

REPORT TO: Planning Committee
MEETING DATE: 3 December 2024
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **24/00632/AMM**

Proposal Approval of matters specified in conditions (1a to f, 1h, 1i, 1k & 1p, 2(iii) and 7) of planning permission in principle 14/00903/PPM - Erection of 40 houses, 20 flats and associated works

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

Applicant McTaggart Construction and Wheatley Homes East Limited

Per EMA Architecture + Design

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 number of residential 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.

APPLICATION SITE

This application relates to some 1.3 hectares of undeveloped land located to the south and east of Wallyford, situated within the wider Wallyford expansion area which is allocated for development by Proposal (PROP) MH9: Land at Wallyford of the adopted East Lothian Local Development Plan 2018.

The site is to the south of the main distributor road of Masons Way. It is roughly square-shaped and slopes gradually from northeast to southwest. It is bounded to the south by an acoustic bund with the A1 trunk road beyond. It has a rough grass finish and has no trees or any other landscape features present on it. To the west is an area of land which the masterplan docketed to planning permission in principle (ref: 14/00903/AMM) identifies as

future allotments. To the east is a large completed residential development approved by approval of matters specified in conditions (ref: 21/00468 /AMM).

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.

Also in September 2015, Approval of matters specified in conditions of planning permission in principle 14/00903/PPM (ref: 15/00136/AMM) was granted for proposed infrastructure, access, landscaping and site development works including distributor road and access junctions onto the A199 and A6094, footpaths/cycleways, suds basins, acoustic bunds and development platforms.

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 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 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.

Since the granting of planning permission in principle (ref: 14/00903/PPM) and planning permission in principle (ref: 15/00537/PPM) a number of detailed planning applications (16/00537/AMC, 17/00384/AMM, 17/00432/AMM, 18/01283/AMM, 19/00926/AMM, 21/00069/AMM, 21/00070/PM, 21/00219/AMC, 21/00468/AMM, 22/00009/AMM, 22/01374/AMC and 23/00498/AMM) have been granted for various schemes of development including housing, road infrastructure, landscaping, a Learning Campus and a Local Centre.

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 1353 residential units on sites within the wider combined Wallyford and Dolphingstone sites with a number of those developments either completed or under construction.

PROPOSALS

Planning permission is now sought for approval of matters specified in conditions 1(a-f), 1(h), 1(i), 1(k), 1(p), 2(iii) and 7 of planning permission in principle 14/00903/PPM for the erection of 40 houses, 20 flats and associated works on the application site. The associated works include the formation of roads, footpaths and parking areas, the formation of small pockets of open space, the erection of boundary enclosures and hard and soft landscaping.

All of the 60 residential units proposed for the site would be operated as affordable housing.

The 40 houses to be erected on the site would be comprised of five different house types. Of those houses, 36 would be two-storey terraced/semi-detached and four would be semi-detached bungalows. Of the 36 terraced/semi-detached houses, 18 would contain two bedrooms, 10 would have three bedrooms and eight would have four bedrooms. Of the four semi-detached bungalows to be erected, two would have two bedrooms, with the other two having three bedrooms. The 20 flats to be erected would be contained within five two-storey flatted buildings. Of the 20 flats, eight would have one bedroom and 12 would have two bedrooms.

The principal vehicular access to the proposed 40 houses and 20 flats would be taken from a point formed on the south side of Masons Way to the north of the site. Footpath connections would also be provided into the site from Masons Way. Additional vehicular access would be taken from the existing access road of Laing Loan to the northeast along with additional footpath connections.

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

In addition to application drawings the following documents have also been submitted in support of the application:

- Consolidation of Abandoned Mine Workings Validation Report (Mason Evans, August 2017);
- Remediation Method Statement (Mason Evans, May 2024);
- Report on Radon Gas (Mason Evans, September 2024); and

- Preliminary Ecological Appraisal (Acorna Ecology Ltd, May 2024).

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout in response to comments received from the **Council's Roads Services and Landscape (Projects)**.

A letter of Historical Mineral Consolidation Works relating to the application site has also been submitted in response to comments received from the Coal Authority.

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

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 14/00903/PPM.

Therefore, NPF4 Policies 3 (Biodiversity), 7 (Historic Assets and Places), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Liveable Places), 15 (Local living and 20 min neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 21 (Play, recreation and sport) and 22 (Flood Risk and Water Management) are relevant to the determination of the application.

Proposal MH9 (Land at Wallyford) and Policies HOU1 (Established Housing Land), HOU3 (Affordable Housing Quota), HOU4 (Affordable Housing Tenure Mix), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), DP8 (Design Standards for New Housing Areas), DP9 (Development Briefs), CH5 (Battlefields), NH13 (Noise), W3 (Waste Separation and Collection), OS3 (Minimum Open Space Standards for New General Needs Housing), OS4 (Play Space Provision in new General Needs Housing Development), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), DEL1 (Infrastructure and Facilities Provision), SEH2 (Low and Zero Carbon Generating Technologies), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP are also relevant to the determination of the application.

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. Planning Advice Note 67: Housing Quality explains how Designing Streets 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 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' which expands on policies that are set out in the ELLDP.

REPRESENTATIONS

No public objection to this application has been received.

COMMUNITY COUNCIL COMMENT

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

PLANNING ASSESSMENT

By the grants of planning permission in principle (ref: 14/00903/PPM) and planning permission in principle (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 1353 residential units on those combined sites (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, 22/00009/AMM and 23/00498/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 40 houses and 20 flats now proposed on this particular part of the wider Wallyford 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 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 proposals would be seen in relation to completed new housing developments and those under construction on land at Wallyford. 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 proposed houses and flatted buildings, due to their positioning on the application site and by virtue of their height, size and scale, architectural design and finishes would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features, consistent with the principles of the Scottish Government Policy Statement entitled "Designing Streets". The other components of the proposed development involving the layout of roads, pathways and parking spaces would not be harmful to the character and appearance of the area and would also generally accord with those principles.

The details submitted for approval are for a scheme of development comprising a mix of semi-detached bungalows, two-storey semi-detached and terraced houses and two-storey flatted buildings. The layout reflects that of the wider Wallyford development which is generally characterised by detached, semi-detached and terraced houses mostly being two-storey. The range of house types and flatted buildings 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 and flatted buildings is of a traditional pitched roof form. Render would be the predominant wall finish of the buildings, but it should be ensured more than one render colour is provided and more than one colour of roof tile to ensure the development is of a satisfactory appearance. A condition can be imposed on an approval of matters consent for the proposed development to address these matters of wall and roof finishes.

The proposed development would provide an attractive residential environment for future residents of it. The residential units 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 future occupants an appropriate level of privacy and residential amenity. The proposed new houses and flatted buildings would be so sited, oriented and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing.

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

Footpath links to the wider residential site are proposed that would allow for pedestrian and cycle access to the wider area and allow for good connectivity with the remainder of the Wallyford site.

In respect of landscape matters the applicant has taken into consideration the comments of the **Council's Senior Landscape Projects Officer** in the submission of revised drawings to incorporate enhanced landscape planting within the site which will benefit biodiversity. The provision, maintenance, and retention of a scheme of landscaping of the site can be made a condition of an approval of matters consent.

Subject to the above controls the Council's Senior Landscape Projects Officer raises no objection to the application.

The proposed scheme of landscaping would also serve to encourage habitat creation and strengthen nature, enhancing the biodiversity of the site.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy NH5 of the ELLDP generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The **Council's Biodiversity Officer** offers no comment on the application. However, a condition can be attached to an approval of matters consent requiring the submission for approval of a Biodiversity Enhancement Plan. Subject to the imposition of that planning control the proposals would not conflict with NPF4 Policy 3 and Policy NH5 of the ELLDP.

The **Council's Senior Environmental Health Officer** has been consulted on the application and has responded no comment.

On these considerations of design, density, layout, amenity, landscaping, nature and biodiversity, the proposals are consistent with Policies 3, 14, 15 and 16 of NPF4 and with Policies DP1, DP2, DP3, DP4, NH5 and NH13 of the ELLDP, the Scottish Government Policy Statement entitled "Designing Streets", the Masterplan approved by planning permission 14/00903/PPM and the Council's Supplementary Planning Guidance on '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 in close proximity to playgrounds and sports pitches associated with the Learning Campus to the northeast and a Community Woodland to the northwest, all of which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site. Furthermore, the site is in close proximity to 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.

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 Strategy, Policy and Development Manager** has been consulted on the application and has not raised any objection.

The principles of the means of accessing the wider Wallyford 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 distributor road of Masons Way.

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 approval of matters consent to ensure that:

- i) 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 construction commencing. 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;
- ii) a Quality Audit is submitted to and approved by the Planning Authority. This should detail the accessibility of the site for all modes of transport, including walking and the needs of users who are mobility impaired. An important element of the Quality Audit will be recommending signage to ensure that vehicular and active travel routes through the development are clear and legible;
- iii) prior to the commencement of development details of the provision of new car charging points and infrastructure for them are 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; and
- iv) prior to the commencement of development a Construction Method Statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area shall be submitted to and approved in writing in advance by the Planning Authority. The Construction Method Statement shall include any recommended mitigation measures for the control of noise, dust and construction traffic, including hours of construction works, routing of vehicles and delivery time restrictions, and a health and safety method statement and shall include provision for wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres. The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction phase.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the ELLDP.

Historic Environment Scotland (HES) have been consulted on this application and consider that the proposals have the potential to affect the Battle of Pinkie Battlefield Site. They note however that the principle of development within the application area has already been accepted and do not consider that the scale or nature of the proposed development raises issues of national interests. HES therefore raise no objection to the application.

On this consideration the proposals are consistent with Policy 7 of NPF4 and Policy CH5 of the ELLDP.

The **Council's Senior Environmental Compliance Officer** has reviewed the submitted Remediation Method Statement and is satisfied with the proposed remedial measures and validation procedures for the site. He advises that following completion of the measures identified in the Remediation Statement a Validation Report is required to be submitted for planning authority approval prior to the occupation of any part of the of the new development that demonstrates the effectiveness of the remediation carried out. He further advises that in the event that unexpected ground conditions are encountered at any time when carrying out the development, work on site shall cease and the issue shall be reported to the planning authority immediately. Any further Site Investigation and subsequent Risk Assessment required by the planning authority will be followed by the

submission of a Remediation Strategy and Verification Report confirming the satisfactory completion of any remedial works. If no unexpected ground conditions are encountered during the development works, then this should be confirmed to the planning authority prior to any use of the new development. These matters can form the subject of a condition of an approval of matters consent.

Subject to the above controls the **Council's Senior Environmental Compliance Officer** raises no objection to the proposals.

The Coal Authority were consulted on the application and initially objected to the proposals on grounds that it had not been demonstrated that the application site has been made safe and stable from a shallow mining viewpoint. Further to submission by applicants of a letter of Historical Mineral Consolidation Works relating to the site the Coal Authority has withdrawn such objection.

The Indicative Masterplan docketed to planning permission in principle 14/00903/PPM indicates how three sustainable urban drainage scheme (SUDS) detention basins could be formed within the wider Wallyford site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM.

The **Council's Senior Engineer – Flooding** has been consulted on the application and has provided no response. A condition can be reasonably be attached to of an approval of matters consent requiring that a Scheme of Drainage and a Surface Water Management Plan for the site are submitted to and approved by the Planning Authority prior to commencement of any part of the development, and thereafter fully implemented in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

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

The **Council's Waste Services** have been consulted and have no comment other than to stipulate that plots 15-18, 38-41 and 28-31 should present containers on the main thoroughfare rather than in parking areas.

All of the 60 residential units proposed for the site would be operated as affordable housing. The mechanism of the provision within the residential development of the wider Wallyford site of 25% affordable housing units is already secured through the grant of planning permission in principle 14/00903/PPM. The 40 houses and 20 flats proposed for the application site form a part of the Affordable Housing schedule. The **Council's Housing Enabler (Strategy and Development)** advises that the affordable housing units proposed will be operated by Wheatley Homes East and that the mix of house/flat types, sizes and tenures proposed through this application is satisfactory to meet the current housing needs of the area. She therefore raises no objection to the application. In this regard the proposals are consistent with the indicative masterplan docketed to planning permission in principle (Ref: 14/00903/PPM) and with Policy 18 (Infrastructure first) of National Planning Framework 4 and Policy HOU3 (Affordable Housing Quota) of the adopted East Lothian Local Development Plan 2018.

The mechanism of a financial contribution towards additional educational provision has already been secured through the grant of planning permission in principle 14/00903/PPM,

as has the phasing of completions of the residential units to ensure sufficient education capacity can be provided for the pupil product of the development. The Council's Planning Obligations Officer has confirmed that, as an approval of matters specified in conditions of planning permission in principle 14/00903/PPM, there are no requirements for additional developer contributions associated with this application.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 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, including applications for the approval of matters specified in conditions of a planning permission in principle. Such a condition should be imposed on an approval of matters consent for this proposal.

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 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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.

- 3 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.

- 4 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.

- 5 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

- 6 Notwithstanding that shown on the drawings docketed to this approval of matters, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority.

Those details shall show the form and appearance of all boundary treatments, including those enclosing the rear gardens of the houses. The details shall also show all semi-private and defensible spaces in front of or to the side of the houses hereby approved and to the side of parking courtyards to be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space. 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.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed 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.

- 7 No development shall be commenced on site unless and until written evidence that an affordable housing agreement has been entered into for the provision as affordable housing of all of the 60 residential units hereby approved and 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.

- 8 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have

been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping on the drawing titled 'Landscape Proposal (Sheet 1 of 3)' with drawing number 393.22.01 rev B, 'Landscape Proposal (Sheet 2 of 3)' with drawing number 393.22.02 rev B, 'Landscape Proposal (Sheet 3 of 3)' with drawing number 393.22.03 rev B shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the above drawings.

Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development 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.

No trees detailed in the approved landscaping plans to be retained on the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All landscaping shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

- 10 To ensure that the site is clear of contamination, the following requirements shall be complied with:

Following completion of the measures identified in Remediation Statements produced for the site, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to the use of the new builds.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the approved development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new build.

Reason

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 11 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 12 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

- 13 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.

- 14 Notwithstanding drawings docketed to this grant of planning permission, details of a Scheme of Drainage and a Surface Water Management Plan for the site shall be submitted to and approved by the Planning Authority prior to commencement of any part of the development hereby approved. The Scheme of Drainage and the Surface Water Management Plan shall thereafter be fully implemented in accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 15 The development shall comply with the following transportation requirements:

i)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 construction commencing. 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;

ii)prior to commencement of development, a Quality Audit shall be submitted to and approved by the Planning Authority. This should detail the accessibility of the site for all modes of transport, including walking and the needs of users who are mobility impaired. An important element of the Quality Audit will be recommending signage to ensure that vehicular and active travel routes through the development are clear and legible; and

iii)prior to the commencement of development details of the provision of new car charging points and infrastructure for them are 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.

The housing development shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 16 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 provide details of utility/service drainage connections.

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.

- 17 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.