

PLANNING COMMITTEE

3 MARCH 2015

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**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

TUESDAY 3 FEBRUARY 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor J McMillan

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr K Dingwall, Principal Planner
Mr M Greenshields, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Mr G Cunningham
Mr K Ross

Apologies:

Councillor J Caldwell
Councillor A Forrest
Councillor W Innes
Councillor K McLeod
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Declarations of Interest:

Councillor Goodfellow declared an interest in Item 2 as the Council's representative on the North Berwick Trust, who owned the land in question. He would leave the Chamber for this item, however, before leaving, he wished to make representation on behalf of his constituents.

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 6 JANUARY 2015

The minute of the Planning Committee of 6 January 2015 was approved.

2. PLANNING APPLICATION NO.14/00788/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 13/00227/PPM – ERECTION OF 113 HOUSES AND ASSOCIATED WORKS AT LAND AT MAINS FARM, NORTH BERWICK

A report was submitted in relation to Planning Application No. 14/00788/AMM. Keith Dingwall, Principal Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Dingwall responded to a number of questions from Members regarding composition of the 113 houses, balance/mix of housing, the affordable housing element, play provision, aesthetic standards, adapting an integral garage into another room and ensuring compliance to the Masterplan.

Councillor Goodfellow welcomed the Mains Farm development, which would help to address the housing land supply issue in East Lothian. The provision of 105 affordable homes would address the chronic shortage of such properties in North Berwick. He expressed concern about the mix of housing; of the 113 houses only 6 would be semi detached, with integral garages that could be turned into a fourth bedroom. Affordable housing in the North Berwick ward was one of the biggest issues raised by constituents. Concerns were not just about social housing but about the lack of smaller properties. It was imperative that the balance was addressed and North Berwick returned to the balanced community it had been before the expansion of 4/5 bedroom detached properties.

Sederunt – Councillor Goodfellow left the Chamber

Local Member Councillor Day understood the points made by his colleague and the wider concerns of the North Berwick community but restated that this site had been approved in principle and would, in accordance with the Masterplan, deliver a considerable number of houses for the town. He made reference to the Discounted Housing for Sale Model recently adopted by Cabinet; he hoped this would be considered. This site had a significant Section 75 contribution to ensure delivery of 105 affordable housing units. He added that it would not be appropriate for Members to dictate housing types/specifications. He would be supporting the application.

Local Member Councillor Berry supported comments made by Councillor Goodfellow. This was the best site for this housing development; however he shared concerns about the balance and mix of housing. Many local people were not able to live in the town due to the lack of affordable housing; this was not conscionable and had not been addressed. Walker Group had a reputation for building good quality homes but there was no acknowledgement of the particular locality in the design. Balanced

communities would not be constructed until affordable housing was incorporated into developments. He would not vote against the application but would abstain.

Councillor MacKenzie associated himself with Councillor Berry's comments. He raised aesthetic concerns, including the use of render as the predominant wall finish. He had frequently queried design standards in modern estates; as his colleague said these houses could be anywhere, they did not reflect lowland Scottish urban design. He drew Members' attention to 'Designing Places' a Policy Statement for Scotland.

Councillor Currie stressed that strategic developments needed to take place. He highlighted the need to build suitable houses so people could live and work in their communities. Affordable housing was included as part of the Masterplan and would be delivered. In relation to housing types/designs the market would dictate what would sell; these issues were not for a Planning Committee to stipulate. This development needed to be progressed. He supported the application.

The Convener indicated it was unfortunate that the affordable housing element had not been ready to be presented along with this application. He noted the points made by local members. The significant infrastructure required to progress this site had been approved last month which would allow the affordable housing to be taken forward. He would be supporting the application. He moved to the vote on the report recommendation:

For: 9
Against: 0
Abstentions: 1

Decision

The Committee agreed that approval of matters specified in conditions for the proposed housing 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 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.

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and

respectful of their design integrity. 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 commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority. The submitted details shall include the provision of plot frontage boundary treatments such as walls, hedges, fences or railings to enclose the front gardens of the houses hereby approved.

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

Reason:

To ensure the satisfactory appearance of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme of landscaping shall include large tree species in communal central green spaces and corner sites, where space allows, to break up the built layout. It shall also include small to medium fastigate tree species to street frontages and parking areas. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, 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 value 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 and the transportation conditions specified below. 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 flats 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.

- 6 Unless the applicant can demonstrate that it is not necessary, 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 interests of road safety.

7 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(ii) driveways shall have minimum dimensions of 6 metres by 2.5 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; and

(v) all carriageway and footway/ footpath connections shall meet with existing links to adjacent sites, both horizontally and vertically.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

Signed

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Councillor Norman Hampshire
Convener of the Planning Committee

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

2

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.

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

3

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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)