

PLANNING COMMITTEE

2 SEPTEMBER 2014

PUBLIC DOCUMENT PACK

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 September 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

1

***Note** - this application was called off the Scheme of Delegation List by Councillor Trotter for the following reason: I have called this application in for discussion before full committee and public due to the impact it would have on its neighbours and surrounding area.*

***Note** - This application was also called off the list by Councillor McMillan for the following reason: Local residents, neighbours and businesses in the area have raised legal, practical and economic concerns about the change of use to this historic building and how the site will be affected in terms of pollution and environment. Statutory consultees also make adverse comment. Given the nature of these comments I believe this application merits a full discussion at Committee.*

Application No. **14/00416/P**

Proposal Change of use of office building and grounds to crematorium use with 1 groundkeeper's flat and associated operations

Location **Alderston House
Haddington
East Lothian
EH41 3SF**

Applicant Mr Mark Lamb

Per Scott Francis Allan Architectural Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to the building of Alderston House and its grounds. The building and its grounds are in the countryside to the north of Haddington.

Alderston House is listed as being of special architectural or historic interest (Category B). It is a three storey building with a sunken basement level and associated outbuilding. It occupies an elevated position towards the northern end of its extensive grounds, which comprise grassed areas to the south and woodland to the west. A secure car park which serves Alderston House is located at the northeast side of the site, to the east of the house. The building is presently vacant but was last used as offices by East Lothian Council.

The application site is bounded to the north by a grassed paddock and the residential property of The Coach House, which is listed as being of special architectural or historic interest (Category A). To the east is a private access road beyond which is a recently constructed building in use as offices. To the south and partly to the west is agricultural land. Otherwise to the west are the residential properties of Gardeners Cottage and Walled Garden House. Parts of the woodland within the grounds of Alderston House are subject to Tree Preservation Order No. 129.

Alderston House itself is located some 48 metres to the southwest of the building of The Coach House and is some 30 metres from the curtilage of The Coach House. The car park which serves Alderston House abuts the southern boundary of The Coach House. A high hedge encloses the southern boundary of The Coach House and separates the garden of The Coach House with the car park.

Planning permission is sought for the change of use of the building of Alderston House from offices to crematorium use, with an associated groundkeeper's flat and for the change of use of the grounds to an associated crematorium use in the form of memorial gardens. It is also proposed to upgrade the existing disabled access ramp to the front entrance to the house. This would only involve cleaning and making good the surface of the access ramp, the ramp itself would not be replaced.

Other than the minor works to upgrade the existing disabled access ramp there would be no external alterations to the building of Alderston House to facilitate the proposed change of use of use of it to crematorium use. No alterations are proposed to the grounds of the house.

Through separate application 14/00416/LBC listed building consent is sought for internal alterations to Alderston House. A report on application 14/00416/LBC is at this time on the Committee Expedited List.

In 1998, planning permission was granted in outline for a crematorium development on land to the southwest of Alderston House. That permission subsequently lapsed.

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), DP22 (Private Parking), T2 (General Transport Impact) and NH3 (Important Local Biodiversity Sites) of the adopted East Lothian Local Plan 2008 are relevant to the determination of this application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

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

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

A total of 26 written objections have been received to the application. The main grounds of objection are:

- * the proposed use would lead to traffic congestion on the access road which in turn would be a road and pedestrian safety hazard;
- * traffic congestion would impact on the operation of the office building to the east;
- * there is a lack of adequate parking facilities which would mean vehicles would overspill into surrounding streets;
- * the access road is unsuitable for the proposed use;
- * the access road is unsuitable for parking vehicles as it would block the road for other car users, particularly farm vehicles that regularly use the road;
- * the proposed use would be harmful to the amenity of residential properties in the area through airborne pollutants and residues, harmful emissions and fumes and increased noise;
- * pollutants from the proposed crematorium could be ingested by grazing farm animals which could lead to contamination of milk;
- * the proposed use would be detrimental to the privacy of the occupiers of The Coach House;
- * the proposed use would have an adverse effect on the setting of the Category A listed building of The Coach House;
- * the proposed use would harm the listed Alderston House;
- * the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008;
- * users of the proposed crematorium would have to put up with noise, dust and smells from neighbouring farms;
- * there is a conflict of interest as the Council owns Alderston House;
- * the proposed use would change the environment and attractiveness of the office building to the east;
- * the proposed use would jeopardise the ability of the office building to the east to attract new business which would be detrimental to the operation that business and highly undesirable to clients and staff which could lead to a reconsideration of whether they want to stay located in East Lothian; and
- * the proposal is contrary to the Crematorium Act 1902 which requires the consent of neighbouring property owners.

The application site is in the countryside and subject to Policy DC1 of the adopted East Lothian Local Plan 2008, therefore Policy ENV1 of the local plan is not relevant to the

determination of this application.

There is no evidence to support the view that the proposed use of Alderston House and its grounds as a crematorium would have a detrimental effect on the continuing operation of the office building to the east of the site.

Section 5 of the Cremation Act 1902 states: "No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority." However this application stands to be determined under the Town and Country Planning (Scotland) Act 1997 (as amended). The Council's Legal Services confirm that the requirements of the applicant to comply with the terms of legislation other than planning legislation, in this instance the Cremation Act 1902, is not a material consideration in the determination of an application for planning permission.

This report of handling of the application and the determination contained therein complies with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended), related secondary legislation and the Council's Scheme of Delegation.

The Royal Burgh of Haddington and District Community Council, as a consultee on the application, raise concern that the possible effects of the use of a faulty cremulator and resultant emissions on the area and its inhabitants should be investigated. The Community Council also raise concern over severe traffic disruption that could happen if a large funeral was to take place and how this would impact on residents and businesses in the area.

The simple upgrading of the existing disabled access ramp to the front entrance to Alderston House would not harm the landscape character and appearance of the area and nor would it harm the special architectural or historic interest of the house as a Category B listed building. It is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Part 5) and ENV3 of the adopted East Lothian Local Plan 2008.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation. Other business use will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts.

Part 2 of Policy DC1 presumes in favour of the change of use/restoration of an existing building within the East Lothian countryside provided amongst other things the building is worthy of retention by virtue of its architectural or historic character, stands substantially intact (normally to at least wallhead height), and is physically suitable for the proposed use.

The proposed crematorium use is not in itself a use directly related to agriculture, horticulture, forestry or countryside recreation, however, by their very nature crematoria require to be located within attractive landscape settings, which the house and grounds of Alderston House provide. The proposed use would be entirely contained within the confines of Alderston House and thus the operation of it would not be obviously apparent within the countryside location occupied by the building. Consequently it would not undermine the character and quality of the countryside. Thus it is a business use of an

appropriate scale and character for this proposed countryside location. On this consideration the proposed change of use does not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.

Although presently vacant the existing building of Alderston House stands intact and in a generally good state of repair. It is a building listed as being of special architectural or historic interest, Category B, and is thus of special architectural merit. It is a historic component of the rural character of this part of the East Lothian countryside. It is worthy of retention. The building is capable of being used as a crematorium without the requirement for any external alterations to it and the proposed use of it as a crematorium would provide for the continuing use of this Category B listed building, consistent with Part 2 of Policy DC1 of the adopted East Lothian Local Plan 2008.

Although the land the subject of the change of use to crematorium grounds is land within the countryside as defined by Policy DC1 of the adopted East Lothian Local Plan 2008, it already forms the garden grounds of Alderston House and is laid out as such. As there is to be no change to the grounds there would be no significant change to the character and appearance of it and thus no significant change to the landscape character and appearance of this countryside location. Thus the change of use of the land does not conflict with the requirements of Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The change of use of the land is not a change to residential use and thus there is no requirement in this instance to subject it to an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to prevent any future housing development on it.

The groundkeeper's flat would be contained within part of the second floor of the building. The proposed groundkeeper's flat would form only a small part of the proposed crematorium. On this basis, and given that the flat could only be accessed through the proposed crematorium, it is unlikely that it would be independently occupied or sold off independently of the crematorium. Nevertheless, it would be prudent to impose a condition to ensure that the groundkeeper's flat is occupied only by a member of the crematorium staff.

The nearest neighbouring residential property to the application site is The Coach House, which is located to the north of the site and which in part abuts the northern boundary of the site. The proposal is for a change of use of Alderston House and its grounds to a crematorium use without any external physical alterations being made to the building, or any changes made to the grounds. The south and west boundaries of The Coach House are enclosed by a thick high hedge. Given this and that the last and established use of the property was as offices, with associated visitors and traffic movements throughout the day, the proposed use would not be harmful to the privacy and amenity of the residential property of The Coach House. In this the proposal does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

As stated above, The Coach House which is the nearest neighbouring residential property to the application site is listed as being of special architectural or historic interest (Category A). The proposal, without any external physical alterations being made to the building, or any changes made to the grounds would mean no change to the impact of the house and grounds on the setting of The Coach House in comparison to that previous and established use as offices. Thus the proposed use would not harm the setting of that listed building. Accordingly, the proposed change of use of the building of Alderston House and its grounds to crematorium use does not conflict with Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

As parts of the grounds of Alderston House are Priority Habitat Areas the Council's Biodiversity Officer has been consulted on the application. The Biodiversity Officer is satisfied the proposed use would not harmfully impact on the Priority Habitat Areas and therefore raises no objection to the application. Accordingly, the proposed change of use of the building of Alderston House and its grounds to crematorium use does not conflict with Policy NH3 of the adopted East Lothian Local Plan 2008.

The proposed change of use of Alderston House and its grounds to use as a crematorium would not have any impact on the trees that are the subject of Tree Preservation Order No. 129 as no physical operations would be carried out close to them.

The Council's Environmental Protection Manager advises that that the Scottish Environment Protection Agency (SEPA) is responsible for controlling any emissions to air from the proposed crematorium under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore such matter is one for SEPA to regulate under that separate legislation. It would not be competent for the Council to duplicate that regulatory control.

SEPA advise that the proposed crematorium facility will result in emissions to air, and confirm that such emissions will be controlled by them under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC), Schedule 1, Section 5.1 Part B (c). Based on the information provided, SEPA are satisfied that the proposed development is potentially capable of being authorised under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore raise no objection to the application.

A response has been received from NHS Lothian who raise concern over emissions from the proposed crematorium. As set out above, this is for SEPA to control under legislation other than planning legislation.

The Council's Environmental Protection Manager does raise a concern that noise emanating from the operation of the proposed crematorium may, if not controlled, result in a loss of amenity to occupiers of neighbouring residential properties. Accordingly she makes the following recommendations:

- (i) the Rating Level, L_ATr, of noise emanating from the proposed crematorium facility when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, L_A90T, all measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas"; and
- (ii) (ii) the proposed crematorium should not operate out with the hours of 0800 – 1700 Monday to Friday and 0800 – 1300 on a Saturday.

The Environmental Protection Manager additionally recommends that there be no scattering of cremation ashes on any part of the application site, that any ashes to be interred be located in the Memorial Garden and contained within a suitable, fully sealed container, and that there be no depositing of metallic cremation waste on any part of the site.

Subject to the above recommended controls, which can reasonably be imposed as conditions on the grant of planning permission, the proposed crematorium use would not be harmful to the amenity of neighbouring or nearby residential properties, nor or any neighbouring land use. On this consideration the proposal does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The applicant's agent has submitted a Transport Statement in which it is stated that death rate for East Lothian noted for 2012 was 1037 deaths with 40% burials and 60% cremations. Based on these figures the proposed crematorium could carry out approximately 622 cremations per year. With a proposed working period of 50 weeks/year, an average of 12 cremations per week would be carried out.

However, not all cremations for East Lothian would be carried out at Alderston House. Operating on a 6 day week this would allow for 2 cremations a day with the proposed first service at 10.00am followed by a break, then the second service at 2.00pm. With the secure parking facilities available and other space within the site including the front drive of property there are approximately 60-65 parking spaces within the confines of the application site. Hearse, limousine, ambulance and staff parking would be catered for at the rear of the building. The proposed chapel within Alderston House would provide fixed seating for 120 persons with the average for service attendance noted as 70 persons.

The Council's Road Services acknowledge the content of the Transport Statement and advise that whilst 2 cremations a day would likely be a typical situation, there could be days where more than 2 cremations are held. As a result Road Services advise it would need to be ensured that there is at least a one hour break between the finish of one cremation service and the start of the next to allow an adequate turnover of vehicles within the site.

Road Services confirm that East Lothian Council does not have a specific parking requirement for a crematorium use. However, they state that other local authorities do have a standard of 1 parking space per 2 seats provided within the chapel, which Road Services accept as sound basis on which to establish a parking requirement for this proposal. Such parking requirement equates to 60 spaces for the 120 seats proposed to be provided. Road Services are therefore satisfied that there is adequate space within the application site to accommodate this level of parking.

Road Services state that there may be some occasions where overspill parking is required for larger attendances and as a result a traffic management plan should be provided to ensure that these situations are managed and supervised to offer the least disruption to all road users taking particular account of road safety.

Road Services confirm that the existing access road on the approach to the application site from the south is wide enough to enable a car to park on one side of the road whilst still allowing safe and adequate passage for passing vehicles including fire fighting appliances and most farm traffic such as tractors and lorries/tankers. Road Services advise that the movement of very large vehicles such as combine harvesters would be impeded but advise these vehicles would not permit the two way movement of vehicles on the road in any event.

On the basis of all the above considerations Road Services raise no objection to the application subject to there being at least a one hour gap between the end of one cremation service and the beginning of the next and the submission and prior approval of a traffic management plan to control and marshal traffic and overspill parking resulting from larger attendances. Subject to the imposition of conditions requiring these measures, the proposals are consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The Rating Level, LArTr, of noise emanating from the crematorium hereby approved when measured 3.5 metres from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA90T; all measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas".

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 2 The crematorium hereby approved shall only operate between 8:00am and 5:00pm Monday to Friday and 8:00am and 1:00pm on a Saturday.

Reason:

To safeguard the amenity of the area, including the amenity of neighbouring residential properties.

- 3 There shall be no scattering of cremation ashes on any part of the application site and any ashes to be interred shall be located in the Memorial Garden as shown on the drawings docketed to this planning permission and shall be contained within a fully sealed container.

Additionally there shall be no depositing of metallic cremation waste on any part of the application site.

Reason:

To safeguard the amenity of the area.

- 4 At the crematorium hereby approved there shall be least a one hour gap between the end of one cremation service and the beginning of the next.

Reason:

To allow an adequate turnover of vehicles in the interests of road safety.

- 5 Prior to the commencement of the crematorium use hereby approved a traffic management plan to control and marshal traffic and overspill parking resulting from larger attendances of cremations shall be submitted to and approved in advance by the Planning Authority. The approved traffic management plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 The second floor groundkeeper's staff living accommodation hereby approved shall be occupied and used only by a member(s) of staff of the crematorium hereby approved, and shall not be used as a separate dwelling unit.

Reason:

To restrict the use of that part of the building to that applied for as the accommodation is unsuitable for unrestricted residential occupancy.

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 2 September 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 Veitch for the following reasons: Councillors would benefit from a site visit.

Application No. **13/00975/PP**
Proposal Planning permission in principle for the erection of 1 house
Location **Former Dairy Cottage
14 South Belton
Dunbar
East Lothian
EH42 1RG**
Applicant DV Rennie and Co
Per Ironside Farrar

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The application site is in a countryside location to the southwest of Thistly Cross roundabout. It is positioned on the southeast side of the Biel Water and to the northwest of the B6370 public road.

The site is bounded to the northeast and southeast by agricultural land, to the southwest by a track and woodland and to the northwest by the Biel Water with woodland and agricultural land beyond.

Belton Dovecot is located some 95 metres to the southwest of the site. The residential property of Lower Belton Lodge is located some 200 metres to the southeast of the site and the residential properties of Stables Cottage and Gardeners Cottage are, respectively, some 260 and 320 metres to the south of it. Otherwise the surroundings are agricultural land.

Belton Dovecot, Lower Belton Lodge and Gardeners Cottage are all listed (Category B) as being of special architectural or historic interest.

The central part of the site is occupied by the stone walls of what was Dairy Cottage with, attached to the southeast wall, the walls of an agricultural or storage building. There is a small stone outbuilding on the southern corner of the site. The site is otherwise laid to grass with mature trees and partially overgrown with shrubs.

The north-western part of the site including the river bank is within the Scottish Environment Protection Agency's (SEPA) fluvial flooding zone for the Biel Water.

The site is accessed by a private access road leading from the B6370 public road shared with the residential property of Lower Belton Lodge. The access road also links to Stables Cottage and Gardeners Cottage.

There have been two recent planning applications relating to this site.

Through previous application 07/001218/FUL, planning permission was sought by Fiona Rennie & Derek Farquharson for the erection of a new build house on the site as a replacement for Dairy Cottage. The submissions made with that application stated that Dairy Cottage was damaged by fire during renovation and that due to the structural instability of its remaining walls it could not be restored and that instead a new build house should be allowed in its place.

Through their determination of application 07/001218/FUL the Council's Planning Committee refused to grant planning permission for the proposed new build house for the following reasons:

1 No case has been made for the building of the proposed new house in the countryside to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the erection of the proposed new house. Consequently and because the proposed new house would therefore constitute isolated, sporadic development in the countryside this proposal is contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.

2 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside of East Lothian.

3 By its design and appearance the proposed new build house would be an intrusive and incongruous form of development harmful to the rural character and appearance of this countryside location within East Lothian. It would not maintain a sense of place or support local identity. Consequently it is contrary to Policies ENV3 and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Part5) and DP2 of the adopted East Lothian Local Plan 2008.

Planning permission in principle (12/00196/PP) was thereafter sought by D.V. Rennie & Co. for the erection of a new build house on the application site.

Through that application D.V. Rennie & Co. sought to justify the principle of a new house being built on the site on the grounds that:

(i) it is required for housing agricultural workers of South Belton Farm; and

(ii) it is required for the Manager (Fiona Rennie) of the nearby Belhaven Trout Farm who needs a residence close to the Biel Water to monitor water levels and thereby manage flood risk at the Trout Farm.

Through their determination of application 12/00196/PP the Council refused to grant planning permission in principle for the erection of 1 house on the site for the following reasons:

1 It is not demonstrated that the building of a new house on the application site is required to meet an agriculture, horticulture or forestry need or other established employment use in the countryside of East Lothian and neither is it demonstrated that there is a justifiable operational need for the house to enable monitoring of water levels of the Biel Water relative to the operation of the Dunbar Trout Farm. Consequently, and because the proposed new house would constitute isolated, sporadic development in the countryside of East Lothian this proposal is contrary to Part 1(B) of Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the Approved Edinburgh and the Lothians Structure Plan 2015.

2 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside of East Lothian.

Through this current application D.V. Rennie & Co. again seek planning permission in principle for the erection of a new build house on the application site. D.V. Rennie & Co. again seek to justify the principle of a new house being built on the site, this time on the grounds that:

1 Primarily the proposed house would be a direct replacement for the Dairy Cottage which was badly damaged by fire in 2007. The Dairy Cottage was an important asset for the farm in terms of supplementing income and providing additional housing capacity for residents linked to the farm when the need arose.

2 The replacement house would function as a residence for one of the owners of the Bellhaven Trout Farm and Smokery enabling the continued 24 hour monitoring of the level of the Biel Water.

As the application is for planning permission in principle, no details of the design of the proposed house have been submitted. However, in the Supporting Statements accompanying the application it is stated that the detailed design would include a house of a similar form and scale to the original dairy cottage reflecting the local vernacular and constructed using traditional materials sensitive to the surrounding area.

The existing access arrangements for the site would remain unaltered.

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 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application is Policy 1B of the approved South East Scotland Strategic Development Plan and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

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

In paragraph 76 of Scottish Planning Policy it is stated that in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

In paragraph 78 it is stated that in areas of intermediate accessibility and pressure for development, Plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide additional housing requirements, economic development and the varying proposals that may come forward while taking account of the overarching objectives and the other elements of the plan.

In paragraph 81 it is stated that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally guide most new development to locations within or adjacent to settlements; and set out the circumstances in which new housing out with settlements may be appropriate, avoiding use of occupancy restrictions.

As is stated in paragraphs 2.10 and 2.11 of the adopted East Lothian Local Plan 2008 "East Lothian's countryside and undeveloped coast exhibits little need for regeneration, renewal or action to redress population decline. It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather it is an area where few, if any, locations are more than 1 hours travel time of Edinburgh and, on the whole, is characterised by increasing population and economic growth and a continuing pressure for housing development both within and out with its towns and villages. Characteristic of the countryside is its wide range of types and sizes of attractive vernacular buildings that contribute greatly to its character." "For these reasons, new development, particularly housing, is directed to existing settlements. New development in the countryside is permitted only in the specific circumstances defined in Policy DC1."

10 written representations have been received. Of those 9 are supportive of the proposal and 1 raises objection to the proposal on the grounds that the site is part of an area of natural beauty that is used for horse riding off the public road and any building work on the site will scare horses and restrict where horse riding can take place.

One of the letters of support has been submitted by one of the operators of the trout farm to which this application relates. The operator advises he has been running the trout farm since he joined Belhaven Trout Company in 2007 and as he does not live near the

trout farm he has two computerised alarm systems to help him monitor water level and water flow through the screens. He gives examples in his letter of occasions when due to the alarm failing when he has been out of the area, or him having no mobile phone contact and hence no contact with the alarm, the applicant, Fiona Rennie, and her partner, due to them living near the burn, have been able to monitor the water levels or provide other assistance to save the fish stocks at the trout farm.

The other 9 representations are supportive of the proposal on the following grounds:

- Dairy Cottage is currently an eyesore in a beautiful part of the countryside and a nice well kept cottage would suit the area a lot better;
- A new house would allow for the occupants to keep an eye on the river in order to help monitor river levels;
- Rebuilding a house on the site will have a positive impact on the area;
- The replacement house would not be isolated and would very much form a part of South Belton Farm and a part of our small but very important local community;
- Rebuilding the house will be in line with SESplan objectives for East Lothian Council and will ensure our historic farmtouns and estates are lived in, preserved and enjoyed;
- To rebuild a house on a historically existing site makes more sense than opening up agricultural land to housing development.
- It is difficult to comprehend why previous planning applications for a replacement house on the site have been refused;
- Walkers in the area would feel much safer if the ruin on the site was replaced by a house with occupants.

There is no evidence to suggest that any building works involved in the building of a single house on this site would have a significant or long term impact on recreational users of this part of the countryside, including horses and their riders.

In respect of SESplan, its Policy 5 identifies the housing requirement across the SESplan area but not by each Council area. Instead it requires the production of Supplementary Planning Guidance to set out how much of that overall requirement will be met in each Council area through the relevant Local Development Plan. The Council has agreed that East Lothian has a shortfall in its effective housing land supply. However, until such time as the SESplan Supplementary Planning Guidance is approved the Council does not have a definitive housing requirement against which to measure the effectiveness of its five year housing land supply. On this basis the Council approved its Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for that purpose will be assessed. The Council's Housing Land Supply: Interim Planning Guidance only applies to housing applications that form an appropriate extension to an existing settlement defined in the adopted East Lothian Local Plan 2008. It does not apply to otherwise isolated development in the countryside, to which the terms of Policy DC1 of the adopted East Lothian Local Plan 2008 will continue to apply.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian, characterised by a low density dispersed built form within an agricultural landscape. The adopted Local Plan does not allocate the land of the application site or any other land at Belton for residential development. Neither does the Local Plan define any part of Belton as being a settlement. As the land of the application site does not lie adjacent to an existing settlement defined in the adopted East Lothian Local Plan 2008, the Council's Housing Land Supply: Interim Planning Guidance (December 2013) is not a material consideration in the determination of this application for planning permission. The

principle of a new build house on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the countryside.

The Council's planning policy for development in the countryside of East Lothian, Policy DC1, does not make any provision for the replacement of an existing house (whether it be in a derelict or fully intact state) with a new house. Replacement houses therefore have to be considered and assessed in the same way as new houses in the East Lothian Countryside. Part 1(b) of Policy DC1 only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The applicants (in supporting statements dated November 2013 and May 2014) set out their case for what they consider to be a direct operational requirement for a house to be built on the site of the former Dairy Cottage in order to provide a dwelling in a suitable location to monitor river levels for the Trout Farm. The case made by the applicants through this current planning application is similar to the case made by them in their previous, refused, planning application (12/00196/PP) with the main differences being that (i) additional information, including a report prepared by the Scottish Agricultural College (SAC) and a letter from the Chief Executive of the British Trout Association, both of which are supportive of the applicant's case, have been submitted along with the application and, (ii) the applicant is no longer seeking to justify the principle of a new house on the grounds that it is required for housing agricultural workers of South Belton Farm.

The supporting statements inform that DV Rennie & Co is a family business which runs a series of successful farming enterprises at South Belton Farm, a farm which constitutes an exemplar form of rural diversification retaining a highly productive farm whilst supporting a range of successful diversification enterprises. The farm business is at the forefront of rural development in Scotland and is a robust major contributor to the local economy and a significant rural employer. In addition to the production of a range of crops including winter wheat, winter barley, winter oilseed rape, potatoes and field peas the diversification enterprises include: (i) Belhaven Smokehouse Ltd/Belhaven Trout Company; (ii) Belhaven Fruit Farm Ltd; (iii) Thistly Cross Cider Ltd; and (iv) the letting of holiday cottages. Furthermore the farm is a member of the National Farmers Union of Scotland, the Scottish Quality Cereals Association and the supermarkets' own quality assurance schemes.

In relation specifically to The Belhaven Trout Company and Belhaven Smokehouse the supporting statements inform that this part of the overall South Belton Farm Business employs 10 people locally. The trout farm contains 19 ponds that produce 20 tonnes of fish per annum. The Smokehouse produces a wide range of smoked fish and cheese products and fish are also used for restocking of private lochs/ponds; commercial fisheries and fish farms throughout Scotland.

It is stated that key to the successful running of the trout farm, the continued employment of current staffing levels and the protection of livelihoods, is the proper care and management of fish stock and the continued water side monitoring of the Biel Water. The importance of water monitoring is explained in the applicant's supporting submissions. They state that high water levels on the Biel Water can lead to the blocking of filter screens at the fish farm. If these screens are not cleared regularly during high water levels the fish can be starved of oxygen and significant stock can be lost. Therefore, key to the continued success of the business is the application of a robust approach to the monitoring of the level of the Biel Water.

At present it is explained that the fish farm management employs an industry standard and proven robust dual approach to water level monitoring which involves (a) a riverside presence which enables the 24 hour monitoring of the river level; and (b) the use of electronic water level monitoring tied to a mobile phone system. The supporting statements inform that on a number of occasions a 24 hour presence at West Barns has proven critical to the safeguarding of fish stocks. A 24 hour presence by the waterside is considered a critical means of appropriately monitoring the Biel Water.

It is explained that for the last 35 years West Barns House, which is in close proximity to the Biel Water, has functioned as the designated 24 hour water monitoring location. In recent years Ms Fiona Rennie, who is a core partner in the wider farming enterprise, one of the owners of the trout farm and now the dedicated water level monitoring manger, has resided at that house and monitored the level of the water from that location. Previously Ms Rennie's father monitored water levels from West Barns House. The house is due to be taken back in hand by its owner and will soon no longer be available for the purpose of water monitoring. A new location for her to monitor water levels is considered essential. In terms of where such a waterside presence should be, it is considered by the applicant that a replacement of the fire damaged Dairy Cottage would be the most appropriate location locally and would is stated make use of a brownfield site.

In addition to the above, the application is accompanied by supporting statements by the Scottish Agricultural College and by the Chief Executive of the British Trout Association who notes in his letter submitted in support of the planning application that: "Interruptions in flow, or pollution of water, can have devastating and near immediate impact upon fish stocks. Within a matter of hours, an entire site can be destroyed due to lack of oxygen supply or chemical pollution. Whilst there is relatively sophisticated, and depending on system, expensive, automated monitoring equipment that can be installed, virtually all sites rely on visual checks....it is extremely important for fish farm sites to have on site and near site monitoring points for water flow rates and water quality".

The Council has employed its Agricultural & Rural Development Consultant to assess the business case put forward by the applicant.

Her findings are based on an assessment of the applicants 'Supporting Statement, Rebuilding Dairy Cottage, South Belton Farm, Dunbar' dated November 2013; a paper of the applicant's comments of rebuttal of commentary contained in the Refusal of Planning Permission in Principle 12/00196/PP plus full updated financial information concerning all aspects of the holistic business conducted from the South Belton estate, and a site visit to South Belton during which she interviewed Mr Fiona Rennie and her lifestyle and business partner, Mr Derek Farquaharson and Ms Rennie's brother, Mr Ian Rennie, also a partner of DV Rennie & Co, the main business conducted from South Belton and West Barns Farms. Further to her site visit, the Agricultural & Rural Development Consultant consulted various parties including SEPA and the British Trout Association (BTA) for their opinions on the working operations of management of water supply to trout farms and in particular to the South Belton unit.

The Agricultural & Rural Development Consultant informs that the business of D.V. Rennie & Co is structured as a partnership with the five partners being Ian Rennie, his brother Michael, sister Fiona (the applicant), the new partner, Mark, son of Ian Rennie and the DV & J Rennie Trust which party is comprised of Ian Rennie's late parents. She advises that accounts for the business demonstrate the holistic business success and wish to compete and survive in rural development, whilst the fish enterprises are robust and profitable taken separately.

The Agricultural & Rural Development Consultant has taken the same view as she did in

her assessment of the previous planning application for a house on the site, which is that there is a need for a manager's presence in connection with the Trout Farm to monitor water levels and quality over a 24 hour period in close proximity to the Biel Water.

On the matter of the existence and suitability of other existing houses within the South Belton Farm unit for the purposes of water monitoring she advises that the applicant continues to rent West Barns Cottage which is owned by her brother, who has no direct interest in the business but who still wishes to take the cottage back-in-hand and has expressed some frustration at the ongoing delay to his plans. The main farmhouse at South Belton is occupied by Ian Rennie, Ms Rennie's other brother. Gardener's Cottage is now occupied by the new partner of the farm firm, Mr Mark Rennie and his lifestyle partner and eleven other cottages at South Belton are mainly let out with four being occupied by farm workers and others being occupied by students. She advises that there is no suitable existing accommodation for a principle partner of the farm firm.

The conclusion of the Council's Agricultural & Rural Development Consultant is, as it was with her conclusion on the previous planning application, that there is a rural, specifically a piscicultural and aquacultural justification for a new build house on the application site as:

- (i) the current riverside dwelling of West Barns House is not sustainably available to the water monitoring manager of the fish farm business;
- (ii) the application site commands a position within the applicant's means and resources to effect water management;
- (iii) the proposal has been stoutly supported by the respected rural organisation of the British Trout Association;
- (iv) the whole farm business is robust, a major contributor to the local economy, a significant rural employer worthy of support and is at the forefront of rural development in Scotland.

There may have been some benefit of a person resident in West Barns House being in a position to visually monitor water levels of the Biel Water in conjunction with the use of an automatic monitoring system at the Trout Farm. However, no evidence is presented to confirm that the undertaking of such visual monitoring has been carried out constantly through a 24 hours a day presence of a person resident in West Barns House. Notwithstanding the case put forward by the applicant and the support given to this from The British Trout Association, the SAC and the Council's Agricultural & Rural Development Consultant, there is no presented evidence that the visual monitoring of water levels of the Biel Water in conjunction with the use of an automatic monitoring system at the Trout Farm is essential to the safeguarding of fish stocks of the Trout Farm.

The Scottish Environment Protection Agency (SEPA) were consulted on this, and on the previous planning application (12/00196/PP) as part of the application site lies within the functional floodplain of the Biel Water. They advise, as they did in their comments on the previous application, that they would object to the principle of a house being erected on the site unless the finished floor level of any new dwelling would be 350mm above the current floor level of the former Dairy Cottage, in which case they would withdraw their objection. Therefore, if planning permission were to be granted for this proposal it should be subject to a condition that the finished floor level of the new house be 350mm above the floor level of Dairy Cottage.

The Scottish Environment Protection Agency (SEPA) do not comment or give advice on the need or otherwise of a riverside presence as a direct operational requirement of the fish farm business. Their remit as a statutory consultee on this application is to give advice on flooding matters. In this respect, SEPA advised in their response to the

previous planning application (12/00196/PP) that should the operator of the fish farm wish to monitor water levels of the Biel Water, this could be done by installing telemetry instrumentation on the Biel Water capable of recording water levels and triggering an alarm at pre-set thresholds to a mobile phone. SEPA advised that such telemetry instrumentation should ideally be installed approximately 2-3 miles upstream of the Trout Farm to allow for a suitable lead time. They noted that this would require permission from the relevant landowner.

The partnership of D.V. Rennie & Co. does not control land 2-3 miles upstream of the Trout Farm, though their South Belton Estate does extend some 0.5 of mile further upstream from the site of Dairy Cottage. There is no reason why a telemetry instrumentation water level monitoring point in that further upstream position, capable of providing 24 hours a day monitoring and rising water level alerts, with any associated back-up systems considered necessary in the event of electronic failure of the primary system, would not be effective in order to monitor water levels to ensure the safeguarding of fish stocks on the fish farm. Moreover, it would seem to be a more reliable means of monitoring than otherwise relying on a person being beside the Biel Water to purposefully and effectively monitor rising water levels.

With appropriate systems in place, the monitoring of water levels of the Biel Water could be effectively done by placing telemetry instrumentation as far as possible upstream within the land of D.V. Rennie & Co. in order to give a longer warning period and thus an enhanced response time to rising water levels. In this the Trout Farm manager and/or her partner, when not on site at the Trout Farm would have adequate warning time to visually check rising water levels, if necessary without having an operational need to reside in a countryside location beside the Biel Water.

Giving due consideration to the case put forward by the applicant and supporters and the advice of consultees, the conclusion is that there is no direct operational requirement for the proposed house on the countryside site of Dairy Cottage and thus the principle of such new build development is contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

The land of the application site is at a lower level than the land on which the nearby listed buildings of Belton Dovecot, Lower Belton Lodge and Gardeners Cottage are located. As the application is for planning permission in principle, no details of the design of the proposed house have been submitted. However, due to the location of the site, it should be possible to design a house for the site which would not be visible in any significant view of any of those buildings. If carefully designed the proposed house would not be harmful to the settings of those Category B listed buildings. On this consideration the proposed development of a new house on the application site does not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan or Policy ENV3 of the adopted East Lothian Local Plan 2008.

The existing private vehicular access would, subject to it being upgraded to a pothole free route and having its junction with the public road re-surfaced to prevent loose materials entering the public road, provide the proposed new build house with an acceptable means of vehicular access. The Council's Road Services is satisfied that there is sufficient space within the garden area of the proposed house to accommodate sufficient car parking and turning areas.

Neither of these two latter considerations are sufficient in their terms to outweigh the earlier considerations in this report that the principle of the proposed new build house is

contrary to the development plan by being contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

REASONS FOR REFUSAL:

- 1 It is not demonstrated that the building of a new house on the application site is required to meet an agriculture, horticulture or forestry need or other established employment use in the countryside of East Lothian and neither is it demonstrated that there is a justifiable operational need for the house to enable monitoring of water levels of The Biel Water relative to the operation of the Dunbar Trout Farm. Consequently, and because the proposed new house would constitute isolated, sporadic development in the countryside of East Lothian this proposal is contrary to Part 1(B) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the character and amenity of the open countryside of East Lothian.

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 2 September 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: this application if granted will severely limit access to neighbours as demonstrated by the number of objections.

Application No. **14/00440/P**

Proposal Change of use from open space to car parking area and erection of bollards

Location **13 Hopetoun Terrace
Gullane
East Lothian
EH31 2DD**

Applicant Mrs D Sinclair

Per Colin Sinclair

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The site that is the subject of this planning application consists of the residential property of 13 Hopetoun Terrace and an area of land that is immediately to the (rear) west of it. To the west of the rear boundary wall of the property of 13 Hopetoun Terrace is a small shrub bed, a grassed area of land, part of a mutual access that serves the residential properties of 13-23 Hopetoun Terrace and beyond that by a planted area containing trees and bushes. The site is located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within Gullane Conservation Area.

Planning permission is sought for (i) the change of use of the part of the application site to the rear of the residential property of 13 Hopetoun Terrace from open space to a car parking area and (ii) the erection of six bollards that would enclose that area of land the subject of the proposed change of use.

This is a substitute application submitted in favour of planning application 14/00348/P that has been withdrawn. This substitute application has been made in order to include the proposed change of use. It should also be noted that, unlike the withdrawn application, the area of land the subject of the proposed change of use is to remain in its present condition and is not to be hard surfaced, as was originally applied for.

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.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4 (Development Within Conservation Areas), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

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 within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Eight written objections and one representation to the application have been received.

The main grounds of objection are that:

- (i) the installation of bollards will detrimentally effect, and impact on, the visual appearance of the area and the aspect of this public alley within the conservation area;
- (ii) it will disrupt and negatively change the nature of the open space by erecting restrictions to the historic open area;
- (iii) it will restrict peaceful rights of enjoyment of adjoining properties;
- (iv) it will breach the conservation burden that no building should be built on this land;
- (v) the application totally ignores existing access routes and rights of access to multiple properties (some of which have garages) which would only be possible if the well established amenity belt of trees and shrubs were removed;
- (vi) the applicant could park his car closer to the wall enclosing the rear garden of his

house to allow other residents to continue to use the back access lane;

(vii) the erection of bollards would be unsightly and would prevent vehicular access for other properties within a very congested residential area;

(viii) Delivery, maintenance and emergency vehicles would encounter severely restricted access as would families with push chairs and children walking through between Hopetoun Terrace and Goose Green. Reversing vehicles would be a serious hazard with drivers visibility severely restricted;

(ix) the occupier of the house of 17 Hopetoun Terrace has velux roof lights with fire escape provision and access to these will not be possible in an emergency;

(x) the applicant was apparently party to an informal agreement made some 40 years ago to allow planting (comprising of trees and shrubs) on the mutual access to the rear of the row of terrace houses of Hopetoun Terrace (numbers 13-23). As a result the present mutual access is across the applicant's land on the area which they intend to block off;

(xi) the applicant has made no provision with any of the adjoining owners to reinstate the planted amenity area to its former use as a mutual access which would allow continued vehicular access for all of the properties; and

(xii) the application forms state that no changes are being proposed to public paths, public rights of way or affecting any public rights of access as a result of the proposal which is not the case.

The representation to the application is made by the occupier of 11A Hopetoun Terrace, to the south of the applicant's property. It is stated that he has no objection in principle to the proposal providing that the strip of landscaping to the west of the site is retained as this is a valuable visual amenity in the Conservation Area.

Gullane Area Community Council object to this application on the same grounds as those outlined in their objection letter made to withdrawn planning application 14/00348/P. They state that nearly forty years ago the proprietors of all six houses in the terrace agreed a landscaping scheme whereby the solum of the original back lane, giving vehicular access to the rear of the six houses of the terrace, was landscaped as an area of amenity ground which now contains mature trees and shrubs and that a new access lane was formed on ground belonging to the individual proprietors. They state that the removal of mature trees and shrubs to facilitate the proposal would be detrimental to the character of the conservation area. They also state that if this application is granted, vehicular access to the remaining five houses (and to other houses which gain access from this lane) would be blocked. They consider this to be detrimental to the character of the conservation area. Moreover they state that blocking off the vehicular access would exacerbate the existing car parking congestion on Hopetoun Terrace which would also inhibit access for public service vehicles and emergency vehicles.

The application forms submitted with this planning application have been completed correctly. The existing narrow access lane to the rear of the applicant's house and garden is a private road and thus no changes are being proposed to public paths, public rights of way nor would it affect any public rights of access as a result of the proposal.

Matters raised by the objectors concerning rights of access, title deeds, and mutual agreements made with other parties are not material planning considerations in the determination of this planning application.

There is no proposal to change the surface of the land the subject of the proposed change of use. The proposed change of use would not be harmful to the character, appearance and residential amenity of the locality or to the character and appearance of this part of the Gullane Conservation Area. Use of the land for car parking to serve the applicant's house would not be harmful to the amenity of neighbouring residential properties.

It is proposed to erect six bollards on the area of land the subject of the proposed change of use. Those bollards would all be erected in pairs. Two sets of bollards, some 1.8 metres apart, would be positioned along the southeast and northwest sides of the land. The other pair of bollards would be located some 2.7 metres apart and positioned along the southwest end of the land the subject of the proposed change of use. The bollards would be lockable and collapsible (i.e. capable of being folding down). They would be some 750mm high above ground level when fully erected. They would all be cylindrical in shape and of a stainless steel finish.

Although the proposed bollards would be somewhat visible from the public road to the south of the application site they would be confined to the rear of the applicant's property and thus they would only be visible in limited, short duration views, from that public place. By virtue of their relatively low height and in their proposed positions, the proposed bollards would not be harmful to the character and appearance of the Conservation Area.

As they are proposed, the two south westernmost bollards would be positioned on part of the mutual access that serves the residential properties of 13-23 Hopetoun Terrace. If they were so positioned, they would leave only a short width of some 1.5 metres of the existing mutual access to be used by the residents of the other properties of Hopetoun Terrace.

The Council's Road Services confirm that the proposed south westernmost bollards would prevent access being taken along the mutual access road for the other residents of 13-23 Hopetoun Residents. However, if the two south westernmost bollards were not erected, then there would remain sufficient space to enable those residents to use the existing mutual access to the rear of their properties without any obstruction.

Based on the advice of the Council's Road Services and providing that the two westernmost bollards are not approved through the grant of this planning permission it can be reasonably concluded that the other four bollards, due to their form and in their proposed positions, would not be harmful to public safety or cause a road safety hazard.

It should therefore be made a condition of the grant of planning permission for the other components of this application that planning permission is not granted for the two south westernmost bollards.

The Council's landscape project officer confirms that there is a Birch tree located on the southeast corner of the neighbouring residential property named 'Sylvan Cottage' to the southwest. However, he confirms that the proposed bollards and any works within the grassed area to be used as car parking for the applicant's house would not have any deleterious impact on the existing Birch tree. Based on the advice of the Council's landscape project officer, it can reasonably be concluded that they do not raise any objections to this planning application.

With the exception of the two south westernmost bollards the other components of this application for planning permission are consistent with Policy 1B (The Spatial Strategy:

Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4, DP2 and T2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

CONDITION:

- 1 Planning permission is not hereby granted for the two southwestern most bollards.

Reason:

The two southwestern most bollards would obstruct the use of the existing vehicular access for the other residents of 15-23 Hopetoun Terrace and thus they would constitute a road safety hazard.

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 2 September 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

4

Note - this application was called off the Scheme of Delegation List by Councillor Grant for the following reason: the residents of 7 Winton Terrace, New Winton, feel their objections to this application have not been properly addressed in the Planning Officer's report and would like to address the Committee to voice their concerns.

Application No. **14/00319/P**
Proposal Erection of fencing and heightening of wall (Part Retrospective)
Location **6 Winton Terrace
New Winton
Tranent
East Lothian
EH33 2NQ**
Applicant Mr Neil Craigmile

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi detached house located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 20008. It is also within New Winton Conservation Area. To the west the property is bounded by open agricultural fields, to the east by the public road and footpath of Winton Terrace, to the south by the house and residential curtilage of 7 Winton Terrace and to the north by the house and residential curtilage of 5 Winton Terrace.

Planning permission is sought for:(i) the erection of fencing on the southwest and part of the northwest and southeast boundaries of the rear garden of the house, (ii) the erection of fencing along the southeast boundary of the side and front gardens of the house, and (iii) the heightening of the northeast roadside boundary of the front garden of the house. This application is partly sought in retrospect as sections of fencing have already been erected on southeast boundary of the front garden of the house.

The application as originally submitted proposed that the gates erected across the vehicular access in the recessed part of the northeast roadside boundary of the property be moved forward of their current position in line with the roadside northeast boundary wall. That element of the proposal has now been omitted from the application. Revised drawings were submitted to reflect this.

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 Southeast Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved Southeast Scotland Strategic Development Plan (SESplan) and Policies ENV4 (Development Within Conservation Areas) and DP2 (Design) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

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 within conservation areas and proposals out with which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Three written objections to the application have been received. They are from occupiers of [REDACTED]. They are made on the grounds that:

- (i) the fence erected on the mutual south boundary of the property with [REDACTED] Winton Terrace has been erected on garden ground not within the ownership of the applicant and without planning permission having been granted for it,
- (ii) the applicant is not the sole owner of the land,
- (iii) the fence that has already been erected is not like for like as stated on the application forms,
- (iv) the work to erect the fence was not started on 29 March 14 as stated on the application forms but was instead started on the 22 March 2014,
- (v) contrary to that stated on the application forms there are and were trees adjacent to the application site,
- (vi) any new fence should be erected on land owned by the applicant and not on land which forms part of 6 Winton Terrace,
- (vii) the section of fence to be erected on the mutual rear garden boundary with the neighbouring property of [REDACTED] Winton Terrace should be of the same height, all the way along the boundary to afford better privacy to the garden of [REDACTED] Winton Terrace,
- (viii) the applicant should also fix the gap in the wall on the mutual front garden boundary with [REDACTED] Winton Terrace to stop his dog entering the garden of [REDACTED] Winton Terrace and

chasing the neighbour's cat.

It is not proposed through this application to alter the enclosure on the mutual front garden boundary of the properties of 5 and 6 Winton Terrace. It is not therefore a material consideration in the determination of this application for planning permission.

It is declared on the application forms that works had commenced on site on 29 March 14 and that no trees exist on or adjacent to the application site. However this in itself does not invalidate the application.

The applicant has also declared that he is the owner of all of the land of the application site. This is corroborated by a written submission provided by the applicant's solicitor who has inspected his client's title plan for the land.

Notwithstanding this, legal matters in the form of the contents of title deeds and any discrepancies in the terms of them cannot be taken to be material planning considerations in the determination of an application for planning permission. Matters of legal ownership of land are a private matter to be settled by the relevant parties.

The front garden of the house is enclosed on its northeast roadside boundary by a low stone wall which varies in height from some 600mm to 680mm. The wall is a continuation of a stone wall that encloses the northeast roadside boundary of the neighbouring residential property of 5 Winton Terrace. The low stone wall returns in a south-westerly direction into the front garden of the house such that it encloses the northwest side of the recessed vehicular access and driveway in the southeast part of the front garden of the house.

It is proposed to raise the height of the roadside boundary wall to some 990mm and thus to a similar height to the section of stone wall that encloses northwest roadside boundary of 5 Winton Terrace by adding coping stones to the top of it.

Provided the coping stones to be added to the top of the wall are of a form and laid in a manner to match those that top the wall on the northeast roadside boundary of the property of 5 Winton Terrace, the proposed heightened section of wall would not appear incongruous in its relationship with and would not compromise the integrity of the section of wall on the northeast roadside boundary wall of 5 Winton Terrace, it would be a continuation of. In this context, the proposed heightening of the wall in the manner proposed would not compromise the positive contribution the wall and other stone walls in this part of Winton Terrace make to the character and appearance of the Conservation Area.

A 7.8 metres long length of 1.99 metres high timber panel fencing has been erected on the southeast boundary of the side garden of the house. As a continuation of this fence and at a height of some 990mm high, a 5.76 metres long length of timber panel fencing has been erected on the southeast boundary of the front garden of the house. Both sections of fence are painted a green colour.

These lengths of timber fencing are visible in public views from Winton Terrace. However in those views the proposed lengths of timber fencing are seen in relation to a mix of boundary enclosures that exist on the front and side garden boundaries of the houses of Winton Terrace. Moreover by their positioning, stepped nature and the finishing colour of them, the lengths of timber fencing are visually well associated with soft landscaping that exists within the applicant's front garden and within the wider streetscape. In which case, they do not appear dominant or incongruous within their streetscape setting. They are appropriate to their location and well integrated with their surroundings. They are not harmful to the setting of the house or the character and appearance of the Conservation

Area.

The mutual rear garden boundary with the neighbouring property of 5 Winton Terrace to the northwest is enclosed for the most part by high timber panel fencing measuring some 1.8 metres in height. The remainder of that mutual boundary is enclosed by a post and wire fence as well as small bushes. It is proposed to replace the post and wire fence with new timber panel fencing some 914mm high.

The southwest boundary of the rear garden of the house is enclosed with post and wire fencing, mature bushes and a tree. It is proposed to replace the existing fence with a new vertically boarded timber fence measuring some 1.3 metres at its greatest extent.

The mutual rear garden boundary with the neighbouring residential property of 7 Winton Terrace to the southeast, is enclosed for the most part by post and wire fencing and mature bushes, hedging and a section of dilapidated timber fencing. It is proposed to erect a 1.99 metres high timber fence along the mutual southwest boundary as a replacement of the existing post and wire fencing and a continuation of the dilapidated section of fence.

Although varied in form and height the lengths of timber fencing to be erected on the northwest, southwest and southeast boundaries of the rear garden of the house would not be readily visible from public places. Only glimpsed views of the southeast rear garden boundary fence would be taken from Winton Terrace and those would be from the vehicular access in the roadside boundary of the front garden of the house. Owing to this and otherwise by their size, scale, form, positioning and materials the proposed new lengths of fencing would be appropriate to rear garden location and well integrated with their surroundings. They would not be harmful to the setting of the house, the setting of the houses of 5 or 7 Winton Terrace or the character and appearance of the Conservation Area.

On the foregoing considerations the timber fencing, proposed timber fencing and heightened wall do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

The lengths of timber fencing to be erected on the southwest and southeast boundaries of the garden of the house would be erected within the root protection area of a tree on the application site and a tree within the garden of 7 Winton Terrace. So as to prevent harm to those trees as a consequence of the erection of the proposed timber fencing it would be prudent to impose a condition on the grant of planning permission that holes for the fence posts that would support it be dug by hand and positioned to avoid tree roots. Subject to this control the proposed fencing is consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The stonework of the heightened section of wall shall match in all respects the stonework of the existing wall that encloses the northeast roadside boundary of the property 5 Winton Terrace, including the laying, pointing and coping of it, all in accordance with a sample panel to be provided on site for the prior inspection and approval of the Planning Authority.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 2 The postholes for the posts of the fencing hereby approved shall be hand dug within the tree root

protection area of the tree on the southwest rear garden boundary and adjacent to the southwest rear garden boundary of the house. The posts shall be positioned to avoid tree roots exceeding 25mm in diameter. If roots exceeding 25mm in diameter are encountered the excavation shall be backfilled and lightly compacted immediately and another hole dug. Any tree roots 25mm in diameter and smaller encountered shall be cleanly cut prior to installing the support posts.

Reason:

In the interests of safeguarding trees that form part of the landscape character of the Conservation Area.

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

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 September 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

5

Application No. **14/00456/PPM**

Proposal Planning permission in principle for the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the proposed inch cape offshore wind farm to the national electricity transmission system

Location **Land Adjacent To Cockenzie Power Station
Cockenzie
Prestonpans
East Lothian**

Applicant Inch Cape Offshore Limited

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00005/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of approximately 375 people attended the three pre-application public exhibitions held in East Lothian, one held at Prestonpans Community Centre, one held at the Longniddry Inn, and one held at the Port Seton

Centre, and that those attendees made a number of comments regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The site that is the subject of this planning application has an area of some 22.9 hectares and is located immediately to the east of Prestonpans. It has a generally linear shape and extends from part of the beach that is immediately to the west of Preston Links to an area of open ground between the Cockenzie Coal Store and the B1361 road, a distance of some 1.5 km.

The part of the site at the beach is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest.

Part of a public right of way between Cockenzie and Tranent runs through the southeast part of the application site.

The John Muir Way crosses the northern part of the site.

The majority of the application site is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The battlefield site includes the 1722 Tranent to Cockenzie Waggonway. The pyramidal Battle of Prestonpans viewpoint is located some 600 metres to the south of the application site.

A scheduled ancient monument, known as Seton West Mains, enclosures 500m SW of, is located to the south of the application site.

In July 2013 Inch Cape Offshore Limited submitted an application under Section 36 of the Electricity Act 1989 to Marine Scotland for the erection of an off-shore wind farm, to be known as the Inch Cape off shore wind farm. It would be located across a 15 to 22km range to the east of the Angus coastline. The application for the proposed Inch Cape off shore wind farm is currently pending consideration.

Planning permission in principle is sought through this application for the formation of onshore electrical transmission infrastructure within the application site.

In a planning statement submitted with the planning application, the applicant advises that the onshore electrical transmission infrastructure is required to facilitate the transmission of power from the proposed Inch Cape off shore wind farm. It will facilitate the distribution of up to 3,000 gigawatt hours of electricity per annum, enough power to meet the needs of up to 690,000 households.

The applicant further advises that they are applying for planning permission in principle, as at this stage it is not possible to provide a detailed description of all elements of the onshore electrical transmission infrastructure. Notwithstanding, the basic principles of development are set out in the planning application and supporting documents.

It is proposed that up to four export cables from the off shore wind farm would be brought ashore at the beach adjacent to Preston Links to underground structures, known as transition pits. Each transition pit would typically be 13 metres by 3 metres in size and up to 1.5 metres deep. The applicant has not specified how many transition pits would be required nor where they would be sited. A concrete cover would be placed over the top of the pits for protection and the ground above it would be reinstated to its previous condition.

The on-shore cables would run underground from the proposed transition pits to a proposed electrical sub-station, which would be positioned on land to the south of Cockenzie Coal Store and to the west of the public right of way from Cockenzie to Tranent.

From the beach, it is indicated that the cables would pass under the western end of Preston Links and then under the B1348 road, before breaking off eastwards towards the northwest corner of Cockenzie Coal Store, before following its western boundary southwards. It would then turn eastwards to the site of the proposed electrical sub-station.

The applicants have detailed a corridor at least 60 metres wide within which the on-shore cables would be installed. The final location for the cables will only be determined once further site investigations have been concluded. It is however indicated that there may be up to 4 separate cable trenches, each of which would be 1.0 metre wide.

Following the installation of the cables and the backfilling of each trench, the land around it would be backfilled and reinstated to allow a return to its former uses.

It is indicated that the sub-station could have a site area of some 2.7 hectares. It could be enclosed by security fencing and two gates and could contain an access road, electricity transformation equipment, a switchgear building and a control building. It is indicated that the switchgear building would have maximum dimensions of 46 metres long by 11 metres wide, and a maximum height of 14 metres. It is further indicated that the control building, which would be located adjacent to the switchgear building, would have approximate dimensions of 30 metres long by 7.5 metres wide, with an approximate height of 7.0 metres.

The sub-station would be accessed from the existing access to Cockenzie Coal Store from the B6371 road via an upgraded section of road.

It is indicated that landscaped earth bunds would be formed along the northwest, west and south boundaries of the sub-station.

An Environmental Impact Assessment was carried out for both the off-shore and on-shore components of the wind energy development being proposed by Inch Cape Offshore Limited. It was structured such that part of the Environmental Statement relating to the on-shore component could be assessed separately with the planning application under the Town and Country Planning (Scotland) Act 1997. The Environmental Statement relating to the on-shore component has been submitted with the planning application. It contains chapters on policy and legislation, process and methodology, site selection and alternatives, hydrology, hydrogeology and geology, ecology, landscape and visual, cultural heritage and archaeology, noise and vibration, traffic and transport, socio-economics, tourism, land use and recreation, and air quality.

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 are Policies 1B (The Spatial Strategy: Development Principles) and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1

(Development in the Countryside and Undeveloped Coast), C3 (Protection of Open Space), ENV1 (Residential Character and Amenity), NRG1 (Electricity Generating Stations), NH1a (Internationally Protected Areas), NH1b (Sites of Special Scientific Interest), ENV7 (Scheduled Monuments and Archaeological Sites), C6 (Rights of Way), C7 (Core Paths and Other Routes), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or adjacent to Development Sites) and DP17 (Art Works- Percent for Art) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is the Scottish Government's National Planning Framework 3 and Scottish Planning Policy: June 2014.

National Planning Framework 3 states that Cockenzie is a potentially important energy hub. There are significant plans for offshore wind to the east of the Firths of Forth and Tay. Proposals for grid connections for these projects are now emerging, requiring undersea cabling connecting with converter stations and substations. The Scottish Government want developers to work together to minimise the number and impacts of these developments by combining infrastructure where possible. Whilst Cockenzie is safeguarded by the Scottish Government as a site for future thermal generation, it may present significant opportunities for renewable energy-related investment. They expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, the Scottish Government wish to see priority given to those which make best use of this location's assets and which will bring the greatest economic benefits.

Scottish Planning Policy on renewable energy states that planning must facilitate the transition to a low carbon economy. The planning system should support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity. The consideration of applications for proposals for energy infrastructure developments will vary relative to the scale of the proposal and area characteristics but are likely to include landscape and visual impacts, historic environment, effects on the natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, Scottish Planning Policy states that permission should only be granted where there are exceptional circumstances.

Scottish Planning Policy further states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

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

There are a total of 3 written representations, all of which makes objection to the proposed development.

One of the representations does not state why they object to the proposed development.

The other two representations are submitted on behalf of the Battle of Prestonpans Heritage Trust. They object to the proposed substation, which they consider would both

physically disrupt the site and damage the setting of the 1722 Waggonway and battlefield. This would be an unacceptable intervention on the nationally significant battle site. In their view, the scale of the new building is unlikely to be successfully concealed by new landscaping. As such, the Trust suggest that the substation should be located within the former Coal Store. In a further representation, the Trust advise that they are incredulous that Historic Scotland consider that the proposal “does not raise issues of national significance”.

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

Prestonpans Community Council are in support of this planning application. They advise that they did have concerns with the height of the proposed building, the visual appearance and the Battle site. They have however been reassured that the land will be reinstated to its current state after construction is complete, and that the size of the building has been reduced. They further advise that visualisations of the proposed development submitted by the applicant gave the Community Council the assurances they were looking for. The Community Council also state that they had some concerns over the impact of the proposed development on coastal erosion.

Tranent Community Council and Cockenzie and Port Seton Community Council were both consulted on this application but have not provided any comments on it.

The proposed onshore electrical transmission infrastructure is an essential component to enable the proposed Inch Cape off shore wind farm to connect into the national electricity grid. Therefore if approval were to be given by the Scottish Ministers for the proposed Inch Cape wind farm there would be an operational justification for the onshore electrical transmission infrastructure having to be formed in this particular location. In this regard, the infrastructure development proposed for the part of the site designated as countryside in the Local Plan is consistent with the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008. In order to ensure there is an operational requirement for the proposed onshore electrical transmission infrastructure, i.e. that planning permission has been approved for the proposed Inch Cape wind farm, there should be imposed a condition on the grant of planning permission in principle that no development is carried out until it can be demonstrated to the Planning Authority that planning permission has been granted for the proposed Inch Cape wind farm. Subject to the imposition of this condition, the principle of the proposed onshore electrical transmission infrastructure is consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

Preston Links and the beach part of the site are both covered by Policy C3 of the adopted East Lothian Local Plan 2008. As the proposed transition pits and on-shore cabling would be sited underground, the proposed development would not result in the permanent loss of any open space. In this regard, the principle of the proposed onshore electrical transmission infrastructure is consistent with Policy C3 of the adopted East Lothian Local Plan 2008.

A very small part of the application site is within the existing settlement of Prestonpans. This part of the site forms part of the wide corridor within which the on-shore cabling would be sited. The potential siting of cables within this part of the application site would not have an adverse impact on the residential character or amenity of this part of Prestonpans. In this regard, the principle of the proposed onshore electrical transmission infrastructure is consistent with Policy ENV1 of the adopted East Lothian Local Plan 2008.

National Planning Framework 3 states that Cockenzie is a potentially important energy hub, which may present significant opportunities for renewable energy-related investment.

In June 2014 a Proposal of Application Notice (Ref: 14/00015/PAN) was submitted by Scottish Enterprise. The Notice indicates that they intend to bring forward a planning application for an energy park on land that includes the Cockenzie Power Station and Coal Yard site. The site the subject of planning application 14/00015/PAN includes the land that is the subject of this planning application. Notwithstanding, there is nothing to suggest that the proposed onshore electrical transmission infrastructure would prejudice the possible future development of Cockenzie Power Station and Coal Yard site for an energy park.

As the proposed onshore electrical transmission infrastructure would help to facilitate the provision of a significant renewable energy source that could contribute towards achieving national targets for electricity, the proposal is consistent with Proposal 10 of the approved South East Scotland Strategic Development Plan (SESplan).

The transition pits and on-shore cabling would be sited underground. Consequently they would have minimal impact on the landscape character and appearance of the area, including that of Preston Links and the adjacent beach.

The proposed substation would be sited on the generally flat land that is to the south of the Coal Store. The Coal Store and electricity pylons are man-made features that are readily visible in the locality. There is also areas of tree planting and vegetation, particularly between the site of the proposed substation and the public right of way that is to the east of it.

In its indicative position the proposed substation would be visible from a number of different public viewpoints, including the pyramidal Battle of Prestonpans viewpoint, the B6371 public road and the public right of way between Cockenzie and Tranent. In some public views the substation would be seen in relation to the existing pylons and the Cockenzie Coal Store. Moreover, the existing trees and landscaping that the proposed substation would be located in close proximity to would help to reduce the impact of the proposed substation. In such a landscape character setting the proposed substation would not appear as an unduly incongruous, dominant or intrusive feature.

To further reduce the impact of the proposed development, the applicant proposes that the switchgear building, which would be the largest of the proposed buildings, could have a curved roof and be finished in a matt green colour. Moreover, the landscaping and earth bunds proposed would further reduce the impact of the substation on the visual amenity of the area. For all of the foregoing reasons, it is concluded that the substation would not have an unacceptable landscape or visual impact.

On the consideration of landscape and visual impact, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP1, DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

Scottish Natural Heritage raise no objection to the proposed onshore electrical transmission infrastructure, being satisfied that it would not have an unacceptable landscape or ecological impact. They do however recommend that the Council clarifies the possibility of reducing the height of the switchgear building by increasing its footprint. In response to this, the applicant has confirmed that this is not technically feasible. Scottish Natural Heritage also raise some concern over the proposed landscaping and

the proposed profile of the earth bunds. These are matters of detail that could be considered through any subsequent approval of matters specified in condition application.

There is no justification for the additional planting recommended by the Council's Landscape Project Officer. Nor is there any justification to seek an additional visual montage of the proposed development, as is also recommended by the Council's Landscape Project Officer.

The proposed development would not result in the loss of any trees that make a significant positive contribution to the setting, amenity or nature conservation value of the area. On this consideration the proposed onshore electrical transmission infrastructure does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

The onshore electrical transmission infrastructure is promoted as part of the proposed Inch Cape wind farm. It would be prudent to require that the infrastructure be decommissioned if the wind farm were to be approved, constructed, and thereafter decommissioned. This can be secured through a condition attached to a grant of planning permission in principle for the proposed development.

Historic Scotland raise no objection to the principles of the proposed development, being satisfied that it would not have an unacceptable impact on the site of the Battle of Prestonpans. In this respect they advise that in the majority of vantage points, both within and outwith the battlefield, the substation would not be identifiable as a dominant feature (e.g. from the Waggonway). Whilst accepting that it would be visible in certain views, including from the pyramidal Battle of Prestonpans viewpoint, Historic Scotland consider that even in this view much of the development would be viewed against the backdrop of the existing industrial structures.

The Seton West Mains enclosures to the south of the application site, which are a scheduled ancient monument, would not be directly impacted on by the proposed onshore electrical transmission infrastructure. In their consultation response, Historic Scotland do not consider that the infrastructure would significantly alter the setting of the scheduled ancient monument. On this matter the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Archaeology Officer advises that the proposed development will have a direct impact upon a designated Battlefield site and have the potential to have an impact upon currently unknown archaeological remains. Accordingly he recommends that a programme of archaeological works should be carried out by a professional archaeologist to evaluate the application site for any potential archaeological remains. This can be controlled through a conditional grant of planning permission in principle. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note (PAN) 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Marine Scotland were consulted on this application but have not provided any comments on it.

The proposed onshore electrical transmission infrastructure would generally be installed at some distance from residential properties in the area, although the residential properties on the eastern edge of Prestonpans are located in relatively close proximity to the application site. The Council's Principal Environmental Protection Officer has considered this application in respect of the environmental impacts that might arise from it. He does not anticipate any loss of amenity to occupiers of nearby residential

properties during the operational phase of the development, although he does recommend that the design and construction of the substation shall be such that noise associated with the operation of the substation should not exceed a boundary noise threshold limit of 49 dB(A) at any time. This recommended control could be secured by the imposition of a planning condition. To protect the amenity of nearby residents during the construction of the proposed onshore electrical transmission infrastructure, he recommends that prior to the commencement of development, a Construction Method Statement should be submitted to and approved by the Planning Authority. The Statement should detail mitigation measures to be employed to control noise/ dust/ construction traffic and should include the proposed hours of working. A Construction Method Statement can be secured through a conditional grant of planning permission in principle for the proposed onshore electrical transmission infrastructure. The implementation of an agreed Construction Method Statement would ensure that the construction activities does not have a significantly harmful impact on the environment or on the privacy and amenity of any nearby properties.

In view of this advice it can be concluded that the proposed onshore electrical transmission infrastructure could be constructed and thereafter operated without occupiers of nearby properties suffering a significant loss of privacy or amenity.

The Council's contaminated land officer raises no objection to the principle of the proposed onshore electrical transmission infrastructure.

Scottish Natural Heritage advise that the proposed development will have a likely significant effect on the Firth of Forth Special Protection Area and the Forth Islands Special Protection Area. As such, they advise that the Council must carry out an appropriate assessment as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), more commonly known as the 'Habitats Regulations'.

In the determination of this application for planning permission in principle the responsibility is on the Council, as planning authority to not only have carried out an appropriate assessment, as advised by Scottish Natural Heritage, but to also pay due regard to the findings of it. If this planning application is to be approved the Council must be satisfied that the appropriate assessment clearly ascertains that there will be no adverse affect on the integrity of the Special Protection Areas in respect of their conservation objectives. The tests in the Regulations are precautionary, which means that if there is uncertainty about the seriousness of the effects, permission should not be granted except in very special circumstances of overriding public interest.

Two appropriate assessments have been undertaken by the Council (one in respect of the Firth of Forth Special Protection Area and one in respect of the Forth Islands Special Protection Area). The appropriate assessments conclude that the proposed development would have no adverse effect on site integrity of either the Firth of Forth Special Protection Area or the Forth Islands Special Protection Area.

Scottish Natural Heritage support the reasoning and conclusions laid out in the two appropriate assessments. It can therefore be concluded that the appropriate assessments clearly ascertain that there will be no adverse affect from the proposed development on the integrity of the Special Protection Areas in respect of their conservation objectives. On this consideration the principle of the proposed development is consistent with Policies NH1a and NH1b of the adopted East Lothian Local Plan 2008.

The Council's Roads Service raise no objection to the principle of the proposed onshore electrical transmission infrastructure, being satisfied that it would have no significant

adverse risk for road safety. They do however recommend that a Traffic Management Plan should be submitted to and approved by the Planning Authority. The Traffic Management Plan should include details of construction vehicle routing and swept path analysis of large component delivery routes. It should also include details of any off site mitigation works required to enable the construction of the proposed development. It should also include details of wheel washing facilities that will be required during the construction phase of the development.

The Council's Roads Service also recommend that a detailed condition survey of the local road network should be undertaken prior to the commencement of development. A further detailed condition survey of the local road network should be undertaken once the development has been completed. Any damage identified that is attributable to construction vehicles using the network shall be repaired and/or resurfaced by the applicant in compliance with the Council's given specifications and requirements at no cost to the Council as Roads Authority.

These requirements can be secured through a conditional grant of planning permission for the proposed onshore electrical transmission infrastructure. Subject to the imposition of these recommended conditions, the principle of the proposed development is consistent with Policy T2 of the adopted East Lothian Local Plan 2008.

When the planning application was originally submitted, the proposal included for the decommissioning and removal of the existing rail link between the national rail network and Cockenzie Coal Store. Notwithstanding, it is now the applicant's intention to retain the existing rail link. Retention of the rail link, a requirement that can be made a condition of a grant of planning permission in principle for the proposed development, would allow for its use in any future development of the Coal Store.

The proposed onshore electrical transmission infrastructure would not result in the obstruction or loss of any right of way or core path. On this consideration the principle of the proposed development is consistent with Policies C6 and C7 of the adopted East Lothian Local Plan 2008.

The Council's Access Officer and Transport Scotland both raise no objection to the principle of the proposed onshore electrical transmission infrastructure.

Scottish Water raise no objection to the principle of the proposed onshore electrical transmission infrastructure.

The Scottish Environment Protection Agency (SEPA) raise no objection to the principle of the proposed onshore electrical transmission infrastructure, although they recommend that a Construction Environmental Management Plan should be submitted to and approved by the Planning Authority following consultation with SEPA. This requirement can be secured through a conditional grant of planning permission in principle for the proposed onshore electrical transmission infrastructure.

The Coal Authority raise no objection to the principle of the proposed onshore electrical transmission infrastructure, although they recommend that intrusive site investigation work should be undertaken prior to the commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site. This requirement can be secured through a conditional grant of planning permission in principle for the proposed onshore electrical transmission infrastructure.

Given the scale of the proposed development, it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related

commission to be located on the site or in an approved alternative location. This can be achieved by means of a condition on the grant of planning permission in principle. This is consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

That planning permission in principle for the proposed onshore electrical transmission infrastructure be granted subject to the following conditions:

CONDITIONS

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site; and those details shall generally accord with the "Inch Cape Onshore Transmission Works" drawing docketed to this planning permission in principle, and shall address the following requirements:

- a. The switchgear building shall be finished in a matt green colour;
- b. The railway track within the application site boundary shall be retained and kept available for use; and
- c. The access shall be designed to ensure that it does not encroach upon the railway track or interfere with its use for rail freight.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment, and in the interest of the promotion of sustainable modes of transportation.

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Statement docketed to this planning permission in principle, except where altered by the conditions above and below, or unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the reported likely environmental impacts of the development are not exceeded and the mitigation measures are put in place.

- 3 There shall be no commencement of the Development until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Inch Cape offshore wind farm.

Reason:

To ensure there is an operational requirement for the onshore electrical transmission infrastructure.

- 4 Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA and SNH.

The development shall thereafter be carried out in accordance with the approved CEMP unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise environmental impacts during the construction phase of the development.

- 5 Prior to the commencement of the development hereby approved, a Traffic Management Plan (TMP) for the construction phase of the development shall be submitted to and approved in writing

by the Planning Authority, after consultation with Transport Scotland. The TMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- a) A Method Statement detailing and controlling access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development. The Method Statement shall include a detailed swept path assessment of large component delivery routes, as well as frequencies and times of deliveries and arrangements for the removal of materials/plant from the site. The Method Statement shall also include details of any off-site mitigation works;
- b) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;
- c) Details of proposed alterations to the existing vehicular access onto the B6371/B1361 (Coal Store access) for large component deliveries, this shall also include the reinstatement of the access once works are completed;
- d) Wheel washing facilities shall be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles shall use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- e) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

The development shall thereafter be carried out in accordance with the approved TMP unless otherwise agreed with the Planning Authority in writing.

Reason:

In the interests of road safety.

- 6 Prior to the commencement of development, a programme for monitoring the condition of the public roads in the vicinity of the application site, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road; and (ii) the B1348, Edinburgh Road, along the full Power Station site frontage and access junctions from the junction East Lorimer Place to Appin Drive (Traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 7 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 8 Within 24 months of the permanent cessation of generation at the offshore wind farm, the Company shall confirm in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

Where the development is not required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the permanent cessation of generation at the offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site

restoration;

- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be prepared by the Company and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

- 9 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 10 Prior to the commencement of development, intrusive site investigations shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, then any such remedial works shall be undertaken prior to the commencement of development.

Reason:

To ensure that the site is suitable for development, as the application site has been subject to previous coal mining activity.

- 11 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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.

- 12 A Construction Method Statement to minimise the impact of construction activity on the amenity of

the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction. The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 13 The design and construction of the substation shall be such that noise associated with the operation of the substation shall not exceed a boundary noise threshold limit of 49 dB(A) at any time.

Reason:

To safeguard the amenity of nearby residential properties.

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 2 September 2014
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

6

Application No. **14/00151/PM**

Proposal Variation of conditions to allow the occupancy of static and touring caravans for 46 weeks of each year (Condition 8 of outline planning permission T/1143/90, Condition 5 of P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL)

Location **Thurston Manor Holiday Home Park
Innerwick
Dunbar
East Lothian
EH42 1SA**

Applicant Verdant Leisure Limited

Per Hough Tullett

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This application relates to the existing Thurston Manor Holiday Home Park that is a caravan park in the countryside between Dunbar and Innerwick.

Thurston Manor Holiday Home Park has been in use as a caravan park since the 1990s through various grants of planning permission.

Conditions of those planning permissions restrict the occupancy of static caravans and of touring caravans to prevent them being used as residential units.

Planning permission is now sought to vary:

(i) condition 8 of outline planning permission T/1143/90, which states that “The static caravans will not be used for any purpose between 1 November and the last day of February of the subsequent year”;

(ii) condition 5 of planning permission P/1143/90, which states that “The caravans will not be used for any purpose between 1 November and the last day of February of the subsequent year”;

(iii) condition 5 of planning permission P/0674/91, which states that “The static caravans will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(iv) condition 4 of planning permission P/0557/92, which states that “The static caravans will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(v) condition 4 of planning permission P/0558/92, which states that “The static caravans hereby approved will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(vi) condition 5 of planning permission P/0102/94, which states that “No individual touring caravan shall remain on site for a period exceeding four weeks in any one summer season and there will be no van on site between 1st November and the last day of February of the subsequent year”;

(vi) condition 3 of planning permission P/0223/94, which states that “The static holiday caravans shall not be occupied other than during the following specified periods and outwith these periods they shall not be used for any purpose:

1. Seven days per week between 1st March and 30th November of any one calendar year both dates inclusive.
2. Week-ends (to include Friday afternoon and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.
3. Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”;

(vii) condition 4 of planning permission 99/00688/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing 2816/03 will only be occupied during the following specified periods and out with these periods they shall not be used for any purpose:

- (1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.
- (2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”;

(viii) condition 2 of planning permission 04/00007/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing 3623/06 will only be occupied during the following specified periods and outwith these periods they shall not be used for any purpose:

(1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”; and

(ix) condition 2 of planning permission 09/00441/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing no. 4371/01 will only be occupied during the following specified periods and out with these periods they shall not be used for any purpose:

(1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”

The applicant seeks to vary the conditions of occupancy of static and touring caravans to the effect that no static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year; and no touring caravan shall remain on site for a period which exceeds 6 weeks in the time period during which occupancy of the static caravans is permitted, nor remain on site during a 6 weeks period starting from the day after the New Year bank holiday period each year.

The applicant states in support of the proposed extended occupancy of caravans that it would allow the owners of the site to ensure that all caravans were utilised but not for residential purposes.

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.

No policies of the South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of this application.

The site is within an area subject to Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008.

One written representation has been received to the application in which a matter of landownership is raised. However this is a civil matter between landowners and is not

one that is material to the determination of this application. A matter is also raised concerning landscape planting of a different application. It is unclear whether this was a condition of previous planning permission however this would be for the Council's enforcement service to investigate as a separate matter.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that leisure use will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside and where it can be suitably serviced, accessed and there are no significant traffic or other environmental impacts.

This application is for a change to the operation of a long established existing approved caravan site use within the countryside. What is proposed is not a new use. The variation as now proposed of Condition 8 of outline planning permission T/1143/90, Condition 5 of planning permission P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL would reduce the seasonal restriction on static and touring caravan use of the caravan park and would allow, as an operational change to the established caravan site use, occupation of static caravans for the majority of the year and also the siting and occupation of touring caravans for the majority of the year, albeit that no individual touring caravan would be permitted to remain sited there for longer than 6 weeks.

Such operational change to the established caravan site would be restricted to being within that well-contained site within the countryside and would not radically alter the use of the site so as to significantly change the affect the existing uses have on the character and appearance of this part of the countryside. Nor would the additional use have any adverse impact on nearby uses. On this count what is proposed does not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.

Where planning permission is granted for caravan sites in countryside locations, which have a policy presumption against new residential development, it is the practice of the Council to use conditions on a grant of planning permission to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences.

The amendment of Condition 8 of outline planning permission T/1143/90, Condition 5 of planning permission P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL in the manner now proposed, to allow a longer period of use of the site, would still allow the Council to retain sufficient planning control such that the site would not be used for permanent residential purposes. The proposals therefore do not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008 which presume against residential use in the countryside where it does not have an operational justification in relation to agriculture, horticulture or forestry uses or other existing countryside employment uses.

VARIED CONDITIONS:

- 1 Condition 8 of outline planning permission T/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 2 Condition 5 of planning permission P/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year; and no touring caravan shall remain on site for a period which exceeds 6 weeks in the time period during which occupancy of the static caravans is permitted, nor remain on site during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.

- 3 Condition 5 of planning permission P/0674/91:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 4 Condition 4 of planning permission P/0557/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 5 Condition 4 of planning permission P/0558/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 6 Condition 5 of planning permission P/0102/94:

No touring caravan shall be on site during a 6 weeks period starting from the day after the New Year bank holiday period each year and outwith this period no touring caravan shall remain on site for a period which exceeds 6 weeks.

Reason:

To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.

- 7 Condition 3 of planning permission P/0223/94:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 8 Condition 4 of planning permission 99/00688/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

9 Condition 2 of planning permission 04/00007/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

10 Condition 2 of planning permission 09/00441/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity 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)