

PLANNING COMMITTEE

TUESDAY 2 JUNE 2015

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

TUESDAY 5 MAY 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Ms M Ferguson, Service Manager – Legal and Procurement
Mr K Dingwall, Principal Planner
Mr C Meikle, Planner
Mr G McLeod, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms F Currie, Committees Assistant

Visitors Present:

Mr S Mackay, Mackay Planning
Mr J McLennan, Tesco Store Manager (North Berwick)

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 31 MARCH 2015

The minute of the Planning Committee of 31 March 2015 was approved.

2. PLANNING APPLICATION NO. 14/00951/P: VARIATION OF CONDITION 5 OF PLANNING PERMISSION 05/00928/FUL TO ALLOW FOR DELIVERIES TO THE STORE BETWEEN THE HOURS OF 0600 TO 2300 ON MONDAYS TO SATURDAYS INCLUSIVE AND ERECTION OF ACOUSTIC PANELS ON SERVICE YARD FENCE AT TESCO, TANTALLON ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 14/00951/P. Keith Dingwall, Principal Planner, presented the report summarising the key points. He pointed out that the proposed acoustic panel had been changed from timber to plexi glass which would result in no loss of amenity to neighbouring residences. The panel would ensure that noise levels remained within the limits set out by the World Health Organisation. The proposed decision set out in the report was to grant consent for the application.

Councillor Day asked whether it would be competent to propose amendments to the application including removal of the acoustic panel and approval for an initial period of 12 months. Mr Dingwall confirmed that the Committee could propose amendments as long as these did not constitute so material a change as to require a new planning application. He indicated that he had been in discussion with the applicant and suggested that the Committee may wish to consider continuing the application to allow changes to be made to the proposals.

Mr Scott Mackay of Mackay Planning, agent for the applicant, and Mr John McLennan, Manager of the Tesco store in North Berwick, addressed the Committee. Mr Mackay advised that the additional hour of delivery time being sought in the mornings would allow staff to complete more of the unloading and restocking before the store opened at 8.00am. The acoustic panel would help to mitigate the slight increase in noise levels. He concluded that his client did not wish the Committee's decision to be postponed and would accept amendments along the lines of those suggested. Mr McLennan stated that the North Berwick store was very popular and that the delivery time change would help to reduce the inconvenience to customers.

Responding to questions from Members, Mr Mackay confirmed that adding a 12 month timescale with a requirement to review thereafter would allow matters to progress more quickly. He said that the results of the noise survey showed that there was already some road noise in the area between 6.00am and 7.00am which was not related to Tesco.

Local Member Councillor Berry expressed some sympathy with Tesco but felt it was important to ensure that the disturbance to surrounding residents was minimal. As a result he would be supporting the amendments suggested by Councillor Day.

Local Member Councillor Goodfellow stated that he would also support the proposed amendments.

Local Member Councillor Day said that he could not support the application without the amendments he had outlined.

Councillor Currie urged Members to make a decision on the application now rather than delay matters. He said that this would allow Tesco to improve their operations and provide greater convenience for local shoppers.

Councillor Gillies said he had been impressed by the store and its operations and it was clearly popular with the residents of North Berwick. He would be supporting the application.

Councillor Day thanked Members for their support and proposed the following amendments to the report recommendation:

- removal of the requirement for acoustic panels; and
- approval for a period of 12 months to assess the impact on local residents.

Councillor Berry seconded these proposals.

Morag Ferguson, Service Manager – Legal and Procurement, pointed out that by making any significant amendment to terms of an application the Committee may be open to challenge. An individual could appeal the decision if they consider the amendment to be a material change to which they would have objected had it formed part of the original application.

The Convener brought the discussion to a close. He acknowledged the views of the Members and the advice from officers. He moved to the vote on the proposed amendments to the report recommendation:

For: 17
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following, amended conditions:

Condition 5

The operation of the store shall comply with the following requirements:

- a) Until the 08 May 2016, no delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 06:00 to 23:00 on Mondays to Saturdays inclusive and 08:00 to 19:00 inclusive on Sundays and bank holidays;
- b) Noise associated with delivery vehicles within the application site, including delivery vehicle movements within the Service yard, shall not exceed L_{Amax} 60dB between the hours of 06:00 to 07:00 on Mondays to Saturdays inclusive when measured in any neighbouring property with the noise measurement being taken with the window open at least 50mm;
- c) The "Service yard noise reduction measures" docketed to this planning permission shall be complied with at all times during deliveries between the hours of 06:00 to 07:00 on Mondays to Saturdays inclusive; and
- d) After the 08 May 2016, no delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 07:00 to 23:00 on Mondays to Saturdays inclusive and 08:00 to 19:00 on Sundays and bank holidays.

Planning permission is not hereby granted for the acoustic panel shown on the docketed drawing no. 2072_305 Rev. D.

Reason:

To enable the Planning Authority to assess the impact of deliveries between the hours of 06:00 to 23:00 on Mondays to Saturdays inclusive on neighbouring residential properties in the interests of safeguarding the amenity of the occupiers of nearby houses, and to safeguard the amenity of the area.

3. PLANNING APPLICATION NO. 14/00944/P: ERECTION OF A TELECOMMUNICATIONS MAST AND ASSOCIATED WORKS AT MAIN STREET, GULLANE

A report was submitted in relation to Planning Application No. 14/00944/P. Craig Meikle, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr Meikle advised that the mast was designed to match in as much as possible with existing street lighting columns. The applicants were aware of the requirement to maintain a minimum 1.5 metre clearance on the footway and permission for cabinets could still be refused if this requirement was not met. Regarding the use of derelict land nearby, Mr Meikle indicated that there had been no pre-application discussion about alternative sites.

Local Member Councillor Berry said he was concerned that this was not just a replacement of like for like. The proposed mast was to be significantly taller and would be less intrusive if it were sited further from the road. He would not be supporting this application.

Local Member Councillor Day disagreed stating that the mast was a vital piece of infrastructure and would be of benefit to local residents. He would be supporting the application.

Local Member Councillor Goodfellow said that a number of people had approached him to complain about the signal coverage in the area. However, he was concerned about the lack of pre-application discussion of alternative sites and he would not be supporting this application.

The Convener brought the discussion to a close acknowledging the opposing views of members. He moved to the vote on the report recommendation:

For: 15

Against: 2

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 The telecommunications monopole, including the GRP shroud at the top of it shall be coloured to match the colour of the existing street lighting columns that are positioned to each side of the main carriageway of Main Street unless otherwise approved by the Planning Authority.

Reason:

- 2 In the interests of safeguarding the character and appearance of the area
- 2 In the event that the telecommunications monopole hereby approved become obsolete or redundant it must be removed and the site reinstated to the satisfaction of the Planning Authority within 6 months of it ceasing to be operational.

Reason:

To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

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Application No. **14/00534/PCL**
Proposal Erection of primary school and associated works
Location **Land at East Letham Mains
Haddington
East Lothian**
Applicant East Lothian Council
Per East Lothian Council
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. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00004/PAN) and thus of community consultation prior to this application for planning permission being made to the Council. The community consultation undertaken in respect of the proposed school was also at the same time undertaken in respect of a wider housing-led development of land at Letham Mains, Haddington.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 188 people attended the pre-application public exhibition, which was held over a two day period at the Corn Exchange, Haddington, and that those attendees made a number of queries and suggestions regarding the proposals. Amendments have been made to the proposal following the community consultation. The development for which planning permission is now sought is however of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 43 hectares of agricultural land at Letham Mains, on the western edge of Haddington. The agricultural land is allocated for a mixed use development of 750 houses, social and community facilities and associated infrastructure by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. It is also allocated for a new primary school by Proposal ED3 (Letham Primary School, Haddington) of the adopted East Lothian Local Plan 2008.

The allocated site is irregularly shaped. The land slopes down from north to south. It is bounded to the north by the B6471 road, beyond which are existing residential properties, a field, and the land of the former Gateside Commerce Park.

In January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the former Commerce Park site of 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant. The commerce buildings have recently been demolished. Development of the 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant has not yet commenced.

In November 2014 planning permission in principle 13/00800/PPM was granted for a residential and business development of the field that is on the northern side of the B6471 road, to the north of the allocated site. Approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Refs: 14/00940/AMC and 14/00941/AMC) have since been granted for the erection of a total of 60 houses on the part of the field approved for housing development. Additionally in April 2015 the Council resolved to grant planning permission (Ref: 14/00904/P) for the erection of a further 19 houses on the part of the field approved for housing development, subject to the prior conclusion of a legal agreement to secure education and affordable housing contributions. That legal agreement has not yet been concluded and therefore planning permission 14/00904/P has not yet been granted. In March 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 15/00204/AMM) was sought for the erection of business units on the part of the field approved for business development. The application has not yet been registered as it was found to be invalid on receipt.

To the east the allocated site is bounded by the St Laurence House Burn and a section of the Letham Burn, beyond which are residential properties. The allocated site is bounded to the south by agricultural land and by a length of Pencaitland Road.

In March 2014, following an appeal to the Scottish Ministers, planning permission in principle (Ref: 13/00071/PPM) was granted for the principle of the residential development of some 6.7 hectares of land at Dovecot Farm, to the south of Pencaitland Road and part of the allocated site. In September 2014 approval of matters specified in conditions of planning permission in principle 13/00071/PPM (Ref: 14/00731/AMM) was sought for the erection of 109 houses and 4 flats on that land. That application is pending consideration and no decision has yet been taken on it.

The allocated site is partly bounded to the west by a belt of trees and beyond that by a shared access drive serving the properties of Letham House, East Cottage, Little Letham and West Letham. Letham House is listed as being of special architectural or historic interest (Category B). The allocated site is otherwise bounded to the west by agricultural land.

A Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, occupies the northeast part of the allocated site.

A residential property known as Gateside Cottage is located at part of the northern end of the allocated site.

In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of the allocated site. In January 2014 planning permission (Ref: 14/00089/PM) was sought for the erection of 257 houses and 119 flats and a public square on the eastern part of the allocated site. Cross-referenced reports on planning applications 13/00519/PM and 14/00089/PM are at this time also presented to the Planning Committee.

Planning permission is sought through this application for the erection of a primary school and associated works on the central part of the allocated site. The site has an area of 2.2 hectares and is located immediately to the southeast of the residential property of Gateside Cottage.

The proposed primary school would be erected on the eastern part of the application site. The facility would include a nursery, which would form the southern part of the proposed building. The front elevation of the building would face eastwards, towards the public square proposed in planning application 14/00089/PM. Most of the building would be two storeys in height although the southern part would be single storey in height. The walls of the building would be finished in coloured cladding with factory finished rainscreen panels. The roof would be clad with metal standing seam with a silver/ grey finish and the windows and doors would be aluminium clad, timber framed and double-glazed. The site plan identifies that the area of land immediately to the west of part of the proposed school building could be used in the future to accommodate a school extension.

A hard surfaced play area would be formed immediately to the west of the building, with a grassed play area provided further to the west. The outdoor play area for the nursery would be provided immediately to the south of the nursery part of the building. An all weather pitch and a hard surfaced multi use games area would be formed within part of the southern end of the application site.

There would be screen planting along the boundary of the site with Gateside Cottage. Vehicular access to the school would be taken from the north of the site, via an access road proposed in application 14/00089/PM. A one way access road would be formed along part of the northern end of the application site, with vehicles exiting the school campus at a point close to the northeast corner of the application site. A total of 31 car parking spaces would be formed on the northern end of the site. The site plan also shows that an additional 4 car parking spaces could be provided as part of a future expansion proposal. Three separate pedestrian accesses to the school grounds are also proposed. One would provide pedestrian access from the public square proposed in planning application 14/00089/PM. The other two would provide pedestrian access from the housing proposed to the south and to the west of the application site.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development of the allocated lands of Letham Mains 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 30 August 2011 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. It is therefore the opinion of East

Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. This includes the proposed erection of a primary school within the allocated site.

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.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal ED3 (Letham Primary School, Haddington) and Policies ENV1 (Residential Character and Amenity), ENV7 (Scheduled Monuments and Archaeological Sites), H2 (Development Frameworks), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), T1 (Development Location and Accessibility) 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 this planning application is the Development Framework for Letham Mains, which was approved by the Council at a meeting of Cabinet on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

There is no public objection to the application.

Haddington Community Council raise no objection to the proposed school, although they raise concerns over the possibility of parents dropping children off at school by car. They suggest that some form of traffic management system should be put in place to reduce vehicle speeds and to make it more difficult for non residents to just simply drive and drop.

The principle of the proposed new school being erected within the allocated lands of Letham Mains is established by Proposal ED3 of the adopted East Lothian Local Plan 2008 and by the approved Development Framework for Letham Mains.

Consistent with Policy DP4 of the adopted East Lothian Local Plan 2008, a design statement has been submitted with the planning application. It provides a contextual analysis of the site and sets out the design principles for the development. The design principles address matters of architectural design, landscape and access in respect of the proposed development.

The proposed school would be of a modern contemporary architectural style. It would appropriately respond to the public square that is proposed to the east of it. The proposed school would not appear incongruous, exposed or an over development of the land upon which it would be built. By its positioning, design, architectural form and finishing materials it would be in keeping with the character and appearance of the modern development of Letham Mains and would not be harmful to the character and appearance of the area.

The proposed school by its positioning and distance from nearby housing would not give rise to harmful overlooking or overshadowing of existing nearby properties or of the residential units proposed in planning applications 13/00519/PM and 14/00089/PM.

The Council's Environmental Protection Manager recommends that any plant and equipment within the proposed development should be designed and constructed so that noise emanating there from does not exceed NR20 at any frequency in any neighbouring property where measurements are taken through a 50 millimetre window gap or greater. This matter can be controlled by way of a condition. The imposition of such a condition would ensure that the proposed school building does not give rise to an unacceptable level of noise.

Subject to the imposition of this recommended condition the proposed school would not have an adverse impact on the residential character and amenity of the housing proposed in planning applications 13/00519/PM and 14/00089/PM. On this consideration the proposed development is consistent with Policy ENV1 of the adopted East Lothian Local Plan 2008.

The application site is located outwith the Scheduled Ancient Monument known as Spottiswoode, enclosure 145m SSW of. It would be at a sufficient distance away from that Scheduled Ancient Monument such that it would have no impact on its setting.

The Council's Archaeology/ Heritage Officer advises that the application site is within an area of known prehistoric and medieval remains. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's landscape project officer raises no objection to the proposed development, although she recommends that a scheme of landscaping should be submitted to and approved by the Planning Authority. This can be secured through a conditional grant of planning permission.

On all of these foregoing findings on matters of design, layout, landscaping and amenity the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H2, DP1 and DP2 of the adopted East Lothian Local Plan 2008, and with the approved development framework for Letham Mains, Haddington.

The Council's Road Services do not object to the proposed development and are satisfied with the proposals for site access and parking. They do not raise concerns that parents would be likely to drop off their children by private car. In this regard, it should be noted that the catchment area for the new school would be purely the housing proposed at Letham Mains in planning applications 13/00519/PM and 14/00089/PM. The central location within the proposed housing and the proposed pedestrian links have been specifically designed to minimise the likelihood of pupils being dropped off at school by private car.

A Travel Plan Framework has been submitted which outlines the methods and principles of managing travel patterns and modes to and from the school for all visitors. Whilst this is acceptable, Road Services recommends that a green travel plan should be submitted for the prior approval of the Planning Authority. This should take into account the measures outlined in the Travel Plan Framework once the school is opened. The green travel plan should seek to minimise private car trips and encourage use of alternative modes of transport such as walking and cycling. Additionally the Travel Plan should include details of the measures to be provided, the methods of management, monitoring,

review, reporting and duration of the Plan. It should also take account of the likely impacts of adjacent construction activity from the adjacent housing sites. The provision of a green travel plan could reasonably be secured by a condition imposed on a grant of planning permission.

In respect of construction works, Road Services recommend that prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority. The Statement should detail mitigation measures to be employed to control noise/ dust/ construction traffic, and delivery traffic movements and should include the proposed hours of working. A Construction Method Statement can be secured through a condition imposed on the grant of planning permission for the proposed school development.

With the imposition of conditions to cover the issues raised by Road Services the proposal does not conflict with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The proposals for drainage, SUDS and surface water management have been amended following concerns raised by the Scottish Environment Protection Agency. They raise no objection to the revised proposals, being satisfied that the proposed development would not result in an unacceptable flood risk.

Scottish Water were consulted on this planning application but have not provided any comments on it.

RECOMMENDATION

That planning permission for the proposed school 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 Samples of the external finishing materials and finishing colours to be used in the development shall be submitted to the Planning Authority for its prior approval, prior to their use in the development. Only those materials and finishing colours approved by the Planning Authority will be used in the external finishes of the development hereby approved.

Reason:

To ensure the external finishes are appropriate in the interests of protecting the amenity of the area.

- 3 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 shall 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.

- 4 The design and installation of any plant or equipment shall be such that any associated noise does not exceed noise rating curve NR20 at any frequency when measured within any neighbouring residential building. Noise measurements shall be taken within the building with windows open at least 50mm.

Reason:

In the interests of protecting the amenity of future nearby properties.

- 5 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 6 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction. The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 7 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as cycling and walking shall be submitted to and approved by the Planning Authority prior to the school opening for use. Additionally the Green Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall be implemented prior to the first opening of the school.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the proposed school.

- 8 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **14/00089/PM**

Proposal Erection of 257 houses, 119 flats, commercial and community buildings and associated works

Location **Letham Mains
Haddington
East Lothian**

Applicant CALA Management Ltd

Per Holder Planning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the proposed development is for more than 50 houses, 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. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00004/PAN) and thus of community consultation prior to this application for planning permission being made to the Council. The community consultation undertaken was also at the same time undertaken in respect of a wider scheme of housing, a school and other development of land at Letham Mains, Haddington.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 188 people attended the pre-application public exhibition, which was held over a two day period at the Corn Exchange, Haddington, and that those attendees made a number of queries and suggestions regarding the proposals. Amendments have been made to the proposal following the community consultation.

The development for which planning permission is now sought is however of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 43 hectares of agricultural land at Letham Mains, on the western edge of Haddington. The agricultural land is allocated for a mixed use development of 750 houses, social and community facilities and associated infrastructure by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. It is also allocated for a new primary school by Proposal ED3 (Letham Primary School, Haddington) of the adopted East Lothian Local Plan 2008.

The allocated site is irregularly shaped. The land slopes down from north to south. It is bounded to the north by the B6471 road, beyond which are existing residential properties, a field, and the land of the former Gateside Commerce Park.

In January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the former Commerce Park site of 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant. The commerce buildings have recently been demolished. Development of the 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant has not yet commenced.

In November 2014 planning permission in principle 13/00800/PPM was granted for a residential and business development of the field that is on the northern side of the B6471 road, to the north of the allocated site. Approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Refs: 14/00940/AMC and 14/00941/AMC) have since been granted for the erection of a total of 60 houses on the part of the field approved for housing development. Additionally in April 2015 the Council resolved to grant planning permission (Ref: 14/00904/P) for the erection of a further 19 houses on the part of the field approved for housing development, subject to the prior conclusion of a legal agreement to secure education and affordable housing contributions. That legal agreement has not yet been concluded and therefore planning permission 14/00904/P has not yet been granted. In March 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 15/00204/AMM) was sought for the erection of business units on the part of the field approved for business development. The application has not yet been registered as it was found to be invalid on receipt.

To the east the allocated site is bounded by the St Laurence House Burn and a section of the Letham Burn, beyond which are residential properties. The allocated site is bounded to the south by agricultural land and by a length of Pencaitland Road.

In March 2014, following an appeal to the Scottish Ministers, planning permission in principle (Ref: 13/00071/PPM) was granted for the principle of the residential development of some 6.7 hectares of land at Dovecot Farm, to the south of Pencaitland Road. In September 2014 approval of matters specified in conditions of planning permission in principle 13/00071/PPM (Ref: 14/00731/AMM) was sought for the erection of 109 houses and 4 flats on that land. A cross-referenced report on that application is at this time also presented to the Planning Committee.

The allocated site is partly bounded to the west by a belt of trees and beyond that by a shared access drive serving the properties of Letham House, East Cottage, Little Letham and West Letham. Letham House is listed as being of special architectural or historic interest (Category B). The allocated site is otherwise bounded to the west by agricultural land.

A Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, occupies the northeast part of the allocated site.

A residential property known as Gateside Cottage is located on part of the northern end of the allocated site.

In July 2013 planning permission (Ref: 13/00519/PM) was sought for the erection of 385 houses and 48 flats on the western part of the allocated site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school and associated works on the central part of the allocated site. Cross-referenced reports on planning applications 13/00519/PM and 14/00534/PCL are at this time also presented to the Planning Committee.

Planning permission is sought through this application for the erection of 257 houses and 119 flats, a public square and for associated infrastructure including roads and footpaths, open space, and landscaping on the eastern part of the allocated site.

The proposed development would be comprised of 167 detached houses, 30 semi-detached houses, 46 terraced houses, 14 town houses and 119 flats. The majority of residential units would be two storeys in height. However three of the proposed houses would be bungalows, the town houses would be two storeys in height with accommodation in the roofspace and some of the flatted buildings would be three storeys in height. 66 of the proposed residential units are being promoted as affordable housing.

The application site has an area of 23.1 hectares. It is essentially dissected into a northern part and a southern part by the Letham Burn, which flows through the centre of the site.

The northern part of the application site would be accessed from the B6471 road by way of 3 new access junctions. A total of 268 residential units would be located within the northern part of the site. A public square is proposed at the western edge of the northern part of the site. Immediately to the north of the public square would be a flatted building. The flatted building would contain four retail units on the ground floor and a total of 10 flats above. A service yard, recycling area and car park would be located immediately to the north of the proposed building. The Spottiswoode, enclosure 145m SSW of, Scheduled Ancient Monument is proposed as an area of informal open space, with a network of footpaths formed around it. A SUDS pond would be formed in the southeast corner of the northern part of the site.

A linear park is proposed along the central part of the site, on either side of the Letham Burn. The linear park would include a play area and footpaths along the northern and southern sides of the Burn.

The southern part of the application site would be accessed from Pencaitland Road by way of a new roundabout junction. A total of 108 residential units would be located within the southern part of the site. The eastern end of the southern part of the application site would consist of open space, which would include a full size football pitch and a single storey changing pavilion. A 10 metres wide landscape strip would be formed along most of the southern edge of the application site.

When the application was first submitted, planning permission was sought for the erection of 258 houses and 119 flats on the site. The agent has since clarified that this was incorrect and that planning permission is in fact sought for the erection of 257 houses and 119 flats. The application description has duly been amended to reflect this

change.

A revised site layout plan has also been submitted, which shows changes to the proposed parking layout.

The application is supported by a Masterplan Document, a Design and Access Statement, a Flood Risk Assessment, an Outline Written Scheme of Investigation for Archaeological Works, a Tree Survey, a Ground Investigation Report, an Ecology Report, a Drainage, SUDS and Surface Water Management Strategy, and a Transport Assessment.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development of the allocated lands of Letham Mains 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 30 August 2011 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. This includes the proposed erection of a primary school within the allocated site.

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H3 (Letham Mains) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), ENV7 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP5 (Major Development Sites), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) 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 this application is the supplementary planning guidance of "Design Standards for New Housing Areas", which was 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 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.

A further material consideration is the Development Framework for Letham Mains, which was approved by the Council at a meeting of Cabinet on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

A total of 11 written representations have been received in respect of this planning application. Of these, 7 make objection to the proposed development. The other 4 written representations do not state whether they object to or support the proposed development. One of the objections is from Haddington and District Amenity Society. Another objection is from agents acting on behalf of Hallam Land Management, who were granted planning permission in principle (Ref: 13/00071/PPM) for the residential development of land at Dovecot Farm, to the south of the application site.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * Design of the proposed development could have a detrimental effect on the site and its setting;
- * Water run-off from the development may give an increased risk of flooding;
- * Loss of privacy and amenity;
- * The amount of houses now proposed is unacceptable, as it will have a detrimental impact on the environment, traffic, utilities, schools and other social services;
- * Traffic generated will result in noise, congestion and safety issues;
- * Housing design fails to respond to local vernacular and there is a predominance of detached house types;
- * Proposed SUDS ponds are a very poor design solution for such facilities;
- * Connectivity of the development with adjacent developments is poor;
- * Proposed development will blot out views to the south from West Road; and
- * The plan submitted with the neighbour notification appears to show the eastern boundary of the application site passing through the objector’s property and through the parkland to the east of the St Laurence House Burn.

The agent acting on behalf of the applicant has confirmed in writing that the objector’s property and the parkland to the east of the St Laurence House Burn do not form part of the application site.

The main issues raised in the written representations are:

- * Proposal does not provide a suitable access arrangement for the committed residential development at Dovecot Farm;
- * Heavy traffic should not use the narrow lane that connects the Gladsmuir and Pencaitland Roads; and
- * Construction activity could have a significant impact on the area.

Haddington Community Council raise two concerns with the proposal. Firstly, there is no details of the primary school and the Community Council question whether the area set aside would be big enough to cope with the extra houses already in the pre-planning

phase. Secondly the Community Council advise that the two proposed SUDS ponds are an accident waiting to happen, as there are statistics galore for people drowning in open bodies of water.

The Community Council consultation response was written prior to planning application 14/00534/PCL being submitted in respect of the proposed school at Letham Mains. The Community Council are aware of that proposal and raise no objection to it. The Council's Education Service, who submitted application 14/00534/PCL, are satisfied that the site is large enough to accommodate the pupils that will arise from the residential units proposed in applications 13/00519/PM and 14/00089/PM.

Health and safety issues associated with SUDS ponds are covered by legislation other than planning legislation.

The land of the application site and the lands of applications 13/00519/PM and 14/00534/PCL are together covered by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. Proposal H3 defines all of the land as being a strategic housing site and allocates it for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

Local Plan Proposal H3 requires the Council to prepare a Development Framework addressing the development requirements of the site. Proposal H3 states that it will then be the responsibility of the developer to submit for approval a Masterplan consistent with this Framework, and with the local plan's development policies prior to or as part of an application for planning permission. Proposal H3 stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development. It further stipulates that the developer must undertake a flood risk assessment.

Proposal H3 reflects the requirements of Policy H2 of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A Development Framework for the allocated lands of Letham Mains was approved by the Council on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

The land of this application is also covered by Policy DP5 of the adopted East Lothian Local Plan 2008. As the site is part of a strategic housing site defined and allocated for residential development by Proposal H3, Policy DP5 requires the submission of a Masterplan for the entire allocated site and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan has been submitted in respect of this application. Additionally Masterplans have been submitted in respect of applications 13/00519/PM and 14/00534/PCL. Together they form a Masterplan for the entire allocated site. Moreover, an accompanying Masterplan Document, which covers all of the allocated lands of Letham Mains, has been submitted with this application. The submitted Masterplans and accompanying Masterplan Document are compliant with the purpose and integrity of Policy DP5 of the adopted East Lothian Local Plan 2008.

Consistent with Policy DP4 of the adopted East Lothian Local Plan 2008, a design statement has been submitted with the planning application. It provides a contextual analysis of the site and sets out design solutions for the development. The design solutions address matters of layout, design, landscape and access in respect of the proposed development.

Proposal H3 allocates the land at Letham Mains for a development of approximately 750 houses.

Through their detailed masterplanning of the lands of Proposal H3, the applicant, together with the applicants for application 13/00519/PM, have established that in total it is capable of accommodating more than the approximately 750 houses that the Local Plan allows for the site. The Masterplans submitted with the applications show how a total of 809 residential units would be accommodated on all of the lands of Proposal H3.

The Council's approved Development Framework for Letham Mains states that for the Council to give consideration to the principle of any such further development within the allocated site, then, in the case of residential development, it must first be satisfied (i) that the additional dwellings can be justified by a demonstrable housing land requirement; (ii) that this site is an appropriate location to contribute to the requirement; and (iii) that the additional dwellings released would make an early and effective contribution to that requirement. The Council must also be satisfied that, for all uses, related infrastructure requirements can be provided to its satisfaction and at any future applicant's expense, and that the impacts of any such further development will be acceptable.

At its Cabinet meeting of 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. There is therefore a demonstrable housing land requirement for the additional 59 residential units now proposed for the allocated lands of Letham Mains. As the approved Local Plan acknowledges, the allocated site has good access onto the A1 trunk road and good pedestrian linkages into the existing community. The site is therefore in an appropriate location to contribute towards meeting the shortfall in effective housing land supply. The additional 59 residential units would be a component of two housing developments that should be capable of being subject of an early site start. Through the assessment of this application it has been demonstrated that infrastructure requirements can be satisfactorily provided and, where relevant, at the applicant's expense. The impact of the additional 59 residential units would be acceptable, with due regard to the character and appearance of the area, privacy and amenity of neighbouring land uses including residential properties, and in all other regards including the impact on the local and trunk road network.

On this basis the additional 59 residential units that are in part the subject of this application and in part the subject of application 13/00519/PM meet the criteria set out in the approved Development Framework for Letham Mains and are therefore considered acceptable.

The approved Development Framework stipulates that the housing development of the allocated lands of Proposal H3 should provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

What is proposed for the development of the land the subject of this planning application would be a sympathetic extension of Haddington with due regard to the existing built form of the area and the housing proposed to the north and south of the allocated site. The proposed residential layout is broadly consistent with the requirements of the approved Development Framework for the site. It would be compatible with the form and

layout of housing development proposed in application 13/00519/PM and the new school proposed in application 14/00534/PCL. As a whole, and consistent with the requirements of the approved Development Framework, the proposed development would provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

A new local centre is proposed. This would contain a public square, located immediately to the east of the school proposed in application 14/00534/PCL. Immediately to the north of the public square would be a flatted building containing four retail units on the ground floor and a total of 10 flats above. Consistent with the requirements of the approved Development Framework, each unit would vary in size between 76 square metres and 171 square metres. The units have been designed to allow them to be capable of subdivision, merger and change of use. The proposed local centre would provide a focal point for the development and help reduce travel demand and associated emissions.

The approved Development Framework stipulates that the agreed masterplan should include a delivery schedule that establishes the phasing and timing programme for the proposed development. It should include the phasing and timing for the provision of education capacity, the local centre, the transportation works including completion of the new link and loop roads, footpaths and cycleways and Safer Routes to School. This should also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space.

An “Indicative Phasing Strategy” has been submitted as part of the Masterplan document. The Strategy illustrates how development could be split into 6 phases. Small scale indicative drawings are shown for each phase.

The proposed Phasing Strategy is unacceptable, as it would not ensure that the key components of development, such as the provision of education capacity, the local centre, transportation works, landscaping and open space would be provided at the appropriate time. A condition should therefore be imposed requiring revised Phasing Plans to be submitted to and approved by the Planning Authority prior to the commencement of development.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to plant beech hedges along the front boundaries of the front gardens of the houses where they front onto roads within the development site. To some degree, this would serve to reduce the visual dominance of the car in the streetscape within the development. Many of the 258 houses are to be large detached two storey buildings set within their own private gardens. Notwithstanding this, there would be a full range and choice of dwelling types and sizes in both market and affordable tenures. These would include detached, semi-detached, terraced and town houses as well as flatted properties. The use of a range of house types would give a complimentary 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. Consistent with the requirements of the Development Framework, the proposed buildings would be no taller than three storeys in height. Three storey buildings have been positioned to emphasise focal points such as key junctions and the public square. The proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of Haddington.

The walls of the proposed houses and flats would be predominantly finished in render. It is proposed that the walls would be either white or cream in colour. The use of these light

colours is at odds with the approved Development Framework, which states that whole groups of buildings should not be all of the same colour. Instead a range of colours taken from a contemporary palette of colours must be used. Colours should take reference from traditional colours and tones used in Haddington. A condition can be imposed on the grant of planning permission to require the submission of a scheme of final finishes with a palette of colour of materials for the houses and flatted buildings, which has due regard to the finishes of other residential properties in Haddington. The condition should also allow for some use of reconstituted stone, providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would not be of a density incompatible with existing densities of development to the north and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of Haddington, reinforcing the existing built form and architectural character and appearance of the area.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of nearby residential properties through overlooking or overshadowing.

The proposed houses and flatted buildings would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The Council's Environmental Protection Manager initially raised concern that noise associated with use of the sports pitch and use of the primary school may result in a loss of amenity to occupiers of the proposed housing. In response to this, the applicant submitted a noise assessment report. The report concludes that predicted noise levels to both the proposed housing and existing nearby houses would all be below the recommended World Health Organisation outdoor noise level of 55dB LAeq (16 hour). The Environmental Protection Manager accepts the findings of the submitted noise report and advises that no mitigation measures are necessary to protect existing or future occupiers of residential properties from the proposed school and sports pitch.

The Environmental Protection Manager recommends that a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's contaminated land officer recommends that a soil gas survey to determine the current levels of gas emissions from the site should be submitted to and approved by the Planning Authority. The survey should if necessary design suitable measures to protect the occupiers of proposed dwellinghouses from the migration of these gases. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's landscape project officer raises no objection to the proposed development, although she has recommended that the following changes should be made to the

proposed layout:

- * the northern boundary for the house on plot 153 should be realigned such that it aligns with the north elevation of that house. The realigned boundary should be enclosed by a 1.8 metres high stone wall;
- * hedge planting with trees behind it should be provided immediately to the north of the property on plot 153;
- * a 1.1 metre high stone wall should be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school. A feature tree should also be planted between the junction and each of the new sections of 1.1 metres high stone wall;
- * The northern boundaries of the northernmost houses and flats should be enclosed either by hedging or stone walling;
- * The northern boundary of the parking court between plots 160 and 161 should be enclosed by hedging;
- * windows should be included within the east gable wall of the flats on plots 169, 170 and 171;
- * large species trees should be planted on either side of the junction that is to the east of plots 169, 170 and 171;
- * the landscape buffer proposed for the southern edge of the site should include hedges and small groups of tree planting; and
- * boulevard tree planting should be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

On the matter of landscaping, a 5.0 metres wide landscape belt should be provided to the northeast of Gateside Cottage, in order to protect the privacy and amenity of that property.

All of the above landscape and layout matters could reasonably be secured by a condition imposed on the grant of planning permission for the proposed development.

The landscape project officer further recommends that a scheme of landscaping should be submitted to and approved by the Planning Authority. This can be secured through a conditional grant of planning permission.

On all of these foregoing findings on matters of design, layout, landscaping and amenity the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H2, DP1 and DP2 of the adopted East Lothian Local Plan 2008, the Council's "Design Standards for New Housing Areas", the Scottish Government Policy Statement entitled "Designing Streets" and with the approved development framework for Letham Mains, Haddington.

Consistent with the requirements of the approved Development Framework, there would be no development of the Scheduled Ancient Monument known as Spottiswoode, enclosure 145m SSW of. Rather it is proposed that this area be retained as open space in the form of a wildflower meadow with a mown edge and mown paths. The scheduled ancient monument would not be directly impacted upon by the proposed development

and would not have its setting adversely affected. Historic Scotland raise no objection to the proposed development, advising that the scheme has been designed to minimise the impact on the monument. Notwithstanding this, they recommend that i) the scheduled monument should be demarcated and fenced off during the construction phase of the development; ii) the preservation of the scheduled monument within open grass should be secured in a future management scheme; and iii) there should be no tree or shrub planting within the scheduled area or within 20 metres of the scheduled monument boundary. These requirements can be secured by a conditional grant of planning permission for the proposed development. Subject to the imposition of the recommended condition, the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Archaeology/ Heritage Officer advises that the application site is within an area of known prehistoric and medieval remains. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's biodiversity officer raises no objection to the proposed development, being satisfied that no notable habitats will be affected by the development. He does however recommend that an otter and water vole survey should be undertaken prior to the commencement of development. If the survey establishes otter or water vole features in close proximity to the proposed development then appropriate mitigation measures must be put in place. He further recommends that details of the design and future management of the linear park, which should be designed to incorporate the needs of water voles, should be submitted to and approved in advance by the Planning Authority. These recommendations can be secured through a conditional grant of planning permission.

The biodiversity officer further recommends that the area of the linear park needs to be protected during construction works, except where works are specifically associated with the watercourse, e.g. bridge construction. Such a requirement would be unreasonable, as the applicant would not then be able to carry out works associated with the formation of the linear park itself. Instead, it would be possible to require the applicant to submit details of how they intend to protect the habitat of the Letham Burn. This can be secured through a conditional grant of planning permission.

The Council's Road Services do not object to the proposed development, although they make the following transportation recommendations:

- * A detailed swept path assessment should be undertaken for all of the access roads within the housing development. This should include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment should be 2.5 metres wide, and should have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;
- * Bus shelters and bus stops should be provided within the site;
- * 1 secure cycle storage space should be provided per flat;
- * Traffic signals should be provided on West Road. The signals should be linked to each

other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

* A footway/cycleway should be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This should also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/ cycleway should be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

* A Quality audit to include visibility splays and removal of parking within these should be undertaken for the application site. This should include a risk assessment;

* The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These should be formed in accordance with a Safety Audit that should be undertaken for those works;

* The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, should be formed and made available for use in accordance with a timetable to be agreed in advance;

* Cul-De-Sac's that are to form prospectively adoptable public roads should normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

* Within the housing areas a "pedestrian safeguard" is required, on at least one side, for prospectively adoptable public roads;

* For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

* For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

* Single driveways should be at least 6 metres long and be at least 3.0 metres wide;

* Double driveways should be at least 6 metres long and be at least 5 metres wide. Double length driveway should be at least 11 metres long and 3 metres wide;

* The pedestrian crossing to the east of the proposed public square should consist of a zebra crossing or other suitable alternative;

* A Construction Management Plan is required. Construction access to the southern part of the site will not be permitted via the Knox Place junction via West Road. All access should be from West Road and with dilapidation surveys given the level of construction. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and should include hours of construction work and delivery routes. This should also include the phasing of the development and restrictions that may be required particularly for those

travelling to existing and/or proposed schools;

* A Green Travel Plan is required; and

* Vehicle wheel washing is required during the construction phase of the development.

Details of the above transportation requirements, including a timetable for their implementation, should be submitted to and approved in advance by the Planning Authority.

Road Services further advise that it would be possible in transportation terms to access the approved Dovecot development (Ref: 13/00071/PPM) from the roundabout access proposed in this application.

With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that they have entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. On this basis, Transport Scotland raise no objection to the impact of the development on the Old Craighall junction.

The approved development framework requires that there should be path connections in and from the site to those paths in the surroundings to encourage walking and cycling in, from and to the expansion.

The applicant accepts the Council's Access Officer's requirement for a total developer contribution for both proposed developments of £71,100 (a contribution of £33,093.06 in respect of application 14/00089/PM and a contribution of £38,008.74 in respect of application 13/00519/PM) towards upgrading works to the path network in the vicinity of Letham Mains. These upgrading works would include the erection of a replacement bridge across the St Laurence House Burn. This contribution would have to be made prior to occupancy of the first house. The financial contribution of £71,100 from the proposed development can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The Council's Access Officer is generally satisfied with the network of paths that are proposed within the application site. She does however recommend that a footway and cycleway should be formed along the southern edge of the application site, on the northern side of Pencaitland Road. This should be formed prior to the occupation of any residential unit to the south of Letham Burn. She further recommends that a footpath should be formed within the site to connect to the replacement bridge that is to be erected across the St Laurence House Burn. These recommendations could reasonably be secured by a condition imposed on a grant of planning permission for the proposed development.

The Council's Waste Services Manager initially raised concerns over the layout of the proposed development, including the location of the proposed bin store/ recycling point.

The Council's Road Services advise that in principle there is no reason why refuse lorries could not satisfactorily manoeuvre through the proposed housing development. They are also satisfied that in principle refuse lorries should be able to service the proposed bin store/ recycling point. The detailed swept path assessment recommended by Road Services will establish whether or not any minor changes are required to the layout to ensure refuse lorries can satisfactorily manoeuvre through the proposed housing development.

The requirement for the erection of a new school within the allocated lands of Letham Mains is established through the approved Development Framework. The site of the proposed school lies on land in the ownership of the applicant. The applicant is willing to provide the land to ensure the delivery of the new school. This matter can be controlled by an agreement under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997.

Both the application site and the site the subject of separate application 13/00519/PM are within the school catchments of Letham Primary School and Knox Academy. The Depute Chief Executive (Resources and People Services) advises of the need for a total developer contribution for both proposed developments of £9,225,154 towards the cost associated with the primary school provision for Letham Mains, and £1,579,500 towards the provision of additional accommodation at Knox Academy; a total developer contribution of £10,804,654. Thus in the case of this planning application, the Depute Chief Executive (Resources and People Services) advises of the need for a total pro-rata developer contribution of £10,804,654 (£13,355.57 per unit). Such a developer contribution can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in planning application 13/00519/PM. Moreover he recommends that no more than 300 residential units should be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use. These recommended restrictions can be secured through conditions attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended conditions and to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

To satisfy the demand for pitch sports that will arise as a result of development of Letham Mains, the approved Development Framework requires the provision on the Letham Mains land of a new playing field and related two team changing accommodation. The approved Development Framework stipulates that the provision of the new playing field and related changing accommodation has to be funded by the applicant.

The playing field and two team changing accommodation are shown in the site layout plan as forming part of a larger area of open space. Details of the playing field should be submitted to and approved by the Planning Authority in advance of its formation. This could reasonably be secured by a condition imposed on a grant of planning permission for the proposed development. The need for the playing field and two team changing accommodation arises as a direct result of the housing proposed in both planning applications 13/00519/PM and 14/00089/PM. Consequently its delivery can be secured

by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

In terms of the future ownership and maintenance of the playing field and changing pavilion, the applicant proposed that they would transfer ownership of the playing field and changing facility to the Council once they have been completed, with the Council paying the applicant the value of them as determined by the District Valuer. They also proposed that no contribution would be given by them in respect of future maintenance.

The Council's Service Manager for Sport, Countryside & Leisure does not accept this proposal. He advises that the ownership of the playing field and changing pavilion should be transferred to the Council, at no cost and that the applicant should make a financial contribution to the Council of £101,832.88 towards their future maintenance.

In this regard the need for the playing field and changing pavilion arises as a direct consequence of the housing proposed in applications 13/00519/PM and 14/00089/PM. It would not therefore be reasonable for the Council to then be expected to pay the applicant the value of them. Moreover, the applicant's proposal that no contribution be given by them in respect of future maintenance is contrary to Policy C1 of the adopted East Lothian Local Plan 2008, which states that arrangements must be in place for management and maintenance of open space to the satisfaction of the Council.

In light of this, the applicant has advised that they will pass the playing field and changing pavilion to the Factor who will be responsible for its future maintenance. The Council's Service Manager for Sport, Countryside & Leisure The Council's Landscape and Countryside Manager is agreeable to this, although he is of the view that it would have been preferable if the ownership of the playing field and changing pavilion had been transferred to the Council.

The approved Development Framework states that a number of the Aubigny Sports Centre's facilities are at capacity at present and will not be able to adequately meet the additional demand generated by the Letham Mains development. Consequently it states that there is a requirement for the developer to make a contribution towards the expansion of this facility to secure increased capacity in the crèche, bodyworks and dance studio and associated works. It further advises that details of this developer contribution require to be agreed with the Council's Community Services Department. In his consultation response, the Council's Service Manager for Sport, Countryside & Leisure advises of the need for a developer contribution of £524,800 towards the expansion of the Aubigny Sports Centre. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 17% of the 376 residential units should be affordable housing units, i.e. a total of 64 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 64 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The Council's Economic Development & Strategic Investment Manager further advises that she is

satisfied with the proposed affordable house types and sizes, and their location within the application site. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed development.

The proposals for drainage, SUDS and surface water management have been amended following concerns raised by the Scottish Environment Protection Agency. They raise no objection to the revised proposals, being satisfied that the proposed development would not result in an unacceptable flood risk.

Scottish Water were consulted on this planning application but have not provided any comments on it.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant and from the applicant the subject of separate planning application 13/00519/PM:

(i) A financial contribution to the Council of £71,100 towards upgrading works to the path network in the vicinity of Letham Mains. This contribution shall be made prior to occupancy of the first house.

(ii) The transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL. The site for the school shall be serviced and shall be transferred to the Council within 9 months of commencement of either of the developments the subject of planning permission 13/00519/PM or planning permission 14/00089/PM;

(iii) A financial contribution to the Council of £9,225,154 towards the primary school provision and £1,579,500 towards additional secondary school accommodation at Knox Academy;

(iv) The provision of the sports pitch and the two changing room facility hereby approved;

(v) A financial contribution to the Council of £524,800 towards the expansion of the Aubigny Sports Centre; and

(vi) The provision of 138 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 138 affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to: an inadequate path network in the vicinity of Letham Mains, an insufficient provision of sports facilities, a community sports pitch and related changing facilities; a lack of sufficient primary and secondary school capacity; and the lack of provision of affordable housing, contrary to the Council's Development Framework for Letham Mains, Haddington and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 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 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

(i) The footway/ cycleway required by condition 19v) above shall be formed and made available for use prior to the occupation of any of the residential units hereby approved;

(ii) The pedestrian crossing required by condition 19xvii) above shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils;

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road; and

(iv) the access road between the B6471 road and the northern end of the site for the proposed primary school shall be formed and made available for use in the first phase of development.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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 phasing of the development of the site shall be carried out in strict accordance with the revised 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.

- In relation to the required footway/cycleway to be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road (this to extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link). The principle has been agreed but not worked through to a finalised design. This needs to be in place prior to the occupation of any houses.

- The provision of a controlled crossing over the distributor road (linking the A6093 road to the B6471) shall be in place/use prior to the school being open to the pupils.

- The provision of the pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative, this shall be in place/use prior to the school being open to the pupils.

- The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn.

- The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance - from the proposed phasing plan (included in the current Masterplan) this should be provided at the end of phase 1 or prior to commencement of Phase 2 (this is currently proposed in Phase 2 but this may be at the end!).

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, 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 promote render as the predominant finish to the walls of the houses and flats, 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. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. 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 bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 5 Development shall not commence until the findings of a soil gas survey have been submitted to and approved by the Planning Authority. The survey shall be undertaken to determine the current levels of gas emissions from the site. The findings shall contain details of any necessary mitigation measures to protect the occupiers of the proposed buildings from the migration of these gases.

Before any of the buildings are occupied any necessary mitigation measures shall be fully implemented as approved by the Planning Authority.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial

measures are required.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 8 Housing completions on the application site 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, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 70 residential units
Year 7- 17 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 8 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 9 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 10 Prior to the commencement of development, a revised site layout plan shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirements:

* the northern boundary for the house on plot 153 shall be realigned such that it aligns with the north elevation of that house. The realigned boundary shall be enclosed by a 1.8 metres high stone wall;

* a 1.1 metre high stone wall shall be erected at either side of the junction between the B6471 road and the northern end of the road serving the site for the new primary school.

* the northern boundaries of the northernmost houses and flats shall be enclosed either by hedging or stone walling;

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

11 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 shall comply with the following requirements:

* a feature tree shall be planted between the junction and both of the new sections of 1.1 metres high stone wall required by condition 10 above;

* the northern boundary of the parking court between plots 160 and 161 shall be enclosed solely by hedging;

* large species trees shall be planted on either side of the junction that is to the east of plots 169, 170 and 171;

* the landscape buffer proposed for the southern edge of the site shall include hedges and small groups of tree planting;

* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

* a 5.0 metres wide landscape belt shall be provided to the northeast of Gateside Cottage; and

* hedge planting with trees behind it shall be provided immediately to the north of the property on plot 153.

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.

12 Notwithstanding the drawings docketed to this planning permission, the east gable wall of the flats on plots 169, 170 and 171 shall not be a blank gable. It shall instead include windows within it. Prior to the commencement of development, a drawing showing compliance with the requirements of this condition shall be submitted to and approved in writing by the Planning Authority.

Development shall thereafter be carried out in accordance with the drawing so approved.

Reason:

To add visual interest to the visually prominent east gable wall of the flatted building, in the interests of the character and appearance of the area.

13 No development shall take place on site until the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient monument at a distance as may be agreed in writing by the Planning Authority. Within the area so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. The fence shall remain in place during construction works. On the completion of construction works the fence shall be removed from the application site.

Reason:

To ensure the retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

14 Prior to the occupation of any of the houses or flats hereby approved, a scheme for the future management of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, shall be submitted to and approved in writing by the Planning Authority. The scheme shall

comply with the following requirements:

- * The Scheduled Ancient Monument should be preserved in open grass; and
- * There should be no shrub or tree planting within the scheduled area or within 20 metres of the scheduled monument boundary.

Development shall thereafter be carried out in accordance with the scheme so approved.

Reason:

To ensure the future retention and maintenance of the Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of.

15 Prior to the commencement of development:

a) an otter and water vole survey shall be carried out along the Letham Burn and the St Laurence House Burn; and

b) details of the findings of the survey, and of any necessary mitigation measures, shall be submitted to and approved by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the ecology of the area.

16 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the ecology of the area.

17 The areas of open space hereby approved, including the public square, football pitch and changing pavillion shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

18 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

19 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junctions onto the B6471 and the A6093. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the

application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) A footway/cycleway shall be provided along the northern side of the A6093 road over the entire southern frontage of the application site;

vii) A footpath shall be formed within the site to connect to the existing footbridge over the St Laurence House Burn near to its confluence with the Letham Burn;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) The pedestrian crossing to the east of the proposed public square shall consist of a zebra crossing or other suitable alternative; and

xviii) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

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

Reason:

In the interests of road and pedestrian safety.

- 20 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.

- 21 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to

provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 22 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity and ecology of the area.

- 23 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

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)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnership and Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **13/00519/PM**
Proposal Erection of 385 houses, 48 flats, garages and associated works
Location **Letham Mains
Haddington
East Lothian**
Applicant Mactaggart and Mickel/Taylor Wimpey/Classhappy Ltd
Per HolderPlanning
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the proposed development is for more than 50 houses, 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. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 11/00004/PAN) and thus of community consultation prior to this application for planning permission being made to the Council. The community consultation undertaken was also at the same time undertaken in respect of a wider scheme of housing, a school and other development of land at Letham Mains, Haddington.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 188 people attended the pre-application public exhibition, which was held over a two day period at the Corn Exchange, Haddington, and that those attendees made a number of queries and suggestions regarding the proposals. Amendments have been made to the proposal following the community consultation. The development for which planning permission is now sought is however of the same

character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to some 43 hectares of agricultural land at Letham Mains, on the western edge of Haddington. The agricultural land is allocated for a mixed use development of 750 houses, social and community facilities and associated infrastructure by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. It is also allocated for a new primary school by Proposal ED3 (Letham Primary School, Haddington) of the adopted East Lothian Local Plan 2008.

The allocated site is irregularly shaped. The land slopes down from north to south. It is bounded to the north by the B6471 road, beyond which are existing residential properties, a field, and the land of the former Gateside Commerce Park.

In January 2015 planning permission (Ref: 14/00219/PM) was granted for the erection on the former Commerce Park site of 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant. The commerce buildings have recently been demolished. Development of the 112 houses, business/ light industrial units (Class 4 use) and a pub/ restaurant has not yet commenced.

In November 2014 planning permission in principle 13/00800/PPM was granted for a residential and business development of the field that is on the northern side of the B6471 road, to the north of the allocated site. Approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Refs: 14/00940/AMC and 14/00941/AMC) have since been granted for the erection of a total of 60 houses on the part of the field approved for housing development. Additionally in April 2015 the Council resolved to grant planning permission (Ref: 14/00904/P) for the erection of a further 19 houses on the part of the field approved for housing development, subject to the prior conclusion of a legal agreement to secure education and affordable housing contributions. That legal agreement has not yet been concluded and therefore planning permission 14/00904/P has not yet been granted. In March 2015 approval of matters specified in conditions of planning permission in principle 13/00800/PPM (Ref: 15/00204/AMM) was sought for the erection of business units on the part of the field approved for business development. The application has not yet been registered as it was found to be invalid on receipt.

To the east the allocated site is bounded by the St Laurence House Burn and a section of the Letham Burn, beyond which are residential properties. The allocated site is bounded to the south by agricultural land and by a length of Pencaitland Road.

In March 2014, following an appeal to the Scottish Ministers, planning permission in principle (Ref: 13/00071/PPM) was granted for the principle of the residential development of some 6.7 hectares of land at Dovecot Farm, to the south of Pencaitland Road. In September 2014 approval of matters specified in conditions of planning permission in principle 13/00071/PPM (Ref: 14/00731/AMM) was sought for the erection of 109 houses and 4 flats on that land. A cross-referenced report on that application is at this time also presented to the Planning Committee.

The allocated site is partly bounded to the west by a belt of trees and beyond that by a shared access drive serving the properties of Letham House, East Cottage, Little Letham and West Letham. Letham House is listed as being of special architectural or historic interest (Category B). The allocated site is otherwise bounded to the west by agricultural land.

A Scheduled Ancient Monument, known as Spottiswoode, enclosure 145m SSW of, occupies the northeast part of the allocated site.

A residential property known as Gateside Cottage is located on part of the northern end of the allocated site.

In January 2014 planning permission (Ref: 14/00089/PM) was sought for the erection of 257 houses and 119 flats on the eastern part of the allocated site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school and associated works on the central part of the allocated site. Cross-referenced reports on planning applications 14/00089/PM and 14/00534/PCL are at this time also presented to the Planning Committee.

Planning permission is sought through this application for the erection of 385 houses and 48 flats and for associated infrastructure including roads and footpaths, open space, and landscaping on the western part of the allocated site.

The proposed development would be comprised of 178 detached houses, 98 semi-detached houses, 109 terraced houses and 48 flats. The majority of residential units would be two storeys in height. However three of the proposed houses would be bungalows and some of the flatted buildings would be three storeys in height. 74 of the proposed residential units are being promoted as affordable housing.

The application site has an area of 19.2 hectares. It is essentially dissected into a northern part and a southern part by the Letham Burn, which flows through the site.

The northern part of the application site would be accessed from the B6471 road by way of a new access junction. It would provide access to a new road that would run on a north to south east alignment and which would form part of a new distributor road between the B6471 road and Pencaitland Road. The southern part of the distributor road is proposed in separate application 14/00089/PM.

A total of 312 residential units would be located within the northern part of the site. A public square and a small area of open space are proposed within the northwest corner of the northern part of the site. A play area would be centrally located and a SUDS basin would be formed on some of the southern end of the northern part of the site. A 5 metres wide strip that would be left to naturally regenerate would be formed along the western edge of the northern part of the application site and a 6.5 metres wide landscape belt would be formed along the edge of the site adjacent to the property of Gateside Cottage.

A linear park is proposed along the central part of the site, on either side of the Letham Burn. The linear park would include a play area and footpaths along the northern and southern sides of the Burn.

The southern part of the application site would be accessed from the proposed new distributor road. A total of 121 residential units would be located within the southern part of the site. A small area of open space would be centrally located within the southern part of the site.

A revised site layout plan has also been submitted, which shows changes to the proposed road layout, reorientation of the some of the residential units on the northern edge of the site such that their front elevation would now face northwards, towards the B6471 road, and the introduction of a landscaped edge between the B6471 road and the residential units proposed for the northern edge of the site.

The application is supported by a Masterplan Document, a Design and Access Statement, a Flood Risk Assessment, an Archaeological Study, a Tree Survey, a Site Investigation, an Ecology Report, a Drainage Impact Assessment, a Surface Water Management Plan, a Landscape and Visual Impact Assessment, a Flood Risk Assessment and a Transport Assessment.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development of the allocated lands of Letham Mains 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 30 August 2011 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. This includes the proposed erection of a primary school within the allocated site.

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H3 (Letham Mains) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), H4 (Affordable Housing), ENV7 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape and Streetscape Character), DP2 (Design), DP4 (Design Statements), DP5 (Major Development Sites), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), DP24 (Home Zones), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) 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 this application is the supplementary planning guidance of "Design Standards for New Housing Areas", which was 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 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.

A further material consideration is the Development Framework for Letham Mains, which was approved by the Council at a meeting of Cabinet on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

A total of 4 written representations have been received in respect of this planning application. Of these, 3 make objection to the proposed development. The other written representation does not state whether they object to or support the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * The proposed development could increase traffic using the road through Letham Mains Holdings between the A199 road and the A6093 road;
- * A core path would be affected by the proposed development;
- * There is no local necessity for development of this scale;
- * There is no local employment for the increased population envisaged; and
- * A submitted plan appears to show part of the objector's property within the application site.

The agent acting on behalf of the applicant has confirmed in writing that the objector's property does not form part of the application site.

The other written representation raises concerns about extra traffic using the road through Letham Mains Holdings between the A199 road and the A6093 road

Haddington Community Council raise two concerns with the proposal. Firstly, there is no details of the primary school and the Community Council question whether the area set aside would be big enough to cope with the extra houses already in the pre-planning phase. Secondly the Community Council advise that the two proposed SUDS ponds are an accident waiting to happen, as there are statistics galore for people drowning in open bodies of water.

The Community Council consultation response was written prior to planning application 14/00534/PCL being submitted in respect of the proposed school at Letham Mains. The Community Council are aware of that proposal and raise no objection to it. The Council's Education Service, who submitted application 14/00534/PCL, are satisfied that the site is large enough to accommodate the pupils that will arise from the residential units proposed in applications 13/00519/PM and 14/00089/PM.

Health and safety issues associated with SUDS ponds are covered by legislation other than planning legislation.

The land of the application site and the lands of applications 14/00089/PM and 14/00534/PCL are together covered by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008. Proposal H3 defines all of the land as being a strategic housing site and allocates it for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

Local Plan Proposal H3 requires the Council to prepare a Development Framework addressing the development requirements of the site. Proposal H3 states that it will then be the responsibility of the developer to submit for approval a Masterplan consistent with this Framework, and with the local plan's development policies prior to or as part of an application for planning permission. Proposal H3 stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development. It further stipulates that the developer must undertake a flood risk assessment.

Proposal H3 reflects the requirements of Policy H2 of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A Development Framework for the allocated lands of Letham Mains was approved by the Council on the 18 January 2011. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

The land of this application is also covered by Policy DP5 of the adopted East Lothian Local Plan 2008. As the site is part of a strategic housing site defined and allocated for residential development by Proposal H3, Policy DP5 requires the submission of a Masterplan for the entire allocated site and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan has been submitted in respect of this application. Additionally Masterplans have been submitted in respect of applications 14/00089/PM and 14/00534/PCL. Together they form a Masterplan for the entire allocated site. Moreover, an accompanying Masterplan Document, which covers all of the allocated lands of Letham Mains, has been submitted with this application. The submitted Masterplans and accompanying Masterplan Document are compliant with the purpose and integrity of Policy DP5 of the adopted East Lothian Local Plan 2008.

Consistent with Policy DP4 of the adopted East Lothian Local Plan 2008, a design statement has been submitted with the planning application. It provides a contextual analysis of the site and sets out design solutions for the development. The design solutions address matters of layout, design, landscape and access in respect of the proposed development.

Proposal H3 allocates the land at Letham Mains for a development of approximately 750 houses.

Through their detailed masterplanning of the lands of Proposal H3, the applicant, together with the applicants for application 14/00089/PM, have established that in total it is capable of accommodating more than the approximately 750 houses that the Local Plan allows for the site. The Masterplans submitted with the applications show how a total of 809 residential units would be accommodated on all of the lands of Proposal H3.

The Council's approved Development Framework for Letham Mains states that for the Council to give consideration to the principle of any such further development within the allocated site, then, in the case of residential development, it must first be satisfied (i) that the additional dwellings can be justified by a demonstrable housing land requirement; (ii) that this site is an appropriate location to contribute to the requirement; and (iii) that the

additional dwellings released would make an early and effective contribution to that requirement. The Council must also be satisfied that, for all uses, related infrastructure requirements can be provided to its satisfaction and at any future applicant's expense, and that the impacts of any such further development will be acceptable.

At its Cabinet meeting of 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. There is therefore a demonstrable housing land requirement for the additional 59 residential units now proposed for the allocated lands of Letham Mains. As the approved Local Plan acknowledges, the allocated site has good access onto the A1 trunk road and good pedestrian linkages into the existing community. The site is therefore in an appropriate location to contribute towards meeting the shortfall in effective housing land supply. The additional 59 residential units would be a component of two housing developments that should be capable of being subject of an early site start. Through the assessment of this application it has been demonstrated that infrastructure requirements can be satisfactorily provided and, where relevant, at the applicant's expense. The impact of the additional 59 residential units would be acceptable, with due regard to the character and appearance of the area, privacy and amenity of neighbouring land uses including residential properties, and in all other regards including the impact on the local and trunk road network.

On this basis the additional 59 residential units that are in part the subject of this application and in part the subject of application 14/00089/PM meet the criteria set out in the approved Development Framework for Letham Mains and are therefore considered acceptable.

The approved Development Framework stipulates that the housing development of the allocated lands of Proposal H3 should provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

What is proposed for the development of the land the subject of this planning application would be a sympathetic extension of Haddington with due regard to the existing built form of the area and the housing proposed to the north and south of the allocated site. The proposed residential layout is broadly consistent with the requirements of the approved Development Framework for the site. It would be compatible with the form and layout of housing development proposed in application 14/00089/PM and the new school proposed in application 14/00534/PCL. As a whole, and consistent with the requirements of the approved Development Framework, the proposed development would provide an integrated mixed community that includes new focal areas, open spaces and centres of activity for residents as well as a full range and choice of new dwellings.

The approved Development Framework stipulates that the agreed masterplan should include a delivery schedule that establishes the phasing and timing programme for the proposed development. It should include the phasing and timing for the provision of education capacity, the local centre, the transportation works including completion of the new link and loop roads, footpaths and cycleways and Safer Routes to School. This should also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space.

An "Indicative Phasing Strategy" has been submitted as part of the Masterplan document. The Strategy illustrates how development could be split into 6 phases. Small scale indicative drawings are shown for each phase.

The proposed Phasing Strategy is unacceptable, as it would not ensure that the key components of development, such as the provision of education capacity, the local

centre, transportation works, landscaping and open space would be provided at the appropriate time. A condition should therefore be imposed requiring revised Phasing Plans to be submitted to and approved by the Planning Authority prior to the commencement of development.

One of the principal objectives of the Council's approved Design Standards for New Housing Areas is to reduce the visual dominance of the car in the streetscape of new housing developments. The applicant is proposing to erect walls or plant hedges along the front boundaries of the front gardens of most of the houses where they front onto roads within the development site. To some degree, and also in terms of the proposed erection of some detached garages, this would serve to reduce the visual dominance of the car in the streetscape within the development. There would be a full range and choice of dwelling types and sizes in both market and affordable tenures. These would include detached, semi-detached, terraced and flatted properties. The use of a range of house types would give a complimentary 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. Consistent with the requirements of the Development Framework, the proposed buildings would be no taller than three storeys in height. The proposed houses, flats and garages would not appear unduly prominent or intrusive in their surroundings and would not harm the character and appearance of this part of Haddington.

The walls of the proposed houses and flats would be predominantly finished in render. It is proposed that the rendered walls of all of the affordable housing and the Mactaggart & Mickel housing would be white in colour. The use of this single light colour is at odds with the approved Development Framework, which states that whole groups of buildings should not be all of the same colour. Instead a range of colours taken from a contemporary palette of colours must be used. Colours should take reference from traditional colours and tones used in Haddington. A condition can be imposed on the grant of planning permission to require the submission of a scheme of final finishes with a palette of colour of materials for the houses and flatted buildings, which has due regard to the finishes of other residential properties in Haddington. The condition should also allow for some use of reconstituted stone, providing it is limited to a distinctively complete feature of the houses and flatted building and respectful of their design integrity.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would not be of a density incompatible with existing densities of development to the northeast and east of the site. The development of this site in the manner proposed would continue the urban edge of the western part of Haddington, reinforcing the existing built form and architectural character and appearance of the area.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of nearby residential properties through overlooking or overshadowing.

The proposed houses and flatted buildings would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that bin storage facilities for the proposed flats be formed prior to the occupation of those residential units.

The Environmental Protection Manager recommends that a Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's contaminated land officer recommends that a soil gas survey to determine the current levels of gas emissions from the site should be submitted to and approved by the Planning Authority. The survey should if necessary design suitable measures to protect the occupiers of proposed dwellinghouses from the migration of these gases. This can be secured by a conditional grant of planning permission for the proposed development.

The Council's landscape project officer raises no objection to the proposed development, although she has recommended that the following changes should be made to the proposed layout:

- * The existing roadside hedge to the south of the B6471 road should be retained between the northwest corner of the application site and the proposed footpath link to the east of it;
- * Trees should be planted within the open space between the northernmost houses and the B6471 road;
- * The boundary treatment for all of the northern end of the application site should consist of a stone wall or a stone wall with a hedge planting above it;
- * The landscaped open space at the northern edge of the application site should be extended eastwards such that it would tie in with the proposed '6.5m landscaped zone';
- * The southern and western boundaries of the area delineated as 'Affordable Housing 3' on the docketed Combined Development Proposals drawing and the western boundary of the land between that area and the proposed section of distributor road to the north of it shall all be enclosed by a hedgerow interspersed with tree planting; and
- * boulevard tree planting should be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

All of the above landscape recommendations could reasonably be secured by a condition imposed on the grant of planning permission for the proposed development.

The landscape project officer further recommends that a scheme of landscaping should be submitted to and approved by the Planning Authority. This can be secured through a conditional grant of planning permission.

On all of these foregoing findings on matters of design, layout, landscaping and amenity the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H2, DP1 and DP2 of the adopted East Lothian Local Plan 2008, the Council's "Design Standards for New Housing Areas", the Scottish Government Policy Statement entitled "Designing Streets" and with the approved development framework for Letham Mains, Haddington.

The Council's Archaeology/ Heritage Officer advises that the application site is within an area of known prehistoric and medieval remains. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains.

This can be controlled through a conditional grant of planning permission. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's biodiversity officer raises no objection to the proposed development, being satisfied that no notable habitats will be affected by the development. He does however recommend that the applicant should submit details of how they intend to protect the habitat of the Letham Burn. This can be secured through a conditional grant of planning permission.

The Council's Road Services do not object to the proposed development, although they do make the following transportation recommendations:

- * A detailed swept path assessment should be undertaken for all of the access roads within the housing development. This should include the access junction onto the B6471. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment should be 2.5 metres wide, and should have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

- * Bus shelters and bus stops should be provided within the site;

- * Speed reducing measures should be provided on the distributor road (linking the A6093 road to the B6471) to ensure speed are kept at or below the 30mph speed limit;

- * At least one controlled pedestrian crossing should be provided over the distributor road (linking the A6093 road to the B6471) to take account of school related journeys;

- * For the housing area to the north western corner of the application site a further 3 visitors parking spaces shall be provided. Those spaces shall not be formed within any of the land proposed as open space;

- * For access to private parking courtyards, two-way movement of vehicles is necessary. The access should therefore be a minimum of 4.8 metres wide over the first 10 metres length;

- * The proposed path connection onto the distributor road (linking the A6093 road to the B6471) over the driveway for plots 32 & 33 of the Mactaggart & Mickel part of the application site is not approved. An alternative and segregated path shall instead be formed;

- * Pedestrian Safeguards shall be provided in the parking courtyards serving plots 16/17, 18/19, 20/21 & 22/23 of the area delineated as 'Affordable Housing 2' in the docketed Combined Development Proposals drawing;

- * 1 secure cycle storage space should be provided per flat;

- * Traffic signals should be provided on West Road. The signals should be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

- * A footway/cycleway should be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This should also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a

continuous link. This should be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

- * A Quality audit to include visibility splays and removal of parking within these should be undertaken for the application site. This should include a risk assessment;

- * The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) must be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These should be formed in accordance with a Safety Audit that should be undertaken for those works;

- * The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, should be formed and made available for use in accordance with a timetable to be agreed in advance;

- * For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

- * Cul-De-Sac's that are to form prospectively adoptable public roads should normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

- * Within the housing areas a "pedestrian safeguard" is required, on at least one side, for prospectively adoptable public roads;

- * For all access junctions onto the distributor road (linking the A6093 road to the B6471), minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

- * Single driveways should be at least 6 metres long and be at least 3.0 metres wide;

- * Double driveways should be at least 6 metres long and be at least 5 metres wide. Double length driveway should be at least 11 metres long and 3 metres wide;

- * A Construction Management Plan is required. Construction access to southern part of the site will not be permitted via the Knox Place junction via West Road. All access shall be from West Road and with dilapidation surveys given level of construction. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area should be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement should recommend mitigation measures to control noise, dust, construction traffic and should include hours of construction work and delivery routes. This should also include the phasing of the development and restrictions that may be required particularly for those travelling to existing and/or proposed schools;

- * A Green Travel Plan is required; and

- * Vehicle wheel washing is required during the construction phase of the development.

Details of the above transportation requirements, including a timetable for their implementation, should be submitted to and approved in advance by the Planning Authority.

With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that they have entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. On this basis, Transport Scotland raise no objection to the impact of the development on the Old Craighall junction.

The approved development framework requires that there should be path connections in and from the site to those paths in the surroundings to encourage walking and cycling in, from and to the expansion.

The applicant accepts the Council's Access Officer's requirement for a total developer contribution for both proposed developments of £71,100 (a contribution of £38,008.74 in respect of application 13/00519/PM and a contribution of £33,093.06 in respect of application 14/00089/PM and) towards upgrading works to the path network in the vicinity of Letham Mains. These upgrading works would include the erection of a replacement bridge across the St Laurence House Burn. This contribution would have to be made prior to occupancy of the first house. The financial contribution of £71,100 from the proposed development can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

The Council's Waste Services Manager raises no objection to the proposed development.

The requirement for the erection of a new school within the allocated lands of Letham Mains is established through the approved Development Framework. The site of the proposed school lies on land in the ownership of the applicant. The applicant is willing to provide the land to ensure the delivery of the new school. This matter can be controlled by an agreement under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997.

Both the application site and the site the subject of separate application 14/00089/PM are within the school catchments of Letham Primary School and Knox Academy. The Depute Chief Executive (Resources and People Services) advises of the need for a total developer contribution for both proposed developments of £9,225,154 towards the cost associated with the primary school provision for Letham Mains, and £1,579,500 towards the provision of additional accommodation at Knox Academy; a total developer contribution of £10,804,654. Thus in the case of this planning application, the Depute Chief Executive (Resources and People Services) advises of the need for a total pro-rata developer contribution of £10,804,654 (£13,355.57 per unit). Such a developer contribution can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development and that proposed in

planning application 13/00519/PM. Moreover he recommends that no more than 300 residential units should be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use. These recommended restrictions can be secured through conditions attached to a grant of planning permission for the proposed development. Subject to the imposition of the recommended conditions and to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development and that such provision must be phased in line with the new development required.

To satisfy the demand for pitch sports that will arise as a result of development of Letham Mains, the approved Development Framework requires the provision on the Letham Mains land of a new playing field and related two team changing accommodation. The approved Development Framework stipulates that the provision of the new playing field and related changing accommodation has to be funded by the applicant.

The playing field and two team changing accommodation are shown in the site layout plan of planning application 14/00089/PM as forming part of a larger area of open space. The need for the playing field and two team changing accommodation arises as a direct result of the housing proposed in both planning applications 13/00519/PM and 14/00089/PM. Consequently its delivery can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

In terms of the future ownership and maintenance of the playing field and changing pavilion, the applicant for planning application 14/00089/PM proposed that they would transfer ownership of the playing field and changing facility to the Council once they have been completed, with the Council paying the applicant the value of them as determined by the District Valuer. They also proposed that no contribution would be given by them in respect of future maintenance.

The Council's Service Manager for Sport, Countryside & Leisure does not accept this proposal. He advises that the ownership of the playing field and changing pavilion should be transferred to the Council, at no cost and that the applicant should make a financial contribution to the Council of £101,832.88 towards their future maintenance.

In this regard the need for the playing field and changing pavilion arises as a direct consequence of the housing proposed in applications 13/00519/PM and 14/00089/PM. It would not therefore be reasonable for the Council to then be expected to pay the applicant the value of them. Moreover, the applicant's proposal that no contribution be given by them in respect of future maintenance is contrary to Policy C1 of the adopted East Lothian Local Plan 2008, which states that arrangements must be in place for management and maintenance of open space to the satisfaction of the Council.

In light of this, the applicant for planning application 14/00089/PM has advised that they will pass the playing field and changing pavilion to the Factor who will be responsible for its future maintenance. The Council's Service Manager for Sport, Countryside & Leisure is agreeable to this, although he is of the view that it would have been preferable if the ownership of the playing field and changing pavilion had been transferred to the Council.

The approved Development Framework states that a number of the Aubigny Sports Centre's facilities are at capacity at present and will not be able to adequately meet the

additional demand generated by the Letham Mains development. Consequently it states that there is a requirement for the developer to make a contribution towards the expansion of this facility to secure increased capacity in the crèche, bodyworks and dance studio and associated works. It further advises that details of this developer contribution require to be agreed with the Council's Community Services Department. In his consultation response, the Council's Service Manager for Sport, Countryside & Leisure advises of the need for a total developer contribution of £524,800 (as a total for planning applications 13/00519/PM and 14/00089/PM) towards the expansion of the Aubigny Sports Centre. This financial contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The Council's Economic Development & Strategic Investment Manager advises that in accordance with the Council's affordable housing policy, 17% of the 433 residential units should be affordable housing units, i.e. a total of 74 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 74 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The Council's Economic Development & Strategic Investment Manager further advises that she is satisfied with the proposed affordable house types and sizes, and their location within the application site. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008. The applicant's agent has confirmed in writing that his client is willing to enter into such a Section 75 Agreement.

The proposed development by its scale and prominent public location would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed development.

The proposals for drainage, SUDS and surface water management have been amended following concerns raised by the Scottish Environment Protection Agency. They raise no objection to the revised proposals, being satisfied that the proposed development would not result in an unacceptable flood risk.

Scottish Water were consulted on this planning application but have not provided any comments on it.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and

Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant and from the applicant the subject of separate planning application 14/00089/PM:

(i) A financial contribution to the Council of £71,100 towards upgrading works to the path network in the vicinity of Letham Mains. This contribution shall be made prior to occupancy of the first house.

(ii) The transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL. The site for the school shall be serviced and shall be transferred to the Council within 9 months of commencement of either of the developments the subject of planning permission 13/00519/PM or planning permission 14/00089/PM;

(iii) A financial contribution to the Council of £9,225,154 towards the primary school provision and £1,579,500 towards additional secondary school accommodation at Knox Academy;

(iv) The provision of the sports pitch and the two changing room facility hereby approved;

(v) A financial contribution to the Council of £524,800 towards the expansion of the Aubigny Sports Centre; and

(vi) The provision of 138 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 138 affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to: an inadequate path network in the vicinity of Letham Mains, an insufficient provision of sports facilities, a community sports pitch and related changing facilities; a lack of sufficient primary and secondary school capacity; and the lack of provision of affordable housing, contrary to the Council's Development Framework for Letham Mains, Haddington and, as applicable Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

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 The docketed phasing plan is not hereby approved. Instead, and prior to the commencement of development, a revised phasing plan shall be submitted to and approved in advance by the Planning Authority. The revised phasing plan shall accord with the following requirements:

(i) The footway/ cycleway required by condition 15v) below shall be formed and made available for use prior to the occupation of any of the residential units hereby approved;

(ii) The controlled crossing required by condition 15viii) below shall be provided and made available for use prior to the school approved by planning permission 14/00534/PCL being open to pupils; and

(iii) a timescale for the formation of the path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road.

The phasing of the development of the site shall be carried out in strict accordance with the revised 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.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, 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 promote render as the predominant finish to the walls of the houses and flats, 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. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. 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 bin storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 5 Development shall not commence until the findings of a soil gas survey have been submitted to and approved by the Planning Authority. The survey shall be undertaken to determine the current levels of gas emissions from the site. The findings shall contain details of any necessary mitigation measures to protect the occupiers of the proposed buildings from the migration of these gases.

Before any of the buildings are occupied any necessary mitigation measures shall be fully implemented as approved by the Planning Authority.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 8 Housing completions on the application site 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, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 70 residential units
Year 7- 17 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 8 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 9 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 10 Prior to the commencement of development, details, including a revised site layout plan, shall be submitted to and approved by the Planning Authority. The revised site layout plan shall comply with the following requirement:

* The boundary treatment for all of the northern end of the application site shall consist of a stone wall or a stone wall with a hedge planting above it;

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

- 11 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 shall comply with the following requirements:

* The existing roadside hedge to the south of the B6471 road shall be retained between the northwest corner of the application site and the proposed footpath link to the east of it;

* Trees shall be planted within the open space between the northernmost houses and the B6471 road;

*The landscaped open space at the northern edge of the application site shall be extended eastwards such that it would tie in with the proposed '6.5m landscaped zone';

* The southern and western boundaries of the area delineated as 'Affordable Housing 3' on the docketed Combined Development Proposals drawing and the western boundary of the land between that area and the proposed section of distributor road to the north of it shall all be enclosed by a hedgerow interspersed with tree planting; and

* boulevard tree planting shall be provided on both sides of the distributor road that extends north-westwards from the proposed roundabout access.

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.

- 12 Prior to the commencement of development details of the linear park, included its proposed design and future management, shall be submitted to and approved by the Planning Authority. The submitted details shall incorporate the needs of water voles.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the ecology of the area.

- 13 The areas of open space hereby approved shall be maintained and retained for community use.

Reason:

In the interests of the amenity of the future occupants of the development hereby approved.

- 14 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

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

- 15 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

i) A detailed swept path assessment shall be undertaken for all of the access roads within the housing development. This shall include the access junction onto the B6471. It should also be noted that pedestrian safeguards should not form any part of the manoeuvring space for the Design Vehicle. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

ii) Bus shelters and bus stops shall be provided within the site;

iii) 1 secure cycle storage space shall be provided per flat;

iv) Traffic signals shall be provided on West Road (the B6471). The signals shall be linked to each other and the future Sainsbury's access junction to allow the efficient operation and management of the localised road corridor along the B6471;

v) A footway/cycleway shall be provided along the southern side of the B6471 road linking the application site to the Park Lane junction with West Road. This shall also extend westwards to the proposed Sainsbury's (toucan) signalised crossing to provide a continuous link. The footway/cycleway shall be formed in accordance with the findings of the Safety Audit docketed to this planning permission;

vi) The proposed path connection onto the distributor road (linking the A6093 road to the B6471) over the driveway for plots 32 & 33 of the Mactaggart & Mickel part of the application site is not approved. An alternative and segregated path shall instead be formed;

vii) Pedestrian Safeguards shall be provided in the parking courtyards serving plots 16/17, 18/19, 20/21 & 22/23 of the area delineated as 'Affordable Housing 2' in the docketed Combined Development Proposals drawing;

viii) A Quality audit to include visibility splays and removal of parking within these shall be undertaken for the application site. This shall include a risk assessment;

ix) The distributor road (linking the A6093 road to the B6471) and its access junction with the A6093 road (including the required path connection eastwards to the Letham Burn Bridge on the A6093) shall be provided and open to vehicular traffic, including members of the public, prior to the occupation of any houses south of Letham Burn. These shall be formed in accordance with a Safety Audit that shall be undertaken for those works;

x) The proposed path running parallel to and crossing Letham Burn connecting to the south eastern corner of the site onto the A6093 Pencaitland Road, shall be formed and made available for use in accordance with a timetable to be agreed in advance;

xi) Cul-De-Sac's that are to form prospectively adoptable public roads shall normally have a minimum carriageway width of 5.5 metres, this can be reduced to 4.8 metres provided the vehicle tracking demonstrates the Design vehicle can physically manoeuvre;

xii) Within the housing areas a pedestrian safeguard is required, on at least one side, for prospectively adoptable public roads;

xiii) For all access junctions onto the distributor road linking the A6093 road to the B6471, minimum visibility splays of 2.5 metres by 43 metres are required, no obstruction shall lie within the splay above a height of 1.05 metres measured from the adjacent carriageway surface (including parking bays);

xiv) For all the crossings of the Letham Burn (both pedestrian/cycle and vehicular) details, including structural, are required;

xv) Single driveways shall be at least 6 metres long and be at least 3.0 metres wide;

xvi) Double driveways shall be at least 6 metres long and be at least 5 metres wide. Double length driveway shall be at least 11 metres long and 3 metres wide;

xvii) Speed reducing measures shall be provided on the distributor road (linking the A6093 road to the B6471) to ensure speed are kept at or below the 30mph speed limit;

xviii) At least one controlled pedestrian crossing shall be provided over the distributor road (linking the A6093 road to the B6471) to take account of school related journeys;

xix) For the housing area to the north western corner of the application site a further 3 visitors parking spaces shall be provided. Those spaces shall not be formed within any of the land proposed as open space; and

xx) For access to private parking courtyards, two-way movement of vehicles is necessary. The access shall therefore be a minimum of 4.8 metres wide over the first 10 metres length.

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

Reason:

In the interests of road and pedestrian safety.

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.

- 17 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 18 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity and ecology of the area.

- 19 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

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)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **14/00731/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 13/00071/PPM - Erection of 109 houses, 4 flats and associated works

Location **Dovecot Farm
Pencaitland Road
Haddington
East Lothian**

Applicant BDW Trading Ltd & Hallam Land Management

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 13/00071/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 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.

The application site is an area of agricultural land in the East Lothian countryside, located some 60 metres to the southwest of Haddington. It is some 6.7 hectares in area and is irregularly shaped. The site is bounded to the east by Clerkington Wood. The trees within the Wood are the subject of a Tree Preservation Order (No. 107 (20) Clerkington). Further to the east is part of the western edge of Haddington. To the south of the site are a field and Clerkington Mill, where two residential properties are located. To the west of the site is agricultural land. To the north of the site is the A6093 Pencaitland Road, beyond which is agricultural land which forms part of a larger area of land that is allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure. In July 2013 planning permission (Ref: 13/00519/PM) was

sought for the erection of 385 houses and 48 flats on the western part of that allocated housing site. In January 2014 planning permission (Ref: 14/0089/PM) was sought for the erection of 257 houses and 119 flats on the eastern part of that allocated housing site. In July 2014 planning permission (Ref: 14/00534/PCL) was sought for the erection of a primary school on the central part of that allocated housing site. Cross-referenced reports on those planning applications are at this time also presented to the Planning Committee.

The application site is mainly in agricultural use although the eastern part is used as a paddock. A small lodge building is located in the southwest corner of the site. The northern part of the site consists of a mature tree belt and an access track. A small watercourse flows along the southern edge of the site.

Within the overall boundary, two areas are excluded from the site. Both of these areas are set back a short distance from Pencaitland Road. The larger enclave contains a house (Dovecot), farm buildings, commercial premises and open storage. The smaller enclave contains a house (Dovecot Bungalow) with garden ground. The two enclaves are separated by an access track (itself part of the application site) which goes from Pencaitland Road to Clerkington Mill. The access track also separates the paddock and field parts of the application site.

In January 2013 planning permission in principle 13/00071/PPM was sought for a residential development of 113 residential units on the application site. An appeal (Ref: PPA-210-2037) was subsequently made to the Scottish Ministers against the failure of the Council to determine the application within the prescribed period of 4 months. In March 2014, following the conclusion of a legal agreement to secure education and affordable housing contributions, the appeal was allowed and planning permission in principle 13/00071/PPM was granted.

Approval of matters specified in conditions of planning permission in principle 13/00071/PPM is now sought for the erection of 109 houses, 4 flats and associated works on the application site.

Of the 109 houses, 85 would be detached, 4 semi-detached and 20 terraced. The 4 flats would be contained in a two storey building located in the northwest part of the site. The submitted details also include for internal access roads, a parking court, landscaped open space, two play areas and structural planting.

Vehicular access to the 109 houses and 4 flats would be taken from the A6093 road by way of two new access junctions, one at the northwest corner of the site and one towards the northeast corner of the site.

A 10 metres wide belt of planting would be formed on land to the west of the application site. A 2.0 metres wide maintenance/ service zone would be maintained along most of the eastern boundary of the application site to provide a setback between the houses proposed along the eastern end of the site and the western edge of Clerkington Wood. Two areas of public open space, both of which would contain an equipped play area, would be formed within the site. One would be located at the southern end of the site and the other would be located on part of the eastern end of the site. A SUDS basin would be formed within the southeast corner of the site.

In March 2015 the applicant submitted revised drawings showing changes to the proposal. These changes include repositioning some of the proposed houses, the formation of the 2.0 metres wide maintenance / service zone, revised access and landscape proposals within the site and the proposed erection of a 1.5 metres high green

painted close boarded fence around the southern and eastern boundaries of the proposed eastern area of open space. A revised Tree Survey has also been submitted. All relevant neighbour re-notifications, re-advertisements in the press and re-consultations in respect of the changes have been duly undertaken.

Condition 2f of planning permission in principle 13/00071/PPM requires a scheme of landscaping and planting for the whole site and a habitat management plan to be submitted to and approved by the Planning Authority. This information has been submitted with this application.

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 09 November 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.

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), DP12 (Trees on or Adjacent to Development Sites), 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 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.

Nine written representations have been received in respect of this application, eight of which raise objection to the proposed development. The other representation does not state whether they support or object to the proposals.

A copy of the written representations is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * Proposed development would significantly increase the flow of traffic along Clerkington Road;
- * Living in such close proximity to Clerkington Wood will give rise to considerable concern to future residents;
- * Proposals disregard the objector's right of access to their property (Dovecot Bungalow);
- * Use of the proposed parking layby near to the objector's property would harm their privacy and subject them to unwarranted noise;
- * If the Council are minded to grant this consent in its present form, they will have to accept responsibility for the liability they are in effect creating, and the consequences, financial and otherwise, thereof;
- * Proposals make no attempt to protect the ambience of the Clerkington landscape;
- * Roots of the trees that are the subject of a Tree Preservation Order will be damaged by the proposed development;
- * Objector, who owns Clerkington Wood, is not prepared to give consent to the applicant's proposed footpath through the Wood;
- * Three storey houses are not appropriate and will overlook the objector's property;
- * Small greenfield sites should no longer be considered for development;
- * Proposed development would reduce the stock of quality arable land; and
- * Proposed development would result in traffic congestion.

The ground of objection concerning liability is not a material consideration in the determination of a planning application.

The proposals have been amended to provide a separate access to the property of Dovecot Bungalow.

None of the proposed houses are three storeys in height. The majority of houses would be two storeys in height, although two of the house types would be two storeys in height with accommodation in the roofspace.

Haddington Area Community Council, a consultee, do not object to the detailed proposals. They do however confirm that they are still against the principle of the development and feel that the strategic housing site of Letham Mains should be completed before planning permission is granted for any further housing proposal.

Notwithstanding the concerns of the Community Council, by the grant of planning permission in principle 13/00071/PPM, approval has been given for the principle of the erection of 113 residential units on the application site. There can therefore be no objection in principle to the erection of the 113 residential units now proposed.

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 and the illustrative masterplan and conditions attached to planning permission in principle 13/00071/PPM.

The proposed residential development would form an extension to the southwest edge of Haddington and would not be out of keeping with the character of the settlement and local area.

One of the objectors is concerned that the proposals make no attempt to protect the ambience of the Clerkington landscape. However screening provided by the existing trees to the east of the site would be adequate to maintain the ambience of the driveway that forms a component of this landscape. In this regard, the proposed development would not have an unacceptable effect on the Clerkington landscape.

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.

Condition 3d of planning permission in principle 13/00071/PPM states that the detailed design of the layout shall accord with the principles set out in the Planning Authority's "Design Standards for New Housing Areas" and with the Scottish Government Policy Statement entitled "Designing Streets".

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles. The only exception to this is the road that would serve plots 33-37 and plots 43-45. That road is proposed with a 6.0 metre wide carriageway, on either side of which would be a 2.0 metre wide footway. Such a standardised road layout is entirely at odds with the principles of Home Zones, a principle of which is that such a space should be designed to allow people and vehicles to share it on equal terms. The road serving plots 33-37 and plots 43-45 should therefore be re-designed such that it would consist of a 4.8 metres wide carriageway with a 2.0 metres wide footway on only one side of it. This requirement can reasonably be made a condition of the approval of matters specified in conditions for the proposed housing development.

In a recent email, the applicant has requested that this condition is not imposed. They state that the road is proposed in its current form to provide a suitable access through the application site to potential future development areas to the south of the site.

The land to the south of the application site has been submitted as part of the local development plan process following a call for sites by the Council as part of the research towards the new Local Development Plan. The Council's Main Issues Report (MIR) is a consultation document which considers such submissions and other sites. The MIR does not propose the land to the south of the application site as a preferred site for housing in relation to the proposed preferred development strategy. Rather it considers that the land may be reasonable alternative development opportunity. The MIR is a material consideration, however, as a consultation document it can be accorded only limited weight at this stage. In light of this, the very limited weight that can be attached to the potential future development of this land does not outweigh the consideration that the design of the road is entirely at odds with the principles of Home Zones, and as such is contrary with condition 3d of planning permission in principle 13/00071/PPM and with the principles set out in the Planning Authority's "Design Standards for New Housing Areas" and with the Scottish Government Policy Statement entitled "Designing Streets". A condition requiring the re-design of the road should therefore be imposed.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (11 types of residential units) and four flats, with 96 of the proposed 109 houses being two storey in height. The other 13 houses would be two storeys in height with accommodation in the roofspace. The houses and flats would be finished predominantly with rendered walls and their pitched roofs would be clad with concrete tiles.

The proposed mix of house types is broadly consistent with the mix of house types indicatively shown on the illustrative masterplan docketed to planning permission in principle 13/00071/PPM. The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. 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 and flats. 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 and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

In his determination of the previous appeal, the Reporter carefully considered the relationship between the proposed development and Clerkington Wood, which is immediately to the east of the application site. He advised that in his experience, trees that are close to houses are often a cause of concern to residents, and that, as a normal part of the development management process, detailed design of the proposed development should take into account foreseeable reasonable concerns of future residents regarding the effect of nearby trees. This will require some setback, consideration of the orientation of windows and so on. No particular setback distance was specified by the Reporter. He did however impose condition 3f, which states that with respect to trees on or adjoining the east boundary of the site, the proposed

development shall accord with British Standard BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The revised proposals include the formation of a 2.0 metres wide setback distance between the curtilages of the houses proposed for the eastern edge of the site and the Wood. In compliance with British Standard BS5837: 2012, the houses and garages of the properties on the eastern edge of the application site (plots 1 to 13) are outwith the root protection area of the trees of Clerkington Wood. Some of the fence posts required for the 1.8m rear boundary fence of plots 1 – 13 would be located in the construction exclusion zone. However the applicant has confirmed that these fence posts will be hand dug and that there will be arboricultural site supervision for those works. In this regard, and consistent with the previous appeal decision, the applicant have taken into account foreseeable reasonable concerns of future residents regarding the effect of nearby trees.

The Landscape Project Officer raises no objection to the details of the proposed development, being satisfied that with respect to trees on or adjoining the east boundary of the site, the proposed development accords with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction – Recommendations". On this consideration the proposed development is consistent with condition 3f of planning permission in principle 13/00071/PPM and with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Landscape Project Officer is also generally satisfied with the proposed scheme of landscaping, and with the proposals for the maintenance of landscaping and landscaped areas. She does however recommend that some changes are made to the landscape proposals. These changes can be secured by the imposition of a condition of the approval of matters specified in conditions for the proposed housing development.

The Council's Biodiversity Officer raises no objection to the submitted habitat management plan, advising that it adequately compensates for the loss of tree, hedgerow and associated habitats and protects the remaining natural heritage interest, including protected species.

In the determination of the previous appeal, concern was raised about spray painting and other activities that were being carried out within the larger enclave enclosed by the application site. The Reporter stated that these activities could create noise and could be harmful to the amenity of nearby proposed houses. However he accepted that these concerns could be adequately addressed if the spray painting was relocated as far north as practicable within the enclave and a two metres high acoustic fence were to be erected on the east, south and west boundaries of the larger enclave. These requirements are set out in conditions 2e, 2j, 3k, 6 and 8c.

A drawing has been submitted on behalf of the applicant showing a new location for the spray painting on the northern edge of the enclave. This position is consistent with the requirements of planning permission in principle 13/00071/PPM and would ensure that the amenity of nearby proposed houses would not be adversely affected by those activities. A further letter has been submitted on behalf of the applicant, which confirms that, notwithstanding the new location for the spray painting, all operations for paint spraying are now carried out off-site.

Consistent with requirements of planning permission in principle 13/00071/PPM, it is proposed to erect a two metres high acoustic fence on the east, south and west boundaries of the larger enclave.

The Council's Environmental Protection Manager raises no objection to the proposed development.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

The Council's Principal Amenity Officer raised concerns regarding the lack of open space that was originally proposed. The layout has since been revised to take account of these concerns. The proposed site layout now includes two areas of open space, consistent with the illustrative masterplan docketed to planning permission in principle 13/00071/PPM. The Council's Principal Amenity Officer is satisfied with both the size and location of the areas of open space now proposed. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

Both areas of open space would contain an equipped play area. Details of the play equipment proposed for each play area have been submitted with this application. The Principal Amenity Officer is satisfied with the proposed size and location of the two play areas and the equipment proposed within them. On this consideration the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 13/00071/PPM. These are that vehicular access to the housing development of 113 residential units should be taken directly from the A6093 road by way of two new access junctions, one at the northwest corner of the site and one towards the northeast corner of the site.

The submitted details for accessing the proposed 113 residential units are in accordance with these principles established by the grant of planning permission in principle 13/00071/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would not result in unacceptable traffic congestion, including on Clerkington Road. They advise that the proposed means of access and amount and location of parking within the site are all acceptable, although they do make recommendations on the standards of provision.

They recommend that:

- (i) driveways should have minimum dimensions of 6 metres by 3.0 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) at driveways, pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface; and

(iv) 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 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 Council's Waste Services Manager raises no objection to the details of the 113 residential units now proposed.

Condition 2p of planning permission in principle 13/00071/PPM requires the provision of a 2.5 metres wide shared pedestrian/cycle link on the south side of Pencaitland Road between the proposed west access serving the proposed housing and the public road of Dobson's Well. Consistent with the requirements of condition 2p, such a footpath link has been proposed.

The Council's Access Officer raises no objection to the details of the 113 residential units now proposed. She does however note that condition 2g of planning permission in principle 13/00071/PPM requires the applicant to take steps to explore the possibility of providing a footpath link from the site into the woodland that adjoins the east side of the site (Clerkington Wood). In this regard, condition 3h states that if provision of a footpath link from the site into the woodland that adjoins the east side of the site is possible, the said footpath link should be included in the scheme of landscaping. If such provision is not possible, the scheme should nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

In respect of this, the applicant states that they contacted the owner of the Wood in August 2014, and proposed a possible footpath link into his woodland. The owner of the Wood replied to the applicant the following month, confirming that he was not prepared to give consent to the path. A site meeting was then held between the applicant, the owner of the Wood and planning officers of the Council. At that meeting, the owner of the Wood again confirmed that he was not prepared to give consent to the path. The applicant agreed to adjust the location of the proposed footpath within their site to tie in with the preferred location noted by the owner of the Wood should a possible future woodland footpath link be considered.

Consistent with the requirements of condition 2g, it is evident that the applicant has taken reasonable steps to explore the possibility of providing a footpath link from the site into the woodland that adjoins the east side of the site (Clerkington Wood). Whilst such provision is not possible at this time, the proposed development has been designed so as to facilitate provision of such a link at a future date should circumstances change. On this consideration the proposed development is consistent with the requirements of condition 3h of planning permission in principle 13/00071/PPM.

The mechanism of a financial contribution towards additional educational provision in Haddington for a housing development of 113 houses has already been secured through the grant of planning permission in principle 13/00071/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 28 units of the proposed 113 units) is already secured through the grant of planning permission in principle 13/00071/PPM.

The Council's Housing Strategy and Development service raise no objection to the details of the 113 residential units now proposed.

The Council's Senior Structures Officer was consulted on the planning application but has not commented on it.

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

The matter of site drainage was considered through the determination of previous application 13/00071/PPM. Condition 2t requires that details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site should be submitted in writing for the approval of the Planning Authority. A surface water drainage strategy drawing has been submitted with this application showing details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site. The Scottish Environment Protection Agency raise no objection to the details of the 113 units now proposed, being satisfied with the submitted SUDS strategy.

Condition 2r of planning permission in principle 13/00071/PPM states that details of a scheme for archaeological investigation of the site shall be submitted for the prior approval of the Council. Consistent with the requirements of condition 2r, a written scheme of investigation has been submitted with this application. It sets out the methodology for the archaeological mitigation works required for the site. The Council's Archaeology/ Heritage Officer advises that the submitted written scheme of investigation is acceptable.

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 Prior to the occupation of the last house or flat approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the following transportation requirements:
 - (i) driveways shall have minimum dimensions of 6 metres by 3.0 metres. Double driveways shall 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 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; and

(iii) at driveways, pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

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.

- 3 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.

- 4 Notwithstanding the drawings docketed to this approval of matters specified in conditions, the proposed road serving plots 33-37 and plots 43-45 is not hereby approved. It shall instead consist of a 4.8 metres wide carriageway with a 2.0 metres wide footway on only one side of it. Prior to the commencement of development an amended site layout plan showing compliance with the requirements of this condition shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To accord with the principles of Home Zones and with the requirements of condition 3d of planning permission in principle 13/00071/PPM.

- 5 The submitted landscape information is not hereby approved. Instead, and prior to the commencement of development, revised landscape information shall be submitted to and approved by the Planning Authority. The revised landscape information shall comply with the following requirements:

1) The Tree Protection Plan and the Tree Constraints Plan Drawing shall each have the construction exclusion zone areas clearly identified and dimensioned and a clearly identified scale. The note on them referring to the long term tree management arboricultural method statement shall correctly refer to the date of that statement. They shall also clearly show all tree numbers of the trees within Clerkington Wood. It shall also show the easement strip offset by 2 metres from the existing post and wire fence boundary to Clerkington Wood;

2) The construction method statement contained in the Tree Protection Plan shall include details of the proposed fence post foundation size;

3) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include a requirements for tree safety inspections to be carried out annually or after major storm events;

4) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include a requirement for ivy to be removed (cut off from the base of the trees using great care not to cut the trunk of the trees) from the base of the mature trees using appropriate herbicide. It shall also require that the area of wood is to be stocked with a combination of forestry transplants and standard trees. The new trees shall be covered in a 100mm depth of woodchips to prevent weed competition. The revised landscape information shall include confirmation of a program of inspections to be undertaken to the area of wood in order to review the need for thinning at years 5, 10, 15 and 20; and

5) The Tree Survey, long - term Tree Management, Arboricultural Method Statement shall include more specific details of the inspection intervals, which are specified in section 12 of the submitted report entitled "Duties of the appointed Arboricultural Consultant". The wording of the Statement shall be amended to read "any required realignment of any part of the construction exclusion zone shall be supervised and checked by the project Arboricultural consultant who will submit details of any changes to the agreed construction exclusion zone plan for the prior approval

of the Planning Authority". The Statement shall also include a detailed tree management work specification for all trees on or adjacent to the application site before the occupation of the first house completion.

Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To ensure the retention of trees and vegetation important to the appearance and environment of the area.

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)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

6

Application No. **15/00022/PM**

Proposal Construction and operation of a leachate treatment plant (LTP) comprising a series of storage and treatment tanks within a surfaced and bunded compound, together with lagoons, reed beds and ancillary plant and infrastructure

Location **Dunbar Landfill Site
Oxwellmains
Dunbar
East Lothian
EH42 1SW**

Applicant Viridor Waste Management Ltd

Per SLR Consulting Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the capacity of the proposed facility is more than 25,000 tonnes per annum, 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.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00024/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 4 people attended the two separate pre-application public exhibitions held at Halhill Sports Centre and Innerwick Residential Centre, and that those attendees raised no specific comments or queries regarding the proposals.

The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site, which has an area of some 2.2 hectares, comprises a linear area of land that is located on the southern part of the existing waste landfill site at Oxwellmains, Dunbar. The landfill site is operated by Viridor Waste Management Ltd under the terms of planning permission P/0867/91 granted in June 1993. It occupies a countryside location 4.5km to the south east of Dunbar, 2km to the northwest of the village of Innerwick, and 3.5km to the west of Torness Nuclear Power Station. The landfill site is bounded to the north by the main east coast railway line, to the east by farmland, to the south by the A1 trunk road and to the west by the Lafarge Cement Works.

Existing woodland strips enclose the site on its northern and western sides, a landscaped bund encloses it on its southern side and landscape planting encloses its eastern side.

The nearest residential properties are the farm at Easter Pinkerton and nearby cottages located approximately 550m and 730m to the west of the application site respectively, being separated from the site by the A1 and intervening mature vegetation. East Barns Farm is located 850m north of the site being separated from it by the landfill operations and vegetation.

This application seeks planning permission for the construction and operation of a leachate treatment plant (LTP) comprising a series of storage and treatment tanks within a surfaced and bunded compound, together with lagoons, reed beds and ancillary plant and infrastructure.

The generation of leachate is caused principally by precipitation percolating through waste deposited in a landfill. Once in contact with decomposing solid waste, the percolating water becomes contaminated, and if it then flows out of the waste material it is termed leachate.

The applicant's submitted Planning Statement informs that landfill sites generate leachate when water (mostly from rainfall but also from moisture created from decomposing waste) collects in the waste disposal area (known as a landfill cell). In order to prevent the build-up of leachate within the base of the landfill, each cell is constructed with a drainage layer of granular material or pipe work on top of an impermeable barrier (liner). The impermeable barrier and drainage layer are constructed with a suitable gradient to allow leachate to flow to a collection sump where it is pumped out of the landfill cell as necessary.

Under the current practice at the landfill site, leachate is stored in lagoons pending export from the site by road tankers to a waste water treatment facility. The proposed onsite treatment would lead to a reduction in vehicle movements associated with the treatment of leachate.

The proposed LTP would consist of a number of cylindrical storage and processing tanks constructed from, depending on the function of the tank, concrete, HDPE or glass coated steel. A palette of dark grey, dark green and black matt finishes would be utilised for the tanks and containers which would be in keeping with the existing colour palette of built form on the landfill site. The tanks would be located within a hard surfaced area, which would be bunded at the edges by a concrete wall approximately 1m high. Some tanks would also be fitted with integral bunding.

In summary the development would comprise:

- six standard-sized shipping containers, each respectively housing; an office and laboratory, a control room, chemical dosing and pump, tools and equipment storage, metals stripping skid and a metals stripping consumables store;
- three large cylindrical tanks (raw leachate balancing tank, anoxic zone tank and aeration zone tank), which would measure up to some 24m in diameter and 8.5m high;
- three smaller tanks (ultra-filtration, sludge tank and effluent balancing tank) which would measure up to some 13m in diameter and 3m high;
- three self-bunded chemical dosing tanks which would be some 5m in diameter and 4m high;
- a sludge drying wetland; two further wetlands and an effluent lagoon;
- a small pump house; and
- hardsurfaced areas in the form of access roads, gates and 1.8m high fencing.

In total the LTP would cover an area of around some 2.2 hectares, of this 0.6 hectares would be associated with the tanks and infrastructure, with the remainder comprising the lagoons, ditches, access tracks and perimeter vegetation.

The applicant's submitted Planning Statement informs the chosen technology for the LTP is the well-established activated sludge process. This process uses a combination of aeration, chemical and biological treatment methods to reduce levels of contaminants to a suitable level to allow the treated leachate to be discharged to a local watercourse, in this case the Dry Burn at the eastern tip of the site.

The LTP has been designed to treat up to 100m³ of leachate per day, which equates to 36,500m³ or 36,500 tonnes of leachate per year. It is anticipated that the maximum discharge rate to the Dry Burn would be 150m³ of treated effluent per day. Only leachate generated from the landfill site would be treated at the proposed LTP.

Access to the LTP would be from an existing haul road passing through the landfill site. The landfill site benefits from direct access onto the A1087, which in turn provides access to the north and southbound carriageways of the A1.

As noted above, leachate is currently stored in lagoons pending export from the site by road tankers to a waste water treatment facility. This results in between 80 and 100 HGV movements (i.e. 40 to 50 in and 40 to 50 out of the site) each month. With the proposed LTP, this would significantly reduce to an average of 2 to 4 HGV movements per month. Reducing HGV movements would lead to a reduction in carbon emissions associated with the treatment of leachate as well as a reduction in environmental effects associated with the movement of HGVs along the highway network.

The applicant has submitted an Environmental Statement (ES) with the planning application. The Environmental Statement contains chapters on planning policy, alternative sites, the water environment, ecology and other environmental issues.

A Planning Statement and Design and Access Statement have also been submitted with the application.

The majority of the application site is within the battlefield site of the Battle of Dunbar II (1650) that is included in Historic Scotland's Inventory of Historic Battlefields.

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 are Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies W1 (Oxwellmains, Dunbar), DC1 (Development in the Countryside and Undeveloped Coast), NRG2 (Torness Consultation Zone), T2 (General Transport Impact), DP2 (Design) and ENV7 (Scheduled Monuments and Archaeological Sites) of the adopted East Lothian Local Plan 2008.

There is no public objection to this application.

The existing landfill site at Oxwellmains is a well established waste management use in its countryside location with planning permission and supported by Policy W1 of the adopted East Lothian Local Plan 2008. Policy W1 states that Oxwellmains, Dunbar is supported as a site for waste treatment and disposal and that development that restricts its continued operation will not be permitted.

The proposed LTP would be a waste management use which would serve to enhance the operational ability of the landfill site to process and treat its own leachate production. It would enable an operational continuation of waste treatment and disposal at Oxwellmains, consistent with Policy W1 of the adopted East Lothian Local Plan 2008 and Policy DC1 of the adopted East Lothian Local Plan 2008.

Of the proposed LTP development the main elements of its built form would be the three large cylindrical tanks, the smaller tanks and the shipping containers. They would be positioned on land that at present forms a depression relative to neighbouring land, particularly to the higher land to the west and north and the bund to the south which forms a raised landscaped embankment with the A1 trunk road. Moreover, there are existing woodland strips on the north and west sides of the site and landscape planting at its eastern end. Consequently it would only be the very uppermost parts of the three large cylindrical tanks that would be visible in views from outwith the site. The proposed LTP would be located within the operational landfill site with its associated buildings and infrastructure. In such a landscape character setting the proposed LTP would not appear unduly incongruous, dominant or intrusive in its countryside setting and would not have an unacceptable landscape or visual impact.

The other elements of the proposed development, including the access road, fencing, gates, wetlands and lagoon would, in their positions and due to their markedly smaller size and the latter being water features would be subservient to the main built form elements of the LTP and thus would not in their relationship with those elements be harmful to the landscape character or appearance of the area.

In their consultation response, Scottish Natural Heritage raise no objection to the proposed development, noting that there will be no significant landscape and visual effects arising from it.

Similar advice is given by the Council's Policy & Projects (Landscape) service, who advise that the site is satisfactorily screened by the existing tree lined linear bund running parallel to the A1 along the sites southern boundary, and by the strip of existing woodland along the sites northern boundary which runs parallel to the access road of the landfill site. They do advise that the proposed site boundary fencing be erected prior to works commencing to construct the proposed LTP, to safeguard the tree lined areas from construction activities. This can be secured by a condition imposed on a grant of planning permission.

On these considerations the proposed development by its size, scale, positioning, form and materials is consistent with Policies 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

In its position the nearest residential properties from the proposed LTP are the farm at Easter Pinkerton and nearby cottages located approximately 550m and 730m to the west of the application site respectively, being separated from the site by the A1 and intervening mature vegetation. East Barns Farm is located 850m north of the site being separated from it by the landfill operations and vegetation.

The Council's Environmental Protection Manager has been consulted on the application and raises no objection to it, satisfied that the proposed LTP can satisfactorily operate without harm to the amenity of any nearby residential property or any neighbouring land use.

Accordingly, the proposed LTP is consistent with Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the application, satisfied it can be safely accessed without any detriment to road safety. Road Services do however recommend that during construction period of the proposed LTP, advanced warning signs be provided on the public road to the northeast of the site to inform public road users of construction traffic in the vicinity and turning at the existing access junction to the site, which can be secured by a condition imposed on a grant of planning permission.

Transport Scotland have been consulted on the application and advise that the proposed development would cause minimal impact on the trunk road network and thus they raise no objection to the application.

The Scottish Environment Protection Agency (SEPA) has been consulted on the application and initially objected to the application on the grounds of lack of information on surface water drainage. The applicant's agent has submitted further information and SEPA are now satisfied that, in principle, the surface water strategy for both the construction phase and the operational phase of the proposed LTP is acceptable.

SEPA therefore now raise no objection to the application subject to the imposition of a condition requiring the submission of results of percolations tests and finalised SUDS proposals to be submitted and approved.

The discharge of the treated leachate from the proposed LTP to the Dry Burn is controlled by SEPA under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). SEPA advise it should be possible to issue a PPC permit for this discharge.

Scottish Water have made no comment to the proposals.

The Health and Safety Executive have been consulted on the application and advise that they have no comment to make on it.

As the site is within the battlefield site of the Battle of Dunbar II (1650) Historic Scotland has provided comments on the application. Historic Scotland considers that the proposed development would have no significant impact on the battlefield landscape in light of the extent of modern development in the area. They are also satisfied that there would be no significant effects on the setting of any heritage assets within their remit. Thus Historic Scotland raise no objection to the application. On this consideration the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

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 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 3 During construction works advanced warning signs shall at all times be displayed on the public road to inform public road users of construction traffic in the vicinity. Prior to their display, details of the proposed signs and their locations shall be submitted to and approved in writing by the Planning Authority and the signs shall thereafter be displayed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 4 Prior to the commencement of development of the leachate treatment plant hereby approved the lengths of DIRICK and chain link fencing also hereby approved shall be erected in their entirety and be retained in place during all construction works.

Reason:

To ensure the retention and maintenance of the trees on and adjacent to the site which are an important landscape feature of the area.

- 5 Prior to the commencement of development:

(i) the results of percolation tests required to determine if the ground conditions are suitable for infiltration shall be submitted to and approved in advance by the Planning Authority following consultation with the Scottish Environment Protection Agency; and

(ii) details of the proposed sustainable urban drainage scheme (SUDS) for surface water treatment for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall be in accordance with the technical guidance contained in The SUDS Manual (C697).

The sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

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Note - this application was called off the Scheme of Delegation List by Councillor Berry for the following reasons: This site adjacent to the Auld Hoose is a highly visible location in the town centre and part of a disjointed street scape caused by unrelated developments over the years. I also understand that an office is proposed for the same site.

Application No. **15/00040/P**
Proposal Erection of 1 flat and carport
Location **Land Adjacent To 6 Forth Street Lane
North Berwick
East Lothian**
Applicant Mr Peter Whitelaw
Per Richard Hall Architects
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to an area of land that bounds the north side of the flatted building comprising the ground floor flat of 4 and the first and second floor flats of 6A and 6B Forth Street Lane, respectively. By being within North Berwick town centre the area of land is within an area of mixed uses as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

The land is currently in use as a parking area and provides access to the existing residential garage of 4 Forth Street Lane that bounds the site to the east. Beyond this garage are the residential properties of 11-17 Forth Street, 1 to 4 Smugglers Gate and the residential development at Creel Court. Otherwise the site is bounded to the north by the Auld Hoose public house with the residential flats of 8 and 8A Forth Street Lane above it and to the east by the public road of Forth Street Lane with a flatted building of sheltered housing at 21 Forth Street beyond.

This part of the Conservation Area is characterised by a variety of two, three and four storey buildings of a range of ages, architectural styles and external finishes.

In September 2014 planning application 14/00751/P was submitted for the erection of a four storey flatted building including associated ground floor garage, on the area of land the subject of this application.

The applicant's agent was advised that as the building would be erected on a parking area, there would be a loss of off street parking. They were further advised that although a garage was proposed as part of the development, in accordance with East Lothian Council's Standard for Development Roads, garages are not recognised as off street parking as they are invariably used as storage area. In this there was no provision for off street parking to serve the proposed development and an objection was raised to the application by the Council's Road Services. Planning application 14/00751/P was subsequently withdrawn.

This application has been made in substitute for planning application 14/00751/P that was withdrawn.

Planning permission is again sought for the erection of a four storey flatted building but including a ground floor car port, as opposed to a garage, on the area of land the subject of this application.

The proposed building would contain one flat arranged over three floors on top of a car port. It would in effect be an extension to the north elevation of the flatted building containing 4 to 6 Forth Street Lane. The proposed flat would be accessed via the existing communal stairway for the flats of 6A and 6B Forth Street Lane. Three car parking spaces would be retained within the car port, one being associated with the flat of 4 Forth Street Lane the other two being associated with the proposed new flat.

The proposed building would be of a contemporary design. Its walls would be mainly finished in render with some timber clad areas. The main three storey part of the building would have a flat roof serving as a roof terrace to the fourth storey part of it. The roof terrace would have a glazed balustrade. The roof of the fourth storey element would have a slate coloured membrane roof. The windows of the building would have a vertical emphasis and be of a composite aluminium and timber frame construction. Rainwater goods would be galvanised rolled steel painted black.

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) 2013 and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4 (Development within Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Six written objections to the application have been received. They are from the occupiers of neighbouring residential properties. The main grounds of objection raised are:

- (i) the proposed building will not be a flat it is a house over two floors with a roof terrace,
- (ii) the proposal would have a detrimental effect on the appearance of North Berwick Conservation Area,
- (iii) the development will be shoe-horned into a very small area and make the area enclosed and cramped,
- (iv) the windows and Juliet balconies in the east elevation and the roof terrace of the flat would overlook the residential properties at Forth Street, Creel Court and Smugglers Gate to the west,
- (v) the proposed building would block natural light to neighbouring residential properties,
- (vi) use of the roof terrace would create noise disturbance,
- (vii) increased activity in the lane will increase noise and nuisance in the area,
- (viii) the proposed development would be built on top of the garage, livingroom and parking space for the flat of 4 Forth Street Lane and permission has not been given by the owner of that property to do so,
- (ix) the proposed development would prevent 4 Forth Street Lane from being extended or altered,
- (x) as Forth Street Lane affords access to the Police Station, any increase in traffic as a result of the proposed development would cause a potential risk in an emergency situation,
- (xi) the applicant is selling both flats at 6A and 6B Forth Street Lane without parking associated with them and,
- (xii) there are two parking spaces for the proposed flat that would not fit two normal sized cars.

The Royal Burgh of North Berwick Community Council, as a statutory consultee, does not support the proposed development on the grounds that it would amount to excessive infill in a part of the town centre that is extremely overcrowded and would overlook surrounding neighbouring properties.

The ownership of part of the application site by another party and the ability of the applicant to develop on that land is a civil matter between the respective parties that is not a material consideration in the determination of a planning application.

Whether neighbouring flats within the ownership of the applicant are being sold without dedicated parking is not a material consideration in the determination of this application.

In accordance with the definition given in the introductory of Part 1 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the building to be erected on the site is considered to be a flat if it is a separate and self-contained set of premises whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally. In the circumstance of the proposed building

it would be a separate and self-contained set of premises on three floors, divided horizontally from the neighbouring residential property of 4 Forth Street Lane over which a part of it would be built.

Any noise disturbance associated with the use of the roof terrace of the proposed flat or within Forth Street Lane owing to increased activity are matters controllable under other legislation other than planning.

By being within North Berwick Town Centre the application site is part of a mixed-use area as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. Policy ENV2 states that housing within mixed-use areas may be acceptable. Policy ENV2 also states that new town centre developments should have a vertical mix of uses (retail/commercial on the ground floor and residential above). However, in this case the application site is a backland site that is accessed from the cul-de-sac of Forth Street Lane, which is itself accessed from Forth Street, and does not have a direct frontage on to a main retail/ commercial street. Due to the location of the application site, the principle of a vertical mix of development cannot reasonably be applied and thus the flatted residential use proposed for the site. The principle of a vertical mix of uses might reasonable be only applied to development proposals on a town centre site that has a direct frontage with a main retail/commercial street and not to a small backland site such as the application site.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site.

Policy DP2 of the adopted East Lothian Local Plan 2008, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

In this case regard must also be paid to the desirability of preserving or enhancing the character or appearance of the North Berwick Conservation Area as required by Scottish Planning Policy: June 2014 and Policy ENV4 of the adopted East Lothian Local Plan 2008.

Thereafter, the principal determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations the design, positioning and layout of the proposed new house and the works associated with it are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties and their impact on the character and appearance of North Berwick Conservation Area.

The application site is part of the older core of the North Berwick Conservation Area (i.e. High Street, Quality Street and the area around the harbour) which, in the character statement for the Conservation Area given in the adopted East Lothian Local Plan 2008, is characterised by tightly packed buildings and narrow streets of a type common to many Scottish burghs. Buildings are generally compact and small scale, fronting directly on to the streets and most buildings date from the 18th and 19th century. 20th century infill development is also commonplace. Use of colour and architectural detailing, differences in roof height, shop fronts that adhere to original plot widths and retention of many original features and shop fronts make for a busy centre of variety and interest.

The proposed building would occupy the full width of its plot. It would be principally flat roofed. It would be four storeys in height, with its ground floor comprising an open car

port, its first and second floors comprising habitable accommodation in the form of a two bedroom flat with an en-suite, a shower room, open-plan kitchen/dining/ livingroom, wc and utility room and storage. Its fourth floor would be principally a roof terrace with a partially glazed room component on it. The fourth floor room component would be recessed from the outer edges of the roof terrace.

Whilst it is not essential to replicate existing building styles to build successfully in a Conservation Area and indeed in other locations, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The building proposed in this planning application is of a contemporary design, and there would be a contrast between its design and the design of the building it would in effect be an extension to. It would be a contemporary, complementary addition to the existing variety of built form within the setting of the application site. The render finish proposed for most of the area of its elevation walls would match the render finish of the neighbouring building it would be attached to. The timber cladding finishes of part of the front elevation and a small part of the rear elevation would express the contemporary architectural style of the building. The windows of the building would have a modern glazing pattern but of vertical proportions to reflect traditional windows of many buildings in this part of the Conservation Area. Although the proposed building would appear different it would add architectural interest to the appearance of the area, which is characterised by a variety of two, three and four storey buildings of a range of ages, architectural styles and external finishes. The proposed building is acceptably designed for its place and would not harm the character and appearance of the Conservation Area. By its form, design and finish the proposed building would be an appropriate addition to the Conservation Area.

On the foregoing consideration of design the proposed development does not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 or DP7 of the adopted East Lothian Local Plan 2008 or with Scottish Planning Policy: June 2014.

Policy DP2 requires that a proposed development should not adversely affect existing residential amenity. Accordingly it should not result in any significant loss of daylight, sunlight or privacy to neighbouring properties as a result of overshadowing or overlooking.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority, to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

As is stated in the North Berwick Conservation Area statement given in the adopted East Lothian Local Plan 2008, the older core of North Berwick Conservation Area is characterised by tightly packed buildings and narrow streets of a type common to many Scottish burghs. Inherent in this is the inter-visibility between residential properties.

The first and second floor windows to be formed in the front (west) elevation of the proposed building would face towards and be within 18 metres of windows in the east elevation of the neighbouring flatted building of sheltered housing at 21 Forth Street. The proposed windows serve toilet and bathroom facilities and therefore it would not be unreasonable to insist that they be obscurely glazed. Subject to those windows being obscurely glazed, a matter that can be controlled by a condition of a grant of planning permission, they would not allow for harmful overlooking of the windows in the east elevation of the flatted building at 21 Forth Street or any other neighbouring residential property.

The balconies to be formed at both first and second floor level in the west elevation would be enclosed on their west side by louvres. Subject to the imposition of a condition on the grant of planning permission that the louvres be put in place prior to the occupation of the building, the proposed balconies would not allow for harmful overlooking of windows in the east elevation of the flatted building at 21 Forth Street. The north side of each balcony would face towards the public road of Forth Street lane and beyond to Forth Street and as such would not allow for harmful overlooking of any neighbouring residential property.

The first and third floor windows in the southern part of the east elevation of the building and the first and second floor glazed double leaf doors in the northern part of the east elevation of the building would face towards the flat roof of the garage/ north outshoot of the flat of 4 Forth Street Lane and beyond to the gardens of 4 Forth Street Lane, 17 Forth Street and 3 Smugglers Gate within a distance of 9 metres. However those areas of rear garden do not benefit from a great deal of privacy at present as there is inter-visibility between them all, and also from other neighbouring residential properties. In being inter-visible those neighbouring residential properties do not themselves comply with the Council's 9 metres and 18 metres separation distances. In such circumstances the degree of overlooking which could arise from use of those openings is not considered harmful.

The first and third floor windows to be formed in the southern part of the east elevation of the building would be within 9 metres of a window formed at first floor level in the west elevation of the house of 2 Smugglers Gate. However, they would face towards a blank part of the west wall of 2 Smugglers Gate and be positioned at such an oblique angle to that first floor window that they would not allow for harmful overlooking of it or of any other neighbouring residential property. In any event the first floor window to be formed in the east elevation of the building would serve a shower room and would likely be obscurely glazed and the third floor window would serve circulation space and not a habitable room of the flat.

The first and second floor glazed double leaf doors in the northern part of the east elevation would face towards a first floor window in the west elevation of the neighbouring house of 3 Smugglers Gate. However, because of the positioning of the glazed doors relative to that first floor window the proposed glazed doors would not directly face it. Therefore in this particular circumstance, the separation distance of some 16 metres would be sufficient to prevent harmful overlooking of that window.

The windows to be formed in the north elevation of the fourth storey roof terrace room component of the building would be within 18 metres of the windows of the first floor flats of 8 and 8A Forth Street Lane to the north. However, owing to their set back position from the northern edge of the roof terrace of the building and their height relative to the windows of those first floor flats, the windows of the proposed roof terrace room would not allow for harmful overlooking of the neighbouring flats of 8 and 8A Forth Street Lane.

The windows to be formed in the west elevation of the fourth storey roof terrace room would, if not obscurely glazed, allow for harmful overlooking of fourth floor windows in the east elevation of the neighbouring flatted building of 21 Forth Street to the west. To safeguard against this it can be made a condition of a grant of planning permission that the windows in the west side of the roof terrace room be obscurely glazed.

The juliet type balconies proposed across the glazed doors to be formed in the west elevation of the building, being some 0.4 metres deep, would not allow for sitting out on them. In this and owing to the existing inter-visibility between neighbouring residential properties, they would not allow for harmful overlooking.

The north and west sides of the proposed roof terrace would directly face towards and be within 10 metres of the windows in the south elevation of the first floor flats of 8 and 8A Forth Street Lane to the north and third and fourth floor windows in the east elevation of the flatted building of 21 Forth Street, respectively. To prevent overlooking of those first floor, third and fourth floor windows, it would be prudent to impose a condition on the grant of planning permission that the north and west sides of the roof terrace balustrade have obscure glazing of some 1.5 metres in height. Subject to this control the roof terrace would not allow for harmful overlooking of those first, third and fourth floor windows of 8 and 8A Forth Street Lane and 21 Forth Street respectively.

The east side of the roof terrace would face towards the rear gardens of 17 Forth Street and 2 and 3 Smugglers Gate to the east. However those gardens do not benefit from a great deal of privacy at present as they are inter-visible from the windows of other neighbouring residential properties. In such circumstance the roof terrace would not allow for harmful overlooking of neighbouring residential properties to the east.

On the matter of the impact of the proposed building on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

Also of relevance are current Building Standards Regulations with regard to Natural lighting cited in Section 3.16 of the Technical Handbooks 2013 Domestic – Environment.

In the Guide "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" it is stated that in designing new development it is important to safeguard daylight and sunlight to nearby buildings.

In this regard and in the case of windows of an existing building that are directly facing towards the position of a proposed development the Guide gives a test to find out whether those windows would still receive enough daylight. This test is applied to all main living rooms of dwellings and conservatories. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. The test is applied to the windows using drawings that show the sectional relationship between the proposed development and the directly facing windows of the existing building. If a proposed form of new build development is below a line that is drawn rising at a 25 degrees angle from a line drawn perpendicular to a centre point on the outer face of the affected window(s) then the proposed development would not cause a harmful loss of daylight to the window(s).

In cases where some part of a proposed development would be situated within 90 degrees due south of a main window wall of an existing building the same 25 degrees test is applied to determine whether the proposed development would cause an unacceptable loss of sunlight to those windows of the existing building.

The existing windows in the south elevation of the first floor flats of 8 and 8A Forth Street Lane face directly towards the proposed building. Existing windows in the east elevation of the flatted building of 21 Forth Street face directly towards the proposed building. Moreover the proposed building is within 90 degrees due south of those windows.

When the test is applied to the building relative to the existing south elevation windows of the first floor flats of 8 and 8A Forth Street Lane it is found that the top of the roof of the building would be below the 25 degrees test line. It can therefore be concluded that the proposed building would not cause a harmful loss of daylight or sunlight to the existing south elevation windows of the first floor flats of 8 and 8A Forth Street Lane.

As is cited in Section 3.16 of the "Technical Handbooks 2013 Domestic – Environment", Building Standards Regulations the purpose of the mandatory standard for natural lighting is primarily to ensure that an adequate standard of day lighting is attained in habitable room in dwellings to allow all domestic activities to be carried out conveniently and safely. A kitchen or toilet is not deemed to be a habitable room in the building regulations.

The windows in the east elevation of the flatted building of 21 Forth Street that directly face the proposed building are kitchen windows and not windows of main/habitable rooms of the building. Therefore, as the proposed building would not result in a harmful loss of sunlight or daylight to main rooms of properties of 21 Forth Street it would not in this instance give rise to a degree of overshadowing that would be harmful to the amenity of them.

The Guide states that no more than a quarter of a main back garden of a neighbouring residential property should be prevented from receiving any sunlight on the 21st of March due to overshadowing from new development.

Application of the sunlight test given in the Guide "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" demonstrates that the proposed building would overshadow the rear gardens of the neighbouring residential properties of 4 Forth Street Lane and 15 and 17 Forth Street. However application of the same sunlight test to the neighbouring houses of 1 to 4 Smugglers Gate demonstrates that those houses already overshadow the rear garden of 4 Forth Street Lane and 15 and 17 Forth Street with significant areas of garden being overshadowed completely throughout the day. The proposed building would not overshadow those gardens when they do receive sunlight in the late morning and early afternoon, and although it would result in some overshadowing in late afternoon there would still be some sunlit areas remaining. In which case, the proposed building would not give rise to a degree of overshadowing that would prevent sunshine to the neighbouring residential properties of 4 Forth Street Lane or 15 and 17 Forth Street.

The building would overshadow some parts of the beer garden of the Old Hoose public house over the day but not the whole of the area.

On the foregoing considerations of overlooking and overshadowing the proposals do not conflict with Policy DP2 of the adopted East Lothian Local Plan 2008.

In its positioning relative to the part of the adjacent flatted building containing the flats of 6A and 6B Forth Street, the proposed building would abut the north gable of that building. In so doing the proposed building would result in the in-filling of windows in the north gable of that adjacent flatted building. Those neighbouring flats are, at this time, in the ownership of the applicant. Therefore the consequential in-filling of those windows is within the control of the applicant. Should the proposed building be built, any works to

in-fill window openings in the north gable wall of the adjacent flatted building would be internal to the building. In which case, they would not be considered to be development and as such not within the control of the Planning Authority.

Forth Street Lane provides access to North Berwick Police Station and has a Traffic Regulation Order (TRO) in place in the form of double yellow lines along the edge of the carriageway. This prohibits the waiting or stopping of vehicles on Forth Street Lane at all times and ensures that emergency access to the Police Station is available.

Three off-street car parking spaces are to be retained within the ground floor car port of the building. Those car parking spaces would be accessed from Forth Street Lane, with one being maintained for the Flat of 4 Forth Street Lane and two for the proposed flat.

The Council's Roads Services advise that the proposed parking layout shown on drawing no. PL01 provides a sufficient level of parking for the existing flat of 4 Forth Street Lane and the proposed new flat. They do however recommend that the parking bays remain hard formed over the first two metres to prevent loose material entering the public road and that garage doors should not be fitted to the car port as the driveway that would remain would not be long enough to allow a vehicle to park fully off-street. They further recommend that a construction method statement be provided to minimise the impact of construction activity on Forth Street Lane as an area where access is required at all times to the Police Station.

As the application site is within North Berwick Conservation Area where permitted development rights have been removed, alterations to the car port to infill its west side with a garage door or any other means of enclosure, would require planning permission and thus such development would be within the control of the Planning Authority.

Subject to the aforementioned controls, the proposed flat would be consistent with Policies DP22 and T2 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Service has no comment to make on the application.

Scottish Water has made no comment on the application.

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 Prior to their use on the building hereby approved, samples of the external materials and finishes of the roof and walls of the building shall be submitted to and approved in writing by the Planning Authority.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the character and appearance of the Conservation Area.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a Construction Method Statement, which shall include mitigation measures to control construction traffic and shall include hours of construction work, all to minimise disruption to the area and pedestrian access.

Reason:

In the interests of pedestrian and road safety and of the amenity of the area.

- 4 Prior to the flat hereby approved being brought into use the parking arrangements for it and the neighbouring flat of 4 Forth Street Lane shall be laid out as shown in docketed drawing no. PL01 and thereafter the parking area shall be retained for such use and; the first two metres of the parking area measured from the back edge of the public road and for the full width of the access to it from Forth Street Lane shall be hardsurfaced.

Reason:

To ensure that sufficient off-street parking is available and to prevent vehicles encroaching onto the public highway in the interests of pedestrian and road safety.

- 5 Prior to the occupation of the flat hereby approved the glazing of the first and second floor windows to be formed in the west elevation of the building and the windows to be formed in the west elevation of the roof terrace room of the building shall be obscurely glazed in accordance with a sample of obscure glazing to be submitted to and approved in advance by the Planning Authority. The obscure glazing of the windows shall accord with the sample so approved. Thereafter the glazing of the windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring flatted building of 21 Forth Street to the west.

- 6 No use shall be made of the roof terrace unless and until an obscure glazed screen measuring some 1.5m in height is erected along the full extent of the north and west sides of the roof terrace, in accordance with details and a sample of the obscure glazed screens to be submitted to and approved in advance by the Planning Authority. The obscure glazed screens shall accord with the sample so approved. Thereafter the obscure glazed screens shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In order to protect the residential amenity of the neighbouring properties to the north and west.

- 7 Prior to the occupation of the flat hereby approved the louvers to be erected on the west side of the balconies of the west elevation of the flatted building shall be fully formed in accordance with detail of them on the docketed drawings. Thereafter the balconies shall continue to be enclosed by louvers on their west side unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring flatted building of 21 Forth Street to the west.

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)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 June 2015
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

8

Note - this application was called off the Scheme of Delegation List by Councillor Berry for the following reasons: It would appear that considerable overlooking will result from this development, as well as a possibility of overdevelopment for the size of site.

Application No. **15/00166/P**

Proposal Extension to house with 1st floor balcony, formation of decking and erection of fencing

Location **53 Old Abbey Road
North Berwick
East Lothian
EH39 4BP**

Applicant Mr and Mrs Middleton

Per Christopher Thomson Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to two storey detached house and its garden ground that is located within North Berwick, in a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

In September 2013, planning permission 13/00620/P was granted for a two storey flat roofed extension to be attached to the rear elevation of the house, as a replacement for an existing extension. That planning permission was also for the change of use of an area of land formerly used as a builders yard that abuts the north side of the garden ground of the house to domestic garden ground. Planning permission 13/00620/P has not been implemented and is extant until September 2016.

In October 2014 planning permission 14/00717/P was granted for the erection of a two storey detached house with a detached residential accommodation and associated works in the garden ground to the west side of the house. Planning permission 14/00717/P has been implemented and the house is under construction.

Planning permission is now sought for a two storey extension of a different architectural form and appearance to the two storey extension approved by the grant of planning permission 13/00620/P to be attached to the rear (north) elevation of the existing extension. Additionally planning permission is sought for the erection of fencing on the east and west boundaries of the rear garden.

The now proposed extension would be in 2 distinct components - a ground floor, flat roofed component that would be wider and with a larger footprint than the first floor, monopitch roofed component that would sit on top of it. There would be a 1st floor balcony formed at the northern end of the first floor component and additionally a split-level area of decking would be formed at ground floor level.

The proposed timber screen to be erected along the full length of the west boundary of the property would be some 1.6 metres in height from ground level, taken to 1.8 metres from internal floor level outside the large kitchen window on the side (west) elevation.

It is also proposed to heighten the existing brick wall enclosing the east boundary of the rear garden by installing a timber screen along part of it, taking the total height to 1.6 metres.

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

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 (Design) and DP6 (Extensions & Alterations to Existing Buildings) of the East Lothian Local Plan 2008 are relevant to the determination of the application.

Three letters of objection have been received in relation to the proposal. The main grounds of objection are:

- 1) Details omitted from plans, such as, floor level and window opacity/sill height
- 2) Harmful overlooking from windows, balcony and decking to be formed
- 3) Harmful views into the property on a night time due to internal illumination.
- 4) Intrusive light emitted from property.
- 5) Harmful overshadowing/ loss of light
- 6) Visual amenity/ loss of view
- 7) Design, appearance and materials
- 8) Layout and density

As the drawings are scaled there is no requirement to provide additional dimensions on the plans. Additionally, the drawings submitted contain all necessary information for determination of the application. The loss of a view from existing neighbouring residential properties is not a material consideration in the determination of the application. In terms of harmful views into the property at night time due to internal illumination, the privacy of lit rooms at night is a matter for the individual property owner. In respect of light emitted from the windows of the property this would not be considered material in respect of domestic lighting. Any consideration of light pollution over and above normal domestic lighting would be a matter for the Council's Environmental Protection team to consider under the relevant legislation.

The proposed extension would require the removal of the current pitched roof of the existing extension. Planning permission is not required for this so it is not the subject of the application. The current pitched roof would be replaced with a shallow mono pitched zinc roof containing solar panels. The roof height of existing extension component would

slope with a height difference of 800mm from east to west, and the roof being some 7 metres in height at its highest point. It is proposed there would be glazed openings formed on the east elevation of the existing extension. These would take the form of two high level hopper type windows, one on ground floor level and the other on first floor level.

The ground floor flat roofed component of the proposed extension would measure some 7.65m out from the rear (north) elevation of the existing two storey extension attached to the rear of the house and would be some 3.8 metres in height from ground level at its highest point, and some 10.8 metres wide at its widest point. An area of decking would protrude a further 4m out from the rear elevation of that ground floor component of the proposed extension, split into two areas with a height difference of some 0.5 metres. The higher area of decking would be surrounded by a 1600mm opaque glass screen. It is proposed there would be glazed openings formed on all elevations of the proposed ground floor component. The side (west) elevation would contain 3 high level hopper type windows, and a large full height window. The other side (east) elevation would contain 2 high level hopper type windows. The front elevation would contain 2 sets of large sliding glazed door openings with additional glazed surrounding windows. The vertical walls of the proposed ground floor component would be clad with 'Corten' steel mesh cladding.

The trapezoidal shaped first floor component would have a shallow monopitched roof finished in zinc. It would extend some 5.5 metres out from the rear elevation of the existing extension, with a first floor timber batten balcony of an additional 1.7m out from it, partially covered by the trapezoidal mono pitched roof. The building lines of the eaves of the east and west elevations of that first floor component would be set some 1.5 metres in from the east and west edges of the ground floor flat roofed component. The flat roofed area left by the setback would contain a live (grassed) roof covering. The roof height of the first floor component would slope with a height difference of 100mm from west to east, and the roof being some 6.2 metres at its highest point. The side (west) elevation would contain 2 high level hopper type windows. The other side (east) elevation would contain 1 high level hopper type window. The front elevation would contain a large expanse of glazed openings with a glazed door opening allowing access onto the proposed balcony. The rear elevation would contain 2 high level windows that would face onto the existing house. The side (east) elevation of the proposed first floor component would be finished with zinc cladding, whilst the other side (west) elevation would be clad with vertical timber battens.

The proposed extension would be architecturally different to the existing house. It would in part be two storey in height and with the decking would extend some 11m into the rear garden of the house. Thus it would have a substantial footprint. The ground and first floor components would however have a smaller combined footprint than the existing house and extension. Therefore and as the flat top of the first floor component extension would be some 4 metres lower in height than the existing house it would in terms of its size and scale be a subservient addition to the house. By virtue of this and of its modern architectural form and building materials with large modern style glazed openings it would be a contemporary, subservient addition to the rear of the house that would not compete with but would complement the character and appearance of the house.

Due to its positioning some 3.5m away from the east boundary of the property and by virtue of its architectural form, size and scale the proposed extension would not be of such a large massing, size and scale to have a harmfully dominating or overbearing affect on the neighbouring residential property to the east or on the house being built to the west. Therefore and as the extension would be visually contained to the rear of the house and only be seen in limited public views from Old Abbey Road it would not be seen

to harm the character and appearance of the house or the character and appearance of the streetscape of Old Abbey Road.

Although large in size the proposed extension would not be an overdevelopment of the large rear garden. A 3m length of the existing rear garden ground would remain beyond the proposed area of decking and the 3.5m wide driveway that exists on the east side of the property would also remain in place. Furthermore through the grant of planning permission 13/00620/P planning permission has been granted for the change of use of the area of land beyond what is presently the rear boundary of the garden, land which was formerly used as a builder's yard, to garden ground. This gives the house of 53 Old Abbey Road an additional 196 square metres of garden ground and a parking and turning area for the house. Therefore the proposed extension would not be an overdevelopment of the garden ground of the house.

Due to their containment within the rear garden of the house and of their architectural form, size and scale the proposed fencing and timber panels would each be appropriate to their setting and would not be harmfully out of keeping with their surroundings. They would not be harmful to the setting of the house or to the character and appearance of the area.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The glazed openings on the north elevations of both ground and first floor components of the proposed extension and the first floor balcony and area of decking would face directly over the rear garden of the applicant's house and onto the railway beyond. Thus they would not give rise to harmful overlooking of any neighbouring residential properties.

The glazed window openings proposed for the east and west side elevations of the first floor component of the proposed extension would face towards and be within 9m of the east and west boundaries of the property. However those openings would be of such a height above floor level that it would not be possible for occupants of the first floor to see out of them. Therefore they would not give rise to harmful overlooking of any neighbouring residential properties to the east and west. The high level hopper windows on the east and west elevations of the ground floor component of the proposed extension and the east side elevation of the existing extension would also be of sufficient height above floor level to prevent harmful overlooking from them.

The proposed timber screen that is to be erected on the west boundary of the property would be of sufficient height outside the large kitchen window on the side (west) elevation to ensure that there would not be overlooking. It can be made a condition of a grant of planning permission that the timber screen is in place prior to any use being made of the extension.

The proposed timber screen to be added on to the east boundary wall would ensure that there would not be overlooking of any neighbouring residential properties to the east from the proposed decking extending from the north elevation of the proposed extension. It can be made a condition of a grant of planning permission that the timber screen is in place prior to any use being made of the decking.

With regards the first floor balcony, it would be fully enclosed at both ends, preventing anyone using the first floor balcony from looking directly onto the rear gardens of the neighbouring houses to the east and west. Similarly, the raised timber deck on ground floor level would have the west edge enclosed with a 1.6m high obscurely glazed screen. Those screens would be of sufficient height to prevent anyone using the raised decking from looking directly onto the rear garden of the neighbouring house to the west. Provided the screen is installed prior to any use being made of the raised timber deck, which can be made a condition of a grant of planning permission then that timber deck would not allow for harmful overlooking of the rear garden of the neighbouring residential property to the west.

Other openings could be formed in the east and west elevations of the extension under permitted development rights. Therefore to safeguard the privacy and amenity of the occupiers of the neighbouring houses to the east and west it should be made a condition of a grant of planning permission that the permitted development rights to form new openings in the first floor of the east and west elevations of the proposed extension be removed. Subject to this planning control the proposed extension would not allow for harmful overlooking of any neighbouring residential properties.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties.

In the Guide it is stated that in designing an extension to a building it is important to safeguard daylight and sunlight to nearby buildings.

The Guide states that no more than a quarter of a main back garden of a neighbouring residential property should be prevented from receiving any sunlight on the 21st of March due to overshadowing from new development.

The neighbouring garden to the east - the garden of 47 Old Abbey Road - is a north facing garden. Consequently that garden is already heavily overshadowed for most of the day by the shadow cast by the combined built form of the pair of semi detached houses comprising 47 Old Abbey Road and 45 Old Abbey Road. At present that neighbouring rear garden begins to move out of shadow at 2pm on the 21st of March.

Application of the sunlight test on the proposed extension demonstrates that it would cast a significant shadow onto the rear garden of 47 Old Abbey Road between the hours of 2pm and 4pm on the 21st of March. Although the shadow cast by the proposed extension is significant in size, because it is only cast for a period of two hours it is not considered to have a detrimental effect on the amount of sunlight received by the rear garden of 47 Old Abbey Road. The test demonstrates that the proposed extension would cast a shadow onto the rear garden of the new house at 53 Old Abbey Road between the hours of 8am and 9am on the 21st of March. Because it is only cast for a period of one hour it is not considered to have a detrimental effect on the amount of sunlight received by the rear garden of the new 53 Old Abbey Road. Consequently, the proposed extension would not, due to its height, size, and positioning, result in a harmful loss of sunlight to the adjoining houses of 47 and the new 53 Old Abbey Road. Nor would it result in a harmful loss of sunlight to any other neighbouring residential property.

With regard to daylight the Guide gives a two-part test, one part measured horizontally and the other vertically. The Guide advises that there will not be a harmful loss of daylight if a proposed extension passes at least one part of the test when applied to a window of a neighbouring house. This two-part test is applied to the proposed extension relative to the existing windows on the rear (north) elevations of adjoining houses of 47

and the new 53 Old Abbey Road. Application of the horizontal and vertical daylight tests to the proposed extension relative to those windows demonstrates that the proposed extension fails the horizontal daylight test but passes the vertical daylight test. Consequently, the proposed extension would not, due to its height, size, and positioning, result in a harmful loss of daylight to the adjoining houses of 47 and the new 53 Old Abbey Road. Nor would it result in a harmful loss of daylight to any other neighbouring residential property.

On those considerations of design the proposed extension and fencing would be consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 and DP6 of the adopted East Lothian Local Plan.

CONDITIONS:

- 1 Prior to any use being made of the extension hereby approved the raised deck to be formed on the ground floor north elevation wall shall be fitted with a 1.6 metre high obscurely glazed screen along its western edge as specified on the docketed drawings.

Reason:

In order to safeguard the privacy and amenity of the neighbouring residential property to the west.

- 2 The extension hereby approved shall not be used until the 1.6 metres high timber fence, with a 1.8 metre high section from finished floor level at the proposed large kitchen window on the west side elevation is in place along the length of the west boundary of the rear garden of the house of 53 Old Abbey Road, as specified on the docketed drawings.

Reason:

In order to protect the privacy and residential amenity of the adjoining house to the west.

- 3 The extension hereby approved shall not be used until the timber screen to be added onto the existing brick wall, taking the height of the wall to 1.6 metres is in place along the length of the east boundary of the rear garden of the house of 53 Old Abbey Road, as specified on the docketed drawings.

Reason:

In order to protect the privacy and residential amenity of the adjoining house to the east.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed within the first floor east and west elevation walls of the extension hereby approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential properties to the east and west.

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)