

PLANNING COMMITTEE

7 NOVEMBER 2017

PUBLIC DOCUMENT PACK



**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**TUESDAY 3 OCTOBER 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor S Currie
Councillor J Findlay
Councillor S Kempson
Councillor C McGinn
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Legal and Procurement
Ms E Taylor, Planner
Mr N Millar, Planner
Mr G McLeod, Transportation Planning Officer
Ms M Haddow, Transportation Planning Officer
Ms S Cheyne, Projects Officer, Landscape
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 3 – Mr T Thomas, Mr S McNicol

Apologies:

Councillor L Bruce
Councillor A Forrest
Councillor K McLeod

Declarations of Interest:

Councillors McMillan and Findlay declared an interest in Item 4 – they had been involved in the Local Review Body held on 21 September 2017 when this matter had been discussed. They would leave the Chamber for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 5 SEPTEMBER 2017

The minutes of the meeting of the Planning Committee of 5 September 2017 were approved.

2. PLANNING APPLICATION NO. 17/00384/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 14/00903/PPM – ERECTION OF 185 HOUSES AND ASSOCIATED WORKS AT LAND TO THE SOUTH, EAST AND WEST OF WALLYFORD

A report was submitted in relation to Planning Application No. 17/00384/AMM. Emma Taylor, Planner, presented the report summarising the key points. She informed Members that since the report had been issued further discussions had taken place with the applicant regarding landscaping of the site and in particular the enclosure of the front and side garden areas of the dwellings. Whilst these discussions went some way to addressing how these areas should be defined there was not yet an agreed scheme. Therefore, to ensure that the development met the requirements for the Design Guide for New Housing Areas, a further condition should be attached to any grant of approval of matters which would require the submission of the details of those enclosures prior to the commencement of development. She outlined the further condition. The report recommendation was to grant consent.

Ms Taylor, responding to Councillor Small's questions, gave details of the different house types and number of bedrooms. Councillor O'Donnell asked if there had been agreement regarding the use of the non-residential institution. Keith Dingwall, Team Manager, Planning Delivery, indicated that the proposal for this had still to come forward.

Local Member Councillor McGinn stated that this was a long awaited project; the new primary school would be of significant benefit to the community. There were some concerns in relation to transport systems and the impact on the rail and road network but overall he was looking forward to fruition of this development. He would be supporting the application.

Councillor Currie remarked that discussion about the possibility of class 10 use was important, the ability for some flexibility was crucial. He raised the question of which body would take forward the affordable housing element. He would be supporting the report recommendation to grant consent.

Councillor O'Donnell, referred to Wallyford Community Council's comments, which were well informed and helpful, particularly in relation to safe routes to school. She hoped this would be addressed during the process. She would be supporting the recommendation in the report. Mr Dingwall clarified that Roads Services had been consulted and were satisfied both in respect of the generality of the proposals and specifically the safe routes to school.

The Convener brought the discussion to a close. He made reference to the numerous times this site had come before the Committee and outlined the many benefits the development would bring to Wallyford. He noted that no bungalow type properties were proposed remarking that there was significant demand for this type of housing and he hoped this would be included in future applications. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 9
Against: 0
Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed residential development be granted subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- 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 buildings 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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality

- 3 Prior to 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 shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) 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;

(iii) within 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;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

(vii) a swept path assessment shall be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(viii) a continuous footway shall be provided on both sides of the section of road adjacent to plots 7 and 126;

(ix) where there is no footway provision and the road will act as a shared surface, road design shall be used to ensure the safety of pedestrians and other road users. This could include change of level and surface treatment and shall be augmented by traffic calming or signage as appropriate. This could also include differential surface treatment to indicate safe pedestrian routes. Prior to the commencement of development details of this shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved; and

(x) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 shall be revised to include hard landscaping at either end of it, in accordance with details to be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 5 All new planting as shown on docketed drawings nos. 143.106.01b -143.106.05b shall be carried out in the first planting and seeding season following the occupation of the houses or the completion of the development, whichever is the sooner, and any trees or plants which 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 and to improve the biodiversity

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 4 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 A timetable for the provision of the erection of the 1.8m 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.

- 8 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

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

- 9 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space. Details of those boundary treatments shall be submitted to and approved by the Planning Authority prior to the commencement of development. A timetable for the provision of those boundary enclosures shall be submitted to and approved in advance by the Planning Authority and 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 visual amenity of the housing development.

3. PLANNING APPLICATION NO. 17/00618/P: ERECTION OF BUILDING FOR CAFE (CLASS 3) USE AND ASSOCIATED WORKS AT LAND AT CASTLETON FARM, NORTH BERWICK

A report was submitted in relation to Planning Application No. 17/00618/P. Ms Taylor presented the report, summarising the key points. She referred to the site visit, informing Members that the area of decking to the west side would now be an outdoor seating area, not decking, the materials were yet to be clarified. The proposed decision set out in the report was for refusal of the application.

Ms Taylor and Mr Dingwall responded to questions from Members. Regarding precedent, Mr Dingwall clarified that precedent could be used as a reason for refusal, it depended on the circumstances; it was entirely reasonable to use precedent in this case.

Councillor McMillan asked about guidance regarding duration of storage containers. Mr Dingwall advised that there was a well established practice that by their nature storage containers were not suitable permanent structures so permission tended to be granted on a temporary basis, the period was dependent on the application.

In response to questions from Councillor O'Donnell about an alternative site, as mentioned in the presentation, Mr Dingwall outlined the engagement process. Responding to Councillor Currie, Ms Taylor confirmed it was the aesthetics not the practicality that was the issue in the

opinion of the Planning Authority. In response to further questions Mr Dingwall advised that this was a detailed planning application so Members were considering not just the principle of the application but also the details of the proposal, as outlined in the report.

Members noted that Road Services had not raised concerns and asked what level of detail had been considered. Mr Dingwall referred to discussions at the site visit and confirmed that this stretch of road had been appropriately assessed. Morag Haddow, Transportation Planning Officer, added that visibility conformed to the required standards. Traffic generation had not been looked at as the site was not of a size that required this to be done.

Tony Thomas of Apt Planning and Development, agent for the applicant, stated that this application was an innovative and high quality proposal which would provide an attractive visitor space and enhance the area. Local employment opportunities would be provided. Local produce would be used. This was a small farm and diversification was necessary for its survival. He refuted the reasons for refusal. The proposal was entirely appropriate and the design would sit comfortably in its surroundings. The development was not precluded by Council policies. It would not set a precedent. Neither Scottish Natural Heritage nor the Council's Roads Services had objected. The proposal met key areas of the Tourism Action Plan. He informed Members that it was the right proposal in the right location.

Mr Thomas and Stuart McNicol, the applicant, responded to questions. Mr McNicol stated that the Tyne Esk Leader funding was on a match funding basis. He confirmed that local suppliers/contractors would be used. As regards enhanced landscaping, Mr Thomas stated that the site was quite well hidden but if the Committee felt it would be appropriate to have further screening this could be considered. Regarding employment opportunities and use of zero hours contracts Mr McNicol indicated that the employment aspect had yet to be fully considered. In relation to questions about reinstatement of the area if required in future Mr Thomas said disturbance to the ground would be minimal so reinstatement would not be an issue. He clarified that the car park would not be restricted to cafe visitors only; the applicant was keen for it to be used also as a viewing point.

Local Member Councillor Findlay stated that the application addressed many aspects of the Council's Tourism Action Plan. Rural economies struggled and farmers needed to find ways to diversify. He made reference to the grant given to the applicant by Tyne Esk Leader. He said it was evident at the site visit that there was no interruption to the view of Tantallon Castle. He disagreed with the report statement about the wildness of the area, referring to the large modern house and other buildings in the vicinity. He felt this proposal met all the conditions under other business use of Policy DC1. He also disagreed with the precedent reason for refusal. He would not be supporting the officer's recommendation.

Local Member Councillor Goodfellow, not a member of the Planning Committee, commented that this development would have a positive economic impact and would also provide a safe viewing point. This was an excellent proposal which would provide necessary diversification for a local rural business.

Councillor Small stated it was significant that Scottish Natural Heritage had not opposed this application. Referring to the site visit he did not feel that the view of the Bass Rock and surrounding area would be particularly affected by this development. He made reference to the Council Plan and to East Lothian's aim to be Scotland's leading coastal, leisure and food and drink destination. He was supportive of the application.

Councillor Currie pointed out that there were a number of buildings within a reasonable distance from this site; rooftops were visible across the coastline. He liked the principle of this proposal but felt that more detail was required before a decision could be made; he would prefer therefore to continue the application.

Councillor McMillan agreed with the earlier comment about the Council's economic development goals; this proposal was important for tourism. The car park at the site would ensure safer parking for people to enjoy the stunning views. Road Services had no concerns. Local suppliers for food and drink would be used. He would, on balance, be going against the officer's recommendation. In relation to his prior query about storage containers he questioned if the grant of consent could be limited to a temporary period of 3 years.

Councillor Kempson expressed sympathy for small farmers in the current economic climate. She felt that diversification should be supported and would be going against the officer's recommendation in the report.

Councillor O'Donnell also remarked on the iconic scenery and the benefit of being able to view this from the safety of the car park. She agreed with the point put forward to grant consent for a temporary period but felt that 5 years would be more appropriate, to see how the finish materials weathered in the exposed site. The proposed development would be an exciting addition to this area; she would be supporting the application.

Councillor Trotter made reference to the economic situation and the need to encourage people to come to East Lothian; places like this proposed development were needed in the county. He would be going against the officer's recommendation.

Councillor McGinn also referred to the fact that Scottish Natural Heritage had not objected, he felt this was a key factor. He regretted going against the officer's recommendation but he would be supporting the application.

The Convener brought the discussion to a close. He disagreed with both reasons for refusal detailed in the report. He was in agreement with other Members and would be supporting this application. He felt the proposal was attractive and would encourage people to visit the area and use this facility. He noted the various comments from Members regarding continuing the application, or granting for a temporary period of either 3 or 5 years. In his view granting permission for a temporary period of 5 years would be more appropriate.

Councillor Currie indicated that he would not be pursuing his earlier request to seek a continuation. He agreed that granting permission for a 5 year temporary period made sense.

Mr Dingwall advised that if the Committee was minded to grant planning permission this should be subject to conditions to be determined by the Planning Service Manager, Convener and local members. Given Members' comments one of the conditions should specify that the consent for the development would be for a temporary period of 5 years for the reason that storage containers were not suitable as permanent structures.

The Convener then moved to the vote on the report recommendation (for refusal):

For: 0
Against: 9
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Convener/local members and officers which would include the condition outlined above.

Sederunt: Councillors McMillan and Findlay left the Chamber.

4. TREE PRESERVATION ORDER AT THE HAWTHORNS TO BROADGAIT, GULLANE [T.P.O. NO 138 (2017)]

A report was submitted in relation to a Tree Preservation Order [T.P.O. no.138 (2017)] at The Hawthorns to Broadgait, Gullane.

Mr Dingwall presented the report, informing Members that East Lothian Council had placed a TPO on several trees on Broadgait, Erskine Road, The Hawthorns and land to the north of the Hawthorns in Gullane on 26 July 2017. This TPO would continue in force for six months (until 26 January 2018) or until the Order was confirmed, whichever happened first.

Decision

The Committee agreed to confirm T.P.O. no.138 (2017).

DRAFT

Signed

.....
Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee

MEETING DATE: Tuesday 7 November 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

2

Note – the above application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: this application has attracted considerable public interest both for and against and I feel that for this reason it should be decided in Planning Committee.

Application No. **17/00434/P**

Proposal Alterations and extensions to the Scottish Seabird Centre and adjacent sun lounge to form a national marine centre and associated works

Location **The Scottish Seabird Centre
Victoria Road
North Berwick
East Lothian
EH39 4SS**

Applicant Scottish Seabird Centre

Per Simpson and Brown Architects

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

BACKGROUND

This planning application pertains to the Scottish Seabird Centre, which is located towards the north end and on the eastern side of the harbour promontory between the east and west beaches at North Berwick. In such position the application site is to the north of North Berwick Town Centre. The site occupies a prominent location on the harbour promontory, being readily visible from the immediate areas of the historic harbour, the east and west beaches and Victoria Road/Melbourne Road and in longer range views from elsewhere in and around North Berwick.

The application site comprises the building of the Scottish Seabird Centre, which is positioned on the eastern side of the harbour promontory, the nearby sun-lounge building, which is located to the west of that building, the connecting underground tunnel which links the two buildings, an area of the 'Anchor Green' public open space

between and to the south of the two buildings. This includes a set of steps that link the Anchor Green to the harbour area and harbour esplanade and dinghy park to the north, and a small part of the southern end of the harbour esplanade that is located to the north of the two buildings.

The Scottish Seabird Centre is a tourist and visitor attraction, which contains an interactive wildlife exhibition in its Discovery Centre, a gift shop, and café. It also offers seasonal boat trips. The nearby sun-lounge building, which is part of the Scottish Seabird Centre, contains staff offices and education facilities. The Scottish Seabird Centre is a conservation and education charity, dedicated to inspiring people to care for wildlife and the natural environment. It is open all year round with the exception of Christmas Day. The organisation has won a variety of awards for its environmental focus.

The Scottish Seabird Centre building, which with the benefit of planning permission 96/00791/HIS_P, was built around 2000 and replaced a former harbour pavilion building that was located in a similar position on the harbour promontory. It is a distinctive building within its setting, with an organic 'flowing' architectural form and a copper roof incorporating solar panels on its western face and a roughly centrally positioned recessed, glazed cupola. The building won the Scottish Design Awards Commendation 2001, Civic Trust Commendation 2001, and Regeneration Scotland 2000: Sir Robert Grieve Award. Its external walls are finished with a combination of natural whinstone and vertical timber cladding, and there are large areas of glazing to its elevations. The Scottish Seabird Centre building is accessed from the level of the Anchor Green, the ground level of which is some 2 metres above that of the harbour esplanade and dinghy park to the north, and consequently the Scottish Seabird Centre building sits above and looks down onto the harbour and dinghy park.

The sun-lounge building is a two storey building with a flat roof. Its external walls are finished with natural red stone and on its northwest side has a number of large window openings that have a uniform size and appearance. There are solar voltaic panel arrays positioned on its flat roof. Similar to the Scottish Seabird Centre building, the sun-lounge building is split level. It appears as a single storey building when approached from the Anchor Green but as a two storey building from the harbour esplanade area and dinghy park. The archways of its formerly open sided understory, at its northwest elevation, have been infilled with large windows to create additional internal accommodation.

The two buildings of the Scottish Seabird Centre building and the sun-lounge building appear externally as detached buildings, however, they are connected internally by an underground tunnel (passage), which is located below the Anchor Green.

The application site is located within the North Berwick Conservation Area. There are a number of listed buildings in the locality. Immediately to the west of and abutting the southwest end of the sun-lounge building is the 2-3 storey building of 38 - 40 Victoria Road, which is a former warehouse and fisherman's store that is listed as being of special architectural or historic interest, Category B. That building houses the East Lothian Yacht Club. The North Berwick harbour, located to the west of the application site and to the southwest of the esplanade and dinghy park, is also listed as being of special architectural or historic interest, Category B.

In addition, to the south of the application site and at the southern end of the Anchor Green is the scheduled ancient monument of St Andrews Church, which consists of the remains of the original parish church of North Berwick, thought to have been built in the 12th century.

Although not listed as being of special architectural or historic interest, the three and a half storey flatted building of Harbour Terrace (the former Old Granary) on the western side of the harbour promontory and the two-storey building of the Fisherman's Hall, located to the south of the Category B listed 38-40 Victoria Road and which is partly in residential use and partly used as the Harbour Masters Office, are also important features of the character of the harbour promontory and thus of this part of the North Berwick Conservation Area.

The harbour area is characterised by the Category B listed operational harbour to the northeast of which is the esplanade and dinghy park (formerly the location of the, now infilled, outdoor swimming pool). These two areas are separated by a raised walkway, below which is a former changing room building. Along the northwest and northeast sides of the harbour, esplanade and dinghy park are the rocky edges of the foreshore, including the public walkways, which themselves link to the recently improved harbour flood defence wall with walkways/seating areas at the northeast end of the esplanade and dinghy park.

The application site is within an area of North Berwick that is defined as being of mixed uses by Policy ENV2 (Town and Village Centres, Other Retail and Mixed Use Areas) of the adopted East Lothian Local Plan 2008.

There are views out from the harbour promontory to the islands of the Firth of Forth, including, amongst others, the Bass Rock, and Craigleith and Lamb Islands. There is also a formal viewing platform at the northern end of Anchor Green that is located to the west side of the Seabird Centre building and to the east side of the public steps that lead down to the level of the harbour esplanade and dinghy park. This viewpoint affords views across the harbour and dinghy park towards Craigleith Island and across the North Berwick Bay (West Beach).

The application site is bounded to the north by the harbour, esplanade and dinghy park beyond which is the rocky foreshore and the Firth of Forth, to the east by the rocky foreshore and Milsey Bay (east beach), to the west by the buildings of the east side of the northern end of Victoria Road, and to the south by a combination of the Anchor Green and the scheduled monument of St Andrews Church. Further to the south is the commercial restaurant and take-away of the Rocketeer, further land of Anchor Green including the Memorial Cross, and the public road of Melbourne Road.

To the north, east and west of the harbour promontory and thus immediately to the east of the application site is the Firth of Forth special protection area (SPA) and site of special scientific interest (SSSI).

Parts of the northern, western and eastern areas of the site, specifically at the lower level of the harbour esplanade and dinghy park, so affecting the lower ground floor levels of the Seabird Centre and sun-lounge buildings, are identified as being within the Coastal Flood Risk envelope of the Indicative River and Coastal Flood Map (Scotland) as defined by the Scottish Environmental Protection Agency.

East Lothian Council has an interest in the land and buildings of the application site as it is the owner of the Seabird Centre and sun-lounge buildings.

The nearest neighbouring residential buildings are located at 32 Victoria Road (Fisherman's Hall) on the east side of Victoria Road, the flats of the Old Granary at Harbour Terrace and the row of terraced properties of 17 to 45 Victoria Road (odd numbers only).

In 2004 with the benefit of planning permission 04/00357/FUL the Seabird Centre building was altered and extended to add a two storey extension (lower ground floor and ground floor) extension and café deck with handrails to its eastern side.

Also in 2004 with the benefit of planning permission 04/00593/FUL, the use of the sun-lounge building as part of the operation of the Seabird Centres was approved, including the formation of the underground tunnel linking the two buildings.

The solar panels and their associated framing and pipework were added to the western roof slope of the Seabird Centre building in 2011 with the benefit of planning permission 11/00049/P.

Through this application, planning permission is sought for the addition of extensions to the existing Scottish Seabird Centre and sun-lounge buildings, including an increase in the width of the underground tunnel below the Anchor Green that connects the two buildings and the provision of an above ground glazed linking extension that would extend between the two buildings across the northern end of Anchor Green and the steps leading to the harbour area, esplanade and dinghy park. As a consequence of the proposed extensions to the two buildings, planning permission is also sought for an alteration to the existing steps leading to the harbour area, esplanade and dinghy park. Planning permission is also sought for the formation of areas of hard standing.

The proposed extensions and alterations to the existing Seabird Centre building comprise the addition of a two-storey, pitched roofed extension to its northern and eastern sides (lower ground floor and ground floor levels) including the addition of a cantilevered deck at ground floor level. The roof of this proposed extension would be clad with copper and would be designed to match the roof of the Seabird Centre building. The external walls of the proposed extension would be finished with a combination of natural whinstone and vertical timber cladding, and there would be large amounts of glazing to these elevations. The deck would be supported on concrete walls clad with natural whinstone and concrete columns and would have a timber surface. A timber balustrade would enclose it and a new set of concrete steps would lead from the northern end of the proposed new decking down to the level of the harbour esplanade and dinghy park. Openings of the lower ground floor level would be fitted with hermetically sealed units or include an integral flood defence system.

It is proposed that a further extension would be attached to the west side of the existing Seabird Centre building. That proposed extension would be single storey in height with a part flat and part pitched roof. The pitched section of its roof would be clad with copper and would be designed to match the roof of the Seabird Centre building. The flat part of its roof would have a predominantly 'green' sedum finish with copper eaves. Its north, west and south elevation walls would be predominantly glazed. Its lower level north elevation wall would be finished with natural whinstone.

Attached to the west side of that proposed extension would be a further single storey extension that would have predominantly glazed external walls and a flat roof clad with copper. This proposed extension would form a linking bridge between the existing Seabird Centre building and the sun-lounge building at ground floor level and would extend over the existing public steps that link Anchor Green with the harbour esplanade and dinghy park.

New roof windows would be installed at the upper gutter level of the new sections of copper standing seam roof of the proposed extensions to the Seabird Centre building.

An existing inset dormer of the northwest elevation roof slope of the Seabird Centre

building would be removed and replaced with a new section of copper roofing to match the slope of this part of the existing roof. Existing roof flues of the east elevation roof slope would be relocated to new positions on that part of the roof of the building and new ventilation grilles would be installed in the east elevation roof slope of the new extension to serve a new kitchen.

The new windows and doors of the east elevation of the Seabird Centre building and the new main entrance door of its south elevation would be of timber framed construction.

The existing underground tunnel below Anchor Green that links the two buildings would be increased significantly in size both in a northerly and southerly direction and through the lowering of part of its floor level to form additional lower ground floor exhibition space.

The existing sun-lounge building would be extended upwards through the addition of a first floor over the majority of the length of its footprint and a further partial additional second floor which would form an observation tower. The proposed first floor extension would have a dual pitched roof clad with copper to reflect the roof covering of the existing Seabird Centre building. Solar laminate panels would be installed between the standing seams of the southeast facing roof slope of its new copper roof. The proposed observation tower component of the proposed sun-lounge building extensions would be octagonal in shape with an external viewing platform on its southwest side. Its northeast elevation walls would be a continuation upwards of the existing three-sided form of the northeast elevation walls of the sun-lounge building. The roof of the proposed observation tower would be partially flat and partially mono-pitched in form and would be clad with a combination of single ply roofing membrane (i.e. Sarnafil) and standing seam copper. The mono-pitched section of it would slope upwards in a northeast direction. The red sandstone parapet wall of the roof of the existing sun-lounge building would be raised in height by some 800mm on the northwest side of the building to form part of the northwest external wall of the proposed first floor extension. Otherwise the external walls of the proposed first floor and observation tower extensions to the sun-lounge building would be finished with a combination of vertical timber cladding, vertical timber louvered cladding and vertical timber louvres. The frames of the windows of the first floor extension to the sun-lounge building would be of metal framed construction.

It is proposed that a further extension would be added to the southeast side of the sun-lounge building. That proposed extension would be single storey in height with a flat roof. It would extend along the majority of the length of the southeast elevation of the building. It would have a predominantly 'green' sedum roof with copper eaves and its external walls would be finished with vertical timber cladding. There would be large areas of glazing in its southeast elevation wall.

A new access ramp with metal balustrade would be attached to the northwest elevation of the sun-lounge building. The surface of the proposed access ramp would be finished with concrete and the balustrade would match the existing balustrade to be replaced.

All of the existing windows and external doors of the northwest and northeast elevations of the sun-lounge building would be replaced with new metal framed windows and doors. Flood shutters or fixed glazed flood proof units would be installed at the lower ground floor windows and doors. The new windows of the proposed extensions to the sun-lounge building would be of metal framed construction.

Clear glazed curtain walling with a linear manifestation line is proposed to be used for the large areas of glazing of the proposed extensions and alterations to the Seabird Centre and sun-lounge buildings.

The proposed predominantly glazed linking bridge extension between the two buildings would extend over the location of the existing steps that provide public access from the north end of Anchor Green to the harbour esplanade and dinghy park to the north of the application site. It would result in the removal of the existing formal viewing platform that is at the northern end of Anchor Green, to the west side of the Seabird Centre building, and to the east side of the public steps that lead down to the level of the harbour esplanade and dinghy park. Those existing steps would be altered to reduce the length and thus also the height of the lower section of the steps, extend the length of the middle landing of the steps and reposition the upper section of the steps further to the south so that they would pass below the proposed glazed linking extension.

As part of the alterations to the steps an existing length of natural rubble retaining wall on the east side of the steps would be lowered in height. A further continuation of that wall, which fronts the harbour esplanade and dinghy park would also be lowered in height. An existing historic boat yard gate pier would be retained at the northeast end of this length of wall. New openings would be formed in an existing length of natural stone retaining wall that is to the north side of the existing Seabird Centre building, and a new length of natural stone retaining wall would be added to the northeast end of that existing length of wall in a finish to match the existing length of wall.

New areas of hardstanding in the form of footpaths, entrance ramps and steps are proposed to be formed between the Seabird Centre and sun-lounge buildings as they are proposed to be extended and to the northwest side of the Seabird Centre building. The proposed hardstanding areas would be surfaced either with tarmac or brick setts. The proposed entrance ramps and steps would be of concrete construction.

An area of grass-crete surfacing would be laid at the grassed area of land immediately to the south of the Seabird Centre building and new bicycle storage racks would be installed at this location.

Parts of the existing Seabird Centre and sun-lounge buildings would be demolished in order to facilitate the proposed alterations and extensions. These proposed down-takings comprise the removal of:

- o the two storey extension and café deck of the eastern side of the building;
- o internal walls and staircases of both of the buildings;
- o the walls of the underground tunnel that connects the two buildings;
- o part of the external walls of the northwest and northeast sides of the Seabird Centre building;
- o the existing entrance platt at the northwest lower ground floor entrance to the sun-lounge building; and
- o existing steps and boundary walls between the esplanade and Anchor Green.

As these proposed down-takings would not amount to the substantial demolition of the existing buildings or whole lengths of boundary wall they do not require conservation area consent.

Since the application was registered amendments have been made to:

- o reduce the size of the application site to exclude from it an area of timber

decking to the east (rear) of the East Lothian Yacht Club building of 38-40 Victoria Road;

- o reduce the height of the proposed observatory tower by some 1.6 metres and alter the form of its roof from a conical roof form to a mono-pitched roof;
- o increase the amount of fenestration of the upper floors of the proposed extension to the sun-lounge building, including the proposed observatory tower;
- o provide additional elevations of the proposed development from the southeast (Anchor Green) and northwest (harbour esplanade and dinghy park);
- o clarify the external finishes of parts of the proposed development;
- o remove an area of proposed fencing enclosing an area below the northern end of the proposed deck of the Seabird Centre building; and
- o correct annotation errors on the drawings.

These changes have been shown on amended and additional drawings submitted by the applicant's agent.

In addition to these amended drawings, a Planning Statement (September 2017) prepared by Muir Smith Evans, an Economic Impact Assessment of the National Marine Centre prepared by EKOS (September 2017), and a Summary Business Plan for the National Marine Centre (September 2017) have been submitted.

Also provided by the applicant's agent, but on a confidential basis are an Outline Construction Management Plan (September 2017) prepared by Currie & Brown, a National Marine Centre Business Plan (June 2017), and supplementary Business Plan information (received September 2017).

The Design and Access Statement and Heritage Impact Assessment submitted with the application have been amended to take account of the changes to the design of the proposed development. The EKOS "National Marine Centre - Economic Impact Assessment" (September 2017) and the Planning Statement (September 2017) have been amended to correct errors in their text. At the request of Scottish Natural Heritage the Habitats Regulations Assessment (HRA) (May 2017) submitted with the application has been amended to take account of their comments.

The amendments to the application drawings and the submission of the additional and amended reports do not result in a substantial change to the description of the development. Moreover, the changes to the proposed scheme of development are not material changes to the application. However, they were received after the statutory period to make representation to the application ended on 23rd June 2017. In light of the volume of public interest in the application, and to ensure transparency, the Council decided to allow a further period of 14 days for the public to make comments on these amended drawings and additional documents. That second period to make representation to the application commenced on Friday 22nd September 2017 and ended on 8th October 2017.

All of the proposed alterations, extensions and associated works together are proposed to facilitate the Scottish Seabird Centre in their proposals to create a 'National Marine Centre' in the altered and extended buildings of the Seabird Centre and sun-lounge. Through internal alterations and the proposed extensions to the two buildings, the exhibition space would be extended and a new 'visitor flow' through the ground floor and lower ground floor exhibition space of the altered buildings would be created, culminating in the observatory tower and exiting through the shop and café of the ground floor of the altered Seabird Centre building.

The ground floor of the extended Seabird Centre building would provide additional

introductory exhibition space and an extended shop, café and kitchen along with altered W.C. facilities and office space. The extended lower ground floor of that building would continue to provide the majority of the exhibition space for the proposed National Marine Centre. The lower ground floor of the altered sun-lounge building would continue to be used for education, exhibition and boat trip booking office purposes. The majority of the ground floor of the extended sun-lounge building would become an education centre with a refreshment preparation area and W.C. facilities, and with its northeast end incorporating part of the exhibition space, stairs and a lift and giving access to the proposed linking bridge between the two buildings. The new first floor of the altered sun-lounge building would comprise primarily of office space and staff facilities with its northeast end incorporating W.C.'s, a lift and stairs to the proposed observation tower. The proposed observation tower would form the culmination of the 'visitor flow' through the exhibition space and would provide 360 degree views as well as information and interpretation exhibits about key points of interest. The proposed observation tower has been designed to allow for clear views over the existing Seabird Centre building towards the islands of the Firth of Forth, including the Bass Rock and south towards North Berwick Law.

The following supporting statements has been submitted with the application:

- o Design and Access Statement (Revision B);
 - o A Heritage Impact Assessment (Issue 11);
 - o Habitats Regulations Assessment (HRA) (June 2017);
 - o National Marine Centre Green Travel Plan (May 2017);
 - o A Planning Statement (22nd September 2017);
 - o A Summary Business Plan for the 'National Marine Centre' (September 2017);
- and
- o EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017).

Also submitted with the application but on a commercially confidential basis, are:

- o 'National Marine Centre' Business Plan (June 2017);
- o EKOS 'National Marine Centre' - Economic Impact Assessment (July 2017), subsequently superseded by the EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017);
- o Supplementary Business Plan information (received September 2017);
- o An outline Construction Management Plan (September 2017);
- o Nicol Economic Report;
- o National Marine Centre Business Plan 2020 - 2025; and
- o Financial Information Transition Year 1 and Year 2.

The Design and Access Statement states that the Scottish Seabird Centre (SSC), like many charities, relies on donations, fundraising, and income generated through the café and shop to support its conservation and education activities and that it has been aware for some time of a need for major investment in the Centre to ensure the organisation can meet changing visitor expectations, achieve more of its charitable objectives and, importantly, remain viable in the future. It is stated that the proposals for the 'National Marine Centre' are a vision for the future of the SSC and will build on the success of the current Centre. It is further stated that their vision is that the proposed 'National Marine Centre' would "become a leading marine science visitor attraction, creating a hub for marine education, conservation and research activities" and would be "a sustainable, popular and fun visitor attraction that has positive impacts both locally and nationally"... "exciting people about Scotland's seas and wildlife, providing learning and engagement opportunities for people of all ages and inspire

them to take action".

The Design and Access Statement sets out the background to the proposed 'National Marine Centre' (NMC) project with details of how this design and project vision has evolved and how the final proposals been reached, how the project will in part be funded, how the NMC visitor offer would be expanded to offer wider and more diverse exhibitions, activities and educational programmes in order to encourage return visits from customers, how the education space would be doubled and the current education provision increased, and how the visitor experience would be improved. It is stated that the applicant's desire is that the NMC will continue to enhance the positive impact that the SSC has on both the harbour area and the local economy.

The Statement goes on to explain how in its present operational form the future viability of the SSC is at risk and that to protect its future the 'landmark' building must be adapted to accommodate current and future needs. The Statement informs of the success of the original SSC, which is narrated as having exceeded expectations, but that the existing layout cannot now meet demands, resulting in dwindling conversion rates into the exhibition and problems accommodating the demand for educational activities. It is stated that if the new 'National Marine Centre' is to be a success it will need to make an impression on the surrounding area and build on the existing iconic appearance to attract visitors.

The Planning Statement (22nd September 2017) prepared by Muir Smith Evans sets out the ethos behind the proposed 'National Marine Centre' and what it seeks to deliver. The Statement goes on to set out, in the view of its authors, the planning policy context in which the proposed development should be considered and how they consider the proposals to address that policy context. The Statement refers to the construction process and associated impacts on the surrounding area and businesses as being managed through an appropriate Construction Management Plan.

In the Design and Access Statement and the Planning Statement it is stated that the proposed extensions have been designed to respect the existing buildings, be sympathetic to local surroundings and to minimise impact. The proposals aim to link the two buildings visually with a form that is held to sit comfortably between the very different architectural forms of the two buildings, and that the observatory height is necessary to allow views over the existing SSC building so that it would afford complete panoramic views. In terms of the design of the proposals these documents contend that there would be a minimal impact on the character of the Conservation Area as a whole and the listed buildings and that there would be no material affect directly or on the immediate setting of the St Andrews Church scheduled monument and that the proposals would incorporate additional interpretation of that heritage asset.

The Heritage Impact Assessment (Issue 11) sets out the history of the heritage assets and avers that the proposed development in terms of its design would result in limited and minimal harm to the adjacent listed buildings of the former warehouse at 38-40 Victoria Road and the Harbour, that there would be no material affect directly or on the immediate setting of the scheduled monument, and that the overall effects on the character of the Conservation Area as a whole would be beneficial. The statement further states that the understanding of these heritage assets could be improved through the incorporation of additional interpretation of them in the design proposals and the improved views of these assets that would be available from the proposed development.

The Habitats Regulations Assessment concludes that the proposed development would have likely significant effects on the relevant Natura sites but that through the

use of mitigation measures and strategies there would be no adverse impacts on the integrity of those sites.

On 13 April 2017 the Council issued a formal screening opinion to the applicant. It is the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an Environmental Impact Assessment.

Although stated to be a draft plan, the Green Travel Plan (May 2017) sets out how the 'National Marine Centre' would continue to apply the good practice and promotion of sustainable transport use that the existing Scottish Seabird Centre applies.

The Summary Business Plan for the 'National Marine Centre' (September 2017) is largely a promotional document, which sets out what the Scottish Seabird Centre has achieved to date and the wider aspirations of the NMC and includes information relating to visitor numbers and core activities focusing on education and conservation. The statement stresses the importance of understanding the marine environment and improving that knowledge and understanding in order to conserve and protect, and how this information is disseminated across society.

The EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017) provides an economic impact assessment of the existing Scottish Seabird Centre and its proposed redevelopment into the 'National Marine Centre'.

The confidentially submitted 'National Marine Centre' Business Plan (June 2017), Supplementary Business Plan information (received September 2017), Nicol Economic Report, National Marine Centre Business Plan 2020 - 2025; and Financial Information Transition Year 1 and Year 2 provide more detailed financial information. The outline Construction Management Plan (September 2017) sets out in draft form only how it is envisaged that the construction process would be managed, including vehicle and pedestrian movements, signage, and hours of operation.

PLANNING POLICY

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), NH1a (Internationally Protected Areas), NH1b (Sites of Special Scientific Interest), C3 (Protection of Open Space), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP8 (Replacement Windows), DP16 (Flooding), DP17 (Artworks- Per Cent for Art), DP18 (Transport Assessments and Travel Plans), DP22 (Private Parking), 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.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish

Government's policy on development affecting the setting of a listed building and within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Also material is Scottish Government's policy on development affecting archaeological sites and monuments. It is stated in the Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

REPRESENTATIONS

Also material to the determination of the application are the written representations received to it.

A total of 568 public representations to the application have been received. Of those 332 were received during the original statutory period to make representation to the application which ended on 23rd June 2017.

Of those 332 representations, 211 raised objections to the proposed development and 121 were in support of the proposals.

The remaining 236 public representations were received during the second period to make representation to the application, which ended on 8th October 2017.

Of those 236 representations, 142 raised objections to the proposed development and 94 were in support of the proposals.

Of the total of 568 public representations received during those two periods to make representation to the application, a total of 353 raise objection to the proposed development and 215 are in support of it.

Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

1. the proposed development, even as it has been amended, would be too large, an over-development of harbour area, overly dominant, an eye-sore, out of scale and proportion, out of character, excessive, and would be imposing and dominate the skyline;
2. would not fit with historic nature or heritage of the area, lack visual sensitivity, would be an over-development in a conservation area and site of historic interest and would change the character of the area irrevocably, and not for the better;
3. would have a harmful and unacceptable impact on the adjacent listed buildings and scheduled ancient monument and other archaeological remains in the area and would ruin forever the historical integrity of this ancient site;
4. the proposed extension to the sun-lounge building is too high and would dominate the historic harbour and detract from views of The Law and Harbour area;
5. North Berwick and its harbour area retain high regard nationally due to its historic character with only small discreet pockets of modernity, this structure is anything but discreet and will be so imposing visually that it will destroy the charms of the area;
6. the observatory tower is unnecessary and would loom over the harbour area and block the view of the sea from Anchor Green, irretrievably damaging the unique character and charm of these important public spaces;
7. materials would not be in keeping with the historic buildings and area;
8. the existing SSC is an eyesore please don't allow another ugly building that would be out of keeping with the harbour and other buildings to be built at this location;
9. the glass walkway is not in keeping with the area and will cut across one of the best viewpoints to view Fidra from the harbour;
10. the loss of the historic open grassed area (Anchor Green) with views to sea and Craigeith island is unacceptable;
11. detrimental to the physical openness of Anchor Green;
12. would block views from the Yacht Club;
13. connecting the existing buildings together will restrict public use and access and may be off putting to users of the area;
14. although the public steps between Anchor Green and the harbour esplanade would be retained it is likely they will be lost from use due to being obliterated by the extension/glass bridge;
15. North Berwick is already a very busy town and it is questionable whether the local infrastructure can cope with the increased traffic movements, parking demand and footfall associated with a development of this proposed size, which would exacerbate existing parking and traffic problems in the town;
16. these proposals to increase footfall at the Seabird Centre don't seem to be integrated into wider management of parking/green transport that is emerging in the

town through the Area Partnership;

17. the Green Travel Plan is inadequate and does not adequately or realistically address the problem of access and parking in North Berwick as a whole, which would be exacerbated by the proposals;

18. the resulting local congestion will change the character of the harbour area and the proposed centre would only increase congestion in general around the town as no additional parking provision is proposed to be provided;

19. there would be significant and unacceptable disruption, including access, to other harbour users and operations during the construction period, which would have a detrimental impact on those businesses and operations which themselves contribute to the local economy and community;

20. no transport impact assessment has been submitted with the application;

21. concerns for the safety of harbour users, including pedestrians during construction;

22. there has been no structural assessment of the impact of construction traffic on the listed harbour walls and other listed buildings in the vicinity;

23. the harbour area is an asset for the enjoyment of the variety of users/visitors, not just the Scottish Seabird Centre, and should not be allowed to be overdeveloped and ruined by one organisation solely for its own benefit;

24. the harbour area is vital to the vibrancy of the town and visitors and residents are drawn to it for a host of reasons, the proposals would be detrimental to the harbour area and subsequently the town as a whole;

25. the Scottish Seabird Centre dominates the area in many ways to the detriment of other harbour users and this would be exacerbated through the proposed development;

26. detrimental impact on other businesses in North Berwick;

27. would obstruct the only elevated views at the north end of Anchor Green that are accessible to disabled and less mobile people;

28. if the current Seabird Centre is not viable (their own words) why will a new larger centre be more successful, and if this proposal is granted and does not result in a viable 'National Marine Centre' the town would be left with an eyesore;

29. perhaps the management of the Seabird Centre and its current layout and focus on the café and shop should be looked into before proposing a large extension;

30. office space could be located elsewhere doesn't have to be in this form;

31. what is the demonstrable benefit to wider area/community that may outweigh local detrimental effects to historic harbour and users;

32. no demonstration that the proposed new centre would be financially sustainable or that it would bring more visitors and revenue to the area;

33. no local requirement to develop this facility in this location, no need for sea water access, should be relocated to another site elsewhere in North Berwick or elsewhere in

East Lothian;

34. the existing centre could make better use of its existing buildings, with uses rationalised by relocating the existing offices and education centre elsewhere and refreshing the exhibition without the need for an excessive extension;

35. the Seabird Centre is a great tourist attraction and does a great job educating children but they should find a different way to increase their facility and classrooms;

36. would have an harmful environmental impact;

37. lack of understanding of the purpose of the proposed 'National Marine Centre', if it is for scientific purposes perhaps it would be better located in the Marine Biology departments of St Andrews or Dundee university;

38. tourism should not be considered above the wellbeing of the local community;

39. support in principle for the idea of encouraging and developing a centre for excellence to inform about marine life but this is the wrong site and the wrong form of development;

40. contrary to policy C3 of the ELLP 2008 and EMP2 of the proposed LDP;

41. North Berwick renowned around the world for its golf courses and this proposal would impact on the views and scenery that surround the golf courses;

42. lack of consultation with local residents and other harbour users and lack of information on how the construction phase would be managed so as to maintain access for businesses, leisure users and tourists;

43. the application site should include the wider harbour area that would be affected by construction and therefore the application should not have been registered;

44. Harbour Trust were not notified as a land owner when they have a long term lease and vested interest in the area;

45. concerns about the neutrality of the Council to determine this application as it is also the landlord of the site;

46. the red application site outline should include areas for construction compounds and access and the proposals cannot be fully assessed without this matter being considered as well;

47. people and organisations that hold long term leases should be considered as owners of parts of the site;

48. none of the drawings show a northwest elevation the direction from which the proposed development of the sun-lounge building would be most prominent;

49. the proposals would result in the loss of the public toilets;

50. the alterations made to the design of the proposed extensions are insufficient to outweigh the negative impacts on the conservation area and character of the Anchor Green and Harbour; and

51. no credible evidence that the Centre's plans are viable, beyond enlarging the café and shop;
52. given the predicted increase in visitor numbers a full traffic impact assessment should be carried out;
53. it is very revealing that the predicted visitor numbers of 43,400 per annum in 2024 is just two-thirds of the target of the original smaller Centre when it was built;
54. there are many other ways that the SSC could repurpose its existing exhibition, education and office space or utilise existing space elsewhere in the town (i.e. empty shop units, Coast Communities Museum, etc) to improve and expand its tourist offer and accommodation;
55. the proposals do not reflect the aims, aspirations and needs of the community as evidence in the North Berwick Charette Report;
56. schools don't visit the existing Centre due to the cost involved, not specifically the accommodation;
57. there appear to be discrepancies between the figures provided in the submitted business plan and economic reports; and
58. the figures and information provided in the EKOS Economic Impact Assessment (September 2017) and the Planning Statement (September 2017) are challenged.

It is not necessary for the application site of a proposed development to include the area of any proposed construction site compound. In this case, the site and the surrounding land of the harbour promontory is within the North Berwick Conservation Area where an Article 4 Direction removing permitted development rights relative to Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1981 applies. The terms of Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1981 are sufficiently similar to those of Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Therefore, in this case any proposed construction site compound would require a further application for planning permission.

Article 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires that the applicant gives notice to any person other than the applicant who at the beginning of the prescribed period 21 days prior to the submission of an application is the owner of any land to which the application relates. This requirement does not pertain to leaseholders however long their lease may be. The applicant notified the relevant land owners of the application and removed from the application site the area of decked land to the rear of the East Lothian Yacht Club building of 38-40 Victoria Road, which they incorrectly believed to be still in the ownership of H Dalrymple. Therefore, the application was correctly notified to other land owners.

In respect of the Council's neutrality to determine the application, it is not uncommon for a Council to be the decision maker on a planning application as well as to have some other interest in the proposed development, whether as the developer or owner of the land. This in itself is not unreasonable, rather it is quite normal and occurs with regularity. As with the determination of all applications for planning permission, the planning authority must ensure that any conflict of interest does not have an undue

influence on its planning assessment, and probity should be scrupulously observed. In short, planning legislation allows for the Council to determine applications for planning permission where it has an interest in the development proposals or the land of the application site.

However, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and Circular 3/2009: Notification of Planning Applications set out the instances where the Council as Planning Authority must, as a matter of routine, notify Scottish Ministers where they propose to grant planning permission. One such instance in which the Council as Planning Authority must notify Scottish Ministers, is where the Planning Authority has some interest in a development proceeding, and where the proposal involves a significant departure from the authority's own development plan. Circular 3/2009 states that the Scottish Government considers it reasonable for planning authorities to make decisions which do not depart to any significant scale from their development plans. So the notification requirement relating to applications where the authority has an interest is limited to those occasions where the development would involve a significant departure from the development plan.

Both the northwest and north elevations of the proposed development are included in the application drawings.

The public toilets that are presently located within the sun-lounge building would not be lost but rather would be retained in that building in their current form.

The main grounds of support for the application can be summarised as follows:

1. the proposal can only serve to reinvigorate and improve the existing centre and will be a real bonus to North Berwick, and would enhance the area and provide a place of interest to locals as well as visitors to the area;
2. would be a fantastic addition to education, learning and knowledge of seabirds and the marine environment, ideally placed for this type of development;
3. existing education facilities are presently too small this will allow an improved education offer;
4. an important research and education resource that will help to ensure the safeguarding of the marine environment;
5. the existing centre is a major contributor to regenerating and transforming the harbour area and town, and it is essential to provide additional offerings to increased visitors and inhabitants of the town giving a quality tourist attraction that draws people to the town and county, this is a logical extension to the existing facility;
6. the new facility is likely to offer employment opportunities through construction and in the long-term through the expanded centre, would further increase businesses in the environs of the Harbour and is certain to attract more and much needed visitors to the area in a sustainable way;
7. the Seabird Centre is a reliable and sustainable business that is an asset to the economy and it can be assumed that the new facility will be similarly run;
8. the Seabird Centre arose from a community initiative and has since played a major part therein and the new facility will continue to be a cornerstone of the community;

9. the new facility would offer the opportunity for the transfer of knowledge on the unique and remarkable unspoiled coastal landscape and species rich waters;

10. the proposals have been designed as sympathetic extensions to the existing buildings that would not dominate the neighbouring buildings and would be finished in similar materials, would only have a marginally larger footprint than the existing facility, the glass tunnel is an elegant solution to ensuring the vista from Anchor Green to the harbour beyond it not obscured, an attractive and sympathetic addition to the harbour area;

11. the harbour area has changed over time with facilities now available that were objected to at the time of their inception, now all generally viewed as value added to the area;

12. the proposals would enhance the views of the harbour area, linking the new with the historic past and provide a stunning enlarged visitor attraction and conservation centre in North Berwick for the benefit of locals, tourist, scientific research and providing employment for local people;

13. amazing opportunity for the local economy and education to expand the facilities on offer at the SSC;

14. the proposal would result in an improved centre that would build on solid foundations and good work of the existing SSC and increase the research capabilities and provide a platform to share research on marine life through a public programme of activities for all ages;

15. good consultation with locals and consideration of views given;

16. traffic management issues can and will be surmounted;

17. the existing centre is highly regarded and is a centre piece on which a thriving community has been built, and the proposed 'National Marine Centre' will encompass greater interpretation and will attract more visitors from around the country and world all year round;

18. the chance for North Berwick to become a centre of excellence for teaching and research in the field of marine conservation should be endorsed; and

19. the revisions to the original plans take on board comments raised by the community.

After the close of the statutory period to make representation to the application on 23rd June 2017 a further 12 written representations were received, however their content cannot be taken into consideration in the determination of this application. It can however, be noted that of those 12 representations, 4 object to the proposed development and 8 support it.

After the close of the second period to make representation to the application on 8th October 2017, a total of a further 11 written representations were received, however their content cannot be taken into consideration in the determination of this application. It can however, be noted that of those 11 representations, 8 object to the proposed development and 3 support it.

Additionally, Members should be aware that after the close of the second period to

make representation to the application on 8th October 2017, a petition, with both on-line and paper submission, containing some 2897 signatures has been received by the Council. The petition makes objection to the proposed development.

NORTH BERWICK COMMUNITY COUNCIL

North Berwick Community Council, as a consultee on the application, objects to the proposed development and advises that their main concerns regarding the proposed development relate to the categories of:

1. Visual Impact:

- o The proposed development would be overlarge in terms of size and scale with a resulting harmful dominant visual effect on the views of and from the harbour, of, from and across Anchor Green, from the east (Milsey Bay) and from seaward;
- o Would be higher than existing buildings, changing the roof scape of the area;
- o Would unacceptably visually enclose an existing open area and its important sea views, an identified essential element of the character of North Berwick;
- o There is much praise for the existing building and recognition of its architectural significance however it is felt that whilst the wrap-around element of the proposed extension could be regarded as enhancing the existing building, creating a visible physical link to the sun-lounge as it stands now or in its extended form, would harm the views and form of the original building;
- o There is little doubt that the development would have a significant impact on the listed buildings and harbour area and it is difficult to see how this impact will be an enhancement of the sensitive, historic conservation area.

2. Effects of Construction:

- o Construction traffic, storage of materials and equipment would result in significant access issues for harbour users, residents and visitors;
- o The harbour area is thriving with numerous visitors attracted to the various commercial and leisure operations/businesses there and there is significant concern about the continued operation of these businesses during construction, both in terms of falling visitor numbers and the inevitable limited access. The Community Council would not wish to see the work of the Harbour Trust in making the area more attractive for visitors and businesses undermined;
- o The length of the construction period is not clear but is assumed to be not less than 18 months, this is a significant amount of time for small businesses to have their income reduced or stopped due to access and reduced attractiveness of the area;
- o Construction traffic, materials and waste will need to be transported into and out of the area along already congested roads and a one-way system, and concerns are raised about the impact on residents in nearby streets and how this traffic will be managed in the wider area.

3. Effects on Community:

- o It is assumed that the 'National Marine Centre' will attract many more visitors and this will affect any traffic management and parking strategies currently under development for North Berwick, and for which the North Berwick Community, including representatives from the Seabird Centre, have just engaged in an expensive charrette process for. It is disappointing that even before the charrette report and recommendations are published it may already be out of date with regards to the harbour area and town centre parking;
- o There is assumption in the application that more visitors to the new Centre will have a spin-off effect on the High Street and the local economy, again with no projected visitor numbers or analysis, any economic benefit must remain aspirational;
- o It is recognised that the Seabird Centre plays an important role in conservation

education with many schools organising visits and that the existing arrangements limit the capacity of the Centre to accommodate more education trips, and development therefore appears justifiable;

- o Increasing the number of school visits will have no economic benefit to North Berwick;

- o It is estimated that building the 'National Marine Centre' will result in a further 9 FTE jobs being created;

- o One of the attractions of the harbour area is being able to enjoy its atmosphere and surroundings and Anchor Green is used in a similar way by those with accessibility issues, and the proposed development will change the area including the part of Anchor Green that overlooks the harbour making this view only available to those who pay for it.

4. Effects on heritage:

- o The proposed development will have a significantly harmful effect on the heritage assets on Anchor Green, with the potential to damage or destroy important archaeology including the disturbance of human remains in the cemetery;

- o The Heritage Statement acknowledges the harmful effect of the proposals but justifies them by stating that the proposed development is the minimum required to ensure the Centre's continuing viability. There is no evidence in the application on why this has been settle on as the minimum requirement or how it will ensure viability. In the absence of any such evidence the harm caused by the proposals is unacceptable;

- o Sustainability is not only concerned with environmental issues but also economic and social ones. There is no evidence that the proposals will make the Centre economically sustainable, nor that it has considered the short, medium and long term impact on the North Berwick community, therefore it is the Community Council's opinion that the proposed development is not sustainable.

5. General Comments:

- o Whilst the Community Council in principle wish to support the Seabird Centre in its work this particular proposal has raised too many concerns. There is no doubt that the proposal has its supporters but the experience of the Community Council is that they are greatly outweighed by those who have concerns.

- o On the public consultation process carried out by the Seabird Centre and its staff, whilst there is an appreciation of the work put into the meeting by staff, there was a lack of information at these events about projections, planning specifics, etc, and that there were significant changes between what was shown at these events and the eventual planning application. The Community Council would like it to be noted that displaying possible plans in not public consultation.

North Berwick Community Council provided additional comments at the time of the second period of public representation to the application, which ended on 8th October 2017. Their comments at that time were:

- o That the proposed design alterations do not result in there being any significant differences to the proposed building, which would still be of a large scale, out of keeping with the other buildings around it and an over-development of a sensitive site;

- o The amended design would still have an adverse impact on the nearby heritage assets on Anchor Green, as well as on the harbour area and it users and visitors;

- o The financial information is an interesting read but does not reveal the underlying assumptions and how they have been derived, and the Community Council is not convinced that the increased employment will be of sufficient size and value to have any real impact on the local economy, multiplier effect, etc. Furthermore there is no information provided on procurement from local businesses or on displacement from local businesses;

- o The Community Council question the projected visitor numbers, which seem to be unsubstantiated;
- o The Green Travel Plan that highlights the provision and intention to encourage greater use of public transport is not sufficiently detailed to persuade us that this issue has been taken seriously by the Seabird Centre;
- o The projected increase equates to a need for an additional 200 parking places in a town that is already under extreme pressure for parking spaces especially during peak summer months;
- o No construction plan has been provided and there are no details of how this would be accomplished with minimum disruption to existing businesses and the potential for future new businesses in the harbour area; and
- o As far as the Community Council is aware no discussions have been held with residents, which does not reflect well on the Seabird Centre's commitment to community involvement.

LOCAL DEVELOPMENT PLAN

The East Lothian Local Plan 2008 is the current adopted Local Plan for the East Lothian area. However, the applicant's Planning Statement and some of the public representations rightly identify that the policies of the proposed Local Development Plan are also relevant to the proposed development of the application site. Policies EMP2 (Operational Harbours), OS1 (Protection of Open Space), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) of the proposed Local Development Plan are relevant to the proposed development.

The proposed Local Development Plan was published for representation in 2016 and is presently at examination stage with the Scottish Government. Thus it cannot be accorded the same weight as an adopted plan. The adopted plan is the East Lothian Local Plan 2008.. Notwithstanding the consideration of the status of the emerging plan, the policy presumptions of Policies OS1, T1, T2, NH1, NH2, NH11, CH1, CH2, CH4, DP2 and DP5 of the proposed Local Development Plan are largely similar to the equivalent relevant policies of the adopted East Lothian Local Plan 2008. The exception to this is Policy EMP2 (Operational Harbours), which is a new policy provision for the area of the application site.

Proposed Policy EMP2 states that within harbour areas preference will be given to uses that relate to fishing or other industry connected to the harbour and that the Council will consider other uses provided they do not prejudice these uses.

In this case, although the whole site is within the area of coverage of proposed Policy EMP2, the majority of the land of the application site is not part of the operational working harbour area, rather the majority of the proposed development is proposed on land that is presently in use as public open space (i.e. Anchor Green) or would be an upward extension of an existing building. Only a small part of the proposed development, being that part of the extension and decking on the north side of the existing Seabird Centre building, would extend onto the harbour esplanade and dinghy park. As the area of the harbour esplanade and dinghy park that would be affected by the proposals would be small in size, it would not prejudice the principal operational harbour use of the harbour esplanade and dinghy park. Accordingly, the proposed development would not be contrary to proposed Policy EMP2 of the proposed Local

Development Plan.

PROPOSED USE

The application site is within an area of mixed uses defined by Policy ENV2 of the Local Plan. Policy ENV2 states that uses appropriate to a town centre will be acceptable in principle. These uses include retail, business and office use, restaurants, leisure and entertainment. Policy ENV2 does not favour any one of these uses over another. Proposals that would have a significant environmental impact, particularly on existing housing, will not be permitted.

Although the application site is part of the mixed use area of the harbour/beach location of the town. This part of North Berwick is a 'hub' area for tourists and visitors, with attractions including the east and west beaches, the harbour, the Scottish Seabird Centre and other occasional events held on parts of Anchor Green and the harbour esplanade. The existing Scottish Seabird Centre is one of the attractions of this harbour/beach location. The proposed extension to that existing tourist attraction to create the proposed National Marine Centre, which would be a similar tourist attraction would in principle complement the existing facilities available to tourists and visitors who are already attracted to this part of North Berwick. By being a use appropriate to this mixed use area, the proposed extension to the existing Scottish Seabird Centre to create the proposed 'National Marine Centre' would in principle not conflict with Policy ENV2 of the adopted East Lothian Local Plan 2008.

SCOTTISH WATER AND FLOOD RISK

Scottish Water has been consulted on the application and advise that they have no objection to the proposed development. A copy of its response has been forwarded to the applicant's agent for their information.

Parts of the northern, western and eastern areas of the application site, specifically at the lower level of the harbour esplanade and dinghy park, are identified as being within the Coastal Flood Risk envelope of the Indicative River and Coastal Flood Map (Scotland) as defined by the Scottish Environmental Protection Agency.

SEPA advises that the application site is within an area that is at risk from flooding, however, it refers to Scottish Planning Policy: June 2014, which states that the precautionary approach to flood risk does not apply to alterations and small scale extensions to existing buildings provided that they would not have a significant effect on the storage capacity of the functional flood plain or local flooding problems. SEPA comments that the proposed development is for the alteration and extension of an existing building and subject to the Council's Flood Prevention Officers being satisfied that the proposed development would not have a significant effect on the storage capacity of the functional flood plain or local flooding problems, it raises no objection to the proposed development on flood risk grounds.

SEPA does however recommend that flood resistant and resilient materials are used in any construction works. It supports the use of hermetically sealed doors within the proposed development and recommends that electrical cabling should not be placed under the ground floor but instead should be suspended around walls and from ceilings, electrical sockets should be raised above skirting boards and any internal plaster boards should be laid horizontally.

The Council's Structures, Flooding and Street Lighting Team Manager advises that he concurs with SEPA's recommendations relating to flood resistant and resilient materials

being used in any construction works, the use of hermetically sealed doors and the locational positioning of electrical cabling and electrical sockets, and the horizontal laying of internal plaster boards. He notes that the application drawings propose some flood resistant and resilient measures, and recommends that the requirement for the use of flood resistant and resilient measures to be used in any construction should be controlled by a condition attached to any grant of planning permission for the proposed development.

Subject to this control SEPA and the Council's Structures, Flooding and Street Lighting Team Manager raise no objection to the proposed development on flood risk grounds. Accordingly, the proposed development does not conflict with Policy DP16 of the adopted East Lothian Local Plan 2008 and Scottish Government guidance on flood risk given in Scottish Planning Policy: June 2014.

SEPA also notes that the proposed development would be a business risk to the applicant and suggest the applicant may wish to consider insurance premium costs associated with the buildings. SEPA also recommends that the applicant give consideration to putting in place an evacuation plan for the building and a plan to close it to the public when significant storm surge tides are expected. These matters are not within the remit of planning legislation but rather are for the applicant to consider in terms of ensuring its buildings are adequately insured and in terms of its public safety responsibilities.

ARCHAEOLOGY

With regard to archaeological sites and monuments, Scottish Planning Policy: June 2014 states that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by Planning Authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology advises similarly.

The application site is in close proximity to the scheduled monument of St Andrews Church, and as such Historic Environment Scotland has been consulted on the application. Historic Environment Scotland advises that it does not have any comments to make on the proposed development.

Although Historic Environment Scotland has no comments to make on the proposed development it recommends that the Council's Archaeology Officer is consulted on the proposals.

A Heritage Impact Assessment (September 2017) has been submitted with the application. After considering that document, the Council's Archaeology Officer advises that he is of the opinion that the potential impacts on buried archaeological remains and upstanding heritage assets set out in the Heritage Impact Assessment (September 2017) have been underestimated.

In terms of the direct impacts of the proposed development on the buried archaeology of the area, the Archaeology Officer advises that the site is in close proximity to the scheduled monument of St Andrews Church and in an area known to contain

significant buried archaeological remains. He recommends that an Archaeological Programme of Works (Full Archaeological Excavation), to mitigate the direct impacts of the proposed development upon the Historic Environment is required. This could be secured through a condition attached to any grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

HABITAT IMPACT

Due to the application site being immediately adjacent to the Firth of Forth special protection area (SPA) and site of special scientific interest (SSSI), Scottish Natural Heritage (SNH) have been consulted on the application.

A Habitat Regulations Assessment (HRA) has been submitted with the application. SNH and the Council's Biodiversity Officer have carefully considered that document.

SNH advises that the proposed development would have a likely significant effect on several Natura Sites, including the Firth of Forth Special Protection Area, the Forth Islands Special Protection Area, the Outer Firth of Forth, St Andrews Bay Complex SPA and the Firth of Forth SSSI, which are internationally important natural heritage sites, through potential disturbance or displacement of birds during construction or alteration at the site, and has the potential to impact upon marine mammals through piling works during construction. The impacts of the proposed development could be through construction disturbance (noise and visual), including underwater noise and vibration, and displacement, operational disturbance (noise and visual) and displacement and operational lighting. SNH further advises that appropriate mitigation could allow the proposals to be progressed.

Thus, SNH raises objection to the proposed development unless the mitigation measures set out in section 6 of the submitted Habitat Regulations Assessment (HRA), as set out below, are secured through planning controls:

- o Construction works on the eastern side of the proposal, which directly abuts the coastal SPA, should be restricted to the summer months only (May to August inclusive) to avoid peak times when the qualifying interests are present (e.g. overwintering and breeding bird populations);
- o Screening of the construction area on the eastern side of the proposal should be undertaken;
- o Use of 'soft start' techniques for any piling and rock breaking activity to avoid sudden unexpected disturbance;
- o Construction and operational lighting should be designed to minimise the location and number of lights, intensity, etc.;
- o Control of lighting, including sources, directions and timings, etc.;
- o Measures to reduce light spill; and
- o Control of opening hours to minimise any noise disruption.

These matters could be controlled by conditions attached to any grant of planning permission for the proposed development.

SNH also advises that the coastal bedrock around North Berwick includes exposed igneous (volcanic) rocks dating to the Carboniferous - Permian periods. However, after further consideration of the proposals, including the application drawings, SNH advises that there should be no impacts from the proposals upon the geological feature.

In conclusion, SNH advises that subject to securing the earlier seven mitigation points, and alongside consideration of the parameters of the proposals, which help to mitigate impacts, it is satisfied that the proposals would not have an adverse effect upon the integrity of the earlier listed Natura Sites.

The Council's Biodiversity Officer has undertaken an appropriate assessment of the proposed development to determine whether displacement or disturbance will affect the integrity of the SPA. The SPA has been designated because of its importance to over-wintering waders and wildfowl. The boundary extends between the high and low water mark from the Fife coast, upstream to Stirlingshire and back down the Lothian coast, ending at Dunbar. The proposal is identified as having the potential to impact on the SPA through disturbance and displacement of species caused by noise or visual impacts during construction work, underwater disturbance or displacement of species caused by noise and vibration during construction work and through noise, and visual and lighting disturbance of species during operation of the new centre. The appropriate assessment concludes that the proposed development would not cause a loss of habitat from the SPA, that there is an existing level of disturbance caused by people and dogs walking on the beach, which is long established and will extend into the future. Thus, it is anticipated that birds relevant to the SPA will not be observed in this area in any great number. Any disturbance by construction and operation of the proposal can be reduced by following the measures defined in section 4.4 of the appropriate assessment, which should be secured by planning controls. Subject to the recommended controls, which are the same as those recommended by SNH, the proposals will not affect the integrity of the SPA, either in isolation or in combination with other neighbouring proposals.

Accordingly, subject to the aforementioned planning controls the proposed development would not have an adverse affect on the conservation interests of the SPA or the objectives of designation of the SSSI and does not therefore conflict with Policies NH1a and NH1b of the adopted East Lothian Local Plan 2008.

NOISE IMPACT

Local Plan Policy ENV2 requires that the proposed development should not have a significant environmental impact, particularly on existing housing.

The Council's Environmental Protection Service advises that it has concerns that noise associated with the operation of any plant and equipment in the operational use of the proposed development could result in a loss of amenity to the occupiers of neighbouring residential properties. In order to mitigate for this, the Environmental Protection Service recommend that plant and equipment should be selected, designed and located so that noise associated with their operational use not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300 - 0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700 - 2300 within any residential property (all measurements to be made with windows open at least 50mm). These controls could be secured by a condition attached to any grant of planning permission for the proposed development. Subject to this control the Council's Environmental Protection Service is satisfied that the operation of the proposed development would not have a harmful impact on the amenity of the area, including the amenity of the nearby residential properties in the locality.

The applicant's agent has disputed this conditional control and proposed a different wording which they feel is more appropriate given that the proposals are an extension of the existing Seabird Centre. Their proposed wording seeks to limit noise emanating

from plant and equipment associated with the proposed development to the existing noise rating curve level between the hours of 2300 - 0700 and to not exceed 65dBA at a distance of more than 3 metres from the plant between the hours of 0700 - 2300.

The Council's Environmental Protection Service advises that the NR criteria proposed in his recommended condition would offer sufficient protection of the amenity of nearby residential properties, but that the proposed 65dBA criteria suggested by the applicant's agent does not take account of tonal elements that may be associated with plant/equipment and would therefore not sufficiently protect the amenity of nearby residential properties. It would therefore be prudent to impose the controls recommended by the Council's Environmental Protection Service, rather than those recommended by the applicant.

TRANSPORT

There are no off-street car parking spaces on the application site and none can be provided as there is no available land there sufficient to accommodate them.

The proposed development is, however, within reasonable walking distances from the North Berwick railway station and town centre bus stops. Thus, it would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private car.

The Council's Road Services comments that the existing Seabird Centre currently attracts a substantial amount of visitors to the area, and that the proposed development to create a 'National Marine Centre' through the extension and alteration of the existing Seabird Centre and sun-lounge buildings is predicted to result in a significant increase in the number of visitors to the area, which would place pressure on the existing town infrastructure in terms of parking. Road Services further comments that as there is no space on the site on which to provide off-street parking, it is important that the Seabird Centre address this through promoting sustainable travel options to its visitors.

A Green Travel Plan (GTP) has been submitted with the application and Road Services have considered that document. Road Services advises that the GTP actively looks to promote the use of sustainable travel via the Seabird Centre website and leaflets and that visitors are given a 20% discount if they show a valid sustainable travel ticket on entry to the Centre.

Furthermore, Road Services advises that the reintroduction of Parking Attendants in North Berwick and elsewhere in East Lothian ensures that visitors to the Seabird Centre and other parts of North Berwick who arrive by car cannot now park in the Town Centre all day due to the 90 minute waiting restrictions, the result being that visitors arriving by car who intend to stay longer than 90 minutes must now seek alternative long-term parking further afield in areas of unrestricted parking (e.g. the rugby club car park).

In respect of the arrival of visitors by private coach/bus, Road Services advises that there are no bus parking bays in the vicinity of the application site and, as is the present situation, buses would have to drop off their passengers and then seek to find an alternative location to park (e.g. the rugby club car park, which has space to accommodate these large vehicles). Buses could return to collect their passengers at an allotted time by a phone-call from the trip organiser.

In conclusion, given the development of the Green Travel Plan with good sustainable initiatives, and the Seabird Centres willingness not only to develop the GTP but to

monitor and improve sustainability of the development, and given the existing parking controls in the vicinity of the proposed development and the Town Centre, Road Services raises no objection to the fact that no off street parking spaces are to be provided. In this, they are satisfied that the parking demand associated with the proposed development would not be harmful to road and pedestrian safety. Road Services do however recommend that the following matters are made conditions of any grant of planning permission:

- o The Green Travel Plan, which encourages the use of alternative modes of transport such as trains, buses, cycling and walking, shall be adopted and shall be monitored on a yearly basis with the reports submitted to ELC Road Services for review in order to establish if any further mitigation or measures are required to be developed moving forward; and

- o Prior to the commencement of development on the site, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to / from the site) and shall include hours of construction work.

Accordingly, and subject to the aforementioned controls, the proposed development is not inconsistent with Policies T1, T2, DP18 and DP22 of the adopted East Lothian Local Plan 2008.

Through the findings of the above transportation and environmental considerations and the controls recommended by the Council's Environmental Protection Service and Road Services the proposed development does not conflict with Policy ENV2 of the adopted East Lothian Local Plan 2008.

PRIVACY AND AMENITY

The nearest neighbouring residential properties are 32 Victoria Road (Fisherman's Hall) on the east side of Victoria Road and the row of terraced properties of 17 to 45 Victoria Road (odd numbers only) and the flats of the Old Granary at Harbour Terrace, respectively, on the west side of Victoria Road and the harbour.

Local Plan Policies ENV2, DP2 and DP6 require amongst other considerations that the proposed development should not have a significant environmental impact on existing housing and should not have a harmful impact on privacy and amenity of neighbouring residential properties through a loss of sunlight, daylight or through overlooking.

By virtue of their size, form, height, positioning and orientation to neighbouring properties, the proposed extensions to the existing Seabird Centre and sun-lounge buildings would not result in a harmful loss of sunlight or daylight to any neighbouring property.

Nor due to its positioning and orientation to the nearest neighbouring residential properties, would the proposed development have any windows within 9 metres of the private garden of any residential property or within 18 metres of any directly facing windows of any neighbouring residential property.

At their closest, the windows of the southwest elevation of the proposed first floor extension to be added to the sun-lounge building would be some 3.5 metres away from the second floor windows and attic level dormers of the northeast elevation of the East

Lothian Yacht Club building of 38-40 Victoria Road. It is understood that those windows serve storage, kitchen and meeting room space. The southwest extent of the proposed roof terrace of the proposed observation tower extension to the sun-lounge building would be some 13.5 metres away from the windows of the northeast elevation of the East Lothian Yacht Club building. As such the roof terrace and the windows of the southwest elevation of the first floor extension to be added to the sun-lounge building would be less than 18 metres away from those windows. However, the windows and roof terrace of the proposed development would be facing the windows of another charity / business property (i.e. the East Lothian Yacht Club building) which is not afforded the same privacy requirements as would be the private garden or accommodation of a residential property. Thus, the proposed development would not allow for harmful overlooking of any neighbouring property.

Accordingly, on these matters of privacy and amenity, the proposed development would not conflict with Policies ENV2, DP2 and DP6 of the adopted East Lothian Local Plan 2008.

ARTWORK

Given the scale of the proposed development and its prominent public location, if planning permission 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, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

VISUAL IMPACT

It is now necessary to assess the impact of the proposed development on the visual amenity of the area, including the character and appearance of the Conservation Area, and on the setting of nearby listed buildings and on that of the scheduled monument of St Andrews Church.

North Berwick is a popular tourist destination in East Lothian with attractions including its beaches, the natural beauty and wildlife of the surrounding coastline, as well as the leisure facilities of the golf courses of the area, and commercial attractions of the town, including shops, cafes, restaurants and the existing Scottish Seabird Centre. The harbour area as a whole, including Anchor Green, is one of the main attractions of the town and contributes to the popularity of North Berwick as a tourist destination.

The North Berwick Conservation Area Character Statement of the adopted East Lothian Local Plan 2008 identifies the oldest areas of the present town as being around the harbour area, Quality Street and High Street, where buildings are tightly packed and streets are narrow. The Character Statement goes on to explain that the relationship of the height of the buildings to the width of the streets of the earlier parts of the town form intimate, human scale spaces with the built form reflecting North Berwick's windy, coastal position. Of the harbour promontory, the Character Statement states that this part of the town retains many of its distinctive former warehouses and stores, some of which have been adapted to new uses and that most houses in the approaches to the harbour are small scale. The statement identifies the Scottish Seabird Centre building as a good example of a modern building that manages to harmonise both with its shore location and existing buildings of this part of the Conservation Area, and which is a landmark building standing alone in an open position.

The Conservation Area Character Statement further explains that glimpses of the sea between the buildings are part of the seaside town's character, as are the views of the harbour promontory from North Berwick Bay (to the west), where the harbour buildings and sky are reflected in the sea. The Character Statement further identifies that views across the Conservation Area from the East Links and the higher ground to the south are also distinctive, showing the old town nestled around Milsey Bay (to the east) in its setting of sea and farmland.

The harbour area is characterised by the dominant presence of the former granary and storage buildings and the harbour walls. The harbour-side buildings are of a variety of ages, architectural forms, designs and heights. The building at 38-40 Victoria Road (occupied by the East Lothian Yacht Club (ELYC)), a former granary building, makes a strong contribution to the group of harbour-side buildings in which it sits.

The two and a half storey ELYC building at 38-40 Victoria Road is listed as being of special architectural or historic interest, Category B. Principal views of this listed building are from the harbour to the northwest and northeast, with additional views from Anchor Green to the southeast and in approaches from the southwest along Victoria Road. It is presently one of the dominant buildings of the harbour and is a focus of its setting.

The Harbour itself is also listed as being of special architectural or historic interest, Category B.

Another dominant building is the three and a half storey building of Harbour Terrace, which is a former granary building that is now in residential use.

This juxtaposition of different scales and forms of buildings around the harbour is part of what gives it its distinct character, identity and atmosphere.

Anchor Green is also part of the harbour promontory and is located between Melbourne Road and the harbour esplanade. It is a historic area of open space adjacent to the harbour and the remains of the scheduled ancient monument of St Andrews Church. It is an attractive green space between the Seabird Centre and sun-lounge buildings with a formal viewing platform at its northern end to the east of the top of the public steps that lead down to the harbour esplanade and dinghy park. Part of the character of Anchor Green is derived from its openness and the views from it to the east beach, to the north towards the harbour esplanade and beyond to the rocks of the foreshore and the Firth of Forth and its islands beyond, and the views that it affords south from the harbour, between the existing Seabird Centre and sun-lounge buildings. The link and vistas between Anchor Green and the Category B listed harbour is part of the character of this part of the North Berwick Conservation Area. Anchor Green also provides the open setting within which the existing Seabird Centre building sits (as noted in the North Berwick Conservation Area Character Statement).

Although of a modern and distinctive architectural form and character, the existing Scottish Seabird Centre building sits comfortably in its setting alongside the existing historic buildings and within the openness of Anchor Green and does not detract from the character of this part of the North Berwick Conservation Area. In its position and by virtue of its size and scale, the Scottish Seabird building allows for the retention of views from around Anchor Green, towards the Firth of Forth and foreshore and south towards the town and North Berwick Law.

Local Plan Policy ENV3 states that new development that harms the setting of a listed building will not be permitted.

Policy ENV4 states that all new development in Conservation Areas must be located and designed to preserve or enhance their special architectural or historic character and appearance, and that new development should accord with the size, proportions, orientation, positioning, density, materials and boundary treatment of nearby building and public and private spaces.

Policy ENV7 states that development that would harm a site of archaeological interest or its setting, particularly a scheduled ancient monument will not be permitted, with the exception of a situation where archaeological advice concludes that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations, including the benefits of the proposed development.

Policies DP2 and DP6 require that, amongst other considerations, new development should be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale, and use a limited palette of materials and colours that complement its surroundings and in the case of extensions to existing buildings be in keeping with that building. Furthermore, that new development must retain physical or natural features, which are important to the amenity of the area or provide adequate replacements.

Policy C3 seeks to ensure that recreational, leisure and amenity open space and facilities, which make a significant contribution to the recreational needs of the community or the amenity or landscape setting of an area will be retained in use as such. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and: (i) the loss of the a part of the land would not affect its recreation, amenity or landscape potential or (ii) alternative provision of equal community benefit and accessibility would be made available or (iii) provision is clearly in excess of existing and predicted requirements.

All of the proposed extensions to the existing Seabird Centre and sun-lounge buildings would be readily visible in public views, in a variety of long and short range views from the harbour, esplanade and dinghy park to the north, the east beach and Melbourne Road to the east, Anchor Green, Victoria Road and Melbourne Road to the south and the west beach and Beach Road to the west. They would also be visible in long range views from further to the east and west, and from higher vantage points, including North Berwick Law to the south.

The two-storey (lower ground and ground floor) extension, including the external deck, to be added to the north and east sides of the existing Seabird Centre building would be of an architectural form, height, size and proportion in keeping with that existing building and would, in itself, be a subservient addition to the existing building. The copper cladding of its roof and otherwise the palette of finishes of its external walls, including its windows and doors, and the external deck at ground floor level would be in keeping, respectively, with the roof form of the existing building and the palette of external finishes of the existing building.

Although the proposed two storey extension would alter the distinct form of the existing Seabird Centre building, by virtue of its similar roof form and architectural detailing, and its height, size, scale, proportion and positioning, and subject to controls requiring specific samples of the materials to be used for its external finishes being submitted for the approval of the Planning Authority, a detail that could be controlled by a condition attached to a grant of planning permission, it would nonetheless complement that existing building and would not detract from its distinct character and appearance. As a subservient and sympathetic addition to the existing Seabird Centre building the

proposed two-storey extension to be added to its north and east elevations would not have a detrimental impact on the character and appearance of the building and would not cause the building to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed alterations to the existing roof of the existing Seabird Centre building to remove an existing inset dormer of the northwest part of its the roof and to relocate two existing roof flues of its east elevation roof slope would be relatively minor in nature. The new areas of roofing would be of the same form and profile as the existing roof of the building and would be finished with copper cladding to match the copper of the existing roof of the building. The two proposed roof flues would be located some 2 metres to the south of the position of the existing two flues and would be of a similar form and appearance as those existing flues. The proposed new entrance door of the south elevation of the existing building would be of timber and glazed construction. The new door would be similar in form and appearance to the existing main entrance door of the building that it would replace. By virtue of their size, form, appearance, finishes and positioning the proposed alterations to the roof of the existing Seabird Centre building and the proposed new entrance door would be in keeping with that existing building and would be sympathetic alterations to that existing building. They would not have a detrimental impact on the character and appearance of the building and would not cause the building to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed lower ground floor extension that would be formed beneath Anchor Green, once completed, would not be readily visible in public views. Only its north elevation and the hard landscaping and retaining walls associated with it would be visible from the harbour esplanade and dinghy park to the north. Those parts of it would be finished in a palette of materials, including whinstone and timber, to match the existing finishes of the lower ground floor north elevation walls of the existing Seabird Centre building. Due to its predominantly underground positioning and its appropriate palette of external finishes for the parts of it that would be visible, and by virtue of its size, form and appearance, the proposed lower ground floor extension would not have a detrimental impact on the character and appearance of the building and would not cause it to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed single storey extension to be added to the southeast elevation of the sun-lounge building would extend across the majority of that elevation of the building. It would be of a contemporary flat roofed form with a sedum roof with copper eaves. By virtue of its size, height, scale, proportion and its positioning, the proposed single storey extension would be a subservient addition to the existing building. Although it would be of a significantly different architectural form and appearance to the existing sun-lounge building its contemporary architectural form and appearance would contrast harmoniously with the more traditional solid architectural form and character of the sun-lounge building in a manner that would not harmfully detract from the character and appearance of that existing building.

Its palette of external finishes of vertical timber cladding for its external walls and copper and sedum for its roof would harmoniously contrast with the natural red sandstone finish of the existing building, and would be reflective of the external finishes of the existing Seabird Centre building on the opposite (east) side of Anchor Green. The large areas of glazing of its walls and the grey painted metal framing of its window and sliding doors would be in keeping with the contemporary architectural design and character of the proposed single storey extension. As a subservient and sympathetically contrasting addition to the existing sun-lounge building the proposed

single storey extension to be added to its southeast elevation would not have a detrimental impact on the character and appearance of that building and would not cause it to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed new entrance ramp to be formed on the northwest side of the building would be of a similar form and appearance to the existing entrance of the building and would not in itself be harmful to the character and appearance of the existing sun-lounge building.

As appropriate, sympathetic and complementary additions to the existing Seabird Centre and sun-lounge buildings, the two storey (lower ground and ground floor) extension to be added to the north and east sides of the existing Seabird Centre building, including its external deck, the proposed lower ground floor extension to the west of the existing Seabird Centre, the alterations to the existing Seabird Centre building, the proposed single storey extension to be added to the southeast elevation of the existing sun-lounge building and the proposed entrance ramp to be added to the northwest elevation of the sun-lounge building would not cause those buildings to appear harmfully dominant and intrusive within the streetscape. By virtue of their positioning on the respective buildings, these specific extensions and alterations would not, of themselves or together, cause the buildings to appear harmfully dominant and intrusive in the streetscape.

Although the proposed single storey extension to be added to the southeast elevation of the sun-lounge building would extend onto the public open space that is Anchor Green, it would not block any existing views between the buildings or enclose the northern end of Anchor Green. Moreover, it would result in the loss of only a small part of that area of public open space, which would otherwise for its major part be retained for its continuing use as an area of public open space. Due to their size, height and form and their positioning on the existing buildings these proposed extensions and alterations would not detract from the openness of the northern end of Anchor Green and otherwise would not be harmful to the character and appearance of this part of the North Berwick Conservation Area.

Due to their size, height, form and positioning, including where relevant the intervening larger form of the existing Seabird Centre building, and the minor nature of the alterations to the roof and main entrance of the existing Seabird Centre building, the proposed two storey extension to be added to the north and east elevations of the existing Seabird Centre building, the proposed minor alterations to the roof and entrance of that building, the proposed lower ground floor extension to the west of the existing Seabird Centre, the proposed single storey extension to be added to the southeast elevation of the existing sun-lounge building and the proposed entrance ramp to be added to the northwest elevation of that building would not have a harmful impact on the setting of the Category B listed buildings of the Harbour and the East Lothian Yacht Club building at 38-40 Victoria Road. Nor would they be harmful to the setting of the scheduled ancient monument of St Andrews Church.

These specific elements of the proposed development would not in themselves or together have a detrimental impact on the character of this part of the North Berwick Conservation Area or the setting of the heritage assets of the Category B listed harbour and the building of 38-40 Victoria Road and the scheduled ancient monument of St Andrews Church.

However, when combined with the other elements of the proposed development, specifically the single storey extension to be added to the west elevation of the existing Seabird Centre building, the single storey linking bridge extension, and the first and

second storey additions and the alterations to the existing sun-lounge building, the overall proposals would have a significantly greater and adverse impact on these features of the locality and on this part of the North Berwick Conservation Area.

The Council's Archaeology Officer has considered the Heritage Impact Assessment submitted with the application along with the application drawings. He advises that, whilst in general the methodology used for the Heritage Impact Assessment is acceptable, he disagrees with the conclusions of it and is of the opinion that the indirect impacts of the proposed development on the heritage assets would be greater than the report suggests. The Archaeology Officer advises that in respect of the scheduled ancient monument of St Andrews Church, the proposed development would adversely affect the openness of the area of the scheduled monument by effectively enclosing the northern end of Anchor Green. He explains that the relationship between the scheduled monument and the sea and sky is a critical part of the understanding and sense of place of the scheduled monument, and that notwithstanding the use of glazing in the proposed extension to be added to the west side of the existing Seabird Centre building, and the proposed linking bridge extension, the proposed development would have a significant impact on the appreciation and understanding of the scheduled monument.

The Archaeology Officer advises that due to its massing and height the proposed first and second floor extensions to the existing sun-lounge building would exert a dominance over the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club building). He further advises that due to its massing and height, the proposed observation tower would magnify the enclosure of the northern end of the scheduled monument (Anchor Green), and would be visually dominant over the neighbouring listed building and the harbour area as a whole.

The Council's Landscape Projects Officer also raises concerns regarding the massing and height of the proposed first and second floor extensions to be added to the existing sun-lounge building, which he advises would be very obtrusive and would detract from the architectural form and appearance of the existing Seabird Centre building within its harbour setting.

The Council's Archaeology Officer provided further comments on the proposed development following the amendments to it which reduced the height of the proposed observation tower by some 1.6 metres, altered the roof form of the proposed tower from pitched roof to a flat and mono-pitched form, increased the amount of fenestration of the northeast end of the existing sun-lounge building and of its proposed first floor extension altered the cladding of the external walls of the northeast end of the proposed sun-lounge building upward extension, and altered the form and appearance of the balustrade of the proposed observation tower.

In respect of the amended proposal, the Archaeology Officer advises that it, and the proposed observation tower in particular, would still have an unacceptable impact on the scheduled monument of St Andrews Church, the listed buildings of the Harbour and the ELYC building and on the Conservation Area, and would detract from the setting and character of those assets and the Conservation Area.

The Archaeology Officer further advises that, whilst the existing Seabird Centre building works well with the character of the Conservation Area, the massing and scale of the proposed development and the use of modern materials and different levels would alter what was an interesting counterpoint of a modern structure within a clearly historic area into a modern structure which would dominate the area, contrary to Scottish Planning Policy and Local Development Plan policies in that the listed

structures of the harbour and Yacht Club building would be seen as subservient to the new structure.

Furthermore, the Archaeology Officer advises that the perceptual enclosing of Anchor Green by the proposals would be a significant detrimental impact upon the scheduled monument of St Andrews Church as its relationship with its surroundings would be greatly reduced and the ability to appreciate the scheduled monument and its place in the landscape would be adversely affected, again counter to Scottish Planning Policy and Local Development Plan policies.

He concludes that although the modifications made to the proposals have slightly reduced the impact on the historic environment, the proposed development would still result in unacceptable harm to the historic environment, and unless there were radical changes to the proposals it seems unlikely that the impacts could be reduced to an acceptable level. The Archaeology Officer notes that the applicant is of the view that significant changes, which may have the potential to bring the proposals to an acceptable level of impacts on the Historic Environment, are likely to make the project unviable.

The proposed single storey extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be of a contemporary but contrasting flat roofed form and thus would in themselves be of an architectural form and appearance different to that of the existing Seabird Centre and sun-lounge buildings.

It is noted that the west elevation of the proposed single storey extension to be added to the west elevation of the existing Seabird Centre building would be positioned roughly on a similar alignment as the west elevation of the former pavilion building that was on the site of the existing Seabird Centre building prior to the Seabird Centre's construction. However, that former building was positioned at the lower ground level of the harbour esplanade and dinghy park and not at the higher ground level of Anchor Green, and as such, and as can be seen in the historic photographs submitted with the application, the former pavilion building did not result in the enclosure of the northern end of Anchor Green and so did not block the views between the harbour area and Anchor Green or disrupt that historic relationship.

The proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be single storey in height and thus would be subservient in height, form and massing to that existing building. However, these proposed extensions would extend across the full width of the gap between the two existing buildings at the northern end of Anchor Green, over the top of the existing steps that provide access to the harbour area and dinghy park and would link the existing Seabird Centre building with the sun-lounge building. Such form of proposed extension would result in the removal of the existing formal public viewing platform that is located to the east of the top of those existing steps. Whilst the public steps would still remain in their proposed altered form, the physical built form of the proposed extensions would effectively result in the enclosure of the presently open northern end of Anchor Green resulting in the loss of the public views between the harbour and Anchor Green, which are a characteristic feature of this part of the Conservation Area.

In this, it is worth noting that the character of Anchor Green and its relationship with the harbour area is an intrinsic element of the character of this part of the North Berwick Conservation Area. Anchor Green is a sheltered green space that is in direct contrast to the surrounding harbour and beach environment. The Conservation Area Character

Statement identifies the glimpses of the sea between buildings as part of the seaside town's character as are the views of the harbour promontory from the bays to either side of it. One of those views is presently taken between the Seabird Centre and sun-lounge buildings. Furthermore it has a direct relationship with the Category B listed Harbour to the north and northwest and the Category B listed building of the East Lothian Yacht Club building at 38-40 Victoria Road to the west.

The proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be to the detriment of the open character of Anchor Green and would be harmful to the character and appearance of the Conservation Area.

Moreover, by blocking the established open public views between the harbour area and Anchor Green, which are a characteristic feature of the setting of the Category B listed Harbour and of the East Lothian Yacht Club building at 38-40 Victoria Road to the southwest, the proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be harmful to the setting of those listed buildings.

The loss of the visual connection between Anchor Green and the harbour area would also have a detrimental impact on the appreciation and understanding of the scheduled ancient monument of St Andrews Church and the harbour. The route from the scheduled monument of St Andrews Church to the harbour was the route that pilgrims took on their journey to St Andrews in Fife, and is an important part of appreciation and understanding of the scheduled monument. Although the route itself would not be lost as the altered public steps would continue to provide access between Anchor Green and the harbour area, there would nonetheless be a physical disruption of the route and a physical loss of the open space between the existing Seabird Centre and sun-lounge buildings to the detriment of the setting of the scheduled monument.

Photomontages provided in the supporting documents give the impression that, due to their predominantly glazed form, the proposed single storey extension to be added to the west side of the existing Seabird Centre building and the linking bridge extension, would be visually permeable, and thus would allow views through them between Anchor Green and the harbour area. It is stated in the Design & Access Statement that the introductory exhibition that would be housed in that proposed part of the building would be intended to attract visitors into the exhibition but would be designed to ensure that this area retains a sense of openness to minimise the impact on the views through the building. However, it seems unlikely that this area would remain free of exhibition materials but rather that it would inevitably contain exhibition materials that would to some extent fill this space and block the views through it.

Moreover, it should be noted that if planning permission were to be granted for the proposed development, the Planning Authority would have no control over the positioning or quantity of such internal layout and display.

It is noted that the palette of external finishes of the proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would incorporate materials that reflect the finishes of the existing Seabird Centre building, including the re-use of the natural whinstone from the down-takings of part of the existing elevation walls of the existing Seabird Centre building and its associated retaining walls. However, this in itself is not sufficient to outweigh the negative impacts of the proposals on the character of this part of the North Berwick Conservation Area, the setting of the listed buildings of the Harbour and the East Lothian Yacht Club building at 38-40 Victoria Road and on the setting and appreciation

of the scheduled ancient monument of St Andrews Church.

The existing sun-lounge building is some 7.0 metres in height above the ground level of the harbour esplanade. At present it sits comfortably and unobtrusively in its relationship with the other buildings of the harbour area. By its height and form it does not intrude harmfully on the setting of the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) or the Category B listed Harbour. Nor does it impose itself on the setting of the scheduled ancient monument of St Andrews Church or the openness of Anchor Green. The existing sun-lounge building has a distinct character and appearance reflecting its former use within the harbour area and is a long-standing part of the Conservation Area.

The proposed alterations and extensions to the sun-lounge building would radically alter the appearance of the existing building.

As part of the alterations to the existing sun-lounge building it is proposed to replace all of the existing windows and doors of its northwest and northeast elevations. The majority of the windows and doors would be replaced with grey painted metal framed windows of different fenestration patterns and opening proportions. In the case of the ground floor windows of the northeast end of the building, the areas of stone between these windows would be removed and new glazed curtain walling is proposed to wrap around the northeast end of the ground floor. Vertical timber cladding is proposed to be used to infill parts of some of the ground floor window openings.

The existing windows of the northwest and northeast elevations of the sun-lounge building are timber framed casement windows with timber mullions. Although there are differences between the lower ground floor and ground floor windows of those elevations of the sun-lounge building, there is nonetheless a uniformity of design to those two groups of windows. It is in this context that the proposed metal framed windows must be viewed.

The appearance of the existing windows and doors of the northwest and northeast elevations of the existing sun-lounge building is part of the architectural character of that building and although their appearance differs between the lower ground and ground floors, there is nonetheless a uniformity of appearance to the windows and doors of those elevations. The proposed new windows and doors would not replicate the pattern of glazing of the existing windows and doors but would be of a more plain glazed pattern with fewer horizontal transoms and vertical mullions. In this although they propose their own uniformity on the lower ground and ground floors, they are distinctly different to the appearance of the existing windows and doors and thus distinctly change the appearance of the existing building in a manner harmful to the character and appearance of that building. Moreover, the proposed windows and doors would be of metal framed construction rather than the painted timber construction of the existing windows and doors. The use of metal framing as a replacement for timber framed window would not usually be supported where such windows and doors would be visible in a Conservation Area. The proposed replacement windows of the windows and doors of its northwest and northeast elevations not be in keeping with and appropriate to the existing building and thus would be harmful to the character and appearance of this part of the Conservation Area.

The proposed upward extension to the existing sun-lounge building would add a first floor and second floor to the existing building, which presently comprises ground floor and lower ground floor levels. The proposed first floor extension would comprise predominantly of office accommodation and the proposed second floor extension would

comprise the observatory level of the new exhibition space. The proposed extension would be of a contemporary contrasting architectural form to that of the existing sun-lounge building. The roof of the proposed first floor would be dual pitched and would be clad with standing seam copper. In contrast, the roof of the proposed second floor observatory tower would be part flat and part mono-pitched and would be clad with a combination of single ply roofing membrane and standing seam copper. The parapet wall of the northwest elevation of the existing sun-lounge building would be increased in height by some 600mm in natural red sand stone to match the existing stone finish of the walls of the building. With a palette of external finishes of vertical timber cladding for its external walls and standing seam copper, single ply roofing membrane and sedum green roof system for its roofs, the proposed extension would be of a contemporary and contrasting architectural form and appearance, distinctly different to that of the existing sun-lounge building.

The proposed upward extension of the existing sun-lounge building would be readily visible in views from around the harbour area and from further afield across the bays to each side of the harbour promontory and from higher vantage points to the south, including North Berwick Law.

Although the maximum height of the proposed extension to form additional floor levels on the existing sun-lounge building has been reduced by some 1.6 metres, that proposed extension would nonetheless increase the height of that existing building by a maximum of some 6.2 metres, a significant increase in the height of the existing building. The roof ridge height of the proposed first extension would be only some 0.165 of a metre lower than the roof ridge height of the existing adjoining Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) and the roof ridge height of the proposed second floor (observatory) would be some 2.49 metres higher than that adjoining building.

By its nature, as an upward extension to the existing building, it would not be a subservient addition to the existing sun-lounge building. Rather by virtue of its size, form, proportions, massing, scale and its positioning, it would be a large addition to the building. The amended alterations to its northeast end to increase its fenestration does to a limited extent help to reduce the appearance of the massing of the altered and extended sun-lounge building. However, notwithstanding this and the reduction in height, the proposed upward extension to the existing sun-lounge building, by virtue of its size, form, proportions, massing, scale and its positioning would appear as an overly dominant addition to the building. Moreover, its architectural form would contrast starkly with both the organic form of the existing Seabird Centre building to the east and the traditional architectural form and appearance of the former warehouse building of 38-40 Victoria Road, which is Category B listed, to the southwest. As such, the altered and extended sun-lounge building would not be appropriate to its place nor in keeping with the architectural form of the existing building and its surroundings.

Undoubtedly, some may view the proposed extensions and alterations to the existing sun-lounge building to be an improvement to the existing building. However, the existing building has a distinct character and appearance of its own, reflective of its former use within the harbour area and is a long-standing part of the Conservation Area that sits comfortably alongside the other buildings of the harbour promontory. What is proposed would be in distinct contrast to that existing building and the surrounding buildings of the harbour promontory and would be an overly dominant addition to the existing building that would be harmful to the character and appearance of it. As an unsympathetic addition to the existing sun-lounge building, it would cause the altered and extended sun-lounge building to appear harmfully dominant and intrusive within its landscape setting and would be harmful to the character and

appearance of this part of the North Berwick Conservation Area.

By virtue of its significantly increased height, the sun-lounge building as it is proposed to be extended, would be readily visible in long range views from the south, east and west and from the Firth of Forth to the north. In such long range views, more specifically from higher vantage points to the south, the proposed upward extension of the existing sun-lounge building would, to some extent, be likely to be absorbed by the surrounding built form and land mass of the rocks of the foreshore and harbour edge. Although in its proposed extended and altered form the sun-lounge building would appear to be of a similar height as the existing flatted building (former granary building) of Harbour Terrace and would not obscure views of the existing harbour buildings, it would be noticeably higher than the adjoining listed building of 38-40 Victoria Road and would rise above the existing buildings, thus dominating the skyline. In the majority of those views, particularly from the bays to the east and west, the altered and extended sun-lounge building, by virtue of its height, size, scale, bulk, massing and its positioning, would appear as a very prominent disruption to the skyline views of the harbour promontory and of this historic part of the North Berwick Conservation Area.

In closer range views from the immediacy of the harbour promontory, from the east and west beaches, and from the southern end of Anchor Green and Melbourne Road to the south, the sun-lounge building as it is proposed to be upwardly extended would also be readily visible. In these views, by virtue of its height, size, scale, bulk and massing, it would appear as an overly dominant and intrusive addition to the existing building that would have a negative and overbearing impact on the harbour area by its overly dominant presence.

By virtue of its height, size, scale, bulk and massing, its distinctly different contemporary architectural form and external finishes and its positioning, the proposed alterations and upwards extension to the existing sun-lounge building would cause that building to appear harmfully dominant, intrusive and overbearing within its landscape setting. Furthermore when combined with the extension to the west side of the Seabird Centre building and the proposed linking bridge extension, it would also serve to further reinforce the feeling of enclosure of the north end of Anchor Green and thereby also reinforcing its dominant and overbearing appearance within this part of the North Berwick Conservation Area.

Whilst undoubtedly the views from the proposed observation tower would be impressive for visitors to the proposed National Marine Centre, this is not sufficient to outweigh the harmful visual impact that this proposed extension would have on the harbour promontory and on this part of the North Berwick Conservation Area.

The existing sun-lounge building is positioned to the northeast of the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) and to the east of the Category B listed Harbour. In such position it is located to the rearward side of the listed building of 38-40 Victoria Road. However notwithstanding this, due to its angled position to the northeast side of the listed building, the existing sun-lounge building is nonetheless readily visible in views of the west facing principle front elevation of that listed building and thus forms an immediate part of the setting of that listed building. The existing sun-lounge building also forms part of the immediate setting of the east side of the listed Harbour.

The proposed first floor extension of the existing sun-lounge building has been set away from the Category B listed building of 38-40 Victoria Road by a minimum of some 1.45 metres. The proposed second floor observatory extension would be some 11.5 metres minimum away from the Category B listed building of 38-40 Victoria Road. In

views of it as part of the harbour area, the proposed altered and extended sun-lounge building would not obscure views of the existing harbour buildings. However, even with the reduction in its height by some 1.6 metres and the set back positioning of it, the proposed upward extensions of the existing sun-lounge building would rise above the height of the listed building of 38-40 Victoria Road, and thus also the listed Harbour. The proposed additional floors of the sun-lounge building, by virtue of their significant height, their size, scale, bulk, massing, distinctly different contemporary architectural form and external finishes and positioning, would dominate and overwhelm the existing Category B listed former warehouse building of 38-40 Victoria Road and the nearby listed Harbour. It would impose itself on the setting of those listed buildings and in so doing the proposed extended sun-lounge building would draw focus away from those listed buildings and thus detract from the setting of them.

By their encroachment over the northern end of Anchor Green the proposed extensions to the west side of the existing Seabird Centre building, including the proposed linking bridge and the proposed extension to the southeast side of the existing sun-lounge building would lead to the loss of a significant part of this area of public open space. This area of public open space is utilised by locals and visitors to the harbour promontory and is a popular area for people to sit and appreciate the natural beauty of the nearby beaches and the historic built form and character of the harbour area. The proposed development would result in the loss of a significant part of this area of public open space, which makes a significant contribution to the amenity and landscape setting of the harbour promontory and this part of North Berwick.

When taken together as a whole, all of the proposed extensions and alterations to the existing Seabird Centre and sun-lounge buildings would be readily visible in long and short range public views from the surrounding area. In long-range views some of the proposed extensions, specifically the extensions to the east and north sides of the existing Seabird Centre building, the alterations to that building and the extension to the southeast side of the existing sun-lounge building, would be seen against the backdrop of the surrounding buildings and rocks of the foreshore and harbour edge and would be likely to be absorbed by the surrounding built form and land mass, thus not disrupting views of this historic part of the North Berwick Conservation Area. However, on balance, when combined with the other alterations and extensions to the existing Seabird Centre and sun-lounge buildings, the proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting and out of keeping with its surroundings. It would be disruptive in views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green by enclosing the northern end of Anchor Green and blocking the vistas between that area of open space and the harbour, and would be harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church.

Accordingly, the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

OTHER MATERIAL CONSIDERATIONS

It must now be considered whether there are any other material considerations that outweigh the proposal's conflict with the development plan as set out above.

Of consideration is whether the proposed National Marine Centre would result in sufficient wider benefits, including economic benefits, to the area that would outweigh the detrimental visual impact that the proposed development would have on historic environment and heritage interests in this part of North Berwick.

As set out above, North Berwick is a popular tourist destination in East Lothian. In the EKOS Economic Impact Assessment submitted with the application, the existing Scottish Seabird Centre is ranked as the second most popular visitor attraction in East Lothian.

However, whilst the Scottish Seabird Centre is undoubtedly an important attraction within the harbour area and North Berwick as a whole, it is only one of a number of reasons that tourists are likely to visit the area.

The Design and Access Statement and the Planning Statement submitted with the application explain that the proposed 'National Marine Centre' would provide an improved exhibition area with wider content coverage, including temporary exhibitions, all with an aspiration to improve the conversion rate of visitors into the exhibition and to spread visitors numbers across a larger portion of the calendar year and encourage repeat visits. It is also explained that the new facility would provide an improved and expanded education and outreach programme, including on-line learning and research opportunities, an outreach programme, and a platform for scientists/conservationists to present/promote their research findings. The statement goes on to state that the proposals also include improved staff accommodation and an improved and expanded café/shop area. Through all of this, it is predicted that the proposed National Marine Centre would become a leading hub for marine education, conservation and research.

The Design and Access Statement avers that it is important that the existing Seabird Centre and sun-lounge buildings are linked so that they appear as one facility and that such a facility would need to make an impression on the surrounding area and build on the existing "iconic appearance" of the Seabird Centre to attract visitors.

The supporting documents (Planning Statement, Design and Access Statement, Summary Business Plan, and EKOS Economic Impact Assessment) set out figures for existing and proposed visitor numbers and the estimated expenditure impacts the proposals would bring to North Berwick and East Lothian and to Scotland.

The figures stated in these documents are that the existing Scottish Seabird Centre currently attracts some 273,000 visits per annum and that the proposed new National Marine Centre facility is projected to attract some 344,000 visitors, an increase of some 71,000 visitors or 26%. It is stated that these figures are a conservative projection and thus are robust for assessing economic impacts of the proposed development.

It is further predicted that the proposed new facility would bring direct expenditure benefits to East Lothian and Scotland and would result in employment of 53.6 FTEs in East Lothian (13.5 on site and 40 off site) and 22.7 FTEs to Scotland, and that there would also be a one-off construction impact equating to 15.9 persons employed in the construction activity for a full year (Source: Planning Statement, 22nd September 2017.)

The EKOS Economic Impact Assessment predicts exhibition visitor numbers to be some 43,000 of a total number of 344,000 visitors to the National Marine Centre site, some 12.5% of the total number of predicted visitors.

The supporting documents also state that whilst the existing Scottish Seabird Centre exceeded initial expectations when it opened in 2000 it is no longer performing well, with dwindling conversion rates into the exhibition area and unsatisfactory accommodation for educational activities. The figures stated are that of the 273,000 visitors to the Centre only some 17,000 pay to enter the exhibition.

It should be noted that there is some conflict on this figure in the supporting documents with the number of paying visits to the exhibition varying between 17,000 and 25,000. Discrepancy aside, this is a figure of less than 10% of the total visitors to the Centre.

The figures and information provided in the supporting documents indicate that without the proposed development (i.e. a 'do nothing' scenario) the number of visitors to the existing Scottish Seabird Centre would continue to fall with the likely result that the sustainability of the Seabird Centre operation would be at risk of failing.

The continuing operation of the Scottish Seabird Centre, including the jobs associated with it and its tourism offer, is a material consideration in the determination of this application. However, this potential outcome in itself is only one material consideration in the determination of this application and consideration of support has to be weighed against the significant harmful impact on the character and appearance of this part of the North Berwick Conservation Area, the setting of the Category B listed buildings of the Harbour and 38-40 Victoria Road, and the setting of the scheduled ancient monument of St Andrews Church.

Many of those objecting to the proposed development express doubt about the long term viability of the proposed National Marine Centre, in light of the poor performance of the existing Scottish Seabird Centre in converting visitor numbers to its exhibition, rather than them being visits to its shop, café and toilet facilities.

In light of this, through the Council's Economic Development & Strategic Investment Service, MKA Economics (MKA) was commissioned to provide an independent appraisal of whether or not the proposed 'National Marine Centre' was likely to be a viable business operation and what the level of economic benefits would be, in order that these considerations can be weighed against the significant heritage impacts of the proposal.

The MKA report on the proposed development was informed by review of the following documents submitted by the applicant:

- o 'National Marine Centre' Business Plan (June 2017);
- o Supplementary Business Plan information (received September 2017);
- o EKOS 'National Marine Centre' - Economic Impact Assessment (July 2017) and the subsequent EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017);
- o Nicol Economic Report;
- o National Marine Centre Business Plan 2020 - 2025; and
- o Financial Information Transition Year 1 and Year 2.

MKA notes that the Scottish Seabird Centre has encountered trading losses over the last five years, although these have improved between 2012 and 2016. Overall group trading income has fallen in real terms over this period and the applicant's Business

Plan does state that there are low reserves and cashflow remains a risk to the future sustainability of the Centre. MKA advises that the attraction has hit maturity and its reinvigoration is required, doing nothing risks the long term sustainability of the attraction. MKA further advises that there is an argument to suggest that the current Centre's economic impact could fall up to 10% per annum if an investment is not made to reinvigorate the attraction and develop a National Marine Centre.

MKA does advise that the Scottish Seabird Centre is well resourced and has a track record of running a visitor centre of national renown. It further advises that the Seabird Centre plays a valuable economic role in attracting (and sustaining) visitors to North Berwick and East Lothian.

MKA notes that the rationale for the reinvigoration of the Centre into the National Marine Centre is well presented and the background to the development process has been evidenced in the business case and in supporting information. MKA advises that it is apparent that the preferred scheme has been subjected to the required scrutiny to stand up to external and robust interrogation and challenge. In all of this, MKA does not consider that the National Marine Centre would not be viable.

On the consideration of viability, the Council's Economic Development & Strategic Investment Service concurs with the financial projections of the proposed National Marine Centre that are set out in the applicant's Business Plan. On this basis the Economic Development & Strategic Investment Service is satisfied that the proposed 'National Marine Centre' would be likely to be a viable business operation.

The Economic Development & Strategic Investment Service further advises that the Scottish Seabird Centre is a Scottish Enterprise account-managed business having been provided with extensive business support and guidance for some time and that this proposal has been subject to extensive scrutiny by the Heritage Lottery Fund and other funders.

Having regard to the findings of the MKA report and with regard to the advice of the Economic Development team, it can be concluded that there is a reasonable prospect that the proposed National Marine Centre could be operated on an economically viable footing.

MKA was also commissioned to assess the net economic benefits and dis-benefits of the proposals before and during construction and once established, including those impacts for other harbour users and for North Berwick businesses, and on balance to give an informed view on whether the net economic benefits outweighed the dis-benefits.

MKA considers that the predicted growth in turnover is ambitious and that more detailed sensitivity assessment or financial stretch tests would have provided a better understanding of the impact of key performance targets not being met. MKA further notes that the impacts predicted in the supporting figures do contain optimism bias as they are based on the expenditure of both paying and non-paying visitors, some of whom are likely to have been in the area anyway. MKA therefore comments that there is an argument to suggest that up to half of the benefits may accrue in the local area in the absence of the Scottish Seabird Centre, resulting in a Gross Value Added (GVA) impact of some £313k in 2016 and an employment impact of 15 FTEs. MKA notes that no economic options have been considered (i.e. 'do nothing' scenario), which would have provided a more accurate baseline to measure the 'difference' in developing the proposed National Marine Centre.

MKA advises that in its view the 'difference' in economic impact terms is over-stated in the applicant's economic impact assessment by some £141k GVA and some 4 Full Time Equivalent (FTE) jobs. The Scottish Seabird Centre projects GVA of £612k and 24 FTE jobs by 2024, however MKA projects £471k GVA and 20 FTE jobs by 2024. MKA concludes that when compared to a 'do nothing' scenario, which may see a continual decline of the existing Scottish Seabird Centre, the economic impact 'difference' is beneficial at the local level, and suggests the investment would have a positive net economic benefit for the local area.

MKA advises that there would however be dis-benefits and one of the major challenges would be the construction phase of the proposed development, which would result in clear risks to other businesses and activities in the location of the site. It is noted that the construction benefits are likely to extend out to non-local businesses and therefore there are expected to be more economic costs than benefits at this phase. MKA further states that the negative impacts of this phase have potential to be significant if this aspect of the proposed development is not well planned and conducted, however it is known that the harbour has faced challenges in the past and is suitably positioned to handle a temporary construction period.

MKA further comments that a major omission of the business plan and economic impact assessment is understanding the role of the Scottish Seabird Centre and the proposed National Marine Centre play and would play in supporting other local businesses, attractions and activities as this would allow for a clearer assessment of the benefits that may accrue.

MKA advises that there will be construction related impacts, although these impacts are expected to benefit businesses outside the local area. Similarly, during the period of construction there is a risk of economic losses for the SSC and neighbour businesses. These would be temporary in nature and would be subject to mitigation measures to ensure businesses can operate as normal as possible, to minimise impacts.

In summary, MKA's assessment is that the 'difference' in economic impact terms is overstated in the applicant's economic impact assessment. However, when accounting for attribution against a 'Do Nothing' scenario, MKA considers that the economic impact 'difference' is significantly beneficial at the local level and that this along with potential construction benefits to local businesses would outweigh the risk of economic dis-benefits to local businesses affected during any construction process and which should be minimised through appropriate mitigation.

The Council's Economic Development & Strategic Development Service comments that the Scottish Seabird Centre has been operating at a deficit over the period 2002 - 2015 with a reliance on income from the cafe, retail shop and boat trip operations and that paid visitor numbers into the exhibition have been falling since 2004. The Council's Economic Development & Strategic Development Service concurs with the findings of MKA that the applicant's reports do not duly consider that a percentage of visitors would be coming to North Berwick anyway, and are not specifically attracted by the presence of the Scottish Seabird Centre, which results in the presented figures having an optimism bias and the 'difference' in economic impact terms thus being over-stated.

In relation to construction impacts the Council's Economic Development and Strategic Development Service again concurs with the findings of MKA and comments that the adverse effects from construction on businesses in the harbour area would be short term but may not be balanced by local construction related benefits as positive construction related opportunities would also be open to non-local businesses.

The Council's Economic Development & Strategic Investment Service concludes that there would be economic benefit from the proposed development, however no information has been provided on the option appraisal process, other than this having been undertaken, and so a comparison of GVA and FTE job growth for this particular project against other options cannot be made.

It is noted that the financial figures submitted with the application indicate that without investment the operation of the Scottish Seabird Centre would be unlikely to be a viable on-going concern.

It is impossible to satisfactorily define the economic benefits that this proposed development may accrue to the local economy however there would doubtlessly be a certain amount of beneficial local economic spin-off. Having regard to the findings of the MKA Economics report and the comments received from the Council's Economic Development service, it can be concluded that the proposed development would result in some modest economic benefits through GVA and FTE job creation to the local area as well as to the Scottish Seabird Centre, even if the predicted figures are less than has been promoted by the applicant (i.e. £471k GVA and 20 FTE jobs up to 2024 rather than the £612k GVA and 24 FTE jobs).

It is also clear from the information provided that the café and shop would continue to be a significant source of income for the Scottish Seabird Centre. Indeed these areas of the business operation would be expanded and improved as part of the proposals and would continue to occupy a prominent position within the ground floor area of the proposed National Marine Centre.

On this matter, the economic advice is that the proposed larger café and shop could result in 'displacement' of business from other similar businesses elsewhere in North Berwick and that the assumption calculations of the Economic Impact Assessment are overly optimistic.

There is also a lack of information on the options appraisal. The Supplementary Business Plan Information submitted with the application states that in developing the plans for the proposed National Marine Centre an assessment of options was carried out, which included:

1. Do nothing;
2. Make improvements within the existing building shell;
3. Extend and enhance the building and the offer; and
4. Develop a new site.

However, no details of this option appraisal, other than it being stated that it was carried out, have been provided. Thus, it has not been satisfactorily quantified that the applicant has considered different schemes of extending the existing Centre, including a more modest scale of extension, which might not impact harmfully on the landscape character of the area and the heritage assets of the North Berwick Conservation Area, Category B listed buildings of the Harbour and 38-40 Victoria Road and the scheduled ancient monument of St Andrews Church. Moreover, a comparison of GVA and FTE job growth for the proposed development against other options cannot be made.

CONCLUSION

On balance, the benefits of the proposal, including ensuring the retention of a tourist facility at this location and the limited economic benefits in GVA and FTEs over the 8 year period until 2024, does not justify setting aside of the adverse visual impacts that

the proposed development would have on the historic character and assets of this part of North Berwick. The economic benefits are therefore not sufficient to outweigh the significant detrimental visual impact that the proposed development would have on the character of the North Berwick Conservation Area, the setting of the Category B listed buildings of the Harbour and 38-40 Victoria Road and of the scheduled ancient monument of St Andrews Church.

Accordingly, there is no material consideration to justify exceptional approval and the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

REASON FOR REFUSAL:

- 1 The proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting, out of keeping with its surroundings, disruptive to views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green through the blocking of the vistas between that area of open space and the harbour, and harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church. Accordingly the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 November 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **17/00020/PPM**

Proposal Planning permission in principle for residential development and cemetery, with associated access, infrastructure, landscaping and open space

Location **Land At Newtonlees Farm
Dunbar
East Lothian**

Applicant Gladman Developments Ltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of development is for more than 49 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: 16/00015/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 22 people attended the pre-application public exhibition, which was held on the 6 September 2016 at the Dunmuir Hotel, Queens Road, Dunbar, and that those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site is an area of agricultural land in the East Lothian countryside, located to the southeast of Dunbar and on the northwest side of Broxburn. It is some 8.3 hectares in area. The site is within the battlefield site of the Battle of Dunbar II that is included in Historic Environment Scotland's Inventory of Historic Battlefields.

The site is bounded to the east by the A1087 Bowmont Terrace public road and at its southeast corner by some of the residential properties of Broxburn, to the south by a road, to the west by a road leading to the residential properties of Newtonlees Cottages and by the residential properties of Cair Deil, Endrigg, The Bungalow and Newtonlees Farmhouse and to the north by the access road to Newtonlees Farm. The East Coast Main Line is to the west of the site.

The land on the north side of the access road to Newtonlees Farm was granted planning permission (ref: 15/00630/PM) in October 2016 for the erection on it of 240 houses and associated works. The development the subject of that planning permission is well underway.

Planning permission in principle is sought through this application for a residential development of the application site along with a cemetery together with associated access, infrastructure, landscaping and open space.

An indicative illustrative masterplan has been submitted with the application indicating how some 115 residential units could be accommodated on the application site. It is also indicated that a new cemetery could be formed on the eastern part of the site at its southern end. The indicative illustrative masterplan also indicates how a large area of open space could be formed on the eastern part of the site at its northern end and how landscape planting could be formed in and around the site.

The indicative illustrative masterplan shows an access to the site could be taken from a new vehicular access junction with the A1087 Bowmont Terrace public road.

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 13 October 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed 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 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), DP14 (Trees on or Adjacent to Development Sites), 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.

Also material to the determination of the application are the written representations to the proposals. A total of 12 written objections have been received. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

- * the land of the application site is not identified for development in the Proposed East Lothian Local Development Plan;
- * the proposed development would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and would be overdevelopment of the countryside;
- * the proposed development would lead to a loss of amenity to neighbouring residential properties through overlooking and loss of sunlight;
- * the proposed development would result in a large growth of development within a short space of time;
- * the proposed access arrangements and the proposed development would lead to additional traffic generation that would be too much for the local road network to cope with resulting in a road and pedestrian safety hazard;
- * the proposed development would harmfully impact on local infrastructure in terms of school and healthcare capacity and local services;
- * there is a lack of pedestrian and cycle routes to and from the site and no recommendations of sustainable travel;
- * the design of the development is contrary to government and local planning policy;
- * the submitted Transport Assessment is not adequate;
- * the submitted Landscape and Visual Impact Assessment is incompetent; and
- * the proposed cemetery should be located at Deerpark.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed houses, the landscaping of the site, the cemetery 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 could be carried out in an acceptable way, with due regard to the need to safeguard the character and appearance of this site.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the area of open space indicatively shown to be provided would be set out in such a way as to provide a sufficient area of open space for informal recreation for a proposed development of 115 housing units and thereby be consistent with Policy C1 of the adopted East Lothian Local Plan 2008. He is also content with the size and location of the indicatively shown equipped children's play area, consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In respect of the land of the cemetery, the Council's Principal Amenity Officer advises that the Council, as Burial Authority, supports the provision of additional cemetery land at Dunbar as proposed in the application. It would be the intention that the cemetery land would be operated by the Council through a separate agreement between the Council's Amenity Services and the applicant, subject to a grant of planning permission in principle. This is a matter between the applicant and that separate service of the Council and is not a material planning consideration. From this arrangement, it can be considered that the Council has an interest in the land of the application site. In relation to this, if a grant of planning permission in principle is not significantly contrary to the development plan, there is not a requirement to notify Scottish Ministers.

The Council's Roads Services has considered the Transport Assessment submitted with the application and advise that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network.

Roads Services recommend that if planning permission in principle were to be granted the following should be made principles of development of any approval:

- * the existing 30 miles per hour (mph) speed limit on the A1087 Bowmont Terrace public road be extended southwards including along the entire length of site frontage;
- * street lighting be provided over the full extent of the proposed new 30mph speed limit on the A1087 Bowmont Terrace public road;
- * a continuous 2 metre wide shared footway be provided on the west side of the A1087 Bowmont Terrace public road along the application site frontage to connect to the existing footway network to the north and south with dropped kerbs provided as necessary;
- * a pedestrian link into the site be formed from the north boundary of the site to connect to the site under construction to the north;
- * the proposed site access junction with the A1087 Bowmont Terrace public road be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- * a visibility splay of 4.5m by 90m in both directions be provided and maintained at the proposed site access junction with the A1087 Bowmont Terrace public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- * an independent road safety audit be undertaken for the proposed site access junction with the A1087 Bowmont Terrace public road which should include an implementation programme describing when measures identified in the audit will be provided in relation

to construction of the proposed development;

- * access, parking and footpath requirements be to Council standards and thereafter maintained for those purposes;

- * a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

- * a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and

- * wheel washing facilities be provided and maintained in working order during the period of operation of the site.

Road Services also recommended the upgrading of the access road on the north side of the site leading to Newtonlees Farm, however, that is in private ownership and thus outwith the applicant's control and therefore such provision is not reasonable.

With the imposition of conditions to secure these recommendations of Roads Services, the proposed development does not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland have been consulted on the application and raise no objection to the proposed development subject to the number of residential units being limited to the indicatively shown 115.

The Council's Environmental Health Service Manager has apprised the Noise Assessment Report submitted with the application. He advises that the report confirms that mitigation measures in form of trickle ventilators and standard thermal double glazing units with an acoustic performance of RW 33dB would be required to protect the amenity of future occupiers of the proposed residential units on the site from road and rail noise. On this point he advises that the specific mitigation measures to be adopted should be finalised by the submission of a revised noise report with any future application for approval of matters specified in conditions were this planning permission in principle to be granted.

The Environmental Health Service Manager further advises that to minimise impacts of road traffic noise arising from the operational phase of the development upon existing residential properties in the night time that a 30mph speed limit restriction be imposed on the A1087 Bowmont Terrace public Road to the east of the site between Broxburn and Dunbar.

With the imposition of conditions to cover these recommendations of the Environmental Health Service Manager, the proposed development does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The application site currently comprises of undulating arable land, which rises upwards significantly from both north and south sides, creating a large rolling embankment which also rises upwards and away from the A1087 Bowmont Terrace public road. This topographic pattern creates a strongly defined broad ridgeline which crosses and divides the site.

Consequently, views northwards from within the southern section of the site are bounded by this ridgeline, such that views of Dunbar to the north are screened, with the ridgeline appearing as a locally important skyline feature when looking northwards.

Equally, the section of the site to the south of the ridge is not visible in views from within the northern part of the site, with the ridgeline also acting as a local skyline profile within these views. Such landform results in the application site being visually prominent within its wider landscape setting. It also serves as a robust natural landscape feature separating Dunbar from the hamlet of Broxburn.

Contour and site section drawings as well as site levels drawings have been submitted with the application to inform a landscape appraisal of how the site would change as a result of the proposed development. A landscape appraisal of a site should demonstrate that the proposed development responds in a sympathetic way to the undulations of the site.

The submitted information shows that the houses and access road that could be built on the western part of the site, closest to the neighbouring residential properties of Cair Deil, Endrigg, The Bungalow and Newtonlees Farmhouse, would result in cutting through the ridgeline which crosses and divides the site, creating steep embankments by the formation of level building platforms and formation of the road through the site.

The housing layout design should be curvilinear, respectful of the undulating character of the site and respecting the landform of the ridgeline. Instead, the applicant's submission demonstrates that houses would be built at a far higher level than the adjacent residential properties, causing a dominant overbearing effect.

The engineering solution for the residential development of the site fails to come up with a design solution that respects the undulating landforms of the site and the distinctive broad ridgeline which bisects it. Rather, the design of the indicative layout demonstrates that a development of the site would cut into slopes, creating hard lines, steep angles and level platforms which would result in steep inaccessible gardens and open space and steep embankments adjacent to roads and the edges of the site.

Thus the proposed development would be significantly harmful to the very distinctive landscape and visual character and appearance of the site in this sensitive location in the countryside. It would sever the natural landscape feature of the strongly defined broad ridgeline which crosses and divides the site opening up views northwards and southwards to and from Dunbar, such that the separation of Dunbar and the hamlet of Broxburn would be lost.

The proposed housing development would therefore, in principle, not be integrated into its landscape setting nor reflect the character and quality of its place. It would result in unacceptable harm to the landscape character and appearance of the area, contrary to Part 5 of Policy DC1 of the adopted east Lothian Local Plan 2008. In respect of these landscape matters the Council's Landscape Projects Officer recommends the application be refused.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development in respect of potential flood risk. It does advise that further information would be required to be submitted with any future application for approval of matters specified in conditions were this planning permission in principle to be granted, with regards to groundwater flooding and surface water drainage.

SEPA however objects to the principle of the proposed cemetery development on the grounds that it is not possible to assess the risks to groundwater, as further information requires to be submitted to assess the risks to the water environment from the proposed cemetery. SEPA requires further information on the cemetery design and ground conditions (including the cemetery area, layout, burial type, rates and density, depth of lairs, depth to bedrock, depth to groundwater and soil permeability).

The applicant has submitted a Site Investigation Report with groundwater monitoring in response to SEPA's initial concerns.

SEPA has appraised the Site Investigation Report and maintains its objection to the application, advising that further information is required to confirm the conclusion of a 'low risk' in chapter 13 of the submitted Site Investigation Report. SEPA requires data from the ongoing groundwater level monitoring data to be provided, a comparison between the depths of the base of the lairs (from proposed ground levels) to the reported groundwater levels across the proposed burial area, further quantitative risk assessment of potential contaminants at the proposed cemetery to be undertaken to demonstrate that the development poses no unacceptable risk to the water environment and a review of the private water abstractions.

In response to SEPA's comments the applicant's consultants have submitted further information on groundwater monitoring and conditions.

SEPA has appraised this further information and maintains its objection, advising that the further ground water monitoring information lacks sufficient information to demonstrate the proposed cemetery would not have a harmful impact on groundwater.

Scottish Water has made no comment on the application.

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 Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar School.

He advises that Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar 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 £292,330 towards the provision of additional school accommodation at Dunbar Primary Lower School and Nursery, a contribution of £571,895 towards the provision of additional school accommodation at Dunbar Primary Upper School and a contribution of £492,430 towards the provision of additional school accommodation at Dunbar Grammar School.

The required payment of a financial contribution of a total of £1,356,655 towards the provision of additional accommodation at Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar 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. The applicant confirms in writing that they are willing to enter into such an agreement.

The Council's Economic Development & Strategic Investment Manager advises that 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.

Notwithstanding these technical considerations, a significant material consideration in the determination of this application is whether or not the principle of the proposed housing 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.

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

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy'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 Scottish Planning Policy 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 Scottish Planning Policy.

The same principle should be applied where a development plan is more than five years old.

The adopted East Lothian Local Plan is more than five years old.

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.

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 presumes against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business. It requires loss of prime agricultural land be minimised.

However, the countryside designation of the land of the site must be weighed against the requirement of SESplan Policy 7 that Policy DC1 be considered in the context of the housing land supply.

SESplan Policy 7 states that planning authorities may allocate or grant planning permission for housing development on greenfield sites within or outwith the strategic development areas in order to maintain a five years supply of effective housing land, subject to the ability of a proposal to satisfy the relevant criteria of the policy.

Importantly, however, the application of Policy 7 is not mandatory, it is discretionary, as indicated by the use of the word 'may' within the opening paragraph of the policy. Policy 7 should only be applied when and where the application of it is needed in order to maintain an adequate five years supply of effective housing land.

In response to a shortfall of effective housing land the Council has been operating its Interim Planning Guidance: Housing Land Supply. Its purpose is to set out material considerations that the Council should take into account when determining applications for planning permission for housing development on land not identified as suitable in principle for this purpose by the adopted East Lothian Local Plan 2008. The intention is that the guidance be used by the Council alongside SESplan Policy 7 to create a context for the Council to approve planning permission for appropriate housing development proposals on appropriate sites that comply with the Interim Planning Guidance. This is to help maintain a five years' supply of effective housing land.

The Interim Planning Guidance has been in place since 10 December 2013, when the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply. This position, and the associated guidance, was updated in December 2014 and again in February 2016. When approving the latest version of the Interim Planning Guidance the Council accepted a series of recommendations on how it should be applied in decision making with other relevant material considerations as the Proposed Local Development Plan is developed further. Importantly, the Council agreed to place increasing weight on the Proposed Local Development Plan as it progresses through its stages towards adoption. However the Plan should be taken into account on a case-by-case basis with other material considerations as appropriate, including representations to it as well as prematurity and prejudice considerations.

On 6 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as

well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan. The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have been submitted, together with the plan, for Examination. The examination is ongoing and the examination report is anticipated in February 2018.

For the avoidance of doubt the site the subject of this application is not a proposed housing allocation of the Proposed Local Development Plan and thus the Council does not recognise its potential for residential development. In not being a site of the Proposed Local Development Plan the application site is not an integral part of the group of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

Following the submission of the Proposed Local Development Plan for Examination, the 2017 Housing Land Audit has now been agreed with Homes for Scotland. The up to date 2017 Housing Land Audit (HLA) includes the sites that the Proposed Local Development Plan seeks to allocate for housing development. This is on the basis that these sites have 'agreed residential development potential', as defined in PAN 2/2010, paragraph 60. The 2017 Housing Land Audit is the first audit that finalised proposed Local Development Plans new housing land allocation sites can be included within, and thus contribute to the effective housing land supply calculations.

Based on the up to date 2017 Housing Land Audit, the Council is able to demonstrate a 6.17 years supply of effective housing land.

For the avoidance of doubt, the application of SESplan Policy 7 is not mandatory, it is discretionary. Policy 7 should only be applied when and where it is needed in order to maintain an adequate five years supply of effective housing land. In this context, demonstrating a 6.17 years supply of effective housing land, and because the application site does not feature in the Proposed Local Development Plan or the agreed 2017 Housing Land Audit, Policy 7 should not be applied to support the principle of residential development on this site. Neither should the Council's Interim Planning Guidance. This position is reflected in the paper titled 'To notify Council of the current five-year effective housing land supply position within East Lothian, based on the agreed 2017 Housing Land Audit' currently on the Agenda for the Council meeting of 31 October 2017, the purpose of which is to notify Council of the current five-year effective housing land supply position within East Lothian, based on the agreed 2017 Housing Land Audit.

Notwithstanding that the Council can now demonstrate an adequate supply of effective housing land, and as stated above, the adopted East Lothian Local Plan 2008 is more than five years old. In these circumstances Scottish Planning Policy is clear that a Plan's policies will not be considered up-to-date, and paragraph 33 of Scottish Planning Policy must be considered. In these circumstances, Scottish Planning Policy advises that a significant material consideration in the assessment of planning applications will be the presumption in favour of development that contributes to sustainable development. However, Scottish Planning Policy is clear that the aim of the presumption is to achieve the right development in the right place; it is not to allow development at any cost.

In considering the matter of the presumption in favour of development that contributes to sustainable development, regard is given to the principles set out in paragraph 29 of Scottish Planning Policy and, accordingly, weight can be given to factors such as the contribution which the development would make to the provision of affordable housing and the economic benefits associated with the proposed development. Other principles in paragraph 29 could be addressed at detailed design stage. However one main principle as set out in paragraph 29 is supporting good design and the six qualities of successful places. One of the six qualities of successful places is 'Distinctive'; creating a sense of identity. This quality requires places where distinctive landscapes and natural features inspire patterns of new building.

On this and given the conclusions of the landscape assessment of the proposed development given above and the resulting landscape harm arising as a consequence of it, the distinctive landscape and natural features of the application site have in no way been taken into consideration to inform the pattern of development as indicatively proposed. Therefore on this it can be concluded that the proposal cannot be taken to contribute to sustainable development.

Scottish Planning Policy also requires in respect of proposed developments that could contribute to sustainable development that 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 Scottish Planning Policy.

Paragraph 194 of Scottish Planning Policy states that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character; and paragraph 202 states that the siting and design of development should take account of local landscape character. The landscape assessment of the proposed development demonstrates neither of these principles are achieved.

In all of the above it can therefore be concluded that that the principle of the proposed development is not supported by Scottish Planning Policy.

Importantly, the Council's Proposed Local Development Plan sets out the sites that it proposes to allocate for residential development as well as those sites or locations that it does not want to be developed for housing. The Proposed Local Development Plan takes into account Scottish Planning Policy and represents a sustainable development strategy for East Lothian that will ensure the right development can occur in the right places. It sets out a development strategy for East Lothian and is the Council's settled view of where new development should and should not occur to meet the SESplan housing land requirements.

In conclusion there are no material considerations which outweigh the conclusions that the new build housing development proposed in this application is not required to contribute towards an effective five year housing land supply, is contrary to Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 in that it would result in unacceptable harm to the landscape character and appearance of the area, and thus also contrary to Scottish Planning Policy, and that it has not been demonstrated that the proposed cemetery would have no unacceptable adverse impacts on the groundwater of the area.

RECOMMENDATION

It is recommended that planning permission in principle be refused for the following reasons:

- 1 As the Council can demonstrate an effective five years housing land supply a housing development on the application site is not required to meet the terms of Policy 7 of the approved South East Scotland Strategic Development Plan or of Scottish Planning Policy: June 2014 in respect of maintaining a five year housing land supply.
- 2 The new build residential development proposed in principle in this application would not be integrated into its landscape setting nor reflect the character and quality of its place but would result in unacceptable harm to the landscape character and appearance of the area, contrary to Part 5 of Policy DC1 of the adopted east Lothian Local Plan 2008.
- 3 It has not been demonstrated that the cemetery proposed in principle in this application would have no unacceptable adverse impacts on the groundwater of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 November 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **17/00432/AMM**

Proposal Approval of Matters Specified in Conditions of planning permission in principle 14/00903/PPM - Erection of 245 houses and associated works

Location **Land To West Of Salters Road And North Of A1
Wallyford
East Lothian**

Applicant BDW Trading Limited

Per EMA Architecture

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/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.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the strategic housing site of Proposal H7 of the adopted East Lothian Local Plan 2008.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was

duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of a spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure has commenced.

In October 2016 approval of matters specified in conditions (Ref:16/00537/AMC) was granted for the erection of 26 houses and 16 flats on land to the south of Fa'side Avenue South. Development of the site has commenced.

In September 2017 approval of matters specified in conditions (Ref:17/00384/AMM) was granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site has not yet commenced.

The approval of matters specified in conditions now sought is for the erection of 245 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission apply.

The site is bounded to the east in part by the SUDS basin approved by the grant of

approval of matters specified in conditions (ref: 15/00136/AMM), and in part by landscaping approved by the grant of planning permission 14/00903/PPM, with Salters Road beyond. It is bounded to the west by other parts of the larger Wallyford site that have not commenced development and to the south by the A1 trunk road. To the north is the site approved by the grant of approval of matters specified in conditions (ref: 16/00537/AMC) for the 26 houses and 16 flats in October 2016. Development of that site is underway.

Vehicular access to the 245 residential units would be taken from the new spine road via 3 main access points – 2 on the south side and one on the north side of that spine road. Additionally 3 minor access points would provide access for some of the houses that will front onto the northern side of that spine road.

Of the 245 houses to be erected within the site all would be private houses for sale. There would be 89 detached houses, 58 semi-detached and 98 terraced. In terms of size, 153 of the 245 proposed houses would contain 3 bedrooms and 92 would contain 4 bedrooms. All the houses would be two-storey in height.

The houses would comprise of 14 different house types, which would be a mix of 3 bedroom and 4 bedroomed houses.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaping and areas of open space.

As well as vehicular access, pedestrian and cycle access to the houses would be taken by new paths to be created off the main spine road through the site.

The southwest and west boundaries of the site would be landscaped with new woodland tree planting. A new avenue of trees would be planted on either side of the spine road that will run through the site. Small areas of open space would be formed through the site.

The application is supported by a Design and Access Statement.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the number and mix of residential units.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), T2 (General Transport Impact), 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.

Also material to the determination of the application is the approved development framework for Wallyford. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

There is one written representations received in respect of this application. The representation is an objection to the use by Barrats during the construction phase of the development of an illegal access road off Fa'Side Avenue South and the lack of wheel washing facilities within the site. Concern is also raised regarding wheel wash facilities for the development the subject of submitted approval of matters 16/00531/AMC.

Concerns regarding wheel washing facilities for the development the subject of approval of matters 16/00537/AMC are not a material consideration in the determination of this planning application.

Access to the site will be taken from Fa'Side Avenue South in accordance with the site layout plan (Ref: 17052(PL)001Z). The Council's Road Services raise no objection to the use of this access.

Wallyford Community Council, a consultee, object to the proposals. The grounds of objection include: i) the lack of pavements within the development and the use of grass pavements instead, ii) the lack of visitor parking, more visitor bays should be provided, iii) lack of play space which should include mounds, buses, play apparatus and ball sports, iv) lack of detail about the fencing around the SUDS pond v) Clarification over access to Rosevilla vi) the provision of a mixed planting areas to include clovers and other pollinator attractive shrubs, vii) the provision of bins and dog waste bins.

The provision of bins and waste bins is a detail that is not a material planning consideration in the determination of this approval of matters application. However, bins would be provided in accordance with the Council's waste management standards.

Access to Rosehall Villa will remain unchanged as noted on the submitted Site Layout (Ref: 17052(PL)001Z).

The SUDS drainage pond was approved by the grant of approval of matters specified in conditions ref: 15/00136/AMM). It is outwith this application site boundary and does not form part of this approval of matters specified in conditions application. The applicant has no control over this area of land and therefore has no control over the fencing to be installed around it.

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the erection of 1450 houses 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. To date, approval (Ref: 16/00537/AMC and 17/00384/AMM) has been granted for the erection of a total of 227 residential units on the site. There can therefore be no objection in principle to the erection of the 245 houses now proposed on this particular part of the site.

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 conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would form an extension to the southwestern edge of Wallyford. It would be a natural extension to the southwestern edge of Wallyford and in particular to the 26 houses and 16 flats approved by approval of matters specified in conditions (Ref:16/00537/AMC) that are currently under construction. The proposed housing would also eventually be seen in relation to new housing that will be constructed to the east of the application site, which is still to be developed but which forms part of the wider Wallyford development. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford 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 houses 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". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (14 types of residential units), with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey.

The range of house types proposed would give a variation of architectural form to the

development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing 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 housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

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

The Council's Landscape Project officer raises no objections to the proposals provided a detailed scheme of landscaping is submitted to and approved prior to the commencement of development. The submission of this landscaping scheme can be made a condition of a grant of approval of matters.

Condition 20 of planning permission in principal 14/00903/PP requires the submission by the applicant of all noise mitigation measures based on the mitigation measures identified in the Environmental Statement and designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures include the erection of an accoustic barrier along the southern boundary of the site and included a timetable for the implementation of all of the proposed noise mitigation measures.

Furthermore, Condition 3 of approval of matters specified in conditions ref 15/00136/AMM requires the submission of a timetable for the implementation of all of the proposed noise mitigation measures and states that the acoustic barrier be provided prior to the occupation of any part of the development unless otherwise agreed with the Council as Planning Authority. The provision of acoustic glazing, will be provided prior to the occupation of any dwelling house within the scheme where such measures have been proposed unless otherwise agreed with the Council as Planning Authority.

Subject to the noise mitigation measures alluded to in the planning conditions above being implemented prior to the occupation of any of the houses the subject of this approval of matters The Councils Environmental Health Manager raises no objection to the housing development now proposed.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's approved development framework for Wallyford and the Council's Design Standards for New Housing Areas.

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes land shown on the docketed masterplan as being the location for areas of open space. It does not however show areas for play area provision or for sports pitch provision.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The principles of the means of accessing of the proposed housing area are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed housing being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition 15/00136/AMM and also from 2 vehicular accesses to be taken from Fa'Side Avenue South.

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

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access and the number and location of parking spaces proposed. They do however make recommendations on the standards of provision.

They recommend that:

- (i) all adoptable footpaths shall be 2m wide;
- (ii) 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;
- (iii) within 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;
- (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
- (v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two

movement of vehicles;

(vi) Notwithstanding that shown on site layout drawing ref: 17052(PL)001Z an additional length of footway shall be provided at the corner of plot 211 to enable crossing to the footway to be provided adjacent to plots 204-209 and also at the corner of plot 214 to enable crossing to footway to be provided adjacent to plots 227/228;

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

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 mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the Section 75 agreement associated with the grant of planning permission in principle 14/00903/PPM. Additionally, the plan docketed to the Section 75 agreement indicates the parts of the overall Wallyford development site that will provide for affordable housing. The lead developer, East Lothian Developments Limited, has intimated that it wishes to amend the areas shown in the Section 75 for affordable housing and discussions on the detail of those changes is ongoing with officers. Whilst at this time part of the area of the site now under consideration is designated in the Section 75 agreement for affordable housing provision, this is to be amended. The capability of delivering the required number of affordable housing units in appropriate locations throughout the overall site would not be compromised by approval of this application, given that land for some 900 plus units remains available for development.

The Council's Economic Development and Strategic Investment service raise no objection to this amendment to the affordable housing provision.

The Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how three sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM. A SUDS scheme has been submitted to the Planning Authority, and this has been forwarded onto SEPA for consultation. At the time of preparing this report, no response on this matter has been received by SEPA. Notwithstanding this, SEPA raise no objection to the 245 residential units now proposed.

The Council's Team Manager for Structures, Flooding & Street Lighting advises that information regarding a Surface Water Drainage Assessment for the whole of the site covering has not yet been submitted for the larger Wallyford Site. Therefore it would be prudent to attach a condition to a grant of planning permission for approval of matters that prior to the occupation of any of the houses the subject of this application the SUDS scheme the subject of Condition 27 of planning permission in principle 14/00903/PPM is approved.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- 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 houses shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Prior to 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 shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high

fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house. A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and 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 appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 5 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a comprehensive scheme of landscaping which shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a detailed programme of planting to include the future management and maintenance shall be submitted. The scheme shall include indications of all existing trees and hedgerows on and/or within 10 metres of the application site, details of any to be retained, measures for their protection in the course of development and proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large species of trees to provide for large scale landscape feature trees planted at strategic locations throughout the development site with sufficient space to allow the trees to fully establish their crowns and root plates.

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 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 5 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

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

8 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) 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;

(iii) within 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;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) Notwithstanding that shown on site layout drawing ref: 17052(PL)001Z an additional length of footway shall be provided at the corner of plot 211 to enable crossing to the footway to be provided adjacent to plots 204-209 and also at the corner of plot 214 to enable crossing to footway to be provided adjacent to plots 227/228.

Reason:

In the interests of road safety.

9 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.

10 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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 November 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **17/00849/PCL**

Proposal Variation of condition 1c of outline planning permission 06/00770/OUT to extend the time period for a further 3 years

Location **Tesco Stores Limited
Inveresk Road
Musselburgh
East Lothian**

Applicant East Lothian Council

Per East Lothian Council

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, 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. It is therefore brought before the Planning Committee for a decision.

Planning permission in principle (Ref: 06/00770/OUT) was granted in September 2008 for a mixed use development on some 8.8 hectares of land located close to Musselburgh Town Centre which at the time of determination of application 06/00770/OUT included land of the former Brunton Wire Works, land of the then Tesco supermarket, and the bus depot that was operated by First Bus. The bus depot is now operated by Lothian Buses PLC. When granted the planning permission in principle included for a retail store, residential development of up to 140 residential units, a primary health care centre, a care home for the elderly (including a day centre and associated specialist housing with support) and associated access roads and car parking.

The masterplan docketed to planning permission in principle 06/00770/OUT shows: (i) most of the southern part of the land of the then Tesco supermarket designated for

development as a care facility and the remainder of that land for residential development, (ii) the land adjacent to Musselburgh Bowling Club designated for development as a primary health care centre, (iii) a reconfiguration of the parking area of the flatted properties at the junction of Mall Avenue and Inveresk Road, and (iv) the remainder of the application site designated for development as a retail superstore. Planning permission in principle 06/00770/OUT does not allow for any change to the established use of the bus depot.

Condition 1 of planning permission in principle 06/00770/OUT states that:

“(a) Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), means of access and the landscaping (collectively these are termed "reserved matters").

(b) Plans and particulars of the reserved matters referred to in (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

(c) Application for the approval of reserved matters shall be made to the planning authority within 3 years from the date of this permission.

(d) The development hereby permitted shall commence within 5 years from the date of this permission, or within 2 years from the date of approval by the planning authority of the last of the reserved matters to be approved.

Reason:

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

In September 2008 planning permission (Ref: 06/00769/FUL) was granted to Tesco Stores Limited for the erection of a retail superstore, a petrol filling station, automated teller machine pod, car parking, and pedestrian and vehicular accesses on land approved in principle for such development by planning permission in principle 06/00770/OUT. Planning permission 06/00769/FUL has been implemented, that part of the site of planning permission in principle 06/00770/OUT has thus been developed and the Tesco retail superstore is trading.

In January 2010 approval of matters specified in conditions (Ref: 09/00500/REM) was granted for the erection of a primary care centre on the land designated for it in the masterplan and approved in principle for such development by planning permission in principle 06/00770/OUT. Approval of matters specified in conditions 09/00500/REM has been implemented, that part of the site of planning permission in principle 06/00770/OUT has thus been developed and the primary care centre is in operation.

In December 2011 planning permission (Ref: 11/00827/PM) was granted for the variation of Condition 1 of planning permission in principle 06/00770/OUT. The approved variation extended the lifetime of the permission by another 3 years (i.e. until the 25 September 2014) to enable submission of details of a residential and a care facility development of the still undeveloped part of the site the subject of planning permission in principle 06/00770/OUT and which are designated in the masterplan for such development.

In November 2014 planning permission 14/00757/PM was granted for the variation of condition 1C of planning permission in principle of outline planning permission 06/00770/OUT. The approved variation extends the lifetime of the permission by

another 3 years (i.e. until the 25 September 2017) to enable submission of details of a residential and a care facility development of the still undeveloped part of the site the subject of planning permission in principle 06/00770/OUT and which are designated in the masterplan for such development.

In September 2017 approval of matters specified in conditions (Ref: 16/01029/AMM) was granted for the erection of 140 flats and associated works on the land designated for residential development in the masterplan and approved in principle for such development by planning permission in principle 06/00770/OUT. Development of the 140 flats has not yet commenced.

To date, no detailed proposals have been brought forward for a care facility development of the remainder of the land the subject of planning permission in principle 06/00770/OUT (i.e. most of the southern part of the land of the former Tesco supermarket).

Through this current application planning permission is now sought for a further variation of Condition 1C of planning permission in principle 06/00770/OUT. The proposed variation would extend the lifetime of the permission by another 3 years (i.e. until the 25 September 2020) to enable submission of details of a care facility development of the still undeveloped part of the site the subject of planning permission in principle 06/00770/OUT and which are designated in the masterplan for such development.

One objection has been received in respect of this application. The objection is made on behalf of Lothian Buses PLC and relates to the impact of the proposal on the operation of the adjacent bus depot. The objector contends that the further extension of the timescale for implementation the consent would materially impact the operation of the bus depot and that the relevant part of the application site is no longer suitable for use as a care home for the elderly (including a day centre and associated specialist housing with support). The objector has also made reference to the site not being specifically identified within the East Lothian Proposed Local Development Plan for use as a care home and specialist housing unit.

The East Lothian Local Plan 2008 is the current adopted Local Plan for the East Lothian area. The policies of the proposed Local Development Plan are also relevant to the determination of this planning application. The objector rightly notes that the site is not specifically identified within the East Lothian Proposed Local Development Plan for use as a care home and specialist housing unit. Notwithstanding this, the Proposed Local Development Plan does not preclude the development of the site for a care facility development. Moreover, the site is specifically identified by Policy BUS4 of the adopted East Lothian Local Plan 2008 partly for use as a nursing home, day centre and specialised housing. The proposed Local Development Plan was published for representation in 2016 and is presently at examination stage with the Scottish Government. Thus it cannot be accorded the same weight as an adopted plan. Thus the fact that a care facility development is entirely consistent with the adopted Local Plan outweighs the fact that the site is not specifically allocated for such use in the Proposed Local Development Plan.

Policies T1 (Development Location and Accessibility), T2 (General Transport Impact), NH11 (Flood Risk), DP2 (Design) and C12 (Residential Care and Nursing Homes - Location) of the proposed Local Development Plan are relevant to the proposed development. Notwithstanding the consideration of the status of the emerging plan, the policy presumptions of Policies T1, T2, NH11, DP2 and C12 of the proposed Local Development Plan are largely similar to the equivalent relevant policies of the adopted

East Lothian Local Plan 2008. The Proposed Local Development Plan also identifies the bus depot as a safeguarded transport facility.

Policy BUS4 (Bruntons Site, Musselburgh), of the East Lothian Local Plan 2008 allocated the former Bruntons wirework site in Musselburgh for redevelopment. Given the former employment uses of the site, the Council sought to promote the site for further employment uses such as retails as well as other uses such as healthcare facilities, a nursing home, day centre for the elderly and a limited number of specialised houses for the elderly. The whole site was therefore subject to a masterplan which has enshrined such uses within it.

Furthermore, Policy C12 (Residential Care and Nursing Homes - Location) of the adopted Local Plan states that developers of residential care homes and nursing homes are encouraged to choose sites within, or close to, existing settlements. In such cases, proposals must have reasonable access to the normal range of community services. The Council's Director of Community Services will be consulted on all planning applications for residential care homes and NHS Lothian for nursing homes.

The letter of objection contends that Policy HOU6 (Residential Care and Nursing Homes - Location) of the Proposed Development Plan is of relevance to the current application. This policy states that developers of residential care and nursing homes are encouraged to use sites within settlements. It further states that proposals must have reasonable access to the normal range of community services and be acceptable in terms of impact on amenity and the environment.

In the determination of planning application 06/00770/OUT the Planning Committee decided that given the nature of its use, a care home for the elderly with associated specialist housing would not be an inappropriate use for this edge of town centre site in Musselburgh. The site remains within the settlement of Musselburgh. It has good access to the normal range of community services and is acceptable in terms of impact on amenity and the environment. In all of this the principle of development of part of the site for a care facility development on the land designated for it is consistent with Policies BUS4 and C12 of the adopted East Lothian Local Plan 2008.

The impact of the proposed redevelopment of the former Brunton Wireworks on the ongoing operational use of the bus depot and the impact of the bus depot on the privacy and amenity of the future occupants of the care facility was taken into account in the determination of the original application for planning permission in principle (Ref: 06/00770/OUT) and in the determination of the subsequent applications to extend the lifetime for approved matters. Those determinations took into account the proximity of the proposed use to existing noise sources. There have been no material changes to where in principle the proposed residential and care facility uses would be located. It was considered at the time of those determinations that in principal those proposed uses could satisfactorily co-exist with existing neighbouring land uses, including the adjacent bus depot, subject to the requirement for a further acoustic report. On this matter, condition 12 of planning permission in principle 06/00770/OUT states:

"Development shall not commence unless and until an accoustic report has been submitted to and approved in writing by the Planning Authority. The report shall assess the impact of neighbouring land uses (including the operation of the existing bus depot, and the operation of the future retail store within the land designated for retail use by the docketed masterplan) on residential properties and the sheltered housing that are to be erected on the application site. The report shall identify any mitigation measures that are considered necessary to ensure that future residential properties have a satisfactory amount of amenity. Any noise mitigation measures recommended by the

findings of the noise consultants report shall be put in place and made operational prior to any use being made of the residential and sheltered housing components of the development hereby approved.

Reason:

To ensure that the future residential properties have a satisfactory amount of amenity."

The Council's Environmental Health Manager has been consulted on this planning application. He remains satisfied that in principle the proposed residential development and the proposed care facility development could satisfactorily co-exist without an adverse impact on the ongoing operational use of the bus depot and with future occupants benefitting from a satisfactory level of privacy and amenity. He advises that condition 12 above should ensure adequate protection of amenity due to noise. However, any noise report to assess impacts on occupiers of the care facility will need to take account of change of ownership of the bus depot and any associated changes in operational use of the depot. This will be in addition to assessing noise impacts from the new Tesco store and also the primary care facility on occupiers of the care facility. Subject to the imposition of this condition, the Environmental Health Manager raises no objection to the proposal.

The principle of residential and a care facility development of the mixed use development the subject of planning permission in principle 06/00770/OUT is consistent with relevant strategic and local planning policy, which is now Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies BUS4, INF3, H4 C12, T1 and T2 of the adopted East Lothian Local Plan 2008.

To extend the time period of planning permission in principle 06/00770/OUT by a further three years would not prejudice the integrity of that grant of planning permission in principle.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to condition 1c and subject to all of those conditions from planning permission in principle 06/00770/OUT, where it is intended these should apply. In this case, the conditions that should continue to apply are 1, 2, 3, 4, 5, 6, 8, 10, 12, 13, 14 and 15.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 Condition 1

(a) Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), means of access and the landscaping (collectively these are termed "reserved matters").

(b) Plans and particulars of the reserved matters referred to in (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

(c) Application for the approval of reserved matters shall be made to the planning authority within 12 years from the date of planning permission in principle 06/00770/OUT (i.e. on or before the 25 September 2020).

Reason:

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

- 2 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 buildings 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.

- 3 Each of the uses that are hereby approved shall be restricted to the area of the application site designated for it on the masterplan docketed to planning permission in principle 06/00770/OUT.

Reason:

To secure an acceptable mixed use development in the interests of the good planning of the area.

- 4 No more than 140 residential units shall be erected on the application site.

Reason:

To ensure that the site is not over developed relative to education provision in Musselburgh.

- 5 There shall be no development within any part of the application site that forms part of the Inveresk Roman Fort scheduled ancient monument. Instead that land shall be landscaped in accordance with details that shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character, appearance and setting of the scheduled ancient monument and the Inveresk Conservation Area.

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 8 The details to be submitted pursuant to condition 1 above shall include details of any road or footpath improvement works on or off the application site that are required to facilitate the development of the designated areas of land use within the application site as these designated areas are shown on the docketed masterplan. The road or footpath improvement works so approved shall thereafter be fully undertaken prior to the use of any part of the mixed use development that is hereby approved.

Reason:

In the interests of road safety.

- 10 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 12 Development shall not commence unless and until an acoustic report has been submitted to and approved in writing by the Planning Authority. The report shall assess the impact of neighbouring land uses (including the operation of the existing bus depot, and the operation of the future retail store within the land designated for retail use by the docketed masterplan) on residential properties and the sheltered housing that are to be erected on the application site. The report shall identify any mitigation measures that are considered necessary to ensure that future residential properties have a satisfactory amount of amenity. Any noise mitigation measures recommended by the findings of the noise consultants report shall be put in place and made operational prior to any use being made of the residential and sheltered housing components of the development hereby approved.

Reason:

To ensure that the future residential properties have a satisfactory amount of amenity.

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

No use shall be made of any of the components of development hereby approved unless and until the measures to decontaminate the site have been fully implemented

as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the commencement of use of any of the components of development.

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

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 15 No lighting units shall be installed within the application site unless with the prior approval of the Planning Authority.

Reason:

To safeguard the amenity of surrounding residential properties.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)