



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

**TUESDAY 7 MAY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

---

**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor S Kempson  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell  
Councillor J Williamson

**Other Councillors Present:**

Councillor J Goodfellow  
Councillor J Henderson

**Council Officials Present:**

Mr K Dingwall, Team Manager – Planning Delivery  
Ms S McQueen, Planner  
Mr K Graham, Solicitor  
Ms M Haddow, Transportation Planning Officer  
Ms C Dutton, Tourism Officer (Projects)  
Ms P Bristow, Communications Adviser

**Clerk:**

Ms F Currie

**Visitors Present/Addressing the Committee:**

Item 2 – Mr R Finc, Mr P Hanson, Dr C Doldon, Mr S McCashey, Ms S Northrop

**Apologies:**

Councillor W Innes

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 26 MARCH 2019**

The minutes of the meeting of the Planning Committee of 26 March 2019 were approved.

**2. PLANNING APPLICATION NO. 18/00764/PM: ERECTION OF CARE HOME BUILDING (CLASS 8), HOTEL BUILDING (CLASS 7), AND ASSOCIATED WORKS AT 7 TANTALLON ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 18/00764/PM. Stephanie McQueen, Planner, presented the report reminding Members that this application had been continued from the Committee's meeting on 26 March to allow issues around the certification of land ownership to be resolved. Ms McQueen summarised the key points of the report and stated that the recommendation was to grant consent for the application.

Ms McQueen responded to a number of questions from Members providing information on the number of jobs to be created by the proposals, the possibility of a future change of use of the site, parking provision on site and turning space for coaches and other large vehicles, requirements for green space, clarification of the Health & Social Care Partnership's comments on the application and the involvement of the Care Inspectorate.

In reply to further questions, Ms McQueen and Keith Dingwall, Team Manager – Planning Delivery, provided clarification of officers' interpretation of policy EMP1 and the potential impact on local businesses. Mr Dingwall reminded Members that commercial competition was not a competent ground for refusal of a planning application.

Mr Rick Finc of Yeoman McAllister, agent for the applicant, summarised the proposals and the material considerations looked at when determining the optimum location for the development. He believed that there was a strong demand for the development and that it would attract high quality companies. He referred to the consultations undertaken with the local community and expressed his disappointment that the Community Council had not supported the proposals and that the local GP practice had not engaged further after the PAN event. He concluded that, in his view, the benefits of the development outweighed any objections.

Mr Finc responded to a range of questions from Members providing further clarification of issues such as the viability of other uses for the site, interest expressed by hotel or care home companies, the number of jobs that would be created and how many of these would be linked to the use of local suppliers. He also provided details of the anticipated demand for hotel business in both the high and low seasons, the other sites considered within the local area, the scope and response to the consultations, staffing for the hotel and care home and the availability of public and other transport options to support shift working.

Claire Dutton, Tourism Officer, confirmed that currently coach operators overlooked East Lothian as it was often difficult for them to find accommodation in one location.

Mr Patrick Hanson spoke against the application. He said that despite living close to the site he had not been formally notified of the proposed development. He expressed concern that the proposals were not in line with planning policy and that they would adversely affect existing businesses in North Berwick. He questioned the choice of that particular site and highlighted what he considered to be a lack of adequate loading and parking facilities.

Dr Clare Doldon spoke against the application. She explained that as part of the GP practice in North Berwick she objected to the development on healthcare grounds and she said that despite attending the initial public event the practice had heard nothing further from

the applicants thereafter. She advised Members that the creation of an additional care home would place a significant strain on existing medical services and she outlined examples of the additional time and resource required for an older patient demographic. She added that current housebuilding meant that the patient list was increasing on a weekly basis and there were concerns about future recruitment and retention of staff within the practice.

Dr Doldon responded to a question from Councillor Goodfellow regarding recruitment and retention of staff and additional monies available for the treatment of elderly or complex cases.

Mr Sean McCashey spoke against the application. As the owner of No.12 Quality Street, he was concerned about the impact on his and similar businesses in North Berwick. He said that it was already difficult to compete with the increase in Airbnb accommodation, particularly in the off-season. He referred to the closure of two hotels and one bed and breakfast business in recent years and said he did not believe that there was sufficient demand to support another hotel in the town. He concluded that, if approved, this development would adversely affect the income and viability of existing businesses.

Ms Sue Northrop of the North Berwick Community Council spoke against the application. She said that the site for this development was unacceptable and would have a negative impact on both the proposed residents and staff, as well as those living nearby. The plans did not take into account the importance of quality of life. She reminded Members that the proposals were not supported by the East Lothian Health & Social Care Partnership (ELHSCP) and went against what they were trying to achieve through a range of housing options within the community. She said that there was at present no demand for additional care home beds and that the strain which this facility would place on local GP services would be to the detriment of existing patients and families.

Ms Northrop responded to questions from Members regarding the site location, demand for care home beds and about providing a choice of care options.

Following questions from Councillor O'Donnell, Mr Dingwall provided advice to Members on whether issues such as lack of demand and the impact on existing medical services would constitute competent grounds for refusal of the planning application. He reminded Members of the recent decision of the Reporter regarding a care home development in Musselburgh which had raised similar issues.

Local Member Councillor Jane Henderson said that, in her view, the site was not suitable for a number of reasons including its size, amenity and ability to provide green space. She also highlighted the fact that the proposed care home was not supported by the ELHSCP. In respect of the proposed hotel, she questioned the potential employment figures and expressed concern about the impact on the local hospitality trade.

Local Member Councillor Jim Goodfellow referred to previous hotels in the area which had closed and were now housing and to previous planning applications which had not come to fruition. He expressed concern that not enough effort had been made to develop the site for business use, despite continuing demand for commercial units. He was also concerned about the lack of adequate parking for emergency vehicles and restricted space for coaches. He urged Members to refuse the application on the grounds of overdevelopment of the site and contravention of policy EMP1.

Local Member Councillor Jeremy Findlay concurred with his colleagues. He did not believe there was sufficient demand for a hotel on this site and that it would conflict with policy EMP1. While he acknowledged that East Lothian needed more care home places he argued that this development was of the wrong type and in the wrong location. He said that the ELHSCP and Integration Joint Board (IJB) had undertaken a lot of work to develop future

care options and this development could have an adverse impact on those proposals as well as on existing local GP services. For these reasons he would not be supporting this application.

Councillor Fiona O'Donnell said that if she were speaking as the Chair of the IJB she would consider the application contrary to the IJB's Strategic Plan. However, she acknowledged that, as member of the Planning Committee, she could not find competent grounds for refusal of the application. She hoped that in the future officers would develop a more joined up approach to reviewing similar applications but, in the meantime, she felt she had no choice but to support the report recommendation.

Councillor Neil Gilbert said that the Committee was here to determine the application solely on planning grounds. He felt that the proposals would be of economic benefit to North Berwick and he noted that there would be an increasing demand for care home places in the coming years. He would be supporting the application.

Councillor John McMillan said that the application had raised a number of issues around demand and choice which related to both aspects of the proposals. He referred to his own experience of hotels and the local tourism sector and the need for a variety of accommodation options. He said he had been moved by the views expressed by the speakers and he shared concerns about the impact on GP resources and the location and amenity of the site. However, he believed that the proposals would bring economic benefit and a potential increase in tourism and he would be supporting the application.

Councillor Colin McGinn said he was particularly grateful for the representations put forward and he shared his colleagues' frustration over the lack of joined up working across certain the areas of healthcare and planning. However, he accepted that the application must be considered under planning rules and he would be supporting the report recommendation.

Councillor Sue Kempson observed that although the impact on medical services was not a planning consideration she felt that Members should represent the community. In her view the impact of an additional care home on existing local GP services would be significant and she would not be supporting the application.

The Convener ended the discussion. He noted that the application had raised a number of issues and that there was a clear difference of opinion within the Committee. However, he reminded Members that any decision must be taken on planning grounds. He believed that if east Lothian was to compete within the tourism market it needed as broad a range of accommodation as possible, including budget hotels. With regard to the care home, he welcomed the HSCP's development of extra care housing but said that it was equally important to provide families with a choice of care options. He would be supporting the recommendation to grant planning permission as set out in the report.

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

For: 7

Against: 3

Abstentions: 0

## **Decision**

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

- 1 Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment shall be carried out, and the report of the Geo-Environmental Assessment shall be made available to the Planning Authority for its written approval prior to development proceeding on the site. The Geo-Environmental Assessment report shall include details of the following:

- Phase II - incorporating a site survey (ground investigation, sample analysis and gas monitoring) and risk evaluation;
- Phase III - where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should the Geo-Environmental Assessment report indicate that remedial works be required, then prior to either the hotel or care home buildings hereby approved being occupied, a Validation Report shall be submitted to the Planning Authority for its prior approval in writing confirming the remedial works have been carried out in accordance with the Remediation Strategy.

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

Reason

To ensure that the site is clear of contamination prior to the occupation of either the hotel or care home buildings.

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

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

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

Reason:

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

- 3 The ground floor finished floor levels of the hotel and care home buildings hereby approved shall not be lower than 34.25m AOD and 36.15m AOD respectively, unless otherwise approved by the Planning Authority in consultation with the Scottish Environmental Protection Agency.

Reason:

In the interest of the prevention of flood risk.

- 4 Prior to the hotel or care home hereby approved being brought into use the vehicular access, internal access road, parking and turning arrangements also hereby approved, including the bicycle storage provision, all as shown on drawing nos. J3932-002 E, J3932-SK01, PL14 A and PL-00 J docketed to this grant of planning permission shall all have been laid out, completed and made available for use, and thereafter the vehicular access, internal access road, parking and turning arrangements cycle parking arrangements shall be retained in use as such, unless with the prior approval of the Planning Authority.

Reason:

In the interests of road safety.

- 5 Prior to the commencement of use of the hotel or care home hereby approved a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as walking, cycling, trains, buses, and car sharing/car clubs shall be submitted to and approved by the Planning Authority. Additionally, the Green Travel Plan shall be very clear on how active travel and public transport information will be promoted to employees and visitors of both the hotel and care home and shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the hotel and care home hereby approved.

- 6 No development shall take place on the site until details of a Construction and Demolition Method Statement designed to minimise construction and demolition works and the impact of the movements of construction and demolition traffic to and from the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. The Construction and Demolition Method Statement shall include measures to minimise the impact of construction activity on the amenity of the area, including how such work will manage and minimise potential disruption to the adjacent cemetery particularly during burials, to control construction traffic, noise, dust, hours of construction and demolition work and wheel washing facilities and their use, and any recommended mitigation measures for their control, which shall, as may be applicable and as respectively relevant, be implemented prior to the commencement of development, during the period of development works being carried out on the application site, and once the use of the building hereby approved has commenced.

Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction.

Reason:

To minimise the impact of construction and demolition traffic and works in the interests of the amenity of the area and road and pedestrian safety in the locality.

- 7 A schedule and samples of all external materials and finishes, including colours, to be used for the roofs, external walls, windows, doors, and rainwater goods of the hotel and care home buildings hereby approved shall be submitted for the prior inspection and approval in writing by the Planning Authority prior to their use in the development hereby approved. Thereafter, the external materials and finishes, including colours, used shall accord with the details and samples so approved.

Reason:

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

- 8 A schedule and samples of all of the surface finishes of the internal road, parking, footpaths and patio areas hereby approved shall be submitted for the prior inspection and approval in writing by the Planning Authority prior to their use in the development hereby approved. Thereafter, the surface finishes of the internal road, parking, footpaths and patio areas used shall accord with the details and samples so approved.

Reason:

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

- 9 Details of the positioning, size, form, appearance and colour of all roof and wall vents and flues of the hotel and care home buildings hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter the roof and wall vents and flues of the hotel and care home buildings shall accord with the details so approved.

The roof and wall vents and flues of the hotel and care home buildings shall, where possible, be fitted as flush as possible with the outer surface of the wall or roof of the building into which they are to be installed and they shall match as closely as possible the colour of that part of the roof or wall of the building, unless otherwise approved by the Planning Authority.

Reason:

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

- 10 Prior to the occupation of the hotel and care home buildings hereby approved, acoustic fencing shall be erected as follows:

1. A 2.5 metres high acoustic barrier/fence shall be provided along the section of the eastern boundary of the site between the external amenity area of the care home and the supermarket service/delivery yard as shown coloured green in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m<sup>2</sup>; and

2. A 2.0 metres high acoustic barrier/fence shall be provided along the section of the western boundary of the site between the external amenity area of the care home and the Council Amenity Depot as shown coloured yellow in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m<sup>2</sup>; and

3. A 2.0 metres high acoustic barrier/fence shall be provided along the section of the eastern boundary of the site between the car park of the care home and the supermarket service/delivery yard as shown coloured yellow in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m<sup>2</sup>.

Details of such boundary enclosures shall be submitted to and approved in writing by the Planning Authority, prior to its installation on the site. Thereafter the means of enclosure of the parts of the east and west boundaries of the site with the supermarket service/delivery yard and the Council's Amenity Depot as so installed shall accord with the details so approved and shall be erected in its entirety and shall thereafter be retained and maintained in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the external amenity of the occupants of the care home hereby approved from noise from the supermarket operations and from the operations of the Council Depot.

- 11 Prior to the occupation of the hotel hereby approved the glazing units of the windows of the north, east and west facades as shown coloured red in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission shall be fitted with passive acoustic ventilators that provide minimum Attenuation of 33dB.

Such glazing specifications shall thereafter be retained in the windows of the north, east and west facades of the hotel hereby approved unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of occupiers of the hotel hereby approved from noise associated with road traffic.

- 12 Details of the location, design and rating of any plant and equipment associated with the operation of the hotel and care home hereby approved shall be submitted to and approved in writing by the Planning Authority prior to its installation in the development hereby approved.

Where possible, all plant and equipment shall be located within the hotel or care home buildings.

The design and installation of any plant and equipment used in association with the operation of the hotel or care home hereby approved, shall be designed and located so that any noise emanating therefrom shall not exceed noise rating curve NR20 at any octave band frequency between the hours of 23:00 - 07:00 and noise rating curve NR25 at any octave band frequency between the hours of 07:00 - 23:00, when measured within any bedroom of the care home hereby approved. Noise measurements shall be taken with the windows open at least 50mm.

Reason:

To safeguard the amenity of the occupants of the care home hereby approved from noise associated with plant and equipment.

- 13 Other than to facilitate the formation of the vehicular and pedestrian accesses hereby approved in accordance with Condition 4, the natural rubble stone wall of the north (roadside) boundary of the site shall be retained at its existing height and in its existing form unless otherwise approved in writing by the Planning Authority.

The stonework of any new length(s) of north (roadside) boundary wall associated with the formation of the vehicular and pedestrian accesses hereby approved shall match as closely as possible the stonework of the existing north (roadside) boundary wall in its colour, texture, coursing, and pointing,

Reason:

To safeguard the contribution the boundary enclosure makes to the character and appearance of the area.

- 14 Prior to the commencement of development on the site, full details of the proposed Sustainable Drainage System (SuDS) for the development shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

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

- 15 Other than the fourteen trees on the north (roadside) boundary of the site, the four trees on the west boundary of the site and the short length of beech hedging located towards the eastern side of the site that are to be removed, as detailed on drawing no. 1161/03 and in the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) docketed to this grant of planning permission, all other existing trees on the application site shall be retained and shall not be damaged or uprooted, felled, lopped or topped without the prior written consent of the Planning Authority.

Reason:

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

- 16 A method statement, supported by an arboriculturist, detailing the installation and specification of the continuous tree root barrier and new tree planting along the southern half of the west boundary of the site with the cemetery shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter, the method statement as so approved shall be implemented unless otherwise agreed in writing by the Planning Authority.

An arboriculturist shall be retained on site to supervise the installation of the continuous tree root barrier and tree planting operations in accordance with the approved method statement. A detailed report with dated photographic evidence showing the installation of the full length of tree root barrier prior to backfilling, and on completion of backfilling, shall be submitted to the Planning Authority no more than 14 days from the completion of such works.

Reason:

In order to ensure the implementation of landscaping in the interests of the character and appearance of the area.

- 17 All tree works, including felling, planting and protection of the existing trees of the site shall be carried out in accordance with the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) carried out by Brindley Associates docketed to this grant of Planning Permission, and including the requirements of Conditions 16 and 19, unless the Planning Authority agrees to a variation.

All tree planting comprised in the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) and the Planting Notes and Landscape Maintenance and Management Proposals February 2019, and as shown on drawing nos. 1161/03 Rev B and 1161/103 Rev A, both docketed to this grant of Planning Permission, and as required by Conditions 16 and 19 shall be carried out in the first planting and seeding season (October - March) following the completion of the either the hotel or care home buildings hereby approved or the occupation of either of them, whichever is the sooner.

In the event that any such new tree(s) and shrub planting or any existing trees or plants 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 retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area and to ensure the implementation of landscaping in the interests of the character and appearance of the area.

- 18 No development shall take place on the site until temporary protective fencing has been erected and installed and confirmed in writing by the Planning Authority to protect the retained trees on the eastern and western boundaries of the site. The temporary protective fencing shall be erected in the positions shown for it on drawing no. 1161/03 and in accordance with the details for it set out in the Tree Survey



and Arboricultural Impact Assessment August 2018 Rev A, both docketed to this grant of planning permission, unless otherwise approved in writing by the Planning Authority.

The temporary protective fencing shall comprise Heras, or similar approved, weld mesh enclosed panels joined together with a minimum of two anti-tamper couplings, and supported on preformed weighted footings, stayed and fixed into the ground to withstand impact from machinery and access into the construction exclusion zone, in accordance with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction". The temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing, kept in good condition through the works and shall be retained on site fully intact through to the completion of the site development. The position of this temporary protective fencing shall be outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the fencing referred to in paragraphs 1 and 2 of this condition with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Within the fenced off areas creating the construction exclusion zones the following prohibitions shall apply:-

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

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

Reason:

In order to ensure the protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

- 19 Within the first planting and seeding season (October - March) following the completion of the either the hotel or care home building hereby approved or the occupation of either of them, whichever is the sooner, the landscape planting of the site shall be carried out in accordance with the landscape planting details shown on drawing nos. 1161/03 Rev B and 1161/103 Rev A docketed to this grant of planning permission, unless the Planning Authority agrees in writing to any variation.

In the event that any such new tree(s) or shrub planting or any existing trees or plants of the landscape planting scheme for the site, 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 retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area and to ensure the implementation of landscaping in the interests of the character and appearance of the area.

- 20 All demolition and construction works associated with the development hereby approved shall be carried out in accordance with the following unless otherwise approved in writing by the Planning Authority:-

- If evidence of Bats is discovered at any time during demolition works, then works shall halt immediately and advice shall be sought from Brindley Associates Ltd and/or Scottish Natural Heritage prior to works commencing on the site;
- The site works shall be undertaken outwith the active time of day for Bats (i.e. start no earlier than 2 hours after sunrise and cease no later than 2 hours prior to sunset);
- Any temporary lights used during demolition or construction works associated with the development hereby approved shall be fitted with shades to prevent light spillage outside the working area and any temporary light(s) shall not illuminate the surrounding tree lines as lighting can affect wildlife commuting and foraging;
- If works at the site do not commence prior to 26/06/2019 then a further Bat Activity survey shall be commissioned for completion during the bat activity season to ascertain the current situation regarding Bat Activity and any recommended remediation shall be carried out in accordance with that updated Bat Activity survey;

- If works at the site do not commence prior to 12/10/2019 then a further Bat Roost Assessment survey shall be commissioned for completion during the bat activity season to ascertain the current situation regarding Bat Roosts and any recommended remediation shall be carried out in accordance with that updated Bat Roost Assessment survey;
- Due to the presence of suitable nesting habitat, it is recommended, if required, that the site trees, scrub and buildings are worked upon outside of the bird nesting season (March to September, inclusive). Where this is not possible, and works are due to take place between March to September, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to the tree, scrub or demolition works commencing. The results of each check are valid for three days including the date of the survey, after which further checks will be required to ascertain that the situation with regards to nesting birds has not changed;
- No works shall occur to the site buildings that would damage or destroy an active nest. Active nests can be found in any month of the year. An inspection should be undertaken by a suitably qualified ecologist using a ladder or cherry picker, immediately before works commence on the existing site buildings to establish the existence of any active nests. In the event of an active nest(s) being found, works should cease until any young have fledged the nest; and
- If works at the site do not commence prior to 30/05/2019 then a further Preliminary Ecological Appraisal shall be commissioned to ascertain the current situation regarding protected species and any recommended remediation shall be carried out in accordance with that updated Preliminary Ecological Appraisal.

Reason:

To ensure the protection of European protected species from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 21 The care home hereby approved shall be occupied only as a care home or nursing home under Class 8(a) or 8(b) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, reviewed or revoked) and shall only be occupied by residents for the provision of residential accommodation and care to people in need of: (i) personal care including the provision of appropriate help with physical and social needs or support and (ii) medical care and treatment.

Reason:

To restrict the occupancy of the care home hereby approved to that which is applied for.

- 22 All new drainage and underground services installed on the site in association with the development hereby approved that would be within the root protection area of any existing or new tree or shrub shall be installed with a root barrier or shall be designed to be resistant to root intrusion so as to give as much available land to allow the tree(s) to fully establish, unless otherwise approved in writing by the Planning Authority.

Reason:

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

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee