

REPORT TO: Planning Committee
MEETING DATE: Wednesday 4 March 2020
BY: Head of Development
SUBJECT: Application for Planning Permission for Consideration

Application No. **19/00995/PM**

Proposal Changes to plot numbers, house types, ground levels, repositioning of houses, erection of an additional 4 houses and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM

Location **Letham
Haddington
East Lothian**

Applicant Mactaggart and Mickel Homes Ltd

Per Fouin+Bell Architects

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

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 2.46 hectares of former agricultural land at Letham Mains, on the western side of Haddington to the south of the B6471 Road.

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. Development has commenced on both sites and some of the houses are complete and occupied.

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. This reduced the number of houses on this part of the larger site from 45 to 33 units. Development is substantially complete and the houses occupied.

In March 2018 planning permission (Ref: 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.

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.

Modification to the Legal Agreement approved by the Council in March 2018 (Ref: 18/00001/OBL) ensures that the Section 75 Legal Agreement applies in respect of the now proposed development.

This application site forms a part of the eastern area of the site the subject of planning permission 13/00519/PM.

In August 2018 planning permission (Ref: 18/00218/PM) was granted for the erection of 82 residential units, and associated roads, infrastructure, and open space as changes to the scheme of development 13/00519/PM on the site the subject of this application.

Planning permission (Ref: 18/00218/PM) has not been implemented.

Planning permission is now sought for changes to plot numbers, house types, ground levels, repositioning of houses, erection of an additional 4 houses and associated works as changes to the scheme of development the subject of planning permission (Ref: 13/00519/PM). These changes are to the same area, and as an alternative to some of what was approved by the grant of planning permission 18/00218/PM.

The additional 4 units are proposed in part to compensate for 12 units that were removed from the original scheme of development approved by the grant of planning permission 13/00519/PM. This change was approved by the grant of planning permission 17/00105/P which reduced the number of units on that part of the large site from 45 to 33.

DEVELOPMENT PLAN

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.

Proposal HN1, and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity) T1 (Development Location and Accessibility) T2 (General Transport Impact) of the adopted 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.

It is stated in Scottish Planning Policy that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

REPRESENTATIONS

None

COMMUNITY COUNCIL

No Comment

PLANNING ASSESSMENT

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

Planning permission (Ref: 13/00519/PM) granted permission for 82 residential units on the part of the Mctaggart and Mickel Homes Ltd component of the site defined as plots 21- 57, 83-105 and 22 affordable homes AH1- AH22, together with internal access roads, parking and landscaping.

The approved scheme of development for this part of the site comprises 60 residential units for

market sale and 22 units as affordable housing. The market housing comprised 4 x 5-bedroom detached houses, 7 x 4-bedroom detached houses, 5 x 3-bedroom detached houses, 30 x 3-bedroom semi-detached/terraced houses, 4 x 2-bedroom terraced houses, 4 x 1-bedroom flats and 6 x 2-bedroom flats.

The remaining 22 approved units are affordable comprising 6 houses (4 x 3-bedroomed semi-detached houses, 1 x 3-bedroomed cottage and 1 x 4-bedroomed house) and 16 flats (4 x 1-bedroomed flats and 12 x 2-bedroomed flats).

Proposed changes to the layout approved by planning permission (Ref: 13/00519/PM) would affect 47 of the residential units within the site, and also elements of parking and landscaping approved by that permission. The proposed development would increase the number of houses to be built on this part of the site to 86, with the 4 additional units being additional market housing. The applicant's agent has confirmed that overall house numbers approved within planning ref 13/00519/PM would be unaffected.

It is proposed to change the house types of the 4 approved houses on plots 40-43, to reposition the plots and to form two additional plots to the west of those approved. Plot numbers 40-43 would as a result change to 40-43, 116, and 117. The approved 3 x 4-bedroom detached houses and 1 x 3-bedroom detached house would be replaced with a 3-bedroom detached house and 3 x 3 bedroom semi-detached houses. An additional 2 x 3-bedroom semi-detached houses would be built on the two formed plots.

The 11 houses approved for plots 57-67 within planning permission (Ref: 13/00519/PM) are composed of a 5-bedroom detached house, 7 x 4-bedroom detached houses, 2 x 3-bedroom detached houses and a 3-bedroom semi-detached house. It is proposed within the application to reposition these plots and to form 2 additional plots within the northeast corner of the site and within a central position respectively. Plot numbers 57-67 would as a result change to 57-67, 118, and 119. The house types approved within (Ref: 13/00519/PM) would change to 6 x 3-bedroom semi-detached houses, 4 x 4-bedroom detached houses and a 3-bedroom detached house. An additional 2 houses composed of a 4-bedroom detached house in the northeast corner of the site and a 3-bedroom detached house within a central position would be formed on the additional plots.

To the south of the site it is further proposed to reposition the approved houses on plots 80-83 and those on 86-89 slightly to the north within existing plots.

Changes in ground levels resulting from proposals within the application will raise the finished floor levels of 18 houses across the site. Such changes in levels will however not be of a scale to cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the wider Letham Mains housing site.

The site, by being to the south of the first phase of the much larger site, is not overly prominent in approaches to and from Haddington. Furthermore, as part of the larger development the proposed housing has been carefully designed to respect the agreed development framework for the larger Letham Site and its location within the larger site.

A schedule of external finishes for the proposed houses has been submitted for approval detailing a mix of base course stone and white dry dash render throughout the site. The proposed external finishes are in compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 13/00519/PM and can therefore form a part of any planning permission.

The proposed additional 4 houses and changes to house types, plot numbers, house positions, levels and house types 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. The proposals 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 and would not prejudice the remainder of the housing development already approved in detail by planning permissions 13/00519/PM and 14/00089/PM.

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 and proposed changes to those approved would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants and so as not to harm the privacy and amenity of any neighbouring residential property. There is no public objection to the application.

A bicycle store and a bicycle/bin store to the east of the site, and a bicycle store and a bin store in the southeast section of the site, all approved in previous grants of planning permission, are to be repositioned but will remain roughly in the same areas of the site.

The Council's Landscape Officer raises no objection to the application. She recommends the imposition of a condition to any grant of planning permission requiring a timetable for the proposed planting and which would require the replacement of any trees or plants which fail within a 5-year period.

On the considerations of design, layout and amenity the proposed changes to the approved layout is consistent with Proposal H1 and Policies DP1, DP2, DP4, of the adopted East Lothian Local Development Plan 2018, the Scottish Government Policy Statement entitled "Designing Streets" and the approved development framework for Letham Mains.

No changes are proposed to either the size or locations of the areas of open space approved by planning permission (ref: 13/00519/PM).

The number of parking spaces previously provided within planning permission (ref: 13/00519/PM) would not change however the layout of spaces provided and adjacent footpaths would be repositioned.

The proposed housing would be accessed from the approved distributor road that is adjacent to the west and south of the site by way of accesses on the eastern and northern sides of that distributor road.

The Council's Road Services have been consulted on the application and have no objection, being generally satisfied that the detailed proposals for site access and parking are consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Scottish Water were consulted on the application and have no objection.

The matter of flood risk was fully considered in the assessment of application 13/00519/PM.

The Scottish Environment Protection Agency raise no objection to this application on the understanding that East Lothian Council, as planning and flood risk management authority, is content that the proposals for drainage, ground levels, etc. are consistent with the updated Flood Risk Assessment for Letham Mains, Haddington (November, 2011). The Council's Structures and Flooding Manager has no comment on the application.

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

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.

RECOMMENDATION

It is recommended that planning permission be granted subject to the undernoted 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 Housing completions on the application site and on the site of planning permission 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- 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- 75 residential units
Year 7- 69 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

- 3 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.

- 4 Landscaping of the site shall be carried out in accordance with that shown on the drawings titled 'Soft

Landscape General Arrangement' dwg. no. 171050_LM_Pha1B_S001 rev D; 'Soft Landscape General Arrangement 01' dwg. no. 171050_LM_Pha1B_SE01 rev D; 'Soft Landscape General Arrangement 02' dwg. no. 171050_LM_Pha1B_SE02 rev D; 'Soft Landscape General Arrangement 03' dwg. no. 171050_LM_Pha1B_SE03 rev D; 'Details 01' dwg. no. 171050_LM_Pha1B_D001 rev B; 'Details 02' dwg. no. 171050_LM_Pha1B_D002; 'Details 03' dwg. no. 171050_LM_Pha1B_D003 rev A; 'Details 04' dwg. no. 171050_LM_Pha1B_D004 rev A; 'Details 03 Typical planting layouts' dwg. no. 171050_LM_Pha1_D003; 'General Layout' dwg. no. SC10547-02, all as 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.

No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of amenity.

5 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.

6 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.

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 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.

- 9 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.

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.