



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 1 APRIL 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor C Cassini
Councillor D Collins
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 S Akhtar

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Governance
Mr N Millar, Planner
Mr B Nicolson, Planner
Ms S McQueen, Planner
Mr S Robertson, Assistant Planner
Ms J Newcombe, Biodiversity Officer
Ms L Hunter, Senior Roads Officer
Mr M Greenshields, Senior Roads Officer
Ms S Cheyne, Projects Officer – Landscape
Ms P Gray, Communications Adviser
Ms E Barclay, Democratic Services Assistant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr D Anderson, Mr M Scott, Ms C Sutherland, Ms L Pinkerton, and Mr J Pinkerton
Item 3: Mr T Thomas
Item 4: Mr D Robbins, Mr G Jones, and Mr C Simpson

Apologies:

Councillor J Findlay

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

a. Planning Committee, 4 February 2025

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

b. Planning Committee, 4 March 2025

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

2. PLANNING APPLICATION NO. 24/00788/P: CHANGE OF USE OF GRASS VERGE TO FORM VEHICULAR ACCESS, ERECTION OF AGRICULTURAL BUILDING AND ASSOCIATED WORKS, 4 BOGGS HOLDINGS, THE BOGGS, PENCAITLAND, TRANENT

A report had been submitted in relation to Planning Application no. 24/00788/P. Bruce Nicolson, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Councillors. Mr Nicolson confirmed that the speed limit for the stretch of road going past the site had been reduced from 60mph to 40mph speed limit. He also advised that 120-metre sight lines were a minimum requirement. Jen Newcombe, Biodiversity Officer, agreed to take note of Councillor McIntosh's suggestion that the Biodiversity Enhancement Plan take account of planting to address additional water off run from the development, as well as the loss of two oak trees which had been felled by the applicant to assist with visibility splays.

Liz Hunter, Senior Roads Officer, responded to a number of questions from Councillor Akhtar, local member. Ms Hunter advised that the 40mph speed limit commenced some way south of the proposed development and required visibility splay, and had been introduced in 2018. She advised that this type of application would never require a traffic survey because it would generate such a small volume of traffic on the road through Boggs Holdings. The most recent traffic volume data and speed data had been collected in 2019 and 2021 respectively. She explained that neither data set raised concerns in terms of the volume of traffic this development would generate, and a traffic survey would only be required with an increase of around 10%; Ms Hunter was of the opinion that the development was unlikely to generate more than 10 to 20 vehicle movements per day, compared to the 1800 vehicles using the road per day in 2019. Ms Hunter reported that the Traffic Order for the speed limit change in 2018 stated that it followed representations from the community and concerns about speeding, and she advised that only accidents which related to personal injury were recorded by the police; the last such recorded accident on this road had been in 2013.

Responding to a further question from Councillor Akhtar, Mr Nicolson advised that a retrospective application had covered drainage works to the site, which had been investigated by the Council's Planning Enforcement officer, and clearing of a verge and removal of trees had also been investigated at this time. Mr Nicolson advised that he had first seen the gravel driveway now in place at the previous day's site visit.

Councillor McGinn asked a number of questions of officers. Ms Hunter advised that the applicant had not been asked about agricultural vehicle movements because it was felt that

there would be a very small number of vehicle movements from the shed on a daily basis. She reiterated that the expected increase in vehicle movements of around 1% meant that further information had not been required. Mr Nicolson also confirmed that planning permission had not been required to remove two trees which had been felled previously.

Councillor Cassini sought to establish that chickens would not be kept in the shed, which had been a concern for residents. Mr Nicolson responded that officers were content with the additional information provided by the applicant as to the shed's use, but highlighted that a specific recommended condition meant that the shed could not be used to keep poultry, rabbits, or pigs.

Councillor McMillan enquired as to whether a condition could be added to restrict entrance and egress from the site using only the new gateway, in order that there be fewer traffic movements on the lane. Mr Nicolson explained that the applicant had intimated that the primary function of the existing access point would be used to serve the house, and agricultural vehicles would use the proposed new access point. Mr Nicolson explained that the condition would have to meet the tests of Planning Circular 4 (1998); he did not see that this condition would be necessary, and pointed out that the existing lane also served a number of other properties. He felt the limited visibility where the lane came out onto the main road was the real problem, but as this was a public road, this was not a matter for the applicant to resolve. Mr Nicolson also felt that by putting in a new access, the applicant would potentially reduce the number of vehicle movements using this junction.

Councillor McMillan also asked whether consideration had been given to reducing the 40mph limit to 30mph or 20mph. Marshall Greenshields, Senior Roads Officer, responded that it would not be considered due to not meeting the current policy for a 30mph speed limit because it was not an urban environment and was not lit.

Responding to a question from Councillor Forrest, Ms Hunter advised that the new access would require a reduction of some of the surrounding vegetation to provide adequate visibility; this may result in an improvement to the existing access' visibility, but certainly would not have a detrimental impact. Councillor Collins added that drivers of agricultural vehicles would find using the new junction easier than using the existing junction, and also pointed out that visibility from these vehicles benefitted from the driver being sat higher up.

Councillor Akhtar asked whether a condition could be added, similar to that added to a previous application at 9 Boggs Holdings, that the storage would only be used for purposes incidental to the residential use and enjoyment of the dwelling house, and shall not be used as a separate dwelling house or for any business, trade, or other commercial use. Mr Nicolson responded that he was not aware of such a condition having been imposed on a purpose-built agricultural building.

Responding to questions from the Convener, Mr Nicolson advised that there would be nothing to prevent a future application being made to move the shed towards a poultry business, but any such application would be considered on its own merits. He pointed out that conditions made a distinction between agricultural use and use for poultry. He also noted that, under permitted development rights, a shed of two-thirds of the size of the proposed shed would have been allowed, but poultry still could not have been kept. Mr Nicolson also advised that the site extended to the boundary of the woodland on the east and south sides.

Dave Anderson, the applicant's agent, and Michael Scott, applicant, answered questions from Committee members. Responding to questions from Councillor Collins, Mr Scott advised that general agricultural machinery would be used; he intimated that the tractor may be an average-sized 200bhp model, and the telehandler might have a three-tonne capacity. Councillor Collins asked questions about the profitability of hens in such a size of shed. In

response, Mr Anderson made clear that the application did not include a proposal for hens, and Councillor Collins explained she had only hoped to alleviate residents' concerns.

Responding to questions from Councillor Cassini, Mr Anderson explained that the area for caring for sick animals in the shed was only for overwintering livestock and so on, and moving hens into this space would go against the principles of biosecurity, and would not be acceptable from insurance and regulatory perspectives. Responding to a question from Councillor Forrest, Mr Scott confirmed that the shed would only be used for the purposes as confirmed to the planning officer.

Responding to a question from Councillor McMillan, Mr Anderson agreed with Mr Nicolson's earlier point that a condition that the applicant could no longer use the existing access would not meet the planning test. Councillor McMillan responded that he felt that managing access to this junction would be helpful because residents had concerns about this area.

Responding to questions from Councillor McGinn, Mr Anderson and Mr Scott expected that there would be only two or three vehicle movements each day; this would change seasonally, and some days there would be no vehicle movements. Mr Scott advised that two trees had been felled for the sake of road safety, and one had been felled by a storm; he said that the trees had had problems with their branches. He advised that a firm had carried out that work, and no permissions had been required. Mr Scott also confirmed that he did not envision changing the use of the barn to house poultry.

Councillor Akhtar asked about the applicant's engagement with residents. Mr Anderson pointed out that, because East Lothian's procedures did not allow applicants to see who had submitted objections, it was not possible to find out who to engage with. He added that he had not considered that the application would be controversial. He said that his organisation was not difficult to contact, but no one had approached Mr Scott or his agents.

Responding to further questions from Councillor Akhtar, Mr Anderson felt it was difficult to give an exact figure as to vehicle movements, but pointed out that Mr Scott spent most of his time at his primary business at Howden Farm, and Boggs Holdings would be his own residence; thus, there could only be limited vehicle movements resulting from the proposed development. Regarding possible alternative entrances onto the B6355, Mr Anderson highlighted restrictions in terms of: the limit of ownership of land; planning merits; removal of features under National Planning Framework 4 (NPF4); obligations to ensure biodiversity is enhanced; and the need to look for a sensible and safe entranceway with the required visibility splays. He confirmed that the woodland was not within Mr Scott's ownership. Mr Anderson took issue with the broad classification of prime agricultural land, given the land's small footprint, historic use for grazing, and that the field had not been used for arable purposes.

Mr Scott and Mr Anderson responded to further questions from Councillor Gilbert and the Convener. Mr Anderson advised that traffic movements could include farm pickup, movements of domestic vehicles, machinery for drainage, tractors, forklifts, or HGVs, but not abnormal loads; he pointed out that there would only be space for standard agricultural equipment in the shed. Mr Anderson advised that the Council had indicated that properties could not be built at Howden Farm, the site of Mr Scott's primary business, due to limitations on housebuilding in the countryside.

Responding to a question from Councillor McGinn, Keith Dingwall, Service Manager – Planning and Chief Planning Officer, advised that the Planning Authority had control over certain trees only they were covered by a Tree Preservation Order (TPO), subject to a planning condition, or in a conservation area; none of these applied in this case. As the volume of the trees had been less than five cubic metres, then no felling licence had been required from Scottish Forestry. He advised that Landscape Officers had become aware of the felling due to complaints made, but they had not been aware of whether the trees had been healthy.

Carol Sutherland spoke against the application on behalf of the residents of Boggs Holdings, alongside the other objectors, Lindsey and James Pinkerton. Ms Sutherland reported that the residents disagreed that there was an adequate level of information to assess the proposal, and their main areas of concern were road safety and environmental impact. She was concerned that the potential volume of traffic using the proposed entrance had increased at each stage of the application, leading to the conclusion that there would be heavy traffic; otherwise, the existing entrance could have been used. She considered that an increase of only five vehicles per day would make a significant difference to vehicles coming out of the lane, and questioned how a decision could be made without an assessment of the likely frequency of vehicles. She was also concerned over the Council's lack of risk assessment on the siting of the gate, and felt that many accidents had been ignored by Road Services' statement that they did not consider the road to have an existing problematic personal injury accident record. She referred to a serious accident on this dangerous stretch of road, and highlighted the increase in heavy traffic. She reported that the sightlines of the two lanes serving 11 properties were already compromised for cars, and reported that several cars had gone through hedges. She advised that the end of one lane, where residents had to edge their vehicles out, was virtually opposite the proposed entrance, and she was concerned that large vehicles would risk collision by crossing both carriageways. She noted that the Council and Police Scotland had already recognised the danger of the road by reducing the speed limit, and pointed out that some residents had suggested an alternative to the proposed access. She summarised that this section of the B6363 was already dangerous, that the proposed entrance would make the situation worse, and that there was a lack of information about the volume of traffic and no risk assessment. She advised that the community considered the application should be refused because it did not comply with the Pencaitland Development Plan, which included a commitment to the safety of residents.

Ms Pinkerton spoke against the application. She had lived at Boggs Holdings for 26 years, and made points about the environmental impact of the development. She felt that the proposed new shed would be out of keeping with the surrounding landscape and would change the nature of the Boggs Holdings settlement. She felt it would create a precedent that would allow encroachment of industrial-scale commercial development, and felt that that shed was not in keeping with the small size of plots, of up to only 10 acres, at Boggs Holdings; she considered that size of the shed was disproportionate to the five acres of cultivable land it would serve. She considered that a previous application at 9 Boggs Holdings had more stringent conditions attached, and felt there had been a lack of transparency around the application at 4 Boggs Holdings. She highlighted errors in the original application form and in COGEO's reports and information, and raised that the matter of whether a new or altered water supply or drainage arrangements was required remained unanswered. She questioned how much interaction there would be between the property and the family's business at Howden Farm. She highlighted examples of how biodiversity was dealt with in the application, and pointed out that there were no details of water supply, drainage, and no evidence of rainfall capture of the extensive roof area; since it was proposed that sheep and cattle be kept there, she questioned how the shed would be cleaned. She highlighted that one of the applicant's first actions after taking possession of the property had been to fell two oak trees, which were approximately 100 years old. She also said that the applicant's statement that the shed and access track would not be developed on prime agricultural land was incorrect. She concluded by asking whether there would be industrial lighting on the development which could impact on neighbours.

Mr Pinkerton spoke against the application. He provided some of the history of Boggs Holdings from the Pencaitland and District Place Plan, and detailed ways in which Boggs Holdings had been recognised as a historic and important site. He drew comparison to the outbuilding at 9 Boggs Holdings, and said the proposed shed would be twice as large as this structure. He reported that the hedge removal was a clear breach of the property's legal burdens, and questioned whether the Council wanted to be party to a breach of these burdens. He raised

concern about the size of the proposed shed, and reiterated Ms Pinkerton's question asking why the condition which was applied to the outbuilding at 9 Boggs Holdings could not be applied here; he felt this represented an issue of consistency. He reported that no one had supported the proposals on the grounds of safety at a well-attended community meeting, and said the community would decide whether any further steps would be taken. He concluded that the application would set a precedent for possible large-scale agricultural industrial buildings in Boggs Holdings in the future, which he said countered the position taken by the Council when assessing the application for 9 Boggs Holdings. He asserted that there were no advantages to the community, and there would probably be significant road safety issues for all road users, including cyclists, pedestrians, and horse riders. He stated that the Boggs community considered that the proposed development, due to its scale, size, and design, would not be in keeping with the character of the area and not appropriate to its location in terms of its positioning, size, form, massing, proportion, and scale; thus, they considered that the application did not comply with NPF4 Policies 14 and 29 and Policy DP1 of the East Lothian Local Development Plan (LDP) 2018 and should be refused. He also considered that it should be refused on the grounds of road safety in the absence of an up-to-date survey of road use and proper risk assessment.

Responding to a question from Councillor Akhtar, Mr Anderson advised that French drains would serve the shed, and any sheep and cattle would be kept on dry bedding.

Councillor Akhtar thanked the objectors who had spoken, and implored the Planning Committee to listen to the views of residents. She commented that the B6363 was a busy road which had seen an increase in the volume of traffic in the last decade, and she also highlighted the accident rate. She felt that the level of increase in traffic from the development would be detrimental to residents. She highlighted the lack of road safety survey carried out, except by residents. She was also concerned that the future use of the proposed shed seemed very unclear. She felt that some of the work already carried out had changed the character of Boggs Holdings, including the felling of trees. She asked the Committee to consider the residents' objections and consider how East Lothian's steadings be protected. She felt that farming and business had to be done in keeping with a place's character, and working with residents and the environment. She felt that the lack of engagement in this case had been unfortunate, and she asked Committee members not to support the application.

Councillor McGinn expressed astonishment that tree felling of the type carried out by the applicant did not require permission; he thought the decision to fell two century-old oak trees without real reason showed a lack of environmental conscience. He reported that issues about this road had regularly been brought to the Fa'side Community and Police Partnership as a constant concern for residents and Roads Officers, so he had been surprised to hear that speeding and the volume of traffic was not considered to be of concern. He asserted that the volume of traffic would continue to increase, including HGVs, thus increasing safety issues. He would therefore vote against the officer's recommendation to grant consent.

Councillor Forrest commented that it would not have been difficult to engage with residents, and that engagement could have helped alleviate concerns. He was unhappy with the felling of the trees, and felt that the effort which had been put into developing a wide access point meant that the likelihood of more vehicle movements was high. He also thought that there were lessons to be learned in engaging with a small community when planning a development.

Councillor McMillan, local member, said he had listened carefully to objectors about the nature of Boggs Holdings. He felt the two issues were of continuing agriculture and of road safety, and he had personally witnessed cars speeding along the road. He felt that the proposed building continued the agricultural nature of the area and the character of Boggs Holdings. He acknowledged the concerns about the number of vehicle movements from the development. He was minded to support the application, but still had fears about the use of the busy lane; he wished to explore how to reduce the number of vehicles using the lane. He also asked

whether a road safety policy could be conditioned, and about a possible reduction in speed to 30mph and signage. He felt that there was a balance to be struck between business, agriculture, and preserving Boggs Holdings. He considered the main issue to be road safety, and wanted the Council to be proactive in improving the situation on the lane and with the issue of speeding and monitoring of speed.

Councillor Collins had found the site visit helpful in being able to gauge sightlines. She assumed that the tractor would be used at the family's farm as well as to service the small plot. She commented that the size of sheds had to expand to fit larger machinery. She thought that accommodating poultry at the site would not be profitable. She would support a further reduction in speed and/or moving the 40mph limit further back. She supported the proposed new entrance because she had experience of the lanes being awkward to access in a tractor or with a trailer. She considered that the gravel driveway would be eroded for residents, so thought some dialogue on this matter was required. She felt the use of the shed fit the agricultural activities reported by the applicant, but she still had concerns about speeding.

Councillor McLeod pointed out that the site was an agricultural site, and that speeding was a police matter. He considered that signs would not always change behaviour. He thought that the applicant had been considerate in developing another access point, and using this separate entrance was the most sensible approach. He would support Committee members if there was a proposal to reduce the speed limit, but he maintained that speeding was more of a police matter. He had found the site visit useful, and his concerns that the shed may be used for poultry had been alleviated.

Councillor McIntosh commented that the decision was difficult; she appreciated the strength of feeling from residents, but could not see that there were NPF4 or LDP policies that the application was in contravention of. She was disappointed by the felling of the oak trees and felt frustrated that there was not more power in this area; the limit of the Committee's influence was to ask the Biodiversity Officer to take the loss of these trees into account when signing off the Biodiversity Enhancement Plan. She was sympathetic to residents' concerns over road safety, but felt there was much improved visibility at the proposed new junction than at the existing lane, and commented that concerns about the increase in speed and volume of traffic were not the fault of the applicant. She discussed how the planning process could help decrease traffic, such as implementing policies to discourage car use and encourage public transport, but pointed out that public transport connections to rural locations had been worsening. She agreed that the proposal would add a small number of vehicle movements, and thought that, while concerns about the volume of traffic were understandable, the solutions to this issue lay elsewhere. She would support the application.

Councillor Gilbert understood and acknowledged the objectors' concerns about road safety. He pointed out that a lot of applications raised concerns about road safety and speeding, but he saw nothing to reject the application on the grounds of road safety, so he would support the application.

The Convener had observed at the site visit that work had already started; he did not support this, and the Planning Authority expected consent to be obtained prior to commencement of work, including the removal of the trees and creation of the new entranceway. He commented that speeding was not the fault of the applicant, and had to be addressed by the Council. The Convener said that now he understood that the applicant would move into the property and that there was no opportunity to build at Howden Farm, he was content with the assessments made, and felt the proposed building was appropriate to the site and would support an existing rural business. He would support the officer's recommendation to grant consent.

Mr Dingwall responded to points made by various Committee members. He noted that the Roads Officer was content that the development would not result in a 10% increase in traffic. In terms of whether it would be competent to impose a condition, the six tests of Planning

Circular 4 (1998) had to be met; Mr Dingwall agreed with the Convener and Mr Nicolson that it could not be argued that a condition to close off access from the house to the lane would be necessary because this development would not make that situation worse. However, Mr Dingwall suggested that a condition could be added to require that vehicular access to the agricultural building would only be via the new access (as noted at Condition 9). This suggested condition was formally proposed by Councillor McMillan and seconded by Councillor Gilbert.

Councillor McMillan asked whether a condition to carry out a road survey could be added, but the Convener responded that this would have to be taken forward by the Council.

Councillor Akhtar asked for the minute to reflect that 4 Boggs Holdings had direct access to the B6355, and not through the trees where there were no dwellings.

The Convener moved to a roll call vote. All Planning Committee members supported the officer's recommendation, with the additional condition proposed by Councillor McMillan, apart from Councillor McGinn, who voted to refuse the application.

Decision

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

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

Reason:

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

- 2 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

Road 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

To enable the Planning Authority to consider this matter in greater detail.

- 8 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.

- 9 Vehicular access to the agricultural building shall only access and egress it by way of the new access hereby approved, and not by the existing access serving the residential property of 4 Boggs Holdings.

Reason

In the interest of road safety.

3. PLANNING APPLICATION NO. 23/00786/AMM: 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), WHITEKIRK HILL, WHITEKIRK, NORTH BERWICK

A report had been submitted in relation to Planning Application no. 23/00786/AMM. Stephanie McQueen, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Councillor McIntosh asked whether installation of 22 new gas boilers in the lodges was in contravention of the New Build Heat Standard legislation. Ms McQueen pointed out that some of the proposals pertained to the original planning permission in principle, and Mr Dingwall pointed out that the New Build Heat Standard was not planning legislation.

Councillor Gilbert asked about the distance of the lodges from the car park, and the potential that this could exclude some disabled people from using the small lodges. Ms McQueen advised that some of the small lodges were closer to the parking area than others. She also thought that the 50m x 6m parking area could fit 15-20 cars.

Tony Thomas, the applicant's agent, spoke to the application. He described the business' full offer, including five-star accommodation, gym, cafe, and as a Parkrun destination. He also highlighted schemes the business took part in to benefit young people in the workforce, including a Youth Ambassador Programme, and its support of local charities. He advised that bookings in 2025 were already strong. He pointed out that the lodges were barely visible from outwith the site. He highlighted that there had been no objections from the public or key consultees. He explained that a number of delays in the process had meant that the business had to press on in getting the lodges ready for the 2025 season, and apologised that the application was therefore partially retrospective. He advised that the business had gained knowledge from its first two phases, and now provided smaller lodges in line with customer demand. He commended the report of handling, and summarised that the business sought to grow in line with its original planning permission.

Councillor McIntosh reiterated her earlier question as to why gas boilers were being installed in the lodges. Mr Thomas advised that the determination had been made as part of the original planning permission, but advised that the boilers were set up for future hydrogen conversion. Councillor McIntosh responded that hydrogen was not seriously being considered as an alternative domestic energy source. Mr Thomas advised that there had been concerns over the commercial viability of installing air source heat pumps, and said that solar panels and wind farms would not be appropriate in the location. He pointed out that the business had installed appropriate insulation and glazing, had won environmental awards from Visit Scotland, and was working towards net zero accreditation. Councillor McIntosh responded that the installation of gas boilers in the new buildings was in contravention of the New Build Heat Standard.

The Convener pointed out that permission to install gas boilers had been approved under the original consent. In response to a question from the Convener, Mr Thomas was unable to confirm whether the building warrant had been approved.

Councillor McLeod described the facility as a flagship for East Lothian. He would support the application.

Councillor McMillan said he would support the application, and paid tribute to the late Jim Wilkie, whose vision Whitekirk Hill had been. He commented that Whitekirk Hill was turning into a popular destination for both shorter and longer stays.

Councillor McGinn commented on the success story of Whitekirk Hill, and highlighted the local employment provided, and that young people had positive experiences working there. He also highlighted various events and functions held at Whitekirk Hill, and said that the venue enhanced the provision across East Lothian.

Councillor McIntosh agreed that Whitekirk Hill was a lovely venue, and had no concerns overall about the lodges or how they were designed. She felt that good answers had not been provided to her questions about the heating of the lodges and whether installation of gas boilers was in contravention of the New Build Heat Standards. She said she did not understand how we could not know whether the proposals were in keeping with the New Build Heat

Standard; as such, she would abstain from voting because she did not feel she had adequate information, and because she could not support installing 22 new gas boilers. However, she applauded the other environmental credentials of the development.

The Convener commented on the success of the business, and said that East Lothian would benefit from having more of these types of facilities. He reported that Scottish Gas had not ruled out a move to hydrogen and were willing to invest, and pointed out that other countries had moved to heating with hydrogen. He supported the application and welcomed the work that had been done at Whitekirk Hill.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent. The Planning Committee members all indicated their support for the officer's recommendation, apart from Councillor McIntosh, who abstained.

Decision

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

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

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

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

Reason:

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

- 2 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 Part 2A 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 advance 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.

4. PLANNING APPLICATION NO. 24/01416/P: ERECTION OF TWO HOUSES AND ASSOCIATED WORKS, LAND AT DAVANMORE, 19 GOSFORD ROAD, LONGNIDDRY

A report had been submitted in relation to Planning Application No. 24/01416/P. Neil Millar presented the report, highlighting the salient points. The report recommendation was to grant consent.

Mr Millar responded to questions from Councillors Yorkston and Collins. He confirmed that there would be two separate entrances for each of the two proposed properties, and thought that the driveway, the existing access which served the site, was around 50 metres long from the back edge of Gosford Road; Councillor Yorkston responded that this alleviated concerns about visitor parking. Mr Millar also advised that there were a number of infill houses within this part of the streetscape, which contributed to the character of the area, and he highlighted some examples.

Gareth Jones spoke to the application. He highlighted the high aspirations for the project in terms of the architecture and heating system. He advised that, as well as his architect's firm being interested in one-off design-led contextual buildings, the client was also a developer with an interest and qualifications in green architecture.

The Convener advised that the comments of one of the objectors, Martin Rennie, had been emailed to Committee members because Mr Rennie had had to leave the meeting.

Charles Simpson spoke against the application. He advised that he lived opposite the proposed development, and said he had been shocked when plans had been presented for two 4-bedroom houses, as these were so different to the present cottage style property. He felt that Davanmore's garden, which had suffered in recent years, was still a recoverable large green space. He considered the paving over and development of this green space to be a shame from an environmental perspective, and considered increased profit to be the only purpose of the proposals; he felt that such shoehorning of houses to be of significant detriment to the environment, particularly when replicated around the country. He was also concerned that the increased traffic from the two houses could lead to traffic and parking problems on

Gosford Road, which had become busier with cars and HGVs in recent years. He reported that drivers of cars and HGVs already found the corner problematic when travelling west on Gosford Road, and often drove well over the white line; he considered that any on-street parking and the additional entrance to Gosford Road would exacerbate this problem, and would make access to neighbouring properties more difficult.

Councillor Yorkston, local member, pointed to a number of concerns he had previously had, but which had been addressed by the report of handling, and by Conditions 8 and 10. He was also content that conditions adequately addressed any potential for loss of privacy of neighbouring properties. He pointed to the range of architectural styles on the street, and felt that the character of the area could be enhanced by the development. He agreed with a comment in the report that said that the application site was sufficiently capable of accommodating two houses, and as such, he would support the officer's recommendation to grant consent.

Councillor Forrest said that, while on the site visit, he had observed that the site was much larger than it appeared, and he felt reassured by the work being undertaken to respond to the site. He would support the officer's recommendation to grant consent.

Councillor Collins had found the site visit helpful in being able to gauge the size of the application site, and thought the houses would fit well. She felt that a previous owner, an architectural engineer, would have been pleased with the proposed type of buildings, and she would support the application.

Councillor Gilbert, local member, supported Councillor Yorkston's comments with regards to parking; he could not foresee any particular problems with parking, and would support the application.

Councillor McMillan thought that that the new occupants and neighbours would be alert to any potential issues entering and exiting the site. He had read Longniddry Community Council's comments carefully, but thought the designs would add value to the community and character of Gosford Road. He commented that the new residents would be welcomed into the Longniddry community. He would support the officer's recommendation to grant consent.

The Convener concurred with his colleagues' comments. He commented positively on the use of the land to accommodate an additional two houses, which would decrease the need to use land in the countryside for housing. He felt that the proposals were well laid out, the quality would be high, and the homes would be energy efficient. He would support the officer's recommendation to grant consent.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent, and Planning Committee members unanimously indicated their support.

Decision

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

- 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.

Signed

.....
Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee

MEETING DATE: 6 May 2025

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

2

***Note:** This application has been called off the Scheme of Delegation List by Councillor Collins for the following reason: Due to local concerns regarding flooding and possible environmental impact.*

Application no. **24/01004/P**

Proposal Installation of surface water pipe

Location **Land East of Dunbar Garden Centre
Spott Road
Dunbar
East Lothian**

Applicant Burness Paull

Per RDRL Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

APPLICATION SITE AND BACKGROUND

The application site consists of a linear area of land of 0.1 hectares that is partly located on the western part of what is currently an agricultural field comprising part of the allocated site of Proposal DR7: Land at Spott Road by the adopted East Lothian Local Development Plan 2018 and which continues eastward along the south side of the old A1 road, under the A1087 road and terminates at the Brox Burn to the east of the residential properties of Ancroft. The land of Proposal DR7 is allocated for employment uses.

The site is within the Battle of Dunbar II Historic Battlefield site.

On 22 April 2022 planning permission (ref: 20/00916/P) was granted for the laying of infrastructure including roads and footpaths, street lighting and drainage infrastructure within the Proposal DR7 site to facilitate development of it.

The drainage strategy approved by planning permission 20/00916/P showed that surface water drainage from the western part of the Proposal DR7 site would discharge into an existing manhole at Spott Road, with the surface water drainage from the eastern part of the site discharging into the Brox Burn.

In the supporting statement submitted with this application it informs that through planning permission 20/00916/P approval was given to take the majority of the surface water from the future development of the Proposal DR7 site westwards to a connection point on Spott Road/Kellie Road, with later phases of development on the eastern part of the site utilising the existing surface water pipe infrastructure eastwards to the discharge into the Brox Burn.

The supporting statement further states in order to mitigate any potential capacity constraints at the combined drainage system at Spott Road/Kellie Road and not to inhibit future developments elsewhere in Dunbar connecting to it, Scottish Water have requested the applicant to take the entire surface water output from the Proposal DR7 site eastward to discharge into the Brox Burn. In addition to this the supporting statement informs that additional SuDS measures would be designed and installed for each development plot within the Proposal DR7 site to provide discharge flows within the required parameters.

The application is also accompanied by a Drainage Impact Flood Risk Assessment report.

PROPOSAL

Planning permission is now sought through this application for the installation of a surface water drainage pipe within the Proposal DR7 site which would run in an easterly direction to an existing outfall point at the Brox Burn. The route of the proposed surface water drainage pipe is some 790 metres long, with some 390 metres within the Proposal DR7 site and some 410 metres adjacent to the former old A1 road (where it would also pass under the East Coast Main Line), across the A1087 road to the south of the properties of Ancroft where it would connect to the existing outfall to the Brox Burn.

The proposed surface water drainage pipe would be 450mm in diameter and would replace the existing 150mm diameter surface water drainage pipe at a depth between 0.45 metres to 2.0 metres.

DEVELOPMENT PLAN

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

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

Policies 7 (Historic assets and places) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application.

Proposal DR7: Land at Spott Road, Dunbar and Policies DP1 (Landscape Character), CH5 (Battlefields) and NH11 (Flood Risk) of the LDP are relevant to the determination of the application.

REPRESENTATIONS

Five written representations have been received to this application, all of which object to it. The main grounds of objection can be summarised as follows:

- * The proposed surface water drainage pipe would pass through private land jointly owned by the residents of Ancroft;
- * The proposed surface water drainage pipe may affect a private septic tank;
- * There already exists erosion at the bank of the Brox Burn; and
- * The proposed surface water drainage pipe would lead to surface water flooding to adjoining land and properties.

With regard to the objection on land ownership, the applicant was asked for information on land ownership of the area of land where the proposed surface water drainage pipe would be installed to the southeast of the properties of Ancroft, as it has been asserted this is jointly owned by the six residents of Ancroft. The applicant provided title plans from the Land Register of Scotland and information from Companies House that demonstrates the land is not jointly owned by the six residents of Ancroft but a now dissolved company.

This information was passed back to the objector, and the objector was not able to provide any information to prove the area of land in question is jointly owned by the six residents of Ancroft.

Any damage to private property as a result of the proposed development would be a civil matter and is not a material consideration in the determination of a planning application.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council object to the proposed development on the following main grounds:

- * the proposal is not connected in any way to future plans for the site and there is no way of knowing or understanding what the final demand for surface water disposal volumes will be for a fully developed site, all of which would seek to use this pipeline;
- * there is no provision for a sensitively designed SUDS pond on the Dunbar Park site which would ensure that surface water would only move off the site in exceptional (1 in 50/100 year) instances and then, only in volumes that

would not increase flood risk at the Brox Burn;

- * current residents at Ancroft are already being refused insurance because of flood risk at the Brox Burn and any additional water load to the burn can only exacerbate this risk

- * the proposed route crosses privately maintained septic tank infrastructure and consent has not been given for a wayleave for any new pipework.

West Barns Community Council object to the proposed development on the following main grounds:

- * the outflow of the pipe into the watercourse of the Brox Burn impacts on the septic tank infrastructure of the 6 homes at Ancroft. The residents have not given permission for excavation near their septic tanks to install the pipe;

- * the Brox Burn area has seen an increased history of flooding during heavy rain in recent years; there is concern that this development will increase the flood risk to properties nearby;

- * there should be a masterplan for drainage across the site. At present it is not known what the eventual water use of the development will be once completed and thus it is not known what the potential will be for outflow through the pipe into the Brox Burn.

- * alternative options for drainage should be considered;

- * concern about the wider impact of developments along the A1 corridor on drainage and flooding.

As mentioned above any impacts to private property as a result of the proposed development would be a civil matter and is not a material consideration in the determination of a planning application.

PLANNING ASSESSMENT

As the proposed surface water drainage pipe would provide for infrastructure that would facilitate development of the site the subject of Proposal DR7: Land at Spott Road such development would be consistent with Proposal DR7 of the adopted East Lothian Local Development.

The proposed surface water drainage pipe would be located underground. By being located beneath the upper surface level of the land in which it would be located it would not be visible in public views and thus would not be harmfully intrusive, incongruous or exposed in its landscape setting or be harmful to the character and appearance of the landscape of the area, consistent with Policy DP1 of the LDP.

The proposed surface water drainage pipe would not harm the residential amenity of any neighbouring residential properties.

Historic Environment Scotland raise no objection to the application being satisfied that it would not have a significant adverse affect on the key features of the Battle of Dunbar II historic battlefield site. On this consideration the proposed development is consistent with Policy 7 of NPF4 and Policy CH5 of the LDP.

The Council's Road Services advise that the information submitted with this application indicates that the proposed surface water drainage pipe would be private apparatus that will cross under the U222 and the A1087 roads, both of which are part of the public road network, and that only apparatus which is owned and maintained by a public utility may be placed in or under the public road. However, that is a matter between the applicant and the Council as Roads Authority and would be dealt with under legislation other than planning.

Network Rail have been consulted on the application and raise no objection to the proposed development, advising that the design and construction of the proposed surface water drainage pipe must be carried out in full agreement with Network Rail. Network Rail's response has been sent to the applicant.

Scottish Environment Protection Agency (SEPA) have been consulted on the application and advise they raise no objection to the proposed surface water drainage pipe, satisfied that predicated flows would not result in any flood risk.

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

The **Council's Team Manager - Flooding and Structures** advises that the surface water output from the Proposal DR7 site through the proposed surface water pipe should be limited at the point of exit into the Brox Burn, and in this regard the pipe would be fitted with a hydrobrake to limit the output to 43 litres per second.

The Team Manager - Flooding and Structures advises that as long as that limit is maintained then the proposed surface water pipe, in its use as surface water run off for future development of the Proposal DR7 site, would not result in a flood risk to any property or neighbouring land use. Therefore, the Team Manager - Flooding and Structures raises no objection to the application.

This limit for the surface water output can be controlled by a condition on a grant of planning permission, in which case on the above considerations of flood risk, the proposed development does not conflict with Policy 22 of NPF4 or with Policy NH11 of the LDP.

Moreover, any future development on the Proposal DR7 site would have to be accompanied by a drainage strategy to ensure surface water would not lead to any on or off-site flooding.

In conclusion, the proposal is 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.

4 CONDITIONS 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 Unless otherwise approved in writing by the Planning Authority, the surface water pipe hereby approved shall be designed and constructed such that the surface water output from it into the Brox Burn does not exceed 43 litres per second. The surface water pipe shall be fitted with a hydrobrake or similar flow-restricting device to ensure the surface water flow does not exceed that output amount.

Reason:

In the interests of flood protection.

REPORT TO: Planning Committee
MEETING DATE: 6 May 2025
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

3

Note: *This application has been called off the Scheme of Delegation List by Councillor McFarlane for the following reason:* It would be beneficial for the Committee to visit the site and assess this application. These are minor changes to a one-off property, replacing mostly non-original windows with the same type of windows used in other parts of the property, so I would like this application to be reviewed at Committee.

Application no. **24/01380/LBC**
Proposal Replacement windows
Location **Engine Cottage
Abbotsford Road
North Berwick
EH39 5DA**

Applicant Mr Alan Brown and Ms Sue Parry
Per Somner Macdonald Architects

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

This application relates to a two storey, detached building that is listed as being of special architectural or historic interest (Category B). The building is located within the North Berwick Conservation Area.

Listed building consent is sought for the replacement of eight, white painted timber framed windows of a variety of glazing patterns within the building with double glazed, grey coloured, aluclad windows. the proposed replacement windows would replicate the glazing pattern of the existing windows they would replace but would have "plant on" astragals. The proposed window frame colour would be Tarpaulin Grey (RAL 7010).

DEVELOPMENT PLAN

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.

The Historic Environment Policy Statement and National Planning Framework 4 echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Policy 7 (Historic Assets and Places) of NPF4 is relevant to the determination of this application. Policies CH1 (Listed Buildings) and CH2 (Development Affecting Conservation Areas) of the adopted East Lothian Local Development Plan 2018 are also relevant to the determination of this application.

REPRESENTATION

One letter of objection has been received in relation to the application, the main grounds of objection are:

- (i) The application has not been accompanied by a heritage statement by a specialist advisor, the accompanying report fails to consider alternative options and only the applicant's preference, there is no assessment of the effect upon the heritage value of the building;
- (ii) The proposed materials are modern and unsympathetic, the use of false glazing bars is an incorrect approach to window replacement in this listed building. Some of the windows are late 20th century replacements that are unconvincing and intrusive. They should not be the basis on which any future models are based;
- (iii) Any replacement windows should look to the historic appearance of the building and not to windows inserted when the building was not listed;

- (iv) The proposal conflicts with policy 7 of NPF4; and
- (v) The proposal conflicts with policy CH1 of the East Lothian Local Development Plan and supplementary planning guidance.

PLANNING ASSESSMENT

Policy 7(c) of NPF4 and Policy CH1 of the adopted East Lothian Local Development Plan states that development proposals for the alteration of a listed building will only be supported where the alterations preserve its character and special architectural or historic interest.

On the matter of replacement windows within listed buildings the Council's Supplementary Planning Guidance 2018, Cultural Heritage and the Built Environment echo's the advice of Historic Environment Scotland's "Managing Change in the Historic Environment: Windows - January 2018 which states that original windows should be retained and where necessary repaired. Where a window is proposed for replacement a survey report of the window to be replaced must be submitted that demonstrates that the window cannot be repaired. Only where repair is shown to be impossible should replacement be accepted. Replacement windows will normally be required to exactly match the original window in all respects, including proportions of the window opening, opening methods, materials, colour, astragal profile if appropriate and glazing. Permission will not be granted for a replacement window that is visibly different to an existing original window.

The applicant's agent submitted a window report with the application that details that the windows of the building are not original windows but were installed when the building was converted to a house. The window report also gives an overview of the condition of the existing windows. It states that the timber windows which are of a variety of glazing patterns have varying degrees of rotting and damage with warped frames and rotting astragals and cills. Additionally, some of the windows are unopenable due to eroding and rusting of the metal frames. No information or Heritage Assessment has been submitted to support or justify the change in the framing material of the windows from timber to aluclad window frames or to support the change in the colour of the frames from white to grey.

Historic Environment Scotland's Descriptive list informs that Engine Cottage was listed as being of special architectural or historic interest in 1988. It also informs that some of the windows of the building have been altered and are not the original windows of the building.

Whilst not all the windows of the building are original windows, all the windows to be replaced have white painted timber frames. A number of the windows have astragals.

The existing white painted, single glazed, timber framed windows of the building are an intrinsic component of its special architectural or historic interest and were so at the time the building was listed. Those windows, particularly the existing astragalled windows, make a positive contribution to the special architectural or historic interest of the listed building and the contribution that the building makes

to the character and appearance of this part of North Berwick Conservation Area. The loss of the single glazed, timber framed windows and their replacement with grey coloured, non-traditional aluclad windows, some with unauthentic plant on type astragals would significantly change the character and appearance of this listed building in a manner that would harm the special architectural or historic interest of it. Furthermore, no Heritage Assessment has been submitted to justify the change in the colour of the frames of the windows from white to grey or the change in the material from timber to aluclad windows. Therefore, the proposed replacement windows would be visibly different to the existing windows they would replace, and without justification for such a change are contrary to Historic Environment Scotland's guidance "Managing Change in the Historic Environment - Replacement Windows".

As the proposed replacement windows would harm the special architectural or historic interest of the listed building, the replacement windows proposed for the front elevation of the building would neither preserve or enhance the character and appearance of the North Berwick Conservation Area.

Historic Environment Scotland were consulted on the application advising that they have considered the information received and do not have any comments to make on the proposals. However, their letter also states that the decision not to provide comments should not be taken as support for the proposals and that the application should be determined in accordance with national and local policy on listed building/conservation area consent. In this case as stated above, the "Managing Change in the Historic Environment: Windows - January 2018" states that original windows should be retained and where necessary repaired..... Where a window is proposed for replacement, replacement windows will normally be required to exactly match the original window in all respects, including proportions of the window opening, opening methods, materials, colour, astragal profile if appropriate and glazing."

The proposed replacement windows by being harmful to the special architectural or historic interest of the listed building and harmful to the character and appearance of the North Berwick Conservation Area would be contrary to Policy 7 of NPF4 and Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019

RECOMMENDATION

That listed building be refused for the following reasons:

- 1 The loss of the single glazed, timber framed windows and their replacement with grey coloured, non-traditional aluclad framed windows, some with unauthentic plant on type astragals would be harmful to the special architectural or historic interest of the listed building and harmful to the character and appearance of the North Berwick Conservation Area, contrary to Policy 7 of National Planning Framework 4 and Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and contrary to the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019

REPORT TO: Planning Committee
MEETING DATE: 6 May 2025
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

4

Application no. **25/00246/PM**

Proposal Section 42 application to vary Condition 19 of Approval of Matters Specified in Conditions 23/00453/AMM to amend dimensions of driveways on plot 5B

Location **Blindwells
Tranent
East Lothian**

Applicant Avant Homes (Scotland) Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

BACKGROUND

In March 2024 an application for Approval of Matters Specified in Conditions of planning permission 21/01580/PM (ref: 23/00453/AMM) was granted for the erection of 158 houses, 16 flats and associated works on land identified as Plot 5B at Blindwells.

Approval of Matters (ref: 23/00453/AMM) was granted subject to a number of conditions. Condition 19 of that Approval of Matters states:

'Private driveways for the houses hereby approved shall have minimum dimensions of 6 metres by 3.3 metres. Double driveways shall have minimum dimensions of 6 metres width by 6 metres length or 3.3 metres width by 11 meters length. All driveways shall be fully hard formed with a gradient no greater than 10%

Reason

In the interests of road and pedestrian safety'

Condition 19 was requested by the **Council's Roads Services** to be imposed, and was based on standards for private driveways for new housing in accordance with latest guidance on transport infrastructure against which planning applications are assessed.

However, on the approved site layout drawings docketed to Approval of Matters Consent (ref: 23/00453/AMM) the single private driveways have dimensions of 6 meters by 2.5 meters, with double driveways having dimensions of 5 meters width by 6 meters length or 3 meters width by 11 meters length. Those dimensions accord with the guidance used by Roads Services at the time the application was submitted to the Council.

PROPOSALS

This application, submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, seeks to vary the wording of condition 19 of Approval of Matters (ref: 23/00453/AMM) to require that private driveways for the houses approved shall have minimum dimensions of 6 meters by 2.5 meters, and that double driveways shall have minimum dimensions of 5 meters width by 6 meters length or 3 meters width by 11 meters length, to reflect the details shown on approved drawings docketed to that approval of matters consent.

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 (ELLDP).

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grant of planning permission (ref: 21/01580/PM) and approval of matters (ref: 23/00453/AMM).

Policy 14 (Liveable Places) of NPF4 is relevant to the determination of this application. Also relevant is Proposal BW1 (Blindwells New Settlement) and Policies DP2 (Design), DP8 (Design Standards for New Housing Areas) and T1 (Development Location and Accessibility) of the ELLDP.

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

Also material to the determination of the application is the approved masterplan for the site as approved by the grant of planning permission in principle (ref: 21/01580/PM). The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG expands on policies that are set out in the ELLDP.

REPRESENTATIONS

No public objection to this application has been received.

COMMUNITY COUNCIL

None

PLANNING ASSESSMENT

Through the grant of Approval of Matters Specified in Conditions of planning permission 21/01580/PM (Ref: 23/00453/AMM) approval has been given for the erection of 174 residential units (158 house and 16 flats) on Plot 5B of the wider Blindwells site.

The site layout approved for the housing development includes driveway which in some cases have dimensions of 6 meters by 2.5 meters, with double driveways having dimensions of 5 meters width by 6 meters length or 3 meters width by 11

meters length. These driveways do not meet the required dimensions of condition 19. The intent of this application is to vary the wording of condition 19 to ensure the wording of the condition does not conflict with the details of the approved site layout. It is not the intent of this application to amend that already approved site layout.

Whilst the driveways do not meet the current standards for the minimum dimensions of a driveway now required by the **Council's Roads Services**, they were in accordance with previous standards which were taken from 'Standards for Development Roads' which was updated during the determination of the Approval of Matters (ref: 23/00453/AMM) application. Therefore, as the site layout for this site at Plot 5B was prepared using the relevant standards in place at the time of the submission of the application to the Planning Authority the Council's Roads Services raise no objection to the change to the wording of the condition.

On the above considerations the proposed development does not conflict with Policy 14 of NPF4 nor with Proposal BW1 or Policies DP2, DP8 and T1 of the ELLDP.

In conclusion, the proposal is 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.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted for the applied for variation to the wording of Condition 19 of planning permission 23/00453/AMM and subject to all of those conditions from that planning permission where it is intended these should apply. In this case, all the other conditions should continue to apply.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:
Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not

less than 1:200, giving:

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

Reason:

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

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the approved residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

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

Reason:

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

- 5 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of the residential units hereby approved and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including 1.8m high fences within the rear gardens of the residential units, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 6 Prior to the occupation of the last residential unit hereby approved the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance

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

- 7 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 52 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 52 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 8 Prior to their occupation, the windows and other glazed openings of all habitable rooms of the houses hereby approved for plots 186-206, 217-236 and 289-297 and identified by a purple dot on docketed drawing no. 22054(PL)004C titled 'Acoustic Model' shall be fitted with glazing designed to have a glazing specification of 8.8mm laminated glass-12mm air cavity -10.8mm laminated glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 55dB in order to offer compliance with the local authority criteria. All facades shall be fitted with attenuated trickle ventilation with a minimum acoustic rating $D_{n,e,w}$ 55 dB in the open position.

Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise generated by use of the A1 trunk road.

- 9 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 5695-OOB-ZZ-00-DR-L-0001 rev P06, 5695-OOB-ZZ-00-DR-L-0004 rev P06, 5695-OOB-ZZ-00-DR-L-0030 rev P06, 5695-OOB-ZZ-00-DR-L-0031 rev P06, 5695-OOB-ZZ-00-DR-L-0032 rev P06, 5695-OOB-ZZ-00-DR-L-0033 rev P06, 5695-OOB-ZZ-00-DR-L-0034 rev P06 and 5695-OOB-ZZ-00-DR-L-0035 rev P06 shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed Report no. 5695-OOB-XX-XX-RP-L-0002_P02 titled 'Landscape and Habitat Management Plan' dated September 2022 by OOB Ltd.

Reason:

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

- 10 Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority. Such provision shall involve engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously.

The installation of all electric vehicle charging points and required infrastructure shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason

In the interests of sustainability.

- 11 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

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

- 12 Prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason

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

- 13 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. It shall include a Road Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development and to provide details of raised tables across the estate roads

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the occupation of any of the residential units hereby approved a Residents Travel Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Residents Travel Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

Reason:

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

- 15 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 prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

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

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

Reason:

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

- 16 To ensure that the site is clear of contamination, the following requirements shall be complied with:

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be produced and submitted for the prior approval of the Planning Authority. The Statement shall show 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, timetable of works and site management procedures. 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 must be submitted to the Planning Authority for approval;

*Prior to the commencement of any of the new uses hereby approved, and following completion of the measures identified in the approved Remediation Statement, a Validation Report demonstrating the effectiveness of the remediation carried out shall be submitted to and approved by the Planning Authority.

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

Reason

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 17 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 18 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in

design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 19 Private driveways for the houses hereby approved shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 meters length. All driveways shall be fully hard formed with a gradient no greater than 10%.

Reason

In the interests of road and pedestrian safety.

- 20 The development hereby approved shall be carried out in accordance with the mitigating details as shown on docketed drawing no. 21-169-300 rev C titled 'Foundation Zone Plan'

Reason:

To ensure that the buildings and associated works hereby approved can be made safe and stable in the interests of the safety and amenity of future residents and occupiers of the development.

- 21 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units
Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 22 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, no part of the proposed development hereby approved shall be occupied until the requirements specified in Condition 30 of planning permission 21/01580/PM are implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland, those requirements being:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

- 23 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 interest of road safety.

- 24 Details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any occupation of any house erected on the site 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.

REPORT TO: Planning Committee
MEETING DATE: 6 May 2025
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

5

Application no. **24/01284/AMM**

Proposal Approval of Matters specified in condition 3, and compliance with condition 4, 9 and 17 for phase 1 of planning permission in principle 23/01367/PPM, comprising all details of the 51 flats including design, layout, appearance, materials, hard and soft landscaping and all associated works

Location **Former Herdmanflat Hospital Grounds
Aberlady Road
Haddington
East Lothian**

Applicant East Lothian Council

Per Oberlanders

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the approval of matters specified in conditions of planning permission in principle 23/01367/PPM it must be determined as a major development type application because the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

BACKGROUND

On 7 November 2024 planning permission in principle 23/01367/PPM was granted for the redevelopment of existing buildings and new build apartment buildings, associated landscape, roads, access and parking at the former Herdmanflat

Hospital. The development proposals will provide up to 145 units of affordable housing for older people and community facilities within the Garleton building.

The Planning Permission in Principle granted permission for the details shown in the Masterplan including:

- * Buildings to be converted and the location and heights of new buildings;
- * Infrastructure including an active travel link to the A199, informal paths, public roads and footways, car parking and EV charging facilities;
- * New access points (active travel link to the A199, 2 pedestrian access points to Aberlady Road;
- * Openspaces including, recreational woodland, central area of openspace, pétanque pitches, community garden and orchard;
- * The drainage strategy for the site including the location of SUDS;
- * Tree removal and compensatory planting;
- * Biodiversity Strategy;
- * Woodland Play locations:

The approved masterplan indicates how the residential units could be accommodated on the application site including for the retention and conversion of the existing buildings to provide a maximum of 47 residential units and the construction of new build residential elements accommodating a maximum of 98 residential units.

The approved masterplan shows that the new build elements would be in 5 different zones comprising:

Phase 1 - would be in the southern section of the site and would comprise four x 3 storey buildings and one x 2 storey building accommodating a total of 51 units;

Phase 2 - would be on the central area of the site comprising three x 2 storey buildings accommodating 22 units and the refurbishment of Pencraig (8 units);

Phase 3 - would be the north eastern section of the site and would comprise two x 2 storey buildings accommodating 19 units and the refurbishment of Lammerlaw (8 units);

Phase 4 - would be at the north west section of the site, including the main hospital building, and would comprise of one x 2 storey building (6 units), the refurbishment of Main Building (30 units) and North Lodge (1 unit). This phase also includes a single storey energy centre;

Phase 5 - would comprise of the Garleton Building conversion to a community use.

PROPOSAL

Condition 3 of planning permission in principle 23/01367/PPM requires the details of the new build elements and associated buildings to be the subject of Approval of Matters Specified in Conditions Applications.

This is the first Approval of Matters Specified in Conditions application submitted for planning permission in principle 23/01367/PPM and it relates to phase one of the approved masterplan. It seeks approval for the matters set out in condition 3, which states:

"Each submission for Approval of Matters Specified in Conditions application must accord with condition 3 and shall correspond with a development phase boundary (1-5) as set out in the approved phasing strategy and shall include details of:

- o the siting, design and external appearance of all the residential units and any other buildings or structures which should generally accord with the Masterplan and Proposed Heights drawing docketed to this planning permission in principle;
- o shared use routes, footpaths, roads, car parking, EV charging, lighting and adoption areas which should generally accord with the Masterplan and Road Adoption Layout docketed to this planning permission in principle;;
- o landscaping, including woodland, tree, hedgerow, grassland and orchard planting, boundary treatments and hardsurfacing which should generally accord with the Masterplan docketed to this planning permission in principle;
- o drainage works including swales and SUDS which should generally accord with the Drainage Strategy docketed to this planning permission in principle;
- o "play and go" and seating provision;
- o Tree removal which should generally accord with the Tree Removal plan docketed to this planning permission in principle ;
- o Biodiversity enhancement which should accord with the OBEP docketed to this planning permission in principle;
- o any artwork to be erected on the site;
- o Detailed Energy Strategy."

Additionally, the matters listed below shall be included with the application for the matters specified in conditions in accordance with the phases specified. This application relates to phase 1 and the appropriate details contained in the application are;

- o New shared-use travel access point and pedestrian access point on Aberlady Road, including crossing facility. These shall form part of the phase 1 application;
- o New shared-use linkage from Hopetoun Mews to the A199. This shall form part of the phase 1 application;
- o New raised table junction at Hopetoun Mews and Lygait, including access to private parking courtyard to west, and junction improvement at Lydgiat and Aberlady Road. This shall form part of the phase 1 application."

The applicant has also submitted details in respect of condition 4 Woodland Management, condition 9 Phasing of Development and condition 17 Maintenance of "play and go" equipment.

The phase 1 site extends to 2.5ha. The proposed site layout shows how the 51 flatted dwellings would be accommodated on the site, along with associated new road, parking (40 spaces) and SUDS basin in accordance with the approved masterplan. The flats would comprise of four L shaped blocks (A-D), two on the

east of the new road and two on the west. All of the L shaped blocks would be three-storey in height. A further block (E) is proposed off Lydgait and would be 2 storey in height.

The units are all designed for an aging population including dementia friendly design. In terms of size, the proposed 51 flats would contain 31 x 1 bedroom and 21 x 2 bedrooms ranging in floor area from 62m² to 85m². All the houses are to be affordable homes.

Each of the 4 blocks has access to a private courtyard garden space and a clothes drying area. Bin, cycle and mobility scooter facilities have been proposed.

The materials proposed include two tone buff brick with contrasting bronze cement cladding. The roofs are pitched in form and would be finished in natural slate.

The layout incorporates a new east/west active travel route from Hopetoun Mews to Aberlady Road. The existing Hopetoun Mews is to be converted into a new north/south active travel route connecting Lydgait to the A199 public road. This application contains details of a new raised table junction on Lydgait and a new crossing facility, in the form of a large raised table onto Aberlady Road. There are to be two new openings for pedestrians and cyclists onto Aberlady road and details of the wall openings are included. Phase 1 also includes the new vehicular access off Herdmandflatt to the north east.

In addition to the active travel routes and footways there is an informal pedestrian route through the south and west woodland. This path will be finished in crushed whin and is routed through the existing trees, linking with the other proposed pedestrian routes.

Three sets of "play on the go" equipment and five benches are proposed for this phase and located along pedestrian routes.

In accordance with the approved masterplan there are tree removals to facilitate the development. Within phase 1, 14 trees are to be removed for health and safety reasons and additionally 37 individual trees and 157 trees within shrub groups are to be removed. This level of removal accords with details approved through planning permission in principle 23/01367/PPM consent. A Tree Survey Report, Tree Strategy and planting proposal form part of this application. New tree planting is proposed to include 35 extra heavy trees, 56 standard trees, 800 woodland trees and 25 specimen trees located within the semi-private courtyard gardens.

Detailed levels proposals and a drainage layout, including a SUDS basin form part of this application.

The application is supported by a number of reports, which include:

Energy Statement.

Design and Access Statement which includes a refuse strategy, cycle and mobility scooter strategy, parking strategy, sustainability and energy strategy, cleaning and maintenance strategy and a fire strategy.

Landscape and Visual Appraisal.
Site Survey.
Landscape Maintenance Schedule.
Updated phasing strategy.
Ecological Review.
Noise report on Air Source Heat pumps.

DEVELOPMENT PLAN

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

The Development Plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP) together with its adopted supplementary guidance.

NPF4 Policies 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 13 (Sustainable Transport), 14 (Design, quality and place), 16 (Quality Homes), 21 (Play, recreation and sport) and 22 (Flood Risk and Water Management) are relevant to the determination of this application.

Relevant ELLDP Policies and Proposals are Policy T1: Development Location and Accessibility, T2: General Transport Impact, T3 Segregated Active Travel Corridor, Policy DP1: Landscape Character, Policy DP2: Design, Policy DP3: Housing Density, Policy DP8: Design Standards for New Housing Areas, NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies, Policy NH10: Sustainable Urban Drainage Systems and Policy NH13: Noise.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes. Planning Advice Note 67: Housing Quality explains how Designing Streets should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim

should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

REPRESENTATIONS

No written representations have been received to this application.

PLANNING ASSESSMENT

By the grant of planning permission in principle 23/01367/PPM, approval has been given for the principle of the residential development at the former Herdmanflat hospital site. There can therefore be no objection in principle to the proposed flatted buildings and associated works including the landscaping, play equipment, roads and footpaths proposed through this application.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the approved masterplan and conditions attached to planning permission in principle 23/01367/PPM.

The proposed 51 flatted dwellings would be accommodated on the site, along with associated new road, parking (40 spaces) and SUDS basin in accordance with the approved masterplan. The flatted buildings would comprise of four L shaped blocks (A-D), two on the east of the new road and two on the west. All of the L shaped blocks would be three-storey in height. A further block (E) is proposed off Lydgait and would be 2 storey in height.

The building layout and heights all accord with the masterplan approved through the grant of planning permission in principle REF: 23/01367/PPM. The four blocks would all be L shaped in form and would all be dual aspect, facing both the street and their courtyard gardens. The relationship of the western most blocks (C&D) to the new road would form a strong edge response and create clearly defined private garden ground to the rear. Block C due to its size, scale and positioning will be a strong visual reference when approaching this group of buildings from the new access. This block will create a clear containment to the road and will overlook the new active travel route and woodland beyond. Block D, responds to the street and overlooks the proposed SUDS basin, with woodland beyond. It also looks south, outwards into the woodland. The eastern blocks are laid out in a staggered plan form to create a central south-west facing courtyard which will maximises sunlight penetration into the garden. Both blocks also have a presence onto the new road with block A being a strong punctuation to the vista when approach along the new road and active travel route. Block B presents a gable to the street while its primary elevation faces south onto the new SUDS basin. Between Block A and B is a courtyard garden concealed from the street by the bike and bin stores. This arrangement will give privacy to the garden but will also add a point of relief to the street containment. In time, as the landscaping in the courtyard matures, the tree within the courtyard will become visible from the street revealing the presence of the hidden garden.

The overall composition of the flatted blocks will create both a well defined street and a set of dual aspect blocks which responds positively to their woodland setting. The clarity of the layout will allow the pedestrian to orientate themselves within the landscape and wayfind through the new street. The layout will also provides a good level of passive surveillance to the new routes. The new SUDS pond will be a strong arrival point for pedestrians approaching from the south east. The layout of blocks B and D is a direct response positively addressing this new wider space which is also contained by the existing woodland.

The architecture of the proposed blocks is consistent throughout this phase and of a relatively traditional style, including a pitched roof form. Brick is proposed as the predominant wall finish with brick banding and lintol detailing. The blocks all introduce a strong vertical entrance feature, running the full height of the building. This element aids orientation through the scheme and adds visual interest to the development. The wallhead dormers and 2 storey bay elements, in contrasting materials, would add further interest. The ground floor brick string course transforms into a projecting metal canopy over the entrance. In all of this the proposal would be an appropriate residential development for this site being well designed and integrated into its landscape setting.

The proposed flatted blocks, due to their positioning on the application site and by virtue of their height, size and scale, architectural design and finishes would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The units are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity. The proposed dwellings would be so sited, oriented and screened such as not to harm the privacy and amenity of future neighbouring or nearby residential properties through overlooking or overshadowing.

The proposal will create a high quality environment in which to live and visit and is aligned with NPF4 Policies 14 (Design, quality and place), 16 (Quality Homes) and ELLDP policies Policy DP2: Design, Policy DP3: Housing Density, Policy DP8: Design Standards for New Housing Areas.

The road layout and parking strategy has already been agreed, in consultation with Road Services, through the planning permission in principle 23/01367/PPM. Footpath links to the wider residential site and the surrounding area were also the subject of planning permission in principle 23/01367/PPM. This application provides additional detail on sections of these routes which accord with the approved masterplan and will allow for pedestrian and cycle access to the wider area creating good connectivity with the remainder of the Herdmanflat site.

On this the informal woodland trail will be formed from crushed whin dust and finished with a timber edge. This will be constructed using a no dig technique and

raised 175mm above the existing ground level.

The north to south active travel route will be finished in a buff coloured surface dressing. As was the case when in use as the hospital access this active travel will be lit. That route will be adopted by the Council to provide safe pedestrian and cycle access through the site. The routing of the services and the location of lighting columns for this active travel route have been revised in response to comments from Landscape colleagues to ensure they will not impact on the root protection areas of nearby trees.

The east west active travel route will be finished in buff coloured asphalt. At the west end of this route it has been extended to meet Aberlady Road at the request of Road Services. At this point, where Aberlady Road meets Baird Terrace, a raised table is to be constructed across this junction to facilitate easier crossing and encourage slower vehicle movement.

The adopted footways will be finished in tarmac. These routes primarily align with the new road but also extends along the south side of the SUDS basin to connect with the active travel route and form a fully adoptable route for pedestrian access to and from the Lydgait. The remainder of the SUDS basin will have a circular pedestrian route formed in reinforced mesh with gravel and grass. This route doubles as a service route for the basin. Details of the proposed street lighting are submitted and these show lighting to all of the active travel areas, including Hopetoun Mews, proposed highway and adopted footways including to the south of the SUDS basin.

The informal path through the woodland will not be illuminated. Details of the conversion of Hopetoun Mews to the north south active travel link, extending to the A199 are included. The Hopetoun Mews section of this route is to have an overlaid finish only and no new edging, to avoid any unnecessary disruption to the mature trees which adjoin this route.

At the south end of this route the existing junction with Lydgait will be converted to a raised table with pedestrian and cycle access only into Hopetoun Mews, as per the approved masterplan.

The **Council's Road Services** have considered all the details of this phase 1 application, including the raised tables to Lydgait and on Aberlady Road and the junction of Aberlady Road and Lydgait. Road Services raise no objection to the proposed development. A condition can be imposed on any grant of planning permission to control the timing of the completion of the raised tables, active travel linkage to the A199 and the junction alteration at Aberlady Road and Lydgait.

The proposed development is aligned with Policy T1: Development Location and Accessibility, T2: General Transport Impact, T3 Segregated Active Travel Corridor of the ELDP.

In respect of the provision of play equipment the applicant has provided details of the locations of these within phase one and also details of the maintenance schedule. The "play on the go" equipment will be in three locations within the

woodland adjacent to pedestrian routes. The equipment will comprise stepping logs, balance beams, play boulders and a wobble board located within a woodchip area. In addition, five benches are also proposed. The **Council's Amenity Services** has confirmed they are supportive of the proposed locations, equipment and maintenance arrangement. The proposal accords with NPF4 policy 21 (Play, recreation and sport) ELDP Policy DP8: Design Standards for New Housing Areas and the Council's Design Standards for New Housing Areas supplementary planning guidance.

The application is supported by a comprehensive energy strategy. This strategy sets out how existing and new local heat networks were considered and further considers a range of low and zero carbon technologies. It also sets out a range of design measures that will minimise the need for energy consumptions such as good natural daylight levels, passive solar gain and thermal efficiency. The proposal incorporates the use of ASHP throughout and the report sets out and estimated 64% reduction in Co2 emissions compared with a gas option.

The proposals incorporate photovoltaic panels on the south facing roof planes in blocks A-D. Block E does not have a south facing roof plan and is shaded by mature trees. These measures will help to offset the remaining energy demand from the development, thereby reducing the costs to the occupants. The Operational Energy Analysis shows that from a carbon perspective, the inclusion of PV is shown to help reduce overall carbon emissions associated with the dwellings by anywhere in the region of 7 to 17%.

As part of the Energy Strategy the buildings will include Air Source Heat Pumps (ASHPs). As these are attached to the outside of the buildings and in close proximity to a number of windows within the proposed development a Noise Report is submitted. The **Council's Senior Environmental Health Officer** has considered the noise report and note that NR25 noise level will only be marginally exceeded in the most exposed flat, but this will not be within a bedroom. At night the NR25 criteria will be met. As such, there are no significant concerns with regards to the proposed use of ASHP's within this development.

Additional drainage details form part of this application. Flooding and Drainage colleagues have been consulted and confirm that the approach is consistent with the strategy agreed through planning permission in principle Ref: 23/01367/PPM. They have no objection to the drainage proposals and therefore they are acceptable.

In respect of landscape matters the applicant has provided a greater level of detail which builds on the landscape and biodiversity measures that were agreed through planning permission in principle Ref: 23/01367/PPM.

Planning permission in principle Ref: 23/01367/PPM considered the issue of tree removal across the site and the quantum or replanting. This application aligns with that which is previously consented.

The landscape plans propose tree planting in the form of Heavy Standard trees, Woodland planting, Standard trees and garden trees. The plans also detail the

proposed native hedgerow, ornamental planting, shrub planting, woodland understorey, amenity grass, wildflower, meadow grassland, wet meadow seeding, marginal planting within the SUDS basin and bulb planting.

During this application, following feedback from the **Council's Landscape Officer**, the applicant has made a number of revisions and provided additional information. These revisions include, realigning car parking to incorporate additional tree planting, eliminating conflicts between root protection areas, active travel routes and services. Additional details of the conversion of Hopetoun Mews to active travel are provided. The route will be finished without kerbing to minimise disturbance to existing tree roots.

Landscape conditions specific to the further detail contained within this phase 1 application, in respect of Arboricultural monitoring, Tree Retention and Tree Protection, can be imposed on any grant of permission to safeguard the retained woodland and to safeguard the landscape character of the area. Conditions can also be imposed to secure the maintenance of the hard and soft landscape maintenance, the timing of planting and replacement planting. Subject to the imposition of those aforementioned planning controls the Council's Landscape Officer raises no objection to the application.

On the matter of biodiversity, the Phase 1 Ecological Review has been submitted which, details landscape proposals and a maintenance schedule. The Phase 1 Ecological Review accords with the Outline Biodiversity Enhancement Plan (OBEP) consented through the Planning permission in principle Ref: 23/01367/PPM.

The landscape drawings illustrate the planting schedules that include structural diversity through the creation of species-rich grasslands in the woodland edge and understory planting and grassland habitats. The Ecological review notes the use of woodland understory planting as well as a suitable SuDS planting mix.

The Landscape General Arrangement drawing details the positioning of the planting of trees, with a variety of species, structures and maturities. They have also included in the drawings the following which was detailed in the OBEP;

- * Lengths of native species-rich hedgerow bound the courtyards, creating linear habitat features and providing corridors for movement. Hedgerow planting includes fruiting and nut-bearing species, planted at a high density to support nesting birds once established.

- * Ornamental planting within courtyards, and shrub mixes surrounding the buildings, include colourful flowering species mixed with evergreens and ground cover planting. These can provide year round shelter for wildlife, more foraging opportunities, and a longer season of available resources including pollen, nectar, berries or seeds.

The **Council's Biodiversity Officer** has reviewed the proposed landscaping, associated biodiversity enhancements and the maintenance schedule proposed by the applicant. She is satisfied that the proposals are considered appropriate and acceptable, and the development will represent biodiversity enhancement in accordance with policy 3 (Biodiversity) of NPF4 and policy NH5 Biodiversity and

Geodiversity Interests, including Nationally Protected Species of the local plan.

In conclusion phase 1 of the development of the wider masterplan will accommodate 51 high quality flatted residential units and the required infrastructure in a way which will respect the landscape and woodland setting. The new active travel routes and enhanced crossing facilities on Lydgait and Aberlady Road will facilitate greater use of the space by the wider community and connect the new residents with the town centre and amenities. The proposals would not be inconsistent with National Planning Framework 4, with the Scottish Government's "Designing Streets" or PAN 67, with the relevant policies and proposals of the East Lothian Local Development Plan 2018 or with its adopted supplementary planning guidance or with the principles established by the grant of planning permission in principle 23/01367/PPM.

This phase 1 detailed proposal accords with the Development Plan and there are no other material considerations which outweigh this matter.

The applicant has submitted details in respect of condition 4, Woodland Management and condition 17, Maintenance of "play and go" equipment. The applicant's Landscape and Maintenance Schedule sets out the monitoring and maintenance regime for the paths and hard surfaces, drains, built features including site furniture and play equipment, soft landscape and wider woodland. There is to be a programme of regular inspection of all elements within the existing and new landscape. This includes a programme for maintenance and repair where identified. In terms of the new woodland planting, tree and specimen shrub planting this includes the provision for replanting of dead or badly damaged trees/shrubs. This maintenance schedule has been considered by The **Council's Amenity Services** and the landscape specialist and both advise they are supportive of this document.

The applicant has submitted a revised phasing plan as required by condition 9 of planning permission in principle Ref: 23/01367/PPM. This plan shows how there will be no construction vehicle access from Lydgait during the construction phase of the development. Instead construction traffic will enter and exit from Aberlady Road, utilising the existing access, and from Hopetoun Mews for construction traffic to all blocks within phase 1. The revised phasing plan will minimise the impact on road safety, primarily by closing the Lydgait access to all vehicular traffic.

The roads, access junctions, drainage infrastructure, cycle/footpaths and areas of landscaping as proposed would not appear harmfully incongruous, exposed or an over development of the land upon which they would be formed. They would not be harmful to the character and appearance of the area. The proposals would be broadly consistent with the layout shown in the masterplan docketed to planning permission in principle 23/01367/PPM.

For avoidance of doubt in addition to the conditions attached to this Approval of Matters application the conditions attached to the planning permission in principle Ref: 23/01367/PPM consent for the whole site, including for phase 1, remain in place.

RECOMMENDATION

The phase 1 details submitted in respect of conditions 4 Woodland Management Plan, 9 Updated phasing plan and 17 Open space and "play and go" maintenance be approved.

The Approval of Matters Consent be granted for phase 1, subject to the following conditions:

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 until a person, who through relevant education, training and experience, has gained recognised qualifications and expertise in the field of trees in relation to construction, has been employed by the developer to monitor any works in close proximity of trees on the site as detailed on the approved 'Tree Strategy' Drawing 12049-L U C-XX-XX-DR-L-0410 P05 including the installation and maintenance of temporary protective fencing, construction of woodland paths in accordance with the detail on the 'Hardworks GA Site Wide' drawing numbered 12049-LUC-XX-XX-DR-L-0200 P08, construction of the retaining wall, and erection of fencing within RPAs. The arborist shall be required to confirm that the location and construction of the temporary protective fencing is in accordance with the approved 'Tree Strategy' Drawing 12049-LUC-XX-XX-DR-L-0410 P05 and submit written confirmation and photographic evidence that the required fence has been erected prior to the commencement of development.

Reason

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

- 3 No trees other than those identified for removal on the approved 'Tree Strategy' Drawing 12049-LUC-XX-XX-DR-L-0410 P05 shall be removed from site without the prior approval of the Planning Authority.

Reason

To ensure the existing woodland is adequately retained.

- 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, approved by the arboriculturist 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 'Tree Strategy' Drawing 12049-L U C-XX-XX-DR-L -0410 P05, 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, without supervision by the appointed arboriculturist
- _ No mechanical digging or scraping

- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging, without supervision by the appointed arboriculturalist
- _ 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 All soft and hard landscaping and woodland shall be maintained in accordance with the approved Landscape Maintenance Schedule numbered 12049-LUC-XX-XX-RP-L-0700.

Reason:

To ensure the soft and hard landscaping and woodland is managed appropriately to provide amenity for the residents and wider community.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Softworks General Arrangement Site Wide' with drawing number 12049-LUC-XX-XX-DR-L-0400 P04, 'Softworks General Arrangement Detailed Area 1' with drawing number 12049-LUC-XX-XX-DR-L-0401 P05 and 'Softworks General Arrangement Detailed Area 2' with drawing number 12049-LUC-XX-XX-DR-L-0402 P05 shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the above 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 at approved size and density, 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. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

- 7 Unless otherwise agreed in writing by the Planning Authority, the following works hereby approved shall be completed prior to the first occupation of any dwelling within phase 1.
- a) The shared-use travel access point and pedestrian access point on Aberlady Road, shall be built in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04;
 - b) The shared-use linkage from Hopetoun Mews to the A199, and the raised table junction at Hopetoun Mews and Lygait, shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04, unless the Planning Authority, following consideration of an arboriculturist's assessment on the impact on the integrity of the trees adjacent to the A199, gives written consent to a variation;
 - c) The raised table on Aberlady Road shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0704-P02;
 - d) The raised table on Lydgait shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0702-P04; and
 - e) The Aberlady Road / Lydgait junction improvement shall be constructed in accordance with drawing HFH-GOO-P1-XX-DR-C-0709

Reason

To ensure that adequate active travel options are in place to connect the development with the wider community and services.

