

REPORT TO: Planning Committee
MEETING DATE: Tuesday 6 September 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/00651/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 87 houses and associated works

Location **Land At Area 4
Land To South, East And West
Wallyford
East Lothian**

Applicant Dandara East Scotland Limited

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 is required 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.

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 May 2022 approval of matters specified in conditions (Ref: 22/00009/AMM) was granted for the erection of 90 flats 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 May 2022 approval of matters specified in conditions (Ref: 22/00133/AMC) was granted for a local centre to include the erection of a convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis), 1 NHS facility building (class 2), and associated works on land shown as Area 5 on the masterplan docketed to planning permission in principle (Ref: 15/00537/PPM).

Also in May 2022 approval of matters specified in conditions (Ref: 00345/AMC) was granted for the construction of an infrastructural link road, footpath and associated works on Land To South, East And West, 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 87 houses 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 2.7 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.

To the north of the application site is the land of the link road, footpath and associated works approved by approval of matters specified in conditions (Ref: 22/00345/AMC) with a completed housing development the subject of approval of matters specified in conditions (Ref: 17/00384/AMM) beyond. To the west is the main distributor spine road of Masons Way with land approved by approval of matters specified in conditions (Ref: 22/00133/AMC) for the new local centre beyond. To the south of the application site is a SUDS detention basin approved by approval of matters specified in conditions (Ref: 15/00136/AMM) with a large housing development approved by approval of matters specified in conditions (Ref: 21/00468/AMM) and currently under construction. To the east is the eastern boundary of the wider Wallyford development site with land of Dolphingstone, the subject of planning permission in principle (Ref: 15/00537/PPM), beyond.

The principal vehicular access to the proposed 87 houses would be taken from 2 points formed on the east side of the spine road to the west. Footpath connections would also be provided into the site from the spine road. Additional vehicular access would be taken from the link road to the north and points formed to provide future footpath connections to the east.

All of the 87 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 53 terraced/semi-detached houses and 34 detached houses. Ten of the proposed terraced/semi-detached houses would have 2 bedrooms, 28 would have 3 bedrooms and 15 would have 4 bedrooms. Of the proposed 34 detached houses 1 would have 3 bedrooms, 21 would have 4 bedrooms and 12 would have 5 bedrooms.

The submitted details also include for the internal access roads, footpaths, garages,

parking courts, boundary treatments, landscaping and associated area of open space.

A Design Statement has been submitted as a part of the application.

The following have also been submitted in support of the application:

- *Consolidation of Abandoned Mineworkings Completions Report (Mason Evans, January, 2017);
- *Earthworks and Validation Report (Wardell Armstrong, February, 2018);
- *Geo-Environmental Report Addendum (Wardell Armstrong, August, 2021);
- *Geotechnical Investigation Report (Wardell Armstrong, October, 2015);
- *Radon Report (British Geological Survey, September, 2021);
- *Specification and Construction Quality Assurance Plan (Wardell Armstrong, August, 2015);
- *Drainage Statement (Indev Consult, March, 2022);
- *Road Safety Audit (Drummond Black Consulting, August 2022); and
- *Car Parking Allowance Plan.

Since the application was first registered updated drawings showing revisions to the proposed site layout, updated landscape proposals and a revised Drainage Statement have been submitted.

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 (ELLDP).

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 (Ref: 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 written representations have been received in respect of this application.

COMMUNITY COUNCIL

Wallyford Community Council, a consultee, were consulted on the application and raise 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 2050 houses 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 1172 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, 21/00468/AMM and 22/00009/AMM). 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 87 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 (Ref: 14/00903/PPM).

The proposed residential development would form an extension to, and would be a natural extension of the south-eastern edge of Wallyford. The proposed housing would be seen in relation to the new housing that is under construction on land to the south of this site and the completed housing development to the north. 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 (Ref: 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 Councils Landscape Officer has been consulted on the application and initially raised concerns over proposed tree planting in private garden areas and the provision of sufficient open space to accommodate the relocation of those trees. However, further to the submission of drawings to provide details of revised tree planting and the provision of soil cells for trees adjacent to hardstanding areas within the site he raises no objection to 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 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 (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.

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 west by areas identified by the masterplan for planning permission in principle (Ref: 14/00903/PPM) as open space including for the provision of a play park. Furthermore the site is in close proximity to playgrounds and sports pitches associated with the Learning Campus currently under construction to the northwest and the Community Woodland to the southwest, all of 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 (Ref: 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 (Ref: 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 (Ref: 14/00903/PPM). These include vehicular access to the proposed housing plots being taken from the new distributor road approved by planning permission (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 planning permission (Ref: 15/00136/AMM).

The **Council's Road Services** have been consulted on the application and advise that the location and amount of parking within the site is acceptable and that the development can be safely accessed by cars and large vehicles. They recommend however that conditions be imposed on any grant of planning permission to ensure that:

i) A visibility splay of 4.5 metres by 70 metres is provided and maintained on each side of each of the proposed access junctions from the application site 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 as:-

*a line 4.5 metres long measured along the access road from the nearside edge of the main road carriageway;

*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; and

*a straight line joining the termination of the above two lines;

ii) A visibility splay of 2.5 metres by 70 metres is provided and maintained on each side of each of the proposed driveway access's which directly access onto the distributor road to the north of the application site 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 as:-

*a line 2.5 metres long measured along the access road from the nearside edge of the main road carriageway;

* 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; and

* a straight line joining the termination of the above two lines;

iii) A joint dilapidation survey of adjoining roads, to include all carriageways and footways adopted by East Lothian Council, shall be undertaken. Roads and footways affected by construction vehicle access shall be resurfaced/repared by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority;

iv) 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 GG 119 - Revision 2 Road Safety Audit Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, or as amended by latest version;

v) Prior to the commencement of any part of the development hereby approved a Quality Audit to independently assess walking, cycling, and road safety aspects within and around the development shall be submitted for planning authority approval. The Quality Audit will further provide details of signage to identify vehicular and active travel routes through the development. The Quality Audit will be reviewed after construction is substantially complete and the developer required to make good any issues;

vi) A Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking is submitted to and approved by the Planning Authority prior to the commencement of the development hereby approved. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

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

and managed on site.

Council Roads Services further require that the proposed development complies with the following:

- 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. This shall also comply with Design Standards for New Housing Areas Supplementary Planning Guidance 2020;
- ii) 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;
- iii) 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;
- iv) 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;
- v) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed; and
- vi) wheel washing facilities shall 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;

All of these requirements can reasonably be made conditions on a grant of planning permission for the proposed 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 (Ref: 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 (Ref: 14/00903/PPM). Additionally, the masterplan docketed to planning permission (Ref: 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 (Ref: 14/00903/PPM).

The Indicative masterplan docketed to planning permission in principle (Ref: 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 (Ref: 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 (Ref: 15/00136/AMM).

Further to the submission of an updated Drainage Statement providing a Climate Change Rainfall Allowance of 39% the Council's Flooding Officer is satisfied with the proposed drainage arrangements and raises no objection to the application.

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

The Council's 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 the risk from unknown areas of contamination could not be discounted and advises that in the event that any unexpected ground contamination is encountered at any time during development works on the application site those works will immediately cease and the matter reported to the Planning Authority. Thereafter the Planning Authority may require that additional site investigation and risk assessment is undertaken. Should findings confirm requirements for remedial measures a Remediation Strategy will be required to be submitted, with a further Validation Report submitted for Planning Authority approval confirming that the required 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 report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission. The applicant has submitted a Car Parking Allowance Plan advising that all vehicle parking spaces proposed for the development will be served by electric vehicle charging points. It would be prudent to require proposals for the provision of new car charging points and infrastructure for them. This can reasonably be secured by a condition imposed on a grant of planning permission for the 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.

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 landscaping as required by condition 5 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.

- 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. This shall also comply with Design Standards for New Housing Areas Supplementary Planning Guidance 2020;

ii) 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;

iii) 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;

- iv) 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;
- v) cycle parking for dwellings without private back garden with a gate (e.g. flats/mid-terraces), shall be included at a rate of 1 space per dwelling. This shall be in the form of a lockable room or shed; and
- vi) 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;

Reason

In the interests of pedestrian and road safety

- 10 A visibility splay 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 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.

Reason

In the interests of road safety.

- 11 A visibility splay of 2.5 metres by 70 metres shall be provided and maintained on each side of each of the proposed driveway access's which directly access onto the distributor road to the north of the application site 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 2.5 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.

Reason

In the interests of pedestrian and road safety

- 12 A joint dilapidation survey of adjoining roads, to include all carriageways and footways adopted by East Lothian Council, shall be undertaken. Roads and footways affected by construction vehicle access shall be resurfaced/repared by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

- 13 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 GG 119 - Revision 2 Road Safety Audit Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, or as amended by latest version.

Reason:

In the interests of road and pedestrian safety.

- 14 Prior to the commencement of any part of the development hereby approved a Quality Audit to independently assess walking, cycling, and road safety aspects within and around the development shall be submitted for planning authority approval. The Quality Audit will further provide details of signage to identify vehicular and active travel routes through the development. The Quality Audit will be reviewed after construction is substantially complete and the developer required to make good any issues.

Reason

In the interests of road and pedestrian safety.

- 15 A Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the commencement of the development hereby approved. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents.

Reason:

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

- 16 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

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

Thereafter any mitigation measures required shall be implemented as so approved.

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

If no unexpected ground conditions are encountered during the development works then this should be confirmed in writing to the Planning Authority prior to occupation of the houses hereby approved.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. 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.

- 18 The drainage scheme as detailed on drawing number 22-029-20 Revision G, titled '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.

- 19 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 and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections and the temporary measures that shall be put in place to control surface water drainage during the construction works. 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.

Reason:

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