

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 18 June 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 appears to deviate significantly from the outline permission given and has thus raised a number of objections.*

Application No. **12/00957/P**

Proposal                      Erection of 1 house and associated works

Location                     **Ardmuir  
Broadgait  
Gullane  
East Lothian  
EH31 2DJ**

Applicant                    Mr and Mrs Scott and K Marriott

Per                             Somner Macdonald Architects

RECOMMENDATION         Consent Granted

#### PLANNING ASSESSMENT

The application site forms the majority of the rear (north) garden ground of the single storey detached house of Ardmuir, within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property of Ardmuir is bounded to the east by the public road of Broadgait Court and to the south by the public road of Middleshot Road. To the west it is bounded by neighbouring residential properties and to the north it is bounded by neighbouring residential properties and a strip of vacant tree covered land.

The existing house of Ardmuir is single storey in height. It is positioned on its plot such that it has garden ground around it, and in particular a large rear garden to the north of it. The house fronts southwards towards the public road of Middleshot Road. The external walls of the house have a painted rendered finish and its pitched and piended roof is clad with red plain clay rosemary tiles. The surrounding houses to the south and west are single storey in height, some with attic accommodation, and those to the north and east are two storey in height. The external walls of most of the existing neighbouring houses

are finished in render and the roofs of most of the houses are clad with interlocking tiles or red plain clay tiles.

On 17th February 2012 planning permission in principle 11/00647/PP was granted for the erection of 1 house on the application site. Condition 3 of that permission sets the following design principles for the house: (i) the house should be no more than 2-storey in height and its roof ridge should be no higher than the height of the highest of the roof ridges of the neighbouring houses of 1 and 2 Broadgait Court to the north of the application site; (ii) the house should be designed with a pitched roof clad with either interlocking tiles or red plain clay tiles and its walls should have a render finish; (iii) the house should have no north, south and west facing ground floor windows within 9 metres of the north, south and west boundaries of the site respectively unless the entire lengths of those boundaries are enclosed by a screen fence or wall of a minimum height of 1.8 metres; (iv) the house should have no west facing first floor windows, including attic and roof windows, that would be within 9 metres of the west boundary of the site unless such windows are obscurely glazed; and (v) the house should have no north or south facing first floor windows, including attic and roof windows, that would be within 9 metres of the north and south boundaries respectively of the site unless such windows are obscurely glazed. Condition 3 also set requirements for the standard of provision of on-site car parking and vehicular access, the trees to be retained on the site and the requirement for the submission of a Tree Constraints Plan.

No subsequent application for the approval of matters specified in conditions has been submitted relative to planning permission in principle 11/00647/PP and the permission remains extant.

In August 2012 an application for full planning permission (Ref: 12/00612/P) was registered for the erection on the application site of 1 house, for the formation of a new vehicular access, for the erection of fencing and gates and for the formation of hardstanding areas to form a driveway and parking area. The scheme of development the subject of planning application 12/00612/P was such that it would have resulted in a harmful loss of privacy and amenity of the occupiers of the neighbouring houses of 2 Broadgait Court to the north and Ardmuir to the south through overlooking, and due to its positioning and form would have appeared dominant and overbearing when viewed from the neighbouring house of 2 Broadgait Court to the north. Consequently, that application was subsequently withdrawn.

Through this application full planning permission is sought for the erection on the application site of 1 house, for the formation of a new vehicular access, for the erection of fencing and gates and for the formation of hardstanding areas to form a driveway and parking area.

The application site measures some 700 square metres in area and is approximately half of the garden ground of Ardmuir. It is comprised of a large roughly rectangular shaped piece of land that is to the north of the existing house of Ardmuir and a narrow strip of land to the west of the house. The north and east boundaries of the large northern part of the site are enclosed by low timber fencing and trees and shrubs. The west boundary of both the large northern part of the site and the narrow southern part of the site are enclosed by a low stone wall. There are tall Cypress trees on the southern half of the west boundary and other dispersed trees on the northern half of the west boundary. There are trees on the eastern side of the northern part of the site. There is no means of enclosure of the south boundary of the site with what would be the retained part of the rear (north) garden of the house of Ardmuir.

The proposed detached house would have two storey and single storey components: the western part of it would be two storey in height and the eastern part of it would be single storey in height. It would be positioned predominantly on the northern half of the site, with its principal (front) elevation facing southwards. The overall footprint of the proposed house would be a roughly 'T' shaped plan form. The two storey western part of it would include an integral single garage.

The external walls of the house would be finished with a painted wet dash render with a cast stone blockwork base course. It would have a predominantly dual pitched roof clad with natural slates. However, some parts of its roof would have a flat roofed form. A first floor level balcony with a glazed balustrade would extend along part of the south elevation of the house. The frames of its external doors and windows and the external doors would be of factory coated aluminium construction.

There would be garden ground to the south and east of the house and narrow strips of land between it and the north and west boundaries of the site.

It is proposed that the vehicular access to the proposed new house plot would be taken from Middleshot Road/Broadgait via a driveway that would be formed on the narrow southern part of the site to the west of the house of Ardmuir. Three on-site parking spaces would be provided within the proposed new house plot, to the south of the western part of the house. New 1.8 metres high timber gates would be installed across the proposed driveway some 4.0 metres back from the rear edge of the public footpath at the new vehicular access.

A new 1.8 metres high timber fence would enclose the east side of the driveway and the south boundary of the site with what would remain of the garden of the existing house of Ardmuir. The existing timber fencing along the north boundary of the site and the east roadside boundary of the site with Broadgait Court would be replaced with a new 1.8 metres high timber fence.

Since the application was first registered an amended drawing has been received, which shows the extent of a visibility splay at the proposed new vehicular access.

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.

The proposed development would be infill housing development on part of an existing garden within the urban area of Gullane. On this matter there are no policies of the approved Edinburgh and the Lothians Structure Plan 2015 relevant to the determination of the application.

Policy ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DP7 (Infill, Backland and Garden Ground Development), DP2 (Design), 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 is the Scottish Government's policy on infill housing development given in Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

In paragraph 82 of Scottish Planning Policy it is stated 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.

Nine written representations to the application have been received. All of the representations raise objections to the proposed development. The grounds of objection as summarised are:

- i. the proposed house would allow for overlooking and a loss of privacy to neighbouring properties;
- ii. the proposed house would lead to a loss of sunlight to neighbouring properties;
- iii. the proposed house would be out of scale with other buildings and houses, would appear dominant and overbearing and would be an over development of the site;
- iv. the proposed house would be too close to the northern boundary of the site;
- v. the position, height and design of the proposed house would not be in keeping with the surrounding properties;
- vi. trees would have to be removed from the site to facilitate the development of it and this would have a harmful impact on the character of the area;
- vii. construction activity would lead to considerable inconvenience, noise and mess for the occupiers of neighbouring properties and would be a road safety hazard;
- viii. the proposed development would result in a reduction in value of neighbouring properties;
- ix. the development of a house on the application site would be harmful to the view from neighbouring properties; and
- x. the grassed area of land outwith the site to the east is maintained by Broadgait North

Proprietors Association and should not be used for vehicular access or the storage of materials and equipment.

Neither the loss of a view from a neighbouring property nor the impact on the value of existing properties is a material planning consideration in the determination of an application for planning permission.

The application does not include proposals to use the grassed area of land that is outwith the application site to the east for access or the storage of materials and equipment. In any event such matter would be a civil matter between the applicant and the owner of that area of land and is not a material planning consideration in the determination of an application for planning permission.

Gullane Area Community Council, as a statutory consultee, raise objection to the size of the proposed house and raise concerns about the impact of the additional traffic movements associated with the proposed house.

The application site is not allocated for residential development in the adopted East Lothian Local Plan 2008. It is within a predominantly residential area as defined by Policy ENV1 of the Local Plan. 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 existing housing areas is safeguarded from the adverse impacts of uses other than housing. However, Policy ENV1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the adopted East Lothian Local Plan 2008.

The proposed new house plot is part of the garden of an existing house. It is within a predominantly residential area and is surrounded by residential properties. The erection of a house on the site would amount to urban infill housing development. Through the grant of planning permission in principle 11/00647/PP the principle has been established of a single house as infill development of this site. Therefore, in the determination of this application there can be no objection in principle to the erection of a house on the site, which is supported by current Scottish Government planning policy guidance on urban infill housing development given in Scottish Planning Policy and by Policy DP7 of the adopted East Lothian Local Plan 2008.

Thereafter, with regard to national, strategic and local planning policy and guidance and other material considerations, the consideration in this case is whether or not, the proposed new house would have an adverse impact on the character and amenity of the area, including the amenity of neighbouring residential properties and whether or not such a new house could be acceptably accessed.

The proposed new house plot is in an area of established residential use. It is part of the garden of the existing house of Ardmuir. The area is generally characterised by houses of various architectural designs. They vary in height between single storey and two storey. The houses neighbouring the site to the south and west are predominantly single storey in height, some with attic accommodation in their roof space, whilst those to the north and east are predominantly two storey in height. The houses of the area are generally moderate in size with moderate sized gardens. They do not display any distinct single form of pattern and density of layout.

The houses to the east and north of the site that front onto Broadgait Court generally have a distinct building line with that road and a distinct streetscape form. However,

some of those houses present their frontages to the road whilst others present side gable elevations.

The external walls of most of the existing neighbouring houses are finished in render and the roofs of most of the houses are clad with interlocking tiles or red plain clay tiles. However, at a greater distance to the southeast on Broadgait there are buildings whose external walls are finished with natural stone and whose roofs are clad with natural slate.

In all of this the ratio of built form to undeveloped garden ground of the properties in the area varies and consequently the area displays a mixed pattern and density of built form. It is within this wider context that the appropriateness of the proposed house has also to be assessed.

Through the grant of planning permission in principle 11/00647/PP it was established that there is no uniform architectural style or pattern or density of development in this part of Gullane and therefore it was not necessary to seek to control the specific positioning or alignment of a house built on the site relative to Broadgait Court or to its other surroundings.

The application site would not be accessed from Broadgait Court but would be accessed from Middleshot Road/Broadgait to the south, allowing retention of the existing trees at the east boundary of the site with Broadgait Court. In retaining those trees the house plot when seen from Broadgait Court would retain the appearance of a rear garden. Through such screening on its eastern side and by its further containment on its north, south and west sides by the neighbouring properties and by the trees within their gardens and on the vacant strip of treed land to the north, the house plot does not present a strong presence to either Middleshot Road/Broadgait or Broadgait Court. It has somewhat of an appearance of a backland site.

In the context of this, although in its position on the main northern part of the site none of the elevation walls of the proposed house would be positioned in alignment with the front elevation walls of the houses of either Middleshot Road/Broadgait or Broadgait Court the proposed house would not, in such position, be harmful to the pattern of the built form of the area.

Moreover the ratio of built form to garden ground of the proposed house, at some 35% of the site, would not be significantly different from the ratio of built form to garden ground of other properties in the area. Furthermore, although the proposed house would be of a greater massing than the neighbouring houses it would be seen in the context of its almost backland location, positioned as it would be set back from Middleshot Road/Broadgait and Broadgait Court and screened as it would be by the trees along the east side of the site. It would be seen in short duration views from the public road of Middleshot Road/Broadgait in the gap between the existing houses of 30 Middleshot Road and Ardmuir. However, in such views it would be set well back from Middleshot Road/Broadgait and would be viewed against the backdrop of the trees that are on the strip of land to the north of the site and in the garden of the house of 38 Middleshot Road to the west. In such context the proposed house would not appear dominant and intrusive within the streetscape and would not be harmful to the character and appearance of the area. The erection of the proposed house on the northern part of the site would not harmfully change the disparate pattern of layout and of the mixed density of the built form of the surrounding area.

One of the design principles of planning permission in principle 11/00647/PP is that a house built on the site should be no higher than the height of the highest of the roof

ridges of the neighbouring houses of 1 and 2 Broadgait Court to the north of the application site.

At some 7.2 metres in height the highest part of the roof ridge of the two storey component of the proposed house would be some 600mm higher than the roof ridges of the neighbouring houses of 1 and 2 Broadgait Court to the north of the site. However, due to the two storey part of the proposed house being positioned on the western side of the site and the containment afforded to the site by the trees that are on the eastern side of the site, such small amount of additional height would not be readily discernible in the streetscape. The proposed house, by its two storey and single storey heights, would fit comfortably with the varied heights of the buildings in the surrounding area. It would not appear dominant or intrusive within the streetscape, and would not be harmful to the character and appearance of the area.

The proposed detached house would add further variety, in a complementary fashion, to the varied architectural styles of the buildings of the area. It would be finished externally in materials to match the palette of external finishes of buildings in the area. In its contained position on the northern part of the site the proposed house would not be prominent or obtrusive. It would sit comfortably with the mixed architecture and finishes of the neighbouring buildings and would not be harmful to the character and appearance of the area.

In all of these considerations the proposed house, by its size, height, proportions, positioning 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, would not be an incongruous addition to the pattern and density of the built form of this part of Gullane and would not be harmful to the character and appearance of the area.

The proposed hardstanding areas in the form of the driveway and parking area to be formed to the south side of the proposed house would provide off-street parking spaces for at least three cars and a turning area. These hardstanding areas, in their relationship with the proposed house, would not be untypical features for the garden of the house. Other than from the point of access to the site from Middleshot Road/Broadgait they would not be seen.

The roadside boundary enclosures of Middleshot Road/Broadgait are of varied forms and in heights and include hedging and timber fencing. In their position set back some 4.0 metres from the back edge of the public footpath on the north side of Middleshot Road/Broadgait the proposed 1.8 metres high timber gates to be erected across the proposed driveway would not appear dominant and intrusive within the streetscape and would be in keeping with their setting.

The new 1.8 metres high timber screen fences to be erected along the east side of the driveway and the south boundary of the site with the retained garden of Ardmuir, along the east roadside boundary with Broadgait Court and along the north boundary of the site, would be in keeping with other boundary enclosures between properties and along roadside frontages in the area and thus would be in keeping with their setting.

All of this development would not in its place and in association with the proposed house be harmful to the character and appearance of the 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.

On these matters of design, layout and density of development the proposed development does not conflict with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 and 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 amenity, including daylight, sunlight or privacy to adjoining properties.

In its position the west elevation wall of the two storey part of the proposed house would be, at its closest, some 1.4 metres away from the west boundary of the site. However, the house of 38 Middleshot Road that is to the west of the house plot and thus to the west of the proposed house is some 30 metres away from the west boundary of the site. Furthermore there are a number of large trees and shrubs at the eastern end of the garden of the house of 38 Middleshot Road, which provide screening between that property and the proposed house. Consequently the proposed house would not have a harmfully overbearing affect on the house and garden of 38 Middleshot Road.

The 14.5 metres length of the north elevation wall of the two storey part of the proposed house would be a minimum of some 1.1 metres and a maximum of some 2.2 metres away from the north boundary of the site with the rear garden of the house of 2 Broadgait Court, and the north elevation wall of the single storey part of the proposed house would be some 1.4 metres away from the north boundary of the site with the rear garden of the house of 2 Broadgait Court, increasing to some 2.2 metres at its eastern end. The rear garden of the house of 2 Broadgait Court is some 11 metres long. Due to its positioning on the western side of the site the bulk of the length of the two storey part of the proposed house, some 11.5 metres of it, would be positioned adjacent to the treed area of land that is to the north of the site. Only some 3.0 metres of its length would be positioned adjacent to the boundary of the site with the rear garden of the house of 2 Broadgait Court. Thereafter, the north elevation wall of the single storey part of the proposed house would be positioned adjacent to the boundary with that rear garden. Part of the single storey component of the proposed house would have a flat roof and part of it would have a pitched and piended roof.

Only the upper parts of the walls and the pitched and piended roof of the single storey component of the proposed house would be visible above the new 1.8 metres high timber fencing that is proposed to be erected along the north boundary of the site. Only a short 3 metres length of the two storey part of the proposed house would be in close proximity to the north boundary of the site with the garden of the house of 2 Broadgait Court. Only the single storey component of the proposed house would be visible from the garden of that neighbouring house above the new north boundary fencing. Moreover the pitched and piended roof of that single storey component would slope away from the north boundary. In all of this the proposed house would not have a harmfully overbearing affect on the house and garden of 2 Broadgait Court.

Nor would the proposed house so designed and positioned within the site be harmfully overbearing to the house and garden of Ardmuir.

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 the proposed house would not have a harmful impact on the daylight received by the house of Ardmuir to the south of the site or the houses of 1 and 2 Broadgait Court to the north.

On the matter of sunlight, the proposed house, by virtue of its position and orientation would not result in any overshadowing of the garden of the house of Ardmuir to the south of the site. It would however result in some overshadowing of the gardens of the houses of 1 and 2 Broadgait Court to the north. However, that overshadowing would not be such that it would result in more than two-fifths of those garden areas being overshadowed for the whole of the day. Thus, it would not result in a harmful loss of sunlight to those neighbouring gardens.

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 would 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 proposed house would be positioned between 1.1 and 2.2 metres away from the north boundary of the site. Only first floor windows and roof windows are proposed to be formed in that elevation. Those windows and roof windows would be positioned towards the west end of the north elevation of the proposed house. In their positioning they would face towards the treed area of land that is to the north of the site and would not be within 9 metres of the garden of any neighbouring residential property to the north. Nor would they be within 18 metres of any directly facing windows of any neighbouring houses to the north. Therefore, those windows and roof windows would not allow for any harmful overlooking of any neighbouring residential properties to the north.

The ground and first floor windows and glazed doors of the east elevation walls of the proposed house would face towards the garden of the proposed house and beyond that the public road of Broadgait Court. They would not be within 9 metres of the garden of any neighbouring residential property to the east and would not be within 18 metres of any directly facing windows of any neighbouring houses to the east. Thus, they would not allow for any harmful overlooking of any neighbouring residential properties to the east.

The windows of the south elevation wall of the single storey part of the proposed house would be 9 metres away from the south boundary of the site with what would remain of the garden of the house of Ardmuir but would be less than 18 metres away from directly facing windows of the north elevation of the house of Ardmuir. The new 1.8 metres high timber screen fence to be erected along the south boundary of the site with what would remain of the garden of the house of Ardmuir would prevent any harmful overlooking between those directly facing windows.

The ground and first floor windows and glazed doors of the south elevation wall of the two storey part of the proposed house would be 9 metres away from the south boundary of the site with the retained garden of Ardmuir and they would not be within 18 metres of any directly facing windows of that house. Thus they would not allow for any harmful overlooking of the house and garden of Ardmuir to the south.

The balcony of the south elevation wall of the two storey part of the proposed house would be 9 metres away from the south boundary of the site with what would remain of the garden of the house of Ardmuir and would not be within 18 metres of any directly facing windows of that house. Thus it would not allow for any harmful overlooking of the house and garden of Ardmuir to the south.

The west elevation of the two storey component of the proposed house would be some 1.4 metres away from the west boundary of the site. It is not proposed to have windows or doors in that elevation wall. The ground and first floor windows of the other part of the west elevation of the two storey component of the proposed house would be more than 9 metres away from the west boundary of the site with the gardens of the houses of 30 and 38 Middleshot Road. None of those windows would be within 18 metres of any directly facing windows of those neighbouring houses to the west. Thus, there would be no harmful overlooking of any neighbouring residential properties to the west.

Further windows or other openings could be formed at ground floor and first floor level on the north, south and west elevations of the proposed house at a later date with permitted development rights and thus without the need for planning permission. If formed at ground floor level in the north and south elevation walls the 1.8 metres high timber screen fencing to be erected along those boundaries would prevent any harmful overlooking of the neighbouring houses and gardens. However, if formed at first floor level in the north and south elevation walls or at ground or first floor levels in the west elevation wall they could cause harmful overlooking of the neighbouring properties respectively to the north, south and west. Accordingly conditions should be imposed on a grant of planning permission to withdraw those permitted development rights in order to protect the residential privacy and amenity of the neighbouring residential properties to the north, south and west.

In these circumstances the proposed house would not have a detrimental impact on the privacy and amenity of any neighbouring residential properties as a consequence of overshadowing and overlooking. The occupiers of the proposed house would also have sufficient privacy and residential amenity.

The existing house of Ardmuir would retain sufficient garden and parking space of its own.

On the above consideration of residential amenity, including the matters of overlooking and overshadowing the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

Through the grant of planning permission in principle 11/00647/PP the removal of a row of tall Cypress trees on the western side of the narrow southern part of the application site was accepted, along with the removal of the large Larch tree close to part of the north boundary of the main northern part of the site and the Eucalyptus tree that is on the west boundary of the site at the northern end of the row of Cypress trees. The other trees on the application site were to be retained.

What is now proposed is the removal of all of the trees of the application site with the exception of the row of trees along the east side of the site.

The Council's Policy and Projects Manager again raises no landscape objection to the removal of the row of tall Cypress trees on the western side of the narrow southern part of the application site, the Larch tree close to part of the north boundary of the main northern part of the site and the Eucalyptus tree that is on the west boundary of the site at the northern end of the row of Cypress trees.

The Council's Policy and Projects Manager advises that the row of trees on the east side of the site is of significant value in the streetscape and should be retained. The Policy and Projects Manager is satisfied that the proposed development would not have a harmful impact on these trees. However, to safeguard them they should be protected during construction. This can be secured through a condition attached to the grant of planning permission.

The Council's Policy and Projects Manager further advises that the remaining trees on the west/northwest part of the site are of reasonable quality and could add to and improve the integration of a house positioned on the site into its setting. The Policy and Projects Manager comments that those trees are not significant in the context of the site remaining as garden ground for the house of Ardmuir, but that they become significant when considered as part of the development of the site, as the retention of those trees would give a mature landscape setting to a new house on the site. The Policy and Projects Manager further comments that if additional trees are required to be removed to facilitate vehicular access to the site this would be acceptable subject to replacement tree planting being carried out on the site in positions as close as possible to the positions of the removed trees however otherwise the trees on the west/northwest part of the site should be retained.

The trees on the west/northwest part of the site, that the Policy and Projects Manager recommends should be retained to provide a mature landscape setting for the proposed house, are themselves seen against the backdrop of the other large trees that are in the garden of the house of 38 Middleshot Road to the west and on the treed strip of land to the north of the site. In such context the removal of these trees from the west/northwest part of the site would not be readily perceived in the streetscape. Furthermore, as set out in the assessment above the proposed house would be set well back from Middleshot Road/Broadgait and would be screened from Broadgait Court by the trees that are to be retained on the eastern side of the site. In the short duration views of it from Middleshot Road/Broadgait it would be viewed against the backdrop of the trees that are on the strip of land to the north of the site and in the garden of the house of 38 Middleshot Road to the west and would not appear harmfully dominant or intrusive within the streetscape.

Accordingly, and subject to the aforementioned tree safeguard controls for the retained trees on the east side of the site the proposed development would not have a harmful impact on the landscape character of the area and thus would not be contrary to Policy DP14 of the adopted East Lothian Local Plan 2008.

The application drawings show two new trees proposed to be planted on the narrow strip of land between the north elevation wall of the proposed house and the north boundary of the site. On this matter the Policy and Projects Manager advises that there are limited species of tree that would be viable in such a confined position where there is little ground to allow tree roots to establish. Any trees planted in this location would be likely to be suppressed by both limited root space and reduced daylight, and would be likely to cause future problems as they mature when their branches may damage the fabric of the proposed house. Thus it would not be reasonable to require such tree planting by a condition on the grant of planning permission.

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

The type of development proposed in this application is not uncommon within a residential area and there would be nothing extraordinary in the construction works to be carried out that would justify the Planning Authority exercising planning control over matters of construction noise and hours of working. Any matters of alleged nuisance to neighbours from the construction works that would be carried out would be for the Council's Environmental Protection service to investigate under separate environmental protection legislation.

It is proposed that the vehicular access to the proposed new house plot would be taken from Middleshot Road/Broadgait via a driveway that would be formed along the narrow southern part of the application site that is to the west of the house of Ardmuir. Three on-site parking spaces would be provided within the proposed new house plot, in a position to the south of the house.

The Council's Transportation service advises that: (i) the first 2 metres of the driveway should be hard surfaced to prevent loose materials entering the public road; (ii) the gates should open into the property and should not open out onto the public road or footpath; and (iii) the vehicular access should have a minimum visibility splay of at least 2 metres by 20 metres in both directions so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface. Subject to these controls Transportation is satisfied that the proposed house could be safely accessed. Transportation is also satisfied that the proposed arrangements for parking and turning are of an acceptable standard. All of these transportation requirements can be secured through conditions attached to the grant of planning permission. Accordingly on these considerations the proposed development does not conflict with Policies T2 and DP22 of the adopted East Lothian Local plan 2008.

Scottish Water has been consulted on the application but no response has been received. However, it can be noted that they raised no objection to the grant of planning permission in principle 11/00647/PP.

#### 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 house hereby approved being brought into use the proposed vehicle access, turning and parking arrangements shall be laid out as shown in docketed drawing no. 1159-02-RevD and thereafter the access, turning and parking areas shall be retained for such uses.

The driveway access with the public road shall have a minimum visibility splay of at least 2.0 metres by 20.0 metres to the west and to the east so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface, and that visibility splay shall be maintained thereafter.

Prior to any use being made of the driveway access hereby approved the first 2 metres of the driveway measured from the back edge of the public road and for the full width of the driveway access, shall be hardsurfaced and thereafter shall be retained as such.

'In-curtilage' parking for 3 vehicles shall be provided as shown in docketed drawing no. 1159-02-RevD.

The gates to be installed at the new vehicular access hereby approved shall only open inwards into the application site.

Reason:

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

- 3 A schedule and samples of the materials to be used as external finishes of the house and integral garage hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development and thereafter the materials used shall accord with the samples so approved.

If the timber gates and gate posts to be installed at the new vehicular access hereby approved and the new 1.8 metres high timber fencing also hereby approved are to be painted or stained a colour or finished in a timber preservative, a sample(s) of that paint, stain or timber preservative shall be submitted to and approved in advance in writing by the Planning Authority, and the colour of the paint, stain or timber preservative applied to the gates, gate posts and fencing shall accord with the sample(s) so approved.

Samples of the materials to be used to surface the hardstanding areas to be used as footpaths, vehicular parking and turning areas and driveway shall be submitted to and approved by the Planning Authority prior to their use in the development and thereafter the materials used shall accord with the samples so approved.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 4 The group of trees on the east side of the application site shall be retained and shall not be damaged or uprooted, felled, lopped, or topped without the prior approval of the Planning Authority.

Reason:

To ensure the retention of and health of trees or shrubs on the application site which are important to the landscape character and amenity of the area.

- 5 No development shall take place on site until temporary protective fencing comprising 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 weld mesh wired to uprights and rails. This temporary protective fencing should be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction'.

This fencing shall be positioned to the west of the trees that are on the eastern side of the site in the position shown for it on docketed drawing no. 1159-02-Rev D.

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.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

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.

Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights in order that they can operate without coming into contact with any retained trees.

Any material whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA.

Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave.

Details of any trenches or services in the fenced off areas shall be submitted to and approved in advance in writing by the Planning Authority, and all trenches shall be dug and backfilled by hand and 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 the application site in the interests of safeguarding the landscape character of the area.

- 6 The house hereby approved shall not be occupied until the 1.8 metres high timber screen fencing to be erected on the north boundary, and part of the south boundary, as shown on docketed drawing no. 1159-02-Rev D, have been erected. Thereafter those boundary enclosures shall be retained in situ at those heights unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupiers of the neighbouring residential properties to the north and south.

- 7 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 any subsequent Order amending, revoking or re-enacting that Order, no further windows or other glazed openings, including roof windows shall be formed at first floor level within the north and south elevations of the house hereby approved, other than those shown for those elevations on the docketed drawings.

Reason:

In the interests of safeguarding the privacy and amenity of the neighbouring residential properties to the north and south.

- 8 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 any subsequent Order amending, revoking or re-enacting that Order, no windows or other glazed openings shall be formed at ground and first floor levels within the west elevation of the northern most of the two storey components of the house hereby approved.

Reason:

In the interests of safeguarding the privacy and amenity of the neighbouring residential properties to the west.