



## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 19 AUGUST 2025  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY

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### Committee Members Present:

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

### Other Councillors Present:

Councillor G McGuire  
Councillor S Akhtar

### Council Officials Present:

Mr G Marsden, 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  
Ms A Law, Assistant Planner  
Mr S Robertson, Assistant Planner (R)  
Ms M Haddow, Senior Roads Officer  
Ms L Hunter, Senior Roads Officer (R)  
Mr J Canty, Transport Planner (R)  
Mr G McLeod, Transport Planner (R)  
Ms S Cheyne, Projects Officer – Landscape (R)  
Mr C Wiseman, Projects Officer – Landscape (R)  
Mr I Chalmers, Team Manager – Structures & Flooding (R)  
Ms E Barclay, Democratic Services Assistant  
(R) = remote participant

### Clerk:

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr A Fendick, Ms L McIntosh, Mr D Tough, and Ms B Everett

Item 3: Mr A Lilley, Ms A Clark, Mr C Bruce, and Ms J Bell

Item 4: Mr G Patrick

Item 5: Mr G Anderson and Mr J Hyslop

Item 6: Mr P Hinchcliffe, Ms H Naish, Ms C Duffy, and Mr L Mitchell

**Apologies:**

None

**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.

**1. MINUTES FOR APPROVAL  
Planning Committee, 25 June 2025**

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

**2. PLANNING APPLICATION NO. 24/01122/P: CHANGE OF USE OF LAND FOR THE KEEPING OF HORSES TO THE SITING OF SIX GLAMPING PODS FOR HOLIDAY LET AND ASSOCIATED WORKS, LAND EAST OF 23A BOGGS HOLDINGS, THE BOGGS, PENCAITLAND**

A report had been submitted in relation to planning application no. 24/01122/P. Bruce Nicolson, Planner, presented the report, highlighting the salient points. He also advised Committee members of an amendment to recommended Condition 4 to include fencing detail. The report recommendation was to grant consent.

Officers responded to questions from Committee members relating to: the caravan site which had previously sat opposite the site; additional journeys generated by the development; drainage and sewage plans; matters which would be covered under the licensing regime, including officers' opinion that the submitted management plan was adequate and that additional conditions were not required. Councillors also asked questions about: traffic assessment; the visibility splay at the entrance to the site; flooding risk; potential impact on nearby agricultural land; engagement with objectors; the potential for adding reflective strips to the entrance way; and the potential for development of a remote car park. Councillor McIntosh also asked that that fire risk be discussed when the licensing application was determined.

Andrew Fendick, one of the applicants, spoke to the application, and highlighted: Boggs Holdings' tradition of supporting small rural businesses, and the importance of preserving its unique character and of providing good accessibility; the target audience of cyclists, golfers, and families; the proposals' alignment with policies on rural diversification; and the plans to further increase the site's biodiversity. Following his presentation, he responded to questions on: reporting of concerns to management; his experience in the industry, and the business' values; whether other areas had been considered to site the pods; risks associated with guests' interactions with local livestock; and the policing of the site. He expressed that the time for community engagement was after a planning decision had been made. He said that the use of solar power was still under consideration, but undertook to consider alternative car charging units. On the matter of fire prevention, Mr Fendick gave assurance that the use of barbeques and fire pits would be prohibited if, in a period of extreme dry, there was local concern over grassland fires. He advised that the development would be scaled up over time, and expected that just two pods would be offered initially.

David Tough spoke against the application. He felt the application's assessment ignored the avoidance of conflict with neighbouring areas which had other uses, and discussed the potential pitfalls of a lack of on-site management. He also discussed ways in which he considered the management plan to be flawed. Following his presentation, Mr Tough responded to questions on potential other locations, the dangers of the local roads, and the aspects of the site he considered to require management.

Lindsey McIntosh spoke against the application, and discussed: that the development would be the largest glamping site in the ward; how more direct oversight would encourage a timelier response to problems; the risk posed by guests' dogs to local livestock; the loss of privacy for residents; concerns over late night noise issues; concerns that the site could become two separate developments in the future; and the development's location on prime agricultural land. In response to a question, she described the location of the surrounding properties whose residents she felt would be disrupted.

Becky Everett spoke against the application, and discussed: that she considered the proposals went against National Planning Framework 4 (NPF4) Policy 29, and East Lothian Local Development Plan (LDP) 2018 Policies DP1 and DP2; the development's location within 250m of residential dwellings and the area's lack of streetlights or pavement; issues of noise, odour, and fumes; road safety issues due to use of the 60mph road by walkers, cyclists, and tractors; concerns over potential sewage issues; potential livestock stress; and her concern that approval would set a precedent in Boggs Holdings. She asserted that the proposed development was not compatible with neighbouring land. In response to a question, Ms Everett confirmed that she had not been consulted on mitigations for interaction with livestock.

In the debate stage, Planning Committee members, along with local members, Councillors Akhtar and McGuire, raised concerns about: the application not being compliant with policy; road safety; loss of amenity for residents; loss of the unique character of Boggs Holdings; the applicants' lack of engagement with residents, and the lack of community support for the plans; the potential for the site to become two separate developments in the future; guests' interactions with livestock; the lack of on-site management; and the loss of prime agricultural land. Some Committee members suggested that they may have been able to support a smaller development, while others pointed out that many of the issues raised were not related to planning concerns. There was acknowledgement of the biodiversity gain from the proposed new planting. There was also suggestion that developing a separate parking area would minimise the laying of new road.

The Convener expressed that he would support the application, but added that he would ask the applicants to reconsider the layout of the site and to add the new planting as early as possible; he also pointed out that refusal could lead to an appeal and the Council's loss of control over conditions.

Following the debate, and after seeking advice from Graeme Marsden, Service Manager – Planning, and agreement from Mr Fendick, Councillor McMillan formally proposed that the application be continued to allow the applicants time to address some of the concerns raised during the debate stage, and this was seconded by Councillor Hampshire. The Planning Committee unanimously supported the continuation of the application by roll call vote.

### **Decision**

The Planning Committee agreed to continue the application.

### **3. 25/00001/SGC: ENERGY CONSENTS UNIT (ECU) CONSULTATION: SECTION 36 – THE DEVELOPMENT OF A BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE, INCLUDING CONNECTING UNDERGROUND CABLING TO THE EXISTING SUBSTATION, ON APPROXIMATELY 1.4 HECTARES OF LAND NORTH OF PITCOX, (ECU00004992), LAND NORTH OF PITCOX**

A report had been submitted in relation to Energy Consents Unit (ECU) consultation no. 25/00001/SGC. Amy Law, Assistant Planner, presented the report, highlighting the salient points. She also provided amended wording for recommended Condition 10, noted below. The recommendation was to approve the report and consultation response.

Responding to questions, officers provided information on: the process following the Council's submission of an objection to the ECU; the lack of enforceability of conditions on third party engagement with an organisation which was not a named body (such as community councils); and the Council's standards for surface water and drainage. Ms Law advised that the application had not been through the Council's pre-application process.

Andrew Lilley and Anna Clark spoke to the application, and discussed: the process for identifying the site; public consultation and community engagement, and the amendments made following feedback; attendance at community council and East Lothian Energy Forum meetings; the financial contribution made to the East Lammermuir Local Place Plan; the further landscaping achieved by condition; their hope that shorter batteries would be on the market by their installation period; and the reprofiling of the site for drainage. They also noted the lack of community representation, and that the closest neighbour did not object to the plan. In response to questions, they advised that: the pre-application process had been missed because of timescales for connection to the grid; that a fund of £10,000 per year would be split between West Barns and East Lammermuir Community Councils; and that options for shared community ownership had not been considered.

Jacquie Bell highlighted community concerns on behalf of West Barns Community Council, including: road safety, particularly at the Thistly Cross Roundabout, and volumes of construction traffic; the cumulative impact of green energy projects on the landscape, and that a greater number of applications had been made than was needed for 2030 net zero targets; the development's impact on habitat and wildlife corridors; and the potential environmental impact of a battery fire.

Chris Bruce made representation on behalf of East Lammermuir Community Council. He

advised that the Community Council neither objected to or supported the proposals, and welcomed the strong recommendations regarding fire safety, lighting, and the focus on local employment. The Community Council sought alignment in the Council's response on the matters of management of construction traffic and biodiversity proposals. He noted that an Environmental Impact Assessment should be carried out, due to another green energy project recently having been consented nearby the site. The developer's engagement with the Biodiversity Community Liaison Group was also sought by condition.

Responding to Mr Bruce, Mr Marsden pointed out that the Biodiversity Officer had already deemed the Biodiversity Enhancement Plan to be acceptable, so this did not remain as a matter to be determined. He advised that, outside of the planning process, Keith Dingwall, Head of Development, was going to write to developers to ask them to engage with local groups on cumulative traffic impact and biodiversity matters.

In the debate stage, Committee members made comment on: the project enabling the farm to diversify; their a desire to require a Habitat Management Plan as standard in future applications; the good location; the requirement for a more joined-up approach to community engagement; and the significant cumulative impact of green energy projects on East Lammermuir.

Councillor McIntosh proposed an amendment to the fourth bullet point in the conclusion of the report, which would now read that the Council objected on the grounds of 'insufficient information on surface water flooding and an insufficient level of flood protection'. This was seconded by Councillor Cassini.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of approving the consultation response, as amended by Councillor McIntosh's proposal.

## **Decision**

Planning Committee agreed:

- 1 That the Council strongly recommended that the ECU should satisfy themselves that either the proposed BESS would not result in an unacceptable fire safety risk or that the matter of fire risk is competently dealt with under other legislation. The Council further recommended that the ECU should consider whether a safety management plan should be required. The ECU should also consider whether it is necessary to further consult with the Health & Safety Executive on this matter.
- 2 That the Scottish Government Energy Consents Unit be informed that East Lothian Council objects to the granting of consent under Section 36 of the Electricity Act 1989 for the reasons set out in the report (as amended at bullet point 4);
- 3 That the East Lothian Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to resolve these objections and conditions to be attached to the consent if required;
- 4 That East Lothian Council's Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to agree any further amendment to the proposal, that in his/her opinion did not have a materially greater impact on interests within East Lothian; and
- 5 That if consent is granted then it be subject to the following conditions:

## RECOMMENDED CONDITIONS

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

Reason:

To ensure that the development is commenced within a reasonable period.

- 2 Prior to the commencement of development details of the finishing colours for all of the components of development shall be submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the visual amenity of the area.

- 3 Prior to the commencement of any development a report on the actions to be taken to reduce the Carbon Emissions 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 including the consideration of any opportunities for heat recovery systems, 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.

- 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" and as detailed on drawing 'Figure 5 – Arboricultural Method Statement' numbered 22494-ARB-03 as detailed in the arboricultural report by Ecus Limited dated November 2024 has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Figure 5 – Arboricultural Method Statement' numbered 22494-ARB-03 in the above arboricultural report, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

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

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

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

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage. All trees on and adjacent to the site shall be retained and protected in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and

construction' and no tree works shall be undertaken without the prior approval of the local planning authority.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Soft Landscape Proposals Overview' with drawing number 22494-LD-01 rev G [or as revised], 'Soft Landscape Proposals – Planting Plan' with drawing number 22494-LD-02 rev G [or as revised], 'Soft Landscape Proposals – Planting Plan' with drawing number 22494-LD-03 rev G [or as revised], 'Soft Landscape Proposals – Planting Plan' with drawing number 22494-LD-04 rev G [or as revised], 'Outline Specification and Planting Schedule' with drawing number 22494-LD-05 rev C [or as revised] 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.

- 6 A full landscape management plan for the life of the development shall be submitted prior to commencement of development for the approval of the planning authority to show how the landscaping will be established and developed. The woodland shall be retained once the development is finished and shall not be included in any proposals to return the site to agricultural land.

Reason:

To ensure the establishment of woodland to aid the delivery of the Tree and Woodland Strategy for East Lothian

- 7 The measures set out in the Landscape and Ecological Management Plan (Ecus, December 2024), the Biodiversity Net Gain Assessment (Ecus, December 2024) and the Landscape Plans docketed to this application as so approved shall be implemented in full hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Thereafter, the measures, as so approved, shall be implemented within 12 months of the date of this grant of planning permission and shall thereafter be retained and maintained in accordance with the implementation and management schedules, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 8 No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (8% Archaeological evaluation by trial trenching) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason:

In the interests of the historic environment including archaeological remains.

- 9 Prior to the commencement of development a Public Access Management Plan shall be submitted to and approved in writing by the Planning Authority. The Public Access Management Plan shall include the following details:

(i) Measures to manage and control the speeds of construction traffic, including advisory speed limit signage on the local road network; and  
(iii) Details of any temporary and permanent infrastructure that will be delivered to ensure the safe and convenient active travel routes in the local area, including a timetable for the implementation of the measures.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the safe continuation of public access and amenity.

- 10 There shall be no lighting installed unless and until details of external lighting (including details of the lighting units and any emergency lighting, the time period for illumination for each unit, the angle and intensity of illumination and hours of operation) has been submitted to and approved in writing by the Planning Authority. Unless essential emergency lighting only, any other lighting must not be operational unless personnel are on site.

Reason:

In the interests of the visual amenity of the area.

- 11 The northern and western boundaries of the development site shall be provided with acoustic barriers as described in paragraphs 4.10-4.13 of the Noise Impact Assessment Report Ref 13809.01.v3 of November 2024, or equivalent barriers that provide the same level of attenuation of noise.

Reason:

To safeguard the amenity of nearby noise sensitive properties

- 12 Prior to commencement of development, the Flood Risk Assessment and Outline Surface Water Drainage Strategy shall be updated and submitted to and approved by the Planning Authority. The development shall thereafter be carried out in strict accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 13 The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of Final Commissioning. The total period for operation of the Development, decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-one years and six months from the date of Final Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

Reason:

To ensure the development only operates within its designed and planning lifespan.

- 14 If the Development fails to export electricity via the grid connection for a continuous period of twelve months, then it shall be deemed to be redundant and unless otherwise agreed in writing with the Planning Authority, the Company shall undertake the decommissioning, restoration and aftercare of the Site as required by other stated conditions.

Reason:

To ensure that if the Development becomes redundant the equipment is



removed from the site, in the interests of safety, amenity and environmental protection.

- 15 No development shall commence unless and until a Decommissioning, Restoration and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authority. The strategy shall include measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the Development (retention, removal, or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

Unless the Development has been deemed to be redundant under condition 12, no later than twelve months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a Detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved Decommissioning, Restoration and Aftercare Strategy, shall be submitted for the written approval of the Planning Authority.

If the Development has been deemed to be redundant under condition 12, no later than twelve months from the date the Development has been deemed to be redundant, a Detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved Decommissioning, Restoration and Aftercare Strategy, shall be submitted for the written approval of the Planning Authority.

The Detailed Decommissioning, Restoration and Aftercare Plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of above ground elements of the Development, the treatment of ground surfaces, confirmation of the status of subterranean elements of the Development (retention, removal, or other such proposal), the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of any construction compounds, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and
- (l) a species protection plan based on surveys for protected species carried out no longer than eighteen months prior to submission of the plan.

The Development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved Detailed Decommissioning, Restoration and Aftercare Plan, unless and until otherwise agreed in writing in advance with the Planning Authority.

Reason:

To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

- 16 No development shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations are submitted to the Planning Authority.

The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations.

The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations.

The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason:

To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

- 17 Prior to commencement of development details of measures to seek to maximise local employment opportunities relating to the proposed Battery Energy Storage System shall be submitted to and approved by the Planning Authority. Those measures shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the local economy.

*Sederunt: Councillors Gilbert and Collins left the meeting.*

**4. PLANNING APPLICATION NO. 25/00236/PM: SECTION 42 APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION IN PRINCIPLE 18/00937/PPM – TO INCREASE NUMBER OF UNITS TO BE BUILT ON THE SITE TO NO MORE THAN 577, LAND AT WINDYGOUL, SOUTH TRANENT**

A report had been submitted in relation to planning application no. 25/00236/PM. Emma Taylor, Team Manager – Planning Delivery, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members on: the stage at which final unit numbers were determined in a development; the developer contributions required towards increasing school capacity; and the capacity of the junction at Elphinstone Road.

At the debate stage, local members commented on concerns about traffic and near misses at the junction at Elphinstone Road, and asked to be sighted on the traffic modelling in this area. Committee members also commented on the importance of paths to encourage cycling to work; their continued desire to encourage use of public transport; and the need to have accurate unit numbers from the early application stages.

The officer's recommendation to grant consent was unanimously supported by roll call vote.

## Decision

Planning permission was granted subject to the prior conclusion of a Section 75 amendment and the following conditions:

- 1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the residential units, any other buildings, any artwork to be erected on the site, the means of road, pedestrian and cycle accesses, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Site Layout drawing with drawing reference 18006(PL)001F docketed to planning permission in principle 18/00937/PPM but additionally shall comply with the following requirements:

a) The residential units shall be no higher than two storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;

b) Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street Notwithstanding that shown on the docketed site plan the houses denoted with an asterix shall have dual frontages. Otherwise 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;

c) There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary or secondary street frontage;

d) The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Policies and with Scottish Government Policy Designing Streets;

e) Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;

f) parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

g) all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and

construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;

h) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

i) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres.

j) All prospectively adoptable parking bays (i.e. that form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.;

k) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

l) The front, rear and side boundary treatments of each residential, unit shall be in accordance with a detailed boundary treatment scheme which shall provide for wall, hedge or railing boundary treatments where those boundaries face public spaces and for other appropriate boundary treatments between individual properties where not facing public spaces;

m) Unless where detailed otherwise in the docketed Site Plan drawing footpaths within the site shall be hardsurfaced in accordance with details to be agreed in writing with the Planning Authority.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 3 Prior to the commencement of development a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development shall be submitted to and approved in advance by the Planning Authority. It shall include the phasing and timing for the provision of footpaths/cycleways and external works such as offsite path links. These path links shall include

o A north-south path from the north-west corner of the affordable housing to the northernmost proposed path which runs from the Ormiston Road to the school.

o A path connection from the south-east corner of the site to connect with the national cycle route N196 to Ormiston.

o A path linking the northern part of the application site to the public road of Winton Court

It must also include for public road links, including paths, to local services, schools and the public road network. It shall further include the provision of drainage infrastructure, equipped play facilities, sports pitch, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 4 No more than 577 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity and to restrict the scale of development to that applied for.

- 5 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 2025/26 – 71 residential units

Year 2026/27 – 116 residential units

Year 2027/28 – 117 residential units

Year 2028/29 – 49 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 2029/30 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.

- 6 Prior to the erection of any residential units full details of all noise mitigation measures shall be submitted to and approved in advance by the Planning Authority. The mitigation measures shall include, but may not be limited to,

- \* the construction of an acoustic barrier approx. 4 metres in height and comprising an acoustic fence atop an earth bund. The location of the barrier will be in the south portion of the site adjacent to the eastern boundary of the Research Centre;
- \* placement of bungalows in the cul-de-sac beyond the barrier, to eliminate the potential for lines of sight over the top of the barrier from first floor habitable rooms;
- \* positioning of principle gardens on the far side of associated dwellings from the Research Centre incinerator, to create localised acoustic screening, minimising the potential for any residual impacts; and
- \* minimising habitable room glazing elements facing directly towards the Research Centre by arranging future dwellings around recognised potential noise sources with the gable end orientated towards the source; this limits the angle of view from future habitable room windows.

These mitigation measures shall be such that the following design criteria shall be met:

1. The Rating Level, LArTr, of noise associated with the operation of the existing research facility (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

2. Noise associated with the operation of any plant and/or equipment serving the existing research facility shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any proposed residential property. All measurements to be made with windows open at least 50mm.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 7 No residential units shall be erected within the yellow shaded area shown in Drawing No. CAR85-902 and titled Air Quality Mitigation Area dated 01.04.2019 docketed to planning permission in principle 18/00937/PPM unless and until such times as an updated Air Quality Assessment, that demonstrates all statutory Air Quality Objectives are being, and will continue to be met, has been submitted to, and approved in writing by, the Planning Authority.

Reason:

To ensure an acceptable standard of air quality in the interests of the amenity of the future occupants of the site.

- 8 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.
- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

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

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

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 9 Prior to the commencement of development intrusive investigation works shall be carried out at the application site in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority, and thereafter have been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 10 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 11 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved and where rear garden boundaries face or run parallel with roads these shall be feature boundaries in either render, stone or stone with timber panel infills and not full height close boarded fencing.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 12 A Green Travel Plan (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 Green Travel Plan (Travel Information Pack) shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan, and details of how and when it will be distributed to all residents.

The Green Travel Plan (Travel Information Pack) shall thereafter be provided to residents in accordance with the details approved.

Reason:

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

- 13 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area, including from the effects of noise and dust, 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. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be fully complied with during the construction phase of the development. 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.

- 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 interests of road safety.

- 15 Development of the application site shall be carried out in accordance with the following transportation requirements:

a) Unless otherwise agreed to an alternative standard in writing by the Planning Authority, a visibility splay of 9 metres by 160 metres shall be provided and maintained on each side of the proposed access junction from the application site onto the B6371 such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the following defined area - a) A line of 9 metres long measured along the access road from the nearside edge of the main road carriageway; b) A line 160 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions; and c) A straight line joining the termination of the above two lines. Details of the provision of the visibility splays shall be submitted to and approved by the Planning Authority prior to the commencement of development and thereafter shall be provided and maintained in accordance with the details above prior to the occupation of any of the approved development;

b) Unless otherwise agreed in writing with the Planning Authority the junction of the primary spine road with the B6371 Ormiston Road shall incorporate a right turning lane protected by islands which could serve the dual purpose of providing crossing points to the national cycle route N196, all in accordance with details to be submitted to and approved by the Planning Authority prior to the commencement of development. It shall be provided in accordance with details approved and prior to the occupation of any of the approved development.

c) No residential unit hereby approved shall be occupied unless and until (i) a 40 miles per hour speed limit on the B6371 (Ormiston Road) has been brought into effect from a location at the southeast corner of the site and shall continue northwards until it meets with the existing 30 miles per hour speed limit and (ii) a gateway feature is installed at the southern end of the east boundary of the site. Details of the proposed 40 miles per hour speed limit and of the proposed gateway feature shall be submitted for approval by the planning authority. These measures shall be implemented in accordance with the details as approved by the planning Authority.

d) Prior to the occupation of any residential unit hereby approved a suitable crossing of the B6371 shall be provided, in accordance with details to be submitted to and approved in advance by the Planning Authority.

e) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footway shall be provided to tie into the existing footway and for the full length of the site on the west side of the B6371 in accordance with details to be submitted to and approved in advance by the Planning Authority. .

f) Prior to the occupation of any residential unit hereby approved, a 2 metres wide, lit (street lighting) footpath shall be provided along the full length of the western edge of the site in accordance with details to be submitted to and approved in advance by the Planning Authority. .

g) prior to commencement of development a scheme of traffic calming to deter through traffic and school drop-off by car and to prioritise walking and cycling routes to Windygoul Primary School shall be submitted to and approved by the Planning Authority. The details to be submitted shall include details of two signalised crossings to be installed on Brotherstone's Way (one to replace the existing zebra crossing and one south of George Grieve Way) and a signalised crossing of the primary spine road through the development site and a timetable for provision of the signalised crossings and other traffic calming measures. These measures shall be implemented in accordance with the details as approved by the planning Authority.

Reason:

In the interests of road safety.



- 16 Unless otherwise agreed in writing by the Planning Authority prior to the occupation of any residential unit, pairs of bus stops shall be provided on both sides of the primary spine road, in accordance with details showing the number and locations of the bus stops to be submitted to and approved in advance of their construction by the Planning Authority .

Unless otherwise agreed in writing by the Planning Authority no residential units to the west of Brotherstone's Way shall be occupied unless and until a suitable bus route (which avoids the need for reversing manoeuvres) through this western part of the development is constructed in accordance with details to be submitted to and approved by the Planning Authority.

Reason:

In the interests of road safety.

- 17 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The submitted scheme of landscaping shall show planting on both sides of the bund. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Specific planting details shall include hedges to front gardens; oaks, sycamores and limes as well as establishment species such as birch and smaller understorey species of whitebeam, hawthorn, rowan, cherry and hazel to the boundary woodland planting; large species feature trees in open spaces to include beech, Scots pine and oak. The scheme shall include a timetable for implementation of landscaping, and this scheme shall show that the structural landscape planting shall be implemented within 1 year of the commencement of development and shall include a tree protection and maintenance plan to safeguard new structural tree planting during the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

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.

- 18 The maintenance of all communal landscape areas, and where applicable hedges to private front gardens, shall be adopted and maintained by Estate Management or Factored in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 19 Details of the play areas, including the equipment to be provided within them and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.

Prior to the commencement of development, details of how all the areas of open space and equipped play areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved and the play areas and open space shall thereafter be maintained in accordance with the details so approved..

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 20 Notwithstanding that detailed on the site plan at least one electric vehicle charging point shall be provided adjacent to the approved primary spine road and to the south of the approved sports pitch. Prior to the commencement of development details of the electric vehicle charging point(s) shall be submitted to and approved in writing by the Planning Authority. The details to be submitted shall include a timetable for provision. Development shall thereafter be carried out in accordance with the details to approved and shall be retained unless other approved in writing by the Planning Authority.

Reason:

In the interests of sustainability.

- 21 Cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed in accordance with details to be submitted to and approved in advance by the Planning Authority. Thereafter the cycle parking approved shall be provided and be made available for use prior to the occupation of each flatted property it is associated with and shall thereafter be retained unless other approved in writing by the Planning Authority.

Reason:

To ensure the provision and retention of cycle parking.

- 22 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 electric 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.

**5. PLANNING APPLICATION NO. 24/00200/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS (1 A TO I & K, 2(II), 8, 24, 27 & 29) OF PLANNING PERMISSION IN PRINCIPLE 15/00537/PPM – ERECTION OF 84 HOUSES, 9 FLATS AND ASSOCIATED WORKS, LAND LOCATED TO THE SOUTH AND EAST OF WALLYFORD AND AT DOLPHINSTONE**

A report had been submitted in relation to planning application no. 24/00200/AMM. Daryth Irving, Senior Planning, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions on: open space provision for the site; the 20mph speed limit and vertical traffic calming measures to be installed; and the Coal Authority's consultation response.

Graham Anderson and Jake Hyslop, both representing the applicant, answered questions from Committee members, and gave information on the remediation of mineshafts, and the expected traffic impact from the increased number of units. They also undertook to discuss reducing dust from the site to prevent road hazards.

In the debate stage, Committee members expressed disappointment about the lack of green space for the overall site, but welcomed the proposed traffic calming measures. Local members reiterated concerns about the junction at Elphinstone Road.

The officer's recommendation to grant consent was unanimously supported by roll call vote.

## Decision

Planning permission was granted, subject to the following conditions:

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions permission a detailed specification of all external finishes of the houses and flats hereby approved 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 flats shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses and flats, 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, and shall show the roofs being clad in more than one colour of roof tile. 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.

- 3 Prior to their occupation, mitigation in the form of glazing units that comply with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" shall be installed in the elevations of the houses as shown in purple and as detailed on docketed drawing no. 23349/11/01 Rev C.

Thereafter such form of attenuation shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 4 Mitigation in the form of acoustic barriers comprising both a 2 metre high type V screen wall with close boarded timber fence as shown on docketed drawing no. DET/22 and a 2 metre high type W close boarded timber fence as shown on docketed drawing no. DET/23 shall be erected in the positions for them as shown and detailed on docketed drawing no. 23349/11/01 Rev C prior to the occupation of the houses on the plots where such acoustic barriers are required.

Thereafter the acoustic barriers as so erected shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 5 With the exception of the acoustic barriers as required by Condition 4 above, notwithstanding that shown on the drawings docketed to this approval of matters specified in conditions permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around and between rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be feature boundaries in either render, stone or stone with timber panel infills and not full height close boarded fencing to heights and finishes to be approved in advance by the Planning Authority. The details shall also show all semi private and defensible spaces in front of or to the side of the houses hereby approved and to the side of parking courtyards to be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed 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 The development shall comply with the following transportation requirements, unless otherwise approved in writing by the Planning Authority:

(i) All roads and paths shall conform to East Lothian Council's Transport Infrastructure in New Developments;

(ii) Vehicle accesses to private parking areas (i.e. other than driveways) 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. The circulation lane should be 6m wide for nose-in parking; a narrower lane is acceptable for echelon parking;

(iii) Cycle parking for dwellings without a private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed;

(iv) A visibility splay of 2.4 metres by 30 metres in both directions shall be provided and maintained on each side of the internal junctions serving the development such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface;

(v) A visibility splay of 2.5 metres by 40 metres in both directions shall be provided and maintained on each side of the vehicular access into the site from the distributor road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface;

(vi) Where a private access joins a main distributor road, a visibility splay of 2.5 metres by 40 metres in both directions shall be provided and maintained on each side of the vehicular access such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

- 8 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, 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 construction traffic, shall include hours of construction work and routes of construction traffic to/from the site. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction of any drainage system.

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.

- 9 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.

- 10 Prior to the commencement of development a Stage 2 Quality Audit shall be submitted to and approved by the Planning Authority. The Quality Audit shall provide details on accessibility and connectivity from the wider transport network and between different elements of the application site and consider all different modes of transport including walking and the need of users who are mobility impaired.

The approved Quality Audit shall thereafter be implemented through the detailed design stages and the full audit process completed through to construction/occupation.

Reason:

In the interests of road and pedestrian safety.

- 11 Prior to the commencement of development a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the detailed design of all roadworks, footways and cycle paths within the development hereby approved, and shall include an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development.

The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 12 Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 13 12 months following approval of the Stage 3 Road Safety Audit as required by Condition 12 above, a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 14 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 2297/40 Rev E, 2297/41 Rev E, 2297/42 Rev E, 2297/43 Rev E, 2297/50, 2297/51, 2297/53, 2297/54, 2297/55 and 2297/56 shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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 'Dolphingstone Pod 3 Planting Notes

& Landscape Maintenance and Management Proposals' document by Brindley Associates dated February 2024.

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.

- 15 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 in advance by the Planning Authority. This report shall include, but not exclusively, 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.

- 16 Notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission and prior to the commencement of development, a revised scheme for the provision of electric car charging points to serve all of the residential units, and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall show 1:1 ratio provision with the installation of one 7kW Type 2 charger per dwelling, either socketed or tethered. Where it is not possible to connect to the household's own electrical supply then a factored arrangement shall be provided.

The scheme shall include a timetable for implementation and details of factoring and maintenance arrangements for any charging units which are to be installed outwith the curtilages of residential units. Development shall thereafter be carried out in accordance with the details so approved and charge points shall be maintained in accordance with the details so approved and shall remain in place unless otherwise approved by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

**6. PLANNING APPLICATION NO. 25/00083/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITION 2 OF PLANNING PERMISSION IN PRINCIPLE 22/00852/PPM, LAND ADJACENT TO DUNBAR LANDFILL SITE, OXWELL MAINS, DUNBAR**

A report had been submitted in relation to planning application no. 25/00083/AMM. Daryth Irving, Senior Planner, presented the report, highlighting the salient points. He also outlined an amendment to recommended Condition 2, noted below. The report recommendation was to grant consent.

Peter Hinchcliffe spoke to the application. He provided detailed information about: the project and the location of onshore cables; the consenting of reserved matters in the south by Durham County Council; the design features of the building to blend into the landscape; the landscape and biodiversity plans; and the plans to continue local engagement.

Mr Hinchcliffe and Luke Mitchell, also representing the applicant, answered questions from Committee members on: the timeframe of works; the number of people required on the development; communication with fishermen; cladding for visual screening; the positioning of cabling from the shore, and discreet nature of the cabling at landfill. Mr Hinchcliffe

undertook to consider the route workers would take to site, and advised that traffic management routes were not yet set.

The Convener commented on the desirability of having cabling under the sea rather on pylons, and that there would be limited visibility of the substation in its location at the old quarry. He also acknowledged the importance of such projects in securing the energy supply.

The officer's recommendation to grant consent was unanimously supported by roll call vote.

## Decision

Planning permission was granted, subject to the following conditions:

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

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

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

Reason:

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

- 2 Prior to the commencement of development of any of the converter station buildings, samples of the composite cladding panels to clad the buildings, including their colour, and a sample of the roof cladding for the buildings, including its colour, shall be submitted to and approved by the Planning Authority. The external finishes used in the development shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the landscape character of the area.

Signed .....

Councillor N Hampshire  
Convener of the Planning Committee

*The webcast for this meeting will be available at the link below for five years from the date of the meeting:*

[https://eastlothian.public-i.tv/core/portal/webcast\\_interactive/1010003](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1010003)