

REPORT TO: Planning Committee

MEETING DATE: Tuesday 15 August 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00711/P**

Proposal Formation of SUDS structure and site access road

Location **Land To The North Of Foreshot Terrace
Dirleton
East Lothian
EH39 5DR**

Applicant Muir Homes Limited

Per TMS Planning Services Ltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

This application relates to a linear area of some 0.57 hectares of agricultural land in the East Lothian countryside and which forms part of a larger area of agricultural land on the west side of Ware Road, to the north of Dirleton. The site is within Dirleton Conservation Area.

The site is bounded to the north and south by the remainder of the larger area of agricultural land of which the site is a part, to the west by an area of grassed land and to the east by Ware Road.

Planning permission is sought for the erection on the eastern part of the site of SUDS structure and the formation of an access road to the SUDS from Ware Road. The application drawings show an intention to plant a woodland along the majority of the application site on the west side of the SUDS. Such woodland is not development, does not require planning permission and therefore does not form part of this application.

Through separate application ref: 16/00710/PM planning permission is sought for the erection of 24 houses and associated works on the agricultural land which bounds the site to the south.

The SUDS proposed in this application is intended to act as the drainage system for the separate residential development proposed in application 16/00710/PM. It is also

indicated that the woodland shown on the application drawings is intended to act as a robust defensible landscape boundary to integrate the residential development proposed in application 16/00710/PM into its landscaper setting.

Normally an application for a residential development as proposed in separate application 16/00710/PM would include within in all aspects relevant to such a proposal, including SUDS arrangements. However in this case the applicant has decided to apply for the SUDS element separately. As a standalone application there is nothing to prevent a determination of the application, notwithstanding this it is brought before Planning Committee in conjunction with application 16/00710/PM for the consideration of Members.

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.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design) and ENV4 (Development Within Conservation Areas) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

A total of 68 written representations have been received to the application. Of these 62 object to the proposed development and 6 are in support of it. Many of the written objections take the form of pro-forma letters.

The main grounds of objection can be summarised as follows:

- * the site is covered by the Countryside around Towns policy of the Proposed Local Development Plan and development on the site would be contrary to that and also set a precedent for future development on such designated areas;
- * the site is not designated for housing in the Proposed Local Development Plan;
- * the proposed development is contrary to the Dirleton Conservation Area Character Statement of the current Local Plan;

- * the proposed development is of a size, scale and character out of keeping with the village of Dirleton and would detract from the visual and historic approach into the village from the north;
- * the proposed development would not preserve or enhance but would be harmful to the Conservation Area;
- * the design and layout of the proposed development is out of keeping with the Conservation Area and would not integrate into its surroundings;
- * the character of the village would change, which would be compounded with a development of land at Castlemains in Dirleton;
- * land at Castlemains is the preferred site for development in the Proposed Local Development Plan;
- * the amenity of neighbouring residential properties would be adversely affected;
- * the proposed development would lead to traffic problems and would result in a road safety hazard;
- * there is a lack of local services and facilities to cater for the proposed development and therefore the need to drive out of the village to access services will increase;
- * the proposed development would take the primary school to capacity;
- * the rail station car parks at Drem and North Berwick are at capacity;
- * new trees planted would lead to a loss of light; and
- * the application site is a feeding ground for pink footed geese and other wildlife and thus the application should be subject to Environmental Impact Assessment.

The main grounds of support for the application can be summarised as follows:

- * a small housing development can be assimilated into the village;
- * the design of the proposed development is sympathetic to the Conservation Area and the character of the village; and
- * it is a better site for development than land at Castlemains.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development. The Community Council mainly object on the grounds that:

- * the site has not been designated for housing in the Proposed Local Development Plan;
- * in terms of the Council's Housing Land Supply: Interim Planning Guidance preference should be given to the site at Castlemains Place, Dirleton designated in the Proposed LDP as suitable for housing; the development of both the Castlemains Place site and the application site for housing would be unsustainable in view of the limited infrastructure in Dirleton including a lack of places at Dirleton Primary School;
- * the application site forms part of an area along the whole northern edge of Dirleton which is subject to the Countryside Around Towns Policy of the Proposed LDP;

* the proposals conflict with the Dirleton Conservation Area Statement in that they would interrupt views of Dirleton and Dirleton Castle on the approaches to the village from the east and northeast and with the setting of Oatfield House; and

* there is evidence that the site is regularly used for feeding by pink footed geese overwintering at Aberlady Bay nature reserve, which forms part of the Firth of Forth Special Protection Area (SPA) and thus is afforded a high level of protection under the European Habitats Directive. There is also evidence the fields are used by curlews and pheasants. Therefore an environmental impact assessment should be submitted with the application.

Most of the written objections are directly related to separate application 16/00710/PM and are neither relevant nor material to the determination of this application which merely seeks planning permission for the formation of SUDS and an access road.

In respect of SUDS provision SEPA raises no objection to the application, satisfied that the applicant is providing the required level of treatment for the residential development proposed in separate application 16/00710/PM.

If the proposed SUDS and access road was to be seen in association with the residential development proposed in separate application 16/00710/PM it would have an operational requirement to be in its proposed location in the countryside and would not appear exposed or harmfully intrusive or incongruous in its landscape setting. By virtue of its nature, scale and relationship with that residential development the proposed SUDS and access road would be satisfactorily integrated into the landscape in a manner that would reflect the character and quality of place of the application site and would be compatible with its surroundings.

However, as detailed in the assessment of separate planning application 16/00710/PM, the residential development proposed in that application would not preserve but would be harmful to the character and appearance of Dirleton Conservation Area and would be contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance and thus it is recommended planning permission for it be refused.

Therefore and in such circumstances there is no operational requirement for the SUDS and access road to be sited in this particular location in the countryside of East Lothian and therefore the SUDS and access road is not consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

RECOMMENDATION

It is recommended that planning permission be refused for the following reason:

- 1 As the development proposed in separate planning application 16/00710/PM is assessed as being unacceptable there is no operational requirement for the SUDS and access road to be sited in this particular location in the countryside of East Lothian and therefore they conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.