



## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 2 MAY 2023  
VIA A DIGITAL MEETING FACILITY

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**Committee Members Present:**

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

**Other Councillors Present:**

None

**Council Officials Present:**

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

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

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

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

**Apologies:**

Councillor C McGinn

**Declarations of Interest:**

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

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

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

Item 9: Councillor Gilbert

**1. MINUTES OF PLANNING COMMITTEE MEETING, 28 MARCH 2023**

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

*Sederunt: Councillor McMillan left the meeting.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Decision

The Planning Committee agreed to grant the application, subject to the following conditions:

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

Reason:

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

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

Reason:

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

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

Reason:

To minimise the environmental impact of the development.

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

### **3. FURTHER REPORT OF HANDLING OF PLANNING APPLICATION NO. 23/00059/P – CHANGE OF USE OF AGRICULTURAL LAND TO FORM CAR PARK, ERECTION OF GATES AND FENCING (RETROSPECTIVE) AT HOPES ESTATE, YESTER, GIFFORD, HADDINGTON**

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

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

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

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

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

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

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

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

## **Decision**

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

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

Reason:

In the interests of encouraging responsible access to the countryside.

**4. FURTHER REPORT OF HANDLING OF PLANNING APPLICATION NO. 20/00939/P – ERECTION OF 27 FLATS AND ASSOCIATED WORKS, LAND SOUTH OF ST ANDREWS CENTRE, BAYSWELL ROAD, DUNBAR**

A further report of handling was submitted in relation to Planning Application No. 20/00939/P. David Taylor, Planner, presented the report, which concluded that the proposals were generally compliant with NPF4. The report recommendation was to grant consent.

Officers responded to questions from Members. Councillor Collins asked whether there would be an upgrade to the sewage system for this development. Mr Taylor advised that a waste water capacity assessment had been undertaken by Scottish Water and they had put forward no objection to the application. Scottish Water had stipulated that the developers would be required to come back to them to obtain necessary permits prior to the grant of any licences relating to drainage and water.

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

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

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

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

**DECISION**

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

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

iii)a financial contribution to the Council of £26,730 towards an increase in the educational capacity and facilities at Dunbar Grammar School.

In accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement or some other legal agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by such Agreement the proposed development is unacceptable due to a lack of sufficient school capacity and facilities at Dunbar Primary School (John Muir Campus), Dunbar Primary School (Lochend Campus) and Dunbar Grammar School contrary to Policy 18 of NPF4 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018.

CONDITIONS:

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

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

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

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

c. the ridge height of the proposed ^IN; shown in relation to the finished ground and floor levels on the site.

Reason:

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

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

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

Reason:

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

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

Reason:

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

4 Prior to the occupation of any of the flats hereby approved the internal access road, footpaths and 27 parking spaces as detailed on docketed drawing no.1804PL002 rev 3 shall have been

formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 5 Notwithstanding that shown on drawings docketed to this planning permission, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site.

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

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

Reason

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

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

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

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

Reason:

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

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

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

Reason:



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

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

Reason:

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

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

Reason:

To safeguard residential and visual amenity

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

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

Reason:

To minimise the environmental impact of the development

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

Reason:

In the interests of safeguarding biodiversity interests

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

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

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

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

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

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

Reason:

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

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

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

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

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

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

Reason:

In the interests of pedestrian and road safety

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

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

Reason:

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

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

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

Reason:

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

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

**5. PLANNING APPLICATION NO. 22/01308/P: SITING OF CONTAINERS FOR SPORTS TRAINING FACILITY FOR TEMPORARY PERIOD OF 36 MONTHS (RETROSPECTIVE), HALLHILL HEALTHY LIVING CENTRE, LOCHEND ROAD, DUNBAR**

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

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

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

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

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

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

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

### **Decision**

Planning Committee agreed to grant consent retrospectively, subject to the following conditions:

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

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

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

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

## **Decision**

Planning Committee agreed to grant consent, subject to the undernoted conditions:

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

Reason:

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

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

Reason:

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

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

Reason:

To minimise the environmental impact of the development.

**7. PLANNING APPLICATION NO. 22/01344/PM: SECTION 42 APPLICATION TO REMOVE CONDITION 2 OF PLANNING PERMISSION 04/00007/FUL, THURSTON MANOR HOLIDAY HOME PARK, INNERWICK, DUNBAR**

Officers advised that this application had been withdrawn.

**8. PLANNING APPLICATION NO. 22/00852/PPM: PLANNING PERMISSION IN PRINCIPLE FOR A CONVERTER STATION AND ASSOCIATED DEVELOPMENT INCLUDING A LANDFALL AT THORNTONLOCH AND CONNECTED BURIED CABLING, ALL IN ASSOCIATION WITH THE SCOTTISH POWER EASTERN LINK 1 PROJECT, FOR A NEW SUBSEA HIGH VOLTAGE DIRECT CURRENT (HVDC) LINK, LAND ADJACENT TO DUNBAR LANDFILL SITE, OXWELL MAINS, DUNBAR**

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

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

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

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

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

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

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

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

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

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

## **Decision**

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

- 1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the converter station, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 29 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the highest part of the existing ground level of the site;

c) Details of the proposed colour treatment of the converter station and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

- d) Details of all external lighting proposed;
- e) Details of the area and positioning of the converter station platform, which shall not exceed a footprint of 300 metres by 200 metres and which shall generally accord with that shown on the drawing titled 'Eastern Link Northern Point of Connection Converter Station and Cable Corridor: Converter Station Layout' Rev 02 docketed to this planning permission in principle;
- f) Details of the final route of the onshore export cables (with proposed micro siting limits), and the locations of any underground joint bay(s); and
- g) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cables.

In this condition, the converter station means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the converter station platform, as indicatively described in Chapter 4 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

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

Reason:

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

- 4 Prior to the commencement of development a Public Access Management Plan shall be submitted to and approved in writing by the Planning Authority. The Public Access Management Plan shall include the following details:

- (i) the proposed route of any temporary rerouting of Core Paths within the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and
- (ii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

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

Reason:

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

- 5 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to noise the CEMP shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites".



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

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

Reason:

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

- 6 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason:

To ensure that the site is clear of contamination

- 7 Prior to the commencement of development, detail of measures to be undertaken to ensure the safety of vulnerable road users using the U220 public road and accessing the off road section of National Cycle Route 76 at the U220/A1 junction shall be submitted to and approved by the Planning Authority. The detail shall also include a timetable for the implementation of the measures.

Thereafter the measures as so approved shall be implemented in accordance with the detail and timescales so approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and vulnerable user safety.

- 8 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) detail for access from the A1 to the eastern part of the site, including a robust signage strategy and method of safely and physically controlling/preventing unauthorised access to construction only routes;

(ii) detail of any additional signing or temporary traffic control measures deemed necessary due to the size or length of construction loads being delivered, which shall be undertaken by a recognised Quality Assured traffic management consultant;

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

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

(iv) vehicle tracking of all turning movements onto the local road network, especially from the access route off the A1;

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

- (vi) updated information on programme, construction tasks, vehicle types and trip generation;
- (vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;
- (viii) details of traffic management measures deemed necessary on the local and trunk road networks;
- (ix) details of temporary signage in the vicinity of the site warning of construction traffic;
- (x) arrangements for road maintenance and cleaning;
- (xi) detail of how building materials and waste will be safely stored and managed on site;
- (xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- (xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

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

Reason:

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

- 9 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be the sections of the A1087, C122, U220, C120, U209 and C121 all as identified in Figure 12.1: Study Area within the Environmental Impact Assessment Report docketed to this planning permission in principle.

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

Reason:

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

- 10 Prior to the commencement of development, a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all works to the local and trunk public road networks (including those to be introduced on a temporary basis) and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

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

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority for all works that are to remain permanently in place.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1.

Reason:

In the interests of road and vulnerable user safety.

- 11 Prior to commencement of development, a Flood Risk Assessment Report and Water and Drainage Assessment Report shall be submitted to and approved by the Planning Authority.

The approved assessments shall inform a Surface Water Management Plan and Drainage and SuDS Strategy for the development, which shall be submitted to and approved by the Planning Authority prior to the commencement of development. The SuDS strategy shall include a timetable for its implementation.

The development shall thereafter be carried out in strict accordance with the Surface Water Management Plan and Drainage and SuDS Strategy so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

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

- 12 Prior to commencement of development, a Construction Surface Water Management Strategy shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the Strategy. The development shall thereafter be carried out in strict accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

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

- 13 Prior to the commencement of development, a scheme of landscaping for the application site, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1, shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also address long term management of the approved planting and boundary treatments.

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

Reason:

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

- 14 The development hereby approved shall be carried out in strict accordance with the 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report by RSK ADAS Ltd dated March 2023 docketed to this planning permission in principle, unless otherwise agreed in writing with the Planning Authority.

Other than the list of trees shown to be removed on Appendix 6: Tree Work Schedule within the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report, no other trees or hedgerows which are to be retained on the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 15 No development shall take place on site until temporary protective fencing in accordance with Appendix 8: Example Tree Protection Barrier of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report has been erected in the positions shown for it on the Tree Protection Plan drawings within Appendix 5: Tree Protection Plan of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report.

The temporary protective fencing shall be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development.

All weather notices shall be erected on the temporary protective fencing with words such as "Construction exclusion zone - Keep out". Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 16 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor the site works, including the installation of the temporary protective fencing as required by Condition 15 above. The arboriculturist employed shall be required to approve the temporary protective fencing and submit written confirmation and photographic evidence that this has been installed for the prior approval of the Planning Authority prior to the commencement of development.

The arboricultural consultant shall remain the main contact for all tree related matters or queries that arise on the development site. Arboricultural monitoring shall including the supervision and reporting (to include both written and photographic updates). The arboricultural consultant shall be responsible to come up with an appropriate solution to resolve any damage or loss to trees and hedgerows shown to be caused by the development, the details of which shall be included in ongoing site inspection reports to the Planning Authority which shall be submitted quarterly. The Arboricultural consultant shall inspect the remaining trees and hedgerows on completion of the development, updating the tree condition survey and tree management schedule where required.

Reason:

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

- 17 No development shall take place (including demolition, ground works, and vegetation clearance) until supplementary surveys for protected species (bats, otter, badger, and breeding birds), to be carried out by a suitably qualified person, have been submitted to and approved in writing by the Planning Authority. The results of the approved surveys shall be used to inform construction activities, and detail of any required mitigation proposals for protected species on the site as identified as being required as a result of the approved surveys shall be submitted to and approved by the Planning Authority prior to the commencement of development. The detail shall include a timetable for the implementation

of any required mitigation proposals. Development shall thereafter be carried out in accordance with the detail as so approved.

Reason:

To avoid or minimise disturbance of wildlife.

- 18 No development shall take place until a Species Mitigation and Management Plan, which shall include measures to mitigate and manage the effects of the proposed development on species including breeding birds, otter, bats and badger, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be carried out in strict accordance with the approved Species Mitigation and Management Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 19 No development shall take place until a Habitat Management and Enhancement Plan (HMEP) has been submitted to and approved by the Planning Authority, which shall include on-site and off-site measures as appropriate to restore and enhance habitats including broadleaved woodland, neutral grassland, lowland meadow, mixed scrub and native hedgerow. The HEMP shall also include a timetable for implementation of the measures identified within it.

The development shall thereafter be carried out in accordance with the approved Habitat Management and Enhancement Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 20 No development shall take place on the application site until the applicant has undertaken and reported upon a Programme of Archaeological Work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 21 Prior to the commencement of development a Soil Management Plan (SMP) shall be submitted to and approved by the Planning Authority. The SMP shall include appropriate measures for soil handling and storage of soils during construction and detail of soil reinstatement. Development shall thereafter be carried out in accordance with the SMP so approved.

Reason:

In the interests of soil management.

- 22 In the event the development hereby approved is no longer required for electricity transmission purposes and fails to be used for this purpose for a continuous period of 6 months then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required, after the end of the said continuous 6 months period a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

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

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

Reason:

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

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

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

Reason:

To minimise the environmental impact of the development.

*Sederunt: Councillor Gilbert left the meeting.*

**9. PLANNING APPLICATION NO. 22/00732/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM – ERECTION OF 90 HOUSES, 51 FLATS AND ASSOCIATED WORKS, LONGNIDDRY FARM, LONGNIDDRY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Decision**

Planning Committee agreed to grant planning permission, subject to the following conditions:

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

Reason:

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

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

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

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

Reason:



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

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

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

Thereafter, the approved details shall be implemented as approved.

Reason:

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

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

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

Thereafter any mitigation measures required shall be implemented as so approved. Thereafter a Verification Report shall be submitted confirming the satisfactory completion of the remedial works.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority, and a Verification Report shall be submitted for approval of the Planning Authority confirming the satisfactory completion of the remedial works.

If no unsuspected or unforeseen ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new dwellings.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 5 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'Village Green' and Braid Burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

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

Reason:

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

- 6 Prior to the commencement of development, a report on the actions to be taken to reduce the carbon emissions from the build and from the completed development shall be submitted to and approved in writing in advance by the Planning Authority. This report shall include, but not exclusively, the provision of renewable technology for all new buildings, where feasible and appropriate in design terms and shall also investigate whether it is feasible to provide drying greens for the flatted buildings hereby approved. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved. The report shall also investigate whether it is feasible for drying green areas to be provided for the flatted properties hereby approved.

Reason:

To minimise the environmental impact of the development.

- 7 Prior to the commencement of development, a scheme for the provision of car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

- 8 No part of the SuDS for the proposed development shall be sited within 10 metres of the railway boundary.

Reason:

To ensure that all surface and foul water arising from the development is collected and diverted away from Network Rail property.

- 9 Notwithstanding that which is shown on drawing nos. SC1003-LE-7000 rev D, SC1003-LE-7001 rev D and SC1003-LE-7002 rev D, a detailed scheme of landscaping, including planting plan and schedule, based on drawing nos. SC1003-LE-7000 rev D, SC1003-LE-7001 rev D and SC1003-LE-7002 rev D, shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

The landscaping shall be implemented to accord with the 'Phasing plan' drawing no. 1629(PL)002 Rev B with landscaping within each phase carried out in the first planting and seeding seasons following the occupation or completion of each phase, whichever is the sooner. The landscaping for the SuDS basins, open space to the north and the 'village green' area of open space shall be implemented within 1 year of commencement of Phase 1 of drawing no. 1629(PL)002 Rev B.

All planting, seeding or turfing comprised in the approved details of landscaping shall be implemented in accordance with the details so approved, including the timetable for implementation.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping scheme to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any

variation. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason:

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

- 10 The landscaping scheme pursuant to condition 9 shall be implemented, maintained and managed in accordance with the "Planting notes and landscape maintenance and management proposals" report docketed to this grant of matters specified in conditions.

The management of communal areas and front gardens as detailed in "Planting notes and landscape maintenance and management proposals" report shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

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

- 11 Prior to the commencement of development a detailed statement on the measures to be implemented to enhance biodiversity on the site, including appropriate measures to conserve, restore or enhance biodiversity on the site and a timescale for their implementation shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the measures to conserve, restore or enhance biodiversity on the site shall be implemented in accordance with the details and timescale so approved.

Reason:

In the interests of enhancing the biodiversity on the site.

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

Reason:

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

- 13 The play equipment for this development is not hereby approved. Prior to the commencement of the development hereby approved, details of how all the areas of open space and the equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for their implementation and delivery shall be submitted to and approved in advance in writing by the Planning Authority. Play equipment shall be suitable for ages 0 - 15 years.

The details shall include additional play equipment such as 'trim trail' equipped play on the green landscaped area of the southeast part of the masterplan of planning permission in principle 16/00485/PPM and shall include for mown paths in the wildflower grassed area of open space on the northern part of the site.

The details shall also include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play areas shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

- 14 Prior to the commencement of development hereby approved, details of the footpath connection from the street south of the existing cottages of No.3- 6 Longniddry Farm Cottages to the north side of Longniddry Farm Steadings to connect to the shared use path leading to the Argyle Bridge shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include a timescale for the provision of the footpath. The footpath shall be formed and made available for use in accordance with the details and timescale so approved and thereafter retained in use.

Reason:

To provide good pedestrian footpath network connections within the Longniddry South development.

- 15 Prior to the occupation of any one of the houses or flats hereby approved, an adoptable continuous footpath route between each phase of the development hereby approved and the controlled crossing of the A198 Main Street via the Argyle Bridge shall be provided in accordance with the details of such a footpath route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each phase of the site prior to the occupation of the houses/flats on that phase of the site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 16 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 17 Prior to the commencement of development hereby approved, Swept Path Assessments (SPA) shall be submitted to and approved in advance in writing by the Planning Authority. The information for the Swept Path Assessments (SPA) shall demonstrate that the wheeltrack of an FTA 10 metre (Large Rigid) Design Vehicle and a refuse vehicle will be 0.3 metres clear of any proposed kerbline and the body of the vehicle 0.5 metres clear of any vertical obstruction (wall etc.), shall assess all vehicle movements (i.e. in and out) at all junctions, and shall identify any locations within the site layout where this cannot be achieved.

Thereafter, the layout of the development shall accord with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, details for the modification of the junction of the B6363 classified public road and Queens Road to enable concurrent 2-way use by entering and exiting vehicles shall be submitted to and approved in advance in writing by the Planning Authority. The details shall provide a minimum road width of 5.5 metres and shall include swept path assessments and road safety audit.

Thereafter, and prior to the occupation of the 300th residential unit of matters specified in conditions approvals of planning permission in principle 16/00485/PPM, the modifications to the junction of the B6363 classified public road and Queens Road shall be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 19 Prior to the commencement of development, details of speed reduction measures shall be submitted to and approved in advance in writing by the Planning Authority. The speed reduction measures shall include horizontal and vertical deflection (i.e. raised table junctions, road humps, etc) and shall be positioned at intervals of 40-80 metres on main access roads within the development.

Thereafter, the speed reduction measures shall be implemented, retained and maintained in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

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

(i) Any vehicle access to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and shall have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

(iii) within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(v) a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved in advance in writing by the Planning Authority prior to the housing being occupied.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

- 21 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, the 3 garage spaces forming the ground floor of proposed flat over garage plot 104 shall be retained open on their front elevation and at no time shall any part of the front elevations of those 3 garage spaces be enclosed. Thereafter, those 3 garages spaces shall be retained and maintained for the parking of vehicles only unless otherwise approved by the Planning Authority.

Reason:

To ensure that a sufficient standard of off-street parking is provided in the interests of road safety.

- 22 Prior to the commencement of development hereby approved, a programme for monitoring the condition of the construction access route from the A1 trunk road to the construction access to the application site from the B6363 classified public road shall be submitted and approved in writing in advance by the Planning Authority. The programme of monitoring shall include the condition of the route:
- i) prior to the commencement of the development hereby approved;
  - ii) during the period of construction on each anniversary of the commencement of the development; and
  - iii) immediately following the completion of the development hereby approved.

Unless an alternative means of securing the any remedial works is approved in writing by the Planning Authority, any remedial works identified by the monitoring as arising from the construction of the development hereby approved, shall be undertaken by the applicant/developer within 3 months of the completion of the final monitoring undertaken and shall be approved in advance in writing by the Planning Authority.

Thereafter the approved programme of monitoring shall be implemented in accordance with the details so approved.

Reason:

To ensure that damage to the adjoining road network resulting from the construction of the development is rectified, in the interests of road and pedestrian safety

- 23 The proposed access roads, cycleways and external roadworks shall be subject to Road Safety Audit and Quality Audit that shall be approved in advance in writing by the Planning Authority and thereafter the development hereby approved shall accord with the Road Safety Audit and Quality Audit so approved.

The Road Safety Audit shall be completed through Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months). The audit process shall be undertaken in accordance with GG119 Road Safety Audits, or as amended by latest version.

A Stage 2 (Detailed) Quality Audit shall be submitted to and approved in advance in writing by the Planning Authority. The Stage 2 Quality Audit shall include a detailed development phasing plan demonstrating that a Safe Route to School/pedestrian route to the village centre will be available to each phase of the development hereby approved as it is occupied.

Prior to the undertaking of the Road Safety and Quality Audits, the scope of matters to be considered within the Road Safety Audits and Quality Audits shall be agreed in advance in writing by the Planning Authority and thereafter the Road Safety and Quality Audits shall be undertaken in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 24 Other than to comply with the requirements of conditions 15 to 23, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 25 Prior to the occupation of the houses hereby approved for plots 41 and 65 rendered masonry boundary walls shall be erected as follows:

- (i) 2 metres high rendered masonry boundary walls on the north and east boundary of the rear garden of plot 41,
- (ii) 2 metres high rendered masonry boundary walls on the north and west boundary of the rear garden of plot 65,

All as shown coloured BROWN in Drawing 4 of ITP Energised's Noise Impact Assessment Report Ref 5071 Version V2 of 2023-04-2023 docketed to this grant of planning permission for matters specified in conditions,

Such 2 metres high masonry boundary walls shall thereafter be retained in situ unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 26 Prior to their occupation the houses and flats hereby approved with glazing units on facades with a line of sight to the rail line will be provided with acoustic vents providing a reduction of 28 dB Dn,eW, enabling appropriate ventilation of habitable rooms with closed windows in accordance with Drawing 4 of ITP Energised Noise Report ref 5071 V2 of 24th April 2023 entitled Longniddry Phase Two Residential Development.

Such glazing units and ventilators shall thereafter be retained in the windows of those houses unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 27 The external finishes of the walls and roofs and other architectural features of the houses and flatted buildings hereby approved shall accord with the External Finishes Summary (nos.12205-HFM-ZZ-ZZ-SH-A-00-001 rev P03 and 12205-HFM-ZZ-ZZ-SH-A-00-002 rev P02) docketed to this approval of matters specified in conditions unless otherwise approved in writing by the Planning Authority.

The slate to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural slate, and the pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile. Samples of the natural slate and natural clay pantiles shall be submitted for the prior written approval of the Planning Authority, prior to their use in the development hereby approved. Thereafter the natural slate and natural clay pantiles used shall accord with the samples so approved.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

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

- 28 The frames of the windows of the houses and flats hereby approved shall be of timber construction and the external face of the frames and where relevant their astragals shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 29 All wall and roof mounted vents and flues to be installed on the houses, flats, garages and buildings hereby approved shall be the minimum number necessary and shall be concealed as much as possible and all visible parts of all vents and flues shall match as closely as possible the colour of the part of the roof or wall of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

- 30 Prior to the occupation of the flats over garages of plots 36, 37, 104 and 105 hereby approved all of the roof windows of their respective rear elevation roof slopes shall be positioned on the roof slope so that their bottom cill would be a minimum of 1.8 metres above the finished floor level of the room the roof window would serve.

Thereafter, the respective roof windows shall be retained in such position on the roof slope with their bottom cill a minimum of 1.8 metres above the finished floor level of the room the roof window would serve, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 31 Prior to the occupation of the flats hereby approved, the bin storage facilities for those respective flatted buildings shall be formed and made available for use.

Reason:

To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area.

- 32 The solar/photovoltaic panels hereby approved to be installed on the roofs of the houses and flats also hereby approved shall be installed integrally into the roof slopes so that they shall not sit proud of the upper surface of the roofing material of the roofs but rather so that their upper surface is fitted as flush as possible with the upper surface of the roofing material of the roof, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 33 Prior to the occupation of the houses of plots 42, 44, 46 and 119 hereby approved the following windows shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house and flat, as relevant:

i) the first floor window of the west elevation of the house on Plot 42;

ii) the first floor window of the east elevation of the house on Plot 44;

iii) the first floor window of the west elevation of the house on Plot 46;

iv) the first floor window of the east elevation of the house on Plot 119.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 34 All garden boundary enclosures shall be in accordance with docketed drawing no. 12205-HFM-ZZ-ZZ-DR-A-00-018 rev P07 unless otherwise approved by the Planning Authority.



Prior to the commencement of development, the timescales for their provision, shall be submitted to and approved in advance in writing by the Planning Authority.

All rear garden boundaries shall be enclosed by 1.8 metre high enclosures unless otherwise approved in advance in writing by the Planning Authority.

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

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of the residential properties.

- 35 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

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

- 36 Prior to the commencement of the development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The wheel washing facilities shall be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the Wheel Washing Facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

In the interests of road and pedestrian safety.

- 37 All externally fitted service meter boxes of the houses and flats hereby approved shall be positioned to minimise their visibility within the streetscape and shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

- 38 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

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

- 39 Notwithstanding the provisions of Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

To safeguard the character and appearance of the development and its landscape setting.

- 40 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 19 houses and 29 flats hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter those 19 houses and 29 flats of the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

- 41 If provision of the off-site path link from the northeast corner of the site to the rear of the station is possible the said footpath link shall be included in the scheme of landscaping. If such provision is not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

Reason:

In the interests of safe access to the station.

- 42 The new vehicular access giving access to the parking areas of 3-6 Longniddry Farm Cottages shall be formed and available for use prior to the use of the existing vehicular access under the Argyle Bridge ceasing.

Reason:

To ensure continued access to those cottages.

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

Reason

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

Signed

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Councillor Norman Hampshire  
Convener of the Planning Committee