

**PLANNING COMMITTEE**  
**TUESDAY 6 JANUARY 2015**

**PUBLIC DOCUMENT PACK**



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

**TUESDAY 2 DECEMBER 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

**1**

---

**Committee Members Present:**

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

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal and Procurement  
Mr I McFarlane, Service Manager – Planning  
Mr K Dingwall, Principal Planner  
Ms C Molloy, Senior Solicitor  
Mr D Irving, Acting Senior Planner  
Mr G Talac, Transportation Planning Officer  
Ms P Bristow, Communications Officer  
Ms K Slater, Planner  
Mr C Meikle, Planner

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr A Riddle, Mr A Young  
Item 3 – Mr R Holder, Dr C Doldon, Ms L Hall, Mr T Drysdale  
Item 4 – Ms L Fraser, Mrs T Wallis, Dr K Smith

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES OF THE MEETINGS OF THE PLANNING COMMITTEES OF 28 OCTOBER 2014 AND 4 NOVEMBER 2014**

The minutes of the meetings of the Planning Committees of 28 October 2014 and 4 November 2014 were approved.

**2. PLANNING APPLICATION NO. 14/00530/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 12/00199/PPM - ERECTION OF 89 HOUSES AND ASSOCIATED WORKS AT LAND TO THE WEST OF ABERLADY ROAD, HADDINGTON**

A report was submitted in relation to Planning Application No. 14/00530/AMM. Keith Dingwall, Principal Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Members, Mr Dingwall provided further details regarding the number of footpaths and access points, and clarified issues relating to the northern site boundary and site drainage. Grant Talac, Transportation Planning Officer, responded to questions about access to the site from the A6137 road and traffic speed limits.

Andrew Riddle, Architectural Manager for Bett Homes, the applicant, addressed the Committee. This proposal would deliver quality and affordable housing, with a bespoke and diverse range of housing types unique to this development and to Bett Homes. The application fully addressed the concerns of the earlier application. He responded to points raised. Acoustic barrier: a different approach had been taken, it was proposed to lower levels of housing by 3.5 metres, which would enable use of the landscape as a backdrop, giving a better acoustic and visual barrier. Levels: 1.4 metres - actual finished floor levels, gardens would flow backwards, there would be no change in levels between the site and Haldane Avenue. Culvert/SUDS: SUDS would be located at the natural lowest point of the site, discharges would be into the existing culvert, surface water would not be increased therefore discharge post development would not increase. He stated that this development should go ahead.

Mr Riddle responded to questions regarding public footpaths and access, barriers to the A1, drainage matters, the potential number of cars in the development, housing styles and suitability for this gateway site. Mr Riddle added that an independent architectural practice had been commissioned to carry out a contextual study of house styles in the town and wider area which had influenced the designs.

Alistair Young, neighbouring resident, spoke against the application. He made adverse comments about the planning system process. His main concern regarding this application was the access to the development site, which was from a blind/dangerous corner, with fast travelling traffic. Reducing the speed limit to 30mph may be beneficial however this access point was not suitable and should be relocated. He also raised concerns about a number of drainage issues.

Local Member Councillor McMillan referred to the approval already granted for the principle of development and the consequences of this for the Committee. He was nonetheless going to vote against this application as he had done previously. He agreed with Mr Young's points regarding traffic and access; reducing the speed limit to 30mph may provide some mitigation. He added that even though he welcomed the applicant's comments about unique housing styles, the presence of approximately 250 cars did not make this a site easily integrated.

Local Member Councillor Trotter recalled that all local Members had voted against this application previously. He still had serious concerns about the access to this site. The decision regarding this development had unfortunately been taken from the Council and all Members could do now was to ensure the safest access/egress to the development site from the A6137. If this application had to proceed the speed limit on the A6137 must be reduced from 40mph to 30mph.

Local Member Provost Broun-Lindsay also expressed displeasure that this site was to be developed. The principle had however been lost and Members now had to ensure the most favourable option for this site. The access point was constrained and caused a great deal of concern. He also had concerns about drainage issues. He supported Councillor Trotter's proposal for a 30mph speed limit; with this amendment he would, reluctantly, support the report recommendation.

Councillor Berry accepted that the principle of development had been established but stated that to build 89 houses, mostly 2 storeys high, into this site was intrusive and excessive. He made reference to the likely volume of traffic generated by this development and stressed that access should be from the other end of the site, at Alderston. He also expressed concerns regarding footways and drainage.

Councillor MacKenzie echoed concerns about traffic and access issues. He welcomed that an independent architectural consultant had been engaged by the applicant and commended the style of houses proposed for this development.

Councillor Goodfellow also expressed concerns about traffic, access and the A6137. He took issue with the statement that a full range of housing would be provided, asserting that properties comprising 3 bedrooms or more could not be so described.

The Convener brought the discussion to a close. He made reference to the history of this site and the subsequent outcome, following appeal, of the earlier application. He stated that given this, the Committee had very little grounds to refuse this application. Referring to concerns about road safety at the A6137 junction and access to the site, he agreed that an additional condition should be inserted reducing the speed limit to 30mph from the point where street lighting would commence.

The Convener asked Members to vote on the proposed additional condition, to reduce the speed limit on the A6137 to 30mph as outlined:

For: 18  
Against: 0  
Abstentions: 0

The Convener then moved to the vote on the report recommendation:

For: 17  
Against: 1  
Abstentions: 0

## Decision

The Committee agreed that approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 Notwithstanding the drawings docketed to this Approval of Matters, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail respect the layout of the development and shall promote render as the predominant finish to the walls of the houses. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 Prior to the occupation of the last house approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 5 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

6 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the "access footpath from western site boundary to Alderston Lane" shall be formed in accordance with details to be submitted to and approved by the Planning. The details shall include a timetable for implementation;

(ii) all access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures; and

(iii) Home Zone entry's shall have a minimum width of 3.5metres.

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

7 Notwithstanding the requirements of condition 11.a. of planning permission in principle 12/00199/PPM, no development shall commence unless and until a 30 miles per hour speed limit has been introduced on the A6137 road from the roundabout on the A199 to the northern edge of the bridge over the A1 trunk road.

Details of the proposed 30 miles per hour speed limit shall be submitted for approval by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interests of road safety.

### **3. PLANNING APPLICATION NO.14/00632/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT FERRYGATE FARM, DIRLETON ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 14/00632/PPM. Mr Dingwall presented the report, summarising the key points. The report recommendation was for refusal of the application.

Responding to questions, Mr Dingwall clarified the extent of the previous application, modification of the application on appeal and traffic management considerations. In respect of Interim Planning Guidance queries, Mr McFarlane, Service Manager for Planning, advised that the guidance was approved by Council as a set of guidance; there was no particular weight to be given to individual parts. An application had to satisfy each and every test set out in the guidance.

Robin Holder of Holder Planning, agent for the applicant, addressed the Committee. He stated that the officer's report was very positive and highlighted several statements from the report. The scale, layout and density of the development were acceptable and suitable. The site would be visually contained within a woodland setting. Footpaths would be created linking the site to the town. The site was well served by transport facilities. There was no flood risk and no objection from SEPA. Loss of agricultural land would be minimised. In the applicant's view the proposal complied with SESplan Policy 7; it would not be prejudicial. He refuted the reasons for refusal. He urged the Committee to grant planning permission.

Mr Holder responded to questions from local Members regarding benefits to the town from development of this site and reference to objections from consultees.

Claire Doldon, a GP Partner at the North Berwick Health Centre and local resident, spoke against the application on behalf of the health centre. The increase in housing in North Berwick had started to rise exponentially and the effects were becoming evident. She drew attention to the situation at the health centre, informing Members that there was no capacity to continue to take additional patients. There was no stipulation in these types of applications for the provision of healthcare facilities. She raised concerns about access and gave details of the current road, rail and parking situation. The infrastructure of the town was not suitable for any further development.

Members raised several queries regarding health centre provision. Mr McFarlane advised that healthcare provision was funded by the NHS; the cost of this provision did not fall within the expectation of developer contributions. He added that the Planning Authority urged developers to use the Main Issues Report (MIR) and Local Development Plan (LDP) processes, as these allowed other bodies, including the NHS, to consider their needs in the context of proposed developments. The Convener, in response to comments about the impending integration of health and social care, remarked that the Council may be required at some point to give consideration to healthcare provision.

Linda Hall, representing North Berwick Community Council, spoke against the application. According to SESplan, development should be concentrated in strategic development areas, in East Lothian that was the A1 corridor and the east coast railway line; North Berwick was in neither. The local infrastructure was not suitable. The current infrastructure urgently needed attention. Three large housing developments had been granted in the last few years and another two were still outstanding. She echoed Dr Doldon's concerns. She also raised concerns about the rail service, roads, traffic and parking. This application was premature; it should not be considered outwith the MIR process. The Community Council supported the officer's recommendation for refusal.

Tom Drysdale, spoke against the application on behalf of Gullane Area Community Council and Dirleton Village Association. The main concerns were the consequences for these areas as a result of the western expansion of North Berwick. This application was premature; if it was granted it would compromise the objectives of the MIR. He stressed that as the choice of development sites was so fundamental, greater weight should be given to the MIR at this stage. The groups he represented supported the report recommendation for refusal of this application.

Local Member Councillor Day referred to the vote against the previous application by Council in April 2013. His view remained the same. Referring to the Interim Planning Guidance he noted that the application met all the criteria, with the exception of part (v) of criteria 5 - no robust and defensible boundary to the south part of the site. It was reasonable to adopt a cautious approach. With regard to the MIR, which as a consultation document had limited weight at present, he argued that it should be given more weight; the Council needed to send a clear message to developers. He agreed with the officer's reasons for refusal and consequently supported the recommendation in the report.

Local Member Councillor Goodfellow referred to the recent planning history. The North Berwick community, local community councils, this Council and the Scottish Government all regarded development on this site as unsuitable. This new application was no different; it was speculative. This development would be extremely detrimental for North Berwick. He referred to the aim of Scottish Planning Policy, to achieve the right development in the right place and not to allow



development at any cost; he supported this statement. He agreed with the officer's reasons for refusal and supported their recommendation.

Local Member Councillor Berry agreed with his colleagues. He also referred to the site's history and drew attention to the implications of this development for North Berwick. He made reference to the health centre situation. He referred to the number of cars likely to be generated by the development, claiming this would equal the total parking capacity of the town centre. The infrastructure to support this development was not available. If this development was built there would be no option available to alleviate the traffic situation in North Berwick, an issue that had to be addressed at some point. He would be supporting the officer's recommendation for refusal.

Councillor Currie stated that he did not agree that applications should be delayed until conclusion of the MIR process. He referred to the Interim Planning Guidance, querying the interpretation of the extent to which applications must comply with this. In respect of the criteria that had to be satisfied, the application largely met these; he felt therefore that there were grounds for approval. He would be supporting the application.

Provost Broun-Lindsay agreed with the views expressed by local members; he would be supporting the report recommendation for refusal of this application.

Councillor Innes referred to the planning history of this site. With regards to this new application nothing had changed in relation to this piece of land. He would be supporting the officer's recommendation for refusal.

Councillor McMillan drew attention to the Reporter's comments in relation to the appeal of the previous application. With regard to medical facilities, this was a serious problem; these types of facilities needed to be considered before development applications were submitted. He supported the report recommendation.

The Convener brought the discussion to a close. He stated that the Council was in this position because of housing land supply issues, hence the requirement for the Interim Planning Guidance. Major developments should be dealt with, and sites allocated, through the proper processes, the MIR and LDP. He agreed with the officer's recommendation and reasons for refusal.

The Convener moved to the vote on the report recommendation:

For: 16  
Against: 2  
Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission in principle for the following reasons:

- 1 The new build residential development proposed in principle in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance in that the southern boundary of the application site is not contained within a robust, defensible boundary and as such the residential development of the application site would set a real precedent for subsequent future expansion to the south, the principle of which should be considered through the Local Development Plan process.
- 2 The application site for the proposed development is a subdivision of a larger site as demonstrated by the planning history of the site and the land to which it relates as

demonstrated by the previous application submission (12/00860/PPM) and the applicant's submission to the Local Development Plan call for sites, contrary to Part 2 of the Council's Housing Land Supply: Interim Planning Guidance.

#### **4. PLANNING APPLICATION NO. 14/00732/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT LAND AT LEMPOCKWELLS ROAD, PENCAITLAND**

A report was submitted in relation to Planning Application No. 14/00732/PPM. Daryth Irving, Acting Senior Planner presented the report, summarising the key points. The report recommendation was for refusal of the application.

Lynsey Fraser, of Gladman Developments Limited, the applicant, addressed the Committee. The development was well designed for the area. It would generate economic benefits for Pencaitland. The officer's report outlined many positive reasons for this development. She rebutted the reasons for refusal. She added that the ancient monument site beyond the southern boundary was not within their ownership. In their view the application met all the terms of the Interim Planning Guidance and Scottish Planning Policy and as such this opportunity for Pencaitland should not be lost. The application site had preferred status in the MIR.

Ms Fraser responded to questions from Councillor Berry regarding economic investment and benefits to the village. In response to a question from the Convener, Mr McFarlane clarified the precise location of the Schedule A, Ancient Monument.

Taryn Wallis, neighbouring resident, spoke against the application. Pencaitland's attraction was its small rural aspect; this proposed development would change the character of the village, it would also encourage future sprawl. She raised several environmental and agricultural concerns. Referring to traffic matters she stated that the traffic for this site would have to use Lempockwells Road and then go through the centre of the village; this would only exacerbate the existing traffic situation.

Kenny Smith, also a neighbouring resident, spoke against the application. He raised concerns about commuting issues, public transport, volume of traffic currently using Lempockwells Road and the potential increase as a result of this development. He drew attention to traffic problems around the vicinity of the primary school and also the negative impact of this application on the character of this small village school. He outlined the detrimental effect of the application to Lamberton Court residents.

Local Member Councillor Grant agreed with the recommendation for refusal; as the report stated the application site was not contained within a robust, defensible boundary. He noted the suggestions from Road Services contained in the report however Lempockwells Road was a narrow, busy road and this proposed development would generate a huge amount of traffic through the village and also through Tranent. He referred to the MIR, now out for consultation and the new LDP, stating that radical solutions were required. This application was premature.

Local Member Councillor Gillies agreed with his colleague. He added that given some of the comments from local residents, Road Services should consider reviewing the traffic situation on Lempockwells Road.

Local Member Councillor McLeod expressed several concerns about this application; affordable housing, roads/traffic situation and health centre capacity. He noted the

comments from Pencaitland Community Council. This was a difficult application to determine, he would, reluctantly, be supporting the officer's recommendation.

Councillor Currie questioned whether the Interim Planning Guidance may need rescinded at some point. Referring to areas shown as preferred land for release in the MIR, he remarked that developers would not wait until conclusion of the MIR process. In relation to this application he had concerns about traffic and road safety issues; he would be supporting the officer's recommendation.

The Convener brought the discussion to a close. In relation to the Interim Planning Guidance he reiterated that this was essential; it had proved beneficial and gave the Council control. This application site was proposed as a preferred site for housing in the MIR but at present there was no protection regarding the boundary; the Committee had to defend this and support the officer's recommendation for refusal.

The Convener moved to the vote on the report recommendation:

For: 18

Against: 0

Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission in principle for the following reason:

- 1 The new build residential development proposed in principle in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance in that the southern boundary of the application site is not contained within a robust, defensible boundary and as such the residential development of the application site would set a real precedent for subsequent future expansion to the south, the principle of which should be considered through the Local Development Plan process.

### **5. PLANNING APPLICATION NO. 14/00615/P: CHANGE OF USE OF COURTYARD AREA TO FORM OUTDOOR DINING AREA AT THE PRESTOUNGRANGE GOTHENBURG, HIGH STREET, PRESTONPANS**

A report was submitted in relation to Planning Application No. 14/00615/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Local Member Councillor Innes outlined his reasons for bringing this application to Committee. He referred to the balance required between business operation and neighbour considerations, particularly in relation to licensed premises. The applicant had proposed restricting use of the outdoor dining area to 6pm. Council officers had altered this to 9pm in their recommended conditions, beyond the applicant's requirements. He asked the Committee to agree to grant planning permission but to alter the conditions to specify 6pm rather than 9pm for use of the outdoor dining area.

Mr McFarlane clarified that the approach taken by Planning and Environmental services was to consider what was reasonable for the operation of this type of premises, rather than to be restricted by what a particular applicant sought.

Local Member Councillor MacKenzie supported Councillor Innes's proposed amendment. He felt that the community would be adversely affected if the outdoor dining area was open until 9pm every night.

Local Member Councillor Brown echoed colleagues' comments; he also supported a 6pm restriction for use of the outdoor dining area.

Provost Broun-Lindsay agreed with local Members; he welcomed the proposal from the licence holder to only open the outdoor dining area until 6pm.

The Convener brought the discussion to a close. He remarked that the applicant was aware of neighbours concerns and, as a goodwill gesture, had proposed restricting the opening hours of the outdoor dining area to 6pm; Members should support the applicant in this regard.

The Convener asked Members to vote on the proposed amendment to Condition 1, to restrict the opening of the outdoor dining area to 6pm:

For: 17  
Against: 1  
Abstentions: 0

The Convener then moved to the vote on the report recommendation:

For: 18  
Against: 0  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission subject to the following conditions:

- 1 The outdoor dining area use approved by this grant of planning permission shall only be used by patrons and staff of the licensed premises between the hours of 1100 and 1800 any day of the week.

Reason:  
To ensure that the use of the outdoor dining area does not harm the residential amenity of neighbouring or nearby residential properties.

- 2 There shall be no public entertainment, amplified music, amplified vocals or live music played in the outdoor dining area hereby approved and no amplified music, amplified vocals or live music played inside the premises shall be audible in the outdoor dining area.

Reason:  
To ensure that the use of the outdoor dining area does not cause noise breakout from it harmful to the amenity of the neighbouring residential properties.

- 3 The outdoor dining area hereby approved shall not be used unless the existing doors in re-entrant east elevation of the building that are to be used to access the outdoor dining area have been made self closing. These doors shall remain self closing thereafter unless otherwise approved by the Planning Authority.

Reason:  
To protect the amenity of neighbouring residential properties.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 6 January 2015  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

**2**

---

Application No. **14/00753/AMM**

Proposal Approval of Matters Specified in Conditions of planning permission in principle 13/00227/PPM - for infrastructure associated with the residential development including the construction of means of access junctions at Grange Road, Spine Road, cycle/pedestrian footpaths, SUDS, linear park, play area, strategic landscaping/tree planting, landscaping of Countryside Park, traffic calming on Grange Road and 2 electric sub stations

Location **Land At Mains Farm  
North Berwick  
East Lothian**

Applicant Walker Group (Scotland) Ltd

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 13/00227/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In May 2014 planning permission in principle 13/00227/PPM was granted for the erection of 420 houses, community facilities, employment uses and for associated infrastructure including roads and footpaths, open space, and landscaping on some 38 hectares of agricultural land at Mains Farm, on the southern edge of North Berwick. That land is the strategic housing site of Proposal H5 of the adopted East Lothian Local Plan 2008.

The allocated housing site is bounded to the north by Grange Road, beyond which are residential properties. To the northwest of the application site, on the other side of Grange Road, is the former northern part of Gilsland Caravan Park and, beyond that, an area of agricultural land. That land is currently being developed by CALA Management Ltd for a housing development consisting of a total of 120 residential units.

To the south and partly to the west of the allocated housing site is agricultural land. It is otherwise bounded to the west by Gilsland Caravan Park and by the residential property of Gilsland House. It is partly bounded to the east by agricultural land.

The agricultural land immediately to the northeast of the allocated housing site forms part of a larger area of agricultural land that is allocated for an expansion to the campuses of Law Primary School and North Berwick High School by Proposals ED9 and ED10 (Law Primary School, North Berwick and North Berwick High School) of the adopted East Lothian Local Plan 2008.

The allocated housing site is otherwise bounded to the east by the public road of Haddington Road (the B1347 road).

In August 2013 planning permission (Ref: 13/00505/P) was granted for the realignment of Haddington Road and for the formation of accesses to the land of Mains Farm, to Law Primary School and to North Berwick Law car park. Development of the realigned road has not yet commenced.

In September 2014 an application (Ref: 14/00788/AMM) was submitted seeking approval of matters specified in conditions in respect of the details of 113 houses on part of the allocated housing site at Mains Farm. That application is pending consideration and no decision has yet been taken on it.

In November 2014 planning permission (Ref: 14/00935/P) was sought for the formation of a shared footway/cycleway and erection of fencing on part of the northern end of the allocated housing site at Mains Farm. That application is pending consideration and no decision has yet been taken on it.

Condition 1 of planning permission in principle 13/00227/PPM requires that the development of the site should generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle.

Development of the allocated housing site has not yet commenced.

The approval of matters specified in conditions now sought is for infrastructure associated with the residential development of the Mains Farm site. The proposed infrastructure consists of (i) the construction of two access junctions at Grange Road; (ii) the formation of a spine road; (iii) the formation of cycle/pedestrian footpaths; (iv) the formation of a SUDS pond; (v) the creation of and landscaping of a linear park and a countryside park; (vi) the installation of a play area; (vii) the landscaping of parts of the site; (viii) the installation of traffic calming on Grange Road; and (ix) the erection of two electric sub stations. The site that is the subject of this planning application has an area of 22 hectares, amounting to just over half of the allocated housing site at Mains Farm.

The drawings submitted in support of the application shows how access to the site would be taken from Grange Road at two new access points, one being a priority junction positioned close to the northeast corner of the site, the other a priority junction positioned opposite the existing junction of Grange Road and Green Apron Park. The proposed spine road would run in a north-south alignment between the new northeast access junction and the proposed access junction with the realigned Haddington Road, at the eastern part of the site. The linear park would be on a north to south alignment and would be located to the south of Grange Road. The countryside park would occupy the southern part of the site. The proposed play area would be installed at the northern end of the proposed countryside park. The proposed SUDS pond would be formed at the northern end of the site, in a position opposite the junction of Marly Green and Grange

Road. One of the electric sub stations would be positioned adjacent to the proposed linear park, whilst the other sub station would be positioned at the eastern edge of the application site. The proposed landscaping includes a woodland belt that would be planted along much of the western edge of the site. The submitted drawings also show the layout of cycle/pedestrian footpaths that would be formed through the application site.

An amended plan has been submitted showing additional planting around the southeast edge of the proposed countryside park.

The application is supported by a SUDS Design Statement.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact) and DP20 (Pedestrians and Cyclists) of the adopted East Lothian Local Plan 2008.

A material consideration is the approved joint development framework for Mains Farm and Gilsland, North Berwick. The framework sets out the land uses expected for the allocated sites and how the Council requires the sites to be developed.

A total of 5 written representations have been received in respect of this application. Of these, 4 make objection to the proposed development. The other written representation does not state whether they support or object to the proposed development.

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

The main grounds of objection are as follows:

- \* Adverse impact of proposed residential development on local services, including the school and Grange Road;
- \* Loss of boundary hedge would have an adverse impact, particularly on local wildlife;
- \* The residential development should be accessed off Haddington Road, and not Grange Road;
- \* The proposed traffic calming into Marly Green is unnecessary;
- \* The raising of Grange Road could impact on the objector's property and lead to flood damage;
- \* There is not enough land allocated for the school expansion;
- \* The area to the east of the SUDS pond should be open space;
- \* The proposed play park is totally inadequate; and
- \* The proposed infrastructure and subsequent proposed development would affect the objector's view from their house as well as invading their privacy.

The other written representation urges the Council to impose a condition to ensure the future maintenance of the proposed SUDS pond.

The perceived loss of a private view is not a material consideration in the determination of an application for planning permission.

The Royal Burgh of North Berwick Community Council were consulted on the application but no response from them was received.

By the grant of planning permission in principle 13/00227/PPM, approval has been given for the principle of the residential development of the allocated land of Mains Farm. There can therefore be no objection in principle to the proposed infrastructure associated with the residential development of the Mains Farm site.

Matters raised by objectors concerning impact of the proposed development on local services, the site being accessed off Grange Road, and the perceived lack of land allocated for the school expansion were fully considered in the determination of application 13/00227/PPM. They are not material considerations in the determination of this application.

One of the objector's suggests that the area to the east of the proposed SUDS pond should be open space. Through this application, it is proposed that the part of the application site to the east of the SUDS pond would consist of a footpath/ cycleway with grass planting and a hedge to the north of it. The landscape masterplan does indicate houses being erected to the south of the footpath. That land however is not within the application site. It is also worth noting that there are houses shown on that land in the masterplan docketed to planning permission in principle 13/00227/PPM.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved joint development framework for Mains Farm and Gilsland and the Masterplan and conditions attached to planning permission in principle 13/00227/PPM.

In their routing, the cycle/ pedestrian footpaths on the communal areas of land between and about the development plots of Mains Farm that are the subject of this application, comply with the Masterplan docketed to planning permission in principle 13/00227/PPM and will, when all in place provide a permeable network of connecting links for pedestrians and cyclists between the development plots of Mains Farm and also between Mains Farm and the adjacent residential areas of North Berwick to the north and east.

By virtue of their size, scale, proportions, positioning, form and materials, the access junctions and spine road, cycle/pedestrian footpaths, SUDS pond, open space, play area, landscape works, and electric sub stations are all appropriate for their locations, in keeping with their surroundings and acceptable to their purpose of serving the residential development of Mains Farm.

By its nature and by its positioning the proposed infrastructure would not result in any harm to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

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

The proposals have been amended to include additional planting around the southeast edge of the proposed countryside park. This overcomes earlier concerns raised by the



Council's landscape project officer. He now raises no objection to the proposed development. A detailed scheme of landscaping should however be submitted to and approved in advance by the Planning Authority. This matter could be secured through the imposition of a planning condition.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy DP2 of the adopted East Lothian Local Plan 2008, with the approved joint development framework for Mains Farm and Gilsland, North Berwick, and with the Indicative Master Plan and Masterplan Document docketed to planning permission in principle 13/00227/PPM.

The approved Development Framework stipulates the requirement for the provision of other recreational areas of open space that are well integrated and designed, and easily accessible from the proposed new housing.

The drawings indicate how areas of formal and informal open space, including a large countryside park, could be located throughout the site. The Council's Principal Amenity Officer is satisfied with both the size and location of those areas of open space. The areas of open space and the location indicated for them in the Masterplan are consistent with the requirements of the approved Development Framework. On this consideration the principle of the proposed development is consistent with the requirements of the approved Development Framework and with Policy C1 of the adopted East Lothian Local Plan 2008.

The Development Framework requires the provision of suitably sized and designed equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. In response to this, the Masterplan docketed to planning permission in principle 13/00227/PPM showed that a Neighbourhood Area Equipped for Play could be located between the local centre and the sports pitch and a Local Area Equipped for Play could be provided on the northern edge of the countryside park. A Neighbourhood Area Equipped for Play is defined as an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well. A Local Area Equipped for Play is defined as an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

The area of land identified in the Masterplan for the Neighbourhood Area Equipped for Play is outwith the site the subject of this application. Details of the equipment proposed for the Local Area Equipped for Play have been submitted with this application. With only a small double swing, a 'toddlerzone' and two spring mounted pieces of equipment, the play area would have only limited play value and would be suitable primarily for toddlers and young children. It would not contain any seating for parents or carers. The Council's Principal Amenity Officer advises that the suggested equipment for the proposed play area falls well short of play value, user experience and impact when providing for a development of 420 houses. As well as raising concerns over the inadequate provision of equipment, he suggests that there should also be elements of natural play to supplement equipment within the play area and to help integrate the play area into the surroundings of the countryside park. On this consideration the proposed infrastructure development is contrary to Policy C2 of the adopted East Lothian Local Plan 2008. A condition should therefore be imposed stating that the details of the equipment is not hereby approved and requiring revised details of equipment, and a timetable for its installation, to be submitted to and approved in advance by the Planning Authority. The revised details should show a greater range of play equipment suitable for children who are beginning to go out and play independently close to where they live. It should also

show seating for parents or carers.

The matter of site drainage was considered through the determination of previous application 13/00227/PPM. The Indicative Masterplan and Masterplan Document docketed to planning permission in principle 13/00227/PPM indicate how one sustainable urban drainage scheme (SUDS) pond would be formed within the northern part of the site to attenuate the flow of surface water run-off. The position of the SUDS pond now proposed is consistent with the docketed masterplan. The Scottish Environment Protection Agency raise no objection to the details of the infrastructure development now proposed.

The Council's Senior Structures Officer raises no objection to the proposed infrastructure development.

The future maintenance of the proposed SUDS pond is covered by legislation other than planning legislation. It would not therefore be reasonable to impose a planning condition to secure proposals for the future maintenance of the proposed SUDS pond.

Scottish Water were consulted on the planning application but have not commented on it.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 13/00227/PPM. These are that vehicular access to the housing development of 420 houses should be taken from Grange Road at two new access points, one being a priority junction shown to be positioned close to the northeast corner of the site, the other a priority junction shown to be positioned opposite the existing junction of Grange Road and Green Apron Park. Additionally, access should be taken directly from the realigned Haddington Road.

The submitted details for accessing the proposed housing site are in accordance with these established principles of the means of accessing the housing development of 420 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) an Independent Road Safety Audit should be submitted for the proposed new infrastructure works within the site and must include all the works proposed on Grange Road. The findings of this audit, which result in changes, must be incorporated in the final design solutions;

(ii) the proposed new roads and footways/footpaths and shared cycle routes shall all be laid out as shown in drawing number MAI04-270 revision A, which has been specifically provided to demonstrate that the vehicle tracking for the Large Design Rigid Vehicle can be accommodated within the site. This requires some minor adjustments to the layout and details of any adjustments should be submitted to and approved by the Planning Authority;

(iii) a Construction Method Statement for the works to Grange Road shall be submitted to and approved in advance by the Planning Authority. The Construction Method Statement shall seek to minimise the impact of construction activity on the amenity of the area and shall show that when works take place directly on Grange Road itself (e.g. to form traffic calming), construction traffic shall only access Grange Road to and from Haddington

Road;

(iv) the shared surface (i.e. cyclepath/footpath) through the linear park to the west of the site shall be at least 2.5 metres wide and be put forward for adoption and lit;

(v) at vehicle crossing points for the path referred to in point 4. above, the crossing over the roads shall either be raised to the path level or the crossing width narrowed. Details of any such crossings should be submitted to and approved by the Planning Authority;

(vi) on Grange Road, the raised table to the east of the proposed Bus Stop on the southern side of Grange Road is not approved. This shall be removed and replaced, potentially, with speed cushions to the east of the proposed raised table. Details of these required changes to the proposed traffic calming of Grange Road should be submitted to and approved by the Planning Authority;

(vii) visibility splays of 2.5 metres by 70 metres should be provided at all the access junction onto the main infrastructure spine roads and the junctions onto Grange Road. No obstruction shall lie within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface;

(viii) additional traffic calming is required on the main spine road leading north to south. This is to tie into/with the proposed speed table in the vicinity of the internal Bus Stops and "Community Hub" area. Details of the additional traffic calming should be submitted to and approved by the Planning Authority; and

(ix) wheel washing facilities are provided during the construction phase of the development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed infrastructure development.

On these foregoing transportation and other access considerations the proposed infrastructure development is consistent with Policies T2 and DP20 of the adopted East Lothian Local Plan 2008, with the approved joint development framework for Mains Farm and Gilsland, North Berwick, and with the Indicative Master Plan and Masterplan Document docketed to planning permission in principle 13/00227/PPM.

## RECOMMENDATION

That approval of matters specified in conditions for the proposed infrastructure development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 No development shall take place 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.

- 3 The details of the LEAP play area is not hereby approved. Instead, revised details of the LEAP play area, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority and the LEAP play area shall thereafter be installed in accordance with the details so approved. The revised details to be submitted shall show a greater range of play equipment suitable for children who are beginning to go out and play independently close to where they live. It shall also show seating for parents or carers.

Reason:

To ensure that a satisfactory play area is provided in the interests of the amenity of future residents of the Mains Farm housing development.

- 4 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority:

(i) an Independent Road Safety Audit shall be submitted for the proposed new infrastructure works within the site and shall include all the works proposed on Grange Road. The findings of this audit, which result in changes, shall be incorporated in the final design solutions;

(ii) the proposed new roads and footways/footpaths and shared cycle routes shall all be laid out as shown in the docketed drawings;

(iii) a Construction Method Statement for the works to Grange Road shall be submitted to and approved in advance by the Planning Authority. The Construction Method Statement shall seek to minimise the impact of construction activity on the amenity of the area and shall show that when works take place directly on Grange Road itself (e.g. to form traffic calming), construction traffic shall only access Grange Road to and from Haddington Road;

(iv) the shared surface (i.e. cyclepath/footpath) through the linear park to the west of the site shall be at least 2.5 metres wide and be put forward for adoption and lit;

(v) at vehicle crossing points for the path referred to in point 4. above, the crossing over the roads shall either be raised to the path level or the crossing width narrowed;

(vi) on Grange Road, the raised table to the east of the proposed Bus Stop on the southern side of Grange Road is not approved. This shall be removed and replaced, potentially, with speed cushions to the east of the proposed raised table;

(vii) visibility splays of 2.5 metres by 70 metres shall be provided at all the access junction onto the main infrastructure spine roads and the junctions onto Grange Road. No obstruction shall lie within the splay above a height of 1.05 metres, measured from the adjacent carriageway surface;

(viii) additional traffic calming shall be installed on the main spine road leading north to south. This is to tie into/with the proposed speed table in the vicinity of the internal Bus Stops and 'Community Hub' area; and

(ix) wheel washing facilities shall be provided during the construction phase of the development.

The infrastructure development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

*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 6 January 2015  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

**3**

---

Application No. **14/00778/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 09/00486/OUT - erection of 131 residential units and associated works

Location **Land To The West Of Brodie Road  
Hallhill  
Dunbar  
East Lothian**

Applicant Mansell Homes

Per EMA Architecture and Design

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 09/00486/OUT it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In January 2012 planning permission in principle 09/00486/OUT was granted for a residential development of some 525 residential units on 22.2 hectares of agricultural land at Hallhill, to the southwest of Dunbar. That land is the strategic housing site of Proposal H2 of the adopted East Lothian Local Plan 2008.

The originally approved phasing plans of the docketed Masterplan Document split the development of the site of 525 residential units into 7 Phases of development.

In March 2013 approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Ref: 12/00660/AMM) was granted for the details of:

(i) the siting, design and external appearance of 198 housing units, accessing and landscaping and of other principles of development of Phases 1, 2 and 3 of a development of the site of 525 residential units; and

(ii) the formation of a length of distributor road to the north of Phase 3 to serve Phases 5, 6 and 7 of the overall development of 525 residential units, and the provision of a SUDS pond and an area of open space in the northeast corner of the larger housing development site of 525 residential units.

In August 2014 approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Ref: 14/00263/AMM) was granted for the details of the erection of 81 houses within the larger housing development site. The site for the 81 houses is to the south and east of the site the subject of this application.

In October 2014 two applications for the approval of matters specified in conditions of planning permission in principle 09/00486/OUT (Refs: 14/00355/AMC and 14/00358/AMC) were granted for the details of the erection of a total of 73 houses within the larger housing development site. The sites for the 73 houses are also to the south and east of the site the subject of this application.

Development of the site has recently commenced.

The approval of matters specified in conditions now sought is for the erection of 131 residential units on three parts of the land to which planning permission in principle 09/00486/OUT and the Masterplan docketed to that permission apply.

Of the 131 residential units, 59 would be houses and 72 would be flats. Of the 59 houses, 1 would be detached, 6 semi-detached and 52 terraced.

The applicant has confirmed that the 131 units are all proposed as affordable housing.

The submitted details also include for the internal access roads, parking courts, landscaped open space and structural planting.

The application site has an irregularly shaped footprint. It is mainly bounded by agricultural land. That agricultural land forms the remainder of the larger site the subject of planning permission in principle 09/00486/OUT. At its nearest point the A1 trunk road is some 150 metres to the south of the application site. The site is bounded partly to the northeast by a housing site that is being developed by the applicant, Taylor Wimpey, for 139 houses (a development approved by the grant of planning permissions 09/00623/FUL, 12/00671/P and 14/00187/P). The site is bounded partly to the south by an unclassified road. The application site has a gently rolling topography. It is enclosed along its southern boundary by a stone wall, which is in parts some 2 metres high.

Vehicular access to the 131 residential units would be taken from the western end of Brodie Road at the southern end of the housing site that is being developed by Taylor Wimpey. Additionally, vehicular access would be taken from the A1 trunk road via the unclassified road that is immediately to the south of the site.

As a conditional requirement of planning permission in principle 09/00486/OUT the existing junction of the unclassified road with the A1 trunk road (the Eweford junction) has to be upgraded.

Amended plans have been submitted showing revisions to the access, parking and street layout of the proposed residential development.



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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of the application is the approved development framework for Hallhill South West, Dunbar. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

There is no public objection to the application.

Dunbar Community Council, a consultee, do not object to the proposals.

By the grant of planning permission in principle 09/00486/OUT, approval has been given for the principle of the erection of up to 525 residential units on the allocated land of Hallhill South West. There can therefore be no objection in principle to the erection of 131 residential units on the application site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy, the Council's approved development framework for Hallhill South West and the Masterplan and conditions attached to planning permission in principle 09/00486/OUT.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses and flatted units (9 different house types), with 126 of the proposed 131 residential units being two storey in height. The other 5 residential units would be single storey in height.

The residential units and associated areas of ground, in their proposed groupings, orientations, and layout would mainly be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas, as would be the proposed layout of roads, pathways, parking courts and parking spaces. The only significant exception relates to the proposed open plan form of the front gardens of the

residential units. In respect of this, open plan front gardens are an integral design feature of the existing housing developments at Hallhill/Lochend as developed to date. The front gardens of the existing houses of Moray Avenue and Steadings Gardens, which are to the east of the application site, are open plan. The front gardens of the 139 houses currently being built by Taylor Wimpey on the land immediately to the northeast of the application site are also open plan. Thus to require the front gardens of the proposed 131 residential units to be enclosed by a boundary treatment would be at odds with this existing characteristic of the Hallhill/Lochend housing development area.

The layout proposed is generally informal and has designed into it some intrinsic interest. It embodies an appropriate mix of detached, semi-detached and terraced houses and flatted units. The proposed residential units, due to their positioning on the application site and by virtue of their height, size and scale would integrate with the two storey houses they would be in proximity to and thus would be appropriate to their location. The proposed residential units would be of a similar form and design to the already approved houses that have been built within the Hallhill/Lochend area, and they would not therefore appear as a disjointed and inharmonious grouping of buildings. The proposed residential units would not cause any incongruous change to the architectural harmony, integrity and character of the Hallhill/Lochend area. In this regard, the predominant external wall finish should be render, as is predominantly the case with existing houses at Hallhill/Lochend. This planning control can be secured by a condition imposed on the approval of matters specified in conditions for the proposed residential development.

The proposed residential development would provide an attractive residential environment. The residential units are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the residential units an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the development detailed for it to a pattern and of a density consistent with existing patterns and densities of housing development at Hallhill/Lochend.

The proposed positioning of the 131 residential units and other components of the development would not prejudice the form of development of the remainder of the 525 houses approved in principle by the grant of planning permission in principle 09/00486/OUT.

The Council's Landscape Project officer recommends that a detailed scheme of landscaping should be submitted in respect of the application site. The scheme of landscaping should be based on the 'Hallhill Landscape Strategy', which is docketed to planning permission in principle 09/00486/OUT. It should include large tree species in communal central green spaces and corner sites, where space allows, to break up the built layout. It should also include small fastigate tree species to street frontages and parking areas. The submission of such a detailed scheme of landscaping and thereafter its implementation can be secured by a condition imposed on the approval of matters specified in conditions for the proposed housing development.

At its nearest, the A1 trunk road is some 150 metres to the south of the application site. In this regard the Council's Environmental Protection Manager recommends that the south facing windows serving noise sensitive rooms (living rooms and bedrooms) of the proposed 7 houses and 4 flats on the southern part of Phase 2A of the development (as delineated on the submitted site layout plan drawing) be fitted with 6/12/6 glazing. She further recommends that an acoustic barrier be provided along the southern boundary of Phase 2A of the development. The applicant has since confirmed by email that they

intend to submit a noise report, which they believe will demonstrate that there is no requirement for the provision of any noise attenuation measures, such as acoustic glazing or barriers. A similar report was submitted for the adjacent site, which is the subject of approval of matters specified in condition 14/00263/AMM. Given this, it would be prudent to impose a planning condition securing the recommended noise mitigation measures, including details of the acoustic barrier, unless otherwise approved in writing by the Planning Authority.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and generally with the approved development framework for Hallhill South West, Dunbar.

The Masterplan and Masterplan Document docketed to planning permission in principle 09/00486/OUT indicate how areas of formal and informal open space could be located throughout the allocated housing site. This includes two principal areas of open space, one which would be centrally located within the site and the other which would be adjacent to Lochend Woods, in the northeast part of the site.

The site that is the subject of this approval of matters specified in conditions application does not include the land shown on the docketed Masterplan and Masterplan Document as being the locations for the two principal areas of open space. The proposed development does however include areas of open space, consistent with the docketed Masterplan and Masterplan Document.

The Development Framework requires the provision of suitably sized and designed equipped play facilities for toddlers, 5-10 year olds, and teenage age groups. The docketed Masterplan and Masterplan Document show that a total of five equipped play areas could be provided within the housing site. None of these play areas are shown within the site that is the subject of this approval of matters specified in conditions application. Consequently, although the proposed development does not include the provision of a play area, this is consistent with the docketed Masterplan and Masterplan Document.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 09/00486/OUT. These are that vehicular access to the housing development of 525 houses should be taken from Brodie Road, by way of a westwards extension of Brodie Road and from the A1 trunk road via the unclassified road that is immediately to the south of the site and that the existing junction with the A1 trunk road should be upgraded.

The submitted details for accessing the proposed 131 residential units are in accordance with these established principles of the means of accessing the housing development of 525 houses.

The Council's Road Services raise no objection to the submitted details. They do however make recommendations on the standards of provision.

They recommend that:

(i) the proposed 'Temporary Turning Area' in Site 2A, which is adjacent to plots 120/123, shall be provided and in place prior to the occupation of any of the plots 108 – 123. This shall remain in place, unless otherwise approved by the Planning Authority;

(ii) vehicle accesses to private parking areas (i.e. other than driveways) shall be via reinforced footway crossings and shall have adequate width to enable two way movement of vehicles at the accesses;

(iii) in accordance with the phasing plans docketed to planning permission in principle 09/00486/OUT, the new off-site pedestrian/cycle routes through the woodland of Lochend Woods to the north east of the site should be constructed, lit and available for use prior to the occupation of any of the 131 residential units. Details of the pedestrian/cycle route should be submitted to and approved by the Planning Authority;

(iv) all footpaths and cycle paths as connections from a zone under construction to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) bus shelters and bus stops should be provided, in the positions indicated as 'bus' on the Masterplan docketed to planning permission in principle 09/00486/OUT, prior to the occupation of any of the residential units within Phase 3A of the development. Details of the bus shelters and bus stops should be submitted to and approved by the Planning Authority;

(vi) all carriageway and footway/ footpath connections must meet with existing links to adjacent sites, both horizontally and vertically;

(vii) cycle parking for flats shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. Details of the cycle parking should be submitted to and approved by the Planning Authority; and

(viii) wheel washing facilities are provided during the construction phase of the housing development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

On the basis that the 131 residential units will all be affordable housing, Roads Services are generally satisfied with the number and layout of car parking spaces proposed for the housing development. Some amendments have been made to the parking arrangements for specific plots and in relation to visitor parking. Roads services recommend that:

(i) driveways should have minimum dimensions of 6 metres by 2.5 metres. Double driveways should have minimum dimensions of 5 metres width by 6 metres length or 3

metres width by 11 m length;

(ii) within private parking areas, the minimum dimensions of a single parking space should be 2.5 metres by 5 metres. All visitor parking spaces within these areas should be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iii) all prospectively adoptable parking bays (i.e. that will form part of the public road) should have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay; and

(iv) proposed parking adjacent to prospectively public roads and contiguous with the carriageway surface should only form public parking bays and must form part of the public road (therefore being available for all road users).

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The mechanism of a financial contribution towards additional educational provision in Dunbar for a housing development of 525 houses has already been secured through the grant of planning permission in principle 09/00486/OUT.

The mechanism of the provision within the residential development of 525 residential units of 25% affordable housing (i.e. 131 units of the proposed 525 units) is already secured through the grant of planning permission in principle 09/00486/OUT. The applicant has confirmed that the 131 units are all proposed as affordable housing. The Council's Strategic Investment and Regeneration Manager is satisfied with the proposed location for the affordable housing provision and with the proposed overall mix of affordable housing tenures, house types and sizes.

The matter of site drainage was considered through the determination of previous application 09/00486/OUT. The Masterplan and Masterplan Document docketed to planning permission in principle 09/00486/OUT indicate how two sustainable urban drainage scheme (SUDS) ponds would be formed within the site to attenuate the flow of surface water run-off. The Scottish Environment Protection Agency raise no objection to the details of the 131 residential units now proposed.

Scottish Water were consulted on the planning application but have not commented on it.

Condition 3 of planning permission in principle 09/00486/OUT requires that the phasing of the development of the site shall be carried out in strict accordance with the phasing plans that are in the Masterplan Document docketed to planning permission in principle 09/00486/OUT, unless otherwise approved in writing in advance by the Planning Authority.

The originally approved phasing plans of the docketed Masterplan Document split the housing development of the site of 525 residential units into 7 Phases of development.

In August 2014 East Lothian Council approved an alternative phasing plan for the site. The approved phasing plan splits the housing development of the site of 525 residential units into 12 Phases of development.

What is detailed for the application site in this current application for approval of matters specified in conditions is consistent with the alternative phasing plans for the site that were approved by the Council in August 2014 and, thereby, is also consistent with the grant of planning permission in principle 09/00486/OUT.

## RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

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

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

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

Reason:

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

- 2 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 131 residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policy DP22 of the adopted East Lothian Local Plan 2008.

- 3 A detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail respect the layout of the development and shall promote render as the predominant finish to the walls of the houses and flats. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 5 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 of landscaping shall be based on the 'Hallhill Landscape Strategy', which is docketed to planning permission in principle 09/00486/OUT.

The scheme shall also 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 and to improve the biodiversity value of the area.

- 6 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 7 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 8 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) vehicle accesses to private parking areas (i.e. other than driveways) being via a reinforced footway crossing and shall have adequate width to enable two way movement of vehicles at the accesses;

(ii) in accordance with the phasing plans docketed to planning permission in principle 09/00486/OUT, the new off-site pedestrian/cycle routes through the woodland of Lochend Woods to the north east of the site should be constructed, lit and available for use prior to the occupation of any of the 131 residential units;

(iii) bus shelters and bus stops shall be provided, in the positions indicated as 'bus' on the Masterplan docketed to planning permission in principle 09/00486/OUT, prior to the occupation of any of the residential units within Phase 3A of the development hereby approved;

(iv) all footpaths and cycle paths from a zone under construction to their connections to existing pedestrian/cycle routes should be constructed to an adoptable standard before the occupation of any of the residential units of the particular zone;

(v) driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(vi) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(vii) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(viii) all carriageway and footway/ footpath connections shall meet with existing links to adjacent sites, both horizontally and vertically;

(ix) the proposed 'Temporary Turning Area' in Site 2A, which is adjacent to plots 120/123, shall be provided and in place prior to the occupation of any of the residential units on plots 108 to 123. The 'Temporary Turning Area' shall remain in place, unless otherwise approved by the Planning Authority;

(x) proposed parking adjacent to prospectively public roads and contiguous with the carriageway surface shall only form public parking bays and shall form part of the public road (therefore being available for all road users); and

(xi) no flat shall be occupied unless cycle parking for that flat has been provided (at a rate of 1 space per flat). The parking shall be in the form of 1 locker per flat or communal provision in the form of a lockable room or shed.

The residential development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.



**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 6 January 2015

**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 Goodfellow for the following reason: refusal hinges on the height, scale and massing of the proposed house and the difference between the proposed house and the planning permission in principle (13/00552/PP) is small enough for this to be an issue which should go to committee*

Application No. **14/00769/AMC**

Proposal Approval of matters specified in conditions of planning permission in principle 13/00552/PP - erection of 1 house and associated works

Location **Stamford Hall  
Goose Green Road  
Gullane  
East Lothian  
EH31 2BA**

Applicant Mr and Mrs Stephen and Katrina Farrell

Per Architecturejfltd

RECOMMENDATION Application Refused

#### PLANNING ASSESSMENT

The application site is a grass paddock located to the southwest of Stamford Hall, Goose Green Road, Gullane. It forms part of the land associated with that residential property. It is within an area of predominantly residential character and amenity as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within the Gullane Conservation Area.

The application site measures some 1232 square metres in area and comprises the whole of the grass paddock that is positioned southwest of the domestic garden of the house of Stamford Hall. The land of the application site slopes gradually downwards from the northeast in a southwesterly direction. The site is enclosed along its northwest and southwest boundaries by high rubble stone walls. Its northeast boundary is enclosed by a rubble stone wall varying between some 1.2 metres to 2.5 metres high. Its southeast boundary is enclosed in part by a vertical boarded timber fence varying in height between some 1.0 to 2.0 metres high and in part by shrubs.

The site is bounded to the southeast by the single storey house of Jadini and its garden ground, to the southwest by the public road of Sandy Loan with St. Adrians Church and the residential property of Kiloran beyond, and to the northwest by the public road of The Paddock, on the opposite side of which is a small area of landscaped open space (of the residential cul-de-sac of The Paddock), and Glebe Cottage beyond. To the northeast is the large two and three storey house of Stamford Hall and its associated garden ground.

Stamford Hall is a substantial traditional stone built house with a slated roof. It has attached and detached outbuildings within its curtilage. Although not listed as being of special architectural or historic interest, Stamford Hall is a large imposing building and is prominent in the locality.

In January 2012 planning application 11/01110/P was received for the erection of 1 house, a double garage with games room above and associated works on a larger area of land that included the application site and part of the garden of Stamford Hall. That application was subsequently withdrawn by the applicant's agent in March 2013 following advice from the planning officer that the proposed house and detached garage would be unlikely to be supported as, due to their height, massing and positioning, they would amount to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane, and would detract from the character and appearance of this part of the Conservation Area. Associated conservation area consent application 11/01110/CAC for the demolition of buildings and a wall was also withdrawn by the applicant's agent in March 2013.

A further planning application (ref. 13/00091/P) was received in March 2013 for the erection of 1 house, a one and a half storey double garage and for associated works on a slightly smaller site than that proposed by application 11/01110/P, but still including part of the garden of the existing house of Stamford Hall as well as the current application site. That application was subsequently withdrawn by the applicant's agent in July 2013. Associated conservation area consent application 13/00091/CAC for the demolition of buildings and a wall was also withdrawn by the applicant's agent in July 2013.

In September 2013 planning permission 13/00552/PP was granted for the principle of the erection of one house on the grass paddock to the southwest of Stamford Hall.

The grant of planning permission in principle 13/00552/PP is subject to the following development principles:

- (i) the house being no higher than single storey in height or single storey with accommodation in its roof space;
- (ii) the house being positioned with its west elevation wall no further to the west than and positioned on a similar alignment as the west elevation walls of the neighbouring houses of Jadini to the south and Glebe Cottage to the north;
- (iii) the external walls of the house being finished either wholly or in part with natural stone or wet dash render and its roof, if pitched, being clad with natural slates or red clay pantiles or similar to the external finishes of the neighbouring buildings;
- (iv) the house being provided with a rate of parking provision of 150% for a house of a size of up to 5 rooms and 225% for a house with 6 or more rooms, and the parking spaces should have minimum dimensions of 2.5 metres by 5.0 metres, formed either as a driveway or accessed from a driveway;
- (v) the vehicular access to the site should be provided with a visibility splay of at least 2

metres by 20 metres to each side of it so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;

(vi) the vehicular access shall be hard formed over the first 2 metres of it measured back from the heel of the adjacent footway of The Paddock and for its full width;

(vii) any gates for the vehicular and pedestrian accesses shall be designed to open into the property;

(viii) the means of enclosure of the boundaries being shown;

(ix) unless the stone wall along the northeast boundary of the site is raised to a minimum height of 1.8 metres and is of a similar type and construction to the existing northeast boundary wall or that existing wall is supplemented by a fence of a minimum height of 1.8 metres there shall not be any northeast facing ground floor windows within 9 metres of the northeast boundary of the site;

(x) unless the full length of the southeast boundary of the site is enclosed with a stone wall of a similar type and construction to the existing northeast boundary wall or a timber fence of a minimum height of 1.8 metres there shall not be any southeast facing ground floor windows within 9 metres of the southeast boundary of the site;

(xi) the house shall have no northeast or southeast facing gable, dormer, attic level or roof windows which would be within 9 metres of the northeast or southeast boundaries of the site unless such windows were obscurely glazed; and

(xii) the house shall have no northeast or southeast facing gable, dormer, attic level or roof windows which would be within 18 metres of any directly facing windows in the southwest or northwest elevations respectively of the houses of Stamford Hall and Jadini unless such windows were obscurely glazed.

Other requirements of the grant of planning permission in principle 13/00552/PP are that other than to enable the formation of a vehicular and pedestrian access to the site in accordance with Condition 1 the stone wall on the roadside (northwest and southwest) boundaries of the site shall be retained at its existing height.

The site of planning permission 13/00552/PP included part of the site of withdrawn planning applications 11/01110/P and 13/00091/P.

Through this new application the approval of matters specified in conditions of planning permission in principle 13/00552/PP is sought for the erection on the site of one house and for other associated works.

As is required by Policy DP4 (Design Statements) of the adopted East Lothian Local Plan 2008 the applicant's agent has submitted a design statement. The Design Statement explains that the site is within an established residential area and the Gullane Conservation Area where the houses conterminous with the site are of a variety of ages and architectural styles. It is further explained that the site slopes down from the northeast to the southwest and that views of it are limited at ground level by the high stone walls to the northwest and southwest. The statement further states that there is not an established building pattern principally due to the curving nature of both Goose Green Road to the south and The Paddock to the north, that architectural style in the vicinity of the site is varied and that the scale of surrounding buildings is also similarly varied but all dominated by Stamford Hall. It is further stated that the vehicular and pedestrian access to Stamford Hall and other houses of Goose Green Road and Sandy

Loans have gates with dressed stone pillars.

The statement goes on to explain that the proposed house is very similar to that shown in the indicative details provided with planning permission in principle 13/00552/PP, albeit slightly wider in plan form and utilising a flat roofed section to ensure that it would be no higher. The statement goes on to explain that the house is sited on the higher, northeast, part of the site with private spaces to the lower southwest and that the proposed entrance gates and pillars reflect other gated entrances in the area. It is further explained that the detached garage would sit between the boundary walls and would relate to the massing of existing sheds at Stamford Hall. The statement further explains that traditional roof form, walling, fenestration and materials are proposed to complement the surrounding buildings.

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) June 2013 and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) June 2013 and Policies ENV4 (Development within Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or adjacent to Development Sites), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality (PAN 67).

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.

In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials.

The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also relevant to the determination of the application is the planning history for the site.

Two representations to the application have been received. They both raise objection to the proposed development and the grounds of objection, as summarised, are:

1. the proposed vehicular and pedestrian access from The Paddock would be a road safety hazard for the existing residents of The Paddock, the occupiers of the proposed new house and the construction contractors;
2. the land on the opposite side of the road of The Paddock is privately owned and is not available to facilitate the widening of the road to enable contractor's vehicles and anyone residing in the new house to safely use the proposed entrance;
3. there is a danger that contractor's vehicles, and vehicles used by the occupiers and their visitors would block the road preventing access to the houses of The Paddock by emergency vehicles and this has been demonstrated when utility company vehicles recently blocked access to houses of The Paddock;
4. if the proposed house is to be approved then double yellow lines should be marked on the road of The Paddock to ensure that emergency vehicles have access to those properties;
5. the removal of part of the high stone wall that encloses the northwest boundary of the site, which was built at the time of the erection of the houses of The Paddock, would be the loss of the main aesthetic feature of The Paddock;
6. the removal of part of the high stone wall to facilitate vehicular and pedestrian access to the site will destroy the tranquillity of the common garden area at the entrance to The Paddock; and
7. the proposed gates are out of keeping with the properties of The Paddock where no gates or boundary walls exist to separate the entrances to the properties.

The representations also suggest that the vehicular and pedestrian access should be moved 22 metres further to the southwest so that it would be closer to the public road of Sandy Loan or taken directly from Sandy Loan.

One of the representations comments that they are not against further development with the grounds of Stamford Hall but are strongly opposed to the construction of the new vehicular access on to the road of The Paddock.

Through the grant of planning permission 13/00552/PP the principle has been established of an infill development of this site by the erection on it of a single house. Therefore, in the determination of this application for approval of the details of the specific form of house and associated development now proposed there can be no objection in principle to the house as an infill development of the site.

The principal determining factor in this case is whether, having regard to planning policy and guidance and other material considerations the siting, design and external appearance of the development and the landscaping of and means of access to the site (the matters specified in conditions) are acceptable with due regard to the design principles set out in the grant of planning permission in principle 13/00552/PP and to the

potential impact of the development on the character and amenity of the area.

The grant of planning permission in principle 13/00552/PP stipulates that a house erected on the site should be no higher than single storey in height though that does not preclude attic accommodation. It also requires that the west elevation of a house should be positioned so that it would be no further to the west than and on a similar alignment as the west elevation walls of the neighbouring houses of Jadini to the south and Glebe Cottage to the north. It also stipulates that external finishes should be natural stone or wet dash render for walls and that, if pitched, the roof should be clad with natural slates or red clay pantiles or similar to the external finishes of the neighbouring buildings. Furthermore, there are also requirements for the positions of windows relative to the northeast and southeast boundaries of the site in order to prevent harmful overlooking of the neighbouring properties of Stamford Hall to the northeast and Jadini to the southeast.

The details submitted to the Council show a two storey house with wallhead dormers with a part pitched and part flat roof. The footprint of the proposed house is an irregular shape, having a roughly inverted and reverse 'L' shaped form. It measures some 260 square metres in area. The house would be positioned on the northeast half of the site and would have garden amenity space all around it. Its west elevation wall would project some 1.5 to 2.0 metres further west than the alignment of the west elevation walls of the houses of Jadini to the south and Glebe Cottage to the north. The external walls and the chimneys of the proposed house would be finished with natural stone. The pitched parts of its roof would be clad with natural slate and the flat parts with lead. The frames of its windows, French doors, sliding folding doors would be of timber/aluminium construction. The utility room door would be of white painted vertical timber board construction. The frames of the roof windows would be of painted aluminium construction. The rainwater goods and downpipes would be of painted cast iron.

A single storey detached garage would be erected to the northeast of the proposed vehicular and pedestrian access, between the northwest and northeast boundary walls of the site. The external walls of the garage would be finished in natural stone and its pitched and piended roof would be clad with natural slates. Its vehicular entrance door and pedestrian doors would be of white painted timber construction. Its rainwater goods and downpipes would be of painted cast iron.

The proposed house would be accessed from the public road of The Paddock to the northwest of the site by a new vehicular and pedestrian access. Stone gate piers with domed tops would be erected at each side of the vehicular and pedestrian access (three gate piers in total). A driveway providing parking and turning areas would be formed between the northeast elevation wall of the house and the vehicular access. It is proposed that three trees would be planted adjacent to the southwest boundary.

In that the proposed house would be two storeys in height it conflicts with the single storey or single storey with attic accommodation height specified as a design criteria of planning permission in principle 13/00552/P.

With the exception of Stamford Hall to the east of the application site and the houses on the west side of Sandy Loan in the Gullane Hill part of the Conservation Area the houses and buildings immediately surrounding the application site are predominantly single storey in height, including with accommodation in their roof space.

Stamford Hall is positioned on elevated ground to the east of the application site and the public road of Sandy Loan, and to the northwest of the area of public open space of Goose Green. It is seen in the context of the modest sized buildings that characterise that part of the Conservation Area and in this context the two and three storey house of

Stamford Hall is a substantial imposing building that occupies a prominent position within the Gullane Conservation Area. Its dominant position within the Conservation Area is emphasized in public views from Goose Green Road to the east and Sandy Loan to the west by the low level built form of the houses of The Coach House, Lanercost, Golyn Cottage, Ardgowan Cottage and Jadini to the south of it, and by the openness of the grass paddock of the application site on the south side of the junction of Sandy Loan with The Paddock and the open landscaped area on the north side of the junction of Sandy Loan with The Paddock.

At two storeys in height the proposed house would not be in keeping with the low level built form of the houses to the south and southwest of Stamford Hall but rather would detract from the open nature of the public views towards Stamford Hall from the south and west. By virtue of its height, scale and massing the proposed house would amount to a dominant and intrusive form of infill housing development. It would appear dominant and intrusive within the streetscape. Thus, it would be harmful to the character of the layout of the built form of this part of the Gullane Conservation Area and the relatively low density character of the area.

In that the west elevation wall of the proposed house would be some 1.5 to 2.0 metres further to the west than the alignment of the west elevation walls of the houses of Jadini to the south and Glebe Cottage to the north the proposed house would conflict with the positioning of that elevation stipulated as a design criteria of planning permission in principle 13/00552/P. By projecting further to the west than do the west elevations of the neighbouring houses the proposed house would be out of keeping with the pattern of the built form on the east side of Sandy Loan in the context of which the proposed development would be seen, would detract from the open nature of the public views towards Stamford Hall from the south and west, and would appear dominant and intrusive within the streetscape. Thus, it would be harmful to the character of the layout of the built form of this part of the Gullane Conservation Area.

On these design considerations of height, scale, massing and positioning the proposed house does not accord with the design criteria of planning permission in principle 13/00552/P, and is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

At some 260 square metres in area the footprint of the house is large. However, the site measures some 1,240 square metres in area, and thus the built form of the proposed house and garage, at a total of some 303 square metres in area, would result in a ratio of built form to garden ground of some 24% of the whole site, which is not dissimilar to the ratio of built form of the immediately neighbouring properties, which varies between some 8% to some 26%. Thus, in terms of its footprint the proposed house would not be harmful to the relatively low density character of the area.

The proposed house has a generally traditional form and appearance with a dual pitched roof with a central flat section, wall head dormers and traditional finishes of natural stone, natural slate and cast iron rainwater goods and downpipes. Its fenestration would have a predominantly vertical emphasis. However, some elements of its fenestration would have a more contemporary appearance. In the context of the rich diversity of architectural form and design of the surrounding buildings and by virtue of its palette of external finishes, the proposed house would be sufficiently in keeping with the varied architectural character of the area and with the palette of predominant building materials of the external finishes of the surrounding buildings of natural stone and wet dash render

for their external walls and natural slates or red clay pantiles for their roofs.

The timber aluminium composite construction of the frames of the windows, French doors, sliding folding doors and external glazed entrance doors is not a material that is usually acceptable for use within a conservation area. The proposed house is generally of a traditional form and appearance and, despite the high boundary wall along the northwest and southwest boundaries of the site, many of the windows would be visible in public views from The Paddock and Sandy Loan. Where windows, French doors, sliding folding doors and external glazed entrance doors would be visible in public views the frames of them should be of painted timber construction. Where windows, French doors, sliding folding doors and external glazed entrance doors would not be visible in public views the use of timber aluminium composite construction frames for them may be acceptable. In this case the ground floor windows of the northwest elevation would be screened from views from the public road of The Paddock by the high roadside boundary wall.

However, the first floor windows of that elevation would be visible above the height of the wall. Furthermore due to the elevated position of the house on the highest northeast part of the site the ground floor and first floor windows of the southwest elevation and parts of the southeast elevation would be visible in public views from Sandy Loan, and the windows of the two storey projection of the northeast corner of the proposed house would be visible in public views through the entrance gates from The Paddock. The windows of the northeast elevation of the proposed house as it faces directly towards the garden of Stamford Hall would only be visible in long range views across the garden of Stamford Hall from Goose Green Road and in that context the construction material of the frames would not be discernible. The control of the construction material for the frames of the windows, French doors, sliding folding doors and external glazed entrance doors could be controlled by a condition if planning permission were to be granted.

The proposed single storey detached garage would utilise parts of the existing high northeast and northwest stone boundary walls of the site as its two side walls. In its position in the northeast corner of the site, and by virtue of its size, height and architectural form it would sit comfortably in its position on the site and would not appear harmfully dominant or intrusive within the streetscape. Moreover, its external finishes of stone and slate would be in keeping with the predominant palette of external finishes of the buildings of the area. In this context, the proposed garage would not be harmful to the character and appearance of this part of the Gullane Conservation Area.

It is proposed that access to the site would be taken from the road of The Paddock to the northwest of the application site. New stone gate piers with domed tops would be positioned to each side of the vehicular and pedestrian access, and 1.8 metres high vertical boarded timber gates would be hung at the vehicular and pedestrian access.

The northwest and southwest roadside boundary walls of the site, which respectively front onto The Paddock and Sandy Loan, are a characteristic feature of this part of the Gullane Conservation Area. The formation of an opening through the northwest boundary wall to facilitate the provision of a new vehicular and pedestrian access, the erection of stone gate piers, and the fitting of vertical boarded timber gates at that access would not harm the established character and amenity of this part of the Conservation Area, as there are similar vehicular and pedestrian entrances for properties on Goose Green and Sandy Loan.

Moreover the domed tops of the gate piers would be similar in appearance to domed elements of the northwest roadside boundary wall of the site. The retention of the other parts of the stone wall that encloses the northwest and southwest (roadside) boundaries



of the site would limit the disruption to the roadside boundary enclosures of the site, the appearance of the entrance approach into The Paddock and the visual appearance of this part of the Conservation Area. This matter could be controlled by a condition if planning permission were to be granted. Subject to this planning control the formation of a new vehicular and pedestrian access to the application site would not be harmful to the character and visual amenity of this part of the Gullane Conservation Area.

The proposed hardstanding areas comprise of a driveway, footpaths and a patio area with steps. The driveway would be surfaced with a cobble patterned concrete surface finish with the exception of the first 2 metres of it which would be surfaced with tarmac. The proposed footpaths and patio area would be surfaced with Yorkstone paving and steps. In their ground level positioning and by their surface finishes and their relationship with a house built on the site, the driveway, footpaths and patio area with steps would not be harmful to the character and visual amenity of this part of the Gullane Conservation Area.

Policy DP2 requires that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking. Planning permission in principle 13/00552/PP stipulates particular requirements for safeguarding the privacy of neighbouring residential properties.

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

By virtue of their size, height, positioning and orientation the proposed house and garage would not, in accordance with such guidance, give rise to a harmful loss of sunlight to the neighbouring properties of Stamford Hall to the northeast and Jadini to the southeast. Due to the distances the proposed house would be away from Stamford Hall and Jadini the proposed house would also not give rise to a harmful loss of daylight to those neighbouring properties. Therefore, on these considerations of loss of sunlight and daylight the proposed house would not have a harmful affect on the residential amenity of those properties, or any other neighbouring residential property. The proposed house should also receive a sufficient amount of daylight and its garden a sufficient amount of sunlight.

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

The windows, French doors, sliding folding doors, glazed external doors and roof windows of the northwest and southwest elevation walls and roof of the proposed house would not be within 9 metres of the garden boundary of any neighbouring residential property to the northwest and southwest of the site or within 18 metres of any directly facing windows of any neighbouring residential property to the northwest and southwest of the site.

The windows, glazed doors and roof windows of the northeast elevation, including those of the two storey projection of the northeast corner of the proposed house, would be less than 9 metres away from the northeast boundary of the site with the garden of Stamford Hall to the northeast.

The north east boundary relative to the northeast elevation of the proposed house is only some 1.2 metres high. Thus, the ground floor and first floor windows and the roof windows would allow for harmful overlooking of the garden of the property of Stamford Hall. If the existing northeast boundary wall was increased to a minimum of 1.8 metres in height or was supplemented by close boarded fencing to a minimum of 1.8 metres, such form and height of boundary enclosure would prevent harmful overlooking from the ground floor windows of the proposed house.

The first floor windows and roof windows of the northeast elevation, including those of the two storey projection of the northeast corner of the proposed house, serve a dressing room, en-suite bathroom and a study. The obscure glazing of those windows would prevent harmful overlooking from them of the neighbouring garden ground to the northeast. These matters can be controlled by conditions if planning permission were to be granted.

None of the windows, glazed doors and roof windows of the northeast elevation of the proposed house would be within 18 metres of any directly facing windows of Stamford Hall to the northeast.

Subject to the aforementioned controls, the windows, glazed doors and roof windows of the northeast elevation of the proposed house would not allow for harmful overlooking of the house and garden of the neighbouring property of Stamford Hall to the northeast.

The southeast elevation of the western wing of the proposed house, and thus also the windows, sliding folding doors and glazed doors of that part of the southeast elevation, would be more than 9 metres away from the southeast boundary of the site with the garden of the property of Jadini. Thus, those windows and glazed doors would not allow for harmful overlooking of the garden of the neighbouring property of Jadini.

However, the southeast gable of the eastern wing of the proposed house would be only 2.5 metres away from the southeast boundary of the site. There is one ground floor window and two roof windows in that southeast gable. The ground floor window would serve a sitting room, which has other windows on its northeast and southwest sides and the two roof windows would serve a bedroom. The obscure glazing of the two roof windows would prevent harmful overlooking from them of the neighbouring garden ground to the southeast. The southeast boundary of the site is enclosed in part by a vertical boarded timber fence varying in height between some 1.0 to 2.0 metres high and in part by shrubs, however there is a gap in the boundary enclosure roughly in alignment with the ground floor window of the southeast gable of the proposed house. Overlooking from this ground floor window could be prevented by either obscurely glazing that window or by ensuring that for at least the length of the southeast gable of the proposed house a 1.8 metres high fence is erected along the southeast boundary of the application site.

The windows of the southeast elevation of the west wing of the proposed house would be less than 18 metres away from the northwest elevation of the house of Jadini. However, the house of Jadini is single storey in height and is some 1.2 metre lower than the application site. This differing ground level and the boundary enclosures of fencing and shrubs on the southeast boundary of the site relative to the northwest boundary of Jadini prevents harmful overlooking between the windows of the proposed house and those of the northwest elevation of Jadini.

The windows and roof windows of the southeast gable of the east wing of the proposed house would be within 18 metres of a window that serves a kitchenette of the ancillary accommodation that is within the existing garage of the garage of Jadini. However,

subject to the aforementioned controls they would not allow for any harmful overlooking of that building.

Subject to all of the aforementioned planning controls, which could be made conditions of any grant of approval of matters specified in conditions, the proposed house would not allow for harmful overlooking of any neighbouring house or its garden ground. Furthermore the proposed house would also benefit from a sufficient amount of privacy.

On the foregoing considerations of loss of sunlight and daylight, overlooking and loss of privacy the proposed house is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Manager has no comment to make on the application.

The site would be accessed from a new vehicular and pedestrian access to be taken from the road of The Paddock to the northwest of the site. Parking would be provided on the driveway to be formed to the northeast side of the proposed house.

The Council's Roads Services advise that the access, parking and turning arrangements shown on the application drawings satisfy the requirements for on-site parking provision, a 2.0 by 20.0 metres visibility splay to each side of the new vehicular and pedestrian access, for the first 2 metres of the access driveway to be hard formed over its full width, and for any gates installed at the new vehicular and pedestrian access to open inwards and are acceptable. These matters could be controlled by conditions if planning permission were to be granted.

In addition, the Council's Roads Services advise that a construction traffic method statement should be submitted in order to minimise the impact of construction traffic on road and pedestrian safety. This matter could be controlled by a condition if planning permission were to be granted.

Subject to the aforementioned planning controls the Council's Roads Services are satisfied that the proposed house would be provided with a safe means of vehicular access and a satisfactory provision of on-site parking and turning area. Accordingly the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

There are no trees of any great significance within the grass paddock of the application site. The drawings submitted with the application show it is intended to plant 3 trees along the southwest boundary within the site. The Council's Policy and Projects Manager advises that the tree planting would be acceptable. It would help to integrate a house built on the site into its landscape setting. The requirement for the tree planting could be made conditional of a grant of planning permission. Accordingly the proposed development does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

Scottish Water has been consulted on the application, however, no response has been received from them.

Notwithstanding that matters relating to materials and the privacy and amenity of the neighbouring properties to the northeast and southeast could be controlled by planning conditions, and that the access and parking arrangements would be acceptable, these matters are not sufficient to outweigh the considerations that by its height, scale and massing and by the positioning of its west elevation, the proposed house would amount

to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane and would detract from the character and appearance of this part of the Conservation Area.

By being contrary to these significant design principles of grant of planning permission in principle 13/00552/PP, the proposed house is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

#### REASON FOR REFUSAL:

- 1 By its height, scale and massing and by the positioning of its west elevation, the proposed house would amount to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane and would detract from the character and appearance of this part of the Conservation Area. In this it is contrary to the design principles stipulated in the grant of planning permission 13/00552/PP and thereby contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

*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 6 January 2015  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

**5**

---

*Note - this application was called off the Scheme of Delegation List by Councillor Veitch for the following reason: Elected Members would benefit from a site visit due to the sensitivity of the locale*

Application No. **13/00677/P**

Proposal                      Erection of 1 house, change of use of former amenity space to domestic garden ground and associated works

Location                     **Land Adjacent To Thornly  
Thorntonloch  
Dunbar  
East Lothian  
EH42 1QS**

Applicant                    GA and BB Ainslie

Per                             John A Fyall Building Eng Design

RECOMMENDATION         Consent Granted

#### PLANNING ASSESSMENT

The application site is in the countryside some 4.5 miles to the southeast of the town of Dunbar and some 2 miles to the east of the village of Innerwick.

The site measures some 5,480 square metres in area (some 0.548 of a hectare). It comprises of a large roughly rectangular shaped area of land, the main eastern part of the site, and a long narrow strip of land attached to the northwest corner of that larger area of land and which extends in a southwesterly direction, comprised of an existing access track. The main part of the site is a rough grass field formerly used as amenity ground. It accommodated dormitory buildings and was known as 'Doctor Guthrie's Camp Site'. The concrete pads of the footprints of the buildings are still visible towards the southwest side of the site. The land of the main eastern part of the application site slopes downwards towards the foreshore to the northeast, and towards a stream to the southeast. The land of the narrow strip of land comprising the access track slopes downwards at its southwest end towards the A1 Trunk Road to the west.

The application site is bounded to the northeast by the foreshore of the Firth of Forth, to the southeast in part by a stream beyond which is agricultural land and in part by vegetation of the foreshore, to the southwest in part by further agricultural land and in part by the A1 Trunk Road, and to the northwest in part by the residential house of Thornly and its garden ground and in part by further agricultural land. The application site is enclosed by post and wire fencing.

Access to the site is taken from the A1 Trunk Road via an existing vehicular access and private access track that serves the residential property of Thornly.

The John Muir Way public footpath passes along the route of the stream to the southeast of the application site and then extends along the foreshore to the northeast of the site.

The foreshore to the northeast of the site is within an Area of Great Landscape Value.

Due to its proximity to the foreshore and the Firth of Forth beyond, the site is immediately adjacent to the Fluvial Flood Risk envelope of the Indicative River and Coastal Flood Map (Scotland) as defined by the Scottish Environmental Protection Agency and may be at risk from flooding.

The site is also within the 4km radius consultation zone for Torness Nuclear Power Station.

On 23rd April 1991 planning application P/0529/90 was refused for the principle of the erection of two houses on the paddock to the southwest of the property of Thornly. The reason for refusal was that there was no justification for the houses on the ground of an agricultural or forestry need and that, if built, they would constitute sporadic development in the countryside and create a visually intrusive feature in the landscape, detracting from the character and amenity of the area, contrary to policies. At that time the paddock was within an Area of Great Landscape Value. The refusal to grant planning permission for application P/0529/90 was appealed to the Scottish Office Reporters Unit. The Reporter's decision in April 1992 was that there was no justification for the two houses on the grounds of an agricultural or forestry need and, if built, they would constitute sporadic development in the countryside and create a visually intrusive feature in the landscape, detracting from the character and amenity of the area, all contrary to policies.

Planning permission is now sought for the erection of one house, for the change of use of the former amenity space of the paddock to garden ground and for associated works. The proposed house would be used for living accommodation in association with the operation of the farming business at 3 Thorntonloch Cottages and Linkshead.

The associated works comprise the widening of the vehicular access onto the A1 Trunk Road and the formation of hardstanding areas in the form of driveway, parking and footpaths.

Since the application was registered it has been amended to: (i) provide additional drawings showing sections through the site; (ii) to correct errors in the scale of the drawings; (iii) to include the access track and access junction in the application site area; (iv) to show the widening of the junction of the access track with the A1 Trunk Road; (v) to increase the size of the visibility splay at the widened vehicular access on to the A1 Trunk Road; (vi) to provide visualisations for the view of the proposed house from the A1 Trunk Road; (vii) to identify the level of the site below which the land of the site may be at risk from flooding; and (viii) change the position of the access ramp on the southwest side of the proposed house. These changes are shown on amended and additional application drawings.



Since the application was registered it has been amended to have included within the application site the area of the existing access track between the main eastern part of the site and the A1 Trunk Road. This change is shown on revised and additional drawings submitted by the applicant's agent.

The inclusion of the access track within the application site was a significant change to the application and because of this the application was re-registered and re-advertised, and accordingly neighbours were again notified. Moreover, and as the shared access drive is not solely owned by the applicant, land ownership certification of the re-registered application was served by the applicant on the other owners of the land of the shared access drive. These owners are identified on the location plan for the application.

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) June 2013 and the adopted East Lothian Local Plan 2008.

Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design), DP22 (Private Parking), T2 (General Transport Impact) and DP16 (Flooding) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is the Scottish Government's policy on rural development and on flooding given in Scottish Planning Policy: June 2014 and Planning Advice Note 72: Housing in the Countryside.

Four written representations to the application have been received. They are all from the same property address. All of the representations raise objection to the proposed development. As summarised, the ground of objection are:

1. planning permission has previously been refused for the erection of a house on the site for the reasons that the Council had clear policies that would not permit sporadic development in the countryside, that there were concerns about the safety of the junction of the access road onto the A1 Trunk Road and that there is no provision for an additional septic tank in the area;
2. the proposed house would block views from the neighbouring house of Thornly and would result in the devaluation of that neighbouring property;
3. the proposed house would be likely to result in traffic congestion at the junction of the access road on to the A1 Trunk Road that would be harmful to road safety as the access is not wide enough for two vehicles to pass; and
4. there is an agreement between the Council and Torness Nuclear Power Station which disallows new residential buildings within a 3 mile radius of the Power Station.

The matter of the impact of the proposed development on the value of a neighbouring property is not a material planning consideration in the determination of an application for planning permission.

The loss of a view from a neighbouring property or location is not a material planning consideration in the determination of an application for planning permission.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape.

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

In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states 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.

In Paragraph 83 it is stated that in remote rural areas, where new development can often help to sustain fragile communities, sustainable development that would provide employment and that would support and sustain fragile and dispersed communities through provision of appropriate development should be supported.

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 outwith 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."

Policy DC1 sets out specific criteria for new build housing development in the 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, provided that there is no suitable existing building for the required residential use.

Part 4 of Policy DC1 of the adopted East Lothian Local Plan 2008 requires that where an application for planning permission for the building of a new house in the countryside is made on a justification of need for the house to meet the operational requirement of an agricultural or other business use, the application must be accompanied by a statement justifying the direct operational requirement for the house.

Part 4 of Policy DC1 also states that where the Council is satisfied that a new house is justified by an operational requirement, it will be required that the applicant enter into a Section 75 legal agreement with the Planning Authority (i) to tie the proposed house to the business for which it is justified and (ii) to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependents. It further states that where an agricultural use that is not yet established seeks to justify an operational requirement for an associated house, the Council will

either grant temporary planning permission for temporary accommodation, or condition any consent such that permanent accommodation will only be permitted once the Council is satisfied that the agricultural use is established and that permanent accommodation is justified. In such situations the requirement for the above Section 75 legal agreement will then apply.

The application site is not identified in the adopted East Lothian Local Plan 2008 as being within a settlement and the Local Plan does not allocate the land of the site for housing development. The main material consideration in the determination of this application is therefore whether or not there is a direct operational requirement for the house that derives from an agricultural, horticultural, forestry or other employment use within the countryside.

In the case of this application a supporting statement has been submitted by the applicants.

In the supporting statement submitted with the application one of the applicants, Mr George Ainslie, states that the proposed house is for his son and his son's family. It is explained that his son works fulltime, usually seven days per week, as an integral part of the farming business at 3 Thorntonloch Holdings and Linkshead, and that during a significant part of the farming year he is required to be available at short notice, which is not possible as he lives in Dunbar. It is stated that his son is involved in important decision making for the farming business and his responsibilities will increase in future years.

It is further explained that the farming business of GA & BB Ainslie involves cattle, sheep, arable crops and contracting. The business was established by the applicant's father in 1962 and in the intervening years has been expanded to include over 500 acres. It is stated that the proposed house is required at this time for his son and, in the longer term, for future generations to enable the continuation and growth of the family business, and the occupation of the house will enable a young family to live and work in the local environment thus retaining and reinvigorating the rural community. It is stated that should planning permission be granted the Applicant is agreeable to the occupancy of the house being controlled through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

The existing farm business operates from 3 Thorntonloch Holdings approximately 1 mile to the west of the application site. At the Holdings is a general purpose agricultural building. The main farm steading is at Linkshead to the southwest of the application site where there are two cattle sheds, a general purpose agricultural building, a hayshed, workshop, machinery shed and various storage buildings.

There are no houses associated with the farm business that are not already occupied.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development based on a visit to the application site adjacent to Thornly and to the farm business locations of 3 Thorntonloch Holdings and Linkshead, an interview with the applicants and the son, and an assessment of their supporting statement and full financial accounts for all parts of the business and related interests of Messrs GA & BB Ainslie for 2010, 2011 and 2012.

The Council's Agricultural and Rural Development Consultant confirms that the land of the farming business of Messrs GA & BB Ainslie comprises of some 500 acres, with 382 acres in East Lothian and the remainder at Townhead Farm, Cockburnspath in Scottish Borders Council area. Of the land in the East Lothian area some 221 acres are owned by

the farming business and some 64 acres are rented. The main steading at Linkshead is accessed from the A1 Trunk Road. The applicant's mother, Mrs Ainslie, and his brother, Brian, together occupied the house at Linkshead until Mrs Ainslie's demise a year ago, leaving the house now occupied by the applicant's brother, Brian. Mr George Ainslie and his spouse live at 3 Thorntonloch Holdings.

The Council's Agricultural and Rural Development Consultant confirms that the application site for the proposed house lies some 0.5km to the northeast of Linkshead. She advises that the site has been selected owing to its proximity to the main farming activities and there are already services and access to the site. The site is a small paddock and its use would not result in the significant loss of agricultural land.

The Council's Agricultural and Rural Development Consultant advises that the land of the farming business comprises cereal and vegetable production, and livestock in the form of cattle and sheep. The farming business is also contracted for sprout waste disposal by nearby Drysdale vegetable processing unit. This process dovetails with the farm's main operations and enhances income, and the sprout waste is used for livestock feed, thus reducing feed and fodder costs. The sprout waste operation is a labour intensive winter operation from one vehicular lift per day to ten per day and intensifying to being on call for 24 hours per day around the Christmas period.

The business is structured as a partnership trading as Messrs GA and BB Ainslie, with the equal partners being the applicant, George A Ainslie and his brother, Brian Ainslie. It is proposed to introduce the son, Sandy Ainslie, to partnership and discussions with the applicants' accountant and solicitors are underway to effect the son's transition from employee status. George Ainslie has the main responsibility for farm management with his son assuming an increasing involvement. The systems of production for the farm business are modern and responsive to market requirement.

The full-time labour requirement of the farm business is currently met by the applicant, George Ainslie, his brother, Brian Ainslie and his son, Sandy Ainslie. They are assisted by Sheila Ainslie, spouse of Sandy, to carry out administrative duties. There are no other permanent employees but casual labour is employed at peak times such as lambing, shearing and for tractor work.

The Agricultural and Rural Development Consultant advises that the labour requirements of the farm are met only by the family members all working in excess of standard man days (SMD). The applicant's son, Sandy, has to travel between Dunbar and the farm, which is costly in terms of time and labour. Farm operational efficiency would be significantly improved by the removal of travel-to-work time for one of the farm's principals so that they would be on-hand to respond to crucial operations such as lambing and calving, and to be able to respond rapidly to the immediate needs of the sprout waste removal operation. The existing business needs a higher input from the applicant's son. The proposed house on the site adjacent to Thornly would reduce the travel time for the applicant's son, who currently lives in Dunbar and who would then be able to respond rapidly to livestock and other needs of the farming business.

Moreover, for health reasons the applicant's brother, Brian, does not generally manage the livestock, and the farm has a need for two active principal stock handlers to be on-site.

From all of this assessment, the Council's Agricultural and Rural Development Consultant concludes that: (i) the farm business as it operates in East Lothian is financially robust and capable of supporting a proposed house; (ii) the addition of another 24-hour on-site presence would enable the farm to meet its developing

operational needs; and (iii) this is a rapidly expanding mainstream farm business which could markedly increase its efficiency by having the applicant's son (soon to become a partner of the farm firm) residing on-site.

Some 22% of the land of the farm business at 3 Thorntonloch Holdings and Linkshead, known at this time as Messrs GA and BB Ainslie, is rented by the applicants. Notwithstanding this the Council's Agricultural and Rural Development Consultant concludes that the agricultural business operating on the basis of the remaining 78% of the land of the farm business at Linkshead and 3 Thorntonloch Holdings, is sufficient to justify an operational requirement for someone to live on the farm and thus to justify the principle of the building of the proposed new house on the farm.

With this operational justification of need for it, the principle of the building of a new house on the land adjacent to Thornly in association with the operation of the farm business at 3 Thorntonloch Holdings and Linkshead is consistent with Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and national planning policy guidance given in Scottish Planning Policy: June 2014.

As required by Part 4 of Policy DC1 of the adopted East Lothian Local Plan 2008 a grant of planning permission for the building of a new house in the countryside based on the Council's acceptance of an operational justification of need for it should be subject to the satisfactory conclusion of an agreement under the provisions of Section 75 of the Town and Country Planning (Scotland) Act 1997.

Thus in this instance a grant of planning permission for the proposed house has to be subject to the prior conclusion of a Section 75 Agreement designed to tie the house in ownership to the farm business operating at 3 Thorntonloch Holdings and Linkshead, known at this time as Messrs GA and BB Ainslie, and to restrict occupancy of the house to a person(s) solely or mainly employed in that farm business, and their dependants. Such an agreement would safeguard against the future independent sale of a new house.

Furthermore, owing to its size the area of agricultural land to be changed in use to residential garden ground for the proposed new house would be capable of accommodating a further house or houses. The principle of such other new build housing development without an operational justification of need for it would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008. Therefore, the Section 75 Agreement should also be designed to prevent any future erection of another house or houses on it. This would have the effect of safeguarding the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

The applicants' agent has confirmed the applicants' willingness to enter into a Section 75 Agreement designed to secure both of these planning controls.

The proposed house would be predominantly one and half storeys in height with a dual pitched roof. The main one and a half storey part of the proposed house would have a rectangular footprint measuring some 21.5 metres long by some 6.4 metres wide. Attached to its southwest side elevation would be a single storey porch that would project some 2.5 metres away from that side elevation and would be some 3.3 metres wide and attached to its northeast (rear) elevation would be a single storey component that would project some 4.6 metres away from that elevation and would be some 5.8 metres wide. A 1.2 metres wide access ramp would be formed along the southern half of the southwest elevation.

The application drawings indicate that the dual pitched roof of the proposed house would be clad with slates, and that its external walls would be in part finished with painted render (harl) and in part finished with stone. The frames of its windows would be of timber construction with either a white painted finish or an alu-clad powder coated white finish.

The nearby houses vary in height between single storey, single storey with attic accommodation in their roof space and two storey in height. The predominant finishes for their external walls and roofs, respectively are natural stone or painted render and natural slate or red/brown tiles.

The proposed house would have a generally traditional form and appearance, similar to other single, one and a half and two storey houses in this part of East Lothian, and its palette of external finishes would be in keeping with the external finishes of the nearby houses. It would be positioned on the southwest half of the application site so that it would be roughly positioned on a similar alignment as the existing house of Thornly to the northwest of the site.

Due to its sloping nature, the land of the application site would be excavated to enable the proposed house to be set down into the site in order that its roof ridge height would not be any higher than that of the neighbouring single storey house of Thornly to the northwest of the site. Furthermore, as it would be set down into the site only the upper parts of its walls and its roof would be visible above the higher and rising land form that is between the application site and the A1 Trunk Road some 130 metres to the southwest. Due to the higher land form to the northwest of the site the proposed house would not be visible in public views from the A1 Trunk road when approaching from the northwest. Only the upper parts of the walls and the roof of the proposed house would be visible from the A1 Trunk Road in views when approaching from the southeast. The proposed house would also be visible in views from the foreshore to the northeast and southeast.

However, in such views from the A1 Trunk Road and the foreshore, the proposed house, due to its set down position on the site, would appear to be of a similar size and massing as the existing house of Thornly to the northwest of the application site. Furthermore, the existing land form gives some visual screening to the proposed house. In this context and seen as it would be alongside the existing house of Thornly, the proposed house would be integrated into the landscape in a manner compatible with its surroundings. By its height, size, scale, architectural form, finishes and positioning it would not appear harmfully intrusive, incongruous or exposed in its landscape setting. In their relationship with the proposed house and the setting of the application site neither would the proposed garden ground of the house, the footpaths, driveway, parking and turning areas. In all the proposed development, which would not be an overdevelopment of the site, would not be harmful to the character and appearance of the area.

Since 1991/1992 when planning application P/0529/90 was refused for the principle of the erection of two houses, the land of the site has been removed from the Area of Great Landscape Value designation. The Area of Great Landscape Value now stops at the edge of the foreshore to the northeast of the application site. Although the application site is no longer within the Area of Great Landscape Value it is immediately to the southwest of it. The proposed house would extend across less of the site than would the indicative drawings provided at the time of the appeal against the refusal of planning application P/0529/90. In its position the now proposed house, the upper parts of which would be visible from the A1 Trunk Road, would still allow views across almost three quarters of the site to the Area of Great Landscape Value beyond, of which only the sea is visible from the A1 Trunk Road. Moreover given its proposed position on the southwest half of the site the proposed house would also still allow views to the Area of

Great Landscape Value from the John Muir Way which passes to the southeast of the application site. In this context the proposed house and its associated garden ground and hardstanding areas would not be harmfully visually intrusive so as to detract from the landscape character and appearance of the Area of Great Landscape Value.

The land of the application site is a rough grass paddock with the concrete pads of former buildings on its southwest half. Thus, the development of the site would not result in any significant loss of prime agricultural land.

On these considerations of design and layout the erection of the proposed house and the formation of its associated garden ground and hardstanding areas on the application site are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies DC1 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Government's policy on rural development given in Scottish Planning Policy: June 2014 and Planning Advice Note 72: Housing in the Countryside.

On the matter of the impact of the proposed house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. In its position and due to its height, orientation and distance away from the neighbouring property of Thornly to the northwest, the proposed house would not, in accordance with such guidance, give rise to harmful loss of daylight or sunlight to that house or its garden and therefore would not have a harmful affect on the residential amenity of that property. There are no neighbouring residential properties to the northeast, southeast or southwest. The proposed house should also receive a sufficient amount of daylight (skylight) and its garden a sufficient amount of sunlight.

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

There are no neighbouring residential properties to the northeast, southeast or southwest. Thus, the windows, glazed doors and roof windows of the proposed house would not allow for harmful overlooking of any property to the northeast, southeast or southwest of the application site.

None of the windows of the northwest elevation of the proposed house would be within 9 metres of the northwest boundary of the application site and nor would the windows be within 18 metres of the windows and glazed doors of the southeast elevation wall of the house of Thornly. Thus, the windows of the northwest elevation of the proposed house would not allow for harmful overlooking of the neighbouring house of Thornly to the northwest of the application site.

Because of the proximity of the application site to the A1 Trunk Road to the southwest, the Council's Environmental Protection Manager raises concerns that noise from road traffic on the A1 may result in a loss of amenity to the occupiers of the proposed house. Thus, the Council's Environmental Protection Manager advises that the glazing of the windows of noise sensitive rooms (bedrooms and living rooms) on the southwest and southeast elevations of the proposed house that would face towards the A1 Trunk Road should be fitted with 6/12/6 or equivalent double glazing units and trickle vents. This

matter can be controlled by a condition attached to a grant of planning permission. Subject to the aforementioned control the Council's Environmental Protection Manager is satisfied that the occupiers of the proposed house would not suffer a loss of amenity from road traffic noise and thus raises no objection to the proposed development.

Subject to the aforementioned control being imposed the occupiers of the proposed house would benefit from an acceptable standard of privacy and amenity.

On the forgoing consideration of sunlight, daylight, privacy and amenity the proposed development is consistent with Policies DC1 (Part 5) and DP2 of the adopted East Lothian Local Plan 2008.

Vehicular access to the proposed house would be taken from the A1 Trunk Road via the existing private access track that serves the existing house of Thornly. Access to the application site from the private access track would be taken via an existing field gate opening towards the northwest corner of the main part of the site. Parking for the proposed house would be provided in the form of a driveway that would be to the southwest and northwest of the proposed house.

Transport Scotland and the Council's Roads Services advise that the junction of the existing access track with the A1 Trunk Road is narrow and is only wide enough for one vehicle to enter or leave the junction. The additional vehicle movements associated with a new house built on the application site would increase the chance that vehicles would be entering and leaving the access track junction at the same time. As two vehicles cannot enter and leave the access track junction at the same time this would be hazardous to road safety with the potential for a vehicle stopping on the A1 Trunk Road which has a 60mph speed limit. Thus, Transport Scotland and Roads Services advise that there is a requirement that the existing access track junction with the A1 Trunk Road should be widened to accommodate the 2-way movement of vehicles.

Transport Scotland advise that the width of the access track junction with the A1 Trunk Road should be increased to a minimum of 5.5 metres wide for a distance of 10 metres measured back from the nearest edge of the trunk road carriageway, that the gradient of the access track should not exceed 1 in 40 for a distance of 5 metres measured back from the nearest edge of the trunk road carriageway, the first 5 metres of the access track should be hard surfaced with a bituminous surface and measures should be adopted to ensure that all drainage from the site does not discharge on to the trunk road and a visibility splay measuring 4.5 metres by 215 metres should be provided to the northwest and southeast sides of the widened vehicular access.

The application drawings have been amended to show the widening of the access junction of the private access track with the A1 Trunk Road, the hard surfacing of the first 5.5 metres, the gradient of the access track at its junction with the trunk road, and the provision of the visibility splay.

After assessing the amended drawings, Transport Scotland and the Council's Road Services are satisfied that, subject to conditions being imposed requiring the widening of the access junction of the private access track with the A1 Trunk Road, the hard surfacing of the first 5.5 metres of it, the gradient of the access track and the visibility splay all being formed all in accordance with the application drawings the proposed house would be provided with a safe means of vehicular access. These matters can be controlled by a condition attached to a grant of planning permission for the proposed development.



The Council's Roads Services are satisfied that a sufficient provision of on-site parking would be provided for the proposed house.

Subject to the aforementioned planning controls the proposed house would be provided with a safe means of vehicular access and a sufficient standard of on-site parking, and thus does not conflict with Policies DP22 and T2 of the adopted East Lothian Local Plan 2008.

The proposed development would not have a harmful impact on the John Muir Way public footpath that passes to the southeast and northeast of the site or the users of that footpath.

In respect of the potential for flood risk at the site the Scottish Environment Protection Agency advises that subject to there being no development below the level of 3.83 metres AOD they raise no objection to the proposed development. The Council's Manager for Structures, Flooding and Street lighting agrees with this recommendation. This matter can be controlled by a condition attached to a grant of planning permission for the proposed development. Subject to this planning control the proposed development would not be at risk from flooding and would not have a harmful impact on flood water dispersal in the area, and thus does not conflict with Policy DP16 of the adopted East Lothian Local Plan 2008 or with Scottish Government's guidance on flooding given in Scottish Planning Policy: June 2014.

The site is also within the 4km radius consultation zone for Torness Nuclear Power Station. The Office of Nuclear Regulation (ONR) has been consulted on the application and advises that the proposed development would not have an adverse impact on the ability of the responding agencies to implement the Torness Off-Site Plan in the event of a nuclear emergency and thus raise no objection to the proposed development. Thus, the proposed development does not conflict with Policy NRG2 of the adopted East Lothian Local Plan 2008.

On the matter raised by an objector that there is an agreement between the Council and Torness Nuclear Power Station which disallows new residential buildings within a 3 mile radius of the Power Station, no evidence of such an agreement has been presented. The Council's Legal Services and Emergency Planning and Risk Manager advise that they are not aware of any such agreement.

Scottish Water has been consulted on the application however no response has been received from them.

Matters of water supply, sewage treatment and surface water drainage can be controlled through legislation other than planning legislation.

The grant of planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to: (i) tie a house erected on the application site in ownership to the farm business operating at 3 Thorntonloch Holdings and Linkshead, presently known as GA and BB Ainslie, and to restrict occupancy of such a house to a person(s) solely or mainly employed in that business, and to their dependants; (ii) to prevent the erection of any other house(s) on the land of the application site in order to safeguard the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six

months of the decision taken on this application, the application shall then be refused. The reason for refusal being that without an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, restricting the proposed house being tied in ownership and occupancy to the farm business of GA & BB Ainslie operating at Linkshead and 3 Thorntonloch Holdings, and preventing the erection on the land of the application site of any more than the one proposed new build house, development of the site would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008, and national planning policy guidance given in Scottish Planning Policy: June 2014.

#### CONDITIONS:

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

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

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

Reason:

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

- 2 There shall be no development on the site below the level of 3.83 metres AOD as set out in docketed drawing nos. 83/165/2/P/02/Rev.B and 83/165/2/P/08/Rev.B unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

In the interest of the prevention of flood risk.

- 3 Prior to the occupation of the house hereby approved the junction of the private access track with the A1 Trunk Road shall be widened to a minimum of 5.5 metres wide for a distance of 10 metres measured back from the nearest edge of the trunk road carriageway, in accordance with the details shown for it on docketed drawing nos. 83/165/2/P/010/Rev.A and 83/165/2/P/011, and the parking and turning areas shown on docketed drawing nos. 83/165/2/P/02/Rev.B and 83/165/2/P/07 shall have been formed and thereafter the widened access, parking and turning areas shall be retained for such uses unless otherwise approved in advance by the Planning Authority.

Prior to any use being made of the widened access with the A1 Trunk Road a minimum of the first 5 metres of the access and the access track measured from the back edge of the adjacent trunk road carriageway and for the full width of the access and access track shall be hardsurfaced with a bituminous surface and thereafter retained as such.

Prior to any use being made of the widened access a visibility splay measuring 4.5 metres by 215 metres shall be provided to the northwest and southeast sides of the widened access junction such that no obstruction lies within the visibility splay above a height of 1.05 metres measured from the surface of the adjacent trunk road carriageway.

The gradient of the access track shall not exceed 1 in 40 for a distance of 5 metres measured from the nearest edge of the trunk road carriageway.

Measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road carriageway.

Reason:

To ensure that adequate and satisfactory provision is made for access, parking and turning in the interests of road safety and to ensure water run-off from the site does not enter the trunk road.

- 4 A schedule of materials and finishes and samples of such finishes, including colours, for the walls, roof, windows and doors of the house hereby approved and for the surface of the hard standing areas also hereby approved shall be submitted to and approved in writing by the Planning Authority prior to the use of the finishes in the development.

The slate to be used to clad the roof of the house hereby approved shall be natural slate.

Thereafter, the materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 5 Prior to the occupation of the house hereby approved, the windows of any noise sensitive rooms (bedrooms and living rooms) of the southwest and southeast elevations of the house shall be fitted with double glazed windows of 6mm float glass - 12mm cavity - 6mm float glass and acoustic trickle vents or equivalent in accordance with details to be submitted for the written approval of the Planning Authority prior to the installation of the windows. Such acoustic glazing shall thereafter be retained in the windows of the house unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the house to be erected on the site from noise from the nearby A1 Trunk Road.

*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)*