

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 December 2009

BY: Executive Director of Environment
(Planning & Building Standards)

SUBJECT: Application for Planning Permission for Consideration

Application No. **09/00040/REM**

Proposal Erection of 49 houses and associated works (Reserved matters on Outline Planning Permission 02/00223/OUT)

Location **Area M
West Windygoul
Tranent
East Lothian**

Applicant The Walker Group Ltd

Per Hypostyle Architects

Ward 004

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Outline planning permission (ref:02/00223/OUT) was granted in July 2003 for the principle of residential development, a new school, a shop, landscaping and associated infrastructure provision on some 42 hectares of agricultural land at the western end of the south side of Tranent (i.e. West Windygoul). Condition 2 of outline planning permission 02/00223/OUT requires that the overall development of the land be in accordance with the Masterplan and Masterplan Report docketed to the permission. The Masterplan subdivides the land into a framework of 16 development plots of land; fourteen for residential development and the remaining two for education/community use and a local shop.

Through subsequent grants of reserved matters approval or full planning permission the distributor road has been constructed and development of most of the development plots is either completed or well advanced.

Through this application the approval of matters specified in conditions (formerly known as reserved matters approval) is sought for the erection of 49 houses on some 2.3 hectares of the land that is the subject of outline planning permission 02/00223/OUT. The application site is designated housing development Area M in the Masterplan for West Windygoul.

The application site is bounded to the north by a landscape strip, designated in the Masterplan to be a tree belt, with housing beyond. It is bounded to the west by another landscape strip, designated in the Masterplan to be a tree belt, with the B6414 Tranent-Elphinstone road beyond. It is bounded to the south by agricultural land, and to the east by housing development Area K, which has been developed with houses approved by reserved matters approval 06/00732/REM, granted in July 2007.

Vehicular access to the proposed 49 houses would be at a point on the east boundary of the site. The access would be a continuation of the existing access road that runs through housing development Area K, which abuts the eastern end of the application site. This road would also provide pedestrian access between the housing of development Area K and the proposed housing. An additional pedestrian footpath link would be formed at the northeast corner of the site and would connect into the strategic footpath network of West Windygoul.

Amendments have been made to the proposed scheme of development since the application was registered. These changes take the form of alterations to the scheme of external finishes to be used for the proposed houses, alterations to the locations of the visitor parking spaces, driveway widths and the introduction of traffic calming measures. These alterations are detailed in amended drawings submitted by the applicant.

As the area of the application site is greater than 2 hectares, the development proposed in the application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 defined as being a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for the decision of the Council.

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 Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008. Material to the determination of the application is the site's planning history.

Policies ENV1G (Design of New Development) and HOU1 (Existing Housing Sites) of the approved Edinburgh and the Lothians Structure Plan 2015, and Policies H1 (Housing Quality and Design), DP2 (Design), DP14 (Trees on or adjacent to Development Sites), DP22 (Private Parking), T2 (General Transport Impact) and C1 (Minimum Open Space Standard for new General Needs Housing Development) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

One letter of objection to the application has been received. The grounds for objection are that the local infrastructure (e.g. doctors, schools and play areas) has not been

developed quickly enough to accommodate these additional houses.

The new Windygoul Primary School is built and is in use to meet the educational requirements of pupil generation from the occupation of the 800 houses for West Windygoul set by the grant of outline planning permission 02/00223/OUT, including those to be built on development Area M. Through reserved matters approvals and planning permissions granted subsequent to the grant of outline planning permission 02/00223/OUT, approval is given for an adequate provision of toddlers and other play areas at West Windygoul. There is no requirement for any of this play provision to be within development Area M. Medical provision at Tranent Medical Centre is the responsibility of agencies other than the Council as Planning Authority. This matter is not therefore a material consideration in the determination of this application.

The principle of residential development of Area M was established by the grant of outline planning permission 02/00223/OUT, a decision that when taken was compliant with Policy H7 of the approved Lothian Structure Plan 1994 and Proposal TT2 of the adopted East Lothian Local Plan 2000. The development of Area M continues to be supported by Policy HOU1 (Existing Housing Sites) of the approved Edinburgh and the Lothians Structure Plan 2015 (the replacement for the Lothian Structure Plan 1994) and by Proposal H39 of the adopted East Lothian Local Plan 2008 (the replacement for the adopted East Lothian Local Plan 2000).

The grant of outline planning permission 02/00223/OUT places a development limit of 800 houses on the land of West Windygoul and the 49 houses now proposed for the application site (development Area M) are accounted for in that total.

The Masterplan approved for the land of West Windygoul sets out the general principles for its development but does not address detailed matters of layout, house styles and finishes. With regard to the general principles of development the Masterplan states that the strategy should be to create a sympathetic extension to the town of Tranent with due regard to its urban traditions. West Windygoul will be Tranent's main housing development site for the foreseeable future and such development must assist in the provision of a wide range of house types and sizes in order to cater for varying housing needs.

The proposed development is to contain 33 detached, 8 semi-detached and 8 terraced houses, in a range of 11 different house types. The houses would occupy two thirds of the site. There would be an area of recreational open space on the eastern part of the site between the proposed houses and the existing housing on the neighbouring development Area K. The houses proposed for the northern edge of the site would be laid out with either their rear elevations or their side gable elevations facing the landscape strip. The houses proposed for the western edge of the site would be mostly laid out with their front elevations facing the landscape strip and the B6414 public road to the west. The houses proposed for the southern edge of the site would be laid out with their side gable elevations facing the neighbouring agricultural land to the south. The eastern most of the proposed 49 houses would be laid out with their front elevations facing the recreational open space area to be formed on the eastern part of the site, allowing for some degree of overlooking of the area of recreational open space in the interests of public safety. The visual impact of the enclosed garden boundaries along the west and north boundaries of the site would be absorbed by the structure planting of the tree belts that are to be created

along the west and north sides of the application site as part of the requirement of the Masterplan for West Windygoul.

The proposed houses by being two storey in height would not appear dominant or incongruous in their relationship with the other built form of the various housing developments on the land of West Windygoul and of the established housing areas to the north of the site, which respective areas contain a preponderance of two storey buildings.

Render is approved as the predominant external wall finish for the already approved component housing developments at West Windygoul, although some limited use of facing brick/artificial stone has also been approved for the purpose of picking out an architectural feature(s) of the houses and flatted buildings. The house types proposed for this site are also to be predominantly rendered, with some of the houses displaying a limited use of artificial stone. To break up the monotone of the housing developments at West Windygoul the requirement is for a wider use of colour to the rendered finishes of the buildings in a co-ordinated manner that marries with the component elements of the layout of each development. This is a design concept that should equally apply to this site. The proposed scheme of external finishes would give a variety of colour of renders and roof claddings in accordance with the principles of the design concept for West Windygoul. This matter can be controlled by a condition imposed on the approval of matters specified in conditions for this proposed development. The range of house types proposed, with a co-ordinated scheme of finishes and colours would lead to an acceptable mix of style and design which together with the layout of the development would give visual interest and an attractive character and appearance to the development of Area M in keeping with the overall form of the new housing developments of West Windygoul.

On the considerations of layout and design the proposed development is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies H1 and DP2 of the adopted East Lothian Local Plan 2008.

The proposed houses are to be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants. The house type proposed for each of plots 4 and 15 would be positioned on their plots such that the first floor landing window to be formed in the east gable wall of each of those houses would allow for harmful overlooking of the rear garden and rear elevation windows of the houses to be positioned to the east of those house plots. To safeguard against this that first floor gable window of each of the houses to be built on plots 4 and 15 should be obscure glazed. The house type proposed for plot 6 would be positioned on its plot such that the first floor staircase window to be formed in the north gable wall of the house would allow for harmful overlooking of the rear garden and rear elevation windows of the house to be positioned to the north. To safeguard against this that first floor gable window of the house to be built on plot 6 should be obscure glazed. The house type proposed for plot 43 would be positioned on its plot such that the first floor staircase window to be formed in the east gable wall of the house would allow for harmful overlooking of the side (west) elevation windows of the house to be positioned to the east. To safeguard against this that first floor gable window of the house to be built on plot 43 should be obscure glazed. The house type proposed for plot 44 would be positioned on its plot such that the first floor staircase window to be formed in the west gable wall of the house would allow for harmful overlooking of the side (east) elevation windows of the house to be positioned to the west. To safeguard against this that first floor gable window of the house to be built

on plot 44 should be obscure glazed. These controls can be exercised through a condition imposed on the approval of matters specified in conditions for the proposed housing development. Subject to this control, all of the proposed houses would be positioned so as not to harm the privacy and amenity of the neighbouring houses and gardens. Furthermore the applicant's agent has advised that all of the windows serving a bathroom, en-suite or WC would be obscurely glazed.

On the consideration of privacy and amenity the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Plan 2008.

The Council's Senior Environmental and Consumer Services Manager advises that the site is within close proximity to land formerly affected by past mining activities. Although there is no historical evidence to suggest that there are any contaminative issues associated with the site there may be localised contamination of the soils on the site. He recommends that a condition be imposed on the grant of planning permission to ensure that if the presence of any previously unsuspected or unforeseen contamination becomes evident during the development of the site it shall be brought to the Council's attention.

The Council's Head of Transportation is satisfied with the proposed arrangements for access and parking, subject to the imposition of conditions on the approval of matters specified in conditions to control the standard of provision of roads, driveways, parking spaces, parking bays and footway crossings, and for the submission of a Construction Method Statement to minimise the impact of construction activity on the amenity of the neighbouring residential properties to the east, though which construction traffic will have to pass. Subject to such controls the proposed development is consistent with Policies DP22 and T2 of the adopted East Lothian Local Plan 2008.

The proposed access road and pedestrian footpaths would cross the area of recreational open space to be formed on the eastern part of the application site. There are several mature trees on this part of the site, the majority of which are proposed to be retained. Four of these trees, an oak, an elm and two sycamores, are located close to the positions proposed for the access road and footpaths. The applicant has submitted an arboriculturalist's report in relation to the existing trees on this part of the site. A conclusion of the report is that the oak tree would have to be felled to enable formation of the proposed site access road and that to compensate for this a replacement tree should be planted. The landscape advice from the Council's Policy and Projects Manager is that given that the tree surgery required to be carried out to the oak tree would have a negative impact on the overall crown shape and that this tree is in poor condition, the felling and removal of this tree is acceptable, subject to its replacement with a semi-mature oak tree to be positioned a suitable distance back from the proposed access road and footpath. The elm tree and the two sycamore trees contribute positively to the landscape character of the area and should be retained and protected during construction works. These matters can be conditional on the grant of approval of matters specified in conditions. Accordingly, the proposed development is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Masterplan for West Windygoul stipulates that equipped play areas for toddlers and the 5-10 age group and casual/informal play spaces be located throughout the development area, within 400 metres of any dwelling. The houses to be provided within the application site would be within 400 metres of play areas to be formed on land

elsewhere at West Windygoul.

Drainage of the site is tied in with the requirements of the Scottish Environment Protection Agency for the drainage of all of the developable land of West Windygoul by an integrated Sustainable Urban Drainage Scheme (SUDS).

RECOMMENDATION:

That approval of matters specified in conditions be granted for the proposed development subject to the following conditions:

- 1 The external finishes of the houses hereby approved shall accord with the details specified on docketed drawing no. 2191/L(0)001/Rev.J unless otherwise approved by the Planning Authority.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 2 Prior to the occupation of the house type YAR(h) proposed for plot 4 and the house type YAR proposed for plot 15 the first floor landing window to be formed in the east gable wall of each of those two houses shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained on the window, unless otherwise approved by the Planning Authority.

Reason:

To prevent, in each case, harmful overlooking of the neighbouring properties to the east and thus to safeguard the residential amenity of those properties.

- 3 Prior to the occupation of the house type ALB proposed for plot 6 the first floor staircase window to be formed in the north gable wall of the house shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained on the window, unless otherwise approved by the Planning Authority.

Reason:

To prevent harmful overlooking of the neighbouring property to the north and thus to safeguard the residential amenity of that property.

- 4 Prior to the occupation of the house type ALB(h) proposed for plot 43 the first floor staircase window to be formed in the east gable wall of the house shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained on the window, unless otherwise approved by the Planning Authority.

Reason:

To prevent harmful overlooking of the neighbouring property to the east and thus to safeguard the residential amenity of that property.

- 5 Prior to the occupation of the house type ALB proposed for plot 44 the first floor staircase window to be formed in the west gable wall of the house shall be fitted with obscure glazing and thereafter the obscure glazing shall be retained on the window, unless otherwise approved by the Planning Authority.

Reason:

To prevent harmful overlooking of the neighbouring property to the west and thus to safeguard the residential amenity of that property.

- 6 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing by

the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Before the house is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the building.

- 7 A Construction Traffic Method Statement designed to minimise the impact of the movements of construction traffic to and from the application site on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. The Construction Traffic Method Statement shall include any recommended mitigation measures for the control of construction traffic, which shall, as may be applicable, be implemented prior to the commencement of development and during the period of development works being carried out on the application site.

Reason:

To minimise the impact of construction traffic in the interests of safeguarding the amenity of the area.

- 8 The road layout, traffic calming measures, private and public parking, footways, footpaths and turning areas shall be laid out in accordance with docketed drawing no. 2191/L(0)001/Rev.J unless otherwise approved by the Planning Authority. Thereafter, the road layout, traffic calming, private and public parking, footways, footpaths and turning areas shall be retained for such uses.

All prospectively adoptable roads, traffic calming, street lighting, private and public parking, footways, footpaths and turning areas shall be laid out and constructed to East Lothian Council Standards for Development Roads.

The details of the surfacing materials proposed to be used for the site access roads, driveways, visitor car parking spaces and footpaths, shall be submitted to and approved in advance by the Planning Authority and the works when undertaken shall accord with the details so approved. The works when undertaken in accordance with the approved details shall be completed in their entirety prior to the occupation of the last of the houses of the development.

All driveways and private parking bays hereby approved shall be hard formed over the first 2 metres of their length measured back from the edge of adjacent carriageway and for their full width.

Reason:

To ensure the satisfactory completion of the roads, parking spaces and footpaths in the interest of visual amenity and highway safety.

- 9 Prior to the completion of the development or occupation of the last of the houses, whichever is the sooner the road layout, traffic calming measures, private and public parking, footways, footpaths and turning areas as all specified in docketed drawing no. 2191/L(0)001/Rev.J shall be formed, unless otherwise approved by the Planning Authority.

Reason:

In the interests of highway safety.

- 10 Other than the one oak tree that is shown on docketed drawing 2191/L(9)001 to be removed all existing trees and bushes on the application site shall be retained and shall not be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development.

- 11 In the first planting and seeding season (October - March) following the completion of the development, one replacement oak tree shall have been planted on the application site as specified on docketed drawing no. 2191/L(9)001 and the landscaping scheme also specified on that docketed drawing shall have been implemented to the satisfaction of the Planning Authority.

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 species and final size, 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 landscape amenity of the area.

- 12 No development shall take place on site until the sycamore tree (located at the northeast corner of the site), the elm tree and the sycamore tree (located on the eastern part of the site to the south of the proposed access road) have been protected by temporary protective fencing, to be approved in writing by the Planning Authority.

The temporary protective fencing shall be 2.3 metres in height and shall comprise standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weldmesh wired to uprights and rails. This temporary protective fencing shall be erected prior to works commencing and kept in good condition throughout the construction works for the houses hereby approved, all in accordance with Figure 2 of British Standard 5837: 2005 'Trees in Relation to Construction'. All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

The fencing shall be positioned:

1. 9 metres from the centre of the sycamore tree (located at the northeast corner of the site) to the east, west and south, and to the north the fencing shall be positioned just beyond the two manholes located to the north of the tree;
2. 7.2 metres from the centre of the elm tree (located on the eastern part of the site to the south of the proposed access road) to the east, west and south, and to the north the fencing shall be positioned 5.8 metres from the centre of the tree; and
3. 5.4 metres from the centre of the sycamore tree.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with any retained trees.

Material that will contaminate the soil, e.g. concrete/mortar mixing, diesel oil, paints, solvents and vehicular washings, should not be discharged within 10m of any tree trunk. It is essential that allowance be made for the slope of the ground so that such damaging materials cannot run towards retained or new trees.

Fires should not be lit in a position where their flames can extend to within 5m of tree foliage, branches or trunk, and due cognisance must be taken of wind speed and direction prior to and during such operations.

Details of any trenches or services in the fenced off areas shall require the prior consent of the

Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

- 13 All tree work shall be carried out in accordance with BS3998: 1989 'Recommendations for Tree Work'.

Reason:

In the interests of the health and appearance of the trees.

Letters From

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