

REPORT TO: Planning Committee

MEETING DATE: Tuesday 30 June 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00903/PPM**

Proposal Amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of proposed local centre

Location **Land To South, East And West
Wallyford
East Lothian**

Applicant East Lothian Developments Ltd

Per Derek Scott Planning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application for more than 50 housing units and is therefore a major development type, subject to a decision of the Planning Committee. It is recommended that planning permission in principle be granted, subject to conditions and the completion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, for the reasons set out in this report.

The application site is predominantly bounded to the north and west by agricultural land and by the northern part of Wallyford, to the south by the A1 trunk road, and otherwise to the east and to the south by agricultural land. The neighbouring agricultural land forms part of the Edinburgh Green Belt.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and the area of open space that is immediately to the southeast of Wallyford Community Centre.

Planning permission in principle (12/00924/PPM) was subsequently sought for renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

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

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

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

Through this application now under consideration, planning permission in principle is sought for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of proposed local centre.

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

The main differences in respect of the masterplan now proposed as compared to that approved by planning permission in principle 12/00924/PPM are:

- o The development is proposed to comprise of up to 1450 residential units rather than the 1050 approved, including for development of land to the south of Wallyford Toll previously identified as open space and development on the land of the sports pitches to the south of the proposed distributor road;
- o Enlargement of the school site;
- o Repositioning of the local centre and redesign of its layout
- o Relocation of sports pitches and associated facilities and the replacement of one of the two grass sports pitches with a 3G artificial pitch

As a statutory requirement of major development applications, this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00012/PAN) and of the required community consultation prior to the application for planning permission in principle being made to the Council.

As a further statutory requirement of major development applications a pre-application consultation report is submitted with the proposal. The report informs that a total of 76 people attended the pre-application public exhibitions, which were held at Wallyford Miners' Welfare Society and Social Club (67 people) and the Loch Centre, Tranent (9 people), and that 9 of the attendees made a number of suggestions regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that subject to the community engagement undertaken through

this statutory process.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). On 9 May 2014 the Council adopted a Screening Opinion that and Environmental Statement was required and a subsequent Scoping Opinion (15 July 2014) in respect of the matters to be considered in the Environmental Statement including landscape, transportation, air quality, noise and cultural heritage matters.

An environmental statement was submitted to the Council on 23 February 2015 and duly advertised and consulted on.

The application is also supported by a masterplan providing a proposed design for the site and a supporting statement which provides an explanation of the differences of the 1450 unit scheme from the 1050 unit scheme. The design seeks to address issues of principle concerning design concept, access, including pedestrian and cycle access, landscape framework and public open space provision, and design strategy and aims in respect of the different components of the proposed mixed use development.

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) with its approved Supplementary Planning Guidance on housing Land and the adopted East Lothian Local Plan 2008. Policies 5 (Housing Land), 6 (Housing Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of SESplan are relevant to the determination of the application. Proposal H7 Land to the Southeast and Southwest of Wallyford) and Policies H2 (Development Frameworks), H4 (Affordable Housing), INF3 (Infrastructure and Facilities Provision), DP5 (Major Development Sites), T1 Development Location and Accessibility), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP3 (Housing Density), DP4 (Design Statements), DP5 (Major Development Sites), DP15 (Sustainable Urban Drainage Systems), DP17 (Art Works -Percent for Art), DP18 (Transport Assessments and Travel Plans), DP21 (Public Transport), DP23 (Waste Minimisation, Separation, Collection and Recycling), DP24 (Home Zones) and C1 (Minimum Open Space Standard for New General Needs Housing Development) of the adopted East Lothian Local Plan 2008 are also relevant to the determination of the proposal, as is the Council's Design Standards for New Housing Areas. Scottish Planning Policy: June 2014 on matters of housing land supply and housing development is also material to the determination of the application.

A total of three written representation have been received in respect of this application, two of which are from the same representor and all of which raise objection to the proposals. The grounds of objection are in respect of the proposed business area to be formed by an extension of Wallyford Industrial Estate to the south of Oliphant Gardens and potential impacts of the development in respect of the following considerations:

- o Residential privacy and amenity
- o Visual impact
- o Loss of trees and green space
- o Capacity of existing primary school
- o Views towards Fa'side Castle
- o Traffic generation and increased activity

- o Impact on conservation areas
- o Development plan
- o House prices

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

The matters of potential impact on house prices and private views are not material to the determination of this application. The site is not in or adjacent to a conservation area.

Wallyford Community Council makes no comment on the proposals.

The majority of the application site is covered by Proposal H7 (Land to the south, east and southwest of Wallyford: Housing and mixed use development) of the adopted East Lothian Local Plan 2008, which allocates the land for a mixed use development of 1000 houses, social, educational and community facilities, open space, and associated infrastructure.

Proposal H7 is intended to promote environmental, social and community regeneration within Wallyford. It therefore requires that new facilities for regeneration must be located so as to be well-integrated with and accessible to the existing community as well as serving the areas of new development. It also requires that the proposals must result in a significant improvement in traffic conditions within Wallyford, particularly along Salters Road.

Proposal H7 required the Council to prepare a Development Framework addressing the development requirements of the site and defining the extent and location of the various land uses, with which, under Policies H2 and DP5, the developer must comply. The developer is required to submit with an application a masterplan consistent with this Framework and with the local plan development policies. Additionally Proposal H7 requires that there be developer contributions for all necessary infrastructure, education and community facilities arising as a consequence of this development.

A Development Framework for the site was approved by the Council at a meeting of Cabinet on the 10 March 2009 after consultation with the relevant parties. It sets out the land uses expected for the site and how the Council requires the site to be developed in terms of infrastructure and design. The Development Framework is an important material consideration in the determination of this application for planning permission in principle.

The site covered by Proposal H7 of the adopted East Lothian Local Plan 2008 includes the site of the existing Wallyford Primary School, which is owned by East Lothian Council. The school site does not form part of the site of this application and therefore the masterplan does not cover all of the Proposal H7 site. However, the proposals include for a new school to replace the existing Wallyford Primary School. Future redevelopment and of the existing primary school site can be considered once it is no longer in educational use and it is reasonable for the Council to accept that the masterplan not include proposals for that part of the allocated site.

The principle of the mixed use development of the application site is established by the allocation of the land for mixed use development by Proposal H7 of the adopted East Lothian Local Plan 2008 and by planning permission in principle 09/00222/OUT and 12/00924/PPM.

When those previous planning applications were determined, it was accepted by the Council that the masterplan of the site as approved for 1050 housing units also demonstrated how a total of 1242 residential units could be accommodated on the site.

In respect of those previous planning permissions the Council's Depute Chief Executive (Resources and People Services) advised that the impact on education capacity was assessed on the basis of the 1050 residential units then applied for and that therefore to ensure sufficient education capacity no more than 1050 residential units should be approved. In respect of the Transport Assessment then submitted, Transport Scotland also recommended at that time that the development be restricted to no more than 1050 residential units in relation to potential impacts on the trunk road network. At the time the applicant agreed to those limits and the applications were approved on that basis.

That number of residential units also reflected the strategic housing requirements of the then current strategic development plan, the approved Edinburgh and the Lothians Structure Plan 2015 and Proposal H7 of the adopted East Lothian Local Plan 2008. The Structure Plan is now revoked and replaced by SESplan following final Ministerial approval of its Supplementary Planning Guidance on Housing Land last year. SESplan Policy 5 together with the Supplementary Guidance sets a housing target for East Lothian of some 10,500 houses over the period to 2024. East Lothian Council has accepted in the determination of applications for housing development on sites not allocated for housing development that there is a shortfall in the housing land supply such that there is not an effective five year housing land supply for the area, as required by Policy 5 of SESplan and by Scottish Planning Policy: June 2014. Policy 7 of SESplan sets out criteria for development of green field sites to contribute to maintaining an effective five year housing land supply.

In the supporting statement submitted with the application it is contended that the previous strategic development plan requirements are no longer relevant, that the now proposed development of 1450 residential units on the allocated site is appropriate in that it makes use of land within the site which the previous scheme did not seek to develop for housing and that in being developed for a greater number of units the proposal would make a contribution towards the five year housing land supply on an allocated site. It is also contended that the greater number of housing units would improve the viability of the proposals and assist with early delivery of both houses and community facilities.

Notwithstanding the replacement of the strategic development plan and the issue of housing land supply, the primary material consideration in the determination of this application is whether in making use of additional land within the site and in redesigning the layout of it, the proposals can be accommodated at a reasonable level of density and urban design, with an appropriate amount of open space and recreation provision, with acceptable landscape integration, with acceptable transport and related impacts and in keeping with the objectives and requirements of the approved Development Framework, including to contribute to the regeneration of Wallyford.

The now proposed layout of housing development of the site would be broadly similar on the southwestern part of the site to the layout previously approved with some additional houses reflecting a revised layout. On the northern part there would be additional housing on the land to the south of Wallyford Toll where the cropmark which was formerly a Scheduled Monument has now been de-scheduled. On the southeastern part of the site where in the previous scheme sports pitches were located there would now be residential development, with the pitches relocated. These additional areas of housing are shown on the indicative masterplan as being laid out and designed in a similar 'home zone' type layout as for the other areas of residential development. As such they would be an appropriate form of housing development, subject to the submission of detailed designs.

The development would include for a wide range of house types and sizes in order to cater for varying housing needs. The development scheme now proposed would have an average density of some 32.8 dwellings per hectare compared with 30.7 per hectare for the 1050 unit proposal. This is in accordance with the minimum density requirement of 30 houses per hectare as set out in the approved Development Framework and as required by Policy DP3 of the adopted East Lothian Local Plan 2008.

It is also set out in the Development Framework that 25% of the proposed housing component of the site's development has to be affordable housing. This was accepted in the masterplan report with the previous applications with the stated principles of development of the affordable housing being concentration close to the new local centre where there would be good access to public transport and civic amenities, otherwise in dispersed pockets of approximately 30-60 units located throughout the masterplan area, and with no distinction to be made in urban design or architectural terms between the affordable and private housing.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 25% of the 1450 houses should be affordable housing units, i.e. a total of 363 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 363 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

The approved Development Framework requires that a new mixed use local centre should form part of the proposed mixed use development. The Development Framework states that the new local centre should contain new employment and leisure opportunities, a new local library, and a new single all through primary school. It must be located at the core of the expanded settlement to be highly accessible to all.

The masterplan as now proposed indicates as before a new local centre to be located between the southern end of Inchview Road and the new distributor road which would run through the site from the southwest end of Salters Road to the A199 road to the east. In relation to the proposed increase in housing units, the area of land for the proposed school is greater than as previously approved, to allow for increased pupil numbers. As a result the proposed location of the other elements of the local centre has moved to an extent to help accommodate the larger school site. With this change it would also have a different layout to the local centre as previously approved. However, its location would not be significantly different from that as approved and in its layout would relate to and be no less accessible to the existing residents of Wallyford by walking, cycling and by car. The proposed altered layout would retain a main street framed by the school and elements of the local centre whilst also relating well to adjacent parts of the proposed new housing development and open space to the east of it. The range of uses proposed for the local centre includes a new school, community facilities, retail uses, restaurants, hot food takeaways, office units and housing. In all of this the local centre as now proposed is consistent with the requirements of the Development Framework.

As set out in additional information submitted with the application the retail use of the new local centre would include two small supermarkets each with a 1265 sq m gross

floor space, other small retail units with a further 804 sq m floor space, some 469 sq m of floor space for Class 2 uses (financial, professional and other services) some 268 sq m for Class 3 uses (restaurants/cafes) and some 268 sq m each for hot food takeaway use (sui generis). The new local centre as now proposed in the new masterplan would therefore have a similar floorspace provision for each of these uses and a total floorspace of some 4339 sq m floor space across 17 units as previously approved and in accordance with the approved Development Framework.

In that their floorspace is of a similar order to that sought by the approved Development Framework and as previously approved and subject of a Retail Assessment, the shops and supermarkets as now proposed would not adversely affect the vitality and viability of Musselburgh town centre, or of other town centres.

The approved Development Framework stipulates the requirement for the provision of two community sports pitches and changing accommodation.

Included in the now proposed masterplan are two community sports pitches with a four changing room facility for them and a site for allotments. Whereas in the approved masterplan the sports pitches and allotments were all to be located on land to the south of the new distributor road, it is now proposed that the sports pitches be located adjacent to the school site at its southwestern edge. One of those proposed pitches would be a 3G artificial pitch, of a type which would allow for much more intensive use than a grass pitch. The allotments would remain in a similar position to that approved by the masterplan, where they would now be adjacent to housing units rather than the sports pitches.

These community uses and the locations indicated for them in the masterplan are as accessible as previously approved to existing residents of Wallyford and in this they are consistent with the requirements of the approved Development Framework. The provision of the two community sports pitches, four changing room facility and allotment site can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the principle of these elements of the development is consistent with the approved Developer Framework.

Sportscotland, as a consultee on this planning application, welcome the proposals provision of two community sports pitches. They offer detailed comments in respect of school sports provision which can be taken into account in the detailed design of the school layout and facilities.

The Council's Service Manager, Sport, Countryside and Leisure confirms that the level of sports facilities provision required in for the development as now proposed had been agreed in previous discussions and that the required level of provision has been designed into this proposal.

The development will infill agricultural and other countryside land between the existing south edge of Wallyford and the A1 (T) trunk road. The Service Manager, Sport, Countryside and Leisure advises in respect of this application for a 1450 residential unit development that, so expanded, Wallyford will lack an adequate countryside network on the edge of town because of its proximity to Musselburgh and the railway line in the north and restrictions of the A1 in the south. He notes that the Fa'side right of way (Core Path 168) is the only crossing point over the A1 so it is a key connection to the countryside. His advice is that in its current condition Core Path 168 over that crossing point could not

support increased levels of use. He therefore recommends that the Core Path route within the development boundary and south up to Fa'side Castle where it links to the wider path network be upgraded. Subject to an appropriate upgrade being carried out, which can be required by a condition of a grant of planning permission in principle the Service Manager, Sport, Countryside and Leisure has no objection to the proposals.

The Service Manager Sport, Countryside and Leisure also advises that a residential development of this scale requires good provision for functional travel (commuting, safe-routes to school) and for recreation. He notes that a cyclepath follows the main distributor road, but advises that it must connect meaningfully with other cycling provision in Wallyford to create a cyclepath network, particularly where it intersects with the existing core path network. He recommends that these routes be upgraded to adoptable cyclepath standard, that the Core Paths connect with Inchview Road and that cycle provision be upgraded on these roads also. These matters can form part of the detailed design requirements for the development.

As previously approved the Wallyford Community Woodland between the southern edge of Wallyford and the A1 trunk road would be upgraded and the requirement for the developer to submit details of the upgrading of the Community Woodland and a timetable for implementation should again be made a condition of an approval of planning permission in principle with applicant transferring the title of the Community Woodland site to the Council at no cost and providing a commuted sum for its future maintenance for a 10 year period. The commuted sum would also cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it. The effect of these arrangements would be to bring the central part of the application site into public control for use and maintenance for public recreation in a manner that would retain and further develop the open space aspect of the existing Community Woodland and enable a formal recreational use of the land concerned.

An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 can secure the transfer of ownership of the land and the financial contribution towards maintenance of it and the two proposed community sports pitches and the open space that is immediately adjacent to it.

The masterplan indicates how other areas of formal and informal open space could be located throughout the site. In total there would be some 8.7 hectares of open space to serve the development. The Service Manager for Sport, Countryside and Leisure advises that he is satisfied with the size and location of those areas of open space. In this respect the proposals comply with Policy C1 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

The outline landscape proposals for the site correspond with the landscape advice set out within the approved Development Framework.

In respect of all of these design and open space considerations, what is now proposed as an intensified form of mixed use development would be a sympathetic extension of Wallyford with due regard to its urban traditions and its existing built form. In the information provided with the application and in the proposed layout and design, provision of open space and affordable housing the proposals, subject to conditions of design principles, comply with Policies H4, INF3, DP5, DP1, DP3, DP4, DP5, DP23, DP24 and C1 of the adopted East Lothian Local Plan 2008.

Proposal H7 of the adopted East Lothian Local Plan 2008 requires that development of the site must result in a significant improvement in traffic conditions within Wallyford,

particularly along Salters Road. This is also a stated requirement of the approved Development Framework.

A detailed scheme of environmental and traffic calming improvements to Salters Road was promoted through the drawings and report that accompanied previous planning applications 09/00222/OUT and 12/00924/PPM were part of the traffic impact assessment of the proposed development made in the applicant's Traffic Assessments. The detailed scheme of environmental and traffic calming improvements to Salters Road remain part of the proposal the subject of this planning application.

Included within the Environmental Statement is an update to the previous Transport Assessments and also the findings of additional modelling work for the now proposed masterplan of 1450 residential units and which forecasts operational phase traffic generation and road network impacts.

The Council's Roads Services advises that as requested as part of application 12/00924/PPM, given the time that had elapsed since application 09/00222/OUT and the original Transport Assessment, and planning permissions and proposals for other developments in the vicinity, that the traffic model be updated with current traffic flows. It also required updating to take into account local infrastructure improvements such as the A68 Dalkeith Bypass which was not constructed at the time of the original Transport Assessment.

Roads Services further advises that the updated traffic model looked at various development scenarios and also investigated the impact of 1450 residential units rather than solely the 1050 unit proposal. Their conclusion was that the updated model illustrates, as per the previous model, that the proposed deflection strategy in place for the 1050 unit development would allow the road network to operate satisfactorily for the proposal for 1450 units. They note that the updated model was also audited by Transport Scotland in respect of the trunk road interchanges and was found to be to their satisfaction.

Roads Services therefore concludes that as with the previous application, with the proposed development in place together with traffic calming on Salters Road there would be a significant reduction in through traffic on that road; that implementation of traffic calming measures on Salters Road should also help to lower vehicle speeds; and the capacity of the local road network, including the A1/A6094 Salters Road and A1/A199 Dolphingstone Interchanges, would be sufficient to accommodate traffic generated by the proposed development

Roads Services therefore confirm that the current 1450 proposal as set out on Masterplan Drawing Number: 13052(PL)001-C submitted as part of the application is acceptable subject to detailed layouts. They are satisfied that the scheme of improvements and traffic calming proposed for Salters Road would be successful in delivering significant and acceptable improvement in traffic conditions on Salters Road and thus within Wallyford.

Therefore they have no objection to the principle of the proposed development of the application site subject to their recommended conditions for a grant of planning permission in principle to ensure that appropriate off site road improvement works are undertaken, that various identified road safety measures are undertaken, that an appropriate amount of car parking be provided within the new local centre, that a Green Travel Plan be submitted, and that construction traffic movements be controlled.

The approved Development Framework requires the applicant to examine the possibility of using Inchview Road as an access for buses entering and exiting the new local centre, although it makes clear that general unrestricted access for other vehicles will not be permitted on Inchview Road as it is traffic calmed and narrow at its southern end. It is now proposed that the Distributor Road is completed to base course level throughout its length and brought into use before any houses are occupied. Therefore there would be an appropriate route for bus services and the Inchview Road bus link would not be required.

Transport Scotland does not object to the principles of the proposed development. It advises that the development as now proposed for 1450 residential units does not breach their threshold for further assessment in respect of environmental effects of increased traffic on matters including driver and pedestrian delay and that further assessment is not required. In respect of noise they consider the applicant's Noise Assessment acceptable though note they will require to approve more detailed noise mitigation measures. They also require that details of the landscape planting and fencing along the boundaries of the trunk road be approved by them.

Whilst Transport Scotland raise no objection to the proposals they recommend that prior to the commencement of development: a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/ A6094 junction have been approved in writing by the Planning Authority; b) the proposed scheme of traffic calming for Salter's Road has been completed; and c) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction should be submitted to and approved by the Planning Authority.

All of these Transport Scotland requirements can be met by use of conditions of a grant of planning permission in principle.

Transport Scotland raised concerns in respect of the previous applications for the site in relation to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In mitigation of this they sought a developer contribution, secured by an agreement with the applicant under Section 48 of the Roads (Scotland) Act. They confirm that any mitigation required in respect of Old Craighall Junction can be met through that existing agreement. On that basis, Transport Scotland raise no further objection to the impact of the development on the Old Craighall junction.

On all of these above transportation considerations the principles of the proposed development are consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

A material consideration in the determination of previous planning application 09/00222/OUT was the scheduled ancient monument of the cropmark site at Wallyford Toll, located on part of the northern edge of the application site. Condition 12 of planning permission in principle 09/00222/OUT required the erection of a protective fence around the scheduled ancient monument. In their consultation response on application 12/00924/PPM Historic Scotland advised that the cropmark site at Wallyford Toll has been descheduled. As that part of the site is no longer a scheduled ancient monument, there is no requirement to impose a condition requiring the erection of a protective fence and the principle of development of it is acceptable subject to appropriate archaeological investigation.

The Council's Archaeology Officer advises that significant archaeological assessment of the site has already been undertaken but awaits some further work for completion.

Accordingly he recommends that a watching brief and post excavation work be carried out by a professional archaeologist to complete the evaluation of the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission in principle. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The application site is within the inventory boundary of the Battle of Pinkie. The Battle of Pinkie is included within the Inventory of Historic Battlefields. This has been considered in the previous applications and Historic Scotland raised no objection to the principles of the proposed development, being satisfied that it would not have an unacceptable impact on the site of the Battle of Pinkie.

The application site is bounded to the south by the A1 (T) trunk road and includes Salters Road and part of the A199 road. The Environmental Statement includes a noise report and an air quality report. The Council's Environmental Protection Group Leader raises no objection to the proposed development of 1450 residential units on the site as now proposed and in this she accepts the findings of the Environmental Statement. She is otherwise generally satisfied in respect of the noise attenuation measures in respect of the A1 specified in the applicant's noise assessment, including earth bunds and acoustic fences. However, she does raise some concerns.

One concern is that noise from Wallyford Industrial Estate may have a harmful impact on the privacy or amenity of the new housing. She therefore recommends that the impact of noise from the industrial site is assessed and, if necessary, suitable mitigation measures be incorporated into the development design. No such recommendation was made by the Council's then Senior Environmental and Consumer Services Manager in his consultation response on previous planning application 09/00222/OUT. As is indicatively show on the masterplan, the proposed housing would be located considerably further away from the Industrial Estate than existing housing, some of which is located immediately adjacent to the Industrial Estate. Whilst the Environmental Protection Group Leader advises that she is aware of previous complaints from local residents regarding industrial operations, she does not provide any details of any unacceptable noise emissions from any of the industrial units. In view of all of this, it would not be reasonable to now require the applicant to undertake a noise assessment of the existing Industrial Estate.

The Environmental Protection Group Leader further recommends that suitable barriers should be provided to ensure that noise levels in both the front and rear gardens of the houses within the eastern part of the site do not exceed 55 dB (A). The applicant's noise update advises that noise levels of 65 dB (A) would be acceptable in those front gardens. They advise that the noise levels within the rear gardens of those houses would be 55 dB (A), which BS 8233 Sound Insulation and Noise Reduction for Buildings - Code of Practice advises is a 'reasonable' standard.

BS 8233 Sound Insulation and Noise Reduction for Buildings - Code of Practice advises that for dwellings, the main criteria are reasonable resting/sleeping conditions in bedrooms and good listening conditions in other rooms. A condition can be imposed to ensure that all residential units, including those within the eastern part of the site, are designed so that the 'good standard' indoor levels from Table 5 of BS 8233 are met inside the proposed houses. Whilst it may be the case that noise levels in the front gardens of those houses exceed 55 dB (A), the Environmental Protection Group Leader is satisfied that noise levels in the rear gardens of those houses would not exceed 55 dB (A). It is within those rear gardens where residents would be most likely to relax and enjoy their homes. Given this, it would be unreasonable to require the applicant to

provide suitable barriers to ensure that noise levels in the front gardens of the houses within the eastern part of the site do not exceed 55 dB (A).

In relation to the proposed local centre retail and commercial units the Environmental Protection Group Leader recommends that appropriate restrictions on delivery times be imposed, together with a standard condition on noise output from any plant and machinery associated with those buildings and uses. She further advises that it is not clear if flood lighting is to be provided at the proposed sports pitches and that if so this should be controlled to minimise light pollution. These matters would be appropriately dealt with through control of any grant of approval of matters specified in conditions.

In respect of air quality the Council's Principal Environmental Protection Officer is satisfied that the operational phase of the development would not result in a significant increase in nitrogen dioxide emissions which would impact on the Musselburgh Air Quality Management Area. He recommends that any grant of planning permission in principle be subject to conditions requiring a construction management plan, a green travel plan, installation of ultra low nitrogen dioxide boilers within the proposed dwellings and suitable electrical layout within dwellings to enable installation of electric vehicle charging points. The matters of internally fitted boilers and electrical layout are subject to Building Standards legislation which should not be duplicated by use of planning controls.

The above appropriate environmental protection controls can be exercised by conditions of a grant of planning permission in principle for the proposed development of the site, to include details of all proposed noise mitigation measures and a timetable for their implementation in the course of the development.

To address comments from the Council's Environmental Protection Officer (Contaminated Land) in respect of contaminated land, a condition can be imposed on a grant of planning permission in principle for the proposed development requiring a contaminated land investigation be undertaken prior to the commencement of any development.

The requirement for the erection of a new school as part of the new local centre is established through the approved Development Framework. The principle of the provision of this new school is set out in the applicant's masterplan. The site of the proposed school lies on land in the ownership of the applicant. The Council's Depute Chief Executive (Resources and People Services) advises that this should be as shown in the applicant's masterplan with the site formed to meet masterplan boundary perimeter levels.

The Depute Chief Executive (Resources and People Services) advises that the cumulative effect of all the housing development proposed in the Wallyford area will be to generate pupil numbers that cannot be accommodated at the existing nursery school, primary school and the catchment secondary school.

The Depute Chief Executive (Resources and People Services) further advises of the need for developer contributions of £11,307,811 (£7,798.49 per unit) towards the cost of building the new primary school (with nursery school) and £3,788,073 (£2612.46 per unit) towards the provision of additional accommodation at Musselburgh Grammar School, or, should the Council review secondary school provision in the Musselburgh catchment with a resultant implementation of an alternative strategy, towards any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area.

The Depute Chief Executive (Resources and People Services) also advises that Wallyford Primary School will require temporary accommodation to meet committed development from August 2015 until the new primary school is complete (envisaged to be June 2018). Should the applicant wish residential units to be occupied prior to the completion of the new school a similar temporary solution will be required. Based on the applicant's proposed completions from 2016 this would mean provision of a further temporary classroom and ancillary space for which a contribution of £80,000 would be required.

Thus there should be a total developer contribution towards education provision of £15,175,884 (£10,466.13 per unit). Such developer contributions can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. So too can the transfer of the site for the school. Subject to the Council securing the site and the appropriate developer contributions the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

A projection of school rolls based on the number of houses likely to be brought forward by the proposed housing developments in the Wallyford area concludes that total house numbers of the development should be controlled to the 1450 residential units applied for and the completion rates controlled to those set out on page 4 of the applicant's supporting statement, commencing with 90 units in year 1, thereafter 150 units per annum in years 2 - 10 and 10 units in year 11 houses. This can be exercised by conditions imposed on a grant of planning permission in principle for the proposed development of the site.

The approved Development Framework states that there is a developer contribution requirement to provide a new public library to meet needs arising as a result of this development. In her consultation response on planning application 09/00222/OUT, the Council's Principal Libraries Officer advised of the need for a developer contribution of £870,674.70 towards the provision of a new library, including furniture and fittings but excluding stock. The Planning Committee resolved to grant planning permission in principle 09/00222/OUT subject to the prior conclusion of a legal agreement to secure this financial contribution amongst other matters.

The Council's Service Manager, Customer Services was consulted on the proposal the subject of this current planning application (Ref: 12/00924/PPM). She confirmed that the current library in Wallyford is mainly used by children rather than adults. The new primary school would include within it a school library, which would be used by local children. This would be designed to be accessible by the local community, and so the option of community use of the school library can be explored. In light of this and having carefully reviewed the matter, the Service Manager, Customer Services advised that it is no longer necessary for the developer to make a financial contribution in respect of providing a new public library. The Service Manager, Customer Service has not requested any contribution in respect of the application now under consideration.

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

development.

The Scottish Environment Protection Agency (SEPA) advise that they have no objection to the proposals in respect of flood risk or surface water drainage subject to a grant of planning permission in principle including conditions requiring provision of an integrated sustainable urban drainage scheme (SUDs) for surface water drainage arrangements based on CIRIA's SUDS manual and a submission of a construction method statement including for surface water run-off management during construction. SEPA confirm that they are satisfied with the principles of the drainage proposals. They offer further comments in respect of their own regulatory requirements which have been copied to the applicant's agent.

Scottish Water makes no comment on the proposals.

In view of the extensive coal mining activity that has previously been carried out on the site, the Coal Authority reiterates comments made in response to application 12/00924/PPM in respect of the applicant's Environmental Statement and the need to ensure ground conditions are afforded due consideration. They raise no objection to the principles of the now proposed development of 1450 residential units.

Section 59 of the Town and Country Planning (Scotland) Act 1997 sets a standard duration in relation to a planning permission in principle (i.e. planning permission subject to a condition that the development in question will not be begun until certain matters have been approved by the Planning Authority. The Act requires that applications for the approval required before development can be begun must be made within 3 years from the grant of planning permission in principle but also provides that the Planning Authority can issue a direction that different time periods apply in relation to the 3 year period for making an application for approval.

In respect of timescales for development this is a large scale proposal phased over a period of 11 years. Therefore it may well take more than 3 years for the submission of applications for approval for all detailed matters for all areas of the application site. In this case it would therefore be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

- (i) the provision of two community sports pitches (one of which is a 3G pitch), a four changing room facility and an allotment site;

- (ii) the transfer to the Council, at no cost, of ownership of the Wallyford Community

Woodland;

(iii) the provision of a commuted sum for the future maintenance of Wallyford Community Woodland for a 10 year period. The commuted sum shall also be sufficient to cover maintenance for a 10 year period of the two proposed community sports pitches and the open space that is immediately adjacent to it;

(iv) the transfer of the land required for the new school site as shown in the applicant's masterplan, with the site formed to meet masterplan boundary perimeter levels;

(v) a financial contribution to the Council of £11,307,811 towards the provision of the new primary school, £3,788,073 towards additional secondary school accommodation at Musselburgh Grammar School or any subsequently redefined provision of secondary education within the Musselburgh secondary catchment area and £80,000 towards temporary primary school provision;

(vii) the provision of 363 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 363 affordable units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to insufficient future maintenance and ownership arrangements for, as relevant, Wallyford Community Woodland and the two proposed community sports pitches and the open space that is immediately adjacent to it, an insufficient provision of community sports pitches, related changing facilities and allotments, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Wallyford Settlement Expansion & Regeneration and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13052(PL)001-C docketed to this planning permission in principle, and shall address the following requirements:

a. The provision within the application site of recycling facilities.

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

c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle 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 accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

g. Details of the play areas, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority. The play areas shall be installed in accordance with the details so approved.

h. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.

i. All access roads shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

j. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

k. The provision of a vehicular access from the new distributor road to the site of the residential institution/ non-residential institution unit/ retirement homes use hereby approved.

l. The provision of pedestrian crossing points on Fa'side Avenue South to link the proposed new footpath behind the existing tree line to the existing footpath on the northern side of Fa'side Avenue South.

m. The provision of a 2 metres wide footway on the southern side of the A6094 road between the northern end of the existing footpath link that runs between Fa'side Crescent/ Fa'side Avenue South and the A6094 road, over the full extent of the new 30 mph speed limit to the western side of the western access; and the provision of a 2 metres wide footway on the south side of the A199 between the existing roundabout at Wallyford Toll to the point of the new 30mph speed limit on the eastern side of the eastern access to the site at Strawberry Corner.

n. The provision of a minimum of 135 parking spaces within the new local centre, for non-residential use.

o. The provision of a 1.2 metre high wall along the northern boundary of the site.

p. provision of footpath/cycleway linkages between the existing core path network and the internal layout of the development and a footpath link to an adoptable standard between the development site and Wemyss Gardens.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

2 The details to be submitted pursuant to condition 1 shall include a revised phasing plan which shall accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road completed prior to the commencement of development, unless otherwise approved in writing by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation

of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The Distributor Road shall be completed in its entirety to base course level and brought into use prior to the occupation of the first residential unit and all pedestrian links connecting the residential development areas shall be completed to adoptable standard prior to the first occupation of the new primary school.

(vi) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed in writing with the local planning authority.

(vii) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed in writing with the Planning Authority.

(viii) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed in writing with the Planning Authority.

(ix) The eastern section of the distributor road footpaths between the Strawberry Corner access junction and the new primary school shall be finished to an adoptable standard with final surfacing prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

- 3 The development of the site shall conform with the minimum density requirements established for the identified development areas shown on docketed drawing no. 13052(PL)005-B as well as generally complying with the range of house types and sizes shown on the same drawing.

Reason:

To ensure compliance with the provisions of the development plan.

- 4 No more than 1450 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 5 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 1- 90 residential units
Year 2- 150 residential units
Year 3- 150 residential units
Year 4- 150 residential units
Year 5- 150 residential units
Year 6- 150 residential units
Year 7- 150 residential units
Year 8- 150 residential units
Year 9- 150 residential units
Year 10- 150 residential units
Year 11- 10 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 11 or beyond and not added to the subsequent Year.

(c) No more than 270 residential units shall be occupied prior to the completion of the primary school.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 6 Unless otherwise approved in writing in advance by the Planning Authority, the uses and unit sizes of the commercial units within the new local centre shall accord with the additional information

document that is docketed to this planning permission in principle.

No more than 2731 square metres (gross) of the total gross floor space of the commercial units shall be used for convenience retail and no more than 603 square metres (gross) of the total gross floor space of the commercial units shall be used for comparison retail.

Reason:

In order to retain control over the format of retail and other commercial development in the interests of the vitality and viability of the new local centre.

- 7 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

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

Reason:

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

- 8 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 9 Prior to the commencement of development a woodland management plan for the community woodland shall be submitted to and approved in writing by the Planning Authority. The plan shall further the value of the resource for biodiversity as well as people, and shall include the following measures:

- * Formalisation and lighting of key footpaths to adoptable standard, including the east-west footpath through it. These will give access to the new local centre and school;
- * Provision of cycleways where required;
- * Informal surfacing of secondary paths;
- * Provision of additional lighting and seating in appropriate locations; and
- * Enhancement of the existing viewing area and clearing at the summit of the woodland.

The plan shall cover a 15 year period, to be split into 5 year periods, and shall include a timetable for implementation, including that the east-west path, which shall include street lighting and which shall be made up to an adoptable standard, be constructed and brought into use prior to the first occupation of the new school.

The requirements of the woodland management plan shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 10 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the first use of any component of the mixed use development. 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.

The 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 mixed use development and mitigating air quality impacts.

- 11 Prior to the commencement of development details of bus infrastructure shall be submitted. This shall include for:

- (i) A bus layover area shall be identified at the local centre. The bus layover area shall be designed to include passenger waiting facilities;
- (ii) Bus infrastructure on the Distributor Road including Kassel kerbing, bus shelters and at stops close to the local centre 'Crank' real time information poles;
- (iii) A timetable for its implementation.

Thereafter the details so approved shall be implemented prior to the use of the Distributor Road as a bus route, unless otherwise agreed in writing by the Planning authority. Cf above

Reason:

In compliance with Policy DP21 of the adopted East Lothian Local Plan 2008

- 12 Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of Salters Road shown on docketed drawing nos. ED1141-1047 to ED1141-1051 inclusive shall be submitted to and approved in writing by the Planning Authority.

The traffic calming and other environmental improvements of Salters Road shall thereafter be fully undertaken in accordance with docketed drawing nos. ED1141-1047 to ED1141-1051 inclusive and the approved findings of the independent road safety audit prior to the commencement of development, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 13 Prior to the commencement of development the findings of an independent road safety audit of the design of the environmental improvements of Inchview Road shown on docketed drawing no. ED11411-1052 shall be submitted to and approved in writing by the Planning Authority.

The Inchview Road link to the new local centre shall be a pedestrian and cycle route only. Details of this, including turning facilities on both sides of the access point shall be submitted to and approved in writing in advance by the Planning Authority.

Prior to the first occupancy of the new primary school or of any of the other buildings of the local centre, whichever is sooner, the environmental improvement of Inchview Road and the pedestrian/cycle link and turning areas shall be fully carried out in accordance with docketed drawing no. ED11411-1052 and the approved findings of the independent road safety audit.

Reason:

In the interests of road safety.

- 14 Prior to their installation, details of formal signalised pedestrian crossing points on the Distributor Road shall be submitted for the approval of the Planning Authority. This shall include crossing points on relevant pedestrian desire lines to the local centre and school, as agreed with the Planning Authority. Thereafter the signalised pedestrian crossing points shall be constructed and brought into use prior to the occupation of any house or flat built to the south, east or west side of the Distributor Road.

Reason:

In the interests of road safety.

- 15 The new Distributor Road through the site shall have traffic calming measures to reduce vehicle speeds along its route and this shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations, and shall have, where there are housing frontages to the Distributor Road, measures to stop residents and visitors parking on the Distributor Road; details of all of which shall be submitted for the prior approval of the Planning Authority.

Prior to the commencement of development the findings of an independent road safety audit of the traffic calming and other environmental improvements of the new distributor road shown on docketed drawing nos. ED11411-1040 to ED11411-1046 inclusive shall be submitted to and

approved in writing by the Planning Authority.

The audit shall include all access junctions, bus stops, raised tables, and signalised junctions/crossing points. It shall include details of safe crossing locations for pedestrians travelling to and from the new Town Centre in a north to south direction.

The traffic calming and other environmental improvements of the new distributor road shall thereafter be fully undertaken in accordance with docketed drawing nos. ED11411-1040 to ED11411-1046 inclusive and the approved findings of the independent road safety audit prior to the whole of the new distributor road being opened to vehicular traffic.

Reason:

In the interests of road safety and in securing the vehicle deflection strategy set out in the Transport Assessment.

- 16 A monitoring program of traffic flows on Salters Road and the new distributor road shall be put in place to ensure that the deflection measures are operating to the satisfaction of the Planning Authority. Traffic count surveys shall be completed on occupancy of the 175th unit, the 450th unit, the 675th unit, and on completion of the development. The findings of the traffic count surveys shall be submitted to the Planning Authority within a period of two months from the date of the traffic count, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of road safety.

- 17 No development shall take place until the applicant has submitted to and approved in advance a signage strategy for the application site. The strategy shall identify and promote key pedestrian, cycle and vehicle routes to and from the new local centre from both the existing settlement of Wallyford and from the other components of the mixed use development hereby approved.

Reason:

In the interests of encouraging sustainable travel patterns in respect of the mixed use development.

- 18 Prior to the commencement of development a detailed condition survey of the construction access route from Dolphingstone and Salters Road interchanges shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

- 19 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area and to ensure the protection of the water environment from potential pollution during the construction phase of the development, shall be submitted to and approved by the Planning Authority, following consultation with the Scottish Environment Protection Agency, prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work. It shall also address the temporary measures proposed to deal with surface water run off during construction in accordance with the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and General Binding Rules. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. These recommendations shall include the eastern section of the distributor road and footpaths from the new Strawberry Corner access being finished to an adoptable standard with final surfacing prior to the opening of the new school.

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

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area and to mitigate against surface water flood risk.

- 20 The details to be submitted pursuant to condition 1 above shall include full details of all noise

mitigation measures. These shall be based on the mitigation measures identified in the Environmental Statement and shall be designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures shall include the erection of an acoustic barrier along the southern boundary of the site. The details to be submitted shall also include a timetable for the implementation of all of the proposed noise mitigation measures.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 21 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme, which shall include a detailed gas survey (long term monitoring) and a detailed groundwater monitoring exercise, shall contain details of the proposals to deal with contamination to include:

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

Before any of the buildings are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 22 No housing units of the development shall be occupied unless and until the following requirements have been met:

a. the existing 30 miles per hour speed limit has been extended along the frontage of the site on the A199 road from the existing 30 mph limit at Wallyford Toll, up to the eastern side of the proposed new access at Strawberry Corner; and

b. the existing 30 miles per hour speed limit has been extended along the frontage of the site on Salter's Road from the existing 30 mph limit at Fa'Side Crescent, up to the western side of the proposed new access on the A6094 road.

Details of the proposed extension to the existing 30 miles per hour speed limit shall be submitted for approval by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interests of road safety.

- 23 The proposed eastern and western vehicle site accesses shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6. An independent road safety audit shall be undertaken (and submitted to the Planning Authority for approval) for the final design drawings of the those two site accesses.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 24 There shall be no commencement of development unless and until:

a) proposals for the alteration and re-activation of the existing traffic signal installation at the A1/A6094 junction have been approved in writing with the Planning Authority, in consultation with Transport Scotland; and

b) revised signal timing plans for the existing traffic signal installation at the A1/A199 junction have been submitted and approved in writing with the Planning Authority, in consultation with Transport Scotland.

The details to be submitted shall include a timetable for their implementation.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.

- 25 The development shall be carried out in accordance with an approved programme of archaeological work (watching brief and post excavation work) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 26 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.

- 27 Prior to the commencement of development, a SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme.

Reason:

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

- 28 Unless otherwise agreed in writing by the Planning Authority, prior to the occupation of any of the houses of the development hereby approved the route of Core Path 168, from within the site south across the A1 footbridge to Fa'side Castle, shall be upgraded by the developer or any succeeding party to a specification to be agreed in writing in advance with the Planning Authority.

Reason:

In the interests of the amenity of the area and recreational access for the residents of the development.