

REPORT TO: Planning Committee
MEETING DATE: 1 October 2024
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **24/00117/PM**

Proposal Section 42 application to remove condition 10d of planning permission in principle 15/00670/PPM

Location **Land South of
Tantallon Road
North Berwick
East Lothian**

Applicant Dandara East Scotland Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than two hectares, what is 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 type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

BACKGROUND

On 20 July 2016 planning permission in principle (ref: 15/00670/PPM) was granted for a mixed-use development to include some 125 homes, business units, a Sustainable Urban Drainage System (SUDS), open space including allotments and a play area, and for associated infrastructure on some 10.2 hectares of agricultural land on the south side of Tantallon Road, on the southeast edge of North Berwick. That land is the strategic mixed-use site of Proposal NK4 of the adopted East Lothian Local Development Plan 2018.

Prior to the grant of planning permission in principle 15/00670/PPM the Council had issued a formal screening opinion to the applicant concluding that it is East Lothian Council's view that a mixed-use development of the scale proposed is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian

Council as Planning Authority that there is no requirement for the mixed-use development to be the subject of an Environmental Impact Assessment (EIA).

PLANNING HISTORY

Approval Of Matters Consent (Ref: 16/00921/AMM) was granted in July 2017 for matters specified in conditions of planning permission in principle 15/00670/PPM for the erection of 109 houses and 16 flats (a total of 125 residential units), the siting of an allotment area and associated works including the formation of SUDS on part of the land to which planning permission in principle 15/00670/PPM applies.

Development of the residential area of the site is now largely complete.

Planning permission in principle (ref: 15/00670/PPM) was granted subject to a number of conditions.

Of those, condition 10 secures the provision of the various roads and footpaths of the development in the interests of road safety and to enable safe access to schools. Part 10d of that condition states:

“d. a pedestrian route between the northernmost part of the site to the supermarket to the west of the northernmost part of the site shall be provided and shall include pedestrian provision within the existing supermarket car park to enable direct access for pedestrians from the residential units of the site.”

PROPOSAL

Through this current application, submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, permission is being sought to remove part d of condition 10 of planning permission in principle 15/00670/PPM. Removal of condition 10d would remove the planning requirement to form a pedestrian route between the site and the neighbouring Tesco supermarket site.

The applicant has submitted supporting information informing that they have formed the footpath the subject of Condition 10d up to their site boundary with the supermarket site and explaining that as the land beyond their site boundary is outwith their control, and instead falls entirely within Tesco's ownership, they are unable to complete any further works within the Tesco car park and as such cannot comply with the condition.

The applicant has also submitted copies of emails which they have sent to Tesco Stores Ltd.'s Assets & Estates Department in which they enquire if Tesco would have any desire to provide a footpath link on their land to link into the applicant's path. The applicant advises they have not received any replies from Tesco to their emails.

DEVELOPMENT PLAN

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate

features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grants of planning permission in principle 15/00670/PPM and approval of matters consent 16/00921/AMM.

Policy 13 (Sustainable transport) of NPF4 and Policies T1 (Development Location and Accessibility), T2 (General Transport Impact) and Proposal NK4 (Land at Tantallon Road, North Berwick) of ELLDP are relevant to the determination of this application.

Policy 13 of NPF 4 supports, amongst other things, development proposals that provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation.

Policy T1 of ELLDP states that new developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards.

Policy T2 of ELLDP states that new development must have no significant impact on road safety or on the capacity of the surrounding road network to deal with traffic unrelated to the proposed development.

Proposal NK4 of ELLDP allocates land at Tantallon Road, North Berwick for a mixed-use development incorporating circa 125 homes, approximately 1 ha of land for employment and commercial uses, infrastructure and associated works. It states any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings.

Also material to the determination of the application is the Council's approved non-statutory Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas'. The Council's SPG expands on policies that are set out in the ELLDP.

There is no Development Brief for the site the subject of Proposal NK4.

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

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. There have been ten written representations received to this application, all of which raise objections to the proposal to remove condition 10d of planning permission in principle 15/00670/PPM. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection in respect of the proposed development are summarised below:

* the current situation would have been well known by all parties when the original planning consent was granted (Dandara, Tait, Tesco and East Lothian Council). It is disingenuous and wrong of any of these parties to now claim that it is no longer necessary. They should be collaborating to find a resolution that upholds their commitments, not only to the

residents of the development, but also to broader environmental goals;

* This footpath was documented in the Landscape and Visual Impact Assessment submitted in 2015, in the Dandara Green Travel Plan and in the 2015 Officer's Report re App 15/00670/PPM. Condition 10d was therefore, not an unknown one. It's unacceptable for the developer to agree conditions, which are then used to sell houses, which are then dispensed with once the houses are sold;

* The footpath has been part completed since the site works began and property sales were made on the promise by Dandara of such a short cut being completed. Nothing has changed over the period of building works to justify removal of the condition;

* The existing footpath is not a recent construction so Dandara has had possibly 4-5 years to notify homeowners and ELC of any obstacles re- its pathway extension to Tesco's car park, and to provide an alternate solution. They did neither;

* In the face of the current climate crises, promoting sustainable modes of transportation is paramount and condition 10d serves as a crucial step in this direction. Removing such a provision would not only undermine efforts to reduce carbon emissions but also hinder the development of environmentally conscious infrastructure;

* Not having the footpath will lead to an avoidable increase in car journeys. It would also jeopardise accessibility and social inclusion, in particular for those who do not own a car;

* It would continue to inconvenience, create safety concerns and frustrate several groups of residents e.g. individuals using motorised mobility scooters/walking aids whose safety and mobility needs are being compromised; school aged children and parents with baby buggies whose commutes on Tantallon Road pavements are shared with cyclists;

* In lieu of the extension of the pathway, pedestrians have created their own informal footpaths around the north, east and west sides of the SUDS basin which has, as a result, damaged the existing landscape and damaged shrubs and trees;

* The applicant should be required to negotiate with Tesco on how best to comply with the planning requirement;

* The path is already built up to the fence. Presumably it would be relatively inexpensive to open up the fence and provide access;

* Any granting of Dandara's request might foster a domino effect with further requests to ELC to remove other conditions which were all previously agreed to e.g. installation of public art (sculpture/bench); seating and landscape around the SUDS basin which have yet to be installed by Dandara.

COMMUNITY COUNCIL COMMENT

North Berwick Community Council advise that rather than dropping the planning condition they would like pressure put on Tesco to assist in making the direct connection to Barley Brae happen. They also advise they would like to see progress in providing a safe route to school from Barley Brae at the back of the Tesco site.

PLANNING ASSESSMENT

The principle of the erection of a mixed-use development to include some 125 homes, business units, a Sustainable Urban Drainage System (SUDS), open space including

allotments and a play area, and for associated infrastructure on the site has been established by the grant of planning permission in principle 15/00670/PPM. Since then approval of matters consent 16/00921/AMM for the detail of the erection of 109 houses and 16 flats (a total of 125 residential units), the siting of an allotment area and associated works including the formation of SUDS on part of the land to which planning permission in principle 15/00670/PPM applies has been granted and the approval of matters consent has been largely implemented to the extent that all of the residential units have been built and the majority of associated works have been completed.

The determination of this application therefore rests only on the planning consideration of the consequences of removing condition 10d. Removal of condition 10d would remove the planning requirement to form a pedestrian route between the site and the neighbouring Tesco supermarket site.

The potential to form a footpath between the site of planning application 15/00670/PPM and the adjacent Tesco supermarket was originally promoted by the applicants of that planning permission in principle application. It was not a requirement of Proposal NK4 of the ELLDP and nor was it required by a development brief for this site (there is no development brief for this site). The potential for such a footpath link being formed is indicated in the 'Indicative Development Framework' plan docketed to planning permission in principle 15/00670/PPM and in a number of the supporting documents submitted by the then applicants.

The **Council's Road Services**, in consultation on planning permission in principle application 15/00670/PPM, recommended that a condition be imposed on that planning permission in principle to secure various traffic calming measures, footpath improvement works, new road and path links and including the footpath to the adjacent supermarket site indicated by the applicant in their submission. That condition was imposed and thereafter, following the approval of the details of the development, a hardsurfaced footpath was completed within the site of the residential development up to the point of the boundary fence separating the residential development from the adjacent supermarket site. No works have been carried out to form an opening in the fence or to form a footpath on the supermarket side of the fence to connect the newly formed footpath with existing footpaths within the supermarket car park.

The **Council's Access Officer** objects to the proposed deletion of condition 10d of planning permission in principle 15/00670/PPM on the basis that he considers the pedestrian link is very necessary, particularly in these days of Climate Crisis.

The Council's Road Services advise they have no objections to the proposed deletion of condition 10d of planning permission in principle 15/00670/PPM. They comment that while the completion of the path within the Tesco site is desirable, they do not consider the length of the alternative route through the housing development and via Tantallon Road to the supermarket to be of such a significantly longer distance that it necessitates this path being formed. The Council's Road Services do not raise any concerns relating to pedestrian safety.

The path, if completed, would allow for a shorter, more direct and off-road route between the housing development and the adjacent supermarket site but it wouldn't serve as a link to any other land uses or serve any other purpose than to allow direct access between the housing development and the supermarket. Although desirable as a connection between the residential development and the supermarket, it is not necessary for access to schools, other amenities within the town or for wider active travel purposes. The alternative route between the housing site and the supermarket site, via the other footpaths of the site and of Tantallon Road, would still be within reasonable walking distance and there is no

evidence to suggest that such a trip would result in any more car trips than would otherwise exist if the path the subject of condition 10d were to be fully formed. There is therefore no evidence to suggest that not forming the footpath to the supermarket site would contribute to the climate emergency through additional vehicle trips.

Policy 13 of NPF 4 provides support for direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and the unfinished pathway between the residential site and the supermarket site, if finished, would have been the type of direct, easy, segregated and safe link which NPF4 supports. However, it is not the only route between the housing site and the supermarket, the alternative being the slightly longer route along the pavements of the development and Tantallon Road, and nor is it a route to anywhere else. The Council's Road Services have confirmed that the alternative route is safe and not such a significantly longer distance to be inconvenient. Although it would have provided greater route choice and permeability between the development and the neighbouring supermarket site, the omission of this footpath from the overall development does not result in the overall development being contrary to Policy 13 of NPF4, Proposal NK4 or Policies T1 or T2 of the ELLDP or to the 'Design Standards for New Housing Areas' SPG or to Scottish Government Policy Statement "Designing Streets" on transportation and road and pedestrian safety matters.

In conclusion, based on the above assessment, the removal of condition 10d of planning permission in principle 15/00670/PPM is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh that proposal's accordance with the Development Plan. Thus, the proposed removal of condition 10d is acceptable.

Annex H of Circular 3/2022: Development Management Procedures gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex H states that planning authorities need to attach to the new permission any of the conditions from the previous permission which it is intended should apply to the new planning permission and need to secure any Section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply. Therefore, it is recommended that planning permission should be granted subject to the applied for removal of condition 10d and subject to all of those conditions from planning permission in principle 15/00670/PPM, where it is intended these should apply. In this case, with the exception of condition 10d, all of the previous conditions should continue to apply.

The **Council's Planning Obligations Officer** has advised that all of the obligations of the Section 75 Legal Agreement associated with planning permission in principle 15/00670/PPM have been fulfilled and therefore there is no requirement to secure any section 75 legal obligations (or other agreements) to a new planning permission.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential and business units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Development Framework docketed to this planning permission in principle, but additionally

shall comply with the following design requirements:

a. The residential dwellings shall be no more than two storeys in height other than those adjacent to Tantallon Road which shall be one storey in height (including for accommodation in the roof space) and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development. The buildings for Class 4 use shall be no more than one storey in height and shall be finished in a co-ordinated scheme of materials and colour finishes to minimise their visual impact in the landscape;

b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;

c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, there shall be at least 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 or proposed neighbouring residential properties;

f. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, the SUDS provision for the development if retained in the position shown shall be a dry retention basin not requiring fencing and maintainable as a managed recreational area; otherwise the SUDS provision shall be accommodated in an alternative position or by other means as agreed in writing with the Planning Authority.

g. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, the southern boundary of the site shall be fully enclosed by a post and wire fence and by the planting of a mixed native species hedgerow along the post and wire boundary fence.

h. Notwithstanding that shown in the Indicative Development Framework docketed to this planning permission in principle, site access to the business use on the northwestern part of the site shall be taken from a point along either the north or west boundaries of that part of the site, in accordance with details to be agreed in advance with the Planning Authority;

i. a detailed vehicle tracking (swept path) for both the residential and business areas shall be provided using the large design rigid vehicle for the whole site. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" and for the business area the vehicle tracking (swept path) should also include tracking for the "Design Articulated Vehicle".

j. access to the residential area to be accessed directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5m by 90m in both directions shall be provided and maintained at the proposed site access junction so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;

k. access to the business area to be accessed directly from the A198 shall be taken via a priority junction with corner radii of 10.5 metres on either side of the junction. Visibility splays of 4.5m by 70m in both directions shall be provided and maintained at the proposed site access junction so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface;

l. the proposed development shall provide footpath links within the development to the northern and western edges of the development and, where required by the Council's Road Services and Access Officer, to the existing footpath network in the area to provide appropriate routes to primary and secondary schools and to play facilities at Recreation Park to the north;

m. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

n. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures. This shall include for a co-ordinated design to accommodate street trees and swales;

o. driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

p. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

q. vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

r. cycle parking be included at a rate of 1 space for each unit of any flatted accommodation in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

s. vehicle parking and cycle parking for the business units shall conform with East Lothian Council Standards for Development Roads;

t. the garden boundary treatments of the development that are publicly visible shall be stone or rendered walls, or hedges, and all residential units and other buildings shall have appropriate boundary treatments on their frontages;

u. a toddlers play area shall be provided within the application site. Details of the toddlers play area, including the equipment to be provided within it and a timetable for its implementation, shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

v. acoustic screening measures shall be provided along the boundary of residential properties with the supermarket site to the north, in accordance with acoustic and landscape details to be agreed with the Planning Authority including for their implementation prior to the occupation of any residential property;

Reason:

To enable the Planning Authority to control the development in the interests of the amenity and visual quality of the development and the area, of the setting of the scheduled monument of North Berwick Law and in the interests of road safety.

- 2 No more than 125 residential units are approved by this grant of planning permission in principle. Unless otherwise approved in writing by the Planning Authority: those residential

units shall be completed in accordance with the applicant's proposed phasing of the site: year 1 – 24 residential units; year 2 – 24 residential units; year 3 – 24 residential units; year 4 – 38 residential units; year 5 – 15 residential units; and any slippage in any single year shall revert to year 6 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall be generally based on the landscape proposals shown in principle on the docketed Indicative Development Framework, and shall otherwise accord with requirements of Condition 1 above. It shall include for tree and hedge planting along the northern boundary with the Tesco site, tree planting along the internal roads and within the internal open spaces and the planting of a mixed native species hedgerow along the southern boundary of the site.

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

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

- 4 No development shall be commenced unless and until a delivery plan for the Class 4 business units hereby approved has been submitted to and agreed in writing with the Planning Authority. Thereafter, the business units shall be delivered in accordance with the delivery plan so agreed.

Reason:

In the interests in securing the delivery of the Class 4 business units in accordance with the aims, objectives and targets of the Council's Economic Development Strategy 2012 -22.

- 5 Prior to the commencement of development at the application site, a scheme to connect to the public waste water network shall be submitted for the written approval of the planning authority, in consultation with Scottish Water. The scheme must demonstrate appropriate alignment of the phasing and timing of the development with the provision of secondary treatment by Scottish Water at the North Berwick Waste Water Treatment Works.

Reason:

To protect people and the environment from the impact of waste water and ensure that the development can be serviced by the public waste water sewerage scheme.

- 6 No development shall take place on the proposed site until the applicant has undertaken and reported upon:

(a) a programme of archaeological work (Field Walking Survey and Evaluation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority; and

(b) a Heritage assessment of the potential impacts upon the Scheduled Monument of North Berwick Law has been carried out to inform the detailed master planning of the development. This shall follow the guidelines and methodologies outlined in Managing Change in the Historic Environment – Setting Historic Scotland 2010.

Reason:

In the interests of archaeological and natural heritage.

- 7 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to (i) the occupation of any of the residential units hereby approved and (ii) the business units coming into operation. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 8 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work, routes for construction traffic and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

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

- 9 Unless otherwise approved in writing by the Planning Authority the allotments hereby approved shall be provided and made available for use prior to the occupation of 60 residential units of the development.

Reason:

In the interests of the amenity of the area.

- 10 Prior to the occupation of any of the residential units hereby approved or any use being made of the business units, all roads and footpaths, including external footpaths as required shall be completed and brought into use in accordance with a phasing of them as agreed with the Roads Authority:

a. a signal controlled pedestrian crossing shall be provided over Dunbar Road (A198) in a position between Glenburn Road and Heugh Road;

b. the existing footway along the site frontage on Tantallon Road shall be replaced and upgraded to include dropped kerb crossings over the A198 to allow barrier free access to the existing bus stops on this part of Tantallon Road;

c. a pedestrian route shall be provided through the business land to the west of the site to allow connection to Heugh Road from the residential units on the site;

Details of the new signal controlled pedestrian crossing, the upgraded footway and the crossing points and the provision of a pedestrian link to the adjoining business land use shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety and to enable safe access to schools.

- 11 Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall provide for two levels of treatment. Details shall include:

- o Results of any investigation of the receiving watercourse and culvert upstream of Tantallon Road as per the recommendations provided in SEPA's consultation response dated 29 September 2015;
- o Amended details of the proposed SUDS system including adoption and maintenance Arrangements; and
- o Details of flow paths with regards to exceedance flood events

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

Reason:

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

- 12 The design and installation of any plant or equipment associated with the operation of each of the Class 4 business units shall be such that noise emanating from them shall not exceed Noise Rating Curve NR25 at any Octave Band Frequency when measured within any existing or proposed neighbouring residential property assuming windows open at least 50mm.

Reason:

To ensure the Class 4 business units do not harm the amenity of nearby residential properties.

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

Reason:

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

