



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

**TUESDAY 6 MAY 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:

None

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Governance
Ms E Taylor, Team Manager – Planning Delivery
Mr D Irving, Senior Planner
Mr B Nicolson, Planner
Mr D Taylor, Planner
Mr S Robertson, Assistant Planner
Ms J Newcombe, Biodiversity Officer
Ms M Haddow, Senior Roads Officer
Mr C Wiseman, Projects Officer – Landscape
Ms W McGuire, Head of Housing
Ms R Pringle, Team Manager – Housing & Strategy
Mr J Bee, Team Manager – Development & Regeneration
Ms K Duckham, New Build Development Officer
Ms P Gray, Communications Adviser
Ms E Barclay, Democratic Services Assistant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 3: Mr K Macdonald

Apologies:

Councillor J Findlay

Councillor L Allan

Declarations of Interest:

None

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

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

Keith Dingwall, Service Manager – Planning and Chief Planning Officer, advised that Item 2 of the published agenda would not be heard at the meeting. He explained correspondence from an objector had argued that the application should be treated as being part of the larger Dunbar development in terms of Environmental Impact Assessment screening. Following this, it had been concluded that the application must be screened for an Environmental Impact Assessment, and a report would be presented to a future meeting of the Planning Committee.

**1. MINUTES FOR APPROVAL
Planning Committee, 1 April 2025**

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

2. PLANNING APPLICATION NO. 24/01004/P: INSTALLATION OF SURFACE WATER PIPE, LAND EAST OF DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR

The item had been removed from the agenda to allow the application to be screened for Environmental Impact Assessment.

3. PLANNING APPLICATION NO. 24/01380/LBC: REPLACEMENT WINDOWS, ENGINE COTTAGE, ABBOTSFORD ROAD, NORTH BERWICK

A report had been submitted in relation to Listed Buildings Consent application no. 24/01380/LBC. Scott Robertson, Assistant Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Following the officer's presentation, Councillor Collins displayed a historical photograph of Engine Cottage she had found online, and pointed out that the windows in the photograph were dark in colour.

Officers responded to questions from Councillors McLeod, Gilbert, McIntosh, and the Convener. Mr Robertson advised that the Velux windows had been installed prior to 1988, and were part of the building's listing. He highlighted that there was no knowledge of the history of the building's windows; although an assumption had been made that they had once been dark in colour, this could not be confirmed. He advised that energy efficiency was not considered in the assessment of a listed building consent application. He noted that, although each

application had to be assessed on its own merits, other applications with slimline double glazing had been used and approved on listed buildings, and in this case, the refusal had been because of the proposed material and colour rather than the use of double glazing.

Keith Macdonald, the applicant's agent, spoke to the application. He summarised the application as being to replace non-original white timber windows in poor condition on the original Engine Cottage building, for grey aluminium-faced high performance timber windows, which would match the windows on the newer wings of the property. He disagreed with the planning report's statement that the windows were an intrinsic part of the listed building; he suggested that if the windows had not been part of the building at the time it was listed, it would have been highly unlikely that approval would have been given later to fit the windows. Having studied the Historic Environment Scotland (HES) guidance on replacing windows, he considered that the planning report's statements relating to changing material or colour being rarely acceptable had been taken out of context, and pointed out that the HES guidance aimed to protect original fabric and appearance; he reiterated that the current windows were neither original nor historic. He illustrated the flexibility that existed in the HES guidance with an example from Riddles Court, off the Royal Mile, where the architects had fitted original openings with grey aluminium doors and screens; he argued that this application would have fallen within the scope of the same HES guidance and thought that it would have been subject to great scrutiny by HES officers in view of its location. He reported that HES often did not state support, and highlighted that HES had not stated opposition to the application. He highlighted that Engine Cottage could only be viewed from the golf course, against a woodland setting. He also highlighted nearby buildings at Carlekemp with black windows, which he said offered historic and contextual justification for the windows at Engine Cottage to be permitted to be a dark colour. He questioned what negative impact the development could have, and pointed out that the current white colour stood out against the subdued tones of the building, whereas the grey used in the newer parts blended in softly. He summarised that the assessment should come down to whether the change would give an acceptable and pleasing appearance, and whether it would comply with planning policy and guidance, which he believed it would in both cases.

Mr Dingwall pointed out that the Planning Committee was not aware of the background to the case at Riddles Court. He also advised that HES had decided to take a step back and generally provide no comment to planning applications on which they were consulted, and only objected if they considered it would be in the national interest. He discouraged Planning Committee members from placing weight on HES's lack of comment, and reminded members to consider the application on its own merits.

Mr Macdonald responded to questions from Councillors McLeod and McIntosh. He advised that the colour of the windows would be a soft grey with a slightly green tinge. He confirmed that these particular windows would harmonise the building's appearance by using the same product on the Engine Cottage building as had been used in the extension. He also advised that the aluminium facing meant that the windows would be maintenance free.

At the request of Councillor McMillan, Mr Macdonald passed around the photographs he had used to illustrate his presentation. Responding to further questions from Councillors McMillan and the Convener, Mr Macdonald advised that he had no direct evidence that the windows had originally been a darker colour, other than there being two dark-coloured windows at the gable ends, as his research had not turned up the photograph shown by Councillor Collins. He reiterated that the proposed windows would be very durable and would not require maintenance. He also reiterated that the current windows were not original windows, and were in poor condition. He advised that the extension was very recent, perhaps in the last 25 years, and as there had been no requirement for the windows to match the pump house building, aluminium windows had been installed. He clarified that the windows would have a timber frame, a thermal separation, and then a factory-coated aluminium facing. He advised that listed building consent had been granted for the most recent extension in 2012 or 2013.

Councillor McLeod said he had seen three or four types of windows across the building, and felt that uniformity would be beneficial. He also pointed out that the cottage was not visible from the main road, and only those using the golf course could see it. He would therefore vote against the officer's recommendation to refuse consent.

Councillor Collins said she had found very few examples of Tudor timber buildings online with white windows, as they had all originally been built with dark timber frames. Thus, she felt that the grey finish would be closer to the original type of frame, and referred to the historical photograph she had found and shared with the Planning Committee. She considered that the aluminium cladding would reduce wear and tear from sea wind and rain, and she would support the application.

Councillor Forrest noted that the original pipework remained on the building. He felt that the listed building had to be kept in its original form, and he would vote in support of the officer's recommendation to refuse consent.

Councillor Cassini felt that since the current windows were not original and were not environmentally beneficial, she would support the application for replacement.

Councillor Gilbert commented that the proposals were to change white windows which had been installed in the 1960s, and which appeared to originally have been dark in colour. He thought that grey windows would be an improvement, and would vote against the officer's recommendation.

Councillor McMillan said his opinion had changed from the start of the meeting, following Mr Macdonald's comments and seeing the photograph found by Councillor Collins. He felt that the proposed changes were appropriate, would improve the windows' durability, would revert the windows back to their original colour, and would harmonise with the surrounding windows. He would vote against the officer's recommendation to refuse consent.

Councillor Yorkston commented that the crux of the matter was originality of the fabric; he did not consider the fabric, which was altered 65 years after the building was originally built, to be original. He did not think the proposals would have a harmful impact, and said he had found the photo found by Councillor Collins helpful. He would vote against the officer's recommendation.

Councillor McGinn said he would vote against the officer's recommendation to refuse consent. Making particular reference to HES, he commented that it was unhelpful for any consultees to refrain from responding to consultations.

The Convener said that he would ordinarily have taken a similar position to Councillor Forrest's, but felt differently having seen how the whole appearance of the pump house building had been altered by the large extension and modern windows. He pointed out that changes would improve the building and its sustainability, and provide windows of better quality and efficiency, thus protecting its future. He would vote against the officer's recommendation.

The Convener then moved to a roll call vote on the officer's recommendation to refuse consent. Committee members unanimously voted against the officer's recommendation, except for Councillor Forrest, who voted in support of the recommendation to refuse consent.

Mr Dingwall checked that Committee members were content that only one condition be imposed, which was the Planning Authority's standard time condition. In response to Councillor McGinn's remarks, he also asked that Committee members were content that he write to Historic Environment Scotland regarding their lack of response in such cases. Committee members agreed these two matters.

Decision

Planning Committee agreed to grant listed building consent, subject to the following condition:

- 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.

4. **PLANNING APPLICATION NO. 25/00246/PM: 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, BLINDWELLS, TRANENT**

A report had been submitted in relation to Planning Application No. 25/00246/PM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Responding to a question from Councillor Yorkston, Mr Taylor confirmed that the footprint of each house would be the same, and the driveways in the proposed drawings would be the same, but the wording of the condition was being updated because of a change of guidance during the determination period.

Responding to a question from Councillor McIntosh, Mr Taylor advised that the change in guidance had been from the Council's Road Services.

Councillor McIntosh said she assumed the guidance had been updated to facilitate 'vehicle creep', where cars were gradually getting larger; she pointed out that this had an environmental impact. She was happy to approve the change because she felt that planning standards should not facilitate vehicle creep by approving ever-larger driveways. She was keen that this be considered in the next iteration of the Local Development Plan, and would take the matter up with Road Services. She was in favour of the development using the smaller vehicle size standards for driveways on environmental grounds and to discourage car travel in towns and urban areas.

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

Decision

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

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

Reason:

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

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

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

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

5. PLANNING APPLICATION NO. 24/01284/AMM: 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, FORMER HERDMANFLAT HOSPITAL GROUNDS, ABERLADY ROAD, HADDINGTON

A report had been submitted in relation to Planning Application No. 24/01284/AMM. Bruce Nicolson, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Councillor McMillan asked at what point a lift might be considered necessary, and questioned why a lift might not be installed from the beginning. Mr Nicolson responded that the wider site contained 150 units, and all ground floor elements would have access for disabled users. He explained that installation of lifts may eventually depend on the distribution of those who would require the use of a lift, and the design allowed for flexibility. Wendy McGuire, Head of Housing, added that installation of a lift or lifts would come later once there was a better understanding on the nature of the clients who would be moving in, however, she would discuss with the team whether consideration should be given to lift installation at the outset.

Kate Duckham, New Build Development Officer, responded to several questions from Councillor Forrest and the Convener. She advised that opportunities around the community orchard were still being investigated, and it was hoped that the community would come together to future-proof the management of the parkland. She advised that the formal paths would have a gravel effect, which would encourage the community to benefit from the area. James Bee added that he understood that the SuDS pond would drain away into the soakaways, but would check this.

Councillor McMillan welcomed the intention of the development, and was supportive of the detail contained within the application. He acknowledged some community concerns around the felling of trees, but pointed out the additional trees to be planted, and the greater access provided to a communal space. He welcomed the units coming forward for the older demographic they would serve, and the development of the community orchard. He also welcomed the development's energy strategy, and the quality and detail of the development. He thanked officers within Housing and Planning for their work on the project.

Councillor Forrest felt that community was at the forefront of the development, and welcomed its position close to the town centre, and the benefits of the proposed woodland areas. He also commended the officers who had brought the proposals forward.

Councillor Cassini welcomed the development coming forward, and particularly the provision of one-bed properties.

The Convener agreed with comments from colleagues, and felt that the quality development would be a huge asset to the community. He commented that there was a desire to build such developments across the county to suit older people who wanted to live comfortably in a place where adaptations could be made. He welcomed the proposals, and felt that local people would be proud of the development.

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

Decision

Planning Committee agreed:

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:

- 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 arboriculturalist
- _ 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.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee