

REPORT TO: Planning Committee
MEETING DATE: 22 August 2023
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/01333/PM**
Proposal Erection of 49 houses, 4 flats and associated works
Location **Land to the south of Davids Way
Letham
Haddington
East Lothian**

Applicant Mactaggart & Mickel Homes Ltd
Per Fouin+Bell Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares and the proposal is for more than 49 residential units, 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 2.1 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.

PLANNING HISTORY

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 part of the site that is the subject of this current planning application.

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.

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. Planning permission 14/00534/PCL has been implemented.

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.

In March 2018, planning permission (Ref: 17/00900/P) was granted for the erection of 34 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. Planning permission 17/00900/P has been implemented.

In August 2018, planning permission (Ref: 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 13/00519/PM.

In June 2019, planning permission (Ref: 19/00147/PM) was granted for the erection of 43 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. This increased the number of houses on this part of the larger site by 3 units.

In October 2019, planning permission (Ref: 19/00702/P) was granted for the erection of 41 houses, re-positioning of plots and associated works as changes to the scheme of development approved by the grant of planning permission 13/00519/PPM.

In July 2020, planning permission (Ref: 19/00995/PM) was granted 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.

In October 2020, planning permission (Ref: 20/00677/P) was granted for the substitution of 37 houses, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

In March 2021, planning permission (Ref: 20/00678/P) was granted for the substitution of 13 houses, 24 flats, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

In March 2022, planning permission (Ref: 21/01322/PM) was granted for the erection of 43 houses and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM. These changes are to the same area, and as an alternative to the houses approved by the grant of planning permission 19/00147/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 two housing sites has commenced and most of the houses within the site are now built and occupied.

PROPOSAL

This application relates to the southern most part of the site the subject of planning permission 13/00519/PM.

Planning permission is sought for the erection of 49 houses, 4 flats and associated works on the site, as a change to the approved scheme of development the subject of planning permission 13/00519/PM. The changes to the approved layout would affect 46 of the house plots within the Phase 3 Mactaggart and Mickel Homes Ltd component of the site defined as plots 170 to 215 and to the layout of some of the driveway layouts, boundary treatments 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 7 and it also proposes changes to the positioning of those houses within the site.

The proposed development would comprise of a mix of 2, 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping. Of the 49 houses, 20 would be detached, 10 would be semi-detached and there would be three rows of 3 terrace houses and two rows of 5 terrace houses. The proposed houses would all be two storey in height and there would be 7 different house types in total. The proposed flatted building also would be two storeys high and would contain a total of 4, 1 bedroomed, flats. The proposed flatted building would benefit from a private communal rear garden area, which includes provision for drying green space, and an external bin storage area.

The application site would be accessed via the main spine road of Davids Way, approved by planning permission 13/00519/PM, positioned to the north of the application site.

Subsequent to the registration of this application the applicant's agent has provided revised drawings to address a number of points raised by the Council's Road Services department. The applicant's agent has also provided a statement on the relevant policies of National Planning Framework 4 (NPF4) and a Surface Water Management Plan.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 15th February 2023, the Council issued a formal screening opinion on planning application 22/01333/PM concluding that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application. Proposal HN1 and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity), HOU4 (Affordable Housing Tenure Mix), NH11 (Flood Risk), T1 (Development Location and Accessibility), T2 (General Transport Impact) and W3 (Waste Separation and Collection) of the adopted 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.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

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

There is no public objection to this planning application. However, one letter of representation has been received. The main concerns raised by the representors are made on the grounds that:

- (i) the position and proximity of a two storey house which appears to be sited approximately 2 metres away from the boundary fence enclosing the rear garden of a neighbouring house;
- (ii) during the purchase process the representor claims that they were advised that there would be a lane between the rear garden of their house and the proposed new residential development to the west of them. Accordingly, the representors seek clarification if the house, which would occupy plot 183 within the application site, could be re-positioned further away in the absence of any lane; and
- (iii) the land to which this application relates is currently being used as a holding site for a large quantity of soil, presumably from ongoing works relating to an adjacent site, resulting in the level of the ground being raised and issues arising with water logging. The representors state that they have been advised by workmen that the application site will be excavated and levelled to the same height of the gardens of the houses to the east and otherwise the roadway to the north and thus they seek assurance of this.

In response to the points raised by the representor above:

Measuring from the application drawings, the two storey 'MacKenzie' house type (which would occupy plot 183) is shown to be located some 3 metres away from the boundary fence enclosing the rear garden of a neighbouring house. However, that proposed house would be re-positioned some 1 metre further away from the east boundary of the site (and

thus from the boundary fence enclosing the rear garden of the neighbouring house to the east) than that of the two storey 'Staffa' house type which was approved on that plot through the grant of planning permission 13/00519/PM. Moreover, the finished floor level of the two storey 'MacKenzie' house type that would occupy plot 183 would be some 650mm lower than the finished floor level of the two storey 'Staffa' house type which was approved for that plot.

The docketed drawings relating to planning permission 13/00519/PM do not show the intention to form a lane or path to the east of the approved houses within this part of the M&M phase 3 component of the site. The docketed drawings show that a pair of two storey semi-detached houses and 4 two storey detached houses were to occupy the most eastern part of the site. What is now proposed through this current application shows a reduction in the number of houses from 6 to 4 within the most eastern part of the site. Moreover, each of those proposed 4 houses would be located further away from the east boundary of the site compared to the 6 houses approved within that part of the site which were located closer to the east boundary of the site.

At the time of the case officers visit to the application site there was no soil, or any other materials, being stored on the application site. Moreover, and notwithstanding that excavation works are yet to take place within this part of the site, the site levels would not be significantly different from the site levels approved through the grant of planning permission 13/00519/P.

COMMUNITY COUNCIL COMMENTS

Haddington Area Community Council have been consulted on this application but have not responded with any comments.

PLANNING ASSESSMENT

By the grant of planning permission 13/00519/PM, approval has been given for the erection of 433 residential units on the western part of the land of Letham Mains. Of those 433 residential units the applicant, Macktaggart and Mickel (M&M), are to deliver 215 units (including 37 affordable units). However, as a change to the scheme of development approved by the grant of planning permission 13/00519/PM, the number of houses M&M built on the northern part of the site was reduced from 45 units to 33 through the grant of planning permission 17/00105/P. Therefore there has been a reduction in the number of residential units to be built on the larger site by 12. In addition to those 33 houses approved through the grant of planning permission 17/00105/P, M&M were also granted planning permission for the erection of 86 houses (through the combination of planning permissions 18/00218/PM and 19/00995/PM) on the eastern part of the site and 43 houses (through the grant of planning permission 21/01322/PM) on the western part of the site. Of the 215 units, M&M have delivered 162 units (22 of which are affordable) within the Letham Mains site. As is proposed through this current application, the 53 residential units (15 of which are affordable) tallies with, and thus does not exceed, M&M's cap of providing 215 units (including 37 affordable units) within the Letham Mains site. Consequently, and as there would be no net increase to the 215 units to be delivered by M&M, or to the overall 433 residential units approved as part of the overall Letham Mains site, there can be no objection in principle to the erection of 49 houses and 4 flats on this part of the application site, as is proposed.

Accordingly, the primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy, other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other

supplementary planning guidance.

The details now submitted for approval show a layout of development that is somewhat different to the layout of development already approved for this part of the Letham Mains site but not significantly so. The main difference is that 7 additional houses are proposed within the site and that the proposed houses and flats are slightly re-positioned. Otherwise the layout of the site generally reflects that which was approved through planning permission 13/00519/PM. Full regard has been had to the terms of the approved Master Plan that relates to the wider site and therefore the layout now proposed conforms with and generally accords with the overall provisions of the Master Plan.

Policies 14, 15 and 16 of NPF4 are relevant to this development proposal but are largely pre-determined by the grant of planning permission 13/00519/PM. Those policies seek to ensure that development proposals are designed to improve the quality of the area in which it is located, contribute to local living and improve the affordability and choice of housing in an area.

In particular, part b) of Policy 16 states that development proposals that include 50 or more homes should be accompanied by a Statement of Community Benefit to explain the contribution of the proposed development to:

- (i) meeting local housing requirements, including affordable homes; (ii) providing or enhancing local infrastructure, facilities and services; and
- (iii) improving the residential amenity of the surrounding area.

In this regard, the applicant's agent has submitted a statement to outline the Community Benefits associated with the proposed development. It states that the application site is part of the Letham Mains site, allocated in the ELLDP 2018 for the development of circa 800 homes plus education and community facilities by Proposal HN1, and which is the subject of planning permission 13/00159/PM. It states that this allocated site has been identified through the LDP as being suitable for residential development to meet housing needs. It therefore states that the proposed development on the application site will therefore contribute to meeting local housing requirements, including affordable, which complies with point (i) of Policy 16. With regards to point (ii) of Policy 16 it is stated that the wider Letham Mains site has secured provision for a new primary school, which opened in 2021, as well as a sport pitch, changing facilities and significant areas of open space and footpath links. It states that these elements contribute to local infrastructure being enhanced and that increasing the local resident population helps to support local facilities and services. It also states that, taking into all of the above considerations as a whole, this results in the overall amenity of the area being protected and enhanced which complies with point (iii) of Policy 16.

Policy DP2 of the adopted East Lothian Local Development Plan 2018, amongst other things, requires that all new development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale, be well designed and integrated into its surroundings, provide a well connected network of paths and roads within the site and ensure privacy and amenity - with particular regard to levels of sunlight, daylight and overlooking, for existing and future occupants of neighbouring properties.

The proposed development would comprise of a mix of 2, 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping. Of the 49 houses, 20 would be detached, 10 would be semi-detached and there would be three rows of 3 terrace houses and two rows of 5 terrace houses. The proposed houses would all be two storey in height and there would be 7 different house types in total. The proposed flatted building would be two storeys high and would have a pitched roofed form. It would contain a total

of 4, 1 bedroomed, flats. Of the 53 proposed units, 38 would be marketed for private sale and 15 would be affordable homes. This mix of detached, semi-detached and terraced houses together with the 4 flats would be very similar to the mix of house types already approved for the site.

The proposed houses and flats types in their proposed groupings, orientations and layout, would generally be consistent with the site layout as previously approved by planning permission 13/00519/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 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 13/00519/PM. 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 reconstituted stone. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses. Subject to the control over their finishes the proposed substitute 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 housing site.

The application site is capable of accommodating all of the proposed houses and flats, including the additional 7 units, without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area. Moreover, the proposed development would be set within a sustainable and well connected location and thus it would contribute to local living in the Haddington area.

The proposed development would also provide an attractive residential environment for future residents of the proposed houses and flats. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. Moreover, the houses and flats would be laid out in such a way to ensure that there would be no loss of amenity through overlooking, overshadowing or loss of daylight to the existing occupants of neighbouring residential properties.

On the considerations of design, layout and amenity, the proposals are consistent with Policies 14, 15 and 16 of NPF4 and with Proposal HN1 and Policies DP2, DP4 and RCA1 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.

Scottish Water raise no objection to this application and advise that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and that the proposed development would be serviced by Haddington Waste Water Treatment Works.

The **Council's Waste Services** raise no objection to this application but advise that residents would be required to present containers for collection at the front of their property. Accordingly, the proposals are consistent with Policy 12 of NPF4 and Policy W3 of the adopted East Lothian Local Development Plan 2018.

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

The **Council's Environmental Protection Officer (Contaminated Land)** has advised that, whilst the site has been agricultural ground for a substantial period of time and doesn't appear to have had any historic potentially contaminative land use associated with it, there is a possibility that undocumented areas of made ground may exist on the site. Accordingly, he recommends that in order to determine the ground conditions and potential contamination issues impacting on the site, a Phase I Geo-Environmental Assessment (Desk Study) be carried out. This matter can be controlled by condition on a grant of planning permission.

The **Council's Affordable Housing Officer** advises that, in the case of this application, there is a requirement to deliver 17% of the total number of housing units for affordable housing and that the proposed mix within this application is based on providing 15 affordable units which has been agreed with the Council. The Council's Affordable Housing Officer therefore raises no objection to this planning application but recommends that discussions continue with Places for People regarding the internal layouts of the house types to ensure that the criteria for grant funding is established. Accordingly, the proposals do not conflict with Policy HOU4 of the adopted East Lothian Local Development Plan 2018.

The **Council's Planning Obligation Officer** confirms that, under the Section 75 Legal Agreement relating to applications 13/00519/PM and 14/00089/PM, there are no additional developer contributions required as the proposals do not exceed more than 215 M&M units (including 37 affordable units) being delivered on Letham Mains housing site.

The **Council's Biodiversity Officer** has been consulted on this application but has not responded with any comments.

The **Council's landscape department** have been consulted on this application but have not responded with any comments.

The **Council's Flood Prevention Officer** raises no objection this planning application but recommends that the submitted Surface Water Management Plan be updated to (i) include details on how surface water and attenuation water on site will be managed; and (ii) demonstrate that the level of protection to be attenuated will ensure that there will be no flooding at a 1 in 200 year plus climate change flood event. Therefore, subject to an appropriately worded condition, the proposals do not conflict with Policy 22 of NPF4 or with Policy NH11 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 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;

(ix) 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. Construction access to the site will not be permitted via the Knox Place junction onto West Road or via Clerkington Road/Park Lane'. 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;

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

(xi) 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 Policy 13 of NPF4 or 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.

Policies 1 and 2 of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change. The applicant's agent has submitted a statement on the relevant policies of National Planning Framework 4 (NPF4) and, with regards to Policies 1 and 2, it states that:

- o The development will benefit from Air Source Heat Pumps (ASHP) for space and water heating within all homes. These technologies emit very low to zero levels of CO2 emissions and provide onsite energy generation to reduce / remove the reliance of fossil fuels;
- o All houses will be include highly insulated timber kit and window / door openings as standard;
- o All houses will benefit from 100% low energy light fittings which will reduce energy demand for lighting;
- o All houses will benefit from electric car charging infrastructure, thereby making it practical and straightforward for residents to convert from petrol or diesel to electric vehicles; and
- o To support home working all houses Fibre to the Premise (FTTP) will be provided in all new homes, providing residents with the opportunity to connect to Ultrafast Fibre from day 1 (enabling speeds up to 1GB).

In conclusion, it states that all of the above measures will help to minimise lifecycle greenhouse gas emissions and reduce climate change impacts whether by being eco-friendly technology that, in itself, supports these aims, or by helping to facilitate home working that, by association, can help reduce the need to travel by car and thus reduce emissions.

Although this statement provides some of the required information, further details on the actions to be taken to reduce the carbon emissions from the build and from the completed development are required and the requirement for this information can be secured through by a condition imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 or 2 of NPF4.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. In this regard, drawing numbers MMLM2 104.22 SL-01 Revision C, MMLM2 104.22 SL-02 Revision A and MMLM2 104.22 SL-03 Revision A show that new trees, shrubs and hedging are to be planted within the application site. The planting of the trees, shrubs and hedging are considered to be appropriate measures to enhance biodiversity within the site. The new tree, shrub and hedge planting can be made a condition on a grant of planning permission. Subject to such control, the proposals do not conflict with Policy 3 of NPF4.

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 proposals accordance with the Development Plan.

RECOMMEDATION

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

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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.

- 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. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses, respectful of their design integrity. 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.

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

Reason:

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

- 5 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

- 6 To ensure that the site is clear of contamination and that remediation works are acceptable. The flatted building hereby approved shall be provided with communal drying green space in accordance with the details shown for such space on drawing number PL(01) Revision E titled 'Site Plan Phase 2A'. The communal drying green space shall be formed and made available for use prior to the occupation of the flats on plots 210, 211, 212 and 213, and shall thereafter be retained and available for such use unless otherwise approved in writing by the Planning Authority.

Reason:

- 7 In the interest of the amenity of the neighbouring residential properties and to minimise the environmental impact of the development. Prior to the occupation of the flats hereby approved, the bin storage facilities for those flats as shown on docketed drawing number PL(01) Revision E titled 'Site Plan Phase 2A' shall be formed and made available for use.

Reason:

- 8 To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area. All new planting, seeding and turfing as detailed on drawing numbers MMLM2 104.22 SL-01 Revision C, MMLM2 104.22 SL-02 Revision A and MMLM2 104.22 SL-03 Revision A docketed to this planning permission shall be carried out in the first planting season (between November and February) following the completion of the development hereby

approved. Any new trees, shrubs, plants or hedging 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 in the interests of the amenity of the area and to enhance the biodiversity of the site.

- 9 Prior to commencement of development hereby approved a Surface Water Management Plan (SWMP) for the site shall be submitted to and approved by the Planning Authority. The SWMP shall include details on how surface water and attenuation water on site will be managed and shall demonstrate that the level of protection to be attenuated will ensure that there will be no flooding at a 1 in 200 year plus climate change flood event.

The development shall thereafter be carried out in strict accordance with the Surface Water Management Plan and details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 10 The residential scheme of development shall comply with the following transportation 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; and

(viii) 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.

Reason:

In the interests of pedestrian and road safety.

- 11 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. Construction access to the site will not be permitted via the Knox Place junction onto West Road or via Clerkington Road/Park Lane'. 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.

- 12 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.

- 13 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, unless otherwise agreed in writing by the Planning Authority.

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 charge points 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.

- 14 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.