

REPORT TO: Planning Committee

MEETING DATE: Wednesday 29 March 2017

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00592/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 15/00581/PPM - Erection of 68 houses, 12 flats and associated works

Location **Dovecote Farm
Haddington
East Lothian**

Applicant Robertson Homes Ltd & Hallam Land Management

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 15/00581/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.

This application relates to some 4.2 hectares of agricultural land located to the southwest of Haddington. It has a broadly rectangular footprint.

The site is bounded to the east by former agricultural land which has planning permission for residential development (approval of matters specified in conditions of planning permission in principle 13/00071/PPM and ref: 14/00731/AMM). Development of that site is well underway, with some of the approved houses built and occupied. To the south of the site are areas of mature woodland and fields. To the west of the site is agricultural land.

To the north of the site is the A6093 Pencaitland Road and 3 residential properties,

beyond which is agricultural land which forms part of a larger area of land 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. At their meeting of 2 June 2015 the Planning Committee resolved to grant planning permission for the development proposed in applications 13/00519/PM and 14/0089/PM subject to the prior conclusion of a legal agreement. At the time of writing this report the legal agreement has not been concluded and therefore planning applications 13/00519/PM and 14/0089/PM have not yet been granted. At that same meeting the Planning Committee granted planning permission 14/00534/PCL for the new primary school.

In June 2016, following the conclusion of a legal agreement to secure education and affordable housing contributions, planning permission in principle 15/00581/PPM was granted for a residential development of the application site with associated infrastructure, landscaping and engineering works. A docketed Indicative Development Framework plan gives an indication how the residential development could be laid out on the site.

Approval of matters specified in conditions of planning permission in principle 15/00581/PPM is now sought for the erection of 68 houses and 12 flats and associated works on the application site.

Of the 68 houses 60 would be detached and 8 terraced. In terms of size, 4 of the proposed 68 houses would contain 2 bedrooms, 4 would contain 3 bedrooms, 47 would contain 4 bedrooms, 3 are described as having 4 bedrooms and a study, 5 are described as having 4 bedrooms and a cinema room, and 5 would contain 5 bedrooms.

The 12 flats would be located within 3, two-storey flatted buildings each containing 4 flats. Of the 12 flats 4 would contain 2 bedrooms and 8 would contain 1 bedroom.

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

Vehicular access to the 68 houses and 12 flats would be taken from the A6093 road by way of a new access junction at the northeast corner of the site. The access shown is part of the approved access to the adjacent site the subject of approval of matters specified in conditions of planning permission in principle 13/00071/PPM (ref: 14/00731/AMM).

An area of public open space, which would contain an equipped play area, would be formed on the southern part of the site. A SUDS shallow meadow basin would also be formed within the southern part of the site. A footpath link would be provided to connect into the site to the east that is currently under construction.

The application is supported by an Ecology Assessment, a Traffic Management Plan and a Green Travel Plan.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised proposals for the proposed play area; ii) revised landscape proposals; (iii) revised proposals for additional lengths of pedestrian footpaths, and (iv) revised

detail to include flatted properties. Additionally a Tree Survey, a tree protection plan, and further drainage information have been submitted.

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 15 January 2015 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 approval of matters specified in conditions. 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.

Three written representations have been received in respect of this application, all of which raises objection to the proposed development.

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:

- * the housing is repetitive and does not respond to the quality of the landscape setting;
- * too many houses are proposed;
- * garages on plots are set back from the road;
- * the overall layout lacks imagination;
- * the affordable housing is not integrated into the development;
- * the site should establish a robust landscape framework as the quality and quantity of open space falls short of requirements;
- * the play area should be integrated within the development;
- * the play area is close to a river which could be dangerous; and
- * a 3-storey building is proposed which would lead to a loss of sunlight and daylight to a neighbouring residential property.

Contrary to that which is stated in the written objections there is no 3-storey building proposed for the site. All of the proposed houses and flatted buildings are 2-storey in height.

Notwithstanding the concern of the objectors, by the grant of planning permission in principle 15/00581/PPM, approval has been given for the principle of the erection of 80 residential units on the application site. There can therefore be no objection in principle to the erection of the 80 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 Indicative Development Framework plan and conditions attached to planning permission in principle 15/00581/PPM.

The proposed residential development would form an extension to the south-western edge of Haddington. It would be set back from the A6093 road by mature tree planting and by 3 existing residential properties. Moreover it would be seen in relation to the housing development immediately to the east of the application site which is currently under construction. In all of this, the proposed residential development would not be out of keeping with the character of the settlement and local area.

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 1d of planning permission in principle 15/00581/PPM states that the detailed design of the layout shall accord with the principles set out in the Council's "Design Standards for New Housing Areas" and with the Scottish Government Policy Statement entitled "Designing Streets".

The houses, flats and associated areas of ground, in their proposed groupings, orientations, and layout would generally 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 details now submitted for approval are for a scheme of development comprising a mix of 19 types of detached and terraced houses, with all of the houses being two storeys in height. The houses would be finished predominantly with rendered walls and their pitched roofs would be clad with concrete tiles. The flatted buildings would also be two-storeys high.

The proposed houses and flats, due to their positioning on the application site, mix of house types 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 development would satisfactorily integrate with the adjacent housing site to the east which is currently under construction.

The proposed 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 an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The Landscape Project Officer raises no objection to the details of the development now proposed, being satisfied that her earlier comments have been fully addressed.

She does however recommend that measures are put in place to protect existing trees during the construction period. This 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 Environmental Health Manager raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity. He advises of the need to identify measures to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the development.

The matter of noise and disturbance during the construction period was considered in

the determination of previous application 15/00581/PPM. Condition 9 of planning permission in principle 15/00581/PPM requires that a Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the development should be submitted to and approved by the Planning Authority prior to the commencement of development. No such Construction Method Statement has been submitted with this application. However the requirements of Condition 9 of planning permission in principle 15/00581/PPM remain in force and it must be complied with prior to the commencement of development of the site.

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 proposed site layout includes an area of open space on the southern part of the site, consistent with the Indicative Development Framework plan docketed to planning permission in principle 15/00581/PPM. The Council's Principal Amenity Officer is satisfied with the provision of the proposed area of open space. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The area of open space would contain an equipped play area. The proposed size and location of the play area is consistent with the illustrative masterplan docketed to planning permission in principle 15/00581/PPM. Details of the play equipment proposed for the play area were submitted with this application. The Council's Principal Amenity Officer originally raised concerns regarding the proposed equipment, which he considered would comprise of a very low volume of individual activities available to play on and a limited range of equipment on offer and thus would not adequately provide for a development of this size. The proposed play equipment has subsequently been amended to take into account the concerns of the Principal Amenity Officer. He is now satisfied with the range of equipment proposed. 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 15/00581/PPM. These are that vehicular access to the site should be taken from the A6093 road by way of a new access junction at the northeast corner of the site.

The submitted details for accessing the proposed 80 residential units are in accordance with these principles established by the grant of planning permission in principle 15/00581/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would be accessed safely and would not lead to a road or pedestrian safety hazard. They advise that the proposed means of access and amount and location of parking within the site are all acceptable..

They recommend that:

- (i) the turning head adjacent to plot 15 on the site layout plan be extended by 3 metres;
- (ii) cycle parking be included at a rate of 1 space per flat. The parking shall be in the form

of 1 locker per flat or communal provisions in the form of a lockable room or shed;

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

(ix) a Construction Method Statement to minimise the impact of construction activity on the amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development.

Condition 5 of planning permission in principle 15/00581/PPM requires that to minimise the impact of construction activity on the amenity of the area a Construction Method Statement shall be submitted to and approved by the Planning Authority prior to the commencement of development. No such Construction Method Statement has been submitted with this application however the requirements of Condition 5 of planning permission in principle 15/00581/PPM remain in force and it must be complied with prior to the commencement of development of the site. Therefore there is no requirement to further control this through this approval of matters specified in conditions application.

Otherwise Road Services requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Condition 1t of planning permission in principle 15/00581/PPM states that a pedestrian/cycle route should be provided at the southeastern side of the site to connect to the adjacent site to the east; Condition 1u states that a formal footpath should be provided at the northern part of the site. Consistent with the requirements of Condition 1t and 1u the pedestrian/cycle route and formal footpath have been provided.

Condition 4 of planning permission in principle 15/00581/PPM requires that a Green Travel Plan should be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units, which should 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 applicant has submitted a Green Travel Plan with the application. Road Services advise the plan does include information on the provision for walking, cycling and public transport access to and within the site but otherwise does not include the other information as required by Condition 4 of planning permission in principle 15/00581/PPM. Therefore the submitted Green Travel Plan is not acceptable in its current form and would require to be resubmitted with all the detail required by Condition 4 of planning permission in principle 15/00581/PPM prior to the occupation of any of the residential units.

Condition 5 of planning permission in principle 15/00581/PPM requires 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 prior to the commencement of development. Moreover

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 80 residential units now proposed.

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 14/00632/PPM. Condition 8 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, following consultation with the Scottish Environment Protection Agency (SEPA). Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site have been submitted with the application. On appraisal of this detail SEPA raise no objection to the application.

The Council's Team Manager for Structures, Flooding & Street Lighting has no comment to make on the application.

The mechanism of a financial contribution towards additional educational provision in Haddington for a housing development of 80 residential units has already been secured through the grant of planning permission in principle 15/00581/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 20 units of the proposed 80 units) is already secured through the grant of planning permission in principle 15/00581/PPM.

The Council's Economic Development & Strategic Investment Manager raises no objection to the details of the 80 residential units now proposed.

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 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses 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 shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the

predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

- 3 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the following transportation requirements:

(i) the turning head adjacent to plot 15 on the docketed site layout plan shall be extended by 3 metres in accordance with details to be submitted to and approved in advance by the Planning Authority;

(ii) cycle parking be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

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 and bicycle parking in the interests of road safety.

- 4 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.

- 5 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 6 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house or flat on the site.

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

Reason:

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

- 7 A timetable for the implementation of the play area hereby approved shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the timetable so approved.

Reason:

In the interests of the amenity of the development.

- 8 No development shall commence until temporary protective fencing in accordance with both Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and the detail shown for it on docketed drawing no. 095.43.02f has been erected in the positions shown for it on docketed drawing no. 095.43.01f. The temporary protective fencing shall also be erected around the root protection area of the tree numbered 23 on docketed drawing no. 095.43.05f.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in

order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 9 No development shall commence until detail of the construction of the driveway within the root protection area of trees shown to be retained on the northwest part of the site has been submitted to and approved in writing by the Planning Authority. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 10 The footpath to be formed to the south of the trees shown to be retained on the northwest part of the site, and the erection of any street lighting, shall be constructed in strict accordance with section 7 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations" where they lie within any tree Root Protection Area.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 11 The existing trees to be retained on site shall be maintained in accordance with the 'Management and Maintenance of Existing Woodland' section of docketed drawing no. 095.43.02f.

Reason:

To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 12 All new planting as shown on docketed drawings nos. 095.43.01f, 095.43.02f, 095.43.03f, 095.43.04f and 095.43.05f 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 ten 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.

All the new planting shall be maintained in accordance with the maintenance programme as detailed on docketed drawing no. 095.43.01f.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to improve the biodiversity value of the area.