

REPORT TO: Planning Committee

MEETING DATE: Tuesday 5 February 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/00677/PM**

Proposal Erection of a petrol filling station with ancillary retail unit (class 1), 1 drive-thru coffee shop (class 3) , 2 drive-thru restaurants (fast food) (class 3), associated car parking, landscaping and infrastructure works

Location **Land To The North Of A1 Gladsmuir Junction
Gladsmuir
Tranent
East Lothian
EH33 1EJ**

Applicant Euro Garages Ltd

Per Clarendon Planning & Development Ltd

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. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00002/PAN) and thus of community consultation prior to this application for planning permission 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 19 people attended the pre-application public exhibition, which was held at Tranent Library, Tranent on 28th February 2018, and that those attendees made a number of queries and suggestions regarding the proposals. The

development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This planning application relates to some 2.43 hectares of land in the countryside on the west side of the B6363 and some 125m north of the Gladsmuir Junction of the A1. The site is some 1.7 miles south of Longniddry and some 3.7m northeast of Tranent. The area of land was last in use as part of the Raceland karting centre which was an indoor and outdoor go karting centre. That business use was originally granted planning permission in 1990 and the business ceased operating in the spring of 2018.

The application site consists of slightly more than the southern half of the area of land that comprises the Raceland Karting Centre. It also includes a strip of land along the eastern edge of the former Raceland site, as well as the section of the B6363 road that is adjacent to the former Raceland site. An area of land 1.78 ha in size adjacent to the north side of the application site is also part of and in the same ownership as the application site. That additional area of land is not proposed for any development at this point in time.

The site, the adjacent land and the surrounding agricultural land to the north and west is part of the larger area of land safeguarded by Proposal BW2: Safeguarded Blindwells Expansion Area of the adopted East Lothian Local Development Plan for the potential expansion of the Blindwells new settlement. That safeguarded land in combination with Proposal BW1: Blindwells New Settlement is known as the Blindwells Development Area.

The former Raceland site is currently accessed from a vehicular access on the west side of the B6363. It has a large outdoor racing track, and a building some 7m in height which accommodated an indoor track and restaurant. Other smaller buildings adjoin that larger building which accommodate changing facilities and offices. A further wooden shed like fort structure is located within the site which provided an outdoor paintball facility which is also some 7.5m in height. The outside racetrack covers the majority of the application site with associated customer and staff. The Raceland facility operated throughout the day from 10.00am to 22.00pm 7 days a week. It has large lighting columns situation throughout the site which enabled night time use.

Existing hedges enclose the east and south boundaries of the application site on its northern and western sides, a landscaped bund encloses it on its southern side and landscape planting encloses its eastern side.

The farm at Hoprig Mains is located some 400m to the northwest and the farm of Hoprig is located some 530m to the north east. Gladsmuir Granary is located some 900m to the east with Elvingston Science centre beyond.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Planning permission is now sought for the erection of a petrol filling station with ancillary retail unit, 1 "drive-thru" coffee shop, 2 "drive-thru" restaurants and associated car parking, landscaping and infrastructure works on the application site.

The applicant's submitted Planning Statement informs that the applicant Euro Garages Ltd are one of the fastest growing forecourt operators in the UK. They are committed to expanding their presence in Scotland and this site represents one of several development that they are pursuing. Euro Garages have an innovative approach to roadside retail and fuel services and have forged successful relationships with high

profiled national and globally recognised brands. Currently Euro Garages operate more than 104 Starbucks (drive-to and drive-thru), 50 Burger Kings, 167 Subways and 104 Greggs bakeries. Euro Garages have recently structured a partnership with McDonalds and the proposal at Gladsmuir will be one of the first developments to have McDonald as a retail partner. They are committed to providing an up to date modern offer to all road users through excellent customer services, good value products and wide range of facilities that customers have come to expect from roadside forecourt services.

The Planning Statement asserts that there is only one signed service on the “Scottish” stretch of the A1 at Musselburgh Services. These services are dated and offer limited facilities (Travelodge and petrol filling station) and do not meet the services expected or required by current road users. Petrol filling stations are also provided at Dunbar (Spott Road) but these are unmanned and associated with the ASDA supermarket. A McDonalds restaurant and Marston Inn are also located nearby.

The proposed road side services would comprise:

- a new petrol filling station (PFS) (5 fuel pumps for cars and LGVs and 3 fuel pumps for HGV's) and associated PFS retail building with associated toilets (575 m2 and 5.2m in height);
- 1 Class 1 Drive Thru coffee shop (205 m2 and 4.4m in height and 7.4m to top of chimney);
- 2 Class 3 Drive through restaurants (330m2 and 400m2 – both 5.6m in height);
- New internal spine road;
- Footpath on the eastern side of B6363;
- Pedestrian refuge island on the B6363;
- Free vehicle parking for 107 vehicles including 7 disabled spaces;
- 16 cycle parking bays;
- Refuse compound;
- Landscaping; and
- Picnic tables.

All the buildings would be single storey in height, with mono-pitched roofs and each would have a largely rectangular shaped footprint. The 2 drive thru restaurant buildings and the coffee shop would each have an associated outdoor seating areas. The PFS component would be the largest building at 575ms and would be located to the western area of the site. The 2 drive thru restaurant units would be located to the southern and eastern part of the site with parking to the front (north and west) of each of those units. The coffee shop drive through unit would be the smallest unit and would be located almost centrally within the site with parking to the east side of it. Staff parking would be provided to the north of the coffee shop.

The PFS component would be open 24 hours, 7 days a week. The Class 1 retail units and adjacent fuel pumps will cater for motorist needs and provide both convenience floorspace and ancillary food to go and bakery counters. This element of the development could create 9 full time jobs and 35 part time jobs.

The drive thru units will be open 7 days a week with the coffee shop operating from 6am to 11pm, one fast food unit operating 24 hours and the second unit operating from 10am to 11pm. The coffee drive thru could employ 4 full time staff and 16 part time staff. The fast food elements could employ 30 full time staff and 115 part time staff.

The application is supported by, amongst other things, a Pre-application Consultation Report, a Planning Statement, a Transport Impact Assessment, a Coal Mining Risk

Assessment, a Drainage Strategy, a Landscape and Visual Impact Assessment, a Protected Species Assessment, a Heritage Impact Assessment, a Lighting Report and Design and Access Statement.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 30th October 2018 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 of the scale proposed is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed roadside services 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 Development Plan 2018.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals BW2 (Safeguarded Blindwells Expansion Area) and Policies DC1 (Rural Diversification), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Scottish Planning Policy: June 2014 and Planning for Transport (PAN 75) August 2005.

Four written representations have been received to the application.

One representation fully supports the proposal stating that it constitutes the type of development that is needed.

Two of the representations neither oppose nor support the proposal but raise the following issues:

1. That the application site forms part of the wider Blindwells Masterplan area, and to facilitate the greater Blindwells new settlement the B6363 public road will require widening. The application plans do not appear to enable this widening. Therefore agreement should be reached with the applicant to show how widening can be accommodated and any ground required contained in a Roads Construction Consent application that is granted now so that the area required for widening becomes part of the public road; and
2. The proposed access to the road services will be some 50m north of an existing access which serves a Granary. At certain times of the year traffic flows to and from that access are heavily used by HGVs which could potentially cause issues.

The other representation raises objections to the proposed development with the main grounds being:

*There is sufficient existing supply of this type of use in the area at Musselburgh Service Area and the facilities at Asda Dunbar. There are also petrol filling facilities at Fort Kinnaird, Gladsmuir, Haddington, Tranent, Musselburgh and The Jewel, each of which has a comprehensive retail unit or is part of a larger retail site. Drive thru facilities are also located at Fort Kinnaird, Dunbar and Hermiston Gait. There is no locational justification for these services at the site and their presence would dilute the local market for existing facilities.

*The application site is designated as part of Proposal BW2 of the East Lothian Local Development Plan which safeguards land for the expansion of the Blindwells new settlement. Proposals within the Blindwells Expansion Area will be required to comply with the Development Brief that will set out the spatial vision for Blindwells. The application site is located at the eastern extreme of Proposal BW2 and would represent a piecemeal approach to the development of the Blindwells allocation.

*The proposal does not comply with the Town Centre First Principle of paragraph 60 of Scottish Planning Policy: June 2014 (SPP) as it is not located in a town centre. The applicant has provided no evidence that alternative locations have been assessed and discounted to justify the location of this development.

*SPP also introduces a preference for sustainable travel. The cycle and pedestrian accessibility of this development are sub-optimal. The narrow pavements and limited crossing points do not adequately access all parts of the development and does not prioritise pedestrian safety.

Macmerry and Gladsmuir Community Council were consulted on this planning application but did not respond.

The application site is not located within an existing defined settlement. Neither is it specifically allocated for development by the adopted East Lothian Local Development Plan 2018. Rather it is within the East Lothian countryside and therefore Policy DC1 applies. Policy DC1 states that development in the countryside, including changes of use or conversion of existing buildings, will be supported in principle where it is for:

- a) Agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) Other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

PAN 75 states that Roadside Services are to be provided primarily to meet the needs of travellers and the scale of provision should be consistent with those needs. The Service Area should provide free short term parking, fuel, free toilets and picnic area. Other facilities can be provided where there is demand including catering and a retail unit. of up to 200 sq m. For a dual carriageway (such as the A1) all the services should be provided on both sides, or if on one side only, connected to the other by an overbridge or underbridge.

What is proposed is the provision of a roadside services facility on land adjacent to the Gladsmuir junction of the A1 trunk road. The facility would include free short term parking, fuel, free toilets and a picnic area. It would also include catering and a retail unit. It would be capable of being conveniently accessed from south bound road users, as well as by north bound road users who could access it via the overbridge of the Gladsmuir junction. The proposed development is therefore consistent with the

requirements for a roadside service facility given in PAN75.

The objector argues that there is already a sufficient supply of facilities of this type in the area and that there is no justified requirement for the proposed development. They state that there are currently 12 petrol filling stations within a 15 minute drive of the application site. Of these, the following 7 are located less than 5 minutes from the A1:

- * Gladsmuir Petrol Station on the A199, Gladsmuir;
- * Jet on the A199, Haddington;
- * Asda Tranent on High Street, Tranent;
- * Jet on the A199, Tranent;
- * BP at the Old Craighall Services;
- * Asada at the Jewel, Edinburgh; and
- * Asda at Spott Road, Dunbar.

However of those, only two are roadside services facilities in East Lothian, namely the Old Craighall Services and the Spott Road Services. Those facilities are located some 23 miles away from each other. The application site is located between them, being located some 15 miles to the west of the Spott Road Services and some 8 miles to the east of the Old Craighall Services.

Scottish Planning Policy: June 2014 does not set out how far roadside services facilities should be located from each other. Rather it states that planning authorities should support the provision of a range of roadside facilities.

By being a roadside services facility to cater for travellers on the A1 Trunk Road this proposal has an operational requirement to be located in close proximity to, and easily accessed from the A1. Therefore, as the stretch of the A1 that runs through East Lothian is located in the countryside the roadside services development also has an operational requirement to be located in the countryside. Furthermore neither of the existing roadside services at Spott Road and Old Craighall provide 24 hour access to both fuel and retail/rest facilities on the A1. Thus the roadside services facility, which it is intended would provide 24 hour access to both fuel and retail/rest facilities will increase the range of roadside services for users of the A1. On this consideration the proposed development is consistent with Scottish Planning Policy: June 2014.

By having an operational requirement for its countryside location, the principle of the proposed development is consistent with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy TC1 of the adopted East Lothian Local Development Plan 2018 requires that a sequential 'town centre first' will be applied where appropriate to retail, commercial, leisure, office and other development proposals that would attract significant footfall. The advice from Development Planning - Policy and Projects is that Policy TC1 is not applicable in this case, as roadside services facilities are sui generis and additional facilities to reasonably meet the needs of travellers, such as Drive through restaurants and a Drive Thru coffee shop can be part and parcel of the roadside facility,

The advice from the Council's Economic Development and Strategic Investment team manager is that this proposal will create a number of new full and part time jobs - 43 full time and 167 part time. Therefore and as the proposal will provide a fuel stop and associated facilities for drivers on the A1 7 days a week 24 hours a day that they support the application.

The majority of the application site is covered by Proposal BW2 of the adopted East

Lothian Local Development Plan 2018. Proposal BW2 states that any development proposal for all or part of the safeguarded Blindwells Expansion Area that would undermine a single comprehensive solution or the Council's vision for a larger new settlement will not be supported.

The advice from Development Planning - Policy and Projects is that the proposed development site is located at the eastern edge of the safeguarded area of Proposal BW2 of the adopted East Lothian Local Development Plan 2018. However, it would be located wholly on the existing Raceland site, which could if it so wanted begin operating again without the need for any further planning permission. Therefore and by being a relatively small scale development on the edge of the safeguarded area the proposed roadside services would not in itself undermine or prejudice development of the Greater Blindwells new settlement. However, a safeguarded access into the wider Blindwells site should be secured, so as not to preclude integration with the wider plans.

On this matter, the Council's Road Services advise that development of the Greater Blindwells site may require the widening of the B6363 to allow road improvements to facilitate access to that development. To ensure that such road widening would be possible and to ensure that the proposed roadside services facility does not prejudice the development of Greater Blindwells, Road Services recommend that a 16m wide strip of land be safeguarded to facilitate such road widening. Road Services confirms that Drawing ref: 170223-PL-03k demonstrates sufficient safeguarded land and is acceptable.

To ensure that the proposed development does not undermine the development of Greater Blindwells, it is necessary to secure the transfer of the safeguarded land, at a cost based on a District Valuer valuation assessed on the land valued as petrol filling station use, in the event that it is required to be developed for future road widening or other transportation infrastructure associated with the Greater Blindwells development. This could be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the transfer of the safeguarded land the proposal would be consistent with Proposal BW2 of the adopted East Lothian Local Development Plan 2018.

Subject to the safeguarding of a strip of land on the western edge of the B6106 Policy and Projects the proposed roadside services would not prejudice the development of the Greater Blindwells new settlement. On this consideration the proposed development does not conflict with Proposal BW2 of the adopted East Lothian Local Development Plan 2018.

The existing buildings that comprise the Raceland karting centre together with its racetrack are still in situ. Therefore, whilst the business ceased operations earlier this year it could if it so wanted begin operating again without the need for planning control. Those buildings, and in particular the large indoor karting shed and the paintballing fort structure are visible in views from the A1 and more particularly from the B6363. They form part of the landscape character of the area.

The advice from the Council's Landscape Officer is that the site is most visible from the A1 on the approach from the west. An LVIA has been submitted by the applicant in support of the application. The Landscape Officer advises that by their positioning on the north side of the Gladsmuir Junction the proposed buildings of the roadside services although visible in east and west bound approaches of the A1 would each be smaller and at 4.5m much lower in height than the main building of Raceland that contains the indoor

karting track. Therefore and as each of those buildings would be of a contemporary architectural design and provided they are of an appropriate colour(s) they would sit relatively comfortably within their landscape setting. The proposed outdoor seating/eating areas and associated works in the form of car parking, other areas of hardstanding, fencing and lighting associated with the buildings would be seen in relation to the buildings with which they would be functionally related. Therefore and subject to the provision of the proposed landscaping including the provision of a landscape buffer on the west boundary of the site the Landscape Officer does not raise any objection to the proposal.

On those matters of design the proposed roadside services would not appear unduly prominent or incongruous within their landscape setting and would not be contrary to Policies DP1 or DP2 of the adopted East Lothian Local Development Plan 2018.

Policy TC4 of the adopted East Lothian Local Plan 2018 supports the provision of hot food outlets in Town or local centres or in designated employment areas where the development is intended to meet demand from employees of businesses within the site. There is nothing in Policy TC4 that prevents the principle of locating a hot food outlet outwith a town or local centre or outwith a designated employment area. However, Policy TC4 does state that the location of hot food takeaways should not result in significant impacts on local amenity, including cumulatively with other existing or consented take-aways in the area and are consistent with other relevant Plan policies including in relation to parking and road safety.

There are no nearby neighbouring residential properties close enough to the proposed development to be affected detrimentally by the operation of the proposed roadside services including to the hot food takeaway elements of the development. Consequently, the Councils Environmental Health and Trading Standards Manager raises no objections to the proposals including on the ground of loss of amenity through noise or smell.

There are no existing hot food takeaways in this part of Gladsmuir/Macmerry/Tranent and thus the proposed drive through elements of the proposal would not result in any cumulative impact on local amenity.

Police Scotland has made no comment on the application.

Thus on those matters the proposed hot foot outlet components of the development are not contrary to Policy TC4 of the adopted East Lothian Local Development Plan 2018.

Due to its distance away from neighbouring residential properties the proposed development would not give rise to harmful overlooking or overshadowing of any neighbouring residential properties. Thus the proposals are consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Policy and Projects team advises that owing to the exposed nature of the site landscaping that creates shelter is important. They recommend measures for the protection of existing hedgerow along the south boundary of the site, the planting of a mix of native species hedging and hedgerow trees along the east boundary of the site and the planting of beech hedgerow along the west and north boundaries of the site, all to tie in with and complement existing landscaping throughout the wider mixed use site. They recommend that details for such hedgerow protection and planting be part of a landscaping scheme to be agreed in advance by the Planning Authority. They further recommend timescales for the implementation of the landscaping scheme and measures for replacement planting should any of the new landscaping become damaged or diseased. These matters can reasonably be controlled by conditions of a

grant of planning permission for the proposed development.

Transport Scotland were consulted on the application and advised that they do not object to the proposal. They have asked that conditions be attached to any grant of planning permission to ensure that details of lighting within the site and of landscaping and barriers to be erected along the frontage of the site with the trunk road be submitted to and approved by the Planning Authority in conjunction with Transport Scotland.

SEPA were consulted on the application and had initially objected to the application on the grounds of lack of information on the impact of the development on groundwater. However after the submission of further information and provided a condition is attached to any grant of planning permission that would ensure that SEPA have removed their objection.

The Council's Road Services advises that the access and road layout and 109 parking spaces as shown in Drawing 170223-PL-03k are acceptable. They also advise that the proposed new junction onto the B6363 will be the subject of a Road Safety Audit as part of the Road Construction Consent process. Therefore and provided 4 bike parking facilities are provided adjacent to each of the 4 buildings of the development the development is not contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Coal Authority were consulted on the application and have advised that the application site falls within the defined Development High Risk Area. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigations should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy on the site.

The Coal Authority recommends that a condition be imposed on a grant of planning permission that requires appropriate site investigations and that a report of findings arising from those works is submitted to and approved. If remedial works are required then a condition should also be imposed that required the submits of a scheme of remedial works to be approved by the Planning Authority and ensures that those remedial works are implemented. Subject to the imposition of those aforementioned conditions the Coal Authority raises no objection to the proposed development.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:
 - (i) Safeguard the land outlined in purple on the drawing, entitled 'Proposed Site Layout', reference 170223-PL-03K, for future road widening/provision of an Active Transport Corridor (associated with the development of Blindwells Expansion Area) for acquisition, at a cost based on a District Valuer valuation assessed on the land valued as petrol filling station use, and implementation by East Lothian Council. The land shall be safeguarded for a period of 10 years from the date of initiation of development of this planning permission or for an alternative time period that East Lothian Council has agreed with the landowner. On Expiration of the agreed time period, and if the Planning Authority has not demonstrated that the safeguarded land is required to facilitate the development of the

Greater Blindwells development the land will revert back to the landowner for their unrestricted future use. For clarity, subject to the gaining the required permissions from the planning authority, signage associated with the adjacent land uses will be permitted on the Safeguarded land until such time the land is acquired by East Lothian Council for the future the required road widening / provision of an Active Transport Corridor works.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the ability to secure the transfer of the safeguarded land, in the event that it is required for the future road widening/provision of an Active Transport Corridor, the proposed development could prejudice the development of the Greater Blindwells new settlement, contrary to Proposal BW2 of the adopted East Lothian Local Development Plan 2018.

1 Prior to the commencement of development, a phasing plan shall be submitted to and approved by the Planning Authority. The phasing plan shall accord with the following requirements:

- (i) The roads and footpaths shall be completed and available for use prior to any use being made of any part of the Road Services Facility;
- (ii) The petrol filling station together with the PFS retail facility and rest facilities shall be complete and made available for use prior to the opening of any of the 3 drive through units;
- (iii) Prior to the opening of each of the buildings of the development the associated bike parking, picnic tables and out door seating areas will installed and be made available for use by the public.

The development will thereafter be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

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 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

4 Bike parking sufficient for 4 bikes shall be provided adjacent to each of the 4 buildings of the development prior to each of those buildings becoming operational and open for business. Thereafter the bike parking shall remain available for use unless otherwise agreed in writing by the

Planning Authority.

Reason:

In the interests of encouraging sustainable methods of travel to the development.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping [on the drawings titled 'Landscape Layout (1 of 4)' with drawing number 01 rev F 'Landscape Layout (2 of 4)' with drawing number 02 rev F 'Landscape Layout (3 of 4)' with drawing number 03 rev F 'Landscape Layout (4 of 4)' with drawing number 04 rev F and 'Landscape Masterplan' with drawing number MA rev F], shall be carried out in the first planting and seeding season following the occupation or completion of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development.

- 6 Prior to the commencement of development (i) intrusive site investigations shall be undertaken on the site to establish any coal mining legacy issues on the site, (ii) A report of findings arising from the intrusive site investigations shall thereafter be submitted together with a scheme of remedial works for the approval of the Planning Authority in conjunction with The Coal Authority and (iii) those remedial works shall be implemented prior to the commencement of development of the site unless, otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of the safe development of the site.

- 7 Prior to the commencement of development the details of (i) any barriers to be erected along the trunk road boundary, (ii) any lighting to be erected within the application site and (iii) any landscaping treatments along the trunk road boundary shall be submitted to and approved by the Planning Authority in conjunction with Transport Scotland. Thereafter the barriers, lighting and landscaping shall accord with the details so approved unless otherwise agreed in writing.

Reason:

To ensure that there will be no distraction or dazzle to drivers on the trunk road and in the interests of road safety.

- 8 There shall be no drainage connection to the trunk road drainage system.

Reason:

To ensure the efficiency of the existing trunk road drainage network is not affected.

- 9 Prior to the installation of the foundations for the tank farm hereby approved, an assessment of the condition of the sub-soil shall be made in order to determine any special precautionary work which might be necessary to reduce the possibility of structural failure of the tank farm. The assessment shall review the ground conditions and the foundation design and shall consider whether any precautionary works are necessary to ensure that there is no risk to the water environment. The assessment shall include a timetable for the implementation of any such precautionary works. Details of the assessment shall be submitted to and approved by the Planning Authority following consultation with the Scottish Environment Protection Agency. Any such precautionary works shall thereafter be implemented in accordance with the timetable so approved.

Reason:

To ensure that there is no risk to the water environment from the proposed development.