

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 October 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **17/00384/AMM**

Proposal Approval of matters specified in conditions of planning permission 14/00903/PPM - Erection of 185 houses and associated works

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

Applicant Persimmon Homes (East Scotland) Ltd

Per EMA Architecture + Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

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 strategic housing site of Proposal H7 of the adopted East Lothian Local Plan 2008.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

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 a spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure has commenced.

In October 2016 approval of matters specified in conditions (Ref:16/00537/AMC) was granted for the erection of 26 houses and 16 flats on land to the south of Fa'side Avenue South. Development of the site has commenced.

The approval of matters specified in conditions now sought is for the erection of 185 houses on land to the east side of Wallyford and thus on part of the larger site to which planning permission in principle 14/00903/PPM and the masterplan docketed to that permission apply.

The site is bounded to the south and east by other parts of the larger Wallyford site that have not yet commenced development. To the north there is a SUDS basin and to the west the main spine road that will run through the wider Wallyford site both of which were approved by approval of matters ref: 15/00136/AMM.

Vehicular access to the 185 residential units would be taken from the new spine road via 3 main access points. Additionally 7 minor access points would provide access for some of the houses that will front onto that spine road.

Of the 185 houses to be erected within the site all would be private houses for sale. There would be 110 detached houses, 24 semi-detached and 51 terraced. In terms of size, 30 of the 185 proposed houses would contain 5 bedrooms, 78 would contain 4 bedrooms, 59 would contain 3 bedrooms and 18 would contain 2 bedrooms. All the houses would be two-storey in height.

The houses would comprise of 22 different house types, which would be a mix of 2 bedroom, 3 bedroom, 4 bedroom, and 5 bedroomed houses.

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

As well as vehicular access, pedestrian and cycle access to the houses would be taken by new roads to be created off the main spine road through the site.

The south and east boundaries of the site would be landscaped with new woodland tree planting. A new avenue of trees would be planted on the area of open space to the north side of the main access road that would run through the site. Other small areas of open space would be formed through site.

The application is supported by a Design and Access Statement.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the number and mix of residential units.

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.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is the approved development framework for Wallyford. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

There are no written representations received in respect of this application.

Wallyford Community Council, a consultee, object to the proposals. The grounds of objections include: i) the lack of pavements within the development and the use of grass pavements instead, ii) the lack of visitor parking, more visitor bays should be provided, iii) lack of fenced play areas which should include mounds, buses, play apparatus and ball sports, iv) lack of paths thorough the development, v) there should a mixture of planting of grassy areas to include clover and attractive shrubs, vi) the provision of bins and dog waste bins.

The provision of bins and waste bins is a detail that is not a material planning consideration in the determination of this approval of matters application. However, bins would be provided in accordance with the Council's waste management standards.

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the erection of 1450 houses on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 185 houses now proposed on this particular part of the site.

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, 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 and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would be the first housing phase of the eastern part of the wider Wallyford development, which would form an extension to the southern, eastern and western edges of Wallyford. The proposed housing would be seen in relation to the existing housing on the southwest sides of Salters Road and eventually in relation to other parts of the new housing development immediately to the south and east of the application site, which is not yet under construction. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (22 types of residential units), with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey.

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses would be erected on a raised area of ground that has been designed to tie in with the adjacent spine road that is under construction. The raised area of ground is higher than that of the land to the north including the A198 public road. Notwithstanding, due to their positions and building height and with the proposed tree planting to the north the proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

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

The Council's Landscape Project officer raises no objections to the proposals being satisfied with the submitted scheme of landscaping.

The Council's Environmental Health Manager raises no objections to the details of the housing development now proposed.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1,

DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's approved development framework for Wallyford and the Council's Design Standards for New Housing Areas.

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space. It does not however show areas for play area provision or for sports pitch provision.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed housing being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition ref: 15/00136/AMM.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the mixed use development.

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access and the number and location of parking spaces proposed. They do however make recommendations on the standards of provision.

They recommend that:

(i) prior to the occupation of the last residential unit approved, the proposed access roads, parking spaces, and footpaths should have been constructed on site, in accordance with the docketed drawings and the transportation recommendations specified below. Those areas of land should 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 units and should not be adapted or used for other purposes without the prior written approval of the Planning Authority;

(ii) all adoptable footpaths shall be 2m wide;

(iii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m length;

(iv) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(v) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to

manoeuvre in adjacent to the parking bay;

(vi) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vii) wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent materials being carried onto the public road.

(viii) a swept path assessment should be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(ix) a continuous footway should be provided on both sides of the section of road adjacent to plots 7 and 126;

(x) where there is no footway provision and the road will act as a shared surface, road design should emphasise this e.g. change of level and surface treatment and should be augmented by traffic calming or signage as appropriate. This could include differential surface treatment to indicate to drivers and pedestrians where pedestrians will be located. Details of this should be submitted to and approved by the Planning Authority; and

(xi) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 should be revised to include hard landscaping at either end of it, in accordance with details to be submitted to and approved by the Planning Authority.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the grant of planning permission in principle 14/00903/PPM. Additionally, the masterplan docketed to planning permission 14/00903/PPM indicates the parts of the wider Wallyford development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

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 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. A

SUDS scheme has been submitted to the Planning Authority, and this has been forwarded onto SEPA for consultation. At the time of preparing this report, no response on this matter has been received by SEPA. Notwithstanding this, SEPA raise no objection to the 185 residential units now proposed provided a Construction Monitoring Statement be submitted for this site to ensure protection for the water environment from pollution during the construction phase of development.

The Council's Team Manager for Structures, Flooding & Street Lighting advises that information regarding a Surface Water Drainage Assessment for the whole of the site covering has not yet been submitted for the larger Wallyford Site. Therefore it would be prudent to attach a condition to a grant of planning permission for approval of matters that prior to the occupation of any of the houses the subject of this application the SUDS scheme the subject of Condition 27 of planning permission in principle 14/00903/PPM is approved.

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

RECOMMENDATION:

That approval of matters specified in conditions for the proposed residential development be granted subject to the following conditions:

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

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings 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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality

- 3 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 and 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 in the interests of road safety.

- 4 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) 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.

(vii) a swept path assessment shall be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(viii) a continuous footway shall be provided on both sides of the section of road adjacent to plots 7 and 126;

(ix) where there is no footway provision and the road will act as a shared surface, road design shall be used to ensure the safety of pedestrians and other road users. This could include change of level and surface treatment and shall be augmented by traffic calming or signage as appropriate. This could also include differential surface treatment to indicate safe pedestrian routes. Prior to the commencement of development details of this shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved; and

(x) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 shall be revised to include hard landscaping at either end of it, in accordance with

details to be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 5 All new planting as shown on docketed drawings nos. 143.106.01b -143.106.05b shall be carried out in the first planting and seeding season following the occupation of the houses or the completion of the development, whichever is the sooner, and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to improve the biodiversity

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 4 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 A timetable for the provision of the erection of the 1.8m high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 8 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.