

REPORT TO: Planning Committee
MEETING DATE: 7 June 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: To bring to Committee for information and wider consideration on the grounds of local concerns.

Application No. **21/01604/P**

Proposal Substitution of house types on plots 495-503 and 506-541, repositioning of plots 495-503 and 506-541 and associated works as changes to the scheme of development the subject of planning permission 19/00643/PM

Location **Letham Holdings Phase 3
Haddington
East Lothian**

Applicant Taylor Wimpey

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This planning application relates to an area 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 HN2 (Letham Mains Expansion, Haddington) of the adopted East Lothian Local Development Plan 2018 for a residential development of circa 275 homes.

The application site is adjacent to, and forms an expansion of, the larger Letham Mains development site allocated by Proposal HN1 (Letham Mains, Haddington) 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. That site is currently well under construction.

In October 2021, planning permission (Ref: 19/00643/PM) was granted for the erection of 240 houses, 32 flats and associated works on the Letham Mains Expansion allocated housing site. Planning permission 19/00643/PM has not commenced but remains extant until 6th October 2024.

This application relates to part of the southwest end of the site the subject of planning permission 19/00643/PM, and planning permission is now sought for the substitution of house types approved for plots 495-503 and 506-541, as changes to the scheme of development the subject of planning permission 19/00643/PM. The proposed changes to the scheme of development approved by planning permission (Ref: 19/00643/PM) would affect 45 of the 140 residential units approved within part of the Taylor Wimpey component of the site. Each of those 45 units would be slightly re-positioned within the site. The proposals also include some minor changes to driveway layouts, boundary treatments and landscaping within the site.

The proposed development would comprise of a mix of 29 detached houses, 12 semi-detached houses and a terrace of 4 houses. The majority of the houses would all be two storey in height with the exception of the two southern most houses which would be single storey bungalows. There are 14 different house types in total and they would all be marketed for private sale. Access would be provided from the approved spine road within the Letham Mains site. No changes to the approved distributor roads which serve them are proposed.

Subsequent to the registration of this application, the applicant's agent has submitted revised drawings to address a number of points raised by the Council's Road Services department.

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 HN2, and Policies DP2 (Design), DP4 (Major Development Sites), DP1 (Landscape Character), 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.

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 non-statutory Development Brief HN2 - Letham Mains Expansion which was adopted by the Council on 30th October 2018.

REPRESENTATION

Twenty four objections and two representations to this application have been received. The main grounds of objection and representation are:

- (i) house plots 533 and 534 do not face the unclassified Letham Mains Holdings lane and thus do not accord with ELC'S supplementary guidance/development brief;
- (ii) house plots 533 and 534 are shown to be positioned hard up against the west boundary of the site but should be set back 10-15 metres from that boundary. They should also be no higher than 1.5 storey;
- (iii) the proposed layout plan shows 9 houses surrounding two sides of 31 Letham Mains Holdings which is excessive, unreasonable and without precedent. It is suggested that a planted buffer corridor be undertaken around the south and east side of 31 Letham Mains Holdings to help create a tapered edge and preserve the character of the holdings;
- (iv) signage should be installed for traffic approaching the Letham Mains Holdings Lane junction on the Pencaitland road to indicate that Letham Mains Holdings Lane is for local access only; and
- (v) it should be made a requirement that a safe and convenient shared use footpath is maintained at all times from the Letham Mains Holdings Lane along the north side of Pencaitland Road.

House plot 533 was previously approved to face into the site and not onto the Letham Holdings Road. Therefore there is not significant change to the positioning and orientation of that house plot of the development.

With regards to house plot 534 the scheme of development approved by planning permission 19/00643/PM included an access road leading from the development onto the Letham Holdings road. However at Planning Committee, it was decided that due to public objection that, there should be no vehicular access from the development onto Letham Holdings Road. Accordingly Condition 26 of planning 19/00643/PM states that there shall be no direct vehicular access from the application site to the unnumbered road to the southwest of the application site. Therefore this part of the site had to be amended to accommodate that change to the development layout to ensure a turning head could be incorporated on that part of the site. Consequently house plot 534 has been orientated to face north and shown to be accessed via a distributor road within the site. However that house will have an enhanced gable facing onto the Letham Holdings Road.

In response to point (ii) above, house plots 533 and 534 have been re-positioned further eastwards within the site and set back from the western boundary as shown in drawing number 21917/02/PH3 01 Revision B titled 'Development Layout Phase 3'.

In response to point (iii) above, the position and number of houses located to the south and east of 31 Letham Mains Holdings are the same as those approved through planning permission 19/00643/PM.

In response to points (iv) and (v) above, the **Council's Road Services Officer** advises that, in the context of this current application, there is no requirement to condition that any signage be installed on Letham Holdings Lane and that the installation of signage is not considered to be proportional mitigation. He also states that the requirement for a shared use footpath along the northern side of Pencaitland Road from Letham Holdings Lane is included within the current scheme.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

By the grant of planning permission 19/00643/PM, approval has been given for the detailed layout and design of 272 residential units comprising 240 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 Expansion site.

The proposed substitution of house types, in their proposed groupings, orientations and layout, would generally be consistent with the site layout as previously approved by planning permission 19/00643/PM. 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 this part of the Letham Mains Expansion site, provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 19/00643/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 Expansion site. They would not be harmful to the character and appearance of the landscape of the area.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The houses 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.

On these considerations of design, layout and amenity, the proposals are consistent with Proposal HN2 and Policies DP1, DP2 and DP4 of the adopted East Lothian Local Development Plan 2018, the Council's adopted development brief for the site and Scottish Government Policy Statement entitled "Designing Streets".

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

The Council's Team Manager for Structures, Flooding and Street Lighting raises no objection to this planning application and notes that Technical Approval for the SUDS and drainage approved within the larger development site have been received from Scottish Water.

The **Council's Archaeology Officer** advises that there has been extensive

archaeological investigations which, despite there being a high potential for archaeological remains to be present on site, have shown that there is extensive disturbance across large areas of the wider Letham Mains area. He advises that there is no reason to suggest that the area of this application site has been subject to any less ground disturbance and thus considers that there is a low potential for archaeological remains to survive within the site area. Accordingly, he raises no objection to this planning application.

The **Council's Landscape Projects Officer** states that a scheme of landscaping shall be submitted for approval prior to the commencement of development. She advises that the scheme of landscaping shall include the height and slopes of any mounding on or re-contouring of the site, details of tree sizes, species, habitat, siting, planting distances and a programme of planting. 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 planning application but recommend that the following requirements are made a condition on a grant of planning permission:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;

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

(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 accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;

(viii) a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the Planning Authority prior to construction commencing. This will be reviewed after

construction is substantially complete and the developer required to make good any issues;

(ix) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

(x) a swept path, or vehicle track assessment, of the road layout must be submitted for prior approval to demonstrate how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5 metres wide with a 6.1 metres wheelbase and an overall vehicle length of 10 metres;

(xi) a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work;

(xii) a Wheel washing facility be provided and maintained in working order during the period of operation of the site; and

(xiii) prior to the commencement of development, details of the provision of new electric vehicle charging points, including any infrastructure that may be required for them, shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Subject to appropriately worded conditions, the proposals do not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

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.

Policy DEL1 of the East Lothian Local Development Plan 2018 stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Planning permission (Ref: 19/00643/PM) for the overall Letham Mains Expansion site, to which this site forms a part of, was granted subject to conditions and following the conclusion of a Section 75 Legal Agreement to secure from the applicant:

(i) a financial contribution to the Council of £3,764,486 towards the provision of additional accommodation at Letham Mains Primary and Nursery School and Knox Academy;

- (ii) a financial contribution to the Council of £92,500 towards the cost of a 7 a side sports pitch and £353,460 towards the enhancement of existing sporting facilities within the Haddington Area;
- (iii) 68 affordable residential units within the application site; and
- (iv) a financial contribution to the Council of £148,470 for transport improvements.

The Council's Legal and Procurement Services has advised that the Section 75 Legal Agreement applies in respect of the now proposed development of 45 houses. Therefore this planning permission can be granted without the modification of the S75 legal agreement.

On this basis, the proposed development is consistent with Policies DEL1, HOU3, HOU4, ED5, CF1, T32 and, as applicable Proposals T15, T17, T21, T27 and T28 of the East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan. Accordingly, planning permission should now be granted subject to the undernoted conditions.

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 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed drawings where a building is located on a corner of more than one street or road, it shall have enhanced gable(s) to ensure it has an active elevation to each street or road it faces. This includes the gables of the houses to be built on Plots 533 and 534 facing onto the Letham Holdings Road. The details of the enhanced gables shall be agreed with the Planning Authority.

Reason:

In the interests of safeguarding the character of the development.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 4 Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be some other form of enclosure such as feature walls or hedges to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site. Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 No development shall take place on site until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall include the height and slopes of any mounding on or re-contouring of the site, details of tree sizes, species, habitat, siting, planting distances and a programme of planting. It shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall include hedges of native species to all front gardens to be communally maintained at a minimum of 1 metre in height, tree planting of a mix species sizes with small species trees to front gardens, medium species trees to open spaces along roads and large species trees within open spaces.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees, hedges 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. 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.

- 6 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following requirements:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;

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

(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 accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;

(viii) a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the Planning Authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

(ix) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents; and

(x) a swept path, or vehicle track assessment, of the road layout must be submitted for prior approval to demonstrate how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5 metres wide with a 6.1 metres wheelbase and an overall vehicle length of 10 metres.

Reason:

In the interests of pedestrian and road safety.

- 7 Prior to the commencement of development a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

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 of the area.

- 8 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.

- 9 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. At least one dedicated EV charging point shall be provided per dwelling.

The details shall include a timetable for implementation and confirmation of applicant engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously at maximum rated power or via a load management system.

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

Reason:

To minimise the environmental impact of the development.

- 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. 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.