

REPORT TO: Planning Committee

MEETING DATE: Tuesday 7 May 2019

BY: Depute Chief Executive – Partnerships and Community Services

SUBJECT: Planning Application 18/00764/PM - Erection of care home building (Class 8), hotel building (Class 7) and associated works at 7 Tantallon Road, North Berwick

1 PURPOSE

- 1.1 At the Planning Committee meeting on 26th March 2019, officers advised the Planning Committee that this planning application (Ref: 18/00764/PM) submitted by the applicant, Frontier Estates (Berwick) Limited, certifies that they, together with East Lothian Council, own all of the land to which the application relates. However, from the Committee site visit of Friday 22nd March 2019, it became evident that this is not the case. The agent for the applicant subsequently confirmed that they do not yet own any of the land to which this application relates. Rather they have an option to purchase the site. Thus, at the time of the Planning Committee meeting of 26th March 2019, the land ownership certificate that accompanies the application was incorrect, and consequently the current owner of the application site had not been formally notified of this planning application.
- 1.2 Section 35 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority shall not entertain any application for planning permission unless any person, who at the beginning of the period of 21 days ending with the date of the application was the owner of any of the land to which the application relates, has been notified of the application.
- 1.3 As a result of this, officers advised the Planning Committee at the meeting of 26th March 2019 that they could not take a decision on the application at that time.
- 1.4 Consequently, the Planning Committee agreed to the continuation of the planning application to allow the applicant the opportunity to carry out the notification of the owners of the land and buildings of the site.
- 1.5 The applicant's agent subsequently notified the owners of the land and buildings of the application site and served the requisite ownership notification on them. With effect from 26th March 2019 the application was re-registered.
- 1.6 The application is now again brought before the Planning Committee for a decision on it.

2 RECOMMENDATIONS

- 2.1 That planning permission be granted subject to the conditions set out in the report presented to the Planning Committee meeting of the 26 March 2019, which is attached as an appendix.

3 BACKGROUND

- 3.1 Members will recall that a report submitted by the Depute Chief Executive (Partnership and Services for Communities) on planning application 18/00764/PM was before them on the agenda for their meeting of 26th March 2019. A copy of that report is attached to this report. This application seeks planning permission for the construction of a care home building (Class 8), hotel building (Class 7), and associated works on an area of land, measuring some 0.99 of a hectare, 7 Tantallon Road, North Berwick, which is located on the south side of Tantallon Road (classified A198 public road) on the main eastern approach into North Berwick.
- 3.2 The report submitted by the Depute Chief Executive (Partnership and Services for Communities) set out why the proposed development was considered acceptable. It recommended that planning permission be granted subject to the imposition of 22 conditions.
- 3.3 At the meeting on the 26th March 2019 the Council agreed to continue planning application 18/00764/PM to allow the applicant, who are not the owners of the land and buildings of the site, to instruct their agent to carry out notification of the planning application to the owners of the site.
- 3.4 As a result of this notification of the owners of the site, which is a statutory requirement of Section 35 of the Town and Country Planning (Scotland) Act 1997, planning application 18/00764/PM was re-registered and given a new target decision date, and it again appeared on the Weekly List of Registered Applications of 4th April 2019.
- 3.5 As a result of appearing on the Weekly List of Registered Applications of 4th April 2019 the application was again open to a further period for public representation. A total of four additional written representations have been received to the application. One of those representations is from a party that had previously only raised a comment that neither supported nor objected to the proposals, and another is from a party, the North Berwick Group Practice, that had previously submitted an out-of-time representation. All four of these representations raise objection to the application and the grounds of objection as summarised are:
 - o The hotel demand assessment should not be a confidential document;
 - o Where will the guests of the hotel come from, as the hotel is miles from the A1 so there would be no significant passing trade;
 - o The applicant refers to a 'larger hotel suitable for group travel' however this is a declining market which could anyway be catered for by

the Marine in North Berwick, and in any case there are no facilities on the site for the loading/unloading/parking of coaches, and thus it must be concluded that there would be abstraction from the current hospitality businesses in the area;

- o The interpretation of Policy EMP1 (i.e. the proposed use would not prejudice or inhibit the activities of a nearby employment use) in the officer's report on the application is very restricted in that this has been interpreted to relate to the nearby cemetery, Council Depot, etc, when clearly there are other hospitality businesses in North Berwick that would be impacted by the proposals and at risk;

- o There is not, as suggested, a severe lack of accommodation in the area due to the substantial and growing number of Air BnB and other letting properties with the result that existing hotels are offering 'groupon' and 'itison' deals to sustain business, and existing hotels (e.g. Blenheim House and County Hotel) are closing due to there not being enough demand and there are now over 180 beds on AirBnB within 5 miles of North Berwick, and existing hotels are being granted planning permission to change in use to housing;

- o Building a hotel of this size would undermine/ruin/jeopardise small local hotel businesses as there is already too much accommodation in North Berwick;

- o There is a lack of commercial businesses requiring accommodation and where commercial and business clients require accommodation they do not use hotels anymore but favour private letting and AirBnB;

- o Insufficient parking is proposed for the hotel as there is no account taken for staff car parking or customers using the restaurant;

- o The projected number of jobs and knock-on jobs is unlikely to be as indicated, as any chain taking this site would be likely to use central purchasing with hardly any benefit to the local businesses during construction or operation;

- o The occupancy figures are questionable when considering the amount of existing accommodation available in the area;

- o There is a bar/restaurant open to the public included in the plans, which does not appear to have been taken into account by the Council when addressing parking and other issues;

- o The existing 2 care homes, 1 nursing home and other supported accommodation in North Berwick require a great amount of input from the North Berwick Group Practice (NBGP) alongside the services required by the over 75s in the town who live independently and without warden support;

- o The proposal to build a care home is not in line with East Lothian Health and Social Care Partnership's vision for residential care over the

next 5 - 10 years, and the town is already well served in terms of beds for elderly patients and there is little requirement for an additional nursing home; and

- o The NBGP is under immense strain in terms of their building and has little capacity to expand and it is very difficult to recruit additional GPs to extend the team, and if the development goes ahead the practice could not cope with these additional patients with complex needs and would not be in a position to accept any new patients residing in the proposed care home onto the practice list.

3.6 The matters raised in representations regarding demand for the hotel, Policy EMP1, job creation and impact on health care provision are set out in the report submitted by the Depute Chief Executive (Partnership and Services for Communities) on the agenda for the planning committee meeting of 26th March 2019 (background paper 1).

3.7 The bar/restaurant of the proposed hotel is shown on the application drawings to only have capacity for some 22 covers. It is therefore reasonable to assume that it would be a small ancillary facility intended to cater primarily for the requirements of the customers of the proposed hotel. Moreover, as a bar/restaurant of a 'branded budget' hotel, even if it were to be open to members of the public (i.e. non-residents of the proposed hotel) as such facilities often are, it is unlikely that the bar/restaurant would be a destination in its own right and thus it is unlikely to result in a demand for car parking spaces over and above that required for the hotel rooms. It would not be unreasonable to assume that most local people using the bar/restaurant facility of the proposed hotel would be likely to walk to the premises or arrive by taxi, rather than arrive in their own vehicle.

3.8 The Council's Road Services have been consulted on the matter raised in one of the representations regarding the provision in the proposed hotel of a bar/restaurant. Road Services advise that in respect of a hotel the Council's parking standards are for 1 space per room plus provision for bars, etc, and that this would suggest that an additional 7 parking spaces may be required for the bar/restaurant, in addition to the 65 parking spaces to be provided for the proposed hotel.

However, Road Services advise that in this case the 65 parking spaces proposed to be provided would be sufficient for the following reasons:

- o The required Travel Plan Framework will include measures which will be taken to minimise the number of vehicles parked on site at any time;

- o Allowing for the location and the nature of the facility, it is not expected that the hotel would cater for functions, which would result in both 100% occupancy of both the rooms and the bar/restaurant area;

- o The bar/restaurant is unlikely to be a destination in its own right, and it is likely that most local people who may use it could reasonably be expected to walk or take a taxi; and
 - o The site is on a regular bus route, with a bus stop some 90 metres away to the east, with regular buses throughout the day until 4am.
- 3.9 Accordingly, Road Services are satisfied that the parking provision for the bar/restaurant of the proposed hotel could be accommodated flexibly within the 65 parking spaces that are to be provided.
- 3.10 Thus, the proposed hotel, including its bar/restaurant, would be provided with an adequate amount of on-site parking and on matters of car parking provision the proposed development does not therefore conflict with Policy T1 of the adopted East Lothian Local Development Plan 2018.
- 3.11 Thus it is recommended that planning permission be granted subject to the conditions that are set out in Appendix 1.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None.
- 6.2 Personnel - None.
- 6.3 Other - None.

7 BACKGROUND PAPERS

- 7.1 Appendix 1 - Report by the Depute Chief Executive (Partnerships and Community Services) on planning application 18/00764/PM.

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REPORT TO: Planning Committee

MEETING DATE: Tuesday 26 March 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/00764/PM**

Proposal Erection of care home building (Class 8), hotel building (Class 7) and associated works

Location **7 Tantallon Road
North Berwick
East Lothian
EH39 5NF**

Applicant Frontier Estates (Berwick) Limited

Per Yeoman McAllister Architects

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 18/00001/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 major development type applications, a pre-application consultation report is submitted with this application. The report informs that some 80 people attended the pre-application public exhibition, which was held at the Glen Golf Club, North Berwick on the 20th February 2018 between 1.00pm and 7.00pm, and that fifty-four feedback questionnaires were completed and returned (a return of approximately 68%). A finding of the returned questionnaires is that ninety percent of attendees of the pre-application public exhibition live in the local area or within 1km of the site. The attendees of the pre-application public exhibition raised a number of issues regarding the proposals. Based on the responses received in the

feedback questionnaires, fifty-two percent of responders were supportive of the proposals in principle, thirty-seven percent were unsure or undecided, and eleven percent were unsupportive of the proposals. There were mixed responses to the proposed hotel and care home uses, with some attendees acknowledging that there may be demand for both the hotel and care home within North Berwick, while others questioned the need for more hotel accommodation and raised concerns about the hotel falling into disrepair/disuse, and that there may be an oversupply of this type of care home accommodation within the area. Some responders raised concerns about the effects that the proposed care home would have on current health care provisions in the area. 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.

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 16 February 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 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 hotel and care home development to be the subject of an EIA.

The application relates to an area of land and buildings, measuring some 0.99 of a hectare, at 7 Tantallon Road, North Berwick, which is located on the south side of Tantallon Road (classified A198 public road) on the main eastern approach into North Berwick. It lies approximately 1km from North Berwick town centre.

The site is allocated as employment land and as such is covered by Policy EMP1 (Business and Employment Locations) of the adopted East Lothian Local Development Plan 2018. The present authorised uses of the site are as a commercial garage/workshop and car sales showroom, and a Blacksmiths and Steel Fabricators.

The buildings on the site are clustered on the northern half of the site. They comprise single and two storey commercial and industrial buildings with a variety of flat and shallow pitched roof forms. The finishes of their external walls include brick, painted brick and render. Their pitched roofs are clad with corrugated roofing materials, including profiled metal sheets. The buildings containing the garage/workshop and car sales showroom front onto Tantallon Road over a parking forecourt. To the south of the building is an unmade parking area. Beyond that parking area, the southern third of the site is undeveloped and is presently surfaced with rough grass.

The application site is bounded to the north by the A198 classified public road (known as Tantallon Road). Further to the north on the opposite side of Tantallon Road, are residential properties of Ben Sayers Park and the wooded area of North Berwick Glen. The site is bounded to the east in part by Mill Walk Business Park comprising of fourteen business units, and in part by the service and delivery yard for a supermarket (Tesco). The buildings of Mill Walk Business Park are single and two storey in height. Further to the east, beyond the buildings of Mill Walk Business Park, are the two storey houses of 1 to 4 Horse Crook and their associated garden ground. To the south, the site is bounded by land that is allocated as part of a larger site for mixed use development, including

housing and Class 4 business units, by Proposal NK4 (Land at Tantallon Road, North Berwick) of the adopted East Lothian Local Development Plan 2018. The land immediately to the south of the application site is approved to be developed for the erection of two storey houses, through the grant of planning permissions 15/00670/PPM, 16/00921/AMM and 18/01020/P. To the west the site is bounded in part the residential house and garden of Cemetery Lodge, by North Berwick Cemetery, including the extension to the Cemetery, and by a Council Amenity Services Depot.

The Scheduled Ancient Monument and Site of Special Scientific Interest of North Berwick Law is located some 640 metres away to the west. North Berwick Glen to the north of the application site on the opposite side of Tantallon Road is an Ancient Woodland and Priority Habitat area of some local biodiversity and conservation interest.

The application site is outwith North Berwick Conservation Area but is close to the southern edge of it which extends to include North Berwick Glen on the opposite side of Tantallon Road.

The site measures some 0.99 of a hectare in area. The land of the northern half of the site is generally level. The land of the southern half of the site slopes gently upwards in a southerly direction. The north roadside boundary of the site is enclosed by a 1 metre high natural rubble stone wall with a "sheep's heid" cope. A 1.8 metres high natural rubble stone wall with a rounded cope encloses the west boundary of the site with the adjacent Cemetery. A 1.3 metres high metal post and wire fence and beech hedging encloses the west boundary of the site with the extension to the Cemetery. The remaining length of the west boundary of the site with the Council Amenity Services Depot is enclosed by 2 metres high metal palisade fencing. A 1.8 metres high timber fence encloses the east boundary of the application site with Mill Walk Business Park. The remaining length of the east boundary of the site with the supermarket service and delivery yard is enclosed by 2 metres (minimum) high metal and mesh fencing. There is no means of enclosure of the south boundary of the site.

There is row of fourteen small trees along the northern (roadside) boundary of the site in positions to the south of the roadside boundary wall. A further thirteen larger trees form a row along the west boundary of the site, immediately to the east of the west boundary wall and a further large tree is located roughly halfway along the east boundary of the site. A short length of beech hedgerow is located to the east of an existing building of the northern part of the site, between it and the internal access road of the site. An electricity substation is located on the northern part of the site adjacent to the west boundary and immediately to the north of the row of trees on that western boundary.

Planning permission is sought for the erection on the application site of a care home (Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) and a hotel (Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) and for associated works.

The proposed hotel would be contained within a three storey building and would comprise 65 bedrooms, a bar/restaurant with capacity for 22 covers (minimum) and associated office and service facilities. The proposed hotel would have an irregular shaped elongated footprint. Its front (north) elevation would face towards Tantallon Road and at its closest, would be positioned some 12 metres away from the north (roadside) boundary of the site. It would be of a contemporary flat roofed architectural form with a maximum roof height of some 11 metres above ground level. Its external walls would be finished with a combination of a smooth white coloured render, timber effect composite wall cladding panels and 'Trespa Meteon' (or equal approved) grey coloured wall cladding panels. The roof of the proposed hotel would be finished with

'Protan' (or equal approved) roofing membrane in a green colour.

The proposed care home would be contained within a three storey building and would comprise 70 bedrooms, shared communal facilities in the form of day rooms, a library, a dining room and a salon/treatment room, and associated office and service facilities. The proposed care home would have an irregular shaped elongated footprint with its front elevation facing northwards. It would be of a contemporary architectural form and design with a maximum roof ridge height of some 13 metres above ground level. Its roof would have the appearance of a dual pitched roof however it would have a flat area along its central length. The external walls of the proposed care home would be finished with a combination of smooth white coloured render, timber effect composite wall cladding panels and 'Trespa Meteor' (or equal approved) anthracite grey coloured wall cladding panels. The roof of the proposed care home would be clad with grey coloured concrete tiles.

The proposed associated works would comprise the formation of a new vehicular access and access road, parking and turning areas, footpaths, patio areas, bicycle storage areas, refuse storage areas, the erection of fencing, and the provision of soft landscaping.

Vehicular access to the care home would be taken from Tantallon Road and the existing eastern vehicular access would be amended to create an appropriate vehicular access for the proposed development. A new access road would be positioned on the eastern side of the site to the east of the proposed hotel and part of the proposed care home buildings. Parking spaces for 65 cars would be provided for the proposed hotel to the east, west and south sides of that proposed building, including an element of parking that would be formed at ground floor level below part of the first floor of that proposed building. Parking spaces for 25 cars would be provided for the proposed care home in positions to the east side of that proposed building. Communal garden areas for the occupiers of the proposed care home would be located to the east, south and west sides of that proposed building. A service yard and a secure cycle store would be located to the north of the proposed care home building.

Landscaping of the site would include the removal of the fourteen trees along the north (roadside) boundary of the site, four trees of the row of thirteen trees of the west boundary, and the short length of beech hedging. The planting of a replacement trees would be carried out along the north (roadside) boundary of the site, the east, west and south boundaries of the site and between the two buildings on the site and on the northern part of the site.

The existing buildings on the site would be demolished and removed to facilitate the proposed development.

The following supporting statements have been submitted with the application:

- Planning Statement;
- Design and Access Statement;
- Pre Demolition Site Investigation Report;
- Ground Investigation Report Appendix D;
- Ground Investigation Report Appendix F;
- Ground Investigation Report Appendix G;
- Preliminary Ecological Appraisal Rev B;
- Landscape and Visual Appraisal Part 1;
- Landscape and Visual Appraisal Part 2;
- Sequential Assessment;

- Transport Statement;
- Travel Plan Framework;
- Noise Assessment;
- Flood Risk Assessment;
- Tree Survey and Arboricultural Impact Assessment Rev A;
- Planting and Landscape Maintenance and Management Proposals;
- PAC Presentation Boards 1 and 2; and
- Pre Application Consultation Report.

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

- Market Report and Appraisals for Alternative Site Uses and Viability Assessment;
- Desktop Market Analysis;
- Hotel Demand Assessment;
- Net Economic Benefit Statement;
- Bat Activity Survey; and
- Preliminary Bat Roost Assessment.

The supporting Planning Statement explains that the Applicant is an established developer and has project managed many projects of this type in Scotland and throughout the UK.

It is stated in the Planning Statement that the main driver for the care home is the demographic profile within North Berwick, allied with socio-economic characterises of demand for nursing home and extra care provision, and that the proposed hotel is driven by increasing demand for visitor stays, a shortage in projected accommodation and an expectation of enhanced facilities within the area. The statement goes on to explain that the site is located within the East Lothian Strategic Development Area (SDA) as established in SESPlan's Strategic Development Plan 2013 and is a preferred area for development within the Local Development Plan, and complies with Scottish Planning Policy criteria for sustainable development along the A1/East Coast Corridor. The statement further explains that the site is well served by public transport and is easily accessible by a range of transport modes, and that there are good links to the town centre, nearby commercial areas and the adjoining residential areas.

Since the application was registered, amended plans have been submitted showing a revision to the positioning of the proposed hotel building to relocate it some 5 metres further to the south on the site with consequent changes to the hard landscaping in the form of parking and footpaths associated with the proposed hotel and drainage layouts. Amended plans have also been submitted to address discrepancies on the drawings, including the omission of relevant scale bars, and to address requests from the Council's Road Services regarding the access and parking layout and to address requests for changes to the soft landscaping of the site from the Council's Policy and Projects Landscape Officer. Further supporting information, including photomontages, a Flood Risk Assessment, an amended Tree Survey and Arboricultural Impact Assessment and a Planting and Landscape Maintenance and Management Proposals report have also been submitted.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

Relevant to the determination of the application are Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies HOU6 (Residential Care and Nursing Homes – Location), EMP1 (Business and Employment Locations), TC1 (Town Centre First Principle), DP1 (Landscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH8 (Trees and Development), NH4 (European Protected Species), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), NH13 (Noise), CH2 (Development in Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites) and DEL1 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Development Plan 2018.

Material to the determination of the application is Scottish Planning Policy: June 2014. Scottish Planning Policy states that development outwith a conservation area that would impact on the setting of the conservation area should in terms of its design, materials, scale and siting be appropriate to the setting of the conservation area.

Paragraph 132 of Scottish Planning Policy: June 2014 states that as part of the Housing Need and Demand Assessment, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability.

Also material is Scottish Planning Policy: June 2014 and Historic Environment Scotland Policy Statement June 2016 on development affecting a scheduled monument or its setting.

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

Two public representations to the application have been received.

One of the representations to the application raises objection to the proposed development and the grounds of objection as summarised are:

- The proposed hotel would allow for harmful overlooking and loss of privacy of nearby residential properties; and
- the hotel building should be smaller and set further back on the site thus reducing noise and traffic impacts on the surrounding area.

The remaining public representation is made neither in support of nor in objection to the application and as summarised the comments made are:

- Neighbour notification of the application was totally inadequate with only two of the residential properties to the north being notified;
- The Council should apply its usual parking standards for both the proposed care home and hotel;
- The new access, if busy, will be dangerous and there should be a 'no right turn' into the new site from the Dunbar Road direction with all traffic clearly signed to proceed to the roundabout at the supermarket (Tesco) and approach the site from the east;

- The hotel bar/restaurant is not of a sufficient size to be adequate for either breakfast or evening meals for residents of the hotel;
- Will the hotel bar/restaurant get a licence and be open to the public?;
- The proposed care home is large; where will the staff come from or will they be poached from existing care homes in the area and is there any staff accommodation proposed?;
- Is the proposed hotel or the proposed care home viable? and
- The proposals would result in the loss of another business premises from North Berwick and the Council should ensure that a good supply of business premises is maintained for the type of business that would be lost (Mitchell's Cars).

The Council correctly undertook notification to relevant neighbouring properties of the application site in accordance with Regulations 18 and 20 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended).

The matters raised by an objector regarding the size of the hotel's bar/restaurant, whether or not the hotel's bar/restaurant would be licenced and open to non-residents, and how the staffing needs of the proposed care home would be met, including whether staff would be 'poached' from other facilities, are not material considerations in the determination of an application for planning permission.

North Berwick Community Council (NBCC), as a consultee to the application, raises objection to the care home element of the proposed development and the grounds of objection as summarised are:

1. that the proposal does not appear to be based on an analysis of need or consideration of the impact that such a large nursing care facility would have on local health services in particular; and
2. concerns about how a decision about the proposed facility has implications for discussions that are happening at present with the East Lothian Health and Social Care Partnership about proposals for the re-provisioning of care in inter alia North Berwick, and there is a risk that a decision in favour of a nursing home could significantly impact upon that process.

The application site is part of a larger area of land and buildings that is allocated as business and employment land in the adopted East Lothian Local Development Plan 2018 and as such is covered by Policy EMP1 (Business and Employment Locations). Policy EMP1 states that within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are supported. Other employment generating uses may also be supported in these locations subject to the town centre first principle (Policy TC1) and provided there would be no amenity conflicts or other unacceptable impacts. Proposals to redevelop employment sites or premises for other employment generating uses will only be supported where the uses proposed do not prejudice or inhibit the activities of a nearby employment use. Proposals must not adversely affect amenity and must be able to co—exist satisfactorily with existing or proposed uses on the site and in the surrounding area.

The proposed hotel and care home uses of the site are not uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Rather the proposed hotel would be a use within Class 7 (Hotels and Hostels) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the proposed care home would be a use within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

In the supporting documents submitted with the application it is stated that the existing use of the site as a garage/workshop, car sales showroom and blacksmiths workshop is an under-utilisation of the site with very low employment.

The supporting documents state that it is estimated that the proposed 65-bed hotel and 70-bed care home would together initially create between 72-92 direct net jobs (22 jobs for the hotel and 50-70 jobs for the care home). The supporting Planning Statement quantifies that for the proposed care home it is expected that staff would work shifts and that no more than 24 staff would be on-site at any one time. The supporting documents further state that, overall once fully established, and allowing for displacement and off-site impacts, the proposed hotel and care home would together generate some 155 net additional jobs for the local economy. These jobs would be a mixture of full and part-time roles.

As employment generating uses, the proposed hotel and care home would, in principle, accord with the terms of Policy EMP1 of the adopted East Lothian Local Development Plan 2018, subject to the town centre first principle (Policy TC1) and provide there would be no amenity conflicts or other unacceptable impacts.

Policy TC1 of the adopted East Lothian Local Development Plan 2018 states that a 'town centre first' approach will be applied where appropriate to retail, commercial, leisure, office and other development proposals that would attract significant footfall, and applicants should provide evidence that locations have been considered in the order of preference set out in the Policy. Out-of-centre locations will only be considered where an applicant can demonstrate that: all town or local centre, edge of centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable; the scale of the proposed development is appropriate, it cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal will help to meet qualitative or quantitative deficiencies; and there will be no significant adverse effect on the vitality and viability of existing centres.

Although it is located to the west of a 'defined local centre' comprising Mill Walk Business Park and the supermarket (Tesco) and petrol station, the application site does not fall within a 'town centre' or 'defined local centre' of the adopted East Lothian Local Development Plan 2018. In its position to the west of the 'defined local centre', it would be reasonable to consider the application site to be an 'edge of centre' location.

A report on the Sequential Assessment of the proposed development has been submitted with the application. The report considers a number of potential sites within 'town centre' and 'local centre' locations, and concludes that the application site is in an accessible 'edge of centre' location of North Berwick, and that there are no alternative town centre or local centre premises or sites that would be appropriate to accommodate the proposed development. The report further concludes that the scale of the impact of the proposed development on the existing town centre would be limited and that the proposed development would not undermine the vitality and viability of North Berwick's Town Centre. The report further concludes that there are no 'town centre' premises or sites nor any 'local centre' premises or sites in North Berwick that are suitable or available that could accommodate the proposed development.

The supporting documents also provide a market report and appraisals for alternative uses of the site and viability assessment. The viability of alternative uses for the site as retail, office or industrial uses are considered in the supporting documents. In respect of a retail use of the site, the report concludes that this is a marginal option based on the location, size of development, incentives required, risk profile and build costs, especially given the location next to the existing supermarket. In respect of office and industrial

uses of the site, the report concludes that these alternative potential uses would not be viable options based on the location, size of development, incentives required, risk profile and build costs. Furthermore, in respect of industrial use the report suggests that the industrial units for which planning permission has been granted by the grant of planning permission in principle 15/00670/PPM would more than adequately suffice for any local demand.

The supporting documents state that demand in the area for care home beds is predicted to rise from 149 in 2017 to 164 by 2022 and 181 by 2027. In addition to demand, the report notes the demographic profile within North Berwick where the proportion of elderly residents materially exceeds both the Scotland and UK benchmarks, indicating that the area is attractive for retirement. As a result, a major driver for the proposed care home is the demographic profile within North Berwick. Existing care home bed supply within the catchment comprises 165 beds across 4 homes and the existing provision is considered to be of mixed quality with only some 52% of beds rated as compliant by Care Inspectorate ratings. Overall, the supporting documents find that there is an undersupply of 18 EMC/'Future proof' beds rising to 30 by 2027. The report concludes that although there is only a modest undersupply of beds, the existing quality is mixed and presents an opportunity for a new build high quality provision. It is stated that recruitment challenges have been considered and the remuneration levels for staff would be set at a level to attract recruitment.

The supporting documents go on to state that the demand for the proposed hotel is driven by increasing demand for visitor stays, a shortage of projected accommodation and an expectation of enhanced facilities within the area. The proposed hotel is expected to be a 'branded budget' facility and is in line with a pattern and trend across the hospitality sector, whereby hotels of this standard are effectively replacing the traditional supply of town-centre 3-star hotels, many of which have become tired and which have been affected by under-investment and which have faced challenges in meeting the needs and expectations of customers. As in other parts of the UK, the 3-star hotel segment in East Lothian has faced challenges, exemplified by the closure of traditional town centre hotels. The supporting documents consider demand for overnight stay accommodation across a range of different visitor types, and concludes that a review of current accommodation points towards a gap in the market in terms of the supply of a 'branded budget' hotel which is competitively priced and has capacity to stimulate discretionary spending.

The supporting documents further state that the proposed development would be important investment by a recognised and established UK firm and also a critical piece of infrastructure to aid economic growth for East Lothian and North Berwick providing important visitor and elderly care infrastructure and valuable employment uses to support the strategic ambitions of SESplan and East Lothian Council. It is stated that the proposals support the current economic strategy where there is a focus on creating local jobs, and wider supply chain benefits, through inward investment, the creation of local businesses and reducing the outward migration of employment to Edinburgh and beyond. It is further stated that the proposals would generate direct employment opportunities as well as throughout the construction phase. Overall, once fully operational, the proposed development is expected to employ 92 direct staff, and accounting for displacement and offsite impacts it is expected to generate 155 net jobs and inject £3.26 million in GVA terms into the local economy on an annual basis.

The Council's Economic Development Manager has considered the proposals, and advises that the East Lothian Economic Development Strategy 2012-22 has two strategic goals of increasing the number of businesses in East Lothian with growth potential and increasing the proportion of East Lothian residents working in and

contributing to East Lothian's economy. The Strategy has a target to create 7,500 new jobs within 10 years, of which some 879 are required in North Berwick. Economic Development further advise that the application involves the construction of two separate buildings and facilities – a care home and hotel. With regard to the care home, the applicant has shown demand with projected population growth in East Lothian and an under-supply of provision currently. In addition, the development will create 70 direct new jobs, net jobs increase of 95 and GVA effect of £1.74m. On the proposed hotel, the Economic Development manager advises that it would be of a size to meet demand from touring groups and would retain such expenditure within the area as per Economic Development Strategy/East Lothian Tourism Action Plan. A 'branded budget hotel' through its marketing channels can attract new visitors to the county and 66% occupancy is reasonable projection. It would also create 22 direct new jobs and 60 net additional jobs. The Economic Development Manager is supportive of the proposals as they would create new direct and indirect jobs and would meet a need for care home provision and hotel accommodation. Capital investment of £13.5m would generate £3m annual economic impact. For these reasons, the Economic Development Manager is supportive of the proposed development.

In respect of the sequential assessment, Economic Development advise that the application site is an 'out-of-centre' location but that there are no alternative town centre nor edge-of-town locations available for this scale and type of development. Thus, Economic Development raise no objection to the proposals on the matter of the sequential test.

Also in respect of the sequential assessment, the Council's Policy and Strategy Team advise that the proposed development is for two distinct and separate uses, and that the sequential assessment identifies that there are no other suitable sites within town centre or edge of centre locations that would be suitable or available for either the combined or individual uses.

On these foregoing considerations of the proposed use on this allocated employment land and the 'town centre first' principle, the proposed development has satisfactorily considered the sequential test and 'town centre first' principle, and thus, the proposed development does not conflict with Policy TC1 of the adopted East Lothian Local Development Plan 2018 as it relates to Policy EMP1 of the adopted East Lothian Local Development Plan 2018.

Policy EMP1 also states that proposals to redevelop employment sites or premises for other employment generating uses will only be supported where the uses proposed do not prejudice or inhibit the activities of a nearby employment use. Proposals must not adversely affect amenity and must be able to co—exist satisfactorily with existing or proposed uses on the site and in the surrounding area.

The uses in the surrounding area are mixed, including residential properties, a cemetery, business, retail, and a Council Depot. In the context of this mix of uses, the proposed hotel and care home uses would, in principle, be compatible with the mixed business and residential uses of the wider area.

Although not a residential use within Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the proposed care home use has similarities with a residential property in that the residents of it would live and sleep on the premises and thus would have an expectation for a degree of amenity. The proposed hotel would not have the same requirement for amenity as would a residential property or a residential institution.

A Noise Assessment report has been submitted with the application. In respect of this report, the Council's Environmental Health and Trading Standards service advises that subject to the recommended controls of this report that: (i) a 2.5 metres high acoustic barrier be provided along the eastern boundary of site between the external amenity area of the proposed care home and the service/delivery yard of the supermarket; (ii) a 2.0 metres high acoustic barrier be provided along the western boundary of site between the external amenity area of the proposed care home and the Council Depot and on the eastern boundary of the site between the car park of the proposed care home and the service/delivery yard of the supermarket; (iii) the glazing units of the windows of the north, east and west elevations of the proposed hotel shall be fitted with passive acoustic ventilators that provide a minimum attenuation of 33dB; and (iv) plant and equipment associated with the operation of the proposed hotel and care home shall be designed and located so that noise associated with their operation shall not exceed noise rating curve NR20 at any octave band frequency between the hours of 2300 to 0700 and noise rating curve NR25 at any octave band frequency between the hours of 0700 to 2300 within any bedroom of the care home. Subject to such controls, which can be secured through conditions attached to a grant of planning permission for the proposed development, the Council's Environmental Health and Trading Standards service raise no objection to the proposals.

Subject to the aforementioned planning controls, the proposed hotel and care home uses would be compatible with the mix of business and residential uses of the wider area, and would not prejudice or inhibit the activities of a nearby employment use, would not adversely affect amenity and would be capable of satisfactory co—existence with existing or proposed uses in the surrounding area.

Accordingly, on the foregoing considerations of the use of employment land, the proposed development would not conflict with Policies EMP1 and TC1 of the adopted East Lothian Local Development Plan 2018.

In paragraph 3.59 of the adopted East Lothian Local Development Plan 2018 it is stated that there have been a number of closures of nursing and residential homes in East Lothian resulting in significant reduction in the number of places available. At the same time the number of very elderly people in East Lothian is rising and this is projected to grow over the plan period. Together with NHS Lothian, the Council is examining ways in which the supply of care places can be increased. The proposed development would help to address this need through the provision of a care/nursing home.

The contribution that the proposed development would make towards increasing the supply of care places for elderly people and the provision of hotel bed spaces, together with the economic benefits that would result, are significant material considerations.

Policy HOU6 of the adopted East Lothian Local Development Plan 2018 encourages developers of care and nursing homes to choose sites within existing settlements. Proposals must have reasonable access to the normal range of community services and be acceptable in terms of impacts on amenity and the environment. They have to be the subject of consultation with the Director of East Lothian's Health and Social Care Partnership.

The application site is within North Berwick. In its location immediately to the west of the 'defined local centre', the proposed new care home would be well positioned on the eastern approach into North Berwick and with good access to a range of transport options and local facilities. Furthermore, it would have reasonable access to the normal range of community services a short journey away in North Berwick Town Centre. Thus, on these considerations, the proposed care home does not conflict with Policy HOU6 of

the adopted East Lothian Local Development Plan 2018.

East Lothian's Health and Social Care Partnership (HSCP) do not support the proposals. It is stated that the recent construction of the Haddington Care Home, the continuing development of community support services for the elderly, the planned re-provision of Abbey and Eskgreen Care Homes and Belhaven and Edington Community Hospitals and associated extra care housing developments, means East Lothian Health and Social Care Partnership (HSCP) is of the view there is sufficient care home provision in East Lothian to meet the needs of older people. For this reason, the HSCP would not seek to purchase further care home beds for its elderly patients. In addition, the HSCP advise that a care home development would place extra and unplanned demand on the North Berwick GP Practice as residents, many likely to have complex care needs, would require to register with the Practice for primary care services. For these reasons, the Health and Social Care Partnership does not support the application for the proposed care home.

Paragraph 3.59 of the adopted East Lothian Local Development Plan 2018 notes that there have been a number of closures of nursing and residential homes in East Lothian resulting in significant reduction in the number of places available. At the same time the number of very elderly people in East Lothian is rising and this is projected to grow over the plan period.

The Council's Local Housing Strategy (June 2018) notes the projected population increase of about 42% of those of pensionable age and over in East Lothian between 2014 and 2039. North Berwick Coastal currently has the second highest number of older people aged 65 and over, although is generally projected to have the lowest projected percentage increase across the county. The exception to this is for older people aged 85 and over, with North Berwick Coastal projected to have the highest increase in numbers. In spite of the shift to less reliance on institutional care for the elderly, approximately 600 units of specialist accommodation for older people are estimated to be required to meet existing need and projected demand over a ten-year period to 2026. This could include care homes, extra care housing or sheltered housing. Approximately half of this will be required in the eastern area of East Lothian, which includes North Berwick. Accordingly, an action to develop 300 units of such specialist accommodation, between 2018-2023, is set out in the Local Housing Strategy (Table 8.4).

The proposed care home would contribute towards the provision of care home places for the projected rising number of elderly in North Berwick and East Lothian as a whole.

The need for or viability of the proposed care/nursing home use is a matter for the developer and is not a material consideration in the determination of this planning application. The lack of need for a new care home in North Berwick is not a planning reason which would normally support a refusal of planning permission. There is a private market for this type of provision outside of the NHS and it is for the developer to assess if that market would support the proposal.

On the matter of the impact of the proposed care home on GPs in the area, a proposed care home would place a different kind of demand on GPs than is generated by housing development, as residents of nursing homes tend to be visited by their GP rather than going to the GPs surgery, and the effects of unplanned demand on GP practices relate to the ability to recruit and retain doctors, rather than issues of physical infrastructure. As was the conclusion of the Reporter in a recent appeal decision at the Quay development in Musselburgh (Ref: PPA-210-2068), the ongoing costs of GP provision are a matter for the National Health Service.

Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 sets out that residential institutions are a use (a) for the provision of residential accommodation and care to people in need of care other than a use within class 9 (house); (b) as a hospital or nursing home; or (c) as a residential school, college or training centre. The applicant's agent has stated that the proposed care home use is designed to be operated as a care home or nursing home as defined by Class 8a and 8b of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and would be occupied by residents only for the provision of residential accommodation and care to people in need of : (i) personal care including the provision of appropriate help with physical and social needs or support and (ii) medical care and treatment. It would not be for any other residential purpose and excludes assisted living.

In order to ensure that the proposed care home would be used only as a care/nursing home under Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, it would be prudent for the Council as Planning Authority to restrict the occupancy of it to a care/nursing home use under Class 8. This matter could be controlled by a condition attached to a grant of planning permission.

Policy DP7 supports infill and backland development provided the site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access and car parking and the scale and design of the proposed development being sympathetic to its surroundings.

Policy DP1 requires that all new development must be well integrated into its surrounding and should include appropriate landscaping.

Policy DP2, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Policy CH2 requires that all new development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.

Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) seeks, amongst other matters, to ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, including built or cultural heritage sites, that development has regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment.

Both national planning and development plan policy states that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The application site is contained within the built form of North Berwick with development to the north, east and west sides of it, and development approved for the land to the south of it. The site is not within the North Berwick Conservation area but is located directly opposite a part of the southern edge of that Conservation Area.

The area around the site is characterised by residential and mixed-use commercial and employment uses, as well as a cemetery. Beyond the cemetery and further to the west along Tantallon Road is a bus depot, which although a single storey building is a building of significant scale and massing more akin to a large two storey building, and a recently

constructed assisted living development of some three storeys in height. To the east are the single and two storey buildings of Mill Walk Business Park and the large supermarket building. On the opposite side of Tantallon Road to the north and on the land to the south of the application site are two storey houses. In all of this, the area is characterised by buildings of two and three storey height and of varied scale and massing.

Due to the mixed residential, commercial and employment uses in the surrounding area, the buildings of the area are of a variety of architectural form, character and design, including flat and dual pitched roofs. Notwithstanding the mixed architectural form, character and design of the surrounding buildings, many of them have a predominantly rendered finish to their external walls and roofs have a red tile or slate finish.

The wider landscape is dominated by the imposing feature and Scheduled Ancient Monument of North Berwick Law.

The northern two-thirds of the application site presently contain development in the form of buildings and hardstanding areas, which are used for employment. Thus, the application site can be considered to be partly brownfield and industrial in nature.

The proposed 65-bed hotel would be positioned on the northern half of the site and the proposed 70-bed care home would be positioned on the more secluded southern half of the site. The land to the south of the site, which has planning permission for the erection of houses, is gently undulating and slopes upwards to the south.

The proposed hotel and care home buildings would each be three storeys in height. The proposed hotel would have a flat roofed contemporary architectural form and design and the proposed care home would have a part dual pitched and part flat roofed form, and would also be of a contemporary architectural form and design.

At some 3 storeys in height, with roof ridge heights respectively of some 11 metres above ground level and some 13 metres above ground level, the proposed hotel and care home would be a whole storey higher than the neighbouring buildings immediately to the east and west of the site. However, in the context of the mixed two and three storey heights and the varied scale of the neighbouring and nearby buildings of this part of North Berwick, including the supermarket to the east of the site and the bus depot and retirement development further away to the west, the proposed hotel and care home, although somewhat higher than the immediately neighbouring buildings, would not appear so much higher and of such a greater scale and massing than the surrounding buildings so as to appear harmfully dominant or intrusive within the streetscape. The articulation of the elevation walls of the proposed hotel and care home buildings, through their stepped design and the use of the different finishes on their external walls would further help to break up the appearance of the massing of the buildings. Furthermore, the existing built form to the east of the site and the proposed and existing tree planting along the east and west boundaries of the site would further help to break up the massing of the buildings and the proposed tree planting would also help to integrate the proposed buildings into the streetscape. The Council's Landscape Officer (Policy and Projects) recommends the planting of 2 or 3 large species trees in positions to the north and northeast of the north elevation of the proposed hotel building to further aid in breaking up the massing of the proposed hotel building in the streetscape and thus aiding its integration into the streetscape. The application drawings include details of such form of landscape planting, including that two of the new trees would be evergreen species. The requirement for such landscape planting could be made a condition of a grant of planning permission.

Furthermore, the buildings on the south side of Tantallon Road are not positioned a

uniform distance back from the edge of that public road and thus, there is no uniform defined building line along the south side of Tantallon Road. The proposed hotel building would be positioned with its front (north) elevation set back some 12 metres (minimum) from the north (roadside) boundary of the site. As so positioned, it would not be out of keeping with the alignment and positioning of the other buildings on the south side of Tantallon Road and their relationship with that public road.

In its position on the southern half of the application site, the proposed care home building would not have a direct relationship with Tantallon Road. Rather it would be positioned to the rear (south) of the proposed hotel building and would have a similar relationship with that classified public road as does the supermarket building which is set on the southern half of its plot further to the east.

In the context of the mixed heights, scale and positioning of the surrounding buildings, the proposed hotel and care home buildings would sit comfortably alongside the existing built form of this part of North Berwick. Although somewhat larger in both height and scale, by virtue of their design and use of materials, they would not appear so much higher or larger as to appear harmfully dominant within the streetscape.

In the context of the mixed architectural form, character and design of the buildings of this part of Tantallon Road, including the recently built retirement development further to the west and the relatively modern, utilitarian appearance of the buildings of Mill Walk Business Park and the supermarket to the east, the contemporary architectural form, character and design of the proposed hotel and care home buildings, including their flat roofed and dual pitched roof forms, would not be harmful to the character and appearance of the streetscape. The design of the proposed buildings and the use of their external finishes would help to break up the massing of the proposed buildings. By virtue of their size, height, architectural form and design, the proposed hotel and care home buildings would sit comfortably alongside the mixed architectural form, character and design of the surrounding buildings and would harmonise and contribute further to that mix of architectural form, character and design within the surrounding area. Furthermore, the palette of external finishes of render, composite cladding and grey tiles would be sufficiently in keeping with the palette of external finishes of the surrounding buildings and would otherwise harmonise with, complement and add to the existing palette of finishes in the surrounding area. The proposed buildings would be distinct in their own architectural form, design and finishes and would add to the mixed architectural character and design of the buildings of the surrounding area.

On these considerations of heights, scale, massing, form and design, the proposed hotel and care home buildings would be sufficiently in keeping with the heights, scale, form and character of the buildings in the surrounding area and would not have such a presence as to appear harmfully obtrusive in their setting. The proposed development would fit comfortably into the pattern and density of the built form of this part of North Berwick. It would display sufficient design qualities in keeping with characteristics of the surrounding buildings and their external finishes and would not be harmfully at odds with or detract from the mixed architecture of this part of North Berwick, and thus it would not be harmful to the character and appearance of the streetscape and surrounding area. Nor would the proposed development detract from the setting of the North Berwick Conservation Area on the opposite side of Tantallon Road.

The proposed (acoustic) boundary fencing that would be erected along the southern parts of the east and west boundaries of the site would be set well back from the frontage of the site. It would be viewed in the context of the existing high stonewalls and fencing already erected along those boundaries of the site. Seen as it would be in its relationship with the proposed hotel and care home buildings, and in the context of the existing

boundary enclosures in the vicinity, and in its positions on the southern parts of the east and west boundaries of the site, the proposed (acoustic) boundary fencing would not be significantly different from other boundary enclosures of the area and would not appear harmfully prominent or incongruous within its landscape setting. It would not be harmful to the character and appearance of the proposed development or the character and appearance of the area.

Seen as they would be in their relationship with the proposed hotel and care home buildings, the proposed hardstanding areas in the form of the access road, car parking and footpaths, would not appear as incongruous features within the setting of the proposed hotel and care home, and would not be significantly different from other areas of hardstanding of the area. They would not appear harmfully prominent or incongruous within their landscape setting and would not be harmful to the character and appearance of the proposed development or the character and appearance of the area.

The 1 metre high stone boundary wall that encloses the north (roadside) boundary of the site is part of a length of roadside stone wall of varying heights and form that extends along the north (roadside) boundary of Mill Walk Business Park to the east of the site, along the site frontage, and continues westwards along the roadside frontage of Cemetery Lodge, of the Cemetery and the retirement development. The application drawings do not propose the removal of the north (roadside) boundary wall of the application site other than to enable the alterations to the vehicular access and for the provision of a pedestrian access further to the west along the north (roadside) boundary of the site. The existing length of roadside boundary wall is a characteristic feature of this part of Tantallon Road and is replicated to some extent on the north side of Tantallon Road where a part of the boundary of North Berwick Glen is enclosed by a similar low height stone wall. Only short lengths of the existing roadside boundary wall would be required to facilitate the formation of the proposed vehicular and pedestrian accesses. The removal of such short lengths of the roadside boundary wall would not have a harmful impact on the character of the streetscape of this part of North Berwick. It would however be prudent for the Council as Planning Authority to require that other than for the formation of the proposed vehicular and pedestrian accesses the roadside stone boundary wall should be retained at its existing height and any areas that require to be built up should be carried out using stone, coursing and pointing to match that of the existing roadside wall.

The Scheduled Monument of North Berwick Law dominates the views westwards on the approach into North Berwick on the A198 from the east beyond the Tesco supermarket. However, once travelling further west, into the built form of Tantallon Road and beyond the supermarket roundabout, the views of the Law are more interrupted by the built form on the south side of Tantallon Road. Along this section of Tantallon Road, the views of the Law vary as different buildings obscure views of the lower parts of its landform and it is the upper parts of the Law that remain more visible above the built form. Thus, although at three storeys in height the proposed hotel and care home buildings would interrupt views of the Law in the vicinity of the application site, such interruption would be of short duration and there would continue to be views of the Law along Tantallon Road. Moreover, the Law would remain the dominant feature in views further to the east of the application site on the approach into North Berwick. In this context, the proposed development would not have a harmful impact on the setting of the Scheduled Ancient Monument of North Berwick. Nor would the proposed development have a harmful impact on views out from North Berwick Law, as the application site forms part of the built form of eastern part of North Berwick and the proposed hotel and care home buildings would be proportionate to the surrounding built environment and would blend in with the existing buildings that comprise such views out from the Law. While the proposed development would be perceptible in such views, it would not impact upon the ability to

understand, appreciate and experience North Berwick law as a heritage asset.

Historic Environment Scotland raise no objection to the proposals. They express no concerns as to the effects of it on the setting of the Scheduled Ancient Monument of North Berwick Law.

The site is capable of accommodating all of the proposed development including satisfactory 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 in the area.

In conclusion, on the above design considerations, the proposed scheme of development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP1, DP2, DP7, CH2, and CH4 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 with respect to the affect of it on the setting of the scheduled ancient monument of North Berwick Law and on the setting of North Berwick Conservation Area and Historic Environment Scotland Planning Statement June 2016 with respect to the affect of it on the setting of the scheduled ancient monument of North Berwick Law.

On the matter of the impact of the proposed hotel and care home buildings on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. By virtue of their height, positioning and distance away from neighbouring residential properties, the proposed hotel and care home buildings would not, in accordance with the Guide, give rise to harmful loss of daylight or sunlight to any neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of them. In turn, the proposed care home building would also benefit from a sufficient amount of daylight and the garden of the proposed care home would benefit from a sufficient amount of sunlight.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

None of the windows of the proposed hotel or of the proposed care home would be less than 9 metres away from the garden ground of any nearby neighbouring residential properties or within 18 metres of any directly facing windows of any nearby neighbouring residential property. Furthermore, there would be some 25 metres between the south elevation of the proposed hotel and the north elevation of the proposed care home. Accordingly, the proposed hotel and care home would not allow for harmful overlooking of any neighbouring residential property or between each other. The proposed care home would also benefit from a sufficient amount of amenity, with the majority of care home bedrooms overlooking the private gardens of that proposed building.

To further safeguard the privacy and amenity of the nearby residential properties the edges of the site would be landscaped with trees and hedging. The proposed development would provide an attractive residential environment for future residents of the care/nursing home.

On the matters of privacy and amenity the proposed development is consistent with

Policies DP1, DP2, DP7 and NH13 of the adopted East Lothian Local Development Plan 2018.

A Pre Demolition Site Investigation report has been submitted with the application. The Council's Environmental Health and Trading Standards service (Contaminated Land) has considered this report and advises that he concurs with the recommendations therein that an additional intrusive investigation is necessary once site demolition has been completed. This is required due to the preliminary investigations identifying chemical contamination within the soils as well as potential groundwater and gassing issues on the site. The Environmental Health and Trading Standards service (Contaminated Land) therefore recommend that a condition be attached to a grant of planning permission for the proposed development to secure the carrying out of a suitable Geo-Environmental Assessment and any recommended remedial works prior to the commencement of development on the site. Subject to the aforementioned condition, the Environmental Health and Trading Standards service (Contaminated Land) raises no objections to the proposed development.

The application site is on a main thoroughfare into North Berwick with a bus stop located some 90 metres away to the east and North Berwick railway station some 1.9 kilometres away to the northwest. Existing public footpaths link the site to nearby commercial and residential areas. In such circumstances, it can be said that the site is well served by public transport and is easily accessible by a range of transport modes and has good links to North Berwick Town Centre, nearby commercial areas and adjoining residential areas, as well as more open countryside to the east.

The Council's Road Services raise no objection to the proposed development being satisfied that the proposed vehicular access, parking and turning arrangements would provide the proposed development with a safe means of vehicular access, and a satisfactory provision of on-site parking and turning, including cycle parking provision.

A draft Green Travel Plan (GTP) has been submitted with the application, Road Services advise that this is in principle acceptable however an up-to-date GTP for the proposed development should be submitted prior to the occupation of the proposed hotel and care home. The requirement for this could be controlled by a condition attached to a grant of planning permission for the proposed development.

Subject to this aforementioned control, Road Services raise no objection to the proposals, which do not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

It would also be prudent for the Council as Planning Authority to require a Construction/Demolition Method Statement to minimise the impact of construction activity on the amenity of the area, with measures to control construction traffic, noise, dust, and hours of construction work. This could be controlled by a condition attached to a grant of planning permission for the proposed development.

Road Services recommend that EV charge points be provided for the proposed development. Policy T31 of the adopted East Lothian Local Development Plan 2018 explains that the Council will encourage and support the principle of introducing electric vehicle (EV) charging points around both existing and proposed community facilities such as schools and retail areas, including from developers as part of new developments that contain such facilities or areas. The proposed development does not include any EV charge points and Policy T31 does not require their provision for hotel and care home developments.

The Council's Waste Services raises no objection to the proposals.

The Scottish Environment Protection Agency (SEPA) initially raised objection to the proposals on the grounds of a lack of information relating to flood risk. Their flood risk concerns related to a small watercourse immediately to the north of the A198, which may be culverted through the site.

The applicant's agent has submitted a flood risk assessment (FRA) for the proposals, which SEPA have considered. SEPA advise that the FRA indicates that there is no culverted watercourse within the site and that the only drainage relates to site drainage from the existing development which is discharged into the open watercourse to the north, which in turn outfalls to the Mill Burn. SEPA comments that should any surcharging of the drainage culvert occur then water would build up to a level of 33.1mAOD before flowing north over the road and back into the open channel. SEPA advise that they are satisfied that the site levels are elevated above 33.1mAOD and that finished floor levels for the proposed hotel and care home buildings are respectively shown to be 34.5mAOD and 36.16mAOD. Accordingly, SEPA remove their objection to the proposals. Subject to the finished floor levels of the proposed hotel and care home buildings being 34.5mAOD and 36.16mAOD respectively, SEPA are satisfied that there would be no unacceptable flood risk in respect of the proposed hotel and care home.

The drainage drawings for the site have since been amended to take account of different positioning for the combined sewer on the site. The drainage drawings now show the ground floor finished floor levels of the proposed hotel and care home buildings to be respectively 34.25m AOD and 36.15m AOD. These levels remain higher than the 33.1mAOD level of flooding surcharge noted by SEPA. Thus, the ground floor finished floor levels of the proposed hotel and care home buildings still accord with SEPA's requirements.

The Council's Structures, Flooding and Street Lighting Team Manager also initially raised concerns regarding the lack of flood risk assessment or water and drainage assessment for the site and the suitability of the proposed SuDS in light of flooding on the site.

The Structures, Flooding and Street Lighting Team Manager has considered the submitted flood risk assessment and drainage information, and concurs with SEPA's comments regarding the finished floor levels of the buildings. The Structures, Flooding and Street Lighting Team Manager raises no objection to the proposed development subject to a condition being imposed to secure the finished floor levels of the proposed hotel and care home buildings.

Subject to the aforementioned planning controls recommended by SEPA and the Council's Structures, Flooding and Street Lighting Team Manager regarding the ground floor finished floor levels of the proposed hotel and care home buildings, there would be no unacceptable flood risk in respect of the proposed development. Accordingly, the proposals do not conflict with Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The sustainable urban drainage system (SuDS) for the treatment of surface water from the proposed development would be in the form of permeable paving, a filter trench and an underground storage tank. The Scottish Environment Protection Agency and Scottish Water have not commented on this matter. The Structures, Flooding and Street Lighting Team Manager confirms that the proposed drainage/SuDS arrangements are designed to an acceptable standard. Accordingly, the proposals do not conflict with Policy NH10 of the adopted East Lothian Local Development Plan 2018.

The proposal includes the removal of a row of fourteen trees from the northern (roadside) boundary of the site, the removal of four trees from the row of thirteen trees on the west boundary of the site and the removal of a short length of beech hedgerow that is located between an existing building on the northern part of the site and the internal access road. Otherwise, the remaining trees on the west boundary of the site and a further tree on the east boundary of the site would be retained. The planting proposals have been amended to overcome concerns raised by the Council's Amenity Services Officer that excavations for burials would impact on the proposed new tree planting along the west boundary of the site. The planting proposals have been further amended to include the planting of additional large species trees to the north of the proposed hotel building to help to integrate that building in to the streetscape.

The Council's Landscape Officer (Policy and Projects) raises no landscape objections to the proposals, being satisfied that the proposed development would not be harmful to the retained trees on the site and that the proposed tree planting would mitigate for the loss of the existing trees that are proposed to be felled. He further advises that the information within the Tree Survey and Arboricultural Impact Assessment should be adhered to through the construction process and that the existing trees that are proposed to be retained should be protected during the construction process. The requirements for the tree protection, new tree planting and the adherence to the Tree Survey and Arboricultural Impact Assessment report could be secured by the imposition of conditions, were planning permission to be granted for the proposed development.

On the matters of tree felling, retention and landscaping of the site, the proposed development does not conflict with Policies DP1, DP2, DP7 and NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Principal Amenity Officer is satisfied that the proposed use, once operational, would be unlikely to result in any additional disturbance to the ambience of the adjacent cemetery beyond that which already occurs from the existing commercial activity in the area. The Principal Amenity Officer recommends that mechanical plant such as air conditioning units or extractor fans of the proposed development should be positioned and rated to avoid detriment to the cemetery ambience. The application drawings show the mechanical plant and equipment to be located within the building. However, this matter could be controlled by a condition attached to a grant of planning permission requiring details of the position and rating of the mechanical plant and equipment to be submitted for the prior approval of the Planning Authority prior to its installation.

The Principal Amenity Officer further comments that construction works on the site would have the potential to disturb the ambience of the adjacent cemetery, particularly during burials, and that controls should be imposed to ensure that during the construction phase consideration of cemetery burials is put in place. The requirement for such consideration could be incorporated into a construction method statement for the proposed development, which could be controlled by a condition attached to a grant of planning permission.

The Principal Amenity Officer further comments that the proposed tree planting along the west boundary of the proposed care home (i.e. the southern part of the site) would be at risk in the future from excavations for burials, which could result in the maturing trees becoming unsafe due to excavations within their root protection area. The Council's Landscape Officer (Policy and Projects) advises that this concern could be addressed through the use of a root barrier membrane installed between the new tree planting of the west boundary and the adjacent cemetery land. The requirement for the installation of the root barrier could be secured by the imposition of a condition, were planning

permission to be granted for the proposed development.

A Bat Roost Assessment, Bat Activity Survey, and Preliminary Ecological Appraisal have been submitted with the application. The Council's Biodiversity Officer has considered these reports.

The Council's Biodiversity Officer advises that, subject to the recommendations of Table 4 of the Bat Roost Assessment, Table 3 of the Bat activity Survey and Table 4 of the Preliminary Ecological Appraisal being adhered to, details that can be secured through the imposition of conditions were planning permission to be granted for the proposed development, he raises no objection to the proposals, being satisfied that the proposals would not adversely affect protected species. Accordingly, the proposals do not conflict with Policy NH4 of the adopted East Lothian Local Development Plan 2018.

Scottish Natural Heritage raise no objection to the proposals being satisfied that they would be unlikely to pose direct impacts on the qualifying interests and features of the Firth of Forth SPA / SSSI or the North Berwick Law SSSI.

Scottish Water has been consulted on the proposals and raises no objection to the proposed development.

The proposed development is for employment and tourism development and would have a gross floor area exceeding 100 square metres. Policy DEL1 (Infrastructure and Facilities Provision) requires that development proposals of this size and type, where relevant, makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 (or any revision).

In this case, as employment and tourism development, the proposals should be considered against requirements for the provision of transport infrastructure as set out in the Developer Contributions Framework Supplementary Guidance of the adopted East Lothian Local Development Plan 2018.

In the case of the proposals, the Council's Planning Obligations Officer advises that there would be no justification to seek cumulative transport contributions towards the seven transport interventions as the application site would be outwith the 1.2km buffer of the Segregated Active Travel Corridor and therefore a contribution would not be justified. Furthermore, the site is a windfall proposal and has not been included as part of the assessment of the Local Development Plan Cumulative Transport Appraisal. Transport consultants and the Council's Road Services advise that this scale of employment related development in North Berwick is unlikely to generate more than a few trips related to each intervention for which contributions are sought through Policy DEL1 and therefore the level of relationship between the development and the interventions is likely to be 'de minimus' and no contributions are justified. Thus, in the particular circumstances of this application, there is no requirement for developer contributions towards transport infrastructure and the proposals do not conflict with Local Development Plan Policy DEL1.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment shall be carried out, and the report of the Geo-Environmental Assessment shall be made available to the Planning Authority for its written approval prior to development proceeding on the site. The Geo-Environmental Assessment report shall include details of the following:

- Phase II - incorporating a site survey (ground investigation, sample analysis and gas monitoring) and risk evaluation;
- Phase III - where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should the Geo-Environmental Assessment report indicate that remedial works be required, then prior to either the hotel or care home buildings hereby approved being occupied, a Validation Report shall be submitted to the Planning Authority for its prior approval in writing confirming the remedial works have been carried out in accordance with the Remediation Strategy.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, such contamination of the land shall be brought to the attention of the Planning Authority and development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remedial measures are required and if relevant a scheme to deal with that contamination on the site has been submitted to and approved in writing by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of either the hotel or care home buildings.

- 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 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 The ground floor finished floor levels of the hotel and care home buildings hereby approved shall not be lower than 34.25m AOD and 36.15m AOD respectively, unless otherwise approved by the Planning Authority in consultation with the Scottish Environmental Protection Agency.

Reason:

In the interest of the prevention of flood risk.

- 4 Prior to the hotel or care home hereby approved being brought into use the vehicular access, internal access road, parking and turning arrangements also hereby approved, including the bicycle storage provision, all as shown on drawing nos. J3932-002 E, J3932-SK01, PL14 A and PL-00 J docketed to this grant of planning permission shall all have been laid out, completed and made available for use, and thereafter the vehicular access, internal access road, parking and turning arrangements cycle parking arrangements shall be retained in use as such, unless with the prior approval of the Planning Authority.

Reason:

In the interests of road safety.

- 5 Prior to the commencement of use of the hotel or care home hereby approved a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as walking, cycling, trains, buses, and car sharing/car clubs shall be submitted to and approved by the

Planning Authority. Additionally, the Green Travel Plan shall be very clear on how active travel and public transport information will be promoted to employees and visitors of both the hotel and care home and shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the hotel and care home hereby approved.

- 6 No development shall take place on the site until details of a Construction and Demolition Method Statement designed to minimise construction and demolition works and the impact of the movements of construction and demolition traffic to and from the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. The Construction and Demolition Method Statement shall include measures to minimise the impact of construction activity on the amenity of the area, including how such work will manage and minimise potential disruption to the adjacent cemetery particularly during burials, to control construction traffic, noise, dust, hours of construction and demolition work and wheel washing facilities and their use, and any recommended mitigation measures for their control, which shall, as may be applicable and as respectively relevant, be implemented prior to the commencement of development, during the period of development works being carried out on the application site, and once the use of the building hereby approved has commenced.

Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction.

Reason:

To minimise the impact of construction and demolition traffic and works in the interests of the amenity of the area and road and pedestrian safety in the locality.

- 7 A schedule and samples of all external materials and finishes, including colours, to be used for the roofs, external walls, windows, doors, and rainwater goods of the hotel and care home buildings hereby approved shall be submitted for the prior inspection and approval in writing by the Planning Authority prior to their use in the development hereby approved. Thereafter, the external materials and finishes, including colours, used shall accord with the details and samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the setting of the North Berwick Conservation Area.

- 8 A schedule and samples of all of the surface finishes of the internal road, parking, footpaths and patio areas hereby approved shall be submitted for the prior inspection and approval in writing by the Planning Authority prior to their use in the development hereby approved. Thereafter, the surface finishes of the internal road, parking, footpaths and patio areas used shall accord with the details and samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the setting of the North Berwick Conservation Area.

- 9 Details of the positioning, size, form, appearance and colour of all roof and wall vents and flues of the hotel and care home buildings hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter the roof and wall vents and flues of the hotel and care home buildings shall accord with the details so approved.

The roof and wall vents and flues of the hotel and care home buildings shall, where possible, be fitted as flush as possible with the outer surface of the wall or roof of the building into which they are to be installed and they shall match as closely as possible the colour of that part of the roof or wall of the building, unless otherwise approved by the Planning Authority.

Reason:

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

the setting of the North Berwick Conservation Area.

- 10 Prior to the occupation of the hotel and care home buildings hereby approved, acoustic fencing shall be erected as follows:

1. A 2.5 metres high acoustic barrier/fence shall be provided along the section of the eastern boundary of the site between the external amenity area of the care home and the supermarket service/delivery yard as shown coloured green in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m²; and

2. A 2.0 metres high acoustic barrier/fence shall be provided along the section of the western boundary of the site between the external amenity area of the care home and the Council Amenity Depot as shown coloured yellow in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m²; and

3. A 2.0 metres high acoustic barrier/fence shall be provided along the section of the eastern boundary of the site between the car park of the care home and the supermarket service/delivery yard as shown coloured yellow in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission. The barrier/fence shall be constructed so that it is continuous and close boarded so that it has no holes or gaps and has a minimum surface mass of 10kg/m².

Details of such boundary enclosures shall be submitted to and approved in writing by the Planning Authority, prior to its installation on the site. Thereafter the means of enclosure of the parts of the east and west boundaries of the site with the supermarket service/delivery yard and the Council's Amenity Depot as so installed shall accord with the details so approved and shall be erected in its entirety and shall thereafter be retained and maintained in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the external amenity of the occupants of the care home hereby approved from noise from the supermarket operations and from the operations of the Council Depot.

- 11 Prior to the occupation of the hotel hereby approved the glazing units of the windows of the north, east and west facades as shown coloured red in Figure 2 of ITP Energised's Noise Report Ref 11154-002 of 13/07/18 docketed to this grant of planning permission shall be fitted with passive acoustic ventilators that provide minimum Attenuation of 33dB.

Such glazing specifications shall thereafter be retained in the windows of the north, east and west facades of the hotel hereby approved unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of occupiers of the hotel hereby approved from noise associated with road traffic.

- 12 Details of the location, design and rating of any plant and equipment associated with the operation of the hotel and care home hereby approved shall be submitted to and approved in writing by the Planning Authority prior to its installation in the development hereby approved.

Where possible, all plant and equipment shall be located within the hotel or care home buildings.

The design and installation of any plant and equipment used in association with the operation of the hotel or care home hereby approved, shall be designed and located so that any noise emanating there from shall not exceed noise rating curve NR20 at any octave band frequency between the hours of 23:00 - 07:00 and noise rating curve NR25 at any octave band frequency between the hours of 07:00 - 23:00, when measured within any bedroom of the care home hereby approved. Noise measurements shall be taken with the windows open at least 50mm.

Reason:

To safeguard the amenity of the occupants of the care home hereby approved from noise associated with plant and equipment.

- 13 Other than to facilitate the formation of the vehicular and pedestrian accesses hereby approved in accordance with Condition 4, the natural rubble stone wall of the north (roadside) boundary of the site shall be retained at its existing height and in its existing form unless otherwise approved in writing by the Planning Authority.

The stonework of any new length(s) of north (roadside) boundary wall associated with the formation of the vehicular and pedestrian accesses hereby approved shall match as closely as possible the stonework of the existing north (roadside) boundary wall in its colour, texture, coursing, and pointing,

Reason:

To safeguard the contribution the boundary enclosure makes to the character and appearance of the area.

- 14 Prior to the commencement of development on the site, full details of the proposed Sustainable Drainage System (SuDS) for the development shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 (as revised) and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 15 Other than the fourteen trees on the north (roadside) boundary of the site, the four trees on the west boundary of the site and the short length of beech hedging located towards the eastern side of the site that are to be removed, as detailed on drawing no. 1161/03 and in the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) docketed to this grant of planning permission, all other existing trees on the application site shall be retained and shall not be damaged or uprooted, felled, lopped or topped without the prior written consent of the Planning Authority.

Reason:

In order to ensure the retention and health of trees or shrubs on and adjacent to the application site which are important to the landscape character of the area.

- 16 A method statement, supported by an arboriculturist, detailing the installation and specification of the continuous tree root barrier and new tree planting along the southern half of the west boundary of the site with the cemetery shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter, the method statement as so approved shall be implemented unless otherwise agreed in writing by the Planning Authority.

An arboriculturist shall be retained on site to supervise the installation of the continuous tree root barrier and tree planting operations in accordance with the approved method statement. A detailed report with dated photographic evidence showing the installation of the full length of tree root barrier prior to backfilling, and on completion of backfilling, shall be submitted to the Planning Authority no more than 14 days from the completion of such works.

Reason:

In order to ensure the implementation of landscaping in the interests of the character and appearance of the area.

- 17 All tree works, including felling, planting and protection of the existing trees of the site shall be carried out in accordance with the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) carried out by Brindley Associates docketed to this grant of Planning Permission, and including the requirements of Conditions 16 and 19, unless the Planning Authority agrees to a variation.

All tree planting comprised in the Tree Survey and Arboricultural Impact Assessment (August 2018 - Rev A) and the Planting Notes and Landscape Maintenance and Management Proposals February 2019, and as shown on drawing nos. 1161/03 Rev B and 1161/103 Rev A, both docketed to this grant of Planning Permission, and as required by Conditions 16 and 19 shall be carried out in

the first planting and seeding season (October - March) following the completion of either the hotel or care home buildings hereby approved or the occupation of either of them, whichever is the sooner.

In the event that any such new tree(s) and shrub planting or any existing trees or plants die, are removed, or become seriously damaged or diseased they 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 retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area and to ensure the implementation of landscaping in the interests of the character and appearance of the area.

- 18 No development shall take place on the site until temporary protective fencing has been erected and installed and confirmed in writing by the Planning Authority to protect the retained trees on the eastern and western boundaries of the site. The temporary protective fencing shall be erected in the positions shown for it on drawing no. 1161/03 and in accordance with the details for it set out in the Tree Survey and Arboricultural Impact Assessment August 2018 Rev A, both docketed to this grant of planning permission, unless otherwise approved in writing by the Planning Authority.

The temporary protective fencing shall comprise Heras, or similar approved, weld mesh enclosed panels joined together with a minimum of two anti-tamper couplings, and supported on preformed weighted footings, stayed and fixed into the ground to withstand impact from machinery and access into the construction exclusion zone, in accordance with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction". The temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing, kept in good condition through the works and shall be retained on site fully intact through to the completion of the site development. The position of this temporary protective fencing shall be outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the fencing referred to in paragraphs 1 and 2 of this condition with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Within the fenced off areas creating the construction exclusion zones the following prohibitions shall apply:-

- No vehicular or plant access;
- No raising or lowering of the existing ground levels;
- No mechanical digging or scraping;
- No storage of temporary buildings, plant, equipment, materials or soil;
- No hand digging;
- No lighting of fires; and
- No handling, discharge or spillage of any chemical substance, including cement washings.

Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to ensure the protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

- 19 Within the first planting and seeding season (October - March) following the completion of either the hotel or care home building hereby approved or the occupation of either of them, whichever is the sooner, the landscape planting of the site shall be carried out in accordance with the landscape planting details shown on drawing nos. 1161/03 Rev B and 1161/103 Rev A docketed to this grant of planning permission, unless the Planning Authority agrees in writing to any variation.

In the event that any such new tree(s) or shrub planting or any existing trees or plants of the landscape planting scheme for the site, die, are removed, or become seriously damaged or diseased they 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 retention of and health of trees or shrubs on the application site which are

important to the landscape character and amenity of the area and to ensure the implementation of landscaping in the interests of the character and appearance of the area.

20 All demolition and construction works associated with the development hereby approved shall be carried out in accordance with the following unless otherwise approved in writing by the Planning Authority:-

- If evidence of Bats is discovered at any time during demolition works, then works shall halt immediately and advice shall be sought from Brindley Associates Ltd and/or Scottish Natural Heritage prior to works commencing on the site;
- The site works shall be undertaken outwith the active time of day for Bats (i.e. start no earlier than 2 hours after sunrise and cease no later than 2 hours prior to sunset);
- Any temporary lights used during demolition or construction works associated with the development hereby approved shall be fitted with shades to prevent light spillage outside the working area and any temporary light(s) shall not illuminate the surrounding tree lines as lighting can affect wildlife commuting and foraging;
- If works at the site do not commence prior to 26/06/2019 then a further Bat Activity survey shall be commissioned for completion during the bat activity season to ascertain the current situation regarding Bat Activity and any recommended remediation shall be carried out in accordance with that updated Bat Activity survey;
- If works at the site do not commence prior to 12/10/2019 then a further Bat Roost Assessment survey shall be commissioned for completion during the bat activity season to ascertain the current situation regarding Bat Roosts and any recommended remediation shall be carried out in accordance with that updated Bat Roost Assessment survey;
- Due to the presence of suitable nesting habitat, it is recommended, if required, that the site trees, scrub and buildings are worked upon outside of the bird nesting season (March to September, inclusive). Where this is not possible, and works are due to take place between March to September, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to the tree, scrub or demolition works commencing. The results of each check are valid for three days including the date of the survey, after which further checks will be required to ascertain that the situation with regards to nesting birds has not changed;
- No works shall occur to the site buildings that would damage or destroy an active nest. Active nests can be found in any month of the year. An inspection should be undertaken by a suitably qualified ecologist using a ladder or cherry picker, immediately before works commence on the existing site buildings to establish the existence of any active nests. In the event of an active nest(s) being found, works should cease until any young have fledged the nest; and
- If works at the site do not commence prior to 30/05/2019 then a further Preliminary Ecological Appraisal shall be commissioned to ascertain the current situation regarding protected species and any recommended remediation shall be carried out in accordance with that updated Preliminary Ecological Appraisal.

Reason:

To ensure the protection of European protected species from significant disturbance arising from the demolition and construction associated with the development hereby approved.

21 The care home hereby approved shall be occupied only as a care home or nursing home under Class 8(a) or 8(b) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, reviewed or revoked) and shall only be occupied by residents for the provision of residential accommodation and care to people in need of: (i) personal care including the provision of appropriate help with physical and social needs or support and (ii) medical care and treatment.

Reason:

To restrict the occupancy of the care home hereby approved to that which is applied for.

22 All new drainage and underground services installed on the site in association with the development hereby approved that would be within the root protection area of any existing or new tree or shrub shall be installed with a root barrier or shall be designed to be resistant to root intrusion so as to give as much available land to allow the tree(s) to fully establish, unless otherwise approved in writing by the Planning Authority.

Reason:

In order to ensure the retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area and to ensure the implementation of landscaping in the interests of the character and appearance of the area.