

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 November 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **15/00670/PPM**

Proposal Planning permission in principle for mixed use development comprising residential development and Class 4 business units, formation of vehicular and pedestrian accesses with associated infrastructure, engineering and landscaping works

Location **Tantallon Road
North Berwick
East Lothian**

Applicant T G Tait & Sons

Per Geddes Consulting

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, 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: 14/00023/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 28 people attended the pre-application public exhibition, which was held at the North Berwick Community Centre on 28th January 2015, and that 6 feedback forms were completed. The attendees of the pre-application public exhibition raised a number of issues 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 10.2 hectares of agricultural land located immediately to the southeast of North Berwick. It has an L shaped footprint and forms the northern part of a larger field.

The western part of the site is bounded to the north by an area of mixed uses which include the Tantallon Road Industrial Estate, a Tesco supermarket and petrol filling station, a First Bus depot and a cemetery. The eastern part of the site is bounded to the north by a length of Tantallon Road (the A198 classified road), and beyond by the residential properties of Rhodes Park. To the south and east it is bounded by agricultural land and, at the southwest end of its southern boundary, by the house and garden of Sea Breezes and the private access road to that property. To the west it is bounded by the public road of Heugh Road/Heugh Brae with agricultural land beyond. The agricultural land to the west of Heugh Road/Heugh Brae forms part of the North Berwick Law Site of Special Scientific Interest (SSSI).

Planning permission in principle is sought for a mixed use development of the application site to include some 125 homes, business units for use within Class 4 (business/light industry) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, a Sustainable Urban Drainage System (SUDS), open space including allotments and toddlers play area, and for associated infrastructure.

An 'Indicative Development Framework' plan has been submitted with the application indicating how these mixed uses could be accommodated on the application site. It is indicated that residential development could take place over the majority of the site with areas of public open space and a toddlers play area located within those residential areas. It is indicated that a SUDS basin could be accommodated on the northeastern part of the site, with landscaped areas around it and further landscaped areas, including an informal tree avenue, could be accommodated along the eastern boundary of the site. The southern part of the site and much of the western end of the site could be laid out as a green space meadow with scattered native planting and an informal rural whin dust footpath. It is indicated how an area of Class 4 business uses could be accommodated on the northern part of the site adjacent to the Tesco supermarket site and a further area of Class 4 business uses could be accommodated in the north-western part of the site adjacent to Heugh Road/Heugh Brae. A site for allotments is indicated between residential development and the north-west area of business uses.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential or business units.

The 'Indicative Development Framework' proposes that access to the residential areas, and the business use area on the northern part of the site, be taken from Tantallon Road with separate accesses for the residential and business uses into the northernmost part of the site. Vehicular access to the proposed business units on the north-west of the site is indicated as being through from the Tantallon Industrial Estate to the north of that part of the site.

The application is supported by, amongst other things, a Pre-application Consultation Report, a Planning Statement, a Landscape and Visual Impact Assessment, an Assessment of the Housing Land Supply, a Design Statement, a Statement of Site Effectiveness, a Sustainability Statement, a Transport Assessment, a Noise Impact Assessment, a Flood Risk Assessment and Drainage Strategy Report, an Ecological

Assessment, an Education Impact Assessment and an Archaeological Desk Based Assessment.

The planning statement submitted with this application provides background details on the proposals and sets out the key reasons why the applicant considers that planning permission in principle should be granted. It declares that there is a clear shortfall in the 5-year housing land supply in East Lothian and that this proposal would deliver much needed housing, including affordable housing, in the short term. It also declares that the proposed delivery of Class 4 business units to meet local needs supports sustainable economic growth and is supported by the Council's Economic Development Strategy 2012-22.

The application site has also been considered as part of the local development plan process following a call for sites by the Council as part of the research towards the new Local Development Plan. The Council's Main Issues Report (MIR) is a consultation document which considers such submissions and other sites. The MIR proposes the application site as a preferred site for residential (circa 100 homes) and employment uses. The MIR is a material consideration; however, as a consultation document it can be accorded only limited weight at this stage.

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 15th January 2014 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that a mixed use development of the scale proposed 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 in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed mixed use 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 2 (Supply and Location of Employment Land), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), 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) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'S Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of SPP, in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Paragraph 34 states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Paragraph 110 of SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

At its Cabinet meeting of 10th December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. At that meeting the Council also approved Interim Planning Guidance against which planning applications for housing on land not allocated for housing development will be assessed. A revised version of the 'Housing Land Supply: Interim Planning Guidance' was approved by the Council on 16th December 2014.

The application site is not allocated for residential development. Therefore the approved Interim Planning Guidance is a material consideration in the determination of this planning application.

A total of 18 written representations have been received in respect of this application, of which 17 make objection to the principle of the proposed development. The other representor does not state whether they object to or support the proposed development but queries the accurateness of the visual impact assessment submitted by the applicant.

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 summarised as follows:

- * Existing infrastructure and facilities, including the Law Primary and High School, nursery, doctors, dentists, sports facilities and clubs, sewage treatment works, trains and roads cannot accommodate this along with other recently approved housing developments;
- * The location of the proposed development site on the outskirts of the town means that residents would rely on cars to travel to the town centre, schools, train station etc. leading to increased traffic flows in the area, issues of road safety and increased congestion along the High Street and surrounding streets and issues of parking in the town centre, shore front and around the school, nursery, community centre and train station;
- * The continuous expansion of the town is changing the character of the town and affecting the community feeling of the area;
- * North Berwick needs low cost or social or apartment housing for families who cannot afford the local house prices not more expensive new housing;
- * North Berwick doesn't need industrial units;
- * The development of the site would lead to a loss of prime agricultural land;
- * The proposed development will impact harmfully on tourism by having a detrimental impact on North Berwick Law and because tourists will not want to come to a traffic logged, built up town;
- * Advertising for the public exhibition was not excessive enough;
- * There are many less sensitive places to develop than this;
- * The proposed development would have a harmful impact on neighbouring residential properties in terms of noise, disturbance and loss of privacy;
- * The development, and light pollution from it, will damage the landscape and view to The Law;
- * Not in accordance with East Lothian's housing plan which is due to focus development on an A1 corridor;

One of the objections is from Law Primary Parent Council who object on the grounds of lack of capacity at the school and nursery to accommodate children from the proposed new homes; road safety, traffic congestion and parking concerns around the increased traffic the development would generate; unmanageable pressure on local facilities and services, including GP and other community health services, and local Council sports facilities.

North Berwick Community Council recommend refusal of the application. They advise that they had the opportunity of early preparatory discussions with the applicant and at that stage considered that the proposal would have merit as an alternative to the possible Ferrygate site, given various adjustments. However, since then the principle of a residential development of land at Ferrygate Farm, North Berwick (planning application 14/00632/PPM) has been accepted by the Scottish Government's Directorate for Planning and Environmental Appeals subject to conditions and the prior conclusion of a

planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997. The Community Council therefore advise that the Ferrygate decision has had an adverse impact on their considerations of this current application for Tantallon Road, as they now consider that because of the amount of new housing development that has been approved recently in North Berwick this proposed development at Tantallon Road is no longer required or desired. The Community Council list the reasons they consider the application should be refused which include:

- * It would lead to a further increase in the overdevelopment of the town;
- * No relevance to the recommendations of the MIR central growth corridor plan;
- * Not included in the present infrastructure;
- * Road safety, congestion and parking concerns;
- * Would limit and spoil the tourist approach to the Law;
- * Additional pressure on schools;

The impact of the proposal on capacity of Doctors surgeries is a matter for the NHS and not a material consideration in the determination of this planning application. The advertisement of the public meeting relating to the Proposal of Application Notice was carried out in accordance with statutory requirements.

The primary material consideration in the determination of this application is whether or not the principle of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The adopted Local Plan does not allocate the land of the application site for residential or business development. Whilst the MIR proposes the site for mixed residential and business use, as a consultation document only limited weight can be accorded to this consideration.

The approved South East Scotland Strategic Development Plan (SESplan) identifies a growth corridor for strategic development along the A1/East Coast Main Line corridor whilst also allowing for development of appropriate sites of more limited scale outside of that corridor. The MIR proposes a 'Compact Growth' development strategy with strategic development concentrated in the west of East Lothian whilst acknowledging that there is a requirement for a wide range of development sites to meet housing need and demand throughout East Lothian.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

The principle of new build housing development and business development on the application site must therefore be assessed primarily against national, strategic and local planning policy relating to the control of new build housing development and business development in the countryside.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. It requires that loss of prime agricultural land be minimised. In respect of this, the release of Greenfield land for development will often result in loss of prime agricultural land. The proposed density of development, taken in conjunction with the provision of green space for the development and the area, is such that it can be considered that the loss of prime agricultural land would be minimised.

Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 sets out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas. It only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. The new build housing development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation and is therefore contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008.

However, the approved South East Scotland Strategic Development Plan (SESplan) and its Supplementary Guidance on housing targets requires that Policy DC1 be considered in the context of the current housing land supply.

SESplan Policy 7 states that sites for greenfield housing development proposals either within or without the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

East Lothian Council has agreed that East Lothian has a shortfall in its effective housing land supply. In respect of this the Council approved its Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for that purpose will be assessed. Whilst Scottish Government Reporters have accorded differing weight to this guidance in different appeal decisions, its criteria remain fundamental material planning considerations.

The approved Interim Planning Guidance states that the weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

- 1 Effectiveness;
- 2 Scale;
- 3 Timing;
- 4 Development Plan Strategy; and
- 5 Locational Considerations.

In respect of criteria 1; effectiveness, the applicants' agent has confirmed that there are no physical constraints to the development of the site. The site is in a single ownership and is available for development. The agent advises that interest has been expressed by a number of national house builders in developing this site. The agent considers that the proposed private homes will be developed over a 4 year period with sales at 24 homes per annum, together with the building of 31 affordable homes as agreed by the Council. Construction is anticipated to commence in July 2017. In these respects the site

can be considered to be physically and financially capable of being effective and capable of making an early contribution to the housing land supply.

In respect of criteria 2; scale, the proposed housing development of 125 residential units would be below the Guidance threshold of 200 units. The guidance states that the actual number of houses permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement. Other than in the main towns, the maximum permissible will therefore be significantly less than the maximum capacity of 200 units. North Berwick is one of the main towns within East Lothian. Whilst this scale of growth would be significant, it would nevertheless be appropriate to the scale and character of the town. In this respect it does not conflict with criteria 2 of the Interim Guidance. In this and in that the proposals would not undermine green belt objectives and if the assessment is that the infrastructure requirements are either committed or would be met by the developer, including for education provision, the proposals comply with Policy 7 of SESplan.

In respect of criteria 3; timing, the applicant's agent has indicated that development could commence during 2017 and all 125 houses could be completed within a 4 year period. There is no evidence to suggest that they would not be able to develop the site within this suggested timescale.

In respect of criteria 4; development plan strategy, it is considered that the proposed housing would not prejudice the delivery of the existing Development Plan strategy. It would not compromise the ability to provide infrastructure to existing housing land allocations that do not yet have planning permission, or are committed but have not yet started. Nor would it be dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started. Further, though this can only be given limited weight, it is a preferred site in the MIR.

In respect of criteria 5; locational considerations, the application site is at the southeastern edge of North Berwick and therefore in this respect satisfies the first part of criteria 5 in that it would form an extension of an existing settlement as defined in the adopted East Lothian Local Plan 2008.

As North Berwick lies outwith the East Lothian Strategic Development Area the proposed development also has to be assessed against the tests as set out in parts (i) and (ii) of criteria 5.

Criteria 5(i) sets out the following provisos where development may be acceptable, specifically where;

- (a) the site is not within the Edinburgh Green Belt; and
- (b) the site is a consolidation of or an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
- (c) infrastructure is available or can be made available within a timescale that allows for early house completions, and
- (d) the site's development for housing is consistent with all other relevant development plan policies.

In regard to this the proposed development meets proviso 5(i) (a) and (b) in that the site is not within the Edinburgh Green Belt and the scale of the proposed development is in keeping with the scale and character of the existing town of North Berwick. Moreover, the proposed development meets proviso 5(i) (c) in that there is no evidence to suggest that infrastructure is not available or could not be made available within a timescale that allows for early house completions. In respect of 5(i)(d) if the assessment is that the proposal does not conflict with other relevant development plan policies then it passes this test of the Interim Planning Guidance.

Therefore on this consideration the housing development of the application site is consistent with the Council's Housing Land Supply: Interim Planning Guidance subject to compliance with other development plan policies.

Criteria 5(ii) sets out the further provisos where development may be acceptable, specifically,

(a) where the settlement is well served by public transport,

(b) existing facilities and services are both available and accessible such that the need to travel is minimised, and

(c) the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration.

In terms of part 5(ii) (a), as some of the objectors have informed, the car park at North Berwick train station often nears its capacity. The lack of capacity could become more significant once the housing sites at Mains Farm, Gilsland and Ferrygate have been developed and are occupied. Objectors also inform that capacity on the trains can be an issue. Notwithstanding this, there are east and west bound bus stops on Tantallon Road, in close proximity to the application site. A regular bus service operates from these bus stops to Dunbar and to Edinburgh. On this matter, the site is relatively well served by public transport.

In terms of part 5(ii) (b) North Berwick has a wide range of services and facilities, all of which are available and accessible from the application site such that the need to travel is minimised. Therefore the proposals do not conflict with this consideration.

In respect of part (iii) of criteria 5 the proposed development would not be on land allocated for another specific use.

In respect of part (iv) of criteria 5 the proposed development, given it would form an extension of the existing town of North Berwick, would be compatible with adjoining or nearby existing uses.

Part (v) of criteria 5 states that a proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a development plan review. This can include that there be clear, natural boundaries which can be strengthened by the proposal where appropriate.

The application site is bounded to the north and west by roads and by the area of mixed uses which include the Tantallon Road Industrial Estate, a Tesco supermarket and petrol filling station, a First Bus depot and a cemetery. It is partially bounded to the south by the house and garden of Sea Breezes and the private access road to that property.

These are robust and defensible boundaries which serve to contain the proposed development along those boundaries. The eastern boundary of the application site is enclosed by a post and wire fence and a hedgerow. The majority of the southern boundary of the site is not currently enclosed.

The Indicative Development Framework submitted with the application indicates that the southern boundary of the site would be enclosed with a post and wire fence along its entire length and that a proposed green space meadow with scattered native planting allowing filtered views between the development and the countryside would be provided to the north of the boundary fence. The eastern boundary would be further landscaped with an informal tree avenue again allowing filtered views between the development and the countryside.

The Council's Landscape Projects Officer agrees with the applicant's landscape assessment in that the rising landform to the south provides a visual backdrop to the site when viewed from the north, for which the proposed greenspace meadow and scattered tree planting will provide a setting to the proposal whilst also providing an element of interaction with the wider landscape. She advises that this boundary treatment would provide a suitable edge between the settlement and the wider countryside. Whilst recommending the inclusion of a mixed native species hedgerow along the proposed post and wire boundary fence, she supports the proposal.

Whilst the boundary treatment would be relatively simple, in this location where development would be seen against the landscape backdrop of the further rise of the land, it is a treatment appropriate to this particular landscape form. If significant planting were carried out this would over time obscure the landform which provides the landscape character of this part of the setting of North Berwick and of the site. That approach would therefore be inappropriate in this location. As such what is proposed, with development limited to the landscape capacity of the site, would in this case be an appropriately robust and defensible boundary at the south and east of the site. Subject to such boundary and landscaping features being provided, matters which can be dealt with by conditions imposed on a grant of planning permission in principle, the principle of a housing development of the application site is consistent with this consideration of the Council's Housing Land Supply: Interim Planning Guidance.

In terms of the proposed business uses this has to be taken into consideration of the context of the wider proposals for a residential development of the site. Notwithstanding this, Policy DC1 supports business use in the countryside where it will be of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts.

The Council's Team Leader, Business Development advises that the proposals as indicated would provide some 1115 square metres of business floorspace. Using industry standard calculations of 47 sqm per full time equivalent (FTE) for light industry and 12 sqm per FTE for office, the proposed 1,115 sqm of industrial/business space would provide (calculated on a 70/30 split between industry and office, dependent on uptake), 41 FTEs. This number would increase if a higher percentage of space was taken up by office which is a possibility in the town of North Berwick where there is a high propensity of home based office working. He further advises that the annual business based survey undertaken by Economic Development identified North Berwick as the 3rd preferred location for office / business use in the county. Thus based on the strategic aims, objectives and targets of the Economic Development Strategy 2012 -22 Economic Development and Strategic Investments, he is fully supportive of the application. Thus there is a justified need for the proposed business use which would support the Council's

economic development objectives.

Thus the principle of this part of the proposals would, in terms of Policy DC1, be dependent on the acceptability of the scale and detailed design of its built form and integration with the landscape character of this part of North Berwick and the surrounding countryside. This part of the site is adjacent to the existing industrial and related uses to the north of the site. The Class 4 business use as proposed is by definition in the Use Classes Order a use required to be compatible with residential development in its environmental impacts. Therefore the use is appropriate subject to its detailed design, including that in its scale and building heights it be related to the heights of adjacent business units. These matters and other design principles of this part of the development could be controlled by conditions of any grant of planning permission in principle.

The applicant has had general discussions with the Council's Team Leader, Business Development and the Estates team in relation to working jointly with the Council to develop the proposed Class 4 business uses on the site. There is no agreement at this stage as to how such joint working would be constituted and further discussions are required to give shape to how such an arrangement may work. However, it should be made a condition of any grant of planning permission in principle that the business units be delivered alongside the housing development of the other parts of the site. This can be reasonably secured through a requirement for a delivery plan for the Class 4 units. Subject to this the proposal would contribute to the aims, objectives and targets of the Council's Economic Development Strategy 2012 -22.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed houses and business units, the allotments, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site on the southeastern edge of North Berwick.

In respect of the indicative layout and density as proposed, the Council's Principal Amenity Officer is satisfied in principle with the quantity of open space that is proposed. He advises it is likely that formal toddler play provision will be required subject to safe and appropriate access. This could be secured by a condition imposed on a grant of planning permission in principle.

His further recommendation is that a developer contribution, to increase capacity at Recreation Park, would be the most effective way to deliver older children's play for the development. The applicant agrees to the principle of this contribution. Whilst no amount of contribution has at this stage been agreed, this can be subject to negotiation between the applicant and the Principal Amenity Officer.

The above approach would also increase integration between the householders and the existing community. It would require a suitable safe route to existing play provision at Recreation Park be identified, in parallel with identifying a safe route to school, which should be resolved in conjunction with the Council's Roads Services.

The Principal Amenity Officer is also supportive of the proposed allotments. The applicant has agreed in writing that the title of the land for the allotments be granted to the Council.

On these considerations of open space and recreation provision, the principle of the proposed housing development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008.

The Council's Archaeology Officer advises that the general area of the proposed development contains known archaeological remains. As there is no recorded disturbance of the site there is the potential for remains to be impacted upon by the proposals. Because of this the Archaeology Officer recommends that a programme of archaeological works (Field Walking Survey and Evaluation) be carried out prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

The Archaeology Officer further recommends that a Heritage assessment of the potential impacts upon the Scheduled Monument of North Berwick Law should be carried out as part of the master planning for any future full planning application. This should follow the guidelines and methodologies outlined in Managing Change in the Historic Environment – Setting Historic Scotland 2010. Again this can be secured by a condition of any grant of planning permission in principle.

Historic Scotland have been consulted on the application and are content that the proposed development would not have an adverse impact on the setting of the 'North Berwick Law, fort, hut circles and enclosures' Scheduled Monument.

On this consideration the proposed development complies with Policy ENV7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: June 2014.

The Council's Roads Services raise concerns that traffic likely to be generated by the proposed development could lead to extra pressure on traffic flows at Dolphingstone, Salters Road and Bankton interchanges on the A1. However at this time Roads Services analysis and modelling of traffic impacts in the wider area awaits completion and no further information is available at this time to inform an assessment of such impacts.

Road Services has considered the Transport Assessment submitted with the application and advise that any grant of planning permission in principle be subject to conditions on the following matters:

- 1) To enable safer access to the local schools, a signal controlled pedestrian crossing is required over Dunbar Road (A198) this should be provided in between Glenburn Road and Heugh Road. Details shall be submitted for approval.
- 2) Vehicle tracking has been shown on the indicative layout however for the detailed layouts (for both the housing and business areas) a detailed vehicle tracking (swept path) shall be provided using the large design rigid vehicle for the whole site. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - this will permit access by the occasional refuse/recycle collection vehicle, deliveries, social care buses and emergency & fire fighting appliances. From the text outlined in the document the vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m. In addition the business areas should provide vehicle tracking for the above vehicle and the design articulated vehicle.
- 3) The existing footway along the site frontage shall be replaced and include dropped kerb crossings over A198 to allow barrier free access to existing bus stops.
- 4) A pedestrian route through the business land to the west is required to allow

connection to Heugh Road for the new housing to the east – NB this is unlikely to be regarded as a route to school as this is through an industrial/ business area and the gradients are likely to be too steep to allow barrier free access.

5) The pedestrian route to the supermarket is required through the supermarket's western boundary – this must include pedestrian provision within the existing supermarket car park to enable direct access for pedestrians from the new housing areas.

6) Access to the small business area accessed directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5 metres by 70 metres must be provided and maintained at this access so that no obstruction lies within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface.

7) Access to the housing areas directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5 metres by 90 metres must be provided and maintained at this access so that no obstruction lies within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface.

8) The principle of forming an access to the larger western business area from the existing industrial estate to the north is acceptable however details of how this could be achieved need to be shown and agreed.

9) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with our Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

10) Parking for both the residential elements and business areas of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. At this time house sizes on individual plots have not been identified and therefore layouts may be subject to adjustment in respect of parking numbers at the detailed application stage.

11) Vehicle access 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.

12) 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 m 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.

13) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

14) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. The cycle parking for the business areas/units shall also meet with ELC Standards for Development Roads – Part 5 Parking Standards.

15) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

16) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. Routes for construction traffic shall

also be included.

17) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation.

In respect of the proposed access to the business use on the northwestern part of the site, Roads Services advise that the principle of access via the existing industrial and related uses to the north of this part of the site is acceptable, subject to the detail of it. The Council's Principal Amenity Officer advises that the access as indicated on the application plans would not be possible in the location shown as it cuts through the operational yard space currently occupied by the local Amenity Services team.

The applicant has clarified that the access is shown indicatively through this part of the boundary but that it could be taken from any practical or achievable point from along that northern boundary of that part of the site. In practical terms there are several options available for such an access to be achieved. Whilst this would require a right of access from landowners to the north of the site, including the Council, that is a private legal matter amongst the relevant parties and is not material to the determination of the application. Rather, that rests on the technical acceptability of such an access arrangement and to this Roads Services do not object. As there is more than one option to achieve such an access, it should be expected that this can be achieved with the appropriate level of negotiation.

Additionally, although the applicant has not proposed or at this stage demonstrated a technical solution to taking access off of Heugh Road/Heugh Brae to provide for this part of the site, that possibility remains and any grant of planning permission in principle should not preclude the potential for access to be taken to that part of the site in this way.

With the use of conditions to secure the recommendations of Roads Services, the principles of the proposed development of the site for residential and business use comply with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

The Council's Service Manager, Waste advises that he is content with the swept path analysis of the indicative layout of the development. Further assessment in relation to his service would be required of any detailed design of development were planning permission in principle to be granted.

Further to the landscape considerations of the south and east boundaries as set out above, the Council's Landscape Projects Officer advises that pre-application discussions were held with the applicant's agent where the importance of retaining views to North Berwick Law from the approach to North Berwick to the east and the setting of the development in the landscape were discussed. She considers that the applicant has taken on board these discussions. A key point is that the views of North Berwick Law from the east are an important aspect of the eastern entrance to North Berwick and should be maintained. Accordingly, the proposal incorporates open space and landscaping at the Tantallon Road frontage which will provide some screening of the existing supermarket whilst maintaining the views across the site to North Berwick Law. She does advise that an improvement would be to have buildings directly adjacent to Tantallon Road as single storey to reduce their scale and competition with North Berwick Law, which should be the feature of this view.

She supports the proposal that the houses along the eastern boundary closest to Tantallon Road are orientated to face out of the site, separated from the road by open space and tree planting. She recommends that garden boundaries at this important

entrance, where visible, should be feature stone walls and/or hedging and not fencing.

The Landscape Projects Officer does not support the fencing off of the SUDS area as proposed within the open space to the frontage with Tantallon Road. She advises that fencing around the SUDS basin would detract from the importance of this entrance and the setting of the development. The plans denote a SUDS basin that is stated will be planted to provide both amenity and biodiversity value. Detention basins are normally dry and in certain situations the land may also function as a recreational facility, which would be supported here. However, basins can also be mixed, including both a permanently wet area for wildlife or treatment of the runoff and an area that is usually dry to cater for flood attenuation. She recommends that if the location is to be maintained this should be of a type that would not require fencing and could be maintained as a managed recreational area suitable for this entrance location.

In respect of the northern boundary with the Tesco site the Landscape Projects Officer advises that this is an important boundary that appears to have been given little consideration. She supports the proposed housing layout which indicates a mix of rear elevations and gables visible from the north to help break up the massing of the built form. However where rear gardens are proposed to face onto the north site boundary, she recommends a planting buffer of hedge and shrub planting as well as trees be provided to their north to reduce the negative impact of seeing close boarded fencing along this entire length.

The proposal plan also includes an indicative location of an acoustic fence (2 metres high) along the northern site boundary with the Tesco site, returning at the east end. The applicant's noise impact assessment notes that whilst this assessment demonstrates that the noise impacts in relation to residential amenity can be mitigated, the solution considered here represents only one option for control. The Landscape Projects Officer has concerns over the impact of a 2m high acoustic barrier along this boundary both for the residents of the site and in the surrounding viewpoints. However, she advises that detailed consideration of the design and location of acoustic mitigation measures together with the addition of shrub, hedge and tree planting along this north boundary can mitigate these concerns.

The Landscape Projects Officer supports the additional tree planting indicated in the southwest corner of the site and proposed shrub planting to the south side of the business units to the west of the site and around the western and southern boundaries of the housing to the western and southern edges to reduce the visual impact of these from the west and south. She recommends that the detailed design should include for tree planting on the streets of the development, including large species trees within open spaces to create feature trees to break up the built form in time and link with surrounding trees. She further recommends that detailed design of streets and their incorporation of swales and trees should ensure that an attractive street layout is achieved.

These landscape recommendations could be made conditions of a grant of planning permission in principle, subject to which the proposals comply with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer raises no objection to the proposal. He advises that as an open arable field there are opportunities for biodiversity improvement and recommends native species planting to facilitate this.

The Council's Access Officer advises that he is pleased to see the proposed paths around the southern boundary of this site, but that there needs to be a better access for recreational access outwith the site ideally with an access west to North Berwick Law. He

raises concerns in relation to indicative access to surrounding roads and the extent to which the proposal has sufficient access to discourage car use in relation to both town centre and countryside access, though he does not make specific recommendations in respect of this matter. In this respect it can be made a condition of any grant of planning permission in principle that a detailed design address the need for better pedestrian (and cycle) access.

The Council's Principal Environmental Protection Officer advises that he agrees with the findings of the applicant's noise assessment report and therefore recommends that to mitigate against any impact on residential amenity from noise associated with the normal operation of the existing Tesco store, acoustic measures be provided along the northern boundary of the site as indicatively proposed and that the exact detail and location of an acoustic barrier can be dealt as a condition of any grant of planning permission in principle.

Subject to this the proposed development would not harm the amenity of any existing nearby or proposed residential properties, consistent with Policies DC1 and ENV1 of the adopted East Lothian Local Plan 2008.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development on the grounds of potential flood risk, though does advise on the Council's need to undertake its responsibilities as the Flood Prevention Authority. In respect of this the Council's Manager - Structures, Flooding and Street Lighting advises that the surface water drainage system including attenuation is to be designed to accommodate a 1 in 200 year flood return period, as required by SPP.

He further advises that further information is required in respect of detailed matters, including:

- Results of any investigation of the receiving watercourse and culvert upstream of Tantallon Road as per the recommendations provided in SEPA's consultation response;
- Amended details of the proposed SUDS system including adoption and maintenance Arrangements; and
- Details of flow paths with regards to exceedance flood events

These matters can be required as a condition of any grant of planning permission in principle.

In respect of SUDS provision SEPA advises it is satisfied that the applicant is providing the required level of treatment for a development of this size and that there is sufficient space within the development to accommodate the SUDS system onsite.

In respect of foul drainage Scottish Water have made no response to consultation on the proposals. SEPA advise on this matter that they have no objection to the proposals subject to a suspensive condition requiring details of foul drainage, which can be applied to any grant of planning permission in principle.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Law Primary School and North Berwick High School.

He advises that Law Primary School and North Berwick High School do not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £781,750 towards the provision of additional school accommodation at Law Primary School and £520,000 towards additional school accommodation at North Berwick High School.

The required payment of a financial contribution of a total of £1,301,750 towards the provision of additional accommodation at Law Primary School and North Berwick High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. 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. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

In accordance with Policy H4 of the adopted East Lothian Local Plan 2008 a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement could 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 Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant confirms they are willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, if planning permission in principle were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission in principle, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission in principle 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 secure from the applicant:

(i) a financial contribution to the Council of £1,301,750 (£10,414 per residential unit) towards the provision of additional capacity at Law Primary School and North Berwick High School.

(ii) provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

(iii) transfer of the title of the land for allotments as shown on the applicant's Indicative Development Framework to the Council at no cost.

(iv) a financial contribution to the Council for an amount to be agreed between the applicant and the Council's Sport, Recreation and Leisure Service towards the provision of recreational play facilities at Recreation Park.

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 a lack of sufficient school capacity at Law Primary School and North Berwick High School, the lack of provision of affordable housing, the lack of provision of play facilities, contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

CONDITIONS

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential and business units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Development Framework docketed to this planning permission in principle, but additionally shall comply with the following design requirements:
 - a. The residential dwellings shall be no more than two storeys in height other than those adjacent to Tantallon Road which shall be one storey in height (including for accommodation in the roof space) 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. The buildings for Class 4 use shall be no more than one storey in height and shall be finished in a co-ordinated scheme of materials and colour finishes to minimise their visual impact in the landscape;
 - 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;
 - 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 street frontage;
 - d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. Notwithstanding that shown in the Indicative Development Framework 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. Notwithstanding that shown in the Indicative Development Framework docketed to this planning

permission in principle, the SUDS provision for the development if retained in the position shown shall be a dry retention basin not requiring fencing and maintainable as a managed recreational area; otherwise the SUDS provision shall be accommodated in an alternative position or by other means as agreed in writing with the Planning Authority.

g. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, the southern boundary of the site shall be fully enclosed by a post and wire fence and by the planting of a mixed native species hedgerow along the post and wire boundary fence.

h. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, site access to the business use on the northwestern part of the site shall be taken from a point along either the north or west boundaries of that part of the site, in accordance with details to be agreed in advance with the Planning Authority;

i. a detailed vehicle tracking (swept path) for both the residential and business areas shall be provided using the large design rigid vehicle for the whole site. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" and for the business area the vehicle tracking (swept path) should also include tracking for the "Design Articulated Vehicle".

j. access to the residential area to be accessed directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5m by 90m in both directions shall be provided and maintained at the proposed site access junction so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;

k. access to the business area to be accessed directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5m by 70m in both directions shall be provided and maintained at the proposed site access junction so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;

l. the proposed development shall provide footpath links within the development to the northern and western edges of the development and, where required by the Council's Road Services and Access Officer, to the existing footpath network in the area to provide appropriate routes to primary and secondary schools and to play facilities at Recreation Park to the north;

m. 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;

n. 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. This shall include for a co-ordinated design to accommodate street trees and swales;

o. 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;

p. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

q. 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;

r. cycle parking be included at a rate of 1 space for each unit of any flatted accommodation in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

s. vehicle parking and cycle parking for the business units shall conform with East Lothian Council Standards for Development Roads;

t. the garden boundary treatments of the development that are publically visible shall be stone or rendered walls, or hedges, and all residential units and other buildings shall have appropriate

boundary treatments on their frontages;

u. a toddlers play area shall be provided within the application site. Details of the toddlers play area, including the equipment to be provided within it and a timetable for its implementation, shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

v. acoustic screening measures shall be provided along the boundary of residential properties with the supermarket site to the north, in accordance with acoustic and landscape details to be agreed with the Planning Authority including for their implementation prior to the occupation of any residential property;

Reason:

To enable the Planning Authority to control the development in the interests of the amenity and visual quality of the development and the area, of the setting of the scheduled monument of North Berwick Law and in the interests of road safety.

- 2 No more than 125 residential units are approved by this grant of planning permission in principle. Unless otherwise approved in writing by the Planning Authority: those residential units shall be completed in accordance with the applicant's proposed phasing of the site: year 1 – 24 residential units; year 2 – 24 residential units; year 3 – 24 residential units; year 4 – 38 residential units; year 5 – 15 residential units; and any slippage in any single year shall revert to year 6 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 3 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 be generally based on the landscape proposals shown in principle on the docketed Indicative Development Framework, and shall otherwise accord with requirements of Condition 1 above. It shall include for tree and hedge planting along the northern boundary with the Tesco site, tree planting along the internal roads and within the internal open spaces and the planting of a mixed native species hedgerow along the southern boundary of the site.

It shall also 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 also 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 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.

- 4 No development shall be commenced unless and until a delivery plan for the Class 4 business units hereby approved has been submitted to and agreed in writing with the Planning Authority. Thereafter, the business units shall be delivered in accordance with the delivery plan so agreed.

Reason:

In the interests in securing the delivery of the Class 4 business units in accordance with the aims, objectives and targets of the Council's Economic Development Strategy 2012 -22.

- 5 Prior to the commencement of development at the application site, a scheme to connect to the public waste water network shall be submitted for the written approval of the planning authority, in consultation with Scottish Water. The scheme must demonstrate appropriate alignment of the phasing and timing of the development with the provision of secondary treatment by Scottish Water at the North Berwick Waste Water Treatment Works.

Reason:

To protect people and the environment from the impact of waste water and ensure that the development can be serviced by the public waste water sewerage scheme.

- 6 No development shall take place on the proposed site until the applicant has undertaken and reported upon:

(a) a programme of archaeological work (Field Walking Survey and Evaluation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority; and

(b) a Heritage assessment of the potential impacts upon the Scheduled Monument of North Berwick Law has been carried out to inform the detailed master planning of the development. This shall follow the guidelines and methodologies outlined in Managing Change in the Historic Environment – Setting Historic Scotland 2010.

Reason:

In the interests of archaeological and natural heritage.

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to (i) the occupation of any of the residential units hereby approved and (ii) the business units coming into operation. The Green 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.

Reason:

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

- 8 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 construction traffic and shall include hours of construction work, routes for construction traffic and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and 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.

Reason:

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

- 9 Unless otherwise approved in writing by the Planning Authority the allotments hereby approved shall be provided and made available for use prior to the occupation of 60 residential units of the development.

Reason:

In the interests of the amenity of the area.

- 10 Prior to the occupation of any of the residential units hereby approved or any use being made of the business units, all roads and footpaths, including external footpaths as required shall be completed and brought into use in accordance with a phasing of them as agreed with the Roads Authority:

a. a signal controlled pedestrian crossing shall be provided over Dunbar Road (A198) in a position between Glenburn Road and Heugh Road;

b. the existing footway along the site frontage on Tantallon Road shall be replaced and upgraded to include dropped kerb crossings over the A198 to allow barrier free access to the existing bus stops on this part of Tantallon Road;

c. a pedestrian route shall be provided through the business land to the west of the site to allow connection to Heugh Road from the residential units on the site;

d. a pedestrian route between the northernmost part of the site to the supermarket to the west of the northernmost part of the site shall be provided and shall include pedestrian provision within the existing supermarket car park to enable direct access for pedestrians from the residential units of the site;

Details of the new signal controlled pedestrian crossing, the upgraded footway and the crossing points and the provision of pedestrian links to the adjoining land uses shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety and to enable safe access to schools.

- 11 Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall provide for two levels of treatment. Details shall include:

- o Results of any investigation of the receiving watercourse and culvert upstream of Tantallon Road as per the recommendations provided in SEPA's consultation response dated 29 September 2015;
- o Amended details of the proposed SUDS system including adoption and maintenance Arrangements; and
- o Details of flow paths with regards to exceedance flood events

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 12 The design and installation of any plant or equipment associated with the operation of each of the Class 4 business units shall be such that noise emanating from them shall not exceed Noise Rating Curve NR25 at any Octave Band Frequency when measured within any existing or proposed neighbouring residential property assuming windows open at least 50mm.

Reason:

To ensure the Class 4 business units do not harm the amenity of nearby residential properties.

- 13 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.