

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 October 2013

BY: Depute Chief Executive
(Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Application No. **13/00227/PPM**

Proposal Planning permission in principle for residential development of 420 houses, community facilities, open space, employment uses and associated infrastructure

Location **Land At Mains Farm
North Berwick
East Lothian**

Applicant Walker Group (Scotland) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the number of dwellings is greater than 50, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 12/00007/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 82 people attended the pre-application public exhibition, which was held over a two day period at St Andrew Blackadder Church, North Berwick, and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 38 hectares of agricultural land at Mains Farm, on the southern edge of North Berwick.

The site is bounded to the north by Grange Road, beyond which are residential properties. To the northwest of the application site, on the other side of Grange Road, is the former northern part of Gilsland Caravan Park and, beyond that, an area of agricultural land. That agricultural land together with the former northern part of Gilsland Caravan Park is allocated for a residential development of approximately 100 houses by Proposal H6 of the adopted East Lothian Local Plan 2008.

In February 2013 planning permission (12/00339/PM) was granted to CALA Management Ltd for the erection of 41 houses and 8 flats on the former northern part of Gilsland Caravan Park. Development of that site recently commenced. In April 2013 planning permission (Ref: 12/00338/PM) was granted to CALA Management Ltd for the erection of 67 houses and 4 flats on the agricultural land to the north of the former northern part of the Caravan Park. Development of that agricultural land has not yet commenced.

To the south and partly to the west of the application site is agricultural land. The site is otherwise bounded to the west by Gilsland Caravan Park and by the residential property of Gilsland House. The site is partly bounded to the east by agricultural land.

The agricultural land immediately to the northeast of the application site forms part of a larger area of agricultural land that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 (Law Primary School, North Berwick and North Berwick High School) of the adopted East Lothian Local Plan 2008.

The site is otherwise bounded to the east by the public road of Haddington Road (the B1347 road).

In August 2013 planning permission (Ref: 13/00505/P) was granted for the realignment of Haddington Road and for the formation of accesses to the land of Mains Farm, to Law Primary School and to North Berwick Law car park.

Planning permission in principle is now sought for the erection on the application site of 420 houses, community facilities, employment uses and for associated infrastructure including roads and footpaths, open space, and landscaping.

The application is supported by a Masterplan and Masterplan Document, a planning statement, a landscape and visual impact assessment, a transport assessment, a design and access statement, an ecological assessment, a heritage assessment, and a landscape infrastructure masterplan strategy.

The Masterplan submitted in support of the application shows how a total of 420 residential units could be accommodated on the application site. It also shows how access to the site could be taken from Grange Road at two new access points, one being a priority junction shown to be positioned close to the northeast corner of the site, the other a priority junction shown to be positioned opposite the existing junction of Grange Road and Green Apron Park. Additionally it is shown that access could be taken directly from the realigned Haddington Road. The following four areas of open space are proposed within the application site: (i) a linear park that would be on a north to south alignment and that would be located to the south of Grange Road; (ii) a countryside park, which would have an area of some 16 hectares and which would occupy the southern part of the site; (iii) a small area of open space at the northern end of the site, which would be based around a proposed SUDS pond; and (iv) a sports pitch with changing facilities and a parking area, which would

be positioned on part of the eastern side of the site. The sports pitch, changing facilities and parking area would form part of a town park, which would also include recycling facilities and a play area.

The Masterplan indicates that a woodland belt could be planted along much of the western edge of the site. A community hub could be positioned to the west of the proposed sports pitch. The Masterplan indicates that the community hub could be based around a public square with landscaped and seating areas. It is indicated that commercial buildings, which could include shopping and employment opportunities, could be positioned immediately to the north and south of the indicatively proposed public square. An employment area, which is indicatively shown to contain three buildings, could be located at the northern end of the indicatively proposed countryside park. The Masterplan Document indicates that those buildings could be for commercial use.

The Masterplan Document that supports the applicant's Masterplan provides a contextual analysis of the site and sets out the design principles for the development. The design principles address matters of design concept, built form, landscape, access, and public open space in respect of the different character areas of the proposed development.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 16 July 2007 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 9 (Infrastructure) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H5 (Mains Farm, North Berwick) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP5 (Major Development Sites), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road

layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

It is stated in Scottish Planning Policy: February 2010 that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

A total of 220 written representations have been received in respect of this application. Of these, 29 make objection to the proposed development. One of the objections is from the Law Primary School Parent Council. Another is from the Head Team at North Berwick High School. The other 191 written representations do not state whether they support or object to the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

12 of the 29 objections are made on the grounds that the application documentation appears to show an intention by the applicant to develop for housing the land to the northeast of the site that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 of the adopted East Lothian Local Plan 2008. Most of these objections state that this allocated land should be legally and permanently dedicated to the High School through a title condition and that the land should be made into workable playing fields by the applicant as part of the first phase of development.

The other main grounds of objection are summarised as follows:

* The proposed access arrangements are inadequate, with existing roads being unsuitable to accommodate traffic generated by the proposed housing development;

* Infrastructure of North Berwick will find it difficult to cope with additional residents and traffic generated by proposed housing development;

- * Impact on privacy and amenity of nearby residential properties;
- * Construction traffic would pose a risk to the safety of local school children; and
- * Concerns over flood risk.

The vast majority of the 191 written representations are based on a pro-forma letter, which raises concern that the application documentation appears to show an intention by the applicant to develop for housing the land to the northeast of the site that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 of the adopted East Lothian Local Plan 2008. These pro-forma representations state that this allocated land should be legally and permanently dedicated to the High School through a title condition and that the land should be made into workable playing fields by the applicant as part of the first phase of development.

A petition with 431 signatures has also been submitted. The petition raises the same concerns and makes the same suggestions as those contained in the pro-forma representations.

The Royal Burgh of North Berwick Community Council advise that, given there is a housing shortage in East Lothian, they support the principle of the proposed development. They advise that it seems well thought out with an emphasis on the creation of a community which they would hope will grow with time and become part of North Berwick.

The land of the application site is covered by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H5 defines all of the land as being a strategic housing site and allocates it for a mixed use development of approximately 400 houses, community facilities, open space, employment and associated infrastructure.

Local Plan Proposal H5 requires the Council to prepare a joint Development Framework addressing the development requirements of the site and the nearby Gilsland site (Proposal H6). Proposal H5 states that it will then be the responsibility of the developer to submit for approval a masterplan consistent with both this joint Framework and with the Local Plan's development policies prior to or as part of an application for planning permission in principle or planning permission for a development of the site. Proposal H5 also stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development.

Proposal H6 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A joint Development Framework for all of the allocated land of Proposal H5 and for the allocated Gilsland land was approved by the Council on the 28 June 2011. It sets out how the Council requires the lands to be developed in terms of design and infrastructure provision.

The land of application site is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. As the site is a strategic housing site, Policy DP5 requires the submission of a Masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the

Masterplan submission.

A Masterplan and an accompanying Masterplan Document have been submitted with this application. The submitted Masterplan and accompanying Masterplan Document are compliant with the requirements of Policy DP5.

Through their detailed master planning of the land of Proposal H5, the applicant has established that in total it is capable of accommodating more than the approximately 400 residential units that the development plan allows for the site. The Masterplan submitted with this application shows how a total of 420 residential units would be accommodated on the land of Proposal H5.

The Council's Policy and Projects Manager accepts that the site could accommodate more than 400 residential units. This is on the basis that there can be a degree of tolerance in respect of the approximation of 400 houses for Mains Farm set by Proposal H5 of the adopted East Lothian Local Plan 2008 and the fact that by its size and configuration the land of the application site is capable of accommodating an acceptable residential development of 420 houses.

Accordingly, and if the Planning Committee are of a mind to grant planning permission in principle for the residential development proposed in this application then the number of residential units can be as many as 420, without being a significant departure from Proposal H5 of the adopted East Lothian Local Plan 2008. The applicant is agreeable to a limit of 420 residential units.

The approved Development Framework stipulates that the layout of the housing development of the allocated land of Proposal H5 should integrate with its surroundings and be designed to ensure the creation of an interesting and distinctive environment with a layout that contributes positively to North Berwick.

What is proposed for the development of the land the subject of this application would be a sympathetic extension of North Berwick with due regard to the existing built form of the town and the locational context of the application site relative to existing housing and housing under construction at Gilsland. The Policy and Projects Manager is satisfied that the arrangement of land uses on the site proposed in the Masterplan complements existing land uses and is consistent with the aim of the approved Development Framework to create a compact and identifiable mixed community. The principles of development set out in the Masterplan Document include for a range of house types and sizes in order to cater for varying housing needs. Indicative densities are given for specific parts of the site. Together they set an indicative average density of 27.6 houses per hectare, which the Policy and Projects Manager confirms is acceptable. It is also stipulated in the Development Framework that 25% of the proposed housing component of the site's development has to be affordable housing. This is accepted in the Masterplan Document, with the stated principles that development of the affordable housing be fully integrated in its design with the other houses of the development and as groups of houses within the overall layout of the development.

Whilst the principles of the proposed development are generally acceptable, it would be prudent to impose conditions on a grant of planning permission in principle to ensure that the requirements of the development framework for the site are met. In this regard, houses should be predominantly two storeys in height and no higher than 3 storeys and should be orientated to face the street. Another element of the conditioning should be a requirement for the submission of a scheme of final finishes with a palette of colours and materials for the houses, which has due regard to the finishes of other residential properties in the locality.

One of the principal objectives of East Lothian Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new developments. To achieve this, visible resident parking in driveways in front of houses and in front of integral garages should be avoided. Consequently a condition should be imposed on a grant of planning permission in principle for the proposed development precluding the use of integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage, or where the careful use of boundary enclosures such as hedging or walling would serve to reduce the visual dominance of the car in the streetscape to an acceptable degree.

The Policy and Projects Manager is satisfied that the local centre proposed in the Masterplan is acceptable in principle and consistent with the aim of the approved Development Framework to create a sustainable mixed community. It would be prudent to ensure that use of the buildings within the local centre be restricted to those uses that would normally be found within such local centres (i.e. Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997). This can be secured through a condition of the grant of planning permission in principle for the proposed development.

In addition to the provision of a local centre, the approved Development Framework supports the provision a range of centrally serviced, flexible office spaces. Compliant with this requirement, the Masterplan shows an employment area, which is indicatively shown to contain three buildings and which is located at the northern end of the indicatively proposed countryside park. In order to safeguard the amenity of residents of houses that are shown to be located in close proximity to those three buildings, the Policy and Projects Manager recommends that use of the three buildings within the employment area be restricted to uses within Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997). This can be secured through a condition of the grant of planning permission in principle for the proposed development.

The Masterplan demonstrates that in principle the site could be developed for 420 houses without harming the privacy and amenity of neighbouring residential properties through overlooking or overshadowing. It also demonstrates that in principle the 420 houses could be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The Council's Environmental Protection Manager raises no objection to the principle of a housing development of the application site. However, since some of the proposed housing would be in close proximity to the proposed recycling facility and some of the proposed housing would be in close proximity to the employment area he recommends that a noise consultants report be obtained, which should include: (i) an assessment of noise from the use of the recycling facility and the use of the employment area and of any impact of such noise on the housing development; and (ii) any mitigation measures considered necessary to achieve satisfactory internal and external noise levels for the occupiers of the housing development.

The requirement for this can be secured through a conditional grant of planning permission in principle for the proposed development.

The Environmental Protection Manager raises concerns that noise and dust from construction activities may have an impact on the surrounding area. In view of this he recommends that prior to the commencement of development, a Construction Method Statement should be submitted to and approved by the Planning Authority. The Statement should detail mitigation measures to be employed to control noise and dust. The implementation of an agreed Construction Method Statement would ensure that the

construction activities did not have a significantly harmful impact on the environment or on the privacy and amenity of neighbouring properties. This matter can be addressed through a conditional grant of planning permission in principle for the proposed development.

The Council's Policy and Projects Manager is satisfied that the outline landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework. In particular, the countryside park would provide an appropriate landscape setting for North Berwick Law. A detailed landscape planting plan should be submitted for the whole site. The plan should show species trees to the south of the residential properties proposed to the north of the countryside park. Moreover, it should show that the blocks of tree planting on the south and southeast boundaries of the countryside park should include forest trees within them. These matters could be secured through a conditional grant of planning permission in principle for the proposed development.

On all of the foregoing considerations of layout, design, amenity and landscape, the principle of the proposed development are consistent with Policies 1B and 5 of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the approved Development Framework and the Council's Design Standards for New Housing Areas.

To satisfy the demand for pitch sports that will arise as a result of development of Mains Farm and of the land of Proposal H6, the approved Development Framework requires the provision on the Mains Farm land of a new community sports pitch and related changing accommodation. The approved Development Framework stipulates that all the costs associated with provision of the sports pitch and related changing accommodation has to be met on a pro-rata basis by the applicant(s) of an application(s) for planning permission for housing development of the land of Proposal H6 and of Mains Farm.

The sports pitch and changing accommodation are shown in the Masterplan as forming part of a larger town park. The applicant has offered to transfer the title of the proposed town park to the Council. This should be at no cost to the Council. It is also the intention of the applicant that they would fund the delivery, adoption and maintenance of the town park. This should be other than for the provision of the sports pitch and changing accommodation and related works, for which a proportional contribution will be required, in line with the requirements of the approved Development Framework. The Council's Healthy Living Manager and the Council's Property Projects Unit advise that the total value of the contribution for the 420 houses proposed in this application is £631,098.80. An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 could be used to secure the transfer of ownership of the land and the financial contribution to fund the delivery, adoption and maintenance of the town park, including the proportional contribution towards the provision of the sports pitch and changing accommodation and related works. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy 9 of the approved South East Scotland Strategic Development Plan (SESplan), Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The approved Development Framework stipulates the requirement for the provision of other recreational areas of open space that are well integrated and designed, and easily accessible from the proposed new housing.

The Masterplan and Masterplan Document indicate how other areas of formal and informal open space, including a large countryside park, could be located throughout the site. The Council's Landscape and Countryside Manager is satisfied with the principles of both the

size and location of those areas of open space. The areas of open space and the location indicated for them in the Masterplan are consistent with the requirements of the approved Development Framework. On this consideration the principle of the proposed development is consistent with the requirements of the approved Development Framework and with Policy C1 of the adopted East Lothian Local Plan 2008.

The applicant confirms that future maintenance of the areas of open space would be factored on behalf of future residents. The exceptions to this would be the sports pitch, which would be transferred to East Lothian Council, and the countryside park, which the applicant intends would be factored with ownership retained by the North Berwick Trust. The Council's Landscape and Countryside Manager is satisfied with the principle of this.

The Development Framework requires the provision of suitably sized and designed equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. In response to this, the Masterplan shows that a Neighbourhood Area Equipped for Play could be located between the local centre and the sports pitch and a Local Area Equipped for Play could be provided on the northern edge of the countryside park. A Neighbourhood Area Equipped for Play is defined as an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well. A Local Area Equipped for Play is defined as an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

The Council's Landscape and Countryside Manager is satisfied with the indicative locations of the play areas but advises that it will be important for the Local Area Equipped for Play to be designed into the landscape around the vicinity of the entrance to the countryside park, taking account of the desire to have reasonable supervision of behaviours from neighbouring houses. A condition should be imposed on the grant of planning permission in principle for the proposed development requiring submission of further details of the play areas, including the play equipment to be installed and a timetable for their installation, to be submitted to and approved in advance by the Planning Authority. On this consideration the principle of the proposed development is consistent with the requirements of the approved Development Framework and with Policy C2 of the adopted East Lothian Local Plan 2008.

The approved Development Framework advises that NHS Lothian, Lothian & Borders Police and the Ambulance Service have indicated that the increased population that will arise from the housing developments of Mains Farm and the land of Proposal H6 may result in these service providers not being able to accommodate any identified impacts anticipated to arise from these local plan proposals within their existing facilities. Consequently Lothian and Borders Police, the Lothian Fire Brigade, the Scottish Ambulance Service and NHS Lothian were all consulted on this planning application. However none of those service providers have commented on the application.

NHS Lothian, the Scottish Ambulance Service and the Lothian Fire Brigade have not commented on this planning application.

Lothian & Borders Police raise no objection to the proposed housing. It can be taken from this that they are satisfied that they could accommodate within their existing operations any identified impacts anticipated to arise from the 420 houses proposed in this application.

The application site is within the school catchments of Law Primary School and North Berwick High School.

The adopted East Lothian Local Plan 2008 informed that there would be a need to extend both schools and their campuses in order to accommodate the children that would arise as a result of the development of the allocated site at Mains Farm and from other housing developments within the catchment areas. Consequently the land to the south and west of both schools is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 of the adopted East Lothian Local Plan 2008. To accommodate the southwards expansion of the school campuses, Proposal H5 of the adopted East Lothian Local Plan 2008 included for a realignment of Haddington Road so that the existing roadway would continue further south from North Berwick before turning west for some 200 metres to link with the western southward stretch of the existing road. The Local Plan made clear that developer contributions are required to provide for the increased education capacity and for the realignment of Haddington Road. The approved Development Framework advises that any need for developer contributions towards the expansion of education facilities will be assessed at the time any planning application is made.

The Depute Chief Executive (Resources and People Services) has carefully assessed this planning application, taking into account other sites in the catchment area with planning permission for residential development. He advises that the cumulative impact of all of those developments will have a significant impact on the pupil roll projection and therefore additional accommodation and campus will be required to accommodate the impact cumulatively arising as a direct consequence of these housing proposals.

In the case of this planning application, the Depute Chief Executive (Resources and People Services) advises that neither Law Primary School nor North Berwick High School would have capacity to accommodate children that could arise from the proposed 420 houses. Thus he objects to the application. However, he confirms that he will withdraw this objection if the applicant is required to a) transfer to the Council, at no cost to the Council, the title of 0.46 hectares of the agricultural land that is between the application site and North Berwick High School, and which is required as a direct consequence of the development proposed to expand the campus of North Berwick High School; and b) make a financial contribution to the Council of £5,600,002 (£13,333 per residential unit) towards increasing the capacity of Law Primary School and North Berwick High School. This includes a financial contribution towards the realignment of Haddington Road. These requirements can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. Subject to the securing of this developer contribution the proposed development is consistent with Policy 9 of the approved South East Scotland Strategic Development Plan (SESplan), Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

Most of the written representations are made on the grounds that the application documentation appears to show an intention by the applicant to develop for housing the land to the northeast of the site that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 of the adopted East Lothian Local Plan 2008.

The allocated land to which most of the written representations refer is not within the application site and planning permission is not sought by the applicant for the residential development of it.

In his consultation response, the Depute Chief Executive (Resources and People Services) advises that the existing North Berwick High School has a pupil capacity of 950 pupils on a site of approximately 5.1 hectares in area. This is 0.5 hectares below the area size standard set out in the School Premises (General Requirements and Standards) (Scotland) Regulations 1967. He confirms that the Education Authority has committed to funding themselves the purchase of 0.5 hectares of the allocated land to the northeast of the application site, in order to ensure that the campus size of the High School complies with those Regulations. He also confirms that, to ensure that there is a sufficient size of campus to accommodate children that would arise from all of the sites in the catchment area with planning permission for residential development, there is a justifiable need for a further 0.6 hectares of that allocated land to be used to increase the size of the campus. Of the 0.6 hectares, 0.46 hectares is required as a direct consequence of the 420 houses proposed at Mains Farm. Thus, on the basis of the advice of the Depute Chief Executive (Resources and People Services), it can be concluded that there is a justifiable need for 1.1 hectares of the allocated land to the northeast of the site to be used for an expansion to the High School. As there is no justifiable need for the remainder of the allocated land to be used to increase the size of the campus, it would be unreasonable to require the applicant to legally and permanently dedicate to the High School this remaining allocated land through a title condition, as is suggested by most of the representors.

The Council's Transportation service has considered the transport assessment submitted with the application and generally agrees with its findings. They raise no objections to the principles of layout of the proposed development, of the site accesses from Grange Road, of parking provision indicated in the Masterplan and of the likely impacts of additional traffic generation on the existing road network. The principles of layout of the proposed development, of the site accesses from Grange Road and of parking provision indicated in the Masterplan are all consistent with the approved Development Framework.

The Transportation service are satisfied in principle that the realignment of Haddington Road and the priority junction to the site approved by planning permission 13/00505/P would allow for a safe means of access to the housing site from that public road. In this regard, they recommend that both the realignment of Haddington Road and the new junction from it to the housing site be formed prior to occupancy of the 44th house. The principle of the site access from a realigned Haddington Road is consistent with the approved Development Framework and with Proposal H5 of the adopted East Lothian Local Plan 2008.

The approved Development Framework requires the provision of a network of pedestrian and cycle paths that integrate fully with existing paths and routes to the Primary and Secondary Schools, to the Town Centre and to the countryside. The Transportation service recommend that prior to the occupation of any houses, a shared footway/cycleway should be formed on the southern side of Grange Road, to form a continuous path between the application site and the adjacent Schools. Moreover, prior to the occupation of any house within phase 2 of the development, a shared footway/ cycleway should be formed parallel to the spine road through the site to provide the "safer route to school" from the site to the adjacent Schools via Haddington Road. These requirements can be secured by the imposition of conditions on the grant of planning permission in principle for the proposed development. Subject to these conditions, the Transportation service is satisfied that the indicative arrangements for pedestrian and cycle access are in principle acceptable and consistent with the requirements of the approved Development Framework.

Transportation confirm that there is no transportation objection to the principle of the proposed development of the application site subject to the imposition of conditions on a grant of planning permission in principle to ensure that satisfactory footway/cycleways are

provided, that various identified road safety measures are undertaken, that at least two pairs of bus stops be provided within the housing site, that an appropriate amount of car parking be provided within the housing development, that a Travel Plan be submitted, and that the spine road through the site be completed in its entirety to binder course prior to occupation of the 44th house.

Turning to other transportation matters, the proposed use of pinch points and shared surfaces within the layout of internal access roads of the proposed housing development to restrict traffic priorities and speeds accords with the 'Home Zone' principles set out in the Council's Design Standards for New Housing Areas.

In their location the houses would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private vehicle.

On all of the foregoing transportation considerations and subject to the above stated planning controls, the principle of the proposed housing development is consistent with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

In order to prevent disruption and to minimise impacts on Grange Road, the Transportation service recommend that construction access to the site be solely taken from Haddington Road. Moreover, they recommend that a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. These matters can be controlled by conditions imposed on the grant of planning permission in principle for the proposed development.

The Council's Principal Waste Services Officer has expressed concerns at the layout and access for refuse vehicles. The Transportation service advise that an initial vehicle track for the site submitted by the applicant has demonstrated that subject to some minor changes demonstrates that the indicatively proposed internal access roads road are acceptable for large delivery and refuse lorries and for use by emergency vehicles. They do however recommend that a detailed swept path assessment should be undertaken for all the access roads within the site. This requirement could be secured by the imposition of a condition on the grant of planning permission in principle for the proposed development.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

The Council's Heritage Officer advises that an archaeological assessment including an evaluation was carried out on the site as pre-application work. The results of this indicate that there is no requirement for any further archaeological work in relation to the proposed development. Accordingly he raises no objection to the principle of the proposed development. On this consideration, the principle of the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The approved Development Framework requires the applicant to consider the targets for reducing carbon emissions as set out in the Climate Change (Scotland) Act 2009. In response to this, the applicant has submitted a Sustainability Statement. In this Statement, the applicant advises that they propose to maximise energy efficiency through improved building efficiency standards and through the possible use of solar or photovoltaic panels. This report has been assessed by the Council's Policy and Projects Manager, who is generally satisfied with its findings. If planning permission in principle is to be granted for the proposed development, a condition should be imposed requiring that the housing development be carried out in strict accordance with the applicant's Sustainability Statement.

The Council's Housing Strategy and Development Service Manager advises that, in accordance with the Council's Affordable Housing Policy, 25% of the 420 new build residential units should be affordable housing (i.e. 105 units from the total of 420). Agreement has been reached with the applicant over the required mix of affordable housing tenures, house types and sizes, the general locations for the affordable housing within the application site, and their phasing and delivery. The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy 9 of the approved South East Scotland Strategic Development Plan (SESplan), Policy H4 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The proposed development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed development.

The Masterplan includes provision of a sustainable urban drainage scheme (SUDS) pond which is designed to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency do not object to the proposed development, although they recommend that full details of the finalised SUDS scheme should be submitted for the prior written approval of the Planning Authority, following consultation with SEPA. This requirement could be secured by the imposition of a condition on the grant of planning permission in principle for the proposed development.

Subject to the imposition of this condition, the Council's Flooding Officer raises no objection to the principle of the proposed development.

Scottish Water confirm that they have no objection to the principle of the proposed development. They advise of their statutory requirements for the servicing of the development. A copy of their comments has been forwarded to the applicant.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
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:

(i) Secure from the applicant the transfer to the Council, at no cost, of ownership of the land indicatively shown for the town park, including the land indicatively shown in the docketed Masterplan for the sports pitch, sports changing facility and parking, recycling facility and NEAP (Neighbourhood Area Equipped for Play).

(ii) Secure from the applicant a financial contribution to the Council of £631,098.80 to fund the delivery, adoption and maintenance of the town park and towards the provision of the new sports pitch and related changing facility and parking.

(iii) Secure from the applicant the transfer to the Council, at no cost, of ownership of the 0.46 hectares of land allocated as part of an expansion to the campus of North Berwick High School, which is shown hatched in green on docketed drawing no. AL(01)04.

(iv) Secure from the applicant a financial contribution to the Council of £5,600,002.00 (£13,333.00 per residential unit) towards the provision of additional capacity at Law Primary School and at North Berwick High School.

(v) Secure from the applicant the provision of 105 affordable housing units.

3. 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: an insufficient provision of a town park, community sports pitch and related changing facilities; a lack of sufficient school capacity at Law Primary School and North Berwick High School; and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

1 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 the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle, and shall address the following requirements:

a. The houses shall be predominantly two storeys in height, and shall in no case be higher than three storeys in height;

b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street;

c. Notwithstanding that shown in the Masterplan Document docketed to this planning permission in principle 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 street frontage, or where the careful use of boundary enclosures such as hedging or walling would serve to reduce the visual dominance of the car in the streetscape to an acceptable degree;

d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units;

e. Details of the two play areas, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority and each play area shall be installed in accordance with the details so approved;

f. The buildings indicatively shown on the docketed Masterplan immediately to the north and south of the community hub shall be restricted in use to Class 1 (Shops), Class 2 (Financial, Professional and

Other Services) or Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

g. The buildings within the employment area indicatively shown on the docketed Masterplan shall be restricted in use to Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

h. Parking for the housing 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;

i. A detailed swept path assessment shall be undertaken for all of the access roads within each successive phase of the housing development hereby approved. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

j. The provision of at least two pairs of bus stops (i.e. stop on either side of the road), including bus shelters within the site;

k. All footpath connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

l. The proposed path through the Linear Park that is indicatively shown on the Indicative Site Layout Plan shall be a shared cycle pedestrian route with a minimum width of 2.5 metres and shall be built to adoptable standards, including lighting. It shall be constructed and made available for use prior to the completion of Phase 3 of the development;

m. A shared footway and cycleway shall be formed along the southern edge of Grange Road to provide a continuous link from the application site up to the existing zebra crossing on Grange Road, to the east of the site. It shall be constructed and made available for use prior to the occupation of any houses;

n. The proposed spine road within Phase 1 of the development shall be completed in its entirety to Binder Course level prior to occupation of the 44th house;

o. A shared footway and cycleway shall be formed parallel to the proposed spine road to provide a continuous 3 metres wide link link from the application site up to the new entrance to the School from the realigned Haddington Road. It shall be constructed and made available for use prior to Phase 2 of the development; and

p. The site shall be accessed from the southeast by the realigned Haddington Road, approved by planning permission 13/00505/P. Haddington Road shall be realigned and the new junction to Mains Farm (also approved by planning permission 13/00505/P) shall be completed in accordance with planning permission 13/00505/P, and made available for use prior to occupancy of the 44th house.

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.

- 2 The phasing of the development of the site shall be carried out in strict accordance with the phasing plans that are in the Masterplan Document docketed to this planning permission in principle, 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.

- 3 No more than 420 residential units are approved by this grant of planning permission in principle.

Reason:

To ensure that the number of houses erected on the site accords with the strategic housing land supply for the North Berwick area and to ensure that there is sufficient education capacity.

- 4 Housing completions on the application site 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 1- 44 houses

Year 2- 62 houses

Year 3- 48 houses
Year 4- 50 houses
Year 5- 72 houses
Year 6- 73 houses
Year 7- 61 houses
Year 8- 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 9 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.

- 5 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 recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. 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. It shall also show species trees to the south of the residential properties proposed to the north of the countryside park illustratively shown on the Masterplan docketed to this planning permission in principle. It shall further show forest trees within the blocks of tree planting on the south and southeast boundaries of the countryside park.

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 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.

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.

- 6 Prior to the commencement of development, details of the traffic calming to be carried out to Grange Road, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The details shall include the provision of speed table junctions at the proposed cross road at Green Apron Park, at the existing junction of Marly Rise with Grange Road, and at the eastern site access road junction with Grange Road. The traffic calming works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 Prior to the commencement of development, details of the road improvement works to be carried out to the road leading south-westwards to Kingston from the application site, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 8 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan 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.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

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

- 9 A Construction Method Statement to minimise the impact of construction activity on the 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 and shall include hours of construction work. It shall confirm that construction access to the site shall be solely taken from Haddington Road.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 11 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 12 A noise consultants report to include (i) an assessment of noise from the use of the recycling facility and the use of the employment area, both to be formed within the site, and of any impact of such noise on the housing development of the site; and (ii) any mitigation measures considered necessary to achieve satisfactory internal and external noise levels for the occupiers of a residential development of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development. Any identified mitigation measures shall be fully undertaken prior to the occupation of any residential unit built on the site.

Reason:

To ensure that the future occupants of any of the residential units benefit from a satisfactory level of amenity.

- 13 The development hereby approved shall be carried out in strict accordance with the Sustainability Statement docketed to this planning permission in principle.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.