



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

**WEDNESDAY 25 JUNE 2025
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Committee Members Present:

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

Other Councillors Present:

None

Council Officials Present:

Mr K Dingwall, Head of Development and Chief Planning Officer
Mr C Grilli, Service Manager – Governance
Ms E Taylor, Team Manager – Planning Delivery
Mr D Taylor, Planner
Ms J McLair, Planner
Mr J Allan, Planner
Ms A Smith, Planner
Ms J Newcombe, Biodiversity Officer
Mr J Canty, Transport Planner
Ms R Pringle, Team Manager – Housing & Strategy
Mr J Bee, Team Manager – Development & Regeneration
Mr M Greenshields, Senior Roads Officer
Mr C Hamm, Sustainability and Climate Change Officer
Ms E Barclay, Democratic Services Assistant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 6: Mr S Cochrane
Item 7: Mr D Anderson and Mr M Scott
Item 8: Mr N McLean, Mr J Fraser, and Ms K Donald

Apologies:

Councillor J Findlay
Councillor C Cassini

Councillor C McGinn
Councillor K McLeod

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 five years from the date of the meeting.

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

Keith Dingwall, Head of Development and Chief Planning Officer, advised that Item 5 would not be determined at the meeting. This was due to the applicant having incorrectly declared that they owned all land within the application site; formal notification of the landowner of part of the site had to take place before the application could be brought back to Planning Committee.

**1. MINUTES FOR APPROVAL
Planning Committee, 3 June 2025**

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

**2. MINUTES FOR NOTING
Local Review Body (September 2024 to May 2025)**

Planning Committee members agreed to note the minutes.

3. FURTHER REPORT OF HANDLING ON APPLICATIONS 24/01050/P AND 24/01051/CAC: ERECTION OF 14 FLATS AND ASSOCIATED WORKS, 34 DIRLETON AVENUE, NORTH BERWICK

Further reports of handling had been submitted in relation to planning application no. 24/01050/P and conservation area consent no. 24/01051/CAC following Planning Committee's decision on 4 March 2025 to support the applications, subject to the submission of a report that demonstrated there would not be an unacceptable impact on bats. James Allan, Planner, presented the reports, highlighting the salient points. The recommendation of both reports was to grant consent.

Officers responded to questions from Committee members. Carlo Grilli, Service Manager – Governance, confirmed that Committee members were entitled to vote against report recommendations, and could take their feelings about the applications into account from when they were previously heard. Mr Allan confirmed the timeframe for the process following notification to Scottish ministers. Mr Dingwall advised that, if anyone had strong feelings about

the applications, they could write to Scottish ministers, but it would be at the discretion of ministers as to whether they took representations into account.

Councillor McIntosh said she would vote against the application because she felt there was not justification to demolish the historic building. She felt that Planning Committee's decision to ignore Historic Environment Scotland's (HES) objection was inconsistent with its recent calling out of HES for its lack of response to planning consultations. She felt that Planning Committee should pay attention to the Council's policy, its Planners, and to the body charged with preserving our historic environment.

Councillor Allan recalled that she was not present when the cases were first discussed in March, and felt extremely unhappy at what she saw as cultural vandalism in replacing the historic building with something dull.

Councillor McMillan noted the high level of detail in the bat survey. He acknowledged the opinions of Councillors McIntosh and Allan, but discussed how conservation areas changed and told a story. He felt that the proposals were a modernisation and would add value.

Councillor Collins said she would stand with her original decision, and felt it was a shame to demolish a historic building.

The Convener recalled that he had supported the application to demolish the building onsite. He thought that Planning Committee would never have supported the alterations which had been made to the building, and felt these did not enhance the Conservation Area. He commented on HES's lack of consistency in how they responded to planning applications. He felt that the building's appearance was far removed from when it was originally built, and highlighted that Councillor McFarlane had been inundated with constituents looking for smaller accommodation in North Berwick. He hoped Planning Committee would agree to support the recommendations and allow for quality properties to be developed.

The Convener moved to a roll call vote on the report's recommendations, and votes were cast as follows:

Support: 4 (Councillors Hampshire, Forrest, McMillan, and Yorkston)

Against: 4 (Councillors Allan, Collins, Gilbert, and McIntosh)

Abstain: 0

As there was a tie, the Convener was asked to confirm his casting vote. He confirmed his vote in support of the report's recommendations.

Decision

In relation to planning application 24/01050/P, Planning Committee agreed to grant planning permission subject to:

1. The undernoted conditions; and
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant: (i) 25% affordable housing provision (4 flats); and (ii) financial contributions towards: a) Additional school accommodation at North Berwick High School for the sum of £94, 262 indexed; and b) Play provision to enhance and upgrade local play area facilities in the vicinity of this site which would be impacted by the additional usage arising as

a direct result of the proposed development for a sum of £566 per dwelling index linked.

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:
- o the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
 - o 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 Benchmark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
 - o the ridge height of the building shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 3 Prior to their use on site, full details (including samples where requested) of materials and finishes to be used to externally clad the roof and walls of the flatted building, for the windows, doors and any ground surfacing on the site shall be submitted to and approved in writing by the Planning Authority.
The development shall thereafter be implemented in accordance with the approved details.

Reason:

To allow the consideration of details yet to be submitted and control the materials used on the site in the interest on visual amenity.

- 4 **Part 1**
Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:
- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
 - o Following demolition of the building a Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred option(s).
- The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.
If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. 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. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to occupation of the new development.

Part 4

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.

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 any contamination found to be present prior to the use of the flats approved.

- 5 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, a drainage layout drawing(s) and a Drainage Impact Assessment/Surface Water Management Plan which outlines the full drainage details for the site in addition to any drainage calculations/attenuation calculations for the site shall be submitted to and approved by the Planning Authority prior to commencement of any part of the development hereby approved. The drainage details, layout drawing(s) and the Drainage Impact Assessment/Surface Water Management Plan shall thereafter be fully implemented in accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 6 Prior to commencement of development a visibility splay of 2 metres by 20 metres in both directions shall be provided and maintained at the proposed site access junction with the public road of Dirleton Avenue so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

- 7 The development shall comply with the following transportation requirements:
- (i) All roads and paths shall conform to East Lothian Council Standards for Development Roads; and
 - (ii) Vehicle accesses to private parking areas shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres;

Reason:

In the interests of road safety.

- 8 Prior to the occupation of the any residential unit hereby approved, the proposed access road, parking spaces, and footpaths to serve them shall have been constructed on site in accordance with the docketed drawings.
Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use hereby approved and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 9 Prior to the occupation of any of the residential units hereby approved, each of the approved off-street parking spaces shall be supplied and fitted with an operational EV charging unit for the use of the flatted building. Those EV charging units shall be installed and made operational for use, and thereafter shall be retained and maintained and be available for use.

Reason:

To minimise the environmental impact of the development.

- 10 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, there shall be no gates installed within either the vehicular or pedestrian access to the site, hereby approved.

Reason:

In the interests of road safety.

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

Reason:

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

- 12 Prior to the occupation of any of the flats, hereby approved the bin storage facilities, as shown on the docketed drawing number DETAIL-102 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.

- 13 Following the occupation of the flatted building or completion of the development hereby approved, whichever is the sooner all planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing number SITE-104 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 drawing. Any trees, or hedges 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 plan 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 establishment of a landscape scheme that improves the amenity of the area.

- 14 All trees detailed on the docketed drawings that are to be retained on the application site shall not be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. Any tree to be retained on site which dies, is removed or becomes seriously damaged or diseased within ten years of completion of the development shall be replaced in the next planting season with another of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason

To retain the visual amenity value afforded by the trees within the site.

- 15 Prior to the commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any occupation of the flatted building 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.

- 16 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. 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.

And

The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

- (i) 25% affordable housing provision (4 flats); and
- (ii) financial contributions towards:
 - a) Additional school accommodation at North Berwick High School for the sum of £94, 262 indexed; and
 - b) Play provision to enhance and upgrade local play area facilities in the vicinity of this site which would be impacted by the additional usage arising as a direct result of the proposed development for a sum of £566 per dwelling index linked.

That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of provision of affordable housing, a lack of financial contributions towards additional school accommodation at North Berwick High School and a lack of financial contribution to enhance and upgrade local play are facilities, contrary to, as applicable, Policy 18 of NPF4, Policies DEL1, HOU3, HOU4, T32 and Proposals, CF1 and ED7 of the adopted East Lothian Local Development Plan 2018 and its adopted supplementary guidance: Developer Contributions Framework.

As per the Adopted Supplementary Guidance: Developer Contributions Framework, all Secondary Education and Play Provision Contributions will be increased in line with indexation from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment and the Play Provision Contribution will be increased from Q3 2017 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment.

In relation to planning application 24/01050/P, that Planning Committee agree to grant planning permission subject to:

1. The conditions set out in the Further Report of Handling for application 24/01050/P reported to the Planning Committee on 4 March 2025

4. FURTHER REPORT OF HANDLING ON CONSERVATION AREA CONSENT NO. 24/01051/CAC: DEMOLITION OF BUILDING, 34 DIRLETON AVENUE, NORTH BERWICK

The discussion for this item was heard alongside Item 3.

Votes were cast as follows on the report's recommendation at Item 4:

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

As there was a tie, the Convener was asked to confirm his casting vote. He confirmed his vote in support of the report's recommendations.

Decision

In relation to conservation area consent 24/01051/CAC, Planning Committee agreed to grant conservation area consent subject to:

1. The undernoted conditions; and
2. Notification to Scottish Ministers under the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015 regarding Planning Committees decision to grant conservation area consent 24/01051/CAC against the recommendation of Historic Environment Scotland and Council officers.

CONDITIONS:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2. No works for the demolition of the existing building shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 24/01050/P or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the North Berwick Conservation Area.

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

Due to issues of land ownership, this application would return to a future meeting of the Planning Committee.

6. PLANNING APPLICATION NO. 25/00024/PM: ERECTION OF 24 HOUSES, 36 FLATS, AND ASSOCIATED WORKS, LAND AT FORMER WALLYFORD PRIMARY SCHOOL, ALBERT PLACE (NORTH), WALLYFORD

A report had been submitted in relation to planning application no. 25/00024/PM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Mr Taylor advised that Amenity Services accepted the shortfall of open space and lack of play area because of a contribution to the construction of the footpath and play area at the east of the site; a written agreement between the Head of Housing and Chief Planning Officer would ensure that contributions would be used locally and effectively. He advised that parking would be monitored, and this could lead to further restrictions on parking, through traffic regulation, if necessary; the parking outwith the site was on the public highway and did not form part of the application. He advised there was a responsibility on developers to protect trees, and there should not be any damage, but any recourse would be through the relevant parties.

Steven Cochrane was present on behalf of the applicant to answer questions. He provided information about the Edinburgh Home Demonstrator Project (now the Regional Delivery Alliance (RDA)), which strove to construct net zero developments. He signposted the RDA website, available at the following link: <https://www.se-rda.org.uk/>. He gave a brief overview of how the heating system would work, which would provide ventilation and heating from waste hot air, and explained that it would be no more difficult for residents to use than a gas boiler.

Councillor Forrest, local member, welcomed the application, and particularly the development of 18 one-bedroom homes. He thought that the large play area nearby would be sufficient to serve the site, and the path would provide safe access to the play area and the new school.

The Convener moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to grant consent.

Decision

Planning Committee agreed that planning permission be granted subject to:

1. The undernoted conditions; and

2. A Legal Undertaking designed to secure from the applicant a financial contribution to the Council of £1,129,230.42 towards the provision of additional educational accommodation, £46,127.70 towards strategic transport interventions, £20,000 towards local transportation, £58,560 towards additional sports facilities capacity, £34,020 toward open space and recreation and the provision of a minimum of 25% affordable housing provision on site.

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 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. All such materials used in the construction of the houses and flats 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.

- 4 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.

- 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 those within the rear gardens of the houses, 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 to serve them shall have been constructed on site in accordance with the docketed drawings. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 7 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.

- 8 In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development hereby approved (including during the initial site preparatory works), work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage, a further Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to prepare a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Validation Report would also need to be submitted confirming the satisfactory completion of all 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 occupation of the new buildings.

Reason

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

- 9 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 is acceptable. 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.

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

Reason:

To minimise the environmental impact of the development.

- 11 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.

- 12 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.

- 13 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- * Hours of construction work; and
- * Routes for construction traffic

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 and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 14 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.

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

Reason

In the interests of road and pedestrian safety.

- 16 Prior to the occupation of any of the residential units hereby approved, the electric vehicle car charging units and infrastructure for them, as shown on docketed drawing no. 7105-60-ST-01 rev A titled 'Electric Vehicle Charging' shall be installed and made operational for use, and thereafter shall be retained and maintained and be available for use.

Reason:

To minimise the environmental impact of the development.

- 17 All planting, seeding, or turfing comprised in the scheme of landscaping on docketed drawing no. ED14417-XX-XX-DR-L-0100 P05 titled 'Landscape General Arrangement' 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 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. 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 enhances biodiversity and improves the amenity of the area.

- 18 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 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 within the docketed Arboricultural Impact Assessment Drawing no.191124003 titled 'Tree Constraints', 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.

7. PLANNING APPLICATION NO. 24/01091/P: INSTALLATION OF ONE WIND TURBINE AND ASSOCIATED WORKS, FIELD TO THE WEST OF HOWDEN WOOD, GIFFORD

A report had been submitted in relation to planning application no. 24/01091/P. Amelia Smith, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Ms Smith answered questions from Committee members. She advised that the most recent policies would prevail where there was conflict between planning policies; in this case, National Planning Framework 4 (NPF4). She advised that while the principle of a wind turbine at the location which was linked to an existing agricultural business would be supported, the issue arose because it exceeded 42 metres in height. She reported that the Landscape Officer would support a proposal for two smaller wind turbines.

Dave Anderson, the applicant's agent, spoke to the application, and was accompanied by Michael Scott, applicant. Mr Anderson highlighted the weighting of NPF4 in terms of climate change policy. He pointed out that a smaller turbine would not work, highlighted how perception of wind energy had changed, and gave examples of areas whose policies had more recently permitted taller wind turbines. He explained that ten turbines under 42 metres would be required to match the proposed turbine at 67 metres, and reported that manufacturers of smaller turbines had folded due to the absence of feed-in tariffs. He pointed out that the East Lothian Local Development Plan (LDP) 2018 was written prior to the declaration of a climate change emergency. He described the policy as being from a different era in terms of renewables; he explained that this was why the applicant had submitted this application, despite being aware of the current LDP policy.

Mr Anderson and Mr Scott responded to questions from Committee members. Mr Anderson reported that current generation was 100,000kW per annum. He advised that turbines were designed to be recessive in terms of colour. He pointed to the main mitigation as being the siting of the turbine where the power would be used, so there would be a strong association with the hen sheds. Mr Scott advised that the development would not be relevant to the grid because so much of the power would be used by the hen sheds. There was also potential for moving off grid and combining with battery storage. Mr Anderson pointed out various issues with installing several smaller turbines, including supply issues and there being a cumulative noise impact. He pointed out that there was considerably more wind to be harnessed by a higher turbine, and that smaller turbines would also suffer because the site was on the wrong side of the woodland. He also considered that ten smaller turbines would have a more devastating visual impact. Mr Scott reported that the current power usage was 2.5 million kW each year, and further growth on the site was not currently predicted. He stated that the business did not seek to benefit from a feed-in tariff, but to become sustainable.

Councillor McIntosh asked Cheyne Hamm, Sustainability and Climate Change Officer, to explain why turbines were getting higher. Mr Hamm explained that larger turbines captured wind more efficiently, and taller turbines had been developed to accommodate increasing demand for electricity and renewable generation. Mr Hamm thought that ten smaller turbines would require more construction, transport, and would lead to greater upstream emissions.

Councillor McIntosh highlighted that many parts of the proposal met policy requirements, and she said that the Planning Committee had to decide whether policies which were around 12 years old were still working; she also highlighted that NPF4 policies should take precedence.

She felt that the planning system should be used to encourage such proposals. She discussed the shifting baseline effect, as people got used to changes and developments. She felt that guidance should be updated as greater energy independence was encouraged. She disputed the report's conclusions about NPF4 policies that the proposals would not meet, and she did not agree with the Landscape Officer's conclusion that a turbine would affect a special landscape area just because it could be seen from the area. She felt that allowing an important local business to generate its own electricity was of economic and environmental benefit of local importance, and the proposals would contribute to developing a sustainable place. She would vote against the officer's recommendation to refuse consent, and urged colleagues to do the same. She hoped that LDP2 would see the development of clearer guidance, such as Dumfries & Galloway Council's decision to increase their accepted turbine height. She felt that the proposals were proportionate to the business' needs, and hoped that LDP policy could be updated so that it was no longer in conflict with NPF4.

Councillor Collins said she had felt conflicted over the application because she had felt it was so tall for the area and its neighbours, including a horse breeding operation nearby. She was also aware of how difficult it was for farms to secure energy production. She commented that the large investment would ensure that the business was not exposed to volatile energy prices. She reported out that neighbours with horses were concerned about the noise of the turbine, and asked the applicant to make contact with them. She also asked that tree or hedge planting be used to mitigate the visual impact.

Councillor Allan supported the comments of Councillors McIntosh and Collins, and agreed that businesses had to futureproof against fluctuations in costs. She would support the application.

Councillor Forrest was concerned that further large turbines could be installed across the landscape, and pointed out that an alternative was available by installing a number of smaller turbines. He would support the officer's recommendation because he felt the proposed turbine was far too tall.

Councillor McMillan said he appreciated the difficulties for businesses around electricity costs. He also recalled the Planning Committee's recent decision not to support the large-scale wind development at Newlands Hill. He considered that the development had been proposed for the right reason, and discussed various features of the site; however, he felt that the development would bring a localised impact in terms of height and noise to a site that was close to neighbours. He felt that the impact of the height outweighed the benefits of the proposals, and would support the officer's recommendation to refuse consent.

The Convener appreciated the different arguments, and said he was a big supporter of renewable energy. He commented that the Planning Committee had tried to adhere to the findings of the Landscape Capacity Study. He felt that he would never support wind turbines in the lower Lammermuirs if it was purely to benefit income generation for an individual, however, he noted that the viability of many businesses was at risk because of energy costs. He thought that production of energy close to where it was used was a mitigating factor against visual impact. He also pointed out the importance of the business in terms of the food supply. He would vote against the officer's recommendation because the turbine would be located next to the existing business, and felt that the Council could support similar proposals.

Councillor Collins asked whether a tree screen to minimise impact on neighbours could be added as a condition. Mr Dingwall said he was unaware of many other examples of such conditions to have been imposed on similar projects; he noted the test of reasonableness in imposing conditions, but agreed that this would be a decision for the Planning Committee. Mr Anderson agreed that the applicant would be willing to add planting.

Responding to a question from Councillor McMillan, Mr Dingwall summarised draft conditions which would be added if Planning Committee voted to overturn the officer's recommendation

to refuse consent, and took into account Councillor Collins' suggestion for a condition to require planting to mitigate the localised impact of the turbine. Councillor Collins formally proposed this condition be added, and this was seconded by Councillor Allan.

Responding to a question from Councillor Allan, Mr Dingwall advised that the proposals' support of the local business was a material consideration, but in this case, the officer's conclusion was that the localised impact on landscape outweighed the benefits. He agreed that benefit to agricultural business was an important factor in considering an application.

Councillor McMillan noted the importance of LDP Policy DC1 in his decision to vote in support of the officer's recommendation.

The Convener moved to a roll call vote on the officer's recommendation to refuse consent. Committee members could vote as follows: (1) to support the officer's recommendation; (2) against the officer's recommendation, and to add standard conditions; (3) against the officer's recommendation, to add standard conditions, and to support an additional condition relating to planting; or to abstain. Votes were cast as follows:

Position 1: 2 (Councillors Forrest and McMillan)

Position 2: 0

Position 3: 6 (Councillors Hampshire, Allan, Collins, Gilbert, McIntosh, and Yorkston)

Abstain: 0

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 Details of the materials and colour of the supporting column, rotor hub and blades of the wind turbine shall be submitted to and approved in advance by the Planning Authority and the colour of them shall be of a matt finish. These details shall show the supporting column, rotor hub and blades of the wind turbine all being the same colour. When installed the column, rotor and blades of the wind turbine shall accord with the materials and colour so approved.

Reason:

To lessen the visual appearance of the wind turbine in the interests of the landscape character and appearance of the area.

- 3 No symbols, logos or any other markings shall be displayed on any part of the wind turbines hereby approved without the written consent of the Planning Authority, except for over-riding reasons of health and safety.

Reason:

In the interests of the visual amenity of the area.

- 4 In the event that any wind turbine installed on the application site fails to produce electricity for a continuous period of 6 months, then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required the wind turbine shall be dismantled and removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous 6 months period, and the ground fully reinstated to the specification and approval of the Planning Authority.

Reason:

To prevent a redundant turbine remaining on the application site, in the interests of the landscape amenity of the area and to secure compliance with Policy WD6 of the ELLDP 2018 and Policy 11 (xi and xii) of NPF4.

- 5 Prior to commencing construction of any meteorological masts, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of East Lothian Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

a. details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with; and
b. the location and height of the meteorological mast identifying the position of the lights on the mast; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason:

To maintain aviation safety and in the interests of residential amenity.

- 6 The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
a) the date of the commencement of the erection of wind turbine generators;
b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
c) the date any wind turbine generators are brought into use;
d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason:

To maintain aviation safety.

- 7 Prior to the delivery of the wind turbine to the application site, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. In particular, the CTMP shall identify measures to control the use of any direct access onto the trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

Reason:

To mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

- 8 Prior to the delivery of the wind turbine to the application site, an Abnormal Load Transport Management Plan shall be submitted to and approved in writing by the Planning Authority. The ALTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:
i. Details of the numbers and types of the abnormal loads expected (including their specifications), together with a schedule of their arrivals (including the dates and the times of the day);
ii. Details of the proposed routes for any abnormal loads on the trunk road network;
iii. Detailed swept path assessments of all abnormal load routes along the local road network from the A1 trunk road;
iv. Full details of temporary or permanent changes to the existing local road network including impacts on street furniture / lighting columns in order to facilitate the abnormal load deliveries,

including details of the protection measures to prevent damage to the street furniture / lighting columns;

v. Any traffic management measures or additional signage deemed necessary on either the local roads or trunk roads networks due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant and details submitted to the planning authority.

vi. Details of any Permits, Special Orders and Temporary Traffic Regulation Orders required to facilitate the deliveries;

vii. Details of the mechanisms and schedules for liaison with the emergency services, community groups and local businesses to ensure that their activities are not impeded by the abnormal load activity;

viii. Details of public information to be made available on the project website, together with a liaison committee with the local community and the emergency services;

ix. Details of the necessary convoy systems to escort the abnormal load movements.

x. Details of any trees or hedging proposed to be felled to make way for abnormal loads.

Reason:

To ensure that the transportation of abnormal loads will not have any detrimental effect on the either the local road network or the trunk road network and in the interests of road safety.

- 9 Prior to the delivery of the wind turbine to the application site, a Construction Method Statement (CMS) shall be submitted to the Planning Authority for approval incorporating the latest good practice guidelines and statutory advice as outlined in the PEA to protect European Protected Species. Once approved, development shall be carried out in accordance with the CMS unless otherwise approved by the planning authority.

Reason:

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

- 10 Noise associated with the operation of the Wind Turbine hereby approved shall be restricted to the noise limits detailed in Table 4.3 of Congeo's Noise Report Reference N6373-1535 Version 2 dated June 2024.

Reason:

To safeguard the amenity of the occupants of nearby residential properties.

- 11 Prior to commencement of development a scheme of landscaping shall be submitted to the Planning Authority for approval. The scheme of landscaping as submitted should include:
- i) Mitigatory planting to compensate for the felling of any trees or hedging required to be removed to facilitate either the transportation of the wind turbine to the application site or the installation of the wind turbine and associated works; and,
 - ii) A landscape planting strip to the south-east of the wider field in which the wind turbine is proposed.

All planting comprised in the scheme of landscaping 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 within 5 years of planting being implemented, the planting 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:

In the interests of the visual and residential amenity of the area and to mitigate against the loss of trees.

- 12 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures shall thereafter be implemented within 3 months of being approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

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

8. PLANNING APPLICATION NO. 23/01155/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1(A) TO (M) AND (O), 5, 6, 9, 11, 12, 18, 19, 22, 23, AND 27 OF PLANNING PERMISSION 21/01580/PM - ERECTION OF LOCAL CENTRE INCLUDING 65 RESIDENTIAL UNITS, EMPLOYMENT UNITS (CLASSES 4 AND 6), RETAIL UNITS (CLASS 1A), GYM (CLASS 11), NURSERY (CLASS 10), WELLBEING FACILITY (CLASS 1A), SUPERMARKET (CLASS 1A), AND ASSOCIATED WORKS, BLINDWELLS

A report had been submitted in relation to planning application no. 23/01155/AMM. Julie McLair, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Rebecca Pringle, Team Manager – Housing and Strategy, advised that the distribution of affordable homes on the site would depend on the mix brought forward. Ms McLair advised that Class 4 and Class 6 units were businesses which could operate in close proximity to residential properties; the smaller units would be near the flatted properties, and the larger unit would be adjacent to the car park.

James Fraser, of EMA Architects, and Niall McLean, on behalf of Hargreaves, were present to speak to the application. Mr Fraser made a presentation about the key concepts of the people-focused town centre, with a strong sense of place, and in a sustainable 20-minute neighbourhood. He advised that the town centre would include affordable retirement apartments, office space and retail units, a welfare hub, and a proposed gym and nursery. He described the location of various features of the town, such as the primary school, the arrival square, the market square, the loch, and wider recreational green spaces. He also explained that the high street would have a pedestrian focus, with vehicle movements limited to the rear, and that the market square would connect to a wider landscaped area. He summarised by providing the square footage of the different types of spaces available for use, which would create a multifunctional mixed-use town centre and become a local destination to live, work, and play.

Mr Fraser and Mr McLean responded to questions from Committee members. Mr Fraser advised that the size of the supermarket, at 7,500 square feet, had been guided by market research, and was likely to be slightly smaller than an Aldi, but larger than a standard Co-op. Discussions had also taken place with the NHS for a facility in Blindwells, and these discussions could be taken forward after planning consent had been granted; designs had been left flexible to accommodate various facilities. He advised that the facility would be accessible and easily connected to the wider high street.

Responding to further questions, Mr McLean advised that there had been regular meetings with the newly formed Tenants' and Residents' Association (TRA) and the Chamber of Commerce. The developer looked to provide community space, so an ongoing facility would move and grow as the development grew, until something more permanent was brought forward. He advised that there had been interest from a nursery, café, and supermarket. Construction was expected to take two years, so temporary provision was being considered in the interim period.

Councillor Yorkston, local member, reported that residents were keen for movement, particularly with the provision of shops, and he was interested to hear more about temporary provision. He also welcomed the social housing in the town centre, which would be well received by residents.

Councillor Gilbert, local member, concurred with Councillor Yorkston's comments. He felt that the development would allow the heart of the community to form. Councillor Allan agreed, and described the difference between a housing estate and community as being able to access local amenities; she hoped these would come forward as soon as possible.

Councillor McMillan welcomed the links made with the Chamber of Commerce, and between the TRA and Reverend Robin Hill. He commented on the quality of the new school building. He felt that access for bus group partners must be considered. He also welcomed discussions with Economic Development and the Chamber of Commerce to create jobs. He would welcome the work being hastened, and would support the application.

The Convener concurred with his colleagues' comments. He thought the development looked to be of high quality and would create an attractive town centre. He hoped that activities could be developed alongside the town park and lake area. He thought that Blindwells town centre would be a destination right in the heart of the county, and he would support the officer's recommendation to grant consent.

The Convener moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to grant consent.

Decision

Planning Committee agreed:

That approval of matters in conditions of planning permission 21/01580/ for the erection of a local centre including 65 residential units, employment units (Classes 4 and 6), retail units within planning permission in principle 21/01580/PM. (Class 1A), gym (Class 11), nursery (Class 10), wellbeing facility (Class 1A), supermarket (Class 1A) and associated works be granted subject to:

- i) The undernoted conditions; and
- ii) The satisfactory conclusion of a modification of Clause 4(ii)(c) of the Section 75 to increase affordable housing units restricted in S75 Clause 4 (ii) (c) from 50% to a maximum of 85% of this specific AMM red line boundary.

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 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.

- 2 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 buildings and flatted block 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 promote a use of more than one brick and 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 buildings and flatted block 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.

- 3 A High Street Maintenance Plan shall be submitted to and approved by the Planning Authority prior to the commencement of development. The High Street Maintenance Plan shall include reference to aspects such as cycle access, litter bin provision, street cleaning, winter maintenance, street trading licenses and emergency access requirements.

Reason:

In the interests of pedestrian and road safety.

- 4 Details of the bus stop provision and position including seating, signage and community features for the bus stop shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of pedestrian and road safety.

- 5 Prior to the commencement of development, a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority. In addition, immediately following completion of the works, a Stage 3 Road Safety Audit shall be submitted to and approved by the Planning Authority. Finally, 12 months following completion of the works, a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority. All issues raised within each stage of the Road Safety Audit process will be required to be addressed to the satisfaction of the Planning Authority.

Reason:

In the interests of pedestrian and road safety.

- 6 Details of the use of bollards/landscaping to prevent prohibited vehicular access between the turning head and the adjacent loading bay / car park within the northeast corner of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of pedestrian and road safety.

- 7 A Town Centre Car Parking Management Plan shall be submitted to and approved by the Planning Authority prior to the commencement of development to include details of parking controls and restrictions to ensure that the car parking is effectively managed. The Town Centre Car Parking Management Plan shall include details of: i) ii) taxi drop off/pick up point; parking controls and restrictions; The Town Centre Car Parking Management Plan shall be a working document for the life of the site with the ongoing review of on-street car parking on the core road network to allow for the possible future introduction of waiting restrictions to ensure that any overspill on-street car parking does not impact bus access.

Reason:

In the interests of pedestrian and road safety.

- 8 Full details of the EV chargers including specifications and operation shall be submitted to and approved by the Planning Authority prior to the commencement of development. The details

shall refer to the following: for the commercial element of the site, EV charging will be provided at 10% of the overall provision (one charger should be provided in each of the disabled bay locations) plus 40% passive provision; for the residential element, one EV charger per dwelling will be required.

Reason:

To ensure the provision of adequate EV charging facilities.

- 9 Notwithstanding that shown on the drawings docketed to this permission a detailed drawing showing the provision of one accessible parking bay within the parking area to serve block G shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

To ensure the provision of adequate accessible parking facilities.

- 10 Details of public use cycle parking in appropriate locations within the site and with appropriate specifications shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

To ensure the provision of adequate cycle parking facilities.

- 11 Prior to commencement of use of:
i) the large retail units, community facilities and the main commercial businesses in the Class 4 units hereby approved, tailored made Travel Plan documents shall be submitted to and approved by the Planning Authority;
ii) the smaller retail and employment units hereby approved, generalised Travel Plan documents shall be submitted to and approved by the Planning Authority;
iii) the residential units hereby approved a Travel Information Pack shall be submitted to and approved by the Planning Authority.

The Travel Plans/Information Pack shall include details of the measures to be taken to encourage active and sustainable travel, monitoring and review procedures, and shall particularly consider restricting the movement of HGVs through the local centre at busy times, particularly school times. The Travel Plans/ Information Pack shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 12 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.

- 13 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, none of the residential units hereby approved shall be occupied prior to the implementation and completion of the works to upgrade the Bankton Interchange to the satisfaction of the Planning Authority and Transport Scotland.

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 14 Deliveries within the application site shall be restricted to between the hours of 0700-23000 on any day with no delivery vehicle accessing or egressing the site outwith those time.

Reason:

In the interests of protecting residential amenity.

- 15 The areas of open space amenity land detailed on drawings docketed to this approval shall be laid out and available for use within a period of 12 months following the first occupation of any of the residential units hereby approved. Thereafter those areas of land shall be retained for such purposes and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of visual and residential amenity.

- 16 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 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 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. 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

- 17 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/footpaths.

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.

- 18 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.

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

Reason:

In the interests of road safety.

- 20 Unless otherwise agreed by the Planning Authority, no residential unit shall be occupied unless and until measures within the docketed Waterman 'Blindwells Local Centre Drainage Strategy and Flood Risk Assessment' September 2024 have been implemented to the satisfaction of the Planning Authority following consultations with SEPA, to accord with the Drainage Strategy approved within planning permission in principle (Ref: 21/01580/PPM) and any variations to that consent.

Reason:

To ensure the built development within the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 21 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.

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

Reason:

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

On the occasion of his last Planning Committee meeting as Chief Planning Officer, the Convener thanked Mr Dingwall for his work with the Planning Committee. The Convener spoke of how the planning applications determined at Committee had contributed to East Lothian's positive growth, and said that Mr Dingwall's new role as Head of Development would mean he had an overview across the county.

Signed

Councillor N Hampshire
Convener of the Planning Committee