

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 March 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00913/PM**

Proposal 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

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

Applicant East Lothian Developments Ltd

Per Derek Scott Planning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

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 the area of open space that is immediately to the southeast of Wallyford Community Centre.

In November 2014 planning permission in principle (Ref: 12/00924/PPM) was granted for the renewal of planning permission in principle 09/00222/OUT.

The elements of the proposed mixed use development include residential development, a new school, a library, shops, 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.

The application site is predominantly bounded to the north and west by agricultural land and by the northern part of Wallyford, to the south by the A1 trunk road, and otherwise to the east and to the south by agricultural land. The neighbouring agricultural land forms part of the Edinburgh Green Belt.

Condition 2 of planning permission in principle 12/00924/PPM states:

“The details to be submitted pursuant to condition 1 shall include a revised phasing plan. The revised phasing plan shall show the site being built out in an east to west direction with no housing being constructed within the west part of the site unless and until the distributor road has been completed. The revised phasing plan shall also accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road must be completed prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The proposed school shall be completed and available for use prior to the occupation of the 300th house unless otherwise agreed with the local planning authority.

(vi) The distributor road shall be completed in its entirety within a period of two years from the date on which the 300th house is occupied.

(vii) No more than 600 units shall be accessed from the proposed eastern access junction at Strawberry Corner prior to the distributor road being completed and open to vehicular traffic.

(viii) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(ix) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(x) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed with the Planning Authority.

(xi) The eastern section of the distributor road between the Strawberry Corner access junction and the new primary school shall be finished to an adoptable standard with final surfacing prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site”.

Condition 5 of planning permission in principle 12/00924/PPM states:

“Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 1-	120 residential units
Year 2-	120 residential units
Year 3-	120 residential units
Year 4-	150 residential units
Year 5-	150 residential units
Year 6-	150 residential units
Year 7-	150 residential units
Year 8-	90 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 9 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rates of residential development within the application site accords with the provision of education capacity”.

In November 2014 planning permission was sought through application 14/00916/PM for the variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 residential 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. A report on application 14/00916/PM is separately presented to the Planning Committee at this time.

Also in November 2014 planning permission in principle (Ref: 14/00903/PPM) was sought 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. On the 08 December 2014, the Council wrote to the agent for the applicant advising him that the submission of an environmental statement is required. On the 11 December 2014 the agent confirmed in writing that his client would be submitting an environmental statement in the near future. To date, the environmental statement has not been submitted. Until the environmental statement has been received, and thereafter publicised and consulted on, the Council cannot take a decision on application 14/00903/PPM.

No applications for the approval of matters specified in conditions of planning permission in principle 12/00924/PPM have yet been submitted. Development of the site has not yet commenced.

Through this current application planning permission is now sought for a 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.

In a letter submitted in respect of the application, the planning agent acting on behalf of the applicant informs that variations are being sought to the terms of this condition so as to enable the development of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site which is currently restricted by various clauses within the condition. To overcome these restrictions the applicant is prepared to complete (to base course level) the distributor road prior to the occupation of the first dwelling house and to complete to an adoptable standard all pedestrian links connecting the proposed residential development areas to the proposed primary school prior to the first opening of the new primary school. To reflect these amendments, the planning agent suggests that wording of condition 2 is amended to:

“The details to be submitted pursuant to condition 1 shall include a revised phasing plan which shall accord with the following requirements:

(i) The traffic calming and environmental improvement works to be undertaken on Salter's Road must be completed prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The proposed school shall be completed and available for use prior to the occupation of the 300th house unless otherwise agreed with the local planning authority.

(vi) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(vii) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(viii) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed with the Planning Authority.

(ix) The distributor road shall be completed in its entirety to base course level prior to the occupation of the first dwelling house and all pedestrian links connecting the proposed residential development areas to the proposed primary school shall be completed to

adoptable standard prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site”.

The applicant has also submitted a revised phasing plan, which they would intend to submit in response to the imposition of the amended condition wording being applied for.

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 Plan 2008.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are relevant to the determination of the application.

Proposal H7 (Land to the South, East and South West of Wallyford: Housing and Mixed Use Development) and Policies H2 (Development Frameworks) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of the application is the approved development framework for the Wallyford settlement expansion and regeneration. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

There is no public objection to the application.

Wallyford Community Council was consulted on the application but did not submit a response.

The revised phasing plan submitted by the applicant is for information only and does not form part of this planning application. Should planning permission be granted, then the applied for variation to condition 2 would contain a requirement for the applicant to submit a revised phasing plan. It would be at that stage that the Planning Authority would consider whether or not any submitted revised phasing plan was acceptable.

Policy H2 of the adopted East Lothian Local Plan 2008 states that development proposals for strategic housing sites must conform to the relevant development framework.

The approved development framework for Wallyford sets out the Council’s preferred movement strategy for the expansion of Wallyford. The distributor road, which would run through the site from the southwest end of Salter’s Road to the A199 road to the east, is identified in the approved development framework as providing the basis of the preferred movement strategy. Providing a local access route through Wallyford, the distributor road would help ensure a high standard of amenity in the expansion area, and also prevent residents having to use Salters Road and / or the A1 trunk road to make vehicle

manoeuvres from one end of Wallyford to the other, particularly to the local centre from the west. It would also ensure that all residents of Wallyford benefit from vehicular access between both halves of the development area and to the new local centre and community primary school.

The distributor road approved by planning permission in principle 12/00924/PPM is in principle consistent with the approved development framework for Wallyford.

Condition 2 of planning permission in principle 12/00924/PPM requires that the site be built out in an east to west direction with no housing being constructed within the west part of the site unless and until the distributor road has been completed. It further requires the distributor road to be completed in its entirety within a period of two years from the date on which the 300th house is occupied.

These phasing arrangements were based on how the applicant originally intended to develop the site. The applicant no longer intends to build out the site in an east to west direction. Instead, they intend to develop houses at both the eastern and western ends of the site. They also intend to complete the distributor road to base course level prior to the occupation of the first dwelling house.

The Council's Road Services is satisfied that these revised phasing proposals would not prejudice delivery of the distributor road or the Council's preferred movement strategy for the expansion of Wallyford. They therefore raise no objection to the proposed variation of condition 2. Road Services further confirm that the final completion of the road to an adoptable standard could be secured through the Roads Construction Consent process.

The proposed variation to condition 2 does not conflict with Proposal H7 and Policies H2 and T2 of the adopted East Lothian Local Plan 2008 or with the approved development framework for the Wallyford settlement expansion and regeneration. To vary condition 2 of planning permission in principle 12/00924/PPM in the manner proposed would not prejudice the integrity of that grant of planning permission in principle.

Given that this application is seeking only to vary Condition 2 of planning permission in principle 12/00924/PPM, all other conditions imposed on the grant of planning permission in principle 12/00924/PPM would otherwise remain unaltered and in force. It would be prudent to confirm this in an advisory note on the decision notice.

An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 also remains in place, including provisions for the delivery of developer contributions for education and affordable housing.

RECOMMENDATION

That planning permission be granted for the following variation to Condition 2 of planning permission in principle 12/00924/PPM:

1 Condition 2

The details to be submitted pursuant to condition 1 shall include a revised phasing plan which shall accord with the following requirements:

- (i) The traffic calming and environmental improvement works to be undertaken on Salter's Road must be completed prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(ii) Any improvements to the Wallyford and Dolphingstone interchanges as outlined in the transportation assessment to be undertaken prior to the commencement of development, unless otherwise approved by the Planning Authority following consultation with Transport Scotland.

(iii) Pedestrian links between each phase of development and the existing settlement to be provided prior to the occupation of the first dwelling house in each phase unless otherwise agreed with the local planning authority.

(iv) The supermarket(s) and local centre units must be complete and ready for letting by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(v) The proposed school shall be completed and available for use prior to the occupation of the 300th house unless otherwise agreed with the local planning authority.

(vi) The sports pitches, changing accommodation and allotments to be completed by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(vii) The bus layover and passenger waiting facilities to be completed and available for use by occupation of the 675th residential unit unless otherwise agreed with the local planning authority.

(viii) Improvements to the community woodland to be completed by occupation of the 675th residential unit or occupancy of the new primary school, whichever is first, unless otherwise agreed with the Planning Authority.

(ix) The distributor road shall be completed in its entirety to base course level prior to the occupation of the first dwelling house and all pedestrian links connecting the proposed residential development areas to the proposed primary school shall be completed to adoptable standard prior to the first opening of the new primary school.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.