



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

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

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 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