

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 2 December 2014

**BY:** Depute Chief Executive  
(Partnership and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **14/00530/AMM**

Proposal Approval of Matters Specified in Conditions of Planning Permission in Principle 12/00199/PPM - Erection of 89 houses and associated works

Location **Land Located To The West Of Aberlady Road  
Haddington  
East Lothian**

Applicant Bett Homes

Per Roy Mitchell Design Limited

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 12/00199/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

The application site consists of 6.3 hectares of land immediately to the north of Haddington. It is located immediately to the west of Aberlady Road (the A6137 road). The site consists of agricultural land. The agricultural land slopes down, from north to south.

The site is roughly rectangular in shape. To the north of it is the dual carriageway of the A1 trunk road, beyond which is agricultural land. The adjacent length of the A1 trunk road is at a lower level than the land of the application site. To the east of it is the A6137 road, beyond which is a field access and Pepperraig Quarry Industrial Estate. To the south of the site are the residential properties of Haldane Avenue and to the west of it is the Links Veterinary Clinic and a 25 metres wide strip of countryside land, beyond which is the access road which leads from the A199 road to Alderston House, Alderston

Coachhouse, Alderston Mains Farm, an office development and some other properties.

In April 2013 planning permission in principle 12/00199/PPM was refused by East Lothian Council for a residential development of 89 houses on the application site. That decision was subsequently appealed to the Scottish Government Directorate for Planning and Environmental Appeals. In June 2014, following the conclusion of a legal agreement to secure education and affordable housing contributions, the appeal was allowed and planning permission in principle 12/00199/PPM was granted.

Approval of matters specified in conditions of planning permission in principle 12/00199/PPM is now sought for the erection of 89 houses and associated works on the application site.

Of the 89 houses, 53 would be detached, 16 semi-detached and 20 terraced. The submitted details also include for internal access roads, parking courts, landscaped open space and structural planting.

Vehicular access to the 89 houses would be taken from the A6137 road via a new access to be formed opposite the junction of the A6137 road and the access road serving Peppercraig Quarry Industrial Estate. Additionally, a footpath would be formed over part of the 25 metres wide strip of countryside land to the west of the site to provide a pedestrian link between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

A substantial belt of planting would be formed along the northern and north-western parts of the site. A 1.2 metres wide right of access would be maintained along the southern boundary of the application site to allow for the maintenance of the existing boundaries along the north side of the adjacent properties of Haldane Avenue. A hedgerow interspersed with trees would be planted immediately to the north of the right of access. Two areas of public open space, one of which would contain an equipped play area would be formed centrally within the site. A SUDS pond would be formed within the southwest corner of the site.

Amended plans have been submitted showing:

- (i) revisions to the site layout plan to take account of comments raised by the Council's landscape project officer;
- (ii) revisions to the proposed scheme of landscaping for the site;
- (iii) Changes to the play equipment proposed for the play area; and
- (iv) fenestration changes to the houses on plots 1 and 2.

Condition 4 of planning permission in principle 12/00199/PPM requires a noise assessment to be submitted to and approved by the Planning Authority. A Noise Assessment Report has been submitted with this application.

Condition 7 of planning permission in principle 12/00199/PPM states that no development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the planning authority. A written scheme of investigation has been submitted with this

application.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 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 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 28 February 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes 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 in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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 Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Six written representations have been received in respect of this application, five of which raise objection to the proposed development. One of the objections is from Haddington and District Amenity Society. The other representation does not state whether they support or object to the proposals.

The main grounds of objection are summarised as follows:

- \* Proposed vehicular access from the A6137 road (Aberlady Road) would be extremely dangerous;
- \* Loss of privacy, loss of daylight, increased traffic and activity;
- \* The proposed development would have a detrimental effect on the setting of Haddington. In this regard, the proposals should be reconsidered to take a more

sensitive approach to housing layout, a less urban city approach to traffic and should include more subtle, varied and practical planting;

- \* Loss of wildlife habitat and potential drainage issues;
- \* Noise pollution from construction activities;
- \* Impact on infrastructure such as schools and the GP surgery;
- \* Reduction in the value of the objector's property;
- \* The fact that there would only two of the proposed houses would be single storey in height is misleading; and
- \* Why are the Council allowing these houses to be built when there is over 500 houses already getting built in Haddington?

A copy of the written representations are contained in a shared electronic folder to which all Members of the Committee have had access.

A perceived devaluation of an objector's property is not a material consideration in the determination of a planning application.

Haddington Area Community Council, a consultee, do not object to the proposals.

By the grant of planning permission in principle 12/00199/PPM, approval has been given for the principle of the erection of 89 houses on the application site. There can therefore be no objection in principle to the erection of the 89 houses now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the indicative site layout plan and conditions attached to planning permission in principle 12/00199/PPM.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (10 types of residential units), with 79 of the proposed 81 houses being two storey in height. The other two houses would be single storey in height.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would be the proposed layout of roads, pathways, parking courts and parking spaces.

The proposed residential development would integrate with and respect the landscape, landform, and urban form of the area. With its proposed layout, the proposed development would create an attractive extension to the northern edge of Haddington. It embodies an appropriate mix of detached, semi-detached and terraced houses. The proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. The two single storey houses proposed for the northeast corner of the site would help to reduce the visual impact of the development when seen from Aberlady Road. The other

components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment. 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. Cross section drawings submitted with the application show how the houses to be erected on the southern part of the site would be built on higher ground than that of the existing houses of Haldane Avenue to the south. However, although they would be built on higher land, the proposed houses would be positioned sufficiently far from those existing houses so as not to have an unacceptably dominant or overbearing impact on them.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The proposed scheme of landscaping has been amended in light of comments received from the Council's Landscape Project officer. She advises that the amended scheme of landscaping is acceptable.

At its nearest, the A1 trunk road is some 30 metres to the south of the application site. The nearest of the proposed residential units would be some 45 metres from the road.

Condition 4a of planning permission in principle 12/00199/PPM required that a 4 metres high acoustic barrier in the form of a 3 metres high acoustic fence atop a 1 metre high earth bund be erected in the belt of planting to be formed along the northern boundary of the site in accordance with a noise assessment to be submitted to the Planning Authority for approval.

The submitted noise assessment is based on the final ground levels at each of the proposed houses. It concludes that the effect of the final ground levels and layout, as now proposed, is at least equivalent to or in most cases better than the acoustic barrier required by condition 4a. The Council's Environmental Protection Manager accepts the findings of the noise assessment and in the circumstances agrees that it is no longer necessary for the applicant to erect the acoustic barrier required by condition 4a. She raises no objection to the proposed housing development. Through condition 4b of planning permission in principle 12/00199/PPM, there is still a requirement for windows of habitable rooms of the houses along the northern boundary of the site facing the A1 trunk road to be provided with standard thermal double glazing (6/12/4 or similar) and acoustic trickle ventilators.

On all of these foregoing findings on matters of design, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008 and the Council's Design Standards for New Housing Areas.

The proposed site layout includes two areas of open space, consistent with the indicative site layout plan docketed to planning permission in principle 12/00199/PPM. The Council's Principal Amenity Officer is satisfied with both the size and location of the proposed areas of open space. On this consideration the proposed development is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The westernmost of the two areas of open space would contain an equipped play area. The equipment proposed within the plat area has been revised following concerns raised by the Council's principal amenity officer. He raises no objection to the equipped play area now proposed. On this consideration the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 12/00199/PPM. These are that vehicular access to the housing development of 89 houses should be taken directly from the A6137 public road. Additionally a footpath should be formed to provide a pedestrian link between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties.

The submitted details for accessing the proposed 89 houses are in accordance with these principles established by the grant of planning permission in principle 12/00199/PPM.

The Council's Road Services raise no objection to the submitted details, being satisfied with the proposed means of access and with the amount and location of parking within the site. They do however make recommendations on the standards of provision.

They recommend that:

(i) the footpath between the proposed housing site and the access road which leads from the A199 road to Alderston House, Alderston Coachhouse, Alderston Mains Farm, an office development and some other properties be formed and made available for use in accordance with a timescale to be submitted to and approved in advance by the Planning Authority;

(ii) all access roads conform to ELC Standards for Development Roads in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming;

(iii) home zone entries should have a minimum width of 3.5 metres; and

(iv) wheel washing facilities are provided during the construction phase of the housing development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Transport Scotland raise no objection to the details of the 89 houses now proposed.

The Council's Waste Services Manager raises no objection to the details of the 89 houses now proposed.

The Council's Access Officer raises no objection to the details of the 89 houses now proposed. She does however advise that the proposed development would result in the loss of open space and greenspace land where people currently undertake informal recreation such as walking their dogs. In light of this she recommends that an informal footpath should be formed along the northern part of the site. This recommendation has been forwarded onto the applicant, who have raised concerns over security, safety and privacy issues that may affect marketing of the proposed housing. They advise that they would be unwilling to provide the footpath recommended by the Council's Access Officer. There is no requirement in terms of planning permission in principle 12/00199/PPM for the applicant to form an informal footpath along the northern part of the site. Moreover, Transport Scotland are concerned that dogs using the informal footpath may stray onto the adjacent grass verge of the A1 and onto the trunk road itself. This would create a serious road safety hazard. In light of this, Transport Scotland recommend that, if the path were to be formed, an "unclimbable barrier" should be formed between the path and the trunk road to minimise the risk of people and animals gaining unrestricted access to the A1. Whilst details of this barrier have not been submitted, there is concern from planning and landscape officers of the Council that such a barrier may appear prominent and intrusive when viewed from the A1 trunk road. In light of this, and given the fact that there is no requirement in terms of planning permission in principle 12/00199/PPM for the applicant to form an informal footpath along the northern part of the site, it would be unreasonable for the Council as Planning Authority to now require the provision of an informal footpath.

The mechanism of a financial contribution towards additional educational provision in Haddington for a housing development of 89 houses has already been secured through the grant of planning permission in principle 12/00199/PPM.

The mechanism of the provision within the residential development of 25% affordable housing (i.e. 22 units of the proposed 89 units) is already secured through the grant of planning permission in principle 12/00199/PPM.

The Council's Housing Strategy and Development service raise no objection to the details of the 89 houses now proposed.

The matter of site drainage was considered through the determination of previous application 12/00199/PPM. Condition 10 required that details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site should be submitted in writing for the approval of the Planning Authority following consultation with the Scottish Environment Protection Agency. A SUDS Masterplan Strategy has been submitted with this application showing details of the proposed integrated sustainable urban drainage scheme (SUDS) for the site. The Scottish Environment Protection Agency raise no objection to the details of the 81 houses now proposed, being satisfied with the submitted SUDS Masterplan Strategy.

The Council's Senior Structures Officer does advise of the need for a drainage impact assessment but the matter of drainage is one for the applicant to address directly with

Scottish Water and through separate Building Standards legislation.

Scottish Water were consulted on the planning application but have not commented on it.

The Council's Archaeology/ Heritage Officer advises that the submitted written scheme of investigation is acceptable.

## RECOMMENDATION

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

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding the drawings docketed to this Approval of Matters, 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 respect the layout of the development and shall promote render as the predominant finish to the walls of the houses. All such materials used in the construction of the houses 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.

- 3 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 Prior to the occupation of the last house approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.



Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 5 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.

- 6 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the "access footpath from western site boundary to Alderston Lane" shall be formed in accordance with details to be submitted to and approved by the Planning. The details shall include a timetable for implementation;

(ii) all access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures; and

(iii) Home Zone entry's shall have a minimum width of 3.5metres.

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.