

PLANNING COMMITTEE
TUESDAY 6 MARCH 2018

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

TUESDAY 6 FEBRUARY 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow
Councillor P McLennan

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr D Irving, Senior Planner
Ms E Clelland, Planner
Ms J McLair, Planner
Mr J Allan, Planning Technician
Mr N MacFarlane, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 1 – M McElhinney, R Bissoonauth, R Walker, D Cockerton
Item 2 – G Fairbairn

Apologies:

None

Declarations of Interest:

None

1. PLANNING APPLICATION NO. 17/00922/P: ERECTION OF AN ANAEROBIC DIGESTION (AD) PLANT, ANCILLARY EQUIPMENT, ON-SITE INFRASTRUCTURE AND ASSOCIATED WORKS AT BANGLEY QUARRY, HUNTINGTON, HADDINGTON

A report was submitted in relation to Planning Application No. 17/00922/P. Daryth Irving, Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Councillor Goodfellow, referring to condition 8, expressed concerns about large vehicle movements on minor roads and asked why large farm vehicles had not also been included in this condition. Neil MacFarlane, Transportation Planning Officer, said that the term HGV could comprise a range of vehicle descriptions, including tractors. Following questions from the Convener, it was clarified that Members could, if so inclined, specify vehicle types and set a tonnage limit as a variation of that condition.

Sederunt: Councillor Goodfellow left the Chamber.

Members raised several questions. Mr Irving and Iain McFarlane, Planning Service Manager, advised on various issues including responsibility for the C112 and A199 roads, the differing economic figures, lack of an Environmental Impact Assessment (EIA), comments by HADAS regarding road restrictions, status of the site, compliance with Policy DC1 and timings of traffic movements. Mr McFarlane also provided an explanation in respect of the applicant's confidential annex to the Ecology Survey Report (ESR).

Marc McElhinney of GreenForty Development Limited, the applicant, informed Members that the proposal was in line with the development plan, there were no objections from any of the statutory consultees and it met local and national planning policies. He outlined the reasons for selection of this site. He explained why other sites considered were not suitable. He gave details of the many benefits the proposal would bring to East Lothian. He stated that all objection points raised had been addressed. As regards transport, Road Services had deemed the existing road network acceptable. Regarding pollution neither Environmental Health nor SEPA had objections. In relation to ecology, both the Council's Biodiversity Officer and Scottish Natural Heritage had no objections. This was an innovative proposal in keeping with the renewable energy agenda.

Mr McElhinney and Ryan Bissoonauth, also representing the applicant, responded to questions in relation to income to farmers, delivery distance, Ofgem criteria, economic calculations, storage clamps, nitrogen source and ratio, lagoon size and storage period and local employment opportunities. The applicants also provided clarification regarding lack of an EIA, site selection, other potential sites, timings of deliveries, plant operating times, monitoring once operational, supply chain arrangements and dry matter content.

Rosemary Walker of Gilson Gray spoke against the application on behalf of clients Mr and Mrs Morrison of Huntington House. The application was invalid as it did not delineate the site in question; the site was only defined as the AD plant not the perimeter. It pushed the 250 metre buffer zone, if this was correctly delineated her client's property would fall within the site area, which would be non-compliant with Scottish Planning Policy. The proposal did not comply with Policy DC1, it was not appropriate in scale or character; it was for large scale industrial use in open countryside. The traffic volume would be unacceptable. There was a lack of consideration for the county's historical heritage; there were a number of listed buildings close to the application site, the legislation had been incorrectly interpreted. This proposal would have a serious detrimental effect on her clients and should be refused.

The Convener asked Mr McFarlane for clarification regarding delineation of the site. Mr McFarlane stated it was very clear that the site was delineated for what was to be

developed; access to the site was from within the quarry site and Road Services had assessed it accordingly. Ms Walker refuted this. She then responded to questions from Members on noise impacts as detailed in the Hunter Acoustics report and damage to the view as outlined in her client's representations.

David Cockerton, owner of Garleton Lodge, a residence and bed and breakfast business just beyond the 250 metre boundary, spoke against the application. This development was neither green nor sustainable; the carbon footprint would be colossal. AD plants were dangerous. When operations ceased the land could never be restored. The impact on farming would be disastrous. The adverse traffic impact clearly outweighed any benefit of the development. This would destroy tourism in the area; it would have a catastrophic impact on his business. The net economic benefit had not been identified. Officers had failed to take into account many issues. This was a bad neighbour development; it was an industrial development and should not be located in the countryside. There was no case to support this application, it was the wrong development in the wrong location and should be rejected.

Mr Cockerton answered questions on his presentation in relation to safety concerns, inability of the land to be restored afterwards and issues raised as regards net economic benefit.

Local Member Councillor Trotter indicated he had called in this application due to the volume of interest in the local community; it was important that the Committee debated and determined this proposal. He referred to the tone and content of some of the speakers' comments, stating that he was satisfied that due process had been followed.

Local Member Councillor Small stated this was a very difficult situation; there were so many factors in play, including growth of the economy and the environmental and ecological aspects. He welcomed all points raised but also commented on the tone of some of the representations. This was not an easy application to determine.

Councillor Kempson said her main concern was this was a very expensive method of producing energy. She referred to the amount of land taken out of food production compared to the number of homes capable of being supplied with gas; it was economic energy folly. She raised concerns regarding the production of rye. She also had concerns in relation to nitrogen issues. She would not be supporting the report recommendation.

Councillor Findlay echoed Councillor Kempson's comments. He stated that the distance of the AD plant to residential properties was a serious issue. The contents of the confidential Ecology Survey Report was also a significant issue. His main concern related to HGV traffic using the C class road; this road was totally unsuitable as it was used by walkers, cyclists and horse riders. He suggested that the words 'from a distance greater than 5 kilometres' should be removed from Condition 8. He would not be supporting the application.

Councillor Currie stated this was a challenging area as regards road transport issues; he had severe concerns about the class C road and the amount of vehicle movements. The proposal would cause significant disruption to the area. Taking into account all representations, all questions and answers, he could not support the application at present.

Councillor O'Donnell referred to the UK Government's commitment to sustainability criteria and the non-domestic renewable heat incentive. She had listened to the objectors but felt this was a rare opportunity for East Lothian; it was the right place to develop an AD plant. She trusted the officer's judgement. She would be supporting the report recommendation.

Local Member Councillor McMillan said this was a very well written report that covered all objectives and detailed the opinions of all the professional advisers. He felt this was the right site; it was well hidden, there would be no visual impact. He referred to Mr Cockburn's comments about the harmful impact on existing tourism stating that the Council's Tourism

Officers indicated there would not be a detrimental impact. He referred to the Council's economic goals to set up and grow a business. The AD plant would bring benefits in the form of jobs and sustainability. On balance, he would be supporting the application.

Councillor Trotter cautioned that he was not sure on this occasion that refusal could be justified as if this happened the applicant would go to appeal. He had two major concerns; access was one and Councillor Findlay's suggestion dealt with this. His other concern was in relation to the timing of deliveries, he felt 11pm to 7am was too wide and 7pm to 7am would be better. If these were taken on board, he would be minded to support the application.

The Convener brought the discussion to a close. He appreciated that this was a very difficult application to determine. He referred to policies set by the UK and Scottish Governments as regards energy and farming, this development was supported by these policies; this had to be taken into consideration. Planning Officers had taken into account the views of all relevant national agencies. East Lothian was still a substantial farming community, which brought substantial income into the local economy; many local farmers were generally supportive of this proposal. The quarry site was well hidden. He noted points raised by Members about traffic access, tonnage of farm vehicles, distance and timings of deliveries. He asked the Committee to vote on variations of terms of two of the conditions.

Condition 8 – first variation – removal of *from a distance greater than 5 kilometres*

For: 10

Against: 2

Abstentions: 0

Condition 8 – second variation – addition of *including tractor trailers with a maximum gross weight of greater than 15 tonnes*

For: 10

Against: 0

Abstentions: 2

Condition 4 – timings to be altered from *11pm to 7am to 7pm to 7am*

For: 12

Against: 0

Abstentions: 0

The Convener then moved to the vote on the report recommendation (to grant consent) with the above variations to conditions 8 and 4:

For: 6

Against: 6

Abstentions: 0

Due to the equal number of votes, and in accordance with the Council's Standing Orders, the Convener used his casting vote – to grant consent.

Decision

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;

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

Reason:

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

- 2 The capacity of the anaerobic digestion plant hereby approved shall not exceed 77,500 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety.

- 3 No household or commercial food waste or animal by-products shall be transported to, or processed within the anaerobic digestion plant hereby approved.

Reason:

In the interests of the amenity of the area.

- 4 No delivery vehicles shall access or egress the application site between 07.00pm - 07.00am on any day.

Reason:

In the interests of the amenity of the area.

- 5 There shall be no outside storage of feedstock.

Reason:

In the interests of the amenity of the area.

- 6 The anaerobic digestion plant and associated development all as hereby approved shall at all times operate in compliance with the following requirements:

(i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the proposed anaerobic digestion plant (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound";

(ii) noise associated with the operation of any plant and/or machinery within the anaerobic digestion plant and any other part of the development hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any nearby residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interests of the amenity of any nearby residential property.

- 7 Prior to the commencement of development the 9 passing places on the C112 classified public road to the west and north of Bangley Quarry, which connects the A6137 and A199 public roads, shall be fully constructed to a minimum of the existing depth of the c-class road, be 15 metres long and have a localised overall road width of 6 meters, all in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of road safety.

- 8 All HGV traffic, including tractor trailers with a maximum gross weight of greater than 15 tonnes, shall access the site only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry.

Reason:

In the interests of road safety.

- 9 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping in the form of the provision of a tree and shrub planted earth bund to the north of the entrance of Bangley Quarry.

The formation of the bund and the tree and shrub planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. The bund shall thereafter remain in place. If any of the new trees or shrubs die, are removed or become seriously damaged or diseased they 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 in the interests of the landscape character and visual amenity of the area.

- 10 Prior to the commencement of development a method statement in accordance with part 3.1.7 of the docketed 'Bangley Quarry AD Plant: Confidential Annex to the Ecology Survey Report' by mbec environmental consulting dated September 2017 shall be submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. Development shall thereafter be carried out in accordance with method statement so approved.

Reason:

In the interests of nature conservation.

- 11 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the anaerobic digestion facility.

Reason:

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

- 12 Should the anaerobic digestion plant hereby approved not supply gas for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated plant and equipment. Within one month from the removal of the anaerobic digestion plant and all associated plant and equipment, details of the restoration of the cleared digestion plant site, including a restoration timetable, shall be submitted to and approved in advance by the Planning Authority. The cleared digestion plant site shall thereafter be restored in accordance with the details so approved.

Reason:

To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of the amenity of the area.

2. PLANNING APPLICATION NO. 17/00953/P: ERECTION OF 1 HOUSE, GARAGE AND ASSOCIATED WORKS AT LAND ADJACENT TO 5 VIEWFORTH, DUNBAR

A report was submitted in relation to Planning Application No. 17/00953/P. Esme Clelland, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Gary Fairbairn of Blueprint Design (Dunbar) Ltd, agent for the applicant, informed Members of reductions made to the width and height of the proposal to address some of the objections. Points raised regarding the type of building materials used had also been taken into account in the revised proposal.

Local Member Councillor McLennan, not a member of the Committee, said he had called in this application as he had been contacted by a few local residents who had expressed concerns. He was disappointed that none of the objectors had requested to address the Committee. He added that personally he was quite comfortable with the application.

Councillor Currie appreciated that the application had been altered to take account of the representations. He would be supporting the officer's recommendation to grant consent.

Councillor McMillan expressed support for the report recommendation. The proposed development was appropriate to its location and would integrate well into its surroundings.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 12

Against: 0

Abstentions: 0

Decision

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

- 1 Prior to the commencement of development on site, final site setting out details shall be submitted to and approved in writing 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 Survey datum or local datum from which the Planning Authority can take measurements and shall be shown on the setting out drawing. A minimum of three benchmarks must be provided relating to fixed points outwith the development site.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason:

To ensure that the proposal is implemented in accordance with the approved plans and allow the Planning Authority to control the development in the interests of the visual amenity of the area.

- 2 Prior to commencement of development on site a Construction Method Statement shall be submitted to and approved in writing by the Planning Authority. This shall detail measures that will be employed to minimise the impact of construction activity on the amenity of the area, to control construction traffic, noise, dust. It will include details of the hours of construction work and wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented as approved for the period of construction of the development hereby approved.

Reason:

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

- 3 Notwithstanding the approved plans, prior to their use on site, details of the roof tiles to be used on the house hereby approved shall be submitted to and approved in writing with the planning authority. Thereafter the roof cladding shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of the visual amenity of the area.

- 4 Prior to the commencement of development on site full details of the construction and materials to be used for all the hard surfaced area and details of the provision for the drainage of surface water from the site shall be submitted to and approved in writing with the Planning Authority.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and to prevent surface water entering the curtilage of 6 Viewforth and attenuate surface water onto the public road.

- 5 Notwithstanding the approved plans, prior to the commencement of development, details of a boundary treatment along the northern boundary of the site shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the approved boundary treatment shall be implemented prior to the occupation of the house hereby approved.

Reason:

To ensure that there is a suitable boundary treatment between the site and the garden of 6 Viewforth, in the interest of residential amenity.

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 March 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **15/00192/PM**

Proposal Variation of condition 8 (VI) and (VII) and condition 12 of planning permission 09/00617/FUL to allow the movement of vehicles and the undertaking of site operations over longer periods of time and to allow the operation over a wider site area

Location **Smeaton Bing
Carberry
East Lothian**

Applicant Hamilton Waste and Recycling

Per Wardell Armstrong LLP

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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.

In March 2010, through a decision of the Planning Committee, planning permission (Ref: 09/00617/FUL) was granted for the use of the former shale and coal waste heap of Smeaton Bing and former agricultural land within the Edinburgh Green Belt, all at Crossgatehall to the southeast of Whitecraig as a waste recycling facility and, to enable that use, the reformation and reshaping of the existing bing to form bunds to contain an internal working area, the erection in it of buildings, the formation of an access road and a sustainable urban drainage system (SUDS) pond, and for associated planting. Planning permission 09/00617/FUL has been implemented and the waste recycling facility is operational, and is known as Smeaton Recycling Centre.

Planning permission 09/00617/FUL was granted subject to 15 Conditions.

Condition 8(vi) of planning permission 09/00617/FUL states:

‘During the period of time of 0630 to 0700 Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such lorries with skips during the period of time of 0630 to 0700 Monday to Friday inclusive.’

Condition 8(vii) of planning permission 09/00617/FUL states:

Other than for (vi) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 1800 Monday to Friday inclusive and 0700 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

Condition 12 of planning permission 09/00617/FUL states:

‘The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission, including the ancillary office, parking and temporary storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. PA4 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.’

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.’

The purpose behind the planning control embodied in Conditions 8(vi) and (vii) and 12 are in the interests of protecting the amenity of residential properties within the area and to ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

In November 2012, through a decision of the Planning Committee, planning permission (Ref: 12/00346/PM) was granted for changes to the bunds, buildings, structures, landscaping and for the storage of inert materials and variations of Conditions 6, 7, 8 and 12 as changes to the scheme of development the subject of planning permission 09/00617/FUL.

By the grant of planning permission 12/00346/PM Condition 12 of previous planning permission 09/00617/FUL was varied such that it now reads:

Condition 12

The development hereby approved shall be used solely for the purposes of waste recycling, including the ancillary office, parking and temporary overflow storage bays.

Of the internal working area of the waste recycling facility (i.e. the part of the site enclosed by the bunds but excluding the bunded site access road), the part denoted as 15 on drawing no. ED10822-003 Revision D docketed to planning permission 12/00346/PM shall only be used for the storage of inert materials. Neither that part of the internal working area nor any part of the site outwith the internal working area shall be

used for the separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

Planning permission is now sought through this application for the variation of condition 8(vi) and (vii) and condition 12 of planning permission 09/00617/FUL.

In the applicant's Noise Assessment submitted with the application it is stated that the proposed variations to the conditions are for the following purposes.

It is proposed that waste recycling related operations be permitted in the western part of the site (in which they currently only have permission to store inert materials), which would mainly be associated with the screening and crushing of aggregate. This would be comprised of construction and demolition waste i.e. rubble and soils with a very small percentage of contamination in the form of wood and paper. It is stated that the screening and crushing of the aggregate would only be undertaken during the operational hours of weekdays, i.e. Monday to Friday.

Other use proposed within the western part of the site would include green waste shredding, the location of storage containers and skips, and the parking of vehicles and machines.

In addition the following changes to operational hours and vehicle movements are proposed:

- * Allow one pre-loaded HGV to leave the site between 0400 and 0530 hours;
- * Allow HGVs/skip lorries to leave the waste recycling facility from 0530 hours during weekdays Monday to Friday;
- * Extend the operational hours of the waste recycling facility on weekdays from the currently permitted 0700 hours to 1800 hours to 0700 hours to 2100 hours;
- * Extend the operational hours of the waste recycling facility on Saturdays from the currently permitted 0700 to 1300 hours to a full working day, i.e. 0700 to 1800 hours;
- * Allow 2 HGVs entering and 2 HGVs leaving the site per hour, i.e. 4 vehicle movements per hour on the internal haul road from 0800 – 1700 hours on a Sunday and unloading of the HGVs within the western part of the site.

It is stated in the Noise Assessment that the above variations are necessary to enable the site operator, Hamilton Waste and Recycling, to tender for waste contracts within the surrounding area. The waste contracts have various requirements, both technical and operational. In some instances the operational impact is the need to operate at the site earlier and later than the currently approved hours. If the site is not permitted to operate outwith the currently restricted hours the site operator cannot tender for these contracts. The significant investment made in both the site, state of the art equipment and in local staff would therefore not be optimised and would impact on the speed at which the remaining investment in the site could be made.

Similarly, in order to provide to some clients, there is a requirement for one loaded HGV to leave the site from 0400 hours each day. Currently, this vehicle is leaving from other premises, resulting in additional travel time and distance.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the

application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) or the adopted East Lothian Local Plan 2008 relevant to the determination of this application.

Also material to the determination of the application are the written representations received from the public.

A total of 44 written objections have been received to the application. Of those 43 object to the proposal and 1 is in support of it. The main grounds of objection can be summarised as follows:

- * the site access junction is dangerous and traffic movement is a road safety hazard;
- * an increase in operational hours would mean an increase in noise disturbance from HGV traffic;
- * road kill has increased dramatically;
- * HGV's cause noise, dirt and environmental pollution to the area;
- * the proposal would result in more noise, litter, light and dust pollution and disruption to the local community;
- * the needs of the applicant's business are being prioritised over the quality of life in the locality; and
- * the current restrictions on operations are not being adhered to.

The grounds of support are that the recycling happens in a regulated environment, there is regular fly tipping in the locality and that the applicant employs a large number of people from the local area.

The alleged breaches of the current restrictions on operations at the site can be investigated separately under planning legislation. The alleged breaches are not a material consideration in the determination of this planning application.

The determination of this application rests on the planning considerations of the likely additional impacts the proposed change to operations at the recycling centre would have on the amenity of nearby residential properties and whether they would result in a road safety hazard.

The applicant's Noise Assessment concludes that updated background noise levels have been measured in the vicinity of the site at the sensitive receptor locations of Strathmore Cottage, The Old School House, Chalkieside Farm, Smeaton Sawmill, Crossgate Hall and Smeaton Shaw, with on-site measurements taken to determine noise levels of the main operational plant. The assessment finds that whilst noise from the proposed operational changes to the recycling facility may slightly affect the acoustic character of the area, they would not result in a perceived change in the quality of life at any receptor location, with no acoustic features identified, and all World Health

Organisation and British Standard 8233 guideline levels achieved based on the scenarios assessed.

The Council's Service Manager – Protective Services advises that the waste recycling facility is an operational facility that is regulated under the terms of a Waste Management License issued and enforced by the Scottish Environment Protection Agency (SEPA). The terms of the license will include conditions so that matters such as dust, odour, operation noise and litter is controlled by SEPA. Therefore, the Service Manager – Protective Services has no regulatory role over such matters with regard to the operation of the facility.

The Council's Service Manager – Protective Services has carefully considered the applicant's noise assessment and accepts its findings. On the proposed changes to operational hours and vehicle movements at the waste recycling facility the Service Manager – Protective Services advises as follows:

1. Allow one pre-loaded HGV to leave the site at 0400 hours:

He advises that this has been assessed with regard to the World Health Organisation (WHO) Night Noise Guidelines for Europe document which refers to an internal L_{Amax} of 42dB(A) between the hours of 2300-0700. Allowing for attenuation through an open window of 15dB(A) the external L_{Amax} level should not exceed 57 dB(A) at the building facade of noise sensitive receptors. The external noise level at the façade of the closest property, Strathmore Cottage, is predicted to be 43dB (A) L_{Amax} and, as such, is within the WHO Guideline.

2. Allow HGV's to leave and move around the site from 0530 hours rather than 0630 hours Monday–Friday:

He advises that impulsive noise from vehicle movements has been assessed and will not exceed the WHO Night Noise Guidelines for Europe as mentioned in point 1 above. However, noise from vehicle movements will also form part of any assessment of noise arising from the site in terms of BS4142:2014 "Methods for rating & assessing industrial and Commercial sound". The BS4142 assessment concludes that specific noise arising from vehicle movements from 0530 hours until 0700 hours (based upon 4 vehicle movements per hour on the haul road) will have a negligible to low impact. The specific noise level associated with these activities is below the existing background noise level.

3. Extend the operational hours of the facility on Monday-Friday from currently permitted 0700-1800 hours to 0700-2100 hours:

He advises that the BS4142 assessment concludes that specific noise arising from operational activities involving; mixed waste sorting in main shed, skip/wagon unloading, external sorting plant and vehicle movements on the haul road (10 movements per hour) from 1800 hours until 2100 hours will have a minor impact. The specific noise level associated with these activities is either below or slightly above the existing background noise level and will not significantly impact noise levels at sensitive receptors.

4. Extend the operational hours of the facility on Saturdays from currently permitted 0700-1300 hours to 0700-1800 hours:

He advises that the activities assessed for Saturday daytime operation are the same as those proposed for weekday evening working. The BS4142 assessment concludes that specific noise arising from operational activities involving; mixed waste sorting in main shed, skip/wagon unloading, external sorting plant and vehicle movements on the haul

road (10 movements per hour) from 0700 hours until 1800 hours will have a negligible to minor impact. The specific noise level associated with these activities is either below or slightly above the existing background noise level and will not significantly impact noise levels at sensitive receptors.

5. Allow 2 HGV's entering and 2 HGV's leaving the site per hour, i.e. 4 vehicle movements per hour on the internal haul road from 0800-1700 hours on a Sunday and unloading of the HGV's within the Western portion of the site:

He advises that the BS4142 assessment concludes that specific noise arising from operational activities involving skip/wagon unloading and vehicle movements on the haul road (4 movements per hour) from 0700 hours until 1700 hours will have a negligible to low impact. The specific noise level associated with these activities is below the existing background noise level and will not significantly impact noise levels at sensitive receptors.

The Service Manager – Protective Services also advises that noise associated with the specific sources from activities at the waste recycling facility referred to in his above assessments are below the WHO guidelines for external daytime noise of 50dB(A) and also below the internal daytime and night time internal levels of 35dB(A) and 30dB(A) respectively.

In all of the above assessment the Service Manager – Protective Services advises that the proposed changes to operational hours and vehicle movements at the waste recycling facility would not have a harmful impact on the amenity of any neighbouring or nearby residential property.

SEPA have also appraised the submitted Noise Assessment and raise no objection to the application. They advise that they are in the process of modifying the existing Waste Management Licence for the waste recycling facility which will include further noise controls to reflect the changes proposed in this application. On this point SEPA confirm they are the authority for enforcing operational noise control under their Waste Management Licence regulatory regime. Also, as confirmed by the Service Manager – Protective Services, SEPA also are the authority on the control of dust, odour and litter.

It should be pointed out that Scottish Planning Policy: June 2014 states that the planning system should not duplicate other control regimes such as licences from SEPA and therefore, as noted above, the Service Manager – Protective Services has no regulatory role over such matters with regard to the operation of the facility.

With regard to the proposal to permit waste recycling related operations in the western part of the site, this area of land is wholly visually contained within the bunds around the internal working area and thus the use of it would have no harmful impact on the landscape character and visual amenity of the area. As stated above, SEPA is the licensing authority on matters of noise, odour, dust, litter and air quality for the waste recycling facility and as such there is no locus for the Council, as Planning Authority, to conditionally control the proposed use of the internal working area of the waste recycling facility.

The Council's Road Services confirm that the proposed operational changes would not have a harmful impact on the effective and safe operation of the local road network as the level of traffic increase on the local road network would not be significant. Road Services therefore raise no objection to the application, satisfied the applied for changes would not result in a road or pedestrian safety hazard.

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 to conditions 8 and 12 and subject to all of those conditions from planning permission 09/00617/FUL (and as varied by planning permission 12/00346/PM), where it is intended these should apply. In this case, the conditions that should continue to apply are 4, 6, 10, 11, 13, 14 and 15.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Within two months of the date of the grant of this planning permission a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to planning permission 09/00617/FUL, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes shall be submitted to and approved by the Planning Authority. The waste recycling facility shall be operated in accordance with the Traffic Management Plan so approved.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 2 If any of the planting, seeding or turfing carried out in accordance with the details of landscaping approved by the grant of planning permission 12/00346/PM within a period of five years from the date of the grant of this planning permission die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. The landscaping, tree planting and hedging shall continue to be maintained in accordance with the landscape and woodland management plan for the site approved by the grant of planning permission 12/00346/PM.

Reason:

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

- 3 Unless with the prior written approval of the Planning Authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time of 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries with skips during the period of time of 0530 to 0700 Monday to Friday inclusive. During the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload.

(vii) Other than for (vi) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive and 0700 to 1800 on Saturdays. No aggregate crushing shall take place on Saturdays or Sundays.

Reason:

In the interests of protecting the amenity of residential properties within the area.

- 4 The site access with the A6124 public road shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

- 5 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 6 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission and planning permission 09/00617/FUL, including the ancillary office, parking and storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. ED1149/003 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

- 7 Any fuel oil stored on the site shall be bunded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

- 8 Within two months of the date of the grant of this planning permission a litter control plan for the site shall be submitted to and approved by the Planning Authority. The litter control plan shall detail the measures necessary to prevent windblown litter within the site and from leaving the site. The waste recycling facility shall be operated in strict accordance with the litter control plan so approved.

Reason:

In the interest of the amenity of the area.

- 9 All loaded lorries which enter and leave the application site shall have their loads fully enclosed or fully sheeted.

Reason:

In the interest of the amenity of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 March 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **18/00055/PM**

Proposal Removal of condition 5f of planning permission 16/00552/PM to remove the requirement for a footpath along the southern side of the A198 to link in with the existing footway network from the A198

Location **Land To The West Of Aberlady
Aberlady
East Lothian**

Applicant Cruden Homes (East) Ltd

Per EMA Architecture And Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is an area of some 6 hectares of agricultural land located immediately at the west of Aberlady, with northern boundaries to the A198 and houses of The Pleasance and Elcho Terrace with agricultural land and Craigielaw golf course beyond, an eastern boundary to Kirk Road with houses beyond and a curving southern and western boundary abutting agricultural land.

Planning permission 16/00552/PM was granted in December 2017 for the erection of 87 houses, 20 flats and associated works on the application site. Planning permission 16/00552/PM was granted subject to the imposition of a number of conditions. Of those, Condition 5f states:

"Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

f) A continuous 2 metre footway shall be provided along the southern side of the A198 to

link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady.

Reasons:

In the interests of road and pedestrian safety."

Planning permission is now sought for the removal of condition 5f of planning permission 16/00552/PM, which, as set out above, requires the provision of a footpath along the south side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady.

The applicant has submitted a supporting statement with the application. This advises that the applicant has progressed with a Roads Construction Consent (RCC) application with a draft approval issued by East Lothian Council. As part of this RCC application the proposal to provide a new crossing point over the A198 road and associated dropped kerbs has been accepted by the Council's Road Services. This layout will allow a safe crossing point over to the existing footpath on the north side of the A198 and importantly will retain the rural nature of the A198 and character associated with the entrance to the village. Additionally the applicant advises that the proposed layout consented for the site through the granting of planning permission 16/00552/PM has been based on a network of footpaths that will allow safe movement through the site, to the surrounding village and safe routes to the adjacent Aberlady Primary School can be found through the site without having to return to the main road. This footpath network was a key consideration in the discussion regarding the requirement to not create a new footpath to the south of the A198 as more direct and safer routes can be found from within the consented development.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

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

Policies T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan are relevant to the determination of this application.

Two letters of public representation have been received objecting to the application. The grounds of objection are:

- * the footpath is important on the A198 and there is no reason why it should be removed;
- * the footpath should be a mandatory requirement to grant permission for the housing development. The proposed footpath provides a safe route for children, adults and the elderly to/from the NW section of the development to the park, bus stop and school. Without this path the aforementioned people will need to cross the already busy A198 in two places. This particular stretch of road regularly has cars travelling well above the 30mph limit as they enter /exit the village boundaries and the addition of 100+ households with the development will only increase the number of cars.

The requirement for the provision of a continuous 2 metre footway along the southern

side of the A198 to link in with the existing footway network from the A198 / The Pleasance junction towards Aberlady arose from the original consultation on planning application 16/00552/PM from the Council's Road Services. This was required to ensure that there was a safe means of pedestrian access between the housing site and the centre of the village.

Since that time, the applicant has further developed their access proposals. As part of their RCC application, the applicant's recently submitted RCC application includes a new crossing point over the A198 road with dropped kerbs. This layout would enable future residents to access the north side of the A198, from where a continuous footway provides access to Aberlady.

The Council's Road Services raise no objection to the application for the removal of the requirement for a footpath along the southern side of the A198, noting that a new crossing is to be provided to allow pedestrians to access the northern side of the A198. Moreover they advise that a more suitable alternative route from the housing development to the primary school and to the shops exists along The Pleasance. Accordingly the Council's Roads Services raise no objection to the application being satisfied that there would be no adverse impact on pedestrian or road safety.

The proposed removal of condition 5f of planning permission 16/00552/PM to remove the requirement for a footpath along the southern side of the A198 is consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

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 removal of condition 5f and subject to all of those conditions from planning permission 16/00552/PM, where it is intended these should apply. In this case, the conditions which should continue to apply are 1, 2, 3, 4, 5a, 5b, 5c, 5d, 5e, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5p, 5q, 5r, 5s, 6, 7, 8, 9, 10, and 11.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Prior to the commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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 and to improve the biodiversity value of the area.

- 4 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Trial Trench Evaluation (5%)) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:

a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;

b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;

- c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;
- e) Dropped kerb crossing points shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
- g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;
- h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;
- i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;
- j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;
- k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
- l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- n) Vehicle accesses 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;
- o) Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres 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;
- p) 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;
- q) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- r) A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work; and
- s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reason:
In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:
In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to planning permission 16/00552/PM. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

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

- 8 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 1 - 46 residential units
Year 2 - 34 residential units
Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 year phasing period and not to the year following on.

Reason:
To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 9 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:
In the interests of road safety.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and 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 parking in the interests of road safety.

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the application 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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 March 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **17/01185/PM**

Proposal Variation of condition 2 of approval of matters specified in conditions 11/00975/AMC - to remove requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction

Location **Seton Sands Holiday Village
Port Seton
East Lothian
EH32 0QF**

Applicant Bourne Leisure Limited

Per Katy Rodger

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site, which has an area of some 61 hectares, occupies a countryside location to the east and southeast of Port Seton. It consists of Seton Sands Holiday Village.

The site is bounded to the north by the B1348 road and partly to the south and west by Seton House and Seton Collegiate Church and their respective grounds. The grounds of Seton House and Seton Collegiate Church are designated as the Seton House (Palace) Designed Landscape. Seton House and Seton Collegiate Church are also each listed as being of special architectural or historic interest (Category A). The building of Seton Collegiate Church and its grounds are an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. To the east the site is otherwise bounded by a public footpath, by Seton Dean Woodland, and by the residential properties of Seton Mains. The site is otherwise bounded to the west by agricultural land and to the south by the A198 public road.

Planning permission in principle (Ref: 06/00754/OUT) was granted in November 2008 for the expansion of the Seton Sands Holiday Village, which has been operating in its

countryside location as a leisure/tourism business for many years. The expanded Holiday Village would accommodate a total of 780 static caravans and 100 pitches for touring caravans, together with a 9 hole golf course with golf pavilion. The approved expansion also includes upgrading and extension of the existing main amenity building, upgrading works to accesses and car parking areas and landscaping works.

In March 2008, full planning permission (Ref: 06/00753/FUL) was granted for the development of 58 stances, each of which would accommodate one static caravan. That site forms part of the land that is the subject of planning permission in principle 06/00754/OUT. Development of the 58 stances has been completed.

In November 2009 approval of matters specified in conditions (Ref: 09/00826/AMC) relative to planning permission in principle 06/00754/OUT was granted for the reconfiguration and upgrading of the existing entrance to the Holiday Village, which is at the northwest end of the site. The caravan park entrance has since been fully reconfigured and upgraded in accordance with the details so approved.

In March 2012 full planning permission (Ref: 12/00007/P) was granted for the erection of a golf pavilion, in a similar position to that shown for the golf pavilion on the Masterplan docketed to planning permission in principle 06/00754/OUT. The golf pavilion has since been erected.

In June 2012 approval of matters specified in conditions (Ref: 11/00975/AMC) relative to planning permission in principle 06/00754/OUT was granted, subject to conditions, for the expansion of the Holiday Village to accommodate an additional 195 static caravans, a 9 hole golf course, ponds and associated works. Work on the expansion of the Holiday Village has commenced.

Condition 2 of planning permission 11/00975/AMC states:

"A new 2 metres wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Holiday Village access junction to the Double D islands on the eastern part of the B1348 road (Links Road) and from the Double D islands on the western part of the B1348 road (Links Road) to the existing footpath at Sandy Walk.

Within two months from the date of grant of this approval of matters specified in conditions, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety."

In September 2013 approval of matters specified in conditions (Ref: 13/00612/AMC) relative to planning permission in principle 06/00754/OUT was granted for alterations and extensions to the main amenity building and for other associated works. Work to the main amenity building has commenced.

In March 2014 full planning permission (Ref: 13/00678/P) was granted for alterations to the layout of part of the Holiday Village for the siting of 15 static caravans, for the formation of a bulk gas compound and for the erection of a bin store. Development of the 15 stances has been completed.

Planning permission is now sought for the variation of condition 2 of approval of matters specified in condition 11/00975/AMC to remove the requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

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

Policies T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan are relevant to the determination of this application.

No public written representations have been received to the application.

Cockenzie and Port Seton Community Council as a consultee on the planning application have raised no objection to the application. They advise that they agree that for road safety reasons it would be better not to have the footpath. They state that the road is dangerous and pedestrians should be encouraged to cross at the existing crossing and that a new path might encourage pedestrians to wander and cross at a potentially dangerous place.

Since the time of the determination of planning application 11/00975/AMC Seton Sands Holiday Village has been further developed, evolved and expanded through the implementation of the above named planning permissions. At the time of the determination of planning application 11/00975/AMC a footpath ran along the eastern boundary of the site, within the Holiday Village site, together with a stile providing a pedestrian access point over the boundary wall along the north of the site adjacent to the B1348. This stile provided access from the northeast part of the Holiday Village to the grass verge on the southern side of the B1348 road. It was for this reason that condition 2 of approval of matters specified in conditions 11/00975/AMC required the provision of a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction. The footpath would have provided a formal pedestrian footpath between the stile at the northeast part of the Holiday Village site and the main access to the Holiday Village.

However, since that time and through the expansion and development of the Holiday Village the north-eastern section of the site has now been developed with the siting of static caravans and stances on it and the footpath along the eastern boundary together with the stile access are no longer in use.

The vehicular and pedestrian access to the Holiday Village entrance has also been fully reconfigured and upgraded in accordance with the details approved through the granting of approval of matters 09/00826/AMC. Given the Holiday Village's location to the east of Port Seton, pedestrian movement into and out of the site is primarily to the west of the site access along the south side of the B1348 (Links Road) to and from Port Seton.

Accordingly this application is for the variation of condition 2 of approval of matters specified in conditions 11/00975/AMC to remove the requirement for a footpath on the

south side of the B1348 road (Links Road) to the east of the Holiday Village access junction.

The Council's Road Services raise no objection to the application, being satisfied that this footpath is no longer required and that there would be no adverse impact on pedestrian or road safety. They advise that if planning permission is to be granted for the variation of Condition 2 of planning permission 11/00975/AMC then Condition 2 of planning permission 11/00975/AMC should be amended to ensure that the required 2 metre wide footpath to be formed on the south side of the B1348 road (Links Road), from the existing Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk be formed. This can be controlled by an amendment to the condition.

Subject to the aforementioned planning control, the proposed variation of condition 2 of approval of matters specified in condition 11/00975/AMC to remove the requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction is consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

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 to condition 2 and subject to all of those conditions from approval of matters specified in condition 11/00975/AMC, where it is intended these should apply. In this case, conditions 1 and 3 should continue to apply.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 All planting, seeding or turfing comprised in the landscaping drawings docketed to approval of matters specified in conditions 11/00975/AMC shall be carried out in the first planting and seeding season following the occupation of any of the additional 195 static caravans or the completion of the development, whichever is the sooner, and 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.

- 2 A new 2 metre wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk.

Within two months from the date of grant of this planning permission, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:
In the interests of road safety.

- 3 Unless otherwise approved in writing by the Planning Authority, within one month from the date of grant of this planning permission, a scheme to connect the development approved by approval of matters specified in conditions 11/00975/AMC to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water.

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

Reason:
To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 March 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5a

Note - this application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: there is a question of economic development and the provision of office space in the centre of North Berwick that needs to be considered.

Application No. **17/00866/P**

Proposal Extension to existing shop (class 1 use) and professional services building (class 2 use)

Location **2 Law Road
North Berwick
East Lothian
EH39 4PL**

Applicant Zest Capital Management Ltd

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The property to which this application relates is the two storey building of 2 Law Road, North Berwick. It is located within North Berwick Town Centre and is also within the North Berwick Conservation Area. The building, together with the adjoining stone wall, is listed as being of special architectural or historic interest (Category C). The building adjoins the building of 59-61 High Street, and has a frontage onto the northern end of Law Road.

The ground floor of the building is currently in use as a retail unit (Class 1) whilst the first floor is in use as a professional services unit (Class 2). Immediately to the south of the building is an area of open ground, that is currently used as a storage area. That open area of land, which forms the southern part of the application site, is separated from Law Road by a high natural stone wall.

The property is bounded to the north by the adjoining commercial and residential properties of 59 and 61 High Street, to the west by the adjoining commercial and residential properties of 63 and 65 High Street, to the south by a residential garage

building, and to the east by the public thoroughfare of Law Road with an area of car parking beyond.

Planning permission is sought for the addition of a pitched roof two-storey gable extension onto the south gable of the building. The ground floor of the proposed extension would serve as an extension to the ground floor retail use of the existing building. The first floor of the proposed extension would be used as a new Class 2 unit. Class 2 is defined as being use for the provision of financial services, professional services, or any other services (including use as a betting office), which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

Listed building consent is sought separately through application 17/00867/LBC for the addition of the two storey gable extension onto the south gable of the building, the removal of the existing concrete steps and iron railings attached to the southern elevation of the existing building, and for alterations to the existing stone wall attached to the south elevation of the building, also listed in association with the building. No decision has yet been made on this application.

The proposed gable extension would be roughly rectangular in shape and would project a maximum of some 5.4 metres along and some 7.62 metres out from the south gable elevation of the existing building, reaching a height of some 6.7 metres to the eaves of its pitched roof. The west elevation would butt up against the west boundary wall of the curtilage of the applicant's property, whilst its south elevation would butt up against the existing garage building to the south. The ground floor of the east elevation would butt up against the existing listed wall. The east elevation of the first floor of the proposed extension would be set back approximately 1.0 metres from the ground floor of the east elevation of the proposed extension. The east elevation of the extension would be finished in a scraped textured render coloured off-white, as would the south gable elevation. The roof slope elevations would be finished in a natural black-blue slate. It is also proposed to form a grey single ply membrane flat roof section

Subsequent to the registration of this application, the applicant's agent has submitted amended drawings which show amended fenestration detailing for the proposed extension.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV2 (Town and Village Centres, other retail or mixed use areas), ENV3 (Listed Buildings), ENV4 (Development Within Conservation Areas), DP6 (Extensions and Alterations to Existing Buildings) and DP22 of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

One letter of objection has been received. The letter of objection considers that the proposals will damage the character, appearance, and setting of the listed high stone boundary wall along the site frontage with Law Road, further destroying its visible continuity. The letter suggests several options to promote the conservation of the wall as well as the need for an archaeological investigation for any works.

Policy ENV2 applies to North Berwick Town Centre, an area defined as being of mixed uses and one in which uses appropriate to a town centre area will be acceptable in principle. These uses include retailing, business and office use, restaurants, and leisure and entertainment. The ground floor of the proposed extension would be used as additional floor space for the well established existing retail use that operates in the ground floor of the host building. The proposed Class 2 unit to be formed within the first floor of the proposed extension would in principle be an appropriate use within North Berwick Town Centre.

On the consideration of the principal of the proposed use, the proposed development is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

On matters of privacy and amenity, the glazed openings to be formed within the front (east) elevation of the proposed extension would face over the public thoroughfare of Law Road with an area of car parking beyond and thus would not allow for harmful overlooking of any neighbouring residential property in that direction.

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

The Council's Environmental Health Manager raises no objection to the proposals.

On these considerations of privacy and amenity, the proposals do not conflict with Policies ENV2 or DP6 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raises no objection to the application, advising that the effect on parking within the town centre from the proposed development will be minimal. On this consideration, the proposed development is not contrary to Policy DP22 of the adopted East Lothian Local Plan 2008.

The Councils Archaeological Service raises no objection to the application and is content that any remains which may be present will not be impacted upon by the proposals. On these considerations of archaeology, the proposals do not conflict with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The principal consideration in the determination of this application is whether or not the visual impact of the proposed development would preserve the architectural or historic character of the listed building and the character and appearance of the Conservation Area, and if not, whether there are any other material considerations that outweigh this policy conflict.

The two storey building of 2 Law Road in its built form with its stone gable wall, pantiled roof, timber framed sash and case windows and other architectural features has, as a listed building, its own special architectural or historic interest. Both it, and the adjoining stone boundary wall make a positive contribution to the character of the Conservation Area. The premises occupies a prominent street frontage location at the northern end of Law Road within the North Berwick Conservation Area, readily visible in public views of it.

In its position, the proposed two storey extension would almost completely obscure the stone gable wall of the existing building, a feature that contributes positively to both the architectural or historic character of the listed building and the character and appearance of the Conservation Area. Moreover, in its position and due to its design, fenestration detailing, materials, and height, the proposed extension would be a harmfully dominant, imposing and obtrusive addition onto the south side elevation of the listed building. Furthermore, the proposed demolition of 3 sections of the existing stone boundary wall and the installation in those openings with glazed openings would radically alter, and harmfully disrupt the unbroken stretch of stone roadside boundary wall. In all of this the proposed extension, in being an incongruous and harmful addition to the category C listed building, would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the building and be harmful to the character and appearance of the Conservation Area, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

The proposed development would have some limited economic benefit in terms of the proposed extension of the existing retail use and the creation of a new Class 2 unit. This could include some new employment, although the number of potential new jobs has not been specified by the applicant. The limited economic benefit does not outweigh the adverse impact of the proposed extension on the architectural or historic character of the listed building or on the character and appearance of the Conservation Area.

REASON FOR REFUSAL:

- 1 The proposed extension would be a prominent, obtrusive and incongruous addition to the listed building. It would not serve to preserve or enhance, but instead would harm the character, integrity and appearance of the listed building and would be harmful to the character and appearance of the Conservation Area. Accordingly, it is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 March 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5b

Application No. **17/00867/LBC**
Proposal Alterations and extension to building
Location **2 Law Road
North Berwick
East Lothian
EH39 4PL**
Applicant Zest Capital Management
Per Somner Macdonald Architects
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The property to which this application relates is the two storey building of 2 Law Road, North Berwick. It is located within North Berwick Town Centre and is also within the North Berwick Conservation Area. The building, together with the adjoining stone wall, is listed as being of special architectural or historic interest (Category C). The building adjoins the building of 59-61 High Street, and has a frontage onto the northern end of Law Road.

The ground floor of the building is currently in use as a retail unit (Class 1) whilst the first floor is in use as a professional services unit (Class 2). Immediately to the south of the building is an area of open ground, that is currently used as a storage area. That open area of land, which forms the southern part of the application site, is separated from Law Road by a high natural stone wall.

The property is bounded to the north by the adjoining commercial and residential properties of 59 and 61 High Street, to the west by the adjoining commercial and residential properties of 63 and 65 High Street, to the south by a residential garage building, and to the east by the public thoroughfare of Law Road with an area of car parking beyond.

Listed building consent is sought for the addition of a two storey gable extension onto the south gable of the building, the removal of the existing concrete steps and iron railings

attached to the southern elevation of the existing building, and for alterations to the existing stone wall attached to the south elevation of the building, also listed in association with the building.

Planning permission is sought for the addition of the pitched roof two-storey gable extension onto the south gable of the building. No decision has yet been made on this application.

The proposed gable extension would be roughly rectangular in shape and would project a maximum of some 5.4 metres along and some 7.62 metres out from the south gable elevation of the existing building, reaching a height of some 6.7 metres to the eaves of its pitched roof. The west elevation would butt up against the west boundary wall of the curtilage of the applicant's property, whilst its south elevation would butt up against the existing garage building to the south. The ground floor of the east elevation would butt up against the existing listed wall. The east elevation of the first floor of the proposed extension would be set back approximately 1.0 metres from the ground floor of the east elevation of the proposed extension. The east elevation of the extension would be finished in a scraped textured render coloured off-white, as would the south gable elevation. The roof slope elevations would be finished in a natural black-blue slate. It is also proposed to form a grey single ply membrane flat roof section

Subsequent to the registration of this application, the applicant's agent has submitted amended drawings which show amended fenestration detailing for the proposed extension.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 (Listed Buildings), of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

The Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving and enhancing the building or any features of special architectural or historic interest which it possesses.

One letter of objection has been received. The letter of objection considers that the proposals will damage the character, appearance, and setting of the listed high stone boundary wall along the site frontage with Law Road, further destroying its visible continuity. The letter suggests several options to promote the conservation of the wall as well as the need for an archaeological investigation for any works.

One representation of support has been received. The representor supports the

proposed extension, advising that it is designed to meet the needs of the various parties and to respect the listed building to which it would be attached.

The two storey building of 2 Law Road in its built form with its stone gable wall, pantiled roof, timber framed sash and case windows and other architectural features has, as a listed building, its own special architectural or historic interest. The premises occupies a prominent street frontage location at the northern end of Law Road within the North Berwick Conservation Area, readily visible in public views of it.

In its position, the proposed two storey extension would almost completely obscure the stone gable wall of the existing building, a feature that contributes positively to the architectural or historic character of the listed building. Moreover, in its position and due to its design, fenestration detailing, materials, and height, the proposed extension would be a harmfully dominant, imposing and obtrusive addition onto the south side elevation of the listed building. Furthermore, the proposed demolition of 3 sections of the existing stone boundary wall and the installation in those openings with glazed openings would radically alter, and harmfully disrupt the unbroken stretch of stone roadside boundary wall. In all of this the proposed extension, in being an incongruous and harmful addition to the category C listed building, would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the building, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 of the adopted East Lothian Local Plan 2008 and Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

RECOMMENDATION

It is recommended that listed building consent be refused for the following reason:

- 1 The proposed extension would be a prominent, obtrusive and incongruous addition to the listed building. It would not serve to preserve or enhance, but instead would harm the character, integrity and appearance of the listed building. Accordingly, it is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 of the adopted East Lothian Local Plan 2008 and Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)