

REPORT TO: Planning Committee
MEETING DATE: 7 June 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. 22/00009/AMM

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 90 flats and associated works

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

Applicant Dunedin Canmore Housing Association

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the approval of matters specified in conditions of planning permission in principle (Ref: 14/00903/PPM) it has to be determined as a major development type application because 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.

BACKGROUND

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 (ref: 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 (Ref: 12/00924/PPM):

- Variation of condition 2 of planning permission in principle (Ref: 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 (Ref: 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 (Ref: 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 (Ref: 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 (Ref: 15/00537/PPM) was granted for residential development with associated educational and community facilities and open space on the land, known as Dolphingstone to the immediate south and east of the site the subject of planning permission in principle (Ref: 14/00903/PPM). Through a condition attached to that grant of planning permission in principle (Ref: 15/00537/PPM) the number of residential units on the combined sites the subject of planning permission in principle (Ref: 14/00903/PPM) and (Ref: 15/00537/PM) was limited to no more than 2050. A revised indicative masterplan was submitted and approved as a part of planning permission in principle (Ref: 15/00537/PPM) to show that the positions shown for the distributor road, SUDS ponds, school campus and local centre would be the same as that approved by planning permission in principle (Ref: 14/00903/PPM).

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 that site is largely complete.

In March 2017 planning permission (Ref: 16/01056/AMM) was granted for approval of matters specified in conditions of planning permission in principle (Ref: 14/00903/PPM) - Erection of school on Land to South of Wallyford Farm Cottages. The approved school campus comprises a new primary school, a nursery, a shared school and community library, a dining hall and multi-purpose hall for shared school and community use, associated playgrounds, playing fields, car parking and associated works. That development has been completed as Wallyford Primary School and Children's Nursery.

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 that site is largely complete.

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 that site is underway.

On June 14th 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 largely complete.

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 largely complete.

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 the site has commenced.

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. Development of the site is well underway.

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 (Ref: 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. Development of this site has not yet commenced.

Also in September 2021 approval of matters specified in conditions (Ref: 21/00468/AMM) was granted for the erection of 149 houses and associated works 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. Development of this site is underway.

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 on Land South of Fa'side Terrace, Wallyford.

PROPOSAL

Planning permission is now sought for approval of matters specified in conditions of planning permission in principle (Ref: 14/00903/PPM) for the erection of 90 flats and associated works on Land To South, East And West, Wallyford.

The application site is located to the south and east of Wallyford. It relates to an irregular-shaped area of land of some 1 hectares that slopes gradually from north east to south west. It has a rough grass finish and has no trees or any other landscape features present on it. In February 2022 an application (Ref: 22/00133/AMC) was submitted to the council for approval of matters specified in conditions of planning permission in principle 15/00537/PPM - Erection of convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis), 1 NHS facility building (class 2), and associated works on land to the east of the site of this application. That application was reported to members through the Scheme of Delegation List of 26th May 2022 with a recommendation that planning permission be granted.

To the south of the application site is the existing access road of Futures Way with Wallyford Primary School beyond. To the north of the site is the land of the Learning Campus approved through detailed planning permission (Ref: 21/00070/PM) and currently under construction. To the west of the site is an area of land which the masterplan docketed to planning permission in principle 14/00903/AMM identifies as an area of open space with houses of the established Wallyford settlement beyond.

In June 2019 application (Ref 19/00003/OBL) to modify the S75 legal agreement associated with planning permission in principle (Ref: 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. This application is for 90 flats on one of those affordable housing sites.

Of the 90 flats proposed, all would be promoted as affordable housing consisting of 61 social/mid-market rent and 29 Livingwell flats for older people. The Councils Development Team Housing Enabler has undertaken an assessment of need and advises that the preferred tenure for this site includes a mix of social rent to include mid-market rent and older person's living. She further confirms that discussions are ongoing with applicants toward such provision. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM)

and with policy HOU3 (Affordable Housing Quota) of the adopted East Lothian Local Development Plan 2018. A condition can reasonably be attached to any grant of planning permission to ensure the development is operated as affordable housing.

The proposed 90 flats would be contained within three flat roofed, flatted blocks. They would comprise 9 one-bedroom flats, 78 two-bedroomed flats and 3 three-bedroomed flats. The flatted 3 blocks would be oriented to face outwards from the site and would be constructed around an inner courtyard and would consist of:

- a 3-storey U-shaped flatted block of 30 flats on the west part of the site;
- a 4-storey L-shaped flatted block on the northeast part of the site providing 29 Livingwell flats to include a communal social area; and
- a 4-storey L-shaped flatted block of 31 flats on the southeast part of the site.

The proposed flatted blocks would have flat roofs finished in grey single-ply membrane and external elevation walls finished predominantly in red and light buff multi-facing brick with some use of grey brick as feature panels. All windows would be finished in dark grey. Other than those serving bathrooms all proposed window openings above ground floor level would be full size and would feature Juliet balconies finished in brushed steel railings. All external doors and fascias would be dark grey. Entrance to the proposed flats would be taken from a number of doorways formed on the front, side and rear elevations of the flatted blocks. Internal bin and cycle storage facilities would be provided at ground-floor level within each flatted block.

The principal vehicular access to the proposed 90 flats would be provided by an access road formed to the north of the site taken from a junction formed on the west side of the main spine road of Masons Way. Additional vehicular access would be taken from the existing Wallyford Primary School access road of Futures Way to the south. Pedestrian footpaths would be formed to the north, south and west and to connect with the proposed local centre to the east.

Centrally laid out parking areas are proposed within the site to provide a total of 90 parking spaces to serve the proposed flats to include those providing disabled access. All of the proposed vehicle parking spaces would have access to an electric vehicle charging point.

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

The application is supported by a Design and Access Statement.

As well as detailed architectural drawings, the application is also supported by, amongst other documents, a proposed Drainage Layout Plan and an Interim Geo-Environmental Letter Report (Mason Evans, dated 25th March 2022).

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) and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP8 (Design Standards for New Housing Areas), DP9 (Development Briefs), DCN2 (Provision for Broadband Connectivity in New Development), HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), W3 (Waste Separation and Collection), PSEH2 (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 Council's 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

No letters of public objection have been received in respect of this application.

COMMUNITY COUNCIL COMMENTS

Wallyford Community Council, as a consultee, have raised concerns to the proposals on grounds of road safety relating to:

- use of the existing access road serving Wallyford Primary School and Nursery to access the site of the proposed development;
- the siting of vehicle parking spaces opposite the main entrance to Wallyford Primary School/Nursery;
- loss of an existing turning circle to the southeast of the application site; and
- insufficient parking within the site of the proposed development;

PLANNING ASSESSMENT

By the grants of planning permission in principle (Ref: 14/00903/PPM) and (Ref: 15/00537/PPM) approval has been given for the principle of the erection of up to 2050 houses on the combined Wallyford and Dolphingstone 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 1082 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, 21/00219/AMC and 21/00468/AMM). Therefore as the cap of 2050 houses has not yet been reached within the combined Wallyford and Dolphingstone sites, there can be no objection in principle to the proposed 90 flats 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 (Ref: 14/00903/PPM).

The proposed flatted development would form an extension to, and would be a natural extension of the southern edge of Wallyford. The proposed flats would be seen in relation to the new Wallyford Primary School to the south and the Learning Campus currently under construction on land to the north of this site. The new flats will also eventually be seen in relation to a local centre that is proposed on land immediately to the east of the application site. In all of this, the proposed flatted development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent residential developments in the Wallyford area.

The proposed flatted buildings and associated areas of ground, in their proposed groupings, orientations, and layout would be broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle (Ref: 14/00903/PPM) and 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 3 flatted blocks consisting of one of 3-stories and two of 4-stories in height. The total number of residential 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 flat types. The layout reflects the surrounding area and the flatted blocks 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 development of the three flatted blocks on this site would result in a higher density of development than is apparent on the other pockets of development within the larger Wallyford development. However, the 3 and 4 storey flatted blocks would be seen in the context of, and would sit comfortably alongside the buildings of the Wallyford Learning Campus and Primary school and also the future buildings of the new local centre. Therefore due to the location of the site this higher density of development would not be inappropriate and such a density of development would not be harmful to the character of this particular part of the larger Wallyford development.

The flatted blocks 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 flatted blocks 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 architecture of the proposed flatted blocks is of a flat roof form. The use of brick as external wall finishes would be appropriate to their modern architectural style, and would be reflective of the historic links of Wallyford to brick production. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of external finishes.

The proposed development would provide an attractive residential environment for future residents of the proposed flats. The flats 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 flats an appropriate level of privacy and residential amenity.

The **Council's Landscape Officer** has been consulted and raises no objections to the proposals. 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 Senior Environmental Health Officer** has been consulted and has responded 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 and DP2 of the adopted East Lothian Local Development Plan 2018 and 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 (Ref: 14/00903/PPM) indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes 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 is bounded to the northwest by areas identified by the masterplan for planning permission in principle (Ref: 14/00903/PPM) as open space. Furthermore a play park suitable for a range of age groups of children is open and available for use. Additionally, the site is in close proximity to the Wallyford Community Woodland which will provide a range of opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of the 90 flats to be constructed on this site. Therefore the future occupants of the flats would benefit from a range of play and recreation facilities within the immediate area.

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

The principles of the means of accessing the larger development comprising the Wallyford expansion are already decided by the grant of planning permission in principle (Ref: 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 Conditions (Ref: 15/00136/AMM).

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would not result in unacceptable traffic congestion on the local road network and that it would not result in a road or pedestrian safety hazard. They advise that the location and amount of parking within the site is acceptable given the proximity of public transport provision and access to alternative active travel modes. They recommend however that conditions be imposed on any grant of planning permission to ensure that:

- *A Quality/Safety Audit is undertaken and the outcomes implemented through the design and implementation stages - including post construction/opening;
- * All paths and footway connections from the development to adjacent roads shall be constructed to an adoptable standard in accordance with East Lothian Council Standards for Development Roads, to include provision of a 1.5 meters wide footpath at the northern end of the flatted Block 3;
- * Full details of all the proposed offsite works are submitted for planning authority approval to include provision of Way finding signage around the site and externally within Wallyford to show active travel routes to the site as well as for those driving;
- *A Travel Plan be provided with particular regard to provision for walking, cycling and public transport access to and within the site and to identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- * The details of an emergency access strategy is agreed in advance with the Planning Authority;
- * A Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control noise, dust, construction traffic (including routes to/from the site) and shall include hours of construction work;
- * Wheel washing facilities be provided and maintained in working order during the period of operation of the site to prevent deleterious materials being carried on to the Distributor Road on vehicle tyres.
- *Cycle parking and electric vehicle charging provision be provided prior to the occupation of any of the proposed flats; and
- * Full details of 3 adoptable footpath connections to link the northern edge of the

application site to the adjacent Wallyford Learning Campus are submitted for planning authority approval and thereafter constructed in accordance with those details as approved.

All of these requirements can reasonably be made conditions on a grant of planning permission for the proposed development.

In relation to the 3 off-site footpaths to be provided between the application site and the Learning Campus currently under construction to the north, the Council's Design and Programme Management Team raise no objections to the provision of path links being provided on Council owned and maintained land between the application site and the Learning Campus subject to the prior submission of full details of the proposed footpaths. The footpaths to be provided between the application site and the Learning Campus would cross over a small landscaped strip of land to link with an east/west pedestrian/cycle corridor along the south side of the site of the Learning Campus providing public access through that site. A condition can be imposed on any grant of planning permission to ensure the final details of these paths, and to include replacement details for any planting to be removed to facilitate provision of the paths as well as the hard surfacing and lighting requirements required by Road Services, be approved and the footpaths provided prior to any occupation of the proposed flats.

On these foregoing transportation and other access considerations the proposed development is consistent with Policies T1 and T2 of the ELLDP.

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 (Ref: 14/00903/PPM). The **Council's Planning Obligations Officer** has confirmed that, as an approval of matters of that planning permission in principle, there are no requirements for additional developer contributions associated with this application.

The indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) indicates how three sustainable urban drainage scheme (SUDS) detention basins would be formed within the wider Wallyford site to attenuate the flow of surface water run-off. The three SUDS detention basins have been approved by approval of matters (Ref: 15/00136/AMM) and have been constructed.

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

The **Council's Flooding Officer** has been consulted on the application and has confirmed that the submitted Drainage Layout Plan is acceptable.

The Flooding Officer raises no objection to the application.

Scottish Water were consulted on the planning application and raise no objection.

The **Council's Waste Services** were consulted on the application and raise no objection.

In relation to considerations of contaminated land issues, the **Council's Contaminated Land Officer** has reviewed the submitted Geo-Environmental Letter Report and is satisfied that no further assessment is required for the application site with regards to contamination. He advises however that a Gas Risk Assessment Report is submitted in

order for him to provide additional comments upon completion of gas monitoring works.

Subject to the above controls the Council's Contaminated Land Officer raises no objection to the application.

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.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development Plan.

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 buildings 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 materials and finishes to be used on the exterior of the flats hereby approved which shall include samples of the brick to be used on the buildings, and a schedule of all other materials and finishes to be used on the other components of the development, including ground surfaces and boundary enclosures, shall be submitted to and approved by the Planning Authority prior to the materials and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

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

- 3 Prior to the occupation of the last flat 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 in the interests of road safety.

- 4 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 90 flats hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 5 Prior to the occupation of the flats hereby approved, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority

(i) all paths and footway connections from the development to adjacent roads shall be constructed to an adoptable standard in accordance with East Lothian Council Standards for Development Roads;

ii) a 1.5 meters wide footpath shall be provided at the northern end of the flatted Block 3 hereby approved;

(ii) details of all the proposed offsite works to include provision of Way finding signage around the site and externally within Wallyford to show active travel routes to the site as well as for those driving;

(iii) details of proposed emergency access strategy.

These transportation requirements shall thereafter be carried out in accordance with the details and timetable so approved.

Reason:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development, details of the provision of car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. No use of the vehicle parking spaces shall commence prior to installation in accordance with details so approved of the car charging points and infrastructure for them unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 7 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

- 8 All of the landscaping as required by condition 8 above shall be implemented, maintained and managed in accordance with management details to be provided 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.

- 9 Prior to the commencement of development a Gas Risk Assessment shall be undertaken for the site and a Gas Risk Assessment Report shall be submitted which shall include an evaluation of any gas protection measures that may be deemed necessary. Where risks have been identified, a detailed Remediation Statement should be produced that shows how the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors

If the Gas Risk Assessment identifies that protection measures are required then a Verification Report shall be submitted that demonstrates what protection measures are to be undertaken and a timetable for their implementation. It must be approved by the Planning Authority prior to commencement of the new use of the land and the protection measures shall be implemented as so approved.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, and if required further Site Investigations and subsequent Risk Assessment may have to be carried out and if necessary a Remediation Strategy and a Verification Report be submitted confirming the satisfactory completion of these remedial works.

Reason:

In the interests of the amenity of the area.

- 10 Prior to the commencement of the development hereby approved a Stage 1 Road Safety Audit shall be undertaken for the preliminary design of all roadworks, footways and cycle paths to be formed. This process shall be completed through Stages 2, 3 & 4 which are Completion of Detailed Design, Completion of Construction & Post Opening Monitoring using 12 months of validated post scheme opening road traffic collision data - all in accordance with GG119 Road Safety Audit Rev1. The Road Safety Audit to include; the proposed roads, junctions, footways, cyclepaths, pedestrian crossings (including controlled crossing) and double 'D' islands where provided. The findings of the Road Safety Audit shall be submitted for the approval of the Planning Authority prior to the implementation of any outcomes arising from them.

The outcomes of the initial Quality and Safety Audits shall be implemented (including the designers response) through the detailed design stages and the full audit processes (i.e. Safety Audit and Quality Audit) completed through the design and implementation stages - including post construction/opening in accordance with a timetable to be agreed with the Planning Authority in advance of the opening of the convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis) and NHS facility building hereby approved.

Reason:

In the interests of road and pedestrian safety.

- 11 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic

* Wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

* Temporary measures to control surface water drainage during the construction works.

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

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved and the wheel washing facilities, or any alternative facility so approved, shall be provided and maintained in working order during the period of construction operations at the site .

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 12 Prior to the occupation of any of the flats hereby approved, a Travel Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Road Services. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, including the identification of appropriate Safer Routes to School, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Reasons:

In the interest of road safety.

- 13 Prior to the commencement of development details of proposed secure cycle parking shall be submitted to and approved by the Planning Authority.

The secure cycle parking shall be formed and made available for use in accordance with the details so approved and thereafter retained in place unless otherwise agreed by the Planning Authority.

Reason:

To ensure the provision of adequate cycle parking on the site

- 14 Prior to the commencement of any part of the development hereby approved, full details of the 3 adoptable and lit footpath links at points between the northern boundary of the application site and the approved footpath network to the south of Wallyford Learning Campus shall be submitted to and approved by the Planning Authority. The 3 footpath links shall follow a route to the north over an area of landscaping linking them to the east/west pedestrian/cycle corridor along the south side of the site of the Learning Campus.

Thereafter and prior to the occupation of any of the flats the 3 footpath links shall be formed in accordance with approved details unless otherwise approved by the Planning Authority.

Thereafter, the 3 footpath links shall be retained in use as adoptable and lit footpath links.

Reason:

In the interests of the safety and amenity of pedestrians and cyclists.

- 15 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.

- 16 The drainage scheme as detailed on drawing number 52001 Revision P02, titled 'Proposed Drainage Layout', docketed to this planning permission shall be formed and available for use prior to any part of the development hereby approved coming into use, unless otherwise approved by the Planning Authority. Thereafter the drainage layout shall be retained unless otherwise agreed by the Planning Authority.

Reason:

To ensure that the site is adequately serviced and that surface water and foul drainage from the site can be accommodated.