

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 7 May 2013  
**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 List by Councillor Goodfellow for the following reason: This application relates to erection of a new dwelling within a sensitive conservation area and has given rise to a number of objections which deserve a full hearing in public.*

Application No. **12/00925/P**  
Proposal Erection of 1 house and associated works  
Location **Glenconner  
28 Dirleton Avenue  
North Berwick  
EH39 4BQ**  
Applicant Mr David Selkirk  
Per EMA Architecture + Design Limited  
RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

The application site forms the majority of the southern part of the garden of the two-storey detached building of Glenconner, 28 Dirleton Avenue, North Berwick. It is located between the north side of Dirleton Avenue and the south side of Fidra Road.

The site is in a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

Glenconner is listed as being of special architectural or historic interest (Category B). It was originally built (circa 1900) as a single house and is now sub-divided into 5 flats.

The land of the site is some 1100 square metres in area and is more than half of the southern area of garden ground of Glenconner. It is predominantly laid to grass with an existing paved area at its northern end and a gravel driveway along its western side. There are a number of trees on the southern, northern and western sides of it. There are also a number of mature trees on the western part of the neighbouring garden of the flatted building of 26 Dirleton Avenue that are adjacent to the east boundary of the application

site. Three of the mature trees that are along the south and east boundaries of the site are the subject of Tree Preservation Order No. 17.

The site is accessed from the public road of Dirleton Avenue by an existing gated vehicular access that is positioned towards the western end of the south (roadside) boundary. A gravel driveway leads from that access across the west part of the application site. The driveway continues northwards past the west elevation of Glenconnor to another vehicular access onto Fidra Road to the north.

The site is enclosed along its south (roadside) boundary to Dirleton Avenue by a low stone wall with timber fencing above it to a height of some 1.8 metres, and by shrubs and trees. Its east boundary is enclosed by a stone wall and hedge, and there are also shrubs and trees along the boundary both within the site and outwith the site in the neighbouring garden ground. Most of its north boundary is enclosed by a hedge, bamboo fencing and trees. The remainder of the north boundary is not enclosed. There is no boundary enclosure along the west boundary of the application site. However, along the west side of the existing driveway there is shrub and hedge planting and trees, and furthermore there is also a stone wall along the west boundary of the garden of Glenconnor.

The site is bounded to the west by the flatted residential properties of 30 Dirleton Avenue and 4 Hamilton Road and their respective garden ground, to the east by the flatted residential property of 26 Dirleton Avenue and its garden ground, to the north by the flatted residential property of Glenconnor and what would be its retained garden ground and to the south by the classified public road of Dirleton Avenue with residential properties beyond.

On 25th March 2011 planning permission in principle 10/00851/P was refused for the principle of the erection of one house on the same application site in the Garden of Glenconnor, 28 Dirleton Avenue. The reasons for refusal were that:

(i) A house erected on the garden ground of the application site would be an intrusive and incongruous form of infill development out of keeping with the low density character of the existing built form on the north side of Dirleton Avenue and which would not preserve or enhance but would be harmful to the character of the North Berwick Conservation Area, contrary in principle to Policy ENV1D of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DP7 and ENV4 of the adopted East Lothian Local Plan 2008, and contrary in principle to the Scottish Government's policy on development within a conservation given in Scottish Planning Policy: February 2010; and

(ii) A house erected on the garden ground of the application site, due to its positional relationship with the listed building of 28 Dirleton Avenue would be a disruptive feature that would not preserve or enhance but would be harmful to the setting of the listed building, contrary in principle to Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008.

Through this current application, planning permission is sought for the erection of 1 house on site formed by the majority of the southern part of the garden of Glenconnor, 28 Dirleton Avenue and for the formation of hardstanding to form a driveway.

The proposed house would have a roughly rectangular shaped footprint and would be one and a half storeys in height with a dual pitched roof. It would be positioned on the northern half of the site with its south elevation wall positioned some 21 metres away from the south boundary of the site with Dirleton Avenue. Its external walls would be finished with a white painted render with a natural stone base course. It would have wall-head dormers. It would have natural stone banding around its windows and doors and natural stone

crow-step architectural detailing to its gables. Its roof would be clad with rosemary clay roof tiles and would have a raised cupola roof light on its roof. The frames of its windows and external doors would be of white painted timber construction.

A gravel driveway providing parking for two cars would be formed to the west side of the proposed house, in a position between it and the existing gravel driveway that accesses onto Dirleton Avenue. Access to the proposed house would be taken via the existing vehicular access from Dirleton Avenue along the existing gravel driveway.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this 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.

The proposed development would be infill housing development of land that was formerly part of the garden of an existing residential building within the urban area of North Berwick. On this matter there are no policies of the approved Edinburgh and the Lothians Structure Plan 2015 relevant to the determination of the application.

Policies 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 ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), DP2 (Design), DP4 (Design Statements), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or Adjacent to Development Sites), DP22 (Private Parking) 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 Sections 59 and 64 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 and development within a conservation 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.

Scottish Planning Policy 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 conservations area should be appropriate to the character of the conservation area. Planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

Scottish Ministers' policy on infill housing development given in Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality are also material to the determination of the application.

Scottish Planning Policy on housing states in paragraph 82 that infill sites within existing settlements 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.

Planning Advice Note 67: Housing Quality 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.

Four public representations to the application have been received. Three of the four representations raise objections to the proposed development and as summarised the grounds for objection are:

- i. the driveway and vehicular entrance gate onto Fidra Road are owned and maintained by the residents of all of the flats and should not be shared with any other property as increased traffic could create problems;
- ii. the proposed development would be in direct contrast to the low density nature of the surrounding properties and would be harmful to the conservation area;
- iii. the proposed development would have a detrimental effect on the Category B listed building of Glenconner, its occupants and Dirleton Avenue;
- iv. outline planning permission was previously refused for a house in the garden of Glenconner;
- v. the proposed development would have a detrimental effect on the setting of the listed building;
- vi. Glenconner is one of few remaining properties which retains its whole plot between Dirleton Avenue and Fidra Road;
- vii. the design of the proposed house is a poor pastiche of Scots Baronial features; and
- viii. the proposed house is deficient in accommodation and is an uneconomic use of that would be a very valuable site if planning permission could be secured.

The one remaining representation neither supports nor objects to the proposed development but questions which trees are proposed to be felled as part of the development.

The application drawings and the Tree Survey and Arboricultural Constraints report submitted with the application identify the trees that are proposed to be felled and removed.

North Berwick Community Council, as a consultee, object to the application for the same reasons that previous outline planning application 10/00851/PP was refused.

Since the application was registered it has been amended to have included within the application site the vehicular access from Dirleton Avenue and part of the existing gravel driveway leading from that access into the site, and to show the position of a vehicular bollard on the existing gravel driveway. These changes are shown on revised application drawings submitted by the applicant's agent.

The inclusion of the existing gravel driveway and vehicular access within the application site is a significant change to the application and because of this the application has been re-registered and accordingly neighbours have again been notified. Moreover, as the gravel driveway and vehicular access onto Dirleton Avenue is not solely owned by the applicant but is shared in ownership between the owners of the flats of Glenconnor, the land ownership certification of the re-registered application has been served by the applicant on the other owners of the land of the gravel driveway and vehicular access.

As is required by Local Plan Policy DP4 the applicant's agent has submitted a Design Statement. The Design Statement explains that the proposal now under consideration addresses the reasons for refusal of application 10/00851/PP such that the proposed house would be sensitively located in the grounds of the existing flatted building of Glenconnor and has been designed so as not to have a detrimental effect on the setting of the listed building or on the character and appearance of the conservation area.

In the Statement it is observed that many of the large villas along this part of Dirleton Avenue have been sub-divided and their gardens developed.

In respect of the site it is also observed that the well-defined hedge and tree lined boundaries of the application site mean that views into and out of the site are restricted and, more particularly, that the existing hedge and trees along the north boundary of the site with the retained garden ground of Glenconnor mean that development of a house on the application site could be achieved with limited visual impact on that listed building and on the character and appearance of the conservation area.

The Statement informs that the proposed house would:

- (i) be positioned to maintain the existing building line of the north side of Dirleton Avenue;
- (ii) maintain existing views between the existing access gates onto Dirleton Avenue and the building of Glenconnor;
- (iii) be of an appropriate scale and not compete with the dominant building mass of Glenconnor; and
- (iv) appear as a 'garden house' in relation to Glenconnor.

It is further stated that the architectural style of the proposed house is borrowed from that of Glenconner, with its proportions, eaves line set at one and a half storeys, wall-head dormers, crow-step gables and external finishes considered to reflect the style and quality of that listed building.

The application site is not allocated for residential development in the adopted East Lothian Local Plan 2008. All of it is part of a larger area covered by Local Plan Policy ENV1. Policy ENV1 does not actively promote the development of land for new build residential development. The principal purpose of Policy ENV1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. However Policy ENV1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Plan 2008.

The proposed new house would be set in part of the large garden of the existing flatted building of Glenconner. It is within a predominantly residential area with residential properties adjacent to it. The erection of a house on the site would amount to urban infill housing development, the principle of which is supported by current Government planning policy guidance on urban infill housing development given in SPP and by Policy DP7 of the adopted East Lothian Local Plan 2008.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not be an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: February 2010 that planning authorities should ensure that where infill sites are assessed as suitable for development, proposals respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

In this case regard must also be paid to the desirability of preserving or enhancing the character or appearance of the North Berwick Conservation Area as required by Scottish Planning Policy: February 2010 and Policy ENV1D of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV4 of the adopted East Lothian Local Plan 2008.

Due regard must also be given to desirability of preserving the setting of the listed building of Glenconner as required by Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 of the adopted East Lothian Local Plan 2008.

The application site is within the western part of North Berwick Conservation Area, characterised by a mix of architect designed Victorian, Edwardian and Georgian housing in a variety of styles set within large private grounds. The houses in this part of the Conservation Area vary in height between single storey and two and a half storey. Some of these large houses have been subdivided to form more than one residential unit, as is the case with Glenconner. The original low density development of the area is supplemented by some infill development, which generally appears subservient to the older buildings. The predominant building materials are red sandstone with natural slated roofs and there are noticeable design features, such as turrets, crow stepped gables, and elaborate bargeboards. However, there are also a number of rendered, painted buildings within the area and which form part of its character and appearance. Many large mature trees, important to the visual amenity of the area, provide greenery throughout and partially screen buildings from the street elevations.

The Category B listed building of Glenconner is a large two storey building dating from circa 1900, subsequently enlarged in 1902 and 1911. It is set within a large area of

undeveloped garden ground, with its principle elevation facing west. Its south (side) elevation wall is set back some 50 metres from Dirleton Avenue to the south and its north (side) elevation wall some 15 metres from Fidra Road to the north.

The previous proposal for the site (10/00851/PP) in its indicative layout and elevations was for a house set on the south part of the application site, close to Dirleton Avenue and with an elongated east-west rectangular footprint stretching across the site as a one storey bungalow.

The house now proposed would be located some 20 metres to the south of Glenconnor, south of the existing hedge, fence and tree boundary between the application site and the retained garden ground of Glenconnor. Its principal elevation would face westwards as does that of the listed building.

The west (entrance) elevation of the proposed house would be positioned set back from the west (front) elevation building line of Glenconnor by some 2.5 metres. The east elevation of the proposed house would be set back some 4 metres from the east elevation building line of Glenconnor.

The south elevation wall of the proposed house would be positioned set back some 21 metres from Dirleton Avenue to the south and some 4 metres from the south building line of the buildings of 30 Dirleton Avenue and 4 Hamilton Road to the west. It would be some 4.5 metres forward of the building line of the south elevation wall of the building of 26 Dirleton Avenue to the east.

So positioned the proposed house would be set off from Glenconnor whilst remaining well set back from Dirleton Avenue on a building line relating positively to that of adjacent buildings. It would be contained within the east and west building lines of Glenconnor and so would be subservient to the footprint of the listed building.

By its one and a half storey height the proposed house would be some 2.5 to 3 metres lower than the roof ridges of Glenconnor. By virtue of its proposed position, height and massing it would appear subservient to Glenconnor and thus would not compete with the dominant massing of that listed building.

Furthermore, with the existing hedge, fence and trees along the most part of the north boundary of the site, lying between the proposed house and Glenconnor, the house so positioned would not radically alter the views or perception of that listed building from Dirleton Avenue. Only limited views of Glenconnor are visible through the existing vehicular access gateway from Dirleton Avenue. The hedge, fence and trees along the most part of the north boundary of the application site already effectively sub-divide the site from Glenconnor and thus sub-divide the setting of that listed building. The trees along that north boundary of the application site will continue to grow and create a denser screen between the listed building and its southern area of garden ground.

So positioned and designed, in its form the proposed house would not draw attention away from the listed building of Glenconnor, would not be a disruptive or incongruous feature within the setting of that listed building or be harmful to its setting.

At its one and a half storey height the proposed house would be in keeping with the varied heights of the buildings in this part of the North Berwick Conservation Area. It would be partially screened by existing trees along the boundary of the site with Dirleton Avenue as are existing houses and flatted buildings along that road.

So contained within the existing planting of the site and within the building lines of adjacent buildings, including Glenconnor, the proposed house would be positioned so as to be respectful of the varied positioning of existing buildings on the north side of Dirleton Avenue. Accordingly, the proposed house would not appear prominent or intrusive within the streetscape.

By virtue of its position, size, scale and form the proposed house would not be out of keeping with the pattern of the built form of the area and would not appear intrusive and incongruous within its setting. It would not detract from the character and appearance of this part of the North Berwick Conservation Area.

The proposed house would be finished externally in materials to match those of Glenconnor and other buildings in the locality. The proposed design features of natural stone window surrounds, crow-step gables and wall-head dormers are architectural details that are reflective of the architectural features of Glenconnor. By virtue of its architectural design and finishes the proposed house would not be out of keeping with the variety of architecture that is characteristic of this part of the Conservation Area and would not compete architecturally with the existing buildings of the surrounding area.

There is sufficient land within the site to accommodate the proposed house with a sufficient sized garden and adequate parking provision and vehicular and pedestrian access, without there being an overdevelopment of it. Development of the site would not result in any loss of open space important to recreation or amenity requirements.

In all of these design considerations the proposed house, by its positioning, size, height, proportions and external finishes, and by its relationship with its surroundings, including the built forms and layouts of the neighbouring buildings, would not appear dominant or intrusive. It would not be an incongruous addition to the pattern and density of the built form of this part of North Berwick and would not be harmful to the character and appearance of the Conservation Area or to the setting of the listed building of Glenconnor.

The proposed hardstanding area in the form of the driveway to be positioned to the west side of the proposed house would provide off-street parking spaces for at least two cars. The driveway would be surfaced with gravel. This hardstanding area, in its relationship with the proposed house, would not be an untypical feature for the garden of the house. Other than from the point of private access to the plot it would not be seen in public views. It would not be harmful to the character and appearance of the Conservation Area or the setting of the listed building.

On all of these 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, with Scottish Planning Policy: February 2010 and with Planning Advice Note 67: Housing Quality.

Policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

In its position and due to its orientation, height, size and scale the proposed house would not have a harmful impact on the daylight received by Glenconnor to the north.



On the matter of sunlight, the proposed house, by virtue of its position, orientation, height, size and scale would result in some overshadowing of the area of garden of Glenconnor to the north. However, that overshadowing would not be such that it would result in more than two-fifths of that area of garden being overshadowed for the whole of the day. Thus, it would not result in a harmful loss of sunlight to that neighbouring garden.

By virtue of its height, positioning, orientation and distance away from the neighbouring properties, the proposed house would not, in accordance with the guidance given in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair, cause harmful loss of daylight or sunlight to the neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of those properties. The proposed house should also receive a sufficient amount of daylight (skylight) and its garden a sufficient amount of sunlight to give sufficient amenity to the property.

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

The south and west elevation walls of the proposed house would be more than 9 metres away from the south and west boundaries of the site and would not be within 18 metres of any directly facing windows of any neighbouring properties to the south and west. Thus, the windows of those elevation walls of the proposed house would not allow for harmful overlooking of any neighbouring residential properties.

The windows of the north elevation wall of the proposed house would be more than 18 metres away from the windows of the south elevation of Glenconnor. However, they would be some 5 metres away from the north boundary of the site with part of the retained garden of that flatted building. That area of garden ground is allocated for use by one of the ground floor flats. As such, it is already overlooked by the first floor flat above. Between the proposed house and that area of garden ground are the existing hedge, fence and trees which give a physical and visual separation between the retained garden ground of Glenconnor and the application site. In that the area of garden ground is already overlooked and that there is a degree of screening provided by the existing hedge, fence and trees, there would not be a harmful loss of privacy and amenity to that area of garden ground by overlooking from the windows of the north elevation of the proposed house. Thus, there would be no harmful overlooking or loss of privacy to the neighbouring residential properties to the north.

The east elevation of the proposed house would be less than 9 metres away from the east boundary of the site with the garden of the flatted building of 26 Dirleton Avenue to the east. However, there would be no windows in that east elevation and no new window openings could be formed without planning permission. Thus, there would be no harmful overlooking or loss of privacy to the neighbouring residential properties to the east.

The occupiers of the proposed house would also benefit from sufficient privacy and amenity.

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

The Council's Environmental Protection service raises no objection to the erection of a house on the site.

Access to the proposed house would be taken via the existing vehicular access on to Dirleton Avenue along the existing gravel driveway. A new length of gravel driveway to serve the proposed house would be formed on the eastern side of the existing driveway. Parking for at least two vehicles would be provided on the new length of driveway.

The Council's Transportation service advise that at present vehicles can exit or enter the curtilage of Glenconnor from two existing vehicular accesses; one onto Dirleton Avenue and the other onto Fidra Road. Transportation further advise that as existing vehicular accesses for use by vehicles associated with the five existing flats within the building of Glenconnor, those vehicular accesses provide safe means of access to the flatted building. However, the additional use of either of those existing vehicular accesses by vehicles associated with the proposed house would result in an intensification of use of the access such as would be unacceptable in road safety terms.

Thus, Transportation advise that if the flatted building continues to be accessed from Fidra Road and if only the proposed house is accessed from Dirleton Avenue then they would be satisfied that the flatted building would continue to be provided with a safe means of access and that the proposed house would also be provided with a safe means of access.

The applicant's agent has agreed to these proposed access arrangements and has shown on the application drawings a vehicular bollard positioned centrally across the width of the existing gravel driveway in a position on the northern boundary of the application site, which would prevent vehicular traffic from the flatted building entering and exiting the site from Dirleton Avenue. Subject to the erection of that vehicular bollard Transportation are satisfied that the proposed house could be provided with a safe means of vehicular access. This matter could be controlled by a condition attached to a grant of planning permission.

Transportation also advises that the new length of gravel driveway would be of a sufficient size to provide adequate on-site parking for the proposed house and that there would be sufficient manoeuvring space within the application site to allow vehicles to enter and exit the site in a forward gear.

Accordingly, the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The application drawings propose the removal of three trees from the east boundary of the application site.

The landscape advice from the Council's Policy and Projects Manager is that the trees on the east, west and southern parts of the application site and those outwith the site to the east and west make a contribution to the character of the street scene and the landscape character of this part of the Conservation Area.

The Council's Policy and Projects Manager agrees with the findings of the Tree Survey and Arboricultural Constraints report submitted with the application that the three trees that are proposed to be felled and removed are in declining health and raises no objection to their removal subject to replacement trees being planted elsewhere on the site. Such matter can be made conditional of the grant of planning permission.

The Policy and Projects Manager further advises that the application drawings and the Tree Survey and Arboricultural Constraints report submitted with the application show that the site is capable of accommodating the proposed house without having a harmful impact on the trees to be retained. Subject to temporary protective fencing being erected the proposed development would not be harmful to the trees that are to be retained on and adjacent to the site. This matter can be controlled by a condition attached to a grant of planning permission.

Subject to the aforementioned controls the proposed development would not have a harmful impact on the trees on and adjacent to the site and is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

Scottish Water raises no objection to the proposed development.

#### CONDITIONS:

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

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

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

Reason:

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

- 2 Prior to the occupation of the house hereby approved the access, turning and parking areas shall be laid out as shown in docketed drawing nos.11016(11)001 Rev B and 11016(11)002 Rev B, and thereafter the access, turning and parking areas shall be retained for such uses.

'In-curtilage' parking for at least 2 vehicles shall be provided.

Prior to the occupation of the house and the use of the driveway, all as hereby approved, a permanent vehicle bollard shall be erected in the position shown for it on docketed drawing nos. 11016(11)001 Rev B and 11016(11)002 Rev B and shall thereafter be retained in such position. Details of the vehicle bollard shall be submitted to and approved in writing by the Planning Authority prior to its erection on the site.

Reason:

To ensure provision of a safe access and adequate parking and turning in the interests of road safety.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such finishes has been submitted to and approved in advance by the Planning Authority for the: -

- i. render and natural stone of the external walls, including the colour of the render;
- ii. rosemary clay tiles of the roof; and
- iii. natural stone to be used for the base course, crow-steps, window and door surrounds

Thereafter, the materials used shall accord with the samples, including any colouring, 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, the character and appearance of the Conservation Area and the setting of the listed building of 28 Dirleton Avenue.

- 4 A sample of the gravel to be used to surface the hardstanding area to be used as a driveway shall be provided for the inspection and approval of the Planning Authority prior to the use of such ground surfacing within the development, and thereafter the gravel used shall accord with the sample 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, the character and appearance of the Conservation Area and the setting of the listed building of 28 Dirleton Avenue.

- 5 The frames of the windows and where relevant their astragals and the frames of the external doors and patio doors shall be of timber construction. The external doors shall be of timber or timber and glazed construction.

The timber frames of the windows and where relevant the timber astragals shall be painted white, unless otherwise approved by the Planning Authority.

Reason:

In the interest of the visual amenity of the area, the character and appearance of the Conservation Area and the setting of the listed building of 28 Dirleton Avenue.

- 6 Other than the three trees to be removed from the eastern part of the application site as denoted on docketed drawing no. 11016(11)001 Rev B and 11016(11)002 Rev B and in the Tree Survey and Arboricultural Constraints Report no trees or bushes which are to be retained on the site shall be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

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

- 7 In the first planting and seeding season (October - March) following the felling of the three trees hereby approved to be removed from the eastern part of the site, or the completion of works, whichever is the sooner, three replacement trees shall have been planted on the application site, in positions to be approved in advance in writing by the Planning Authority. Details of the proposed replacement planting, including the species and size of the replacement trees, shall be submitted for the prior approval of the Planning Authority and thereafter the replacement tree planting shall be carried out in accordance with the approved details unless otherwise approved by the Planning Authority.

In the event that any such replacement tree(s) dies, is removed, or becomes seriously damaged or diseased within a period of 5 years following planting they 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 landscape amenity of the area and of the Conservation Area.

- 8 No development shall take place on site until temporary protective fencing to protect the trees along the north, east and south boundaries of the site has been installed and approved in writing by the Planning Authority.

The temporary protective fencing shall comprise of standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weldmesh wired to uprights and rails, should be 2.3 metres in height, unless otherwise approved by the Planning Authority, and shall be erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837: 2005 'Trees in Relation to Construction'. The temporary protective fencing shall be tied into the hedge along the north boundary of the site and into the south (roadside) boundary fence.

Details of the temporary protective fencing and its position shall be submitted for the prior approval of the Planning Authority and thereafter the temporary protective fencing erected shall accord with the details so approved.

All weather notices should be erected on said fencing with words such as "Construction exclusion

zone - KEEP OUT". Once erected the temporary protective fencing shall be retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

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

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

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

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

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand. Any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

In order to ensure protection of the trees within and outwith the application site in the interests of safeguarding the landscape character of the area and of the Conservation Area.