

REPORT TO: Planning Committee
MEETING DATE: 28 March 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/00749/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00537/PPM - Relating to infrastructure including access, distributor roads, landscaping, SUDS provision and associated works

Location **Land Located to the South and East of Wallyford and at Dolphingstone East Lothian**

Applicant Taylor Wimpey UK Limited
Per Holder Planning

RECOMMENDATION Consent Granted

REPORT OF HANDLING

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00537/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. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 37.1 hectares of undeveloped land located to the south and east of Wallyford, situated within the wider Dolphingstone expansion area which is allocated for development by Proposal MH10 of the adopted East Lothian Local Development Plan 2018.

The application site is to the east of the Wallyford expansion area, and is bound by the A199 public road to the north, agricultural land to the east and the A1 trunk road to the south. It slopes from west to east and has a rough grass finish with no trees or any other

landscape features present on it.

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 (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 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 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.

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 to provide access to much of the larger Wallyford development. The approved spine road known as Masons Way has been completed and provides access to the wider Wallyford site from the A199 road to the north via a new roundabout and from the A6094 road to the south via a new priority junction.

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 14/00903/PPM. Through a condition

attached to the grant of planning permission in principle 15/00537/PPM, the number of residential units on the combined sites the subject of planning permission in principle 14/00903/PPM and 15/00537/PPM is limited to no more than 2050. A revised indicative masterplan was submitted and approved as a part of planning permission in principle 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 14/00903/PPM.

Development of the wider Wallyford site is well underway. To date, approval has been granted through subsequent applications for the erection of a total of some 1169 residential units on sites within the Wallyford expansion area with a number of those sites either completed or under construction.

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 within the wider site of planning permission in principle 15/00537/PPM.

In January 2023 approval of matters specified in conditions (ref: 22/01374/AMC) was sought for an alternative local centre development, consisting of the erection of a convenience store (class 1), mixed use units (class 1, 2 & 3/sui generis- hot food take away) and associated works. That application is pending consideration and no decision has been taken on it.

PROPOSAL

Through this application, approval of matters specified in conditions of planning permission in principle 15/00537/PPM is sought for infrastructure works including the construction of roads, cycle/footpaths, vehicular access, landscaping, SuDS, the formation of play areas and associated works on land on the northeastern part of the larger site to which planning permission in principle 15/00537/PPM relates.

It is proposed to form two new distributor roads through the application site, with a single point of vehicular access taken from the A199 public road which bounds the site to the north. One road would run north to south and the other east to west through the site, and both would meet at a cross junction on the northern part of the site. Each of the two new distributor roads would connect to consented roads on the adjacent Wallyford expansion site. At either side of the distributor roads would be formed a grass verge then a footway/cycleway. The proposed new distributor roads would have various accesses coming off them leading into the different future development parcels of the wider Dolphingstone site.

Also proposed is the formation of a new 3 metre wide footway along the south side of the A199 public road over the full extent of the application site frontage with that road. The existing stone rubble wall which encloses the northern boundary of the site with the A199 would be taken down and a new one rebuilt along the south side of the new 3 metre wide footway.

It is proposed to form both east and west bound bus stops with shelters on the A199 to serve the Dolphingstone site close to the proposed new vehicular access junction with the A199 public road, and also a new centre island would be formed on the A199 to facilitate access to the east bound bus stop.

The SuDS would be formed at the northwestern corner of the site. The submitted drawings show how 2 play areas would be formed within the application site, one at the

south side of the SuDS and the other near the cross junction of the proposed distributor roads. A large area of open space would also be formed at the southeast side of the site.

It is proposed to undertake significant landscaping planting including grassed areas and structure shrub and tree planting along the site frontage with the A199, around the SuDS, along the sides of the distributor roads and in other locations on the wider application site.

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 adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

In terms of Policies 1 and 2 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1) or to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), is largely predetermined by the grant of planning permission in principle 15/00537/PPM.

Therefore Policies 3 (Biodiversity), 6 (Forestry, woodland and trees), 7 (Historic assets and places), 20 (Blue and Green Infrastructure) and 21 (Play, recreation and sport) of NPF4 are relevant to the determination of this application.

Also relevant to the determination of the application are Proposal MH10 (Land at Dolphingstone) and Policies CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design), OS3 (Minimum Open Space Standards for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and NH10 (Sustainable Drainage Systems) of the adopted East Lothian Local Development Plan 2018.

Also relevant to the determination of the application is the Council's Sustainable Drainage Systems (SuDS) and Design Standards for New Housing Areas Supplementary Planning Guidance.

REPRESENTATIONS

No written representation have been received to the application.

COMMUNITY COUNCIL

Wallyford Community Council have been consulted on the application but no consultation response has been received.

PLANNING ASSESSMENT

By the grant of planning permission in principle 15/00537/PPM, approval has been given for the principle of the mixed use development of the allocated land at Dolphingstone. There can therefore be no objection in principle to the proposed infrastructure associated with the mixed use development of the Dolphingstone site allocated by Proposal MH10 of the adopted East Lothian Local Development Plan 2018.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the approved masterplan and conditions attached to planning permission in principle 15/00537/PPM.

The roads, access junctions, drainage infrastructure, cycle/footpaths and areas of landscaping as proposed would not appear harmfully incongruous, exposed or an over development of the land upon which they would be formed. They would not be harmful to the character and appearance of the area. The proposals would be broadly consistent with the layout shown in the indicative masterplan docketed to planning permission in principle 15/00537/PPM and are acceptable to their purpose of serving the allocated mixed use Dolphingstone site.

The proposed development, by virtue of its form and positioning, would not have a harmful impact on the privacy or amenity of any nearby residential property.

Detailed landscaping plans have been submitted which show the significant amount of landscaping planting for the site, including grass, hedge and tree planting including structural planting.

The **Council's Landscape Project Officer** advises that the proposed scheme of landscaping is acceptable and would serve to integrate future development of the Dolphingstone site into its wider landscape setting.

It is proposed to form two play areas to serve future residents of the Dolphingstone site, one at the south side of the SuDS and the other near the cross junction of the proposed distributor roads within the large area of open space at the northeast side of the site.

The **Council's Amenity Services Officer** acknowledges that the site the subject of this application is a slightly smaller part of the site the subject of planning permission in principle 15/00537/PPM, and as such advises that there is a requirement for 2 large play areas and 1 toddlers play area to be provided within it to serve future residents of the eastern part of the Dolphingstone site.

The Amenity Services Officer is satisfied with the location of two of the large play areas shown on the application drawings (the formal play area and natural play area) and advises both should be suitable for children aged 0 - 15 years. The Amenity Services Officer confirms that a third toddlers' play area suitable for children aged 0 - 8 years should be provided elsewhere on the application site. The applicant has confirmed they are willing to provide a third toddlers play area suitable for children aged 0 - 8 years. Subject to securing the aforementioned play areas, which can be secured by the imposition of a condition on a grant of approval of matters specified in conditions, there would be sufficient play areas provided for future residents of this part of the Dolphingstone site.

The Amenity Services Officer confirms that she is satisfied with the size and location of open space, and the landscaping for it.

The **Council's Senior Environmental Health Officer** raises no objection to the application, satisfied the proposed development would not harm the amenity of any neighbouring land use.

On all of the foregoing considerations of layout, design, amenity, play facilities and

landscaping, the proposed infrastructure development is consistent with Policies 3, 6, 20 and 21 of NPF4 and Policies DP1, DP2, OS3 and OS4 of the adopted East Lothian Local Development Plan 2018 and the Council's Design Standards for New Housing Areas Supplementary Planning Guidance.

The **Council's Road Services** have considered the details of the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard, subject to some revisions to the number and location of speed humps and a change to the hatch marking on the ghost island on the A199.

The Council's Road Services further recommend a number of transportation requirements which can be met through the imposition of conditions on a grant of approval of matters specified in conditions for the proposed development. These include the submission of Quality/Safety Audits and a Construction Method Statement.

Subject to the above controls Council's Roads Services raise no objection to the application.

Transport Scotland raise no objection to the application

The proposals are therefore consistent with policies T1 and T2 of the adopted ELLDP 2018.

Detailed drainage drawings and a drainage masterplan for the site have been submitted, which provides details of the surface water drainage, culvert diversions and flood risk strategies for the site, and which include the provision of a SuDS basin at the northwestern corner of the site.

The **Council's Flooding and Structures Officer** advises that the drainage details for the site are satisfactory and he therefore raises no objection to the application, subject to a condition requiring the submission of a construction risk assessment and method statement for the proposed works to the culverts on the application site. Such a condition can be imposed on a grant of planning permission.

The Scottish Environment Protection Agency (SEPA) have been consulted on the application and advise that they have reviewed the SuDS and drainage proposals and are satisfied that the levels of treatment are sufficient. Accordingly, SEPA raise no objection to the application.

Scottish Water as a consultee on the application advise that they have no objection to the proposal.

On the foregoing drainage considerations the proposed details are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018 and with the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance.

Historic Environment Scotland have been consulted on this application and they have raised no objection to the proposed development nor do they have any comments to make in terms of impact of the proposals on the Battle of Pinkie Battlefield Site. The proposed details are consistent with Policy 7 of NPF4 and Policy CH5 of the adopted East Lothian Local Development Plan 2018

The Coal Authority advises that it has been demonstrated that that previously identified

shallow coal mine workings have been stabilised and that further investigations did not encounter any further evidence of workings, and that confirmation has been provided that the numerous recorded mine entries within the site have been investigated and remediated, where located. Therefore, the Coal Authority advise that they have no objection to the application.

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 specified in conditions be granted subject to the following conditions:

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

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

Reason:

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

- 2 Prior to the commencement of development:

(i) a timetable for the provision of the new 3 metre wide footway along the south side of the A199 public road over the full extent of the application site frontage shall be submitted to and approved by the Planning Authority;

(ii) a timetable for the provision of the east and west bound bus stops with shelters on the A199 and the new centre island on the A199 shall be submitted to and approved by the Planning Authority; and

(iii) a timetable for the provision of the new stone rubble wall to be built along the south side of the new 3 metre wide footway shall be submitted to and approved by the Planning Authority. The new stone rubble wall shall, as far as possible, be constructed of stone salvaged from the existing wall on north application site frontage that is to be removed to facilitate the new footway.

Development shall thereafter be carried out in full accordance with the timetables so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety, sustainable transport and the amenity of the area.

- 3 Notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, 2 large play areas (formal play area and natural play area) and 1 toddlers play area shall be provided on the application site.

The large formal play area shall be provided on the area shown for it on the docketed masterplan layout drawing no. A/02/02 C and will be equipped as shown on the docketed Dolphingstone Main Play Area drawing by Kompan.

Prior to the commencement of development details of the large natural play area and the toddlers play area shall be submitted to and approved by the Planning Authority. The submitted details shall comply with the following requirements:

- (i) one large natural play area with equipment suitable for children aged 0 - 15 years shall be provided on the area shown for it on docketed masterplan layout drawing no. A/02/02 C. This shall generally accord with the detail for it shown on the docketed Dolphingstone Natural Play Area drawing by Kompan, but will include additional play equipment suitable for children aged 8 - 15 years; and
- (ii) one toddlers play area with equipment suitable for children aged 0 - 8 years shall be provided within development area Phase 2A as shown on docketed drawing no. A/02/01.1D, unless otherwise agreed in writing with the Planning Authority.

The submitted details shall include details of all play equipment, play surfacing, bins and benches to be installed in each play area.

The play areas shall thereafter be installed, surfaced and enclosed in accordance with the following timetable, unless otherwise agreed in writing with the Planning Authority:

- (i) the large natural play area being provided prior to the occupation of the 31st residential unit on development area Phase 2A as shown on docketed drawing no. A/02/01.1D;
- (ii) the large formal play area being provided prior to the occupation of the 31st residential unit on development area Phase 4 as shown on docketed drawing no. A/02/01.1D, and;
- (iii) the toddlers play area being provided prior to the occupation last residential unit on development area Phase 2A as shown on docketed drawing no. A/02/01.1D.

The play areas shall be used solely for such purposes at all times thereafter unless approved in writing by the Planning Authority, and shall be managed and maintained in accordance with that detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

Reason:

To ensure the satisfactory provision of adequate and suitable play provision and the future maintenance of it within the development.

- 4 Prior to the commencement of development, a timetable for the provision of the large area of open space at the northeast corner of the site as shown on the drawings docketed to this approval of matters specified in conditions permission shall be submitted to and approved by the Planning Authority. The submitted timetable shall show the open space being provided in a timely manner relative to the completion of the residential developments within the development phases as shown on docketed drawing no. A/02/01.1D.

Thereafter, the area of open space shall be formed in accordance with the timetable so approved and shall be used solely for such purposes at all times thereafter unless approved in writing by the Planning Authority.

The open space shall be managed and maintained in accordance with that detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

Reason:

To ensure the satisfactory provision of adequate open space within the development.

- 5 Prior to the commencement of development a detailed Construction Risk Assessment and Method Statement for the proposed works to the culverts on the application site shall be submitted to and approved by the Planning Authority. The Construction Risk Assessment and Method Statement shall also include a timetable for the implementation of the works to the culverts. The development shall thereafter be carried out in strict accordance with the detailed Construction Risk Assessment and Method Statement so

approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding.

6 The development shall comply with the following transportation requirements:

(i) notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, speed humps that do not form part of an uncontrolled crossing shall not be formed;

(ii) notwithstanding that which is shown on the drawings docketed to this approval of matters specified in conditions permission, the hatch markings on the A199 proposed ghost island shall be orientated and provided in accordance with Traffic Signs Manual Chapter 5 Road Markings, and;

(iii) uncontrolled pedestrian crossing points on the proposed road shall be coincident with raised tables and flat top speed humps.

Reason:

In the interests of road safety.

7 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, 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 construction traffic, shall include hours of construction work and routes of construction traffic to/from the site and delivery times. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

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.

8 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. The Quality Audit shall include swept path assessments for refuse collection and fire appliance access.

Reason:

In the interests of road and pedestrian safety.

9 Prior to the commencement of development a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved, and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit shall be submitted to and

approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1, or as amended by latest version.

Reason:

In the interests of road and pedestrian safety.

- 10 All planting, seeding or turfing comprised in the details of landscaping on drawing nos. 1857/08 Rev D, 1857/09 Rev B, 1857/10 Rev B, 1857/11 Rev B, 1857/12 Rev B, 1857/13 Rev B and 1857/14 Rev D all docketed to this approval of matters specified in conditions permission shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed 'Dolphingstone Landscape Planting and Maintenance Proposals' report dated February 2023 by Bindley Associates.

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.