

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 7 March 2017

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Planning Application No. 15/00127/PP – Planning permission in principle for residential development, covered parking, formation of new vehicular access and extension to car park on land at The Glebe, St Margaret’s Road/St Andrew Street, North Berwick.

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## **1 PURPOSE**

- 1.1 At the meeting on 19 April 2016 the Planning Committee agreed to a request by the applicant’s agent that consideration of the application be deferred to a future meeting of the Planning Committee rather than determined on that day. The agent for the application having confirmed that, following the site visit on Friday 15 April 2016, further discussions on the application were taking place.
- 1.2 The applicant’s agent has now requested that the application be brought back to Planning Committee for a decision.

## **2 RECOMMENDATIONS**

- 2.1 That planning permission in principle be refused for the following reasons:
  1. The principle of the car park development would result in the loss of the open and undeveloped character and appearance of this part of the Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the car park proposal is contrary to Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.
  2. The principle of the residential development would result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution

to the amenity and landscape setting of this part of North Berwick. Accordingly the residential development proposal is contrary to Policy 7(a) of the approved South East Scotland Strategic Development Plan, Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

3. The loss of this part of this overall prominent, distinctive and historic green space for the formation of a car park would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 Scottish Planning Policy on development within a conservation area.
4. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed car park is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
5. The loss of part of this prominent, distinctive and historic green space for the development of a residential development along with all of the associated parking, access and turning space which would be required in association would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
6. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed residential development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
7. The proposed car park use would, by its height above the residential properties to the north of it and its close proximity to them, result in significant harm to the privacy and amenity of those neighbouring properties to the north by virtue of overlooking. Accordingly the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008 which seeks to safeguard the residential amenity of those residential properties.

### **3 BACKGROUND**

- 3.1 Members will recall that at their meeting on the 19 April 2016 they agreed to a request by the applicant's agent that the application be deferred rather than determined on that day by the Planning Committee. The applicant's agent has now requested that the application be brought back to the Planning Committee for a decision. The proposals for the site are unchanged and there have been no changes in the material circumstances of the application. Therefore the recommendation remains that planning permission in principle be refused for the reasons given above, which are the same reasons given in the report presented to the Planning Committee on 19 April 2016.
- 3.2 The applicant's agent has confirmed to the Planning Service that discussions have been held between the applicant's team and East Lothian Council's Road Services team. He advises that "this has led to an agreement being reached between the applicant and East Lothian Council in relation to the sale of the land required for the car park subject to the grant of planning permission for i) planning consent for the residential development land and ii) detailed consent for the arrangement of the car park". He considers that this approach, which has been conducted between the applicant's team and East Lothian Council's legal department, reflects the approach adopted by East Lothian Council in the delivery of identified public amenities for previous projects including the delivery of the cemetery site as part of Hallam Land Management residential development reference 15/00473/PPM.
- 3.3 In respect of the above, the applicant's agent refers to the provisions of Circular 3/2013 (Annex A): Development Management Procedures. He argues "the relevance of the agreement as a material consideration and the weight which the applicant contends should be attached to it, is through this mechanism, an identified public asset, (namely the extension of the Glebe car park) can be delivered and owned through this planning application". In his view, the agreement meets the main tests in deciding whether a condition is material and relevant in that it serves the purpose of planning and relates to a particular application. The applicant contends that the weight which should be attributed to this agreement is significant in that it provides a legal mechanism to secure the delivery of the land for the car park. As such he considers that "it provides a land use context to deliver East Lothian Council strategic priorities for car parking and traffic management within North Berwick".
- 3.4 The Planning Service is aware that negotiations have been taking place between the applicant and the Council's Road Services in respect of control of the land for which planning permission in principle is sought for car park use. At the time of writing of this report no agreement is in place. In any case, an agreement over control of the land is not a material consideration in the determination of this application for planning permission in principle.

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

#### **7 BACKGROUND PAPERS**

7.1 Report by the Service Manager - Report on planning permission in principle application 15/00127/PP (Attached as Appendix 1).

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<b>DATE</b>	27 February 2017

## Appendix 1



**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 19 April 2016

**BY:** Depute Chief Executive (Partnership and Services for Communities)

**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Berry for the following reason: This constitutes a highly visible town centre site that is the last unallocated green space in the area and details of parking here would benefit from public debate.*

*This application was also called off the Scheme of Delegation List by Councillor Day for the following reason: Given the significant level of public comment relating to this proposal, I feel that this application should be brought before the Planning Committee.*

Application No. **15/00127/PP**

Proposal Planning permission in principle for residential development, covered parking, formation of new vehicular access and extension to car park

Location **Land At The Glebe  
St Margaret's Road/St Andrew Street  
North Berwick  
East Lothian**

Applicant Mr J Scott

Per Ristol Consulting Ltd

RECOMMENDATION Application Refused

### PLANNING ASSESSMENT

This application relates to two parts of the paddock ground known locally as the Glebe Field, located in North Berwick, west of Law Road and between St Margaret's Road and St Andrew Street.

The Glebe Field is an irregularly shaped area of ground, part of which wraps around the west and south sides of the garden of the Glebe House, a former church manse built in 1823. The Glebe Field is otherwise bounded to the east by Law Road, to the south and southwest by the public road and footpaths of St Margaret's Road with residential properties of St Margaret's Road beyond, otherwise to the west by the residential properties of 1 and 2 Marmion Road and to the north by the residential properties of 7-15

St Andrew Street and to the northeast by the public car park of St Andrew Street.

The Glebe House is Category B listed and the high stone wall which extends along the length of the east side of the Glebe Field and the curtilage of Glebe House is also listed Category B in association with the listed house. The site is within North Berwick Conservation Area. The land of the site is designated as a protected area of open space under Policy C3 of the adopted East Lothian Local Plan 2008. It is private land and is not open to the public.

All of the land around the Glebe Field, including the house and garden of Glebe House, is defined by Policy ENV1 of the adopted East Lothian Local Plan 2008 as being predominantly residential. The defined town centre of North Berwick is a short distance away to the north of the site.

The land of the Glebe Field, which is greenfield, undeveloped, coarse-grassed land with some established groups of trees growing on it, slopes steeply downhill from its south side to its north side. By its openness and topography it allows vistas over the town centre of North Berwick and beyond to the Firth of Forth.

The buildings on the south side of St Margaret's Road are at a higher level than the Glebe Field and the streets of St Margaret's Road and Law Road also slope steeply downhill towards St Andrew Street. The street level of Law Road is at a much lower level than the land along the east side of The Glebe Field.

The neighbouring properties on Marmion Road, St Margaret's Road and St Andrew Street are mainly Victorian, semi-detached and detached houses, varying in size and design with finished materials of stone, and to a lesser degree render, with timber framed windows and doors. They have pitched roofs, predominantly finished in slate.

Glebe House is an imposing, two storey detached, stone built, former church manse now occupied as a private house. The Glebe Field is enclosed by post and wire fences except along its east boundary where it is enclosed by the Category B listed stone wall associated with Glebe House and also along the boundaries of it with the adjoining residential properties of 7-15 St Andrew Street and 1 St Margaret's Road and 1 and 2 Marmion Road, where it is separated from these properties by stone walls.

Planning permission in principle is sought through this application for:

- (i) a residential development with covered parking, formation of a new vehicular access and associated works, all on the south-eastern part of The Glebe Field (an area of some 0.269 hectares); and
- (ii) the formation of a car park, as an extension to the existing St Andrew Street car park, on the north-western part of The Glebe Field (an area of some 0.113 hectares).

The application site does not cover all of the land of the Glebe Field but instead consists of the two parts of the field described above. A smaller area of land on the western and southwestern parts of the Glebe Field is outwith the application site boundary.

In accordance with the requirements of Policy ENV4 of the adopted East Lothian Local Plan 2008 the applicant has submitted drawings indicatively showing the proposed development in relation to its surroundings in the Conservation Area. These indicate how a single flatted building containing 9 flats, which could be of a traditional form and finishes and ranging in height from 2 to 3 storeys, might be accommodated on the south-eastern portion of the Glebe Field. Access is proposed via a new vehicular access which would be formed into the site from St Margaret's Road at the south of the site. A detached covered parking area for residents is proposed south of the flatted building,

with an access drive, turning area, visitor parking and bin storage. It is indicated that the boundaries of this part of the site which are not already enclosed would be enclosed by new post and wire fences.

The drawings also indicate how a 36 space car park could be laid out at the northern end of the north-western part of the Glebe Field where it abuts the southwest corner of the existing St Andrew Street public car park. The proposed car park would form an extension to the existing St Andrew Street car park, accessed solely by a new ramp formed between the northeast corner of the proposed car park and the southwest corner of the existing car park. New landscaped areas are indicated around some edges of the proposed new car park and a new post and wire fence would enclose its southern edge.

The application is also accompanied by a Planning Statement. In this it is stated that the applicant proposes to grant East Lothian Council a long term (99 year) lease over the land on which the car park extension is proposed. It is further stated that this could be delivered by imposition of a pre-commencement planning condition on a grant of planning permission in principle for the proposed development and the prior conclusion of a legal agreement binding the applicant as landowner to enter into a lease with East Lothian Council for the use of the land as a car park, prior to the commencement of the residential development proposed.

Subsequent to the registration of the application the applicant has also submitted a Counsel Opinion and examples of cases on the legality of mechanisms proposed for delivering the land for a car park and also a Conservation Area Statement produced for the applicant by Simpson and Brown Architects.

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

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

Relevant to the determination of the application are Policies 1B (The Spatial Strategy: Development Principles) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV1 (Residential Character and Amenity), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), C3 (Protection of Open Space), DP13 (Biodiversity and Development Sites), DP14 (Trees on or adjacent to Development Sites), DP20 (Pedestrians and Cyclists), DP22 (Private Parking), NH5 (Protected Trees), T1 (Development Location and Accessibility), T2 (General Transport Impact), T5 (Public Parking), H4 (Affordable Housing) and INF3 (Infrastructure and Facilities Provision) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's Scottish Planning Policy: June 2014 on development affecting a listed building or its setting, on development within a conservation area, on development affecting archaeological sites and on development affecting green infrastructure.

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

it possesses.

Scottish Planning Policy also 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.

Scottish Planning Policy states that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.

Scottish Planning Policy states that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. It advises that the planning system should consider green infrastructure as an integral element of places from the outset of the planning process and facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation. Scottish Planning Policy defines green infrastructure as including the 'green' and 'blue' features of the natural and built environments that can provide benefits without being connected and states that green features can include parks, woodlands, trees, hedges, verges etc.

Scottish Planning Policy includes that the Planning Authority should at all times provide an effective five year housing land supply.

Also material to the determination of this application is the North Berwick Conservation Area Character Statement of the adopted East Lothian Local Plan 2008, which makes specific reference to the Glebe Field. Paragraph 1.5 includes that "A further small but significant area of open space is at the Glebe Field which contributes to the amenity of the area by its openness and views across the roofscape of the conservation area to the sea. There is a historical relationship between the manse and the field and the presence of such a field in a built-up area is rare."

Also material to the determination of the application is the planning history of the site, the Council's Transportation Strategy and the representations received from the public.

The Glebe Field has a substantial planning history.

Through application 02/00549/FUL, planning permission was sought in June 2002 for the erection of six two storey detached houses on the entire grassed paddock ground of The Glebe Field. In respect of this the applicant was advised that the scheme of development as submitted would be an over development of the site and of an architectural form and character which would neither preserve nor enhance the character or appearance of the conservation area or the setting of the Category B listed building, contrary to national, strategic and local plan policies on control of development in conservation areas and within the setting of a listed building. The applicant was therefore advised that the recommendation on the application would be for refusal.



Planning application 02/00549/FUL was subsequently withdrawn by the applicant prior to a determination of it.

In 2003 planning permission was sought for the erection of four houses on the northern part of the Glebe Field (ref: 03/00141/FUL) and for the erection of three houses, garages and the formation of vehicular and pedestrian accesses and associated works (03/00142/FUL) on the south-eastern part of the field. Listed building consent for proposed part demolition of the east boundary wall of the site with Law Road and erection of gate piers, wall and a gate was separately sought (ref: 03/00142/LBC). The southwest part of the Glebe Field which had been proposed for development in application 02/00549/FUL did not form part of these proposals.

Planning application 03/00141/FUL for the erection of four houses on the northern part of The Glebe Field was refused planning permission on 16th December 2003 for the following reasons

1. The erection of the proposed houses on the application site would result in the loss of the open aspect and historic character of this part of "The Glebe Field" to the detriment of the character and appearance of this part of North Berwick Conservation Area contrary to national, strategic and local plan policies;
2. The erection of the proposed houses to the west of the existing Glebe House would remove part of the historic association of "The Glebe Field" with Glebe House. Moreover, in their position and by their scale the proposed houses would not subservient to but would impose themselves on the listed Glebe House. Consequently, the proposed four houses would not preserve or enhance; rather they would have a significant detrimental impact on the setting of the listed Glebe House contrary to national, strategic and local plan policies;
3. The erection of the four houses proposed on the application site would result in the loss of an area of open space important to the urban amenity of this part of North Berwick contrary to national and local plan policies;
4. The proposed houses would by their physical presence impose themselves on the residential properties to the north of the application site and would cause harm to the level of privacy and amenity that presently pertains to those neighbouring properties by virtue of loss of daylight and overlooking contrary to local plan policies;
5. The proposed scheme of development would require the removal of a mature tree which is an important feature which has considerable amenity value to this part of the North Berwick Conservation Area contrary to local plan policy;
6. The proposed scheme of development and site layout does not comply with the Council's Development of Roads Standards for vehicle turning.

Planning application 03/00142/FUL for the erection of three houses, garages and the formation of vehicular and pedestrian accesses and associated works on the south eastern portion of the Glebe Field was refused planning permission on 16th December 2003 for the following reasons:

1. The erection of the proposed houses on the application site would result in the loss of the open aspect and historic character of this part of "The Glebe Field" to the detriment of the character and appearance of this part of North Berwick Conservation Area contrary to national, strategic and local plan policies;

2. The erection of the proposed houses to the south of the existing Glebe House would remove part of the historic open setting of that Category B listed building and would remove part of the historic association of "The Glebe Field" with Glebe House. Moreover, in their position and by their scale the proposed houses would not be subservient to but would impose themselves on the listed Glebe House and would conceal views of Glebe House from St Margaret's Road. Consequently, the proposed three houses would not preserve or enhance; rather they would have a significant detrimental impact on the setting of the listed Glebe House, contrary to national, strategic and local plan policies;

3. The erection of the three houses proposed on the application site would result in the loss of an area of open space important to the urban amenity of this part of North Berwick contrary to national and local plan policies;

4. By their scale, form and materials the new gate piers and sections of wall to be formed at the proposed pedestrian access off Law Road would be a prominent and discordant feature in the wall that would compromise the historic form and integrity of the wall and the positive contribution the wall makes to the character and appearance of the conservation area. Those proposed new gate piers and sections of wall would neither preserve nor enhance the character of the wall or the architectural and historic character of the Conservation Area. Rather they would detract from the character of the wall and the architectural and historic character of the Conservation Area contrary to national, strategic and local plan policies;

5. By their scale, form and materials and in their position at the proposed site access off St Margaret's Road the proposed new gate piers and sections of wall would appear as a prominent and discordant feature that would neither preserve nor enhance the character and appearance of the Conservation Area. Rather they would detract from the character and appearance of the Conservation Area contrary to national, strategic and local plan policies.

Listed building consent application 03/00142/LBC for the proposed part demolition of the east boundary wall of the site with Law Road and for the erection at the new opening of gate piers, new sections of wall and a gate was refused on 16th December 2003 for the reason that by their scale, form and materials the new gate piers and sections of wall to be formed at the proposed pedestrian access off Law Road would be a prominent and discordant feature in the wall that would compromise the historic form and integrity of the wall. Those proposed new gate piers and sections of wall would neither preserve nor enhance the character of the wall. Rather they would harm the character and appearance of the wall contrary to national, strategic and local plan policies regarding development affecting a listed building.

The applicant appealed to the Scottish Ministers against the Council's decisions to refuse planning permission for the erection of three houses, formation of vehicular and pedestrian access and associated boundary treatment on the south-eastern part of the Glebe Field (ref: 03/00142/FUL) and the associated application for listed building consent (ref: 03/00142/LBC).

Following a public inquiry, the Scottish Ministers' Deputy Chief Reporter's decision was to dismiss both appeals. Planning permission for the erection of three houses, formation of vehicular and pedestrian access and associated boundary treatment was refused for the reasons that housing development of the site would be contrary to then Structure Plan Policy which presumed against new housing development on greenfield sites other than to meet housing requirements set out in other structure plan policies, the detailed development proposed would result in the loss of amenity for local residents and the loss

of trees and loss of openness (as a result of the proposed development) would detract from the appearance of the Conservation Area contrary to relevant Policies of the then local plan. Listed building consent for the part demolition of a wall, the erection of gate piers, new sections of wall and a gate was refused for the reason that it would fail to preserve the character of the listed building and would be contrary to the listed building policy of the then Local Plan.

The applicant did not appeal the Council's decision to refuse to grant planning permission (application 03/00141/FUL), for the erection of four houses on the northern part of The Glebe Field.

Subsequent to those planning and appeal decisions being taken the then relevant Structure and Local Plans have since been replaced. The current development plan policies relating to listed buildings, conservation areas and infill development are similar in their terms to the policies which were relevant at the time of the previous planning and appeal decisions relating to the site, however, a significant material policy change has been the defining of the land of the Glebe Field in the adopted East Lothian Local Plan 2008 as open space land covered by Policy C3 (Protection of Open Space). The North Berwick Conservation Area Character Statement has amendments from that of the 2000 Local Plan, including the assessment of the contribution of the Glebe Field to the character and appearance of the Conservation Area.

A Public Local Inquiry into unresolved objections to what is now the adopted East Lothian Local Plan 2008 (at the time The Finalised East Lothian Local Plan 2005) was held in 2006. One objection considered was from the current and previous applicant. His objection was to the intention in the then finalised local plan to extend the area covered by Policy C3 (Protection of Open Space) to include the Glebe Field, and particularly the south eastern corner of the field.

The objector suggested that instead the site should continue to be covered by Policy ENV1 (Residential Character and Amenity) as it was in the previous local plan and that the eastern part of the site should be specifically identified as a local housing proposal.

The Inquiry Reporter, having considered the objection raised, concluded that the Glebe Field constitutes an important and distinctive feature in the local area which makes a valuable contribution to the overall amenity of the area. He noted that the objector sought to draw a distinction between the differing values of the western and the eastern parts of the site to the appearance and amenity of the area, but concluded that it is the contribution which the entire Glebe Field makes to the quality of the surrounding residential area and to the conservation area that is important.

The Reporter concluded that Policy C3 is the appropriate policy to apply to the site and that there is a wider public interest in protecting amenity and preserving the appearance and character of the conservation area, than there is for the objector to exercise his right to develop his land and realise its value. The Reporter therefore recommended that the Council's approach to applying Policy C3 to the Glebe Field should be accepted and as such Policy C3 applies to the Glebe Field in the adopted East Lothian Local Plan 2008.

The south-eastern part of the application site, where residential development is again now proposed, was the subject of a submission following a call for sites by the Council as part of the research towards the new Local Development Plan. The site was not proposed as a preferred site or an alternative site for housing in the Council's Main Issues Report (the consultation document which considers such submissions and other sites prior to the formation of a proposed Plan). Nor, following the consultation process, is the site proposed to be allocated for housing in the Draft Proposed Local Development

Plan approved with amendments at a meeting of the Council on 17 November 2015. Whilst the Draft Proposed Local Development Plan is not a statutory stage of the development plan process and can be accorded only limited weight at this stage, the decision of the Council on 17 November 2015 to approve the draft plan with amendments reflects the settled view of the Council on the strategies and sites for housing and other land allocations.

There are a total of 149 written representations to this application, 105 of which are objecting to the proposals and 44 of which are supportive.

The majority of the 105 objections are from individuals. The amenity groups North Berwick Environment Trust and Conservation N.B. have also submitted objections.

North Berwick Environment Trust states that it finds the implied connection between the creation of a car-park extension and the building of a residential development 'puzzling'. It states that no adequate explanation of, or justification for, the 'enabling' aspect of this application has been given, but since the proposed car-park extension appears to be offered in respect of East Lothian Council's aspirations with regard to local traffic management, there is potentially a conflict of interest that might even prevent East Lothian Council from considering the application. It objects to the proposals on the grounds that the site is outwith the East Lothian Strategic Development Area as identified within SESplan and would not align with strategic policy objectives. It considers the parking proposal a 'sticking-plaster' approach which would not solve a more complex car parking problem, that the proposed residential development would dominate the site and the listed Glebe House, and would lead to the loss of a green space. Both the residential development and the proposed car park would lead to further traffic congestion in the area and would set a precedent for the future development of the remainder of the Glebe Field.

Conservation N.B have raised similar objections and they have also conducted an independent survey on parking within North Berwick the findings of which they have appended to their letter of objection.

The other main grounds of objection are summarised below:

#### Impact on Conservation Area/Listed Building/Open Space

\*The proposal is contrary to Policies C3, ENV3 and ENV4 and the North Berwick Conservation Area Character Statement of the adopted East Lothian Local Plan 2008;

\*It would set a precedent for the development of the remainder of the Glebe Field;

\*Would have a very significant adverse effect upon the setting of the conservation area, the conservation area and the setting of the listed Glebe House, all especially detrimental when viewed from the south, from higher ground.

\*Glebe Field is a protected green space area of historic relevance in a conservation area thus the presumption must be against development;

\*The Glebe Field is a precious part of North Berwick and to build on it at all feels deeply wrong. A natural green space in a town is so rare and should be protected;

\*This is an important green space for the people of North Berwick. It should not be built on and it is not scheduled for development in the Local Plan;

\*Object to development of any nature, car park or housing, on Glebe Field due to the rare nature of an uncultivated green field in the centre of a town and role it plays in the green infrastructure, nature conservation, biodiversity and amenity of North Berwick;

\*The proposal fails to preserve or enhance the character or appearance of the area and so should be refused;

\*Historic Scotland has previously indicated concern over development of the Glebe Field;

\*East Lothian Council earlier this year carried out a review of its landscapes, with a view to designating Special Landscape Areas – this land has been nominated as a designated Special Landscape;

\*Mature trees would potentially be felled;

\*The proposal would result in a compromising at both ends of a precious green space;

\*The Glebe Field is, in essence, in trust for the present and future residents of and visitors to North Berwick. Without the green open space in the centre of the town just above the High Street the town itself would be diminished and lose part of its character and charm. It should not be wantonly thrown away for short term gain and a few car parking spaces;

Proposed car park and car parking in North Berwick

\*North Berwick does not need more car parking within its town centre;

\*Creating more parking spaces in the town centre will encourage more traffic in an already congested area;

\*Opportunities for future use of the Community Centre and the Rugby Club for parking should be encouraged and investigated;

\*The surrounding infrastructure will not support further traffic;

\*The proposal would increase the volume of traffic and noise pollution and could be harmful to pedestrian safety;

\*There is underutilised parking provision elsewhere in the town

\*Although the proposed car park might provide a useful modest boost to the town's car parking capacity, it won't be enough to resolve the chronic issue of traffic in the town centre, and will of course add to congestion in the immediate area;

\*More should be done to promote travel by bike and train instead of promoting the car;

\*Improved parking could be achieved in the town centre without using the Glebe land;

\*The proposed car park is on a steep gradient and this would lead to drainage problems and could be dangerous in icy or snowy conditions;

\*Concerns that plans do not clearly represent the steep gradient of the land the proposed car park would be built on;

\*The layout and other details shown on the indicative drawings are unpractical for parking;

\*The proposed use of the car park and the access between it and the existing car park would result in a harmful impact to the privacy, amenity and security of residential properties to the north of it and to the west and south west of it through overlooking from car park users, security issues due to the low boundary wall between the proposed car park and residential properties to the north; noise and light disturbance from car engines and headlight beams;

\*There is a clear lack of any sort of research, assessment, care or attention to environmental implications such as surface water drainage and potential flooding which could result from the engineering required to address the severe gradient and build a car park extension;

\*If trees were planted along the north side of the proposed car park as indicated this could result in a harmful loss of light to neighbouring residential properties and would have a negative impact on the views across the roof-scape of the conservation area as mentioned in the conservation statement;

\*The excavation required to alter the gradient of the proposed car park land would leave a massive ledge in the middle of the field, destroying 'The Glebe Field' overall;

\*St Andrew Street and Law Road are already congested and dangerous with narrow pavements and to consider adding more vehicles to this area is dangerous;

\*The proposed car park would have a detrimental impact on existing mature trees which are important features and which have considerable amenity value to this part of the Conservation Area;

\*The case has not been made for more car parking on green field sites in North Berwick and in particular, the case has not been made or support found for a car park extension

at the Glebe Field;

\*Building of a car park would be contrary to other Council Policy and in particular The Council's Single Outcome Agreement published in 2013 which seeks to encourage people to leave their car at home and which seeks to maintain a high-quality natural environment;

\*The proposed car park is unlikely to make a material difference to the town's parking issue. It runs counter to the professional advice that the Council has received;

\*The Council should be encouraging more sustainable modes of transport such as walking, cycling and taking the train or bus instead or consider out of town parking/a park and ride facility as an alternative to more parking provision within the town centre;

\*It would be better to build underground and one storey car park on the existing car park and protect this space;

#### Proposed residential development

\*The proposed new vehicular access on St Margaret's Road would be harmful to road and pedestrian safety;

\*The proposed new access, and the sight lines required for it, would result in the loss of trees and other foliage resulting in a negative impact on the diversity of wildlife and flora and fauna in the field;

\*The proposed residential development and its associated parking areas and access would result in a loss of privacy and amenity to neighbouring residential properties;

\*Proposed flatted development not in keeping with the design or size of any surrounding properties;

\*The indicative details submitted are vague, inconsistent and confusing;

\*A bid for development on part of the Glebe Field was submitted as part of the LDP process but did not find support. Additional housing here was not identified in the recently published Main Issues Report;

\*Existing infrastructure including schools cannot support further housing development;

\*Given the massive amount of new housing on the outskirts of town, 9 new apartments in the centre of town are not required;

\*There is no case for building housing on the Glebe Field;

\*The site is not allocated for residential development in the local plan;

\*The Interim Guidance on developments does not apply to this site because it only applies to housing applications that form an appropriate extension to an existing settlement;

\*There is enough housing developments currently taking place in North Berwick, the local infrastructure is under severe strain and the Glebe Field is not an East Lothian Council preferred area for development;

#### Proposal/procedural matters

\*Completely out of character with the area;

\*There is no evidence of any social, economic or community benefits that would outweigh the planning policies protecting this precious and rare conservation area greenspace amenity nor that would overcome the presumption against development that must be defended;

\*This application should be dismissed on grounds of lack of compliance with the Development Plan, it is premature, and would set an undesirable precedent;

\*This application is completely at odds with the planning history, the previous appeal decision, the Council's existing Local Plan and the North Berwick Conservation Area Character Statement

\*There is a lack of detail and a wholesale absence of a proper assessment within the application;

\*Overall impact on road and pedestrian safety on surrounding streets;

\*The development of the Glebe Field and the additional traffic this would create would lead visitors to the town to seriously consider whether they would continue to visit the

town;

\*This is the wrong place in the town for additional parking or residential development;

\*The application is deficient as it lacks a proper SUDS scheme and Drainage Impact Assessments, Transport Assessments or a travel plan;

\*The timing of this application and the inclusion of the car park seems a blatant attempt to circumvent the LDP process and the application should therefore be rejected as being premature pending the finalisation of the LDP process;

\*Should the Council and/or landowner wish to pursue this development, then it should be done through seeking designation with the Local Development Plan rather than through an 'in principle' planning application. That would enable the matter to be discussed and considered with an independent assessment made by a Reporter and so ensuring a fully open and transparent process. Without conclusion of such process this proposal is premature and should be dismissed;

\*Planning permission in principle should be denied until clear changes of Council policy have been explained, clarified and justified;

\*The applicant has indicated that they intend to lease the proposed car park to the Council and the car park would be accessed from the existing Council car park. This would suggest that there has been some prior discussion with Council officers regarding a proposed lease. To that extent the Council has a clear interest in the development requiring its Notification to the Scottish Government in the event of a proposed granting of permission;

\*A survey carried out by the Council titled North Berwick Parking Consultation which ran from March – May 2014 should be discounted as it did not ask the required open questions to enable an informed unbiased survey response;

\*Concerns that North Berwick Community Council have not represented the views of the town by supporting the proposals;

\*The applicant's agent suggests that the housing element of the proposal is an enabling development for the car park provision. Enabling development, in the context of planning policy and practice refers to those few instances where otherwise unacceptable development is permitted to secure the conservation of historic or listed buildings and that is clearly not the case here;

\*Provision of car parking does not make an otherwise unacceptable housing development somehow acceptable. There is no direct relationship between these two very disparate elements. Each should fall to be measured against the Local Plan and other material considerations. Offering the Council land for car parking cannot be a material consideration in the assessment of the housing element and would be inappropriate;

\*The car park and residential development proposals have no link between them whatsoever and could be pursued independently of each other so the residential development should not be considered to be enabling development;

\*There is a conflict of interest with East Lothian Council having authority over the planning application, since it has expressed in the result of its car parking consultation its intention to put a car park on The Glebe Field;

\*The Conservation Area Statement provided by the applicant should not be considered as it is biased towards the applicants;

\*Procedurally, concerns have been raised that the application was allowed to be validated and that those who made representations have not been formally notified of documents submitted by the applicant subsequent to the registration of the application;

\*To ask the Council to approve proposals to which they are inextricably linked is unethical;

\*It is unclear how parking at the Glebe became one of the Council's preferred options given the approach set out in the recent MVA Study and the proposals detailed therein;

\*Should the Council grant consent to this application it will contradict its previous decision and the findings of the 2004 Planning Inquiry. There are no credible planning policy reasons to do so;

\*It is inappropriate for a planning permission in principle application rather than a detailed application to be submitted for such a sensitive location;

The majority of the 44 representations of support for the application support the principle of both the car parking proposal and the residential development proposal. The main reasons for support of the proposals are summarised below.

\*The proposed car park would be a suitable and quick solution to help overcome the current chronic car parking shortage in the town and would help town centre businesses survive;

\* this is the Council's preferred location for new parking;

\*the proposed flats could provide more town centre apartments which opens up a wider choice for the increasingly elderly population;

\*there is currently excess demand for accommodation in the town and this application would help to meet this;

\* smaller housing units and parking spaces are desperately needed;

\*the proposed flats would provide high density additional accommodation close to the centre which is helpful in terms of limiting car journeys and thereby congestion and pollution;

\*this proposal will reduce, substantially, the cost to the Council of providing new parking and thus reduce the cost to local taxpayers;

\*it has the Community Council's support;

\*the owner has the same right as any other resident to develop on his land within the current planning guidelines as it would appear he is following;

\*the field is overgrown and unsightly and the addition of houses might actually smarten up the area;

\*the proposed flats would be set well back from the road and would be screened by mature trees;

\*the proposal accords with East Lothian Council's planning policies as contained in the Interim Planning Guidance;

\*the proposal is a sensible compromise/solution for those in favour of/opposition to it;

\* the proposals seem to be sensitive, and cause minimal impact while delivering much needed community benefit;

\*some amenity ground will remain;

With reference to the representations of support and for the avoidance of doubt it should be clarified that the application site is close to, but not within the defined town centre of North Berwick.

In respect of wider transportation matters, the adopted East Lothian Local Plan 2008 is one aspect of the Council's approach to transportation, which includes other policy documents such as the Local Transport Strategy (LTS) and Local Air Quality Strategy. The Council's first LTS was published in 2001 and sets out its transport and travel vision to the year 2020. The prime objective of the strategy is to reduce the overall dependence on the private car and to promote the availability and use of alternative, more sustainable modes of transport where practical to do so. The adopted East Lothian Local Plan 2008 does not contain any transportation policies relating to the Glebe Field or any proposals to allocate any land at the Glebe Field for car parking. Nor does the approved Draft Proposed Local Development Plan, as amended.

The applicant's Planning Statement advises "the proposal finds its origins in East Lothian Council's car parking study of 2012". (This is an appraisal carried out by MVA Consultancy, commissioned by East Lothian Council in 2011 to undertake an appraisal of a number of potential sites for the provision of new car parking capacity in North Berwick). Amongst 10 potential sites for car park provision within North Berwick



identified by the Consultants was the option of extending the existing St Andrew Street car park into the area now being proposed as a car park through this current planning permission in principle application, to form 26 new car parking spaces. The current application suggests 36 spaces could be accommodated as the site identified in this application is larger than that identified in the MVA parking study. The applicant's Planning Statement refers to "dialogue and meetings between the applicant team and East Lothian Council transport officials during 2013 and 2014 [which] established that the Council considered extending the Glebe car park to have significant merits as part of a wider and integrated car parking strategy for the town".

The applicant considers that the option of extending the St Andrew Street car park into the Glebe Field would impact on the amenity and value of Glebe House and that the process of considering car parking itself creates uncertainty, contributing to diminution in value of the house and surrounding properties. The applicant advises that he has sought to work with East Lothian Council in developing a strategy that facilitates increased car parking provision whilst minimising the impact on amenity and value of Glebe House and neighbouring properties. The Planning Statement refers to the Council's Interim Planning Guidance relating to housing land supply issues. The applicant considers this Guidance to be of relevance to the proposed residential development element of the application and notes criteria 5 (ii) of the Interim Guidance which provides for the residential development on sites outwith East Lothian's Strategic Development Area if the site is (a) well served by public transport, (b) existing facilities and services are both available and accessible and (c) the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the area may also be a material consideration.

The applicant's agent advises it is within this context, i.e. the identification of the land at the northern end of the Glebe Field as a potential site for additional car parking combined with the Interim Planning Guidance in support of planning applications that are deliverable and enable community gain (in this case the provision of land for a car park) that set the context for this planning application. The applicant's case is that the car parking study of 2012 and the follow on survey continue to create significant uncertainty over future land uses at the Glebe which impacts on the amenity and value of the applicant and owner of the Glebe Field and Glebe House as well as properties neighbouring the Glebe. He is therefore of the view that allowing the residential development proposed would enable the advancement of the extended car park creating land use certainty on the issue of car parking provision within North Berwick.

The applicant therefore considers the residential development to be an enabling development to allow the provision of the proposed car parking which he intends would be leased to the Council on a long term (99 year) lease over the land. The applicant suggests all of this could be secured through appropriate pre-commencement conditions on a grant of planning permission in principle and a planning obligation binding the applicant as landowner to enter into a lease with the Council on the proposed car park site and use of it as a car park prior to the commencement of the residential development proposed.

With respect of the applicant's views on this matter, what is under consideration in determining this application for planning permission in principle is an application made by a private individual for development on land which he owns. The applicant's indication that he would be willing to lease the proposed car park to the Council is not a material consideration in the determination of this planning application. What is material is the assessment of the appropriateness or otherwise of the parking and residential uses as set out in the application. Were planning permission in principle to be granted for the development as proposed, any arrangements in respect to rights to use of the land

would require to be outwith the planning decision and be secured by mechanisms other than those competently allowed by planning legislation in relation either to planning conditions or planning obligations through legal agreements.

The Council's Road Services confirm that there have been a number of parking, traffic and environmental studies undertaken in North Berwick since 2000 all of which to some degree have highlighted the need to increase parking provision by various methods such as maximising the efficiency and the operation of parking, improving control and turn-over, increasing supply and demand management techniques. The Council commissioned MVA Consultancy in 2011 to undertake an appraisal of a number of potential sites for the provision of new car parking capacity in North Berwick. In addition they were asked to assess the current status of parking and identify problems and conflict. A report presented to Cabinet on 9th April 2013 recommended new parking provision at a number of locations including Recreation Park Rugby Club – long stay car park (107 spaces – now completed); extending Glebe car park – short stay (26 spaces); Law Road/St Margaret's Road – medium stay car park (99 spaces); Tantallon Terrace – seasonal car park available (114 spaces) subject to a further consultation period. A questionnaire was then placed on the Council's Consultation Hub between 24th March – 5th May 2014, seeking a consensus of opinion on various parking and traffic related issues.

One of the findings of the questionnaire was that there was support for the provision of additional parking provision at the Upper Glebe. The questionnaire included a site plan showing a similar area for this as now proposed.

Following on from this consultation exercise the Council's Depute Chief Executive, Partnerships and Community Services recommended in his report to Cabinet of 10 March 2015 on the 'North Berwick Parking Strategy Update' that Cabinet approve a 3 year strategy to amend or make the necessary Traffic Orders to purchase the requisite land, to obtain the necessary consents and to construct new car park provision as detailed in Appendix 1 of his Report. This includes constructing a new car park of 1400 sq. metres with the potential for 58 spaces at Upper Glebe subject to acquiring the land and gaining all necessary consents including making an application to the Council as Planning Authority for planning permission. These recommendations were approved by Cabinet on 10th March 2015.

The Council's Road Services, as consultee, has set out the background to North Berwick's parking issues and studies, and decisions of the Council on pursuing various different solutions to these issues. Solutions include, amongst many other options, exploring the potential to extend the existing St Andrew Street car park into the Glebe Field.

Road Services confirm that off street parking provision in North Berwick is generally at capacity and advises that additional spaces are required to address ever increasing demand.

Policy T5 of the adopted East Lothian Local Plan 2008 supports the provision of publicly available, short stay car parking where it will contribute to the vitality and viability of town centres. Road Services welcomes the potential opportunity to extend the existing St Andrew Street car park into the northern part of The Glebe Field and advises the addition of 36 car parking spaces close to the town centre is significant, particularly if this is developed as a wider strategy for parking in the area.

Road Services further advise that there would be some engineering difficulties in the provision of a car park on this site. Site constraints, particularly the steep gradient of the land, would not enable full, barrier free accessibility for all users, however, Road

Services consider the development of the additional car parking spaces on this site could allow the potential improvement of provision of disabled parking in more accessible areas on nearby town centre on street/off street locations, by re-designation of some existing parking within the town centre. Road Services therefore support the parking proposal of the application subject to a Parking Management Strategy being agreed. This would require the proposed car park to be taken over by the Council as part of the existing car park at St Andrew Street and to enable the legal re-designation of some existing on street/off street parking elsewhere in North Berwick as disabled only bays, with the costs associated with this being borne by the applicant.

Any legal arrangements in respect of the use of the proposed parking area by the Council as Roads Authority, or other associated parking changes elsewhere would require to be made separately. The proposed car park is not required as a result of the residential development otherwise proposed in this application. Therefore it would not be competent to try and secure control of it by conditions or legal agreements relating to the planning permission in principle.

However, notwithstanding the consideration of the Council's accepted position that there is a lack of off street parking provision in North Berwick and Cabinet's decision to pursue additional parking improvements including, potentially, the provision of additional parking as an extension to St Andrew Street car park, the primary material consideration in the determination of this application is whether or not the principle of the proposed developments accord with development plan policy and other supplementary planning guidance and if not, whether the above or any other material considerations outweigh any conflict with the development plan and other supplementary planning guidance.

None of the land within the application site boundary is garden ground as suggested in the applicant's Planning Statement but is instead, undeveloped greenfield land. The adopted Local Plan does not allocate any of the Glebe Field for residential development or car park development or any other form of development. Instead, all of the land of the Glebe Field is defined by Policy C3 of the adopted East Lothian Local Plan 2008 as being open space. It is not, therefore, an infill site.

The principle of new build residential development on the application site and the principle of the development of a car park on the application site must therefore be assessed against national, strategic and local planning policy relating to development on greenfield, defined and protected open space land within the settlement boundary of the town of North Berwick. The principle must also be assessed against national, strategic and local planning policy as it relates to the architectural and historic character and visual amenity of this part of the North Berwick Conservation Area including any trees which make a significant positive contribution to the Conservation Area, the setting of the listed Glebe House, whether or not such proposed development could be acceptably accessed and any impact such proposed development would have on the privacy and amenity of the surrounding residential area .

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed residential development and associated works, the landscaping of the site and the means of access to it and the details of the design, external appearance and associated works of the proposed car park, the landscaping of the site and the means of access to it would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details, planning control could be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of this area of protected open space, that of the conservation area, the setting of the listed building and the amenity of the surrounding residents.

In relation to greenfield housing development proposals, SESplan Policy 7 states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and
- (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

East Lothian Council has agreed that there is a shortfall in its effective housing land supply. In respect of this the Council approved its Housing Land Supply: Interim Planning Guidance (IPG) against which planning applications for housing on land not allocated for that purpose will be assessed.

The revised IPG was approved by the Council on 23rd February 2016, with reference to the approval of the Draft Proposed Local Development Plan, as amended, and its spatial strategy and sites. Those sites would allow for an effective five year housing land supply. The IPG makes clear that as a general principle the Council's Guidance only applies to housing applications that form an appropriate extension to an existing settlement defined in the Local Plan. Notwithstanding the provisions of SPP, SESplan and the IPG in respect of the five year housing land supply it has to be considered whether or not the proposal's potential contribution to that supply would be significant when weighed against the other material considerations.

The site the subject of this application by being located well within the settlement boundary of the town of North Berwick as defined in the Local Plan does not form an 'extension' to the town of North Berwick and as such the approved IPG does not apply to this site. It is not a material consideration in the determination of this planning application. Therefore the applicant's contention that the residential development proposed would constitute an "enabling" type of development by delivering a community facility provision relevant to the IPG, in the form of the proposed car park extension is not material to the determination of this application.

Policy C3 of the adopted East Lothian Local Plan 2008 protects areas of open space, whether public or private, which contribute positively to the built environment. The Policy C3 designation is applied to protect amenity open space which makes a significant contribution to the amenity or landscape setting of an area and to retain them as such.

Policy C3 states that alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- (i) the loss of a part of the land would not affect its recreational, amenity or landscape potential, or
- (ii) alternative provision of equal community benefit and accessibility would be made available, or
- (iii) provision is clearly in excess of existing and predicted requirements.

As Policy C3 applies to the Glebe Field, an area recognised to be of significant amenity and landscape value rather than as recreational value, parts (ii) and (iii) of Policy C3 are not of particular relevance. However, the impact the proposals would have on the amenity or landscape setting of the Glebe Field and the impact the loss of parts of that land would have on the area's overall amenity and landscape potential is relevant. That

the Glebe Field was so designated through the Local Plan process, including Public Inquiry, and that in this process objection to that designation was dismissed, underlines its importance to the amenity and landscape quality of the area.

The two areas of land the subject of this application, as part of the designated open space land of the Glebe Field, make a significant contribution to the amenity and landscape setting of this part of North Berwick. The Glebe Field does not have a uniform appearance over the entire field - there are areas of significant tree cover, particularly at the eastern end of it where the residential development is proposed, and areas without tree cover which afford the significant public views over the land to the roofscape of the town centre to the Firth of Forth beyond.

Additionally, it is the contribution which the entire Glebe Field makes to the quality of the surrounding residential area which is important. The presence of trees on the land does not somehow change it from being 'open space' and the open, undeveloped nature of the land of the Glebe Field contributes significantly to the general amenity and character of the area. These areas on which development is proposed, as forming part of the whole designated the Glebe Field have a longstanding presence as undeveloped green space within the historic core of North Berwick and have historical links to Glebe House as Glebe land for the former manse. In all of this the open space land that is subject to the car park proposal and to the residential development proposal contributes significantly to the amenity of the area and the quality of the urban environment of the town of North Berwick and, importantly, its Conservation Area.

In relation to the proposal for the car park extension, the Council's Policy and Projects team advises that in general principle, the development of a car park on this site, given its likely form, would be acceptable in terms of Policy C3 as it could maintain the openness of that part of the field. It is the case that the formation of a car park on this land would not have the same significant impact on vistas over the Glebe Field and would not conceal the roofscape of the historic core of the town and the sea beyond to the same extent as the previous proposal back in 2003 for 4 houses, but nevertheless the forming of a hard surfaced car park along with any necessary regrading works and associated retaining structures which would be required on such a steeply sloping site and the presence on this land of up to 36 cars or other vehicles would still result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field. This would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the car park proposal is contrary to Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

The land the subject of the proposal in principle for a residential development has changed in appearance over the past 10-15 years as trees which were present on the land at the time of the previous application for residential development on this site back in 2003 have, from being fairly small trees back in 2003, grown significantly over this time, now filling much of the site. It is within a space between the treed areas of this part of The Glebe Field that it is indicated that a single building, containing 9 flats, could be accommodated.

The increased tree cover on this part of the Glebe Field could, depending on the detailed form and positioning of a residential development on the site and subject to the retention of these trees, provide some screening of such a development, thereby lessening the visibility it may have in the area. However, any residential development on this site and particularly the formation of a new vehicular access to it would still be visible from views outwith the site. Notwithstanding the visibility or otherwise of any proposed residential

development, the principle of carrying out a residential development on this site would result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the residential development proposal is contrary to Policy 7 (a) of the approved South East Scotland Strategic Development Plan, Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

The Conservation Area Statement prepared on behalf of the applicant seeks to draw a distinction between different areas of the Glebe Field and concludes that in the time since the Council's Conservation Area Statement was produced the part of the Glebe Field on which the principle of a residential development is proposed has changed with tree growth on the south and west boundaries, which has resulted in it no longer making a significant contribution to the character of the Conservation Area. The view of the applicant's conservation consultants is that there will be only a minor adverse impact on the conservation area and setting of the listed building from certain views around the site but that overall the proposals would not detract from the established character of the conservation area, and with careful design later in the planning process, would enhance that character.

The North Berwick Conservation Area Character Statement of the adopted East Lothian Local Plan 2008, which makes specific reference to The Glebe Field does not just refer to the views across the roofscape of the conservation area to the sea, which it is reasonable to conclude relates mostly to the 'middle' part of the Glebe Field not subject to these development proposals, but also to the open nature of the space which contributes to the amenity of the area and to the historical relationship between the manse and the field and the fact that the presence of such a field in a built-up area is rare.

The land to which the car park proposal relates has not changed significantly in character since the Council's Conservation Area statement was produced. This area, by its longstanding presence as an undeveloped green space within the historic core of North Berwick and its historical links to Glebe House as Glebe land for the former manse, its openness within an otherwise urban environment and by its topography and its location within the Conservation Area which allows important vistas over the Conservation Area to the Firth of Forth, constitutes, as part of the overall Glebe Field, a prominent and distinctive feature which contributes positively to the character and appearance of the Conservation Area. The loss of this part of this overall prominent, distinctive and historic green space for the formation of a car park would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 Scottish Planning Policy on development within a conservation area.

The Council's Landscape Projects Officer (Policy & Projects) advises that the formation of a car park on this site is likely to require significant earthworks to level and surface it. She advises that the site of the proposed car park encroaches within the root protection area of two mature sycamore trees situated along the west boundary of the Glebe House garden and which make a significant contribution to the character and appearance of the Conservation Area. She advises that she would not support development within their root protection areas that could lead to their loss.

Notwithstanding that this application is for planning permission in principle, to exclude the land within the root protection areas of these trees from development would be lead

to a significant reduction in the number of car parking spaces which could be accommodated on the site and therefore it is reasonable to conclude that for a car park to be formed on the site, including the excavation necessary to form it and any associated retaining structures required, this would be, in part, within the root protection areas of these trees. Such development would have a detrimental impact on these significant trees which are important features in the Conservation Area and should be retained. These trees have considerable amenity value to the Conservation Area and the proposed car park development would not contribute more to the good planning of the area than retaining the trees would. Accordingly, by resulting in the loss of trees which have considerable amenity value to the Conservation Area, the car park proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.

The forming of a car park on the northern part of the Glebe Field to the west of the existing Glebe House would remove part of the historic open setting of that Category B listed building and would remove part of the historic association of the Glebe Field with Glebe House. However, the proposed car park, although in close proximity to Glebe House, by its position to the west of a side, non-principle elevation of the listed building and subject to the detailed layout and development of the land of the proposed car park being subservient to the listed Glebe House (a matter which would have to be considered at a detailed application stage), the forming of a car park in this proposed position would not necessarily be harmful to the setting of that listed building. Consequently the principle of a car park development on this part of The Glebe Field is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan as it relates to the setting of listed buildings, Policy ENV3 of the adopted East Lothian Local Plan 2008 or with Scottish Planning Policy on development affecting the setting of a listed building.

The land to which the residential development proposal relates does have a different appearance to other land within the Glebe Field mainly by virtue of the tree cover over this eastern end of The Glebe Field. These trees were present at the time of the previous planning applications for residential development on this land and at the time of adoption of the Local Plan but have grown significantly since then now filling much of the site. However, it is not reasonable to conclude that this has resulted in it this part of The Glebe Field no longer making a significant contribution to the character of the Conservation Area. The fact it has trees on it does not lessen the contribution this part of the field makes to the Conservation Area. On the contrary, the trees have themselves become important within the Conservation Area, providing a parkland setting for Glebe House and linking visually with the trees around Glebe House and within the Lodge Grounds to the east of Law Road.

By its longstanding presence as an undeveloped green space within the historic core of North Berwick and its historical links to Glebe House as Glebe land for the former manse, its openness within an otherwise urban environment and by its topography and its location within the Conservation Area which allows important vistas over the Conservation Area to the Firth of Forth, the Glebe Field as a whole constitutes a prominent and distinctive feature which contributes positively to the character and appearance of the Conservation Area. The loss of part of this prominent, distinctive and historic green space for the development of a residential development along with all of the associated parking, access and turning space which would be required in associated with such residential development would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic

Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.

In relation to the proposed residential development the Council's Landscape Projects Officer (Policy & Projects) confirms that there is space with no tree coverage in the northeast corner of the part of the site where the indicative details show the proposed building as being located. However, her assessment is that there appears no way to provide access to this part of the site without encroaching within the Root Protection Area (RPA) as defined by British Standard BS5837:2012 'Trees in relation of design, demolition and construction' of the trees, both along the southern and western areas of this part of the application site and also just to the north of the application site boundary, between the site and Glebe House. She adds that the covered car parking and access road as indicated on the application drawings, and the sight lines required to make that access safe, all appear to significantly encroach within the RPA of the trees within the south of the site.

The Landscape Projects Officer confirms that the removal of these trees within and to the north of the site would have a detrimental impact on significant trees which are important features in the Conservation Area and should be retained and would open views of any development adversely affecting the Conservation Area. The advice of the Landscape Projects Officer is that the trees within the site are important within the Conservation Area. The proposed residential development of the site, therefore, would not contribute more to the good planning of the area than retaining the trees would. Accordingly, by resulting in the loss of trees which have considerable amenity value to the Conservation Area, the residential development proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.

The significant growth of the trees on this eastern part The Glebe Field has somewhat changed the setting of the listed building of Glebe House. The indicative drawings accompanying the application indicate that the considerable tree coverage between the site of the proposed residential development and Glebe House would remain and if this was indeed the case a residential development on the site and the proposed accessing of it, depending on details relating to scale, height, positioning and other details would not necessarily be harmful to the setting of that listed building.

As detailed above the advice of the Council's Landscape Projects Officer is that a number of trees are likely to be affected by a residential development of the site but there is clearly a belt of trees within the ground to the north of the site and to the south of Glebe House which would not be affected by the development of the site. It is these trees which could prevent a residential development from harmfully impacting on the setting of Glebe House.

However, the indicative details submitted with this planning permission in principle application indicate a three storey building with a pitched roof being erected on the site. Notwithstanding the sloping nature of the site which gives it a ground level lower than that of the buildings on St.Margaret's Road (although higher than Glebe House) and the distances between the site and the existing buildings of St. Margaret's Road and Glebe House, a three storey building with a pitched roof (which appears more steeply sloping in the 'exterior visualisation' sketch submitted than it does in the site section drawing submitted), would be out of character with the surrounding area, which largely consists of two storey buildings, and would not appear subservient to the listed building of Glebe House.



Although the principle of a residential development on the site may not, for the reasons given above, harm the setting of the listed building of Glebe House and its associated boundary wall, a building of such a size, height and design as shown on the indicative drawings accompanying the application would. If planning permission in principle were to be granted, development principles would be set as conditions for the details of the siting, design and external appearance of the proposed residential development. Through such development principles restrictions could be set on the height and other details of the residential development. However, notwithstanding this control which could be set to protect the setting of the listed building, the principle of the residential development remains contrary to development plan policies for the reasons set out above.

The Council's Road Services raises no objection to the principle of a residential development on this part of The Glebe Field with access to it being formed from St Margaret's Road as indicated. Road Services confirms that subject to conditions being imposed on a grant of planning permission for this proposed development, to control cycle parking, the hard forming of the first 10 metres of the access road, controls on barrier free access for pedestrians and pedestrian priority over the access, it is content with the indicative details shown for access, pedestrian access, parking and turning. In this respect the principle of the residential development proposed is consistent with Policies DP20 (Pedestrians and Cyclists), DP22 (Private Parking), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008

In respect of the impact the proposals would have on the amenity of the surrounding residential area it is necessary to consider Policy ENV1: Residential Character and Amenity of the adopted East Lothian Local Plan which, although not covering the area of the application site, does cover the immediate residential areas around it. Policy ENV1 seeks to safeguard the predominantly residential character and amenity of existing or proposed housing areas from the adverse impacts of uses other than housing.

The site of the proposed car park is located on significantly higher ground than the residential properties located immediately to the north of the site. The applicant's agent recognises the impact forming a car park in such a position could have on the privacy and amenity of these properties. The applicant's Planning Statement and indicative drawings indicate a design approach has been to set the closest car parking spaces to those properties back from the boundary of the site with them by 3 metres and to introduce tree planting in this 3 metres wide space. Trees planted within this space would take time to establish and the growing of them would not necessarily be successful, particularly considering they would be between a hard surfaced car park and a stone wall. They would therefore not provide immediate, or possibly any, screening between the residential properties and the car park which would, even with any required regarding of the land, remain at a significantly higher level than the garden ground of the existing residential properties.

Given this, the proposed use of this site as a car park would, by its height above the residential properties to the north of it and its close proximity to them, result in use of it causing significant harm to the level of privacy and amenity that presently pertains to those neighbouring properties to the north by virtue of overlooking. Accordingly the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008 which seeks to safeguard the residential amenity of those residential properties.

The proposed car park by virtue of its positioning to the east of the side garden of 2 Marmion Road and to the north of the front garden of 1 Marmion Road would not have the same harmful impact on the privacy and amenity of these residential properties as it

would to the rear gardens of the properties to the north of it.

The Council's Environmental Health Service confirms they have no comment to make regarding the application and they therefore raise no concerns regarding the proposed use of this northern area of the Glebe Field as a car park on the impact of neighbouring residential properties in terms of noise from cars engines or light disturbance from cars headlight beams.

Although this is an application for planning permission in principle, given the distances between the land of the application site for a residential development and that of the neighbouring residential properties of the Glebe House and the residential properties of St. Margaret's Road to the south of the site, it should be possible to accommodate a residential development on this site which would not result in a significant loss of privacy and amenity for any other occupants of neighbouring houses. The site is sufficiently large and at a distance away from existing properties to ensure that future occupants of a residential development on this site should be capable of benefiting from a sufficient amount of privacy and amenity. The principle of a residential development on this site is therefore not contrary to relevant development plan policies relating to privacy and amenity.

Historic Environment Scotland has not been consulted on the application as, unlike previous applications submitted for this site, the proposals do not require listed building consent nor do they affect the setting of a Category A listed building and they are not otherwise subject to statutory consultation with Historic Environment Scotland.

The Planning Liaison Officer of North Berwick Community Council advises that the Community Council supports the proposals in principle, being of the view that the residential development, as indicatively proposed, would be small enough, far enough away from the B listed Glebe House and the St Margaret's Road properties, at a lower level than St Margaret's Road and screened by trees that it would not unduly harm the setting. The Community Council considers it would also meet a need for such accommodation near the town centre. It considers that although the site proportions would change there would remain a mid-area of grass which would retain a sense of openness. In relation to the car park proposal it considers that this would take some immediate pressure off parking at key times and help to allow time for an overall traffic management scheme to be developed. The Planning Liaison Officer also advises that the applicant, who is also a member of the Community Council, was present for the public representations which were discussed at their meeting, but he was excluded from the Community Council discussions and vote on whether or not to support the proposals.

The Council's Waste Services Manager raises no objection to the principle of the proposals.

The Council's Biodiversity Officer has confirmed that he has no comment to make on the application and is therefore satisfied that the proposed residential and car parking developments would not have any adverse biodiversity impacts, consistent with Policy DP13 of the adopted East Lothian Local Plan 2008.

The Council's Archaeology Officer advises that the application site lies within a wider area of known archaeological potential. As there is no recorded disturbance of the site there is the potential for remains to be impacted upon by the proposals. Because of this the Archaeology Officer recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works (Archaeological Evaluation) should be carried out prior to the commencement of development. This requirement could be secured through a condition attached to a grant of planning

permission in principle for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Depute Chief Executive, Resources and People Services informs that the application site is located within the catchment area of Law Primary School, North Berwick Nursery and North Berwick High School. He confirms that there would be insufficient capacity at Law Primary School and North Berwick High School to accommodate pupils that might arise from a development of the site for 9 residential units as is indicated through this planning permission in principle application. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £94,204.17 towards the provision of additional school accommodation at Law Primary School and £30,244.86 towards the provision of additional school accommodation at North Berwick High School.

This education provision requirement can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all the residential units to be developed as affordable housing, through mechanisms to be agreed with the developer. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Notwithstanding the above matters which could be controlled by conditions or planning agreements, none of the aforementioned material considerations, including housing land supply, outweigh the primary material considerations that the principle of developing parts of the Glebe Field for a residential development and for a car park would, by having a detrimental impact on this significant area of open space, on the character and appearance of the Conservation Area, on significantly important trees within the Conservation Area and, in respect of the car park proposal, on the privacy and amenity of neighbouring residential properties, conflict with the provisions of the development plan.

## REASONS FOR REFUSAL

- 1 The principle of the car park development would result in the loss of the open and

undeveloped character and appearance of this part of the Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the car park proposal is contrary to Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

- 2 The principle of the residential development would result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the residential development proposal is contrary to Policy 7(a) of the approved South East Scotland Strategic Development Plan, Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.
- 3 The loss of this part of this overall prominent, distinctive and historic green space for the formation of a car park would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 Scottish Planning Policy on development within a conservation area.
- 4 By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed car park is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
- 5 The loss of part of this prominent, distinctive and historic green space for the development of a residential development along with all of the associated parking, access and turning space which would be required in association would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
- 6 By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed residential development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
- 7 The proposed car park use would, by its height above the residential properties to the north of it and its close proximity to them, result in significant harm to the privacy and amenity of those neighbouring properties to the north by virtue of overlooking. Accordingly the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008 which seeks to safeguard the residential amenity of those residential properties.