

PLANNING COMMITTEE

3 OCTOBER 2017

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

**TUESDAY 5 SEPTEMBER 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor S Kempson
Councillor K McLeod
Councillor J McMillan
Councillor F O'Donnell
Councillor T Trotter

Other Councillors Present:

Councillor A Forrest

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr C Grilli, Service Manager – Legal and Procurement
Ms E Wilson, Service Manager – Economic Development and Strategic Investment
Ms E Taylor, Planner
Ms C McMonagle, Graduate Planner
Mr M Greenshields, Senior Roads Officer
Mr G Talac, Senior Roads Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr B Dunlop, Mr J Scott
Item 3 – Mr N Young, Mr J McGlynn, Mr G Thomson

Apologies:

Councillor W Innes
Councillor C McGinn
Councillor B Small

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 15 AUGUST 2017

The minutes of the meeting of the Planning Committee of 15 August 2017 were approved.

2. PLANNING APPLICATION NO. 16/01029/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 06/00770/OUT - ERECTION OF 140 FLATS AND ASSOCIATED WORKS AT FORMER TESCO STORE AND ADJACENT LAND AT MALL AVENUE, MUSSELBURGH

A report was submitted in relation to Planning Application No. 16/01029/AMM. Emma Taylor, Planner, summarising the key points. She drew attention to the addendum regarding the further representation on behalf of Lothian Buses. Regarding parking provision, raised at the site visit, she clarified the allocation for the affordable housing flats and the private housing flats. The report recommendation was to grant consent.

Councillor Currie queried various aspects of the car parking provision, referring to the Council's parking policy and also asked about contact with Tesco regarding use of their car park. Iain McFarlane, Service Manager, Planning, clarified that the Council's parking standard was a standalone policy document but was referred to in the adopted East Lothian Local Plan 2008. He agreed with Councillor Currie that the policy was determined by Members but that officers had made a recommendation for Members to consider. Ms Taylor confirmed there had been no contact with Tesco. Councillor McLeod remarked it could not be presumed that Tescos would accept such usage of their car park. He asked if parking spaces at the development were flat specific; Ms Taylor said not presently in terms of the application. She advised, in response to Councillor O'Donnell's questions, that contributions towards play facilities had not been a requirement at the time of the planning permission in principle application so could not now be added.

Bruce Dunlop, representing Dundas Estates and Development, the applicant, outlined the site history, the different strands of outline consent, through to completion of the Tesco store and the Primary Care facility. This application was the culmination of 15/20 years work and investment. It would regenerate a brown field site. As regards parking provision, a 150% parking policy may be ideal for some areas but Musselburgh had accessible public transport. He stated that parking spaces would be allocated to purchasers and form part of their title to the property. The application did not vary in principal from elements of the outline consent.

Jeremy Scott of Michael Laird Associates, agent for the applicant, stated that the aim was to create a high quality urban development and soft landscaping features. Parking would be situated around the periphery of the site. The development height aligned with neighbouring tenements so the scale and mass was in keeping with the surrounding area.

Local Member Councillor Currie stated that his principal concern was the car parking provision. He referred to other town centre developments in Musselburgh and their parking allocation. The number of flats would yield many more cars than the number of parking spaces provided which would result in additional parking on surrounding streets, primarily Inveresk Road. The Council had a policy in place in respect of parking standards and it was not realistic to depart from this. He would not be supporting the application.

Local Member Councillor Forrest, not a member of the Planning Committee, stated that this was a welcome, attractive development. The site had lain empty for too long. He disagreed that the car parking provision would deter people from wanting to live in this development.

Councillor O'Donnell, making reference to building inclusive communities, remarked that the affordable housing could have been dispersed throughout the development, instead of being

situated in one block. However, despite this and concerns about the car parking provision, she would be supporting the recommendation in the report to grant consent. Councillor McLeod reiterated his earlier concerns about the car parking provision and the unauthorised use of the Tesco car park.

Councillor Kempson stated this was an exciting development; the central space and garden space were well designed. She would be supporting the recommendation to grant consent.

The Convener brought the discussion to a close. The proposal put forward was very attractive and there would undoubtedly be a high demand for these flats in Musselburgh town centre. Traffic management as regards parking would have to be managed carefully once the development was occupied. He suggested that Roads Service give consideration to possible measures to assist with traffic movement on Inveresk Road. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 8

Against: 1

Abstentions: 0

Decision

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

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

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

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

Reason:

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

- 2 Samples of all external finishes of the development, including those of the flatted buildings hereby approved, shall be submitted to and approved in advance of their use on the development by the Planning Authority and the external finishes used shall accord with the samples so approved.

Reason:

In the interests of safeguarding the character and appearance of the development.

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

Reason:

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

- 4 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been

installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be located along the full length of the northern site boundary and across the site from east to west to the north of the retained tree in the southwest corner of the site, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
 - _ No raising or lowering of the existing ground level
 - _ No mechanical digging or scraping
 - _ No storage of temporary buildings, plant, equipment, materials or soil
 - _ No hand digging
 - _ No lighting of fires
 - _ No handling discharge or spillage of any chemical substance, including cement washings
- Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to protect retained trees from damage.

- 5 Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS ponds/basin details, tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the land, details of any to be retained, and measures for their protection in the course of development. Thereafter the landscaping of the development shall be in accordance with that approved landscaping plan, unless otherwise agreed in writing by the Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree work to trees on and adjacent to the site shall be carried out in accordance with BS3998:2010 'Recommendations for Tree Work' and shall be approved in writing by the Planning Authority before work is carried out.

No trees or shrubs, detailed in the docketed landscape plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner unless otherwise approved by the Planning Authority.

Reason:

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

- 6 The northern boundary walls shall be constructed in accordance with detail Section A-A on the drawing titled 'Landscape Wall Construction Details' with drawing number DMR.AR(PL)018 rev P1. Should it be found that the existing foundations of the existing boundary wall are unsuitable for construction of the new garden walls then details of an alternative wall construction in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' to adequately protect the roots of the existing trees to the north of the site shall be provided to the planning authority for approval prior to any works commencing.

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 7 Only the path shown on detailed drawing 'Mall Avenue Entry Paths Existing and Proposed' with drawing number DMR.AR(PL)019 revision P3 shall be constructed on the grassed area on the south side of Mall Avenue. This path will be kept outwith the root protection areas for the existing trees along Mall Avenue and located outwith the site. Any surfacing within the Root Protection Area must be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations".

Reason:

To safeguard the health and vitality of the existing trees on Mall Avenue which make a significant contribution to the character and visual amenity of the Conservation Area.

- 8 The glazed openings on the east elevation of block 3 and the west elevation of block 4, shall prior to the occupation of each of the flats those glazed openings serve, be fitted with obscure glazing in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the glazed openings shall accord with the sample so approved. Thereafter the glazed openings on the east elevation of block 3 and the west elevation of block 4 shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 9 Unless otherwise approved in writing by the Planning Authority, the outfall for the surface water drainage system into the existing (Mill Lade) culvert in Mall Avenue shown on docketed Drawing No. J3441-002 is not hereby approved. Instead, development of the site shall not commence unless and until the following have been submitted to and approved by the Planning Authority, following consultation with the Council's Structures, Flooding and Street Lighting Team Manager:

- o Details of an alternative outfall for the surface water drainage system;
- o A Surface Water Drainage Assessment, in accordance with the 'Water Assessment and Drainage Assessment Guide' produced by the SuDS Working Party, including details of pre and post development surface water flows;
- o Confirmation that Scottish Water will vest the Surface Water Drainage System following construction.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the prevention of flood risk and to ensure adequate protection of the water environment from surface water run-off.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 11 The glazing specification of windows of bedrooms in proposed residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 30dB. The glazing specification of windows of living rooms in all of the residential units throughout the development site shall be such so as to provide a Sound Reduction Index equivalent to 25dB. The windows of all glazing units of noise sensitive rooms (bedrooms/living rooms) in housing throughout the development shall be provided with acoustic trickle vents.

Reason:

In the interests of the amenity of those occupying the residential units.

- 12 The development shall be provided with 6 Electric Vehicle (EV) "rapid charge" points. Prior to the commencement of development details of the 6 Electric Vehicle (EV) "rapid charge" points, including a timetable for their provision, shall be submitted to and approved by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reasons:

To minimise the impacts of the development on the Musselburgh Air Quality Management Area.

- 13 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

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

- 1) Cycle parking shall be provided at a rate of 1 locker per flat or communal provision in a lockable room or shed.
- 2) The footway on Inveresk Road in front of Unit 7 shall be a minimum width of 2 metres.
- 3) The existing footway along the development frontage on Inveresk Road shall be relayed to match in to the materials used for the proposed development. Details to be submitted for approval;
- 4) Bollards shall be required to protect internal pedestrian only areas from indiscriminate parking. Details to be submitted for approval;
- 5) The existing kerb line at Block 8 shall tie into the existing kerb line on the public road. Details to be submitted for approval;

The details to be submitted shall include a timetable for implementation.

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

Reasons:

In the interests of road and pedestrian safety.

- 15 Prior to the commencement of development, a Travel Plan to minimise private car trips and to encourage the use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The submitted Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

Development shall thereafter be carried out in accordance with the Green Travel Plan so approved.

Reason:

In the interests of ensuring sustainable travel patterns.

- 16 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

No use shall be made of any of the components of development hereby approved unless and until the measures to decontaminate the site have been fully implemented as approved by the Planning Authority.

Reason:

To ensure that the site is clear of contamination prior to the commencement of use of any of the components of development.

3. PLANNING APPLICATION NO. 17/00524/P: EXTENSION TO HOUSE AT 47 LINKS VIEW, PORT SETON

A report was submitted in relation to Planning Application No. 17/00524/P. Caoilfhionn McMonagle presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Niall Young of Niall Young Architecture Ltd, agent for the applicant, referred to the objection representations, as detailed in the report, refuting the grounds for objection for each one. He informed Members that this planning application was not contentious and should be granted.

John McGlynn, immediate neighbour, spoke against the application. The proposed extension was not well contained within the application site as stated in the report; it was outwith the site and ran along the rear building line into his property. This proposal was overbearing and would be too dominate. An appropriate extension would be one similar to those of neighbouring properties, smaller and more suitable to its surrounds.

George Thomson, also an immediate neighbour, spoke against the application. He raised concerns about the loss of view from his property, issues with the proposed fencing and the trees along the boundary between his property and the applicant's property.

Local Member Councillor O'Donnell agreed with the views expressed by the objectors. This was an extension too far; it was an overdevelopment of the site, it was too intrusive. The proposal would have an impact extending along the boundary of the neighbouring property. She would not be supporting the application.

Local Member Councillor Bruce remarked that whilst he understood the concerns of the objectors he did not feel there were sufficient reasons to go against the officer's recommendation. He would therefore be supporting the report recommendation.

Councillor Currie stated that there were no material grounds for refusal of the application. Regarding the extension site this was a legal matter between the relevant owners and not a matter for the Planning Committee. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He remarked that although neighbours felt the application was inappropriate, it met all the relevant planning policies and as such there were no grounds for refusal. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 8
Against: 1
Abstentions: 0

Decision

The Committee agreed to grant planning permission.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 3 October 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **17/00384/AMM**

Proposal Approval of matters specified in conditions of planning permission 14/00903/PPM - Erection of 185 houses and associated works

Location **Land To South, East And West
Wallyford
East Lothian**

Applicant Persimmon Homes (East Scotland) Ltd

Per EMA Architecture + Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00903/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 49. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

On 30 November 2009 planning permission in principle (Ref: 09/00222/OUT) was granted for a mixed use development on some 86 hectares of predominantly agricultural land to the east, south and southwest of Wallyford. The site included Wallyford Community Woodland, the public roads of Salters Road and Inchview Road, and land to the south of Fa'side Avenue South, to the south of the existing village. The land is the strategic housing site of Proposal H7 of the adopted East Lothian Local Plan 2008.

Planning permission in principle (Ref: 12/00924/PPM) was subsequently sought for the renewal of planning permission in principle 09/00222/OUT, as submitted to the Council on 26 November 2012. On 1 April 2014 the Council resolved to approve the application subject to the required Section 75 Agreement and planning permission in principle was duly granted with conditions on 14 November 2014 following the registration of that agreement.

Subsequent to this the applicant sought and was granted permission for the following variations to the conditions of planning permission in principle 12/00924/PPM:

- Variation of condition 2 of planning permission in principle 12/00924/PPM to allow for the development and occupation of residential units from both the western (A6094 - Salters Road) and northern (A199) ends of the site (Ref: 14/00913/PM);

- Variation of condition 5 of planning permission in principle 12/00924/PPM to allow for up to 90 units to be completed in Year 1, up to 150 units in Year 2, up to 150 units in Year 3 and up to 60 units in Year 8 (Ref: 14/00916/PM).

In September 2015 planning permission in principle (Ref: 14/00903/PPM) was granted for amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of the proposed local centre.

The elements of the approved mixed use development include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distributions units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision.

Condition 1 of planning permission in principle 14/00903/PPM requires that the development of the site should generally accord with the indicative masterplan docketed to this planning permission in principle.

Condition 4 states that no more than 1450 residential units shall be erected on the application site.

In October 2015 approval of matters specified in conditions (Ref: 15/00136/AMM) was granted for infrastructure associated with the residential development of the Wallyford site. The approved infrastructure includes the formation of a spine road that will provide access to much of the larger Wallyford development. Development of the infrastructure has commenced.

In October 2016 approval of matters specified in conditions (Ref:16/00537/AMC) was granted for the erection of 26 houses and 16 flats on land to the south of Fa'side Avenue South. Development of the site has commenced.

The approval of matters specified in conditions now sought is for the erection of 185 houses on land to the east side of Wallyford and thus on part of the larger site to which planning permission in principle 14/00903/PPM and the masterplan docketed to that permission apply.

The site is bounded to the south and east by other parts of the larger Wallyford site that have not yet commenced development. To the north there is a SUDS basin and to the west the main spine road that will run through the wider Wallyford site both of which were approved by approval of matters ref: 15/00136/AMM.

Vehicular access to the 185 residential units would be taken from the new spine road via 3 main access points. Additionally 7 minor access points would provide access for some of the houses that will front onto that spine road.

Of the 185 houses to be erected within the site all would be private houses for sale. There would be 110 detached houses, 24 semi-detached and 51 terraced. In terms of size, 30 of the 185 proposed houses would contain 5 bedrooms, 78 would contain 4 bedrooms, 59 would contain 3 bedrooms and 18 would contain 2 bedrooms. All the houses would be two-storey in height.

The houses would comprise of 22 different house types, which would be a mix of 2 bedroom, 3 bedroom, 4 bedroom, and 5 bed roomed houses.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaping and areas of open space.

As well as vehicular access, pedestrian and cycle access to the houses would be taken by new roads to be created off the main spine road through the site.

The south and east boundaries of the site would be landscaped with new woodland tree planting. A new avenue of trees would be planted on the area of open space to the north side of the main access road that would run through the site. Other small areas of open space would be formed through site.

The application is supported by a Design and Access Statement.

Subsequent to the registration of this application, further drawings have been submitted showing revisions to the site layout including a change to the number and mix of residential units.

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

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

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

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

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

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

There are no written representations received in respect of this application.

Wallyford Community Council, a consultee, object to the proposals. The grounds of objections include: i) the lack of pavements within the development and the use of grass pavements instead, ii) the lack of visitor parking, more visitor bays should be provided, iii) lack of fenced play areas which should include mounds, buses, play apparatus and ball sports, iv) lack of paths thorough the development, v) there should a mixture of planting of grassy areas to include clover and attractive shrubs, vi) the provision of bins and dog waste bins.

The provision of bins and waste bins is a detail that is not a material planning consideration in the determination of this approval of matters application. However, bins would be provided in accordance with the Council's waste management standards.

By the grant of planning permission in principle 14/00903/PPM, approval has been given for the principle of the erection of 1450 houses on the application site following technical assessments which demonstrated that local and wider infrastructure, subject to financial contributions and conditions, can accommodate such level of development. There can therefore be no objection in principle to the erection of the 185 houses now proposed on this particular part of the site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and conditions attached to planning permission in principle 14/00903/PPM.

The proposed residential development would be the first housing phase of the eastern part of the wider Wallyford development, which would form an extension to the southern, eastern and western edges of Wallyford. The proposed housing would be seen in relation to the existing housing on the southwest sides of Salters Road and eventually in relation to other parts of the new housing development immediately to the south and east of the application site, which is not yet under construction. In all of this, the proposed residential development would be sympathetic to and would not be out of keeping with the character of Wallyford or with other recent housing developments in the Wallyford area.

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

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached, semi-detached and terraced houses (22 types of residential units), with the houses being two stories in height. The total number of units proposed accords with the planning permission in principle granted for this part of the site and the mix of residential units includes a range of sizes and types. The layout reflects the surrounding area, which is generally characterised by detached, semi-detached and terraced houses of a mix of single and two-storey.

The range of house types proposed would give a variation of architectural form to the development, which coupled with the orientation and layout of the buildings, would give a degree of variety of appearance to the development. The architecture of the proposed houses is of a traditional pitched roof form. It should be ensured that the use of render is the predominant wall finish as this would respect the built form of other housing developments in Wallyford. A condition can be imposed on a grant of approval of matters specified in conditions for the proposed development to address these matters of wall finishes.

The proposed layout is broadly consistent with the layout shown in the Design Concept docketed to planning permission in principle 14/00903/PPM. The houses would be erected on a raised area of ground that has been designed to tie in with the adjacent spine road that is under construction. The raised area of ground is higher than that of the land to the north including the A198 public road. Notwithstanding, due to their positions and building height and with the proposed tree planting to the north the proposed houses, due to their positioning on the application site and by virtue of their height, size and scale, would not appear incongruous in their landscape setting. This coupled with the proposed landscaping would ensure a visually attractive and cohesive development, with the proposed houses visible but not appearing intrusive in their surroundings. The other components of the proposed development would not be harmful to the character and appearance of the area.

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

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The Council's Landscape Project officer raises no objections to the proposals being satisfied with the submitted scheme of landscaping.

The Council's Environmental Health Manager raises no objections to the details of the housing development now proposed.

On all of these foregoing findings on matters of design, density, layout, landscaping and amenity the details submitted for approval are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP1,

DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's approved development framework for Wallyford and the Council's Design Standards for New Housing Areas.

The masterplan docketed to planning permission in principle 14/00903/PPM indicates how areas of formal and informal open space, including two community sports pitches, could be located throughout the allocated site.

The site that is the subject of this approval of matters application includes the land shown on the docketed masterplan as being the location for areas of open space. It does not however show areas for play area provision or for sports pitch provision.

Consequently, although the proposed development does not include the provision of formal play area provision, this is consistent with the docketed masterplan. On this consideration the proposed development is consistent with Policies C1 and C2 of the adopted East Lothian Local Plan 2008 and with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The principles of the means of accessing of the proposed housing are already decided by the grant of planning permission in principle 14/00903/PPM. These include vehicular access to the proposed housing being taken from the new distributor road approved by the grant of Approval of Matters Specified in Condition ref: 15/00136/AMM.

The submitted details for accessing the site are in accordance with these established principles of the means of accessing the mixed use development.

The Council's Road Services raise no objection to the submitted details, being generally satisfied with the proposed means of pedestrian and vehicular access and the number and location of parking spaces proposed. They do however make recommendations on the standards of provision.

They recommend that:

(i) prior to the occupation of the last residential unit approved, the proposed access roads, parking spaces, and footpaths should have been constructed on site, in accordance with the docketed drawings and the transportation recommendations specified below. Those areas of land should not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the units and should not be adapted or used for other purposes without the prior written approval of the Planning Authority;

(ii) all adoptable footpaths shall be 2m wide;

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

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

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

manoeuvre in adjacent to the parking bay;

(vi) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vii) wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent materials being carried onto the public road.

(viii) a swept path assessment should be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(ix) a continuous footway should be provided on both sides of the section of road adjacent to plots 7 and 126;

(x) where there is no footway provision and the road will act as a shared surface, road design should emphasise this e.g. change of level and surface treatment and should be augmented by traffic calming or signage as appropriate. This could include differential surface treatment to indicate to drivers and pedestrians where pedestrians will be located. Details of this should be submitted to and approved by the Planning Authority; and

(xi) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 should be revised to include hard landscaping at either end of it, in accordance with details to be submitted to and approved by the Planning Authority.

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

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

The mechanism of a financial contribution towards additional educational provision for a housing development of 1450 residential units has already been secured through the grant of planning permission in principle 14/00903/PPM.

The mechanism of the provision within the residential development of 1450 residential units of 25% affordable housing (i.e. 363 units of the proposed 1450 units) is already secured through the grant of planning permission in principle 14/00903/PPM. Additionally, the masterplan docketed to planning permission 14/00903/PPM indicates the parts of the wider Wallyford development that will provide for affordable housing. There is no affordable housing allocated for this part of the site in that docketed masterplan. In this regard the proposal is consistent with the indicative masterplan docketed to planning permission in principle 14/00903/PPM.

The Indicative masterplan docketed to planning permission in principle 14/00903/PPM indicates how three sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Condition 27 of planning permission in principle 14/00903/PPM states that a SUDS scheme should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency. The position of the three SUDS detention basins has already been approved by approval of matters 15/00136/AMM. A

SUDS scheme has been submitted to the Planning Authority, and this has been forwarded onto SEPA for consultation. At the time of preparing this report, no response on this matter has been received by SEPA. Notwithstanding this, SEPA raise no objection to the 185 residential units now proposed provided a Construction Monitoring Statement be submitted for this site to ensure protection for the water environment from pollution during the construction phase of development.

The Council's Team Manager for Structures, Flooding & Street Lighting advises that information regarding a Surface Water Drainage Assessment for the whole of the site covering has not yet been submitted for the larger Wallyford Site. Therefore it would be prudent to attach a condition to a grant of planning permission for approval of matters that prior to the occupation of any of the houses the subject of this application the SUDS scheme the subject of Condition 27 of planning permission in principle 14/00903/PPM is approved.

Scottish Water were consulted on the planning application and raised no objection to it.

RECOMMENDATION:

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

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

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

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

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

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

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

Reason:

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

- 4 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

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

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

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

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

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

(vii) a swept path assessment shall be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(viii) a continuous footway shall be provided on both sides of the section of road adjacent to plots 7 and 126;

(ix) where there is no footway provision and the road will act as a shared surface, road design shall be used to ensure the safety of pedestrians and other road users. This could include change of level and surface treatment and shall be augmented by traffic calming or signage as appropriate. This could also include differential surface treatment to indicate safe pedestrian routes. Prior to the commencement of development details of this shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved; and

(x) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 shall be revised to include hard landscaping at either end of it, in accordance with

details to be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 5 All new planting as shown on docketed drawings nos. 143.106.01b -143.106.05b shall be carried out in the first planting and seeding season following the occupation of the houses or the completion of the development, whichever is the sooner, and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 4 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 A timetable for the provision of the erection of the 1.8m high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 8 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 3 October 2017
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Note - this application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: that the refusal of the application might be seen to be contrary to the Council's indicated policy to encourage the rural economy and in particular rural tourism. Thus I believe that it would be beneficial for elected members to consider this application.

Application No. **17/00618/P**
Proposal Erection of building for cafe (class 3) use and associated works
Location **Land At Castleton Farm
North Berwick
East Lothian**
Applicant Mr Stuart McNicol
Per Apt Planning & Development Ltd
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The application site is an area of agricultural land on the north side of the A198, within the countryside to the east of North Berwick. By being within the countryside, the area of land is covered by Policy DC1: Development in the Countryside and Undeveloped Coast of the adopted East Lothian Local Plan 2008.

The area of land is located within an area of Great Landscape Value as defined by Policy NH4 of the adopted East Lothian Local Plan 2008.

The application site is bounded to the east and west by agricultural land and to the south by the A198 classified road with agricultural fields beyond. To the north is an area of sloping grassed land, which leads down to the rocky shoreline adjacent to the west side of Canty Bay.

The high water mark on the shoreline marks the edge of the Firth of Forth Special Protection Area.

In January 2007 planning permission (Ref: 06/01078/FUL) was granted for the conversion of an existing building located to the east side of this application site to 1

house. Access to that house was to be via the farm access that is in the north side of the A198. Planning permission 06/01078/FUL has not been implemented, and has since expired.

Planning permission is now sought for: (i) the siting of a building with associated deck onto the application site. The proposed building would be used as a café/bistro, a use within Class 3 of the Town and Country (Use Classes) (Scotland) Order 1997, and (ii) the formation of a new driveway and associated parking area to lead from an existing farm access in the north side of the A198 to the proposed building. The proposed access is the same farm access as was approved through the grant of planning permission 06/01078/FUL to be used for the access to the proposed house.

The proposed building would be positioned at a point some 3.5m back from where the land begins to slope downwards towards the rocky shore. It would be a T shaped building formed by joining two shipping containers together. The largest container would be orientated to sit from east to west and would be some 12.5m in length, some 5m in width and some 3m in height to the top of its flat roof. Sitting perpendicular to it, and protruding out from the middle of its south elevation would be the second smaller container. It would be some 6m in length, some 5.5m in width and some 3m in height. A timber deck would project out some 5m from the west elevation of the smaller container and, also from the western end of the south elevation of the larger container. Attached to the east side of the proposed building would be a service area some 11m in length and which would protrude some 3m out from the east elevation of the larger storage container. The service area would be enclosed by a 1.8m high timber boarded fence.

The walls of the building would be clad with horizontal larch cladding. There would be large glazed openings in the north and west elevations of the building. The window frames and doors of the building would be anthracite grey colour. The outdoor seating area would be enclosed by natural fibre rope, hung between timber posts.

The proposed building would have within it tables and chairs for some 30 customers with the remainder of the building being used as the kitchen for food preparation, cooking and serving areas. The timber deck would provide an area for outdoor seating, but no details are given on the numbers of tables and chairs that would be set out there.

The proposed driveway would be some 125m in length and would lead from the existing farm access in the north side of the A198 to a parking area to be formed to the south side of the proposed building. It would be some 5.5m in width between the access and the proposed parking area. The proposed parking area would at its widest be some 22.5m in width and would have parking for 22 vehicles. The proposed driveway would be surfaced with gravel, with the first 20m of it, measured back from the northern edge of the A198 and the parking area closest to the building being contained within webbing.

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

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

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development

Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), DP22 (Private Parking) and T2 (General Transport Impact), of the adopted East Lothian Local Plan 2008.

There is one objection to the application. The matters raised in that objection are: (i) road safety owing to the volume and speed of traffic, and being used by heavy goods delivery lorries servicing Tesco, (ii) the rope rail around the deck is inadequate, (iii) the amount of parking is excessive, and (iv) the premises is not aesthetically pleasing and will spoil an area of natural coastline.

The matter of the rope rail around the deck being inadequate is not a material planning consideration in the determination of this application.

The proposed building, by being located in the countryside, has no neighbouring residential properties that would experience a loss of amenity through overlooking, overshadowing, light pollution or noise.

The Council's Environmental Health Manager raises no objection to the application.

Scottish Natural Heritage advises that the building would not adversely affect the integrity of the Firth of Forth Special Protection Area. The Council's biodiversity officer raises no objection to this proposal.

The Council's Road Services advise that the proposed vehicle access could be used without raising issues of road safety, provided a visibility splay of 4.5m by 215m is retained and maintained on both sides of the access. This can be achieved and therefore the proposal is not be contrary to Policy T2 of the adopted East Lothian Local Plan 2008. They further advise that sufficient parking is shown to be provided for the café bistro. In that respect the proposal is not contrary to Policy DP22 of the adopted East Lothian Local Plan 2008.

Policy DC1 of the adopted East Lothian Local Plan states that development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation uses. Other business use will also be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts. Part 5 of Policy DC1 advises that having regard to its nature and scale, new development must be integrated into the landscape, reflect its character and quality of place, and be compatible with its surroundings.

In this instance, the proposed cafe would not be directly related to agriculture, horticulture, forestry or countryside recreation. It would be for a class 3 type use (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997) which is a use which can be accommodated within an urban area. Therefore, in that respect it would not be consistent with Policy DC1 of the adopted East Lothian Local Plan 2008 and as such would not be a type of development which would be supported in this undeveloped coastal location and Area of Great Landscape Value.

Policy DC9 of the Proposed East Lothian Development Plan only supports development within the special landscape area where the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

Policy NH4 of the adopted East Lothian Local plan 2008 states that development that

harms the landscape character and appearance of Areas of Great Landscape Value will not be permitted.

The advice from The Council's Landscape Projects Officer (Policy & Projects) is that the site is located within the North Berwick to Dunbar Coastline Area of Great Landscape Value as defined by the adopted East Lothian Local Plan 2008. The proposed building would be located on top of the cliffs on one of East Lothian's most scenic and diverse stretches of coastline, on open landscape where views are panoramic and spectacular. This section of coastline is particularly important for its wide open raised sea views that encompass the Bass Rock and Tantallon Castle. The cliffs along this section are a significant landscape feature with only a handful of buildings located here that are of a size and scale fitting well within this coastal landscape.

It is the opinion of the Landscape Projects Officer (Policy & Projects) that although the proposal is small in scale, any building on this stretch of coastline will impact on coastal views from the A198 including onto two of East Lothian's most iconic features - Tantallon Castle and the Bass Rock. Therefore, the placing of the proposed building and the formation of its associated driveway and car park in this open landscape would diminish the openness and sense of expansiveness of this Area of Great Landscape Value. Consequently, such development would be out of character with the wild nature of this section of coastline and will undermine its sense of wildness and remoteness.

As an area of undeveloped land in the countryside outside North Berwick, within a scenic and diverse stretch of coastline, the application site as a whole constitutes a prominent and distinctive feature, which makes a significant contribution to the character and appearance of the Area of Great Landscape Character. The proposed siting of the building and the associated infrastructure required to facilitate the proposal (the formation of a car park which could accommodate up to 22 cars and an access road) in this undeveloped coastal location of great landscape value would be development of a character which would be unnecessary and unsympathetic to this sensitive location. It is not required to support or facilitate an existing agricultural or horticultural business. It would be development that, by its nature, would be inappropriate in this countryside location. The proposed building and the large area for associated car parking would not be integrated into the landscape, or reflect its character and quality of place and would not be compatible with its surroundings. Instead, the proposed building and the associated parked cars would be prominent and intrusive in views from the A198 which would undermine the open nature of this area of land. As such, the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DC1 and NH4 of the adopted East Lothian Local Plan 2008.

Furthermore, if approved the proposal would set an undesirable precedent for similar types of development along the coastline of North Berwick and within other parts of East Lothian. The cumulative effect of such development would result in an unacceptable and detrimental impact on the landscape character of the coastline of East Lothian.

REASONS FOR REFUSAL:

- 1 As an area of undeveloped land in the countryside of North Berwick, within a scenic and diverse stretch of coastline, the application site as a whole constitutes a prominent and distinctive feature, which makes a significant contribution to the character and appearance of the Area of Great Landscape Character. The proposed siting of the building and the associated infrastructure required to facilitate the proposal (the formation of a car park which could accommodate up to 22 cars and an access road) in this undeveloped coastal location of great landscape value would be development of a character which would be unnecessary and unsympathetic to this sensitive location. It is not required to support or facilitate an existing agricultural or horticultural business. It would be development that, by its nature, would be inappropriate in this countryside location. The proposed building and the large area of associated car parking would not be integrated into the landscape, or reflect its character and quality of place and would not be compatible with its surroundings. Instead, the proposed building and the associated parked cars would be prominent and intrusive in views from the A198 which would undermine the open nature of this area of land. As such, the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies DC1 and NH4 of the adopted East Lothian Local Plan 2008.
- 2 If approved the proposal would set an undesirable precedent for similar types of development along the coastline of North Berwick and within other parts of East Lothian. The cumulative effect of such development would result in an unacceptable and detrimental impact on the landscape character of the coastline of East Lothian.

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

REPORT TO: Planning Committee

MEETING DATE: 3 October 2017

BY: Planning Service Manager

SUBJECT: Tree Preservation Order at
The Hawthorns to Broadgait, Gullane
[T.P.O.no 138 (2017)]

4

1 PURPOSE

- 1.1 East Lothian Council placed a Tree Preservation Order (TPO) on several trees on Broadgait, Erskine Road, The Hawthorns and land to the north of the Hawthorns in Gullane on 26 July 2017. This TPO continues in force for six months (until 26 January 2018) or until the Order is confirmed, whichever happens first.
- 1.2 This report lays the facts before the Planning Committee for consideration when deciding whether to confirm this Order.

2 RECOMMENDATIONS

- 2.1 It is recommended that this TPO should be confirmed.

3 BACKGROUND

3.1 Reason for promotion of Order

A planning application was submitted in 2016 for the erection of a house within an area of trees protected by an existing tree preservation order (TPO 42 – The Hawthorns (1981)) at 6 The Hawthorns. The plan of this TPO is attached in appendix 7.11 for information. During assessment of this application it was noted that there are significant trees within the surrounding area that are also important to the visual amenity of this part of Gullane.

This area of Gullane is not within the Conservation Area. However there are two TPOs in the vicinity, TPO 42 as above and TPO 135 at Broadgait and Main Street (2016) (plan of TPO 135 attached in appendix 7.12 for information). This TPO would therefore visually link these protected trees

with Council owned trees retaining the visual amenity afforded by the trees to the setting of this area of Gullane.

If this TPO is confirmed, the trees would be protected under planning law and could not be legally pruned or removed without the prior agreement of the Council.

3.2 The visual amenity value of the trees is detailed below:

Visibility

The trees make a significant contribution to the visual amenity to the overall character of this part of Gullane. All the trees are publicly visible. The individual trees within the grounds of Redhurst and groups of trees within the grounds of The Pines are visible along the road frontages of Broadgait and Erskine Road. The trees within the rear gardens of Drum Mossie and 5 and 6 The Hawthorns are visible over the roofs of the housing providing separation between housing areas and helping to break up the built form. The woodland in the open ground to the north of The Hawthorns and the group within the land of 5 The Hawthorns are visible from the coast and public open space of Gullane Bents and Muirfield Golf course as well as over the roofs of the surrounding houses.

Individual impact

The individual pine trees T1 and T2, as well as the pines within groups G1, G2 and sycamores within group G3 provide an important contribution to the visual amenity of the area by breaking up the urban massing and linking trees out with the village with trees through the open spaces within the village.

The trees T3, T4, T5 and T6 and groups of trees G4 and G5 provide an important contribution to visual amenity of the area by creating a green feature within the street, creating a setting for the buildings and framing views.

Woodland W1 provides an important visual link between the rural coast and the urban village environment.

Wider impact

The trees are important in providing a visual green link between other trees in the area that are both protected by tree preservation orders and within Council ownership providing a green spine through the village of Gullane from the coast to the north to the Main Street to the south.

Threat

If these trees were lost, it would impact significantly on this area of Gullane. It could start a gradual erosion of the feature trees within this

area. This would represent a significant loss to the visual amenity of this part of Gullane.

3.3 Future tree felling or tree work

The confirmation of this TPO would not prevent the owner of the trees from applying to the Council for permission to do tree management work or to fell and replace the trees for arboricultural reasons, if necessary in the future. However, the TPO would give the Council control over such proposals and this control would be used to ensure that tree cover is retained in this area.

3.4 Objections to Order

The Council must consider any objections and representations received, before the TPO is confirmed.

The property owners and the public had 28 days from the time of the serving of the TPO on 26 July 2017 in which to object or make representation.

One written objection was received as well as one written representation, an email notification and a telephone enquiry.

- The written objection (appendix 7.4) to the TPO was on both legal and visual grounds.

The objection was addressed in a letter dated 18 August 2017 (appendix 7.5) in which Legal Services confirmed the legality of the order. The Planning Service also upheld in the response that the TPO is intended to protect the visual amenity afforded by trees in this location and ensures the continuation of tree cover within the area. It was confirmed that the tree preservation order does not preclude the owner from carrying out appropriate tree management works, but this would require the approval of the Council and should trees covered by the tree preservation order require to be felled then replacement planting can be ensured thereby retaining the tree cover for the future. The schedule has been amended to include the number of trees within each group for the avoidance of doubt.

- The written representation (appendix 7.6) to the TPO noted that there are no sycamores within group G3 and that there are other trees within the area that are not included in the TPO.

The representation was addressed in a letter dated 22 August 2017 (appendix 7.7). The labelling of the trees within group G3 in the first schedule as sycamores was confirmed as an administrative error that has been amended. Although there are other trees within this part of Gullane, the trees within the tree preservation order were those seen as being most visually significant within the area. It was also confirmed

that the tree preservation order does not preclude the owner from carrying out appropriate tree management work, just that this would have to be agreed with the Council.

- An email (appendix 7.8) informed the Council that we had incorrectly identified the trees within the grounds of Redhurst included in the tree preservation order. It was also concerned about the condition of one of the trees and wanted to know why the trees were being protected.

The trees within the grounds of Redhurst were inspected and it was found that one tree T6 had been wrongly recorded as a beech when it is a lime. It was identified in the original survey as having had previous work carried out to it and being in a position where it may require future works. Should the tree require work this would have to be agreed with the Council. The Council would not prevent works where this is necessary in the interests of safety but the tree preservation order would mean that the Council could control the quality of the works to retain the visual amenity afforded by the tree or enforce replacement should it require to be removed.

A response was sent (appendix 7.9) to provide this information and the schedule updated to accurately record the species of tree T6.

- A telephone enquiry (appendix 7.10) informed the Council that several of the trees had recently been felled within the garden of The Pines. As it was evident that the work was carried out prior to serving the TPO no breach of the order had been committed. The property was visited and the plan (appendix 7.1) and schedule updated to take account of the felled trees.

We have updated the first schedule (appendix 7.2) to accurately record the tree species and number within the groups.

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 APPENDICES

7.1 TPO 138 Location Plan

7.2 TPO 138 - Schedule 1

7.3 Photographs (3 pages)

7.4 Written Objection

7.5 Response to objection

7.6 Written Representation

7.7 Response to representation

7.8 Email and ELC response

7.9 Response to email

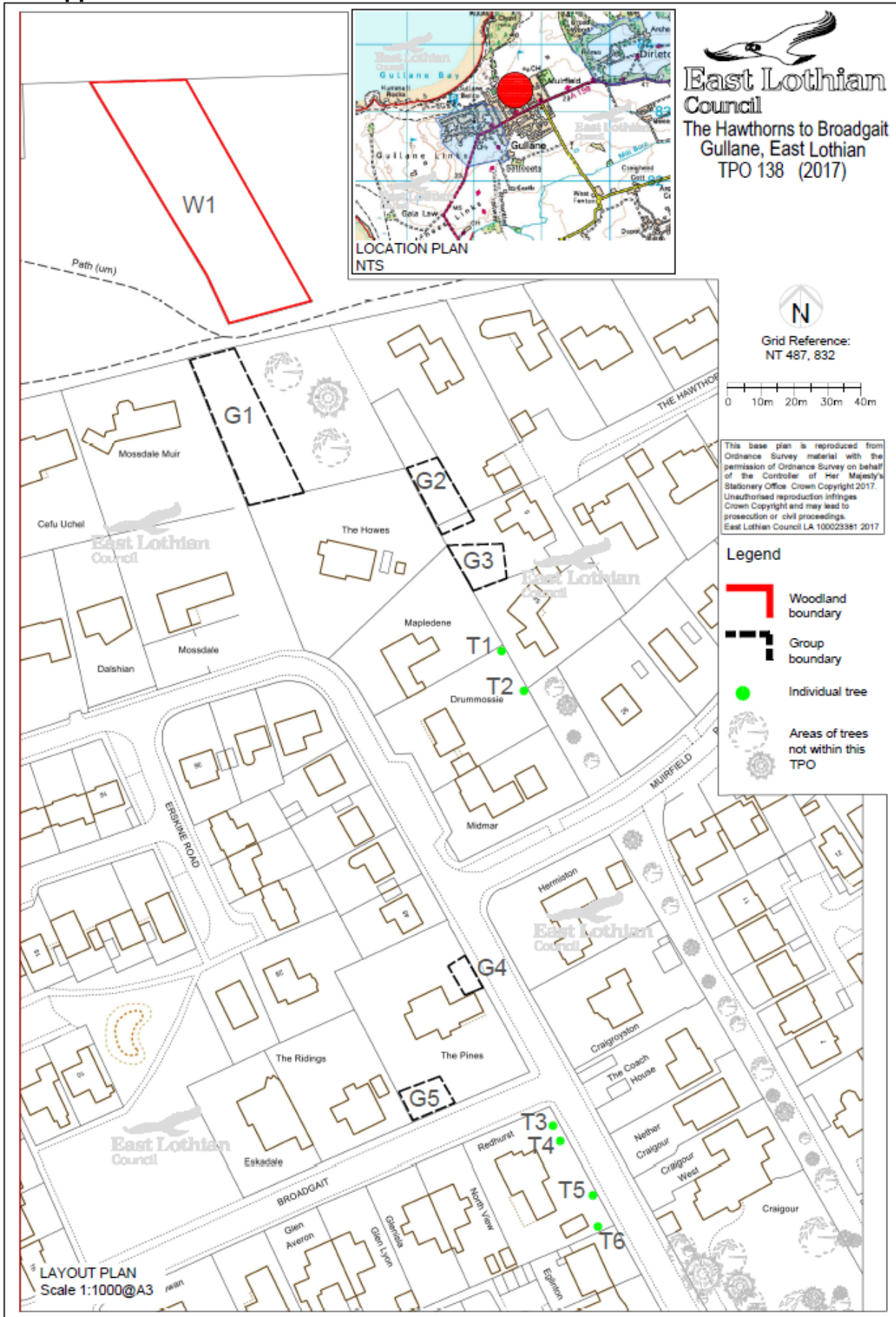
7.10 File note re telephone enquiry

7.11 TPO 42 (1981) The Hawthorns plan

7.12 TPO 135 (2016) Broadgait to Main Street plan

AUTHOR'S NAME	Sarah Cheyne
DESIGNATION	Projects Officer (Landscape)
CONTACT INFO	x6756 scheyne@eastlothian.gov.uk

Appendix 7.1



Appendix 7.2

Trees Specified Individually <i>(denoted with a black T and a green dot on the map)</i>		
No. on Map	Description	Situation
T1	PINE (<i>Pinus sp</i>)	<p>On the north east boundary of the property known as 'Drummossie' and being the subjects known as and forming ALL and WHOLE the subjects known as Drummossie, Erskine Road, Gullane registered in the Land Register of Scotland under Title Number ELN21369.</p> <p>Shown marked as 'T1' on the map.</p>
T2	PINE (<i>Pinus sp</i>)	<p>On the eastern boundary of the property known as 'Drummossie' and being the subjects known as and forming ALL and WHOLE the subjects known as Drummossie, Erskine Road, Gullane registered in the Land Register of Scotland under Title Number ELN21369.</p> <p>Shown marked as 'T2' on the map.</p>
T3	CEDAR (<i>Cedrus sp</i>)	<p>On the north east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191.</p> <p>Shown marked as 'T3' on the map.</p>
T4	SYCAMORE (<i>Acer sp</i>)	<p>On the north east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191.</p>

		Shown marked as 'T4' on the map.
T5	SYCAMORE (<i>Acer sp</i>)	On the east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191. Shown marked as 'T5' on the map.
T6	LIME (<i>Tilia sp</i>)	On the south east boundary of the property known as 'Redhurst' and being the subjects known as and forming ALL and WHOLE the subjects known as Redhurst, Broadgait, Gullane registered in the Land Register of Scotland under Title Number ELN14191. Shown marked as 'T6' on the map.

Trees Specified by Reference to an Area (*within a continuous black line on the map*)

NONE

Groups of Trees (*delineated within a broken black line on the map denoted with a black G*)

No. on Map	Description	Situation
G1	Group of 8 SYCAMORE trees (<i>Acer sp</i>)	The woodland area located on the area of ground known as and forming Part and Portion of ALL and WHOLE (First) that area of ground containing 435 decimal or one thousandth parts of an acre of thereby with the dwellinghouse and whole other buildings erected thereon and known as number 6 The Hawthorns, Muirfield Park, Gullane, East Lothian being the subjects more particularly described in, feu farm disposed by and delineated and coloured yellow on the plan annexed and executed as relative to Feu Disposition by County Council of East Lothian in favour of Ernest Rosie Gorrigal dated 5 August Nineteen hundred and sixty

		<p>six and recorded in the Division of the General Register of Sasines for the country of East Lothian on 9 January Nineteen hundred and Sixty seven; and (Second) that area of ground containing 578 decimal or one thousandth parts of an acre or thereby at Muirfield Park, Gullane and being the subjects in feu farm disposed by and shown coloured yellow on the Plan annexed and executed as relative to Feu Disposition by County Council of the County of East Lothian in favour of Frank Malcolm dated 31 March and recorded in the said division of the General Register of Sasines on 18 April, both months in the year Nineteen hundred and Seventy two.</p> <p>Shown marked 'G1' on the map</p>
G2	<p>Group of 15 PINE trees (<i>Pinus spp</i>) 13 within 6 The Hawthorns, 2 within 5 The Hawthorns</p>	<p>On the western boundary of the properties:</p> <p>(ONE) Part and Portion of ALL and WHOLE (First) that area of ground containing 435 decimal or one thousandth parts of an acre or thereby with the dwellinghouse and whole other buildings erected thereon and known as number 6 The Hawthorns, Muirfield Park, Gullane, East Lothian being the subjects more particularly described in, feu farm disposed by and delineated and coloured yellow on the plan annexed and executed as relative to Feu Disposition by County Council of County of East Lothian in favour of Ernest Rosie Gorrival dated 5 August Nineteen hundred and sixty six and recorded in the Division of the General Register of Sasines for the country of East Lothian on 9 January Nineteen hundred and Sixty seven; and (Second) that area of ground containing 578 decimal or one thousandth parts of an acre or thereby at Muirfield Park, Gullane and being the subjects in feu farm disposed by and shown coloured yellow on the Plan</p>

		<p>annexed and executed as relative to Feu Disposition by County Council of the County of East Lothian in favour of Frank Malcolm dated 31 March and recorded in the said division of the General Register of Sasines on 18 April, both months in the year Nineteen hundred and Seventy two; and</p> <p>(TWO) On the western boundary of the property known as 5 The Hawthorns, Muirfield Park, Gullane and forming Part and Portion of ALL and WHOLE that area of ground containing 138 decimal or one thousandth parts of an acre or thereby and more particularly described in and delineated and coloured yellow on the plan annexed subscribed as relative to the Feu Disposition by the County Council of the County of East Lothian in favour of Alan Lindsay dated 30 March and recorded in the said Division of the General Register of Sasines on 3 April both months in the year Nineteen hundred and Seventy three.</p> <p>Shown marked 'G2' on the map.</p>
G3	Group of 4 PINE Trees (<i>Pinus spp</i>)	<p>On the western boundary of the property known as 5 The Hawthorns, Muirfield Park, Gullane and forming Part and Portion of ALL and WHOLE that area of ground containing 138 decimal or one thousandth parts of an acre or thereby and more particularly described in and delineated and coloured yellow on the plan annexed subscribed as relative to the Feu Disposition by the County Council of the County of East Lothian in favour of Alan Lindsay dated 30 March and recorded in the said Division of the General Register of Sasines on 3 April both months in the year Nineteen hundred and Seventy three.</p> <p>Shown marked 'G3' on the map.</p>

G4	Group of 3 PINE Trees (<i>Pinus spp</i>)	On the east boundary of the property known as 'the Pines' and being the subjects known as and forming ALL and WHOLE the subjects known as the Pines, Broadgait, Gullane and registered in the Land Register of Scotland under Title Number ELN20553. Shown marked ' G4 ' on the map.
G5	Group of 2 Beech trees (<i>Fagus sp</i>), 1 Horse Chestnut tree (<i>Aesculus sp</i>), 1 Oak tree (<i>Quercus sp</i>)	On the south west boundary of the property known as 'the Pines' and being the subjects known as and forming ALL and WHOLE the subjects known as the Pines, Broadgait, Gullane and registered in the Land Register of Scotland under Title Number ELN20553. Shown marked ' G5 ' on the map.

Woodlands (*delineated within a continuous red line on the map denoted with a black W*)

No. on Map	Description	Situation
W1	Shelter belt of PINE (<i>Pinus spp</i>), SYCAMORE (<i>Acer sp</i>), SWEDISH WHITEBEAM (<i>Sorbus sp</i>) and POPLAR (<i>Populus spp</i>)	The woodland area located on the area of ground known as and forming Part and Portion of ALL and WHOLE that piece of ground extending to nine acres and eight hundred and seventy-five decimal or thousandth parts of an acre of thereby Imperial Measuer, being the subjects (First) described in and dispoed by and shown delineated on the plan annexed and executed as relative to Disposition by Archibald John Georger Hope in favour of the Trustees for the Honourable Company of Edinburgh Golfers dated 5 th and recorded in the Diviision of the General Register of Sasines for the County of East Lothian on the 10 th both dates of July, Nineteen hundred and Fifty-one. Shown marked ' W1 ' on the map

Appendix 7.3

Tree Preservation Order 138 – The Hawthorns to Broadgait, Gullane



View north along Broadgait with trees of TPO135 at Craigour to the right-hand side linking visually with trees T6-T3 of this TPO in the distance on the left-hand side



Mature oak, beech and horse chestnut of Group G5



Trees T6-T3 of this TPO reading with the pines in group G4 of TPO further along the street



Tree T3
Blue cedar



View north from Broadgait along Erskine Road showing visual link between the pines of group G4 with the sycamores of group G1 and the trees of TPO42 in the distance



View north from public walkway at Muirfield Park of pines on council owned land with trees T1, T2 and groups G2, G3 beyond



View north from Muirfield Park over rear gardens showing visibility of the pine trees T1 and T2 and groups G3 and G4 together with the trees of TPO42 to the left and the council owned trees to the right



View south along Erskine Road with pines of group G4 and trees T3-T6 on the right-hand side linking visually with the with trees of TPO135 at Craighour to the left-hand side in the distance



View of woodland W1 from the open ground to the west visually linking with the trees of TPO43 and sycamores of group G1 to the right-hand side



View from the edge of Muirfield Golf Course to the east with the trees of woodland W1 in the centre of the view visually linking the trees of TPO43 to left-hand side with trees within Gullane links to the right-hand side

Please note that certain pages relating to this item have been removed as they contain personal information (for example names and contact details of individuals)

Appendix 7.11

Nat Grid Ref

N	485
T	830

TREE PRESERVATION ORDER No 2
The Hawthorns, Gullane

This is the map referred to in the
foregoing Tree Preservation Order.

Dated this Fifth day of November
Nineteen Hundred and Eighty One.

Director of Administration

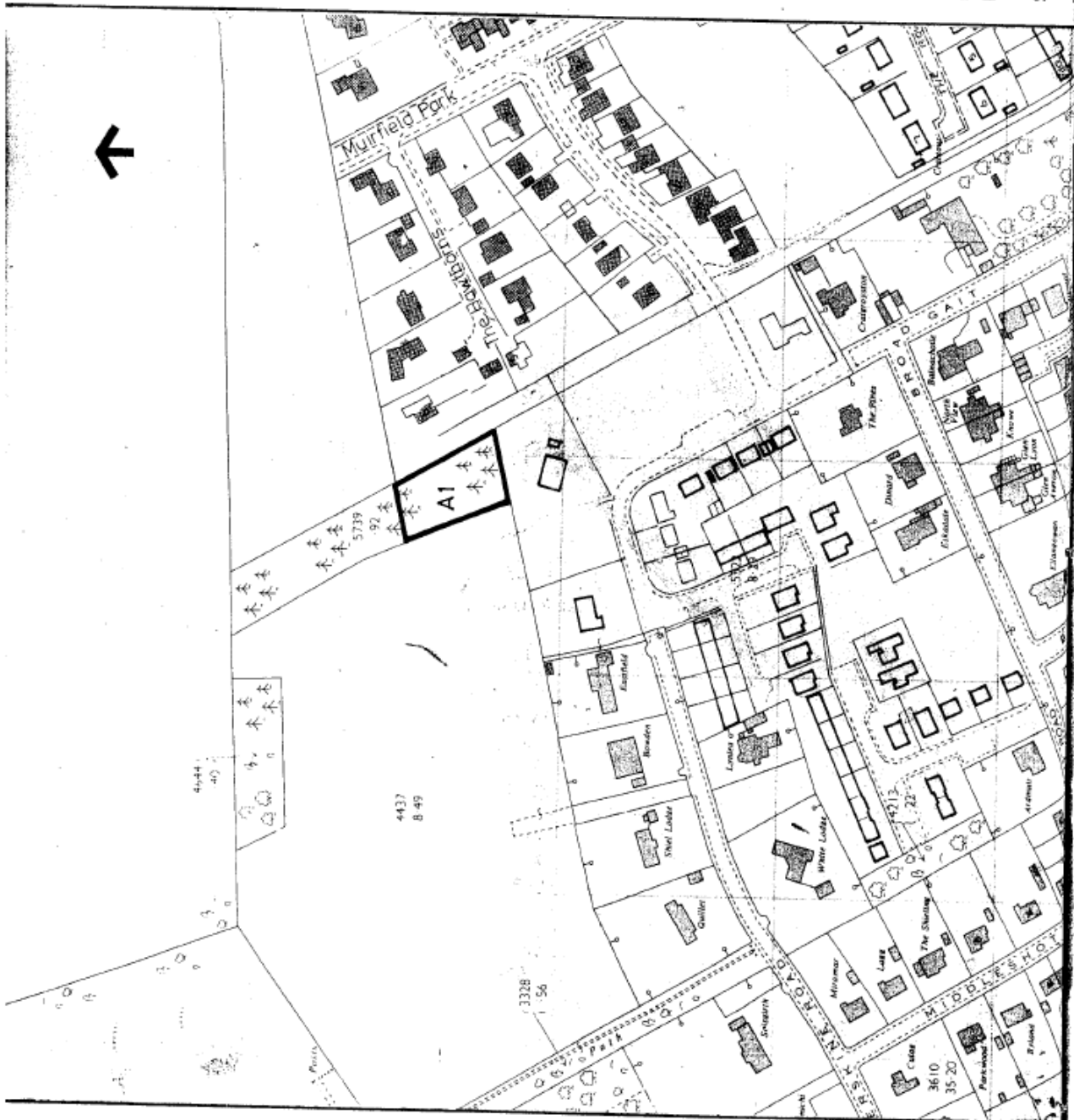
Drwg. No. 5454

EAST LOTHIAN DISTRICT COUNCIL
Department of Physical Planning

Scale 1:2,500

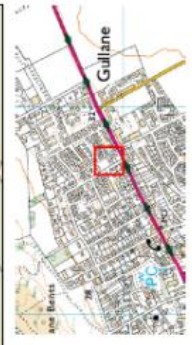
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18



Appendix 7.12

TPO 135 (2016) Broadgait & Main Street Gullane, East Lothian



Co-ordinates: 348760, 683057
 Grid Reference: NT 487830

LOCATION PLAN SCALE 1:750 @ A3
 Inset Map Scale [1:15,000]@ A3

