

REPORT TO: Planning Committee

MEETING DATE: Wednesday 6 June 2012

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

***Note:** this application was called off the Scheme of Delegation by Councillor Bell for the following reasons: a) whether the erection of 18 dwellings is overdevelopment and b) to consider the impact of increased car movements on the narrow B road and also on the A1 junction as given there is no public transport - dwellings could potentially bring 36 more cars (or more). Also, the impact of parking near the Steading for extra cars - potential conflict with farm vehicles.*

Application No. **06/00839/FUL**

Proposal Alterations and extension to agricultural steading to form 18 houses, extensions to farmhouse and Grieves Cottage, erection of house, agricultural buildings and associated works

Location **Pleasance Farm
Dunbar
East Lothian
EH42 1RE**

Applicant Gordon Tweedie

Per Malcolm Jones

Ward 7

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to Pleasance Farm which is in a countryside location to the northwest of the village of Spott. The application site is some 1.12 hectares in area and is comprised of Pleasance Farmhouse, Grieves Cottage, Pleasance Steading, associated agricultural land and the existing access road from the U192 public road. The site excludes a rectangular area of land some 0.3 hectares in area located to the west of the steading buildings and which is the subject of a separate planning application.

The main part of the site is bounded on all sides by agricultural land other than at the southeast corner where it is bounded by the residential property of Hill Cottage. The access road part of the site is bounded by agricultural land of Pleasance Farm other than at its northern extremity where it is bounded to the west by the residential property of Hurkletillane Cottage and to the north by the U192 public road with agricultural land beyond.

The wider surroundings comprise areas of agricultural land.

Pleasance Farmhouse is a two-storey, traditional stone built house with a pitched and gabled roof clad with slate. It has a stone built one and a half storey rear extension. The farmhouse is set in its own garden which is bounded by a stone wall. Grieve's Cottage is located southeast of the farmhouse. It is a small, single-storey traditional stone built cottage with a pitched roof clad with slate. It has an existing rear outshoot forming a 'T' shape with the original cottage. Pleasance Steading is located to the south of the farmhouse and west of Grieve's Cottage.

The main part of the steading is a quadrangular group of traditional agricultural buildings, built in stone and with pitched roofs clad with pantiles. The other parts of the steading are comprised of four later extensions. Three of the extensions extend from the west range of the quadrangle and one from the southeast corner of the south range. Two of the extensions to the west range have 'L' shaped footprints, the other being rectangular. The extension to the southeast corner has an 'L' shaped footprint. Each of these extensions is stone built and has a pitched roof. Two of the extensions to the west range have their pitched roofs clad with slate. The other is clad with pantiles. The roof of the extension to the southeast corner of the quadrangle is clad with pantiles. There is an existing 1 metre high stone wall running parallel to and some 7 metres north of the north elevation of the quadrangle of the steading.

Planning permission is sought for: the conversion of the whole group of stone steading buildings to form 18 houses; an extension to the farmhouse; an extension to Grieve's Cottage; the erection of new agricultural buildings, the erection of a new build house; and for associated works including the formation of new access roads, parking, erection of boundary enclosures and landscaping.

To facilitate the use of the original steading buildings as houses a number of physical alterations are to be made to them, including demolition of some small outshoots within the courtyard of the quadrangular group. Garden ground would be formed for each of the proposed houses in the internal courtyard space of the steading quadrangle and courtyards formed by the interrelationship of the 'L' shaped extensions to the west range of the quadrangle. All of the houses would have garden ground areas to their frontages. Car parking would be provided to the front or side of each house.

A play area and communal open space would be formed on part of the site to the southwest of the existing steading buildings. It is proposed to erect a small pavilion on the communal open space that would be constructed of timber and with a pitched roof clad with pantiles. It is proposed that screen planting be provided between the proposed play area and open space and the proposed new agricultural buildings to the west.

The proposed new house would be located to the west of the existing farmhouse. It is proposed as a residence for the farmer's son. The house is proposed in conjunction with an expansion of operations on the farm and a stated need for a second on-site presence to manage the expanded farm operation. A Business Plan has been submitted in respect of the expansion of the farm and as a justification of the operational need for the proposed new house.

The proposed new house would be located to the west of Pleasance Farmhouse and to the northwest of the steading buildings. The proposed new house would be of a traditional design. It would be one and a half storeys in height with wallhead dormers and accommodation in the roof space. It would have single storey outshoots to either side and a conservatory to the rear. The roofs of the main house and outshoots would be pitched and gabled. The walls of the proposed house would be finished with wet dash render and

its pitched roof clad with pantiles. Doors and window frames would be constructed of timber. The ground floor accommodation would be comprised of a lounge, dining room, living room, study, kitchen, conservatory and utility and office space. Four bedrooms and a bathroom would be provided in the roof space. Hard surfaces would be finished with gravel and boundary enclosures would be formed by post and wire fences with beech hedging.

The proposed extensions to the existing farmhouse would be formed by two one and a half storey extensions to either gable of the house and also by a lean-to glazed conservatory attaching to the existing rear extension of the farmhouse. The side extensions would have pitched and gabled roofs. Their walls would be finished in rubble stone to match the existing house. The window and door openings would be formed using reconstituted stone surrounds, cills and lintels. Their pitched roofs would be clad with slate to match that of the roof of the existing house. Doors and window frames would be constructed of timber. The proposed side extensions would provide a garage and a garden room, and two bedrooms.

It is proposed that the existing rear extension of Grieve's Cottage be enlarged with a rendered and glazed extension to the rear. The rendered, solid walled part of the extension would have a pitched and hipped roof which would tie into the pitched and hipped roof of the existing extension. The roof would be clad with slate to match that of the existing house. The glazed component of the extension would tie into the pitched and hipped roofs of the existing extension and the proposed solid walled extension. The extension to the cottage would provide an enlarged kitchen, a living room, a dining room and an additional bedroom.

The proposed four new agricultural buildings would be erected to the south of the proposed new farmhouse and to the west of the existing steading buildings. They would be grouped around a central yard. The buildings would be of a standard modern agricultural design and construction. Their walls and roofs would be clad with metal profile sheeting. The buildings would be comprised of an implement shed, potato and grain stores and a cattle shed.

A new junction for the existing farm access road is to be formed with the U192 public road together with an associated short length of new road in positions to the east of Hurkletillane Cottage. The proposed new junction would be located some 35 metres east of the existing junction. The short length of new road would link the farm access road with the proposed new junction. The existing junction and associated short length of access road would be retained for continuing access to Hurkletillane Cottage.

An additional new access road would be taken from the existing farm access road at a point north of the existing farmhouse, to serve the farmhouse and the proposed new build house and the proposed new agricultural buildings. Beyond that junction the existing access road would be retained to serve the proposed houses to be formed by the conversion of the steading buildings, and the existing Grieve's Cottage and Hill Cottage. Those two existing cottages would have an additional new access road provided to their property along the eastern boundary of the site. Five passing places would be formed along the length of the farm access road between the proposed new junction with the U192 road and the steading buildings.

Amended plans have been submitted in respect of a reduction in the number and positioning of rooflights and other openings proposed to facilitate the conversion of the steading buildings to houses, and a change from hipped to gabled roofs on the proposed extensions to the existing farmhouse.

The application drawings also detail an intention to demolish the modern agricultural shed which is located west of the steading buildings within the application site. Such demolition does not require planning permission.

The rectangular area of land to the west of the steading buildings which is excluded from the application site is the subject of separate application 06/00840/FUL for planning permission for the erection of 6 new build houses, which would be served by the same access route as that for the 18 houses that would be formed from the conversion of the existing steading buildings. A report on application 06/00840/FUL is also on this Scheme of Delegation List.

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.

Relevant to the determination of the applications are Policies ENV3 (Development in the Countryside) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP22 (Private Parking), T2 (General Transport Impact), INF3 (Infrastructure and Facilities Provision) and H4 (Affordable Housing) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Planning Advice Note 72: Housing in the Countryside where it explains how the conversion or rehabilitation of rural buildings not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings, which are structurally sound, largely intact, safety accessible and linked to water and other services maintains the character and distinctiveness of places.

Also material to the determination of the application are the written representations received from the public. Five written objections have been received. One of those written objections has eight signatories. The grounds of objection are:

- (i) the adverse impact of increased traffic resulting from occupants of the proposed 19 new houses on traffic and road safety;
- (ii) that the access from the U192 public road is too narrow to service the resultant number of vehicles;
- (iii) that the 18 houses proposed to be formed in the steading buildings are an overdevelopment of the site; and
- (iv) that the submitted plans do not have dimensions noted on them.

Concerns are also raised over the impact of the proposed development on the water supply of existing houses, that the route of the access should be away from the existing house (Hurkletillane) located at the junction of the access road to the farm and the U192 public road, what the boundaries and landscaping around that road would be, and that the views from that house should not be diminished by any proposed changes.

The submitted plans are scale drawings acceptable for the purposes of determining this application.

A private view is not a material planning consideration.

Part 2 of Policy DC1 of the adopted East Lothian Local Plan 2008 presumes in favour of the change of use/restoration of an existing building within the East Lothian countryside, including conversion to residential use, provided amongst other things the building(s) is worthy of retention by virtue of its architectural or historic character, stands substantially intact (normally to at least wallhead height) and is capable of conversion, and is physically suitable for the proposed use. In the case of the conversion of agricultural buildings to housing the change of use must involve the whole building group.

The relatively modern agricultural buildings contained within the group of traditional steading buildings of Pleasance Farm which are to be demolished are steel structures which have no architectural merit and which by their construction do not lend themselves to conversion. Planning permission is not required for the demolition of these buildings.

The stone steading buildings at Pleasance Farm which are proposed to be retained for conversion into 18 houses are by their architectural form no longer reasonably capable of modern agricultural use. They are therefore in need of a new lease of life to preserve them.

The whole group of stone steading buildings to be retained and converted to residential use are distinctive in their character and of some architectural merit. They are an integral part of the historic grouping of buildings that also comprises of Pleasance Farmhouse, Grieve's Cottage and Hill Cottage. By virtue of their design and their setting as part of this group, the stone steading buildings contribute to the character and built heritage of the area. They presently stand substantially intact.

The applicant has submitted a structural engineers report on the stone steading buildings. The report advises that they can be converted without substantial demolition and rebuilding of their existing original stone walls.

The Council's structural engineer has carried out his own inspection and assessment of the structural condition of the buildings. He advises that the existing buildings are substantially intact and should be capable of conversion, as proposed, without significant demolition. On this basis the buildings are suitable for restoration and conversion.

The stone steading buildings lend themselves to a sensitive residential conversion. The detailed works to facilitate the proposed conversion of the steading buildings to 18 houses, including some limited amount of demolition would not be unsympathetic to the architecture of them. The proposed scheme of conversion would not be harmful to the architectural balance, harmony and integrity of the historic group of steading buildings.

The existing stone buildings of the steading are physically suitable for the proposed conversion of them to residential use. The proposed alterations to them would be compatible with and would not harm any significant architectural features of the buildings and would be in keeping with the size, form, scale, proportion, massing and architectural character of the buildings.

Where possible original openings would be used. New openings, including roof lights, by virtue of the number to be created and their positioning, would not harm the architectural character of the buildings, subject to the proposed roof lights being installed as near flush as possible with the upper surface of the roof into which they would be installed. The proposed new and replacement windows and doors by virtue of their form, style, materials

and finishing would not be inappropriate to the architectural character of the buildings. The existing stone walls of the buildings would be repaired. It is proposed that reconstituted stone be used for cills, lintols and rybats where new openings would be formed and that all of the roofs of the buildings to be converted, other than the roof of the extension to the southeast of the south range of the steading, would be clad in clay pantiles. In the interests of the character and appearance of the buildings, natural stone should be used for repairs and for cills, lintols and rybats where new openings would be formed. The two western extensions to the main quadrangle of the steading which have slate roofs should have their roofs clad in slate to respect the historic use of those roof claddings on those buildings, unless it can be demonstrated that they were previously clad with pantiles. These detailed design considerations can be controlled by conditions imposed on the grant of planning permission.

The proposed use of land within the site as garden or communal ground and the formation of hardstanding areas, including for car parking, would not appear intrusive, incongruous or exposed in their setting. Tree and hedge planting is proposed along the boundaries of the play area and communal open space. The materials schedule accompanying the application specifies that the proposed pavilion is to be constructed of timber and with a pitched roof clad with pantiles. No details of play equipment or of further details of the pavilion are given with the application. Nor are any details given of bin storage locations or enclosures. Such details of the layout of the play area, the design of the pavilion and the location and design of bin storage enclosures can be required by a condition imposed on the grant of planning permission in order to ensure that they are appropriate in their relation to the steading development and their countryside setting.

It is proposed in most cases to use post and wire fences with beech hedge planting around garden and parking areas to demarcate them. The garden and parking areas formed for the houses in the northern part of the quadrangle would be bounded by the existing stone wall which would be restored and have gateways formed in it.

Included within the adopted East Lothian Local Plan 2008 is the Council's Farm Steading Design Policy. One of the principles of that policy is that courtyards should not be subdivided but be held in common as one space. In the proposed scheme of conversion of the steading buildings at Pleasance Farm the existing courtyard (denoted 1 on the application drawings) within the main quadrangle of the steading would be entirely enclosed by the buildings of the quadrangle and thus the subdivision of the land within the courtyard and the use of that land as private garden ground would not be visible from areas outwith the quadrangle. However the private gardens so proposed would each be harmfully overlooked by other properties also to be formed by the conversion of the buildings of the quadrangle. Also, many of those gardens so formed would be small, enclosed spaces with little amenity value. In such particular circumstance it would be to the benefit of the future householders that all of ground of courtyard 1 be formed as communal garden ground and not be subdivided as proposed. The other existing courtyards (denoted 2 & 3 on the application drawings) formed by the later extensions to the western range of the quadrangle would only be visible from within the communal areas of the steading. They would not be in an open setting and visible from land outwith them. However the private gardens proposed to be formed by enclosure and subdivision of them would each be harmfully overlooked by other properties also to be formed by the conversion of the buildings of these parts of the steading. Therefore those courtyards should also be formed as communal areas and there should be no enclosure of them.

There is not a detailed plan showing the location and types of surfaces or other boundary enclosures to be used. The Council's Policy and Projects Manager advises in respect of landscape matters that insufficient detail is given of hard and soft landscape specifications and boundary treatments. These should be appropriate to the steading and its setting.

Details of the location and means of enclosure and planting and landscaping for the development can be secured by the imposition of conditions on the grant of planning permission.

None of what is proposed would involve a significant or unacceptable loss of agricultural land. The area of agricultural land within the site that would be changed to residential use is small and not in conflict with the requirement of Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 that proposed development must minimise the loss of prime agricultural land.

Although relatively small, the land comprising the southernmost part of the application site is sufficient in size to accommodate a new house(s) on it. Therefore, an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 is required, if planning permission for the change of use is to be granted, to prevent any future erection of a house(s) on that area of land. This would have the effect of safeguarding the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

On the foregoing considerations the proposed conversion of the steading buildings to form 18 houses is, as applicable, consistent with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DC1, DP2 and DP6 of the adopted East Lothian Local Plan 2008 and Planning Advice Note 72: Housing in the Countryside.

If the proposed development were to be granted planning permission the houses to be formed from the conversion of the steading buildings, once occupied, would benefit from permitted development rights for certain alterations and extensions to them. In addition, if the proposed development were to be granted planning permission, the land that would be changed from agricultural use to domestic garden ground for the new houses would benefit from permitted development rights for the erection of certain structures such as garden sheds and garages and other development on it. Those alterations, extensions and structures and other curtilage development could harm the character, integrity and appearance of the buildings, and/or lead to an over development of the site, create a density of built form harmful to the character and amenity of the area or cause harmful impacts on the privacy and amenity of neighbouring residential properties. It would therefore be prudent for the Council, as Planning Authority, to impose a condition on a grant of planning permission for the proposed development removing permitted development rights for any future alterations and extensions to the houses and for any future building of detached structures and the carrying out of other development on the land to be changed to domestic garden ground.

If the proposed development were to be granted planning permission and if the existing two utilitarian agricultural sheds immediately to the west of the steading were to remain in place and not be demolished as is indicated on the planning application drawings, there would be conflict between the agricultural use of them and the residential use of the steading buildings, which would be harmful to the occupants of the houses to be created. Therefore, it should be made a condition of the grant of planning permission for the proposed steading conversion that prior to occupation of any of the proposed 18 houses the two sheds are removed.

As proposed the residential use of the steading would not result in significant harm to the privacy and amenity of the occupants of Pleasance Farmhouse, Grieve's Cottage or Hill Cottage. There are no other existing neighbouring houses to be affected by overlooking from the houses and gardens to be created by the proposed conversion of the steading buildings. The 18 houses to be formed from the conversion of the steading buildings would be afforded a sufficient amount of privacy and amenity.

The residential accommodation to be formed in the buildings would be of a satisfactory size and layout.

In the interests of safeguarding the amenity of the future occupiers of the proposed houses it should be made a condition on the grant of planning permission for the proposed development that bin storage facilities are formed prior to the occupation of the proposed houses.

On these considerations of privacy and amenity the proposed development does not conflict with Policies DP2, DP6 and Part 5 of DC1 of the adopted East Lothian Local Plan 2008.

As the application site is in a countryside location within East Lothian the principle of the proposed building of a new house on part of the application site must be assessed against national, strategic and local planning policy relating to the control of new build housing development in the countryside.

In Paragraph 84 of Scottish Planning Policy: February 2010 it is stated that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

As is stated in paragraph 2.10 and 2.11 of the adopted East Lothian Local Plan 2008 "East Lothian's countryside and undeveloped coast exhibits little need for regeneration, renewal or action to redress population decline. It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather it is an area where few, if any, locations are more than 1 hours travel time of Edinburgh and, on the whole, is characterised by increasing population and economic growth and a continuing pressure for housing development both within and outwith its towns and villages. Characteristic of the countryside is its wide range of types and sizes of attractive vernacular buildings that contribute greatly to its character."...."For these reasons, and consistent with Structure Plan Policy ENV3, new development, particularly housing, is directed to existing settlements. New development in the countryside is permitted only in the specific circumstances defined in Policy DC1."

The adopted East Lothian Local Plan 2008 does not allocate any land at Pleasance Farm for residential development. Neither does the Local Plan define any part of Pleasance Farm as being a settlement.

Rather, the land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

Part 1(b) of Policy DC1 only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Part 4 of Policy DC1 states that where satisfied that a new house is justified by an operational requirement, it will be required that the applicant enter into a Section 75 legal agreement with the Planning Authority (i) to tie the proposed house to the business for which it is justified and (ii) to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependents.

It further states that where an agricultural use that is not yet established seeks to justify an operational requirement for an associated house, the Council will either grant temporary planning permission for temporary accommodation, or condition any consent such that

permanent accommodation will only be permitted once the Council is satisfied that the agricultural use is established and that permanent accommodation is justified. In such situations the requirement for the above Section 75 legal agreement will then apply.

Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside development will include agriculture, horticulture, forestry and countryside recreation.

The site is not identified in the adopted East Lothian Local Plan 2008 as being within a settlement and the Local Plan does not allocate the land of the site for housing development.

The applicant's supporting statement prepared by the Scottish Agricultural College presents the case for a justification of a new house related to agricultural use. The statement explains that the business of Pleasance Farm is concentrated on arable crop production of winter and spring cereals and winter oilseed rape. The applicant (Mr G. Tweedie) owns and occupies Pleasance Farmhouse. He also owns Grieve's Cottage, which is let out, and the steading buildings. The farm is currently operated solely by Mr G. Tweedie, with some casual labour at peak times such as harvesting. It is proposed that the existing farm operation be expanded to increase the spring cereals production on some 40.5 hectares of land and to introduce a cattle unit of 80 cows for beef production. It is intended that the applicant's son, Mr M. Tweedie, would be employed full-time to take over operations currently contracted-out, to assist in the management of the expanded farm operation and in time to take on the major role of management of the farm business. It is stated in support of the application that a new house is required for Mr M. Tweedie and his family to be on site in order to ensure effective management of the expanded farm business.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development. That appraisal is based on an investigation of the case, including a visit to the site, an interview with the applicant and an assessment of the applicant's financial statements for the proposed expanded farm business. She informs that the farm business is structured as follows: Mr G. Tweedie owns some 73 hectares of farmland, Pleasance Farmhouse, Pleasance Steading and Grieve's Cottage. The company A J Tweedie Ltd owns the remaining 40.5 hectares of farmland. A J Tweedie is a trading company which pays rent to Mr G. Tweedie for the use of his assets. The applicant, Mr G. Tweedie, would assume ownership of the proposed new build house and the proposed new agricultural buildings in his name. The sale of the steading buildings with a planning permission granted for their proposed conversion into 18 houses would underpin the cost of providing the new dwellinghouse and the new farm buildings that are also proposed in this application. The applicant would continue to reside in the existing farmhouse. The proposed new build house would provide accommodation for the applicant's son as a full-time employee of the farm, and for the son's family (i.e. his dependants).

The Council's Agricultural and Rural Development Consultant confirms that the farm business of Pleasance Farm involves the use of some 118.63 hectares of agricultural land. The majority of the land is used for arable purposes producing wheat, spring barley, rapeseed and potatoes. It is now proposed to diversify and extend the farm business by introducing a cattle finishing enterprise. It is also proposed to increase the spring barley area by the acquisition of additional agricultural land. She advises that the labour needs of such a diversified and extended farm business would increase by one labour unit, primarily to meet animal welfare and health and safety regulations. She further advises that the

farm's systems of production are currently curtailed by the physical limitations of the existing steading buildings. The proposed new agricultural buildings would allow a more modern and efficient approach to facilitate the farm expansion and which coupled with the introduction of Mr M. Tweedie as a full-time employee of the business would also allow a reduction in the use of contractors.

The Council's Agricultural and Rural Development Consultant concludes that, (i) following business restructuring and a shift in farm policy to introduce a cattle finishing enterprise there would be a necessary requirement for a second on-site agricultural worker at Pleasance Farm; (ii) the proposed new build house would then be justified to provide accommodation for that worker and that person's dependants; and (iii) the proposed new house would also be justified because Grieve's Cottage or a house created from the proposed conversion of the steading buildings would not, because of their close positioning to the other houses of the steading conversion, be suitable for occupation by a farm worker because of that person's coming and going due to working practices likely to have to be carried out at particular times of day and night as a consequence of the operation of the farm.

On these considerations the Council's Agricultural and Rural Development Consultant is satisfied that there would be a demonstrable justification of an operational agricultural need for the proposed new build house to serve the proposed expansion of the farming business at Pleasance Farm.

On this advice the position is that there would be an operational requirement of need to justify the proposed new build house if the diversification and expansion of the farming business of Pleasance Farm happens. At the moment the diversification and expansion is incomplete. The applicant has provided a copy of his legal title to some 14 hectares of additional land purchased in November 2010 to facilitate the part expansion of the arable operation of the farm business. The other additional arable land is still to be acquired. More importantly, however, the proposed beef stock operation for which the requirement for an additional farm worker to be housed on the farm is principally founded cannot happen until the proposed new agricultural buildings have been erected to accommodate such operation.

As is stated in Part 4(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 where an agricultural use that is not yet established seeks to justify an operational requirement for an associated house, the Council will either grant temporary planning permission for temporary accommodation, or condition any consent such that permanent accommodation will only be permitted once the Council is satisfied that the agricultural use is established and that permanent accommodation is justified.

Therefore in granting planning permission for the proposed new build house at Pleasance Farm a condition should be imposed preventing a commencement of development of the house until such time as the new beef stock operation and the extension to the arable operation of the farm, as set out in the applicant's Supporting Statement, have been fully established.

Additionally to be consistent with Part 4(a) of Policy DC1 the grant of planning permission should be subject to the prior conclusion of an agreement under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997 to tie the proposed new build house in ownership to the fully diversified and expanded farm business at Pleasance Farm, and to restrict occupancy of the new house to a person solely or mainly employed in that business, and to that person's dependants. Such an agreement would safeguard against the future independent sale of the new house. The applicant has confirmed in writing a willingness to enter into such an Agreement.

Subject to these planning controls the proposed new build house would be consistent with Part 1 (b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

The proposed new build house would be positioned on the north-western part of the application site, a relatively open area detached from the existing steading buildings that would contain the 18 houses created from the conversion of the buildings, but in relatively close proximity to both the existing farmhouse of Pleasance Farm and, more significantly the proposed new agricultural buildings from which the beef stock operation would be carried out.

That part of the application site is physically capable of accommodating the proposed new house with garden ground, vehicle access and car parking in a manner that would not be harmful to the established character of the area or the character and appearance of the wider rural landscape. A condition can be imposed on the grant of planning permission that hedge and tree planting be undertaken to ensure the integration of the proposed new house into its landscape setting.

There are no nearby residential properties that would be affected by any harmful loss of sunlight and daylight, or loss of privacy through overlooking from the new house erected on this part of the application site and as proposed the house would itself benefit from a sufficient degree of privacy.

As proposed the new house would be appropriately sited and designed for its rural setting. In this it is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DC1 (Part 5), DP2 of the adopted East Lothian Local Plan 2008 and Planning Advice Note 72: Housing in the Countryside.

The proposed extensions to Pleasance Farmhouse would be of a size, form, scale and proportion appropriate to the existing house and would be subservient to it. The proposed use of materials including rubble stone, slate and timber to match finishes of the existing house would also be appropriate. However the use of reconstituted stone for the surrounds, cills and lintels of the door and window openings of the side extensions would not be appropriate. A condition requiring the use of natural stone for those surrounds, cills and lintels can be imposed on the grant of planning permission.

The proposed extension to Grieve's Cottage would be relatively large. However, by virtue of its relationship with the existing 'T' outshoot to the rear of the house, by having a ridge height lower than that of the existing house and outshoot and by the use of a light, glazed component on its north and east elevations it would be subservient to and would not harmfully dominate the existing house. Therefore it would be of a size, form, scale and proportion which would not be inappropriate to the existing house. The proposed use of materials including wet dash render, slate and timber would be appropriate to the existing house.

The proposed extensions are consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DP6 and Part 5 of DC1 of the adopted East Lothian Local Plan 2008.

The proposed four new agricultural buildings, due to their functional design and finish would be appropriate to their location on the lands of Pleasance Farm. The proposed agricultural buildings would be seen in relation to the existing group of farm buildings, including Pleasance Farmhouse. Due to their visual association with the existing buildings the proposed agricultural buildings would not appear intrusive, incongruous or exposed in their landscape setting and would not harm the character and appearance of the

landscape of the area. They would be used for agricultural purposes associated with the operation of Pleasance Farm and thus have an operational justification for their proposed countryside location. They do not conflict with Policies ENV1G and ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 or with Policies DC1 and DP2 of the adopted East Lothian Local Plan 2008.

The 18 houses proposed to be formed from the conversion of the steading buildings and the proposed new farmhouse and steading would be accessed from the existing farm access road that leads from the U192 public road. Transportation advises that the public road in the vicinity of the proposed site access is relatively narrow and in places will not allow two-way passage of vehicles. The housing component of the proposed development will add extra traffic to the lightly used public road. Therefore Transportation require that the U192 public road be widened to 5.5 metres over a length of 15 metres on either side of the new junction proposed for the farm access road to allow adequate two way movement of vehicles in the vicinity of the junction. They further require that an adequate number of passing places be formed on the 1.3 km length of the U192 public road between the proposed new junction and the Little Spott road junction to the west. It is recommended that the applicant is required to submit details of the proposed location and formation of passing places for approval.

Transportation additionally advise of the need for:

- (i) the proposed new access junction with the U192 road being formed with a visibility splay of 4.5 metres by 90 metres in both directions at the junction;
- (ii) the farm access road being 5.5 metres wide and hard-formed over the first 15 metres of its length. Over the rest of its length it being at least 3.5 metres wide and with passing places of at least 15 metres long and intervisible from each other;
- (iii) a turning area for refuse vehicles being accommodated within the site; and
- (iv) the 36 parking spaces proposed for the steading development each having dimensions of at least 2.5 metres by 5 metres where accessed from a road of at least 5 metres width or 3 metres by 5 metres where accessed from a narrower road.

The land on which the internal access road would be altered and on which the parking places and the turning area for refuse vehicles would be provided is within the ownership of the applicant. The land which would be required for the widening of the public road, the provision of the visibility splays and the passing places on the public road would be formed is in the ownership either of the applicant or of the Roads Authority. Therefore there are no ownership issues which would cause impediment to the use of planning conditions to secure these recommended Transportation requirements.

Transportation advise that the proposed amount of car parking spaces and the turning areas to be provided within the site and the positioning and layout of them would be to a satisfactory standard.

All of the above transportation requirements and recommendations can be secured through a condition imposed on the grant of planning permission. On these transportation considerations the proposals comply with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Senior Environmental and Consumer Services Manager recommends that due to the historic agricultural use of the site, a detailed site investigation be carried out in relation to land contamination and a report on this be submitted to the Council for approval

prior to the commencement of site works. This recommendation can be secured through a condition imposed on the grant of planning permission.

The Council's Heritage Officer informs that Pleasance Farm lies close to three substantial archaeological sites which are scheduled for protection, and that Pleasance Steading is a historic quadrangular steading dating back to the 18th century. Due to the location and the age and importance of the buildings some level of investigation and recording is important. Therefore, the Heritage Officer considers it essential that a programme of archaeological works (desk based assessment, historic building survey and archeological evaluation) should be carried out at the site by a professional archaeologist. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 42: Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Executive Director People informs that the planning application site is located within the primary school catchment area of West Barns Primary School with its nursery school and the secondary school catchment area of Dunbar Grammar School. He confirms that there would be sufficient capacity at West Barns Primary School to accommodate children that could arise from the proposed development but not at Dunbar Grammar School. He advises that the proposed 19 houses, together with other residential developments expected to arise within the Dunbar Grammar School catchment area would necessitate the provision of additional accommodation at that school. He informs that a financial contribution from all housing developments within the catchment area of Dunbar Grammar School is required to be £1,460,550 (£1826 per unit). In the case of the proposed development of 19 houses on the application site, the contribution toward the provision of additional educational capacity at the school requires to be £34,688. The Executive Director of People confirms that he has no objection to the proposed development if the applicant is required to make such a financial contribution.

The required payment of a financial contribution of £34,688 towards the provision of additional accommodation at Dunbar Grammar School can be secured through an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The landowners have agreed to this level of developer contribution to provide for increased school capacity.

The Council's Housing Strategy and Development Services Section advise that the requirement for the provision of affordable housing arising from this proposed housing development is determined by the Council's Affordable Housing Policy approved by the Council in January 2006. Accordingly, 25% of the 19 houses proposed should be affordable housing, which is 5 units. If it can be demonstrated to the Council that such on-site or off-site provision of the required 5 affordable housing units is not practicable, the requirement should be for a commuted sum payment to the Council of a value equivalent to the cost of providing a percentage affordable housing requirement for the development of 25% of 19 houses. The terms for the provision of an affordable housing requirement should be the subject of a Section 75 Agreement to be concluded prior to a grant of planning permission for the proposed development.

The Scottish Environment Protection Agency (SEPA) have no objection to the proposed development. They make various recommendations in relation to their standard requirements and the disposal of foul and surface water discharges from the development. These recommendations have been forwarded to the applicant's agents for their information. Scottish Water have been consulted but have made no comment on the proposals. The matters of water supply, sewage treatment and surface water drainage can be controlled through legislation other than planning legislation.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to:

- (i) Secure from the applicant a financial contribution to the Council of £34,688 towards the provision of additional secondary school accommodation at Dunbar Grammar School;
- (ii) Secure the provision of 5 affordable housing units within the development site or if it can be demonstrated to the Council that this, or the off-site provision of 5 affordable units is not practicable to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision;
- (iii) Tie the proposed new build house in ownership to what is to be a fully diversified and expanded farm business at Pleasance Farm, as set out in the Supporting Statement submitted with the application, and to restrict occupancy of the proposed new build house to a person solely or mainly employed in that farm business, and to that person's dependants; and
- (iii) Prevent any future development of any new build house(s) on the area of land comprising the southernmost part of the application site.

In accordance with the Council's policy on time limits for completion of planning agreements the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reasons that:

- (i) without the developer contributions to be secured by the Section 75 Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Dunbar Grammar School and a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008;
- (ii) without the planning control of the Section 75 Agreement over the proposed new build house, it would be contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 (Part 1) of the adopted East Lothian Local Plan 2008;and
- (iii) without the control of the Section 75 Agreement to prevent a house(s) being built on the southernmost part of the applications site its change of use to residential use would be contrary to the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

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

- 2 There shall be no commencement of development of the new build house approved for Pleasance Farm by this grant of planning permission until it is demonstrated to the further approval of the Planning Authority that a fully diversified and expanded farm business, as set out in the Supporting Statement submitted with the application, is operational at Pleasance Farm.

Reason:

To ensure that the operational requirement for the proposed new build house is first in place so as to then make the development of the house consistent with Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

- 3 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 new build elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the new build elements 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 new build elements of the proposal; 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.

- 4 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include full details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, including planting to integrate the new farmhouse into its landscape setting; all existing trees and hedgerows on the site, details of any to be retained, and measures for their protection in the course of development; and all surfacing treatment within the site, including for the courtyards and gardens of the new houses, including the access road, car parking spaces and footpaths.

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 of the new houses or the completion of the development, whichever is the sooner, and 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 size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 5 No development shall take place 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 any of the houses are 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.

- 6 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 of the proposed development in accordance with a written scheme of investigation which the

applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 No development shall take place until details of the following have been submitted to and approved in writing by the Planning Authority:

(i) the layout of and equipment for the play area to the southwest of the existing steading buildings;

(ii) elevations and plans, including specification of materials and finishes, of the pavilion shown on the approved site layout plan drawing no. PF 12;

(iii) the positioning, design and materials of bin storage facilities.

Thereafter the play area, the pavilion and the bin stores so approved shall be constructed and brought into use prior to the occupation of any of the 18 houses hereby approved by the conversion of the existing steading buildings.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 8 Notwithstanding what is stated on the materials schedule docketed to this planning permission, all new and replacement stone to be used on the walls of the buildings, including cills, lintels and window and door surrounds shall be natural stone to match as closely as possible the existing stonework of the existing buildings, in accordance with a sample to be submitted to and approved by the Planning Authority prior to its use in the development and the stone used shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 9 Notwithstanding what is stated on the materials schedule docketed to this planning permission, the roofs of the existing 'L' shaped ranges of buildings attached to the west ranges of the quadrangle of steading buildings shall be clad in natural slate, unless otherwise approved in writing by the Planning Authority where it can be demonstrated that they were previously clad with pantiles.

Samples of new and replacement natural slates and new and replacement pantiles to be used in the development shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 10 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors, walls and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 11 All roof windows shall be 'conservation type' roof windows and shall be installed as near to a flush fitting as possible with the roof surface and with minimum required flashing.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 12 The glazed doors and windows to be installed in the existing cart arch and other large openings of the steading buildings shown on drawings Nos. PF 16 and PF 17 docketed to this planning permission shall be installed as far back within those openings as possible, to a detail to be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 13 Prior to their installation on the buildings, details of any flue and vent outlets shall be submitted to and approved by the Planning Authority. Details shall include scale 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed flue and vent outlets. The details shall show the flue and vent outlets concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the buildings to which they would adjoin.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 14 All new and replacement rainwater goods shall be cast iron and shall be painted a colour to be approved in advance by the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 15 No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 16 Prior to their use in the development a schedule and samples of the materials and finishes for the new build house and for the extensions to the existing Pleasance Farmhouse and Grieve's Cottage hereby approved shall be submitted to and approved in writing by the Planning Authority and the materials and finishes of the new build house and the extensions to Pleasance Farmhouse and Grieve's Cottage shall be in accordance with the schedule and samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 17 Prior to the occupation of any of the houses formed by the conversion of the existing steading buildings as hereby approved the U192 public road shall be widened to 5.5 metres over a length of 15 metres on either side of the new access and an adequate number of passing places shall be formed on the public road between the access and the turn off leading to Little Spott, to the west of the proposed access junction, over a distance of some 1.3 km, all to details, including the proposed location and formation of passing places, to be approved in writing in advance by the Planning Authority.

Reason

In the interests of road safety.

- 18 Prior to the occupation of any of the houses formed by the conversion of the existing steading buildings hereby approved the new access, parking and turning arrangements as shown on the drawings docketed to this planning permission shall have been formed and made available for use to the following specification, to details to be approved in writing in advance by the Planning Authority and thereafter shall remain available for use so formed unless otherwise approved in writing by the Planning Authority:

(i) 4.5 metre by 90 metres visibility splays shall be formed to the east and west sides of the site access junction with the U192 public road. No obstruction shall lie within the splay above a height of 1.05

metre measured from the adjacent carriageway surface;

(ii) The junction of the access road with the U192 public road shall be a minimum width of 5.5 metres over the first 15 metres of its length from the public road into the site. Otherwise the internal access road shall be at least 3.5 metres wide over its length and have intervisible passing places of at least 15 metres in length;

(iii) The first 15 metres of the access road from the junction of the U192 public road into the site shall be hard formed;

(iv) a turning area for refuse vehicles shall be provided within the site; and

(v) the 36 parking spaces proposed for the steading development shall have dimensions of at least 2.5 metres by 5 metres where accessed from a road of at least 5 metres width or 3 metres by 5 metres where accessed from narrower roads.

Reason:

In the interests of road safety and the residential amenity of the development.

- 19 Prior to the occupation of any of the houses hereby approved the private access road from the site to its junction with the U192 public road shall be upgraded to a pothole and water free condition, to the approval of the Planning Authority and thereafter the private access road shall be maintained in a pothole and water free condition.

Reason:

In the interests of road safety and the residential amenity of the development.

- 20 Notwithstanding that which is shown on the drawings docketed to this planning permission for the subdivision of the courtyard and garden areas of the existing steading buildings with timber fences there shall be no subdivision by enclosure of the courtyard and garden areas.

Reason:

In order to ensure the use of boundary treatments which enhance the appearance of the development in the interests of the amenity of the area.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order there shall be no development to alter or enlarge any of the 18 houses formed from the conversion of the existing steading buildings and there shall be no development within their curtilages unless with the prior approval of the Planning Authority.

Reason:

In the interests of safeguarding the character, integrity and appearance of the buildings and the visual amenity of the area.

- 22 None of the 18 houses to be created from the conversion of the group of steading buildings shall be occupied unless the two agricultural buildings positioned to the west of the group of steading buildings and which are stated to be demolished on the drawings docketed to this planning permission have been demolished and the materials of them completely removed from the site.

Reason:

To ensure that the 18 houses benefit from an acceptable amount of residential amenity and in the interests of the character and appearance of the area.