

REPORT TO: Planning Committee
MEETING DATE: Tuesday 1 June 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

Application No. **21/00305/PM**

Proposal Substitution of house types on plots 72-119, 134-137 & 147-150 as changes to the scheme of development the subject of planning permission 17/01120/PM

Location **Letham Mains
Haddington
East Lothian**

Applicant Stewart Milne Homes Scotland

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the substitution of house types as changes to the scheme of development the subject of planning permission 17/01120/PM, it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. 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 planning application relates to some 2.4 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.

Also in May 2017 planning permission (Ref: 14/00089/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 of those two housing sites has commenced and some of the houses are occupied.

In March 2018 planning permission (Ref: 17/01120/PM) was granted for the erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission (Ref: 14/00089/PM). Planning permission 17/01120/PM was approved to comprise of 67 detached houses, 10 semi-detached houses, 41 terraced houses and 32 flats together with internal access roads, parking and landscaping. Of the 118 houses approved by planning permission 17/01120/PM 73 would be 5 or 6 bed roomed, 28 would be 4 bed roomed and 23 would be 3 bed roomed and 2 would be 1 bed roomed. Of the 32 flats, 2 would have 1 bedroom and 30 would have 2 bedrooms. Development of this part of the larger site has commenced.

PROPOSAL

This application relates to the southern part of the site the subject of planning permission 17/01120/PM, and planning permission is now sought for the substitution of the larger 4, 5 and 6 bed roomed house types approved for plots 72-119, 134-137 and 147-150 as changes to the scheme of development the subject of planning permission 17/01120/PM with similar 4, 5 and 6 bed roomed house types. There is no proposal to replace any of the smaller 2 and 3 bed roomed house types or the flatted buildings of the development with larger house types.

The proposed changes to the scheme of development approved by planning permission (Ref: 17/01120/PM) would affect 56 of the 150 residential units approved for the site comprising of:

- (i) Plots 72 & 76 - substitution of the 5 bedroom detached 'Laurieston' house type on these plots with a 5 bedroom detached 'Kingsley' house type;
- (ii) Plots 73, 82, 95, 99, 100, 109, 134, 135, 147 & 149 - substitution of the 6 bedroom detached 'Longrush' house type on these plots with a 6 bedroom detached 'Mellor' house type;
- (iii) Plots 74, 91, 97, 101, 103, 110, 115 & 117 - substitution of the 5 bedroom detached 'Melton' house type on these plots with a 5 bedroom detached 'Nairn' house type;
- (iv) Plots 75, 77, 78, 87 & 90 - substitution of the 5 bedroom detached 'Noblewood' house type on these plots with a 5 bedroom detached 'Roslin' house type;
- (v) Plots 79, 81, 83, 86 & 88 - substitution of the 5 bedroom detached 'Sandholme' house type on these plots with a 5 bedroom detached 'Stratford' house type;
- (vi) Plots 80, 84 & 85 - substitution of the 5 bedroom detached 'Southbrook' house type on these plots with a 5 bedroom detached 'Strathearn' house type;
- (vii) Plots 89, 96, 102, 116 & 137 - substitution of the 5 bedroom detached 'Kingsmoor' house type on these plots with a 5 bedroom detached 'Leven' house type;
- (viii) Plots 92, 93, 113, 114, 119 & 150 - substitution of the 4 bedroom detached 'Hawthorne' house type on these plots with a 4 bedroom detached 'Hatton' house type;
- (ix) Plots 94, 98, 105 & 106 - substitution of the 4 bedroom detached 'Dukeswood' house type on these plots with a 4 bedroom detached 'Farnharm' house type';
- (x) Plots 104, 107, 108, 111, 112 & 118 - substitution of the 5 bedroom detached 'Heddon' house types on these plots with a 5 bedroom detached 'Kendal' house type; and
- (xi) Plots 136 & 148 - substitution of the 4 bedroom detached 'Denewood' house types on these plots with a 4 bedroom detached 'Elland' house type.

Two of the proposed new house types, the 'Roslin' and 'Stratford', would be some 620mm and some 580mm higher in height than the existing house types approved for those plots respectively. Otherwise, the proposed substitute house types would generally be of the same size and scale as those to which they would replace. The proposed substitute house

types do not affect the overall number or mix of houses to be provided within this part of the site. Some minor changes to the driveway arrangements for individual house plots are proposed. There are no changes to the position or orientation of the proposed substitute house types on their individual plots nor any changes to the approved distributor roads which serve them. Overall the increase in the number of bedrooms would be by 1 through the replacement of a 2 4 bedroomed house type (Denewood) with a 4 bedroomed (Farnham) and a 5 bedroomed (Nairn) house type.

Subsequent to the registration of this application the applicant's agent has provided drainage layout drawings and a Design Statement.

The Design Statement submitted with the application informs that the proposed Stewart Milne Homes have enhanced elevations that are elegant and well proportioned, with generous glazed areas to increase natural daylight and improve surveillance and have been designed to help shape the environment and to promote "Good places, better health". Internal accommodation proportions are designed to ensure flexible work and living spaces can be offered to the full range of proposed housing. This consists of internal office working space together with easily adaptive ground floor layouts that can become self contained living areas for aging parents or teenage children. As a result 56 private detached houses have been re-elevated with enhanced accommodation space to respond to future market conditions and create a positive impact on the Letham Mains Community.

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.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Proposal HN1, and Policies DP1 (Landscape Character), DP2 (Design), DP4 (Major Development Sites), T1 (Development Location and Accessibility) and 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.

A further material consideration 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.

REPRESENTATIONS

Three written objections have been received to this application. The main grounds of objection are:

(i) the submitted drawings do not depict the adjacent development to the east and thus the impact of the proposed changes on the existing properties to the east cannot be fully assessed;

- (ii) there is a lack of information on the finished floor, ground and ridge levels of the proposed changes to the altered house types;
- (iii) the height of the new house types on plots 77, 78 and 79 are significantly increased and will have an overbearing and detrimental impact on the amenity of the existing houses to the east of the site;
- (iv) there is a lack of surface water management and information on protection measures with regards to flooding.

One of the objection letters also states that the 'Roslin' house type proposed on plots 77 and 78 should either be replaced with a 'Leven' house type or re-designed so that its pitched and hipped roof maintains the same design as that of the approved 'Noblewood' house type on these two house plots.

In response to the points raised by the objectors above:

The proposed site layout drawings submitted with this application show the adjacent houses to the east, the subject of planning permission 14/00089/PM.

The submitted drawings for each of the proposed substitute house types are shown to scale and can be measured to calculate their finished floor levels including the heights of their pitched roofs above ground level.

The proposed new house types, the 'Roslin' and 'Stratford', would be some 620mm and some 580mm higher in height than the existing house types approved for those plots respectively.

The application site is not located within a flood risk area. In any event, there is no evidence submitted by the objectors to demonstrate that the proposed substitution of the 56 houses within this part of the site would not give rise to any particular flood risk issues. In addition, the applicant has submitted drainage layout drawings to show the position of surface water and foul water sewers, manholes and drains.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

This application relates to the southern part of the site the subject of planning permission 17/01120/PM. By the grant of planning permission 17/01120/PM, approval has been given for the detailed layout and design of 150 residential units comprising 118 houses and 32 flats within the site. As the number of residential units would remain as consented it is only the alteration to the extant consent which is being considered by this planning application.

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: 17/01120/PM) granted approval for the erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission (Ref: 14/00089/PM). Within that scheme of development the 56 plots the subject of this application are all two storey, pitched roofed, detached houses of varying architectural forms and designs. The houses that are being substituted are the larger 4, 5 or 6 bed roomed houses types approved by planning permission 17/01120/PM and are being

replaced with similar sized house types. There is no proposal to replace any of the smaller house types or the flatted buildings of the development with these larger house types. Therefore the approved mix of houses would remain as approved.

The proposed substitution of the 56 houses in their proposed groupings, orientations and layouts, would generally be consistent with the site layout as previously approved by planning permission 17/011120/PM. The proposed substitution of house types would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for this part of the Letham Mains housing site, provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 17/1120/PM. In this regard, the predominant external wall finish should be render. Subject to the control over their finishes the proposed substitution of houses would, by virtue of their size, scale, 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 this part of the Letham Mains site. They would not be harmful to the character and appearance of the landscape of the area.

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 would provide an attractive residential environment for future residents.

Policy DP2 of the adopted East Lothian Local Development Plan 2018 states that, amongst other things, the design of all new development must ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

The proposed substitution of the 56 houses are shown to be laid out in the manner position and orientation as the approved houses within this part of the site the subject of planning permission 17/01120/PM. In the manner to which they are shown to be laid out the proposed houses would adhere to the normally accepted privacy and amenity criteria with regards to overlooking, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity.

"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 development on the daylight and sunlight received by neighbouring properties.

The sunlight test given in the Guide for assessing the loss of sunlight to neighbouring residential properties is conducted using sun-to-ground indicators which are based on the sun's path on the 21st of March of any calendar year. The guide states that if a space is used all year round, the equinox (21st March) is the best date for which to prepare shadow plots as it gives an average level of shadowing.

The guide recommends that at least half of a garden or amenity area should receive at least two hours of sunlight on the 21st March for it to be adequately sunlit throughout the year.

Application of the sunlight test applied to the proposed substitute house types on plots 77, 78, 79 and 80 demonstrates that due to their size, scale, height and positions, they would only overshadow the rear gardens of the neighbouring houses of 16 Gaffney Gardens and 2, 4 and 6 Pitcher Way to the east for a short duration of time, and only to a variable extent, between the hours of 1500 and 1600 on the test day of 21st March. The impact of the loss of sunlight to the rear gardens of those neighbouring houses would not, therefore, be to such an extent and for so long that they would be detrimental to the amenity of them.

Owing to their sizes, forms, orientations and positions, the proposed substitution of the 56 houses within this part of the site would not give rise to a harmful loss of sunlight or daylight received by a neighbouring residential property.

On these considerations of design, layout and amenity, the proposals are consistent with Proposal H1 and Policies DP1, DP2 and 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.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. Such a condition should be imposed on a grant of planning permission for this proposed development.

The Council's Environmental Health Officer raises no objection to this planning application.

The landscape advice from **Policy & Projects** states that all planting, seeding or turfing be carried out in the first planting and seeding season following the occupation or completion of any part of the development and that any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. Subject to an appropriately worded condition, the proposals do not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services raise no objection to this application being satisfied that there are no significant changes in the housing types and that the overall level of car parking remains the same. He also advises that there are some minor alterations to the driveway arrangements for individual plots which require adjustments to be made to the street lighting design. However, he advises these matters can be dealt with as part of the Roads Construction Consent process. Accordingly, the proposals do not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

It is recommended that planning permission 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 the details of finishes submitted with the application, the houses hereby approved shall be finished externally in accordance with the co-ordinated scheme of external materials and colours for houses approved by the Planning Authority under the terms of condition 2 of planning permission 17/01120/PM.

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 on the site of planning permissions 13/00519/PM and 14/00089/PM 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 (2017/18) - 05 residential units

Year 2 (2018/19) - 60 residential units

Year 3 (2019/20) - 75 residential units

Year 4 (2020/21) - 74 residential units

Year 5 (2021/22) - 75 residential units

Year 6 (2022/23) - 75 residential units

Year 7 (2023/24) - 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 within the application site accords with the provision of education capacity.

- 4 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.

- 5 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. 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.

- 6 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.

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development 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 the amenity of the area.

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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. 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.