

PLANNING COMMITTEE

TUESDAY 18 MAY 2021

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 30TH MARCH 2021
VIA DIGITAL MEETINGS SYSTEM

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor J Williamson

Other Councillors Present:

Councillor P McLennan

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Manager Planning Delivery
Mr C Grilli, Service Manager - Legal
Mr D Taylor, Planning Officer
Mr J Allan, Assistant Planner
Mr M Greenshields, Senior Roads Officer
Mr G McLeod, Transportation Planning Officer
Ms E Hunter, Transportation Planner
Mr J Canty, Transportation Planner
Mr C Clark, Senior Environmental Health Officer
Mrs P Gray, Communications Adviser
Mrs L Gillingwater, Team Manager – Democratic & Licensing

Clerk:

Ms F Currie

Visitors Present/Addressing the Committee:

Item 2 – Mr D Sayers, Mr D Lawson
Item 3 – Mr G Mackintosh, Mr S Cameron, Ms V Sinclair, Mr I Parsons, Mr M Kelly,
Mrs F Constable, Mr J Kinnaird, Mr R Austin, Ms L Shaw Stewart
Item 4 – Mr J Frostwick, Mr D Henderson, Mr G Shiels
Item 5 – Mr A Cranston, Ms P Swan, Ms J Bell
Item 6 – Mr M Gilmartin

Apologies:

Councillor W Innes

Declarations of Interest:

Item 3 – Councillor McMillan stated that, in his role as Provost and Economic Development Spokesperson, he had met with both the applicant and some of the objectors at various times. He would withdraw from the meeting during consideration of this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 12TH JANUARY 2021

The minutes of the meeting of the Planning Committee of 12th January 2021 were approved.

2. PLANNING APPLICATION NO. 20/01430/PM: SUBSTITUTION OF HOUSE TYPES ON PLOTS 1, 4-5, 8, 11, 13, 16, 18, 20-21, 23, 30, 53, 60, 71, 73, 75, 77-79, 86-96, 99-101 AND 104-105 AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 18/01366/AMM, LAND AT SALTCOATS FIELD, GULLANE, EAST Lothian

A report was submitted in relation to Planning Application No. 20/01430/PM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Referring to the previous planning application for this site, Councillor Findlay asked if the issue of a pedestrian walkway and connection with Gullane village had been resolved. Mr Taylor stated that this was not material to the application before the Committee today and he did not have this information to hand.

In response to further questions from the Convener, Mr Donald Sayers, agent for the applicant, advised that while the number of 5 bedroom units was increasing, the number of 3 bedroom units across the whole of the site would remain the same.

The Convener expressed disappointment regarding the loss of 4 bedroom homes on the site, and the potential for the loss of 3 bedroom homes. He said that all developers were encouraged to offer a range of house types as 5 bedroom homes were not always suitable for those looking to downsize or retire to the area. He noted that the problem of house types was not limited to CALA and that the Committee had no powers to impose controls on the variety and number of house types on a site.

The Convener moved to the vote on the report recommendation (to grant consent). The vote was taken by roll call:

For: 11

Against: 0

Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

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

- 3 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08 & 101, the west elevation of the house to be built on Plot 94, the north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the occupants of neighbouring residential properties.

- 5 The roof lights on the east facing roof slopes of the houses to be built on Plots 08 & 101 on the west facing roof slopes of the house to be built on Plot 94 on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of neighbouring houses.

Sederunt: Councillor McMillan left the meeting.

- 3. PLANNING APPLICATION NO. 20/01224/P: ALTERATIONS, EXTENSIONS TO AGRICULTURAL BUILDINGS, ERECTION OF BUILDINGS TO FORM SHOP (CLASS 1), VISITORS/CONFERENCE CENTRE (CLASS 10), AUDITORIUM (CLASS 11), CAFE (CLASS 3), BAR (SUI GENERIS), LETTING BEDROOMS (CLASS 7), OFFICES/MEETING ROOMS, 6 SELF-CONTAINED HOLIDAY**

LETS AND ASSOCIATED WORKS AT PAPPLE STEADING, PAPPLE, WHITTINGEHAME, EAST LOTHIAN EH41 4QD

A report was submitted in relation to Planning Application No. 20/01224/P. Emma Taylor, Manager – Planning Delivery, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members, Ms Taylor advised that a breach of condition notice could be served, if required but that officers would aim to engage with the applicant over any breach of conditions. She also said that advice had been received from a specialist officer on flood matters and no concerns had been raised.

Liz Hunter, Transportation Planner, responded to questions from Members regarding the Travel Plan, traffic assessments, the impact of increased traffic on road safety, and possible improvements to the site access road, including additional passing places, and improvements to directional road signage.

Colin Clark, Senior Environmental Health Officer, also replied to questions relating to noise pollution, fireworks usage, potential mitigation measures, monitoring and enforcement.

The Convener raised the possibility of additional conditions being imposed in response to some of the concerns expressed by Members. Keith Dingwall, Service Manager – Planning, confirmed that additional conditions could be included in relation to road signage and improvements, and light and noise pollution. Ms Taylor reminded Members that any conditions must be appropriate and reasonable.

Mr Stuart Cameron, agent for the applicant, outlined the background to the application and advised that 50% of the steading site would be given over to heritage use. He said that proposals were sympathetic and complimentary to the restoration of the building and a subservient series of developments would go hand in hand with the existing steading buildings. The LBC proposals had been agreed by Historic Environment Scotland, and a financial contribution had been agreed with the Council for the upgrades to the road network. On flooding he said that work had been carried out on a culvert following a recent flooding incident and further work was still to be done.

Mr George Mackintosh, the applicant, outlined his own personal connection with the site and emphasised the historical significance of the steading buildings both locally and nationally. He explained that he would be working in partnership with the Soil Association and that Queen Margaret University and Dunbar Music School would make use of facilities on the site. He hoped that other partnerships would follow. He said the project had 3 strands: heritage, community and business and he highlighted key aspects of each. In summary, he said his intention was to save the steading, create jobs and make the countryside and its heritage accessible to all.

Mr Cameron and Mr Mackintosh responded to questions from Members on the number of staff to be employed, the type of events and celebrations envisaged for the site, whether the site would operate all year round and security arrangements. They also provided information on how the facilities might be used by local community groups, the development's 'green' credentials and plans to develop a core paths network in and around the site.

In response to further questions, they discussed options for mitigation of potential noise and light pollution and the possibility of improvements to the access road to the site to address traffic concerns.

In response to a question from the Convener, Mr Dingwall confirmed that Members could add conditions to the planning permission to address concerns regarding the access road,

and noise and light pollution. These could include the imposition of a temporary period for use of the auditorium to allow assessment of noise levels and impact.

Mr Mackintosh said that a temporary condition of that nature may be too compromising for them but suggested a condition regarding maximum noise levels.

Mr Miles Kelly spoke against the application. He said he represented the views of Papple residents and while the community welcomed the restoration of the steading, they felt that the proposals failed to support local amenity. Referring to the flood risk, he advised that there had been regular flooding at the Steading and West Lodge and that current drainage was inadequate. He asked why no flood assessment had been carried out and quoted from a previous SEPA assessment which had rated the flood risk as 'medium' and whose guidance suggested that action should be taken to address such risks. He also raised concerns about noise levels, particularly from live music events. He said that the professional survey carried out on behalf of Papple residents had shown that the proposed mitigation of closed doors would not be sufficient and he questioned how any such condition could be enforced.

Mrs Fiona Constable spoke against the application as a local resident whose property boundary was less than 20 metres from the access road. She expressed concerns that the proposals failed to protect local amenity and posed a threat to the natural and cultural character of the area. She stated that any new lighting would be out of keeping with current levels and would adversely impact local fauna, including badgers, breeding barn owls and rare species of bats, as well as impacting the nearby Papple Woods which were part of the Biel Water Biodiversity Site. Bats were known to suffer significant disturbance at lighting levels lower than those specified in the proposed conditions. It was also possible that the proposals could obstruct bat roosts and feeding routes. She did not think there would be adequate protection offered to these and other species under the current proposals.

Mr Richard Austin, speaking on behalf of Gifford Community Council, said their objections related solely to the increase in traffic through the village. While acknowledging that the transport statement offered 3 routes from the west, he was concerned that the route most commonly used would be through Gifford. He questioned the assessment of vehicle movements, referring to a survey undertaken in 2016 which suggested that the actual number could be twice as high as that assessed for this application. He pointed to statistics showing that an increase in traffic of 25 – 30% gave an appreciable increase in the risk of accidents and he reminded Members that the primary school was situated on this route. He had been encouraged to hear suggestions for improved signage for the route via East Linton and said that if this was to be the main route it would alleviate some of his concerns.

Mr John Kinnaird spoke against the application. He summarised his concerns relating to increased traffic on local roads, particularly coaches. He said that reduced road width, blind corners, lack of passing places and some parts of roads being too narrow for two vehicles to pass would result in significant safety issues for road users and pedestrians. He also expressed concern about a lack of information on some aspects and pointed out that mitigation measures could not resolve all of the issues. He questioned whether the routes had been fully assessed and, if so, why such assessments had not been published. He also raised concerns about possible damage to the canopies and roots of some trees on the site and whether this had been adequately assessed. Finally, he suggested that incorrect information had been submitted by the applicant in relation to flooding.

The Convener asked for a comment from officers regarding the transportation survey. Ms Hunter advised that the transport statement did ask for further work to be done at pinch points in the network. Information on large coaches had been provided and some routes had been ruled out on this basis.

Ms Linda Shaw Stewart, speaking on behalf of Dunpender Community Council, said that while they were delighted that the building was to be redeveloped, they had concerns. The impact of increased traffic on narrow roads used by agricultural traffic, walkers, runners, cyclists and riders. The current infrastructure was inadequate and there were no plans to link the site to public transport. The proposed car parking for staff and visitors was inadequate and did not take into account the potential numbers visiting the various facilities on site. There was no detailed lighting plan and the site was very close to woodland where fauna would be adversely impacted by light pollution. The potential for noise pollution from events in the outdoor courtyard was also a major concern and no assessment had been carried out. She suggested that consent for the application in its present form should be refused.

Local Member Councillor Kempson began by addressing the applicant's proposal to create core paths for walkers. She pointed out that the applicant did not have a legal right of access over some of the land where the core paths were proposed. While she agreed that the steading buildings at Papple were in need of restoration and she supported the idea of a museum, she felt that this development was far more than that and would be too large for the site. She had concerns that the proposed car parking was not sufficient to accommodate the number of potential visitors and that it was unrealistic to assume the majority would come by bus. She also considered the proposed development to be a venue for activities which would be detrimental to the local environment. She would not be supporting this application.

Local Member Councillor McLennan said he had also called in this application. He felt that there should have been greater consultation with local community councils and he had concerns about the roads around the site, the scale of the development and potential noise pollution. He was satisfied that the flooding and lighting issues had been addressed by the applicant and he had no objection to the principle of development in rural areas. However, he remained particularly concerned about the impact on the local roads network and, if able to vote, he said he would not support this application.

Local Member Councillor Hampshire (the Convener) commented on the controversial nature of the application which had generated a high volume of correspondence expressing a variety of views. He welcomed the proposals, in particular the museum, and that restoration and development of a steading which would be open to the public to visit and enjoy. However, he acknowledged the local concerns regarding traffic, light pollution, noise, access and the impact on biodiversity. He referred to the assessments carried out by officers and suggested that with the addition of extra conditions related to improved signage, road access, and controls on lighting and amplified music, appropriate arrangements could be put in place to manage these concerns. He concluded by saying that the restoration of steading buildings was very important, as was the development of a museum to celebrate farming heritage and the creation of business and job opportunities in the countryside. For these reasons, he would be supporting the application.

Councillor Findlay said he understood the concerns expressed by local residents however he felt that there could be controls put in place to mitigate these matters. He supported the additional conditions suggested by the Convener and, on that basis, he would be supporting the report recommendation.

Councillor Gilbert echoed Councillor Findlay's remarks and confirmed that, subject to the addition of conditions relating to amplified music and improvements to the access road, he would be supporting the application.

Councillor McGinn would be supporting the report recommendation. He said that it was exciting to see this type of development in the countryside and offering the opportunity for young people to learn about farming and East Lothian's proud rural communities.

Councillor Forrest observed that this was the first time he could recall a steading being developed for something other than housing. He noted the concerns that had been raised and said he hoped that these had been listened to the conditions proposed would be helpful and allow the project to move forward. He would be supporting the report recommendation.

Keith Dingwall, Service Manager – Planning, suggested the following wording for the additional conditions discussed by Members during the debate:

21. Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

The Convener formally moved that these conditions be added to the proposed conditions of planning permission. This motion was seconded by Councillor Findlay. The Convener moved to the vote on the amendment to the proposed conditions (taken by roll call):

For: 10
Against: 0
Abstentions: 0

The Convener then moved to the vote on the report recommendation, as amended, (to grant consent) which was also taken by roll call:

For: 9
Against: 1
Abstentions: 0

Decision

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

1. All new and replacement roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slope into which they will be installed and with minimum flashing.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 2 Samples of new and replacement natural slates and new and replacement pantiles to be used in the development hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 3 Notwithstanding what is shown for them on the docketed drawings the new and replacement windows and glazed doors hereby approved shall have through glazed astragals so as to divide their glazing and shall not have 'plant on' astragals. Prior to the installation of them a specification drawing, at a scale of 1:20, shall be submitted to and approved by the Planning Authority and the windows, glazed doors, astragals and glazing shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 4 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 5 All stonework repairs shall be carried out using salvaged stone from elsewhere on site. If this is not possible then natural stone specifically selected to match the existing stone in colour, tooling and shape shall be used.

Any new stone shall be coursed to match the original. In the case of replacement skews, door or window surrounds or other such features, the stone shall be dressed and laid in the same manner as the original, as far as reasonably possible.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 6 All stonework repairs and re-pointing shall be carried out using a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority.

Thereafter, the limework shall be implemented as approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 7 All rainwater goods shall be cast iron and painted, unless otherwise agreed with the planning authority. Prior to installation of the rainwater goods, details of the proposed colour shall be submitted to and approved in writing with the Planning Authority.

Thereafter the rainwater goods shall be installed and the colour applied as approved.

No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps, unless otherwise agreed in writing with the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 8 Samples of the external finishes of the extensions and ancillary buildings hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 9 The occupation of the holiday letting accommodation use hereby approved shall be restricted solely to short term lets of not more than 28 days. The holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday let, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

Reason:

To restrict the holiday letting use of the proposed buildings to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the East Lothian countryside.

- 10 The minimum sound insulation RW rating values of the main components of the building fabric of the auditorium hereby approved shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 11 The glazed doors to be formed within the auditorium hereby approved shall be maintained in a closed position during events that involve amplified music and/or speech.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 12 Any light trespass (onto windows) of neighbouring residential properties, as a result of any artificial lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

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

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

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

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

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

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

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

- 14 Prior to the commencement of development, details of a barn owl nesting box shall be submitted to and approved in writing by the Planning Authority. The details submitted shall include the location and specification of the nesting box and a timescale for its erection. Thereafter, the nest box shall be erected as approved and retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Development shall not be carried out during the bird breeding season of March through to August of any year, unless otherwise agreed in writing with the Planning Authority.

Reason:

To mitigate the potential impact of the development on barn owls on the site and provide compensatory nesting sites in the interest of biodiversity.

- 15 Prior to the commencement of development hereby approved, a Species Protection Plan (for bats) and a timetable for the implementation of mitigation and protection measures, shall be submitted to and approved in writing by the Planning Authority. The mitigation and protection measures shall thereafter be implemented in strict accordance with the timetable so approved.

In addition, a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) shall be submitted prior to the commencement of development.

Reason:

In the interests of biodiversity and the conservation of a European Protected Species.

- 16 No development shall take place on site until:

a) a scheme of landscaping has been submitted to, and approved in writing by, the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. In particular, the landscape scheme shall include (i) the retention of the existing hedgerows to the access roads and northern site boundary; (ii) the retention of the mature lime trees to the east side of the northern access road; (iii) new tree planting to the northern and eastern site boundaries; (iv) new hedgerow planting to the eastern boundary; and (v) show that the paved surface finish of the car parking area shall be off-set from the centre lines of the existing hedges enclosing the northern and eastern boundaries of the application site by a minimum of 1.5 metres; and

b) details of the construction of the grass verge reinforcement shall be submitted to and approved in writing by the Planning Authority. It shall be designed and carried out in accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations". The design must not require excavation into the soil, including through lowering of levels and/or scraping, other than the removal, using hand tools, of any turf layer or other surface vegetation.

All 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 sooner, and any trees, plants or hedgerows 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. No trees, shrubs or hedgerows, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme and the retention of trees and hedgerows in the interests of the landscape character, appearance and amenity of the area.

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 18 Prior to any use of the development hereby approved, the car parking spaces and cycle parking areas shown on docketed drawing number PP-119 Revision A, titled 'Proposed Site Plan', shall be fully formed and made available for use. So too shall the reinforced verge to be used as a passing area. Thereafter the car parking spaces, cycle areas and passing area shall all be retained in place in their entirety for use for the parking of vehicles, cycle bikes and to ensure that an adequate passing area is provided within the application site.

Reason:

To ensure the provision of adequate car and cycle parking facilities are available in the interests of road safety.

- 19 A Travel Plan to minimise private car trips to and from the site and to encourage use of alternative modes of transport such as buses and cycling shall be submitted to and approved by the Planning Authority prior to the use of the development hereby approved. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. It shall also include a risk assessment/statement of the appropriateness of local roads to accommodate coaches and cyclists.

The approved Travel Plan shall be implemented prior to the use of the conference and heritage facilities.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the conference and visitor centre use.

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

Reason:

To minimise the environmental impact of the development.

- 21 Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

Sederunt: The Committee adjourned for a short break and Councillor McMillan returned when the meeting resumed.

4. PLANNING APPLICATION NO. NO.20/01388/P: EXTENSION TO HOUSE, 4 SANDERSONS GROVE, TRANENT EH33 1JY

A report was submitted in relation to Planning Application No. 20/01388/P. James Allan, Assistant Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr Allan provided clarification on the dimensions of the proposed extension, the shrubs to be removed at the front of the property and the extent to which the development would overshadow the garden and conservatory next door. He also confirmed that this type of extension was not unusual and there were many examples of similar projects being approved in East Lothian.

Marshall Greenshields, Senior Roads Officer, replied to a question on car parking. He explained that an additional space would be required as the house would increase beyond the current threshold.

Mr Derek Henderson spoke against the application. He lived next to the property and objected to the size of the extension which he said was not in keeping with other houses in the street. He explained that the extension would reach right to his boundary wall and would greatly reduce the daylight/sunlight in his garden and sunroom. He said that this room was used regularly, especially by his wife and that the proposals could adversely affect her health. He also expressed concern that the extension was designed to change the house from a family home to, potentially, a house of multiple occupation (HMO).

The Convener pointed out this application contained no proposals for an HMO and that any request for an HMO licence would be subject to a separate application process.

Mr Gordon Shiels spoke against the application. He said that the footprint of the extension would be very large and that the extra space provided seemed excessive for a family of two people. He felt that the new features, particularly the large window in front, would impact on surrounding properties and that its effect on the Henderson's property and also Mrs Henderson's use of their sunroom would be severe. He expressed concern over the impact that removal of a street parking space would have on road safety; cars often parked in their street as it offered access to the playing fields. He commented that since its sale, No. 4 had only been occupied periodically, even during lockdown, and if it was not the owner's principal home it was clearly a development opportunity. He also questioned the legality of the changes and referred to the wording of the missives.

Local Member Councillor McGinn said he had called in this application over concerns about parking. This was a really active area and parking was already an issue in the street. He also felt that the proposals, by their size and stature, amounted to an overdevelopment of the site. He referred to the results of the sunlight test and questioned the assessment of 'minimal impact' as half of the garden and sunroom of No.5 would be impacted between 9am and 1pm each day. For these reasons, he would not be supporting the report recommendation.

Local Member Councillor McLeod said this was a difficult decision and he shared some of the concerns already expressed. He also did not agree with the removal of garages in such properties. He asked whether it was possible to add a condition preventing the house being licensed as an HMO.

Mr Dingwall advised that it would not be competent to add such a condition.

Councillor Findlay said he shared a lot of the concerns but his basic objection was that this was an overdevelopment of the site based on the surrounding houses. He would not be supporting the report recommendation.

Councillor McMillan said he had been impressed by comments from the objectors. When hearing how close the extension would come to the boundary wall, he said it did look like an overdevelopment of the site which would clash with the surrounding, well-designed area. He also had concerns about parking. He would not be supporting this application.

The Convener brought the discussion to a close. He agreed with many of the previous remarks and did not consider the proposal to be of an appropriate scale for this property. He was particularly concerned about overshadowing and loss of sunlight to the neighbouring property. He was in agreement with Members; he would not be supporting this application.

The Convener moved to the vote on the report recommendation (to grant consent) which was taken by roll call:

For: 0

Against: 10

Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed extension would be an overdevelopment of the site, harmful to the amenity of the area, and contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.
2. By virtue of its size and dominant nature, the proposed extension would have an unacceptable impact on the amenity of the neighbouring property of 5 Sandersons Grove, contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

5. PLANNING APPLICATION NO. 20/01413/P: ALTERATIONS AND CONVERSION OF BUILDING INTO 4 FLATS, ASSEMBLY ROOMS, CHURCH STREET, DUNBAR EH42 1HA

A report was submitted in relation to Planning Application No. 20/01413/P. Ms Taylor presented the report, summarising the key points. She drew Members' attention to planning policy CH2 which stated that, in exceptional circumstances, the benefits of proposals that would restore and improve the appearance of a building and enhance the character and appearance of a conservation area, could be deemed to outweigh the requirement for off-street parking provision. In her assessment, the benefits offered by this application were considered to outweigh the requirement for provision of 4 parking spaces. The proposed decision set out in the report was to grant consent for the application.

Ms Taylor responded to questions from Members. She accepted that there were concerns regarding parking but reiterated policy CH2 and indicated that it would be for Members to decide if the circumstances were exceptional in this case. She believed that the benefits to the townscape would outweigh the requirement for parking provision. She advised that the roofline would be raised 1.4m above the existing height but that this would not impede the views from the property opposite. She also explained that although the building was on the 'at risk' register, unless there was a health and safety risk it was unlikely that the Council could force the applicant to take action. This application would at least allow for the safeguarding of the building.

Ms Jacquie Bell, spoke on behalf of Dunbar Community Council. She said that they had long been concerned about the state of the building which they felt required a whole site solution. However, despite concerns about the raising of the roofline and that the view on the seaward side could have been maximised for residents, the Community Council was generally supportive of the proposals. She noted that parking was a general issue in the town centre but that the building had been built long before cars and in the future there may be alternative options for residents, e.g. car clubs or the development of off-street car parking nearby. She suggested that the large area to the rear of the Assembly Rooms may be suitable but that in any event, planning policy allowed for parking provision to be omitted in exceptional circumstances. She urged the Committee to support the application.

Mr Alex Cranston, a representative for the applicant, indicated that he did have a statement to make and he was invited to speak next. Mr Cranston read out a letter from the applicant in which he explained how design issues had been addressed. He suggested that on-street parking was an issue at present due to people being at home more than usual and that on-street traders also impacted on parking. He noted that there were precedents for approval of similar developments without parking provision and referred to a site nearby which had been approved in 2018. He also outlined his concerns about approaches he had received from a third party to purchase the Assembly Rooms and that the architect involved with this approach may have links to a representative of a local residents' groups. He asked that comments made by this representative should be disregarded by the Committee.

The Convener pointed out that this individual did not make decisions on planning applications and that they were present to represents the views of a section of the local community.

Ms Pippa Swann, on behalf of the Dunbar Shore & Harbour Neighbourhood Group spoke against the application. She said that the Group was generally in favour of development of historic buildings and did not generally object to this application. However, she was surprised that listed building consent had been granted for raising of the roofline. She felt that raising the roofline was inappropriate and it was unfortunate that more was not being done with the seaward side of the building. She also considered parking to be an issue, especially with 3 bedroom flats. She said that refusing this application did not mean that the building would remain empty for another 10 years and that what was required was a whole site solution.

Local Member Councillor Hampshire (the Convener) said he had called in this application. He referred to previous proposals for the site and the current application and said it was unfortunate that no one was prepared to bring forward a whole site solution. At the site visit, Members had seen how beautiful the building was inside and it would be extremely unfortunate if the roof were to be destroyed; and would change the character of the listed building. He added that parking was a major issue and he did not think it was acceptable to approve the proposals without off-street car parking. He would not be supporting the report recommendation.

Local Member Councillor McLennan said that plans for this building had been ongoing for some considerable time; the applicant had listened to concerns and had revised their proposals as a result. He welcomed the community council's support and said that proposals would benefit the townscape. He agreed with the planning officer that there were exceptional circumstances which would merit the removal of a requirement for car parking. He said it was not appropriate to refuse the application because Members would prefer a whole site solution. If nothing was done, the building would continue to deteriorate and he urged Members to support the application

Local Member Councillor Kempson supported the Convener's comments. She considered car parking to be critical and she noted that parking on Church Street could already be

problematic, even while all of the shops on the High Street were still closed. She would not be supporting this application.

Councillor Gilbert said that this was an 'at risk' building and had been so for almost 30 years. This application represented a viable proposal to safeguard it and planning policy allowed for the requirement for car parking to be set aside in exceptional circumstances. He would be supporting the report recommendation.

Councillor McLeod commented that if he were a buyers who looked for car parking he would simply look elsewhere. He considered the building to be in need of upgrading and he would be supporting the report recommendation.

Councillor Williamson observed that this was the second application today which involved a historic building which was deteriorating and, without action, would eventually require demolition. Such a building close to the seashore may attract buyers who were less reliant on cars and he considered this to be the only way to safeguard the building. He would be supporting the report recommendation.

Councillor McMillan considered the proposals to be feasible but not viable and, for him, parking was a major concern. He felt that the proposals did not make best use of the whole site and were a short-term solution. He believed that a long-term option should be explored. He would not be supporting the report recommendation.

Councillor Findlay commented that this was a stunning building inside and it was time something was done to preserve it. He knew of other buildings where permission had been given despite car parking issues and he did not consider it to be a major problem. He said that the Committee had to consider the application that was before them not what could or would be. He would be supporting the report recommendation.

Councillor Forrest said he had listened to all of the comments but the difficulty for him related to car parking. He added that officers had specified a requirement for car parking in many other applications and he did not see why this application should be treated differently. He would not be supporting the report recommendation.

Councillor Mackie supported the comments made by Councillor Forrest and said she too had concerns about car parking.

The Convener moved to the vote on the report recommendation (to grant consent) which was taken by roll call:

For: 4
Against: 7
Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed roof alterations would adversely affect the profile of the roof of the listed building, and thereby its architectural and historic character, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy.
2. As there is insufficient space within the curtilage of the application site to provide the parking spaces required by East Lothian Council's Road Services to meet East Lothian's Transportation Standards, the proposal would cause parking and

congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

6. PLANNING APPLICATION NO. 20/01348/LBC: REMOVAL OF CONDITION 4 OF LISTED BUILDING CONSENT 18/00401/LBC APARTMENT 2, WEST WING, WHITTINGEHAME HOUSE, STENTON, EH41 4QA

A report was submitted in relation to Planning Application No. 20/01348/LBC. Ms Taylor presented the report, summarising the background and key points. She said that the changes sought were for the benefit of the family but that this was not a material consideration when assessing planning permission. She pointed out that the removal of the service stair would result in a change to the historic fabric which would be detrimental to the historic character of the building and contrary to planning policy. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members, Ms Taylor confirmed that the staircase was a later addition to the property that was not visible from the outside. She advised that the staircase was likely one used by servants and that it added to the understanding of how the building was used in the past. Once removed, that understanding would be lost and she did not think that a plaque could adequately replicate this. She agreed that there was a balance to be struck between keeping what was significant and ensuring buildings were fit for human habitation. However, while this option may be what was best for the family, planning officers had to consider what was best for the building.

Michael Gilmartin, the applicant, referred to the previous application made in 2018 but stated that without the removal of the staircase the other alterations would not go ahead. He said that contrary to reports, there was no plan to install a lift and he felt that the assessment of the application had not taken full account of the needs of both family members with long-term health conditions. He referred to a recent report which had stated that the staircase was a late addition and of limited special interest. He also pointed out that Historic Environment Scotland had not objected to or supported the application, and that the only public objection to the application had subsequently been withdrawn. Mr Gilmartin outlined the day to day requirements of the two family members with serious, long-term health conditions and the difficulties of caring for them appropriately at home without making alterations to the family's living space. He asked that Members consider the needs of these vulnerable individuals and the impact on the family as a whole.

The Convener spoke first as he had called in the application. He noted that the staircase had been a relatively modern addition and of limited historical importance. He recognised the need to make alterations to meet the requirements of the family and he did not think that the removal of the staircase would result in any historical loss to the building. He would not be supporting the report recommendation.

Local Member Councillor Kempson also commented that the staircase had been a later addition and that it was very plain and added nothing either architecturally or historically to the building. She would not be supporting the report recommendation.

Councillor Gilbert said that this was a balancing act between the historic environment of Whittingehame House and the needs of the people who lived there. On this occasion, the needs of the people far outweighed the considerations of the historic environment. He would not be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (for refusal) which was taken by roll call:

For: 0
Against: 11
Abstentions: 0

Decision

The Committee agreed to grant LBC permission subject to the following condition:

1. The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 18 May 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

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

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

Proposal Erection of 27 flats and associated works

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

Applicant Whiteadder Ltd

Per LBA Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

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

To the north of the application site is the detached 2-storey building of the former St Andrews Centre with Bayswell Road beyond. The application site is on land that previously formed the wider garden ground of the former St Andrews Centre. To the east

of the site are residential flats and to the south a line of mature trees and a high stone wall with the rear gardens of residential houses beyond. The site is bounded to the west by a line of mature trees and a high stone wall with a single storey commercial garage building beyond.

In February 2014 planning permission ref: 13/00394/P was granted for the erection of 18 flats on land adjacent to the application site. Those flats, known as Garrison Green, have been built and are occupied. Those flats are comprised of two 3 storey high pitched roof buildings of contemporary style located to the north and south of that site respectively.

Planning permission (Ref: 19/00623/P) was granted in December 2019 for alterations and a change of use of the building of the former St Andrews Centre to form 4 flats and associated works.

In March 2021 an alternative scheme of development formed the subject of planning permission (Ref: 20/01433/P) for a change of use of that building (class 2) to 4 flats and associated works. That permission has not been implemented and remains extant.

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

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

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

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

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

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

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

Parking areas are proposed within the north and east of the site providing a total of 27 parking spaces to serve the proposed flats.

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

Bin storage for the existing flats of Garrison Green is located on the east side of the existing access road and is comprised of large shared refuse bins and green recycling bins within an open compound. It is proposed to replace this existing waste storage area with new communal storage facilities for general waste for the existing flats of Garrison Green and for the proposed flats. This new bin storage area would provide space for 11 large refuse receptacles for shared use by the occupants of each of the existing and proposed flats.

In addition it is proposed that a new purpose built timber compound that would be an extension of the existing bin storage area would be constructed to house the recycling waste bins of the existing flats of Garrison Green and the proposed new flats. The proposed new bin storage compound would be added to the southern end of the existing bin storage area and would be some 9.5 meters in length and would be enclosed and screened by a 2.4m high fence that would sit adjacent to the east side of the access road. The bin storage compound would be accessed by 2.4m high gates, that would be within each of its north and south ends. Space for one green recycling box, 1 blue recycling box and 1 food caddy would be provided for each of the existing and proposed flats within this fenced compound.

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

Since the application was first registered further drawings providing revised details of proposed tree planting and electric vehicle charging points have been submitted.

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

A Tree Survey and Arboricultural Implication Assessment has been submitted as a part of the application.

DEVELOPMENT PLAN

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (ELLDLP).

The purpose of the approved South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Relevant to the determination of the application are Policies CH2 (Development

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

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

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

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

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

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

Also material to the determination of the application is Supplementary Planning

Guidance (SPG) on 'Affordable Housing' adopted by the Council in February 2019. The SPG supplements relevant ELLDP policies in relation to the delivery of affordable housing.

REPRESENTATIONS

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

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

COMMUNITY COUNCIL

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

- i) impacts of waste and recycling facilities on neighbouring residential properties;
- ii) additional footpath provision at existing access from Bayswell Road;
- iii) appropriate tree planting in mitigation of trees removed;

PLANNING ASSESSMENT

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

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

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

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

Policy CH2 of the ELLDP requires that all new development within the Conservation

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

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

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of place. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

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

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

The use of modern materials such as aluminium frames for windows is not normally acceptable for use in a conservation area. However in respect of this proposal the windows and doors on the north, south and west elevations of the flatted buildings would not be readily visible from public places. Therefore the installation of aluminium framed

windows would not be discernible and would not have an appreciable affect on the character and appearance of the Dunbar Conservation Area. Whilst the windows on the first and second floors of the flatted building to be erected in the southwest corner of the site would be visible from Lauderdale Park, these would be long distance views over the existing commercial garage building. In such long distance views and due to the modern style and appearance of the windows and of the flatted building the aluminium framing of them would not be readily discernible. Therefore they would not have an appreciable affect on the character and appearance of the Dunbar Conservation Area.

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

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

Policy W3 of the ELLDP requires that all new development, including residential, should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Such provisions should include appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes for all scales of residential development, and appropriate access roads and sufficient space for servicing by collection vehicles.

Due to the backland location of the proposed flatted buildings and of the layout of the internal access road it would not be possible for large waste collection vehicles to enter the site to service the waste facility of the site. Therefore waste storage facilities are to be provided in a similar location to the existing waste storage facility that exists on the eastern side of the access road into the site. This would replace the existing recycling waste storage facility and communal bins that currently serve the existing flatted development of Garrison Green.

The proposed bin storage compound would be added to the southern end of the existing bin storage area on the east side of the access road of the site. As an extension of that existing bin storage area and as it would be set against the backdrop of a high stone wall the bin storage compound would not appear unduly prominent or incongruous. If painted or stained an appropriate colour the proposed bin storage compound as an addition to the existing bin storage area would not harm the integrity of the existing development of Garrison Green, the setting of the adjacent residential properties of Bayswell Road or the character and appearance of the Dunbar Conservation Area.

The painting or staining of the proposed bin storage compound can reasonably form the requirement of a condition attached to a grant of planning permission.

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

In all of the above considerations the proposed development would safeguard the character and appearance of this part of the Dunbar Conservation Area. It would add

architectural interest to the appearance of the area, which is characterised by a variety of buildings of a range of ages, architectural styles and use of finishes. The proposed development is acceptably designed for its place and would not harm the character and appearance of the Conservation Area.

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

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

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

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

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

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

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

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would

achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

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

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

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

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

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

Policy W3 of the ELLDP requires that all new development, including residential, should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Such provisions should include appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes for all scales of residential development, and appropriate access roads and sufficient space for servicing by collection vehicles.

The Council's Waste Services have been consulted on the application and respond that they are satisfied with proposed waste separation and collection arrangements subject to residents being responsible for presenting waste/recycling containers at the kerbside for collection.

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

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

Council Roads Services advise that the proposed arrangements for vehicle and pedestrian site access, car parking and manoeuvring embodied in the site layout are acceptable. They have not raised road safety concerns regarding the use of the existing access by the occupants of the 27 flats. Nor have they raised any concerns to the use of the internal access road as a shared surface for both pedestrian and vehicles. They further advise that the provision of two electric vehicle charging points, each capable of charging two vehicles simultaneously, is acceptable subject to a condition attached to any planning permission requiring that a Residential Travel Pack be provided to each resident. The Travel Pack should include information on how any future additional electric vehicle charging points are provided and managed, and on local walking, cycling and public transport routes. Signage should also be erected providing information on additional chargepoint requests.

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

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

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

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

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations

and extensions, or where it is not considered reasonable by the Planning Officer. As this application is for new build development such a condition should be imposed on any planning permission granted for the proposed development.

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

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

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

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

No objection is raised to the proposed 27 flats, subject to the payment of a developer contribution towards an increase in the educational capacity and facilities of: Dunbar Primary School (John Muir Campus) (£70,173); Dunbar Primary School (Lochend Campus) (£31,131); and Dunbar Grammar School (£26,730).

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

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

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

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to:

secure from the applicant a financial contribution to the Council of £70,173 towards an increase in the educational capacity and facilities at Dunbar Primary School (John Muir Campus), a financial contribution to the Council of £31,131 towards an increase in the educational capacity and facilities at Dunbar Primary School (Lochend Campus) and a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School, as identified by the Council's Depute Chief Executive - Resources & People Services.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement or some other legal agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

CONDITIONS:

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed schedule or samples of the external materials and finishes to be used on the buildings hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use. The external render colours of the buildings shall be in accordance with a co-ordinated scheme with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour.

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

Reason:

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

- 3 Samples of the materials to be used to surface the hard standing areas in the form of the driveways, parking and turning areas, footpaths and patio areas of the houses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details so approved.

Reason:

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

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

Reason:

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

- 5 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site.

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason

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

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

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

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

Reason:

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

- 7 A Green Travel Plan (Travel Information Pack) shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan (Travel Information Pack) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan and details of how and when it will be distributed to all residents.

The Green Travel Plan (Travel Information Pack) shall further provide details of how any future additional electric vehicle charging points are provided and managed.

The Green Travel Plan (Travel Information Pack) shall thereafter be provided to residents in accordance with the details approved.

Reason:

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

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

Reason:

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

- 9 Prior to the commencement of development details of the bin storage facilities for the 27 flats, the existing flats of Garrison Green and the 4 flats proposed for the former St Andrews Centre within planning permission (Ref: 20/01433/P) including its colour shall be submitted to and approved in advance by the Planning Authority. Details shall include a statement of how the operation of the bin store is to be managed to ensure its maintenance and upkeep.

Thereafter, the bin store shall be retained in use solely as a bin store and operated in strict accordance with its approved use.

Reason:

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

- 10 Prior to any use of the timber bin storage compound hereby approved it shall be painted or stained in a colour to be submitted and approved by the Planning Authority. The colour of the timber bin storage compound shall accord with the colour so approved.

Reason:

To safeguard the character and appearance of the house and the character and appearance of the Dunbar Conservation Area.

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

Reason:

To minimise the environmental impact of the development.

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

Reason:

In the interests of safeguarding biodiversity interests.

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

- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- o A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred option(s).

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

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

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

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

Reason:

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

14 Prior to its use the timber bin storage compound hereby approved shall be painted or stained in a colour to be submitted and approved by the Planning Authority. The colour of the timber bin storage compound shall accord with the colour so approved.

Reason:

To safeguard the character and appearance of the house and the character and appearance of the Dunbar Conservation Area.