

**PLANNING COMMITTEE
TUESDAY 4 MARCH 2014**

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**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

TUESDAY 4 FEBRUARY 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal Services
Mr I McFarlane, Acting Service Manager – Development Management
Mr D Irving, Planner
Ms A Smith, Committees Officer

Clerk:

Ms F Currie

Visitors Present:

Item 2 – Mr R Holder
Item 2 – Mr D Greenan

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 7 JANUARY 2014

The minute of the Planning Committee of 7 January 2014 was approved.

2. PLANNING APPLICATION NO. 13/00901/P: ERECTION OF 1 HOUSE AND CHANGE OF USE OF AGRICULTURAL LAND TO FORM DOMESTIC GARDEN GROUND AND ASSOCIATED WORKS AT ELANORA AND ADJACENT AGRICULTURAL LAND, DIRLETON ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00901/P. Daryth Irving, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members Mr Irving advised that the plots varied in size along Dirleton Road and that most of the houses were single storey with sloped roofs.

Mr Holder of Holder Planning, agent for the applicant, referred to the earlier applications submitted by his client and subsequently refused by the Council. In his view the previous applications had constituted an over development of the site. However, this was not the case with the current application which was significantly smaller and more in keeping with its surroundings. He drew Members' attention to the size of the Elanora plot – approximately 10m wider than other plots on Dirleton Road. This meant that it could comfortably support an additional house and that, by granting planning permission, the Members would not necessarily be creating a precedent for further infill development in that area. If planning officers had concerns about the design of the house, these could be addressed by further discussion. Rather than refuse the application outright, he proposed that Members approve planning permission "in principle", or sist the application, pending those discussions.

Iain McFarlane, Acting Service Manager – Development Management, advised Members that approval "in principle" or sisting the application would not be appropriate where significant alterations to design or materials were being considered.

Local Member Councillor Day explained that he had called this application off the list due to its history and to allow the Committee to give it their full consideration. He was broadly in favour of infill development but was mindful of concerns about overdevelopment and the impact on the surrounding area. In this particular case, he respectfully disagreed with the views of officers. The proposals did not, in his view, present an overdevelopment of the site and would not be detrimental to the surrounding plots. The houses on the road varied in size and style and the new house would be screened by a high hedge. For these reasons he would not be supporting the report recommendation.

Local Member Councillor Goodfellow agreed with some of Councillor Day's remarks. He considered the infill site to be a little cramped, but not sufficient to refuse the application, and detrimental was too strong a word. He commented that much had been made of the high hedge screening the site but hedges could be cut down. However, he agreed with the first reason for refusal – style of the house and materials not in keeping with the surroundings – and would have preferred alternative

materials to be specified. He wished to hear from other Members before deciding how to vote.

Local Member Councillor Berry reflected that this was an application which could be argued both ways. While he did not think that it was, of itself, an overdevelopment of the site; the new house would, in his opinion, break up the overall consistency of properties in the street. He also considered Councillor Goodfellow's comments about the hedge well made. Taking everything into account, he would be supporting the report recommendation.

Councillor Currie supported the proposition made by Councillor Day. He remarked that infill development is a reality and happens regularly in North Berwick due to the opportunities presented by larger sized plots. Having considered all of the information provided and the site visit, on balance, he thought that the Committee should approve the application.

Provost Broun-Lindsay acknowledged that the redevelopment potential of larger plots was often considered part of their charm; however he did not agree with the proposals for this site. In his view it would disturb the balance of the local area and the hedge was not a relevant factor, as it could be removed. He would be supporting the report recommendation.

Councillor McMillan commented that his own concerns had been put into context by Provost Broun-Lindsay. He considered that the development was incongruous, although not contrived as had been suggested by officers; some thought had gone into the design. He would be supporting the report recommendation.

Councillor Grant remarked that the site had proved to be much larger than he had imagined and it was clear that the applicant had worked hard to find a solution to fit the site. He supported infill development and would not be supporting the report recommendation.

Councillor Goodfellow proposed that, should the Committee be minded to approve the application, an amendment should be made to the conditions specifying that an alternative material to zinc be used as cladding for the upper part of the house. Councillor Day seconded this amendment. However, Mr McFarlane pointed out that the conditions attached to any planning approval must be specific and enforceable and that this proposed amendment was not appropriate.

The Convener brought the discussion to a close. He referred to the concerns often raised over infill developments but pointed out that only one objection had been received and there had been no concerns raised by the Community Council. In his view the proposed design would not detract from the character of the area but rather add to the existing variety of shapes and styles of property. He concluded that similar infill development had been done elsewhere in East Lothian; he would be supporting this application.

The Convener moved to the vote to grant the planning application, contrary to the report recommendation:

For: 12
Against: 5
Abstentions: 0

Decision

The Committee agreed to grant planning permission. The Committee also agreed to delegate determination of conditions to the Convener and officers. The application for planning permission was therefore granted subject to conditions to be determined.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

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

2

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 Erektion 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.

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

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 March 2014

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

3a

Note - this application was called off the Scheme of Delegation List by Councillor Veitch for the following reason: This application appears to be of significant concern locally therefore members would benefit from the opportunity to visit the site.

Application No. **13/00394/P**

Proposal Erection of 18 flats, part demolition of wall and associated works

Location **St Andrews Centre**
9 Bayswell Road
Dunbar
East Lothian
EH42 1AB

Applicant East Lothian Housing Association

Per Hackland and Dore

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is part of the large grounds of St Andrews Centre, which is a detached former manse building currently used as a counselling centre by Crossreach Counselling. The former manse is not listed as being of special architectural or historic interest. The site is within Dunbar Conservation Area.

Residential properties bound the site to the east and south. A combination of the St Andrews Centre building and what would remain of its grounds and the curtilage of the two storey house of the new Manse bounds the site to the west. To the north is Bayswell Road.

In August 1997 full planning permission (Ref: P/00087/97) was granted for the erection on the site of a detached two-storey flatted building containing twelve flats for the elderly with ancillary facilities and associated works. That flatted building has not been erected and planning permission Ref: P/00087/97 has lapsed.

An application (Ref: 02/00846/FUL) for the renewal of planning permission P/00087/97 for the erection on the application site of twelve flats for the elderly with ancillary facilities and associated works was registered by the Council in August 2002. That application remains undetermined.

In April 2007 full planning permission (Ref: 05/00948/FUL) was granted for the erection on the application site of a detached two-storey building designed to contain 14 flats and associated works. That flatted building has not been erected and planning permission Ref: 05/00948/FUL has lapsed.

Planning permission is now sought, by East Lothian Housing Association, for the erection on the application site of 18 flats, the part demolition of a wall and associated works. The 18 flats would be contained within two, three storey high buildings, the larger of which, containing 12 two bedroom flats, would be aligned east to west along the southernmost part of the site and the smaller of which, containing 6 one bedroom flats, would be aligned east to west some 18 metres to the north of the larger building. The proposed flatted buildings would be relatively simple in their architectural form and design. They would both have off-white coloured, roughcast rendered walls; projecting windows with smooth render bands and grey coloured cladding panels to their north elevations and red brick panel features to their south elevations; grey painted, timber framed windows and doors which would be of a modern design and fenestration providing a vertical emphasis to the main elevations of the buildings, and metal rainwater goods,. The roofs of the buildings would consist of a combination of a 45 degree, slate finished, pitched roof over the front part of each building and a very shallow pitched roof over the rear (south) facing part of each building.

It is proposed to access the site via the existing vehicular access from Bayswell Road which also serves the St Andrew Centre and the new Manse. It is proposed to widen the access by removing a section of the existing stone wall and repositioning an existing stone pier on the east side of the existing access and widening the access road within the site to allow two way vehicular access to and from the site. Pedestrian access would be taken via the existing 'vennel' which leads from Bayswell Road and adjacent to the west boundary of the neighbouring property of 8 Bayswell Road, southwards into the main part of the application site. Bin storage facilities would be contained within this existing vennel area. A total of 18 car parking spaces would be formed within the site, 15 of which would be located between the two proposed buildings and three of which would be in the form of a layby to the west side of the northernmost proposed building. The shared access road and car parking spaces would be finished in tarmac and new boundary treatments of 1.8 metre high and 1 metre high close boarded timber fencing and gates would be erected along the western boundary of the site and to enclose areas of private garden ground for the ground floor flats. The existing walls which enclose the eastern and southern boundaries of the site would be retained.

An existing, small, detached garage is to be demolished to facilitate the proposed development of the site. Neither planning permission nor conservation area consent is required to demolish this existing garage.

Conservation area consent is sought through separate application 13/00394/CAC for the demolition and removal of black painted, wrought iron, double gates which are situated on the north east corner of the site, adjoining Bayswell Road. A separate report on application 13/00394/CAC is, at this time, on the Committee Expedited List.

Since the application was registered, amended application drawings have been submitted detailing the following changes:

- * The slight re-orientation of the larger of the two proposed flatted buildings to avoid the loss of an existing mature tree within the site;
- * Revisions to the layout and positioning of the proposed bin storage facilities;
- * The provision of additional planting proposals;
- * A change in proposed surfacing of the shared access road from permeable paving/monoblocs to a tarmac finish;
- * Adjustments to the proposal to widen the footpath on Bayswell Road at the northern end of site;

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 ENV1 (Residential Character and Amenity), ENV4 (Development Within Conservation Areas), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), DP1 (Landscape and Streetscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or adjacent to Development Sites), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policies on development within a conservation area and on infill housing development given in Scottish Planning Policy: February 2010.

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

Scottish Planning Policy 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.

Also material to the determination of the application is the Dunbar Conservation Management Plan 2010 – 2015 which identifies the application site as a development opportunity site and states that amongst the key areas of investment within the Conservation Area are new social housing in listed building conversions and gap site redevelopment particularly in backland areas.

Also material to the determination of the application are the representations received from the public. 12 representations to the application have been received and they raise objections on the following grounds:

- * Increased activity and disturbance due to the number of units;
- * The scale and mass of the development will be detrimental to this part of the Conservation Area rather than an enhancement;
- * The amenity of the New Manse and of future users of the Old manse will be adversely affected by extra traffic from the proposed development;
- * The boundary treatment for the west boundary of the application site should be a stone wall and not a timber fence as proposed to ensure a more permanent boundary;
- * The proposal contravenes in a number of respects the policies established to protect the local environment as set out in the Dunbar Conservation Management Plan and East Lothian Local Plan documents particularly on matters of density, siting, orientation, scale and size of the proposed blocks in relation to existing buildings and the associated loss of the existing boundary trees;
- * The buildings are extremely close to the boundary wall;
- * The very high relative density of the development will have a detrimental impact on the surrounding neighbourhood in terms of increased activity, traffic generation and disturbance;
- * The proposed development will result in a loss of privacy, daylight and amenity to neighbouring residential properties;
- * The position of the bin stores adjacent to the property of 8 Bayswell Road will have a harmful impact on the privacy and amenity of that residential property;
- * Construction of the proposed development and future use of it could have a harmful impact on the stability of existing boundary walls;
- * No consent has been given from Dunbar Parish Church or the General Trustees of the Church of Scotland to widen the existing access road from its current dimensions;

The amount and form of development proposed is unlikely to generate unacceptable noise and disturbance during the periods of construction works and there is no reasonable case to impose planning control over this matter. If noise nuisance or damage to property was to arise it can be controlled through other legislation.

The claims made that the developer does not have authority to widen the existing access

to the site have not been substantiated with any evidence. In any case this is a legal matter and not a material planning consideration.

Dunbar Community Council advise that they are supportive in principle of the development of much needed social housing to rent in Dunbar but they express some concern over the proposals to increase the width of the access into the site and the access drive encroaching onto land owned by the Kirk Session of Dunbar Parish Church and the Church of Scotland; the increase in the number of flats proposed through this application compared to previously approved applications which may become an overdevelopment of the site; the loss of trees on the site; the loss of the garden ground of the old manse and the potential to sell the property without the context of garden ground; pedestrian safety near the access to the site given the narrowness of the pavement nearby and hours of construction traffic having an impact on children from the current manse getting in and out of their property.

The application site is not allocated for residential development by 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. Its principal purpose 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. Policy ENV1 does, however, 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.

By its nature the proposed development amounts to urban infill housing development within the town of Dunbar. The principle of such development is supported by Scottish Planning Policy and Policy DP7 of the adopted East Lothian Local Plan 2008 and by the Dunbar Conservation Management Plan 2010 - 2015. Moreover, the principle of the residential development of the application site is established by the fact that full planning permission (Ref: 05/00948/FUL) was granted in April 2007 for the erection on the site of a building containing 14 flats with associated works, albeit that planning permission has lapsed.

Thereafter the main determining factor in this case is whether, with regard to national, strategic and local planning policy and guidance and other material considerations, the fitting of the two flatted buildings and associated works into the application site is acceptable with due regard to their potential impact on the character and appearance of the Conservation Area, including their impact on existing trees within the Conservation Area and the character and residential amenity of the area, including their impact on neighbouring residential properties.

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

The existing residential properties in the vicinity of the site and the existing St Andrews Centre (former Manse) are of a variety of building styles and ages which range in height. The majority of the buildings in the vicinity are two storeys high but the St Andrews Centre is a higher, more dominant building which has three storeys of accommodation, with its second floor being in the roof space of the building. The existing buildings in the

vicinity have, variously, walls finished with stone or render. The majority have pitched roofs, clad in slates or pantiles.

In their positions, the proposed flatted buildings would be visible from public places in the locality of the site. They would however be well contained within the site, which is enclosed on some of its boundaries by high stone walls. The proposed flatted buildings, by being aligned east to west on the site would respect the alignment of the St Andrews Centre and also the terrace of houses on Bayswell Road which all front towards Bayswell Road. Although they would be three storeys in height they have been designed to have an overall height not dissimilar to the existing St Andrews Centre building to which they would be built alongside. Although displaying contemporary design features, the proposed flatted buildings are each to be similarly finished in traditional materials including pitched roofs clad in natural slate, rendered walls, timber framed windows and metal rainwater goods. In terms of their size, height, proportion, positioning, architectural form and finishes the proposed flatted buildings would sit comfortably with the style of the existing St Andrews Centre building and of other neighbouring buildings in the area and thus would not detract from the character and visual amenity of the Conservation Area.

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

The proposed associated works, including the formation of car parking areas, and the widening of the vehicular access and access drive, and the erection of new boundary treatments would not, subject to control being exercised over the materials to be used, harm the character and appearance of the Conservation Area.

The application site is physically capable of accommodating the entire development, including satisfactory vehicular and pedestrian access and car parking, without resulting in an overdevelopment of it or increasing the density of development such that the established character of the area is harmfully altered.

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.

Windows and other glazed openings are proposed to be formed on the north, south, east and west elevations of both buildings. The existing high boundary treatments and the mature trees which would remain on the site would provide some screening between the proposed buildings and the existing neighbouring residential properties and, by virtue of this and by virtue of their positioning and distance away from neighbouring properties, the windows and other glazed openings to be formed in the north and south elevations of the proposed buildings would not lead to harmful overlooking of any neighbouring residential property. The windows which are to be formed within the east and west (side) elevations of the larger building and the windows which are to be formed in the east (side) elevation of the smaller building would be positioned less than 9 metres from boundaries with neighbouring residential properties. These windows are to serve bathrooms in the proposed flatted buildings. In order to safeguard the privacy and amenity of the neighbouring properties to the east and west of the site, a condition can be imposed on a grant of planning permission to ensure that these proposed side elevation

windows are obscurely glazed.

Subject to the imposition of the aforementioned planning control the proposed development would not have a harmful impact on the privacy and amenity of any neighbouring properties in terms of overlooking. The proposed buildings would be positioned and orientated so as to not give rise to harmful overlooking of each other. Given their positioning and orientation the proposed buildings would not give rise to significant harmful loss of sunlight or daylight to any neighbouring residence or garden and would not harmfully overshadow each other.

On the above matters the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4, DP1, DP2 and DP7 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: February 2010.

The belt of mature trees along the eastern and southern edges of the site along with the remainder of the belt of trees which continues along the southern boundary of the land which would remain part of the St Andrews Centre and the western boundary of the site of St Andrews Centre are important to the landscape character of the Dunbar Conservation Area.

The Council's Policy and Projects Manager has been consulted on the application and states that any development on the application site should take account of the significance of existing site trees and the contribution they make to the wider landscape character of this part of the Conservation Area, and aim to retain the best trees and undertake further tree planting to retain the landscape character of the area for the future.

A tree survey and arboricultural impact assessment has been submitted with the application, which identifies tree constraints and provides recommendations regarding tree removal, retention and protection. The tree survey concludes that the 9 trees within the application site are generally in poor overall condition and have a limited future life expectancy, with one of the trees being almost dead. It recommends removal of all these trees (4 of which are along the eastern boundary of the site and the other 5 of which are along the southern boundary of the site) and the introduction of new tree planting. The Council's Policy and Projects Manager advises that given the poor condition of the majority of these trees it would be reasonable to undertake some felling and replacement planting along the boundaries but he recommends that consideration should be given to retaining tree no.347 which is a large canopied tree with life expectancy of up to 40 years.

In response to the Policy and Projects Managers comments the proposals have been amended by the applicant's agent to orientate the southernmost proposed building outwith the root protection area of tree no.347 in order to ensure that this tree, which makes a positive contribution to the wider landscape character of this part of the Conservation Area, is retained. The proposals also detail replacement planting along the southern boundary of the site and limited replacement planting along the eastern boundary of the site. The Council's Policy and Projects Manager would prefer to see more planting carried out on the eastern boundary of the application site but given the position of the proposed buildings within the application site recognises that, other than the two replacement trees proposed along this boundary, it would not be possible to introduce significant replacement planting along this boundary. Given the present, poor condition of the existing trees along the eastern boundary of the application site, and the limited contribution they make to the Conservation Area in their positions to the rear of the side largely screened from public views, it would not be reasonable to insist on their

retention. Additional, limited tree planting along the eastern boundary of the site and more substantial tree planting along the southern boundary of the site to strengthen the existing tree belt can reasonable be secured by a conditional grant of planning permission for the proposed development. On these considerations the proposed development does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Manager raises no objection or comment on the application.

The Council's Transportation service advise that the proposed arrangements for site access, car parking and manoeuvring embodied in the site layout are acceptable and therefore he raises no objection to the proposed development. They advise that the 18 on-site car parking spaces to be provided are of an acceptable standard providing the 18 flats of the proposed development would be used as affordable housing. Notwithstanding that the application is East Lothian Housing Association, they could potentially be in a position to use the grant of planning permission to develop for private sale a site which in its parking provision would be at a level acceptable for affordable housing purposes and lower than would be required for a private development. Therefore it would be prudent for the Council to ensure that the grant of planning permission be subject to a restriction on ownership of the proposed flats to a Registered Social Landlord or any other body whose main functions or objects are the provision or retention of properties for let/occupation at affordable rents/charges to those in housing need. This can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The Transportation Service also recommend that any gates to the pedestrian only access/bin storage area only open inwards into the site. This matter can be secured through the imposition of a condition on a grant of planning permission for the proposed development.

Subject to the above planning controls the proposed flatted development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The proposals have been amended during the course of this application to reposition the bin storage facilities further southwards into the vennel area in order to better protect the character and appearance of the Conservation Area and the amenity of the neighbouring residential property to the east of the site. The Council's Waste Services Manager advised that the site can be serviced from the kerbside and raises no object to the proposals.

Scottish Water raise no objection to the proposed development.

The Council's Executive Director (Support Services) informs that the application site is located within the primary school catchment area of Dunbar Primary School and the secondary school catchment area of Dunbar Grammar School. He confirms that Dunbar Primary School (P1-3) has capacity to accommodate pupils that might arise from occupation of the proposed 18 flats. However, there would be insufficient capacity at both Dunbar Primary School (P4-7) and Dunbar Grammar School to accommodate pupils that might arise from occupation of the proposed flats. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £91,980 (£5,110 per unit) towards the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School.

This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this

is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

As the proposed development would be comprised entirely of affordable housing units there would be no requirement for the provision of any additional affordable housing units under the Council's affordable housing policy.

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

(i) secure from the applicant a financial contribution to the Council of £91,980 (£5,110 per unit) towards the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School, as identified by the Council's Executive Director (Support Services); and

(ii) ensure that the proposed 18 flats once constructed on the application site will in all time remain in the ownership or control of a Registered Social Landlord within the meaning of the Housing (Scotland) Act 2001 or any other body whose main functions or objects are the provision or retention of properties for let/occupation at affordable rents/charges to those in housing need.

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

(i) without the required developer contribution for the provision of additional school accommodation at Dunbar Primary School (P4-7) and Dunbar Grammar School and agreement on the terms of provision of the affordable housing being secured by an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 the proposed development of 18 flats is unacceptable due to a lack of sufficient school capacity at Dunbar Primary School (P4-7) and Dunbar Grammar School and a lack of sufficient car parking provision, contrary to Policies INF3 and DP22 of the adopted East Lothian Local Plan 2008.

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 buildings 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 No development shall take place on site until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, to include tree planting along the southern and eastern boundaries of the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority details of tree protection measures during construction works for all trees to be retained on the land of the application site and adjacent on the southern boundary. The tree protection measures shall accord with BS 5837: 2012 Barriers and Ground Protection and 6.3 Site Monitoring, including the use of protective fencing and a method statement for construction works within tree root protection zones and use of cellular confinement systems where required.

Reason:

In the interests of protecting trees which contribute to the character and amenity of the area and the Conservation Area.

- 4 Prior to the occupation of any of the flats hereby approved the vehicular and pedestrian access and parking arrangements as shown on drawing no. HD935(PL)002 Revision C docketed to this planning permission shall have been formed and made available for use and thereafter shall be maintained as such unless otherwise approved by the Planning Authority.

If the gates at the pedestrian access are to be retained they shall be adjusted to ensure that they are capable of opening only into the site to ensure no obstruction to the public footway on the south side of Bayswell Road.

Reason: In the interests of road and pedestrian safety.

- 5 The repositioned gate pier denoted in drawing no. HD935(PL)002 Revision C docketed to this planning permission shall be reconstructed in its new position using the existing stone of the gate pier, which shall be laid and pointed to match that existing gate pier, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of preserving the character and visual amenity of the Conservation Area.

- 6 Prior to their use on the development hereby approved, details and samples of all external materials and finishes to be used on the development shall be submitted to and approved in writing by the Planning Authority and thereafter the external materials and samples used shall accord with the details and samples so approved. These shall include the render, slates, timber window framing, brick, grey cladding panels, rainwater goods, boundary treatments and all hard surfaces.

Reason:

In the interests of the final appearance of the development and of the character and appearance of the Conservation Area.

- 7 The windows to be formed in the east and west elevations of the southernmost flatted building and in the east elevation of the northernmost flatted building hereby approved shall be fitted with obscure glazing prior to any occupation of the buildings hereby approved and thereafter these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority.

Reason:

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

- 8 Prior to the occupation of any of the houses and flats hereby approved the bin storage facilities 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 residential amenity of the future occupants of the flats hereby approved and the visual amenity of the Conservation Area.

- 9 Prior to the commencement of development of any of the flats hereby approved details of cycle storage facilities and their siting within the site shall be submitted to and approved by the Planning Authority. Thereafter the cycle storage facilities approved shall have been formed and made available for use prior to the occupation of any of the flats hereby approved. Thereafter, the cycle storage facilities shall be retained in use as cycle storage facilities.

Reason:

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

- 10 Prior to the occupation of any of the flats hereby approved the new boundary treatments for the west boundary of the site hereby approved shall be erected in their entirety.

Reason:

To protect the privacy and amenity of the future occupants of the flats.

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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 March 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3b

Application No. **13/00394/CAC**
Proposal Demolition of gates
Location **St Andrews Centre
9 Bayswell Road
Dunbar
East Lothian
EH42 1AB**
Applicant East Lothian Housing Association
Per Hackland and Dore
RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is part of the large grounds of St Andrews Centre, which is a detached former manse building currently used as a counselling centre by Crossreach Counselling. The former manse is not listed as being of special architectural or historic interest. The site is within Dunbar Conservation Area.

Residential properties bound the site to the east and south. A combination of the day centre building and what would remain of its grounds, and the curtilage of the two storey house of the new manse bounds the site to the west. To the north is Bayswell Road.

Conservation area consent is sought for the demolition and removal of black painted, wrought iron, double gates which are situated on the north east corner of the site, adjoining Bayswell Road.

The demolition is proposed in association with proposals for the erection of 18 flats and associated works on the application site, for which planning permission is sought through application 13/00394/P. A separate report on application 13/00394/P is, at this time, on the Scheme of Delegation List.

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

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) addresses the need to control development within conservation areas but is silent on the matter of the demolition of buildings and structures. Thus it is not relevant to the determination of this application.

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

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

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

Two representations to this conservation area consent application have been received. One of the representations is from a member of the public and refers to a lack of information on the gates to be demolished and the other representation, which is from The Architectural Heritage Society of Scotland, states that to destroy these gates would be wilful vandalism and suggests that instead the gates could be refurbished and set open against the walls instead of being removed.

The gates that it is proposed to remove are of a simple, traditional design but are not of a special architectural or historic interest. Although the gates are readily visible in public views from Bayswell Road they do not have an appreciable affect on the character and appearance of the Conservation Area.

The planning assessment given in associate planning application 13/00394/P concludes that the proposed development of the site with the erection of 18 flats and associated works in the form proposed would be a form of development that would not harm the character and appearance of the Conservation Area. To facilitate such acceptable development and use of the site the proposed demolition and removal of the gates are justified.

The demolition and removal of the gates is consistent with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 and with Scottish Planning Policy: February 2010 with respect to the affect of it on the Conservation Area.

RECOMMENDATION

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

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

Reason:

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

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