

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 March 2015

BY: Depute Chief Executive
(Partnership and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00916/PM**

Proposal Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8

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 4 of planning permission in principle 12/00924/PPM states that no more than 1050 residential units shall be erected on 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 14/00913/PM for the 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. A report on application 14/00913/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 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.

To reflect these amendments, the planning agent suggests that wording of condition 5 is amended to:

"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-	90 residential units
Year 2-	150 residential units
Year 3-	150 residential units
Year 4-	150 residential units
Year 5-	150 residential units
Year 6-	150 residential units
Year 7-	150 residential units
Year 8-	60 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".

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 INF3 (Infrastructure and Facilities Provision) 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.

One objection to the application has been received. It is made on the grounds that the building of various units, especially commercial warehouse units directly south of Oliphant Gardens, would have an adverse affect on existing house prices, would lead to

the loss of important green space, would impact on existing views, and would result in pollution from building works.

The impact of the development on existing houses has already been considered through the assessment of previous application 12/00924/PPM. It is not a material consideration in the determination of this planning application.

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

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 education strategy for the expansion of Wallyford. It requires the provision of a single new community primary school to serve all of Wallyford. The actual number of houses proposed and the annual phasing are critical issues in terms of the timing of the provision of the new school and its phasing. Any changes to the housing assumptions of start date, total numbers and completion rates would necessitate a re-evaluation of the educational implications of this development.

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

The timing of the provision of the approved school and its phasing were determined by education colleagues, who assessed the educational impact of the proposed development at the point of when planning application 12/00924/PPM was submitted. This assessment took into account the applicant's proposed annual completion rate for the proposed 1050 residential units. To ensure that there is sufficient education capacity, condition 4 set a limit on the number of residential units that are completed each year.

The applicant is now promoting different annual completion rates for the 1050 residential units. As it is now proposed, up to 90 residential units would be completed in year 1, up to 150 in each of years 2 to 7, and up to 60 in year 8. Thus, as it is now proposed, 30 less residential units would be completed in year 1, 30 more residential units would be completed in both years 2 and 3, and 30 less residential units would be completed in year 8.

No change is proposed to the location or size of the proposed primary school.

The Council's Service Manager for Strategic Asset and Capital Plan Management has assessed the impact of the revised completion rates that are now proposed by the applicant. She advises that the amended peak roll can be acceptably contained within the agreed 28 class configuration of the proposed primary school. It can also be acceptably contained within Musselburgh Grammar School, which is to be expanded to accommodate pupils that would arise from the Wallyford expansion and from other housing developments within the catchment area of the Grammar School. The Service Manager for Strategic Asset and Capital Plan Management raises no objection to the proposed variation of condition 5, being satisfied that it would not prejudice delivery of the proposed primary school or the Council's education strategy for the expansion of Wallyford.

The proposed variation to condition 5 does not conflict with Proposal H7 and Policies H2 and INF3 of the adopted East Lothian Local Plan 2008 or with the approved development

framework for the Wallyford settlement expansion and regeneration. To vary condition 5 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 5 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 5 of planning permission in principle 12/00924/PPM:

1 Condition 5

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- 90 residential units
Year 2- 150 residential units
Year 3- 150 residential units
Year 4- 150 residential units
Year 5- 150 residential units
Year 6- 150 residential units
Year 7- 150 residential units
Year 8- 60 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.