

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Application No. **12/00339/PM**
Proposal Erection of 41 houses, 8 flats and associated works
Location **Land At Gilsland Caravan Site
North Berwick
East Lothian
EH39 5JA**
Applicant CALA Management Ltd
Per Holder Planning
Ward 5
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 of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00012/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 a total of 85 people attended the two pre-application public exhibitions, both of which were held at the North Berwick scout hall in St Baldred's Road 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 application relates to some 3.9 hectares of land that forms part of the western edge of North Berwick. It includes a length of Grange Road and otherwise is the northern part of Gilsland Caravan Park.

The application site has a broadly rectangular shape. The land of the site slopes gradually down from south to north. The northern, western and southern edges of the site have on them mature tree strips. There are also a number of other trees located centrally within the site.

The site is bounded to the east by a woodland belt, beyond which are the residential properties of Green Apron Park and Keppel Road. An informal footpath runs through the woodland belt. The site is bounded to the north and west by agricultural land. The site is bounded to the south by part of the southern part of Gilsland Caravan Park and by part of some of the land of Mains Farm. To the south of the site is allocated for housing development by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008.

Planning permission is sought for the erection on the site of 41 houses and 8 flats and for the provision of associated infrastructure including roads and footpaths, open space, and landscaping. The proposal also includes for a realignment of Grange Road in the vicinity of the proposed vehicular access to the site from Grange Road.

The proposed development would be comprised of 37 detached houses, 4 semi-detached houses, 4 one bedroom flats in a two storey flatted building and 4 two bedroom flats in a two storey flatted building. Two of the semi-detached houses would be single storey in height. All of the other houses would be two storeys in height. The proposed 4 semi-detached houses and 8 flats are being promoted as affordable housing.

The proposed vehicular accessing of the site from a re-alignment of the public road of Grange Road would be at a point in the southeast corner of the site. The internal site access road would principally be in the form of a loop with the proposed houses and flats laid out within and about it.

The existing mature tree strip on the western edge of the site and most of the mature tree strip on the northern edge of the site would be retained. Moreover, much of the mature tree strip on the southern edge of the site would be retained, with a part of it removed to enable the formation of the site access and the associated re-alignment of the public road of Grange Road. Some tree planting is proposed within the application site.

A footpath would be formed along the eastern edge of the site. An area of open space is proposed for part of the northern edge of the site.

The majority of the proposed houses would be provided with in curtilage parking spaces. Additionally a parking courtyard with 12 car parking spaces would be formed on the southwest part of the site, in close proximity to the houses and flats that would not have in-curtilage car parking spaces. A further 13 visitor car parking spaces would be provided as roadside parking bays within the site.

Amended plans have been submitted showing:

- i) changes to the internal road layout and number of parking spaces of the proposed development; and
- ii) changes to the type and footprint of some of the proposed affordable housing units.

The application is supported by a Masterplan and Masterplan Document, a pre-application consultation report, a tree survey, an education assessment, a construction traffic management plan, and a transport assessment.

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 17 April 2012 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

Through separate application 12/00338/PM planning permission is sought by CALA Management Ltd for the erection of 67 houses and 4 flats on the land to the north of the site of this application. A cross-referenced report on planning application 12/00338/PM is at this time also presented to the Planning Committee.

To the southeast of the site is agricultural land of Mains Farm that is covered by Proposal H5 (Mains Farm, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H5 allocates the land for a mixed use development of approximately 400 houses, community facilities, open space, employment and associated infrastructure. In September 2012 the Walker Group (Scotland) Limited submitted a Proposal of Application Notice (Ref: 12/00007/PAN) which intimated that they would be submitting a planning application in respect of a development of approximately 400 houses, community facilities, open space, employment and associated infrastructure on Mains Farm land of Proposal H5. To date, no such application has been submitted to the Council.

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 Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1G (Design of New Development), ENV3 (Development in the Countryside) and HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015 and Proposal H6 (Gilsland, North Berwick) and Policies DC1 (Development in the Countryside and Undeveloped Coast), H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP5 (Major Development Sites), DP14 (Trees on or adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), ENV7 (Scheduled Monuments and Archaeological Sites), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application 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 the application is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

It is stated in Scottish Planning Policy: February 2010 that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

A total of 17 written representations have been received in respect of this application, all of which make objection to the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * Proposed access arrangements are inadequate, with existing roads being unsuitable to accommodate traffic generated by the proposed housing development;
- * Concerns over access and egress arrangements for construction traffic, particularly when children are going to and leaving school;
- * Increased traffic on the Kingston Road would increase likelihoods of a road traffic accident on that road;
- * Infrastructure of North Berwick will find it difficult to cope with additional residents and traffic generated by proposed housing development;
- * Impact on local schools;
- * Proposed housing development has to be considered in light of the site allocated for housing development at Mains Farm;

* Proposed housing represents an overdevelopment of the site.

* Proposed development is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008; and

* Harmful noise impact from increased traffic on Grange Road.

The Royal Burgh of North Berwick Community Council have given one consultation response in respect of this planning application and application 12/00338/PM. From this it is taken that that the concerns they raise are in respect of the housing developments proposed in both applications. These concerns are in respect of traffic and road management. They advise that the residents of Kingston are very concerned that there will be a highly increased volume of traffic through their small village. The presence of two schools in the immediate proximity of Grange Road is an added danger. This is especially so in the case of construction traffic and the Community Council request that something definite is arranged for the timing of heavy lorries to the construction sites.

The length of public road of Grange Road that is within the site is covered by Policy DC1 of the adopted East Lothian Local Plan 2008 and, as such, is defined as being part of the East Lothian countryside. Other than the proposed re-alignment of part of that length of public road there would be no other development of the road. Since the proposed re-alignment is to facilitate vehicular access of the land of the site that is allocated for housing development by Proposal H6 of the adopted East Lothian Local Plan 2008, the inclusion of the length of Grange Road and thus that extremely small part of the East Lothian countryside in this development proposal has no meaningful significance on the planning purpose and integrity of Local Plan Policy DC1 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

The land of the application site and the land of the site of separate application 12/00338/PM are together covered by Proposal H6 (Gilsland, North Berwick) of the adopted East Lothian Local Plan 2008. Proposal H6 defines all of the land as being a strategic housing site and allocates it for development of approximately 100 houses.

Local Plan Proposal H6 requires the Council to prepare a joint Development Framework addressing the development requirements of the site and the nearby Mains Farm site (Proposal H5). Proposal H6 states that it will then be the responsibility of the developer to submit for approval a masterplan consistent with both this joint Framework and with the Local Plan's development policies prior to or as part of an application for planning permission in principle or planning permission for a development of the site. Proposal H6 also stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development.

Proposal H6 reflects the requirements of Policy H2 (Development Frameworks) of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A joint Development Framework for all of the allocated land of Proposal H6 and for the allocated Mains Farm land was approved by the Council on the 28 June 2011. It sets out how the Council requires the lands to be developed in terms of design and infrastructure provision.

The land of this application (the 'Gilsland Caravan Park' land) is also covered by Policy DP5 (Major Development Sites) of the adopted East Lothian Local Plan 2008. As the site is part a strategic housing site defined and allocated for residential development by Proposal H6 to meet the requirements of the Edinburgh and the Lothians Structure Plan 2015, Policy DP5 requires the submission of a Masterplan for all of it and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan and an accompanying Masterplan Document have been submitted with this applications and also separate application 12/00338/PM. The submitted Masterplan and accompanying Masterplan Document are compliant with the requirements of Policy DP5.

The land of the application site (the 'Gilsland Caravan Park' land) is not greenfield land. It has for many years been used and is still in use as a caravan park. The principle of the residential development of the land is established by the allocation of it for such development by Proposal H6.

Proposal H6, together with Proposal H5, is consistent with Policy HOU3 (Strategic Housing Allocations) of the approved Edinburgh and the Lothians Structure Plan 2015, which requires the East Lothian Local Plan to allocate sufficient land for approximately 500 residential units at North Berwick. Of those approximately 500 residential units, Proposal H5 allocates approximately 400 to the Mains Farm land and Proposal H6 allocates approximately 100 to the combined land of the application site and the 'Newhouse' land to the north of the site that is the subject of separate application 12/00338/PM.

Through their detailed master planning of the land of Proposal H6, the applicant has established that in total it is capable of accommodating more than the approximately 100 residential units that the development plan allows for the site. The Masterplan submitted with this application shows how a total of 120 residential units would be accommodated on all of the land of Proposal H6.

The advice of the Council's approved Development Framework that applies to the allocated housing development land of Proposal H6 is that if the capacity of the land is found to be in excess of the number of units allocated to it, then it is for the Council to be satisfied that the building of an additional number of residential units on it would be acceptable, rather than a part of the land being left undeveloped. In this regard the Development Framework further advises that the test is whether there is a housing land requirement to justify the additional number of units and that related infrastructure requirements can be provided and the impacts of the additional units will be acceptable.

The Council's Policy and Projects Manager accepts that the allocated land of Proposal H6 can accommodate more than 100 residential units. In line with the requirements of the Development Framework, the Policy and Projects Manager has considered the additional 20 residential units in terms of whether or not there is a housing land requirement to justify them. On this matter, the Policy and Projects Manager advises that the Structure Plan Joint Liaison Committee has assessed the adequacy of the five year housing land supply using the latest Annual Housing Monitor, which takes into account the 2010 Housing Land Audit and other material considerations. This shows that the 5-year effective supply figure has fallen to less than 50%, expressed as a percentage of supply to requirement. The Joint Liaison Committee considers that the shortfall results from infrastructure constraints and a lack of mortgage finance rather than the availability of allocated housing land. It has therefore chosen not to bring forward additional housing land in advance of the development plan review in a way that would be inconsistent with the current development plan strategy. However, the Joint Liaison Committee recognises the need to encourage a

reasonable level of new house building to meet needs by assisting the house building process, including support for appropriate new “windfall” applications that are in accord with the development plan.

What is before the Committee is not a windfall application; rather this is an application for planning permission for the development of land that is part of an already designated strategic housing site and which is already allocated for housing development. The building on it of 20 more residential units than the 100 stated for it in Proposal H6 would be a “windfall” contribution to an identified shortfall of the overall 5-year effective housing land supply. It would not amount to the bringing forward of non-allocated land for housing development. It would be a component of two proposed housing developments that should be capable of being the subject of an early site start.

On this basis there is a housing land requirement to justifying the granting of planning permission for an additional 20 residential units on the allocated land of Proposal H6 that in part is the subject of this application and in part the subject of application 12/00338/PM.

The approved Development Framework stipulates that the layout of the housing development of the allocated land of Proposal H6 should integrate with its surroundings and be designed to ensure the creation of an interesting and distinctive environment with a layout that contributes positively to North Berwick.

What is proposed for the development of the land the subject of this application would be a sympathetic extension of North Berwick with due regard to the existing built form of the town and the locational context of the application site relative to the nearest existing housing, being the housing of Green Apron Park and Keppel Road. The proposed residential layout is broadly consistent with the requirements of the Council’s approved Development Framework for the land. It would be compatible with the form and layout of housing development proposed in separate application 12/00338/PM for the northern part of the allocated land of Proposal H6.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to plant beech hedges along the front boundaries of the front gardens of the houses proposed at the entrance into the development. To some degree, this would serve to reduce the visual dominance of the car in the streetscape of the entrance to the development. Moreover, whilst many of the 41 houses are to be large detached two storey buildings set within their own private gardens they are to be of six different house types. The use of such a range of house types would give a complimentary 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 proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of North Berwick.

The use of render as the predominant wall finish would respect the existing built form of the housing to the east of the application site, which features render as the predominant wall finish. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity. A condition can be imposed on the grant of planning permission for the proposed development to address these matters of wall finishes.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The

proposed development would not be of a density incompatible with existing densities of development to the north and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of North Berwick, reinforcing the existing built form and architectural character and appearance of the area.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing.

The proposed houses and flatted buildings would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The Council's Environment Protection Manager raises no objection to the proposed development. He does not consider that the increased traffic on Grange Road as a result of the proposed development would lead to any unacceptable noise impact on the amenity of existing neighbouring properties to the east of the application site.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The Council's Policy and Projects Manager is supportive of the applicant's intention to retain the strip of mature trees along the western edge and part of the northern edge of the site. He also accepts that a number of mature trees along part of the southern edge of the site will have to be removed to facilitate the formation of the proposed vehicular access from Grange Road. The Council's Policy and Projects Manager recommends that some large species specimen trees are planted at the site entrance and within the area of open space proposed for part of the northern edge of the site, as these would adequately compensate for the trees that the applicant proposes to fell within the application site. He is satisfied that the landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework. He recommends that a detailed landscape plan be submitted prior to the commencement of development and that appropriate measures are taken to safeguard existing trees during construction works. A condition can be imposed on a grant of planning permission to secure these landscaping recommendations.

The Council's biodiversity officer raises no objection to the proposed housing development.

Subject to the above referred to planning controls, the proposed development of 41 houses and 8 flats on all of the foregoing considerations of layout, design, amenity and landscape is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies H1, DP1, DP2 and DP14 of the adopted East Lothian Local Plan 2008, the approved Development Framework and the Council's Design Standards for New Housing Areas.

In respect of open space provision the approved Development Framework requires the provision of a central area of open space for the allocated land of Proposal H6, to act as a focal point and which would be easily accessible from the proposed new housing.

The Masterplan submitted with this application and also application 12/00338/PM shows the proposed provision of a large area of open space centrally located within the land of Proposal H6. The open space would be overlooked by those proposed houses that would be positioned to the north, south and west of it. The Council's Landscape and Countryside

Manager is satisfied with the size and location of the proposed central area of open space and thus with the part of it proposed in this application. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C1 of the adopted East Lothian Local Plan 2008.

The applicant confirms that future maintenance of the areas of open space would be factored on behalf of future residents. The Council's Landscape and Countryside Manager does not object to this.

The Development Framework requires the provision of suitably sized and designed equipped play facilities within the land of Proposal H6. In response to this, a play area would be located on the southern part of the proposed large area of open space, within the land the subject of this planning application. Details of the play equipment to be contained within the play area have been amended from that originally submitted with the planning application to ensure that the equipment is adequate for use by both the toddler and junior (1-10 years) age groups.

The Council's Landscape and Countryside Manager is satisfied that the proposed play area would be of a sufficient size and in a sufficiently central location to serve not only the houses and flats proposed in this planning application but also the houses and flats proposed in planning application 12/00338/PM. Moreover, she is satisfied that the play equipment now proposed would be adequate for use by both the toddler and junior (1-10 years) age groups. On this consideration the development proposed in this application is consistent with the requirements of the approved Development Framework and with Policy C2 of the adopted East Lothian Local Plan 2008.

To satisfy the demand for pitch sports that will arise as a result of development of the land of Proposal H6 and of Mains Farm, the approved Development Framework requires the provision on the Mains Farm land of a new community sports pitch and related changing accommodation. The approved Development Framework stipulates that all the costs associated with provision of the sports pitch and related changing accommodation has to be met on a pro-rata basis by the applicant(s) of an application(s) for planning permission for housing development of the land of Proposal H6 and of Mains Farm. The Council's Healthy Living Manager advises that the pro-rata value of the contribution for the 41 houses and 8 flats proposed in this application is £46,945.92. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The approved Development Framework advises that NHS Lothian, Lothian & Borders Police and the Ambulance Service have indicated that the increased population that will arise from the housing developments of the land of Proposal H6 and of Mains Farm may result in these service providers not being able to accommodate any identified impacts anticipated to arise from these local plan proposals within their existing facilities. Consequently Lothian and Borders Police, the Lothian Fire Brigade, the Scottish Ambulance Service and NHS Lothian were all consulted on this planning application.

Neither the Lothian Fire Brigade nor the Scottish Ambulance Service have provided a consultation response.

Lothian & Borders Police raise no objection to the proposed housing. It can be taken from this that they are satisfied that they could accommodate within their existing operations any identified impacts anticipated to arise from the 41 houses and 8 flats proposed in this application.

NHS Lothian advise that they see a need for capital investment in their General Practice facilities in North Berwick Health Centre. This, they advise, would be to address the increased capacity requirements resulting from the increased population, whilst maintaining the good access that this location provides. NHS Lothian therefore request that the applicant makes a capital contribution towards increasing and improving accommodation at North Berwick Health Centre.

It is for NHS Lothian to demonstrate the need for and the quantum of any contributions towards healthcare provision, all relative to the principles set out in Circular 1/2010: Planning Agreements. No such case has been made in respect of the housing development proposed in this application. In these circumstances it would be unreasonable for the Council as Planning Authority to insist that as a requirement of development of the application site a financial contribution is made towards increasing the capacity of North Berwick Health Centre, as NHS Lothian recommend.

Scottish Planning Policy: February 2010 requires that development be properly integrated with existing urban areas, and related Planning Advice Notes encourage the extension of existing street patterns, where possible.

On this matter, 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.

The approved Development Framework states that the preference for vehicular access to the land of Proposal H6 is that the southern part of the land (the 'Gilsland Caravan Park' land) be accessed from Grange Road and the northern part of it (the 'Newhouse' land) from Glenorchy Road. If the northern part of the land cannot be accessed from Glenorchy Road then all of the land of Proposal H6 should be accessed from Grange Road.

It is demonstrated in the transportation assessment of the housing development proposed in separate application 12/00338/PM (see report on application 12/00338/PM) that the northern part (the 'Newhouse' land) of the Proposal H6 land can be satisfactorily accessed from Glenorchy Road.

In which case, as stipulated by the approved Development Framework, there must not be a through access road between the development proposed in separate application 12/00338/PM and the housing development proposed in this application for the 'Gilsland Caravan Park' land.

What is proposed in this application is the provision on part of the northern edge of the application site of a 3.7 metres wide reinforced verge to serve as an emergency access between the proposed development and the housing development proposed in separate application 12/00338/PM. It would run through the combined area of open space proposed

in this application and in separate application 12/00338/PM. Provided this reinforced verge is restricted to use by emergency vehicles only and thus is prevented from being used as a through route for other vehicles, the requirement of the Development Framework that there should be no through access road is met. The detailed physical means of restricting the use of the reinforced verge to emergency vehicles only can be controlled by a condition of the grant of planning permission for the proposed development.

The approved Development Framework requires provision of a pedestrian and cycle through route between the proposed development and the housing development proposed in separate application 12/00338/PM. To meet this required provision it is proposed that a 2.5 metres wide pedestrian/ cycle path link be formed on part of the northern edge of the site and such that it would run through the combined area of open space proposed in this application and in separate application 12/00338/PM. The link would connect with the length of public access road to be formed on the south side of the proposed area of open space. Moreover, the footpath to be formed through the landscaped strip of land proposed for the east edge of the site would connect with the proposed pedestrian/cycle path link.

The housing development proposed in this application is to be accessed from Grange Road.

In this regard the approved Development Framework requires that the narrowed section of Grange Road at its western end should be enhanced to an appropriate standard and that appropriate traffic calming should be provided along the entire length of Grange Road.

The applicant has submitted a Transport Assessment with their planning application. In itself this submission is consistent with Policy DP18 of the adopted East Lothian Local Plan 2008.

Having appraised the Transport Assessment, the Council's Transportation service are satisfied that if the proposed housing development of 41 houses and 8 flats is accessed from Grange Road, the likely generated increase in the volume of traffic using the local road network would not result in a road safety hazard, provided road improvements are made to the narrowed section of Grange Road at its western end as required by the approved Development Framework. Those road improvements would be between the junction of the public road of Grange Road with the public road of Green Apron Park and the point of the proposed new vehicular access of the proposed housing development.

Notwithstanding this, the Transport Assessment concludes that a developer financial contribution should be provided towards the provision of road improvements/alterations on parts of the public road of Grange Road to the east of the junction with the public road of Green Apron Park. On this matter, the advice of the Council's Transportation service is that the particular design and implementation of a roads improvement scheme will be for the Council to undertake. To this end they consequently advise that the obligation for the applicant should be the payment to the Council of a developer contribution of £10,000. This contribution would have to be made prior to commencement of development and can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements.

The Council's Transportation service further recommend that a speed table junction should be provided at the site access with Grange Road so that ramps are formed onto Grange Road and the site access road to provide a traffic calming measure and allow an uncontrolled pedestrian crossing from the site to the land on the south side of Grange Road, which will form part of the Mains Farm land.

With regard to the likely impact of additional traffic generation on the use of the Ware Road Bridge the Transportation Assessment concludes that a developer financial contribution should be provided towards the provision of an improved transport scheme there, such as the provision of shuttle traffic signals to better rationalise the road space for pedestrians, cyclists and vehicles. On this matter, the advice of the Council's Transportation service is that the particular design and implementation of a roads improvement scheme at the Bridge will be for the Council to undertake. To this end they consequently advise that the obligation for the applicant should be the payment to the Council of a developer contribution of £25,000. This contribution would have to be made prior to commencement of development and can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements.

The requirement for the developer contribution of £25,000 is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development.

The Transport Assessment is in respect of all of the land of Proposal H6 and there is no clear distinction in it between the impacts on the Ware Road Bridge of additional traffic generated by the development proposed in this application with vehicular access from Grange Road and the development proposed in application 12/00338/PM with vehicular access from Glenorchy Road. Nonetheless, on the advice of Transportation only one developer contribution is required to meet the costs of the implementation of the required scheme of road improvements at the Ware Road Bridge. Consequently the developer contribution of £25,000 need only be paid either in respect of the development proposed in this application or in respect of the development proposed in application 12/00338/PM. If each application is approved then in each case the grant of planning permission should be subject to a separate Section 75 Agreement requiring the payment of the developer contribution of £25,000 on the commencement of development of whichever of the two developments is first started.

Some of the objectors raise concerns regarding the possible increased use of the road leading south-westwards to Kingston from the application site. In the applicant's Transport Assessment, it is recommended that road improvements shall be provided on this public road. These shall include localised widening of the carriageway of the road to form passing places and the erection of signs at various locations. The Council's Transportation Service are satisfied that provided these road improvement works are completed prior to the occupation of any of the proposed 41 houses and 8 flats then any increased traffic generated by the proposed development would not result in an unacceptable risk to road safety on the public road to Kingston. This requirement can be the subject of a condition of the grant of planning permission for the proposed development.

On these transportation considerations it can be concluded that the housing development of 41 houses and 8 flats on the southern part of the land of Proposal H6 can be acceptably accessed from Grange Road and without prejudice to the provision of access to the Mains Farm land from Grange Road.

Turning to other transportation matters, the proposed use of pinch points and shared surfaces within the layout of internal access roads of the proposed housing development to restrict traffic priorities and speeds accords with the 'Home Zone' principles set out in the Council's Design Standards for New Housing Areas. The road layout of the proposed housing development has been subject to a swept path analysis which demonstrates that

the internal access roads are acceptable for large delivery and refuse lorries and for use by emergency vehicles.

The proposed 4 semi-detached houses and 8 flats of affordable housing would have a total of 12 car parking spaces. The other proposed houses would each have two in-curtilage parking spaces. Moreover, a total of 13 visitor parking spaces is also proposed. The Council's Transportation service is satisfied with both the amount and location of all of these proposed car parking spaces.

The Council's Transportation service advises that secure cycle parking should be provided for the proposed 8 flats. A condition can be imposed on the grant of planning permission to secure this measure.

In their location the proposed houses and flats would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private vehicle.

On all of the foregoing transportation considerations and subject to the above stated planning controls, the proposed housing development is consistent with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

One of the principal concerns of the Community Council is how construction traffic would safely access and egress the application site. This matter has been addressed in the applicant's construction traffic management plan (CTMP). The applicant has confirmed that the CTMP will be passed to all contractors and suppliers serving the housing development site. The CTMP sets out routes for the movement of construction traffic and details roads within North Berwick that construction traffic would be prohibited from using. For construction traffic travelling eastbound into North Berwick, the given route is for traffic to travel along Dirleton Road and Dirleton Avenue before turning right onto Station Road. From there, construction traffic would be routed along Clifford Road before turning right onto Law Road and before thereafter turning right onto Grange Road and from there to the site. For construction traffic travelling westbound into North Berwick, the given route is for traffic to travel along Dunbar Road and St Baldred's Road before turning left onto Law Road and then right onto Grange Road and from there to the site.

The Council's Transportation service are satisfied that with such routing construction vehicles would be able to safely access and egress the application site.

In their CTMP, the applicant confirms that a site compound would be formed within the application site and this would be of a sufficient size to accommodate all contractor parking as well as being capable of accepting delivery vehicles. In a further statement, the applicant advises that whilst they have no nexus to prevent road users parking legally on the highway, from a logistical perspective, they are keen to ensure that delivery routes are clear and unaffected by a proliferation of parked cars. The applicant further states that their appointed contractors will seek to park as close as possible to their work (i.e. within the site compound). The compound would be securely fenced and visible from the site office, which is essential as the vehicles usually contain tools. The applicant further states that they are unable to provide details on the general arrangement of the site compound at this time as it has not yet been designed.

The Council's Transportation service are satisfied with the proposed arrangements for the routing of construction traffic and the in-compound parking provision. To ensure that the site compound is of a size sufficient to accommodate all of the construction workers' vehicles, they recommend that details of the compound be submitted for the prior approval

of the Planning Authority. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

The other matter addressed in the CTMP relates to the proximity of the site to Law Primary School and North Berwick High School. It states that there be no deliveries or off site movements between the hours of 08:15 to 09:15 Monday to Friday, between 14:45 to 16:00 Monday to Thursday and between 12:00-13:30 on Friday only. Whilst they are generally satisfied with those stated restrictions, the Council's Transportation service further recommends that there be no deliveries or off site movements between the hours of 11:30 and 13:30 Monday to Thursday. This can be secured by a condition imposed on the grant of planning permission for the proposed development.

Another condition should be imposed on the grant of planning permission requiring that all construction traffic management associated with the development of the site should strictly accord with the applicant's CTMP.

The Council's Transportation service recommend that wheel washing facilities be provided. This matter too can be controlled by a condition imposed on the grant of planning permission.

The Council's Principal Waste Services Officer has expressed concerns at the layout and access for refuse vehicles. This concern has been addressed through a swept path assessment of the housing layout which demonstrates that there would be sufficient manoeuvring space available for refuse or other service vehicles.

It is stated in Scottish Planning Policy: February 2010 that archaeological sites and monuments 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 similarly advises.

The Council's Heritage Officer advises that the application site is located within an area regarded as having a high potential for archaeological remains to be present. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Both this application site and the site the subject of planning application 12/00338/PM are within the school catchments of Law Primary School and North Berwick High School. The Executive Director of Services for People advises of the need for a total developer contributions for both applications of £1,266,773 towards the cost of provision of additional accommodation at Law Primary School, and £550,671 towards the provision of additional accommodation at North Berwick High School (a total developer contribution of £1,817,444). Thus in the case of this planning application, the Executive Director of Services for People advises of the need for a total developer contribution of £723,632 (£14,768 per unit). Such a developer contribution can 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 1/2010: Planning Agreements. Moreover the Executive Director of Services for People recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in planning application 12/00338/PM. This can be secured through a condition attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended condition and to the Council securing the appropriate developer contribution 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 the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

The approved development framework requires the applicant to submit an 'energy efficiency statement' to demonstrate how the proposed housing development would maximise energy efficiency in terms of building design and layout, and minimise construction waste. In response to this, the applicant has submitted a Statement of Sustainability in Design. In this Statement, the applicant advises that they propose to maximise energy efficiency through improved building efficiency standards and through the use of solar panel water heating. This report has been assessed by the Council's Engineering Design Team Leader, who is generally satisfied with its findings. If planning permission is to be granted for the proposed development, a condition should be imposed requiring that the housing development be carried out in strict accordance with the applicant's Statement of Sustainability in Design.

The Council's Housing Strategy Manager advises that, in accordance with the Council's Affordable Housing Policy, 25% of the 49 new build residential units (i.e. 12 units) should be affordable housing. The affordable housing component of the proposed housing development is 12 units. The Council's Housing Strategy Manager further advises that she is satisfied with the proposed affordable house types and sizes, and their location within the application site. The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Subject to this the proposed development is consistent with the Council's Affordable Housing Policy and with Policy H4 of the adopted East Lothian Local Plan 2008.

The proposed development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission for the proposed housing development.

The layout of the proposed development includes provision of a sustainable urban drainage scheme (SUDS) pond which is designed to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency do not object to the proposed development, although they recommend that full details of the finalised SUDS scheme should be submitted for the prior written approval of the Planning Authority, following consultation with SEPA. This requirement could be secured by the imposition of a condition on the grant of planning permission for the proposed development.

Scottish Water confirm that they have no objection to the proposed development. They advise of their statutory requirements for the servicing of the development. A copy of their comments has been forwarded to the applicant.

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) Secure from the applicant a financial contribution to the Council of £25,000 towards the provision of road improvements at, or in the vicinity of, Ware Road Bridge, North Berwick. The contribution would have to be made prior to occupancy of any of the residential units hereby approved;

(ii) Secure from the applicant a financial contribution to the Council of £10,000 towards the provision of road improvements/alterations on parts of the public road of Grange Road to the east of the junction with the public road of Green Apron Park;

(iii) Secure from the applicant a financial contribution to the Council of £46,945.92 towards the provision on the Mains Farm land the subject of Proposal H5 of the adopted East Lothian Local Plan 2008 of a new community sports pitch and related changing accommodation;

(iv) Secure from the applicant a financial contribution to the Council of £723,632 towards the provision of additional accommodation at Law Primary School and at North Berwick High School;

(v) Secure from the applicant the provision of 12 affordable houses within the application site.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an unacceptable traffic impact on the Ware Road Bridge, an unacceptable traffic impact on Grange Road, an insufficient provision of a community sports pitch and related changing facilities, a lack of sufficient school capacity at Law Primary School and North Berwick High School, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies T2, INF3 and H4 of the adopted East Lothian Local Plan 2008.

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

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

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

Reason:

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

- 2 No development shall take place 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.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall 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 details shall include the provision of some large specimen trees at the site entrance and within the proposed area of open space. 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.

- 4 The phasing of the development, including the number of residential units to be completed on the site each year, shall be carried out in strict accordance with the phasing document (entitled "6.1 Phasing") docketed to this planning permission, unless otherwise approved in writing in advance 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 and to ensure that there is sufficient education provision.

- 5 The development hereby approved shall be carried out in strict accordance with the Statement of Sustainability in Design docketed to this planning permission.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.

- 6 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats 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 and flats 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 and flats, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing

it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats 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.

- 8 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development 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.

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

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

Reason:

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

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 12 Prior to the commencement of development details of the site compound shall be submitted to and approved by the Planning Authority. Formation of the site compound shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the site compound is of a size sufficient to accommodate all of the construction worker's vehicles and other associated traffic.

- 13 Development of the site shall at all times be carried out in strict accordance with the Construction Traffic Management Plan docketed to this planning permission.

Reason:

In the interests of road safety.

- 14 Notwithstanding the requirements of condition 13 above, there shall be no no deliveries or off site movements of vehicles associated with the development between 11:30 and 13:30 Monday to Thursday.

Reason:

In the interests of road and pedestrian safety.

- 15 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 interests of road safety.

- 16 The emergency access shown on the docketed site layout drawing shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and the housing development approved by the grant of planning permission 12/00338/PM.

- 17 None of the houses to be erected on Plots 18, 19, 20, 21 and 30 shall be occupied unless the play equipment shown in docketed drawing number PO2 has been installed in its entirety on the play area shown in the docketed site layout drawing to be formed in the northeast corner of the application site.

Reason:

To ensure the satisfactory provision of play equipment in the play area of the housing development hereby approved.

- 18 Notwithstanding the drawings docketed to this planning permission, a speed table junction shall be provided at the site access with Grange Road so that ramps are formed onto Grange Road and the site access road to provide a traffic calming measure and allow an uncontrolled pedestrian crossing from the site to the land on the south side of Grange Road, which will form part of the Mains Farm land. Details of the speed table shall be submitted to and approved by the Planning Authority. Development of the speed table shall be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 19 Prior to the commencement of development, details of the road improvement works to be carried out to the narrowed section of Grange Road, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 20 Prior to the commencement of development, details of the road improvement works to be carried out to the road leading south-westwards to Kingston from the application site, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.