

**REPORT TO:** Planning Committee

**MEETING DATE:** Wednesday 26 June 2019

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **19/00147/PM**

Proposal Erection of 43 houses and associated works

Location **William Crescent  
Letham  
Haddington  
East Lothian**

Applicant Mactaggart And Mickel Homes Ltd

Per Andrew Bennie Planning

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.

This planning application relates to some 2.27 hectares of former agricultural land at Letham Mains, on the western side of Haddington. The application site forms part of a larger area of land allocated by Proposal HN1 (Letham Mains) of the adopted East Lothian Local Development Plan 2018 for a mixed use development of circa 800 houses, education and community facilities, a local centre, infrastructure and associated works.

In May 2017 planning permission (Ref: 13/00519/PM) was granted for the erection of 385 houses and 48 flats on the western part of that allocated housing site. That land includes the land that is the subject of this planning application. Also in May 2017 planning permission (Ref: 14/0089/PM) was granted for the erection of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site.

In June 2015 planning permission (Ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site.

In December 2017 planning permission (Ref: 17/00105/P) was granted for the erection of 33 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development.

In March 2018 planning permission 17/00900/P was granted for the erection of 34 houses, repositioning of plots and associated works as changes to the scheme of development the subject of 13/00519/PM. Works to implement planning permission 17/00900/P have commenced.

In August 2018 planning permission 18/00218/PM was granted for the erection of 82 residential units with associated roads, infrastructure and open space as changes to the scheme of development approved by the grant of planning permission 18/00218/PM.

Planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

Development of the housing sites has commenced.

This application site is on the western part of the site the subject of planning permission 13/00519/PM.

Planning permission is now sought for the erection of 43 houses on the site, as a change to the approved scheme of development approved by the grant of planning permission 13/00519/PPM. The changes to the approved layout would affect 40 of the house plots within the part of the Mctaggart and Mickel Homes Ltd component of the site defined as plots MM21-MM240 and to the layout of some of the parking and landscaping approved by that grant of planning permission. The proposed development would increase the number of houses to be built on this part of the site by 3. It also proposes changes to the positioning and in some cases the orientation of those houses.

The proposed development would be comprised of a mix of 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping.

Of the 43 houses 27 would be detached and 16 would be semi detached. All the houses would be for market sale with 26 of the houses having 3 bedrooms, 7 having 4 bedrooms and 10 having 5 bedrooms.

The proposed housing would be accessed from the spine road approved by planning permission 13/00519/PM that is adjacent to the eastern side of the application site. Additionally access to the site would also be via a road leading from the first phase of development located to the north of this site which is currently under construction.

This application is supported by a Design and Access Statement, a Landscape Design Statement and an updated Flood Risk Assessment.

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

considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are of relevance to the determination of this application. Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity) DP2 (design), T1 (Development Location and Accessibility) T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

Also material to the determination of the application is the approved development framework for Letham Mains. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

One objection to the application has been received. The main grounds of objection are: (i) the impact that the proposal will have on the security and privacy of neighbouring houses to the west as 12 properties would be adjacent to an existing garden, (ii) will a pathway be formed adjacent to the west boundary of the rear gardens of the 12 houses, and will it link up with a green belt the length of their communal drive, and (iii) what materials would be used.

There are no proposals to form a footpath adjacent to the west boundary of the rear gardens of the 12 houses on the west boundary of the application site. There is a linear strip identified on the site plan to the west side of the rear boundaries of the houses on the west side of the site as a "fall zone". This is a strip of land that the Council's landscape officer requires left undeveloped to safeguard the health and vitality of the existing trees located to the west boundary of the application site. This fall zone was required in the determination of planning permission 13/00519/PM and is again required by this application. It is intended that this linear strip will eventually become part of the established woodland.

Haddington Community Council were consulted on the application but made no comments on it.

By the grant of planning permission 13/00519/PM, approval has already been given for the erection of 433 residential units on the western part of the land of Letham Mains. However, planning permission 17/00105/P has also been granted for the erection of 33 houses on part of the land the subject of planning permission 13/00519/PM as a change to that scheme of development. This included a reduction in the number of approved residential units on this part of the larger housing site from 45 to 33. Therefore, whilst it is proposed to increase the number of houses by 3 on the part of the site through this current planning application, as there would be no increase to the 433 residential units already approved there can be no objection in principle to the erection of 43 houses on the application site, as now proposed.

The details now submitted for approval show a layout of development that is not significantly different to the layout of development already approved by planning

permission 13/00519/PM for this part of the Letham Mains site. Full regard has been had to the terms of the approved Master Plan that relates to the wider site, and is in conformity with the overall provisions of the Master Plan.

This development site by being to the south of the first phase of the much larger Letham Mains site will not be overly prominent in approaches to and from Haddington. Nonetheless, as part of the larger development the proposed housing has been carefully designed to respect its location. The houses now proposed would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the Letham Mains housing site by planning permission 13/00519/PM, provided there is compliance with the scheme of external finishes approved for the development as a whole by that grant of planning permission. In this regard, the predominant external wall finish should be render. However to ensure consistency with the housing development to the north, a limited number of units should be finished in stone. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses. The proposed 43 houses are broadly consistent with the requirements of the Council's approved development framework for Letham Mains and with the Masterplan docketed to planning permissions 13/00519/PM and 14/00089/PM.

Subject to the control over their finishes the proposed houses would, by their size, height, design, finishes and layout integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for the Letham Mains site.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access without being an overdevelopment of it.

However, as part of the scheme of development the subject of planning permission 13/00519/PM the new spine road will be constructed to the east side of this application site, which includes a new vehicular crossing over the Letham Burn. No details have yet been submitted regarding the new spine road crossing or the levels it will be built at. These levels will be influenced by the levels at which this site the subject of this planning application will also be built out at and vice versa. To safeguard the visual amenity of this part of the larger Letham Mains site, particularly in views from the linear park, the levels of the Letham Burn and the southern part of the application site must be kept to the minimum possible. Therefore, a condition should be attached to any grant of planning permission that requires the submission and approval of the details of the proposed levels of this site together with the proposed levels of the new spine road/road crossing of the Letham Burn prior to works commencing on site. Subject to the approval of these levels, the development of this site would conform with the overall provisions of the Master Plan approved by the grant of planning permission 13/00519/PM.

The proposed positioning of the 43 houses and other components of the development would not prejudice the remainder of the housing development already approved in detail by planning permissions 13/00519/PM and 14/00089/PM.

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

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 proposed houses would be located sufficiently far away from the new housing to the north and east of the site so as not to adversely affect their privacy or amenity. The proposed houses would largely be so sited, orientated and screened such as not to harm the privacy and amenity of any neighbouring residential property. However to safeguard the privacy and amenity of the occupants of the house to be built on Plot 9 it should be made a condition of a grant of planning permission that: (i) the 2 first floor windows on the south elevation of the house to be built on plot 3 are obscurely glazed and (ii) that permitted development rights to install other glazed openings in the first floor of that elevation are removed.

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

On the considerations of design, layout and amenity the proposed residential development is consistent with Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity) DP2 (design), T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of this application.

No changes are proposed to either the size or locations of the areas of open space approved by planning permission 13/00519/PM. Similarly no changes are proposed to the equipped play areas already approved for that part of the Letham Mains housing site.

The Council's Road Services are generally satisfied with the detailed proposals for site access and parking. Subject to the following conditions:

- (i) all adoptable footpaths shall be 2m wide;
- (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;
- (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
- (v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

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

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T1 and T2, of the adopted East Lothian Local Development Plan 2018.

The Council's Waste Services Manager made no comment on the application.

The matter of flood risk was fully considered in the assessment of application 13/00519/PM. However SEPA in their consultation response requested that an updated Flood Risk Assessment be undertaken. This was submitted and SEPA raise no objection to the 43 houses now proposed.

As stated above, planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission 14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

The Council's Legal and Procurement Services has advised that the modification to the Legal Agreement approved by the Council in March 2018 (Ref: 18/00001/OBL) will ensure that the Section 75 Legal Agreement applies in respect of the now proposed development of 43 houses. On this basis planning permission should now be granted subject to the undernoted conditions.

#### RECOMMENDATION:

It is recommended that planning permission be granted subject to the undernoted conditions:

- 1 The levels at which this site shall be built out shall be kept to the minimum required for development and without compromising the visual amenity of the area.

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 including the proposed new spine road and its associated Letham Burn Crossing;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s) including the new spine road and its Letham Burn Crossing. 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 buildings 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 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, to ensure consistency with the housing development to the north a limited number of units shall be finished in reconstituted stone. 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.

- 3 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses  
Year 2 (2018/19) - 52 houses  
Year 3 (2019/20) - 98 houses  
Year 4 (2020/21) - 107 houses  
Year 5 (2021/22) - 84 houses  
Year 6 (2022/23) - 82 houses  
Year 7 (2023/24) - 10 houses

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.

- 4 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.

- 5 Landscaping of the site shall be carried out in accordance with that shown on the landscape drawing ref .1819.L.G(92)001 docketed to this planning permission.

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.

- 6 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.

- 7 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.

- 8 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility or other method of ensuring the roads are kept clear have 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.

- 9 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.

- 10 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.

- 11 The development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

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

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

Reason:

In the interests of road safety.

- 12 The 2 first floor windows on the south elevation of the house to be built on plot 3 shall be obscurely glazed and thereafter shall continue to be obscurely glazed unless otherwise agreed in writing by



the Planning Authority.

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 side south elevation wall of the house hereby approved to be built on plot 3, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the occupants of the house to be built on the neighbouring plot 9 to the south.

- 13 Any glazed openings formed on the first floor of the protruding gable on the rear elevations of the houses to be built on plot 1 (north elevation) and plot 4 (south elevation) as shown on the site plan drawing ref:18-277(PL001 Rev C shall be obscurely glazed and thereafter shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of the houses on the neighbouring plots.