

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 October 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **15/00136/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Proposed infrastructure, access, landscaping and site development works including distributor road and access junctions onto the A199 and A6094, footpaths/cycleways, suds basins, acoustic bunds and development platforms

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

Applicant East Lothian Developments Ltd

Per Derek Scott Planning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

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.

That land is the strategic housing site of Proposal H7 of the adopted East Lothian Local Plan 2008.

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 (Ref: 14/00913/PM); and
- 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 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted 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 the proposed local centre.

The elements of the approved 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.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the Indicative Masterplan docketed to the planning permission in principle.

The approval of matters specified in conditions now sought is for infrastructure associated with the mixed use development of the Wallyford site.

When this application was first submitted approval was sought for matters specified in conditions of planning permission in principle 12/00924/PPM. The applicant subsequently requested that the description of the application be changed so that approval was sought for matters specified in conditions of planning permission in principle 14/00903/PPM. In terms of that request, the applicant did not seek to change any part of the proposed infrastructure works for which approval is sought. The application description was changed in September 2015 and the one party who had made a written representation was notified of this change and was offered the opportunity of making further comment.

The proposed infrastructure consists of (i) the construction of two access junctions, one onto the A199 road and one onto the A6094 road; (ii) the formation of a distributor road; (iii) the formation of paths; (iv) the formation of three SUDS detention basins; (v) the landscaping of parts of the site; (vi) the erection of a 1.4 metres high stone wall; (vii)

upgrading works to Wallyford Community Woodland; (viii) the creation of development platforms; and (ix) the installation of an acoustic barrier along the southern boundary of the site. The application site has an area of some 80 hectares.

The drawings submitted in support of the application shows how access to the site would be taken from the A199 road, via a new roundabout that would also provide access to the Strawberry Corner Garden Centre, and from the A6094 road, via a new priority junction. The proposed distributor road would run between the two new proposed access junctions. One of the proposed detention ponds would be formed in the northeast corner of the site, to the southeast of the proposed roundabout. Another would be formed in the southeast part of the site, to the southeast of part of the proposed distributor road. The third proposed detention pond would be formed at the western end of the site, to the northeast of the proposed priority junction. The proposed landscaping includes avenue tree planting along either side of the proposed distributor road and woodland belts that could be planted along the eastern, southern and much of the northern and western edges of the site. The 1.4 metres high stone wall would be erected along part of the northern boundary of the site, to the south of the A199 road. It would replace an existing stone boundary wall, which would be demolished to facilitate the proposed development. The submitted drawings also show the layout of paths that would be formed through the application site. The proposed upgrading works to Wallyford Community Woodland are contained in a woodland management plan, which is submitted with the application. The proposed upgrading works include the formation of a 3.0 metres wide footpath through the Woodland that would be on an east to west alignment. The footpath, which would be lit, would provide a safe route to the new school that has been approved by planning permission in principle 14/00903/PPM. Detailed drawings have been submitted with the application showing the ground levels of the different development platforms that are proposed within the site. Extensive cut and fill would be required to create the proposed platforms. The proposed acoustic barrier along the southern boundary of the site would take the form of a 2.0 metres high close boarded timber fence on steel posts atop of an earth bund or the existing embankment. It is also proposed to erect a 3.0 metres high acoustic barrier around the eastern, southern and western boundaries of the southernmost of the two playing fields approved by planning permission in principle 14/00903/PPM and along the western boundary of the northernmost of the two approved playing fields.

Condition 25 of planning permission in principle 14/00903/PPM states that the proposed development should 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 should submit to and have approved in advance by the Planning Authority.

In respect of condition 25, approval is also sought for an archaeological report that is submitted with the application. The report outlines the archaeological investigations that have already been undertaken and the further work that is still required. Given the findings of the current archaeological investigations, the report concludes that the further work required consists of the implementation of artefact analyses and documentary research and publication.

Subsequent to the registration of this application, amended plans have been submitted showing the proposed roundabout positioned further south than the position of the roundabout as it was originally proposed. An amended woodland management plan has also been submitted to address comments made by the Council's countryside officer.

The application is supported by a noise mitigation design report and a civil and ground engineering report.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H2 (Development Frameworks), DP2 (Design), T2 (General Transport Impact) and DP20 (Pedestrians and Cyclists) of the adopted East Lothian Local Plan 2008.

A material consideration in the determination of this application is the approved development framework for the Wallyford Settlement Expansion & Regeneration.

The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Two written representations have been received. They are both made on behalf of Strawberry Corner Garden Centre and raise objection to the proposed development. The objections relates to the proposed roundabout, which it is felt would result in difficulties accessing the existing site and business, significantly undermining pedestrian and vehicular safety. In particular, it is stated that various customer and service traffic conflicts could materialise and an HGV would not be able to manoeuvre into the current parking position. Reconfiguring the existing arrangements would impose an unfair liability on the objector, a trading business. The objector therefore considers that the application should be refused.

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

Wallyford Community Council advise that the expansion of Wallyford has been widely accepted by the community, who look forward to the new primary school being in place.

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the mixed use development of the allocated land at Wallyford. There can therefore be no objection in principle to the proposed infrastructure associated with the mixed use development of the Wallyford site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved development framework for the Wallyford Settlement Expansion & Regeneration and the Indicative Masterplan and conditions attached to planning permission in principle 14/00903/PPM.

By virtue of their size, scale, proportions, positioning, form and materials, the access junctions and distributor road, paths, SUDS detention basins, landscape works and acoustic barriers are all appropriate for their locations, in keeping with their surroundings and acceptable to their purpose of serving the mixed use expansion of Wallyford.

The proposed stone wall would occupy a prominent roadside location. To safeguard the visual amenity of the area and to reflect the existing natural stone boundary wall, the

proposed wall should be constructed of natural stone. The wall should also be erected prior to any of the residential units approved by planning permission in principle 14/00903/PPM, unless otherwise approved in writing by the Planning Authority. This can reasonably be made a condition of the approval of matters specified in conditions for the proposed infrastructure development. Subject to the imposition of this condition, the proposed stone wall would be appropriate for its location and in keeping with its surroundings.

Detailed site levels drawings have been submitted with the application showing the ground levels of the different development platforms that are proposed within the site. Extensive cut and fill would be required to create the proposed platforms. However those drawings do not contain the ground levels of the existing ground that is outwith, but adjacent to, the application site. It is not therefore possible to clearly determine what impact the proposed change in ground levels would have on that adjacent land. For example, were the ground levels of one of the development platforms to be increased in height, then there is the potential that a development on it may well have an adverse effect on the privacy and amenity of neighbouring land, particularly if that land were in residential use. It would therefore be prudent to impose a condition requiring final site setting out details to be submitted to and approved by the Planning Authority. Those details should include finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s).

By its nature and by its positioning the other proposed infrastructure would not result in any harm to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

Condition 20 of planning permission in principle 14/00903/PPM requires details of all noise mitigation measures to be submitted to and approved by the Planning Authority. The mitigation measures should include the erection of an acoustic barrier along the southern boundary of the site.

A noise mitigation design report has been submitted with the application. The mitigation measures proposed in the report includes the provision of an acoustic barrier along the southern boundary of the site, adjacent to the A1 trunk road.

The Council's Environmental Protection Manager raises no objection to the proposed development. He has carefully considered the noise report and agrees with the mitigation measures proposed. If those measures were implemented then the Environmental Protection Manager is satisfied that the future occupants of the residential units approved by planning permission in principle 14/00903/PPM would benefit from a sufficient level of privacy and amenity.

Condition 20 of planning permission in principle 14/00903/PPM also requires the submission of a timetable for the implementation of all of the proposed noise mitigation measures. The submitted noise mitigation design report does not include such a timetable. It would therefore be prudent to impose a condition again requiring a timetable for the implementation of all of the proposed noise mitigation measures to be submitted to and approved by the Planning Authority.

The proposed acoustic barrier, which would take the form of a 2.0 metres high close boarded timber fence on steel posts atop of an earth bund or the existing embankment, would be erected in close proximity to the A1 trunk road. The approved Development Framework states that the proposed landscaping framework must mitigate a corridor effect developing along the A1 trunk road. It requires the provision of a tree belt along the southern and south eastern boundaries of the application site.

The applicant's infrastructure landscape masterplan sets out the landscaping proposals for the site. It shows that a mixed native hedgerow would be planted along the southeast boundary of the site and along the southern boundary against the A1 trunk road. It also shows that woodland planting would be provided within boundary compartments of the site. It does not however clearly specify all of the boundaries that this would apply to. Therefore, for the clear avoidance of doubt, a condition should be imposed requiring that woodland planting also be provided along the southern and south eastern boundaries of the site. Along the southern boundary, the woodland planting should be planted on either side of the proposed acoustic barrier and a minimum of 15% of those trees should be of a standard variety.

The Council's landscape project officer advises that the other elements of the proposed scheme of landscaping are acceptable. He does however recommend that the trees along Fa'side Avenue should be protected during construction activity. This can be secured through the imposition of a planning condition.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy DP2 of the adopted East Lothian Local Plan 2008, with the approved development framework for Wallyford, and with the Indicative Masterplan docketed to planning permission in principle 14/00903/PPM.

The matter of site drainage was considered through the determination of previous application 14/00903/PPM. The Indicative Masterplan docketed to planning permission in principle 14/00903/PPM indicates how in principle three sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins now proposed is consistent with the Indicative Masterplan. As required by condition 27, the Scottish Environment Protection Agency have been consulted on the application. They raise no objection to the proposed locations of the three SUDS detention basins. They are also considering the calculations that have been submitted by the applicant and which have informed the design of the three SUDS detention basins. At the time of preparing this report, no response on this matter has been received by SEPA and it therefore is an unresolved material consideration in the determination of this application.

Scottish Water were consulted on the planning application but have not commented on it.

The Council's Archaeology/ Heritage Officer confirms that, in accordance with condition 25 of planning permission in principle 14/00903/PPM, the applicant's archaeological report is generally to an acceptable standard.

In the applicant's civil and ground engineering report, it is stated that "there are recorded and unrecorded shallow coal mineworkings beneath the majority of the eastern half of the site and a relatively small area immediately west of the footbridge over the A1. There are thirteen identified mine shafts, two adits and the potential for unrecorded mine entries. These workings will be stabilised by drilling and pressure grouting as part of the enabling works permitted under The Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended). The shafts will also be treated and capped as part of these works. The treatment works commenced in August 2015 and are likely to take 9 months to complete."

The Coal Authority do not disagree with these proposals. They do however recommend that site investigation and remedial works should be submitted for the prior approval of the Planning Authority and thereafter implemented prior to the commencement of development (excluding groundworks and site regrading). These matters can be secured through the imposition of a planning condition.

The approved development framework recognises that the Community Woodland will have an important central location in the expanded settlement. Condition 20 of planning permission in principle 14/00903/PPM requires that a woodland management plan for the Woodland should be submitted to and approved in writing by the Planning Authority. The plan should further the value of the resource for biodiversity as well as people, and should 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.

A woodland management plan was submitted with the application. In May 2015 an amended plan was submitted to address comments made by the Council's countryside officer. The amended plan generally complies with the requirements of condition 20 of planning permission in principle 14/00903/PPM. The countryside officer is satisfied with the amended plan and raises no objection to the proposed development.

The Council's outdoor access officer raises no objection to the proposed development, being satisfied with the network of paths being proposed within the site. The proposed paths will, when all in place, provide a permeable network of connecting links for pedestrians and cyclists between the development plots of the Wallyford expansion and also between the site and the adjacent residential areas of Wallyford to the north and west.

The principles of the means of accessing the proposed mixed use development are already decided by the grant of planning permission in principle 14/00903/PPM. These are that vehicular access to the site will be provided via a standard roundabout off the A199 road to the south east, and from a priority junction off the A6094 road from the south west.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the mixed use development.

Strawberry Corner Garden Centre are concerned that the proposed roundabout would result in difficulties accessing their existing site and business and would significantly undermine pedestrian and vehicular safety.

The proposed roundabout is similar to the roundabout indicatively shown in the Masterplan docketed to planning permission in principle 14/00903/PPM.

This matter has carefully been considered by the Council's Road Services. They note that the proposed relocation of the roundabout further south has created stacking room for heavy goods vehicles whilst the gates to the garden centre are either closed or open. The roundabout access would be for service vehicles only and could be appropriately signed. Road Services also advise that the applicant has completed swept path analysis of heavy goods vehicle's entering and leaving the site which illustrates that these

manoeuvres can be safely and satisfactorily made. The proposals also show a second priority junction access point to the west of the proposed roundabout that would provide customer access to the Garden Centre via the existing customer access. Road Services advise that this segregated customer access would reduce the potential conflict between customer and service vehicles as there would be two separate designated accesses. Road Services are therefore satisfied that proposed access arrangements would not create a road safety hazard for customers of the garden centre or vehicles servicing it. They do however recommend that details of a signage strategy to promote the alternative road layout and access arrangements for the garden centre should be submitted to and approved by the Planning Authority. This can be secured through the imposition of a planning condition.

The works to create the new site access from the A199 road also involves the realignment of the section of the road between the Wallyford Toll roundabout and the proposed new roundabout. A new bus layby would be formed immediately to the north of the realigned section of road. Road Services recommend that the new layby should include a shelter and Kassel kerbs. This requirement can reasonably be made a condition of the approval of matters specified in conditions for the proposed infrastructure development.

Subject to the imposition of the aforementioned conditions, Road Services raise no objection to the submitted details.

On these foregoing transportation and other access considerations the proposed infrastructure development is consistent with Policies T2 and DP20 of the adopted East Lothian Local Plan 2008, with the approved development framework for the Wallyford Settlement Expansion & Regeneration, and with the Indicative Masterplan docketed to planning permission in principle 14/00903/PPM.

RECOMMENDATION

That approval of matters specified in conditions for the proposed infrastructure development be granted subject to the following conditions:

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

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing.

Reason:

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

- 2 The stone wall to be erected along the A199 frontage of the site shall be constructed in natural stone. A sample of the natural stone to be used shall be submitted to and approved in advance by the Planning Authority. The stone wall shall thereafter be erected in accordance with the sample so approved and prior to the occupation of any of the residential units approved by the grant of planning permission in principle 14/00903/PPM, unless otherwise approved in writing by the Planning Authority.

The stone wall once erected, will thereafter be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the northern stone boundary wall is erected in the interests of the visual amenity of the area.

- 3 Prior to the commencement of development, a timetable for the implementation of all of the proposed noise mitigation measures specified in the docketed RMP Technical Report No. R-6528E-RGM-CS shall be submitted to and approved by the Planning Authority.

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

Reason:

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

- 4 Unless otherwise approved in advance by the Planning Authority, no development shall take place on site until the existing trees along Fa'side Avenue have been protected by a fence, to be approved in writing by the Planning Authority, erected around each tree or group of vegetation at a distance from each tree trunk commensurate with the tree crownspread or such distances as may be agreed in writing by the Planning Authority. Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

- 5 The woodland planting detailed in the docketed infrastructure landscape masterplan shall be provided along all of the boundary compartments of the site, including along southern and south eastern boundaries of the site. Along the southern boundary, the woodland planting shall be planted on either side of the proposed acoustic barrier and a minimum of 15% of the trees within that woodland planting shall be of a standard variety.

Reason:

To satisfactorily integrate the development into its surroundings, in the interests of the visual amenity of the area.

- 6 Prior to the commencement of development: a) a scheme of intrusive site investigations for the site; and b) a scheme of remedial works, shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority.

Prior to the commencement of development (excluding groundworks and site regrading) the scheme of intrusive site investigations shall be undertaken and the remedial works shall be implemented in accordance with the details so approved.

Reason:

To secure the necessary site investigations for the shallow coal workings and the mine entries, together with the implementation of the necessary remedial works, in order to ensure that development does not occur above or too close to these mining hazards.

- 7 Prior to the commencement of development a signage strategy to promote the alternative road layout and access arrangements for Strawberry Corner Garden Centre shall be submitted to and approved by the Planning Authority. The strategy shall include a timetable for the display of any necessary signage.

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

Reason:

In the interests of road safety.

- 8 A bus shelter and Kassel kerbs shall be provided within the new bus stop layby to be formed to the west of the roundabout hereby approved. Unless otherwise approved in writing, the bus shelter, Kassel kerbs and bus stop layby shall be formed and made available for use prior to the occupation of any of the residential units approved by the grant of planning permission in principle 14/00903/PPM.

Reason:

To encourage sustainable forms of transport in the interests of road safety.