

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 January 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00778/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 09/00486/OUT - erection of 131 residential units and associated works

Location **Land To The West Of Brodie Road
Hallhill
Dunbar
East Lothian**

Applicant Mansell Homes

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 09/00486/OUT 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 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In January 2012 planning permission in principle 09/00486/OUT was granted for a residential development of some 525 residential units on 22.2 hectares of agricultural land at Hallhill, to the southwest of Dunbar. That land is the strategic housing site of Proposal H2 of the adopted East Lothian Local Plan 2008.

The originally approved phasing plans of the docketed Masterplan Document split the development of the site of 525 residential units into 7 Phases of development.

In March 2013 approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Ref: 12/00660/AMM) was granted for the details of:

(i) the siting, design and external appearance of 198 housing units, accessing and landscaping and of other principles of development of Phases 1, 2 and 3 of a development of the site of 525 residential units; and

(ii) the formation of a length of distributor road to the north of Phase 3 to serve Phases 5, 6 and 7 of the overall development of 525 residential units, and the provision of a SUDS pond and an area of open space in the northeast corner of the larger housing development site of 525 residential units.

In August 2014 approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Ref: 14/00263/AMM) was granted for the details of the erection of 81 houses within the larger housing development site. The site for the 81 houses is to the south and east of the site the subject of this application.

In October 2014 two applications for the approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Refs: 14/00355/AMC and 14/00358/AMC) were granted for the details of the erection of a total of 73 houses within the larger housing development site. The sites for the 73 houses are also to the south and east of the site the subject of this application.

Development of the site has recently commenced.

The approval of matters specified in conditions now sought is for the erection of 131 residential units on three parts of the land to which planning permission in principle 09/00486/OUT and the Masterplan docketed to that permission apply.

Of the 131 residential units, 59 would be houses and 72 would be flats. Of the 59 houses, 1 would be detached, 6 semi-detached and 52 terraced.

The applicant has confirmed that the 131 units are all proposed as affordable housing.

The submitted details also include for the internal access roads, parking courts, landscaped open space and structural planting.

The application site has an irregularly shaped footprint. It is mainly bounded by agricultural land. That agricultural land forms the remainder of the larger site the subject of planning permission in principle 09/00486/OUT. At its nearest point the A1 trunk road is some 150 metres to the south of the application site. The site is bounded partly to the northeast by a housing site that is being developed by the applicant, Taylor Wimpey, for 139 houses (a development approved by the grant of planning permissions 09/00623/FUL, 12/00671/P and 14/00187/P). The site is bounded partly to the south by an unclassified road. The application site has a gently rolling topography. It is enclosed along its southern boundary by a stone wall, which is in parts some 2 metres high.

Vehicular access to the 131 residential units would be taken from the western end of Brodie Road at the southern end of the housing site that is being developed by Taylor Wimpey. Additionally, vehicular access would be taken from the A1 trunk road via the unclassified road that is immediately to the south of the site.

As a conditional requirement of planning permission in principle 09/00486/OUT the existing junction of the unclassified road with the A1 trunk road (the Eweford junction) has to be upgraded.

Amended plans have been submitted showing revisions to the access, parking and street layout of the proposed residential development.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

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

Also material to the determination of the application is the approved development framework for Hallhill South West, Dunbar. 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.

Dunbar Community Council, a consultee, do not object to the proposals.

By the grant of planning permission in principle 09/00486/OUT, approval has been given for the principle of the erection of up to 525 residential units on the allocated land of Hallhill South West. There can therefore be no objection in principle to the erection of 131 residential units on the application 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 and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved development framework for Hallhill South West and the Masterplan and conditions attached to planning permission in principle 09/00486/OUT.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses and flatted units (9 different house types), with 126 of the proposed 131 residential units being two storey in height. The other 5 residential units would be single storey in height.

The residential units and associated areas of ground, in their proposed groupings, orientations, and layout would mainly be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would be the proposed layout of roads, pathways, parking courts and parking spaces. The only significant exception relates to the proposed open plan form of the front gardens of the

residential units. In respect of this, open plan front gardens are an integral design feature of the existing housing developments at Hallhill/Lochend as developed to date. The front gardens of the existing houses of Moray Avenue and Steadings Gardens, which are to the east of the application site, are open plan. The front gardens of the 139 houses currently being built by Taylor Wimpey on the land immediately to the northeast of the application site are also open plan. Thus to require the front gardens of the proposed 131 residential units to be enclosed by a boundary treatment would be at odds with this existing characteristic of the Hallhill/Lochend housing development area.

The layout proposed is generally informal and has designed into it some intrinsic interest. It embodies an appropriate mix of detached, semi-detached and terraced houses and flatted units. The proposed residential units, due to their positioning on the application site and by virtue of their height, size and scale would integrate with the two storey houses they would be in proximity to and thus would be appropriate to their location. The proposed residential units would be of a similar form and design to the already approved houses that have been built within the Hallhill/Lochend area, and they would not therefore appear as a disjointed and inharmonious grouping of buildings. The proposed residential units would not cause any incongruous change to the architectural harmony, integrity and character of the Hallhill/Lochend area. In this regard, the predominant external wall finish should be render, as is predominantly the case with existing houses at Hallhill/Lochend. This planning control can be secured by a condition imposed on the approval of matters specified in conditions for the proposed residential development.

The proposed residential development would provide an attractive residential environment. The residential units 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 residential units an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the development detailed for it to a pattern and of a density consistent with existing patterns and densities of housing development at Hallhill/Lochend.

The proposed positioning of the 131 residential units and other components of the development would not prejudice the form of development of the remainder of the 525 houses approved in principle by the grant of planning permission in principle 09/00486/OUT.

The Council's Landscape Project officer recommends that a detailed scheme of landscaping should be submitted in respect of the application site. The scheme of landscaping should be based on the 'Hallhill Landscape Strategy', which is docketed to planning permission in principle 09/00486/OUT. It should include large tree species in communal central green spaces and corner sites, where space allows, to break up the built layout. It should also include small fastigate tree species to street frontages and parking areas. The submission of such a detailed scheme of landscaping and thereafter its implementation can be secured by a condition imposed on the approval of matters specified in conditions for the proposed housing development.

At its nearest, the A1 trunk road is some 150 metres to the south of the application site. In this regard the Council's Environmental Protection Manager recommends that the south facing windows serving noise sensitive rooms (living rooms and bedrooms) of the proposed 7 houses and 4 flats on the southern part of Phase 2A of the development (as delineated on the submitted site layout plan drawing) be fitted with 6/12/6 glazing. She further recommends that an acoustic barrier be provided along the southern boundary of Phase 2A of the development. The applicant has since confirmed by email that they

intend to submit a noise report, which they believe will demonstrate that there is no requirement for the provision of any noise attenuation measures, such as acoustic glazing or barriers. A similar report was submitted for the adjacent site, which is the subject of approval of matters specified in condition 14/00263/AMM. Given this, it would be prudent to impose a planning condition securing the recommended noise mitigation measures, including details of the acoustic barrier, unless otherwise approved in writing by the Planning Authority.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and generally with the approved development framework for Hallhill South West, Dunbar.

The Masterplan and Masterplan Document docketed to planning permission in principle 09/00486/OUT indicate how areas of formal and informal open space could be located throughout the allocated housing site. This includes two principal areas of open space, one which would be centrally located within the site and the other which would be adjacent to Lochend Woods, in the northeast part of the site.

The site that is the subject of this approval of matters specified in conditions application does not include the land shown on the docketed Masterplan and Masterplan Document as being the locations for the two principal areas of open space. The proposed development does however include areas of open space, consistent with the docketed Masterplan and Masterplan Document.

The Development Framework requires the provision of suitably sized and designed equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. The docketed Masterplan and Masterplan Document show that a total of five equipped play areas could be provided within the housing site. None of these play areas are shown within the site that is the subject of this approval of matters specified in conditions application. Consequently, although the proposed development does not include the provision of a play area, this is consistent with the docketed Masterplan and Masterplan Document.

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

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 09/00486/OUT. These are that vehicular access to the housing development of 525 houses should be taken from Brodie Road, by way of a westwards extension of Brodie Road and from the A1 trunk road via the unclassified road that is immediately to the south of the site and that the existing junction with the A1 trunk road should be upgraded.

The submitted details for accessing the proposed 131 residential units are in accordance with these established principles of the means of accessing the housing development of 525 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) the proposed 'Temporary Turning Area' in Site 2A, which is adjacent to plots 120/123, shall be provided and in place prior to the occupation of any of the plots 108 – 123. This shall remain in place, unless otherwise approved by the Planning Authority;

(ii) vehicle accesses to private parking areas (i.e. other than driveways) shall be via reinforced footway crossings and shall have adequate width to enable two way movement of vehicles at the accesses;

(iii) in accordance with the phasing plans docketed to planning permission in principle 09/00486/OUT, the new off-site pedestrian/cycle routes through the woodland of Lochend Woods to the north east of the site should be constructed, lit and available for use prior to the occupation of any of the 131 residential units. Details of the pedestrian/cycle route should be submitted to and approved by the Planning Authority;

(iv) all footpaths and cycle paths as connections from a zone under construction 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;

(v) bus shelters and bus stops should be provided, in the positions indicated as 'bus' on the Masterplan docketed to planning permission in principle 09/00486/OUT, prior to the occupation of any of the residential units within Phase 3A of the development. Details of the bus shelters and bus stops should be submitted to and approved by the Planning Authority;

(vi) all carriageway and footway/ footpath connections must meet with existing links to adjacent sites, both horizontally and vertically;

(vii) cycle parking for flats shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. Details of the cycle parking should be submitted to and approved by the Planning Authority; and

(viii) wheel washing facilities are provided during the construction phase of the housing development.

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

On the basis that the 131 residential units will all be affordable housing, Roads Services are generally satisfied with the number and layout of car parking spaces proposed for the housing development. Some amendments have been made to the parking arrangements for specific plots and in relation to visitor parking. Roads services recommend that:

(i) driveways should have minimum dimensions of 6 metres by 2.5 metres. Double driveways should have minimum dimensions of 5 metres width by 6 metres length or 3

metres width by 11 m length;

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

(iii) all prospectively adoptable parking bays (i.e. that will form part of the public road) should 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

(iv) proposed parking adjacent to prospectively public roads and contiguous with the carriageway surface should only form public parking bays and must form part of the public road (therefore being available for all road users).

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

The mechanism of a financial contribution towards additional educational provision in Dunbar for a housing development of 525 houses has already been secured through the grant of planning permission in principle 09/00486/OUT.

The mechanism of the provision within the residential development of 525 residential units of 25% affordable housing (i.e. 131 units of the proposed 525 units) is already secured through the grant of planning permission in principle 09/00486/OUT. The applicant has confirmed that the 131 units are all proposed as affordable housing. The Council's Strategic Investment and Regeneration Manager is satisfied with the proposed location for the affordable housing provision and with the proposed overall mix of affordable housing tenures, house types and sizes.

The matter of site drainage was considered through the determination of previous application 09/00486/OUT. The Masterplan and Masterplan Document docketed to planning permission in principle 09/00486/OUT indicate how two sustainable urban drainage scheme (SUDS) ponds would be formed within the site to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency raise no objection to the details of the 131 residential units now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

Condition 3 of planning permission in principle 09/00486/OUT requires that the phasing of the development of the site shall be carried out in strict accordance with the phasing plans that are in the Masterplan Document docketed to planning permission in principle 09/00486/OUT, unless otherwise approved in writing in advance by the Planning Authority.

The originally approved phasing plans of the docketed Masterplan Document split the housing development of the site of 525 residential units into 7 Phases of development.

In August 2014 East Lothian Council approved an alternative phasing plan for the site. The approved phasing plan splits the housing development of the site of 525 residential units into 12 Phases of development.

What is detailed for the application site in this current application for approval of matters specified in conditions is consistent with the alternative phasing plans for the site that were approved by the Council in August 2014 and, thereby, is also consistent with the grant of planning permission in principle 09/00486/OUT.

RECOMMENDATION

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 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 131 residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policy DP22 of the adopted East Lothian Local Plan 2008.

- 3 A detailed specification of all external finishes of the houses and flats 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 and flats 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 respect the layout of the development and shall promote render as the predominant finish to the walls of the houses and flats. All such materials used in the construction of the houses and flats 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.

- 4 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. 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 fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 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 be based on the 'Hallhill Landscape Strategy', which is docketed to planning permission in principle 09/00486/OUT.

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.

- 6 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.

- 7 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.

- 8 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) vehicle accesses to private parking areas (i.e. other than driveways) being via a reinforced footway crossing and shall have adequate width to enable two way movement of vehicles at the accesses;

(ii) in accordance with the phasing plans docketed to planning permission in principle 09/00486/OUT, the new off-site pedestrian/cycle routes through the woodland of Lochend Woods to the north east of the site should be constructed, lit and available for use prior to the occupation of any of the 131 residential units;

(iii) bus shelters and bus stops shall be provided, in the positions indicated as 'bus' on the Masterplan docketed to planning permission in principle 09/00486/OUT, prior to the occupation of any of the residential units within Phase 3A of the development hereby approved;

(iv) 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;

(v) 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;

(vi) 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;

(vii) 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;

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

(ix) the proposed 'Temporary Turning Area' in Site 2A, which is adjacent to plots 120/123, shall be provided and in place prior to the occupation of any of the residential units on plots 108 to 123. The 'Temporary Turning Area' shall remain in place, unless otherwise approved by the Planning Authority;

(x) proposed parking adjacent to prospectively public roads and contiguous with the carriageway surface shall only form public parking bays and shall form part of the public road (therefore being available for all road users); and

(xi) no flat shall be occupied unless cycle parking for that flat has been provided (at a rate of 1 space per flat). The parking shall be in the form of 1 locker per flat or communal provision in the form of a lockable room or shed.

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

Reason:

In the interests of road and pedestrian safety.