

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 27 March 2018

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

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

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Application No. **17/01120/PM**

Proposal                   Erection of 118 houses, 32 flats and associated works as changes to the scheme of development the subject of planning permission 14/00089/PM

Location                   **Letham Mains  
Haddington  
East Lothian**

Applicant                   Cala Homes East Ltd/SMH Central Scotland

Per                            GDLodge Architects

RECOMMENDATION           Consent Granted

#### PLANNING ASSESSMENT

This planning application relates to some 1.98 hectares of former agricultural land at Letham Mains, on the western side of Haddington. It includes the southern part of the public road of the B6471 West Road, which forms the northern part of the application site.

As the area of the application site is greater than 2 hectares and the principle of development is for more than 49 houses, 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.

The application site forms part of a larger area of land allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

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 the land that is the subject of this 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.

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.

In March 2018 planning permission 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 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.

The originally concluded Section Legal Agreement would not apply to any planning permission that approves the variation or amendment of planning permissions 13/00519/PM and 14/00089/PM. It is however necessary to ensure that the requirements of the Section 75 Legal Agreement apply in respect of the now proposed development of 118 houses and 32 flats. In this regard, in March 2018 the Council approved a modification to the existing Section 75 Legal Agreement. The approved planning permission ensures that the Planning Obligation is effective in relation to a) any amendment or variation of the CALA planning permission by them or any subsequent planning permission relating to the CALA part of the development at Letham and b) any amendment or variation of the Taylor Wimpey/Mactaggart and Mickel planning permission by either of those parties or by any subsequent planning permission relating to the Taylor Wimpey/Mactaggart and Mickel part of the site at Letham. 18/00001/OBL was granted on 13th of March 2018 to amend clause 1 of the legal agreement so that it would apply to any amendment to planning permission 13/00519/PM and 14/00089/PM.

Development of the two housing sites has recently commenced.

This application site forms the northwest part of the site the subject of planning permission 14/00089/PM.

When this planning application was first registered it sought the erection of 112 houses and 43 flats as changes to the scheme of development granted planning permission 14/00089/PM. However, this would have increased the number of units on this part of the site by 5 which was not acceptable. Therefore, the applicant reduced the number of units by 5 and in doing so the description of the application was amended to accommodate this reduction.

Planning permission is now sought for the erection of 118 houses and 32 flats as changes to the scheme of development approved by the grant of planning permission 14/00089/PPM. The changes to the approved layout would affect 150 of the house plots within the part of the CALA component to the west side of the scheduled monument. It would also affect the layout of some of the parking approved by that grant of planning

permission. The proposed development would not change the overall number of residential units to be built on this part of the site but is proposing changes to their positioning and in some cases the orientation of those houses.

The proposed development would be comprised of 67 detached houses, 10 semi-detached houses, 41 terraced houses and 32 flats together with internal access roads, parking and landscaping.

Of the 118 houses 73 would be 5 bed, 28 would be 4 bed and 23 would be 3 bed and 2 would be 1 bed. Of the 32 flats, 2 would have 1 bedroom and 30 would have 2 bedrooms.

Most of the proposed housing would be accessed from the approved distributor road at the western side of the site by way of two points on the eastern side of that distributor road. The remaining houses would be accessed from an access to be formed in the new distributor road to be formed from at the eastern side of the site. There would be no direct access to any of the proposed houses from the B6471 West Road.

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.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposal H3 (Letham Mains) and Policies H1 (Housing Quality and Design), H2 (Development Frameworks), DP1 (Landscape and Streetscape Character), DP2 (Design), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application 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.

Also material to the determination of the application is Scottish Planning Policy on housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

It is stated in Scottish Planning Policy that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. Further policy and advice on design is provided in Designing Places and Planning Advice Note 67: Housing Quality which explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to

detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

There is no public objection to the application.

By the grant of planning permission 14/00089PM, approval has already been given for the erection of 376 residential units on the western part of the land of Letham Mains. As there would be no increase to the 376 residential units already approved there can be no objection in principle to the erection of 118 houses and 32 flats on the application site, as now proposed.

The details now submitted for approval show a layout of development that is not significantly different to the layout of development already approved for this part of the Letham Mains site. Full regard has been had to the terms of the approved Master Plan that relates to the wider site, and is in conformity with the overall provisions of the Master Plan.

The site occupies an important gateway location in approaches to Haddington from the west of the town. The layout of the proposed housing and flatted blocks have been carefully designed to respect this gateway location. The northernmost residential units of this development, which would also face onto West Road, would be set back from West Road by a landscape strip. The remaining components of this development will comprise a mix of detached, semi detached and terraces houses that would be either two or three storeys in height and flatted blocks that would also be 3 storeys in height. By their architectural form and positioning the houses and flatted blocks 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. Therefore and provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 14/00089/PM the changes to the houses and flatted block would be acceptable. In this regard, whilst some articulation of the houses and flatted blocks with reconstituted stone or timber is acceptable, notwithstanding that shown on some of the application drawings, the predominant finish of each of the elevations of the houses and flatted blocks should be render. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses and flatted blocks. Subject to compliance with that aforementioned condition, the proposed houses and flatted blocks are broadly consistent with the requirements of the Council's approved development framework for Letham Mains and with the Masterplan docketed to planning permissions 13/00519/PM and 14/00089/PM. In their proposed groupings and orientation, the houses and flatted blocks would be broadly consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would the proposed layouts of roads and pathways, with their use of pinch points and shared surfaces to restrict traffic priorities and speeds.

Subject to the control over their finishes the proposed houses and flatted blocks would, by their size, 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 the Letham Mains site.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access without being an overdevelopment of it.

The proposed positioning of the 118 houses, the 32 flats houses and other components of the development would not prejudice the remainder of the housing development already approved in detail by planning permissions 13/00519/PM and 14/00089/PM.

The proposed houses would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The proposed houses would be located sufficiently far away from the new housing to the north of the site (to the north of the B6471 West Road) so as not to adversely affect their privacy or amenity. The proposed houses would be so sited, orientated and screened such as not to harm the privacy and amenity of any neighbouring residential property.

The Council's Environmental Health Manager raises no objection to the proposed development.

On the considerations of design, layout and amenity the proposed residential development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1, H2, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008.

No changes are proposed to either the size or locations of the areas of open space approved by planning permission 14/00089/PM. Similarly no changes are proposed to the equipped play areas already approved for that part of the Letham Mains housing site.

The Council's Road Services advise that the six visitor parking spaces shown on the southern side of the most southerly road of the development are surplus to requirement. Therefore, subject to the removal of those 6 visitor parking spaces the Council's Road Services are satisfied with the detailed proposals for site access and parking which are consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager raises no objection to the proposed development.

The matter of flood risk was fully considered in the assessment of application 14/00089/PM. The Scottish Environment Protection Agency raise no objection to the development now proposed.

As stated above, 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.

The Council's Legal and Procurement Services has advised that the modification to the Legal Agreement approved by the Council in March 2018 (Ref: 18/00001/OBL) will ensure that the Section 75 Legal Agreement applies in respect of the now proposed development of 118 houses and 32 flats. On this basis planning permission should now be granted subject to the undernoted conditions.

#### CONDITIONS:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings 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 The external finishes of the houses and the flatted blocks are not hereby approved. Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flatted blocks 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 and flatted blocks 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 and flatted blocks 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 timber or reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flatted blocks and respectful of their design integrity. All such materials used in the construction of the houses and flatted blocks 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 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 4 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM and 14/00089/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units  
Year 2- 60 residential units

Year 3- 75 residential units  
Year 4- 74 residential units  
Year 5- 75 residential units  
Year 6- 75 residential units  
Year 7- 69 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 6 Prior to the commencement of development, a timetable for the erection of the natural stone wall along the northern part of the site shall be submitted to and approved by the Planning Authority.

Prior to its erection a sample of the natural stone to be used for the stone wall shall be submitted to and approved by the Planning Authority.

The natural stone wall shall thereafter be erected in accordance with the details so approved.

Reason:

To ensure the natural stone wall is of a satisfactory appearance in the interest of the amenity of the locality.

- 7 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a comprehensive scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 8 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the 'Proposed Site Layout' with drawing number PL 002 rev P shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 9 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.

- 10 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 11 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

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 and ecology of the area.

- 12 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 13 A play area with equipment suitable for children aged 0 - 15 years shall be provided on the area of open space of the application site which is to the south of plot 42 and to the south of the flatted block containing flats 43-49 and its associated parking area as shown on docketed site layout drawing no. PL002 Revision P. Prior to the commencement of the development hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.



- 14 The east elevation wall of flatted block A which will be positioned on the corner of West Road with the new distributor road shall be articulated with either additional windows and/ or with architectural detailing, the details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development. When completed that east gable elevation wall shall accord with the details so approved 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.

- 15 The six visitor parking spaces shown on the most southernly road of site plan PL 002 revision P - to the south of plots 82, 87 & 88 and 89 & 90 - are not hereby approved and a continuous grass verge shall instead be formed along the south side of that road.

Reason:

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