

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 March 2014

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Berry for the following reason: Site already houses 47 units and this would remove appreciable amenity for elderly residents in the form of green space and may constitute overdevelopment.

Application No. **13/00945/P**

Proposal Erection of 7 houses and associated works

Location **Dirleton Court**
North Berwick
East Lothian

Applicant Castle Rock Edinvar Housing Association

Per Hackland and Dore

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to the buildings and associated grounds of Dirleton Court, an existing sheltered housing complex located on the south side of Dirleton Avenue, North Berwick. The site comprises of three main components. There is a 3 storey pitched roofed T-shaped building which incorporates a single storey wing on its east side, positioned on the western part of the site. On the eastern part of the site is a 2 storey house and a row of 5 single storey houses, 4 of which are in a terrace with 1 detached. Also there are hardsurfaced pedestrian and parking areas and areas of grassed open space about the buildings.

The site is not within North Berwick Conservation Area. Existing trees along the northern boundary of the site with Dirleton Avenue and adjacent to the east boundary of the site are subject to Tree Preservation Order 43. There are also existing trees adjacent to the west boundary of the site, subject to Tree Preservation Order 17. There is a copper beech tree positioned centrally within the site which is subject to Tree Preservation Order 43.

The site is bounded to the north by Dirleton Avenue, to the east by an access road serving Fidra House Nursing Home and the properties of 1,2 And 3 Cheylesmore,

beyond which are residential properties, to the south by Fidra House Nursing Home and to the west by the residential property of New Pines.

Through this application Castle Rock Edinvar Housing Association seeks planning permission for the erection of 7 houses and for associated works, all within the existing sheltered housing complex site.

The proposed development of 7 houses would comprise of a single storey detached house referred to as 'Block A', a terrace of 4 single storey houses referred to as 'Block B' and a pair of single storey semi-detached houses referred to as 'Block C'. They would be positioned in a mostly linear fashion on an east-west axis along the southern part of the site. The houses would have external walls finished in an off-white/buff dry dash render and grey coloured timber framed windows and doors and pitched, piended roofs clad in grey concrete roof tiles. Glazed cupolas would be formed in the roof of each of the houses. New lengths of footpath would be formed to access each of the proposed houses and areas of hardstanding would be formed to the rear of each of them.

It is also proposed to erect a small timber bin store on the north side of the 3 storey pitched roofed T-shaped building on the site.

The existing resident parking area at the site would be extended to provide a total of 23 car parking spaces and would be surfaced in monoblock to match the existing monoblock access and parking surface finish.

The applicant's agent confirms in writing that the houses comprising of Blocks A and C would comprise of affordable housing for elderly people. The houses comprising of Block B would comprise of affordable specialised wheelchair user accommodation.

The application is accompanied by a Design Statement.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 (Design), 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.

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.

A total of 9 written objections have been received to the application. The main grounds of objection are that the proposed development would:

- (i) lead to a loss of a large part of the gardens of Dirleton Court;
- (ii) lead to a loss of a number of trees on the site which are part of the character of the area;
- (iii) constitute an overdevelopment of the site;
- (iv) have an increased parking area leading to increased traffic flow which would be a pedestrian safety hazard;
- (v) have impacts from construction noise which would lead to a loss of amenity to residents.

The amount of development proposed in this application is not uncommon 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 site noise, hours of working and the movement of construction traffic.

Any matters of alleged noise nuisance or other disturbance to neighbours from the construction works that would be carried out would be for the Council's Environmental Protection services to investigate under separate environmental protection legislation.

North Berwick Community Council, as a consultee on the application object to the proposed development on the grounds of the loss of trees within the site and the loss of green open space within this part of North Berwick.

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. The principal purpose of Policy ENV1 is to ensure that the predominantly residential use of its area of coverage is to be safeguarded against the impacts of other land uses. Policy ENV1 does not actively promote the development of land for new build residential development. Policy ENV1 does state that infill and backland development will be assessed against Policy DP7.

The erection of 7 houses on the site would amount to urban infill housing development, the principle of which is supported by current Government planning policy on urban infill

housing development given in Scottish Planning Policy: February 2010 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 an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: February 2010 that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

The proposed houses are each similarly designed with some traditional architectural features, including pitched roofs, rendered walls and timber framed windows. The proposed houses are of a design sympathetic to their surroundings and would be in keeping with the form and appearance of the existing row of single storey houses on the east side of the site, and would sit comfortably in their relationship with the higher 3 storey building on the site. By their height, materials, architectural form and proportions the proposed houses would be in keeping with the residential character and appearance of the sheltered housing complex and would be appropriate to their place.

In their positions and due to their single storey height and the mostly contained nature of the site, the proposed houses would only be visible in glimpse views from Dirleton Avenue, and even then only readily so from between the existing buildings of Dirleton Court. In this regard, the proposed houses would be acceptable additions within the setting of the sheltered housing complex and would not appear as incongruous or inharmonious additions to it. The proposed houses would not harm the character and appearance of the area.

The proposed associated works, in the form of the timber bin store, extended car parking area, areas of hardstanding about the proposed houses and retaining wall by virtue of their visual association with the site as a whole would not, subject to control being exercised over the materials to be used, harm the character and appearance of the of the sheltered housing complex or the wider area.

The application site is physically capable of accommodating the entire development without resulting in an overdevelopment of it or increasing the density of development within the sheltered housing complex such that the established character of it is harmfully altered. There would remain large areas of garden ground to the east and west of, and between, the existing buildings on the site that would continue to provide the residents of Dirleton Court with outdoor amenity space. Development of the site would not result in any loss of open space important to public recreation or amenity requirements.

The proposed 7 houses would be mostly sited and oriented such as not to harm the privacy and amenity of the neighbouring residential properties through overlooking or overshadowing. However the westernmost house within Block C is to have a window installed in its west elevation wall that would face onto and be within 9 metres of the garden ground of the neighbouring residential property of New Pines to the west. With a requirement that window be obscurely glazed, a control that can be embodied in a condition of the grant of planning permission, there would be no harmful overlooking to the garden ground of the neighbouring residential property of New Pines. By another condition of the grant of planning permission for that proposed house future permitted development rights to form additional window openings in its west elevation wall can be removed.

The proposed 7 houses would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service is satisfied that the proposed 7 houses can be safely accessed and that sufficient on-site car parking is to be provided. They recommend that dropped kerbs should be provided at the site junction with Dirleton Avenue to ensure a safe means of access for pedestrians. This matter can be controlled through the imposition of a condition on a grant of planning permission for the proposed development, in which case it would be consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

A tree survey has been submitted with the application.

The Council's Policy & Projects Manager has been consulted on landscape matters. In this regard he notes that it is proposed to fell the protected sycamore tree at the entrance to the site with Dirleton Avenue and carry out replacement planting with a hornbeam tree to the west of the current tree's location. The Policy & Projects Manager advises this would be acceptable given the poor form of the existing sycamore. It is proposed to retain a young sycamore tree at the site access which should be protected by temporary protective fencing during site works.

The Policy & Projects Manager advises it is proposed to fell a cherry tree and a beech tree located within the centre of the site to facilitate the creation of the new extended car parking area. He states that the trunk of the cherry tree is already encroaching through the edge of the existing parking bays and thus he has no objection to the felling of that tree and its replacement with a crab apple tree in a more suitable location to the west, as shown on the application drawings. He advises that the beech tree is protected by a Tree Preservation Order and forms a central feature within the Dirleton Court development. However he accepts the findings of the submitted tree survey which states that the beech tree is in very poor and declining condition and is suffering from advanced and established decay. Given this, the Policy & Projects Manager does not object to the removal of the beech tree provided a replacement tree of equal visual amenity value is planted as a replacement.

The Policy & Projects Manager has no objection to the removal of the five semi-mature pine trees adjacent to the southern boundary of the site advising that they are planted too close together and are close to the neighbouring buildings. He supports the proposed replacement planting to the north with three small species trees which are more suitable for this location. He also supports the replacement of the semi-mature trees in the southwest corner of the site with seven new small species trees.

Subject to the recommended protective fencing and replacement tree planting the proposed development does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

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

The Council's Depute Chief Executive (Resources and People) advises that as the proposed houses would comprise of affordable housing for elderly people and specialised wheelchair user accommodation he does not object to the application,

advising it would not produce school aged children.

The Council's Economic Development & Strategic Investment Manager advises that as the proposed development would be comprised entirely of affordable housing there is no requirement for the provision of any additional affordable housing under the Council's affordable housing policy.

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 Samples of the materials to be used as external finishes of the houses hereby approved and for the hardstanding areas shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the houses and for the hardstanding areas.

Reason:

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

- 3 Prior to the occupation of any of the houses hereby approved the widened access into the site and the extended car parking area and car parking spaces all as delineated on drawing no. HD895(PL)002 docketed to this planning permission shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 4 Dropped kerbs shall be provided at either side of the access junction of the site with Dirleton Avenue to provide an adequate pedestrian crossing. Details of the dropped kerbs to be provided shall be submitted to and approved in advance of their provision by the Planning Authority;

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the occupation of any of the houses hereby approved the bin storage facilities as shown on docketed drawing no. HD895(PL)002 hereby approved shall have been formed and made available for use. Thereafter, the bin storage facilities shall be retained in use as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the visual amenity of the locality.

- 6 The houses comprising of 'Block A' and 'Block C' as shown on docketed drawing no. HD895(PL)002 hereby approved shall be occupied only by over 55 years old tenants and any partner or dependent of such a tenant.

Reason:

To control the development of the site to the use proposed and in the interests of the good planning of the area.

- 7 The 7 houses hereby approved shall include all of the following features:
- a. The housing should be provided at ground or first floor level, or in blocks over 2 storeys high served by at least one lift;
 - b. Handrails should be provided on both sides of all common access stairs, and on at least one side of all common access areas and passages;
 - c. Bathroom doors should be either sliding or capable of opening outwards, and fitted with locks operable from the outside;
 - d. Bathroom floors should have a non-slip finish;
 - e. Handrails should be fitted beside the WC and bath/shower;
 - f. A space heating system must be provided which is capable of maintaining a temperature of 21C when the outside temperature is -1C in the following parts of the house: living area, sleeping area, kitchen, bathroom, hallway;
 - g. Light switches arranged to line horizontally with door handles;
 - h. Socket outlets fixed at a height of at least 500mm above the floor;
 - i. A warden service should be provided;
 - j. An emergency call service should be provided connecting each house to a warden system.

Reason:

To control the development of the site to the uses proposed and in the interests of the good planning of the area.

- 8 The westernmost house within Block C the subject of this planning permission shall not be occupied unless and until the window to be installed in its west elevation wall has been fitted with obscure glazing and thereafter that window shall continue to have such glazing.

Reason:

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

- 9 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 openings shall be formed within the west elevation of the westernmost house within Block C other than the window shown on the docketed drawings to be formed within that elevation wall, all unless otherwise approved by the Planning Authority.

Reason:

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

- 10 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of the trees on the eastern part of the site which are an important landscape feature of the area.

- 11 No development shall take place on site until protective fencing is erected in a position to be agreed in advance by the Planning Authority to protect the sycamore tree to be retained at the site vehicular entrance with Dirlerton Avenue. The fencing shall comprise 2.3 metres high 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, all in accordance with Figure 2 of British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'. All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - keep out" and the fencing shall remain in place through to completion of the development.

Within the fenced off area the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no herbicides shall be used, no fires shall be lit and no trenches dug or services laid unless with the prior approval of the Planning Authority and subject to them being excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more left unsevered.

Reason:

To ensure the retention and maintenance of the trees on the eastern part of the site which are an important landscape feature of the area.

- 12 In the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner, the new tree planting indicated on drawing no. HD895(PL)002 docketed to this planning permission, with the exception of the whitebeam, shall have been completed.

Notwithstanding that which is stated on drawing no. HD895(PL)002 the copper beech tree to be removed centrally within the site shall be compensated for by the replacement planting of another beech tree, not a whitebeam, to be planted in a position to be agreed in advance with the Planning Authority and thereafter that beech tree shall be planted in the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner.

If any of the new trees within a period of five years from the occupation of the last of the 7 new houses or the completion of the development, whichever is the sooner, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of the same species and of a similar size, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the provision of replacement tree planting in the interests of the landscape character of the area.