



NOTICE OF THE MEETING OF THE PLANNING COMMITTEE

**TUESDAY 6 JUNE 2023, 10.00am
VIA A DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

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

1. Minutes for Approval: Planning Committee, 2 May 2023 **(pages 1-36)**
2. Planning application no. 22/00734/AMM: Approval of matters specified in conditions of planning permission in principle 16/00485/PPM - Erection of 124 houses, 6 flats and associated works, Longniddry Farm, Longniddry **(pages 37-76)**
3. Planning application no. 23/00128/P: Alterations and extensions to flat, formation of second floor balcony, 10 Forth Street, North Berwick **(pages 77-82)**
Note – *this application was called off the Scheme of Delegation List by Councillor McFarlane for the following reasons: I feel it would be beneficial for the Committee to visit the site and fully discuss this application. There are other similar developments close by that have been approved and none of the permanent residents have raised objections about this application so I would like this application to be reviewed at Committee.*
4. Planning application no. 23/00128/P: Section 42 application to vary condition 2 of planning permission 22/00460/PM, Edinburgh Road (west and south of the former Cockenzie Power Station site – or onshore works for Seagreen Offshore Wind Farm) **(pages 83-98)**

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

30 May 2023

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

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

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

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

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

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



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

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TUESDAY 2 MAY 2023
VIA A DIGITAL MEETING FACILITY

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 S McIntosh
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

None

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Governance
Ms J McLair, Senior Planner
Mr D Irving, Senior Planner
Ms C Kiely, Planner
Ms S McQueen, Planner
Mr D Taylor, Planner
Mr J Allan, Planner
Ms M Haddow, Transportation Planning Officer
Ms P Gray, Communications Adviser
Mr J Canty, Transport Planner
Mr G McLeod, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Ms L Hunter, Senior Roads Officer

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr A Gibb, Ms J Brand, Mr H Hamilton, Mr J Butterworth
Item 4: Ms J Bell
Item 5: Mr C Rhodes and Ms J Bell
Item 6: Mr J MacCallum
Item 8: Ms C Duffy, Mr B Hughes, and Ms J Bell

Item 9: Mr T Thomas, Ms K Henderson, and Ms H York

Apologies:

Councillor C McGinn

Declarations of Interest:

Item 2: Councillor McMillan, due to having worked with the applicant and some objectors on economic development matters.

Item 5: Councillor S McIntosh, due to being involved in athletics and having friends within Team East Lothian.

Item 5: Councillor Hampshire, due to being a trustee of the trust that own the land.

Item 9: Councillor Gilbert

1. MINUTES OF PLANNING COMMITTEE MEETING, 28 MARCH 2023

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

Sederunt: Councillor McMillan left the meeting.

2. PLANNING APPLICATION NO. 23/00072/P: ERECTION OF TWO AGRICULTURAL BUILDINGS, EAST FORTUNE FARM, EAST FORTUNE, ATHELSTANEFORD

A report was submitted in relation to Planning Application No. 23/00072/P. Ciaran Kiely, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Councillors Findlay and McIntosh. Mr Kiely advised that the agricultural use had not required a needs assessment, and therefore the size of the building was a business decision for the applicant. The planning authority could not control this beyond any amenity or design issues. He also confirmed that the application had been made only for agricultural purposes, so another application would be required for any change of use.

Jane Brand, applicant, spoke to the application. She reported that the family had been given notice to vacate the old farm steading in use for the past 30-40 years. Having their own property at the farm would allow for better access, security, safety, and efficiency, and she reported there had been numerous trespassing incidents at the old steading. She said that permission for these two sheds would be of great benefit to the business, and provided figures for the hay bale usage for various farm activities. She said it was of vital importance that good quality hay was available and that 500-600 bales could be safely stored. She also described some of the equipment, currently stored on other sites, that the two sheds would house. She advised that the smaller of the two sheds would be used to store feedstuffs and for a workshop; the current containers in use for this purpose had no electricity. She summarised that having proper sheds would be of great advantage to the farm and business.

Councillor McIntosh noted that National Planning Framework 4 (NPF4) policies required planning applications to provide a biodiversity gain, and asked what improvements to biodiversity Ms Brand intended to make. Ms Brand said this had not yet been considered, but that she would be happy to work with officers on this matter. Mr Kiely added that the

biodiversity officer would be consulted and would work with the applicant to find a suitable biodiversity enhancement.

Haig Hamilton spoke against the application. He said that the farm equated to only around 75 acres, and some of this land was in use to grow cereals, and some of the land had been contracted out. He listed some of the farming activities, such as the keeping of an outdoor pig herd, roughly 80 ewes which came in for lambing, and other uses of the land including storage of caravans and a farm shop; he believed the overall investment in the sheds to be around £165,000, and thought this could not be justified for the size of the farm unless for a future planning development. He said that the applicant had not been able to answer questions about the potential for a theme park. He thought that planning permission for the sheds should not be granted, and said that it was obvious when looking at the plan for East Links Family Park that these sheds were not intended for agricultural use.

Jamie Butterworth spoke against the application. He made the case that it was already known that the intended purpose of the sheds was to be part of the East Links Family Park. He displayed a diagram which had been submitted as part of the application, and pointed out where the sheds would be situated as part of the East Links Family Park. He noted that the applicant would be required to apply for a change of use if the sheds would no longer be for agricultural use, but reiterated that it was known today at the point of determination that the sheds would be used for the theme park. He thought that the right approach would be for the two sheds, which he said were far larger than would be required for a farm of this size, to be part of the planning application for the theme park itself.

The Convener reminded Members that it was the role of the Planning Committee to determine the application as had been submitted, and the business case for the size of the sheds was a decision for the applicant. The question was whether the sheds met the criteria for this application; any potential future use of the sheds was not relevant to the determination of the application.

Councillor Findlay had called the application before the Planning Committee due to the significant number of submitted objections. He noted the Convener's comments, but nevertheless felt that the sheds to be a Trojan horse for what he felt was becoming too large a venture for a farm of this size, and was intended for prime agricultural land. He would not support the application.

Councillor Collins, a farmer herself, felt that the figures given by the applicant in terms of storage requirements were consistent with the size of the proposed sheds. She also understood the concerns of local residents, and asked whether a condition could be imposed that the sheds could be used only for agricultural use for a given timeframe. Keith Dingwall, Service Manager – Planning, advised that such a condition would not be competent because, by nature of the proposal, the sheds would be for agricultural use. A change of use would require a further application, and he felt that there was no justification to add a time limit if Members did not consider the proposed buildings to be inappropriate as permanent structures. Responding to a query from Councillor McIntosh regarding biodiversity enhancement plans, Mr Dingwall urged Members not to continue the application to avoid the possibility of the application going to non-determination. He advised that such conditions were imposed regularly and that officers could run the agreed biodiversity enhancement by Members.

Councillor McIntosh had some reservations about whether new buildings were necessary in terms of NPF4 Policy 12, to reduce waste and encourage the reuse of buildings, however, she felt that a good case had been made for agricultural use and on balance would support the application.

The Convener noted that the buildings on the land in the ownership of the applicant would continue to be used as farm buildings, and additional capacity would be provided by granting the application.

The Convener then moved to a roll call on the officer recommendation to grant consent. Votes were cast as follows:

For: 9 (Councillors Hampshire, Allan, Cassini, Collins, Forrest, Gilbert, McIntosh, McLeod, and Yorkston)
Against: 1 (Councillor Findlay)
Abstentions: 0

Decision

The Planning Committee agreed to grant the application, 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 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.

Sederunt: *Councillor McMillan re-joined the meeting.*

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

A further report of handling was submitted in relation to Planning Application No. 23/00059/P. Julie McLair, Senior Planner, presented the report, which detailed the negotiations between officers and applicant following the previous meeting of the Planning Committee on 28 March 2023. The application was brought back for consideration as to whether the proposed condition (below) met Members' requirements such that they were minded to grant planning permission subject to imposition of the said condition.

Ms McLair responded to questions from Councillor Gilbert and advised that there had been no change to the proposed permit system since the previous meeting; permits would still be available from the local newsagent and no increase in numbers had been discussed. She provided a summary of the proposed increase in opening hours, which when compared to proposals at the April Planning Committee, represented an increase of two hours per day year round, and an additional one day per week between December and January.

Responding to questions from Members, Ms McLair confirmed that there had been no movement from the applicant regarding opening the car park on a Saturday, and reiterated that sheep management had been given as the applicant's reasoning for this restriction. It was also confirmed that the tarmacked area owned by Scottish Water was always open. Councillor McIntosh pointed out that the agricultural uses had not been relinquished, and Ms McLair agreed that this could have been argued to be a part change of use, but the applicant had applied for a complete change of use. The Convener also noted that the regularity at which the area was used for sheep management was not part of the planning consideration, but instead was a business decision of the applicant.

Councillor Gilbert said that he could not support the application on the basis of the limited improvement to opening hours, the lack of Saturday opening, and continued use of the restrictive permit system.

Councillor McMillan had hoped that the applicant might be willing to compromise further on the opening times and days, and agreed with Councillor Gilbert's concerns. He strongly emphasised his wish that the applicant would work with the community more, and felt that there should be greater access and more permits available. He would regretfully support the application as he thought that refusal would be the wrong course of action. He asked that further work be undertaken to keep track of inappropriate signage instructing people not to park.

The Convener noted that the original purpose of the car park was to enable Scottish Water to make upgrades to the plant, and the landowner had taken the opportunity to continue use of the area to open a private car park. The Convener said he would prefer that the car park be open to all, but the landowner had indicated the car park would be removed if the application were refused, which would prevent the possibility of additional parking. He highlighted that the Scottish Water car park remained available unless work was being carried out, and asked that the landowner be prevented from putting any restriction on the Scottish Water car park.

The Convener moved to a roll call vote on the report recommendation to grant consent, and votes were cast as follows:

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

Decision

The Planning Committee granted planning permission, subject to the undernoted condition:

1. 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.

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

A further report of handling was submitted in relation to Planning Application No. 20/00939/P. David Taylor, Planner, presented 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. Councillor Collins asked whether there would be an upgrade to the sewage system for this development. Mr Taylor advised that a waste water capacity assessment had been undertaken by Scottish Water and they had put forward no objection to the application. Scottish Water had stipulated that the developers would be required to come back to them to obtain necessary permits prior to the grant of any licences relating to drainage and water.

Jacque Bell made a representation on behalf of Dunbar Community Council. She said that the community council welcomed the proposal for 27 social housing units in the centre of the town, and residents of the current Garrison Green flats enjoyed their proximity to town centre amenities. The community council welcomed the attention paid to the trees, the provision of bat boxes in the roof spaces, and the condition which prevented construction during the nesting season. However, drainage remained a concern, as current residents of Garrison Green and Parsonspool had experienced problems with sewage backing up; Ms Bell had raised these issues with the Chair of the East Lothian Housing Association (ELHA). Other than asking that drainage be given further consideration, the community council welcomed the development of social housing to be run by ELHA.

Councillor McIntosh asked whether new wording relating to management of construction waste would be included in the conditions of this application. Mr Dingwall said that officers would check that details of the Construction Method Statement (CMS) included provision for safe storage for litter and building materials.

The Convener welcomed the development of much needed social housing in Dunbar. He agreed that litter from construction sites had been a problem and was in support of the CMS having the most up to date working in relation to waste management.

The Convener then moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously confirmed their support for the application.

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 £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 Δ N; 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 to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work. The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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

Sederunt: Councillors Hampshire and McIntosh left the meeting, and Councillor McMillan took over as Convener for the following item.

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

A report was submitted in relation to Planning Application No. 22/01308/P. Mr Dingwall presented the report. The report recommendation was to grant permission retrospectively.

Stuart Donnelly, of Team East Lothian, spoke to the application. He provided an overview of the regional, national, and international performances of Team East Lothian athletes. He provided information about the Run! Jump! Throw! programme with local primary schools, and partnerships with local running clubs, Enjoy Leisure, Active Schools, and other community involvement. He described Team East Lothian's holistic approach to training, of which conditioning was a key part, and said the facility had been developed with this in mind. He advised that it had been thought after initial engagement with the council that the temporary facility would not require planning permission.

Chris Rhodes, agent, also spoke to the application. He highlighted maintenance issues with the Meadowmill facility, and there were ongoing discussions relating to a community asset transfer for this facility. However, there was an acute need to find a covered venue for training, especially for the winter months. Other sites had been considered, but Hallhill was felt to be best in terms of public transport links. The facility was on a site earmarked for future overflow car parking. It also touched the ground as minimally as possible on concrete platforms so as not to disturb the natural environment, although a concrete ramp had been added to make the facility accessible to disabled athletes. The structure was two shipping containers of equipment with a canopy between them, and he said the colour had been discussed with the athletes. Advertisement consent had been already been applied for. The facility had been situated to get as much daylight as possible, and there were security cameras and motion sensors covering the site. The facility would also be leased to other groups on a donation basis, and there had been interest from other national groups in creating a similar facility.

Jacquie Bell made representation on behalf of Dunbar Community Council. She said she had been contacted by members of the community when digging had started. She said that the community council recognised the importance of people maintaining a healthy lifestyle, and she had found it helpful to learn more about the structure through the applicant's and agent's presentations. She said that concerns from the community had been in relation to the structure's prominence, colour, and the potential for security issues, and she noted that there would be security cameras covering the structure. There had also been concerns that it may become a gathering place for youths due to the opening of the structure not being overlooked. She advised that community members had asked whether it would be possible for the containers to be green rather than purple. She noted that planning permission was temporary and that the ground would be restored when the structure had been removed, and hoped that Team East Lothian could be assisted to establish permanent residence at Meadowmill.

Councillor Collins said that she had felt uncomfortable calling the application in, but had been aware of concerns and had promised to give the community a voice. She spoke of her own experience at Dunbar Grammar School, where she had broken records in throwing events, competed in interschool championships, and had been approached to join the Scottish Athletic Team. She had lost out on opportunities because personal circumstances had meant that Edinburgh facilities had not been accessible for her to train at. She felt that Team East Lothian's training facility in Dunbar represented an opportunity for local young people to succeed, aspire, do great things, and to enjoy lifelong development. She also felt that it represented an opportunity to work with those who may be disengaged and at risk of engaging in antisocial behaviour; she said those young people often responded well to winning and achieving. She did not want other young people to miss out on opportunities, and would support the application.

Councillor McMillan echoed Councillor Collins' sentiments. He also commended the recent successes of the Team East Lothian athletes and the volunteers behind them. He fully supported the application as an innovative and creative project which added real value to the area.

Councillor McMillan then moved to a roll call vote on the officer recommendation to grant permission retrospectively, and Members supported the application unanimously.

Decision

Planning Committee agreed to grant consent retrospectively, subject to the following 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.

Sederunt: *Councillors Hampshire and McIntosh re-joined the meeting, and Councillor Findlay left the meeting.*

6. PLANNING APPLICATION NO. 22/01323/P: ERECTION OF AGRICULTURAL BUILDINGS, SETON EAST STEADING, LONGNIDDRY

A report was submitted in relation to Planning Application No. 22/01323/P. Ciaran Kiely, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

John MacCallum, agent, spoke against the application on behalf of his clients, Dr and Mrs Dines. His clients felt that that proposed location of the shed was obviously wrong, and that the applicant had disregarded them as neighbours. He highlighted the effect the large industrial building would have on his clients' visual and residential amenity, which was very

close to their home and would be nearly 9.2m high. He said that it would be a highly visible, dominant, and overbearing structure, and would be incongruous with the surrounding area. He felt that the application could not be supported by local and national planning policy on listed buildings. He also highlighted the impact on nearby cultural heritage landmarks, such as Seaton Castle, and felt this should have been included in the planning assessment. He said the shed would not respond to or respect the rural character or land form locally. He advised that the Port Seton and Cockenzie Community Council supported his clients' objections. His clients had also raised points of objection in relation to drainage, the purpose of the proposed shed and its location, the means of vehicular access and drainage, and said these would all have a detrimental impact on their residential amenity. His clients had suggested that other more suitable brown field land to the west would be more appropriate for the development, close to where another modern farm shed already existed. He said his clients were not opposed to new rural development where it was appropriate to the location and of suitable design.

Responding to a question from Councillor Cassini regarding the height of the structure, Mr Kiely advised that an assessment of the daylight impact on neighbouring properties had been undertaken; proposals complied with the guidance, and were therefore considered to be acceptable. Mr MacCallum clarified that the objection was about the overbearing nature of the building and the overshadowing of their property. He noted that it was higher and closer to his clients' property than any other building than had ever existed and would have an impact on their residential amenity.

Councillor Collins commented that there was a similar shed situated nearby. She was disappointed there had been objections to the proposals and highlighted that facilities were needed for food production.

The Convener commented that it had been clear on the site visit that something had to be done with the derelict building, and this application would remove most of the structure and create a new building within it. He said that it was common across East Lothian for old steadings to be renovated. He said that residents in the country had to accept agricultural operations in the vicinity. He would support the application as it met the planning criteria.

The Convener then moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously confirmed their support for the application.

Decision

Planning Committee agreed to grant consent, subject to the undernoted 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.

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

Officers advised that this application had been withdrawn.

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

A report was submitted in relation to Planning Application No. 22/00852/PPM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Councillor McIntosh asked how much consideration was given to coastal erosion and the impact of climate change in these types of applications. Mr Irving advised that climate change allowance dictated by SEPA could change, and said an Environmental Impact Assessment had been submitted alongside the application. SEPA and the Flood Risk Officer were consulted as a matter of course in these types of application and neither had raised objection.

The Convener asked how much control the council had to ensure disruption to residents would be minimised. Mr Irving said that the planning authority always tried to work with applicants and external consultees to ascertain whether it may be possible to share infrastructure to minimise the impact of digging and laying cables, but with large infrastructure projects, there would always be an element of disruption. The Convener commented that further discussion with the government on the pressure on this stretch of coastline may be required.

Claire Duffy and Barry Hughes, on behalf of SP Energy Networks, were present to answer Member questions.

Jacque Bell spoke to a representation made by Dunbar Community Council, and said that their concerns were also shared by East Lammermuir Community Council. The community councils were concerned that it would be difficult to accommodate the workers of over a dozen energy operations in the area. They were also concerned about the impact of these operations on the seabed, and noted that crabs were attracted to cables. She highlighted

road safety at the cement works junction, which had a significant accident record. There were also concerns about futureproofing of the development against the effects of climate change. She said that residents had also raised concerns about road safety on rural roads and the A1; she noted that there would be a construction management plan in place, but said that residents found that such plans were not always adhered to.

Responding to a question from Councillor Collins, Mr Hughes advised that a detailed programme was under development, and tendering of the work was currently underway. The site was expected to be operational for testing purposes by the end of 2027, although lead times for securing materials may affect this, and the handover was likely to be in 2028.

Responding to Councillor McMillan's question about the possible effects of flooding and climate change, Ms Duffy advised that a detailed options appraisal had been consulted in the siting and routing of cabling. She advised that the converter station was a significant distance from the coastline, and noted that the main interaction with the coastline was when drilling took place to lay cabling out to sea. Further drilling took place under the A1 and East Coast Mainline, with all aspects considered at the outset of the project.

The Convener commented on the significant pressure this section of the coastline was under, and this coastline's importance to the national infrastructure in relation to electricity generation. He thought it was a mistake to have Torness' output cease in 2028; while he fully supported renewables, he said there was not an alternative base load currently available. He expected that further applications for this section of coastline would be submitted. Due to the increase in developments, he felt that investment was required by the government in this section of the A1, which he described as being dangerous.

The Convener then moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously confirmed their support for the application.

Decision

Planning Committee agreed to grant planning permission in principle subject to the following:

- 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 including 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.

Sederunt: Councillor Gilbert left the meeting.

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

A report was submitted in relation to Planning Application No. 22/00732/AMM. Stephanie McQueen, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Councillor McIntosh asked about the decision not to provide gardens or drying greens to the flats in the three-storey buildings, and whether the indoor drying of clothes may eventually cause mould problems. Ms McQueen advised that the layout shown in the application accorded with the previously approved planning permission in principle. As washer/dryer facilities were being provided within the flats, there was no requirement for outdoor drying space. Councillors Cassini and Hampshire also raised environmental concerns over the installation of tumble dryers.

Tony Thomas, agent, spoke to the application. He provided background information on the wider site, which would deliver a total of 468 dwellings at Longniddry South, of which this application dealt with 141 units, including 48 affordable homes. This phase would see the footpath link to Longniddry Station brought forward, as well as the playing fields on the eastern edge, several areas of open space, and formal and informal play areas. The timing of the application would allow the workforce to move from phase 1 into phase 2 seamlessly, and it was expected that the development of Longniddry South would be completed by early 2028. He highlighted ways in which the developer had addressed the climate emergency, including ease of access to key facilities and the train station, provision of EV wiring and charging stations, and solar panels throughout.

Responding to an earlier point made about drying facilities, Mr Thomas said there had been a significant emphasis on making the development environmentally friendly, but that small compromises had to be made on a limited number of units within the wider development. Kirsty Henderson, representing Cruden, noted that the majority of the flats would be for private sale. She said the developer had to work within a design code set by the landowner,

and a high density development had been created, with flats integrated into the streetscape. The amount of private space was limited and it would move away from the design code to create drying greens. It was the experience of the developer that those living in upper units did not use drying greens in any case.

Responding to a question from Councillor McMillan, Mr Thomas gave an account of the positive lessons learned so far. Discussions had been held with the community council to make non-car access to Longniddry under the Argyle Bridge as convenient as possible. Ms Henderson said that issues in phase 1 had related to the timing of the installation of various routes, and Cruden would continue to work with the community council through the phasing of the development to try to install routes as quickly as possible. She also responded to an earlier point regarding the potential for mould in indoor drying areas, and reassured Members that this had not been an issue raised in the first phase, as ample ventilation had been installed in the flatted units with indoor drying areas.

Helen York spoke to a representation made by Longniddry Community Council, who welcomed the development and their new neighbours, but wanted to raise some concerns. She understood that some conditions were not within the control of the developer and instead required action from the Wemyss and March Estate. She highlighted that Argyle Bridge access was supposed to be a cycle and pedestrian safe route to school, but currently had shared vehicle access to the cottages and to offices belonging to the Wemyss and March Estate. There were currently no restrictions on vehicles here. She reported that a site visit had taken place with a planning officer and Cruden, and a plan had been submitted with bollards, but said this relied on action from the Wemyss and March Estate. She noted that homes had been occupied at a time when part of the path to the estate had been impassable for those on mobility scooters, leaving some people unable to access amenities. It was also felt that a proper traffic audit had not been carried out. She noted that Argyle Bridge access would eventually become the main access for cyclists and pedestrians to Longniddry Station, but it could be some years until the road to the cottages was completed. Therefore, in the meantime, the community council sought restrictions so that drivers felt as though they were driving across a school playground. It was felt that the roads were not adequate to service the whole of the phase 2 development. She also reported that there had been two weeks of sewage leaks onto Main Street. Finally, she advised that there was a feeling in the village that the three-storey flats looked like tenements and were not appropriate for Longniddry.

The Convener asked Ms Henderson to expand on plans for Argyle Bridge. She reassured Members that discussions had been held with the Wemyss and March Estate, and jointly-funded solutions were being considered. She took the community council's point that pedestrians had to be made a priority. The offices had been advised that they would not be able to use this area for parking in the future. Bollards and signage had also been discussed, and Cruden was seeking confirmation that the Wemyss and March Estate would install these on their land; Cruden could not take responsibility for something not in their ownership, but could assist. She advised that the junctions on Coal Road were audited under the phase 1 development, which is why they were not being audited under phase 2. She said there was a feeling that Queen's Road would become more of a main road, and the intention was to carry out inspections with a view to widen the road. She advised that no further measures were required to increase the drainage capacity for phase 2, but consultation was underway with Scottish Water. She said that the three-storey flats had always been included in the masterplan, and the developer was adhering to this.

Councillor Yorkston supported the application overall, and particularly the 48 affordable houses. He acknowledged the work and thoughtful representation of Longniddry Community Council, and was encouraged to hear Cruden working on certain objections prior to the meeting. He commended the work of Longniddry Community Council in integrating Longniddry South into the community, including having a notice board erected to make

residents aware of community events. He asked that any objections raised by the community council be taken on board by the developer.

Councillor Cassini was supportive of the application, apart from the installation of tumble dryers and lack of drying greens for some flatted buildings. Councillor Collins agreed, and said that this kind of communal area would help develop a sense of community and assist in meeting environmental targets.

Councillor McIntosh suggested that a condition could be added to require a plan for drying greens to be submitted. She thanked the community council for their thoughtful response and shared their concerns about road safety, and suggested that this could also be addressed through conditions.

Councillor McMillan also thanked Longniddry Community Council for helping to build a sense of community and for their work to integrate the residents of Longniddry South. He would support the application. Councillor Forrest was also supportive of the proposals and particularly the affordable homes.

Mr Dingwall suggested that an amendment could be made to Condition 6 to require that the report would also investigate whether it was feasible for drying greens to be provided for the flatted properties.

Ms McQueen suggested that a condition be added to require the submission of measures to be taken to ensure the safety of pedestrians and cyclists on the safe route to school, including measures to be taken to prevent motor vehicle access from the A198 Main Street under the Argyle Bridge.

The amended Condition 6 and the additional condition, as outlined by Mr Dingwall and Ms McQueen, were proposed by the Convener and seconded by Councillor Cassini.

The Convener then moved to a roll call vote on the officer recommendation to grant consent, and Members unanimously confirmed their support for the application.

Decision

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

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

Thereafter any mitigation measures required shall be implemented as so approved. 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 and shall also investigate whether it is feasible to provide drying greens for the flatted buildings hereby approved. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved. The report shall also investigate whether it is feasible for drying green areas to be provided for the flatted properties hereby 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 and a refuse 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 Longniddry 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.

- 43 Prior to the commencement of this development the measures to be taken to ensure the safety of pedestrians and cyclists on the safe route to school from motor vehicles, including the vehicles accessing the properties of 14 Main Street and 3-6 Longniddry Farm Cottages, and including measures to be taken to prevent motor vehicle access from the A198 Main Street under the Argyle Bridge, shall be submitted to and approved by the Planning Authority, and shall include a timetable for implementation of those measures. Thereafter those measures to be implemented in their entirety in accordance with the timetable and details so approved and those measures shall thereafter be maintained and retained unless otherwise approved by the Planning Authority.

Reason

In the interests of safeguarding pedestrian and cyclist safety on the safe route to school.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

REPORT TO: Planning Committee
MEETING DATE: 6 June 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **22/00734/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 16/00485/PPM - Erection of 124 houses, 6 flats and associated works

Location **Longniddry Farm
Longniddry
East Lothian
EH32 0NZ**

Applicant Places For People

Per APT Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

DESCRIPTION OF APPLICATION

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 124 houses, 6 flats and associated works on an area of land measuring some 11.0 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 124 houses and 6 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. 22/00734/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 and to the east of 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, and land of Phase 1 of the Longniddry Farm development, including the Braid Burn corridor. To the south and east the site is bounded by agricultural land. The application site encircles the site of planning permission 22/00732/AMM and the sites of separate planning applications 22/00733/P and 22/00735/P.

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 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 124 houses and 6 flats to be erected on the site, 109 of the houses would be for private sale, and 15 houses and 6 flats are proposed as affordable housing units. In terms of their size the affordable housing units would comprise 6 x 2-bed flats, 4 x 2-bed houses and 11 x 3-bed houses. The private sale units would comprise 18 x 2-bed houses including 5 bungalows, 64 3-bed units provided as terraced, semi-detached and detached houses, including two storey and one and a half storey units, 15 x 4-bed units

provided as semi-detached and detached houses, and 12 x 5-bed units provided as detached houses. In terms of their heights, of the 124 houses and 6 flats to be erected on the site there would be a total of 6no single storey bungalows, 12no one and a half storey units, and 112no two storey units. Terraces would vary between 3 and 5 houses in length, though in some instances would comprise of 6 units where flats are proposed.

The majority of the proposed houses and flatted building would face towards either the principal and secondary roads of the proposed development or towards areas of open space land on the north, east, and south parts of the application site including SuDS areas, the proposed sports pitch and 'village green' area, or towards the Braid Burn corridor outwith the application site to the west. However some houses would directly face onto the back lanes/courts. All of the houses would be provided with garden ground. The proposed 6 flats would be provided with a communal drying green area. The majority of the proposed houses would have short front gardens to the public street. The exceptions to this would be plots 237 to 243 and 257 and 258 which would have longer front gardens.

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 130 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 130 residential units would be via the centrally located Limekilns Road or Queens Road to the south. 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 to access the 130 proposed residential units. None of the proposed 130 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 six main blocks, each with smaller back lanes and footpaths that would further sub-divide the housing into smaller groupings.

The majority 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. However, a minority of proposed houses would have driveways located to the side of them, and the houses on plots 237 to 243 would have driveway access from the front and extending along the side of them. Visitor parking would be provided on-street as well as in the back lanes/courts. Cycle parking for the flatted buildings comprising plots 159-164 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 roughly centrally on the application site, and immediately to the south of the site of planning permission 22/00732/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 and a landscaped edge along the southeast part of the site. 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, including around each of the SuDS basins and to the west side of the grass sports pitch and to the southwest of the sports pitch along the south/southeast boundary of the site. 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 a change to the position of the garage on plot 224, changes to the colour scheme for the external finishes of some of the plots, provision of 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-7101, dated April 2023);
- Flood Risk Assessment (prepared by KAYA Consulting Limited, Version 2.0, dated June 2022);
- Transport Assessment Addendum (prepared by WSP, dated 27th January 2022);
- Stage 2 Road Safety Audit (prepared by Stewart Paton Associates, Ref. 5354, dated October 2022);
- Drainage Statement (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);
- Phase II Geo-environmental and Geotechnical Interpretative Report (prepared by Geovia, ref. 1709-03/January 2022);
- Phase II Supplementary Geotechnical Ground Investigation Report (prepared by Geovia, ref. 1709-03/May 2022; and
- Biodiversity Enhancement Plan (dated April 2023).

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 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 22/00733/P 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.

On 7 March 2023 planning application 23/00165/P was registered for the formation of a temporary haul road and associated works for a temporary period of 5 years to serve the development site at Longniddry Farm. Planning application 23/00165/P is made retrospectively because the haul road has already been formed. Planning application 23/00165/P is pending consideration and no decision has yet been taken on it.

On 22 March 2023 planning application 23/00026/P was granted for the addition of a single storey rear extension as changes to the house design of plot 157 as changes to the scheme of development the subject of planning permission 18/01048/AMM.

On 18 April 2023, listed building consent application 23/00227/LBC was registered for alterations, extension and re-roofing of a derelict building to the north side of Longniddry Farm Steading. Listed building consent application 23/00227/LBC is made part retrospectively because works have already commenced. Listed building consent application 23/00227/LBC is pending consideration and no decision has yet been taken on it.

On 2 May 2023 planning permission 22/00732/AMM was granted for the erection of 90 houses, 51 flats and associated works as approval of matters specified in conditions of planning permission in principle 16/00485/PPM.

On 16 May 2023, planning permission 23/00228/P was granted for 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 permission 23/00228/P is made part retrospectively because works have already commenced.

On 18 May 2023 planning application 23/00393/P was registered for alterations, extensions and part change of use of the agricultural buildings of Longniddry Farm Steadings to use as shop and financial, professional and other services (class 1A) and cafe (class 3). Application 23/00393/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. 22/00734/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

Three 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, the new access to serve the existing cottages of Nos. 3 - 6 Longniddry Farm Cottages is inappropriately placed relative to existing trees and structures within the gardens of those houses, 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;

4, concerns about the proximity of the SuDS basin and drainage arrangements to the existing cottages of Nos. 3 - 6 Longniddry Farm Cottages;

5, it is not clear how the existing local infrastructure will be able to cope with the influx of people into these buildings;

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, the use of the existing driveway that serves the existing cottages of Nos. 3 - 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

8, how will the existing cottages (Nos. 3 - 6 Longniddry Farm Cottages) get vehicular access to their front gardens?

The representations are made generically to applications 22/00732/AMM, 22/00734/AMM, 22/00733/P and 22/00735/P. This application (Ref. 22/00734/AMM) does not include buildings of two and a half or three storeys in height. Thus, comments made in the representations relating to the heights of such buildings are not relevant to this application.

This application proposes the erection of 130 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 141 residential units proposed through separate planning permission 22/00732/AMM, and the 130 units proposed through this application (Ref. 22/00734/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 Nos. 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. 22/00734/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.

This application (Ref. 22/00734/AMM) does not include buildings of two and a half or three storeys in height. Thus, comments made in the representations relating to the heights of such buildings are not relevant to this application.

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 Phase 1 of the wider site at Longniddry South (Ref. 18/01034/AMM, 18/01038/AMM and 18/01048/AMM), and a further 141 residential units on Phase 2 of the wider site at Longniddry South (Ref. 22/00732/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 124 house and 6 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 130 units but all of the larger housing development the subject of planning permission in principle 16/00485/PPM. 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 11.0 hectares, comprises approximately 36% 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 two storey cottage flats. Houses would be single, one and a half, and two storeys in height, and the cottage flatted buildings would be two 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 124 houses and 6 flats to be erected on the site, 109 of the houses would be for private sale, and 15 houses and 6 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, which is the subject of planning permission 22/00732/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 building would face towards the principal roads of the proposed development however some would face towards 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 would directly front onto the back lanes/courts. All of the proposed houses would be provided with garden ground. The proposed cottage flats would be provided with a communal drying green area. The majority of the proposed houses would have short front gardens to the public street. None of the proposed cottage flats would be provided with private garden ground.

The varying heights of the proposed houses and flatted building 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 two storey houses, along with the single storey and one and a half 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 building would be primarily located to the rear of the houses and flats and would be accessed from the back lanes/courts. Some of the proposed houses would have private driveways located to the rear of them. A minority of proposed houses would have private driveways located to the side of them, or would have driveway access from the front with driveways extending along the side of them. 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 on the primary streets.

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 building 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 permission 22/00732/AMM and planning applications 22/00733/P 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 two 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 building 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 pitched, hipped and gabled roofs, sprocketed eaves, pitched roof and wall-head dormers, painted timber framed windows, a variety of multi-paned astragalled windows, window and door surrounds, and simple chimneys with multiple chimneypots. 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 building, 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 building 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.

The external walls and roof of the cycle store building for the flatted building would, respectively, be finished with a coloured wet dash render and natural slates. The external walls of the garages of the proposed houses would finished with either a coloured wet dash render or a painted vertical timber cladding, and their roofs would be clad with either natural slates or natural clay pantiles, or a metal profile roofing material. Where garage walls would be finished with a coloured wet dash render, the render would be coloured to match the rendered finish of the relevant house(s). The use of a vertical timber cladding finish for garages is proposed on ten plots and in each case the garage would be either set back from the principle, secondary and tertiary street or visible only from a back court/lane. Subject to the external paint finish of the vertical timber cladding being agreed with the Planning Authority, a detail that could be controlled by a condition of a grant of planning permission, the use of vertical timber cladding in the locations proposed would complement and harmonise with the otherwise rendered finishes of the houses and other garage buildings, and would not detract from the character and integrity of the development. The use of a metal profile roofing material is proposed for use on some 37 of the garages and would be used where garage buildings would not be predominantly visible from the principle, secondary and tertiary streets. Rather the use of the profile metal roofing material, is proposed for garages that would be directly accessed from the back courts/lanes and would be directly visible from those back court/lanes. The profile metal roofing material would be of a dark grey colour. In instances where the profile metal roofing material would be visible from the principle, secondary and tertiary streets, such glimpsed views of it, would be seen in the context of the greater massing of the proposed houses and flatted building, including their external roof finishes of natural slate and natural red clay pantile, and the dark grey colouring of the profile metal roofing material would be not dissimilar to the colour of the natural slate roofs of the proposed houses and some of the garages. Subject to the metal profile roofing material being a dark grey colour to be agreed with the Planning Authority, a detail that could be controlled by a condition of a grant of planning permission, the use of profile metal roofing material in the locations proposed would complement and harmonise with the otherwise natural slate and natural red clay pantile finishes of the roofs of the proposed houses, flats and other garage buildings, and would not detract from the character and integrity of the development.

Otherwise, the palette of external finishes and colours for the proposed 124 houses and 6 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 the subject of planning permission 22/00732/AMM, and of planning applications 22/00733/P and 22/00735/P, which as yet have not been determined, and which together with this application (Ref: 22/00734/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, side 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 building 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 east/southeast/south 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 160 metres minimum 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, heights, 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 130 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 130 residential units to the areas of open space on the northern, eastern, central and south parts of the site and to the Braid Burn corridor 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 permission 22/00732/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 and a landscaped edge would be provided respectively on the northern, central, eastern and south/southeast 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 landscape proposals drawings submitted with the application indicate additional equipped play space on that area of land.

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 do not indicate that any electricity substations or gas governors are required 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 electricity substation(s) and/or gas governor(s) to be submitted prior to the commencement of development on the site, if relevant.

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 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 south of the rear garden boundaries on the southeast part 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 south and east, and privacy for the proposed houses that would back onto this area of amenity space. 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) the landscape edge along the south/southeast part of the site is an ideal location for natural play space (between plots 243 and 257);

4) 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;

5) 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;

6) fastigate feature trees within communal space within the streetscape is supported;

7) additional tree planting should be considered within the verges to the west of plots 244 and 262;

8) 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;

9) 'Pachysandra' does not grow in East Lothian and should be removed from the indicative planting schedule;

10) 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

11) 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 NPF4 policies 4, 7, 14, 16, 20 and 21, Policies DP1, DP2, DP3, DP9, CH1, OS3, and OS4 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.

Rear gardens would be enclosed by 1.8 metres high rendered walls or vertical board timber fencing with only narrow gaps between the boards. Boundary enclosures of such height and form would be sufficient to prevent harmful overlooking between ground floor windows and neighbouring garden ground or directly facing windows. The requirement for the provision of such boundary enclosures to rear gardens can be controlled by a condition attached to a grant of planning permission.

In the cases of plots 229, 230, 238, 239, 240, 241, 242, 243, 255, 256, 257 and 258, 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/or 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 229, 230, 238, 239, 240, 241, 242, 243, 255, 256, 257 and 258 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.

The detached garage buildings on plots 191, 243, 255 and 258 are proposed to be two-storeys in height: each comprising double garage at ground floor level and first floor accommodation including W.C. facilities. The Planning and Design Statement explains that the first floor accommodation is proposed as a 'home office' use. There is nothing within the planning application to indicate that the ancillary accommodation proposed for the first floor of each of the detached garage buildings is to be used as a separate unit or used for commercial purposes. Subject to the first floor accommodation of each of these four garage buildings being used incidental to the use and enjoyment of the houses on the respective plots, the 'home office' use of the first floor accommodation of each of these four garage buildings would not be harmful to the residential character and appearance of the proposed housing development and would not be harmful to the privacy and amenity of any neighbouring house or flat. This matter 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.

The flatted building would be provided with a communal drying green space and a small adjacent area of communal garden space. 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 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:

- Longniddry South is being developed on previously farmed land with little biodiversity value;
- The creation of public open space, new garden ground and improvements to the Canty Burn will all have significant biodiversity benefits; and
- 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) 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.

19) The new vehicular access giving access to the parking areas of Nos. 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 Argyle Bridge ceasing.

Subject to the imposition of those controls the proposal is not contrary to NPF4 policy 13 (Sustainable Transport) and Policies 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. Twenty one of the 130 residential units (15 houses and 6 flats) the subject of this application (Ref: 22/00734/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 21 affordable units proposed in this application is only some 16% of the 130 residential units proposed in this application. However, when this application is taken alongside the other applications for Phase 2 of the Longniddry South development (Refs. 22/00732/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 21 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 130 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 the 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 presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin or shall cease to continue until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Thereafter any mitigation measures required shall be implemented as so approved. 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 Notwithstanding that shown on drawing no. SP-306 rev I (Site layout - Parking strategy), prior to the commencement of development, a scheme for the provision of electric vehicle 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-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, a detailed scheme of landscaping, including planting plan and schedule, based on drawing nos. SC1003-LE-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, shall be submitted to and approved in advance 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 shall be located adjacent to pedestrian areas. New trees shall be relocated to be adjacent to rather than within hedges. 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' numbered 1629(PL)002 rev A with landscaping within each phase carried out in the first planting and seeding season following the occupation or completion of each phase, whichever is the sooner. The landscaping within the 'joint public realm' and 'connection corridor' sections to the south PFP phase 6 shall be implemented within 1 year of commencement of Phase 6 and the landscaping with the 'connection corridor' section to the southeast of PFP phase 4 shall be implemented within 1 year of commencement of PFP phase 4 of drawing no. 1629(PL)002 Rev A.

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 plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All 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 hedges to 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 in advance 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 electricity substations and/or 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 electricity substations and/or gas governors shall accord with the details so approved.

If no substations and/or gas governors are required for the development hereby approved, then this should be confirmed to the Planning Authority prior to the commencement of development.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of any electricity substations and/or 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 application site and 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 Nos. 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 and a refuse 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.), 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 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.

- 22 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.

- 23 Other than to comply with the requirements of conditions 15 to 22, 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.

- 24 The first floor accommodation over the garage of each of plots 191, 243, 255 and 258 of the development hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the respective dwellinghouse the garage building and so too the first floor accommodation over the garage, is to serve and at no time shall the first floor accommodation over the garage be used to form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the respective garages and their first floor accommodation in the interests of safeguarding the character and residential amenity of the area.

- 25 Prior to the occupation of the houses and flats hereby approved all garden boundary enclosures shall be in accordance with docketed drawing nos. SP-307 rev H and SP-327 Rev B 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 1.8 metre high rendered walls shall be erected, formed and maintained at 1.8 metres in height unless otherwise approved by the Planning Authority.

Notwithstanding the annotation on drawing nos. SP-307 rev H and SP-327 rev B, 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, to safeguard the privacy and amenity of the residential properties, and in the interests of protecting the 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 Longniddry 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 building hereby approved shall accord with the application drawings and the External Finishes Summary (no. SC1003-DET-5001 rev D) 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 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 and garages 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 The profile metal roof finish to be used on some of the garages hereby approved shall be a dark grey colour in accordance with details of such colour finish to be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the profile metal roof finish used, including its colour, shall accord with the details so approved and such profile metal roof finish including its colour shall thereafter be retained unless otherwise approved 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.

- 31 Prior to the occupation of the flats hereby approved, the bin storage facilities for those flats 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 shall be installed so that their upper surface is fitted as flush as possible with the upper surface of the roofing material of the roof and any roof flashing associated with them shall be kept to a minimum, 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 229, 230, 238, 239, 240, 241, 242, 243, 255, 256, 257 and 258 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, as relevant:

- i) the first floor window of the southeast elevation of the house on Plot 229;
- ii) the first floor window of the northwest elevation of the house on Plot 230;
- iii) the first floor window of the northeast elevation of the house on Plot 238;
- iv) the first floor window of the southwest elevation of the house on Plot 239;
- v) the first floor window of the southwest elevation of the house on Plot 240;
- vi) the first floor window of the southwest elevation of the house on Plot 241;
- vii) the first floor window of the northeast elevation of the house on Plot 242;
- viii) the first floor window of the southwest elevation of the house on Plot 243;
- ix) the first floor window of the south elevation of the house on Plot 255;
- x) the first floor window of the south elevation of the house on Plot 256;
- xi) the first floor window of the northeast elevation of the house on Plot 257; and
- xii) the first floor window of the northeast elevation of the house on Plot 258.

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 The flatted building (plots 159, 160, 161, 162, 163 and 164) hereby approved shall be provided with communal drying green space in accordance with the details shown for such space on drawing no. SP-300 rev I. The communal drying green space shall be formed and made available for use prior to the occupation of the flats on plots 159, 160, 161, 162, 163 and 164, and shall thereafter be retained and available for such use unless otherwise approved by the Planning Authority.

Reason:

In the interest of the amenity of the neighbouring residential properties and to minimise the environmental impact of the development.

- 35 Prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. 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 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 details so approved and 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 Article 3 and 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, revoked or re-enacted; with or without modification), 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:

In the interests of safeguarding the character and appearance of the development and its landscape setting and to enable the Planning Authority to exercise appropriate control on future development within the site.

- 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 15 houses and 6 flats hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter, those 15 houses and 6 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 Nos. 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.

- 43 Prior to the commencement of this development the measures to be taken to ensure the safety of pedestrian/cyclists on the safe route to school from motor vehicles, including vehicles accessing the properties of 14 Main Street and Nos. 3 - 6 Longniddry Farm Cottages, and including measures to be taken to prevent motor vehicle access from the A198 Main Street under the Argyle Bridge, shall be submitted to and approved by the Planning Authority and shall include a timetable for the implementation of those measures. Thereafter, those measures shall be implemented in their entirety in accordance with the timetable so approved, and those measures shall thereafter be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of safeguarding pedestrians/cyclists on the safe route to school.

- 44 Details, including a sample, of the colour of the paint finish to be applied to the external face of the vertical timber cladding of the external walls of the garages on plots 228, 229, 230, 231, 237, 238, 239, 240, 241, 242 and 243 shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the paint finish used shall accord with the details so approved and such colour finish shall thereafter be retained unless otherwise approved 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.

REPORT TO: Planning Committee
MEETING DATE: 6 June 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note – *this application was called off the Scheme of Delegation List by Councillor McFarlane for the following reasons:* I feel it would be beneficial for the Committee to visit the site and fully discuss this application. There are other similar developments close by that have been approved and none of the permanent residents have raised objections about this application so I would like this application to be reviewed at Committee.

Application No. **23/00128/P**
Proposal Alterations and extensions to flat, formation of second floor balcony
Location **Seafield
10 Forth Street
North Berwick
EH39 4HY**

Applicant Mr and Mrs Paul and Julie Harrison
Per Somner Macdonald Architects

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a large three storey detached property with accommodation within its roof space, and its garden located in North Berwick. The building is divided into 2 flats 10 and 10A, Forth Street, North Berwick. The building is located within the North Berwick Conservation Area.

The property is bounded to the north by the foreshore of West Beach. It is bounded to the east by Lorne Lane, a small access path, beyond which are neighbouring properties, to the west by neighbouring residential properties and to the south by the public road of Forth Street.

The building is two storey in height, constructed from traditional red-sand stone and has white painted timber windows and doors. The building that has a two storey component that protrudes out from part of its rear (north) elevation. The west elevation of that protruding component has a small box dormer on its west elevation roof slope. The building also has a pitched roof dormer on each of its front and rear elevation roof slopes.

The building is set back from the main road to the south, the B1346, which serves as access however, but is readily visible from West Bay.

Planning permission is sought for:

- i) the formation of a large L shaped flat roofed dormer on the rear (north) elevation roof slope of the building and would also attach to the west elevation roof slope of the two storey protruding component of the building with associated terrace and glazed balustrade;
- (ii) the addition of a flat roofed extension to the east elevation roof slope of the two storey protruding component;
- iii) the formation of a pitched roof dormer on the western side of the south elevation roof slope of the building;
- (iv) the enlargement of an existing window on the first floor of the north elevation of the building to form a door and the installation within the enlarged opening of a door with fanlight;
- (v) the replacement of the railings enclosing the first floor terrace on the rear elevation of the building with a glass balustrade, and
- (vi) the formation of 2 new window openings at first floor level on the east gable elevation of the building and the installation of new white painted timber framed windows within the new openings;
- (vii) the installation of a rooflight on the flat top of the roof of the main building.

A planning statement has been submitted with the application.

The building currently has a single small box profile dormer within the west facing roof of the protruding 2 storey rear component and a pitched roof dormer within each of the north and south elevation roof slopes of the main building.

Subsequent to its registration, the application has been revised to remove a rooflight within the hipped north-facing roof and the removal of door at first floor within the west elevation of the protruding rear component.

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) which was adopted by The Scottish Government on the 13th February 2023 and the adopted East Lothian Local Development Plan 2018.

Policies 7 (Historic assets and places), 14 (Liveable Place) and 16 (Quality Homes) of NPF4 are relevant to the determination of this application. Policies CH2 (Development Conservation Areas), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

REPRESENTATION

Two letters of objection have been received in relation to the application. The main grounds of objection are:

- * Large roof dormers that would significantly change the roof line and appearance of the building creating an un-balanced, top-heavy building with glass balustrading emphasising this;
- * Radical and incongruous change to the roof structure, dominating the façade;
- * Detract from notable character of pitched roof;
- * Changing roof to large modern glass doors, balconies and dormers, either preserves or enhances the appearance of this historic property;
- * Skylight window in 'turret' style roof facing the beach does not appear to be appropriate in size or location, and would significantly change the character of the roof;
- * The proposed new dormer window on the south facing roof would have views into rooms of adjacent properties;
- * Proposal would dramatically change the visual appearance of a significant building in the North Berwick conservation area. Proposed materials are not in keeping with the current construction materials, the radical alterations to the roof structure are disproportionate and overbearing, and the plans do not preserve the appearance of this property nor, arguably, enhance the character of Seafield.
- * North elevation is the most visible elevation;
- * alteration are intrusive and would impinge on the special architectural character and appearance of the CA and does not preserve or enhance the CA;
- * Proposals not complementary to the buildings character and appearance, glass inserts being out of scale and intrusive into the beach front scene and character.

In addition one letter of support has been received to this application which states that the house of Seafield has been left in a state of disrepair for some time as the owners have neglected to do any remedial works. The works will enhance the house and the area.

COMMUNITY COUNCIL

North Berwick Community Council has made no comment on the application

PLANNING ASSESSMENT

Policy DP5 of the ELLDP requires that alterations and extensions to existing buildings must not, amongst other things harm the residential amenity of any neighbouring residential properties through overlooking or overshadowing.

On the matter of residential amenity, there are no new openings proposed on the east elevation of the building. Therefore there would be no harmful overlooking in that direction.

The new glazed openings in the north and south elevations of the building would not

allow for overlooking that would be any different to that already possible from the existing windows in the north and south elevations of the building. Therefore there would be no harmful overlooking of neighbouring properties in those directions.

The glazed openings of the dormer to be formed on the west elevation roof slope of the protruding rear component would face toward the rear garden of the neighbouring house to the west. However any overlooking from those new openings would not be significantly different to that already possible from the windows of the existing box dormer and from the existing first floor terrace on the rear of the building. Therefore those new openings would not allow for harmful overlooking of any neighbouring residential properties.

Therefore the proposals would not allow for harmful overlooking of any neighbouring residential properties.

Due to their form, size and scale the proposals would not cause a loss of daylight or sunlight to any neighbouring residential properties.

On those matters of amenity the proposals are not contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Policy CH2 of the ELLDP requires that all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.

Policy DP5 of the ELLDP requires that alterations and extensions to existing buildings must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building.

The houses and buildings that back onto the west beach are largely of a traditional architectural form and character that together make a positive contribution to the character and appearance of this part of North Berwick Conservation Area. The rear elevations of some of the houses and buildings that back onto the beach have previously been altered and extended. However, individually and cumulatively those alterations have largely retained the character of the buildings and the conservation area albeit with more modern style interventions.

The proposed pitched roof dormer to be added to the western end of the south elevation roof slope of the building would largely replicate the form and appearance of the existing dormer on the eastern end of that roof slope. Therefore the addition of the proposed pitched roof dormer would be in keeping with that existing dormer. By virtue of its form, size, scale and positioning the proposed pitched roof dormer would be appropriate to its setting and in keeping with its surroundings. It would not be harmful to the character and appearance of the house or to the character and appearance of this part of the North Berwick Conservation Area.

The proposed flat roofed extension would sit between the north elevation roof slope of the building and the chimney on the east elevation of the two storey protruding rear component. Whilst it would be of a non-traditional flat roofed form, due to its contained position it would not be readily visible from public places. Therefore it would not be seen to be harmful to the character and appearance of the building or harmful to this part of the North Berwick Conservation Area.

By virtue of their form, size, scale and positioning the proposed new window openings to

be formed in the side (west) elevation of the building would be appropriate to their setting and in keeping with their surroundings. They would not be harmful to the character and appearance of the building or to the character and appearance of this part of the North Berwick Conservation Area.

The enlargement of the window opening on the north elevation of the building to form a doorway and the installation of a new door with fanlight within the enlarged opening would not be harmful to the character and appearance of the building or to the character and appearance of this part of the North Berwick Conservation Area.

Due to its size, scale and positioning the proposed rooflight would not be harmful to the character and appearance of the building or harmful to the character and appearance of this part of the North Berwick Conservation Area.

The replacement of the balustrade of the first floor terrace with a new glazed balustrade would be a modern intervention on the building. However due to its lightweight glazed form it would not be harmful to the character and appearance of this part of the North Berwick Conservation Area.

Notwithstanding the above, the main component of this application is the L shaped dormer to be added to both the north elevation of the building and to the west elevation of the protruding rear component attached to the north elevation of the building.

The building of 10 Forth Street is positioned such that its front elevation is set some 25m back from Forth Street and consequently the rear elevation of the two storey protruding component of the building borders the foreshore of West Beach. The building is therefore readily visible from West Bay and in longer distance views from Victoria Road. Due to its positioning and of its traditional architectural form and character the north elevation of the building makes a significantly positive contribution to the character and appearance of this part of the North Berwick Conservation Area.

The proposed L shaped dormer would be some 2.4m in height. It would be some 3.5m in length and would project some 2m out from the west elevation roof slope of the protruding 2 storey component of the building, and some 3.2m in length and would protrude out some 1.6m out from the north elevation roof slope of the main building. Its roof would be clad in an uPVC membrane. Its cheeks would be glazed as would its façade, using powder coated aluminium in dark grey. The openings within the north and west facing elevation of the dormer, would comprise full height aluminium frames; each of which would further comprise a small projection, akin to a Juliet balcony formed in front of those door openings, fronted by glazed balustrades.

The proposed L shaped dormer would be significantly larger in size and scale than the dormers it would replace and would be of a very different architectural character to those existing small dormers.

Due to its size and scale the L shaped dormer would occupy most of the north and west elevation roof slopes of the building on which it would be placed. As such it would not be of a size or scale proportionate to the size and scale of the roof slopes of the building on which it would be placed, and would not be a subservient or complimentary addition to the roof of the building. Furthermore, due to its form and appearance it would not be in keeping with the original building or complementary to its character and appearance. Moreover, due to the prominent position of the building, readily visible from the beach and from Victoria Road, the proposed L shaped dormer would not be well integrated into its surroundings and would instead appear as a dominant and incongruous addition to the roof of the existing building that would not be sympathetic to the architectural

character of the existing building or to the built form of this part of the North Berwick Conservation Area. Consequently the proposed L shaped dormer would be an inappropriate addition to the roof of the building that would radically change the appearance of the building. Therefore the proposed L shaped dormer would neither preserve nor enhance but would be harmful to the character and appearance of the building and harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to Policy 7 of NPF4 and Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018.

The main component of this planning application is the L shaped dormer to be added to the north elevation of the building and to the west elevation of the protruding rear component attached to the north elevation of the building. As that L shaped dormer is not supported by the relevant policies of the development plan and is therefore unacceptable, then notwithstanding that the other components of this planning application are acceptable, the whole planning application should be refused planning permission.

Therefore in conclusion, the proposed L shaped dormers is considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the fact that the L shaped dormer does not accord with the Development Plan.

REASON FOR REFUSAL:

- 1 The proposed L shaped dormer would be an inappropriate addition to the roof of the building that would radically change the appearance of the building and would neither preserve nor enhance but would be harmful to the character and appearance of the building and harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to Policy 7 of NPF4 and Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018.

REPORT TO: Planning Committee
MEETING DATE: 6 June 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **22/01364/PM**
Proposal Section 42 application to vary condition 2 of planning permission 22/00460/PM
Location **Edinburgh Road
Cockenzie
East Lothian**

Applicant Seagreen Wind Energy Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

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

APPLICATION SITE

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

The area of land comprising the northernmost part of the application site where it meets

the coast is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest. This area of the application site is also within the Prestonpans Coast Special Landscape Area.

The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The battlefield site includes the 1722 Tranent to Cockenzie Wagonway.

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

The nearest residential properties to the site are located at Whin Park to the northeast and along Atholl View to the southwest, albeit the properties on Atholl View have little interaction with the site due to the intervening bund. Also the residential properties of The Antiquaries are located to the southwest of the site. In addition to residential properties, the Whin Park industrial estate is located immediately northeast of the site.

RELEVANT PLANNING HISTORY

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

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

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

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

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

It was indicated in planning permission in principle 21/00290/PPM that a substation

platform could have a maximum footprint of approximately 22,000 m² and would be located within the onshore substation development zone within the application site. A substation housing the electrical infrastructure would be located on the substation platform and the electrical infrastructure could have a maximum height of some 18 metres.

On 16 August 2022 planning permission (ref: 22/00460/PM) was granted for the variation to conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM. The purpose to vary the wording of Conditions 7, 11, 14 and 15 was so that they enabled phased development works to take place.

Planning permission 22/00460/PM was granted subject to the imposition of a number of conditions.

Of those, Condition 2 states:

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

Reason:

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

The Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM assessed the environmental effects of the development approved in planning permission 22/00460/PM, part of this was the use of a trenchless installation technique (e.g. Horizontal Direct Drilling (HDD)) for the export cable at landfall.

The landfall location for the export cable is towards the north end of Prestonpans beach, where a car park lies directly to the east of the beach. The car park is raised above foreshore level and is protected against wave action by means of an existing rock armoured coastal revetment.

PROPOSAL

Through this current application, planning permission is now sought for the variation of condition 2 of planning permission 22/00460/PM.

The applicant has submitted a covering letter and an Environmental Impact Assessment Report Addendum No.1 in support of the application, which inform that this application proposes alternative export cable installation techniques at landfall, in addition to the trenchless installation technique approved by planning permission in principle 21/00290/PPM.

The Environmental Impact Assessment Report Addendum No.1 informs that planning permission in principle 21/00290/PPM was accompanied by an Environmental Impact Assessment Report (EIAR), which assessed the environmental effects of the onshore works including the proposed trenchless installation technique for the export cable at landfall. As such, the assessment within the Environmental Impact Assessment Report Addendum No.1 has been updated to include an assessment of the development approved by planning permission in principle 21/00290/PPM to identify and assess the

potential environmental effects of the proposed alternative export cable installation techniques at landfall.

The proposed alternative installation techniques would utilise either traditional open cut trenching or direct lay and post lay burial of the cable with a potential option to utilise a cofferdam during the construction of the trench and subsequent cable installation. Proposed works could also include the reinstatement of the existing rock revetment, either as 'like for like' or with the inclusion of additional rocky material.

It should be noted that the final export cable installation techniques to be used at landfall, including the route of the export cable, will be influenced by ground and environmental conditions identified through future intrusive geophysical and geotechnical detailed pre-construction surveys, and would be subject to micro siting.

The finalised option would be confirmed through the submission of a future approval of matters specified in conditions application.

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

Condition 2

The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM, or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission, 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.

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.

The development approved by planning permission in principle 21/00290/PPM and planning permission 22/00460/PM 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 transmission infrastructure to support renewable energy technology, it is also part of National Development 3 and is thus supported by NPF4.

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grants of planning permission in principle 21/00290/PPM and planning permission 22/00460/PM.

Therefore Policies 4 (Natural places), 10 (Coastal development), 7 (Historic assets and places) 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 Policies DC6 (Development in the Coastal Area), NH1 (Protection of Internationally Designated Sites), NH5 (Biodiversity and Geodiversity interests, including Nationally Protected Species), NH11 (Flood Risk), NH13 (Noise), CH5 (Battlefields) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

There have been no written representation received to this application.

COMMUNITY COUNCIL COMMENTS

Cockenzie and Port Seton Community Council have been consulted on the application however no response has been received.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 29 April 2022 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

PLANNING ASSESSMENT

The principle of the erection and operation of the onshore infrastructure associated with Seagreen 1A project, comprising of the construction and operation of an onshore substation, underground electricity cables and associated development on the application site has been established by the grants of permission in principle 21/00290/PPM and planning permission 22/00460/PM.

The determination of this application therefore rests only on the planning considerations of whether there would be likely impacts that the proposed variation of condition 2 of planning permission 22/00460/PM would have on a coal mining high risk area, any cultural heritage assets, internationally designated sites, residential amenity, flood risk or traffic movements and road safety.

As part of the application site falls within the defined Development High Risk Area, The Coal Authority have been consulted on the application. The Coal Authority raise no objection to the application, subject to securing a scheme of intrusive site investigations to be carried out on site to establish the risks posed to the development by past coal mining activity, the same planning control imposed on the grants of permission in principle 21/00290/PPM and planning permission 22/00460/PM.

Subject to the above recommended control the proposed development would not be at risk from former mine workings.

Historic Environment Scotland (HES) have been consulted on the application and raise no objection to it, advising that that the proposed works at landfall would be located mainly on land reclaimed during the 20th century and that there is limited potential for archaeological remains, and that there would be no harmful effects of any cultural heritage assets. HES also confirm that the landfall works would be located outside of the boundary of the Battle of Prestonpans Inventory Battlefield.

Therefore on these considerations the proposed development does not conflict with Policy 7 of NPF4, Policy CH5 of the adopted East Lothian Local Development Plan 2018, or Planning Advice Note 2/2011: Planning and Archaeology.

NatureScot have been consulted on the application and advise that the proposal could affect the following European sites:

- * Firth of Forth Special Protection Area (SPA);
- * Outer Firth of Forth and St Andrews Bay Complex SPA;
- * Forth Islands SPA; and
- * Imperial Dock Lock, Leith SPA

NatureScot advises that the status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, the competent authority is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

Under the Habitats Regulations, decision makers (known as competent authorities in the legislation) can only agree to development proposals which are unconnected with the nature conservation management of the site after having confirmed that they will not affect the integrity of the Natura site. The process of coming to this judgement is commonly referred to as Habitats Regulations Appraisal (HRA).

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 there is likely to be significant effects on all the above noted European sites via:

- (i) temporary disturbance and/ or displacement of SPA birds; and
- (ii) impacts on supporting habitats (Firth of Forth SPA only).

NatureScot therefore advise that as the proposed development is likely to have a significant effect on several European sites, East Lothian Council, as competent authority, is required to carry out an appropriate assessment.

East Lothian Council, as the competent authority, has carried out an appropriate assessment. It concludes that subject to mitigation in the form of the submission of a biodiversity construction environmental management plan, the appointment of an Ecological Clerk of Works and the submission of a Species Protection Plan for birds, the same as those imposed on the grants of permission in principle 21/00290/PPM and planning permission 22/00460/PM, which can be secured through the imposition of conditions on a grant of planning permission, that the proposed development would have no adverse effects on the integrity of the following European sites:

- * Firth of Forth Special Protection Area (SPA);
- * Outer Firth of Forth and St Andrews Bay Complex SPA;
- * Forth Islands SPA; and
- * Imperial Dock Lock, Leith SPA.

Accordingly, subject to mitigation the proposals do not conflict with Policy 4 of NPF4, or with Policies DC6, NH1 and NH5 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Environmental Health Officer** advises he has appraised the Noise and Vibration chapter of the applicant's submitted Environmental Impact Assessment Report Addendum No.1 and advises that the proposed alternative installation techniques would reduce impacts of noise on sensitive receptors, and recommends that mitigation measures in the form of the submission of a Construction Method Statement and a further assessment of noise impacts arising during the operational phase of the development be submitted. These requirements, similar those imposed on the grants of permission in principle 21/00290/PPM and planning permission 22/00460/PM, could be controlled by a condition(s) attached to a grant of planning permission.

Subject to the above planning control, the proposed development would not have a harmful impact on amenity, consistent with Policy NH13 of the adopted East Lothian Local Development Plan 2018.

The Scottish Environment Protection Agency (SEPA) have been consulted on the application, and raise no objection to the proposals, being satisfied that the proposed development would not result in any flooding issues.

Similarly the **Council's Senior Engineer - Flood Protection** raises no objection to the application on the grounds of flood risk.

Therefore the proposed development does not conflict with Policies 10 and 22 of NPF4, or with Policy NH11 of the adopted East Lothian Local Development Plan 2018.

Chapter 6 of the Environmental Impact Assessment Report Addendum No.1 considers the potential effects on access, traffic and transport associated with the proposed variation to Condition 2. It informs that the proposed alternative installation techniques would temporarily give rise to additional vehicle trips over the construction period (approximately 17 months) but concludes that the increased traffic movements would not

be significant.

The **Council's Road Services** have appraised the assessment of the traffic impacts of the proposed development within Chapter 6 of the Environmental Impact Assessment Report Addendum No.1 and raise no objection to the application, being satisfied that appropriate traffic management can mitigate any effects of increased trips on the surrounding road network. Roads Services advise this should take the form of the submission of a Construction Traffic Management Plan (CTMP) and road condition monitoring, the same as those imposed on the grants of permission in principle 21/00290/PPM and planning permission 22/00460/PM.

Subject to the above recommended control, which can be imposed as conditions on a grant of planning permission, the proposed development is consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

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

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation of the wording of condition 2 of planning permission 22/00460/PM and subject to all of those conditions from that planning permission where it is intended these should apply. In this case, all the other conditions should continue to apply.

The wording of some of the other conditions require to be altered to accurately reflect the planning permissions to which they relate. It is also required to both amend and remove conditions of planning permission 22/00460/PM due to the varied wording of Condition 2.

RECOMMENDATION

That planning permission 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 onshore substation 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 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;
- c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
- d) Details of all external lighting proposed;
- e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission;
- f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission;
- g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and
- h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

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

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, or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission, 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 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018 and 10 October 2022), or successor offshore wind farms located within the site of that development.

Reason:

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

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

- (i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;
- (ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and
- (iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

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

Reason:

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

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

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

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+a1:2014 "Code of practice for noise and vibration control on construction and sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission.

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

- (ii) pollution prevention monitoring and mitigation measures for all construction activities, having regard to potential mitigation measures described within Chapter 7.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission;

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

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

Reason:

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

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

Reason:

In the interests of the amenity of nearby sensitive receptors.

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

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

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

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

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

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

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

Reason:

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

- 9 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.

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

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

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

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

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

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

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

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

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

(ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;

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

(xi) arrangements for road maintenance and cleaning;

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

- 14 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme of landscaping for development within that Development Zone,

taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

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

Reason:

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

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

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

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

Reason:

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

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

The Species Protection Plan must be consistent with the measures proposed in the EIA Report/Habitats Regulations Assessment docketed to this planning permission or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the

installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Where the development is required for electricity transmission purposes beyond the

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

The Demolition and Restoration Scheme shall include details of:

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

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

Reason:

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