

REPORT TO: Planning Committee

MEETING DATE: Wednesday 28 June 2017

BY: Depute Chief Executive (Partnership and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00921/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00670/PPM - Erection of 109 houses, 16 flats, formation of allotment area and associated works

Location **Tantallon Road
North Berwick
East Lothian**

Applicant North Berwick Developments Ltd and T G Tait & Sons

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00670/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 9.54 hectares of agricultural land, located immediately to the southeast of North Berwick. It has an L shaped footprint and is arable land forming most of the northern part of a larger field. The land of the application site slopes steeply uphill from Tantallon Road to the south of the site and is steeper at the western end of the site.

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. Two areas of the northern part of the field, one immediately to the east of the supermarket site and one immediately to the south of the Tantallon Road Industrial Estate, are not included within the site boundary of this approval of matters application. The easternmost boundary of the North Berwick Law Site of Special Scientific Interest (SSSI) lies some 170 metres to the west of Heugh Road/Heugh Brae to the west of the site.

On 20th July 2016 planning permission in principle (ref: 15/00670/PPM) was granted 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. That permission was subject to a Section 75 Agreement, concluded in July 2016, which required the applicant to make financial contributions to the Council towards the provision of additional capacity at Law Primary School and North Berwick High School, towards the provision of recreational play facilities at Recreation Park, to provide 25% of the final approved number of residential within the site as affordable residential units and to transfer the title of the land for allotments to the Council at no cost.

The approval of matters specified in conditions of planning permission in principle 15/00670/PPM is now sought for the erection of 109 houses and 16 flats (a total of 125 residential units), the siting of an allotment area and associated works which include the formation of SUDS. The approval of matters for the Class 4 business units, for which planning permission in principle have been granted, are not being sought through this application. The site of this application does not include the land on which the business units are to be located, which are two separate areas of land, one on the northern part of the site adjacent to the Tesco supermarket site and the other on the north-western part of the field adjacent to Heugh Road/Heugh Brae and to the south of the existing Tantallon Road Industrial Estate. Therefore a separate application for the approval of matters specified in conditions of planning permission in principle 15/00670/PPM or a full planning application will be required for those business units.

Of the 109 houses, 80 would be detached, 6 would be semi-detached and 23 would be terraced. 16 'four in a block' style flats would also be formed. In terms of size, 12 of the proposed houses would contain 5 bedrooms (plus study), 39 would contain 4 bedrooms (plus study), 27 would contain 4 bedrooms, 17 would contain 3 bedrooms, 13 would contain 2 bedrooms and 8 of the flats would contain 2 bedrooms and the other 8 would contain 1 bedroom. All of the houses and flatted blocks would be two storey in height with the exception of 5 houses which are to be erected at the northeastern end of the site (on plots 1, 2, 3, 99 and 100) which would be single storey, bungalow style houses. 31 of the 125 residential units would be affordable housing units.

The submitted details also include for the provision of SUDS at the northern end of the site, the provision of land to be used for allotments near the western end of the site, internal access roads, garages, visitors parking, boundary treatments, landscaped open space, an equipped toddler's play area and associated works.

Vehicular, pedestrian and cycle access to the 125 residential units would be taken from Tantallon Road by way of a new access junction to be formed mid-way along the most northerly boundary of the site. A pedestrian opening would also be formed into the western end of the site and a footpath would be formed at the western end of the site to

allow pedestrian access between the site and Heugh Brae.

Residential development would take place over the majority of the site with areas of public open space including a central 'village green', which would incorporate an equipped toddler's play area, being formed between the streets of residential development.

The western end of the site, which slopes steeply downhill from south to north, and also the land along the southernmost and easternmost boundaries of the site would be grassed and landscaped to form one large, linear area of open space wrapping around the eastern, southern and western sides of the residential development. The boundaries of the site would be landscaped with a new hedge which would be planted along almost the full lengths of the east and south boundaries of the site and scattered tree planting would be undertaken throughout the open space. An informal path would run the full length of the linear area of open space exiting on to Tantallon Road at the northeastern corner of the site and on to Heugh Brae at the northwestern corner of the site. A site for allotments has been proposed towards the western end of the site.

A SUDS dry, grassed basin with areas of landscaping around it would be formed close to the north boundary of the site adjacent to Tantallon Road.

It is indicated that a piece of public art work would be positioned on the northeastern corner of the site although the details of the proposed artwork have not been submitted with this approval of matters application.

Details of new boundary treatments, which would include the erection of 2 metres high close boarded acoustic timber fencing along the parts of the site which would share a boundary with the supermarket site, are also included in this approval of matters application.

The application is supported by a Design Statement, a Drainage Assessment, an Archaeological Evaluation Data Structure Report and a Heritage Assessment.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised driveway lengths and widths to accord with the requirements of the planning permission in principle; (ii) amendments to the siting and number of on street parking spaces throughout the site; (iii) revised internal road and footpath details; (iv) amendments to the landscaping provision throughout the site; (v) amendments to the design and finishing colours of the residential units; (vi) the inclusion of solar panels to the roof slopes of the residential units proposed; (vii) amendments to boundary treatments proposed; (viii) confirmation of the location and mix of the affordable housing units; ix) revisions to the swept path analysis' carried out to demonstrate how bin lorries and other large vehicles could negotiate the site and x) revised toddler play area details. Additionally further drainage information has been submitted.

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 are Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV7 (Scheduled Monuments and Archaeological Sites),

H1 (Housing Quality and Design), C1 (Minimum Open Space Standards for new General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP17 (Art Works – Percent for Art), DP15 (Sustainable Urban Drainage Systems), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Three written representations have been received in respect of this application, one of which raises objections to the proposed development, one of which makes comment and suggestions for change and the other of which raises concerns but also makes positive comment.

A copy of the written representations 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:

- * The proposed development is one of many around North Berwick at the moment. These development are likely to create an enormous strain on the existing infrastructure of the town in terms of schools, medical practices, parking etc. and the existing infrastructure needs to be upgraded to keep pace with these developments;
- * The local traffic is bound to increase and Heugh Brae is already a dangerous road for both pedestrians and cars.

The concerns and comments raised are that:

- * Use of Heugh Brae would be unsuitable for heavy construction traffic;
- * There should be better provision within the site and off site for lit, shared pedestrian and cycle paths to provide an important contribution to active travel and community links in North Berwick.

The other comment is that the proposed plans are quite sensitive.

North Berwick Community Council, a consultee, have commented that the design of the houses is more than a little ordinary and will result in exceedingly boring streetscapes and no sense of place; the drawings give the impression that various traffic calming measures are proposed on Tantallon Road and such measures would be wholly not in keeping with a very busy main road into North Berwick; the layout is "simply efficient" with a distinct lack of visitor parking and for deliveries; some of the properties will have too little garden ground; residents will experience traffic noise or a

lack of outlook; very little affordable housing has been delivered in North Berwick in recent years; it's not clear if the allotments will have parking provision; the perimeter path proposed is "odd" and may lead to security problems to those properties that back onto the outside of the development and there is no indication of who will maintain the community land.

For the avoidance of doubt no traffic calming measures on Tantallon Road are proposed through this application.

Notwithstanding concerns raised, including those concerns raised by an objector regarding strains put on infrastructure and facilities provision in North Berwick, by the grant of planning permission in principle 15/00670/PPM, approval has been given for the principle of the erection of 125 residential units, a Sustainable Urban Drainage System (SUDS), open space including allotments and toddlers play area, and for associated infrastructure on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection to the principle of the development now proposed.

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, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the Indicative Development Framework and conditions attached to planning permission in principle 15/00670/PPM.

The proposed residential development would form an extension to the southeastern edge of North Berwick. It would be seen in relation to the existing commercial and business uses on the south side of Tantallon Road and in relation to the other relatively modern housing developments on the north side of Tantallon Road. In all of this, the proposed residential development would not be out of keeping with the character of the settlement and local area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The residential units and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". Residential units have been orientated to face streets and on primary streets throughout the development parking spaces and garages have been set back behind frontages of residential units in most instances. An exception to this is a small number of the residential units near to the entrance of the development including the five single storey units proposed which have their parking positioned to the frontage of them. These units have been designed

to be of a low level bungalow design in order to preserve views from Tantallon Road, across the site, to North Berwick Law. As such the residential units have a fairly wide footprint which extends along the width of their sites resulting in fewer opportunities for setback parking. However, the landscaping proposed around the entrance into the site, including tree and hedge planting would provide sufficient screening to these parking spaces and as such they would not appear incongruous. These instances of frontage parking are in the minority and in general the proposed layout of roads, pathways and parking spaces throughout the development would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets".

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses and 'four in a block' style flats (11 types of residential units) with the residential units being a mix of single and two stories in height. The total number of units proposed accords with the planning permission in principle granted for the site and the mix of residential units includes a range of sizes and types. The proposed houses, due to their positioning on the site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. In particular, the residential units to be positioned on plots 1, 2, 3, 99 and 100 of the site (units close to Tantallon Road) have been designed to be single storey in height in accordance with Condition 1a of the planning permission in principle and by their siting, design and low height will preserve the setting of the scheduled monument of North Berwick Law.

The range of residential units proposed would give a variation of architectural from to the development, which coupled with the orientation and layout of buildings, would give a degree of variety of appearance to the development. The architecture of the proposed residential units is of a traditional pitched roof form. The residential units would be finished predominantly with rendered walls and smaller areas of timber type cladding and their pitched roofs would be clad with plain smooth tiles. The palette of materials and colours proposed for the development includes two contrasting but complementary render colours (one an off white colour and the other a pale beige/grey tone) grey coloured timber cladding, window frames and pedestrian and garage doors, grey roof tiles. This palette of finishes and colours for the residential units, and the proposed mix of them throughout the development, would have due regard to the finishes of other residential properties in the locality. The proposed finishing would not cause any incongruous change to the architectural harmony, integrity and character of this part of North Berwick.

All of this coupled with the proposed landscaping, which would include hedges and walls as front and side boundary treatments along primary streets, would ensure a visually attractive and cohesive development, with the proposed residential units visible but not appearing incongruous or intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed residential development would provide an attractive residential environment for future residents of the proposed houses and flats. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, thereby affording the future occupants of the houses and flats as well as the occupants of existing neighbouring houses an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The matter of potential noise associated with the normal operation of the existing Tesco store impacting on the amenity of residents of the proposed residential development was considered in the determination of planning permission in principle application 15/00670/PPM. Condition 1v. of that planning permission in principle requires that details of acoustic screening measures to be provided along the boundary of residential properties with the supermarket site to the north be agreed with the Planning Authority including for their implementation prior to the occupation of any residential property.

The details submitted with this approval of matters application include a proposal to erect a 2 metres high, close boarded acoustic timber fence along the boundaries which the site shares with the supermarket site. The Council's Environmental Health Manager having assessed the details submitted raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity.

The indicative details submitted with planning permission in principle application 15/00670/PPM illustrated wide strips of landscaped open space along the eastern, southern and western ends of the site of the residential development and smaller pockets of open space, including a 'village green' type area of open space with an equipped toddlers play area in between the streets of residential development. The landscaped open spaces and play area detailed in this approval of matters application generally accord with the illustrative details of the planning permission in principle.

The proposed development has been amended in light of some of the comments received from the Council's Landscape Project Officer. The revised proposals have:

- * Amended details of the SUDS basin to alter its shape in order to allow enough space around it for a scheme of landscaped screening including hedge, tree and shrub planting. The landscaping within the SUDS basin has also been amended from wetland planting to grass planting to better suit the fact that the SUDS basin is to be a dry basin designed to accommodate only short times of flooding;
- * Amended the positioning of tree planting along the areas of open space around the edges of the site and the mix of tree species to be planted in these areas;
- * Incorporated proposals for hedging alongside the acoustic fence to soften the impact of the proposed fence on the development;
- * Amended details on the proposed planting plan and the planting schedule to incorporate additional planting and amended species throughout the development;
- * Amended boundary treatments to plots within the development.

The Landscape Project Officer is now satisfied with the details of the development now proposed, but she does require that conditions be imposed on this approval of matters application to ensure that (i) the landscaping proposed is fully carried out on completion of the development and that any trees or plants which die, are removed or become seriously damaged or diseased be replaced and (ii) that the external boundaries to the rear gardens of plots 8-13, 26-34, 51-56 and plot 58 of the development, which are to be 900mm high post and wire fences with hedge planting to give a softer, more rural

edge to the development where it meets the landscaped rural edges of the site, shall be retained as such. Such measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed residential development as can the removal of permitted development rights to erect any walls or fences along the external boundaries to the rear gardens of these plots in order to prevent alternative boundary treatments being erected at a later date which could harm the appearance of the development.

The Council's Principle Amenity Officer is satisfied with the layout and quantity of open space throughout the site and the location identified for a toddlers play area. He is also satisfied with the range of equipped play proposed which includes provision for 5 pieces of toddler play equipment and some elements of natural play by way of land shaping into a stepped and curved mound around the play area. The applicant has proposed that the toddler play area shall be installed on completion of the first 50 residential units of the development which will allow for construction activities around the area of the toddlers play area to be completed and thus ensure that toddlers would be safe to play in this area without the conflict of construction taking place nearby. The Council's Principle Amenity Officer is satisfied with this timetable for implementing the toddlers play area and this timetable can be secured through a condition imposed on the approval of matters specified in conditions for the proposed residential development.

The indicative details submitted with planning permission in principle application 15/00670/PPM indicated a site for allotments between the areas of residential development and the business uses in the northwest area of the site. The details submitted in this approval of matters application show the same area as being provided for allotments. The provision of such allotments is controlled by Condition 9 of the planning permission in principle which requires that unless otherwise approved in writing by the Planning Authority the allotments shall be provided and made available for use prior to the occupation of 60 residential units of the development and also by the concluded Section 75 Agreement which requires the transfer of the title of the land for allotments as shown on the Indicative Development Framework to the Council at no cost. There is therefore no requirement to impose such controls on this approval of matters application.

The layout, positioning and future use of the areas of open space within the site would be associated with the residential use of the site and such use would not have a harmful impact on the privacy and amenity of the occupants of neighbouring residential developments. Nor would the use of the allotment land or the future use of the business land.

On all of these foregoing findings on matters of design, layout, open space, landscaping, amenity and the setting of the scheduled monument of North Berwick Law and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, C1, C2, DP1, DP2, DP24 and ENV7 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

Condition 13 of planning permission in principle 15/00670/PPM requires that 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. An indicative position for artwork on the northeast corner of the site has been annotated on the application drawings but no details of what that artwork would consist of have been submitted with this application. The

requirement to submit details of artwork to be provided on the site or at an alternative location away from the site remain in force through Condition 13 of planning permission in principle and thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The indicative details submitted with planning permission in principle application 15/00670/PPM indicated the provision of a SUDS pond in the far northeast corner of the site. Condition 11 of the planning permission in principle requires that details of the SUDS including results of any investigation of the receiving watercourse and culvert upstream of Tantallon Road shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency (SEPA).

Details of the SUDS and other drainage details including a Drainage Assessment have been submitted with this approval of matters application.

SEPA have been consulted on the details provided and have confirmed they have no objections to the details shown and they do not request any conditions be imposed on this application.

The Council's Team Manager for Structures, Flooding & Street Lighting is satisfied with the details shown although in order to prevent any potential localised flood risk on or around the site but he has requested that a condition be imposed on an approval of matters to ensure that further details of an investigation into the existing culvert located under Tantallon Road and any remedial measures required to be taken to deal with any potential new surface water source within the site are submitted to and approved by the Planning Authority in consultation with the Council's Structures, Flooding and Street Lighting Team Manager. This matter can be secured through a condition on an approval of matters.

Condition 5 of planning permission in principle 15/00670/PPM requires that a scheme to connect to the public waste water network be submitted for the written approval of the planning authority, in consultation with Scottish Water. The applicant has confirmed in writing that they have received Technical Approval for their drainage arrangements, including connecting to the public waste water network, from Scottish Water and have submitted to the Planning Authority a copy of a letter which they received from Scottish Water in April this year which confirms this. This therefore deals with this condition on the planning permission in principle.

Scottish Water have been consulted on this application but have not commented on it.

On the foregoing water and drainage considerations, and subject to the aforementioned condition, the proposed details are consistent with DP15 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed residential development are already decided by the grant of planning permission in principle 15/00670/PPM. These include that vehicular and pedestrian access to the site should be taken from the A198 Tantallon Road via a priority junction; the proposed development shall provide footpath links within the development to the northern and western edges of the development and that parking provision, cycle parking, access roads and driveway dimensions shall comply with the Council's Standards.

The submitted details for accessing the proposed 125 residential units are in accordance with the principles established by the grant of planning permission in

principle 15/00670/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that revisions made to the proposals since they were originally submitted address comments they had raised relating to the provision of pedestrian safeguards and service strips throughout the site, the provision of turning areas for certain plots throughout the development, the number and distribution of visitor parking spaces throughout the development and the ability of bin lorries and other large vehicles to manoeuvre throughout the site.

They are now satisfied with the proposals being content that the proposed means of access and amount and location of parking within the site are all acceptable and being content that the proposed development would not result in unacceptable traffic congestion, including on Tantallon Road. The Council's Road Services recommend that conditions be imposed on the approval of matters to ensure that the footpath to be formed from Heugh Road/Heugh Brae to the parking spaces to be formed to the south of the allotments be hardsurfaced and lit in accordance with details to be submitted and to specify the minimum dimensions of driveways within the site. These matters can be controlled through the imposition of conditions on this approval of matters application.

Condition 7 of planning permission in principle 15/00670/PPM requires the submission of a Green Travel Plan, to have particular regard to provision for walking, cycling and public transport access to and within the site. The applicant's have submitted a Green Travel Plan which is currently being considered by the Planning Authority in consultation with the Roads Authority as part of planning permission in principle 15/00670/PPM rather than through the consideration of this approval of matters application.

Condition 8 of planning permission in principle 15/00670/PPM requires a Construction Method Statement be submitted to minimise the impact of construction activity on the amenity of the area prior to the commencement of development. A Construction Method Statement has been submitted and is currently being considered by the Planning Authority in consultation with the Roads Authority as part of planning permission in principle 15/00670/PPM rather than through the consideration of this approval of matters application.

Condition 10 of planning permission in principle 15/00670/PPM requires a number of off site improvement works to the public roads and footpaths around the site in the interests of road safety and to enable safe access to schools. These include the provision of a signal controlled pedestrian crossing to be provided over Dunbar Road (A198) in a position between Glenburn Road and Heugh Road, the replacement and upgrading of the existing footway along the site frontage on Tantallon Road to include dropped kerb crossings over the A198 to allow barrier free access to the existing bus stops on this part of Tantallon Road. The details of these off site works have not been submitted with this approval of matters application but the requirements for them and the details of them are embodied in Condition 10 of planning permission in principle 15/00670/PPM and therefore remain in force. Thus there is no requirement to also secure these again through a condition attached to this approval of matters specified in conditions application.

The Council's Outdoor Access Officer has not commented on this application.

The Council's Waste Services Manager raises no objection to the details of the 125 residential units now proposed. He has commented that the proposed layout suits the

needs of his Service on the basis that all waste collections take place from the main access road through the development. Therefore residents of plots 1-6, 34, 35, 51, 56-63 and 67-71 will be required to present their containers at the end of their access drives on the kerb of the main access road. A copy of his consultation response has been forwarded onto the applicant along with the Council's Planning Guidance on Waste.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer, in comments to the planning permission in principle application, advised that as an open arable field there are opportunities for biodiversity improvement in the development of the field for residential development and recommended the planting of native species to facilitate this. In his comments to this approval of matters application he advises that great crested newts forage in the vicinity of the site of this application. Great crested newts are a species protected by EU legislation. The Council's Biodiversity Officer advises that it is unlikely that the species will be on site at present because the current arable land use is quite hostile to it but as the land use changes to a residential use with landscaping and allotments the site will become more attractive to the species and foraging is likely. The Council's Biodiversity Officer advises that amphibians are known to become trapped in roadside gully pots (road drains) because of the design of the drain system and kerbing. In order to prevent this happening given the likelihood of the species foraging in the application site post development of it, he is recommending that an altered design of 'amphibian friendly' kerbing and gully pots incorporating 'amphibian ladders' be fitted at all gully pots throughout the development. This would help to alleviate the problem of these amphibians becoming trapped in the roadside drains. Such a requirement can be secured through a condition attached to this approval of matters specified in conditions application.

Condition 6 of planning permission in principle 15/00670/PPM requires that no development shall take place on the site until (i) a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the planning authority and (ii) 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. An Archaeological Evaluation Data Structure Report and a Heritage Assessment have been submitted with this application and the Council's Archaeology Officer has confirmed that both are acceptable and he is satisfied that the archaeological work required by the planning permission in principle has now been completed.

The mechanism of a financial contribution towards additional educational provision at Law Primary School and North Berwick High School for a housing development of 125 residential units has already been secured through the grant of planning permission in principle 15/00670/PPM as has the phasing of completions of the residential units to ensure sufficient education capacity can be provided for the pupil product of the development.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 31 units of the proposed 125 units) is already secured through the grant of planning permission in principle 15/00670/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 31 affordable housing units now proposed, which include

a mix of 8 x 1 bed cottage style flats, 8 x 2 bed cottage style flats, 2 x 2 bed bungalows, 8 x 2 bed houses and 5 x 3 bed houses. They have advised that the tenure will be delivered through Places for People.

The mechanism to have in place a delivery plan for the Class 4 business units prior to any development commencing on the site is already secured through the grant of planning permission in principle 15/00670/PPM. A detailed delivery plan for the Class 4 business units has since been submitted to and agreed in writing with the Planning Authority.

RECOMMENDATION

That approval of matters specified in conditions for the proposed residential development be granted subject to the following conditions:

CONDITIONS

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

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

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

Reason:

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

- 2 No development shall take place on the site unless and until the following details have been submitted to and approved by the Planning Authority in consultation with the Council's Structures, Flooding and Street Lighting Team Manager:

- o Details of an investigation into the existing culvert located under Tantallon Road.
- o Details of any remedial measures to be taken if the investigation reveals any new surface water source within the site.

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

Reason:

In the interest of the prevention of flood risk.

- 3 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

- To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.
- 4 Unless otherwise approved in writing by the Planning Authority, the toddlers play area hereby approved and the equipment and natural play areas approved to be formed in it shall be completed in its entirety following completion of the first 50 residential units of the development hereby approved

Reason:

- In the interests of the amenity of the development.
- 5 All new planting, seeding and turfing as shown and specified on the landscape plan and planting schedules docketed to this approval 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.

No trees or shrubs, detailed in the docketed landscape plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner unless otherwise approved by the Planning Authority.

Reason:

- In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the visual amenity of the area.
- 6 The external boundaries to the rear gardens of plots 8, 9, 10, 11, 12, 13, 26, 27, 28, 29, 30, 31, 32, 33, 34, 51, 52, 53, 54, 55, 56, and 58 as detailed in the site plan and landscape plan docketed to this approval shall be retained as 900mm high post and wire fences with hedge planting as per the docketed landscape plan.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no development of the types specified in Classes 3E of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting that Part of the Order shall be undertaken on any part of the gardens of those plots unless with the prior approval of the Planning Authority.

Reason:

- To protect the visual appearance of the development.
- 7 Unless otherwise approved in writing by the Planning Authority, no residential unit shall be occupied until the acoustic barrier fence hereby approved has been erected in its entirety in accordance with the details docketed to this approval. The acoustic barrier shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

- In the interests of protecting the residential amenity of the occupiers of the residential units hereby approved from noise from the adjoining supermarket site.
- 8 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

- To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.
- 9 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.

Reasons:

- In the interests of road and pedestrian safety.
- 10 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written

approval of the Planning Authority.

The footpath to be formed between Heugh Brae/Heugh Road and the parking spaces to the south of the allotments site shall be hard surfaced and lit in accordance with details to be submitted for the prior approval of the Planning Authority and thereafter shall be maintained as such unless otherwise approved by the Planning Authority.

Reason:

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

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Unless otherwise approved by the Planning Authority all gulley pots (road drains) and the kerbing to be installed adjacent to them throughout the site shall be specially designed to include amphibian ladders and recessed kerbs all in accordance with details to be submitted for the prior approval of the Planning Authority. Thereafter the gulley pots and kerbs approved shall be maintained throughout the site unless otherwise approved by the Planning Authority.

Reason:

In the interests of the biodiversity of the area.