

REPORT TO: Planning Committee

MEETING DATE: 9 April 2013

BY: Executive Director (Services for Communities)

SUBJECT: Pre-Determination Hearing: Planning Application No. 12/00199/PPM – Planning permission in principle for residential development and associated open space, landscaping, tree planting, SUDS pond, development access road, junction improvements, enhancement of pedestrian routes and ancillary works at land west of Aberlady Road, Haddington

1 PURPOSE

- 1.1 A Pre-determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan and consequently has to be determined by a meeting of the full Council.
- 1.2 As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, the proposed development is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore the proposed development is significantly contrary to Policies ENV3 and HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.3 Application 12/00199/PPM is therefore brought before the Planning Committee for a Pre-determination Hearing prior to the consideration of the merits and determination of the application by the Council at their meeting on 23 April 2013.
- 1.4 The purpose of this report is to provide the Committee with a description of the development proposal and with summaries of the development plan policies and other material considerations, consultation responses and public representations applicable to application 12/00199/PPM.

2 RECOMMENDATIONS

- 2.1 That the Committee refers to the content of the report as an informed context for the Pre-determination Hearing.

3 BACKGROUND

- 3.1 Description of application

The application site consists of 6.4 hectares of land in the East Lothian countryside. It is located immediately to the north of part of Haddington. The site mainly consists of agricultural land. The agricultural land slopes down, from north to south. It also includes a length of the A6137 road (Aberlady Road) that is to the east and northeast of the agricultural land. The site is roughly rectangular in shape. To the north of it is the dual carriageway of the A1 trunk road, beyond which is agricultural land. The adjacent length of the A1 trunk road is at a lower level than the land of the application site. To the east of it is the Peppercraig Quarry Industrial Estate. To the south of it are the residential properties of Haldane Avenue and to the west of it is the Links Veterinary Clinic and a 25 metres wide strip of countryside land, beyond which is the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

Planning permission in principle is sought for the residential development of the application site and for associated works.

A site layout plan submitted with the application shows how 89 residential units might be accommodated within the application site. It also shows how the residential units could consist of 55 detached houses, 10 semi-detached houses, 16 terraced houses and 8 flats and could be laid out on the site with most of the residential units fronting onto an access road that would be formed within the site.

Access could be taken from the A6137 road via a new access to be formed opposite the junction of the A6137 road and the access road serving Peppercraig Quarry Industrial Estate. Additionally it is shown that a footpath could be formed over part of the 25 metres wide strip of countryside land to the west of the site to provide a pedestrian link between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

The site layout plan indicates that a substantial belt of planting could be formed along the northern part of the site and a hedgerow interspersed with trees could be formed along the southern boundary of the site, adjacent to the existing houses of Haldane Avenue. The site layout plan further indicates that two areas of open space, two play areas and a SUDS pond could be provided within the application site.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units.

An amended site layout plan has been submitted showing:

- (i) revisions to the access and street layout of the proposed housing development;
- (ii) revisions to the indicative positions for some of the residential units;
- (iii) revisions to the indicative landscape proposals and to the layout of the SUDS pond; and
- (iv) the provision of a footpath link between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

The application is supported by, amongst other things, a pre-application consultation report, a planning statement, a landscape and visual impact assessment, a noise assessment and a transport assessment.

As a statutory requirement of major development type proposals this proposal was the subject of a Proposal of Application Notice (Ref: 11/00009/PAN) and, through that procedure, community consultation prior to the application for planning permission in principle being made to the Council. As a further statutory requirement a report on that pre-application consultation is submitted with this application.

The report informs that over 90 people attended the two pre-application consultation events held in Haddington and the views expressed by those attendees have helped influence the layout of the housing development now proposed.

The planning statement submitted with this application addresses the circumstance of the proposed development relative to the development plan and other material considerations. It declares that Policy HOU10 of the approved Edinburgh and the Lothians Structure Plan 2015 is the key determining policy in the consideration of this application and now provides the planning policy context to allow this site to be considered for development at this time, and in advance of any development plan review.

The landscape and visual impact assessment considers the landscape character of the site and assesses the visual impact of a residential development of the site.

The noise assessment assesses the noise impact of road traffic using the A1 trunk road on future residents of the proposed housing development.

The Transport Assessment evaluates the traffic impact generated by the new development, and examines the accessibility of the development by all modes of transport.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 28 February 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

3.2 Development Plan Policy and Other Material Policy Considerations

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies ENV3 (Development in the Countryside), HOU8 (Development on Greenfield Land) and HOU10 (The Five Year Housing Land Supply) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision) H4 (Affordable Housing), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: February 2010 and the letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

In Paragraph 75 of Scottish Planning Policy it is stated that a supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should monitor land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. Development plans should identify triggers for the release of future phases of effective sites where a 5 year effective supply is not being maintained.

In Paragraph 84 of Scottish Planning Policy it is stated that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

In Paragraph 97 of Scottish Planning Policy it is stated that prime quality agricultural land is a finite national resource on which development should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development where no other suitable site is available. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.

The letter from the Chief Planner to Heads of Planning dated 29 October 2010 provides advice on the provision of an effective housing land supply as a result of the changed economic climate. It advises that the concept of 'effective housing land' centres on the question of whether a site can be developed i.e. whether "residential units can be completed and available for occupation". If the circumstances affecting sites means that there is no longer a 5 year supply of effective housing land, the Chief Planner's expectation is that planning authorities will take steps to comply with Scottish Planning Policy: February 2010. The housing land audit can be used to achieve this by identifying sites that are no longer effective and highlighting a need to bring forward new sites. Where a planning authority has a 5 year supply of effective housing land but the impediment to developing that site is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

3.3 Consultations

The Council's Transportation service raises no objection to the principle of the proposed development.

The Council's Landscape and Countryside Management Manager is satisfied with the indicative proposals for open space, play area and landscaping provision. She recommends that consideration should be given to providing a footway between the proposed site access and the A1 flyover on the A6137 road.

The Council's Senior Environmental & Consumer Services Manager raises no objection to the principle of the proposed development, although he recommends that an acoustic barrier, comprising earth bund and close boarded fence, be formed along the northern end of the application site.

The Policy and Projects Manager recommends refusal of the application, advising that the principle of the proposed development is contrary to the development plan. He further provides landscape advice in respect of the proposed development.

The Council's Archaeology Officer recommends that a programme of archaeological works (archive assessment and evaluation) should be carried out at the site by professional archaeologists.

The Council's Executive Director (Services for People) raises no objection to the principle of the proposed development, provided that the applicant makes a financial contribution to the Council of £310,610 (£3,490 per residential unit) towards the provision of additional accommodation at Knox Academy.

Transport Scotland raise no objection to the principle of the proposed development, although they recommend that adequate screening should be provided between the housing and the A1 trunk road, that there be no drainage connections to the trunk road drainage system, and that details of any external lighting within the site should be submitted for the approval of the Planning Authority following consultation with Transport Scotland.

The Council's Housing Strategy & Development Service Manager advises that the requirement for the provision of affordable housing arising from this proposed housing development is determined by the Council's Affordable Housing Policy approved by the Council in January 2006. Accordingly, 25% of the proposed residential units should be affordable housing.

Haddington Area Community Council recommends refusal of the application on the grounds that the site is in a rural setting and not allocated for housing and that the development at Letham is still active. The Community Council also advise that i) controls must be put in place to ensure that the trees proposed for the northern part of the site are indeed planted and ii) pedestrian access should be catered for, including the widening of pavements and the provision of a pedestrian crossing on the A199 road.

The Scottish Environment Protection Agency recommend that a SUDS scheme should be submitted to and approved by the Planning Authority prior to the commencement of any development of the application site.

Scottish Water raise no objection to the principle of the proposed development.

3.4 Representations

9 written representations have been received in respect of this application, all of which raise objection to the principle of the proposed development.

The main grounds of objection are summarised as follows:

- * Proposed vehicular access from the A6137 road (Aberlady Road) would be extremely dangerous;
- * Additional residents from the proposed housing would put even more strain on the infrastructure of Haddington, including local schools;
- * There is no need for additional housing;
- * Proposed development would devalue the objector's property;
- * Proposed development would increase traffic on the surrounding road network;
- * Loss of private views;
- * Loss of privacy and amenity;
- * Proposed development would result in the removal of the existing buffer between the housing of Haldane Avenue and the A1 trunk road;
- * Concerns over flood risk; and
- * The northern part of the site is unsuitable for housing because of noise and noxious fumes from heavy traffic on the A1 trunk road.

4 POLICY IMPLICATIONS

4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial – None.

6.2 Personnel – None.

6.3 Other – None.

7 BACKGROUND PAPERS

7.1 None.

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