

REPORT TO: Planning Committee
MEETING DATE: Tuesday 5 October 2021
BY: Executive Director of Place
SUBJECT: Application for Planning Permission for Consideration

Application No. **21/00468/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 149 houses and associated works

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

Applicant Taylor Wimpey East Scotland

Per Iain Gaul Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

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 and the number of dwellings detailed is greater than 49. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

SITE HISTORY

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 land to the south of Fa'side Avenue South, to the south of the existing village. The land is the allocated housing site of Proposal MH9 of the adopted East Lothian Local Development Plan 2018.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the 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 planning 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);
- 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 this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

However, in December 2020 planning permission in principle 15/00537/PPM was granted for residential development with associated educational and community facilities and open space on the land, known as Dolphinstone to the immediate south and east of the site the subject of planning permission in principle 14/00903/PPM. Through a condition attached to that grant of planning permission in principle 15/00903/PPM the number of residential units on the combined sites the subject of planning permission in principle 14/00903/PPM and 15/00537/PM was limited to no more than 2050.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of an acoustic bund, and spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure is well underway.

In October 2016 approval of matters specified in conditions (Ref: 16/00537/AMC) was granted for the erection of 26 houses and 18 flats on land to the south of Fa'side Avenue South. Development of the site is largely complete.

In September 2017 approval of matters specified in conditions (Ref:17/00384/AMM) was granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is well underway.

In November 2017 approval of matters specified in conditions (Ref: 17/00432/AMM) was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on

part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

On June 4th 2019 approval of matters specified in conditions (Ref: 18/01283/AMM) was granted for the erection of 74 houses and 16 flats on land to the south of Fa'Side Terrace, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In June 2019 application ref 19/00003/OBL to modify the S75 legal agreement that is associated with planning permission in principle 14/00903/PPM was approved. This gave approval for modifications to that S75 legal agreement which was the mechanism by which the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) was secured. Additionally, the plan docketed to the Section 75 agreement indicated where within the parts of the overall Wallyford development site that the affordable housing would be provided.

On June 14 2019 approval of matters specified in conditions (Ref: 18/01328/AMM) was granted for the erection of 141 houses and associated works on Land South of Faside Terrace, Wallyford to the south of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site is underway.

In January 2020 approval of matters specified in conditions (Ref: 19/00926/AMM) was granted for the erection of 69 houses and associated works on Land to the South, East and West of Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of the site is well underway.

In May 2021 approval of matters specified in conditions (Ref: 21/00069/AMM) was granted for the erection of 105 houses and associated works on Land West Of 33 Fa'side Terrace, Masons Way, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate. Development of this site has not yet commenced.

In August 2021 planning permission (Ref: 21/00693/P) was granted for substitution of house types and erection of 12 additional houses and associated works as changes to the scheme of development the subject of planning permission 18/01283/AMM.

In September 2021 approval of matters specified in conditions (Ref: 21/00219/AMC) was granted for the erection of 42 houses and associated works on Land To South, East And West, Wallyford and thus on the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission relate.

In June 2021 detailed planning permission ref: 21/00070/PM was granted for a learning campus and associated works on land to the West of Masons Way.

PROPOSAL

Planning permission is now sought for approval of matters specified in conditions of planning permission in principle 14/00903/PPM for the erection of 149 houses and associated works on Land to South, East and West, Wallyford.

The site relates to some 5.1 hectares of former agricultural land located to the south of Wallyford. It is bounded to the east by other parts of the larger Wallyford site that have not yet commenced development. To the north of the site is the main spine road that was

constructed as part of the masterplan and which was approved by the grant of approval of matters specified in conditions 15/00136/AMM. Beyond that is an area of woodland and land which the masterplan docketed to planning permission in principle 14/00903/AMM identifies as an area of open space. The site is bounded to the west by a an area of land approved for housing by planning permission in principle 14/00903/AMM with further areas of open space beyond. To the south of the site is an acoustic bund that was approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM) beyond which is the A1 Trunk Road.

The principal vehicular access to the proposed 149 houses would be taken from 3 points formed on the south side of the spine road to the north with an additional footpath link to the spine road.

All of the 149 houses to be erected within the site would be private houses for sale and would be comprised of 12 different house types. They would be comprised of 90 terraced/semi-detached houses and 59 detached houses. 11 of the proposed terraced/semi-detached houses would have 2 bedrooms, 72 would have 3 bedrooms and 7 would have 4 bedrooms. The proposed 59 detached houses would all have 4 bedrooms.

The submitted details also include for the internal access roads, footpaths, garages, parking courts, boundary treatments, landscaping and associated area of open space.

An Addendum Geo-Environmental Report (Wardell Armstrong, dated 20th August 2021), a Climate Emergency and Sustainability Report and a statement on the provision of Electric Vehicle Charging Points have been submitted in support of the application.

Since the application was first registered further drawings have been submitted showing revisions to the proposed site layout.

DEVELOPMENT PLAN

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Proposal MH9: (Land at Wallyford) of the adopted East Lothian Local Development Plan (ELLDP) 2018 and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), T1 (Development Location and Accessibility), (T2 (General Transport Impact), Policy DP8: Design Standards for New Housing Areas, Policy DP9: Development Briefs, Policy DCN2: Provision for Broadband Connectivity in New Development, Policy HOU1: Established Housing Land, Policy HOU3: Affordable Housing Quota, Policy W3: Waste Separation and Collection, Policy SEH2: Low and Zero Carbon Generating Technologies OS3 (Minimum Open Space Standards for New General Needs Housing) and OS4 (Play Space Provision in new General Needs Housing Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Also material to the determination of this application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning

process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

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

Also material to the determination of the application is the approved masterplan for the site as approved by the grant of planning permission in principle 14/00903/PPM. The masterplan sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

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

REPRESENTATIONS

There are no written representations received in respect of this application.

COMMUNITY COUNCIL

Wallyford Community Council, a consultee, were consulted on the application and made no objection to the proposals.

PLANNING ASSESSMENT

By the grant of planning permission in principle 14/00903/PPM and 15/00537/PPM approval has been given for the principle of the erection of up to 20550 houses on the combined applications on the combined Wallyford and Dolphinstone sites following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. To date, approval has been granted for the erection of a total of 933 residential units on the wider Wallyford site (Ref: 16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 18/01328/AMM, 19/00926/AMM, 21/00069/AMM, 21/00693/P and 21/00219/AMC. Therefore as the cap of 2050 houses has not yet been reached within the combined Wallyford and Dolphinstone sites, there can be no objection in principle to the proposed 149 houses now proposed on this particular part of the larger site.

Consequently, in the determination of this application the Council, as Planning Authority, can

only concern itself with the siting, design and external appearance of the housing development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the approved masterplan of, and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would form an extension to, and would be a natural extension of the southern edge of Wallyford. The proposed housing would be seen in relation to the new housing that is proposed for land to the west of this site. The new housing will also eventually be seen in relation to the other new housing areas that will be to the east of the application site. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses, with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and house types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey. The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The Council's Landscape Officer has been consulted and raises no objections to the proposals subject to the use of non-thorn species of hedging within the site. The submission of a detailed scheme of landscaping prior to the commencement of development can be made a condition of a grant of approval of matters.

The Council's Environmental Health Manager has been consulted on the application and responds no comment.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policies DP1, DP2, DP3 and DP4 of the adopted East Lothian Local Development Plan 2018, the Council's approved development framework for Wallyford, Scottish Government's Designing Streets and the Council's Supplementary Planning Guidance 'Design Standards for New Housing Areas'.

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development) of the adopted ELLDP 2018 requires that for developments of 20 and more dwellings the minimum requirement for on-site provision of open space is 60m² per dwelling. Policy OS4 (Play Space Provision in New General Needs Housing Development) requires that developments of 50 and more dwellings must provide a play area suitable for children aged 0 - 8.

The site that is the subject of this approval of matters application includes only small areas of land shown on the docketed masterplan as being the location for areas of open space. It does not show areas for play area provision or for sports pitch provision.

However, the site will be bounded to the east and west by areas identified by the masterplan for planning permission in principle 14/00903/PPM as open space including for the provision of play parks. Furthermore the site is in close proximity to the Community Woodland which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site.

Consequently, although the proposed development does not include play area provision or the provision of formal areas of open space consistent with Policies OS3 and OS4 of the ELLDP, this is consistent with the docketed masterplan attached to planning permission in principle 14/00903/PPM. On this consideration the proposed development is consistent with Policies OS3 and OS4 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The Council's Acting Principal Amenity Officer has been consulted on the application and has not raised any objection.

The principles of the means of accessing the larger development are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed housing plots being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition ref: 15/00136/AMM.

The applicant has confirmed that the submitted details for accessing the site are in accordance with these established principles of the means of accessing the larger development approved by the grant of Approval of Matters 15/00136/AMM.

The Council's Roads Services have been consulted on the application and advise that the vehicle swept path assessment that has been submitted for this application is not acceptable as it fails to demonstrate that a Refuse Collection Vehicle can manoeuvre into the site without over-running or over-hanging the footway at the access junctions into the development. Therefore the applicant must amend the details of those junctions and thereafter submit an amended swept path assessment that demonstrates that a Refuse

Collection Vehicle (RCV) can negotiate the road layout proposed for the application site without such over-running or overhanging the footway.

Additionally Road Services advise that the proposed roads layout be amended to: (i) remove the 'tapered' sections of road adjacent to plot 601 and at the central access road adjacent to plots 610 and 749; and (ii) that traffic calming measures be installed on straight sections of road within the development including between plots 602-603 and plots 617-620, between plots 629-630 and access to parking courts serving plots 651-653 and between plot 650 and plot 659 with those traffic calming measures being submitted to and approved by the Planning Authority. The submission of the amended road layout can be made a condition of any grant of planning permission.

Subject to the above controls the **Council's Roads Services** do not object to the application on the grounds of road safety. They do however recommend that the development is built out in accordance with the following standards:

- i) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- ii) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site to the Spine Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-
 - a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.
 - b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.
 - c) A straight line joining the termination of the above two lines;
- iii) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
- iv) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- vii) 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;
- viii) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;
- ix) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put

in place to control surface water drainage during the construction works. Routes for construction traffic and provision of wheel washing facility for construction vehicles shall also be included. The applicant shall then comply with measures required by the approved Construction Method Statement;

x) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

xi) A Quality Audit including swept path assessments for refuse collection and fire appliance access, shall be submitted;

xii) All internal and external roadworks, including proposed access junctions, and off-site works shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) The audit process shall be undertaken in accordance with GG119 Road Safety Audit Rev0, or as amended by latest version, and the recommendations of the Road Safety Audit shall be fully complied with through all stages of the development; and

xii) A joint dilapidation survey of the affected roads - Masons way - carriageway and footways - shall be undertaken. Roads and footways affected by construction vehicle access, shall be resurfaced/repared to accommodate the increased use and works associated with construction traffic taking place over the frontage of the site.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Subject to the imposition of those planning controls and on these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM. Therefore as an approval of matters of that planning permission in principle there are no further contributions required from this proposal.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the grant of planning permission in principle 14/00903/PPM. Additionally, the masterplan docketed to planning permission 14/00903/PPM indicates the parts of the wider Wallyford development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how 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 has already been approved by approval of matters 15/00136/AMM.

The applicant's agent has confirmed that all onsite drainage/Suds features will be served by the SUDS scheme previously consented and installed within the larger development and which were approved by approval of matters 15/00136/AMM.

Scottish Water were consulted on the planning application and raised no objection to it.

The Councils' Waste Services were consulted on the application and raise no objection.

The Council's Contaminated Land Officer has reviewed the submitted Addendum Geo-Environmental Report and is satisfied that no further assessment is required for the application site with regards to contamination or ground gas. He does however note findings within the Report which state that areas of the site may fall within intermediate radon probability levels and would thus require the installation of protection measures. He agrees with recommendations within the Addendum Geo-Environmental Report that a site specific report be obtained to determine whether the site falls within an area that requires radon protection measures. The report will include a Remediation Strategy providing details of necessary mitigation measures to reduce any identified risks to acceptable levels. Should remedial works be required then a further Validation Report shall be submitted to the Planning Authority for approval confirming that the works have been carried out in accordance with the Remediation Strategy.

The above recommendations can reasonably form the subject of a condition attached to a grant of planning permission.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

RECOMMENDATION

That Approval of Matters Consent 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:

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

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

Reason:

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

- 5 Notwithstanding that shown on drawings docketed to this approval of matters specified in conditions, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site. Thereafter the scheme of landscaping shall be carried out in accordance with that approved landscaping scheme unless otherwise agreed by the Planning Authority.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, 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

- 6 All of the approved landscaping as required by condition 6 above shall be implemented, maintained and managed in accordance with the management details approved by the landscaping scheme unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including those enclosing the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house. A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 8 Prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason

In order to ensure the implementation and maintenance of a scheme to enhance the appearance of the

development in the interests of the amenity of the area.

9 The development shall comply with the following transportation requirements:

i) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;

ii) Visibility splays of 4.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed access junctions from the application site to the Spine Road such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

a) A line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway.

b) A line 70 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.

c) A straight line joining the termination of the above two lines;

iii) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;

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

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

vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

vii) 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;

viii) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

ix) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic and provision of wheel washing facility for construction vehicles shall also be included. The applicant shall then comply with measures required by the approved Construction Method Statement;

x) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

xi) A Quality Audit including swept path assessments for refuse collection and fire appliance access, shall be submitted;

xii) All internal and external roadworks, including proposed access junctions, and off-site works shall be subject to Road Safety Audit. This process must be completed through Stages 1, 2, 3 & 4 (Preliminary Design, Detailed Design, Post Opening Audit & finally Post Opening Audit + 12 months) The audit process shall be undertaken in accordance with GG119 Road Safety Audit Rev0, or as amended by latest version, and the recommendations of the Road Safety Audit shall be fully complied with through all stages of the development.;

xiii) A joint dilapidation survey of the affected roads - Masons way - carriageway and footways - shall be undertaken. Roads and footways affected by construction vehicle access, shall be resurfaced/repared to accommodate the increased use and works associated with construction traffic taking place over the frontage of the site;

xiv) traffic calming measures shall be installed on roads within the development including (i) between plots 602-603 and plots 617-620, (ii) between plots 629-630 and the access to parking courts serving plots 651-653 and (iii) between plot 650 and plot 659 with the details of those traffic calming measures which shall include a timetable for their installation being submitted to and approved by the Planning Authority prior to them being installed.

Reason

In the interests of pedestrian and road safety

- 10 Notwithstanding that shown on the docketed drawings the details of the vehicular access junctions from the spine road into the housing development nor the tapered sections of road adjacent to (i) plot 601 and (ii) at the central access road adjacent to plots 610 and 749 are not approved.

Prior to the commencement of development the applicant shall submit for approval by the Planning Authority details demonstrating that a refuse collection Vehicle (RCV) can fully negotiate the road layout including the access junctions from the spine road into the housing development without over-running or overhanging the adjacent public footway . Thereafter the access junctions shall be formed in accordance with the details so approved prior to the occupation of any of the houses hereby approved unless otherwise agreed by the Planing Authority.

Reason

To ensure that the development can be safely accessed in the interests of pedestrian and road safety

- 11 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 12 Development shall not commence until the findings of a site specific report to determine if any part of the site falls within areas requiring Radon protection have been submitted to and approved by the Planning Authority. The report shall further provide details and quantify any remedial works to be undertaken in order to reduce risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with those approved by the Planning Authority.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

In the interests of the safety of future occupants of the site.