

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 January 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00753/AMM**

Proposal Approval of Matters Specified in Conditions of planning permission in principle 13/00227/PPM - for infrastructure associated with the residential development including the construction of means of access junctions at Grange Road, Spine Road, cycle/pedestrian footpaths, SUDS, linear park, play area, strategic landscaping/tree planting, landscaping of Countryside Park, traffic calming on Grange Road and 2 electric sub stations

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

Applicant Walker Group (Scotland) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 13/00227/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In May 2014 planning permission in principle 13/00227/PPM was granted for the erection of 420 houses, community facilities, employment uses and for associated infrastructure including roads and footpaths, open space, and landscaping on some 38 hectares of agricultural land at Mains Farm, on the southern edge of North Berwick. That land is the strategic housing site of Proposal H5 of the adopted East Lothian Local Plan 2008.

The allocated housing 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 land is currently being developed by CALA Management Ltd for a housing development consisting of a total of 120 residential units.

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

The agricultural land immediately to the northeast of the allocated housing 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 allocated housing 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. Development of the realigned road has not yet commenced.

In September 2014 an application (Ref: 14/00788/AMM) was submitted seeking approval of matters specified in conditions in respect of the details of 113 houses on part of the allocated housing site at Mains Farm. That application is pending consideration and no decision has yet been taken on it.

In November 2014 planning permission (Ref: 14/00935/P) was sought for the formation of a shared footway/cycleway and erection of fencing on part of the northern end of the allocated housing site at Mains Farm. That application is pending consideration and no decision has yet been taken on it.

Condition 1 of planning permission in principle 13/00227/PPM requires that the development of the site should generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle.

Development of the allocated housing site has not yet commenced.

The approval of matters specified in conditions now sought is for infrastructure associated with the residential development of the Mains Farm site. The proposed infrastructure consists of (i) the construction of two access junctions at Grange Road; (ii) the formation of a spine road; (iii) the formation of cycle/pedestrian footpaths; (iv) the formation of a SUDS pond; (v) the creation of and landscaping of a linear park and a countryside park; (vi) the installation of a play area; (vii) the landscaping of parts of the site; (viii) the installation of traffic calming on Grange Road; and (ix) the erection of two electric sub stations. The site that is the subject of this planning application has an area of 22 hectares, amounting to just over half of the allocated housing site at Mains Farm.

The drawings submitted in support of the application shows how access to the site would be taken from Grange Road at two new access points, one being a priority junction positioned close to the northeast corner of the site, the other a priority junction positioned opposite the existing junction of Grange Road and Green Apron Park. The proposed spine road would run in a north-south alignment between the new northeast access junction and the proposed access junction with the realigned Haddington Road, at the eastern part of the site. The linear park would be on a north to south alignment and would be located to the south of Grange Road. The countryside park would occupy the southern part of the site. The proposed play area would be installed at the northern end of the proposed countryside park. The proposed SUDS pond would be formed at the northern end of the site, in a position opposite the junction of Marly Green and Grange

Road. One of the electric sub stations would be positioned adjacent to the proposed linear park, whilst the other sub station would be positioned at the eastern edge of the application site. The proposed landscaping includes a woodland belt that would be planted along much of the western edge of the site. The submitted drawings also show the layout of cycle/pedestrian footpaths that would be formed through the application site.

An amended plan has been submitted showing additional planting around the southeast edge of the proposed countryside park.

The application is supported by a SUDS Design Statement.

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.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact) and DP20 (Pedestrians and Cyclists) of the adopted East Lothian Local Plan 2008.

A material consideration is the approved joint development framework for Mains Farm and Gilsland, North Berwick. The framework sets out the land uses expected for the allocated sites and how the Council requires the sites to be developed.

A total of 5 written representations have been received in respect of this application. Of these, 4 make objection to the proposed development. The other written representation does 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.

The main grounds of objection are as follows:

- * Adverse impact of proposed residential development on local services, including the school and Grange Road;
- * Loss of boundary hedge would have an adverse impact, particularly on local wildlife;
- * The residential development should be accessed off Haddington Road, and not Grange Road;
- * The proposed traffic calming into Marly Green is unnecessary;
- * The raising of Grange Road could impact on the objector's property and lead to flood damage;
- * There is not enough land allocated for the school expansion;
- * The area to the east of the SUDS pond should be open space;
- * The proposed play park is totally inadequate; and
- * The proposed infrastructure and subsequent proposed development would affect the objector's view from their house as well as invading their privacy.

The other written representation urges the Council to impose a condition to ensure the future maintenance of the proposed SUDS pond.

The perceived loss of a private view is not a material consideration in the determination of an application for planning permission.

The Royal Burgh of North Berwick Community Council were consulted on the application but no response from them was received.

By the grant of planning permission in principle 13/00227/PPM, approval has been given for the principle of the residential development of the allocated land of Mains Farm. There can therefore be no objection in principle to the proposed infrastructure associated with the residential development of the Mains Farm site.

Matters raised by objectors concerning impact of the proposed development on local services, the site being accessed off Grange Road, and the perceived lack of land allocated for the school expansion were fully considered in the determination of application 13/00227/PPM. They are not material considerations in the determination of this application.

One of the objector's suggests that the area to the east of the proposed SUDS pond should be open space. Through this application, it is proposed that the part of the application site to the east of the SUDS pond would consist of a footpath/ cycleway with grass planting and a hedge to the north of it. The landscape masterplan does indicate houses being erected to the south of the footpath. That land however is not within the application site. It is also worth noting that there are houses shown on that land in the masterplan docketed to planning permission in principle 13/00227/PPM.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved joint development framework for Mains Farm and Gilsland and the Masterplan and conditions attached to planning permission in principle 13/00227/PPM.

In their routing, the cycle/ pedestrian footpaths on the communal areas of land between and about the development plots of Mains Farm that are the subject of this application, comply with the Masterplan docketed to planning permission in principle 13/00227/PPM and will, when all in place provide a permeable network of connecting links for pedestrians and cyclists between the development plots of Mains Farm and also between Mains Farm and the adjacent residential areas of North Berwick to the north and east.

By virtue of their size, scale, proportions, positioning, form and materials, the access junctions and spine road, cycle/pedestrian footpaths, SUDS pond, open space, play area, landscape works, and electric sub stations are all appropriate for their locations, in keeping with their surroundings and acceptable to their purpose of serving the residential development of Mains Farm.

By its nature and by its positioning the proposed infrastructure would not result in any harm to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

The Council's Environmental Protection Manager raises no objection to the proposed development.

The proposals have been amended to include additional planting around the southeast edge of the proposed countryside park. This overcomes earlier concerns raised by the

Council's landscape project officer. He now raises no objection to the proposed development. A detailed scheme of landscaping should however be submitted to and approved in advance by the Planning Authority. This matter could be secured through the imposition of a planning condition.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy DP2 of the adopted East Lothian Local Plan 2008, with the approved joint development framework for Mains Farm and Gilsland, North Berwick, and with the Indicative Master Plan and Masterplan Document docketed to planning permission in principle 13/00227/PPM.

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 drawings indicate how areas of formal and informal open space, including a large countryside park, could be located throughout the site. The Council's Principal Amenity Officer is satisfied with 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 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 docketed to planning permission in principle 13/00227/PPM showed 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 area of land identified in the Masterplan for the Neighbourhood Area Equipped for Play is outwith the site the subject of this application. Details of the equipment proposed for the Local Area Equipped for Play have been submitted with this application. With only a small double swing, a 'toddlerzone' and two spring mounted pieces of equipment, the play area would have only limited play value and would be suitable primarily for toddlers and young children. It would not contain any seating for parents or carers. The Council's Principal Amenity Officer advises that the suggested equipment for the proposed play area falls well short of play value, user experience and impact when providing for a development of 420 houses. As well as raising concerns over the inadequate provision of equipment, he suggests that there should also be elements of natural play to supplement equipment within the play area and to help integrate the play area into the surroundings of the countryside park. On this consideration the proposed infrastructure development is contrary to Policy C2 of the adopted East Lothian Local Plan 2008. A condition should therefore be imposed stating that the details of the equipment is not hereby approved and requiring revised details of equipment, and a timetable for its installation, to be submitted to and approved in advance by the Planning Authority. The revised details should show a greater range of play equipment suitable for children who are beginning to go out and play independently close to where they live. It should also

show seating for parents or carers.

The matter of site drainage was considered through the determination of previous application 13/00227/PPM. The Indicative Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how one sustainable urban drainage scheme (SUDS) pond would be formed within the northern part of the site to attenuate the flow of surface water run-off. The position of the SUDS pond now proposed is consistent with the docketed masterplan. The Scottish Environment Protection Agency raise no objection to the details of the infrastructure development now proposed.

The Council's Senior Structures Officer raises no objection to the proposed infrastructure development.

The future maintenance of the proposed SUDS pond is covered by legislation other than planning legislation. It would not therefore be reasonable to impose a planning condition to secure proposals for the future maintenance of the proposed SUDS pond.

Scottish Water were consulted on the planning application but have not commented on it.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 13/00227/PPM. These are that vehicular access to the housing development of 420 houses should 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, access should be taken directly from the realigned Haddington Road.

The submitted details for accessing the proposed housing site are in accordance with these established principles of the means of accessing the housing development of 420 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) an Independent Road Safety Audit should be submitted for the proposed new infrastructure works within the site and must include all the works proposed on Grange Road. The findings of this audit, which result in changes, must be incorporated in the final design solutions;

(ii) the proposed new roads and footways/footpaths and shared cycle routes shall all be laid out as shown in drawing number MAI04-270 revision A, which has been specifically provided to demonstrate that the vehicle tracking for the Large Design Rigid Vehicle can be accommodated within the site. This requires some minor adjustments to the layout and details of any adjustments should be submitted to and approved by the Planning Authority;

(iii) a Construction Method Statement for the works to Grange Road shall be submitted to and approved in advance by the Planning Authority. The Construction Method Statement shall seek to minimise the impact of construction activity on the amenity of the area and shall show that when works take place directly on Grange Road itself (e.g. to form traffic calming), construction traffic shall only access Grange Road to and from Haddington

Road;

(iv) the shared surface (i.e. cyclepath/footpath) through the linear park to the west of the site shall be at least 2.5 metres wide and be put forward for adoption and lit;

(v) at vehicle crossing points for the path referred to in point 4. above, the crossing over the roads shall either be raised to the path level or the crossing width narrowed. Details of any such crossings should be submitted to and approved by the Planning Authority;

(vi) on Grange Road, the raised table to the east of the proposed Bus Stop on the southern side of Grange Road is not approved. This shall be removed and replaced, potentially, with speed cushions to the east of the proposed raised table. Details of these required changes to the proposed traffic calming of Grange Road should be submitted to and approved by the Planning Authority;

(vii) visibility splays of 2.5 metres by 70 metres should be provided at all the access junction onto the main infrastructure spine roads and the junctions onto Grange Road. No obstruction shall lie within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface;

(viii) additional traffic calming is required on the main spine road leading north to south. This is to tie into/with the proposed speed table in the vicinity of the internal Bus Stops and "Community Hub" area. Details of the additional traffic calming should be submitted to and approved by the Planning Authority; and

(ix) wheel washing facilities are provided during the construction phase of the development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed infrastructure development.

On these foregoing transportation and other access considerations the proposed infrastructure development is consistent with Policies T2 and DP20 of the adopted East Lothian Local Plan 2008, with the approved joint development framework for Mains Farm and Gilsland, North Berwick, and with the Indicative Master Plan and Masterplan Document docketed to planning permission in principle 13/00227/PPM.

RECOMMENDATION

That approval of matters specified in conditions for the proposed infrastructure development be 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; and
- 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.

Reason:

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

- 2 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.

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 five 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.

- 3 The details of the LEAP play area is not hereby approved. Instead, revised details of the LEAP play area, 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 the LEAP play area shall thereafter be installed in accordance with the details so approved. The revised details to be submitted shall show a greater range of play equipment suitable for children who are beginning to go out and play independently close to where they live. It shall also show seating for parents or carers.

Reason:

To ensure that a satisfactory play area is provided in the interests of the amenity of future residents of the Mains Farm housing development.

- 4 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority:

(i) an Independent Road Safety Audit shall be submitted for the proposed new infrastructure works within the site and shall include all the works proposed on Grange Road. The findings of this audit, which result in changes, shall be incorporated in the final design solutions;

(ii) the proposed new roads and footways/footpaths and shared cycle routes shall all be laid out as shown in the docketed drawings;

(iii) a Construction Method Statement for the works to Grange Road shall be submitted to and approved in advance by the Planning Authority. The Construction Method Statement shall seek to minimise the impact of construction activity on the amenity of the area and shall show that when works take place directly on Grange Road itself (e.g. to form traffic calming), construction traffic shall only access Grange Road to and from Haddington Road;

(iv) the shared surface (i.e. cyclepath/footpath) through the linear park to the west of the site shall be at least 2.5 metres wide and be put forward for adoption and lit;

(v) at vehicle crossing points for the path referred to in point 4. above, the crossing over the roads shall either be raised to the path level or the crossing width narrowed;

(vi) on Grange Road, the raised table to the east of the proposed Bus Stop on the southern side of Grange Road is not approved. This shall be removed and replaced, potentially, with speed cushions to the east of the proposed raised table;

(vii) visibility splays of 2.5 metres by 70 metres shall be provided at all the access junction onto the main infrastructure spine roads and the junctions onto Grange Road. No obstruction shall lie within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface;

(viii) additional traffic calming shall be installed on the main spine road leading north to south. This is to tie into/with the proposed speed table in the vicinity of the internal Bus Stops and 'Community Hub' area; and

(ix) wheel washing facilities shall be provided during the construction phase of the development.

The infrastructure development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.