

REPORT TO: Planning Committee

MEETING DATE: Wednesday 6 June 2012

BY: Executive Director (Services for Communities)

SUBJECT: Pre-determination Hearing: Planning Application No. 11/00459/PPM – Planning permission in principle for (i)3 chalets and (ii)7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castle Park Golf Club, Gifford

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1 PURPOSE

- 1.1 A Pre-determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan and consequently has to be determined by a meeting of the full Council.
- 1.2 On the simple fact that the site of application 11/00459/PPM has an area greater than 2 hectares, the development in principle 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. Furthermore the housing component of the proposed development is significantly contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.3 Application 11/00459/PPM is therefore brought before the Planning Committee for a Pre-determination Hearing prior to the consideration of the merits and determination of the application by the Council at their meeting on 26 June 2012.
- 1.4 The purpose of this report is to provide the Committee with a description of the development proposal and with summaries of the development plan policies and other material considerations, consultation responses and public representations applicable to application 11/00459/PPM.

2 RECOMMENDATIONS

- 2.1 That the Committee refers to the content of the report as an informed context for the Pre-determination Hearing.

3 BACKGROUND

3.1 Description of Application

This planning application relates to Castle Park Golf Club, which occupies a countryside location to the southeast of Gifford. The Golf Club consists of an 18 hole golf course, clubhouse and a golf driving range. A car park serving the Golf Club is located to the south and southeast of the clubhouse. Access to the car park from the unclassified Quarryford to Gamuelston Bridge road is taken via a single track access road.

In July 2011 planning permission (Ref: 11/00458/P) was granted for the alteration and extension of the existing clubhouse building. Planning permission 11/00458/P has not yet been implemented but could be at any time up until the 29 July 2014.

The site that is the subject of this planning application has an area of some 3.3 hectares and mainly consists of the single track access road, car park, clubhouse and driving range of Castle Park Golf Club. It also includes an area of agricultural land to the east of the car park and part of the access road. The application site does not include the golf course of Castle Park Golf Club.

The application site is bounded to the north, west and partly to the east by the golf course of Castle Park Golf Club. Otherwise the application site is bounded to the east and to the south by agricultural land.

The application site is within the Yester House Designed Landscape.

Planning permission in principle is sought by Castle Park Golf Club for the development on the application site of 3 chalets and 7 houses.

The application is supported by an indicative site layout plan, a pre-application consultation report, a supporting statement and a financial appraisal report.

The submitted indicative drawings show two possible positions for the 3 chalets. The indicative site layout plan shows how the 3 chalets could be located on land that forms the southeast part of the existing car park. That drawing further shows that the chalets could be in a terraced form and on an east to west alignment. An indicative landscape strategy drawing alternatively shows how the 3 chalets could be located on land that is immediately to the east of the existing car park. It further shows that the chalets could be in a terraced form and on a north to south alignment. A floor plan submitted with the application shows that each of the 3 chalets could contain two bedrooms, a bathroom, a hall and a kitchen/ dining room. No elevation drawings of the chalets have been submitted with the application.

The principle of the 7 houses is being promoted by the applicant as a necessary provision of enabling development to cross-subsidise both the development of the 3 chalets and the alteration and extension of the existing clubhouse building approved by planning permission 11/00458/P.

The indicative site layout plan indicatively shows how the houses could be located on part of the agricultural land that is to the east of part of the access road. Those 7 houses could consist of 1 detached house, 2 semi-detached houses and a U-shaped terrace of 4 houses. Access to the 7 houses is shown to be taken from the existing golf club access road via a length of new road.

The applicant has subsequently submitted cross section drawings showing how proposed houses may appear from Baxtersyke and from the unclassified Quarryford to Gamuelston Bridge road, at a point to the south of the existing golf clubhouse.

The supporting statement informs that golf based tourism forms an important part of the tourism mix in East Lothian and attracts a substantial number of visitors each year. Castle Park Golf Club must offer not only an excellent round of golf but the facilities that golfers expect to go with it. Because the clubhouse was only intended to serve the original 9 hole golf course at Castle Park and to test the market to see if the course was going to be viable, it was only ever intended to provide basic facilities. There is not any room within the existing clubhouse for ladies or children's facilities that any competitive golf course would normally provide. The lack of basic facilities inhibits further growth of this leisure and tourism business. The already approved alterations and extensions to the clubhouse would ensure that the clubhouse was fit for purpose. The proposed remodelling of the clubhouse would enable basic facilities to be provided such as new ladies changing facilities, a new meeting room suitable for young golfers, improved kitchen facilities and an enlarged driving range bay. The proposed remodelling of the clubhouse would allow a far more effective use of the course by local schools and would enable the promotion of women's golf. The net result would be to continue this tourism asset within East Lothian on an economically sustainable basis.

The supporting statement also informs that the 3 proposed golf chalets would accommodate visiting golf parties so that they could enjoy the facilities after a round of golf without having to be concerned about driving that night. By offering these facilities the sustainable future of the golf club could be assured.

3.2 Development Plan Policy and Other Material Policy Considerations

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies HOU8 (Development on Greenfield Land), ENV1C (International and National Historic or Built Environment Designations) and ENV3 (Development in the Countryside) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV8 (Gardens and Designed Landscapes), INF3 (Infrastructure and Facilities Provision) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is Scottish Planning Policy: February 2010 where it states that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes of national importance that are included in Historic Scotland's Inventory of Gardens and Designed Landscapes. The affect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

3.3 Consultations

Transportation raise no objection to the principle of the proposed development.

The Council's Senior Environmental & Consumer Services Manager raises no objection to the principle of the proposed development.

The Policy and Projects Manager advises that the wider public benefits of securing the primary use (the chalets and the extension of the existing golf clubhouse) of the proposed development do not outweigh the normal policy presumption against new build housing development in the countryside of East Lothian. He recommends that planning permission in principle for the proposed development be refused.

The Council's Economic Development Manager raises concerns over the applicant's financial assessment that was submitted with the planning application.

Historic Scotland raise no objection to the principle of the proposed development.

The Scottish Environment Protection Agency raise no objection to the principle of the proposed development.

With regard to the housing component of the proposed development, the Council's Executive Director (Services for People) advises of the need for a developer contribution towards the cost of provision of additional accommodation at Knox Academy.

Gifford Community Council raise concerns that the proposal would constitute a major item of unwelcome sporadic development and its intrusive impact on the countryside would be exacerbated by its location on the hillock. The additional traffic generated would be unwelcome in the countryside. Moreover the proposal should not be considered as enabling, as the improvements that the housing would cross fund would remain in the ownership of the applicant, with little or no benefit to the wider community. Gifford Community Council ask that planning permission in principle for the proposed development be refused.

3.4 Representations

A total of 18 written representations have been received in respect of this application. Of these 11 make objection to the principle of the proposed development. One of these is from the Haddington and District Amenity Society. There are 5 representations in support of the principle of the proposed development. 2 of the total of 18 written representations do not support or object to the principle of the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have access.

One of the written representation of objection is a petition, with a total of 15 signatories to it. In the petitions it is stated that "We, the undersigned, object strongly to the proposed development at Castle Park Golf Course, because we

believe it would severely impact the beauty of this area, is out of character with nearby housing, and in any case is not necessary for a small local golf course”.

The main grounds of objection of the other written representations are summarised as follows:

- Proposed houses would be highly visible, obviously intrusive and would diminish the quality of this outstanding landscape;
- There is no justification for the proposed chalets, as the local area is already well served by hotels, bed and breakfasts and holiday lets;
- Other regular commercial funding could be used to fund the development;
- There would be no public benefits from the proposed development;
- Local roads could not cope with the traffic generated by the proposed development;
- The proposed development would not secure the primary use, which is the golf course and which has long since been completed;
- The proposed development is contrary to the adopted East Lothian Local Plan; and
- Approval of this planning application would set an unfortunate precedent, which could result in other golf clubs and commercial enterprises within the countryside of east Lothian also seeking planning permission for enabling housing to upgrade their existing facilities.

The 5 representations support the proposed development as it would:

- Not affect the stunning rural scenery;
- Ensure the future security of the golf course;
- Ensure that the clubhouse would be big enough to accommodate all of the members of the Golf Club; and
- Benefit tourism through the erection of 3 chalets.

In the 2 other representations it is stated that prescriptive planning controls should be imposed to ensure that all buildings are complimentary to each other and to their surrounding environment, and that construction works do not impact on the local area.

4 POLICY IMPLICATIONS

4.1 None.

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Planning application 11/00458/P- Alteration and extensions to building at Castlepark Golf Club, Gifford

7.2 Planning application 11/00459/PPM- Planning permission in principle for (i)3 chalets and (ii)7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castlepark Golf Club, Gifford

7.3 Adopted East Lothian Local Plan 2008

7.4 Approved Edinburgh and the Lothians Structure Plan 2015

7.5 Scottish Planning Policy: February 2010

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DATE	21 May 2012

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

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Application No. **06/00328/FUL**
Proposal Construction of runways, roads and buildings to form airfield
Location **East Lothian Aero Club
Station Road
Dirleton
East Lothian**
Applicant East Lothian Aero Club
Per Tim Rayner
Ward 5
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, 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. It is therefore brought before the Planning Committee for a decision.

The application site is located in the countryside approximately 1.0 kilometre to the south of the village of Dirleton. At its nearest point it is some 300 metres west of the southern length of Station Road (the C107 road), which runs between the A198 public road at its northern (Dirleton) end and Kingston Cottages at its southern end. The site is to the south of two derelict buildings. There is an access road between the two derelict buildings and Station Road. The junction of that access road with Station Road is at a point immediately to the west of a right-angled bend in the public road. There is no existing access between the two derelict buildings and the application site.

The application site is part of the agricultural land of Castlemains Farm. A field access track runs along most of the northern edge of the site but it does not continue on further to the two derelict buildings. The agricultural land of the site is generally flat and is used as arable land for the growing of crops. It is surrounded by other arable agricultural land. The closest residential properties are Sunnybrae, located some 330 metres to the east of the

application site, and Dairy Cottages, which are located on the C110 road, some 450 metres to the south west of the site.

The application site is located some 3.5 kilometres from the nearest boundary of the Firth of Forth Special Protection Area. It is also located in relatively close proximity to the Forth Islands Special Protection Area.

Planning permission is sought for the construction of a runway, roads and buildings on the application site for use as an airfield.

The runway would be 800 metres in length and 25 metres wide. Its long axis would be on an east to west alignment. Additionally, taxiways and parking areas for light aircraft would be formed to the north and northeast of the eastern end of the proposed runway. It is proposed that the runway would initially be surfaced in grass. The plans submitted with the planning application include the conversion of the grass runway at a later date to a hard surface of concrete or tarmac. The applicant informs that the reason for the contingency of a future hard surfacing of the runway is to address an eventuality of the base soil of the grass runway proving to be unsuitable for extended use. The parking area for light aircraft would from the beginning be hard surfaced with concrete.

The proposed four buildings would be located to the north of the eastern end of the proposed runway. They would consist of a clubhouse with attached youth development area, a small hanger, three combined larger hangers and a fuel store.

The building containing the proposed clubhouse with attached youth development area would have a broadly rectangular footprint and would be two storeys in height, with part of its upper floor contained within the roofspace of the building. Its walls and pitched roof would be clad in box profile steel sheeting of a 'Turtle Green' colour (BS 10B25). Its principal front elevation would face southwards towards the runway and would feature a two storey bay window feature. The proposed clubhouse would contain an entrance lobby, members area, kitchen, bathroom, air traffic control facility and storage area. The proposed youth development area would contain a bathroom, storage areas and a large open plan space.

The proposed small hanger would be positioned to the east of the proposed clubhouse and youth development area. It would have a rectangular footprint and would be single storey in height. It would be some 18 metres in length and some 15 metres wide. The ridgeline of its pitched roof would be some 4.5 metres above ground level. It would be capable of accommodating 4 light aircraft.

The three larger hangers would be positioned to the east and northeast of the proposed small hanger and would be adjoined to each other in the form of one large building. Each hanger would have a rectangular footprint and would be single storey in height. Each of the three larger hangers would be some 38 metres in length and some 31 metres wide. The ridgeline of their pitched roofs would be some 5.6 metres above ground level. The three larger hangers would each be capable of accommodating 12 light aircraft.

Thus in total the proposed hangers would be capable of accommodating up to 40 light aircraft.

The walls and pitched roofs of all of the proposed hanger buildings would be clad in box profile steel sheeting of a 'Turtle Green' colour (BS 10B25).

The fuel store would be the smallest of the proposed buildings. It would be positioned to the north of the three larger hanger. It would have an L-shaped footprint and would be single storey in height. The walls of the fuel store building would be finished with dry dash

render and its roof would be pitched and clad in box profile steel sheeting of a 'Turtle Green' colour (BS 10B25).

A car park containing a total of 20 car parking spaces would be formed to the north and west of the proposed buildings. Access to the proposed car park would be taken from the southern length of Station Road via a new length of single carriageway access road to be formed between the car park and the existing access road to the two derelict buildings that are to the north of the application site. The existing access road and the new length of single carriageway road would be surfaced with type 1 hardcore and finished with a 40mm surface course.

A supporting statement and a noise impact report were submitted with this application and further reports primarily in respect of the impact of the proposed airfield on nature conservation interests have subsequently been submitted.

The supporting statement informs that the proposed airfield would provide opportunities for sport flying and youth training and education as well as providing an appropriate light aviation airport for East Lothian and Edinburgh. It further informs that there is good evidence that there is a healthy demand for this facility, as light aircraft have been priced out of Edinburgh Airport to make way for commercial traffic. The proposed airfield would operate from sunrise to sunset. There would be no night time operation. It would be open for use each and every day of the year.

In their supporting statement, the applicant advises that the size of the proposed airfield would limit the type of aircraft that would be able to use it. In general terms the type of aircraft able to use the airfield would be limited to single engine aircraft with 1, 2 or 4 seats plus small twin engine aircraft capable of carrying 2 or 4 people. In one of the further reports submitted by the applicant it is stated that operation of the airfield on a day to day basis as an unlicensed airfield would limit the utilization of the airfield to light aviation by which the size and types of aircraft would be small and not highly powered. The scale of the proposed development would preclude jet aircraft operating from the airfield.

The applicant informs that the Civil Aviation Authority and the Air Navigation Order stipulate the operation of aircraft when taking off, landing and while on route to their destination. All aircraft are obliged to fly no lower than, or within 500ft of person or structure. The only exception to this is while landing or taking off. Flying display aircraft are exempt from these rules but must comply with other tougher safety rules.

Aircraft flying from an airfield operate in circuits while landing or taking off. The applicant informs that the close proximity of Dirleton, Gullane and wild life sanctuaries dictate that all circuits to land or take off would be flown to the south of the airfield and the height of those circuits would be 1000ft above ground level. These procedures would be published so that visiting pilots would be aware of the requirements when landing at the proposed airfield.

The proposed airfield is promoted by the applicant as a recreational facility and an educational centre plus an additional gateway to East Lothian, by it being available to visiting aircraft. As the proposed airfield would be the closest one to East Fortune Airfield, the applicant advises that the smaller aircraft participating in the East Fortune flying display might stage their display flights from the proposed airfield.

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 application are Policies ENV1A (International Natural Heritage Designations), ENV3 (Development in the Countryside) and ENV1G (Design of New Development) of the approved Edinburgh and Lothians Structure Plan 2015 and Policies NH1a (Internationally Protected Areas), DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design), T2 (General Transport Impact), DP22 (Private Parking) and DP13 (Biodiversity and Development Sites) of the adopted East Lothian Local Plan 2008.

Material to the determination of the planning application is Scottish Planning Policy: February 2010 on the matter of nature conservation.

Also material to the determination of the application are the representations received from the public.

A total of 78 written representations have been received. Of these, 24 make objection to the proposed development. The other 54 written representations are made in support of the proposed development.

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

The 54 representations support the proposed development as it would:

- Provide a much needed recreational facility;
- Attract flying tourists to East Lothian and contribute to the local economy;
- Provide opportunities for young people to develop an interest in aviation and benefit from work experience and training opportunities for a future career in aviation;
- Result in the creation of new jobs;
- Not generate significant noise or other forms of pollution; and
- Not impact on geese, as they rarely land on the application site.

The main grounds of objection are summarised as follows:

- Noise pollution would have detrimental effect on local residents and on local tourist facilities, including the Greywalls Hotel;
- Highly detrimental effect on the internationally important wild birds that use the Aberlady Nature Reserve, including pink footed geese;
- East Fortune airfield should be used instead of the proposed airfield;
- Risk of flooding of the proposed airfield;
- Impact on property prices;
- Proposed buildings would be visually offensive;
- Proposed development would affect the setting of Dirleton Castle;
- Applicant may in future seek to extend the runway and make it into a commercial airfield;
- Proposed airfield could have serious animal health and welfare implications; and
- Proximity of the proposed airfield close to a busy road could lead to road traffic accidents.

Gullane Area Community Council, a consultee on the application object to the proposed airfield, advising that the noise impact would be detrimental to the amenity of the area, particularly the villages of Dirleton and Gullane. They state that their concerns about noise have been reinforced by the information that the proposed airfield would be able to be used by aircraft and helicopters for golf tournaments in the area.

Objections made on the grounds that the proposed airfield would lead to a loss of property value are not material planning considerations in the determination of this planning application.

The application site is in a countryside location to the south of Dirleton. Thus it is covered by Policy DC1 of the adopted East Lothian Local Plan 2008. Policy DC1 sets controls for the development of leisure, tourism or infrastructure uses within the countryside of East Lothian.

Part 1(a) of Policy DC1 supports the principle of leisure, tourism or infrastructure development in the countryside of East Lothian, provided they have a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area.

What is promoted in this planning application would principally be a leisure use, operated from a proposed airfield development. However, there is no land in East Lothian allocated for such a type of development and by its size and form an airfield could not be accommodated in any of the existing urban areas of East Lothian. In which case, it is reasonable to turn to the countryside and to consider whether or not the application site is a suitable countryside location for the proposed airfield as a development to facilitate the principally proposed leisure use of the flying of light aircraft.

Some of the objectors argue that the applicant should use East Fortune airfield, as it already has existing runways. In response to this, the applicant advises that it is not possible for them to use East Fortune airfield for the flying of light aircraft because i) land ownership of East Fortune airfield is held by three different parties; ii) each owner has established independent development proposals which are not compatible with aviation or has established uses that preclude the operation of aircraft, even from the old runways; and iii) the existing/ established microlight airfield on the west end of the East Fortune airfield site exists because that type of aircraft can only operate safely due to the limited length and width of that part of the runway, and is not suitable for the operation of light aircraft.

In order to ensure that the proposed use of the airfield would be a leisure use and that the proposed development would, therefore in principle, be supported by Part 1(a) of Policy DC1 it would be necessary to restrict the use of the airfield to that which is applied for and to prevent it from being operated for the carrying of cargo and/or passengers for commercial gain.

The application site is outwith the Edinburgh Airport Safeguarding Zone. Thus there is no statutory requirement to consult Edinburgh Airport on this planning application. Responsibility for the safe operation of the proposed airfield would rest with the site operator.

The application site is located within open countryside to the south of Dirleton. At its nearest point, it is some 780 metres to the south of the A198 classified road, some 290 metres to the west of Station Road, some 420 metres to the north of the C110 road and some 325 metres to the east of the B1345 road. From such places the visual impact of the proposed airfield would be partly mitigated by the roadside hedgerows and for short durations only. In longer views from the north the proposed airfield would be set against the backdrop of the rising landform of the landscape to the south of the application site and thus would not be a markedly prominent or intrusive feature in its landscape setting.

By being a ground surface feature, of a simple grassed form and contained within a low rolling landform would not have a pronounced visual impact and would not harm the

landscape character and appearance of the area. Even if the runway were to be hardsurfaced at some time in the future, then it would still not be a harmfully obtrusive feature in its countryside location.

The proposed buildings would have the form and finishing materials of agricultural buildings. Such buildings are a relatively common feature of the countryside of East Lothian. Because of this and in their relatively contained positions within the low rolling landform of the area, the proposed buildings would not appear unduly prominent, intrusive or incongruous within their landscape setting.

In terms of its visual impact, the proposed airfield would be well integrated into the landscape and would not be harmfully prominent, intrusive or incongruous in its setting.

On this consideration of landscape and visual impact the proposed airfield is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The proposed airfield would be located some 1.0 kilometre to the south of Dirleton Castle. With such a separation distance and the degree of visual containment that the proposed airfield would have, it would not affect the setting of that Category A listed building and Scheduled Ancient Monument.

The application site is some 1.0 kilometre from the nearest settlement, that being the village of Dirleton. There are some residential properties closer to the site than the residential properties on the southern edge of Dirleton. The property of Sunnybrae, to the east of the application site is the nearest residential property.

Planning Advice Note 1/2011: Planning and Noise is not prescriptive on the matter of noise from an airfield.

The Noise Impact Report submitted with the application has been appraised by the Council's Environmental Protection Manager. The noise assessment given in the Report compares the typical noise likely to be generated by a light aircraft flying into and from the airfield and overhead, relative to the existing background noise levels of the locality. The Environmental Protection Manager agrees with the conclusion of that assessment that light aircraft using the proposed airfield would have little noise impact on the human population of the area, including the occupants of the residential properties near to the application site. His agreement is based on his understanding that flights would only be during a standard 12 hour daytime of 0700 hours to 1900 hours.

The Environmental Protection Manager raises no objection to the proposed airfield development subject to the airfield only being used for the takeoff and landing of aircraft between the hours of 0700 and 1900, any day of the week, unless otherwise approved in advance by the Planning Authority. He further recommends that details of any bird scaring measures should be submitted for approval in order to ensure that the operation of them would not result in any harmful noise impact.

If these controls were to be put in place the proposed airfield development would be compliant with Policies DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service raise no objections to the proposals, being satisfied that the proposed means of vehicular access, parking and turning are all acceptable in principle. They recommend that: (i) the corner radii on the north side of the existing access road at its junction with the southern length of Station Road should be increased to at least

9 metres to enable access for larger vehicles; (ii) wheel washing facilities should be provided; (iii) the first 10 metres of the existing access road measured back from the public road should be resurfaced and repaired to prevent loose materials being brought onto the public road on vehicle tyres; and (iv) warning signs should be erected on the A198 and B1345 roads in the vicinity of the site to warn public road users of low flying aircraft.

If these controls were to be put in place the proposed airfield development would be compliant with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service do not consider that the proximity of the proposed airfield could lead to road traffic accidents.

The Scottish Environment Protection Agency have been consulted on this planning application and raise no objection to the proposed development.

There is no evidence to suggest that the proposed airfield would have serious animal health and welfare implications, as stated by one of the objectors to the application.

Notwithstanding all of these foregoing considerations, what now has to be considered in the determination of this application is whether or not the proposed airfield would have an adverse effect on biodiversity and on the conservation interest of the Firth of Forth Special Protection Area or the Forth Islands Special Protection Area.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

In his original consultation response, the Council's Biodiversity Officer advised that the application site is in close proximity to Aberlady Bay Local Nature Reserve and is within a feeding area for over-wintering geese. He raised concerns that aircraft could have a major impact on important bird populations, but conversely, that the birds could be a danger to flying aircraft. Pink footed geese are an important species within the Firth of Forth Special Protection Area.

The Royal Society for the Protection of Birds have raised concerns that the proposed development may lead to a marked increase in disturbance to pink footed geese feeding in the wider locality of the application site during autumns and winters.

Scottish Planning Policy advises that sites classified as Special Protection Areas under Birds Directive 79/409/EEC on the conservation of wild birds and designated as Special Areas of Conservation under Habitats Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora Directive form an European Union-wide network of protected areas known as Natura 2000. Any development proposal which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment by the planning authority of the implications for the site's conservation objectives. Development which could have a significant effect on a Natura site can only be permitted where:

- an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- there are no alternative solutions, and
- there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where, in the absence of any alternatives, an authority proposes to approve a project which could adversely affect the integrity of a Natura site for reasons of overriding public

interest, Scottish Ministers must be notified and compensatory measures necessary to ensure the overall coherence of the Natura network is protected must be provided. For projects affecting a Natura site where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission via Scottish Ministers is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment.

Scottish Planning Policy also advises that Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015 states that development which would have an adverse effect on the conservation interests for which a Natura 2000 area [that includes a Special Protection Area] has been designated should only be permitted where, (i) there is no alternative solution, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature. Local plans should include policies and, where appropriate, proposals for their protection and enhancement.

Policy NH1a of the adopted East Lothian Local Plan 2008 stipulates that development which would have an adverse effect on the conservation interest of a Natura 2000 area or a Ramsar site will only be permitted in the following circumstances, (i) there are no alternative solutions, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature.

In their initial consultation response Scottish Natural Heritage advised that the proposed development could have potentially serious adverse impacts on important natural heritage interests of the Firth of Forth Special Protection Area. In later correspondence, SNH also advised that the proposed development could adversely affect breeding seabirds from the Forth Islands Special Protection Area.

On this matter there has been extensive correspondence between the applicant, Scottish Natural Heritage, the Council's Biodiversity Officer, and planning officers of East Lothian Council.

Since giving their initial consultation response Scottish Natural Heritage confirmed that, as the proposed airfield development may affect a qualifying interest of both the Firth of Forth Special Protection Area and the Forth Islands Special Protection Area, namely the population of pink-footed geese and the population of breeding seabirds respectively, the Council must carry out an appropriate assessment as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), more commonly known as the 'Habitats Regulations'.

The requirements of Article 6(3) of the EC Habitats Directive are transposed into domestic law by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). These regulations set out a procedure which all competent authorities must follow when considering any plan or project whereby any plan or project which is not necessary for the conservation management of a European Site and which is likely to have a significant effect on such a site has to be appropriately assessed in view of the site's conservation objectives.

In this matter East Lothian Council is the competent authority. In the determination of this application for planning permission the responsibility is on the Council, as planning authority to not only have carried out an appropriate assessment, as advised by Scottish Natural Heritage, but to also pay due regard to the findings of it. If this planning application

is to be approved the Council must be satisfied that the appropriate assessment clearly ascertains that there will be no adverse affect on the integrity of the Special Protection Areas in respect of their conservation objectives. The tests in the Regulations are precautionary, which means that if there is uncertainty about the seriousness of the effects, permission should not be granted except in very special circumstances of overriding public interest. Indeed, if there is uncertainty about the seriousness of the effects and there are no imperative reasons of overriding public interest, then under the provisions Regulations 48 & 49 of the Regulations the Council is prohibited from granting planning permission.

The Council commissioned David Tyldesley and Associates to undertake on the Council's behalf an appropriate assessment in respect of the proposed airfield development. The appropriate assessment is informed by David Tyldesley and Associates' extensive knowledge of the Habitats Regulations, as well as a thorough review of the main documents supporting this planning application and of responses from the RSPB, SNH and the Council's Biodiversity Officer and the applicant's further reports in respect of nature conservation.

The appropriate assessment concludes that species within the Forth Islands Special Protection Area could be disturbed by flights from the airfield were it to become operational. These potential disturbance effects amount to a significant effect alone on the Forth Islands Special Protection Area.

The appropriate assessment also concludes that species within the Firth of Forth Special Protection Area could be disturbed by flights generated by the operation of the airfield. The disturbance associated with a proportion of the flights each year from the airfield could undermine the conservation objective of the Firth of Forth Special Protection Area, which is to 'avoid significant disturbance to the qualifying species'. It is also concluded that a second potential affect would be disturbance to pink footed geese whilst in their feeding grounds outwith the Firth of Forth Special Protection Area. The pink footed geese population generally leave the Firth of Forth Special Protection Area during the day to feed on adjacent land. At dusk they return to the Firth of Forth Special Protection Area to roost. Feeding flocks of the geese have been recorded within the agricultural fields in the vicinity of the application site. In the vicinity of the proposed airfield, the disturbance associated with aircraft movement would be of a greater magnitude due to the aircraft flying at a lower altitude for the purpose of take off and landing. The disturbance could have the effect of displacing birds from potential feeding habitat as well as disturbing them whilst feeding or travelling to and from their feeding grounds. There is insufficient evidence to conclude that the effect on the pink footed geese from this disturbance would not be significant. The displacement of geese from the feeding area would be exacerbated by the need to keep the airfield and surrounding area clear of geese. The operation of the proposed airfield would be likely to have a significant effect alone on the Firth of Forth Special Protection Area as a result of disturbance effects both within the Special Protection Area and in the off site feeding grounds exacerbated by the disturbance and displacement effects of direct habitat loss from the feeding grounds habitats and the occasional effects of bird scaring.

Through the appropriate assessment it cannot be ascertained that, even taking account of the way in which the proposed airfield would be operated and potentially controlled through planning conditions, it would not have an adverse affect on the integrity of the qualifying interests of the Firth of Forth Special Protection Area and the Forth Islands Special Protection Area. Consequently the proposed airfield is not compliant with Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008, Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015 and Scottish Planning Policy: February 2010 with respect to the matter of nature conservation.

REASON FOR REFUSAL:

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Through the appropriate assessment of the proposed development it cannot be ascertained, even taking account of the way in which the proposed airfield would be operated and potentially controlled through planning conditions, that it would not have an adverse affect on the integrity of the qualifying interests of the Firth of Forth Special Protection Area and the Forth Islands Special Protection Area. Consequently the proposed airfield is not compliant with Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008, Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015 and Scottish Planning Policy: February 2010 with respect to the matter of nature conservation.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

3

Note: this application was called off the Scheme of Delegation by Councillor Richardson for the following reasons: this turbine will have a considerable impact on the green credentials of one of our main agricultural suppliers of vegetables to major supermarkets.

Application No. **12/00028/P**
Proposal Erection of wind turbine and associated works
Location **Land At Waughton
East Linton
East Lothian**
Applicant Mr Logan and Mr Hogg
Per TGC Renewables Ltd
Ward 5
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of a single wind turbine on agricultural land at Waughton, to the northwest of the village of East Linton. The proposed wind turbine would be positioned within a field some 423 metres to the northeast of Waughton House and some 335 metres to the east of the unclassified public road to the west. The proposed wind turbine would consist of a supporting column measuring 24.6 metres in height from the ground to the centre of the rotor hub. The triple blades of the rotor would each have a length of 9.6 metres. The wind turbine would therefore have a height of 34.2 metres from ground level to blade tip. The diameter of the rotating blades would be 19.2 metres. The supporting column of the proposed wind turbine would be constructed of grey coloured steel and the rotor hub and rotor blades would also be coloured grey.

To facilitate the operation of the proposed wind turbine planning permission is also sought for the erection of a small control cabinet building to be positioned some 7 metres to the west of the location of the proposed wind turbine. The proposed control cabinet building would measure some 3 metres high, 2.5 metres long and 2.5 metres wide and would be coloured green. To access the proposed wind turbine from the unclassified public road to the west of the site, it is also proposed to form a 340 metre long hardcore access track

running southwards and then westwards from the location of the proposed wind turbine along the field edge.

Waughton Castle Scheduled Ancient Monument is some 390 metres to the north of where the proposed wind turbine would be positioned. Waughton Dovecot, which is listed as being of special architectural or historic interest (Category B), is some 340 metres to the north of where the proposed wind turbine would be positioned.

North Berwick Law, a valued landscape feature of the East Lothian countryside is located some 3.7 kilometres to the north of the position proposed for the wind turbine. Traprain Law, a valued landscape feature of the East Lothian countryside is located some 5.6 kilometres to the south of the position proposed for the wind turbine.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 5 March 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed wind turbine to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV3 (Development in the Countryside), ENV6 (Renewable Energy) and ENV1C (International and National Historic or Built Environment Designations) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP13 (Biodiversity and Development Sites), NRG3 (Wind Turbines), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are:

1. The Scottish Government's policy on renewable energy given in Scottish Planning Policy: February 2010;
2. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines", which has replaced Planning Advice Note 45: Renewable Energy Technologies;
3. The East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
4. The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010;

5. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010; and

6. The Scottish Historic Environment Policy: December 2011.

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise. When granting planning permission planning authorities should include conditions for the decommissioning of renewable energy developments including, where applicable ancillary infrastructure and site restoration.

The advice entitled "Onshore Wind Turbines" forms one section of the web based renewables advice that the Scottish Government have introduced to replace Planning Advice Note 45: Renewable energy technologies. It provides advice on, amongst other things, matters relating to landscape impact, wildlife and habitat, ecosystems and biodiversity, shadow flicker, noise, road traffic impacts, aviation, and cumulative effects. In relation to landscape impact, the advice is that wind turbines can impact upon the landscape by virtue of their number, size or layout, how they impact on the skyline, their design and colour, any land form change, access tracks and ancillary components anemometers, substations and power lines. The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys, and vegetation. Selecting an appropriate route for access, considering landform change, surfacing and vegetation can also influence to what extent proposals are integrated into the landscape setting. In relation to landscape impact, a cautious approach is necessary in relation to particular landscapes which are rare or valued. In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and views, proximity and inter-visibility and the sensitivity of visual receptors. Planning authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed.

Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015 states that the development of renewable energy resources will be supported where this can be achieved in an environmentally acceptable manner. Local Plans should set out the specific criteria against which renewable energy developments will be assessed including cumulative impact.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest. With regard to wind turbines it is stated in paragraph 9.7 that because of the need for turbines to catch the wind it is not possible to hide them. The visual and landscape impact, both of the turbines themselves and associated infrastructure, is usually the main concern. In paragraph 9.8 it is stated that the Council wishes to protect valued landscape features, including North Berwick Law.

Policy NRG3 of the adopted East Lothian Local Plan 2008 states that subject to consistency with other plan policies, proposals for individual turbines or wind farms and associated access tracks and transmission lines will be supported where (i) they would not change the existing landscape character in an unacceptable way; (ii) they would not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features, or routes; (iii) they would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large; (iv) there would be no demonstrable nuisance from a shadow flicker effect; (v) they would have no unacceptable adverse impacts on hydrogeology or hydrology; (vi) alternative, better, sites are not available; and (vii) there are no unacceptable cumulative impacts. Policy NRG3 also requires that in assessing all proposals the Council will have regard to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

The Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) is not material to the determination of this application as its findings are not based on an assessment of the affect on the landscape of East Lothian of a wind turbine(s) lower than 42 metres high.

The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is relevant to the determination of this application. In setting out the policy framework and key considerations for wind turbine development the purpose of this supplementary planning guidance is (i) to provide potential applicants for planning permission for smaller and medium sized turbines with guidance on the range of issue which they should consider when preparing wind turbine proposals, and (ii) to indicate the matters which will be considered by the Council when assessing these applications. It is focused primarily on turbines with a height to blade tip ranging from between 20 to 120 metres but is also applicable to single and small groups of turbines in excess of 120 metres to blade tip where the same design and policy issues would be relevant.

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is also relevant to the determination of this application. This Supplementary Landscape Capacity Study determines the capacity of the East Lothian lowland landscapes and the Lammermuir fringe to accommodate various scales of wind turbine development smaller than those considered in the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

The four principal development typologies of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) are, (i) Typology A: wind turbines between 65m and 120m high, (ii) Typology B: Single wind turbines between >42m and <65m high, (iii) typology C: wind turbines between 20m and up to and including 42m high, and (iv) typology D: wind turbines between 12m and <20m high, with all wind turbine heights being from ground level to blade tip.

A total of 46 written objections to the application have been received. Many of the written objections are based on a pro-forma letter. The main grounds of objection are that the proposed wind turbine:

- i) is of an inappropriate size and scale and would damage the landscape character and appearance of the area in an unacceptable way;
- ii) would harmfully impact on key features and views;
- iii) would harmfully impact on Waughton Castle and Waughton Dovecot;

- iv) would have a harmful noise impact;
- v) would harmfully impact on birds;
- vi) would have implications for road safety due to its distraction to drivers, the increase in traffic to the site and danger of construction traffic;
- vii) would lead to an unacceptable cumulative impact;
- viii) is not consistent with the findings of the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
- ix) should be the subject of an EIA;
- x) would devalue neighbouring residential properties.

Another ground for objection is that it has not been demonstrated that alternative, better sites are not available for the proposed wind turbines.

As stated above East Lothian Council as Planning Authority have already issued a screening opinion stating that there is no requirement for the proposed wind turbine to be the subject of an EIA.

The effect on property values is not a material consideration in the determination of a planning application.

The National Air Traffic Services (NATS) and the Civil Aviation Authority (CAA) have been consulted on the application and both raise no objection to the proposed wind turbine on grounds of aircraft safety. The Ministry of Defence (MOD) has no comment to make on the application.

It is stated in Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008 that infrastructure type development will be acceptable in principle in the countryside of East Lothian provided it has a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area. 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.

With its purpose to generate and supply electricity a wind turbine can reasonably be defined as being an infrastructure type development. A countryside location where wind power can be harnessed to generate electricity is a basis upon which the requirement to operate a wind turbine infrastructure type development in the countryside can in principle be justified.

The application site is in a countryside location where wind power can be harnessed to generate electricity. The wind turbine the subject of this application is proposed as a renewable energy source in association with the operation of the applicant's agricultural business which operates at West Garleton, in the countryside to the north of Haddington. Accordingly, as a form of new build infrastructure development in the countryside of East Lothian the proposed wind turbine can be justified. On this consideration it is consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

Moreover, in its countryside location the proposed wind turbine would not involve any permanent development and furthermore would not preclude the reversal of the use of the land of the application site to agricultural use. On this consideration too the principle of the proposed development is consistent with Policy DC1 of the Local Plan and Policy ENV3 of the Structure Plan.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable impact from noise at any noise sensitive property and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

Paragraph 5.20 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that the proximity of noise sensitive receptors (e.g. residential properties) will be a significant factor in the requirement for an assessment of the affect of noise from the turbine on such noise sensitive receptors. Paragraph 5.22 states that for single turbines in low noise environments the day time level measured as LA(), 10min should be 35 DB at nearest noise sensitive dwellings, up to wind speeds of 10m/s at 10 metres in height.

The Council's Senior Environmental & Consumer Services Manager advises that he is satisfied that the external free-field noise levels associated with the operation of the proposed wind turbine would not exceed 35dBLA90 10min at any wind speed up to 10m/s at any residential property. Thus the proposed wind turbine would not have a harmful noise impact on the residential properties within the wider area.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not demonstrably give rise to nuisance from a shadow flicker effect and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" advises that as a general rule the shadow flicker effect of an operating turbine should not be a problem where the distance between the turbine and a dwellinghouse exceeds 10 times the diameter of the rotor blades of the turbine.

In the case of the proposed wind turbine 10 times the diameter of its rotor blades would be 192 metres. The nearest dwelling, being the property of Little Waughton to the northwest, is some 384 metres away from where the proposed wind turbine would be sited. Thus, with regard to that dwellinghouse the proposed wind turbine passes the Scottish Government's general rule of shadow flicker effect.

Due to its height and distance from the nearest residential properties the proposed wind turbine would not be physically overbearing on any of them or in the outlook from them. On this count the proposed wind turbine would not harm the amenity of those residential properties.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable adverse impact on hydrogeology or hydrology.

There is no evidence on which to say that the proposed wind turbine would have an unacceptable adverse impact on the hydrogeology or hydrology of the area.

On these tests of noise and shadow flicker effect and considerations of dominance, outlook and impact on hydrology the proposed wind turbine is consistent with, where applicable, Policies NRG3 and DC1 (Part 5) of the adopted East Lothian Local Plan 2008, Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015, The

Scottish Government web based renewables advice entitled “Onshore Wind Turbines” and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

On the matter of safety, paragraph 5.15 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that although wind turbines erected in accordance with best engineering practice should be stable structures, it is desirable to achieve a set back from roads, railways and public footpaths. The Scottish Government web based renewables advice entitled “Onshore Wind Turbines” gives advice on the siting of wind turbines in proximity to roads and railways and states that it may be advisable to achieve a set back from roads and railways of at least the height of the turbine proposed.

The proposed wind turbine would achieve such a set back distance in its relationship with the nearest public road to the west.

The Council's Head of Transportation has been consulted on the application and raises no objection to the proposed wind turbine, being satisfied that due to its distance away from the public road it would have no significant adverse consequences for road safety. He also advises that the application site can be safely accessed by construction vehicles and use of the access would not be a road safety hazard.

On this consideration the proposed wind turbine is consistent with Policy T2 of the adopted East Lothian Local Plan 2008, The Scottish Government web based renewables advice entitled “Onshore Wind Turbines” and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Scottish Planning Policy on the historic environment echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008, new development that harms the setting of a listed building will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that any proposal for wind turbine development near or within the curtilage of a listed building must ensure that the listed building remains the focus of its setting and is not harmed by the presence of the proposed turbine(s).

Waughton Dovecot is situated some 340 metres to the north of where the proposed wind turbine would be sited. Due to this distance apart, the contained location of Waughton Dovecot and the limited massing of the proposed wind turbine, it would not have a harmfully prominent or imposing visual relationship with that building and thus it would not be seen to harmfully impose itself on the setting of that Category B listed building.

Accordingly, the proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010 that where works requiring planning permission would affect a scheduled monument, the protection of the monument and its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that harms a scheduled monument or its setting will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm a scheduled ancient monument or its setting, will not normally be permitted.

Due to its positioning the proposed wind turbine would not encroach onto and indeed would be some 390 metres away to the south of the Scheduled Ancient Monument of Waughton Castle. Due to such separation distance and the nature of the low ground form of Waughton Castle the proposed wind turbine would not have any direct visual relationship with that Scheduled Ancient Monument and thus would not have a harmful visual impact on its setting.

Historic Scotland have been consulted on the application. Historic Scotland are content that the proposed wind turbine would not have an adverse impact on the setting of the Scheduled Ancient Monument of Waughton Castle.

Accordingly, the proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: July 2009, Scottish Planning Policy: February 2010 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

As stipulated in Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that would harm a site of archaeological interest or its setting will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm an archaeological site or its setting, will not normally be permitted.

The Council's Archaeology Officer advises that the proposed wind turbine would be situated in an area regarded as having a high potential for the discovery of archaeological remains. He acknowledges that because of this any direct impact of the proposed development could be mitigated by a programme of archaeological works being carried out prior to the commencement of development. This could be secured through a condition attached to a grant of planning permission for the proposed wind turbines, were

the decision to be to grant planning permission. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

The proposed wind turbine is not contrary to Policy ENV7 of the adopted East Lothian Local Plan 2008 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that sites or species designated or protected for their biodiversity or nature conservation interest will be protected in accordance with development plan policy. Proposals for wind turbines must have regard to both their site specific and wider impacts.

The Council's Biodiversity Officer advises that the Council's goose survey has recorded only a relatively low number of geese in the field where the proposed wind turbine would be sited, and that the field is outwith the recognised main goose feeding grounds. He further advises that due to the positioning of the proposed wind turbine away from a field edge, it would not have a harmful impact on bats that may migrate along the nearby burn.

Accordingly the Council's Biodiversity Officer is satisfied that the proposed wind turbine would not have any adverse biodiversity impacts.

Accordingly, the proposed wind turbine is not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Notwithstanding these foregoing conclusions it now has to be established whether or not the proposed wind turbine would be acceptable in terms of its landscape and visual impact.

On the matter of landscape impact the terms of the Council approved East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is a material consideration in the determination of this planning application.

This Study classifies the land of the application site as being within the 'Agricultural Plain – Sub Area 1, East' landscape character area, which it describes as being a rolling landform with pronounced ridges and occasional landmark features, with a relatively high proportion of woodland which increases containment and reduces scale and with little large scale built development and few large industrial features.

The Study informs that the siting of larger wind turbines in this landscape character area would be likely to impact on the perception of its rural character. While the landform of this character area can be complex and often rugged in character, broader smoother ridges and gentle hill slopes also occur and these would be less sensitive to the siting of smaller wind turbines.

Overall within the 'Agricultural Plain – Sub Area 1, East' landscape character area there would be a high sensitivity to the siting of wind turbines of typologies A and B. There would be a medium-high sensitivity to the siting of wind turbines of typology C and a low sensitivity to the siting of wind turbines of typology D.

As such the Study informs that within the 'Agricultural Plain – Sub Area 1, East' landscape character area there is no scope to accommodate wind turbines of typologies A and B due to the significant adverse impacts such wind turbines would be likely to have on the range of landscape and visual sensitivities of the landscape character area. Thereafter the Study informs that there is very little scope to accommodate within the 'Agricultural Plain – Sub Area 1, East' landscape character area wind turbines of typology C (i.e. wind turbines of a height of between 20 metres and 42 metres), and that any such wind turbines would have to be towards the lower height band of this typology (i.e. at least they would have to be below a height of 30 metres from ground level to blade tip) in order to attain a better scale relationship to small buildings in this well settled area and to minimise effects on views of landmark features. There are greater opportunities to locate wind turbines of typology D (i.e. wind turbines between 12 metres and <20 metres high), if visually associated with farms and buildings.

The proposed wind turbine, by having a height of 34.2 metres from ground level to blade tip, falls within typology C of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011). It would be positioned within the 'Agricultural Plain – Sub Area 1, East' landscape character area defined by the Study. The Study concludes that within this landscape character area there is very little scope to accommodate wind turbines of typology C that would be no higher than 30 metres from ground level to blade tip. As the proposed wind turbine would be of a height of 34.2 metres from ground level to blade tip it is not consistent with these findings of the Study that the landscape in which it would be sited does not have the capacity to accommodate it.

In addition to the conclusion that the proposed wind turbine is not consistent with the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) other landscape appraisal needs to be made to fully inform a considered determination of whether or not the proposed wind turbine is acceptable in landscape terms.

Policy ENV3 states that local plans should require that development in the countryside is well integrated into the rural landscape and reflects its character and quality of place.

Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 stipulates that new development must be sited so as to minimise visual intrusion and landscape impact within the open countryside. With regard to its nature and scale new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

As stipulated in Policy NRG3 of the adopted East Lothian Local Plan 2008 a proposed wind turbine(s) should not change the existing landscape character in an unacceptable way and should not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features.

On the key considerations of landscape impact and impact on public views to and from landmark features Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states:

(i) wind turbine development will only be supported where the overall integrity and setting of key public views to and from landmark features, both natural and man-made, will not be compromised. Developments which would harm the character, appearance and setting of significant natural landscape features, landmark buildings and structures will be resisted;

(ii) wind turbines must be sited and designed so that they relate to their setting; that any adverse effects on visual amenity and landscape are minimised and that areas which are valued for their landscapes and scenery are protected;

(iii) wind turbines must be acceptable in terms of scale and character for their proposed location and must be well integrated into the landscape, reflect its character and quality of place and be compatible with its surroundings;

(iv) wind turbines must not appear incongruous or dominate the local landscape when viewed from a range of public places. They must be capable of being accommodated within an open landscape without detriment to landscape character. They must not result in a change of landscape character from a predominantly agricultural landscape to one that is a landscape dominated by wind turbines: cumulative impact will be a particular issue here;

The landscape advice from Policy & Projects is premised on the observations that the application site is within a landscape character area which comprises low level farm buildings, cottages and houses that are well distributed over the open countryside.

The landscape advice is that there are a number of important views within this landscape character area to North Berwick Law and Traprain Law which would be deleteriously affected by the proposed wind turbine. Due to the topography of the area the proposed wind turbine would be visible from a number of roads, including the B1377 north bound from East Linton to North Berwick, and would appear as a new, highly visible structure which would have a detrimental effect on the natural flow of the topography within this landscape character area, spoiling the composition of the views to North Berwick Law from the south and Traprain Law from the north.

A wind turbine of the scale and height proposed positioned within such open and relatively flat topography would become the dominant feature in this landscape character area and could not be successfully integrated within the landscape pattern of the area. The proposed wind turbine would be out of scale with local landscape features and would have a detrimental impact on the landscape character and would spoil the composition of views to North Berwick Law and Traprain Law. Due to the height, scale and positioning of the proposed wind turbine it would be an intrusive, inharmonious and exposed form of development that would be harmful to the quality, character and amenity of the landscape character of the area.

In its siting within a generally flat field the proposed wind turbine would, due to its height, be highly visible in views from public places in the wider area. Due to its positioning, form, height and scale the proposed wind turbine would change the existing landscape character of the area by appearing as a prominently intrusive feature in the landscape, not reflective of its character and quality of place. In that it would appear harmfully prominent, dominant, intrusive and incongruous in its landscape setting it would have an unacceptable visual impact on the landscape.

Due to the harmful impact the proposed wind turbine would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010, the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) and the East

Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this non-accordance with development plan policy.

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. However, Scottish Planning Policy advises that whilst planning authorities should support the development of a diverse range of renewable energy technologies, they should guide development to appropriate locations and that factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area and include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Development plan policy for East Lothian is supportive of Government policy to secure greater energy generation from renewable sources, but does require that the benefits of that have to be weighed against the impact of any such developments on the local environment and features of interest.

In the case of the wind turbine proposed in this application any benefit of it as a renewable source of electricity generation would not in itself outweigh the harmful impact it would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law.

REASON FOR REFUSAL:

- 1 Due to the harmful impact it would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

4

Note: this application was called off the Scheme of Delegation by Councillor McMillan for the following reasons: a) to consider the impact on the landscape in the undulating area and particularly its effect on the view from Athelstaneford b) review the application in terms of its effect on economic sustainable development c) consider wider implications given existing and visible turbines in the area d) review the application in the light of the December 2011 guidelines which were issued whilst the application was in process

Application No. **11/00467/P**

Proposal Erection of wind turbine, formation of access road, and associated works

Location **West Fortune Farm
Drem
North Berwick
East Lothian
EH39 5LL**

Applicant Hamilton Waste and Recycling

Per Wardell Armstrong LLP

Ward 6

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of one wind turbine on agricultural land at West Fortune Farm. The proposed wind turbine would be positioned within an area of generally flat agricultural land, adjacent to the field edge. It would be some 360 metres to the northwest of the buildings of West Fortune Farm. It would be some 385 metres to the south of the B1377 public road and some 330 metres to the south of the east Coast railway line.

The proposed wind turbine would consist of a supporting column measuring 50 metres in height from the ground to the centre of the rotor hub. The triple blades of the rotor would each have a length of 16.7 metres. The wind turbine would therefore have a height of 66.7 metres from ground level to blade tip. The diameter of the rotating blades would be 33.4 metres. The supporting column of the wind turbine would be constructed of grey coloured steel and the rotor hub and rotor blades would also be coloured grey.

In association with the proposed wind turbine planning permission is also sought for the erection of a small substation building to be positioned some 400 metres to the southeast of the location of the proposed wind turbine, some 20 metres to the southwest of the agricultural buildings of West Fortune Farm. The proposed substation building would measure some 2.5 metres high, 6.4 metres long and 4.6 metres wide and would be coloured grey. To access the proposed wind turbine it is also proposed to form a 340 metre long hardcore access track running southwards from the location of the proposed wind turbine along the field edge and thereafter eastwards towards the buildings of West Fortune Farm.

Within the grouping of buildings of West Fortune Farm is the building of West Fortune Farmhouse, which is listed as being of special architectural or historic interest (Category B). This listed building is some 500 metres to the southeast of the location of the proposed wind turbine.

The West Fortune Enclosure Scheduled Ancient Monument is some 360 metres to the northeast of the location of the proposed wind turbine.

The proposed wind turbine would be some 1.12 kilometres away from the southeast corner of the Drem Conservation Area and some 1.6 kilometres north of the Athelstaneford Conservation Area.

Submitted with the application are a landscape and visual appraisal document, a noise assessment and bird reports.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 6 July 2011 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed wind turbine to be the subject of an EIA.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1A (International Natural Heritage Designations), ENV3 (Development in the Countryside), ENV6 (Renewable Energy), ENV1C (International and National Historic or Built Environment Designations) and ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies NH1a (Internationally Protected Areas), DC1 (Development in the Countryside and Undeveloped Coast), DP13 (Biodiversity and Development Sites), NRG3 (Wind Turbines), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are:

1. The Scottish Government's policy on renewable energy given in Scottish Planning Policy: February 2010;
2. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines", which has replaced Planning Advice Note 45: Renewable Energy Technologies;
3. The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010;
4. The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011);
4. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010;
5. The Scottish Historic Environment Policy: December 2011;

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise. When granting planning permission planning authorities should include conditions for the decommissioning of renewable energy developments including, where applicable ancillary infrastructure and site restoration.

The advice entitled "Onshore Wind Turbines" forms one section of the web based renewables advice that the Scottish Government have introduced to replace Planning Advice Note 45: Renewable energy technologies. It provides advice on, amongst other things, matters relating to landscape impact, wildlife and habitat, ecosystems and biodiversity, shadow flicker, noise, road traffic impacts, aviation, and cumulative effects. In relation to landscape impact, the advice is that wind turbines can impact upon the landscape by virtue of their number, size or layout, how they impact on the skyline, their design and colour, any land form change, access tracks and ancillary components anemometers, substations and power lines. The ability of the landscape to absorb development often depends largely on features of landscape character such as landform, ridges, hills, valleys, and vegetation. Selecting an appropriate route for access, considering landform change, surfacing and vegetation can also influence to what extent proposals are integrated into the landscape setting. In relation to landscape impact, a cautious approach is necessary in relation to particular landscapes which are rare or valued. In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and views, proximity and inter-visibility and the sensitivity of visual receptors. Planning authorities are more frequently having to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed.

Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015 states that the development of renewable energy resources will be supported where this can be achieved in an environmentally acceptable manner. Local Plans should set out the specific criteria against which renewable energy developments will be assessed including cumulative impact.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest. With regard to wind turbines it is stated in paragraph 9.7 that because of the need for turbines to catch the wind it is not possible to hide them. The visual and landscape impact, both of the turbines themselves and associated infrastructure, is usually the main concern. In paragraph 9.8 it is stated that the Council wishes to protect valued landscape features, including North Berwick Law.

Policy NRG3 of the adopted East Lothian Local Plan 2008 states that subject to consistency with other plan policies, proposals for individual turbines or wind farms and associated access tracks and transmission lines will be supported where (i) they would not change the existing landscape character in an unacceptable way; (ii) they would not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features, or routes; (iii) they would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large; (iv) there would be no demonstrable nuisance from a shadow flicker effect; (v) they would have no unacceptable adverse impacts on hydrogeology or hydrology; (vi) alternative, better, sites are not available; and (vii) there are no unacceptable cumulative impacts. Policy NRG3 also requires that in assessing all proposals the Council will have regard to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

The Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005) is not material to the determination of this application as its findings are not based on an assessment of the affect on the landscape of East Lothian of a single wind turbine lower than 120 metres high.

The Council's Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is relevant to the determination of this application. In setting out the policy framework and key considerations for wind turbine development the purpose of this supplementary planning guidance is (i) to provide potential applicants for planning permission for smaller and medium sized turbines with guidance on the range of issue which they should consider when preparing wind turbine proposals, and (ii) to indicate the matters which will be considered by the Council when assessing these applications. It is focused primarily on turbines with a height to blade tip ranging from between 20 to 120 metres but is also applicable to single and small groups of turbines in excess of 120 metres to blade tip where the same design and policy issues would be relevant.

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) is also relevant to the determination of this application. This Supplementary Landscape Capacity Study determines the capacity of the East Lothian lowland landscapes and the Lammermuir fringe to accommodate various scales of wind turbine development smaller than those considered in the 2005 Capacity Study. In this regard four principal development typologies are considered in the study, namely, (i) Typology A: wind turbines between 65m and 120m high, (ii) Typology B: Single wind turbines between >42m and <65m high, (iii) typology C: wind turbines between 20m and

up to and including 42m high, and (iv) typology D: wind turbines between 12m and <20m high, with all wind turbine heights being from ground level to blade tip.

41 written objections to the application have been received. Many of the written objections take the form of pro-forma letters. The main grounds of objection are that the proposed wind turbine:

- i) is of an inappropriate size and scale and would damage the landscape character and appearance of the area in an unacceptable way;
- ii) would harmfully impact on key features and views;
- iii) would be harmful to the setting of the listed building of West Fortune Farmhouse and both Drem and Athelstaneford Conservation Areas;
- iv) would have a harmful impact through noise and shadow flicker;
- v) would be a danger to microlights;
- vi) would be harmful to birds;
- vii) would harmfully impact on tourism;
- viii) would lead to an unacceptable cumulative impact.

Another ground for objection is that it has not been demonstrated that alternative, better sites are not available for the proposed wind turbine.

There is no evidence to suggest the proposed wind turbine would harm tourism in East Lothian.

East of Scotland Microlights, who operate their microlight centre at East Fortune, originally objected to this application on the grounds of the potential of the proposed wind turbine to impact on flight safety. However, having clearly established for themselves the proposed location of the proposed wind turbine they have withdrawn their objection, being satisfied that the proposed wind turbine would not harmfully impact on the flight safety of microlights.

Due to its relatively small size and positioning within the landscape, close to the group of large buildings of West Fortune Farm, the proposed substation building would not appear harmfully exposed, intrusive or incongruous in its setting and would not be harmful to the landscape character and appearance of the area. Due to its positioning on the southwest side of the group of buildings it would not harm the setting of the listed building of West Fortune Farmhouse which is on the northeast side of the group of buildings.

Due to its positioning within the local landform and that it would be a ground surface feature, the proposed access track would not be harmful to the landscape character and appearance of the area or the setting of the listed building of West Fortune Farmhouse.

The Ministry of Defence (MOD), the Civil Aviation Authority (CAA) and the National Air Traffic Services (NATS) have been consulted on the application and neither one of these aviation bodies raise any objection to the siting of the proposed wind turbine on the grounds of aircraft safety.

It is stated in Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008 that infrastructure type development will be acceptable in principle in the countryside of East Lothian provided it has a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area. 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.

With its purpose to generate and supply electricity a wind turbine can reasonably be defined as being an infrastructure type development. A countryside location where wind power can be harnessed to generate electricity is a basis upon which the requirement to operate a wind turbine infrastructure type development in the countryside can in principle be justified.

The application site is in a countryside location where wind power can be harnessed to generate electricity. Because of this and that it is to be operated for the business use of West Fortune Farm the proposed wind turbine can as a form of new build infrastructure development in the countryside of East Lothian be justified. The proposed wind turbine is capable of providing the farm with a renewable energy source. On these considerations the proposed wind turbine is consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

Moreover, in its countryside location the proposed wind turbine would be the development of only a very small amount of agricultural land. Due to its physical form it could be easily removed if no longer required for its purpose and thus it would not involve a permanent development of the land and would not preclude the reversal of the use of the land to agricultural use. On this consideration too, the principle of the proposed development is consistent with Policy DC1 (Part 5) of the Local Plan and Policy ENV3 of the Structure Plan.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable impact from noise at any noise sensitive property and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

Paragraph 5.20 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that the proximity of noise sensitive receptors (e.g. residential properties) will be a significant factor in the requirement for an assessment of the affect of noise from the turbine on such noise sensitive receptors. Paragraph 5.22 states that for single turbines in low noise environments the day time level measured as LA(), 10min should be 35 DB at nearest noise sensitive dwellings, up to wind speeds of 10m/s at 10 metres in height.

In this regard the Council's Senior Environmental & Consumer Services Manager has appraised the noise assessment submitted with the application and is satisfied that the external free-field noise levels associated with the operation of the proposed wind turbine would not exceed 35dBLA90 10min at any wind speed up to 10m/s at any independently owned neighbouring residential property. Subject to such control the proposed wind turbine would not have a harmful noise impact on the residential properties within the locality.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not demonstrably give rise to nuisance from a shadow flicker effect and Part 5 of Policy DC1 requires there to be no significant adverse impact on nearby uses.

The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" advises that as a general rule the shadow flicker effect of an operating turbine should not be a problem where the distance between the turbine and a dwellinghouse exceeds 10 times the diameter of the rotor blades of the turbine.

In the case of the proposed wind turbine 10 times the diameter of its rotor blades would be 334 metres. The nearest dwelling, being Fortune Cottage to the southeast, is some 460 metres away from where the proposed wind turbine would be sited. Thus, the proposed wind turbine passes the Scottish Government's general rule of shadow flicker effect.

Due to its height and distance from the nearest residential properties the proposed wind turbine would not be physically overbearing on any of them or in the outlook from them. On this count the proposed wind turbine would not harm the amenity of those residential properties.

Policy NRG3 of the adopted East Lothian Local Plan 2008 stipulates that a proposed wind turbine(s) should not have an unacceptable adverse impact on hydrogeology or hydrology.

There is no evidence on which to say that the proposed wind turbine would have an unacceptable adverse impact on the hydrogeology or hydrology of the area.

On these tests of noise and shadow flicker effect and considerations of dominance, outlook and impact on hydrology the proposed wind turbine is consistent with, where applicable, Policies NRG3 and DC1 (Part 5) of the adopted East Lothian Local Plan 2008, Policy ENV6 of the approved Edinburgh and the Lothians Structure Plan 2015, The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

On the matter of safety, paragraph 5.15 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that although wind turbines erected in accordance with best engineering practice should be stable structures, it is desirable to achieve a set back from roads, railways and public footpaths. The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" gives advice on the siting of wind turbines in proximity to roads and railways and states that it may be advisable to achieve a set back from roads and railways of at least the height of the turbine proposed.

The proposed wind turbine would achieve such a set back distance in its relationship with the B1377 public road and railway line to the north of it. The Council's Transportation service has been consulted on the application and raises no objection to the proposed wind turbine, being satisfied that due to its distance away from the public road it would have no significant adverse consequences for road safety.

On this consideration the proposed wind turbine is consistent with Policy T2 of the adopted East Lothian Local Plan 2008, The Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Scottish Planning Policy on the historic environment echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008, new development that harms the setting of a listed building will not be permitted. One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that any proposal for wind turbine development near or within the curtilage of a listed building must ensure that the listed building remains the focus of its setting and is not harmed by the presence of the proposed turbine(s).

The listed building of West Fortune Farmhouse is some 500 metres to the southeast of where the proposed wind turbine would be sited. However that Category B listed building is positioned in close juxtaposition with the modern agricultural buildings of West Fortune Farm. Because of this and due to their distance apart the proposed wind turbine would not be seen to harmfully impose itself on the setting of that listed building.

Accordingly, the proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

It is stated in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010 that where works requiring planning permission would affect a scheduled monument, the protection of the monument and its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

As stipulated in Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that harms a scheduled monument or its setting will not be permitted.

One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm a scheduled ancient monument or its setting, will not normally be permitted.

It is also stated in Policy ENV7 of the adopted East Lothian Local Plan 2008 that new development that would harm a site of archaeological interest or its setting will not be permitted.

One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that wind turbine development that would harm an archaeological site or its setting, will not normally be permitted.

Due to its positioning the proposed wind turbine would not encroach onto the Scheduled Ancient Monument of West Fortune Enclosure. Indeed it would be some 360 metres away to the southwest of that Scheduled Ancient Monument. Due to such separation distance and the nature of the low ground form of West Fortune Enclosure the proposed wind turbine would not have any direct visual relationship with that Scheduled Ancient Monument and thus would not have a harmful visual impact on its setting.

Historic Scotland have been consulted on the application. Historic Scotland are content that the proposed wind turbine would not have an adverse impact on the setting of the Scheduled Ancient Monument of West Fortune Enclosure.

The Council's Archaeology Officer does not advise of any specific archaeological interest that the proposed wind turbine might harmfully impact upon. He does, however, advise that it would be situated in an area known to contain archaeological remains. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This could be secured through a condition attached to a grant of planning permission for the proposed wind turbine, were the decision to be to grant planning permission. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

The proposed wind turbine is not contrary to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011, Scottish Planning Policy: February 2010 or Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015 states that development which would have an adverse effect on the conservation interests for which a Natura 2000 area (which includes Special Protection Areas) has been designated should only be permitted where, (i) there is no alternative solution, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature. Local plans should include policies and, where appropriate, proposals for their protection and enhancement.

Policy NH1a of the adopted East Lothian Local Plan 2008 stipulates that development which would have an adverse effect on the conservation interest of a Natura 2000 area (including proposed Special Protection Areas or Special Areas of Conservation) or a Ramsar site will only be permitted in the following circumstances, (i) there are no alternative solutions, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

One of the key considerations set out in Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 is that sites or species designated or protected for their biodiversity or nature conservation interest will be protected in accordance with development plan policy. Proposals for wind turbines must have regard to both their site specific and wider impacts.

Paragraph 4.67 of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states that fields within a line from Tranent – Haddington – East Fortune – North Berwick are key feeding grounds for thousands of pink-footed geese in the autumn and winter. Their roost sites along the coast are within the Firth of Forth Special Protection Area and feeding grounds inland are covered by European legislation. Paragraph 4.68 states that in this goose-feeding area, the Council seeks to avoid changes to the landscape that may deter geese from landing in fields.

Scottish Natural Heritage advise that although the proposed wind turbine would be proximate to the Firth of Forth Special Protection Area (SPA) and located within the core pink-footed geese feeding area, the bird surveys undertaken of the site and surroundings reported in the Bird Reports submitted with the application do not identify the site as being used by pink-footed geese, which species is a qualifying interest of the SPA. Thus they advise that the proposed wind turbine is unlikely to have a significant effect on any qualifying interests of the SPA either directly or indirectly. The Council's Biodiversity Officer concurs with this assessment.

The Council's Biodiversity Officer advises that the proposed wind turbine would be located adjacent to a field edge with hedgerows and that such a habitat is typically used as fly-routes for bats, and the blades for the proposed wind turbine are of a height that could harmfully affect bats. He advises that provided an enhanced habitat, such as the planting of hedgerows as an enhancement of an existing habitat, is provided elsewhere this would encourage bats away from the application site.

On these considerations the proposed wind turbine is not contrary to Policy ENV1A of the approved Edinburgh and the Lothians Structure Plan 2015, Policies NH1a and DP13 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Notwithstanding these foregoing conclusions it now has to be established whether or not the proposed wind turbine would be acceptable in terms of its impact on the setting of Drem and Athelstaneford Conservation Areas to the northwest and south respectively and in terms of its landscape and visual impacts.

The Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) determines the capacity of the East Lothian lowland landscapes to accommodate various scales of wind turbine development.

The land of the application site is within the 'Agricultural Plain - Sub-area 2 North' landscape character area of the Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) which classifies that area as having an open, very gently undulating to flat landscape with a relatively expansive scale, with relatively little woodland and dispersed industrial development and infrastructure is a feature. The Study further classifies this landscape character area as being of medium-high sensitivity to the Study's wind turbine Typologies A and B and of medium sensitivity for Typology C wind turbines and of low sensitivity for Typology D wind turbines.

The Study advises that within the 'Agricultural Plain - Sub-area 2 North' landscape character area there are some opportunities to accommodate wind turbines of Typology C, that being wind turbines between 20 metres and up to and including 42 metres high subject to impact on key views, and that there are opportunities to locate wind turbines of Typology D, that being wind turbines between 12 metres and <20 metres high if visually

associated with farms and buildings. The Study states there are no opportunities to locate wind turbines of Typology A, between 65 metres and 120 metres high, or typology B, single wind turbines between >42 metres and <65 metres high.

The proposed wind turbine, at a height of 66.7 metres from ground level to blade tip, is a Typology A wind turbine that the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011) advises cannot be accommodated within the 'Agricultural Plain - Sub-area 2 North' landscape character area. Accordingly the proposed wind turbine is contrary to the Council's East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011)

Notwithstanding, a specific landscape and visual impact appraisal has to be made of the proposed wind turbine to fully inform a considered determination of whether or not the proposed wind turbine would be acceptable on the site proposed for it.

It is stated in Scottish Planning Policy that development outwith a conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area.

Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015 states that development affecting the setting of a conservation area will only be permitted where it can be demonstrated that the overall objectives and overall integrity of it will not be compromised.

Policy ENV3 states that local plans should require that development in the countryside is well integrated into the rural landscape and reflects its character and quality of place.

Part 5 of Policy DC1 stipulates that new development must be sited so as to minimise visual intrusion and landscape impact within the open countryside. With regard to its nature and scale new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings. Policy NH4 stipulates that development that harms the landscape character and appearance of Areas of Great Landscape Value will not be permitted. As stipulated in Policy NRG3 of the adopted East Lothian Local Plan 2008 a proposed wind turbine(s) should not change the existing landscape character in an unacceptable way and should not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features.

On the key considerations of landscape impact and impact on public views to and from landmark features Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 states:

(i) wind turbine development will only be supported where the overall integrity and setting of key public views to and from landmark features, both natural and man-made, will not be compromised. Developments which would harm the character, appearance and setting of significant natural landscape features, landmark buildings and structures will be resisted;

(ii) wind turbines must be sited and designed so that they relate to their setting; that any adverse effects on visual amenity and landscape are minimised and that areas which are valued for their landscapes and scenery are protected;

(iii) wind turbines must be acceptable in terms of scale and character for their proposed location and must be well integrated into the landscape, reflect its character and quality of place and be compatible with its surroundings;

(iv) wind turbines must not appear incongruous or dominate the local landscape when viewed from a range of public places. They must be capable of being accommodated within an open landscape without detriment to landscape character. They must not result in a change of landscape character from a predominantly agricultural landscape to one that is a landscape dominated by wind turbines: cumulative impact will be a particular issue here;

(v) a wind turbine development that would be detrimental to the character and appearance of conservation areas will not be supported.

The landscape advice of the Council's Policy & Projects team is premised on the observations that the proposed wind turbine would be sited on land within the 'Agricultural Plain - Sub-area 2 North' landscape character area; an open, very gently undulating to flat landscape with a relatively expansive scale, with relatively little woodland and dispersed industrial development and infrastructure is a feature.

The advice is that the site of the proposed wind turbine is within 1.2 kilometres of the Drem Conservation Area and within 1.6 kilometres of the Athelstaneford Conservation Area, and both these Conservation Areas extend well beyond their built form to give a sense of place within the open character of the landform. The proposed wind turbine would be clearly visible from both Conservation Areas and, by their scale and character would be prominent in its visual relationship with each of them. Consequently, it would be seen as a discordant and incongruous feature harmful to the setting of both Drem and Athelstaneford Conservation Areas.

In its siting within an area of generally flat land the proposed wind turbine would due to its height of 66.7 metres be highly visible not only from the B1377 public road to the north of it but also in views from many other places in the wider area. It would also be visible in some longer views from the B1345 Drem-Dirleton public road, from the villages of Athelstaneford and Drem, and from as far afield as Kingston, Fenton Barns and Gullane. It would also be highly visible to rail passengers from the nearby east coast railway line, although those views would be of a short duration. Due to its positioning, form, height and scale the proposed wind turbine would change the existing landscape character of the area by appearing as a prominently intrusive feature, not reflective of the character and quality of its place. It would be so far away from the existing group of buildings of West Fortune Farm such that they would not serve to mitigate its prominence in the open land to the northwest of the. There are no landform features of ridges, hills or valleys and there is no existing vegetation cover in the locality of the application site to mitigate the visual impact of the proposed wind turbine in its open landscape setting. In that it would appear harmfully prominent, dominant, intrusive and incongruous in its landscape setting it would have an unacceptable visual impact on the landscape.

Due to the harmful impact it would have on the landscape and on the setting of both Drem and Athelstaneford Conservation Areas the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5) and NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 and the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010.

Notwithstanding this, it is necessary to consider whether there are material considerations in this case that outweigh this non-accordance with development plan policy.

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to

climate change. However, Scottish Planning Policy advises that whilst planning authorities should support the development of a diverse range of renewable energy technologies, they should guide development to appropriate locations and that factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area and include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Development plan policy for East Lothian is supportive of Government policy to secure greater energy generation from renewable sources, but does require that the benefits of that have to be weighed against the impact of any such developments on the local environment and features of interest.

In the case of the wind turbine proposed in this application any benefit of it as a renewable source of electricity generation would not in itself outweigh the harmful impact it would have on the landscape and on the settings of Drem and Athelstaneford Conservation Areas.

REASON FOR REFUSAL:

- 1 Due to the harmful impacts it would have on the landscape of this part of the East Lothian countryside and on the settings of the Drem and Athelstaneford Conservation Areas, the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, the key considerations of landscape impact and impact on a conservation area of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the findings of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

5a

Application No. **12/00294/P**
Proposal Erection of 26 flats and associated works
Location **Cockenzie Boat Repair Yard
West Harbour Road
Cockenzie
East Lothian
EH32 0HX**
Applicant Morris and Spottiswood
Per Fouin and Bell Architects
Ward 3
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

In this case the Council is not the applicant and does not own the land of the application site. However it might be taken that the Council has a financial interest in the land because the Council has expressed an intention to acquire the development on its completion and to operate the use of it as affordable housing.

The application site is Cockenzie Boat Repair Yard and its associated land. The site is some 0.23 hectares in area. It is bounded to the north by a short access lane with the workshop of Coast Craft Ltd beyond, to the northeast by West Harbour Road with houses and commercial units beyond, and to the southeast by the back gardens of the houses of Hawthorn Bank, which front onto Edinburgh Road. To the south it is bounded by Edinburgh Road with houses beyond, to the southwest by the land of Preston Links with Cockenzie Power Station beyond and to the northwest by Cockenzie Harbour. The site is within the western part of Cockenzie and forms part of a wider area defined as a mixed use area by Policy ENV2 of the adopted East Lothian Local Plan 2008.

The site is within Cockenzie and Port Seton Conservation Area. Cockenzie Harbour is listed as being of special architectural or historic interest (Category B).

The site is mostly occupied by the buildings of Cockenzie Boat Repair Yard. The southern part of the site, adjacent to Edinburgh Road, is an open yard currently used as a car wash business. The boundary of the site is delineated to the northeast, southeast and most of the northwest by the building lines of the buildings on the site. The eastern boundary of the southern part of the site is demarcated by a thin strip of land close to an existing timber fence at the west side of the gardens of Hawthorn Bank. The southern boundary is delineated by an electricity substation and by timber fences along the footpath of Edinburgh Road. The southwest boundary is not physically demarcated.

The site is part of a larger area of land around Cockenzie Harbour that is the subject of Policy ENV14 of the adopted East Lothian Local Plan 2008. Policy ENV14 seeks the environmental improvement and regeneration of the West Harbour area of Cockenzie by means of sensitive development or redevelopment. It is stated in the Policy that opportunities for housing, workshops, leisure, recreation and tourism uses exist. These uses should respect the area's harbour setting and Conservation Area status.

In November 2011 planning permission (Ref: 11/00993/P) was sought for the erection of 28 flats and 4 houses on the site that is the subject of this planning application. That application was later withdrawn without it having been determined.

Planning permission is now sought for the erection on the application site of 26 flats and for associated works including alterations to the existing vehicle access, the formation of an access road and hardstanding and for landscaping works.

Conservation area consent is separately sought through application 12/00294/CAC for the demolition of the existing buildings of the Boat Repair Yard on the site. A report on application 12/00294/CAC is presented elsewhere on this Committee Expedited List.

Of the 26 proposed flats, 22 would be contained in an 'L' shaped building, which would be aligned with the northwest and southwest boundaries of the site, turning the corner of those two boundaries. The building would extend along some 35 metres of the 52 metres length of the northwest boundary and some 44 metres of the 47 metres long southwest boundary. Along the northwest boundary the building line would be set back from the boundary by some 2 metres. The other four flats would be contained in a smaller building that would be aligned with part of the northeast boundary of the site.

The main 'L' shaped building would be two storeys in height for some one third of its length from its south end, rising to two and a half storeys in height along the rest of its length. It would have pitched roofs along all of its length with a stepped ridge height at its southern end. The pitched roofs would have gable ends. The two and a half storey parts of the main building would have wallhead, cat slide dormers to serve accommodation in the roof space. A pend would be formed in the northern end of the southwest part of the L-shaped building to enable the provision of a direct pedestrian access between the application site and the adjacent open space of Preston Links.

The smaller building would be two storeys in height and would have a pitched and gabled roof. It would have external staircases at its north and south gable ends to serve the upper flats.

The application drawings show the walls of the two proposed buildings finished with render of a type and colours to be agreed with the Planning Authority and the roofs clad with slates and tiles of types to be agreed with the Planning Authority. Windows would be double glazed and of a timber framed sash and case style. Their timber frames would be painted white. Doors would be constructed of timber and finished in an olive green colour.

As proposed to be laid out the buildings on the northeast, southwest and northwest parts of the site would form a courtyard which would be laid out for access, parking and turning and for garden ground.

The existing access into the site from the public road of Edinburgh Road would be altered and widened. The access road would lead into the site and would be laid out to allow a potential future link with West Harbour Road should that road be upgraded to an adoptable standard in the future. A total of 27 parking spaces would be provided, along the southeast boundary of the site, in the centre of the courtyard and in an undercroft at ground floor level of the north-western component of the main flatted building. Two cycle stores would be incorporated into the main flatted building, at its east and west ends. A communal bin store would be formed adjacent to the access road.

Landscaped communal amenity space would be laid out to the north and west of the smaller building. Garden ground would be formed at the south and east frontages of the southwest 'leg' of the main building. Tree planting would be carried out in between some of the proposed parking areas. The landscaping and access road would be laid out so as to allow pedestrian access to West Harbour Road. A new path would be formed along the northwest elevation of the main flatted building to provide an extension to the John Muir Way, which would run along the south of the harbour from Preston Links to West Harbour Road.

A Design Statement, a Flood Risk Assessment, a Noise Impact Assessment and a Drainage Strategy have been submitted with the application.

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 application are Policies HOU2 (Brownfield Housing Sites), ENV1C (International and National Historic or Built Environment Designations), ENV1D ((Regional and Local Natural and Built Environment Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV2 (Residential Character and Amenity), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV14 (The West Harbour Area, Cockenzie), C2 (Play Space Provision in New General Needs Housing Development), Policy C7 (Core Paths and Other Routes), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: February 2010 on development affecting a listed building or its setting and development within a conservation area.

Also material is Scottish Planning Policy on development affecting a listed building and its setting, development affecting a conservation area, housing development and Scottish Government advice given in Planning Advice Note 67: Housing Quality.

Scottish Planning Policy: February 2010 echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed

building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy: February 2010 also echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

Scottish Planning Policy: February 2010 states that infill sites can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

It is also stated in Scottish Planning Policy: February 2010 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.

Six written objections have been received. In two of the objections it is stated that the proposal is an improvement over the previously proposed scheme of development (Ref: 11/00993/P), for which there were 20 objections. The grounds of objection are that:

- (i) some neighbours were not notified, and the application was submitted over a holiday period;
- (ii) the loss of the boatyard would, by loss of employment, tourism and leisure opportunities, be contrary to the sustainable economic development aims of the local plan;
- (iii) the proposed development of tenement blocks would be of a high density and unsympathetic design harmful to the conservation area, to the setting of the listed harbour and nearby buildings and harmful to the character of the village;

- (iv) it would result in a loss of amenities for local residents;
- (v) it would not promote future use of the harbour;
- (vi) a bid for National Lottery Heritage funds is being made to buy, renovate and continue the use of the boat repair yard;
- (vii) it would lead to congestion at the junctions of Edinburgh road with West Harbour Road and East Lorimer Place;
- (viii) it would lead to greater demands for parking on Edinburgh Road, West Harbour Road and East Lorimer Place;
- (ix) it would not have safe pedestrian links with West Harbour Road, which is potholed and unlit;
- (x) the noise assessment submitted with the application does not meet the requirements of the Council;
- (xi) heavy machinery used for demolition of the existing building of the boat repair yard would damage West Harbour Road;
- (xii) the proposed 2.1 metres high wall to the houses Hawthorn Bank to the southeast of the site may not be sufficient to secure their privacy if the site is lower than their garden ground;
- (xiii) the demolition of the building of the boat repair yard may affect climbing plants in the gardens of the properties of Hawthorn Bank;
- (xiv) odour from the proposed bin store would affect residents of Hawthorn Bank; and
- (xv) it would lead to a loss of territorial areas for pets of residents in neighbouring houses.

Notification of neighbours and advertisement of the application were carried out in accordance with statutory procedures and as soon as possible after the application was validated.

The affect of the proposed development on territorial areas for pets and the lodging of a bid for National Lottery Heritage funds are not material planning considerations. The method of demolition and its effect on neighbouring properties is a matter for Building Standards.

Cockenzie and Port Seton Community Council, as a consultee, object to the proposals. They acknowledge the necessity of new housing development, however, they express concerns at the impact of the proposals on community infrastructure including schools, policing and medical services. They also question the building of new homes in such close proximity to the Cockenzie power station site. They consider that the loss of the boatyard to housing development is contrary to Policy ENV14 and would be a loss of community heritage which would also have drastic effects on tourism and recreation potential. They state that that the potential for development and rebirth of this area in terms of retaining skills and providing youth employment is immense and that this potential should be pursued by the Council in partnership with the community.

By its nature the proposed development amounts to urban infill housing development on a brownfield site within Cockenzie. Therefore the principle of residential development of the

site is consistent with Policy HOU2 of the approved Edinburgh and the Lothians Structure Plan 2015, Policy DP7 of the adopted East Lothian Local Plan 2008 and with national planning policy on housing development given in Scottish Planning Policy: February 2010.

The application site is not allocated for residential development in the adopted East Lothian Local Plan 2008. It is within an area of Cockenzie that is defined as a mixed-use area by Policy ENV2 of the adopted East Lothian Local Plan 2008. Policy ENV2 supports commercial development in principle. It also supports residential development where new-build proposals would reinforce the vertical mix of land uses typical of East Lothian's town and village centres.

Policy DP7 supports infill and backland development provided the site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access and car parking and the scale and design of the proposed development being sympathetic to its surroundings.

In respect of the vertical mix of uses referred to in Policy ENV2 the Council's Policy and Projects Manager advises that such a mix is not present in this area of Cockenzie. Rather it is an area of uses mixed in a horizontal way. Individual buildings have a single use. Policy ENV2 does allow for a mix of uses in the area, but has no requirement that such a 'horizontal' mix be included in all development proposals. He advises therefore that it would not be reasonable to insist on a mix of uses in any proposals for new development in the area. He states that residential use is one of the uses supported by Policy ENV2. The Policy and Projects Manager acknowledges that the boat repair yard has a clear functional link with the harbour and that this housing proposal would effectively preclude the operation of a future boat repair yard use there. However, his advice is that since there is no development plan policy specifically requiring its retention, he does not consider that the loss of the boat repair yard is contrary to the terms of Local Plan Policy ENV2. In respect of Policy ENV14 the Policy and Projects Manager advises that it does not suggest that any single development proposal should include more than one of the preferred uses. The housing use now proposed in the application under consideration would therefore not be inconsistent with Policies ENV2 and ENV14 of the adopted East Lothian Local Plan 2008.

The Council's Economic Development Manager raises no objection to the proposed residential development of the site and resultant loss of the Boat Repair Yard.

Policy DP2 of the adopted East Lothian Local Plan 2008, amongst other things requires that all new development must be well designed and integrated into its surroundings. Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008 require that new development should not harm the setting of a listed building. Policy ENV1D of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV4 of the adopted East Lothian Local Plan 2008 require that all new development within the Conservation Area be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area, both national planning and development plan policy nevertheless state that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The application site is within the western part of Cockenzie and Port Seton Conservation Area. The western part of it, as described in the Conservation Area Character Statement appended to the local plan, is most strongly characterised by the dense grouping of terraces of East, West and North Lorimer Places south of Edinburgh Road. The Character Statement adds that the harbour is in need of environmental improvement; that the character of a working harbour is maintained by the many small-scale workshops in the areas; and that new housing development at the previously derelict salt works (now developed as Barga Court) will enhance the harbour. It is also stated that the quayside is in need of repair and enhancement appropriate to its listed status.

It is proposed to demolish the boat repair yard buildings in order to facilitate the positioning of the proposed flatted buildings on the site. The existing buildings occupy the majority of the site. They are comprised of a large brick shed with a shallow pitched roof of corrugated sheeting. There are single-storey sheds attached to its northeast side and southwest sides. The buildings have a modern, utilitarian appearance. They are of no particular architectural merit. They do not form small-scale workshops which the Conservation Area Character Statement describes as maintaining the character of a working harbour. As is assessed in the separate report on conservation consent application 12/00294/CAC that is also on this Committee Expedited List, they makes no positive contribution to the character and visual amenity of the Conservation Area. Provided what is to replace the buildings are of an acceptable form, design and finish in-keeping with the character of the Conservation Area, their removal from the site would not harm the architectural or historic character of the Conservation Area.

The existing houses of Hawthorn Bank, Edinburgh Road and West Harbour Road are mostly traditional houses of one or two storeys with pitched roofs. Their walls are finished with stone or render and their roofs with slate. Workshop buildings on West Harbour Road are one storey flat roofed utilitarian buildings finished with render and metal roofing panels. Houses at the northernmost part of West Harbour Road are two storeys in height with walls finished with render and pitched roofs clad with slate. The recent flatted development of Barga Court is built in a traditional architectural style. It is comprised of one and a half and two storey buildings, some with cat slide dormers to serve accommodation in the roof space. Their walls are finished mostly with render and to some small extent with stone facing. Their roofs are clad with pantiles. Their windows are timber sash and case style windows with double glazing.

The proposed two and a half storey components of the main building would be some 11 metres high. In this they would be some three metres higher than the ridge of the main building of the boat repair yard, which is some 8 metres high. They would be some 1.5 metres higher than the height of the two storey buildings of Hawthorn Bank and West Harbour Road. In this, the two and a half storey components of the proposed development would be of a larger built form than the existing boat yard buildings but of a scale and form which would relate positively to the scale and form of the existing residential buildings of the area. The two storey components of the buildings, adjacent to West Harbour Road and Edinburgh Road would be of a similar height to the existing residential buildings of the area. The proposed composition of the development would step up gradually from its Edinburgh Road end to its two and a half storey height. The smaller building, which would be adjacent to West Harbour Road, would be two storeys in height. It would be of a scale and massing which would not harmfully impose on the existing urban form and streetscene of the area. The proposed use of different colours of render and of slates and roof tiles would further visually diminish the scale and massing of the proposed buildings. The details of the use of render colours, slates, roof tiles and painted window bands can be made conditional on the grant of planning permission.

The design of the proposed flatted buildings is of an architectural style and with finishes which take reference from the more traditional elements of architectural design and historic use of materials in the wider area and which contribute to the intrinsic character and appearance of the Conservation Area. What is proposed would not appear visually incongruous within the townscape or be out of keeping with the architectural character and appearance of the Conservation Area. The proposed development would be a sensitive redevelopment of the site which would give the site an appropriate and sustainable new use, all in a manner that would deliver an improvement to this part of the local environment of the Cockenzie Harbour area.

The proposed new buildings would be well contained within their site and by virtue of their size, scale, proportions, architectural form and materials would not be an intrusive, incongruous or exposed form of development. They would fit comfortably into the pattern and density of the built form of the area. They would display design qualities in keeping with characteristic local forms of buildings and materials and would not be at odds with or detract from the mixed architecture of this part of the Conservation Area and of the streetscape. They would be appropriately and acceptably designed for their place. They would not be harmful to the historic character and appearance of this part of Cockenzie and Port Seton Conservation Area. Rather, the proposed flatted buildings would be an improvement on the utilitarian character and appearance of the application site and accordingly would enhance the character and appearance of the area and the Conservation Area.

In its position along the northwest boundary of the site and facing northwards to Cockenzie Harbour, the two and a half storey high component of the development on this part of the site would form an edge to the harbour in a similar way to the northwest elevation of the main boat repair yard building. It would however be set back some 2 metres from the existing building line of the boat repair yard building. In this it would not draw focus away from the harbour in views of it. In its proposed position, the proposed development would not be harmful to the setting of the listed Cockenzie Harbour.

The site is capable of accommodating all of the proposed development including satisfactory vehicular and pedestrian access and amenity space without being an overdevelopment of it. The proposed development would not be of a density incompatible with existing densities of terraced and flatted development in the area.

On the above design considerations the proposed development is consistent with Policies ENV1C, ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DP2, DP7, ENV3 and ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010 with respect to the affect of it on the listed Cockenzie Harbour and on the Conservation Area.

Due to their positioning and distance away from neighbouring residential properties the proposed new buildings would not result in overlooking of or a harmful loss of daylight or sunlight received by any of the those properties. The proposed new building would not harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing.

The application drawings detail that the south-eastern brick wall of the existing building would be taken down to a height of 2.1 metres as measured from the finished site ground level. Site survey drawings submitted with the application indicate that the ground levels on that side of the site would be similar to those of the adjacent gardens of the properties of Hawthorn Bank. With the wall so altered, the proposed development would not be harmful to the residential amenity of the occupiers of the properties of Hawthorn Bank. Details of other boundary treatments can be made conditional on the grant of planning permission.

The Council's Environmental Protection Manager does not object to the proposed development. He does have concerns that noise associated with the operation of the existing Coal Fired Power Station may result in a loss of amenity to occupiers of the proposed residential properties, notwithstanding that consent has been granted to convert the existing power station to a Gas Turbine Power Station with potentially lower noise levels.

The Environmental Protection Manager accepts the view of the applicant's noise consultants that noise associated with the power station is fairly constant rather than intermittent or tonal. He therefore accepts that the NR25 standard is an acceptable measure of internal amenity for the proposed development. He advises that the applicant's Noise Impact Assessment submitted with the application demonstrates that the internal noise levels are predicted as being above the NR25 criteria in rooms on the north, south and west elevations of the buildings with the window partially open for ventilation. It is predicted that NR25 would be achievable within rooms located on the east elevation. He therefore concurs with the recommendation of the Noise Impact Assessment that an acoustic glazing specification and acoustic ventilators be used on those elevations to ensure that the future residents of the proposed buildings would have an acceptable standard of amenity in relation to potential noise impacts.

In the interests of safeguarding the amenity of the future occupiers of the proposed flats it should be made a condition of the grant of planning permission for the proposed development that the proposed bin storage facilities are formed prior to the occupation of the proposed flats. The matter of odours potentially arising from the use of the bin store would be a management issue for the owners of the proposed affordable housing development.

On these matters of privacy and amenity the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service raises no objection to the proposed development. In this they confirm that it would not have harmful impact on the local road network and that the proposed vehicular access, parking and turning arrangements within the site, including the level of parking proposed, are all acceptable. They make a number of recommendations in respect of their requirements for the implementation of vehicular, pedestrian and cyclist provision to the Council's Standards for Development Roads. They also recommend the submission of details and implementation of the following measures:

- (i) a Construction Method Statement to minimise the impact of construction activity on the amenity of the area, with measures to control construction traffic, noise, dust, hours of construction work and with details of wheel washing facilities and their use;
- (ii) the formation of 2 metres wide footpaths from the John Muir Walkway on the north-western side of the development to link in with the existing asphalt footpath on Preston Links and from the proposed pend on the south-western side of the development to link in with the existing asphalt footpath on Preston Links; and
- (iii) the prevention of vehicular access onto West Harbour Road until such time as West Harbour Road is constructed to an adoptable standard and is included on the list of public roads.

The detail of these measures can be made conditional on the grant of planning permission. The land required for the formation of the required footpath links is partly within the ownership of the applicant, part is owned by the Council and part is in community ownership. The land required for the proposed new John Muir Way link is owned by the

applicant and the Council. Should there be any obstacle to the use of land in community ownership for the formation of the link path from the pond on the southwest of the development to the existing path on Preston Links, there is sufficient land in the ownership of the applicant and Council to achieve an alternative link to the path at the north of the development.

On these transportation considerations the proposed development complies with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Senior Access Officer raises no objection to the proposed development. She advises that she is supportive of the proposed new path link for the John Muir Way. She recommends that a 2 metres wide pathway be provided for the proposed new link for the John Muir Way along the north-western part of the site. She recommends that such a path should be constructed of machine laid tarmac and that there be a 0.6 metres high wall with a 0.6 metres high hand railing along the waterfront walkway. She also recommends that a staggered barrier be erected at the West Harbour road end of this link. These recommendations can be made conditional on the grant of planning permission. On this access consideration the proposed development is consistent with Policy C7 of the adopted East Lothian Local Plan 2008.

In respect of Policy C2 of the adopted East Lothian Local Plan 2008 the Council's Landscape and Countryside Management Manager advises that in this case it would be acceptable for the developer to provide a financial contribution of £30,000 for the upgrading of existing nearby play facilities at Whin Park, to provide for the future residents of the proposed development as well as for existing residents of the area. Such off-site provision of play facilities off-sets the need in this case for the provision of a play area within the proposed development. This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. In this respect the proposed development does not conflict with Policy C2 of the adopted East Lothian Local Plan 2008.

There is an existing large tree between the site and the neighbouring gardens of the properties of Hawthorn Bank. There are also trees adjacent to the southwest boundary of the site. The applicant does not propose to remove those trees. However, parking spaces, a bin store and landscaped space would all be formed within the crown spread of the tree adjacent to the gardens of Hawthorn Bank. Thus those operations would be carried out within the root protection area of that tree. The western part of the building would be constructed close to the trees adjacent to the southwest boundary of the site. To ensure that those trees are retained and not damaged by construction of the proposed development, a condition can be attached to the grant of planning permission requiring the details of tree protection measures to be submitted to and approved by the Planning Authority.

The Council's Housing Strategy & Development Services Manager confirms that the Council is in negotiations with the landowner of the application site to purchase the site and to develop all of the proposed 26 flats as affordable housing. To this end the detailed form of the proposed development has been designed in liaison with officials of the Council's Housing Strategy & Development Service such that it would fulfil the Council's requirements for it to be affordable housing.

The terms for the provision of the affordable housing requirement would normally be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. In the circumstances where the Council may agree to purchase the housing site

for development entirely as affordable housing then such an agreement would not be appropriate in this specific case. Instead a suspensive condition can be imposed on a grant of planning permission which would ensure that no development begins on the application site until it is demonstrated to the Council, as Planning Authority, that agreements are in place to deliver the development as affordable housing. This would allow the Council sufficient control over the development of the site if the ownership of the site remains as it is and it is not sold to the Council.

The Council's Executive Director, Services for People informs that the application site is located within the primary school catchment area of Prestonpans Primary School and the secondary school catchment of Preston Lodge High School. He confirms that there would be sufficient capacity at Prestonpans Primary School and Preston Lodge High School to accommodate children that could arise from the proposed development. Thus the Executive Director, Services for People raises no objection to the application.

The Scottish Environment Protection Agency raise no objection to the proposed development in respect of flood risk or provision for surface water drainage. They are satisfied with the findings of the applicant's Flood Risk Assessment and the proposals of the applicant's Drainage Strategy. The Council's consultant as Flood Authority advises that whilst the applicant's Flood Risk Assessment takes account of the latest assessments of wave action, the design of the development does not include provision for this along the northwest boundary of the development site. He advises that a retaining wall is required along the seaward side of the proposed new John Muir Way link. He is satisfied that a wall which rises to the height proposed by the Council's Access Officer would be sufficient to address his concerns in respect of this matter. The design of the construction of the retaining wall in respect of flood resistance can be made conditional on the grant of planning permission.

The Coal Authority raise no objection to the proposals. They advise that the site is in an area likely to have been subject to past coal mining activities which could include historic unrecorded underground coal mining at shallow depth. They recommend that their standing advice Informative Note for new development in such areas be communicated to the applicant. This information can be attached to a grant of planning permission.

In respect of the existing use of the site the Council's Environmental Protection Manager raises no objection to the proposed residential development. He is satisfied that the applicant's Site Investigation Report addresses the likely contamination issues arising from that use, providing that once the existing building is demolished, further investigation is made and that the proposed remediation measures are carried out. This can be made conditional on the grant of planning permission.

The Council's Archaeology Officer raises no objection to the proposals. He has no requirements for an archaeological investigation of the site.

The proposed development by its scale and prominent public location would result in significant change to the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on the grant of planning permission for the proposed development.

RECOMMENDATION:

1. It is recommended that planning permission be granted subject to:

(i) the undernoted conditions; and

(ii) the satisfactory conclusion of a Section 75 Agreement or some other appropriate agreement designed to secure from the applicant a financial contribution of £30,000 toward the upgrading of the play park facility at Whin Park, Cockenzie.

2. In accordance with the Council's policy on time limits for completion of planning agreements the recommendation also is 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 reason that without the Council securing from the applicant through an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or other appropriate agreement a financial contribution of £30,000 toward the upgrading of the play park facility at Whin Park, Cockenzie there would not be adequate provision of play facilities in the area to meet the needs generated from the occupation of the proposed 26 flats, contrary to Policy C2 of the adopted East Lothian Local Plan 2008.

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 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 26 flats hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policies HOU4 and DP20 of the adopted East Lothian Local Plan 2008.

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 elements of the proposed development and position of adjoining land and buildings;

b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and

c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

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 provide details of:

(i) tree protection measures for the trees adjacent to the southeast and southwest boundaries of the site, which shall be implemented prior to the commencement of any demolition or construction works on site;

(ii) the method of working within the root protection area of trees adjacent to the southeast and southwest boundaries of the site, which shall be in accordance with BS5837: 2005 Trees in Relation to Construction, and which shall be implemented in the course of any ground breaking works, formation of hard surfacing or construction in those root protection areas;

(iii) All trees and shrubs to be planted, including sizes, species, habitat, siting, planting distances

and a programme of planting, omitting the trees currently shown at parking spaces 25, 26 and 27 as shown on drawing no. 11-174 (PL) 101 docketed to this planning permission; and

(iv) Details of all fences, walls or other means of enclosure on the site, including along the boundaries of the site with the gardens of properties of Hawthorn Bank. This shall include the detail of downtaking of the wall along the boundary with the gardens of Hawthorn Bank to a height of 2.1 metres. Thereafter all such fences, walls and means of enclosure shall be completed prior to the occupation of the flats hereby approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

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 buildings 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 the retention and maintenance of trees and the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and in order to ensure parking spaces 25, 26 and 27 allow satisfactory manoeuvrability.

- 5 No development shall take place until details of a Construction Method Statement have been submitted to and approved in writing by the Planning Authority, which shall include measures to minimise the impact of construction activity on the amenity of the area, to control construction traffic, noise, dust, hours of construction work and wheel washing facilities and their use. Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction.

Reason:

In the interests of road safety and of the amenity of the area.

- 6 The contamination measures set out in the submitted Site Investigation Report shall be implemented in the course of demolition and construction works. Where any unforeseen contamination is discovered in the course of the development hereby approved, details of measures to deal with it shall be submitted to and approved in writing by the Planning Authority and thereafter before any of the flats are occupied all 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 flats.

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the flats 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 flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail respect the layout of the development, shall promote render as the predominant finish to the walls of the flats and shall use colour of render, slate, roof tile and window bands to differentiate parts of the buildings. All such materials used in the construction of the flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality and the character and appearance of the Conservation Area.

- 8 Samples of materials and finishes to be used in the development shall be submitted for the prior inspection and approval in writing by the Planning Authority for the walls, roofs, windows, doors, rainwater goods, boundary treatments and ground surfaces.

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 conservation area.

- 9 Prior to the occupation of the flats hereby approved the access parking and turning arrangements detailed on drawing no. 11-174 (PL) 101 docketed to this planning permission and which shall

conform with ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures shall have been formed and made available for use and shall thereafter remain available for such use unless otherwise approved by the Planning Authority. This shall include that the access junction shall have a raised at grade crossing into the shared surface area.

Reason:

In the interests of road safety and pedestrian safety.

- 10 Prior to the occupation of any of the flats hereby approved, the following measures shall have been formed and brought into use to details to be approved in advance by the Planning Authority, unless otherwise approved in writing:

(i) a 2 metres wide tarmac footpath between the existing asphalt footpath on Preston Links to the new part of the John Muir Way to be formed on the north-western side of the development;

(ii) the footpath of the new part of the John Muir Way to be formed on the north-western side of the development to be a 2 metres wide tarmac footpath with a retaining wall along the length of its northwest boundary with the harbour. The retaining wall shall be so constructed as to form a parapet to the footpath of at least 0.6 metres high and shall have a 0.6 metres high handrail erected on it;

(iii) a 2 metres wide tarmac footpath from the proposed pend on the southwestern side of the development to link in with the existing footpath on Preston Links; and

(iv) measures to prevent vehicular access from the site onto West Harbour Road.

Reason:

In the interests of pedestrian access, pedestrian and road safety and of control of flood risk.

- 11 Prior to the occupation of any of the flats hereby approved the bin and cycle storage facilities shall have been formed and made available for use. The cycle storage in the areas of the buildings denoted as 'cycle store' on drawing no. 11-174 (PL) 101 docketed to this planning permission shall provide secure, lockable storage at the rate of cycle one space per flat. Thereafter, the storage facilities shall be retained in use as bin and cycle storage areas.

Reason:

To ensure the provision of adequate bin and cycle storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 12 Prior to the occupation of each of the flats hereby approved they shall, as relevant, be fitted with glazing and ventilation units to the following specifications and thereafter any replacement of glazing or ventilation units shall be to the same specification, unless otherwise approved in writing by the Planning Authority:

(i) Windows on the southwest elevations of the buildings hereby approved shall have a glazing specification of (6mm float glass - 412mm cavity – 4mm float glass) and ventilation shall be provided by acoustic ventilators with a minimum acoustic rating of D_{ne}, w 35 dB (when in the open position) for single units and where more than one unit is to be used within the same room the acoustic performance rating shall increase by a factor +10 Log₁₀ (n) (where n is the number of ventilator units); and

(ii) windows on the northwest and southeast elevations of the buildings hereby approved shall have a glazing specification of (4mm float glass - 412mm cavity – 4mm float glass) and ventilation shall be provided by acoustic ventilators with a minimum acoustic rating of D_{ne}, w 32 dB per unit.

Reason:

In order to meet noise rating curve NR25 internally, in the interests of the amenity of the residents of the flats hereby approved.

- 13 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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

5b

Application No. **12/00294/CAC**
Proposal Demolition of building
Location **Cockenzie Boat Repair Yard
West Harbour Road
Cockenzie
East Lothian
EH32 0HX**
Applicant Morris and Spottiswood
Per Fouin and Bell Architects
Ward 3
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application seeks conservation area consent for the demolition of the buildings of Cockenzie Boat Repair Yard on their site located on the north side of Edinburgh Road within Cockenzie and Port Seton Conservation Area.

The demolition is proposed to facilitate a development of 26 flats and for associated works on the site of the workshop buildings and their associated land. Planning permission for the proposed development of 26 flats and associated works is separately sought through planning application 12/00294/P. A separate report on application 12/00294/P is presented elsewhere on this Committee Expedited 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.

Policy ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 addresses the need to control

development within conservation areas but is silent on the matter of the demolition of buildings. Thus it is not relevant to the determination of this application.

Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008 addresses the need to control development within conservation areas, including the demolition of buildings and thus is relevant to the determination of this application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy: December 2011 and also in Scottish Planning Policy: February 2010 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality.

Three written objections have been received. The material grounds of objection are that the proposed demolition of the buildings would result in the loss of the boatyard with its working slips, does not maintain heritage, it destroys it and that once it has gone, the boat repair yard cannot be replaced. The remaining grounds of objection are made in respect of the development proposed in associate application 12/00294/P and are not material considerations in the determination of this application for conservation area consent.

Cockenzie and Port Seton Community Council, as a consultee, object to the proposed demolition of the boat yard buildings. They acknowledge the necessity of new housing development. However, they express concerns at the impact of the proposals on community infrastructure including schools, policing and medical services. They also question the building of new homes in such close proximity to the Cockenzie power station site. They consider that the loss of the boatyard to housing development is contrary to Policy ENV14 and would be a loss of community heritage which would also have drastic effects on tourism and recreation potential. They state that that the potential for development and rebirth of this area in terms of retaining skills and providing youth employment is immense and that this potential should be pursued by the Council in partnership with the community. Other than the objection to the demolition, their grounds of objection are made in respect of application 12/00294/P and are not material to this application for conservation area consent.

The Cockenzie and Port Seaton Conservation Area Character Statement states that this part of Cockenzie is most strongly characterised by the dense grouping of terraces of East, West and North Lorimer Places south of Edinburgh Road. It further states that the character of a working harbour is maintained by the many small-scale workshops in the areas.

The existing buildings of Cockenzie Boat Repair Yard are comprised of a large brick shed with a shallow pitched roof of corrugated sheeting with single-storey sheds attached to its northeast side and southwest sides. The buildings have a modern, utilitarian appearance. They are of no particular architectural merit and make no positive contribution to the character and visual amenity of the Conservation Area of which they are a part. The buildings to be demolished do not form small-scale workshops which the Conservation Area Character Statement describes as maintaining the character of a working harbour. Provided what is to replace the buildings is of an acceptable form, design and finish in keeping with the character of the affected part of the Conservation Area, their removal from the site would not harm the architectural or historic character of the Conservation Area.

The planning assessment given in the report on planning application 12/00294/P concludes that the scheme of development proposed for the site would be well contained within the site and that by virtue of the size, scale, proportions, architectural form and materials of the proposed buildings and the form and appearance of the other elements of the development, it would be an acceptable addition to the Conservation Area that would enhance the character and appearance of the Conservation Area. In light of this the demolition of the boat yard buildings can be justified.

The proposed demolition of the boat yard buildings does not conflict with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 or Scottish Planning Policy: February 2010 with respect to the affect of it on the Conservation Area.

RECOMMENDATION

That conservation area consent be granted subject to the following conditions:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 2 No works for the demolition of the building shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 12/00294/P, or by some other planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the Conservation Area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

6

Application No. **11/00975/AMC**

Proposal Approval of matters specified in conditions of planning permission in principle 06/00754/OUT - Expansion of holiday village to accommodate additional 195 static caravans, a 9 hole golf course and associated works (Part Retrospective)

Location **Seton Sands Holiday Village
Longniddry
East Lothian
EH32 0QF**

Applicant Bourne Leisure Ltd

Per Bratherton Park Design Consultants

Ward 3

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site, which has an area of some 61 hectares, occupies a countryside location to the east and southeast of Port Seton. It consists of Seton Sands Holiday Village and the large field that is to the south of it.

There are cropmarks of a substantial ditched enclosure on part of the eastern edge of the large field that forms the southern part of the application site. These cropmarks are an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979.

The site is bounded to the north by the B1348 road and partly to the south and west by Seton House and Seton Collegiate Church and their respective grounds. The grounds of Seton House and Seton Collegiate Church are designated as the Seton House (Palace) Designed Landscape. Seton House and Seton Collegiate Church are also each listed as being of special architectural or historic interest (Category A). The building of Seton Collegiate Church and its grounds are an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. To the east the site is otherwise bounded by a public footpath, by Seton Dean Woodland, and by the residential properties of Seton

Mains. The site is otherwise bounded to the west by agricultural land and to the south by the A198 public road.

Through the determination of application 06/00754/OUT planning permission in principle was granted in November 2008 for the expansion of the existing Seton Sands Holiday Village, which has been operating in its countryside location as a leisure/tourism business for many years. The expanded Holiday Village, as it was approved, would accommodate a total of 780 static caravans and 100 pitches for touring caravans, together with a 9 hole golf course with golf pavilion. The approved expansion also includes upgrading and extension of the existing main amenity building, upgrading works to accesses and car parking areas and landscaping works.

An illustrative Masterplan docketed to planning permission in principle 06/00754/OUT shows how the elements of the proposed expanded Holiday Village might be accommodated within the site.

Condition 2 of planning permission in principle 06/00754/OUT requires, amongst other things, that the layout of the development should be in general accordance with the approved Masterplan.

Condition 6 of planning permission in principle 06/00754/OUT states that no more than a total of 780 static caravans shall be located on those combined areas of land of the application site marked for caravans, other than touring caravans, on the docketed Masterplan.

In March 2008, full planning permission (Ref: 06/00753/FUL) was granted for the change of use of some 2.8 hectares of the large field to use as a static caravan park, as an extension to the Holiday Village. The approved development includes the proposed provision within the application site of 58 stances, each of which would accommodate one static caravan. That site forms the north eastern part of the large field that is the subject of outline planning permission 06/00754/OUT. Development of the 58 stances has recently been completed.

In November 2009 approval of matters specified in conditions (Ref: 09/00826/AMC) relative to planning permission in principle 06/00754/OUT was granted for the reconfiguration and upgrading of the existing entrance to the Holiday Village, which is at the northwest end of the site. The caravan park entrance has since been fully reconfigured and upgraded in accordance with the details so approved.

In March 2012 full planning permission (Ref: 12/00007/P) was granted for the erection of a golf pavilion, in a similar position to that shown for the golf pavilion on the Masterplan docketed to planning permission in principle 06/00754/OUT. Development of the golf pavilion has not yet commenced, although planning permission 12/00007/P could be implemented at any time up until the 5th March 2015.

Through this application, approval of matters specified in conditions is sought for the expansion of the Holiday Village to accommodate an additional 195 static caravans, a 9 hole golf course, ponds and associated works. As the ponds have already been formed the application is made partly in retrospect.

The Masterplan submitted with this application states that the number of static caravans on the existing land of the Holiday Village would not exceed 585. Thus, in total no more than 780 static caravans would be sited on the application site.

Although this further application is for the approval of matters specified in conditions in respect of planning permission in principle 06/00754/OUT it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

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 application are Policies ENV1C (International and National Historic or Built Environment Designations) 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), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites), ENV8 (Gardens and Designed Landscapes), DP2 (Design), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is stated in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

Also material to the determination of the application are the representations received from the public.

A total of 3 written representations have been made in respect of this application. Of these, 2 make objection to the proposed development. The other written representation does not state whether it objects or supports the proposed development.

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

The main grounds of objection are summarised as follows:

- Proposed development would increase flood risk;
- The large, most northerly of the proposed ponds is large enough for children to drown in;
- A proper tree belt (200 metres wide) is required on the northwest aspect to screen off views of the caravan park; and

- Tree maintenance should be undertaken for the whole life of the caravan park.

The other written representation also raises some concern that the proposed development could increase flood risk.

Cockenzie and Port Seton Community Council were consulted on the planning application but did not comment on it.

By the grant of planning permission in principle 06/00754/OUT, approval has been given for the principle of the siting of up to 780 static caravans on the application site. There can therefore be no objection in principle to the erection of up to 780 static caravans on the application site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the Masterplan and conditions attached to planning permission in principle 06/00754/OUT.

The proposed additional 195 static caravans would be sited on most of the northern part of the large field. The remaining western area of that northern part of the large field would be used as a wetland wildflower meadow. The western part of the large field which is adjacent to the grounds of Seton House and Seton Collegiate Church would be used as a wildflower meadow. As a change to the previously approved Masterplan, it is not now proposed to use any part of the large field for the siting of touring caravans. Instead, touring caravans would continue to be sited at the northeast end of the land of the existing Holiday Village. The part of the large field immediately to the northwest of Seton Mains and which contains the cropmarks scheduled ancient monument would not be developed. Most of the remainder of the large field is proposed for use as a nine hole golf course.

The new static caravan areas and 9 hole golf course would be accessed from the existing access road network within the existing Seton Sands Holiday Village. No vehicular access to the site would be taken from the A198 road on the south side of the application site. New areas of landscaping and a network of footpaths within the application site are also proposed.

The development now proposed does not include for any upgrading or extension of the existing main amenity building. The applicant has indicated that this may instead be proposed through a planning application that may be submitted at some time in the future.

As a variation to the application, the applicant has submitted an amended Masterplan. The amendments to the Masterplan consists of (i) a reduction in the number of static caravans on the large field from 219 to 195; (ii) a substantial increase in the width of the tree belt proposed for the west side of the 195 additional static caravans; (iii) other changes to the proposed scheme of landscaping; and (iv) the omission of one of the footpaths proposed for the western part of the large field.

What is proposed for the development of the application site would be a sympathetic expansion of Seton Sands Holiday Village with due regard to its existing landscape setting and its close proximity to nearby listed buildings and to the residential properties of Seton Mains. The proposed expansion of the Holiday Village is broadly consistent with the Masterplan docketed to planning permission in principle 06/00754/OUT.

The areas of land proposed for the siting of the 195 additional static caravans is below a natural low ridge running east-west across the large field. Consequently by being on those

areas of land, and by the screening afforded by Seton Dean Woodland which is on the east side of the application site, the additional 195 static caravans would be visually well contained within the existing local landform and their landscape setting. The Masterplan shows the provision of a substantial belt of tree planting along the western side of the 195 additional static caravans and also landscaping within the new static caravan areas. Subject to the provision of the tree belt and the proposed landscaping the proposed static caravan areas would be well integrated into the landscape. They would not be harmfully intrusive, incongruous or exposed and would not harm the character or appearance of the landscape of the area. The implementation of the scheme of landscaping could be secured through the imposition of a condition on this approval of matters specified in conditions.

The proposed golf course is shown to be located on the higher level of the large field between the residential properties of Seton Mains and the designed landscape of Seton House (Palace). In its position to the north of the A198 road, the proposed golf course would be clearly visible from public view.

However, there would not be significant changes required to the landform there to create the golf course, other than for the creation of tees, bunkers, greens and ponds. In the position proposed for it, the proposed golf course would not appear as an alien or harmfully intrusive feature within the landscape. Rather it would maintain the largely open aspect of the southern part of the large field. Consequently the proposed golf course would not appear as an alien feature harmful to the character or appearance of the landscape of the area or the setting of the Seton House (Palace) Designed Landscape. The proposed landscaping would help to integrate the golf course into its surroundings and would further enhance nature conservation habitats within the golf course area.

Both the Council's Biodiversity Officer and the Policy and Projects Manager raise no objection to the proposed scheme of landscaping.

On these counts the proposed development is consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 and with the Masterplan docketed to planning permission in principle 06/00754/OUT.

As the components of the proposed scheme of development would be positioned and laid out within the application site they would all be sufficiently far removed from the Seton House (Palace) Designed Landscape and from listed buildings in the locality such that they would not detract from the setting of any of those protected interests. Thus the proposed development is consistent with Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV3 and ENV8 of the adopted East Lothian Local Plan 2008.

The cropmarks on part of the eastern edge of the large field comprising the southern part of the application site, which are a scheduled ancient monument would not be directly impacted upon by the proposed development and would not have their setting adversely affected. Thus the proposed development is consistent with Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV7 of the adopted East Lothian Local Plan 2008, and with the Masterplan docketed to planning permission in principle 06/00754/OUT.

Historic Scotland do not object to the proposed development, as they are satisfied that it would not harm the setting of any listed building, scheduled monument, or the conservation objectives of the Seton House (Palace) Designed Landscape.

Condition 5 of planning permission in principle 06/00754/OUT restricts the occupation of the additional static caravans to prevent them from being used as permanent residences. Consequently there is no need to impose any conditions on this approval of matters specified in conditions to control occupations of the additional static caravans.

Consistent with the grant of planning permission in principle 06/00754/OUT, access to the new static caravan areas and the 9 hole golf course would be taken from the access road network within the existing Seton Sands Holiday Village. No vehicular access to the site would be taken from the A198 road on the south side of the application site. The Council's Transportation service are satisfied with the detailed proposals for site access. They are also satisfied that the proposed car parking provision is sufficient to meet the requirements of the Council's parking standards. They do however recommend that a new 2 metres wide footpath should be provided on the south side of the B1348 road (Links Road), which is immediately to the north of the existing Holiday Village. This would necessitate the existing footpath being extended i) from the existing Holiday Village access junction to the Double D islands on the eastern part of the B1348 road (Links Road); and ii) from the Double D islands on the western part of the B1348 road (Links Road) to the existing footpath at Sandy Walk. This could be secured through the imposition of a condition on this approval of matters specified in conditions.

Subject to the imposition of the recommended condition the proposed development is consistent with Policies DP22 and T2 of the adopted East Lothian Local Plan 2008.

The components of the proposed development would be located at a sufficient distance away from nearby residential properties so as not to have a detrimental impact on the privacy or amenity of those properties.

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

The Scottish Environment Protection Agency advise that there may be a risk of coastal flooding along the northern boundary of the application site. However the northern part of the application site is already in use as the existing Holiday Village. Accordingly the Scottish Environment Protection Agency are satisfied that the proposed development would not place people and property at flood risk or exacerbate flooding elsewhere.

The Scottish Environment Protection Agency recommend that waste water from the proposed development should be directed to the public sewerage system. This recommendation can be secured through the imposition of a condition on this approval of matters specified in conditions.

Scottish Water raise no objection to the proposed development.

One of the letters of objection raises concern that the most northerly of the proposed ponds is large enough for children to drown in. The applicant has advised that the maximum depth of water would be 300mm, and that all ponds have a partial stone edge to discourage pedestrian access. The management and supervision of the ponds is a matter for the applicant and not a material consideration in the determination of this application.

RECOMMENDATION

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

- 1 All planting, seeding or turfing comprised in the docketed landscaping drawings shall be carried out in the first planting and seeding season following the occupation of any of the additional 195 static caravans 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 the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 2 A new 2 metres wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Holiday Village access junction to the Double D islands on the eastern part of the B1348 road (Links Road) and from the Double D islands on the western part of the B1348 road (Links Road) to the existing footpath at Sandy Walk.

Within two months from the date of grant of this approval of matters specified in conditions, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety.

- 3 Unless otherwise approved in writing by the Planning Authority, within one month from the date of grant of this approval of matters specified in conditions, a scheme to connect the development hereby approved to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

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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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Wednesday 6 June 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

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Note: this application was called off the Scheme of Delegation by Councillor Bell for the following reasons: a) whether the proposed rear extension would result in overdevelopment of the garden ground including its proximity to the boundary wall and b) whether any conditions can be considered to restrict future development of fenestration in the west elevation so as to ensure that the property of Springfield Guest House is overlooked by any window being inserted above the level of the boundary wall.

Application No. **12/00136/P**
Proposal Extensions to house
Location **2 Knockenhair Road
Dunbar
East Lothian
EH42 1BA**
Applicant Mr & Mrs Robertson
Per Blueprint (Dunbar) Ltd
Ward 7
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi-detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

Planning permission is sought for the addition of a single storey mono-pitched roofed extension onto the front (east) elevation of the house and for a single storey, pitched roofed extension onto the rear (west) elevation of the house. The proposed extensions would each be externally finished in materials to match the external finishes of the house.

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.

Policy ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

One letter of objection to the application has been received. The objection is made on the grounds that:

(i) the location and site plan drawing submitted with the application is incorrect by showing within the application site land to the north of the applicant's property which is not within the ownership of the applicant;

(ii) the proposed rear extension would result in overlooking of that land to the north;

(iii) the proposed rear extension would result in an overdevelopment of the rear garden of the house;

(iv) the proposed rear extension would abut the western wall on the rear boundary and would prevent maintenance of it;

(v) if windows or other glazed openings were to be formed in the rear (west) elevation of the proposed rear extension they would overlook the rear garden of the neighbouring house of Springfield Guest House, Belhaven Road; and

(vi) if the rear extension was granted planning permission it would set a harmful precedent for similar developments of the neighbouring residential properties of Knockenhair Road and Belhaven Road which over time would be collectively out of keeping with the character of the built form of them to the greater detriment of the visual amenity of the area.

Subsequent to the registration of this application an amended site plan has been submitted to correctly show the extent of the applicant's property and thus showing excluded from the application site the strip of land to the north that the objector alludes to.

Access to enable maintenance of the existing wall on the west boundary of the rear garden of the applicant's house with the neighbouring property of Springfield Guest House is a legal matter between the applicant and the owner of Springfield Guest House and thus it is not a material planning consideration in the determination of this application for planning permission.

In its position on the front (east) elevation of the house, the proposed single storey, mono-pitched roofed extension would be readily visible from the public road of Knockenhair Road to the east. Although it would project forward of the forward most building line of the front (east) elevation of the house, it would not, by its architectural form, positioning and finishes appear intrusive or incongruous on the front of the house or within the streetscape of Knockenhair Road. It would be subservient to and in keeping with the house and thus would be well integrated with its surroundings. It would not be an overdevelopment of the house or of the front garden of the house. It would not be harmful to the character and appearance of the house or of the area.

The windows to be formed in the front (east) elevation of the proposed single storey, mono-pitch roofed extension would face towards the public road of Knockenhair Road to the east and would not allow for harmful overlooking of the neighbouring residential property on the opposite side of the road.

There is no proposal to form windows or other glazed openings in each of its north and south side elevation walls. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed in the north elevation wall they would face towards the high fencing and hedging on the north boundary of the front garden of the house and thus they would not allow for harmful overlooking of the land to the north or of the neighbouring residential property of 'The Orchard' that is on the other side of that land.

If formed in the south elevation wall they would allow for direct overlooking into the oriel style ground floor window on the adjacent part of the front elevation of the adjoining house of 1 Knockenhair Road. Such overlooking would have a harmful impact on the privacy and residential amenity of that adjoining house. To safeguard against this, a condition can be imposed on the grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings within the south side elevation wall of the single storey, mono-pitch roofed extension proposed for the front elevation of the applicant's house.

In its positioning on the rear of the house, the other proposed extension would not appear as an overdevelopment of the house or of the rear garden of the house. By its architectural form and external finishes it would be in keeping with the house and would be well contained within its rear garden setting. A small, but sufficient amount of rear garden would remain to serve the house as private amenity space. In its contained position it would not appear harmfully intrusive, incongruous or exposed to the detriment of the character and appearance of the house or to the character and appearance of the area.

The glazed doors to be formed in the north elevation wall of the proposed rear extension would face towards the high brick wall on the north boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the strip of land to the north or of the neighbouring residential property of 'The Orchard' on the opposite side of that land.

There is no proposal to form windows or other glazed openings in each of the rear (west) or south side elevation walls of the proposed rear extension. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed in the rear (west) elevation wall they would face towards the high brick wall on the west boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the neighbouring property of Springfield Guest House to the west.

If formed in the south elevation wall they would face directly onto the rear garden of the adjoining house of 1 Knockenhair Road to the south. The resultant overlooking would be harmful to the privacy and residential amenity of that adjoining residential property. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings within the south side elevation wall of the proposed rear extension.

Application of the relevant daylight test given in "Site Layout and Planning for Daylight and Sunlight: a guide to good practice" by P J Littlefair: 1991 demonstrates that by virtue of their size, scale, positioning and orientation the proposed extensions would not result in a harmful loss of daylight to the adjoining house of 1 Knockenhair Road to the south.

Due to their positioning and orientation the proposed extensions would not result in a harmful loss of sunlight to any neighbouring residential properties.

On all of the foregoing considerations of privacy and amenity the proposed two extensions are consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and with Policy DP6 of the adopted East Lothian Local Plan 2008.

The application drawings show an intention to install a glazed door in the front (east) elevation of the existing forward projecting component of the front (east) elevation of the house. Such an alteration to the house is permitted development for which planning permission is not required and thus it does not form part of this planning application.

CONDITIONS:

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed in the south side elevation wall of each of the front and rear extensions hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the south.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)