

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 June 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/01283/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 74 houses, 16 flats and associated works

Location **Area 7 Land South
Faside Terrace
Wallyford
East Lothian**

Applicant East Lothian Developments Limited

Per Holder Planning

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.

In September 2017 approval of matters specified in conditions (Ref:17/00384/AMM) was granted for the erection of 185 houses on land to the east side of Wallyford - to the east of the new spine road approved by the grant of approval of matters specified in conditions (ref: 15/00136/AMM). Development of the site has not yet commenced.

In November 2017 approval of matters specified in conditions (Ref:17/00432/AMM)

was granted for the erection of 245 houses on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission,

The approval of matters specified in conditions now sought is for the erection of 74 houses and 16 flats on land to the southwest of Wallyford and thus on part of the larger site to which planning permission in principle ref: 14/00903/PPM and the masterplan docketed to that permission apply.

When the application was originally submitted, the development proposed comprised of 150 affordable housing units. However subsequent to the registration of this application, further drawings were submitted showing revisions to the site layout including a change to the number and mix of residential units reducing it from 150 wholly affordable units to 90 units comprising 60 affordable units and 30 for private market sale. Neighbours were re-notified of the amended application.

The site is bounded to the east by a public footpath with an area of woodland beyond, to the west by existing residential properties of Fa'side Terrace, and to the north by existing residential properties of Fa'side Avenue North. To the south of the site is the main spine road that was constructed as part of the masterplan and which was approved by the grant of approval of matters specified in conditions 15/00136/AMM.

Vehicular access to the 90 residential units would be taken from the new spine road via 2 access points that have been formed on the north side of that spine road. Additionally an access point would be formed to provide access from the south side of Fa Side Avenue North into the site.

Of the 90 residential units to be erected within the site 60 would be for affordable housing and 30 would be for private houses for sale. The 30 houses for private sale would be detached houses, all of which would have 4 bedrooms. They would comprise a mix of 4 different house types.

The 60 affordable units would comprise 16 cottage flats, 16 terraced houses, 26 semi-detached houses and 2 semi-detached bungalows. Of these 4 of the cottage flats would contain 1 bedroom and the other 12 cottage flats would contain 2 bedrooms. The 16 terraced houses would all contain 2 bedrooms. Twenty of the semi detached houses would contain 3 bedrooms, with the other 6 containing 4 bedrooms. The 2 semi detached bungalows would both contain 2 bedrooms.

Other than the 2 bungalows all the houses would be two-storey in height.

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

The application is supported by a Design and Access Statement.

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 Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) of relevance. Proposal MH9 and Policies DP1 (Landscape Character), DP2

(Design), T1 (Development Location and Accessibility), T2 (General Transport Impact) and OS3 of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the planning application.

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

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 two written representations received in respect of this application. The main grounds of objection are:

- (i) The proposed flatted blocks may cause overshadowing to neighbouring residential properties;
- (ii) Due to their height the proposed flatted block would allow for overlooking of private gardens of neighbouring houses;
- (iii) The car park at the back of block 1 would compromise security;
- (iv) There is already ongoing anti social behaviour and the block of flats will exacerbate this;
- (v) The creation and use of an access from Fa'Side Avenue North will create a safety risk to vulnerable members of society which is already overwhelmed with traffic and will cause additional parking and traffic problems;
- (vi) The storm block storage system may cause damage to nearby properties due to flooding and may affect insurance premiums.

Concerns regarding ongoing anti social behaviour and an increase in insurance premiums are not material planning considerations in the determination of this planning application.

Through the reduction in numbers of units on the site and a revision of the site layout the flatted blocks and associated car park have been deleted from the application. There would be no buildings on the site that would be more than 2 storey in height.

Access to the site will be taken from Fa'Side Avenue North in accordance with the site layout plan (Ref: 17052(PL)001Z) approved through the grant of planning permission in principle 14/00903/PPM. The Council's Road Services raise no objection to the use of this access. To safeguard the residential amenity of the occupants of the houses of Fa'Side Avenue North it should be made a condition of a grant of approval of matters that no construction access is taken from Fa Side Avenue North. A similar condition was attached to approval of matters 17/00432/AMM to safeguard the residential amenity of the occupants of Fa'Side Avenue South.

Wallyford Community Council were consulted on the application but did not provide a consultation response

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. To date, approval (Ref: 16/00537/AMC, 17/00384/AMM and 17/00432/AMM) has been

granted for the erection of a total of 472 residential units on the site. There can therefore be no objection in principle to the erection of the 90 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 located adjacent to part of the southern edge of Wallyford. The proposed houses and flats would be seen as a continuation of the existing housing of Fa'Side Avenue North to the north and Fa'Side Terrace to the west. The proposed residential development would in its relationship with that existing housing be seen a natural extension of Wallyford. It would also eventually be seen in relation to new housing that will be constructed to the south of the application site, which is still to be developed but which forms part of the wider Wallyford development approved by the grant of planning permission in principle 14/00903/PPM. Moreover, the woodland to the east of the site would give visual containment to the proposed residential development in views of it. In all of the this proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached, terraced houses and cottage flats (10 types of residential units), with the houses and flats being largely 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 density of development, at some 30 units per hectare, is consistent with the Density Plan drawing docketed to planning permission in principle 14/00903/PPM, which stated that density would be between 26-31 units per hectare.

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 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 and flats 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 that the submitted detailed scheme of landscaping and its future management is acceptable.

Condition 20 of planning permission in principal 14/00903/PP requires the submission by the applicant of all noise mitigation measures based on the mitigation measures identified in the Environmental Statement and designed so that the 'good standard' indoor levels from Table 5 of BS 8233 Sound Insulation and Noise Reduction for Buildings- Code of Practice are met inside the proposed residential units. The mitigation measures include the erection of an acoustic barrier along the southern boundary of the site and included a timetable for the implementation of all of the proposed noise mitigation measures.

Furthermore, Condition 3 of approval of matters specified in conditions ref 15/00136/AMM requires the submission of a timetable for the implementation of all of the proposed noise mitigation measures and states that the acoustic barrier be provided prior to the occupation of any part of the development unless otherwise agreed with the Council as Planning Authority. The provision of acoustic glazing, will be provided prior to the occupation of any dwelling house within the scheme where such measures have been proposed unless otherwise agreed with the Council as Planning Authority.

Subject to the noise mitigation measures alluded to in the planning conditions above being implemented prior to the occupation of any of the houses the subject of this approval of matters The Council's Environmental Health Manager raises no objection to 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 Policies DP1, DP2 and DP8 of the adopted East Lothian Local Development Plan 2018 and the Council's approved development framework for Wallyford.

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 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, as they are to be provided elsewhere in the larger site. Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan.

The largest area of open space is to be provided within the northern part of the application site. The proposed size and location of open space is consistent with Policy

OS3 of the adopted East Lothian Local Development Plan 2018 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM. The site is also in close proximity to the Community Woodland which will provide opportunities for outdoor recreation for the residents of the wider Wallyford site including the future occupants of this site.

The principles of the means of accessing of the proposed housing area are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed site being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition 15/00136/AMM and also from a vehicular accesses to be taken from Fa'Side Avenue north.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the 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) 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;

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 T1 and T2, of the adopted East Lothian Local Development Plan 2018.

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 Section 75 agreement associated with the grant of planning permission in principle 14/00903/PPM. Additionally, the plan docketed to the Section 75 agreement indicates the parts of the overall Wallyford development site that will provide for affordable housing. The lead developer, East Lothian Developments Limited, has intimated that it wishes to amend the areas shown in the Section 75 for affordable housing and discussions on the detail of those changes is ongoing with officers. The area of the site now under consideration is not designated in the Section 75 agreement for affordable housing provision. However if permission were to be granted the provision of the 60 affordable units and 30 market houses it would not compromise the capability of delivering the required number of affordable housing units in appropriate locations throughout the overall site, given that land for some 866 units remains available for development. The Council's Economic Development and Strategic Investment Manager advises that the size, tenure and house type of the 60 affordable units proposed are acceptable.

SEPA raise no objection to the 90 residential units now proposed.

The Council's Team Manager for Structures, Flooding & Street Lighting raises no objection to the application.

Scottish Water raise no objection to the application.

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 houses shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 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.

Notwithstanding that stated on the docketed drawings a number of the houses of the development shall have hipped roofs. Details of the form and location of the hipped roofed

houses shall be submitted to and approved by the Planning Authority. Thereafter those hipped roof houses shall be built in accordance with the details so approved unless otherwise agreed by the Planning Authority.

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 and bicycle 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;

Reason:

In the interests of road safety.

- 5 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house. A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and 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 appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development.

- 6 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 10 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.

- 7 All of the approved landscaping as detailed in the landscape drawings docketed to this approval of matters and required by condition 6 above shall be implemented, maintained and managed in

accordance with the management details approved by the landscaping scheme 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.

- 8 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed site layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

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

Reason:

In the interest of road safety.

- 10 Construction traffic shall neither access nor egress the application site to or from Fa'side Avenue North, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the amenity of the occupants of the houses of Fa'Side Avenue North and in the interests of road safety.