



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

**TUESDAY 4 FEBRUARY 2025  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor L Bruce

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Mr D Taylor, Planner  
Mr M Mackowiak, Planner  
Ms S Robertson, Assistant Planner  
Mr C Grilli, Service Manager – Governance  
Ms P Gray, Communications Adviser  
Ms M Haddow, Transportation Planning Officer  
Ms J Newcombe, Biodiversity Officer  
Ms S Cheyne, Projects Officer – Landscape  
Ms E Barclay, Democratic Services Assistant

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 1: Mr J Scott, Dr B Hall

Item 2: Mr R Carruthers

Item 3: Mr T Thomas, Mr E Revell, Mr N Heggie, Mr F Flockhart, Dr P Churn

**Apologies:**

Councillor C Cassini

**Declarations of Interest:**

None

The clerk advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The clerk recorded the attendance of Committee members by roll call.

**1. 24/00008/SGC: ENERGY CONSENTS UNIT (ECU) CONSULTATION: ELECTRICITY ACT 1989 – APPLICATION FOR BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE. AMENDMENT TO APPLICATION ECU REFERENCE: ECU00004926, TO SUB DIVIDE THE SITE WITH PARCEL B BEING FORMED, COMPRISING 102 MW OF BESS AND ASSOCIATED INFRASTRUCTURE, LAND TO SOUTH-WEST OF INGLIS FARM, COCKENZIE**

A report had been submitted regarding the Council's proposed response to the above consultation by the Energy Consents Unit (ECU) on an application to them under the Electricity Act 1989, East Lothian Council planning online reference 24/00008/SGC. Marek Mackowiak, Planner, noted a late representation, as well as two late consultation responses from Prestonpans Community Council and the Scottish Fire and Rescue Service. He also advised of an alteration to recommended Condition 17, which would now read thus:

Prior to the commencement of development, a Construction Traffic Management and Routing Plan (CTMRP) 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 CTMRP shall be designed to have due regard to the construction traffic and programmes of other energy related developments within the Cockenzie area.* The CTMRP shall, unless otherwise approved in writing by the Planning Authority, include the following details...

Mr Mackowiak then spoke to the proposed response, highlighting the salient points. The report recommendation was to approve the proposed consultation response as outlined at Appendix 1 to the report, including the amendment to recommended Condition 17 noted above.

Mr Mackowiak responded to questions from Committee members. Responding to questions from Councillor Yorkston, he advised that the Council's comments in relation to the entire Cockenzie Battery Energy Storage System (BESS) scheme had already been submitted, and would not be consulted on again; it was currently under consideration by the ECU. Should Planning Committee refuse to support the officer's proposed response to this consultation, he did not consider that there would be any direct implication on the ECU's decision on the application for the overall scheme. He advised that mitigations would have to be put in place should noise levels be found to be greater than 5db. He also clarified that lighting would have to be agreed with the Planning Authority.

Responding to a question from Councillor McIntosh, Keith Dingwall, Service Manager – Planning and Chief Planning Officer (CPO), pointed out that the objection to the overall scheme had only been a technical objection on two points, but was not an objection to the principle of the development; Planning Committee had delegated responsibility to the CPO to seek to resolve the two outstanding objections and to agree conditions where possible. He

reported that the two objections had now been resolved satisfactorily and the Council's response was now with the ECU, therefore, it was not possible to consider the wider scheme during the current discussion. Carlo Grilli, Service Manager – Governance, added that the Council's decision as Planning Authority was entirely separate from the Council's ability as landowner, and should be considered as two different streams.

Councillor McIntosh suggested that recommended conditions relating to fire risk and heat recovery be strengthened. She was concerned that the Scottish Fire and Rescue Service (SFRS) did not have the resources to properly assess the risk and respond to more incidents. She suggested that the submission be used to lobby the Scottish Government for more national guidance and greater resourcing for the SFRS, particularly in growing authorities. She also asked that there be an obligation to connect to heat networks, if this was possible.

Responding to questions from Councillor Gilbert, Mr Dingwall undertook to research other Scottish BESS schemes to provide comparators for scale. He also advised that, although the Council was only being asked to provide a consultation response, the consultation process with officers mirrored that of a planning application to East Lothian Council; he could therefore confirm that Environmental Health Officers were content that the noise conditions suggested for the overall BESS scheme would ensure there would not be significant harm to nearby noise sensitive properties.

Responding to questions from Councillor McMillan, Mr Dingwall agreed that officers also had concerns over the influx of BESS proposals; he highlighted that NPF4 Policy 11 was clear that development proposals for all forms of renewable low carbon and zero emission technologies would be in principle supported. He advised that the subject was discussed regularly at the Heads of Planning Group, and a letter from the Chief Planner referred to the Scottish Government being aware of calls for guidance in relation to BESS projects; a roundtable discussion would be convened to include Heads of Planning, and Mr Dingwall suggested that he could ask to be involved in these discussions. Councillor McMillan supported this suggestion. Mr Dingwall also advised that he was not aware that Emergency Planning Officers had ever been consulted on a planning application.

Jamie Scott, of Pegasus, the applicant's agent, spoke to the application. He explained that the application comprised 102 megawatts of the 352-megawatt total, and was part of the same underlying development as sought in the original application. He highlighted that the overall development was the same in respect of the location of the area of land, the type and scale of development, and with the same mitigations and enhancements. He advised that the reason for the subdivision of the application was an administrative matter to account for there being two separate grid connections for land A and land B parcels. He welcomed the recommendation not to object to the application, and endorsed the officer's assessment of the proposals against the development plan policy. He highlighted that the matters which formed the Council's original objection had now been resolved, and he welcomed the collaboration on these points. He advised that the applicant agreed with the position that the ECU should satisfy itself with regards to fire safety, and he highlighted that there had been no objections from the wide range of safety consultees. He gave reassurance that the applicant took safety extremely seriously; he pointed to the Battery Storage Safety Management Plan as providing site-specific assessment and details of an active detection system for fire and potential thermal runaway, with active in-container water suppression to fully contain fire risk, in line with National Fire Chiefs Council (NFCC) guidelines. He summarised that all matters had been, or could be, addressed through planning conditions, and asked Committee members to support the officer's recommendation.

Mr Scott responded to questions from Committee members. Responding to questions from Councillor Findlay, he explained that the vast majority of issues could be dealt with remotely. The operator could fully analyse the site remotely, so attendance would only be required in an

emergency, in which case the emergency services would take over; the operator would have to coordinate with the SFRS in such a scenario.

Councillor Bruce drew attention to the SFRS' response that they had no legal obligation to consider the application; he felt this was an important distinction to be made, and its lack of objection was not because the SFRS considered the proposals to be safe, but rather because it had not considered the proposals at all. Mr Dingwall clarified that no response had initially been received, but a response had been forthcoming after a follow up by the case officer. The SFRS had responded that it was satisfied that no further comments were required for the amended application; Mr Dingwall interpreted this to mean that they did not object to the amended proposals because their previous response had not been an objection.

Responding to a question from Councillor Yorkston, Mr Scott advised that 3m-3.5m between containers complied with NFCC and the manufacturer's guidance.

Responding to questions from Councillor McMillan, Mr Scott advised that it was typical for BESS systems to be monitored remotely. Identifying and managing risks would be part of overall safety planning, which would involve the SFRS. The applicant had other sites with remote monitoring of safety and security. He explained that the operator would engage with the SFRS as part of safety planning to ensure operational requirements were aligned. He emphasised that the operator would ensure that the site operated effectively, and that any incident could be dealt with appropriately.

Responding to questions from Councillor McIntosh, Mr Scott advised that safety and amenity assessments had been based on lithium-ion batteries, and that use of a lithium-ion product would allow the operator to comply with planning conditions, including those relating to safety and noise. He did not recognise lithium-ion as being a less safe technology, and reported that lithium-ion batteries were used at BESS sites across Scotland.

Councillor Findlay raised concern that the SFRS may not have sufficient experience in dealing with incidents at this type of facility. Mr Scott pointed out that the SFRS was aware of the projects, so thought that its training would take this into account.

Councillor McLeod asked about the security arrangements on site. Mr Scott reported there would be unclimbable fencing, and CCTV and lighting systems. He also advised that there were two proposed water tanks, however, he noted that systems could be shut off remotely to prevent an emergency. Responding to a concern raised by Councillor Gilbert that water would be ineffective in fighting a lithium-ion battery fire, Mr Scott advised that the water supply was for thermal runaway suppression purposes, which was industry practice and was also required for insurance purposes.

Councillor McMillan proposed amendments to Recommendation 1, regarding fire safety, so it would read:

The Council *insists* that the ECU satisfy themselves that either the proposed BESS would not result in an unacceptable fire safety risk or that the matter of fire risk is competently dealt with under other legislation. The Council further *insists* that the ECU should consider whether a safety management plan should be required, *and that Prestonpans and Cockenzie & Port Seton Community Councils be consulted on any safety management plan required.* The ECU should also consider whether it is necessary to further consult with the Health & Safety Executive on this matter.

Responding to a question from Councillor Collins, Mr Scott believed that the water tanks would be capable of providing the water supply in terms of volume and pressure required by the NFCC recommendation.

The Convener asked whether the operator would accept a heat recovery condition, such as to provide heat to neighbouring properties. Mr Scott said that the operator was happy to look at this, and had engaged with officers on the matter. Although it was not yet known whether this could be delivered, he said the operator was aware of the Council's imperative to improve sustainability.

Brian Hall spoke against the application. He pointed out that a strong westerly wind affecting the site meant that the whole of Cnockenzie and Port Seton could be affected by safety issues. He advised that the Community Council took issue with the use of lithium-ion batteries because lithium-iron phosphate batteries had previously been mentioned as the battery of choice by Pegasus, which he considered a safer technology; he questioned whether Pegasus were now trying to keep their options open to using less safe lithium-ion batteries. As batteries had different storage capacities, he argued that if it was known that the capacity was 102 megawatts, then Pegasus must know which batteries would be used. He highlighted potential safety risks with fire suppression systems within battery containers; if aqueous mist failed and there was an explosion, then some battery types would release hydrofluoric acid, which would attack eyes and lungs, and others would release hydrogen, which was explosive. He was also deeply concerned that all monitoring was remote and about the consequences if the internet connection were to fail. He pointed to a recent serious BESS fire in California, where it was expected that the water suppression system had failed, causing an evacuation of 1500 people. He felt that the community had a right to know which type of battery would be used. He also pointed out that standard practice for responders was to let a BESS fire burn. He reported that Californian officials were now questioning the safety of the technology, and that hydrofluoric acid was found in the environment following the Liverpool BESS fire. He stated emphatically that Pegasus must come clean if they were moving from using the safer lithium-iron phosphate batteries to lithium-ion batteries. He explained that the formation of hydrogen fluoride was accelerated by the presence of water. He also pointed out that thermal runaway could be caused by security breaches and vandalism from thefts of battery components. He highlighted that noise measurements could have a margin of error of plus-or-minus three decibels; thus, the quoted five decibels could be as high as eight decibels, which would border on having a significant and adverse impact on society. He encouraged the Council to object to the application on the grounds of safety and disturbance.

Ben Morse made representation on behalf of Prestonpans and Cnockenzie & Port Seton Community Councils. He advised that their responses applied to both consultations 24/00002/SGC and 24/00008/SGC; he reported that communities and the public were asked to update their responses to the former application and the new application, and would not accept that the Council had not updated its response. He considered that the site must be treated as a single site and that the updated recommendations must be applied to both applications. He said that the Council's position that somehow the applications were not linked was very disappointing to the community. He reported that an SFRS veteran had advised, following the guidance issued after the Liverpool BESS fire, that a fire would not be fought due to the presence of dangerous chemicals. He also took issue with references to the specialist training required for an incident at Torness, since a different fire station would respond and BESS training would be different to that for a nuclear incident. He advised that the NFCC guidance specified that six metres was required between containers, whereas only three metres was proposed between each unit. He reported that new NFCC guidance being issued this year would be more stringent. He agreed that perimeter lighting was important from a security perspective, but would increase the impact on neighbouring houses. He noted that the one point of access was contrary to NFCC guidance. He raised concern that an industry leader, Renewable Energy Systems (RES) Global, would not consider sites within 50-150m of houses on the basis of safety and loss of amenity, and therefore questioned why Pegasus claimed to follow industry practice. He stated that the community's position could be summarised as this being the wrong place, technology, and developer, and considered that brownfield sites should be used over greenfield sites. He was concerned by comparisons made by the Convener to domestic battery installations because of the different technologies employed and the huge

difference in size and scale. He was also seriously concerned about the scale of evacuation in an emergency; he drew comparison to the Californian BESS fire which had a 2.5-mile evacuation zone at a BESS site only a little larger than that which was proposed in Cockenzie. He described the lack of consultation with Resilience colleagues as being negligent.

Continuing, Mr Morse concurred with Mr Hall's points about the margin for error in noise monitoring, and raised concern about the cumulative impact of development on the community. He reported that acoustic monitoring devices were not in appropriate locations and favoured picking up background noise, and he questioned how noise monitoring could be achieved accurately in an area of intense development. He explained that the community was also concerned with the loss of prime agricultural land and green space. He also pointed out that a valued playpark would have to close during the construction period. He feared that in the gold rush of renewable technology development, the area was dealing with 'cowboys', and implored Committee members not to allow East Lothian to become the 'easy county'. He supported Councillor McIntosh's questions about a heat recovery system, which would help nearby residents deal with a loss of amenity. He did not want his community to be a victim because the application had been made before national policies had caught up. He reported that the Community Council had raised the use of safer sodium batteries with Pegasus and the ECU, but had not received an answer as to whether this had been considered. Although the site was considered better than others because the shorter connection to the grid would mean less disruption through the construction period, Mr Morse stated that the community was united in wanting less disruption to daily lives for the next 30 years over a more convenient construction period.

Councillor Yorkston, local member, acknowledged the clear community frustration with the situation. He commented on the lack of national plan and strategy, and lack of engagement from the Scottish Government. He commented that communities felt they were not being listened to, and he held genuine concerns over fire and evacuation plans. He urged greater respect to be shown to communities, and would listen to the rest of the debate before deciding whether to support the recommended consultation response.

Councillor Gilbert, local member, echoed Councillor Yorkston's comments. He had concerns about the submission, mostly with regards to the distance of the proposed BESS from neighbouring residential properties; he noted that Australian guidance recommended that BESS sites be located a minimum of 300m from houses. He could not support the recommended consultation response.

The Convener pointed out that that a public inquiry would be called if the Council objected to the application, and the Council had already submitted their consultation response to the other part of the application; if an objection was submitted in this case, the Council would have to argue why they had already supported the other part of the application, which he felt would be difficult to defend and very costly.

Councillor Findlay considered the main concerns to be about safety and the closeness of the BESS to residential areas. He felt that questions had not been adequately answered by the applicant's agent. He pointed out that Councillors were here to represent the people of East Lothian, which may bear a cost. He would vote against the recommended consultation response.

Councillor McIntosh felt that the Council should object to the proposals on the basis that it was too close to housing. She was concerned about making assumptions that other agencies were making adequate preparations at a time when public sector funding and resourcing was becoming more limited; she felt the SFRS were not adequately resourced to deal with the number of BESS sites in terms of consultations or emergency response. She felt that concerns over noise were legitimate. She also felt there was a disjunct between the treatment of large companies and householders in terms of noise disruption requirements. She stressed that heat

recovery from the BESS should be obligated, and felt unsatisfied with the proposals unless these conditions could be strengthened.

Councillor McGinn commented that the Committee was on a steep learning curve. He commented on the lack of concerned approach from the Scottish Government with regards to how such applications were determined and who should take a lead. He intended to raise the issue with the SFRS at their quarterly meeting, because he felt that not commenting on applications was unacceptable. He referred to the decision made on the previous application, and indicated he would also support the officer's recommended consultation response here.

Councillor McLeod would support the officer's recommendation, but had deep concerns about security. He also was concerned about the emergency response time to certain areas because not all fire stations were staffed full time.

Councillor Collins had concerns about safety, and recalled enquiries made about BESS systems on her own land, which had required to be at least 200m away from housing due to risks of noise, fire, and contamination. She was also concerned about the reliance on remote monitoring, particularly the risk that monitoring equipment be destroyed in a fire. Although the Planning Committee had supported the last application, she would not support this consultation response.

Councillor McMillan discussed the economic and political needs to move to net zero energy and provide energy that was clean and affordable. Although the technology was a concern, he acknowledged it would change over the lifespan of the site. He considered there to be a gap in national policy, and said there had to be consideration of what was required of developers. He also took account of the environmental impact, and social and community issues. He pointed out the Council's role as consultee and not as decision maker. He thought the Council should be friendly towards such applications because this had been a site for energy generation, and energy security was of real importance. He would also support a heat recovery system. He thought that the Committee should ask the ECU to consider safety and proximity to houses, and to ask them to engage with Community Councils. He felt that there was not enough information either to stop or support the proposals, but felt the ECU could take on the development and listen to the community. He would support the amended proposals.

Councillor Forrest acknowledged the real concerns from the community, and described the agent's responses as 'blasé'. He would feel more content with a developer who had 'feet on the ground'; he commented that developers had to work with communities, particularly when there was such a strong response to proposals, and was disappointed that this developer was not listening.

The Convener described BESS sites as being a fundamental part of the move towards net zero energy. He considered that a fire at such a site would affect communities across East Lothian, but did not fundamentally feel there was a significant fire risk. He believed the technology would continue to improve, and was comfortable that technology would be used here as was utilised around the world. He felt that a BESS backup was needed, and hoped that decision making would not lead to a loss of energy capacity. He pointed out that the Council had already supported the proposals, and this application was only a technical decision to split the site. He warned that the Council would be in a ridiculous position and would waste public money at a public inquiry if an objection was submitted at this stage. He accepted that there were strong feelings and concerns around the proposals, but felt that the current position must be accepted.

Responding to a request from Councillor McMillan, the proposed amendments to Recommendation 1 were reiterated. Mr Dingwall also clarified that Councillor McMillan wanted the Planning Authority to lobby hard and become involved in discussions around national strategy, and for Mr Dingwall to represent the views of the Planning Committee regarding local

and national issues in the roundtable discussion with the Scottish Government and Heads of Planning. Mr Dingwall suggested a wording for a new Recommendation 4, noted below.

Councillor McMillan formally proposed the new Recommendation 4 and the previously discussed changes to Recommendation 1, and this was seconded by Councillor Yorkston. Planning Committee members unanimously supported the amendments by roll call vote.

The Convener then moved to a roll call vote to approve the consultation response outlined at Appendix 1, including the amended conditions, and including the change to Condition 17 as outlined in the officer's presentation. Votes were cast as follows:

Support:	7	(Councillors Hampshire, Collins, Forrest, McGinn, McLeod, McMillan, and Yorkston)
Against:	4	(Councillors Allan, Findlay, Gilbert, and McIntosh)
Abstain:	0	

### **Decision**

Planning Committee approved the proposed consultation response, subject to amendments to Recommendation 1 and recommended Condition 17, and a new Recommendation 4. The amended recommendations and recommended conditions would now read:

#### Recommendations:

- 1 The Council insists that the ECU satisfy itself that either the proposed BESS would not result in an unacceptable fire safety risk or that the matter of fire risk is competently dealt with under other legislation. The Council further insists that the ECU should consider whether a Safety Management Plan should be required, and that Prestonpans and Cockenzie & Port Seton Community Councils be consulted on any Safety Management Plan required. The ECU should also consider whether it is necessary to further consult with the Health & Safety Executive on this matter.
- 2 That the Scottish Government Energy Consents Unit is informed that East Lothian Council does not object to the granting of consent under Section 36 of the Electricity Act 1989 for the reasons set out in this report;
- 3 That the East Lothian Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to resolve any issues relating to conditions to be attached to the consent if required;
- 4 The East Lothian Chief Planning Officer to be authorised to seek to participate in the roundtable BESS meeting with the Scottish Government and put across the concerns of the Planning Committee as minuted; and
- 5 That if consent is granted then it be subject to conditions [listed at Appendix 1].

#### Recommended Condition amendment:

- 17 Prior to the commencement of development, a Construction Traffic Management and Routing Plan (CTMRP) 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 CTMRP shall be designed to have due regard to the construction traffic and programmes of other energy related developments within the Cockenzie area. The CTMRP shall, unless otherwise approved in writing by the Planning Authority, include the following details...



**2. PLANNING APPLICATION NO. 24/01266/PM: SECTION 42 APPLICATION TO VARY CONDITION 6 OF PLANNING PERMISSION 18/01366/AMM, LAND AT SALTCOATS FIELD, GULLANE**

A report had been submitted in relation to Planning Application No. 24/010266/PM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Ross Carruthers spoke to the application on behalf of Cala Homes. He explained that the applicant considered that the wording of the original condition should have referred to areas of shrubs being 1.5 metres deep, rather than hedging, because it was almost impractical to maintain a hedge at 1.5 metres. He was aware of the objections, but responded that Cala looked to implement the hedging, shrubs, and planting per the approved schedule. He reported that Cala homes had employed a landscape architect to carry out quality audits at all developments, and their recommended works had already been carried out. He advised that the factor would maintain the hedging following a handover. He summarised that there had been no changes to the approved drawings, no detriment to visual impact, and no changes to biodiversity.

Responding to questions from Councillors McLeod and Forrest, Mr Carruthers explained that the hedges would be covered under the factoring agreement, so a resident would require permission to move a section of hedge, and it would have to be reinstated to maintain the approved landscaping scheme. He also advised that such large hedges would impact community spaces and gardens; residents had viewed drawings of the plots before they purchased them, and Mr Carruthers pointed out that a hedge of triple the size would be a significant change from what they had purchased.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent, and this was unanimously supported.

**Decision**

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

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

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 2 All the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

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

It shall be based on the drawing titled 'Soft landscape layout' numbered SF-RF-AA-XX-DR-L-0002 and specifically include a mixed native species hedgerow along the full length of the southern boundary of the site, a native mixed woodland of a minimum of 20m wide along the full length of the western boundary of the site, groups of mixed sized species trees on the southerly located areas of open space, large species trees within open spaces throughout the site, and feature trees and landscaping on the eastern road frontage of the site. Large species trees should be spread throughout the site. Additional pine and oak trees should be included to the southern boundary areas. Holm oak should also be introduced to the mix. Feature pines, oaks and horse chestnuts should be placed within the centre of the large open spaces such as the linear park from plots 86 and 93 to 41 and 42; also within the park between plots 72 and 57 with root barriers to protect the underground services. Care should be taken in locating the large pine and beech trees close to property gables, no large species tree shall be located closer than 12m to any building. These should be substituted with hornbeams at plots 23, 30, 01 and 38. No shrub planted area shall be narrower than 1.5m to enable successful establishment of the landscaping to ensure successful amenity for the development. All hedging to rear of boundary wall shall be maintained at a height of between 1.75 and 2m in height.

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

Reason:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 4 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, and confirmed in writing by the Planning Authority. The fencing must 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. The position of this fencing must be as indicated on the drawing titled 'Tree retention and removal' numbered SF-RF-AA-XX-DR-L-0003 rev B, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

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

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

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 5 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved details shall be implemented as approved for the lifetime of the development.

Reason:

To ensure that the final Sustainable Drainage System design complies with 'Sewers for Scotland 3' and in the interest of flood prevention and the long term amenity of the site.

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

Reason:

In the interests of road safety.

- 7 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) a supplementary construction method statement shall be provided for the site to expand on that already provided and controlled through planning permission in principle 16/00594/PPM. This shall take account of routes to the site from the A198;

(ii) cycle parking shall be provided at the rate of 1 space per flat. This shall be provided in a secure/ undercover area;

(iii) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes shall be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(iv) 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;

Reason:

In the interests of road safety.

- 8 The roof lights on the east facing roof slopes of the houses to be built on Plots 08,101 & 108, on the west facing roof slopes of the houses to be built on Plots 70, 94 & 111, on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08,101 & 108, the west elevation of the houses to be built on Plots 70, 94 & 111, north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

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

- 10 Notwithstanding that shown on drawings docketed to this Approval of Matters the car ports on plots 31-37 and 46-52 inclusive shall not have vehicular access doors installed within them but shall instead remain open fronted. Thereafter those car ports shall remain open fronted with no vehicular access doors unless otherwise approved in writing by the Planning Authority.

Reason

To meet the Council's Road Services parking standards for new housing.

### **3. PLANNING APPLICATION 24/01140/P: ERECTION OF ONE HOUSE AND ASSOCIATED WORKS, FORMER GARDEN GROUND OF 1 DIRLETON AVENUE, NORTH BERWICK**

A report had been submitted in relation to Planning Application No. 24/01140/P. Emma Taylor, Team Manager – Planning Delivery, presented the report, highlighting the salient points. She also noted that there had been an enquiry at the site visit as to whether installation of a new signal would be acceptable; she advised that Road Services would have to advise on acceptability, and recommended that the application should be continued if Committee members wished to explore this option. The report recommendation was to refuse consent.

Officers responded to questions from Committee members. Responding to questions from Councillor Findlay, Ms Taylor advised that no trees would definitely be removed, but an updated report had also not demonstrated root protection of trees; there had not been enough evidence to demonstrate whether trees would or would not be retained.

Responding to questions from Councillors Findlay and McLeod, Morag Hadow, Transportation Planning Officer, advised that the junction at the bottom of Station Road was busy and operated very close to capacity at peak times in North Berwick's busy season; although operation was mostly acceptable, additional use of the junction would cause concern. There were also concerns about pedestrian safety at the access, because visibility on egress from the development was poor. There were also concerns about the vehicle access not being signalled alongside the rest of the junction; Roads Officers did not want to exacerbate issues at the existing access when visibility was poor.

Ms Taylor responded to questions from Councillor McIntosh. She advised that there had been internal discussion as to whether permission could be granted for a no-car development, but officers questioned enforceability; although the development would be ideally located for a car-free development, it would be impossible to know who used the access, and a bollard could not be installed because of existing other uses. She also advised that Planning Officers made judgement calls as to whether to require further reports; in this case, they had not wanted the applicant to spend money on reports relating to trees and biodiversity when there was a robust reason for refusal relating to the access junction.

Responding to questions from Councillor Allan, Ms Hadow reported that there was no parking on site for visitors to the dental practice, and there was minimal parking available for the existing business and the flat. She thought that there was no history of accidents at the junction, and advised that the driveway had been there before the junction.

Responding to questions from Councillor Collins, Ms Hadow advised that the junction was in a 20mph zone. She explained that the standard obstruction height would have to be less than 600mm to protect pedestrians, and the walls were much higher.

Tony Thomas, the applicant's agent, spoke to the application. He considered that there was difficulty in quantifying intensification of use when use of the access junction was unrestricted. He would have been happy to engage in a conversation about a car-free site if this would have been looked upon favourably. He advised that Google Earth showed a four-way junction at the bottom of Station Road in 2008, and traffic lighting installed made the junction much safer. He felt that the reasons for refusal did not stand up to reasonable scrutiny. He advised that the applicants were a local family looking to build a new home on the vacant urban site they had owned for 12 years, which was close to public transport links and local amenities. He pointed out that the design and layout had support from the Planning Authority. He felt that this type of application should be encouraged and supported. He advised that the land had been used by the applicant for small-scale hobby gardening, for which planning permission had not been required. He also pointed out that the single-level adaptable home would suit the applicants into their later years. He pointed out the significant biodiversity and ecological enhancements, with all trees being retained, a green roof, sensitive and enhanced boundary planting, and with the house being designed to Passivhaus standards. He reported that a Roads Officer had acknowledged by email that there would be no intensification of use, and pointed out that the owners would not be required to use their car regularly. Mr Thomas pointed out that the dental surgery and flat had already used the site entrance for years, and he reiterated that the signalised main junction was safe. He pointed out that the site hosted little biodiversity, and highlighted the green roof and improvements to the garden ground proposed. He stated that all trees would be retained, and further tree survey work had been instructed to clarify that this was the case. Mr Thomas expressed frustration that more time had not been provided to allow for studies before recommending refusal, but also questioned what the harmful impact could be on biodiversity when the site currently lacked biodiversity; he considered that there was no need for tree or ecology surveys. He summarised that applications for sustainable and attractive new homes should be encouraged, and felt the concerns over impacts were misplaced.

Responding to a question from Councillor McIntosh, Mr Thomas advised that the applicant currently drove to the site several times a week, sometimes more than once a day.

Fraser Flockhart spoke against the application. He considered that the design was not in keeping with the historical aesthetic of Dirleton Avenue properties, with the surrounding buildings having stood for over 100 years. He had understood that the conservation area would protect his surroundings from newbuild properties, maintaining his privacy and views. He thought that the new property's west-facing windows would encroach on the privacy of his rear garden. He pointed out that two previous proposals had both been rejected on the grounds of parking. He pointed out that York Road was already heavily congested and would not benefit if the residents could no longer use the current car parking.

Responding to a question from Councillor Findlay, Mr Flockhart said he particularly objected to a modern style home being built at this location, and felt that the current landscape and use as a hobby garden should remain.

Peter Churn spoke in favour of the application. He described the proposals as offering a perfect solution on this corner. He was a friend of the applicant and knew the junction well because family had property nearby. He had witnessed cars use the access junction without issue. He pointed out that the property would allow the applicants to drive less, and that another single-storey dwelling would help the housing crisis. He implored Committee members to approve the plans for an elegant and innovative solution at a junction he knew well.

Councillor Findlay felt that the increase of one or two car movements each day could not be considered 'intensification', and felt that sight lines were acceptable to a driver leaving the site. He pointed out that the applicant was being asked to prove a negative with regards to loss of trees. He acknowledged that the newer house would be a sustainable building. He felt that the site's current state of being covered in black plastic would not support nesting, so disagreed that the proposals could be harmful to birds. He would vote against the officer's recommendation.

Councillor McLeod felt that there would be no problems with overlooking. He shared a concern over access and had witnessed some cars coming and going, but otherwise could not object to the proposals.

Councillor McIntosh felt that conditions could address the problems with the application, such as submission of a Biodiversity Enhancement Plan, and requiring a low- or no-car development; she suggested that the application could be continued to explore this option. Mr Dingwall responded that Committee members would have to be satisfied that the trees could be protected, and it was the position of officers that sufficient evidence had not yet been submitted. He could not see how a low- or no-car development could be enforced because there was an existing access. He advised that Committee members could still move to approve the application, but advised that it could not be as a car-free development. The current access could be lawfully used by the existing users of the site, so he could not see a justification for removing the car parking spaces.

Councillor Allan felt there was no logic to refusing the application when the applicant would still visit the site a few times each day by car in any case. She had tested the entrance and had found it safe and easy to drive through.

Councillor Collins felt that the area was safe for pedestrians, and visibility was good. She felt the proposals would enhance biodiversity. She also pointed out that there were other modern buildings in the immediate area, and would support the proposal.

Responding to questions from Councillor Gilbert, Mr Dingwall felt that a condition that allowed only one car would still not be enforceable. Jonathan Revell, applicant, clarified that there were two parking spaces for his exclusive use, and the proposals would extend the turning circles to make a three-point turn safer.

Councillor Forrest still had concerns about traffic using the site entrance, particularly with the two sharp right turns; he felt it had been lucky that there was not an accident history.

Councillor McMillan thought a car-free development should be considered; he felt that neighbours would complain if spaces were being used in contravention of conditions. He was concerned that the development could affect biodiversity, and wanted to see evidence that tree roots would be protected. He would support having all reports to consider before making a determination, and may abstain if this further information could not be provided.

The Convener pointed out that the existing entrance would not be allowed to be developed now because it was dangerous. He thought that cars could speed up to try to get past the traffic lights, and pedestrians would have to walk around a car coming out of the access point and onto the carriageway. He understood the applicant's desire to develop the land, but felt that a car-free development was impossible when there were already cars using the access point, and adding another house would increase traffic movements. He would support the officer's recommendation to refuse consent.

Councillor McIntosh proposed that the application be continued to allow time to request submission of plans for biodiversity protection and to explore whether any car-free options

would be available. This was seconded by Councillor McMillan. The Convener then moved to a roll call vote on the proposal to continue the application, and votes were cast as follows:

- Support: 3 (Councillors Allan, McIntosh, and McMillan)
- Against: 8 (Councillors Hampshire, Collins, Findlay, Forrest, Gilbert, McGinn, McLeod, and Yorkston)
- Abstain: 0

The proposal to continue the application fell, and the Convener moved to a roll call vote on the officer recommendation to refuse consent. Votes were cast as follows:

- Support: 6 (Councillors Hampshire, Forrest, McGinn, McIntosh, McMillan, and Yorkston)
- Against: 5 (Councillors Allan, Collins, Findlay, Gilbert, and McLeod)
- Abstain: 0

**Decision**

Planning Committee refused planning permission for the following reasons:

- 1 The proposed development would, if permitted, result in the intensification of traffic movements at the access junction where Dirlerton Avenue meets Station Road within a controlled traffic area and therefore within a very sensitive and busy location to the detriment of the road users and pedestrians, contrary to Policies T1, T2 and Part i of DP7 of the adopted East Lothian Local Development Plan 2018 and policy 13 of NPF4.
- 2 It has not been sufficiently demonstrated that the proposed development would not result in the loss of amenity value trees within a conservation area contrary to NH8 and Part iv of DP7 of the ELLDP and policy 6 of NPF4.
- 3 It has not been demonstrated that the proposals would not have a harmful impact on birds, invertebrates and mammals nesting and foraging within the site, contrary to Policy 3 and 9 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee







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

**TUESDAY 4 MARCH 2025  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

**1b**

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**Committee Members Present:**

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

**Other Councillors Present:**

Councillor L Jardine  
Councillor C McFarlane

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Mr J Allan, Planner  
Mr C Grilli, Service Manager – Governance  
Mr S Robertson, Assistant Planner  
Mr J Canty, Transportation Planning Officer  
Mr J Bee, Team Manager – Development & Regeneration  
Ms E Barclay, Democratic Services Assistant

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr R Whellans  
Item 3: Mr R Whellans and Mr R MacEwen  
Item 4: Mr I Troke and Ms A Schonwalder

**Apologies:**

Councillor C Cassini  
Councillor L Allan

**Declarations of Interest:**

Item 4: Councillor Collins declared an interest due to: having dog walkers using her land; having been offered land by the applicant, which she had refused; and having been involved in the application site under a previous owner.

Keith Dingwall, Service Manager – Planning and Chief Planning Officer, explained a required change in the agenda order, whereby Item 3 would be heard prior to Item 2. This was because one of the tests for consideration for conservation area consent was whether the proposed redevelopment was acceptable, and this could not be decided until the planning application had been determined.

**1. MINUTES FOR APPROVAL**  
**a. Planning Committee, 14 January 2025**

Planning Committee members agreed the minutes as an accurate record of the meeting.

**b. Planning Committee, 4 February 2025**

Due to a delay in producing the minutes, the minutes would be approved at the April meeting of the Planning Committee.

**3. PLANNING APPLICATION NO. 24/01050/P, ERECTION OF 14 FLATS AND ASSOCIATED WORKS, 34 DIRLETON AVENUE, NORTH BERWICK**

A report had been submitted in relation to Planning Application No. 24/01050/P. James Allan, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Officers responded to questions from Councillors McLeod, Findlay, McGinn, and the Convener. Mr Allan confirmed that the height of the proposed building would be 13.9m, compared to the existing building's highest point of 13.8m; variations in the width were 19.5m to 28m for the existing and new buildings respectively, and length were 23m to 29m. He explained that the proposed parking was acceptable because, although each flat may have more than one car, the use would be less intense than an 18-bedroom hotel, and because the site was close to the town centre and good public transport links. Jon Canty, Transportation Planning Officer, added that the site access points had decreased from two to one, which would also free up some on-street parking. Mr Allan confirmed that a tree, which had been subject to a Tree Preservation Order (TPO), had been removed at some point prior to the submission of the application on the basis that it would be replanted; the formal process had been followed, but the tree had not yet been replanted. There was also another tree on site which was subject to a TPO. Mr Allan confirmed that it was proposed that six trees would be lost, but 13 would be planted. He reported that the Landscape Officer had pointed out that no tree survey had been submitted to support the loss of any trees, and mitigating planting would be expected; as such, the Landscape Officer objected to the application.

Ronnie Whellans, applicant, spoke to the application. He said the proposal was to build high quality apartments, for which the company had a proven track record. He was confident the apartments would sit well within the North Berwick community. He pointed to a shortage of apartments within the town, which the proposals would help to address. He acknowledged the need for affordable accommodation, but felt the development was not suited for this type of

tenure, but he was willing to make the appropriate financial contribution to East Lothian Council.

Responding to a question from Councillor McLeod, Mr Whellans explained that many people in North Berwick wished to downsize from their larger homes, and pointed out that this would release larger houses for families.

Affordable housing was discussed in response to questions from Councillors McIntosh and Gilbert, and the Convener. Mr Whellans felt that a mix of affordable housing and the large and expensive apartments proposed would be difficult to achieve; thus, he would prefer to make an offsite contribution towards affordable housing. James Bee, Team Manager – Development & Regeneration, advised that the developer had not discussed the matter with the Housing Enabling Team. Although he acknowledged Mr Whellans' point about the high-end cost, the Housing Enabling Team would discuss provision of affordable housing and other methods of delivery before a commuted sum would be agreed. He explained that the flats provided would be evaluated for suitability for affordable housing, and then other provisions, such as low-cost home ownership, would be considered. An ultimate cost could not be determined until the properties had been valued, and higher property value increased developer contributions.

Responding to questions from Councillor McMillan and the Convener, Mr Whellans advised that the daylight test showed that the development would affect one window on a neighbouring building by one degree. He felt that the development would sit well on the site and was confident that the landscaping package proposed was of high quality. He advised that anything that could be recycled would be kept on site, and other materials would be recycled offsite; he was conscious of keeping the development's carbon footprint low.

Robin MacEwen spoke against the application, and advised that he lived on the adjoining site. He referred to a displayed diagram, which showed the outline of the existing building over the proposed building, and said he considered that the proposed development was too large for the site. Although the difference in height between the existing and proposed building appeared to be minimal, he pointed out that this only took into consideration the tallest point of the former Golf Hotel; he described the roofline of the existing building as having 'nooks and crannies', which allowed light to come through in various places, and which contrasted the solid mass of the proposed building. He also pointed out that the proposed building would be considerably nearer the road than the existing building, which was contrary to the character of this part of the conservation area. He was concerned that there was too little space for the proposed new trees to mature, despite mature trees also being a characteristic of the area. He was also concerned about the effect of the proposals on bats. He considered that the proposals would spoil the corner, would be out of keeping with the surrounding buildings, and that the building was too large and too close to the road in both directions.

Mr MacEwen responded to questions from Councillor McLeod. He agreed that he was unhappy with the current state of the site, however, he felt the fabric of the existing building did not look too bad. He considered that the site only needed a cleanup, and suggested that the building could be converted.

Responding to points made by the Convener about maximising use of free land when there was a desperate need for smaller accommodation in North Berwick, Mr MacEwen pointed out that the site was currently determined for use as a hotel, which would cater for many families.

Councillor McFarlane, a local member, explained she had called the application in response to the lack of accommodation for single and older people in North Berwick, and because there were many older people left in large homes which were unsuitable for adaptation. She felt that the site had sat for a long time and become derelict, and pointed out that the tourism industry had moved away from hotels and towards short-term lets.

Councillor Findlay, also a local member, agreed with the officer's recommended reasons for refusal. He also agreed that the state of the ground was terrible, but pointed out that this was the fault of the owner and could be tidied up. He thought there was too little space for parking, and commented that on-street parking was already very busy in the area. He also considered that there were too many unanswered questions on the matter of affordable housing. He disagreed with Councillor McFarlane's comments regarding tourism, and thought the town did need more hotel space, particularly when short-term lets were being lost. He would support the officer's recommendation for refusal.

Councillor McLeod remarked that people wanted to downsize their properties but stay in the area. He could not see reason to refuse the application, and considered that there would be means of agreeing an affordable housing contribution through a commuted sum. He would vote against the officer's recommendation to refuse consent.

Councillor Collins said she agreed with Councillor Findlay's comments. She commented on the significant decrease in short-term let properties, resulting in visitors being unable to find accommodation in the town. She felt that the hotel could be a viable business for use by tourists and golfers, and would support the officer's recommendation.

Councillor Forrest pointed out that small hotels on the market were not being bought, and that short-term lets had been detrimental to the hotel trade. He supported the proposals for spacious apartments, and felt this would also work for affordable housing. He would vote against the officer's recommendation.

Councillor McMillan remarked upon the difficulty of the decision. He pointed out that the design would reflect elements from the existing variety of built form in the surrounding area, and would be respectful to the finishes and architecture of neighbouring buildings. He acknowledged that the area around the application site was characterised by buildings of predominantly traditional stone construction, but also acknowledged Councillor McFarlane's points about the need for the proposed type of housing in North Berwick. He thought that the applicant would have considered the hotel's potential. He also commented that issues around bats had to be explored. On balance, he considered there to be real need for housing, and he did not consider there to be potential for significant detriment to amenity; he would therefore vote against the officer's recommendation.

Councillor McIntosh commented on the distinctive characteristic of the approach to North Berwick along Dirleton Avenue, in that the buildings were large, all quite unique, and set well back from the road. She considered that the proposals were not remotely in keeping with the conservation area, and felt that there was no point in having conservation areas if Committee members were willing to allow it to be built over per the proposals. She pointed out of National Planning Framework 4's (NPF4) directive to reuse existing buildings where possible, and she thought the existing structure was still a beautiful building. She was concerned that the argument that the site was now derelict would encourage developers to allow sites to be neglected into a state of disrepair, and commented that the current poor state was the fault of the owner. She would vote to uphold the officer's recommendation.

Councillor McGinn commented on the startling properties in the area. He would vote against the officer's recommendation because the proposals would provide several smaller properties to benefit those who wanted to downsize.

The Convener recalled his own time in the hotel trade in an old Victorian building; he commented that it was difficult to provide high quality ensuite bathrooms, which guests expected, in an older building. He felt that tourists preferred to use short-term lets or modern hotels, and said no one would invest in the building as a hotel. He pointed to other changes to the area, such as a large house which had been demolished and new buildings developed, and recalled advice that conservation areas would evolve over time. He agreed that people

wanted to retire to smaller properties. He thought that the maximisation of properties on the site was a positive aspect of the proposals, and commented that there would still be land around the building and the quality of amenity space would still be high. He thought that the loss of daylight would not be significant, and that there were real benefits to the proposals.

The Convener advised that conditions would have to be agreed with the Planning Authority. He asked the applicant whether he would be willing to carry out a bat survey, and Mr Whellans agreed. Mr Dingwall added that, as bats were a protected species, the bat survey had to be carried out before planning permission could be granted. Therefore, Committee members were required to take a vote on the current proposal; if members voted against the officer's recommendation, then he recommended that the application be continued to allow the bat survey to be undertaken. Following the bat survey, a report would be brought to the Planning Committee, at which point, members would agree whether to grant planning permission.

Responding to a question from the Convener, Mr Dingwall stressed that the following decision on the application to demolish the existing building must be taken on its own merits; even if the Committee resolved to grant planning permission for the replacement building, this was not the only factor to be considered.

Councillor Findlay proposed that the application be continued to allow a bat survey to be undertaken, and this was seconded by Councillor Collins. The Convener moved to a roll call vote on this proposal, and votes were cast as follows:

Support: 4 (Councillors Collins, Findlay, McIntosh, and McMillan)

Against: 6 (Councillors Hampshire, Forrest, Gilbert, McGinn, McLeod, and Yorkston)

Abstain: 0

The proposal to continue the application fell. The Convener therefore moved to a vote on the officer's recommendation to refuse consent. Votes were cast as follows:

Support: 3 (Councillors Collins, Findlay, and McIntosh)

Against: 7 (Councillors Hampshire, Forrest, Gilbert, McGinn, McLeod, McMillan, and Yorkston)

Abstain: 0

### **Decision**

The Planning Committee indicated support to overturn the officer's decision to refuse consent. However, the application would be continued to a future meeting to allow a bat survey to be undertaken, and a report on the outcome of the bat survey would be brought to the Planning Committee for final determination.

## **2. PLANNING APPLICATION NO. 24/01051/CAC, DEMOLITION OF BUILDING, 34 DIRLETON AVENUE, NORTH BERWICK**

A report had been submitted in relation to Planning Application No. 24/01051/CAC. Mr Allan presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Councillor McIntosh asked about the process, should Scottish Ministers decide to call the application in. Mr Dingwall explained that notification to Scottish Ministers was used quite rarely and only in extreme cases. The Planning Authority would submit the plans and report,

and Scottish Ministers had a 28-day period in which to call in the application. He explained that notifications and consultations would not be undertaken, but residents could contact the DPEA to make representation. He advised that Scottish Ministers could call in and determine the application, decide to determine the application as the Planning Committee saw fit, or request a further 28-day period.

Councillor McGinn asked about the Council's enforcement powers against owners whose buildings had been allowed to slide into significant disrepair, and pointed out that such buildings could become magnets for antisocial behaviour. Mr Dingwall advised that, under Section 179 of the Town and Country Planning (Scotland) Act 1997, a Wasteland/Amenity Notice could be served where the Planning Authority was satisfied that the poor condition of a piece of land was harmful to the amenity of an area. These notices would require an owner to take steps to remedy the poor condition of the land. He advised that a developer would be contacted; the Planning Authority would not move directly to enforcement action, but enforcement action would be taken if the developer was not willing to tidy up a site. Mr Dingwall advised Committee members that they must not make their decision based on the poor state of the site, as this could encourage others to allow sites to fall into a poor state. The Convener added that, although the Council held these powers, they were expensive to use.

Councillor Findlay asked whether the owner of this property had been approached to tidy up the site. Mr Dingwall advised that there had been no complaints regarding the poor condition of the site, but agreed that it would be possible to ask for the site to be tidied up. He advised that actions would have to be agreed, and if the developer did not comply, then enforcement action would be taken. He pointed out that the Council would seek to recoup any costs incurred, and that, in his opinion, this course of action would not incur considerable cost. The Convener reiterated his concern that use of this power across the county could still incur significant cost.

Responding to a question from the Convener, Mr Allan confirmed that, despite previous consideration of alterations and extensions to the building, no acceptable scheme had been agreed with the applicant.

Mr Whellans spoke to the application. He believed that the building had not been used as a hotel since 2006, and described it as being totally unsuitable for the modern market. He advised that various investigations into upgrading the existing building had not returned a design that was fit for the modern market due to the confines of the existing building; he therefore considered the only option to be demolition and rebuild. He advised that, in response to a call from Mr Dingwall, he had tried to tidy the site, and had also boarded up windows following break-ins.

Responding to a question from the Convener, Mr Whellans advised that his company had purchased the property on the open market in 2021 from the McDonald Hotel Group; prior to this, it had effectively been used as a house in multiple occupation (HMO) since 2006.

Councillor Collins asked about the preservation and reuse of materials. Mr Whellans hoped that the façade of the building could be reused, and the internal walls would be used for materials such as hardcore.

Councillor McFarlane, local member, reported that the building had previously been used as accommodation for staff at The Marine Hotel, but said it had sat empty for a long time. She commented that it would have been ideal if someone had wanted to run the small hotel, but she also pointed out other local small hotels which had been on the market for some time and had not been purchased.

Councillor Findlay, local member, felt that the application had to be refused under NPF4 policies. He considered that reasonable efforts had not been made to retain, repair, and reuse

the building. He felt that the building's architectural design had huge landscape value, and the structure of the building was entirely sound. In terms of reuse, he suggested that the building could be made into a single house or converted into flats. He considered that the reasons used to demonstrate that it should be demolished had not been fulfilled; therefore, approval of the proposals would undermine NPF4 Policy 7, and any building in a conservation area would be at risk. He would vote in support of the officer's recommendation.

Councillor McIntosh agreed with Councillor Findlay's remarks, and commented that it was not the job of the Planning Committee to give the market what it wanted, but rather that it must be the custodian of the built environment. She highlighted the significant profit to be made from selling 14 luxury apartments, but said that the proposals would be entirely to the detriment of the conservation area. She was unconvinced that the building could not be used for smaller or fewer apartments. She reiterated that the Committee's job was to protect the townscape of the conservation area and not to assist a developer in making money. She would vote in support of the officer's recommendation.

The Convener felt the current form did not enhance the conservation area, and acknowledged that attempts to add extensions and make alterations had not come to fruition. He felt that the building would be difficult to convert into flats of reasonable proportions, which could be kept warm and suit the requirements of modern living. He felt that the building was past its best and did not lend itself well to an extension, and believed it would be better to have a modern and well-designed building which would enhance the conservation area. He supported maximising use of the land to house 14 families. He referred to other old buildings across the county having been demolished and replaced with modern buildings, and felt that overturning the officer's recommendation was the right decision for this building and site.

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

Support: 4 (Councillors Collins, Findlay, Gilbert, and McIntosh)

Against: 6 (Councillors Hampshire, Forrest, McGinn, McLeod, McMillan and Yorkston)

Abstain: 0

### **Decision**

The Planning Committee indicated support to overturn the officer's decision to refuse consent. However, the application would be continued to a future meeting to allow a bat survey to be undertaken, and a report on the outcome of the bat survey would be brought to the Planning Committee for final determination. The outcome would also be subject to prior notification to Scottish Ministers.

**Sederunt:** *Councillor Collins left the meeting.*

#### **4. PLANNING APPLICATION NO. 24/00660/P: CHANGE OF USE OF AGRICULTURAL LAND AND OUTBUILDINGS TO USE AS A DOG EXERCISE PARK AND DOG DAY CARE BUSINESS (RETROSPECTIVE), THORNFIELD, THORNTONLOCH, INNERWICK**

A report had been submitted in relation to Planning Application No. 24/00660/P. Mr Allan presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Responding to a question from Councillor McLeod, Mr Dingwall advised that Planning Enforcement Officers investigated complaints of condition breaches. If conditions were found to have been breached, then the Planning Enforcement Officer would usually point the breach out, seek to negotiate change, or take enforcement action, such as serving a Breach of Condition Notice.

Responding to a question from Councillor McGinn, Mr Allan confirmed that details of measures to protect and enhance biodiversity on the application site would have to be submitted to the Planning Authority within two months of the decision date; the Biodiversity Officer would confirm whether the details were suitable, and compliance would be established before the grant of planning permission in one year.

Councillor McIntosh asked whether an acceptable decibel range could be specified, and commented that this seemed subjective without a set range. Mr Allan reported that the Environmental Health Officer (EHO) had not specified a decibel level which would be harmful, but had advised that noise monitoring devices could be installed within residential properties if there were noise complaints.

Councillors Jardine and Findlay asked questions relating to compliance with conditions. Mr Allan advised that any complaints regarding operation outwith the conditioned hours, or hosting more than the allowed number of dogs, would lead to a Planning Enforcement Officer opening a case. He advised that the maximum number of dogs had been reached following consultation with the EHO. Mr Dingwall added that details of how to make a complaint were contained within the Planning Enforcement Charter, or complainants could email [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk). He also outlined how a Planning Enforcement Officer might investigate a complaint. Councillor Findlay raised concern that it would be very difficult to accurately count the number of dogs on site.

The Convener asked how the movement of vehicles could be controlled on a dangerous bend and in an area of high agricultural vehicle movements. Mr Allan advised that only the applicant's vans would travel to site. Mr Canty added that Roads Officers had assumed that the gate would be opened at the start of the day and closed at the end of the day, and stated that the gate was not to be opened and closed throughout the day.

Ian Troke, applicant, spoke to the application. He outlined the procedures for dropping dogs off, whereby first van opened the gate and the last van closed the gate. He advised that there would be a maximum of 55 dogs across three vans, and the vans left the site at the same time. He reported that there was a commotion in the first five minutes after drop-off time, and then the noise calmed down. He reported that the dogs did bark, but it was very rare that there was noise from a large number of dogs. He advised that the vans arrived between 9am and 9.30am and left at 12.30pm, and the business operated only Monday to Friday. He said he was understanding of the surrounding community, and explained that barking dogs were isolated in a van to minimise disruption. He pointed out that another business nearby also hosted dogs, and, depending on the wind direction, said that this noise could sound like it was coming from his business.

Councillor Jardine asked a number of questions relating to control of noise. Mr Troke explained that the business actively discouraged barking, but conceded that the dogs were set off when someone went past; this was why customers were not allowed to visit the land. He said he would be willing to engage with EHOs about noise levels. He advised that three members of staff were on site every day; staff were aware of which dogs could cause trouble and could intervene where necessary.

Mr Troke responded to further questions from Councillors Gilbert, Forrest, and Findlay. He advised that there had been just two instances where the business had refused to continue looking after disruptive dogs. He confirmed arrangements for the vans entering and leaving



the site, which he explained did not arrive in convoy. He also confirmed that the business only operated Monday to Friday 9.00am to 12.30pm, with occasional maintenance required on Saturdays.

Responding to a point made by Councillor McMillan, Mr Dingwall agreed that recommended Condition 2 could be amended with restricted hours to reflect the business' hours of operation, if Committee members felt this was justified. Councillor McMillan suggested that the time be restricted to 9.00am to 12.30pm so that neighbours knew what times the business could operate. Mr Troke suggested that hours of 8.00am to 2.00pm would provide leeway in certain situations, such as staff being unable to catch a dog.

Audrey Schonwalder spoke against the application. She reported that a van went to the site every Saturday and Sunday, and also every afternoon; she had sent in a picture of the van to Councillors. Ms Schonwalder recounted having had more than forty happy years living in the area, and talked about a close friend who had owned the field opposite and kept a number of animals. Ms Schonwalder then recounted a tragic incident whereby her friend and her friend's dogs had died in a caravan fire in 2018, which Ms Schonwalder had witnessed. Ms Schonwalder said she had been unable to look at the field for a year because it had been so upsetting, but things had started to improve until the dog walkers had started using the site. She reported suffering from panic attacks because of the dogs' barking and fighting, following the tragic scene she had witness in 2018; these panic attacks caused serious issues with her other health conditions. She reported that her health had deteriorated since the dog walkers had started to use the site. She said that there were some days that the dogs were not loud, but most days, particularly if there was a southerly or westerly wind, they caused disturbance. She reported that, because of the noise of the dogs, she could not open her windows or go outside, and she felt trapped. She summarised that granting the application would cause a massive loss of amenity.

Councillor Jardine, local member, commended Ms Schonwalder for speaking about her experience; although some of her points were not technically planning concerns, Councillor Jardine thought the presentation showed how the business' impact on its closest neighbours. She raised some concern about ratios of staffing. She pointed out that noise travelled a considerable distance in a rural community. She welcomed the suggestion of a reduction to operating hours, and the applicant's commitment to engage with neighbours; she offered her assistance in meeting mediation. She pointed out that others were impacted as well as Ms Schonwalder, although felt her situation was worth note.

The Convener said he had been made aware of concerns over the operation of the facility. Although officers recommended approval, he felt that the situation must be monitored carefully to ensure the business operated in line with conditions. He felt the site would have to be visited regularly, and anyone adversely affected by its operation would need to contact the Council. Any evidence gathered would be considered in one year when the applicant applied for planning permission once again. He agreed that the hours of operation should be restricted. He also commented that businesses in the rural community had to minimise their impact. He would support the application on the basis that conditions would restrict the site's to between 8.00am and 2.00pm, Monday to Friday.

Councillor McMillan said he had listened closely to the applicant and objector, and highlighted the importance of good management and engagement. He pointed out that Ms Schonwalder would be able to complain if the site's operation caused a disturbance. He felt that the hours should be restricted to 9.00am to 1.00pm to facilitate the business' core operating hours and provide leeway for emergencies. The Convener suggested that hours be restricted to 8.30am to 1.00pm.

Councillor McGinn was sure that the facility would be well used, and commented on the importance of such facilities for the welfare of dogs who may otherwise be left at home. He

was aware of the service and its reputation, and hoped that the business would use the temporary grant of planning permission to prove that it was going to be a good neighbour. He also asked the applicant to note the concerns raised. He would support the application.

Councillor Findlay commented that the purpose of the Planning Committee was not to create business opportunities, but was meant to support residents; he felt that the proposals were a step too far for residents. He felt that the Committee must ensure that the land was not let out to other people on weekends, and he would not support the proposals to protect the amenity of the existing residents. The Convener responded that, should the application be refused and go to appeal, then it may not be possible to restrict the hours of operation. He felt it would be prudent to grant the application on the basis of restricted hours, and to monitor the situation for a year.

Following comments from various Committee members about restricting hours and use of the fields, Mr Dingwall suggested an amendment to wording of recommended Condition 2, noted below. This amendment to recommended Condition 2 was formally proposed by Councillor Findlay and seconded by Councillor McMillan. The Convener moved to a roll call vote on the amended condition, and Committee members unanimously voted in support of this amendment.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent and votes were cast as follows:

Support: 8 (Councillors Hampshire, Forrest, Gilbert, McGinn, McIntosh, McLeod, McMillan, and Yorkston)

Against: 1 (Councillor Findlay)

Abstain: 0

### **Decision**

Planning permission was granted, subject to the following:

- 1 The use of the dog walking area shall be for a temporary period of one year from the date of any grant of consent to allow any complaints that may arise due to noise to be monitored and assessed.

Reason:

In order to protect the amenity of nearby residential properties.

- 2 The external dog walking area shall only be used between 0830-1300 hours, Monday to Friday (inclusive). The dog walking area shall not be used at any other time.

Reason:

In order to protect the amenity of nearby residential properties.

- 3 The total number of dogs permitted on-site at any one time, including dogs housed in other temporary accommodation such as a vehicle or shelter, shall be limited to 55 dogs.

Reason:

In order to protect the amenity of nearby residential properties.

- 4 Within 2 months of the date of this decision notice a Noise Management Plan shall be submitted to and approved by the Planning Authority. The Noise Management Plan will outline the measures to be taken to minimise the impacts of noise from dog barking arising from the use of the proposed dog walking area. The measures outlined in the Noise Management Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In order to protect the amenity of nearby residential properties.

- 5 Details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority within 2 months of the date of this decision. The measures as so approved shall be implemented 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.

Signed

.....

Councillor Norman Hampshire  
Convener of the Planning Committee

DRAFT



**REPORT TO:** Planning Committee  
**MEETING DATE:** 1 April 2025  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

2

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*Note: This application has been called off the Scheme of Delegation List by Councillor Akhtar for the following reason: Due to a number of local concerns, which include road safety.*

Application No. **24/00788/P**

Proposal Change of use of grass verge to form vehicular access, erection of agricultural building and associated works

Location **4 Boggs Holdings  
The Boggs  
Pencaitland  
Tranent  
EH34 5BA**

Applicant Mr Michael Scott

Per COGEO Planning & Environmental Services

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to agricultural land at Boggs Holdings, Pencaitland. The application site is located within the countryside to the north of Pencaitland as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 (ELLDP).

The site lies at the northern end of two agricultural fields within the control of the applicant. To the west lies an agricultural field. To the north-west lies the property of 3 Boggs Holdings and to the north lies the existing cottage currently being extended by the applicant. To the east of the site lies the public road (B6363).

Planning permission is sought for the erection of an agricultural building and for the formation of a vehicular access.

The proposed agricultural building would have a total length of some 30 metres; a width of some 24 metres and would have a height of some 4.27 metres at eaves and 7.5m at

ridges.

The proposed agricultural building would be finished externally in concrete and steel, colour to be Jupiter green. The roof planes of the agricultural building will be extensively covered in 152 solar panels measuring 2.38 metres x 1.3 metres.

The proposed agricultural building would allow for the storage of agricultural equipment and animal feed.

The proposed vehicular access would be formed to the east of the proposed agricultural building and would be taken via the public road of B1377.

The proposed vehicular access would be some 5.5 metres wide. The access would extend approximately 100 metres to the proposed shed.

The building would have a 6m hard standing to the north and a 10m hardstanding to the east.

## **DEVELOPMENT PLAN**

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

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 11 (Energy), 14 (Design, quality and place) and 29 (Rural Development) of NPF4 and Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the ELDLP are relevant to the determination of this application.

## **REPRESENTATIONS**

Seven letters of objection have been submitted in respect of the proposed development. The main grounds of objection are:

- \* in breach of legal burden on the land;
- \* size of the shed is disproportionate to the size of the land;
- \* no drainage information;
- \* proposed vehicular access is dangerous;
- \* existing access is adequate;
- \* no footpath;
- \* development has commenced, including tree removal;
- \* building would be used to store hens;
- \* gate too close to road;
- \* large scale agriculture would adversely impact on the area;
- \* neighbouring drain runs through land;
- \* development has commenced, including tree removal;
- \* inadequate/inaccurate information.

There is an adequate level of information to assess this proposal.

The fact that there is currently an adequate access does not prevent the applicant from

proposing and forming a new vehicular access.

Subsequent to the registration of the application, information on drainage was submitted.

The matter of the breach of burdens or title deeds, and the drains of a neighbouring property running through the site is a civil matter between the relevant parties and not a matter controlled by the Planning authority. Therefore, this is not a material planning consideration relevant to the determination of this planning application.

There is no requirement for the applicant to provide a separate pedestrian access to this type of development for an agricultural building.

On the matter of development commencing and tree felling - the earthworks on site are understood to relate to the ongoing house extension. The applicant was contacted to rationalise this matter and subsequently submitted a retrospective application for the drainage, relating to the neighbouring house. The removal of these trees does not require the consent of the Planning Authority.

Other matters raised are considered in the planning assessment.

## **PLANNING ASSESSMENT**

Policy 29 of NPF4 seeks, among other things, that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy are supported, including farms where use of good quality land for development is minimised and business viability is not adversely affected. Policy DC1 of the ELLDP supports the principle of development in the countryside where it is for agricultural use.

The proposed steel framed agricultural building would provide modern facilities appropriate for modern agricultural practices and would be seen in relation to the existing agricultural landscape.

As stated in the applicant's planning statement "a shed of this size would provide the applicant with space for storing machinery and equipment required to maintain the area of land and access tracks (e.g. pick-up/utility truck, trailers, grass mower, building supplies, fencing and maintenance tools, grit, aggregate) as well as storing feed for future livestock (e.g. haybales). The shed would also be used to store materials resulting from the disassembled feed shed, which is to be relocated as part of the masterplan. Furthermore, as a local farmer, the applicant undertakes agricultural work out with the site. As such, the agricultural shed will provide storage space for machinery and equipment necessary to carry out such work. This will be particularly useful as the applicant intends on residing at the property associated with this site, following renovations."

The applicant has provided further clarified about the proposed use through an internal layout plan and a supporting statement, this states:

"The shed would also provide the applicant with flexibility to store additional equipment associated with farming activities out with the site as he is involved in another agricultural enterprise. While the size of sheds on other small holdings may be smaller, their intended uses may not be comparable. This shed is intended for multi-purpose use. In addition to storing equipment, machinery, tools and supplies, a shed of this size would afford the applicant with space to carry out repairs and undertake administrative tasks of farm management. It is also worth noting that older sheds tend to be smaller as modern machinery and equipment for farms continue to increase in size over time..."

Whilst some equipment associated with East Lothian Eggs (located at Howden Farm, EH41 4JS) may be stored in this shed, these will not be used off-site frequently as daily use equipment will remain at Howden Farm. However, there are specialist pieces of equipment required for the operation, cleaning and maintenance which will be used as required...

The shed will not be used for commercial operation/contracted farm work. It is primarily intended for multi-purpose uses associated with farming operations on site...

Whilst we understand there may be concerns about the applicant's connection with East Lothian Eggs, the proposed shed will not at any point be used for poultry operations."

As such, the proposed agricultural building would facilitate the ongoing operations of the existing agricultural business. The principal use of the building would be for agriculture as the storage element is a small component and would not constitute a commercial storage operation. Therefore, the principle of the siting of the proposal in this countryside location is consistent with Policy 29 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Due to the proximity of adjoining residential properties there is the potential for the shed to operate in such a way as to adversely impact upon neighbouring amenity. It is therefore considered appropriate and reasonable to restrict the type of agricultural operation that may take place. The attached restrictive condition mirrors the approach taken in the The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Part 6 AGRICULTURAL BUILDINGS AND OPERATIONS, Class 18 which clearly distinguishes specific operations from other agricultural operations.

Policy 29 of NPF4 also states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy DP1 of the East Lothian Local Development Plan 2018 states that new development must be well integrated into its surroundings by responding to and respecting landform.

Policy 14 of NPF4 and Policy DP2 of the ELLDP seeks for new development to be designed to be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings.

In its position the proposed agricultural building would be visible from public views due to its location and orientation. However, the proposed agricultural building would be seen in relation to the wider landscape context which not only comprises of fields contained by trees and hedgerows but also buildings of a commercial scale. Furthermore, the proposed agricultural building would be of a functional design to reflect its agricultural purpose, and it would be of a form, size and scale reflective of other agricultural buildings typically seen throughout the agricultural landscape of East Lothian. In this locational circumstance and by virtue of its architectural form, size, scale, materials and positioning the proposed agricultural building would be appropriate to its countryside setting and would not be out of keeping with its surroundings. The proposed agricultural building would not harm the character of the surrounding landscape or be overly intrusive or prominent within the landscape.

Due to the formation of the new access the site will be more visible from the public highway. To mitigate this visual impact and achieve biodiversity enhancement, as required by policy 3 of NPF4, a condition is attached to secure suitable landscaping and biodiversity enhancement.



Although the height of the building is modest the use of photovoltaic panels on the roofscape will make this building more prominent than traditional agricultural buildings. At its meeting on 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the buildings and from the completed development should be imposed on relevant applications for planning permission. In this instance, the proposal would allow for the generation of renewable energy which is supported by policy 11 of NPF4. Accordingly, the proposal is aligned with the declared climate emergency, and the imposition of the above condition is not necessary in this instance and the proposal is aligned with policies 1 and 2 of National Planning Framework 4.

Subject to appropriate conditions, the proposal would not have an unacceptably harmful impact on the landscape character of the area. On these matters of design, the proposed agricultural building is consistent with Policies 14 and 29 of NPF4 and Policies DP1 and DP2 of the ELLDP.

The proposed building lies within a high-risk historic mining area. The applicant has provided a Mining Report, and the Coal Authority were consulted on this information. The Coal Authority do not object to the development providing two conditions are attached to the consent relating to potential mitigation measures. These conditions are attached accordingly.

Due to its siting and location the proposed agricultural building would not allow for any harmful overlooking of neighbouring residential properties.

Owing to the size, form and positioning of the proposed agricultural building would not result in a harmful loss of sunlight or daylight to any neighbouring residential properties.

The proposed vehicular access would be formed to the east of the proposed agricultural building and would be taken via the public road (B6363). The proposed vehicular access would be approximately 38 metres south of the existing lane which serves the site and other properties at Boggs Holdings. It is noted that the existing junction with the B6363 has restricted visibility. There is also an existing road junction some 10m south of the proposed access on the B6363.

The **Council's Road Services** were consulted and have reviewed the information submitted as part of the application and other relevant data. They have confirmed that the access is located appropriately in terms of spacing for a private access from adjacent junctions. Based on published statistics, they do not consider this road to have an existing problematic personal injury accident record and do not anticipate the proposed development would have an adverse impact on that situation in future. They have raised no objection to the proposal subject to suitable conditions relating to the formation of the access, setback and opening of the gates and the required visibility splays. Therefore, subject to these conditions, which can be attached to the grant of planning permission, the proposals would be consistent with Policy T2 of the ELLDP.

The applicant has clarified that there will be no foul water from the proposed building and that the rainwater from the building and the hard standing areas will drain into the field. There will be a level of surface water run off from the proposed shed and hard standing and this must be considered. ELC Flood and Drainage team consider this to be a small-scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. They have confirmed that this arrangement is suitable in this instance and have no objection on the grounds of flood risk

or drainage of out building and hardstanding area.

On these considerations, the proposed agricultural building with associated vehicular access and, subject to the appropriate conditions, is considered to be in accordance with the Development Plan and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

#### **CONDITIONS:**

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

Reason:

- 2 Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended. Prior to commencement of development a Landscaping and Biodiversity Enhancement Scheme comprising of hedge and tree planting shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of the species, size, siting and number of plants and shall include, but not be limited to, the land where the new vehicular access is to be formed. Thereafter the approved scheme of landscaping shall be implemented in full unless otherwise agreed by the Planning Authority.

All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development or occupation of any building hereby approved, whichever is the sooner. Any 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 landscaping important to mitigate the visual impact of the development and deliver biodiversity enhancement.

- 3 The agricultural building hereby approved shall not be used for housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge.

Reason:

To protect the amenity of protected buildings located within 400m of the building.

- 4 Prior to the development being brought into use at least the first 10m of the proposed access, measured back from its junction with the public road, to be hard formed in a bound surface. The first two metres of the access to remain part of the adopted road and must be constructed to footway standard in asphalt.

Reason

To ensure materials do not transfer onto the public road.

- 5 Notwithstanding the approved drawings, the approved gates shall be inward opening and setback 10m from the entrance, measured back from its junction with the public road. The approved timber fencing shall extend to meet with the setback gate location.

Reason

Roads safety.

- 6 Prior to the development being brought into use, the visibility splay shown on the approved Drawing Appendix 2.7 Visibility Splay (2.4m x 120m in both directions and including the southbound tangent to the nearside carriageway edge) to be created through the removal of vegetation. The visibility splay must then be maintained for the lifetime of the development.

Reason:

To ensure the safety of road users.

- 7 No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the

risks posed to the development by past coal mining activity, and;  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

- 8 To enable the Planning Authority to consider this matter in greater detail. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that remedial works and/or mitigation necessary to address the risks posed by past coal mining activity are carried out.



**REPORT TO:** Planning Committee  
**MEETING DATE:** 1 April 2025  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

**3**

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Application No. **23/00786/AMM**

Proposal Approval of matters specified in Conditions 1 and 10 of planning permission in principle 18/01123/PPM – Erection of 22 holiday lodges and associated works (part retrospective)

Location **Whitekirk Hill  
Whitekirk  
North Berwick  
East Lothian  
EH39 5PR**

Applicant Whitekirk Hill Ltd

Per APT Planning & Development

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **DESCRIPTION OF APPLICATION SITE**

The application site comprises of an irregular shaped area of land measuring some 2.4 hectares in area, at 'Whitekirk Hill', a tourism and leisure facility, which is located some 0.5 of a mile to the north of the village of Whitekirk. The 'Whitekirk Hill' tourism and leisure facility was formerly the Whitekirk Golf and Country Club, comprising clubhouse and golf course. The application site comprises two main components that are linked by a narrow strip of land and a further narrow strip of land extends northwards from the eastern main component linking the whole site to an existing access road of the larger area of land of the 'Whitekirk Hill' development.

The application site is located on Whitekirk Hill, which forms a high point within the wider landscape. The site is bounded to all sides by further land of Whitekirk Hill. Immediately to the west of the westernmost main component of the site is an area of woodland known as Whitekirk Covert. The classified A198 public road is located some 350 metres to the east/southeast of the application site.

The eastern main component of the site is positioned some 160 metres to the southwest of the 'Whitekirk Hill' facility building, which is now operating, with the benefit of planning permission 18/00312/P, as a mixed-use, multi-function leisure club facility, and which incorporates a restaurant, bar and café facilities, gym and swimming pool facilities, and indoor/outdoor children's play areas.

Whitekirk Hill is located in the countryside, to the north and northeast of the village of Whitekirk. The village of Whitekirk is located some 650-700 metres to the south of the application site. The application site is outwith the Whitekirk Conservation Area, the northern edge of which (at its closest) is some 70 metres away to the southeast of the application site. The Scheduled Ancient Monument of Whitekirk Hill Cairn is located some 300 metres to the south of the application site at the northwest edge of the Whitekirk Conservation Area. A further Scheduled Ancient Monument, Pilgrims House at Tithe Barn, is located some 600 metres away to the south of the application site. There are no listed buildings within the application site. There are however a number of listed buildings within the village of Whitekirk, including the Category A listed Tithe Barn (or Granary) and the Category A listed Whitekirk Parish Church. There are further listed buildings in the wider area including the Category B listed Newmains Farmhouse some 600 metres away to the northeast.

The application site is within the Whitekirk and Balgone Outcrops Special Landscape Area (SLA) defined in the adopted East Lothian Local Development Plan 2018 (ELLDP). There is an area of trees (Whitekirk Covert), immediately to the west of the western main component of the application site. There are further sporadically positioned trees outwith the site along the boundaries of the larger area of land comprising the land of Whitekirk Hill.

The Tynninghame Inventory Garden and Designed Landscape is located outwith the application site some 900 metres away to the southeast, Balgone House Inventory Garden and Designed Landscape is located outwith the application site some 1.5 mile away to the northwest, and Leuchie Inventory Garden and Designed Landscape is located outwith the application site some 1.0 mile to the northwest. Newbyth House, Seacliff and Leuchie Local Gardens and Designed Landscapes are located outwith the application site respectively some 1.0 mile away to the southwest, some 0.5 of a mile away to the northeast, and some 1.2 miles away to the northwest.

Parts of the site are identified as being susceptible to surface water flooding.

A core footpath and right of way passes to the west/southwest of the larger area of land of the Whitekirk Hill development, some 0.4 of a mile away to the west/southwest of the application site.

## **RELEVANT PLANNING HISTORY**

At their meeting on 4th March 2020, the Planning Committee resolved to grant planning permission in principle (Ref. 18/01123/PPM) for a holiday lodge development, with associated access, landscaping and infrastructure works on land of the former Whitekirk Golf and Country Club subject to the prior conclusion of a Section 75 Legal Agreement designed to secure that: (i) the proposed holiday lodges on the site would remain in the ownership of one operator and be operated as one facility under a central management process; and (ii) the proposed holiday lodges would be tied in ownership with the existing leisure club facilities at 'Whitekirk Hill'. The Section 75 Agreement was satisfactorily concluded and thus, planning permission in principle 18/01123/PPM was granted on 13th July 2020 for a maximum of 41 holiday lodges and associated development on the

northeast part of the site.

Condition 1 of planning permission in principle 18/01123/PPM sets out design criteria for the proposed holiday lodge development, including that there be a maximum of 41 holiday lodges, and that these lodges should be positioned on the northeast part of the site generally in accordance with the positions shown on the indicative masterplan drawing docketed to the grant of planning permission in principle. Condition 1 also sets out design criteria on the heights, footprints and positions of the proposed holiday lodges, and the width of the access road.

The indicative masterplan details approved with planning permission in principle 18/01123/PPM split the development of the site for 41 holiday lodges into 4 Phases of development (Phases 1.1, 1.2, 1.3 and 1.4).

The site that is the subject of this current application (Ref. 23/00786/AMM) forms part of the northeastern part of the site of planning permission in principle 18/01123/PPM and comprises part of Phase 1.2 and the whole of Phase 1.3 of the holiday lodge development approved in principle by planning permission in principle 18/01123/PPM.

Planning permission in principle 18/01123/PPM is the subject of an Environmental Impact Assessment (EIA).

On 2nd November 2020 planning permission 20/00747/AMC was granted for the approval of matters specified in conditions of planning permission in principle 18/01123/PPM for the erection 9 holiday lodges and associated works comprising Phase 1.1 of the holiday lodge development already approved in principle by planning permission in principle 18/01123/PPM.

A further grant of planning permission (Ref. 23/00421/P) for alterations and extension of the leisure club facilities at 'Whitekirk Hill' was granted in July 2023.

On 2nd August 2024, planning permission (Ref. 23/01420/P) was granted for the change of use of two areas of land of the east/southeast part of the larger site at Whitekirk Hill to use as an assault course and associated works, including the installation of assault course structures and four buildings. Planning permission 23/01420/P was granted for a temporary period of five years only.

## PROPOSALS

This current application (Ref. 23/00786/AMM) seeks the approval of matters specified in conditions 1 and 10 of planning permission in principle 18/01123/PPM for the erection of 22 holiday lodges and associated works. These lodges being units comprising part of Phase 1.2 and the whole of Phase 1.3 of the holiday lodge development approved in principle by planning permission in principle 18/01123/PPM, and this phase now being referred to as Phase 2.

The associated works comprise the formation of lengths of access road, turning areas, parking and footpaths, and drainage/SuDS facilities, all as Phase 1.3 and part of Phase 1.2 of the larger holiday lodge development to which planning permission in principle 18/01123/PPM and the masterplan docketed to that permission apply.

Planning permission is sought part retrospectively because a number of the holiday lodges and their associated access roads and parking areas have already been formed and installed on the site.

The 22 (twenty-two) holiday lodges comprise two different lodge types: 12no (twelve) 3-bed large lodges containing 3 double bedrooms each, and 10no (ten) small (micro) lodges containing one double bedroom each.

All of the 22 (twenty-two) holiday lodges the subject of this application are and would be single storey in height with a roof ridge height above ground level of some 3.9 - 4.0 metres. All of the 22 (twenty two) holiday lodges have a rectangular footprint. The footprint of each of the large 3-bed lodges measures some 100 square metres in area and the footprint of each of the small (micro) lodges measures some 28 square metres in area.

The roofs of the twelve large holiday lodges are and would be finished with profile metal sheeting (in a dark grey colour) and their walls are and would be clad with vertical timber cladding (coloured "anthracite grey" and "light grey"). The roofs and the majority of the walls of the ten small holiday lodges are and would be finished with corrugated sheet steel cladding (coloured RAL 7016 "anthracite grey"). One wall of the ten small holiday lodges is and would be finished with horizontal larch timber cladding. The frames of the windows and external doors (including sliding doors) of the large lodges is and would be of alu-clad construction (coloured "anthracite grey"), and the frames of the windows and external doors (including sliding doors) of the small lodges is and would be of aluminium construction (coloured RAL 7016 "anthracite grey"). The architectural form of the 10 small lodges is and would be a modern interpretation of a traditional form with an enclosed terrace on the elevation of it that faces north towards the wider landscape views and with minimal glazing on the majority of its elevations. The exception to this being the elevation facing towards the wider landscape views over the enclosed terrace area, which would include a pair of glazed doors. The 12 large lodges are and would be of a more contemporary architectural appearance with glazing to all sides, including a large area of glazing on one long side that is and would be supplemented by an external timber stepped deck area.

The 22 (twenty-two) holiday lodges are and would be loosely arranged in three groups on the application site: an eastern group comprising 6 (six) larger lodges; a western group comprising 6 (six) larger lodges; and to the north of that the group of 10 (ten) small lodges. The 12 larger lodges would be positioned to each side of the access road and each would have their own allocated parking area. The group of 10 small lodges would be positioned set back from the access road and would be accessed by footpaths from a shared parking area. The new length of access road would extend southwest from the existing access road that serves Phase 1.1 of the holiday lodge development at 'Whitekirk Hill'. The eastern group of 6 large lodges would be positioned with 3 lodges to each side of the access road, the group of 10 small lodges would be positioned on the north side of the access road, and the western group of 6 large lodges would be positioned respectively with 4 lodges on the west side and 2 lodges on the east side of the access road and a turning area would be formed at the southwest end of the access road. The narrow elongated areas of the site attached to the north of the east main component of the site and located between the two main components of the site would comprise lengths of access road.

Vehicular access to the site would be taken from the A198, which is located some 350 metres to the east/southeast of the site, via the existing vehicular access and access road that serves the mixed-use, multi-function leisure club facility, known as 'Whitekirk Hill' and Phase 1.1 of the holiday lodge accommodation at Whitekirk Hill. A new length of access road would be formed extending from the south side of that existing private access road in a southwesterly direction, to the southwest of the leisure club facility building of 'Whitekirk Hill' and rising landform, following a fairway of the former golf course before rising again to the higher level of the western main component of the current application site and then continuing in a westerly direction towards the woodland area of Whitekirk



Covert. A circular turning area would be formed at the western end of the new access road. The proposed access road would be some 3.7 metres in width and would be surfaced with a gravel chip finish. The 12 large lodges would be provided with allocated parking for at least two cars. These parking areas would be finished with reinforced grass. The 10 small lodges would be provided with a shared parking area measuring some 50 metres by 6 metres from which reinforced grass footpaths and gravel surfaced footpaths would lead to the lodges. The shared parking area would be surfaced with reinforced grass. All of the parking areas would be located immediately alongside the proposed access road and new footpaths would lead from them to the respective proposed lodges.

The proposed foul drainage comprises a wastewater treatment plant, lined reed bed and lined willow bed located to the west of the northernmost length of access road the subject of this application (i.e. the northernmost elongated area of the application site) and to the south of the existing access road serving Phase 1.1, and also an unlined willow bed to the north side of the existing access road serving Phase 1.1 where the new length of access road joins the southern side of that existing length of access road. The proposed foul drainage is outwith the application site red boundary but is located on land identified as being in the ownership/control of the applicant.

The following reports have been submitted in support of the application:

- i) Landscape and Visual Impact Assessment Addendum;
- ii) Archaeological Evaluation Data Structure Report (prepared by AOC Archaeology Group, Project no. 25497-23, dated November 2023);
- iii) Planting Notes & Landscape Maintenance Management Proposals, dated December 2023, prepared by Brindley Associates);
- iv) Preliminary Ecological Appraisal report, dated December 2023, prepared by Brindley Associates;
- v) Biodiversity Enhancement Plan - revision A, dated January 2024, prepared by Brindley Associates;
- vi) Preliminary Environmental Assessment Report, dated 22nd December 2023, Project no. P14514/V04, Document Ref. P14514-GOO-XX-XX-RP-C-0001-Rev02, prepared by Goodson Associates;
- vii) Whitekirk Hill Phase 2 Development - Wastewater Drainage Design, dated 26th January 2024, Project no. GON.0223.0131, prepared by Gondolin Land and Water;
- viii) Treated Sewage Effluent Discharge Permit - Whitekirk Hill Phase 2, CAR/S/5006923;
- ix) Tree Survey Report and Arboricultural Impact Assessment report, dated January 2025, prepared by Brindley Associates;
- x) Energy Statement;
- xi) Whitekirk Hill Supplier List;
- xii) a letter from the applicant's agent; and
- xiii) Photomontage Package, dated March 2024.

In the supporting letter submitted by the applicant's agent, the planning history for the approval in principle of a development of 41 holiday accommodation lodges is set out. It is stated that the 22 lodges proposed through the application generally accord with the masterplan layout docketed to the grant of planning permission in principle 18/01123/PPM in terms of their positioning, footprint size and heights. In respect of the heights of the lodges, the supporting letter explains that in some cases the heights are lower than those indicatively shown through planning permission in principle 18/01123/PPM. It is explained that the changes to the size and design of the proposed lodges is in response to the experience and customer demands of the first three years of trading of Phase 1.1 of the holiday lodge development at Whitekirk Hill.

The supporting letter goes on to explain that excavation and infill of ground levels has been kept to a minimum, and that the lodges have been designed to keep light spill to a minimum.

The supporting letter also seeks to explain how the development the subject of this application meets the policies of National Planning Framework 4 (NPF4), which has been adopted by Scottish Government since the grant of planning permission in principle 18/01123/PPM.

Subsequent to the registration of this application, it became apparent that the development had already commenced on the site and that a number of the holiday lodges and their associated access roads and parking areas have already been formed and installed on the site. Thus, the application is made in part retrospectively. Therefore, in accordance with East Lothian Council Planning Service's discretionary charging procedures, a surcharge of 25% should be applied to the application and the application cannot be registered until such fee is paid. In accordance with this procedure the application was invalidated until such time as the required fee surcharge had been paid and was then subsequently re-registered.

Subsequent to the registration of this application, amended plans have been submitted to:

(i)reposition the 3 most westerly small (micro) lodges further to the south away from the existing areas of gorse, to reposition the eastern most small (micro) lodge further to the south, and to reposition the 3 most westerly large 3-bed lodges further to the east away from the existing trees of the Whitekirk Covert;

(ii)clarify the use of air source heat pumps;

(iii)clarify refuse collection procedures;

(iv)clarify that the operation of the holiday lodges would comply with the terms of the S75 Agreement of planning permission in principle 18/01123/PPM;

(v)clarify any economic benefits associated with the 22 holiday lodges;

(vi)correct errors on the application drawings and in the supporting reports;

(vii)provide drawings comparing the indicative scheme approved by the grant of planning permission in principle 18/01123/PPM and the now proposed development;

(viii)provide section drawings of the proposed development and correct errors on those section drawings;

(ix)provide drawings showing areas of cut and fill on the site;

- (x) clarify changes to the surface finishes of the parking areas and road;
- (xi) query the design of the proposed large lodges;
- (xii) clarify the external finishes of the proposed lodges;
- (xiii) provide amended visualisations;
- (xiv) provide a Biodiversity Enhancement Plan and a statement on carbon emissions reduction;
- (xv) provide details for tree protection and landscaping of the site; and
- (xvi) correct errors on the application drawings.

This additional information is shown on amended and additional application drawings.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Planning permission in principle 18/01123/PPM for the principle of the holiday lodge development on the wider site at Whitekirk Hill was development for which Environmental Impact Assessment (EIA) was required. This current application is for matters specified in conditions of planning permission in principle 18/01123/PPM and as such is part of the development already assessed through the Environmental Impact Assessment (EIA) associated with Planning permission in principle 18/01123/PPM. Accordingly, there is no requirement for further assessment through Environmental Impact Assessment.

## **DEVELOPMENT PLAN**

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

Since the grant of planning permission in principle 18/01123/PPM, Scottish Planning Policy (SPP) and the approved Edinburgh and South-East Scotland Strategic Development Plan (SESplan) have been superseded by National Planning Framework 4 (NPF4).

The development plan now is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

National Planning Framework (NPF4) Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 6 (Forestry, woodland and trees), 7 (Historic assets and places), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 22 (Flood risk and water management) and 30 (Tourism) and Policies DC1 (Rural Diversification), DC9 (Special Landscape Area), CH1 (Listed Buildings), CH2 (Development affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), SEH2 (Low and Zero Carbon Generating Technologies), W3 (Waste Separation and Collection), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH10 (Sustainable Urban Drainage), NH11 (Flood Risk) and DEL1 (Infrastructure and Facilities Provision) of the East Lothian Local Development Plan 2018 (ELLDP) are relevant to the determination of the application.

Also material to the determination of the application is ELLDP Supplementary Planning Guidance (SPG) on Special Landscape Areas.

Also material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area or its setting. In terms of its design, materials, scale and siting, development should be appropriate to the setting of the conservation area.

Also relevant is the Historic Environment Scotland Policy Statement June 2016, which states that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

Planning Advice Note 2/2011: Planning and Archaeology similarly state that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

Also material to the determination of the application is the planning history for the site.

No public representation to the application has been received.

## **COMMUNITY COUNCIL**

Dunpender Community Council has been consulted on the application, however, no response has been received from them.

## **PLANNING ASSESSMENT**

By the grant of planning permission in principle 18/01123/PPM the erection of 41 holiday accommodation lodges and associated works on a part of the northeast part of the land of Whitekirk Hill is established, and there can be no objection in principle to such form of development on the site.

The current application comprises part of that northeastern part of Whitekirk Hill to which the grant of planning permission 18/01123/PPM applies, and the proposed development is for 22 holiday lodges of the 41 holiday lodges approved by the grant of planning

permission 18/01123/PPM. The land of the current application site comprises land of Phase 1.3 and part of the land of Phase 1.2 to which the grant of planning permission in principle 18/01123/PPM applies.

Thus, through the grant of planning permission in principle 18/01123/PPM, the principle of the development of the current application site for holiday lodge development has been established. Therefore, in the determination of this application for approval of the details of the specific form of the holiday lodge development and its associated works now proposed there can be no objection in principle to the development of holiday lodges on the application site.

The principle considerations in the determination of this application for planning permission for matters reserved in conditions are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the siting, scale, form, design and external appearance of the proposed 22 holiday lodges and associated development, including the landscaping of them, and means of access to them (the matters specified in conditions) are acceptable with due regard to the potential impact of the development on the landscape character and amenity of the area, including the special character of the Whitekirk and Balgone Outcrops Special Landscape Area or to the setting of the Whitekirk Conservation Area, or to the setting of the nearby listed buildings and scheduled monuments, Inventory Gardens and Designed Landscape and Local Gardens and Designed Landscape, whether the proposed development would result in harmful impacts to the amenity of neighbouring properties or users of the nearby public rights of way, whether the proposed development would have a harmful impact on any trees that are on or adjacent to the site, whether the proposed development would have a detrimental impact on the environment, and whether or not the site is capable of accommodating the development, including a sufficient amount of on-site parking and turning, and a safe means of vehicular and pedestrian access.

The grant of planning permission 20/00747/AMC approved in 2020 comprised only nine holiday accommodation lodges of the 41 approved by the grant of planning permission in principle 18/01123/PM, leaving the detail of 32 holiday lodges yet to be approved. The current application proposes the development of 22 holiday accommodation lodges. The current application for the details of 22 holiday lodges is therefore within the total number of holiday lodges approved in principle by the grant of planning permission in principle 18/01123/PPM. Should planning permission be granted for the 22 holiday accommodation lodges the subject to this application, that would leave 10 holiday accommodation lodges of the total of 41 yet to be approved in detail.

The application site is located in the countryside at Whitekirk Hill to the northeast of the village of Whitekirk. It forms part of the Whitekirk and Balgone Outcrops Special Landscape Area (SLA). The southern highest part of Whitekirk Hill, around the location of the scheduled monument of Whitekirk Hill Cairn and the part of the Hill that is within the Whitekirk Conservation Area are outwith the application site. The application site is set within a largely agricultural landscape of arable fields. Whitekirk Hill with its rocky outcrops stands out as a distinctive visual feature of this landscape. The land of planning permission in principle 18/01123/PPM was formerly in use as and laid out as a golf course with the fairways and greens being located between the rocky outcrops and with gorse, woodland and open space in between the formal course areas.

By the grant of planning permission in principle 18/01123/PPM it was accepted that although the proposed 41 holiday lodge development would result in detrimental impacts on the special character of this part of the Whitekirk and Balgone Outcrops SLA, such harmful impacts would be localised and would have little overall impact on the character of the wider area and SLA, and that on balance whilst there would be an impact on the

character of this part of the SLA, in principle the proposed holiday lodge development would make a direct and positive contribution to the tourism sector in the county, which would be sufficient to outweigh the localised harm to this part of the SLA, and that it should be possible through planning controls to design a layout and form of development that would minimise detrimental impact on the landscape setting. Those design controls were imposed through conditions of the grant of planning permission in principle 18/01123/PPM. It is in this context that the proposed and retrospective 22 holiday lodges the subject of the current application (Ref. 23/00786/AMM) must be assessed.

Condition 1 of planning permission in principle 18/01123/PPM sets out design criteria for the proposed holiday lodge development, including that the lodges should be positioned on the northeast part of the site generally in accordance with the positions shown on the indicative masterplan drawing docketed to the grant of planning permission in principle, that, with specific exceptions on the northwest part of the site, the detailed form, footprint and height of the holiday lodges should be no greater than that shown on the indicative masterplan drawing and should be predominantly single storey in height, that the proposed holiday lodges should be generally positioned on the lower ground levels of the site so as to be below ridge lines, that excavation and build-up of ground levels and vegetation removal should be kept to a minimum at each lodge position, that the holiday lodges should be designed to minimise and reduce light spill from windows and consider the use of non-reflective or tinted glazing, that the access road should be no wider than 3.7 metres with provision for passing places and that roads, parking and turning areas and footpaths should be designed and finished to minimise visual intrusion.

The masterplan attached to the grant of planning permission in principle 18/01123/PPM shows that Phases 1.2 and 1.3 together comprise 26 lodges (13 holiday lodges each), and that the lodges are shown to be split into two cluster groups (a northern and a southern cluster) for each Phase. For Phase 1.2, the northern cluster comprises 7 lodges and the southern cluster comprises 6 lodges. For Phase 1.3, the northern cluster comprises 8 lodges and the southern cluster comprises 5 lodges.

The current application comprises roughly the location of the whole of Phase 1.3 and the northern cluster area of Phase 1.2. However, rather than 20 holiday lodges that are shown on the masterplan for those parts of the Whitekirk Hill site, the now proposed layout comprises 22 holiday lodges.

The grant of planning permission in principle 18/01123/PPM approves a total of 41 holiday lodges on the land of the northeastern part of Whitekirk Hill. Although through this current application (Ref. 23/00786/AMM) a different (greater) number of holiday lodges are proposed on this part of the northeastern part of the land of Whitekirk Hill than is approved in principle through the masterplan of planning permission in principle 18/01123/PPM, subject to the now proposed grouping of 22 holiday lodges being appropriate within their landscape setting, a detail that will be assessed through this report of handling, the number of holiday lodges proposed for the northeastern part of the land of Whitekirk Hill through this current application and already approved by the grant of planning permission 20/00747/AMC remains within the total number of 41 holiday lodges approved in principle by the grant of planning permission in principle 18/01123/PPM.

At the time of the writing of this report, of the twenty-two lodges proposed through this application, the six 3-bed lodges of the eastern area of the site have been erected, three 3-bed lodges have been erected on the western part of the site, and six of the ten small (micro) lodges have been erected on the northern part of the site. Thus, the application is in part retrospective.

The proposed and retrospective development of 22 lodges proposed through this current

application includes changes to the footprint sizes, positions and heights of some of the proposed 22 holiday lodges when compared to the indicative development approved by the grant of planning permission in principle 18/01123/PPM.

Of the 22 lodges, six 3-bed lodges have been sited on the lower ground level of one of the former fairways of the former golf course with rising landform to the southwest and southeast of them. A further six lodges have been and would be positioned to the southeast of the woodland area of Whitekirk Covert with gently rising landform to the southeast of them and the woodland area to the southwest of them. The remaining ten small (micro) lodges are and would be positioned on a relatively flat plateau of land to the northeast of the woodland area of Whitekirk Covert with falling landform to the north of them. In such positioning the proposed 22 holiday lodges would be in general locations shown for lodges on the indicative masterplan of planning permission in principle 18/01123/PPM.

Although none of the individual holiday lodges would be positioned on the same footprint as those indicatively shown for this part of the wider land at Whitekirk Hill, with the exception of the arrangement of the 10 small (micro) holiday lodges, which are shown to be positioned further to the north at the crest of a slope of Whitekirk Hill than was shown for lodges of the northern cluster of Phase 1.3 on the indicative masterplan, the details submitted with this planning application show that the majority of the proposed and retrospective 22 holiday lodges that are the subject of this application would be positioned generally in the same locations on the northeast part of the site at Whitekirk Hill and would be and are generally in the same clustered arrangements as shown for them on the indicative masterplan.

The indicative masterplan drawing docketed to planning permission in principle 18/01123/PPM shows that the lodges on Phase 1.3 and on part of the land of Phase 1.2 (together now known as Phase 2) would have footprints varying from 50 square metres up to 180 square metres. The details submitted in this current application show that the footprint of the small (micro) lodges would be some 28 square metres and the footprint of the large 3-bed lodges would be some 100 square metres. In this regard, the proposed and retrospective 22 holiday lodges are generally each of a smaller footprint than the indicative footprints shown on the indicative masterplan drawing docketed to planning permission in principle 18/01123/PPM.

The indicative masterplan drawing docketed to planning permission in principle 18/01123/PPM shows that of the holiday lodges of Phases 1.2 and 1.3 would be either single storey or one and a half storey in height. The details submitted in this current application show that all of the 22 holiday lodges would be single storey in height with a roof ridge height above ground level of some 4.0 metres.

In all of this, the positions, height, footprint size and scale of the now proposed and retrospective 22 holiday lodges on this part of Whitekirk Hill do not strictly accord with the positions of the lodges indicatively approved for this part of the land of Whitekirk Hill. Nonetheless, in terms of the principles of their positions, footprint size, height and scale, the now proposed and retrospective 22 holiday lodges would and do generally accord sufficiently with the principles of design set by condition 1 of planning permission in principle 18/01123/PPM, albeit that the ten small (micro) lodges would be positioned further to the north at the crest of a slope of Whitekirk Hill.

The proposed and retrospective 22 holiday lodges would be located either on the lower ground level or on a general, if sloping, plateau of land that were former fairways of the former golf course. This fairway and plateau form the main bodies of the current application site. With the exception of the land to the north of the 10 small (micro) lodges, these areas

of land have rocky outcrops, raised undulating landform and vegetation, including the Whitekirk Covert woodland, intermittently to the majority of all sides of them. The exception to this is the land to the north of the 10 small (micro) lodges, which falls away down a gorse covered slope to a lower ground level. In such positioning, other than for the 10 small (micro) lodges, the 12 large 3-bed lodges are relatively well contained on the lower fairway ground and the plateau by the other landscape features of Whitekirk Hill.

In their proposed and retrospective positions, the 10 small (micro) lodges occupy a more exposed position on the former golf course land of Whitekirk Hill. That said, the slope of land to the north of their position includes areas of gorse planting which the application drawings indicate are proposed to be supplemented by additional gorse planting and small tree planting in order to provide integration of the proposed and retrospective 10 small (micro) lodges into the landscape setting of Whitekirk Hill.

The proposed and retrospective 22 lodges would be and are positioned in three loose clusters in a manner generally similar to the indicative clusters of holiday lodges approved by the grant of planning permission in principle 18/01123/PPM.

Although all of the proposed and retrospective 22 holiday lodges would be single storey in height, the 12 large 3-bed lodges with a footprint size of 100 square metres would be and are nonetheless large buildings in terms of their size, scale and massing. Furthermore, although they would be and are set on the lower ground level of the former fairway and on the plateau and would be and are of single storey height, in some views of them, some parts of some of their roof ridges would and do break the ridge lines of this part of Whitekirk Hill and thus are partially visible in views from the A198 to the northeast.

The lower former fairway land that comprises the eastern main body of this application site and on which 6 of the large 3-bed holiday lodges are positioned is part of the southeast slopes of the hillside of Whitekirk Hill and is generally well contained by rising landform to its southeast, southwest and northwest sides of it. To the northeast, the lower former fairway land continues to slope downwards to the northeast towards the existing 'Whitekirk Hill' leisure building. In their position on this part of the land of Whitekirk Hill, the 6 large 3-bed holiday lodges are not readily visible in public views outwith the site from the A198 public road to the southeast of the application site. Although largely contained by the landform of the site, some parts of the roofs of some of these 6 large 3-bed holiday lodges is visible in longer range public views from the northeast. However, such views are long range and of short duration and the visible parts of the 6 large 3-bed holiday lodges are dark coloured and are seen in the context of the existing landform and landscape features comprising trees on other parts of Whitekirk Hill and the rising landform beyond them to the southwest and northwest and the greater scale and massing of the existing 'Whitekirk Hill' leisure building to the northeast of them.

The plateau of land that comprise the second western main body of this application site on which 16 of the proposed and retrospective 22 holiday lodges would be and are positioned is located at a higher ground level of the southeast slopes of Whitekirk Hill. The proposed and retrospective 16 holiday lodges positioned on this area of land are split into two cluster groups; 6no. large 3-bed lodges and 10no. small (micro) lodges. The Whitekirk Covert woodland provides containment for part of the northwest side of this plateau of land, and gradually rising land to the southeast and southwest provides some containment from those sides. To the northeast/north of the plateau, the land falls away down the slope of the north side of Whitekirk Hill. Due to such containment on their northwest, southwest and southeast sides, the majority of the proposed and retrospective 6no. large 3-bed lodges that would be and are positioned on the southern part of this plateau are not readily visible in views from outwith the site from those directions.



However, due to their elevated position at the crest of the north hillside slope of Whitekirk Hill, the 10 small (micro) lodges and the northern most lodge of the 6no. large 3-bed lodges are and would be visible to varying degrees above and between the undulating landform and vegetation surrounding the plateau of land in public views from the north in long range views from the classified A198 public road, to the northeast and north of the site and from other secondary roads to the northwest, including the road approaching Gleghornie Farm. In such positions, their uniform angular man-made form would and does contrast with the otherwise organic forms of the outcrops, trees and other vegetation of Whitekirk Hill.

In views from the northwest of the site on the minor road to the east of Balgone, the proposed and retrospective 10 small (micro) lodges in the positions proposed for them would appear more prominent than the development approved in principle by the grant of planning permission 18/01123/PPM. In this view there is no containment or rising landform beyond the 10 lodges and they would and do appear as uniform man-made shapes in contrast with the uneven organic shape of the outcrops of the brow of the hill.

The significance of the impact of any such views from the north/northeast of the proposed and retrospective 10 small (micro) lodges and their car parking areas on the appreciation of the rocky outcrop of Whitekirk Hill would be and is reduced due to the external finishing colours of the lodges and their setting against the rising landform to the south of them and the Whitekirk Covert woodland to the west of them.

As referred to earlier in this report, the application drawings indicate that the existing gorse of this northern slope of Whitekirk Hill is proposed to be supplemented by additional gorse shrub and tree planting to the north of the positions of the proposed and retrospective 10 small (micro) lodges and to the south of the lodges at the western end of the row of small lodges, all in order to provide landscape integration for them.

The **Council's Landscape Officer (Policy and Strategy)** has considered the Landscape and Visual Impact Assessment addendum submitted with the application and the landscape planting scheme. The Landscape Officer advises that the proposed and retrospective 10no. small (micro) holiday lodges would be visible in long range views from the north/northeast from the A198 classified public road and from the John Muir Way national path route to the west of the site on the minor road to the east of Balgone.

The Landscape Officer comments that the development indicatively approved for Phase 1.3 by the grant of planning permission in principle 18/01123/PPM formed a dominant skylined element in views from the north/northeast, and that although of no greater height, the proposed and retrospective holiday lodges would be and are now positioned in a more linear layout extending further to the east and west and being positioned further north on the hill. Although in some views the Whitekirk Covert woodland would provide a backdrop, thereby providing setting and enclosure for some of the lodges, the proposed and retrospective 10no. small (micro) lodges and their parking area would nonetheless be visible in views from the north/northeast/northwest.

The Council's Landscape Officer (Policy and Strategy) advises (see landscape comments later in this report) that much of Whitekirk Hill is identified in the Tree and Woodland Strategy (TWS) for East Lothian as a preferred area for tree planting and woodland creation. In respect of all views, including from the northwest, of the proposed and retrospective 10 small (micro) lodges, the Landscape Officer recommends that in addition to the tree and scrub planting shown on the application drawings, additional tree and scrub (gorse) planting should be undertaken to the south of them, between them and their car parking areas, and to the north of them and between the individual lodges, and the addition of tree planting within the existing areas of gorse and the provision of new scrub planting (i.e. gorse) immediately to the north side of the 10 small lodges at a similar level on the

hillside would in time, once established, reduce their visual impact by giving the effect of visually extending the woodland and in due course creating an enhanced setting for the 10 small lodges, which would help to mitigate and soften their uniform shape on the skyline. The Landscape Officer comments that such planting should be positioned sensitively to retain and enhance the rocky outcrop features of Whitekirk Hill, and that once established such planting would also help to mitigate the visual impact of light spillage from the lodges.

On the matter of the visual impact of light spillage from the proposed and retrospective 22 holiday lodges, the Landscape Officer further advises that any mitigation of light spill afforded to the development by additional landscape planting would take time to become established and therefore it is recommended that any external lighting of the development is designed to reduce light spill. The Landscape Officer recommends that all lighting be contained within the proposed and retrospective 22 lodges and that there be no external lighting to balconies or decks/patios, and that any lighting of roads and footpaths should be low level bollard style lighting, in order to reduce widespread visual impacts.

Such recommended landscape planting, when established, would in time supplement the existing trees and vegetation of Whitekirk Hill and would afford further containment and setting for the proposed holiday lodges, thereby somewhat softening their angular form within their landscape setting. Subject to such landscape planting, a detail that could be secured by a condition attached to a grant of planning permission, the proposed and retrospective holiday lodges at the northern end of the western part of the site would have a less than substantial localised impact on the landscape character of the area in any such long range views as there are and would be of them from outwith the site.

Notwithstanding their contrasting form, subject to the aforementioned landscaping, the proposed and retrospective holiday lodges at the northern end of the western part of the site would be seen in the context of the existing outcrops, trees and other vegetation of Whitekirk Hill, and would also be seen in the context of the proposed landscape planting, including additional areas of gorse and trees, and in such context their contrasting man-made form would have a less than substantial impact on the landscape character of the area in such long range views as there are and would be of them from the northwest, north and northeast. In such circumstances their impact on the Whitekirk and Balgone Outcrops Special Landscape Area (SLA) is localised and they would not and do not have a significant detrimental overall impact on the landscape character of the wider Whitekirk and Balgone Outcrops Special Landscape Area (SLA).

By their positioning on the fairway and plateau of land and the degree of containment afforded to those areas of land by the surrounding landform and vegetation, and due to the intervening higher land of the southeast part of Whitekirk Hill, and due to the lower level of the village of Whitekirk, the proposed and retrospective 22 holiday lodges and their associated works would not be and are not readily visible from the village of Whitekirk to the south of the site and the classified A198 public road to the southeast of the site.

Nor would be or are the proposed and retrospective 22 holiday lodges and their associated works readily visible in views from the public right of way of Becky's Strip that passes to the west of the former golf course land of Whitekirk Hill.

The proposed and retrospective holiday lodges are visible from informal footpaths on Whitekirk Hill. However, such paths are provided for the use and enjoyment of the tourists and customers of the 'Whitekirk Hill' tourism and leisure business as well as by nearby residents, and walking or cycling on the land of that business a person would anticipate to have such close range views of such parts of the tourism and leisure business.

The details submitted with the application show that the ground levels of the main bodies of the site would be and have been largely kept as existing with only minimal areas of cut and fill being carried out in the siting of the proposed and retrospective 22 holiday lodges. Notwithstanding this, in their positional arrangement on the fairway and plateau of land, and with their single storey heights some of the 22 holiday lodges would and do break the ridge line, predominantly of the northern slope of this part of Whitekirk Hill. However, Whitekirk Hill continues to rise to the south/southeast of the fairway and of the southern end of the plateau of land, and as set out earlier in this report, in the long range views of them from the northwest, north and northeast, the proposed and retrospective 22 lodges would be viewed against the backdrop of the undulating land of Whitekirk Hill and the existing and proposed landscaping. In these views, the proposed and retrospective 22 holiday lodges would be and are viewed in the context of the higher land of Whitekirk Hill to the south/southeast of them, the undulating landform of Whitekirk Hill, including its rocky outcrops and the trees of the Whitekirk Covert and the existing and proposed landscaping. The proposed and retrospective 22 holiday lodges would also be seen in the context of the existing leisure facilities club building located some 150 metres to the northeast of the eastern main body of the site. In such views, the proposed and retrospective 22 holiday lodges would and do have little overall impact on the character of the wider area and SLA.

The proposed and retrospective holiday lodges would be and are of a simple architectural form and design. The 10 small (micro) lodges with their narrow single storey gabled form are similar in form to some of the 9 lodges approved through the grant of planning permission 20/00747/AMC on Phase 1.1 of the development at Whitekirk Hill. The 12 large 3-bed lodges although still of a gabled form have a distinctly shallower roof pitch. The two different but simple vernacular forms of the 22 holiday lodges are not dissimilar to other buildings that can be seen in the wider landscape. Moreover, although the proposed and retrospective holiday lodges would be and are of differing scales and massing and in some instances would be and are substantial in scale, there are a variety of buildings in the surrounding countryside that are of a variety of scales and massing, and which are not dissimilar to the scale and massing of the proposed and retrospective 22 holiday lodges.

A simple palette of external finishes of corrugated profile metal sheeting (coloured Anthracite grey, RAL 7016) for the external walls and roofs of the 10 small (micro) lodges, and vertical timber cladding (coloured Anthracite grey, RAL 7016 and light grey) for the walls of the 12 large 3-bed lodges and corrugated profile metal sheeting (coloured Anthracite grey, RAL 7016) for the roofs of the large lodges is proposed and has been used. The roofs of all of the 22 holiday lodges would be and are finished in one dark grey colour. The frames of windows and external doors and the external doors would be and are of dark grey coloured composite or metal construction.

This simple palette of external colours (Anthracite Grey - RAL 7016 and light grey) is similar to some of the colours used for the external finishes of Phase 1.1 of the holiday lodge development at Whitekirk Hill. Such combination of dark and light colours would not be and is not dissimilar to the colours of rock outcrops of this part of Whitekirk Hill and the colours of the sky above the hill, and all of these colours would reflect the ever changing shadows on the hillside as the light passes over it. This simple colour palette would minimise the landscape impact of the proposed and retrospective 22 holiday lodges, whether during the day or at night. Accordingly, on this design consideration of external finishes and colours, the proposed and retrospective 22 holiday lodges would not and do not appear overly dominant and incongruous within their landscape setting and thus would not and do not have a harmfully unacceptable impact on the landscape character of the area.

Once built the proposed and retrospective 22 holiday lodges would benefit from permitted development rights to change the colour of them through the application of a different

colour without the need for further planning permission. As a change to the colour of the proposed and retrospective 22 holiday lodges could have a detrimental impact on the character and appearance of the development within its landscape setting and thus also a harmful impact on the landscape character of the area it would be prudent for the Planning Authority to removed permitted development rights for the proposed and retrospective 22 holiday lodges under Class 9 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted). This detail could be controlled by a condition of a grant of planning permission.

By the approval of planning permission in principle 18/01123/PPM, the principle of the development of a part of the northeast part of Whitekirk Hill for a development of a total of 41 holiday lodges is approved, including the proposed and retrospective 22 holiday lodges comprising this application, and thus, it is accepted that there will be a degree of visual impact on the landscape, including to this part of the Whitekirk and Balgone Outcrops Special Landscape Area, and on the character of the wider landscape setting, from the physical form of the proposed and retrospective holiday lodges and their associated access road, footpaths and parking areas, as well as from the external lighting of the access road, footpaths, parking areas, and holiday lodges, and from internal light spill escaping from the proposed and retrospective holiday lodges, for which the principle is approved.

Details of the external lighting of the access road, footpaths and parking areas are required by condition 13 of planning permission in principle 18/01123/PPM, and specifies that the external lighting structures shall be of a low height and a bollard style design.

Details of the proposed external lighting units have been submitted for Phase 1.1 of the holiday lodge development through planning permission in principle 18/01123/PPM, and those details show that the proposed external lighting units for that part of the holiday lodge development would be bollard style LED slot lighting units, measuring some 470mm in height. They would be of metal construction with a rusty brown coloured finish and downward facing LED slot illumination.

Contrary to that stated in the supporting letter submitted by the applicant's agent, the application drawings do not include any details of proposed external lighting for the proposed and retrospective 22 holiday lodges. The Energy Statement submitted with the application states that the proposed and retrospective 22 holiday lodges would be fitted with low-energy LED lighting.

In the absence of any details of the proposed external lighting for the proposed and retrospective 22 lodges, any self-timers within the buildings, any external lighting bollards for road, paths and parking areas and appropriate light spill calculations relating to such details, it would be prudent for the Council as Planning Authority to impose a conditional control on any grant of planning permission for such details to be provided within 3 months of the date of a grant of planning permission.

On the matter of the type of glazing used for the windows of the proposed and retrospective 22 holiday lodges, which is a design criteria of condition 1 of planning permission in principle 18/01123/PPM, no statement has been made by the applicant's agent on this matter.

The application drawings for the current application show that the small (micro) lodges have been designed with a principal façade with a large area of glazing that opens onto a private terrace and that other facades of the small (micro) lodges would be largely blank other than for a glazed entrance door on one long side. The proposed terrace would project some 1 metre beyond the glazing of the principal façade of the small lodges and would be

wholly enclosed along two sides and over its roof. The principal façade of each of the proposed and retrospective 10 small (micro) lodges would and do face northwards to the views towards the coastline. The large 3-bed lodges are designed with large areas of glazing predominantly on one long side, with a glazed entrance door and two modest sized windows on their other long side, and with only one small window opening on each of their gable elevations. The large 3-bed lodges are not designed with an enclosed private terrace. Rather they are designed with a stepped timber deck area outside the predominant large area of glazing of one long side. The principal elevations of the proposed and retrospective 12 large 3-bed lodges would be and are orientated to face generally towards the respective part of the access road from which they would be and are accessed.

On review of the application drawings, the proposed and retrospective 10 small (micro) holiday lodges have been designed with the majority of glazing on one elevation and with that elevation recessed within a 1-metre-deep enclosed terrace, and as such light spill would be and is minimised from those proposed and retrospective 10 small lodges.

The proposed and retrospective 12 large 3-bed holiday lodges have a greater amount of glazing on one of their two long elevations and the application drawings show that they would be and have been sited predominantly with their principal glazed elevation facing towards the respective lengths of access road. By such positioning, light spill from those principal glazed elevations is primarily directed inwards towards the site.

In this countryside location, where groups of buildings are intermittently dispersed within the landscape, although the proposed and retrospective 22 holiday lodges would incorporate design features that would minimise light spill, the light spill from the proposed and retrospective 22 holiday lodges would nonetheless be visible in what is at present a relatively unlit area. However, by the approval of planning permission in principle 18/01123/PPM, it is accepted that there will be a degree of visual impact on the landscape from the development of the site, and on the character of the wider landscape setting, from the proposed and retrospective holiday lodges and including from the external lighting of them and of the access road, footpaths, parking areas. Subject to the aforementioned planning control for details of the external lighting of the lodges and the roads, paths and parking areas to be submitted to and approved by the Planning Authority and thereafter the external lighting installed complying with the details so approved, the design of the fenestration of the proposed and retrospective lodges, enclosed terraces and of their external lighting provision are such that they would minimise light spill into the wider landscape. In such views as there would be of the proposed and retrospective 22 holiday lodges and their associated access road, footpaths and parking areas, such light spill would be afforded some containment by the positional configuration of the proposed and retrospective 22 lodges and the undulating landform and vegetation of this part of Whitekirk Hill and by the proposed additional landscape planting referred to earlier in this report of handling. For these reasons and due to the fenestration of the majority of the elevations of the proposed lodges being minimised and otherwise on the principal facades the windows being recessed within a 1.0 metres deep enclosed terrace or oriented inwards towards the site, glare from sunlight striking the windows of the proposed and retrospective 22 lodges would also be minimised.

Accordingly, in these specific circumstances and in the context of the specific positional configuration of the proposed and retrospective 22 holiday lodges, the design of their windows and enclosed terraces, and subject to the aforementioned planning control for the details of external lighting of the lodges, their roads, paths and parking areas being approved in advance by the Planning Authority, the light spill and glazing reflection from the proposed and retrospective 22 holiday lodges, although visible within the landscape, would not be overly dominant and obtrusive within the landscape so as to be harmful to

the landscape character of the area. Nor in any cumulative views with the holiday lodges approved by Phase 1.1 (Planning permission 20/00747/AMC) would any cumulative impact of the lighting of the existing and proposed phases of development at Whitekirk Hill be so overly dominant and obtrusive within the landscape so as to be harmful to the landscape character of the area.

Although this position is taken in respect of the proposed and retrospective 22 holiday lodges (Phase 2) the subject of this application for planning permission, the Planning Authority reserves its right to reassess this position and if deemed necessary to impose more restrictive measures in respect of the cumulative impact of further Phases of the holiday lodge development for which planning permission in principle 18/01123/PPM is approved.

Once built the proposed holiday lodges would not benefit from permitted development rights for the formation of further windows or other glazed openings, and thus no further windows or other glazed openings could be formed without the need for further planning permission, thus allowing the Planning Authority to assess the appropriateness of any alterations to the proposed holiday lodges within their landscape setting.

Accordingly, on all of these design considerations, although 12 of the proposed and retrospective 22 holiday lodges would be and are of a substantial size and although 11 of the proposed and retrospective 22 holiday lodges would be and are visible in long range public views from the north, northwest and northeast, by virtue of their size, height, scale, massing, form and external finishes and colours, and in their specific configuration, and positioned as they would be and are on the land of a former fairway and plateau of the former golf course, and seen as they would be against the backdrop of the greater mass of Whitekirk Hill and in the context of the degree of containment afforded to them on the fairway and plateau of land, and in the context of the local undulating landform of that hill and its vegetation, including the trees of the Whitekirk Covert, and seen as they would be in the context of the existing leisure facility building to the northeast of the site, and subject to the recommended landscape condition requiring landscape planting of the site, including its peripheral edges, the proposed and retrospective 22 holiday lodges would not and do not appear overly dominant and incongruous within their landscape setting, would not and do not dominate the skyline of Whitekirk Hill and thus would not and do not have a harmfully detrimental impact on their landscape setting whether by day or by night. They would not be and are not harmfully intrusive, incongruous or exposed features, and would not be and are not harmful to the landscape character and visual amenity of the area.

The proposed lengths of access road would serve as both vehicular and pedestrian access to the proposed and retrospective 22 holiday lodges. The application drawings show the proposed lengths of access road would be some 3.7 metres in width, would be surfaced with a locally quarried gravel finish and would, generally, follow the undulating form of the land of the application site. There would be no kerbed edges to the proposed access road.

Condition 1 of planning permission in principle 18/01123/PPM requires that the proposed access road shall be no wider than 3.7 metres in width, with the provision for passing places, and that the surface finish of the roads, parking and turning areas and footpaths shall be designed and coloured to minimise visual intrusion. These design criteria would ensure that the proposed access road, parking and turning areas and footpaths would not have a harmfully detrimental impact on the landscape character and amenity of the area, including of the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

Subject to the locally sourced gravel finish of the proposed lengths of access road being

an appropriate colour to minimise the visual intrusion of the access road in long range views of the site, a detail that could be controlled by a condition attached to a grant of planning permission, the proposed lengths of access road would accord with the design criteria set by condition 1 of planning permission in principle 18/01123/PPM. The width of the access road along with the un-kerbed road edge and gravel surface finish would serve to reinforce the holiday accommodation nature and character of the proposals, and to set the development apart in character from a residential development, ensuring that the proposed access road would not resemble a residential street.

The proposed lengths of access road would generally follow the existing undulating levels of the land and the application drawings show that excavation and infill would be kept to a minimum along its length.

The proposed lengths of access road would be visible in long range views from the A198 classified public road to the north/northeast of the site and may be partially visible in views from other secondary roads to the northwest, including the road approaching Gleghornie Farm. Due to the undulating landform and their positioning they would not be readily visible in public views from the A198 classified public road to the south/southeast of the application site.

Subject to the lengths of access road being no wider than 3.7 metres with the provision of passing places, and subject to its surface finish being a dark colour finish and the detail of that specific colouring being approved in advance by the Planning Authority, details that can be controlled by a condition(s) attached to a grant of planning permission, although the proposed lengths of access road would be partially visible in long range public views its impact on the landscape of Whitekirk Hill and the wider area would be minimised by its narrow width and its dark colouring. In this specific context and seen as it would be in the context of the undulating landform of Whitekirk Hill, and in the context of the proposed and retrospective 22 holiday lodges and the larger holiday lodge development for which planning permission in principle is already approved, and in the context of the existing leisure facilities building at Whitekirk Hill, the proposed access road would be contained as part of that larger development and would not appear as a harmful feature within its particular landscape setting.

The application drawings show that the parking areas for each of the proposed and retrospective 22 holiday lodges would be finished with reinforced grass and that the footpaths of the proposed and retrospective 12 large 3-bed lodges and some of the footpaths of the 10 small (micro) lodges would also be finished with reinforced grass. The remaining footpaths of the 10 small (micro) lodges would be finished with a locally sourced gravel finish. Notwithstanding that shown on the application drawings, the parking areas and footpaths of the 6 large 3-bed holiday lodges that have already been erected on the main eastern part of the site are surfaced with a red/brown gravel. In some instances the proposed parking areas would be large in size. By virtue of their size and number and in the context of the size of some of the proposed parking areas, the use of a reinforced grass finish for the surface of these retrospective parking areas and footpaths, and of the other remaining proposed parking areas and footpaths as shown on the application drawings would be a more appropriate and less visually intrusive surface finish, than is and would be the red/brown gravel surface finish. Thus, subject to a conditional control that the parking areas and footpaths of the retrospective 6 holiday lodges on the eastern main body of the application site that have already been formed be changed to a reinforced grass finish within 6 months of the date of this grant of planning permission, a detail that could be secured through a condition attached to a grant of planning permission, and that otherwise the parking areas and footpath shall be surfaced in accordance with the details shown for them on the application drawings, all being details that can be controlled by conditions attached to a grant of planning permission for matters specified in conditions,

in their positions alongside the proposed and retrospective 22 holiday lodges on the application site, the proposed parking areas and the footpaths would be largely contained within the clusters of proposed holiday lodges. In any partial long range views of them, they would be seen in the context of the greater bulk and massing of the proposed and retrospective 22 holiday lodges and, where they are proposed to be surfaced in gravel, such gravel finish being an appropriate dark colour, a detail that can be secured through a condition attached to a grant of planning permission, the proposed parking areas and footpaths, in their ground level positioning and their surface finishes would not appear as harmful intrusive or incongruous features within their landscape setting.

Subject to the aforementioned controls regarding the width of the access road and the final colour of its surface finish, and the final colour of the surface finish of the parking areas and footpaths, the proposed lengths of access road, parking and turning areas and footpaths would not have a harmfully detrimental impact on their landscape setting. They would not be harmfully intrusive, incongruous or exposed features, and would not be harmful to the landscape character and visual amenity of the area.

The woodland of Whitekirk Covert is located to the northwest of the position of the six large 3-bed holiday lodges on the western plateau of the application site and to the west of the ten small (micro) lodges. In their position on the site, the ten small (micro) lodges are also located close to areas of gorse on the site.

The **Council's Landscape Officer** welcomes the repositioning further to the east of the three western most large 3-bed holiday lodges and the repositioning further to the southeast of the western most three small (micro) lodges and the eastern most small (micro) lodge on the western plateau of the application site. As the works to create the bases for the three western most large 3-bed holiday lodges and the western most three small (micro) lodges has already been undertaken and in some cases the lodges themselves have been installed, the Landscape Officer advises that the erection of temporary protective fencing to protect the trees roots would not serve any purpose as the root protection areas of the woodland edge trees have already been encroached upon and any damage to their roots has already occurred. The Landscape Officer therefore recommends that the condition of the woodland edge trees (closest to the holiday lodges) be monitored and that new tree planting be proposed elsewhere on the site to mitigate for the potential loss of these trees in the future due to the likely damage to their roots. These requirements for such monitoring and replacement tree planting can be controlled by conditions attached to a grant of planning permission.

The Landscape Officer welcomes the use of a reinforced grass surface finish for the parking areas of the proposed and retrospective holiday lodges as this is a more appropriate surface finishing material than gravel and will help their integration into their surroundings. However, it is noted that the parking spaces for the six large 3-bed lodges that are on the eastern former fairway of the application site have been formed and finished with gravel. It would therefore be prudent for the Planning Authority to seek to secure that the gravel surfacing of these parking areas are removed and replaced with the reinforced grass finish detailed on the application drawings within 3 months from the date of the grant of planning permission. This requirement can be controlled by a condition attached to a grant of planning permission.

The Landscape Officer advises that much of Whitekirk Hill is identified as a preferred area for tree planting and woodland creation in the Tree and Woodland Strategy (TWS) for East Lothian, and that to support the TWS it is recommended that additional small species tree planting should be undertaken within the proposed gorse planting areas on the northern part of the western area of the application site. The Landscape Officer further advises that the scheme of planting for the site, as detailed on the application drawings, is insufficient



and should be supplemented by further tree and scrub (gorse) planting, particularly in the vicinity of the 10no. small (micro) lodges. Such additional areas of planting combined with that already detailed on the application drawings would not only implement the TWS but also increase the setting and context/integration of the proposed and retrospective 22 holiday lodges. Any areas of planting for woodland creation should avoid the parts of the site where it would impact on appreciation of the outcrops, such as within the gorse areas of the highest parts of Whitekirk Hill. The requirement for such additional tree planting could be made a condition of a grant of planning permission.

Subject to the aforementioned planning controls to secure the employment of an arboriculturist and securing arboricultural monitoring, additional landscape planting, and the replacement of gravel surfaced parking areas for reinforced grass surfacing, although by their presence they would change the landscape character of this part of the Whitekirk and Balgone Outcrops Special Landscape Area, the proposed and retrospective 22 holiday lodges and the associated access road, parking and turning areas and footpaths, by virtue of their specific positioning, orientation, size, scale, massing, architectural form and appearance, external finishes and colours, and contained as they would be on this northeast part of Whitekirk Hill as part of the 41 holiday lodge development approved by the grant of planning permission in principle 18/01123/PPM, and subject to the aforementioned planning controls on landscape planting and finishing materials and colours, would not be out of keeping with the scale of the buildings of this part of the Special Landscape Area, and their impact on the landscape would be minimised, and as such they would not appear overly dominant and intrusive within their landscape setting in this part of the SLA. Thus, although the proposed and retrospective 22 holiday lodges would change the landscape character of this part of the Whitekirk and Balgone Outcrops Special Landscape Area, they would be part of the changed landscape resulting from the holiday lodge development approved in principle by the grant of planning permission in principle 18/01123/PPM, and such degree of localised harm as would occur in this part of the SLA is considered to be acceptable in the context of the direct and positive economic benefits that would accrue to the county from the proposed holiday lodge development as approved by the grant of planning permission in principle 18/01123/PPM. Thus, overall the proposed and retrospective 22 holiday lodge development would not appear overly dominant and intrusive within its landscape setting, and would not be detrimentally harmful to the character of the Special Landscape Area.

NPF4 Policy 3 states that national or major development types or development that requires an Environmental Impact Assessment (EIA) will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so that they are in a demonstrably better state than without intervention, and this will include future management. The development the subject of planning permission in principle 18/01123/PPM, of which the current proposals are for matters specified in conditions of planning permission in principle 18/01123/PPM, are such an EIA development. They were however approved prior to the adoption of NPF4. Guidance on securing positive effects for biodiversity enhancement can be found in NatureScot's 'Developing with Nature' guidance.

NatureScot comment that the development of the 41 holiday lodges approved by the grant of planning permission in principle 18/01123/PPM is EIA development and therefore that NPF4 Policy 3 requires that biodiversity enhancement measures for the development of the 22 holiday lodges the subject of this current application should go beyond mitigation and compensation to ensure net positive effects for biodiversity are achieved. They recommend that consideration be given to how the development the subject of this current application could deliver positive effects for biodiversity, and suggests that there are opportunities for biodiversity enhancement on the site including, but not exclusively, tree planting, removal of invasive species and grassland restoration.

A Preliminary Ecological Appraisal report (dated December 2023), a Biodiversity Enhancement Plan Rev A (dated January 2024) and Planting Notes and Landscape Maintenance and Management Proposals (dated December 2023) have been submitted with the application.

The **Council's Biodiversity Officer** comments that there is badger activity in the area but that the Preliminary Ecological Appraisal report considers this.

The Council's Biodiversity Officer recommends that no development should be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved in writing by the Planning Authority.

The Biodiversity Enhancement Plan (BEP) submitted with the application and the application drawings propose, but not exclusively, to:

- deliver tree and structure shrub planting;
- where top-soil is proposed to be removed in areas of cut, such top-soil with its existing seed bank shall be retained and stored for re-use elsewhere on the site to re-establish native flora;
- use of meadow grass seed mixes; and
- installation of bird boxes, bat boxes, insect boxes and hedgehog boxes.

The Council's Biodiversity Officer comments that clarification is required on the areas of grassland that would be identified for 'wildflower meadow' management and such areas would need to be substantial enough to be considered to contribute to biodiversity enhancement. The Council's Landscape Officer further comments that the Landscape Planting and Maintenance and Management Proposals report refers to the use of fertilisers which is not appropriate in the management of wildflower meadow grass.

The submitted Biodiversity Enhancement Plan (BEP) provides some information on how biodiversity on the site would be conserved, restored and enhanced. However, that document does not include the up-to-date landscape planting plan and clarification has not been provided on which areas of grassland would be set aside for 'wildflower meadow' management. Nor is there a timescale for the implementation of the biodiversity enhancement measures.

Notwithstanding that parts of the development have already been undertaken, it would not be unreasonable for the Planning Authority to seek to impose conditional controls on the completion of the remaining parts of the proposals in order to secure:

- Monitoring for breeding birds on the site and the submission of a Species Protection Plan for breeding birds;
- The submission and implementation of a scheme of biodiversity enhancement on the site, to include but not exclusively, tree planting, removal of invasive species and grassland restoration and to include details of the area(s) of grassland to be managed as 'wildflower meadow'.

Subject to the aforementioned planning controls, the proposed and retrospective development would deliver biodiversity enhancement for the site and thus would not conflict with NPF4 Policy 3 and ELLDP Policy NH5.

As stated previously in this report, there are no listed buildings within the application site. There are however a number of listed buildings outwith the application site in the wider area, including the Category A listed Tithe Barn (or Granary), the Category A listed

Whitekirk Parish Church, the Category B listed Whitekirk Manse with retaining walls and gate piers, the Category B listed Whitekirk Mains Farmhouse with boundary walls, the Category B listed Newmains Farmhouse, the Category C listed Whitekirk Primary School and retaining wall, and the Category C listed 8 and 10 Whitekirk Cottages (1 Post Cottage and 2 Farm Cottages). With the exception of Newmains Farmhouse, the other listed buildings are located in or close to the village of Whitekirk. All of these listed buildings are located outwith the application site and therefore a primary consideration in the assessment of these proposals is the impact on the setting of those listed buildings.

The nearest listed buildings are the Category A listed Tithe Barn located some 600 metres away to the south of the application site, the Category A listed Whitekirk Parish Church some 700 metres away to the south, the Category B listed Newmains Farmhouse some 600 metres away to the northeast. The other listed buildings are respectively 710 metres away to the south (8 and 10 Whitekirk Cottages), 750 metres away to the south (Whitekirk Primary School), 800 metres to the south (Whitekirk Mains Farmhouse) and 810 metres to the south (Whitekirk Manse).

By the grant of planning permission in principle 18/01123/PPM, the principle of the erection of 41 holiday accommodation lodges and associated works on the northeast part of the land of Whitekirk Hill is established, and there can be no objection in principle to such form of development on the site.

This application for matters specified in conditions proposes 22 holiday lodges on the part of Whitekirk Hill identified for Phase 1.3 and part of the land identified for Phase 1.2, and proposes that all of the 22 holiday lodges now proposed would be single storey in height, with a maximum roof ridge height of some 4.0 metres in height above ground level.

All of the proposed holiday lodges and associated works the subject of this current application are and would be a minimum of 600 metres away from the listed buildings and their settings. They have been positioned on the land of Whitekirk Hill so as to be located either in the lower ground level areas of the former golf course fairways or alongside the Whitekirk Covert woodland and areas of existing gorse planting where they would benefit from the immediate landscape context that such features provide. Furthermore, the intervening land between the development site and the listed buildings includes the undulations of the landform of Whitekirk Hill, the Whitekirk Covert woodland, other areas of trees, and other buildings within the wider landscape. Moreover, due to these intervening landscape features the listed buildings do not have a direct visual relationship with the parts of the land of Whitekirk Hill that are the subject of this application for planning permission. In these circumstances, and by virtue of the intervening distances, landform, landscape features and other buildings, due to such positioning away from the listed buildings and their settings, and by virtue of their low height and positioning on the site, the proposed and retrospective 22 holiday lodges and their associated works would not and do not harm the setting of the those listed buildings, which would remain the focus of their settings.

Therefore the proposed and retrospective works the subject of this application for planning permission would be and are sufficiently far removed from the listed buildings to ensure that they would not and do not harm the setting of those listed buildings.

Therefore, in conclusion on the matter of the setting of the listed buildings, the proposals would not and do not adversely affect the setting and therefore would and do preserve the setting of the nearby listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and relevant Historic Environment Scotland guidance.

The application site is outwith the Whitekirk Conservation Area, the northern edge of which (at its closest) is some 70 metres away to the southeast of the application site.

By their positioning on the former fairway and plateau of land and the containment afforded to them by the surrounding landform and vegetation, and due to the intervening higher land of the southeast part of Whitekirk Hill, the proposed and retrospective 22 holiday lodges would not be and are not readily visible from the Whitekirk Conservation Area to the south of the site. However, some parts of the upper walls and roofs of some of the proposed and retrospective 22 holiday lodges would be and are likely to be visible above and between the undulating landform and vegetation surrounding the former fairway and plateau of land of the site in long range views from the Conservation Area. In such partial and long range views, due to their positioning and clustered arrangement on the site, their height, size, scale, massing, colouring, and the setting afforded to them by the existing vegetation, the proposed and retrospective 22 holiday lodges would not and do not have a detrimental impact on the character and appearance of the setting of the Whitekirk Conservation Area.

The Scheduled Ancient Monument of Whitekirk Hill Cairn is located some 280 - 300 metres to the south of the application site at the northwest edge of the Whitekirk Conservation Area. A further Scheduled Ancient Monument, Pilgrims House at Tithe Barn, is located some 600 metres away to the south of the application site.

Due to the elevated position of the of Whitekirk Hill cairn, the proposed and retrospective 22 holiday lodges would be and are partially visible from the cairn.

Due to the intervening distance and by virtue of their positions and their height, footprint size, scale, and external finishes, and by the containment afforded to them by the existing rising landform on their southwest and southeast sides and the existing vegetation of Whitekirk Hill and the proposed landscape planting, which in time would help to further integrate the development into its setting, the proposed and retrospective 22 holiday lodges would not and do not detract from the setting of the Scheduled Ancient Monument of Whitekirk Hill Cairn, some 280 metres to the south of the application site at the northwest edge of the Whitekirk Conservation Area and thus would not and do not have a harmful impact on the character and appearance of the setting of that scheduled monument.

Due to the Scheduled Ancient Monument of Pilgrims House at Tithe Barn being some 600 metres away to the south of the application site and on the lower slopes of the south side of Whitekirk Hill, the proposed and retrospective 22 holiday lodges and associated works would not be and are not readily visible in views of the setting of that scheduled ancient monument and thus would not and do not have an appreciable impact on the setting of that scheduled ancient monument and thus would not detract from the setting of the Scheduled Ancient Monument of Pilgrims House at Tithe Barn and would not have a harmful impact on the character and appearance of the setting of that scheduled monument.

Historic Environment Scotland (HES) advise that, as demonstrated in the landscape and visual assessment addendum and its associated visualisations, they welcome that there will be an improvement and reduced visibility of the proposed development from the scheduled monument of Whitekirk Hill, cairn (SM5873). HES further comment that although the updated proposals would result in a more linear spread of structures which would continue to be visible from the scheduled monument, the scale of the proposed development and the lower ridgelines of the lodges mean that it is unlikely that there would be significant impacts on the monuments setting.

Accordingly on the matter of the impact on the setting of the scheduled ancient monuments

of Whitekirk Hill Cairn and Pilgrims House at Tithe Barn, the proposed and retrospective development the subject of this application would not and does not conflict with NPF4 Policy 7 and ELLDP Policy CH4.

Nor in such positioning and by virtue of such existing and proposed containment and by virtue of such intervening distances would or does the proposed and retrospective development detract from or have a harmful impact on the setting of any nearby listed building, Inventory Garden and Designed Landscape, or Local Gardens and Designed Landscape.

An Archaeological Evaluation Data Structure Report (prepared by AOC Archaeology Group, dated November 2023) for the proposed development has been submitted with the application.

The **Council's Archaeology Officer** has reviewed this document and advises that the results of the report indicate that no further intrusive work is required. The Archaeology Officer also advises that the indirect impacts of the proposed and retrospective development appear to be in line with the assessment in relation to planning permission in principle 18/01123/PPM. Thus, the Archaeology Officer has no comments to make regarding the development the subject of this application.

On all of these foregoing design considerations and on the impact on heritage and cultural assets, and the impact on landscape and biodiversity, the proposed and retrospective 22 holiday lodges development would not and does not conflict with NPF4 Policies 3, 4, 6, 7, 14 and 30, and ELLDP Policies DC1, DC9, CH1, CH2, CH4, CH6, DP1, DP2 and NH5 or with ELLDP Supplementary Planning Guidance on Special Landscape Areas, PAN 2/2011: Planning and Archaeology or Sections 59 and 64 of Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

The nearest neighbouring residential properties are located some 600 metres away to the northwest and northeast, respectively, at Gleghornie and New Mains.

On the matter of the impact of the proposed development on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. By virtue of their height, positioning and distance away from neighbouring residential properties, the proposed and retrospective 22 holiday lodges would not and do not, in accordance with the Guide, give rise to harmful loss of daylight or sunlight to any neighbouring residential properties and therefore would not and do not have a harmful affect on the residential amenity of them.

Thus, on these considerations of loss of sunlight or daylight or loss of privacy, the proposed and retrospective 22 holiday lodges would not and do not result in harm to the amenity or privacy of any neighbouring land uses.

The proposed and retrospective development is not for residential houses, rather it is for holiday accommodation. Such form of holiday accommodation development does not have the same requirements for privacy and amenity as would a residential house. Thus, the Council's guidance relating to privacy distance requirements between the proposed and retrospective holiday lodges and on matters of amenity for sunlight and daylight for the proposed and retrospective holiday lodges are not applicable.

The **Council's Senior Environmental Health Officer** has no comment to make regarding the proposed and retrospective development the subject of this application.

On the matter of the heat recovery units to be installed on the holiday lodges, the Senior

Environmental Health Officer is satisfied that the separation distances to neighbouring sensitive receptors is adequate to mitigate against any noise from the heat recovery units.

Condition 7 of the grant of planning permission in principle requires the submission of a ground investigation report, including any remediation and validation, if required.

A Preliminary Environmental Assessment report prepared by Goodson Associates has been submitted with the application.

The **Council's Senior Environmental Compliance Officer (Contaminated Land)** has reviewed this report and confirms that the assessment has been carried out in accordance with best practice guidelines and the relevant standards. He agrees with the report that the potential overall risk from on-site contamination to the development is low, however although it is not considered likely that significant contaminative sources have been deposited within the site boundary, previous undocumented on-site activities may have resulted in the accumulation of contaminated material (such as ash and asbestos). He notes that taking this into account, and due to the absence of quantitative data, the report recommends that an intrusive investigation be carried out with the results informing the subsequent risk assessment reporting. The Senior Environmental Compliance Officer agrees with this recommendation and that the proposals for the site investigation works are satisfactory. Accordingly, the Senior Environmental Compliance Officer recommends that a condition be imposed to secure a Phase II Ground Investigation, remediation and validation (if required).

A number of the 22 holiday lodges the subject of this application have already been erected on the site and in the case of others the preparatory ground works have been undertaken.

The requirement for the ground investigation could be applied to the holiday lodges that have not yet been installed on the site. Therefore, the requirement for a Phase II Ground Investigation, remediation and validation (if required) can be secured by a condition of a grant of planning permission.

Condition 3 of the grant of planning permission in principle 18/01123/PPM requires the submission of a construction method statement that outlines the mitigation measures to be taken to minimise impacts of dust during the construction of the development. This conditional requirement remains relevant to the proposals for the development of Phase 2, which is the subject of this current application. It is not necessary to duplicate this control through a further condition.

Thus, on matters of privacy and amenity, and environmental considerations, the proposed and retrospective development the subject of this matters specified in conditions application is consistent with NPF4 Policy 14 and ELLDP Policy DP2.

Vehicular access to the development the subject of this current application would be and is taken from the A198 classified public road via the existing vehicular access and private access road that serves the existing multi-function leisure facility building at 'Whitekirk Hill' approved by the grant of planning permission 18/00312/P and which access route is indicatively approved for use by the 41 holiday lodges approved by the grant of planning permission in principle 18/01123/PPM and is used by the existing 9 holiday lodges (of Phase 1.1) approved by the grant of planning permission for matters specified in conditions 20/00747/AMC.

A new access road, including turning areas, would be formed from the south side of the existing private access road and would extend southwest to serve the proposed and retrospective 22 holiday lodges. Each of the 12 large 3-bed lodges would be provided with

either one or two parking spaces. The application drawings indicate that these parking areas would be finished with reinforced grass. The 10 small lodges would be provided with a shared parking area measuring some 50 metres by 6 metres from which reinforced grass footpaths and gravel surfaced footpaths would lead to the lodges. The shared parking area would be surfaced with reinforced grass.

The access road layout now proposed differs from that shown on the indicative drawings approved by the grant of planning permission in principle 18/01123/PPM. Those indicative details proposed that one access road would extend through the northern cluster of Phase 1.2 then turning west ahead of reaching the southern cluster of holiday lodges of Phase 1.2 and then extending north again through the two clusters of lodges of Phase 1.3.

The now proposed and retrospective development of 22 holiday lodges (Phase 2) still proposes a single access road however, the now proposed road would not extend as far to the southwest as does the indicatively shown access road, rather it turns northwest, crossing an undulation of the site before continuing west and southwest through the two clusters on the plateau of the western main body of the site.

The **Council's Road Services** raise no objection to the development the subject of this current application being satisfied that the proposed and retrospective 22 holiday lodges would be provided with a satisfactory means of access and a sufficient provision of on-site parking.

Accordingly, the proposed and retrospective development the subject of this application does not conflict with ELLDP Policies T1 and T2.

The proposed and retrospective 22 holiday lodges are part of the overall 41 holiday lodge development indicatively approved by the grant of planning permission 18/01123/PPM. As such there can be no objection in principle to the use of the site for holiday accommodation. The grant of planning permission in principle secured the provision of bus stops in either direction on the A198 classified public road and informal footpaths throughout the wider land of Whitekirk Hill. These latter securing connectivity to the core footpath and right of way that passes to the west/southwest of the larger area of land of the Whitekirk Hill, some 0.4 of a mile away to the west/southwest of the application site.

Although the site is in a rural location that will likely result in a high dependency on car journeys in association with the proposed and retrospective 22 holiday lodges, the development nonetheless benefits from access to those bus stops and the public footpath network, thus providing opportunities to customers and users of the holiday lodge accommodation for alternative travel options. Accordingly, the proposed and retrospective 22 holiday lodge development as part of the larger 41 holiday lodge development indicatively approved by the grant of planning permission in principle 18/01123/PPM has access to public transport and walking/cycling routes. Although the development the subject of this application does not strictly accord with all criteria of NPF4 Policy 13, it goes some way towards providing sustainable travel opportunities for customers and staff.

Condition 10 of planning permission in principle 18/01123/PPM requires "No development shall take place on the site unless and until site investigation and foul drainage modelling for the development has been carried out and a report detailing such investigation and modelling shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). Thereafter, the foul drainage for the site shall be carried out in accordance with the investigation and modelling strategy so approved. None of the holiday lodges hereby approved shall be brought into use or occupied unless and until the drainage of the site has been carried out in accordance with the investigation and strategy so approved.

Reason: To ensure adequate drainage of the development hereby approved in the interest of flood prevention, environmental protection and the long term amenity of the area."

A Wastewater Drainage Design report and Treated Sewage Effluent Discharge Permit (CAR/S/5006923) have been submitted with the application.

The **Council's Team Manager - Structures, Flooding and Streetlighting** raises no objection to the development the subject of this application and advises that the proposed wastewater drainage strategy would not increase flood risk at the site.

Scottish Environment Protection Agency (SEPA) confirm that a CAR licence for foul drainage associated with Phase 2 of the holiday lodge development was issued on 2nd May 2024, and therefore they raise no objection to the planning application.

Accordingly, the proposed and retrospective development would not and does not conflict with NPF4 Policy 22 and ELLDP Policies NH10 and NH11.

NPF4 Policy 12 encourages sustainable waste management. ELLDP Policy W3 is similarly worded. The applicant's agent has confirmed that each of the proposed and retrospective 22 holiday lodges would be provided with refuse/recycling containers, which would be emptied as part of a weekly collection under a private commercial contract. On this matter of the provision for waste management, the development the subject of this application does not conflict with NPF4 Policy 12 and ELLDP Policy W3.

The applicant's agent has confirmed that the proposed and retrospective 22 holiday lodges would be owned and operated under a central management system of operation by the multi-function leisure and tourism business of 'Whitekirk Hill Ltd'. On this matter, the proposed and retrospective development the subject of this current application accords with condition 17 of planning permission in principle 18/01123/PPM and with the planning obligation attached to that grant of planning permission in principle.

The **Council's Planning Obligations Officer** confirms that, as the application is for matters specified in conditions for 22 of the 41 holiday lodges approved by the grant of planning permission in principle 18/01123/PPM, it accords with the control set within the planning obligation of planning permission in principle 18/01123/PPM that the buildings only be used for holiday accommodation.

The Planning Obligations Officer further advises that the site lies out with any Strategic Transport intervention contribution zone of the ELLDP's Supplementary Guidance on Developer Contributions Framework, and therefore that no contribution is being sought towards strategic transport interventions. The Council's Road Services confirm that no contribution is sought towards local transport interventions.

Accordingly, the development the subject of this application does not conflict with ELLDP Policy DEL1.

Each of the proposed and retrospective 22 holiday lodges would and do comprise accommodation capable of being occupied as permanent independent residential accommodation. The occupation of them is restricted by condition 18 of planning permission in principle 18/01123/PPM to being solely for short term lets of not more than 28 days and each holiday lodge should not be re-let to the party who last occupied it anytime within a period of two months after that previous time of occupancy. Such control prevents their occupancy as permanent independent residential accommodation. This control of planning permission in principle 18/01123/PPM remains relevant and in place for the 22 holiday accommodation lodges the subject of this current application.



The proposed and retrospective development the subject of this application is for holiday accommodation lodges. In the supporting documents, the applicant's agent confirms that the business operation of 'Whitekirk Hill' employs 42 (forty-two) full-time equivalent jobs across a range of roles including housekeeping, maintenance, food and beverage, the spa/gym and play-barn. He further states that the proposed and retrospective development the subject of this current application would require an additional 6 (six) staff as part of the housekeeping/booking/management teams and a further 15 (fifteen) full-time equivalent jobs across the whole of the 'Whitekirk Hill' operation through longer opening hours for the café and play-barn. It is further stated that the existing 42 full time equivalent staff are taken from a local workforce, which indirectly contributes to the East Lothian economy. Information has also been provided to show that 'Whitekirk Hill' uses a range of local suppliers.

The **Council's Service Manager for Economic Development, Tourism, Business Gateway and Regeneration** advises that demand for non-service accommodation continues to increase in East Lothian alongside a plateauing of demand for serviced accommodation, and that changes to legislation for short-term let accommodation will materially reduce the provision of non-serviced accommodation in the County and is likely to preclude any significant growth within towns and villages.

The Service Manager for Economic Development further advises that in line with the assessment for planning permission in principle 18/01123/PPM, if priced correctly, well-designed and marketed, the 22 proposed and retrospective holiday lodges the subject of this application would be and are likely to be viable and to make a material contribution to the local economy. They would increase the availability of short-term let/non serviced holiday accommodation within the area and would contribute to further job creation and local economic benefit.

The Service Manager for Economic Development further comments that the Local Economy Strategy highlights the Council's continued commitment to the development of the tourism sector in East Lothian, and that the expansion of the current offer at 'Whitekirk Hill' will support this aim.

Such economic benefits reflect the considerations in the assessment of planning permission in principle 18/01123/PPM and are a material consideration in the assessment of this application for matters specified in conditions. On balance the economic benefits attributable to the proposed and retrospective 22 holiday lodges are sufficient to outweigh the less than substantial localised visual impacts on the landscape setting of the site and this part of the Whitekirk and Balgone Outcrops Special Landscape Area.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission.

Policies 1 and 2 of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change.

Condition 19 of planning permission 18/01123/PPM requires the submission of such Carbon Emissions information prior to the commencement of development on the site.

The applicant has submitted an Energy Statement for the planning application. The

Statement explains that the development has been designed to incorporate several sustainability features to enhance overall environmental performance, energy efficiency and sustainability. The Statement explains that the development is designed to comply with Building Standards Technical Handbook - Section 6: Energy and that in order to minimise energy consumption and enhance energy efficiency, the lodges are designed with:

- High-performance building fabric - insulation, double glazed doors and windows, airtight construction techniques to reduce heat loss;
- Efficient heating systems - condensing boilers suitable for conversion to hydrogen;
- Low-energy LED lighting;
- Energy efficient appliances - A rated energy efficient appliances;
- Water-efficient sanitary goods - low flow fixtures and water efficient sanitary goods to reduce water consumption; and
- Heat recovery ventilation units.

On the matter of renewable energy technologies, it is stated that the development proposals do not include the implementation of specific renewable energy technologies. However, it is stated that 'Whitekirk Hill' is committed to continually evaluating and considering renewable energy options and the development remains flexible and can incorporate renewable technologies in the future.

The development does not propose to provide electric vehicle charging for any of the proposed and retrospective 22 holiday lodges. However, the applicant indicates that the development remains flexible to incorporating renewable energy technologies in the future. Furthermore, there are existing electric car charging points located at the main car park for the leisure facility building at Whitekirk Hill.

Notwithstanding this, and although the development is in part retrospective, it would be prudent for the Planning Authority to seek to secure electric vehicle charging provision in line with the Council's Road Services standards, which for holiday accommodation would be 10% provision of charging points to parking spaces and a further 40% with passive provision which could be activated in future without further groundworks. In light of the rural setting of the proposed and retrospective holiday lodges, such electric vehicle charging units would require to be appropriately designed and modest in size and scale and appropriate to their rural location in order to ensure that such development would not have a detrimental impact on the landscape character and appearance of the area and of this part of the Whitekirk and Balgone Outcrops Special Landscape Area. The requirement for such electric vehicle charging provision could be secured through a condition attached to a grant of planning permission.

The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. Subject to the aforementioned planning control to secure electric vehicle parking, the proposed and retrospective development would not be contrary to ELLDP Policy SEH2.

As development that, subject to planning controls, does not conflict with NPF4 Policy 3, and with the Council's considerations of carbon emissions reduction, the proposed and retrospective 22 holiday lodge development therefore would not and does not conflict with NPF4 Policies 1 and 2.

Scottish Water has been consulted on the application and raises no objection to the proposed and retrospective development for which approval of matters specified in conditions is sought.

If the gravel surface finish of the parking areas of the 6no. large 3-bed holiday lodges on

the eastern part of the site is not retrospectively removed and its replacement with reinforced grass surface finish has not been undertaken within 3 months of the date of this grant of planning permission, the decision also is that planning enforcement action will be taken to secure the removal of the unauthorised gravel surface finish of the parking areas, with the period for compliance with the enforcement notice being one month.

## CONCLUSION

The proposed development is consistent with the current development plan. The proposed development would also be consistent with the policies of NPF4. There are no other material considerations which outweigh its accordance with the Development Plan. NPF4 raises no additional material considerations in relation to this application.

It is recommended that planning permission be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Prior to the erection of the four eastern most small (micro) holiday lodges hereby approved, a suitable Geo-Environmental Assessment shall be carried out, with the Report(s) being made available to the Planning Authority for approval. The Geo-Environmental Assessment shall include details of the following:

- Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:
  - 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 Ground Gas (including Radon) as well as an updated conceptual model of the site;
  - An appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and shall 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 2 and 3 of this Condition can be disregarded.

Part 2:

Prior to the erection of the four eastern most small (micro) holiday lodges hereby approved (and where risks have been identified), a detailed Remediation Statement shall be

produced that shows how 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 shall detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It shall 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 shall be submitted for the prior approval in writing of the Planning Authority.

Part 3:

The approved Remediation Statement shall be carried out in accordance with its terms prior to the erection of the four eastern most small (micro) holiday lodges hereby approved other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report shall be submitted that demonstrates the effectiveness of the remediation carried out. The Validation Report shall be submitted for the prior approval in writing of the Planning Authority prior to the commencement of use of the four eastern most small (micro) holiday lodges.

Part 4:

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development hereby approved, 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.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the holiday lodges.

- 3 No development shall be carried out on the application site during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved in advance in writing by the Planning Authority within one month of the date of this grant of planning permission, and thereafter the development shall be carried out in accordance with that Species Protection Plan for breeding birds so approved.

Reason:

To ensure the protection of wildlife and biodiversity from significant disturbance arising from the development hereby approved.

- 4 Within one month from the grant of planning permission, the applicant and/or developer shall provide evidence that a person who, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the applicant/developer to monitor any works in close proximity of trees on and adjacent to the site and to monitor the trees of the eastern edge of the Whitekirk Covert woodland. If any tree is damaged and or dies as a result of unauthorised incursions into the root protection area of trees shown to be retained on site, including along the eastern edge of the Whitekirk Covert woodland, replacement planting will be required and details of such replacement tree planting shall be submitted to and approved in advance in writing prior to being undertaken and shall thereafter be carried out in accordance with the planting details so approved.

Reason:

In the interests of safeguarding the landscape character of the area and of the Whitekirk and Balgone Outcrops Special Landscape Area.

- 5 The access road hereby approved to serve as vehicular access to the 22 holiday lodges hereby approved shall be no wider than 3.7 metres and shall include provision for passing places in accordance with the details of such passing places to be submitted to and approved in advance in writing by the Planning Authority prior to their formation.

Within three months of the date of this grant of planning permission, a sample of the gravel surface finish to be used for the upper surface of the access road shall be submitted to and approved in writing in advance by the Planning Authority prior to its use in the development hereby approved.

Thereafter, the access road, passing places and turning areas shall be formed and constructed in accordance with the details, including surface finish sample, so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 6 Within three months of the dates of this grant of planning permission for matters specified in conditions, details of electric vehicle charging provision for the development shall be submitted to and approved in advance in writing by the Planning Authority. The electric vehicle charging provision shall include a minimum of 10% electric vehicle charging of the parking spaces, and a further 40% electric vehicle charging provision that could be activated in future without further groundworks, and shall provide details of the electric vehicle charging units, their positions and a timescale for implementation.

Thereafter, the electric vehicle charging provision shall be implemented in accordance with the details and timescale so approved unless otherwise approved by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 7 Within two months of the date of this grant of planning permission details, including scale drawings, of the timber decks and entrance steps of the 12 large 3-bed holiday lodges hereby approved shall be submitted to and approved in advance in writing by the Planning Authority and thereafter the timber decks and entrance steps of those 12 lodges shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 8 Within one month of the date of this grant of matters specified in conditions and notwithstanding the content of the Biodiversity Enhancement Plan - revision A (dated January 2024), details of the measures to be implemented to conserve, protect, restore and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures shall include but not exclusively, additional tree and scrub planting, invasive species removal (if relevant), grassland restoration/wildflower meadow management, and additional hedgehog habitat box(es), and shall demonstrate net positive effects for biodiversity are achieved on the site. The Biodiversity Enhancement Plan will include timescales for implementation and management schedules for all

biodiversity enhancement measures, including but not exclusively, annual inspections of habitat boxes.

Thereafter, the measures, as so approved, shall be implemented within twelve months of the date of this grant of planning permission and shall thereafter be retained and maintained in accordance with the implementation and management schedules, 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.

- 9 The trees on the eastern and southeast part of the Whitekirk Covert Woodland, commensurate with the application site that have a root protection area overlapping with any of the 22 holiday lodges hereby approved shall be monitored by the arborist employed by the applicant/developer as required by condition 4 of this grant of planning permission. Such monitoring shall be undertaken annually for a period of ten years and in the event that any of the trees on the eastern part of the Whitekirk Covert Woodland that have a root protection area overlapping with any of the holiday lodges hereby approved dies, becomes seriously damaged or diseased, a replacement tree(s) shall be planted with details of the position(s), species and size of such replacement tree planting being submitted to and approved in writing in advance by the Planning Authority. Any replacement tree(s) shall be maintained wind firm and weed free until established. Thereafter, the replacement tree(s) planted shall accord with the details so approved.

Any such replacement tree(s) shall be planted in the first planting and seeding season (October - March) following the failure and removal of any existing tree of the eastern part of the Whitekirk Covert Woodland.

Within three months of the date of this grant of matters specified in conditions, an annual monitoring report shall be submitted to and approved in writing by the Planning Authority, and thereafter, and for the period of ten years referred to above in this condition, a monitoring report shall be submitted annually for the prior approval in writing by the Planning Authority.

Reason:

To ensure the retention of vegetation important to the landscape character of the area and of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 10 Notwithstanding the details shown on drawing no. 2077/11 Rev E (Planting Plan), within one month of the date of this grant of matters specified in conditions, details of an amended scheme of landscaping for the site shall be submitted to and approved in writing by the Planning Authority. The amended landscaping scheme shall include, but not exclusively, additional small species native trees within areas of gorse planting on the northern part of the western plateau of the site that shall be in addition to that already detailed on drawing no. 2077/11 Rev E (Planting Plan). The amended landscaping planting scheme shall include details for its implementation and maintenance thereafter.

Thereafter, all planting of the amended landscape planting scheme shall be carried out in accordance with the approved details for implementation and in any event no later than the first planting season following the commencement of use of any part of the development hereby approved. Any trees or plants which die, are removed or become seriously damaged or diseased within 10 years 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, detailed in the docketed drawings to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous

written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 11 Within three months of the date of this grant of matters specified in conditions, the gravel surfacing of the parking areas of the six holiday lodges on the eastern part of the site shall be removed and all of the parking areas and footpaths identified on docketed drawing no. 2077/20 rev D to be a reinforced grass surface finish shall be finished with such reinforced grass materials. Thereafter, the reinforced grass surface finish of the parking areas of all of the twenty-two holiday lodges and the footpaths as detailed on docketed drawing no. 2077/20 rev D shall be retained and maintained unless approved by the Planning Authority.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 12 The external parts of the heat recovery units to be installed on the holiday lodges hereby approved shall be coloured to match as closely as possible the part of the external wall of the holiday lodge to which they would adjoin.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 13 The roof flues and wall vents of the 22 holiday lodges hereby approved shall be coloured to match as closely as possible the part of the roof or wall of the holiday lodges into which they are to be installed, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 14 Within one month of the date of this grant of planning permission for matters specified in conditions, details of: (i) any external lighting for the holiday accommodation units hereby approved, including any lighting of any terraces or open timber deck of the large 3-bed lodges, (ii) any self-timers within the holiday lodge buildings to ensure lighting is not in use when not required, and (iii) any external lighting bollards for the roads, paths and parking areas shall be submitted to and approved in writing by the Planning Authority. All external lighting shall be wildlife friendly lighting. Such details of the external lighting and any drawings of such external lighting shall be accompanied by light spill calculations relating to such lighting and drawings.

There shall be no external lighting of the timber decks of the 10 small (micro) lodges hereby approved.

Thereafter the external lighting, self-timers and external lighting bollards installed at each

of the 22 holiday lodges hereby approved and for the roads, paths and parking areas shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area and to minimise impacts on biodiversity.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no development of the types specified in Class 9 of Part 2 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting those Parts of the Order shall be undertaken on the 22 holiday lodges without the prior approval of the Planning Authority.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 16 In the event that the 22 holiday accommodation lodges hereby approved fails to be let as a holiday let for a continuous period of six months, then, unless otherwise approved in writing by the Planning Authority, they shall be deemed to have ceased to be required. If they are deemed to have ceased to be required, they and all associated structures shall be removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous six months period, and the ground fully reinstated to the specification and approval of the Planning Authority.

Reason:

To prevent redundant buildings and associated development remaining on the application site, in the interests of the landscape amenity of the area including of the Whitekirk and Balgone Outcrops Special Landscape Area.

- 17 The 22 holiday lodges hereby approved shall be positioned in accordance with the positions shown for them on docketed drawing no. 2077/20 rev D unless otherwise approved by the Planning Authority.

Reason:

In the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.



**REPORT TO:** Planning Committee  
**MEETING DATE:** 1 April 2025  
**BY:** Executive Director - Place  
**SUBJECT:** Application for Planning Permission for Consideration

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*Note: This application has been called off the Scheme of Delegation List by Councillor Bruce for the following reason: Given the comments submitted by Longniddry Community Council, particularly around the appropriateness of what is proposed, I feel it would be appropriate for the Planning Committee to discuss this application.*

Application No. **24/01416/P**  
Proposal Erection of 2 houses and associated works  
Location **Land at Davanmore  
19 Gosford Road  
Longniddry  
East Lothian**  
Applicant B & Y Developments Ltd  
Per Jones Robbins Tobin

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

This application site comprises a rectangular shaped plot of land, measuring some 1,766 square metres in area, on which the single storey detached house named 'Davanmore', its garden ground and associated outbuilding are located on. The plot of land is situated on the south side of, and at the eastern end of, the public road of Gosford Road in the village of Longniddry. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The site is bounded to the north by the public road of Gosford Road and to the east, west and south by neighbouring residential properties.

The existing house named 'Davanmore', including its associated outbuilding, is located within the northern half of the application site. The southern half of the site comprises of a large garden area that serves the existing house. The property is accessed from Gosford Road via an existing gated opening within the east end of the north roadside boundary

wall. Otherwise, its east, south and west boundaries are enclosed by fencing and high hedging. The existing house is orientated on an east to west axis and is currently unoccupied. It displays pitched roof slopes clad in grey coloured slates and it has white painted rendered walls. It has a mix of timber and UPVC framed casement windows formed within it. The existing house is set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The topography of the site is relatively flat.

Planning permission is sought for the erection of two detached houses and associated works on the site. The associated works comprise of the formation of a new gated vehicular access within the north roadside boundary wall of the site to serve one of the proposed houses, hardstanding areas in the form of a new driveway and a re-surfaced and extended driveway, parking areas, external patio areas, the erection of new lengths of walls to separate each of the proposed two houses from one another and the erection of new gates that would be installed across the existing vehicular access within the east end of the north roadside boundary of the site.

The proposed two detached houses would be positioned one in front of the other on the site and would both be orientated on an east to west axis. The building line of the proposed 'front house' would be set back from the building line of the neighbouring houses to the east and west, albeit it would be positioned slightly further forward than that of the front building line of the existing house that presently occupies the site. The proposed 'front house' would be served by a new vehicular access within part of the north roadside boundary wall with a new driveway formed behind it. The proposed vehicular access would have metal gates erected across it. Vehicular access to the proposed 'back house' would be taken from the existing access within the east end of the north roadside boundary of the site. The existing driveway, which is largely overgrown, is to be re-surfaced and extended further southwards within the site to serve the proposed 'back house'. The existing metal gates erected across the existing vehicular access are to be replaced with new metal gates.

Each of the proposed two houses would be two storeys high with single storey flat roofed components attached to them. Their pitched roof slopes would each be clad in a light grey coloured 'standing seam' zinc finish and their external walls would be predominately finished in brick with some limited use of horizontal timber cladding at its upper level. The flat roofed component of the proposed 'front house' would project out from the east end of the rear (south) elevation of it and the flat roofed component of the proposed 'back house' would project out from the side (east) elevation of it. A flat roofed 'link' would also project out from part of the front (north) elevation of the proposed 'back house' to connect to a double garage that would serve that house. The flat roofed components of the proposed two houses would each be clad in a single ply roofing membrane. The windows and glazed doors to be formed in the proposed 'front house' would comprise of timber frames whereas the windows and glazed doors to be formed in the proposed 'back house' would comprise of aluminium frames. Each of the proposed two houses would have a row of solar panels formed within each of their rear (south) facing pitched roof slopes. Their patio areas would be clad in stone paving. The proposed 'front house', which would occupy the northern part of the site, would have a plot area of some 625 square metres and would comprise of 4 bedrooms. The proposed 'back house', which would occupy the southern part of the site, would have a plot area of some 1,141 square metres and would also comprise of 4 bedrooms.

Each of the proposed two houses would benefit from a front and rear garden area to serve the future occupants of them. The existing boundary enclosures of the site would be largely retained, with the exception of a removal of part of the north roadside boundary wall to facilitate the new vehicular access to serve the proposed 'front house'. A high wall would

be erected within the site to separate the front and rear garden areas of the proposed 'front house' from that of the vehicular access and garden area serving the proposed 'back house'. The proposed two houses would each be served by two off-street vehicle parking spaces, a driveway, stone paving external patios and an electric vehicle charging point.

The submitted drawings show that a total of 9 new trees are proposed to be planted within the site and that 6 of the existing 8 trees within the site are to be removed.

As this proposal seeks to build replacement houses on the application site then neither the prior approval for demolition works nor planning permission is required for the demolition of the existing house.

This is a substitute application submitted in favour of planning application 24/01121/P that has been withdrawn. This substitute application is made to include a number of design changes to the proposed scheme of development, including the re-orientation and re-positioning of the proposed two houses on the site.

The application is accompanied by a Design Statement.

Subsequent to its registration, the applicant's agent has provided an arboricultural tree survey report and a proposed planting plan drawing, a surface water management report and a drainage layout drawing and a number of revised drawings. As revised, the drawings now show a 2 metres x 20 metres visibility splay at the mouth of the proposed new vehicular access to be formed within the north roadside boundary of the site and updated 3D visuals. In addition, the revised drawings now include details of the surface finish for the proposed new driveway and the re-surfaced and extended driveway within the site along with a revised site plan drawing to show each of the proposed two houses on the site relative to neighbouring properties.

## **DEVELOPMENT PLAN**

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

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crisis), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees), 9 (Brownfield, vacant and derelict land and empty buildings), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), NH8 (Trees and Development), NH11 (Flood Risk), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), SEH2 (Low and Zero Carbon Generating Technologies) and W3 (Waste Separation and Collection) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also material to the determination of this application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

## REPRESENTATION

Five objections and one representation to this application have been received. The main grounds of objection, as summarised, are:

- (i) the proposals seek to squeeze two modern houses into a plot that is only big enough for one house resulting in an overdevelopment of the site and small gardens for the proposed two houses in contrast to the majority of the houses in the road which mostly have large gardens;
- (ii) the proposals are out of character with the traditional design and external materials of existing houses in the streetscape, including the height of the proposed 'front house';
- (iii) the windows and glazed doors in each of the proposed two houses will overlook and result in a loss of privacy to neighbouring properties;
- (iv) the gable end of the proposed 'back house' will overshadow the garden of a neighbouring residential property;
- (v) there is no requirement to build two houses on this site to meet demand for new housing, there are already ongoing housing developments in Longniddry and Blindwells;
- (vi) the submitted Design Statement states that Gosford Road was established as a new self-built road with large deep plots for family homes established between 1950-1970, with most plots being completed by 1980, and that since then the road was continued to develop with plots being subdivided and split. However, it is claimed that the one of the objectors houses was built in 1926 and that most of the original houses in Gosford Road are of that vintage and design character and not 1950-1970 as stated;
- (vii) the submitted Design Statement claims that there has been a trend towards more modern designs and that this site provides an opportunity to renovate the site to a higher standard. However, it is claimed that there has been no trend towards more modern designs in Gosford Road nor do the designs harmonise with the surrounding environment in Gosford Road;
- (viii) Gosford Road is a very narrow road and there is a very sharp, entirely blind and already very dangerous, corner right at the east end of Gosford Road. This road is also increasingly being used as an alternative route through the village to avoid traffic lights on the Main Street. The addition of a new access and driveway will be adjacent to existing entrances which already make this corner dangerous and will compound the risk of road safety in an unacceptable manner by adding to the vehicle volume both from residents' cars and from cars visiting/delivering to this plot;
- (ix) two parking spaces per house is not enough for two, 4 bedroomed, houses and will lead to cars being parked on the street in a position opposite existing driveways belonging to neighbouring properties which will impinge on access to neighbouring driveways and cause problems for emergency vehicles;
- (x) it is not clear if there is sufficient turning space within the site to prevent cars from reversing out onto Gosford Road. Any reversing onto the road would result in a road safety hazard;
- (xi) cars using Gosford Road often travel at speeds in excess of the 20mph limit and some cars take the corner well over the centre line;
- (xii) subdividing the existing house plot in the manner proposed may set a precedent for other houses in the streetscape to do the same; and
- (xiii) whilst several properties in Gosford Road have been divided and redeveloped in the past, there appears to be only one other front to back plot division. However, that plot division is located on a much wider plot compared to that of the plot of Davanmore.

Some of the objectors state that, whilst they feel the current property requires to be redeveloped (given that the existing house on the site is probably beyond refurbishment), a new replacement house on the site would be much more in-keeping with the surrounding neighbourhood than that of two new houses as is proposed.

The representation received to this application states that some of the mature trees located close to the south boundary of the site have been removed and that any replacement tree planting will take a considerable amount of time to grow to the same height, which provided a home to birds and acted as a privacy screen to the occupiers of a neighbouring residential property.

## **COMMUNITY COUNCIL COMMENTS**

Longniddry Community Council, as a consultee to this application, state that they object to the proposals to build two large family houses on this plot of land which, in their opinion, would result in an overdevelopment of the site. They note that the submitted Design Statement concludes that there is a need for modern housing but contest that there are around 500 houses presently being built in Longniddry (some of which are 4 bed properties such as these) which all offer modern facilities. They state that it is not clear what trees, if any, are to be removed within the site and state that any mature trees already removed would have been carried out without any thought given to neighbouring properties in respect of the screening that those trees provide them. They raise concerns that the gravel driveways proposed for each of the two new houses could potentially cause noise and disturbance to neighbours. They state that placing two large family homes on this plot will create on-street parking on what is a narrow busy road located close to a bend and to the entrances of other properties on the opposite side of the street. They state that adding one extra driveway to this plot will add to the number of driveways on this short stretch of road and that the submitted drawings do not seem to incorporate sufficient parking for vehicles belonging to the future occupiers of them and/or visitors. They also note that a diagram, within the Design Statement, shows the development of site division, extensions and rebuild developments within this part of Gosford Road. However, they state that only one of these sites (which is somewhat larger than the Davanmore land) shows the land split between front and back but in a somewhat different scenario. They state that Gosford Road is a prestigious road within the village and is filled with many characterful houses with large established gardens with mature trees. They state that what is being proposed here is that front to back divisions should become the norm for this area when, in fact, this would actually lead to the character of the Gosford Road area becoming severely compromised. Longniddry Community Council conclude that they would be in favour of one family home being built on this plot, giving an adequate garden area and ample parking/garage space for multiple vehicles. They also state that, if any development is allowed, they request that whilst building works are ongoing a restriction should be placed on how many construction vehicles are allowed to park at this location at any one time and that a restriction is also imposed on working times in order to give neighbours a reprieve in respect of noise disturbance and inconvenience.

## **PLANNING ASSESSMENT**

Policy 16(f) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances including, where the proposal is supported by other policies of the plan including local living and 20 minute neighbourhoods and is for smaller scale opportunities within an existing settlement boundary. The application site is not allocated for development by the ELLDP. However, the proposal for the 2 houses is a small scale development that would be located within the settlement of Longniddry and therefore on those counts the proposals do not conflict with Policy 16(f) of NPF4.

By being located within Longniddry the proposed 2 houses would be well located to ensure their future occupants could meet the majority of their needs within a reasonable distance of their home by walking or wheeling, or using public transport. Therefore, the proposals are consistent with Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4.

Furthermore, the application site is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. Policy RCA1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Development Plan 2018.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. It also states that the privacy of existing and future residents must also be protected and that there should be no loss of important physical or natural features.

Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area and will be supported where they are consistent with the 6 qualities of successful places.

Policy DP2 of the adopted East Lothian Local Development Plan 2018, amongst other things, requires that all new development must be well designed and integrated into its surroundings. It requires that a building must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale.

The application site is in existing residential use comprising of a single storey detached house, its garden ground and associated outbuilding and existing vehicular access and driveway arrangement. It is within a predominantly residential area and there are neighbouring residential properties on the opposite side of the intervening public road of Gosford Road to the north and otherwise directly to the east, west and south of it. The subdivision of the house plot and the erection of two detached houses on the site, on a split 'front to back' layout, would amount to infill housing development within a predominantly residential area, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Thereafter, having regard to local planning policy and guidance and other material considerations, it must be determined whether the design, positioning and layout of the proposed new houses and the works associated with them are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties, and their impact on the character and appearance of the wider area.

The application site is not located within a designated conservation area and the existing house on the site is not listed as being of special architectural or historic interest.

The streetscape of Gosford Road, in which the application site lies, is generally characterised by detached houses of varying architectural styles, sizes, heights and finishes. The houses within the streetscape are mostly set within large plots that are set back from the public road and enclosed along their roadside boundaries by high hedges, fences or walls. In some cases, houses in the locality have had their large gardens subdivided and infilled by a house with the benefit of planning permission. Consequently, there is no strong design thread of architectural style, or an established building line, that defines or characterises the houses within the streetscape of Gosford Road.

The existing house named 'Davanmore', which is located within the northern half of the application site displays pitched roof slopes clad in grey coloured slates and has white painted rendered walls. It has a mix of timber and UPVC framed casement windows formed within it. The existing house is rectangular in shape and measures some 15 metres long (measured to its roof overhang), some 8.9 metres wide (measured to its roof overhang) and some 6.4 metres high measured to the ridge of its pitched roof above ground level. It is orientated on an east to west axis, is set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. It is not of a form or character that is of any particular architectural merit.

To the east of the site is the neighbouring house named 'East Croft'. It is a large 2 storey detached house which occupies almost the full width of its plot. It has steep pitched roof slopes clad in rosemary tiles, external walls that are predominantly finished in a mix of brick and render with the upper part of its west gable end displaying white coloured, UPVC composite, horizontal panels. Its front and rear facing pitched roof slopes contain large dormers within them and otherwise it has a flat roofed component that projects out from the west end its front (north) elevation. To the west of the site is the neighbouring house named 'Nemeton', a large one and a half storey pitched roofed house which occupies almost the full width of its plot. Its pitched roof slopes are clad in grey coloured slates and its external walls are rendered in a white painted finish. It has modern UPVC framed casement windows formed within its front (north) elevation and within the exposed upper parts of its side (east and west) gable ends.

The proposed two houses to be erected on the site would be two storeys high with single storey flat roofed components attached to them. Their pitched roof slopes would each be clad in a light grey coloured 'standing seam' zinc finish and their external walls would be predominately finished in brick with some limited use of horizontal timber cladding at its upper level. The proposed 'front house' would also display some metal clad panels on its front (north) elevation. The windows and glazed doors to be formed in the proposed 'front house' would comprise of timber frames whereas the windows and glazed doors to be formed in the proposed 'back house' would comprise of aluminium frames.

Each of the proposed two houses would be positioned and orientated on an east to west axis to replicate the layout and pattern of the existing house on the site and that of the majority of the houses within this part of the streetscape. The proposed two houses would have larger footprints than that of the existing house which occupies the site and would be of modern contemporary designs. The proposed 'front house' would be set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The ridge height of the proposed 'front house' would be some 1.25 metres lower than the ridge level of the two storey pitched roof form of the neighbouring house of 'East Croft' to the east and of a similar height to that of the pitched roofed, one and a half storey, neighbouring house named 'Nemeton' to the west. The proposed 'back house', which would occupy the southern part of the site, would be largely screened by the proposed 'front house' with only the eastern part of its front (north) elevation visible, albeit in limited and long distance views from the public road of Gosford Road. The front (north) elevation of the proposed 'front house' would be visible from the public road of Gosford Road.

As seen from the public road, the proposed 'front house' would maintain a similar position and alignment as that of the existing house. Only a limited part of the proposed 'back house' would be seen, albeit in limited views, from the public road of Gosford Road to the north. Although the proposed two houses would be modern contemporary designs, they would be seen in the context of their surroundings which are characterised by large detached houses which display a range of architectural forms, sizes, styles, heights and external finishes. Thus they would not appear as harmfully dominant, intrusive or

incongruous features within their streetscape setting. The single storey flat roofed outshots attached to their rear elevations would not be seen from a public place to the enclosures of the site. In all of this, and by virtue of their architectural forms, sizes, scales, massing, materials and positional relationships, the proposed two houses would complement the design and architectural variety of the existing houses within this part of the streetscape and would not be harmful to the character and appearance of the area.

The proposed two houses, as positioned and orientated on the site, would not harmfully change the pattern or density of the built form and layout of the existing houses to which they would become a part of. Accordingly, the proposed two houses would sit comfortably in their positional relationships relative to one another and to other neighbouring residential properties within this part of the streetscape. The proposed houses would be set within a sustainable and well-connected location and thus they would contribute to local living within the village of Longniddry. Moreover, the application site is of a size sufficiently capable of accommodating two houses on the site in the manner proposed, including an adequate level of provision of garden ground, vehicular access and off-street parking to serve each of them without being an overdevelopment of the site. Therefore, the proposed two houses and their associated works would not be a cramped form of infill housing development and would not be harmful to the character and appearance of the area.

It is proposed to form a new gated vehicular access within part of the north roadside boundary wall of the site to serve the proposed 'front house'. The opening to be formed in the north boundary wall to create the access would measure some 3.6 metres wide and the metal gates to be erected across it would measure some 600mm high. It would be positioned some 2.3 metres further westwards of the existing vehicular access already established within the east end of the north roadside boundary of the site and which would be utilised to serve the proposed 'back house'. The existing metal gates serving the existing vehicular access are also proposed to be replaced with new 600mm high metal gates.

The proposed vehicular gated access to be formed within the north roadside boundary wall of the site would be seen in relation to a number of residential properties in the streetscape which have vehicular accesses formed in their roadside boundaries, most of which are enclosed by metal or timber gates. The proposed vehicular access and its associated gates would be seen in relation to the existing vehicular accesses in the locality and thus they would be in keeping with their surroundings. So too would the proposed replacement metal gates to be installed across the existing access within the eastern end of the north roadside boundary of the site. In the context of their surroundings, these proposals would not appear as harmfully dominant or intrusive features. They would not be harmful to the character and appearance of the area.

It is also proposed to create an area of hardstanding, behind the proposed new gated vehicular access, to create a parking area to serve the proposed 'front house'. The proposed hardstanding area would comprise of grey coloured stone setts. In its relationship with the proposed gated vehicular access and by its extent, form and materials, the proposed area of hardstanding would be appropriate to its setting. So too would the proposed re-surfaced and extended driveway that would serve the proposed 'back house' and which would also comprise of grey coloured stone setts for its first 30 metres with the remainder of the driveway comprising of a gravelled finish thereafter. They would be in keeping with their surroundings and would not be harmful to the character and appearance of the area. So too would the external patio areas associated with each of the proposed two houses. The use of the areas of hardstanding would not allow for harmful overlooking of neighbouring residential properties due to the screening afforded by the existing boundary enclosures of the site.



The proposed lengths of 2.7 metres high brick wall would be erected within the site to separate the rear garden areas of the proposed 'front house' from that of the vehicular access and front garden area serving the proposed 'back house'. It is also proposed to erect a shorter length of some 600mm high brick wall between the east end of the front (north) elevation of the proposed 'front house' and the inner side of the north roadside boundary wall. By virtue of their extents, forms, materials and positions, the proposed lengths of brick walls would be appropriate to their place and well absorbed into their surroundings. They would not harm the character and appearance of the streetscape or of the area.

On these considerations of design, layout and density the proposed two houses and associated works are consistent with Policies 9, 14, 15 and 16 of NPF4, Policies RCA1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and with Supplementary Planning Guidance on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

Policy DP7 of the adopted East Lothian Local Development Plan 2018 requires, amongst other things, that in the case of infill, backland and garden ground development, the occupants of existing neighbouring development experience no significant loss of privacy and amenity. The privacy of existing and future residents must also be protected.

Policy DP2 requires, amongst other things, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties because of overshadowing or overlooking.

On the matter of the impact of the proposed houses on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

The sunlight test given in the Guide for assessing the loss of sunlight to neighbouring residential properties is conducted using sun-to-ground indicators that are placed over the application drawings and which are based on the sun's path on the 21st March of any calendar year. The guide recommends that at least half of a garden or amenity area should receive at least two hours of sunlight on the 21st March for it to be adequately sunlit throughout the year. Application of the sunlight test applied to the proposed two houses demonstrates that the rear gardens of the neighbouring houses named 'East Croft' to the east, 'Nemeton' to the west and the nearest neighbouring houses of 44 to 52 Douglas Road to the south would not be overshadowed to an extent that would be detrimental to the amenity of them. Accordingly, the proposed two houses would not result in a loss of sunlight to the rear gardens of those neighbouring residential properties.

By virtue of their sizes, heights, positions, orientations and distances away from the nearest neighbouring houses to the east, west and south, the proposed two houses would not give rise to a harmful loss of daylight to any neighbouring residential properties within the locality and thus they would not have a harmful affect on the residential amenity of any of those neighbouring properties.

The proposed two houses and their associated gardens would also receive a sufficient amount of daylight (skylight) and sunlight to give sufficient amenity to the future occupiers of them.

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

boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The windows and glazed door to be formed within the front (north) elevation wall of the proposed 'front house' would face towards the public road of Gosford Road to the north and thus they would not allow for harmful overlooking of the neighbouring residential properties on the opposite side of that intervening public road.

The windows to be formed in the rear (south) elevation wall of the two storey component of the proposed 'front house' would face at a distance of more than 9 metres away from the front garden of the proposed 'back house' and at a distance of more than 18 metres away from the windows to be formed in the front (north) elevation of the proposed 'back house'. Thus, as positioned and orientated on the site, the proposed two houses would afford the future occupiers with a sufficient degree of privacy and amenity from one another.

Notwithstanding the 2.7 metres high brick wall to be erected between the proposed two houses on the site, the windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'front house' would face onto the blank side (north) elevation wall of the flat roofed garage that would be attached to part of the front (north) elevation of the proposed 'back house'. Accordingly, and notwithstanding the high brick wall to be erected between the proposed two houses on the site, the windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'front house' would not allow for harmful overlooking of the windows to be formed in the front (north) elevation wall of the proposed 'back house' due to the positioning and orientation of its associated garage.

The window to be formed in the side (east) elevation wall of the single storey component of the proposed 'front house' would face towards the exposed driveway serving the 'back house' and otherwise towards the high hedging that encloses the east boundary of the site. It would not, therefore, allow for harmful overlooking to the detriment of the privacy and amenity of any neighbouring residential properties in that direction.

The windows and bi-fold glazed doors to be formed in the side (west) elevation wall of the single storey component of the proposed 'front house' would face, at a distance of more than 9 metres away from, the high hedge that encloses the west boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'Nemeton' to the west.

The windows and glazed doors to be formed in the rear (south) elevation wall of the two storey component of the proposed 'back house' would face at a distance of more than 9 metres away from the rear gardens of the neighbouring residential properties of 48 and 50 Douglas Road to the south and at a distance of more than 18 metres away from the windows formed in the rear (north) elevations of those neighbouring houses. Thus, they would not allow for harmful overlooking of any neighbouring residential properties in that direction.

The windows to be formed at ground floor level in the side (east) elevation wall of the proposed 'back house' would face towards the high hedge that encloses the east boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'East Croft' to the east.

The windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'back house' would face towards the high hedge that encloses the south

boundary of the site and thus they would not allow for harmful overlooking of the neighbouring residential property of 50 Douglas Road to the south.

The windows to be formed in the side (west) elevation wall of the single storey component of the proposed 'back house' would face, at a distance of more than 9 metres away from, the high hedge that encloses the west boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'Nemeton' to the west.

There is no proposal to form any windows or other glazed openings at first floor level within each of the side (east and west) gable ends of the proposed two houses. Windows or other glazed openings could be formed in those elevation walls at a later date (i.e. once the proposed two houses are built and occupied) without the need for planning permission. If formed within the side (east and west) gable ends of the proposed 'front house' they would face, within a distance of 18 metres, towards the first floor windows, which both serve bedrooms, within the gable ends of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The resultant overlooking would be harmful to the privacy and amenity of those neighbouring residential properties. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the side (east and west) elevation walls of the proposed 'front house'.

If formed within the side (east and west) gable ends of the proposed 'back house' they would face, within a distance of 9 metres, directly towards the rear gardens of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The resultant overlooking would be harmful to the privacy and amenity of those neighbouring residential properties. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the side (east and west) elevation walls of the proposed 'back house'.

There are also no windows or other glazed openings to be formed within the side (east and west) elevation walls of the single storey flat roofed 'link' that would project out from part the front (north) elevation of the proposed 'back house' and which otherwise would contain the double garage serving that house. However, any windows to be formed within the side (east and west) elevations of that single storey component would face towards the high hedging that encloses the east and west boundaries of the site and thus they would not allow for harmful overlooking of the rear gardens of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively.

Use of the proposed hardstanding areas, in which it is proposed to create the parking spaces, driveways and external patio areas serving each of the proposed two houses, would not allow for harmful overlooking of any neighbouring residential properties due to the high enclosures of the boundaries of the site.

The application drawings show that a new length of 2.7 metres high brick wall would divide and separate the garden areas of the proposed two houses from another. Subject to that length of high brick wall being erected in place prior to the occupation of either of the proposed two houses on the site, which can be controlled by a condition on a grant of planning permission, each of the proposed two houses would benefit from private garden areas and would afford the future occupiers of them with a sufficient degree of privacy and amenity from one another.

On these considerations of overlooking and overshadowing, and subject to the above aforementioned controls, the proposed new houses and their associated works would not

have a detrimental impact on the privacy and amenity of any neighbouring residential properties as a consequence of overshadowing or overlooking. The occupiers of the proposed houses would also benefit from a sufficient degree of privacy and residential amenity. Accordingly, the proposed two houses and their associated works would not conflict with Policy 14 of NPF4 or with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

Scottish Water raise no objection to this planning application and advise that there is currently sufficient capacity in the Castle Moffat Treatment Works to service the proposed development and that the proposed development would be serviced by Edinburgh PFI Waste Water Treatment Works.

The **Council's Flood Protection Officer** advises that SEPA's Flood Hazard Mapping indicates that the site is at risk in sections from a flood event with a return period of 1 in 200 years, plus climate change. He also advises that, as the site is for two houses, a basic drainage strategy and layout must be submitted prior to the application being determined for approval. Accordingly, and in order to address this matter, the applicant's agent has now submitted a Surface Water Management report and a drainage layout drawing relating to the site. The Council's Flood Protection Officer advises that he is satisfied with the information submitted and confirms that the site is not shown to be at flood risk and thus raises no objection to the location of the proposed two houses on the site. However, he also advises that prior to the commencement of development the applicant will need to submit a copy of Scottish Water's Technical Approval for the surface water drainage and connection proposals. Subject to this recommended control, the proposals do not conflict with Policy 22 of NPF4 or Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The **Council's Waste Services Team Manager** raises no objection to this application and advises that residents would be expected to present containers (for waste and recycling) at the kerbside on Gosford Road for collection on the appropriate days. Accordingly, it can be reasonably considered that the proposals do not conflict with Policy 12 of NPF4 or Policy W3 of the adopted East Lothian Local Development Plan 2018.

The **Council's Environmental Health Officer** raises no objection to this planning application.

The **Council's Land Contamination Officer** advises that, whilst there is no direct evidence to suggest any previous (historic) contaminative use of the site, there is a possibility that localised 'hotspots' of contamination may exist following the removal of the existing house from the site as well as areas of made ground within the wider site area. Therefore, the Council's Contaminated Land Officer recommends that a land contamination site investigation, risk assessment and remediation, as relevant, be undertaken on the site. This requirement can be controlled by a condition on a grant of planning permission.

The **Council's Road Services** advise that each of the proposed two houses would be served by two car parking spaces and an electric vehicle charging point which is consistent with the Council's parking standards. They state that they note that the existing access, which is relatively close to a bend in the road, is to be preserved to facilitate access to the proposed 'back house' and that a turning area will be provided to reduce the possibility of vehicles reversing out onto the road. They also note that a new gated access will be created to serve the proposed 'front house', which is located further away from the bend, and that the revised drawings indicate that the 600mm high gates, along with the reduction in height of part of the roadside boundary wall (from 1 metre high to 600mm high), will ensure that sufficient visibility is provided for exiting drivers to see traffic on the

carriageway and pedestrians on the footway. However, they recommend that a condition be imposed on a grant of planning permission to ensure that (i) the access, parking and turning arrangements shall be laid out, formed and made available for use as shown for them on drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'; (ii) the electric vehicle charging points, including any associated infrastructure for them, shall be fully formed and made available for use in the locations shown for them on drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'; (iii) a Construction Method Statement be submitted for the prior approval of the Planning Authority prior to the commencement of development. Accordingly, and subject to these recommended controls, the Council's Road Services raise no objection to this planning application being satisfied that the proposals do not conflict with Policy 13 of NPF4 or Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Landscape Officer** advises that the submitted tree survey identifies 8 trees on the site, along with the root protection areas of the retained trees and hedgerows, and that it includes a section on tree protection fencing design and location. Whilst 6 of the 8 trees are to be removed, the Council's Senior Landscape Officer advises that the proposed mitigating planting is generally acceptable but advises that, in order to break up the hardness of the proposed urban form of this development when viewed from the street, trees 3 and 4 should be changed to larger species trees (such as field maple or birch) and that a new tree (such as a rowan) be added to the west side of the proposed new entrance. Accordingly, the Council's Senior Landscape Officer raises no objection to this planning application providing that (i) the existing retained trees within the site are protected by temporary protective fencing in accordance with the positioning and details of the temporary protective fencing set out within the document titled 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3 February 2025; and (ii) a scheme of landscaping be submitted for the written approval of the Planning Authority prior to the commencement of development which includes details of the tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Subject to the imposition of these recommended conditions on a grant of planning permission, the proposals do not conflict with Policy 6 of NPF4 or Policy NH8 of the adopted East Lothian Local Development Plan 2018.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. The report will also set out how the development proposals will seek to minimise waste, use materials with the lowest forms of embodied carbon (such as recycled and natural materials) and use materials that are suitable for reuse with minimal processing. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 and 2 of NPF4 or Policy SEH1 of the adopted East Lothian Local Development Plan 2018.

With regards to Biodiversity, Policy 3 of NPF4 states, amongst other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Accordingly, should planning permission be granted, a condition shall be imposed requiring the submission of a report of the measures to be undertaken to enhance biodiversity on the site to be submitted prior to the commencement of development. Pending compliance with such a condition, the

proposals would comply with Policy 3 of NPF4.

On these considerations, the proposals are consistent with Policies 1, 2, 3, 6, 9, 12, 13, 14, 15, 16 and 22 of National Planning Framework 4 and with Policies RCA1, NH8, NH11, DP2, DP7, T1, T2, SEH2 and W3 of the adopted East Lothian Local Development Plan 2018. The proposals are also consistent with Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. Therefore, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

#### **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 A schedule and samples of the materials to be used as external finishes of the two houses hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. Thereafter the materials used shall accord with the samples so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed at first floor level within the side (east and west) elevation walls of the two houses hereby approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring properties to the east and west respectively.

- 5 The two houses hereby approved shall not be occupied unless and until the length of 2.7

metres high brick wall has been erected between the gardens of the two houses in the position shown for it on docketed drawing number 24149(PL) 402 Boundaries Revision A titled 'Proposed Site Boundaries'. Thereafter, the length of 2.7 metres high brick wall shall be retained in place and at that height unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupiers of the two houses hereby approved.

- 6 Prior to commencement of development hereby approved, confirmation of Scottish Water's technical approval of the surface water drainage and connection proposals for the development shall be submitted to and approved in advance by the Planning Authority.

Reason:

To ensure that the drainage design can be vested by Scottish Water in the interest of flood protection.

- 7 Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance in writing by the Planning Authority. The scheme shall include details of the following:

- Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- Phase II - 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; and an appraisal of the remediation methods available and proposal of the preferred option(s). It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.

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

Prior to the commencement of the development hereby approved on the site, and where risks have been identified, a detailed Remediation Statement shall be submitted for the prior approval of the Planning Authority. The Remediation Statement shall incorporate details that show that 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 shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to and approved in advance in writing by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Statement.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Before the proposed two houses hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the houses on

the site.

- 8 Prior to any use being made of the two houses hereby approved, the access, parking and turning arrangements shall be laid out, formed and made available for use as shown for them on docketed drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'. Thereafter, the access, parking and turning areas shall all be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety and to ensure a satisfactory provision of on-site parking and turning for the proposed development.

- 9 Prior to any use being made of the two houses hereby approved, the electric vehicle charging points, including any associated infrastructure for them, shall be fully formed and made available for use in the locations shown for them on docketed drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'. Thereafter the electric vehicle charging points and their associated infrastructure shall be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 10 Prior to the commencement of development hereby approved, 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 minimise the impact of construction activity in the interests of the amenity of the area.

- 11 No development shall take place on site until temporary protective fencing has been erected in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" and in strict accordance with the details and positions shown for them in the tree survey report titled 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3rd February 2025 which is docketed to this planning permission. The fencing must be fixed into 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 should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

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



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

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 12 No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall include details of tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. It shall also include indications of all existing trees and hedgerows on the land, details of those to be retained and measures for their protection.

Notwithstanding what is shown for it on the planting plan in Appendix 3 of the docketed 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3rd February 2025, the planting plan shall include:

- (i) a medium sized tree adjacent to the street in a position to the west side of the new vehicular entrance;
- (ii) a medium sized tree to the south of the cherry tree to be retained in the northwest corner;
- (iii) a medium sized species tree adjacent to the yew tree to the west boundary fence; and
- (iv) a medium sized species tree to the south boundary.

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. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased, within a period of ten years from the completion of the development 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 detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the implementation and retention thereafter of a scheme of landscaping in the interests of the character, appearance and visual amenity of the area.

- 13 Prior to the commencement of development hereby approved, 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. 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.

- 14 Prior to the commencement of development hereby approved, the details of the measures to be taken to enhance biodiversity within the application site shall be submitted to and approved by the Planning Authority which shall include a timetable for their implementation. Thereafter those measures identified to enhance biodiversity shall be carried out within the timescales stated, unless otherwise agreed in writing by the Planning Authority.

Reason:

To enhance biodiversity in accordance with Policy 3 of NPF4.