed on the roofs of the houses and flats also hereby approved shall be installed integrally into the roof slopes so that they shall not sit proud of the upper surface of the roofing material of the roofs but rather so that their upper surface is fitted as flush as possible with the upper surface of the roofing material of the roof, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 33 Prior to the occupation of the houses of plots 42, 44, 46 and 119 hereby approved the following windows 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 house and flat, as relevant:

i) the first floor window of the west elevation of the house on Plot 42;

ii) the first floor window of the east elevation of the house on Plot 44;

iii) the first floor window of the west elevation of the house on Plot 46;

iv) the first floor window of the east elevation of the house on Plot 119.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 34 All garden boundary enclosures shall be in accordance with docketed drawing no. 12205-HFM-ZZ-ZZ-DR-A-00-018 rev P07 unless otherwise approved by the Planning Authority.

Prior to the commencement of development, the timescales for their provision, shall be submitted to and approved in advance in writing by the Planning Authority.

All rear garden boundaries shall be enclosed by 1.8 metre high enclosures unless otherwise approved in advance in writing by the Planning Authority.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 35 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 in advance in writing by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

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

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.

- 36 Prior to the commencement of the development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The 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.

Thereafter, the Wheel Washing Facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

In the interests of road and pedestrian safety.

- 37 All externally fitted service meter boxes of the houses and flats hereby approved shall be positioned to minimise their visibility within the streetscape and shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

- 38 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways 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 used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

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

- 39 Notwithstanding the provisions of Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 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 any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the character and appearance of the development and its landscape setting.

- 40 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 19 houses and 29 flats hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter those 19 houses and 29 flats of the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

- 41 If provision of the off-site path link from the northeast corner of the site to the rear of the station is possible the said footpath link shall be included in the scheme of landscaping. If such provision is not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

Reason:

In the interests of safe access to the station.

- 42 The new vehicular access giving access to the parking areas of 3-6 Longniddry Farm Cottages shall be formed and available for use prior to the use of the existing vehicular access under the Argyle Bridge ceasing.

Reason:

To ensure continued access to those cottages.