

# OFFICER REPORT

15th January 2018

App No. 17/00644/P

Application registered on 18th July 2017  
Target Date 17th September 2017

Proposal	Erection of 16 houses and associated works	SDELL	Y/N
		CDEL	Y/N
Location	Land At The Former Gateside Commerce Park West Road Haddington East Lothian	Bad Neighbour Development	Y/N

APPLICANT: **Persimmon (East Scotland)**

Is this application to be approved as a departure from structure/local plan? Y/N

c/o Persimmon Homes East Scotland  
Per David Jinks  
Unit 1  
Wester Inch Business Park  
Bathgate  
EH48 2TQ

DECISION TYPE: **Application Refused**

## PLANNING ASSESSMENT

On 12 January 2015 planning permission (ref: 14/00219/PM) was granted for the erection on the eastern part of the former Gateside Commerce Park, Haddington of 112 houses, 14 business/light industrial units (Class 4 use), a pub/restaurant and for associated works.

On 14 December 2016 planning permission (ref: 15/00686/PM) was granted for the erection of 97 houses and associated works on 4.07 hectares of land which comprised part of the former Gateside Commerce Park and thus on part of the land that was subject of planning permission 14/00219/PM. The site did not include the land for the business/light industrial units or for the pub/restaurant.

Planning permissions 14/00219/PM and 15/00686/PM have been implemented to the extent that housing development has commenced, with many of the approved houses now built and occupied.

This application relates to a 0.4 hectares area of land that is currently vacant but which formerly formed part of the larger Gateside Commerce Park. It is the site for which approval was given for the pub/restaurant through the grant of planning permission 14/00219/PM.

In its position the application site is bounded to the north by the area of land approved for the 14 business/light industrial units by planning permission 14/00219/PM and to the east by houses approved by both planning permissions 14/00219/PM and 15/00686/PM which are under construction.

To the west the application site is bounded by an access road with land beyond which comprised the western part of the former Gateside Commerce Park for which planning permission in principle (ref: 11/00729/PPM) and approval of matters specified in conditions (ref: 12/00896/AMM) have been granted for the development of a Class 1 retail store and for a petrol filling station.

To the south the site is bounded by the B6471 West Road, beyond which is agricultural land which forms part of a larger area of land allocated by Proposal H3 (Letham Mains) of the adopted East Lothian Local Plan 2008 for a mixed use development of 750 houses, social and community facilities and associated infrastructure.

In May 2015 planning permission (ref: 13/00519/PM) was granted for the erection of 385 houses and 48 flats on the western part of that allocated housing site. In May 2015 planning permission (ref: 14/00089/PM) was granted for the erection of 257 houses and 119 flats on the eastern part of that allocated housing site. In June 2015 planning permission (ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site. Development of the Letham Mains site has commenced.

Planning permission is sought through this application for the erection on the site of 16 houses and for associated works.

The site plan shows how the 16 houses would be accommodated on the site along with an associated access road, parking court, landscaping and a small area of open space. The houses would all be terraced and two stories in height. Each of the 16 proposed houses would have external walls clad in render, roofs clad in concrete tiles and UPVC framed glazed openings.

The proposed housing would be accessed through a parking court formed to serve houses approved by the grant of planning permission 15/00686/PM.

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), 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies BUS1 (Business and General Industrial Locations), DP1 (Landscape and Streetscape Character), DP2 (Design), DP14 (Trees on or Adjacent to Development Sites),

DP22 (Private Parking), INF3 (Infrastructure and Facilities Provision), H1 (Housing Quality and Design), H4 (Affordable Housing), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

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

Also material to the determination of the application is Scottish Government Advice given in Planning Advice Note 67: Housing Quality and Scottish Planning Policy: June 2014.

Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

It is stated in Scottish Planning Policy: June 2014 that local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

No public representation has been made to this application.

The Council's Biodiversity Officer raises no objection to the application.

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

The Council's Road Services advises that they have undertaken the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network.

The Council's Transport Appraisal (TA) provides the evidence base which has informed the Council's draft Developer Contributions Framework (DCF) and has been produced in conjunction with the Proposed Local Development Plan (LDP) TA so that Road Services can assess the cumulative impacts of both Local Development Plan allocations and applications for residential development not allocated in the LDP on the Transport Network.

A key transport objective of the LDP is the provision of a Segregated Active Travel Corridor (SATC) to provide an alternative to car trips associated with development, and which has the potential to enhance active travel provision to reduce car-based trips across East Lothian. The TA states developments within a 1.2km catchment either side of the proposed SATC are expected to contribute £454.50 per dwelling as an acceptable form of mitigation of the cumulative transport impacts from development in East Lothian.

As this proposed development would be within 1.2km of the proposed SATC Road Services advise the requirement of a developer contribution of £7272.00.

This developer contribution towards the transportation intervention of £7272.00 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards this transport intervention, which the applicant has confirmed in writing that they are willing to make, the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

Otherwise, the Council's Road Services raise no objection to the proposed development, being satisfied that it would be accessed safely and would not lead to a road or pedestrian safety hazard, subject to the following recommendations:

- \* a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;
- \* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and
- \* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies DP22, T1 and T2 of the adopted East Lothian Local Plan 2008.

Road Services also recommend that parking restrictions be put in place to deter indiscriminate parking on the industrial access road (to the west of the site), and on West Road (B6471). However, such measures would be for the Council as Roads Authority to implement if indiscriminate parking on the public road was to pose a road safety hazard in the future.

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

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Haddington Infant School and Nursery, King's Meadow Primary School and Knox Academy.

He advises that Haddington Infant School and Nursery and King's Meadow Primary School have sufficient capacity to accommodate children that could arise from the proposed development. However he also advises that Knox Academy does not have sufficient capacity to accommodate children that could arise from the proposed development. Thus he objects to the application on the grounds of lack of permanent capacity and equipment at that school. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £93,040 towards the provision of additional accommodation at Knox Academy (£5,815 per unit).

The required payment of a financial contribution of a total of £93,040 towards the provision of additional accommodation at Knox Academy can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Service advises that in accordance with the Council's affordable housing policy, 25% of the proposed 16 houses should be affordable housing units, i.e. a total of 4 affordable housing units. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of 4 affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Notwithstanding these technical considerations, another material consideration in the determination of this application is whether or not the principle of the proposed housing

development accords with development plan policy and other supplementary planning guidance, whether the proposal is acceptable in visual impact terms, and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

West Road is an important gateway into Haddington. As for planning permissions 14/00219/PM and 15/00686/PM the houses along the frontage of the proposed development would be set back from West Road and separated from it by landscape planting, continuing the built form of the existing houses currently under construction westwards to the site boundary.

However the other proposed houses on the western part of the site would have a frontage to the parking court proposed to be formed on the northeast part of the site to serve the housing development. As such their rear elevations and back gardens enclosed with 1.8 metre high fencing would have a frontage with the access road on the west side of the site and this would be the main view from West Road on approach into Haddington.

One of the objectives of the Council's approved Design Standards for New Housing Areas is to avoid developments that turn their backs to and integrate poorly with their surroundings.

The proposed housing on the western part of the site, in presenting their rear elevations westwards and in combination with a series of 1.8 metre high timber fences enclosing their rear gardens, would appear as prominent and visually intrusive features within their gateway location. The houses would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As prominent and visually intrusive features, on this consideration the proposed development would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008, Planning Advice Note 67: Housing Quality and the Council's approved Design Standards for New Housing Areas.

Another consideration relates to the current designation of the application site under the terms of Policy BUS1 of the adopted East Lothian Local Plan 2008, as part of the established employment land supply of East Lothian. Policy BUS1 supports in principle uses within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and states that development that does not fall within these classes will not normally be permitted, with the exception of retail activity that is directly related and ancillary to a business or industrial process being carried out on the site.

However, the employment designation of the land of the site must be considered in the context of the grant of planning permissions 14/00219/PM and 15/00686/PM for residential and commercial development and the site's allocation in the Council's Proposed Local Development Plan.

On 6 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan. The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have

been submitted, together with the plan, for Examination. The examination is ongoing and the examination report is anticipated in February 2018.

The application site comprises part of Proposal HN5 of the Proposed Local Development Plan, which allocates the larger site for residential development and employment generating uses, including a pub/restaurant, to reflect existing planning permissions; namely 14/00219/PM and 15/00686/PM.

In taking the decision to grant planning permissions 14/00219/PM and 15/00686/PM the Council accepted the loss of business land comprising the former Gateside Commerce Park to enable a mixed use development of housing, business/light industrial units (Class 4) and a pub/restaurant. Given this there can be no objection to the loss of the allocated business and industrial use of the site.

A supporting planning statement by Rapleys has been submitted with the application. The planning statement suggests that there is an inadequate five years' supply of effective housing land within East Lothian. This assessment of this situation is based on the published 2015 housing land audit.

During the 2015, and 2016 housing land audit periods, the Council could not demonstrate an adequate five years supply of effective housing land. In response to a shortfall of effective housing land the Council has been operating its Interim Planning Guidance: Housing Land Supply.

However, following the submission of the Proposed Local Development Plan for Examination, the 2017 Housing Land Audit has now been agreed with Homes for Scotland. The up to date 2017 Housing Land Audit (HLA) includes the sites that the Proposed Local Development Plan seeks to allocate for housing development. This is on the basis that these sites have 'agreed residential development potential', as defined in PAN 2/2010, paragraph 60. The 2017 Housing Land Audit is the first audit that finalised proposed Local Development Plans new housing land allocation sites can be included within, and thus contribute to the effective housing land supply calculations.

Based on the up to date 2017 Housing Land Audit, the Council is able to demonstrate a 6.17 years supply of effective housing land. Therefore, the new build housing development proposed in this application is not required to contribute towards an effective five year housing land supply. In this context, the Interim Planning Guidance: Housing Land Supply should not be applied to support the principle of residential development on this site.

In terms of market interest of the site, the applicant's supporting planning statement advises that the pub/restaurant site has been marketed since 2015 by Colliers International. To summarise, the findings of the marketing are:

- \* there is a severe lack of interest in the market for pub/restaurant use of the site;
- \* the site is not prominent enough to the A1 or A199 which are the most desirable frontages for a commercial business such as pub/restaurant operator;
- \* the agent has received interest from house builders for the site as a residential development but no interest from a commercial pub/restaurant operator;
- \* no offer has been made to date despite extensive marketing; and

\* the outlook for occupation by a pub/restaurant operator in the near/medium term is not positive or very unlikely.

The supporting planning statement therefore concludes that there is a sufficient supply of pub/restaurants in the area to cater for the addition of new homes in the area and that this assertion is compounded by the fact that there is little-to-no interest in the available site suggesting that demand is being met in the area.

The Council's Economic Development and Strategic Investment (EDSI) service has been consulted on the application. EDSI advise that the East Lothian Council Economic Development Strategy 2012-22 was adopted by the Council on 9 October 2012.

It sets out clear strategic direction and is the foundation of the vision set out in the Council Plan of increasing the number of businesses in East Lothian with growth potential and to increase the proportion of East Lothian residents working in and contributing to East Lothian's economy by an increase in East Lothian's jobs by an additional 7,500. Over the 10 year period of the East Lothian Economic Development Strategy 2012 to 2022 the average number of new jobs which need to be created in Haddington as a part of achieving the creation of 7,500 new jobs across East Lothian is 70 new jobs annually.

EDSI note that the application site has planning permission for a pub/restaurant, which they supported due the employment opportunities it would create. They also note that in taking the decision to grant planning permission (ref: 14/00219/PM) for the erection on the eastern part of the former Gateside Commerce Park, Haddington of 112 houses, 14 business/light industrial units (Class 4 use), a pub/restaurant and for associated works, the Council's Planning Committee decided that the transfer of a small part of the economic land for development as industrial units and, more importantly, the employment opportunities that the pub/restaurant would bring to Haddington would mitigate the loss of the commerce park.

EDSI are content that the site has been well marketed and promoted for pub/restaurant use by Colliers International, as well as Rapleys undertaking direct consultation with 3 pub/restaurant operators. They are satisfied that there is no reasonable prospect of the pub/restaurant use being realised on the site.

However, they also point out that the grant of planning permission 14/00219/PM allowing a pub/restaurant use demonstrates that the Council will accept other employment generating uses on the application site as alternatives to the allocated business and industrial use of the site. This being the case, before considering the loss of this employment land, EDSI would expect a robust marketing exercise be undertaken for all employment generating uses at the site at the relevant market value for the specific use class, with information submitted on any interest/offers received. On this matter EDSI also point out that:

\* the site has never been commercially advertised for other employment uses such as office, retail and/or light industrial;

\* East Lothian Council and East Lothian Land Ltd, the wholly owned subsidiary of the Council, are actively looking for employment land sites across East Lothian; an approach was made by the Council to discuss the option of purchasing the application site for employment use in February 2017 but no response was received to the enquiry, and no further



communication was forthcoming from the landowner despite earlier discussions over potential uses for the site;

\* EDSI's Business Base survey 2017 clearly demonstrates a demand for employment land within East Lothian and in the Haddington/Macmerry area. In addition, the survey indicates the lack of land/premises availability being a major issue for businesses. This is a substantial constraint to the development of the economy of the East Lothian.

EDSI views the development proposed in this application as having a clear negative impact in terms of delivery of the East Lothian Economic Development Strategy 2012-22 and the 2 strategic goals of increasing the number of businesses in East Lothian with growth potential and increasing the proportion of East Lothian residents working in and contributing to East Lothian's economy. They advise that a clear demand exists for employment land/commercial units in East Lothian, including in Haddington, as identified in the Business Base survey 2017 and based on the 2 strategic goals in the aforementioned Economic Development Strategy 2012-22. The proposed development would lead to a further reduction in available employment land in Haddington, contrary to the Development Strategy 2012-22. Moreover, the site has never been marketed for employment uses other than the approved pub/restaurant use which makes no demonstration that an employment use on the site is not viable, and the Council has approached the landowner with regards to purchasing the site for employment use without success.

In conclusion EDSI state that as a residential use of the application site would result in the removal of existing viable employment land in Haddington, which would contribute to the aims and objectives of the Council's East Lothian Economic Development Strategy 2012 to 2022, they recommend the application be refused.

In response to the above appraisal by EDSI the applicant, Persimmon Homes, has submitted a further supporting statement.

The further supporting statement again contends that East Lothian Council does not have a 5 year effective supply of housing land. It also states that the site has been marketed fairly and robustly for its consented use for a pub/restaurant for a reasonable period without success and as a result it is valid to assume that alternative uses should now be considered favourably. And that it must be stressed that there is no cascade mechanism outlined anywhere in the emerging Local Development Plan which would require consideration of class 4, 5 or 6 uses prior to housing. As a result there are no valid policy grounds which would oblige an applicant to market this site for the aforementioned business uses. A pub/restaurant is not classed as 'business use' in planning use class terms but is a 'sui generis' use meaning that particular part of the site has no planning status for business use. A housing proposal should therefore be assessed on its own merits in this case as an appropriate alternative use.

The supporting statement continues that it is relevant to note that use classes 5 and 6 are not deemed to be appropriate uses for the site bearing in mind the adjacent residential development. Factors impacting negatively on residential amenity such as noise, odour, and traffic are likely to render these uses unsuitable in such close proximity to existing housing. This would leave only class 4 uses as potentially appropriate and there is already provision for these to the north of the site and no policy requirement to deliver this use.

The supporting statement also highlights the economic impact of the proposed housing development, stating that it would undoubtedly result in sizable economic benefit for the local area through construction, expenditure impacts and fiscal impacts.

In response to the applicant's further supporting statement EDSI have again been consulted on the application.

EDSI advise that whilst the site has been marketed for pub/restaurant use it has not been marketed for any other commercial/employment uses and this exercise should be undertaken. EDSI advise that in the short term it is agreed that there would be some economic benefits from construction jobs however that would be outweighed by the long term economic impact that a pub/restaurant or other employment use on the site would deliver. This links directly to the EDSI's 2012 to 2022 Economic Development Strategy aims of increasing the number of businesses in East Lothian with growth potential and to increase the proportion of East Lothian residents working in and contributing to East Lothian's economy.

EDSI maintain their recommendation that planning permission be refused.

In all of the above it can be concluded that the proposed development would result in the removal of existing viable employment land in Haddington which can contribute to the aims and objectives of the Council's East Lothian Economic Development Strategy 2012 to 2022, and a housing use on the site would not outweigh that material consideration.

If approved the proposed development would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority to refuse to grant planning permission for housing and other non employment generating uses on employment land elsewhere in East Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian.

In conclusion there are no material considerations which outweigh the conclusions that the new build housing development proposed in this application, (i) is not required to contribute towards an effective five year housing land supply, (ii) is contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008 in that by virtue of its size, scale and positioning it would appear as a prominent and visually intrusive feature within its gateway location, and (iii) it would result in the loss of available employment land in Haddington.

#### REASONS FOR REFUSAL:

- 1 The proposed housing development would result in the loss of available employment land that is part of the employment land supply of Haddington, to the detriment of East Lothian's economy and would be contrary to the delivery of the East Lothian Economic Development Strategy 2012-22.
- 2 If approved the proposed development would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority to refuse to grant planning

permission for housing and other non employment generating uses on employment land elsewhere in East Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian.

- 3 The proposed housing development, by virtue of its size, scale and positioning would appear as a prominent and visually intrusive feature within its gateway location whereby the houses on the western part of the site would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As such, it would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008, Planning Advice Note 67: Housing Quality and the Council's approved Design Standards for New Housing Areas.

LETTERS FROM

15th January 2018

Δ1 17/1/18

**App No. 17/00644/P**

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Persimmon (East Scotland)  
c/o Persimmon Homes East Scotland  
Per David Jinks  
Unit 1  
Wester Inch Business Park  
Bathgate  
EH48 2TQ**

**APPLICANT: Persimmon (East Scotland)**

With reference to your application registered on 18th July 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of 16 houses and associated works  
at  
Land At The Former Gateside Commerce Park  
West Road  
Haddington  
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed housing development would result in the loss of available employment land that is part of the employment land supply of Haddington, to the detriment of East Lothian's economy and would be contrary to the delivery of the East Lothian Economic Development Strategy 2012-22.

- 2 If approved the proposed development would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority to refuse to grant planning permission for housing and other non employment generating uses on employment land elsewhere in East Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian.
- 3 The proposed housing development, by virtue of its size, scale and positioning would appear as a prominent and visually intrusive feature within its gateway location whereby the houses on the western part of the site would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As such, it would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted East Lothian Local Plan 2008, Planning Advice Note 67: Housing Quality and the Council's approved Design Standards for New Housing Areas.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
HM-PS-01-01	-	17.07.2017
F18	C	17.07.2017
143.112.01	-	17.07.2017
V5-TF-0799T(10)505	-	17.07.2017
V5-TF-0613T(10)505	-	17.07.2017
HM-PB-02-01	E	18.12.2017
W22	-	27.11.2017
V5-TF-0799T(10)509	-	18.12.2017

**11th April 2018**



Iain McFarlane  
Service Manager - Planning



## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

DETAIL

# 1800mm SCREEN FENCE F18 rev. C

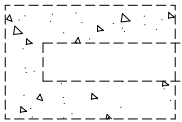
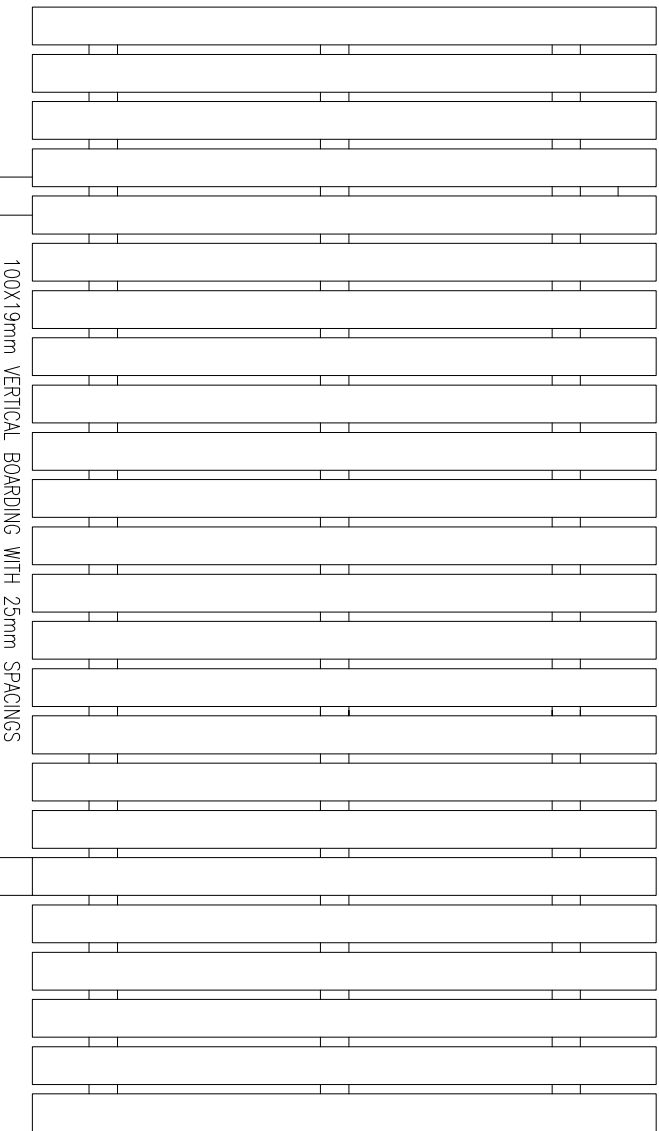
DATE 11/11/96

SCALE 1 = 20m

BY

FB

ELEVATION

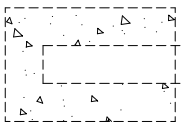


Timber in posts and rails to be 56/m<sup>3</sup> grade redwood/white wood graded to B.S.4978, or equivalent timber with a grade bending stress parallel to grain not less than 7.0 N/M as given in B.S.5268 Part 2 Tables 3 to 13.

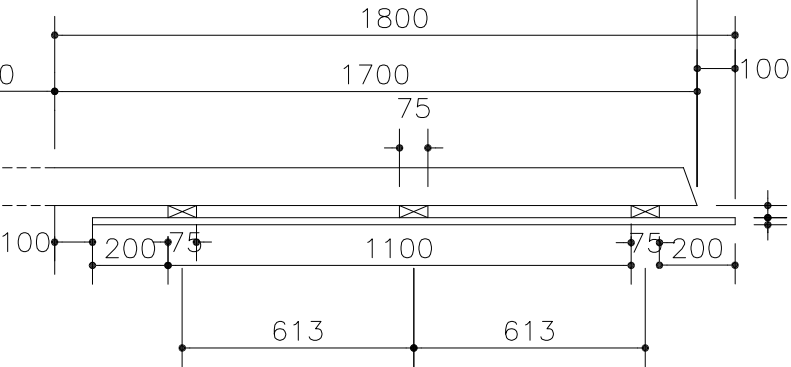
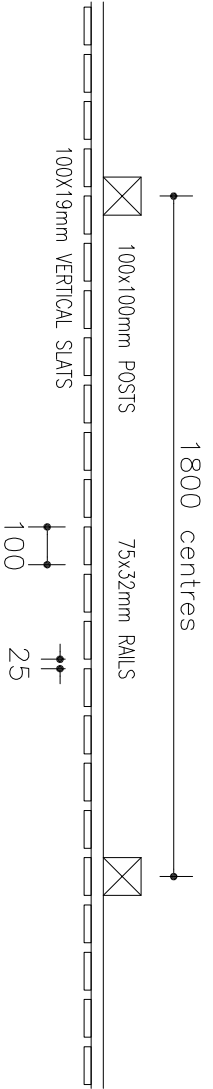
All timber stained chestnut brown.

300

2400 post length



SECTION



Top and bottom rails fixed to posts with 2no. 75mm galvanised annular ring nails.

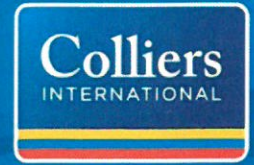
Board fixed to each rail with 2no. 50mm galvanised annular ring nails at each rail.

PLAN



# APPENDIX 1

# DEVELOPMENT SITE GATESIDE, WEST ROAD, HADDINGTON, EH41 3ST



## CONTACT US

Viewing is strictly by prior appointment  
with Colliers International, through:

Bob Fisher  
Retail Scotland Out of Town  
+44 131 240 7522  
[Bob.Fisher@colliers.com](mailto:Bob.Fisher@colliers.com)

Property Ref:



## Development Site

Gateside  
West Road  
Haddington  
EH41 3ST

Colliers International  
1 Exchange Crescent  
Conference Square  
Edinburgh EH3 8AN  
+44 131 240 7500

[www.colliers.com/uk/retail](http://www.colliers.com/uk/retail)

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## LOCATION

Haddington which has a population in the order of 9,000 is the main administrative town in East Lothian and is situated approximately 20 miles east of Edinburgh.

## SITUATION

The site which extends to approximately 1 acre (0.4 hectares) is situated close to Haddington town centre on the north side of West Road, (B6471), a short distance east of Gateside roundabout connecting with the A199.

The site is situated adjacent to the new Persimmon Saxon Fields housing development of circa 190 houses. Taylor Wimpey, Cala, Mactaggart and Mickel are also building around 1,200 houses on the south side of West Road at Letham Mains.

Immediately adjoining the recently constructed internal access road, adjacent to the site, Sainsbury's have obtained planning consent and are proposing to construct a new Superstore which is likely to be open for business in the first half of 2017.

The site is therefore located in the heart of the major residential and commercial developments taking place in Haddington.

## PLANNING

The site benefits from detailed planning consent for a pub/restaurant of 690 sq m (7,425 sq ft), with seating capacity for circa 200 people.

Other uses which accord with the council's mixed use aspirations for the area may be acceptable. Interested parties should make direct enquiries to the local planning authority to satisfy themselves that the site is suitable for their proposed use.

## PROPOSALS

Proposals are invited from potential occupiers. The owners are flexible in their approach to disposal including development of accommodation to meet users requirements.

## TENURE

Heritable Interest.

## VAT

All prices, rents, premiums etc. are quoted exclusive of VAT.

## VIEWING

Further information or to arrange to view the site please contact :

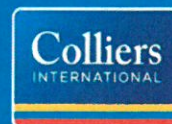
- Bob Fisher
- Tel : 0131 240 7522

Email : [bob.fisher@colliers.com](mailto:bob.fisher@colliers.com)

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**Colliers**  
INTERNATIONAL

Development Site  
1 acre (0.4 hectares)  
All Enquiries

**0131 240 7575**

# APPENDIX 2

**Jinks, David**

---

**From:** Walker, Bruce  
**Sent:** 12 April 2018 16:13  
**To:** Jinks, David  
**Subject:** FW: Gateside Site, Haddington

---

**From:** Justin Lamb [mailto:justin@jlaland.co.uk]  
**Sent:** 12 April 2018 13:21  
**To:** Walker, Bruce  
**Subject:** Fwd: Gateside Site, Haddington

FYI

Sent from my iPhone

Begin forwarded message:

**From:** David Mitchell <david@mansellp.com>  
**Date:** 12 April 2018 at 13:18:30 BST  
**To:** "jmcmillan@eastlothian.gov.uk" <jmcmillan@eastlothian.gov.uk>  
**Cc:** Norman Hampshire <nhampshire@eastlothian.gov>  
**Subject:** Gateside Site, Haddington

Dear John,

We recently discussed the employment site at Gateside, which we agreed to gift to the council as part of our S75 contribution, when they granted us permission for the whole site.

As I mentioned on our call, we have been trying to transfer this land to you since autumn of last year and we are not getting any meaningful action from your legal/estates team.

We are keen to pass this land to you and having read recently a quote from one of officer that the council is desperate for employment land, I find it hard to understand why someone has not been pushing this.

I believe that the planners are refusing permission for Persimmon to build more housing on our remaining site, because they want to protect employment land.

As I am sure you agree there is a real disconnect here.

I look forward to hearing from you.

Kind regards

David

**David Mitchell**  
Managing Partner

25/04/2018

Manse LLP  
46 Charlotte Square  
Edinburgh  
EH2 4HQ

0131 226 6996  
07989 480 444  
[www.mansellp.com](http://www.mansellp.com)

Registered Office: Time and Life Building , 1 Bruton Street, London W1J 6TL.  
Partnership Number OC345918

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**Jinks, David**

**From:** Baty, Richard [rbaty@eastlothian.gov.uk]  
**Sent:** 17 February 2017 09:11  
**To:** Colin MacPherson  
**Cc:** Wilson, Esther  
**Subject:** RE: Gateside East

Morning Colin

Sorry for not getting back sooner – slipped down the incoming e-mail pile. Have passed on your legal team details to our lawyer.

Bund - not been out that way this week so not sure if still in situ. I have also been notified by a colleague in roads that some patch work has been done on the road (Gas works he thought) and for your information ELC will not adopt a road with any patches.(The road requires to be adopted prior to transfer to ELC)  
 Class 4 use last sale was a good few years ago at Macmerry and if I recall and was for serviced land at £75K an acre. Current value probable in the region of between £120k and £145k but a valuation from District Valuer would confirm.

Restaurant and Pub site - class 3 use consented however site was originally class 4 so ELC requires it to be retained for employment use and as you have intimated that there is no demand for class 3 there is for class 4 hence the council's decision to consider its purchase if it became available at the correct market rate. The book value for the area that you have assigned is an internal matter for your company/client which hELC cannot comment on.

Regards  
 Richard

**From:** Colin MacPherson [mailto:Colin@mansellp.com]  
**Sent:** 07 February 2017 15:32  
**To:** Baty, Richard  
**Cc:** Wilson, Esther  
**Subject:** RE: Gateside East

Hi Richard – thanks for your email.

Our lawyer for the land transfer will be Dave Mitchell of Shepherd & Wedderburn. Dave is on holiday at the moment, back on Thursday this week, but I will send him a note by way of briefing so that the process can start with your legal colleagues. As you'll no doubt have seen, the site servicing works are progressing and are due to be completed in the next 3 to 4 weeks.

In regard to the bund we have, again, asked Persimmon to take the necessary steps to remove this and respect the title boundary. We will be checking that this has been actioned in the coming days.

As far as the pub/restaurant site is concerned can you give me an idea, based on your local knowledge, of what a likely valuation for class 4 use will be? You'll appreciate from our previous emails that our book value is based on the consented use and unless the two are comparable, I'm not sure there's much point in spending the fees on valuations?

I'll be happy to meet up on site or at your office to discuss any of these points.

Regards  
 Colin

**From:** Baty, Richard [mailto:rbaty@eastlothian.gov.uk]  
**Sent:** 06 February 2017 10:47  
**To:** Colin MacPherson <Colin@mansellp.com>  
**Cc:** Wilson, Esther <ewilson@eastlothian.gov.uk>  
**Subject:** Gateside East

Morning Colin

Hope you are well – just for information I am about to instruct our legal team to action the Section 75 and start the transfer of the land to ELC at Gateside East. (Note the bund is still in situ)

Question they have asked is who will act on your behalf re Legal? If you could let me know much



appreciated.

On a related (Adjoining ) topic following an internal council meeting I have been actioned to notify you that East Lothian Council would be interested in the purchase, for class 4 economic use, the whole site currently being marketed by Colliers for a restaurant / bar at Gateside East. The purchase price to be ascertained for class 4 use by 2 independent valuations agreed between ELC and Manse.

Happy to discuss

Regards

Richard

Richard Baty

Manager Business Development

Economic Development & Strategic Investment

Fund Manager

East Lothian Investments Ltd

[rbaty@eastlothian.gov.uk](mailto:rbaty@eastlothian.gov.uk)

Tel: 01620 827177



\*\*\*\*\*  
 \*\*\*\*\*

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# APPENDIX 3

## **Erection of 16 dwellinghouses at Gateside Road, Haddington**

**Ref: - 17/00644/P**

**Persimmon Homes Ltd**

### **Supporting Statement**

Persimmon Homes seek planning permission for the erection of 16 terraced dwellinghouses at the above location. Development of this site for housing along side the existing adjacent Persimmon housing sites would make a valuable contribution to the supply of homes in East Lothian.

SPP requires planning authorities to maintain a 5 year effective supply of housing land at all times. Existing land supply in East Lothian currently sits below the 5 year requirement. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 of SPP will be relevant. This section of SPP states that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case the adopted local plan is out of date and the council does not have a 5 year effective supply of housing land therefore the aforementioned presumption applies.

The site constitutes a logical rounding off of the existing Persimmon/ Charles Church development in a sustainable location, well suited to residential development. 4 of the proposed houses would be of affordable tenure. The remaining 12 units could be considered 'affordable by design' due to their compact size and resultant affordable pricing meaning they would be within the financial reach of a significant cross section of local people, particularly first time buyers. Delivery of high quality housing of an affordable nature is a national and local government priority. Such a proposal should therefore be welcomed by the council in principle.

The adopted East Lothian Local Plan, which allocates this site for business use under Proposal BUS6, dates from 2008 and is clearly substantially more than 5 years old (approaching 10 years). It should therefore carry very limited weight in the determination of this application. Furthermore consent has subsequently been granted on the site for a mixed use proposal which further diminishes the weight afforded to the soon to be replaced plan.

The proposed LDP is currently undergoing examination pending adoption and the only representations to the relevant policies in the LDP are those which seek housing on this site. The proposed plan acknowledges the mixed use status of the site based on recent consents (PROP HN5). Consequently it is considered that the emerging LDP should carry significant weight in deciding this application.

Prop HN4 to the east of the application site is allocated for mixed use development including a care home. HN6 to the west of the application site is allocated for a supermarket/retail use. The application site falls within HN5 which is a further mixed use development including class 4 business units and housing. This demonstrates that the site and surrounding allocations incorporate a diverse range of uses including significant employment generating potential. Housing on the application site, which occupies a small portion of the overall allocation, would not diminish the

mixed use status of HN5 or the employment generating potential of the surrounding allocations to any material degree.

The proposed LDP states on page 42:-

***PROP HN5: Land at Gateside West, Haddington***

*Land at Gateside West is allocated for a mixed use development, including circa 112 homes and employment generating uses, to reflect existing planning permissions. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.*

It is clear that this site is not zoned for class 4, 5, and 6 uses in the proposed LDP rather it is allocated for a mixed use development '*reflecting existing permissions*'.

This planning application seeks a change of use from the currently consented pub/restaurant use (approved through application ref 14/00219/PM) to housing. The supporting planning statement prepared by Rapley's, which accompanies this application, demonstrates that the site has been marketed fairly and robustly for its consented use for a reasonable period without success. As a result it is valid to assume that alternative uses should now be considered favourably. It must be stressed that there is no cascade mechanism outlined anywhere in the emerging LDP which would require consideration of class 4, 5 or 6 uses prior to housing. As a result there are no valid policy grounds which would oblige an applicant to market this site for the aforementioned business uses. A pub/restaurant is not classed as 'business use' in planning use class terms but is a 'sui generis' use meaning that particular part of the site has no planning status for business use. A housing proposal should therefore be assessed on its own merits in this case as an appropriate alternative use.

East Lothian Council, in their response via the Economic Regeneration Team, have accepted that the site has been suitably marketed for a reasonable period as a pub/restaurant. No objections to the marketing exercise have been made. It is therefore considered that in planning policy terms no barrier exists which would prevent residential development being pursued subject to compliance with other relevant development plan criteria.

Planning permission has already been granted for housing development on the site contrary to BUS 1 of the out of date local plan. In the planning obligations appeal decision and successful claim for expenses the appointed Reporter concluded:-

*'that the provisions of the proposed local development plan; the unresolved representation; and the response to the unresolved representation were crucial material considerations which should have been referred to and considered in the report of handling. Omission of these considerations meant that significant information pertinent to the determination of the appeal was missing. On these grounds I find that the council acted unreasonably'.*

It is therefore not sufficient for the Council to rely on an out of date local plan. In the same decision the Reporter also noted that the '*settled position*' of the strategic development plan authority is that the land is not within a significant business cluster.

As an aside it is relevant to note that classes 5 and 6 are not deemed to be appropriate uses for the site bearing in mind the adjacent residential development. Factors impacting negatively on residential amenity such as noise, odour, and traffic are likely to render these uses unsuitable in such close proximity to existing housing. It is understood that this point has been accepted by ELC planning officials. This would leave only class 4 uses as potentially appropriate and there is already provision for these to the north of the site and no policy requirement to deliver this use as discussed above.

Notwithstanding the preceding matters, in relation to the response from Richard Batty of Economic Regeneration the applicant would offer the following comments:-

- The 2017 Survey was sent to 1,330 businesses but only 205 businesses responded.
- Of those 205 businesses who responded, 56 skipped the question as to whether their current property was suitable for their requirements suggesting they were happy with the status quo. Only 56 businesses said their properties were unsuitable. Of that total only 45 said their current properties were too small.
- The site extends to 4000m sq metres. No business was looking for a property greater than 930 sq metres. 38% were looking for a property of less than 47 sq metres. All of these businesses could be accommodated in the 971 sq metres of business units proposed for land to the north already conveyed to the Council or on other sites identified for employment by the Council.
- The emerging LDP retains the Sainsbury site for employment (HN6). Loss of the pub/restaurant site would not compromise this designation. 18.4 Ha of land is identified for employment in Haddington. The pub/restaurant site represents just 2% of this total.

## **Economic Impact**

### **Introduction**

The economic impact of housing development is generally considered to be underestimated and misunderstood therefore it is deemed important to clarify the economic benefits of the current proposal.

A housing development of this nature and scale will undoubtedly result in sizable economic benefit for the local area. It is our view that this is likely to be at least equal to the economic benefit of a pub or restaurant. The figures stated herein are derived from software produced for Persimmon PLC to generate an estimate of the headline economic benefits arising from new residential/mixed-use development proposals in Scotland.

The software draws upon industry-recognised datasets providing a robust methodological approach which can assist in estimating the headline economic impacts associated with a development.

Figures quoted in this document are all expressed in gross terms and do not, therefore, constitute a full economic impact assessment of the scheme.

Nevertheless the statement does provide a valuable and justifiable overview of the likely economic impacts which a housing development will generate in the context of the local and wider economy.

## **PART 1- CONSTRUCTION IMPACTS**

### **Direct construction employment = 20 (person years)**

The above figure provides a measure of the level of employment generated by this particular development. Construction employment impacts are presented above in terms of 'person years' due to the temporary/short term nature of construction work and contracts in respect of a particular site or development. One person-year of construction employment represents one full-time, year-long job.

Whilst it is standard practice to calculate direct construction jobs on the basis of person years, it is important to note that many, if not all, jobs to be supported on construction sites will in reality be permanent positions. The calculation methodology effectively seeks to measure the level of employment to be supported on a particular development site over the duration of the build period and most jobs will subsequently be supported on other sites as new development comes forward.

*Source: Annual Business Survey (June 2016)*

### **Total construction jobs per year of construction = 25**

This uses the number of person years of employment to estimate the total number of construction jobs that are supported for each year of the build. In this case it is anticipated that a development of circa 16 units would take approximately 10 months to complete.

### **Indirect and induced jobs supported per year of construction = 22**

Indirect jobs are supported by additional spending effects in the supply chain. Induced jobs are supported by direct and indirect construction workers spending their wages in local shops and on services.

The estimates are based upon the application of a construction industry 'employment multiplier' of 1.9 derived from research provided by the Scottish Government. In both instances, the figure above represents the indirect and induced jobs which are separate from the direct employment effects. A proportion of the indirect and induced employment benefits are likely to be retained locally, although it is beyond the scope of this toolkit to quantify this, recognising the local multiplier effects will vary according to the local economic context.

*Source: Scottish Govt Input-output tables 2013*

### **Gross value added (GVA) per annum = £2,446,833**

Gross Value Added (GVA) is the amount of wealth created by a company, or sector and is a commonly used measure of economic output or productivity. The figure above is based upon the application of a Scottish average output per worker in the construction industry and a construction industry 'GVA multiplier' of 2.0 derived from research prepared by the Scottish Government. This takes account of the direct and indirect GVA or economic output generated by construction (in the supply chain and support services) as well as induced GVA (generated by the wage spending of direct and indirect workers).

*Source: Scottish Govt Input-output tables 2013*

## **PART 2 - EXPENDITURE IMPACTS**

### **First occupation total retail spend = £80,000**

The above figure captures the 'one off' expenditure on furnishing and decorating a property. Recent research suggests that the average homeowner spends approximately £5,000 on home improvements within a year and a half of moving into a property. This research captures the average spend across the UK. Whilst a proportion of this spend is likely to be captured within the local economy, it is beyond the scope of this statement to estimate individual local spend retention rates, which will differ markedly between settlements and are influenced by a variety of factors. *Source: Planitherm Glass (2012) - the average spend to make a house 'feel like home', within a year and a half of moving into a property.*

### **Total gross on-going residential expenditure (p.a.) = £358,758**

The above is based upon analysis of national average weekly expenditure by household. It should be noted that the methodology does not take account of the socio-economic profile of the local area or the proposed housing product, which will result in further variations in the expenditure potential of the development. It is also important to note that the analysis simply identifies the 'gross' potential spending power of the scheme and does not take account of the proportion of expenditure that will 'leak' out of the area. Such analysis is beyond the remit of this assessment. *Source: ONS Family Spending Survey 2015 Edition*

## **PART 3 – LOCAL PLANNING AUTHORITY FISCAL IMPACTS**

### **Council tax receipts = £17,104 (per annum)**

This figure applies the average level of Council Tax levied per home in the 2017/18 Council Tax year for Scotland (£1,069). It should be noted that the figure does not take account of local/regional variations in Council Tax, or the value of the homes to be developed.

### **Section 75 contributions = circa £100,000**

The above figure represents an estimated contribution levied by the scheme in order to support local facilities and services such as education. Please note that this is estimated and consultation will be required with the education department through the course of the planning application to determine the actual amount required, if any. All contributions sought must comply with the tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## **OVERVIEW / CONCLUSION**

This statement provides a basic analysis of the primary economic impacts of this development at both a local and wider regional/national level.

A number of benefits to the wider economy are evident in respect of direct construction employment and indirect job creation as a consequence of short/ medium term construction operations at this location.

In addition sustained expansion of the local economy is a likely outcome of ongoing expenditure from incoming residents. This is also notable in the short term with regards to the initial substantial retail spend on home improvements as well as the significant sustained residential expenditure. It is considered that both of these factors would benefit the locality of Haddington inclusive of town centre trading, as well as retail spend in the wider area.

Whilst it is acknowledged that it is difficult to quantify the exact benefit to the local economy, it is considered highly probable that economic activity and associated secondary spin offs would be positive factors.

With regards to local authority and fiscal impacts it should be stressed that the development will add to Council tax receipts and contribute substantial sums to providing and improving education provision in line with developer contributions set out by ELC. The developer anticipates entering into a S75 legal obligation to enable delivery of the necessary funding as required.

In line with Council policy the current proposal seeks to incorporate 25% of all residential units as affordable tenures and remainder would be 'affordable by design'. This would contribute towards the Councils affordable housing target for the local area. Moreover it would facilitate wider government aims relating to reduction in social deprivation whilst adding to the stock of quality housing in an attractive environment for local people. In turn families and young people are more likely to remain and settle in the area assisting in providing a stable and varied workforce to enable local business to develop and grow.

### **Overall Conclusion**

For the reasons stated above this application is considered to comply with relevant development plan policies and it is therefore respectfully requested that the application is approved by East Lothian Council.



23. With regard to the impact of the proposed site on habitats and protected species, this was assessed in the draft Environmental Report site assessment which concluded that the site was not within any areas designated for their international or national nature conservation importance. The draft development brief identifies that the Letham Burn is to be retained and its corridor enhanced with a bio-diverse landscape edge, forming a green corridor of at least 40m width.

24. I address the matter of the alternative suggested site Amisfield in Issue 13: New Sites. Overall, I recommend no modifications in response to this representation.

**PROP HN4: Land at Gateside East**

25. I consider the matter raised by In-Site Property Solutions Ltd in paragraphs 2 and 3 above where I recommend no modifications.

**PROP HN5: Land at Gateside West**

26. The Scottish Environment Protection Agency object to Proposal HN5 and request it is amended to include a requirement for a flood risk assessment to accompany planning applications at the site. Whilst the council submit that no modification is required, it is stated that including the requirement may provide additional clarity. As Scottish Environment Protection Agency's surface water flood map identifies parts of the development site to be at risk of surface water flooding, this should be assessed in a flood risk assessment. Therefore, an amendment to paragraph 2.122 to require the submission of a flood risk assessment is recommended.

27. PLOT (Haddington) LLP request the supporting text to Proposal HN5 is amended to remove specific reference to a pub/restaurant. It is stated that this would allow an increase in residential units on the site. It is submitted that there is no market demand for the pub/restaurant and that an additional 16 housing units could be accommodated at the site. The council's view is that no evidence has been submitted to illustrate that there is no demand for economic uses and therefore the site should be retained for employment. I note the council's view, however, the representation is not seeking the removal of economic development use on the whole site. It refers specifically to the pub/restaurant and provides evidence to seek to illustrate that there is a lack of demand.

28. Whilst I acknowledge that the significant planned urban expansion may increase the demand for a pub/restaurant over time, it is not necessary for the supporting text to seek to limit the employment generating use to that of a pub/restaurant, particularly when this is not referred to within the proposal. An amendment to paragraph 2.122 is therefore recommended.

**PROP HN7: Land at Alderston**

29. The Scottish Environment Protection Agency object to Proposal HN7 and request it is amended to include a requirement for a flood risk assessment to accompany planning applications at the site. Whilst the council submit that no modification is required, it is stated that including the requirement may provide additional clarity. At my site inspection, I observed that construction was underway at the site. I therefore recommend no modifications in response to this representation.

**PROP HN4: Land at Gateside East, Haddington**

Land at Gateside East, west of Gateside Road, is allocated for a mixed use development, including circa 80 homes and around 1ha employment land, to reflect existing planning permissions. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.

*Mixed Use Proposal: Gateside West, Haddington*

- 2.122 Land at Gateside West at the former Gateside Commerce Park in the west of Haddington is allocated for a mixed use housing and employment development, including circa 112 homes and employment generating uses, including a pub/restaurant, to reflect existing planning permissions.

**PROP HN5: Land at Gateside West, Haddington**

Land at Gateside West is allocated for a mixed use development, including circa 112 homes and employment generating uses, to reflect existing planning permissions. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.

*Retail Proposal: Supermarket at Gateside West Haddington*

- 2.123 Land at Gateside West is allocated for retail development. Planning permission is approved for a retail supermarket and associated development and this is included for information only.

**PROP HN6: Gateside West, Haddington**

Land at Gateside West is allocated for retail and associated development. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network as appropriate. Policy EMP1 applies.

*Housing Proposal: Alderston, Haddington*

- 2.124 Land at Alderston on the north of Haddington, to the west of Aberlady Road, is allocated for circa 89 homes to reflect a planning appeal decision.

**PROP HN7: Land at Alderston, Haddington**

Land at Alderston is allocated for a development of circa 89 homes to reflect a planning appeal decision. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.

*Employment Proposal: Peppercraig East, Haddington*

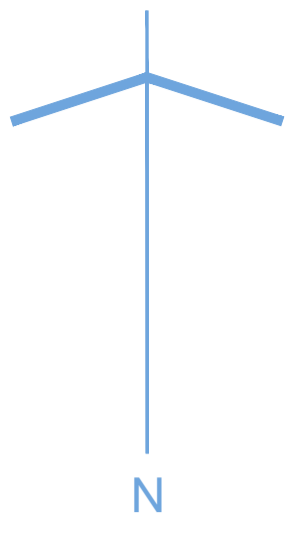
- 2.125 Land at Peppercraig East, between Aberlady Road and the slip road on to the A1 at the Abbot's view junction, is allocated for employment uses. Policy EMP1 will apply. Access should be taken from the A199 and some improvements will be required including provision of a footway, crossing facilities, street lighting and a reduced speed limit on the A199. This site would be suitable for business, hotel and leisure uses. The site will require a programme of archaeological works prior to development and shelterbelt planting to mitigate the visual impact of development on the site.

**PROP HN8: Land at Peppercraig East, Haddington**

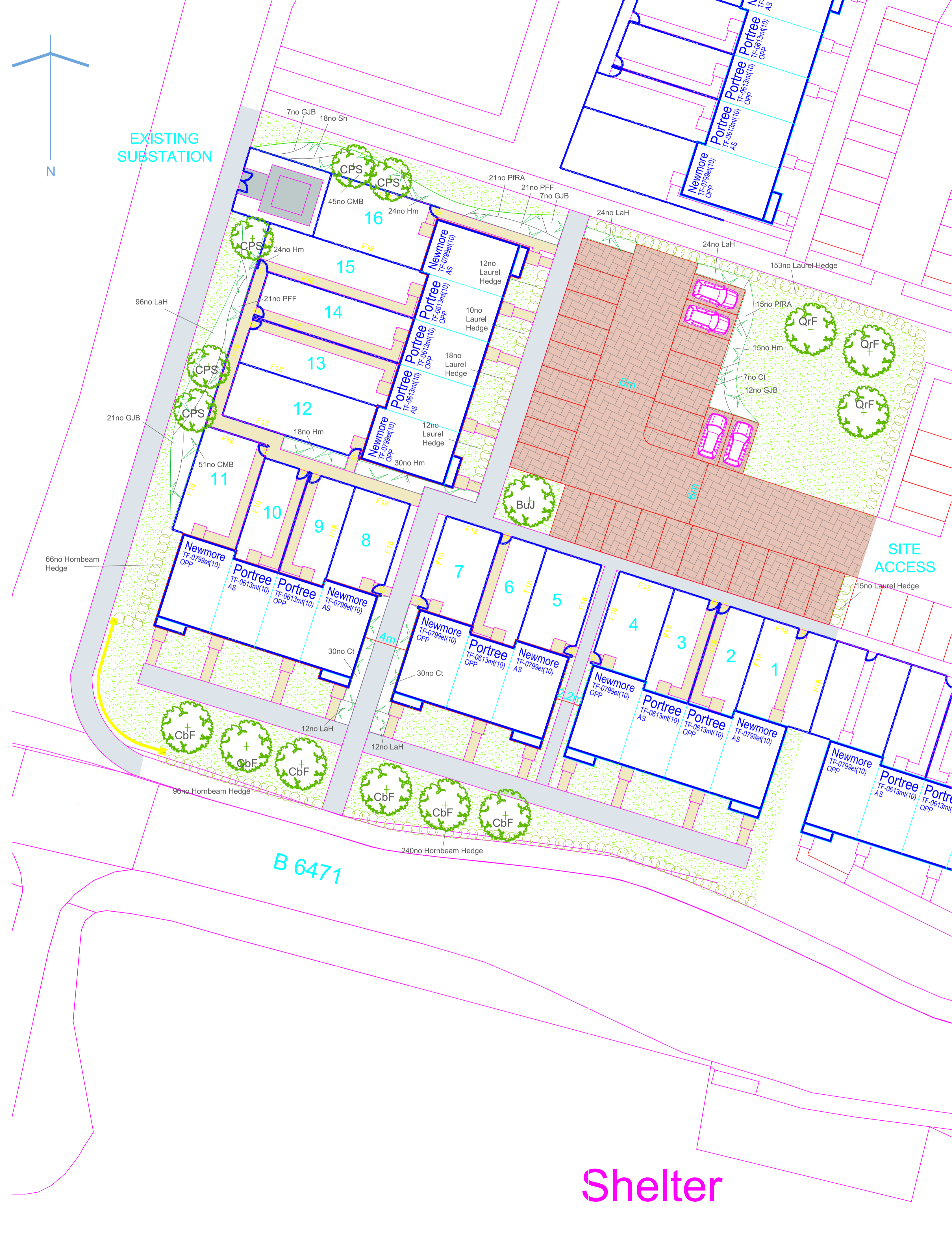
Approximately 7ha of land is allocated at Peppercraig East for employment uses. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that conforms to the Council's Development Brief. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network as appropriate. Policy EMP1 applies.

*Other Employment or Housing Sites in the Haddington Area*

- 2.126 There are a number of other employment or housing sites in the Haddington area that although are important are nonetheless of a scale that does not justify a specific proposal as part of the main spatial strategy. Some of these development sites were allocated by previous local plans or form part of the established housing or economic land supply because they are windfall proposals that have planning permission. Some of these sites are



EXISTING SUBSTATION



**MAINTENANCE**

The developer will ensure, within the missives, that purchasers are responsible for common areas. On completion of the site, a Factor will be appointed who will assist in the establishment of a Residents' Association. The Residents' Association will thereafter ensure that the Factor organises the following maintenance regime:

- Grass:
- a. Fine grass cut 16 times per year.
- Shrubs:
- The objective is to provide a full even cover and prevent overcrowding. To that end the site should be inspected once per year by a suitably qualified horticulturalist and the following regime followed:
- b. The shrub beds shall be kept clear of weeds, either mechanically or by using an approved herbicide.
  - c. Shrubs shall be pruned up to twice per year, in Spring and Autumn depending on the species, to maintain their natural shape and habit. Any damaged diseased or broken branches should be removed. In the first five years all dead and dying shrubs should be replaced by shrubs of similar size and species to those originally planted.
  - d. From the second year beds should be inspected and thinned out where appropriate. Where suitable, these shrubs can be used to fill gaps in the planting area. Otherwise gaps should be filled with appropriate new plants as for 'e' above.
  - e. After 10 years a systematic programme of replacement should be established.
- Trees:
- Trees have been chosen for their appropriateness to their individual location. Pruning, other than for health and safety reasons, should not be necessary. They should, however, be inspected by a suitably qualified arboriculturalist annually.
- g. An area 1m diameter at the base of the trees shall be kept clear of weed and grass either mechanically or by using an approved herbicide.
  - h. Tree stakes and ties should be inspected 3 times per year (Autumn, Winter and Spring).
  - i. All dead and diseased branches, or those broken due to malicious action or wind damage should be cleanly removed and the scar cleaned up.
  - j. All trees which have been removed or which are found to be dying, severely diseased or damaged will be replaced by trees of similar size and species to those originally planted. These should be replaced as soon as seasonal weather conditions allow.

Hornbeam, Laurel or other garden hedge:

The objective is to produce a thick, healthy, impenetrable hedge. Pruning should be undertaken where necessary to achieve a neat and compact finish. Hedge to be pruned back to an even hedge line to encourage thickening twice within the first growing season after planting and twice a year thereafter.

Hardsurface:

- i. Six visits per year to remove weeds from shrub beds and between pavours and within other hard standing areas. All weeds to be removed from the site. Where herbicides are used extreme care should be taken to avoid damage to surrounding grass and avoid spray drift.

**PLANTING SPECIFICATION**

**GRASS MIX**

1. The grassed area to be carefully checked to ensure that the soil is appropriate and it is free from rubble, stones, weeds and other deleterious material. If it does not it should be replaced with the appropriate quality material or the landscape architect advised.
- (Note: It is the responsibility of the contractor to ensure that he is planting in the correct quality of material)
2. Where topsoil is to be added the subsoil should be fully broken up to ensure adequate drainage and a layer not less than 150mm deep applied.
3. The topsoil should be cultivated to a fine, even tilth with no undulations or bumps.
4. All grass area to be turfed or seeded in accordance with guide-lines set out in BS 4428: Code of Practice for general landscape operations: 1989.
5. Front gardens to be turfed with approved, good quality turves. The soil shall be of loam texture and free from stones over 15mm in any one direction. Open spaces to be either turfed or seeded with an approved proprietary mix applicable to the location.

**SHRUBS**

1. The whole planting bed to be carefully set out and the soil checked to ensure that it meets the standards set out in BS 3882: 2007. If it does not it should be replaced with the appropriate quality material or the landscape architect advised.
- (Note: It is the responsibility of the contractor to ensure that he is planting in the correct quality of material)
2. If new topsoil is required the subsoil base should be fully broken up to ensure adequate drainage.
3. The bed should be inspected after the subsoil base is broken up and before topsoil cultivation for any signs of flooding. If there are signs and these cannot be resolved the landscape architect should be advised.
- (Note: It is the responsibility of the contractor to ensure that he is not planting in a waterlogged bed)
4. Planting should not be undertaken below 2 degrees centigrade or when the ground is snow covered or frozen.
5. The topsoil should be cultivated throughout the bed to a depth of 300mm. It should be left with a central ridge 150mm above the edges of the bed.
6. When then bed has been fully cultivated and formed, the planting holes shall be dug 150mm wider than the root spread. Bare root plants shall have the roots carefully teased out and pot-grown plants shall have the roots carefully loosened from the soil. 2 to 2.5litres, depending on the size of the plant, of Fison's Peat-Free Planting Compost or similar approved shall be worked into the backfill. The plants shall be planted so that the finished topsoil level is at the nursery level on the stem of the plant.
7. The plants shall be well firmed in and, after planting, a slow acting fertiliser shall be carefully worked into the top 50mm of soil round each plant taking care to avoid contact with the stem.
8. Immediately after planting the whole bed shall be well watered in.
9. All work shall be carried out in accordance with best horticultural practice.

**TREES**

1. Trees shall be planted at the appropriate season depending on root-grown or bare-root.
2. Tree pits to be dug not less than 1m cube and not smaller than 250mm larger than the overall root spread. Care to be taken to ensure that all sides are permeable and have not been "polished" and that all pits are free draining with 50mm of washed round pea gravel to the base of the tree pits.
3. A pressure-treated timber stake 75 x 75mm shall be used. It shall extend 500mm above the finished soil level, with a proprietary tie set 100mm below the top of the stake.
4. One tie shall be used on standard and feathered trees up to 2m high. Two will be required for Heavy and Extra-Heavy Standard trees up to 18cm girth. Above this three will be required unless an underground guying system is used.
5. Backfill for the tree pits to be 20% Peat-free Compost, Fison's or similar approved.
6. The backfill to be a raised mound at the top with the centre 150mm above the edges. Care to be taken to ensure that the finished backfill level is at the nursery level on the tree and that level is at the centre of the mound 150mm above the edges of the pit when the tree has been well firmed in.
7. On completion of the planting the tree shall be well watered in with not less than 10gallons of water. Thereafter it should be watered as required, following periods of any more than three consecutive hot, dry days, until the tree is fully established.

**HEDGES**

1. Hedge planting should be as for the shrubs, set out above. However, the planting bed should be established by using the line of the hedge as the length. The width will be the planted line of the hedge plus 300mm either side. (ie a single line of hedge will be 600mm wide and a double, 500mm apart, will be 1100mm wide.
2. After achieving the correct quality topsoil and, with the base broken up if topsoil is imported, the soil shall be cultivated to ensure a ridge, into which the hedge is planted, set 150mm above the edge of the bed.
3. Thereafter all of the above, fertiliser shall be applied and the hedge well watered in.
4. After planting the hedge should be trimmed back to an even line, to encourage growth, with the amount of trimming depending on species.

**PLANTING SCHEDULE**

**CARE SHOULD BE TAKEN TO ENSURE THAT ALL TREES ARE PLANTED A MINIMUM OF 1M AWAY FROM ALL FOOTPATHS AND SERVICE STRIPS.**

*These plants have been chosen taking into account the recommendations of the Postcode plant database published by the Natural History Museum and the RHS Plant Selector. Where possible, plants which are particularly attractive to bees have been used.*

**CPS** Crataegus 'Paul's Scarlet' 5no  
 All of the above trees to be Heavy Standard size (12 to 14cm girth) double short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious material.

**BuJ** Betula utilis 'Jacquemontii' 1no  
**CbF** Carpinus betulus 'Fastigiata' 6no  
**QrF** Quercus robur 'Fastigiata' (Fastigiata Oak) 3no

All of the above trees to be X Heavy Standard size (16 to 18cm girth) double short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious material.

**PROPOSED SHRUBS**

<b>CMB</b> Cornus 'Midwinter Beauty'	60 to 80cm 3L	3/m2	96no
<b>Ct</b> Choisya ternata 'Sundance'	30 to 40cm 3L	3/m2	67no
<b>Hm</b> Hydrangea macrophylla sp 'Hidcote'	40 to 60cm 3L	3/m2	111no
<b>LaH</b> Lavandula angustifolia	20 to 30cm 3L	6/m2	168no
<b>PFF</b> Pieris 'Forest Flame'	30 to 40cm 3L	4/m2	27no
<b>PIRA</b> Potentilla fruticosa 'Red Ace'	30 to 40cm 3L	4/m2	36no
<b>Sh</b> Sarcococca hookeriana	30 to 40cm 3L	3/m2	18no

**PROPOSED HARDY PERENNIALS**

**GJB** Geranium 'Johnstons Blue' 3L pot as spec. 47no  
 NB. Available in Spring and Summer for planting

**LAUREL HEDGE**

**Prunus laurcerassus** 'Rotundifolia' 40 to 60cm 3L 220no  
 Laurel hedge to be planted in one row, evenly spaced, at 300mm centres.

**HORNBEAM HEDGE**

**Carpinus betulus** 120 to 150cm 1+2 402no  
 Hornbeam hedge to be planted in two alternate rows evenly spaced at 6 per linear metre either side of a post and wire fence.

Drawing: **Landscape Proposal**

Job: **Haddington**

Client: **Persimmon Homes (East)**

No: **143.112.01**

Date: **JUL 2017** Scale: **1:250 @ A1** Drawn: **JS** Checked: **AM**

Shelter

## **LRB Appeal Statement**

**Erection of 16 houses and associated works at Land at former Gateside  
Commerce Park, West Road, Haddington**

**Ref: - 17/00644/P**

**LRB appeal statement against the decision of East Lothian Council to  
refuse planning permission for the above application**

**Applicant: Persimmon Homes Ltd**

**April 2018**

## 1. Introduction

1.1 An application for detailed planning permission was refused by East Lothian Council for the above named development on 11<sup>th</sup> April 2018 under delegated powers. The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 defines this application as 'local development' by virtue of it comprising less than 50 housing units on a site which is under 2 hectares in area. Consequently any appeal lodged by an applicant within 3 months of a delegated refusal requires to be referred to the East Lothian Council Local Review Body (LRB) for determination. An LRB appeal notice has been duly submitted to the local authority by the applicant on 27<sup>th</sup> April 2018. This supporting statement accompanies the LRB appeal notice.

1.2 The Council have specified 3 reasons for refusing the application in the decision notice as set out below:-

*1. The proposed housing development would result in the loss of available employment land that is part of the employment land supply of Haddington, to the detriment of East Lothian economy and would be contrary to the delivery of the East Lothian Economic Development Strategy 2012-22*

*2. If approved the proposed development would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority to refuse to grant planning permission for housing and other non employment generating uses on employment land elsewhere in East Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian.*

*3. The proposed housing development, by virtue of its size, scale and positioning would appear as a prominent and visually intrusive feature within its gateway location whereby the houses on the western part of the site would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As such it would be harmful to the character and appearance of the area, contrary to policies DP1 and DP2 of the adopted East Lothian Local Plan 2008, Planning Advice Note 67: Housing Quality and the Council's approved Design Standards for New Housing Areas.*

1.3 The applicant strongly contends that there are valid planning grounds to justify approval of this application contrary to the Council's reasons for refusal. It is therefore respectfully requested that members of the LRB review the proposals and overturn the delegated decision to refuse the application for the reasons set out in this statement.

## **2. Site Background**

2.1 The application site is a rectangular parcel of generally flat land extending to approximately 0.4 hectares in area. It is bounded to the south by the B6471 (West Road) which is a key arterial route into Haddington town centre heading east and onto the A1 trunk road heading west. Adjoining the site to the north and east is the Persimmon Homes / Charles Church housing site known as 'Moncrieff Meadows' which is currently under construction. To the west lies a recently formed vehicular access road leading from the B6471 to the consented (class 4) business units and retail site.

2.2 The development as proposed would represent a logical extension of the adjacent Persimmon Homes housing site, rounding off and consolidating the edge of this mixed use allocation. The proposals would be accessed via an existing shared surface street and parking court which serves a parcel of recently constructed terraced dwellings forming part of the same allocated site. An electric sub station building is located at the north western edge of the subject land.

2.3 As existing the site is vacant, enclosed by temporary heras fencing and therefore not currently a positive feature in the local area particularly given its prominent location as a gateway point to the town of Haddington. The site forms part of a larger mixed use business/housing allocation defined under Prop HN5 of the Proposed East Lothian LDP.

2.4 The application seeks permission for the erection of 16 terraced dwellinghouses, 4 of which would be of an affordable tenure. This equates to 25% of all units as required by ELC Affordable Housing Policy. All buildings proposed are 2 storeys in height. The design, orientation, scale and massing of the proposed houses would be complementary to the existing dwellinghouses which form part of the adjoining site. Soft landscaping and open space including tree and hedge planting would be prevalent particularly at the front of the site and along boundary edges. A low level stone wall is also proposed at the south western corner. These features would result in an appropriate form and character of development which are complementary to the surrounding locality.

## **3. Adopted Local Plan /Emerging LDP**

3.1 The adopted East Lothian Local Plan, which allocates this site for business use under Proposal BUS6, dates from 2008 and is substantially more than 5 years old (approaching 10 years). Development Plans which are more than 5 years old are classed as out of date by Scottish Planning Policy (SPP) therefore the adopted plan should carry very limited weight (if any) in the determination of this application. In this situation SPP requires "*the presumption in*

*favour of development which contributes to sustainable development to be a significant material consideration.”*

3.2 The East Lothian LDP Examination Report was published on 14<sup>th</sup> March 2018 and the recommendations contained therein including modifications were reported to full council on 24<sup>th</sup> April 2018. It is anticipated that the plan, including the reporter’s modifications, will be formally adopted by East Lothian Council in July 2018.

3.3 As a result of the LDP’s significantly advanced stage in the plan making process it is considered that the current proposed LDP including modifications is a highly significant material consideration in the assessment of this proposal which should be afforded very significant weight in the determination of this LRB appeal.

3.4 The Council’s delegated report of handling refers heavily to policies contained in the adopted 2008 East Lothian Local Development Plan yet affords very limited weight to the emerging LDP. The applicant considers that insufficient emphasis has been placed on the proposed LDP in the determination of the application. Given the Local Plan is out of date and the proposed LDP is very close to adoption the proposed LDP should be used as the starting point for decision making on this proposal, particularly as the LDP may well be adopted when a decision on this appeal is made by the LRB.

#### **4. Loss of Employment Land (Refusal Reason 1)**

##### 4.1 Refusal Reason 1:

*The proposed housing development would result in the loss of available employment land that is part of the employment land supply of Haddington, to the detriment of East Lothian economy and would be contrary to the delivery of the East Lothian Economic Development Strategy 2012-22*

##### 4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states:-

*“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan”*

4.3 Section 37 of the above act goes on to advise:-

*“In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”*

4.4 The above reason for refusal 1 does not refer to a development plan policy or associated document. All decisions should be made in accordance with development plan policies, not other Council strategies as referenced in this reason for refusal. The Council's economic strategy is not a material planning consideration. Only those policies contained in the LDP or as supplementary guidance should be referenced in a reason for refusal.

4.5 The Council's delegated report states that before considering the loss of employment land the Council would expect a robust marketing exercise to be carried out for all employment generating uses at the site. This therefore means that the council would expect class 4, 5 and 6 uses to be pursued. These uses relate to business, general industrial and storage and distribution. However there is no policy requirement for other employment generating uses to be considered ahead of residential use in the soon to be adopted LDP and the Council's delegated report specifically states that there is no objection to the loss of land for such uses.

4.6 Reference is made in the delegated report to the consideration of retail uses however LDP policies TC1 & TC2 advise that retail development should firstly be directed to town centres therefore such a use is likely to be unsuitable at this location.

4.7 Policy HN5 does not contain or refer to any cascade mechanism which would compel applicants to demonstrate that business uses must be considered and exhausted prior to housing. This is a fundamental point in the consideration of this appeal. The starting point for all decisions is the development plan unless material considerations indicate otherwise. To deviate from this approach, is considered to be unreasonable. This planning application seeks consent for housing on a mixed use site. The application site is not exclusively zoned for business use and there is no minimum area/ proportion of the site specified in the LDP which must contain business land. The site already incorporates a mix of uses including a significant amount of class 4 business / light industrial floorspace and housing.

4.8 Use classes 5 and 6 are less likely to be appropriate uses for the site bearing in mind the adjacent residential development. Factors impacting negatively on residential amenity such as noise, odour, and traffic may well render these uses unsuitable in such close proximity to existing housing. There is already provision for class 4 units to the north of the site with no further policy requirement to deliver this use on the appeal site as discussed above.



4.9 The supporting planning statement prepared by Rapleys, which accompanied the planning application, demonstrates that the site has been marketed fairly and robustly for its consented use for a reasonable period without success. The Council accept this position. As a result it is valid to assume that alternative uses should now be considered favourably. In considering alternative uses there are no valid policy grounds which would oblige an applicant to market this site for the aforementioned business uses prior to considering housing.

4.10 Notwithstanding the above, and contrary to the delegated report, it is submitted that the site has been marketed more widely than just for a pub/restaurant. The enclosed particulars and photo of the marketing board (appendix 1) show that the land owner sought “*all enquiries*” and suggested that the site may be suitable for other uses, subject to planning. Despite this marketing exercise there were no enquiries for any other uses. The marketing exercise was therefore not solely aimed at pub/restaurant use as stated in the delegated report. As a result it is considered that a comprehensive marketing exercise has been carried out for a range of employment generating uses on this site.

4.11 It is also important to stress that the current owner of the class 4 business land located to the north of the site has been attempting to transfer this land to East Lothian Council as required by the existing S75 obligation covering the site since autumn 2017. The land owner appears to be no further forward in this process despite repeated attempts to expedite the process (see appendix 2). The delegated report suggests that there is a shortage of business land in the local area yet the apparent need for such accommodation is not reflected in the vacant neighbouring site to the north or the other employment allocations nearby.

4.12 The proposed East Lothian LDP states at page 42 in relation to this site:-

***Mixed Use Proposal: Gateside West, Haddington***

*2.122 Land at Gateside West at the former Gateside Commerce Park in the west of Haddington is allocated for a mixed use housing and employment development, including circa 112 homes and employment generating uses, including a pub/restaurant, to reflect existing planning permissions.*

***PROP HN5: Land at Gateside West, Haddington***

*Land at Gateside West is allocated for a mixed use development, including circa 112 homes and employment generating uses, to reflect existing planning permissions. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate.*

4.13 Recommendations contained in the Examination Report are soon to be agreed by East Lothian Council and these are now significant material considerations in the assessment of planning applications and appeals. At page 305 of this report a modification to the above policy has been made by the reporter as follows:-

*27. PLOT (Haddington) LLP request the supporting text to Proposal HN5 is amended to **remove specific reference to a pub/restaurant** (my emphasis). It is stated that this would allow an increase in residential units on the site. It is submitted that there is no market demand for the pub/restaurant and that an additional 16 housing units could be accommodated at the site.*

*28. Whilst I acknowledge that the significant planned urban expansion may increase the demand for a pub/restaurant over time, it is not necessary for the supporting text to seek to limit the employment generating use to that of a pub/restaurant, particularly when this is not referred to within the proposal. An amendment to paragraph 2.122 is therefore recommended.*

*PLOT (Haddington) LLP (0333) Amended wording for para 2.122 as follows; 'Land at Gateside West at the former Gateside Commerce Park in the west of Haddington **is allocated for a mixed use housing and employment development**' (my emphasis).*

4.14 The above comments represent a shift in policy wording which would further strengthen the case for housing use to be supported at this location. The wider site which relates to PROPHN5 is 'a mixed use housing and employment site' as it already contains a significant portion of employment land in the form of fourteen class 4 business units which have been secured through a previous consent and subsequent commencement of development. However there is now no development plan policy requirement to deliver a pub/restaurant on the site. The serviced land for the class 4 business units are consented and in the process of being conveyed to East Lothian Council. Therefore the site contains a mix of uses in full compliance with policy HN5.

4.15 The reporter acknowledges through the representation by Manse LLP that removal of the reference to pub/restaurant could allow an increase in the number of residential units across the site and does not reject this as being unacceptable. It is clear that this is already an established mixed use site and there is no 'zoning' for a pub/ restaurant in the soon to be adopted LDP. The addition of 16 homes on a relatively small portion of the overall allocation would therefore be policy compliant and the examination report should carry significant weight in the assessment of this appeal. As a result there is considered to be no policy impediment which would prevent this housing application progressing towards a positive recommendation by the LRB.

4.16 The LDP representation referred to above was not seeking the removal of economic development use on the whole site. It referred specifically to the pub/restaurant and provided evidence to seek to illustrate that there is a lack of demand for this use and that housing would be an appropriate and viable alternative use.

4.17 Nearby sites such as Prop HN4 to the east of the application site is allocated for mixed use development including a care home. HN6 to the west of the application site is allocated for a supermarket/retail use. The application site falls within Prop HN5 which is a further mixed use development including class 4 business units and housing. This illustrates that the site and surrounding allocations are zoned for a diverse range of uses including significant employment generating potential. Housing on the application site, which occupies a small portion of the overall allocation, would not diminish the mixed use status of HN5 or the employment generating potential of the surrounding allocations to any material degree given its modest scale and therefore relatively negligible impact on the economy.

4.18 The report of handling on page 3 references SPP as follows:-

*Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered.*

4.19 The above policy statement lends support to this proposal in that an appropriate alternative use is proposed following lack of interest for business uses demonstrated through a robust marketing exercise.

4.20 Furthermore, the officer clearly states on page 7 of the report of handling that:-

*“there can be no objection to the loss of the allocated business and industrial use of the site.”*

4.21 In light of the above it is unclear why the Council are not willing to accept housing on the site.

## **5. Precedent (Refusal reason 2)**

5.1 Refusal reason 2:-

*If approved the proposed development would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority to refuse to grant planning permission for housing and other non employment generating uses on employment land elsewhere in East*

*Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian.*

5.2 The Council are concerned that approval of this application would make it difficult to resist future applications for housing on employment land in other parts of East Lothian. This reasoning is strongly refuted by the applicant.

5.3 All planning applications should be assessed on their own merits and any new applications require to be determined subject to a fresh policy assessment. No two sites can be treated in the same manner and therefore precedent should not be used as a reason for refusal. This approach is supported by case law. Consequently refusing this application on the basis of precedent is not considered to be legitimate or reasonable in this instance.

5.4 As an aside it should be stressed that zoned employment sites in the East Lothian LDP are covered by a different set of policy criteria to the application site. In these zoned locations a change of use to housing would not be acceptable in principle. The situation on this appeal site differs significantly as it is not specifically zoned for business use, rather is a mixed use site with fourteen business units already consented and secured. There is no LDP policy requirement to secure or retain the appeal site for business use. This matter is highly relevant to the consideration of this proposal.

## **6. Design (Refusal reason 3)**

### 6.1 Refusal reason 3:-

*The proposed housing development, by virtue of its size, scale and positioning would appear as a prominent and visually intrusive feature within its gateway location whereby the houses on the western part of the site would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As such it would be harmful to the character and appearance of the area, contrary to policies DP1 and DP2 of the adopted East Lothian Local Plan 2008, Planning Advice Note 67: Housing Quality and the Council's approved Design Standards for New Housing Areas.*

6.2 In design terms it is submitted that the proposals are of a high quality and in accordance with relevant development plan policies. The delegated report specifically raises concerns over the proposed arrangement of plots backing onto the distributor road along the western site boundary. The road which forms the western site edge leads to an industrial area serving the class 4 business units and consented supermarket therefore along this short section the landscaped approach proposed would appear attractive and logical in the context of the local

built form and uses. It should also be noted that finalised landscaping details can be addressed via a suitably worded planning condition should this be deemed necessary.

6.3 The western boundary which is referenced in the above refusal reason would be punctuated by tree and hedge planting resulting in a 'green edge' which is considered appropriate in the context of the surroundings. As a secondary access road primarily to serve the business units and supermarket the landscaped approach and orientation of a short section of houses backing onto this street is considered entirely appropriate. Furthermore the terraced block referred to, which faces eastwards, would also provide valuable passive surveillance of the parking court enhancing the design and residential amenity of the site overall.

6.4 In addition the corner plot proposed to the south west exhibits dual frontage features and this arrangement along with the proposed landscaping would be visually attractive when viewed by traffic entering Haddington from the west. The application proposes frontage development onto West Road in full accordance with existing housing development to the east which is of a similar design and character. All of these plots are accessed from a rear parking court, removing vehicular traffic from the principal streetscene in accordance with current placemaking policies such as Designing Streets.

6.5 In the absence of housing on this site it is submitted that employment generating uses would appear less visually cohesive and more incongruous. For example a distribution depot or business units would be unlikely to be more appropriate in design terms when compared to the houses proposed as part of this application. Class 4, 5 or 6 uses would in all probability be more intrusive than housing in design terms and offer a less cohesive layout in the context of the adjacent existing housing. Furthermore if the application is refused there is a significant prospect that it will remain as a vacant, unattractive site surrounded by heras fencing for a considerable period similar to the situation at the former Oak Tree Petrol Filling Station site to the west. The current site offers a poor impression at this gateway location that can be readily and satisfactorily resolved by the introduction of housing. In visual and amenity terms this vacant site would continue to blight the area especially as a visible entrance point to the town of Haddington.

6.6 Housing of similar design and appearance has been supported immediately adjacent to this site under the same design policy criteria therefore in design terms it is difficult to accept that a continuation of similarly designed housing which would round off and complete the overall allocation can be seen as unacceptable. The site lies within a significant cluster of housing allocations which will be developed over the coming years, gradually altering the appearance of the local area. As a result the predominant character of the locality will be strongly residential lending further justification for the development as proposed.

6.7 The site constitutes a logical rounding off of the existing Persimmon/ Charles Church development in a sustainable location, well suited to residential development.

## **7. Other Material Considerations**

### Representations

7.1 There have been no objections to this application from neighbours. In terms of Council and statutory consultees the only objection is from ELC Economic Development Officer in relation to retention of the site for business land. This topic is explored in the section above. The lack of any neighbour or consultee objections is material to the consideration of this LRB case – no-one has objected to the loss of a potential pub / restaurant and, unusually, there is no public opposition to new housing.

### Affordable Housing

7.2 Four of the proposed housing units would be of affordable tenure. The remaining twelve homes are considered 'affordable by design' due to their compact size and resultant pricing meaning they would be within the financial reach of a sizable cross section of local people, particularly first time buyers. All of the homes proposed would be eligible for the Help to Buy scheme which is a Government backed initiative aimed at helping first time buyers. Delivery of high quality housing of an affordable nature is a national and local government priority. Such a proposal should therefore be embraced by the Council in principle.

### Economic Impact

7.3 The economic impact of housing development is generally underestimated and therefore it is deemed important to summarise the economic benefits of the current proposal.

7.4 A number of benefits to the wider economy are evident in respect of direct construction employment and indirect job creation as a consequence of short/ medium term construction operations at this location. Details of these are provided in the economic impact statement which was submitted along with the application (appendix 3)

7.5 In addition sustained expansion of the local economy is a likely outcome of ongoing expenditure from incoming residents. This is also notable in the short term with regards to the initial substantial retail spend on home improvements as well as the significant sustained residential expenditure. It is considered that both of these factors would benefit the locality of Haddington inclusive of town centre trading, as well as retail spend in the wider area.

7.6 Whilst it is acknowledged that it is difficult to quantify the exact benefit to the local economy, it is considered highly probable that economic activity and associated secondary spin offs including benefits to the local supply chain would be positive factors.

7.7 With regards to local authority and fiscal impacts it is important to note that the development will add to Council tax receipts and contribute substantial sums to providing and improving education provision in line with developer contributions set out by ELC. The developer anticipates entering into a S75 legal obligation to enable delivery of the necessary funding as required.

## **8. Conclusions**

8.1 In conclusion the applicant respectfully requests that planning permission is granted for this development by the LRB. The site is in a highly sustainable location adjacent to existing and emerging residential development and would make a positive contribution to the local area. A summary of the main points justifying this position is provided below:-

- The soon to be adopted LDP is a significant material consideration and should therefore be the starting point for a decision on this proposal.
- There is no policy support for a 'cascade approach' which would compel the applicant to consider alternative business uses before housing.
- The proposed LDP does not require a pub/restaurant to be delivered on this site.
- The site already contains a mix of uses, including those sought by ELC Economic Development, as required by LDP policy Prop HN5.
- The site has been marketed robustly for a range of employment uses without success. The Council have accepted that a pub/restaurant is not viable on this site.
- Planning Applications are determined on their own merits and each site presents a differing set of circumstances. As a result precedent is not a valid reason for refusal.
- The site is not exclusively zoned for business use. This differs from the majority of allocated business sites in East Lothian which have a specific zoning for business or industrial uses in the Development Plan. As a result the granting of this development would not set a precedent which would allow business land to revert to housing.

- The site constitutes a logical rounding off of the existing Persimmon/ Charles Church development in a sustainable location, well suited to residential development. The proposed arrangement of properties along the western boundary is considered acceptable but if viewed otherwise can be address via a suitably worded planning condition.
- The road which forms the western site edge leads to an industrial area serving the class 4 business units and consented supermarket therefore along this short section the landscaped approach proposed would appear attractive and logical in the context of the local built form and uses.
- There have been no objections from neighbours and only 1 consultee has raised an objection (Economic Development Officer in relation to loss of employment land), which has been addressed above.
- The site would deliver 25% affordable housing in addition to terraced private homes which would be affordable to a cross section of local people including first time buyers. All private units proposed would qualify for the 'Help to Buy' scheme.
- The new homes would create and sustain construction jobs. New residents would benefit the local economy in terms of increased retail spend and council tax receipts.
- The developer is willing to contribute towards improving education and other infrastructure through financial contributions secured via a S75 legal obligation.
- The proposal will result in a prominent gap site in a key gateway location being developed in a manner that is entirely consistent with its immediate surroundings.

## **Appendices**

Appendix 1 – Site Marketing Particulars

Appendix 2 – Emails regarding land transfer to East Lothian Council

Appendix 3 – Supporting Report including Economic Impact Statement (submitted with original application)



WARNING TO HOUSE-PURCHASERS  
Property Misdescriptions Act 1991

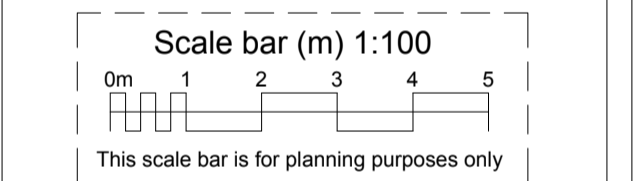
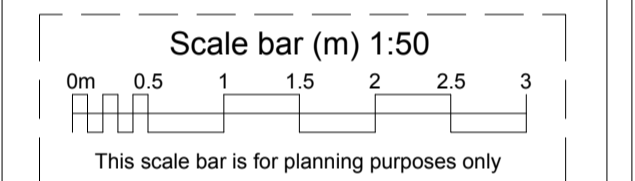
Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

We certify this is an original/true copy of the drawing referred to in our application for Building Warrant.  
Signed on behalf of Persimmon Homes (West/East Scotland) Ltd  
.....date.....

notes

**Finishes & Materials**

- Roughcast main finish.
- Precast cill's.
- Recon Stone basecourse
- Concrete interlocking roof tiles.
- uPVC fascia boards.
- uPVC windows.
- Steel doorsets.
- uPVC drainage goods.



Front Elevation 1:100

Side Elevation 1:100

Rear Elevation 1:100

Side Elevation 1:100



Ground Floor Plan 1:50

First Floor Plan 1:50

no.	revision	date	by



Persimmon Homes (West Scotland) Ltd Persimmon House, 180 Findochty Street, Garthamlock, Glasgow, G33 5EP tel. 0141 766 2600 fax. 0141 766 2605	Persimmon Homes (East Scotland) Ltd Unit 1, Wester Inch Business Park, Old Well Court, Bathgate, EH48 2TQ tel. 01506 638300 fax. 01506 638301
---	--

drawing title  
**Planning Drawing  
Floor Plans & Elevations  
Standard Hand Arrangement**

Flat Type  
**Newmore-V5-SF4**

scale	date	drawn
as noted	07.10.14	GM

job no.	file location
-	S/PH-House./STR/2010/Kit

Scottish Town Range

dwg no.	rev.
V5-TF-0799t(10)505	-

# Newmore - V5 - SF4 Full Roughcast/Stone Base



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: [planning@eastlothian.gov.uk](mailto:planning@eastlothian.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100058754-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of 16 dwellinghouses, formation of access, parking, landscaping and associated infrastructure

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Persimmon Homes East Scotland		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	Unit 1
Last Name: *	Jinks	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Wester Inch Business Park
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Bathgate
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH48 2TQ
Email Address: *	<input type="text"/>		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Unit 1
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	Wester Inch Business Park
Company/Organisation	Persimmon (East Scotland)	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Bathgate
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	EH48 2TQ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

673765

Easting

349497

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

0.40

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

vacant land formerly business land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Collection and storage areas shown on accompanying drawings

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

16

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

PLOT (Haddington) LLPTime and Life Building, 1, Bruton Street, London, W1J 6TL

Date of Service of Notice: \*

14/07/2017

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: David Jinks

On behalf of: Persimmon (East Scotland)

Date: 14/07/2017

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

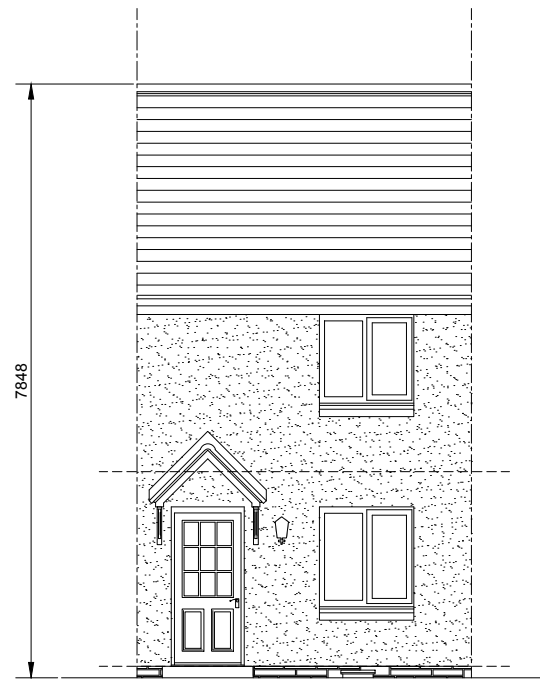
Declaration Name: Mr David Jinks

Declaration Date: 14/07/2017

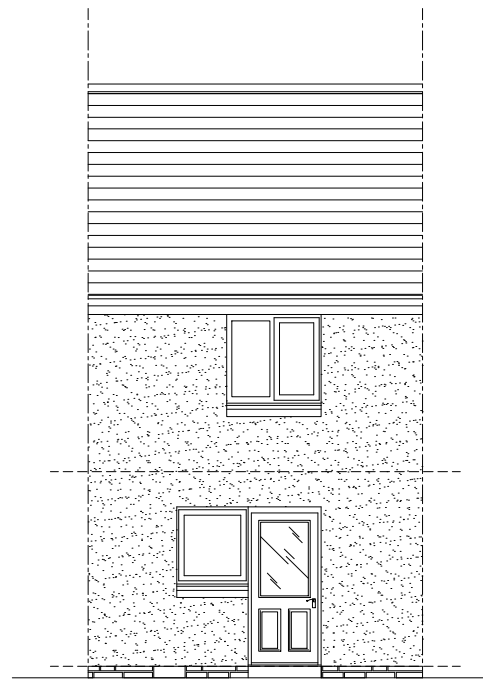
## Payment Details



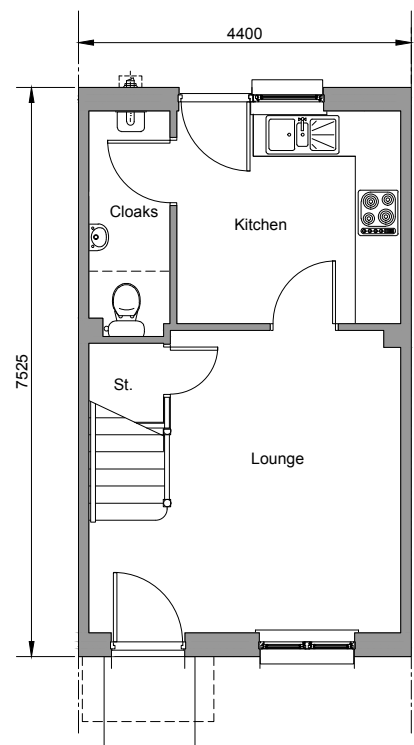
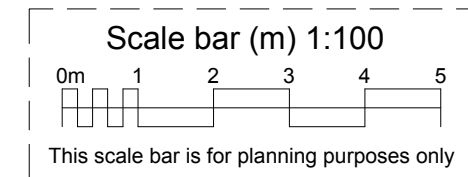
Created: 14/07/2017 14:40



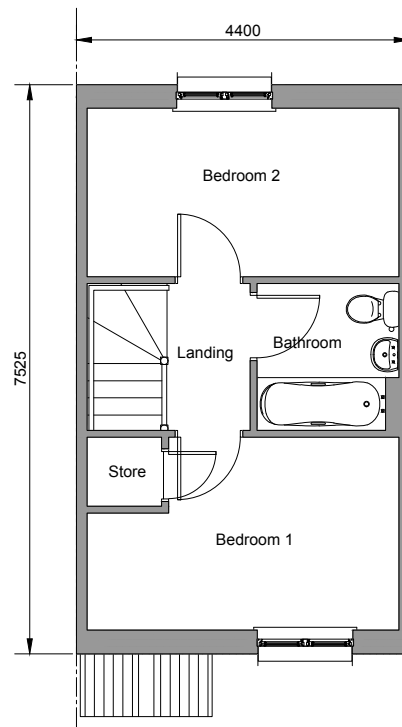
Front Elevation 1:100



Rear Elevation 1:100



Ground Floor Plan 1:100



First Floor Plan 1:100

**WARNING TO HOUSE-PURCHASERS**  
Property Misdescriptions Act 1991

Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

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Signed on behalf of Persimmon Homes (West/East Scotland) Ltd  
.....date.....

notes

..

Finishes & Materials

- Roughcast main finish.
- Precast cill's.
- Recon Stone basecourse
- Concrete interlocking roof tiles.
- uPVC fascia boards.
- uPVC windows.
- Steel doorsets.
- uPVC drainage goods.

no.	revision	date	by



Persimmon Homes (West Scotland) Ltd Persimmon House, 180 Findochty Street, Garthamlock, Glasgow, G33 5EP tel. 0141 766 2600 fax. 0141 766 2605	Persimmon Homes (East Scotland) Ltd Unit 1, Wester Inch Business Park, Old Well Court, Bathgate EH48 2TQ tel. 01506 638300 fax. 01506 638301
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drawing title  
**Planning Drawing**  
**Floor Plans & Elevations**  
**Standard Hand Arrangement**

Flat Type  
**Portree - V5 - SF4**

scale	date	drawn
1:100	07.10.14	GM

job no.	file location
-	S:/PH-House./STR/2010/Kit

Scottish Town Range

dwg no.	rev.
V5-TF-0613t(10)505	-

# Portree - V5 - SF4 Full Roughcast/Stone Base

**RAPLEYS**

**PERSIMMON HOMES EAST SCOTLAND**

**SUPPORTING PLANNING STATEMENT**

**CHANGE OF USE  
PUB/RESTAURANT TO HOUSING  
(ERECTION OF 16 RESIDENTIAL UNITS)**

**LAND AT GATESIDE PARK WEST,  
HADDINGTON, EAST LoTHIAN**

**June 2017**

**Our Ref: 17-01885**



**PERSIMMON**

Caledonian Exchange, 19A Canning Street, Edinburgh EH3 8EG  
0370 777 6292 | [info@rapleys.com](mailto:info@rapleys.com) | [rapleys.com](http://rapleys.com)

[LONDON](#) | [BIRMINGHAM](#) | [BRISTOL](#) | [EDINBURGH](#) | [HUNTINGDON](#) | [MANCHESTER](#)

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## Appendices

Appendix 1	Marketing Feedback from UK Pub/Restaurant Operators (May/June 2017)
Appendix 2	Marketing Brief for Subject Site from Acting Agent (December 2016)

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## 1 INTRODUCTION

- 1.1 This Supporting Planning Statement has been prepared by Rapleys LLP, on behalf of Persimmon Homes East Scotland about vacant development land at Gateside Park West, Haddington, East Lothian.
- 1.2 This Statement is intended to provide a commercially realistic assessment of the prospects for development of the vacant development land for the Council's vision for a commercial pub/restaurant operation at this site, within a land use planning context (which includes an assessment of the Development Plan and other material considerations). For the reasons that will be demonstrated in this Statement, Rapleys LLP's assessment has extended the range of potential uses beyond the commercial pub/restaurant sector, into residential use prospects (as a viable alternative use), and our findings are reported herein. For full details of the scope and the methodology applied, please refer to Section 2.
- 1.3 Persimmon Homes East Scotland (the applicant) is already constructing on land immediately adjacent to this site and wishes to develop further housing on the subject site. This approach by a reputable housing developer has been made following an extensive period of marketing by the landowner, whereby commercial pub/restaurant operators had been targeted (amongst other commercial operators) and the availability of the land, for the Council's desired use has been promoted, but with no discernible positive result that would deliver a pub/restaurant use for this vacant development land, in a realistic timeframe. The evidence within this Statement finds that in a timescale of nearly 10 years since adoption, and identification of the subject site within the East Lothian Local Plan, is a long timeframe in which little interest has been shown in developing the site for commercial use. However, land immediately to the north of the subject site, for 13 business units, has been granted planning permission and will be transferred to East Lothian Council in due course.
- 1.4 Rapleys LLP operate across the whole of the UK within the commercial property sector. The firm's key experience on property relates to the commercial market (i.e. office, leisure, motor and roadside, and industrial). Within Scotland, Rapleys is based in Edinburgh, has commercial property and town planning expertise in house, so has a specialised knowledge of the planning system, the commercial property market within the Lothians particularly, and advises a range of clients including within the residential, retail rural and leisure sector on town planning and commercial property matters. Rapleys LLP advises a number of national housebuilders and commercial developers. Specific to our East Lothian experience and capability, Rapleys LLP is providing town planning consultancy advice for a change of use (commercial to residential) project in Musselburgh, retail development in Portobello and Prestonpans, and has previous strategic development planning experience with the developments taking place at West Haddington, so we understand many of the key issues affecting East Lothian. With this skill, Rapleys LLP have carried out similar advisory and feasibility exercises across Scotland, undertaking site research and utilising our commercial knowledge and experience to provide authoritative market insights in a proactive way.
- 1.5 Whilst the subject site already has consent for a pub/restaurant use, we are of the view, in light of a number of factors that are reported within this Statement, the Council's preferred use is not the most suitable or sustainable for this site, given the very low interest demonstrated from leading commercial operators in this sector for this location and use at this time. Rather than allow the vacant development land to sit, potentially detrimental to surrounding amenity, the landowner wishes to work with the housebuilder to deliver a positive future for this land, being best suited, in our view, for housing.
- 1.6 The description of the development proposal is as follows:  
*"Change Of Use Pub/Restaurant To Housing (Erection Of 16 Residential Units)"*

- 
- 1.7 In the recent past, Haddington has witnessed expansion at its western boundaries, with a number of new housing and retail planning permissions now under construction. This current proposal will result in a modest additional and sustainable number of residential units which will integrate well alongside existing developments in the immediate vicinity on an effective site which is deliverable in the short term. This will go some way to help meet the identified housing land supply shortage in East Lothian.
- 1.8 The proposed private housing will be affordable for local people, being valued around £150,000. This proposed housing product will be smaller than recent other developments, with 2 bedrooms, providing a range and choice in the market, with the majority of housing in East Lothian being 3,4 and 5 bedroom units.
- 1.9 Section 2 of this Statement provides a description of the application site; Section 3 discusses the planning history; Section 4 outlines the relevant planning policy; Section 5 sets out the material considerations which need to be accounted for (particularly the market performance); and Section 6 provides an analysis of the market interest in the site and reasonableness of timeframes; and section 7 provides a summary and conclusion.

## 2 APPLICATION SITE AND SURROUNDS

- 2.1 The subject site is located to the western edge of Haddington, south of the A1. The site extends to approximately 1 acre (0.4 hectares). The site sits approximately 1.5 miles from the town centre and 20 miles east of Edinburgh.
- 2.2 The site is located within the existing settlement boundary and is part of the “Gateside Commerce Park” which previously consisted of large commercial buildings, which have since been cleared. Specifically, the site is located on the south west edge of Gateside Commerce Park with visibility and road frontage (see Figure 1).
- 2.3 To the immediate west of the site is an area of land which has planning permission for a retail supermarket, petrol filling station and associated works. In the past, this was to be developed by Sainsbury’s, but it has not come to fruition.
- 2.4 To the south, further planned settlement growth, at Letham Mains, has planning permission for residential development, primary school and a neighbourhood centre to be delivered by a consortium of 3 housing developers.
- 2.5 The subject site currently has full planning permission for a pub/restaurant of 690sq.m with a seating capacity for 200 people (application reference: 14/00219/PM). The location of this site is outlined in red as seen in Figure 1 below.



Figure 1: Proposed Pub/Restaurant site (red line boundary) from planning permission Ref 14/00219/PM. The adjacent residential layout is planning permission Ref 15/00686/PM

- 2.6 The site is therefore located in a major area of change, with a number of recent permissions for residential (850 plus new homes) and commercial development including office and retail consents (See figure 2 opposite).
- 2.7 The site is not located in a conservation area, nor does it house any statutorily listed buildings.



Figure 2: Site Location (blue circle) in relation to surrounding planning permissions



### 3 PLANNING HISTORY

3.1 A full review of the Council’s online planning facilities has highlighted applications of direct relevance to the site:

Planning Application Reference	Proposal	Outcome
14/00219/PM	Erection of 112 houses, industrial units (Class 4 use), pub/restaurant and associated works	Granted with conditions and S75 agreement (13 <sup>th</sup> January 2015)
15/00686/PM	Erection of 97 houses and associated works (alters the design and layout of the housing development of the above application, but does not impact on the consentd pub/restaurant site)	Granted December 2016

Table 1: Site History

3.2 East Lothian Council granted consent for the land at Gateside West for a mixed use-development comprising of 112 houses, 13 business/light industrial units (Class 4) and a pub/restaurant. The consent for the class 4 units and pub/restaurant land are proposed for land within the west part of the site (consent 14/00219/PM), “the mixed use scheme”.

3.3 More recently, in 2015 a further application was submitted (Application Reference: 15/00686/PM) for the ‘Erection of 97 houses and associated works’, by Persimmon Homes East Scotland. This was granted planning permission in December 2016. This application was for part of the land that was subject of planning permission 14/00219/PM (“the mixed use scheme”). This application site did not include the land for business/light industrial units or for the pub/restaurant unit. The most recent application largely constituted a redesign of layout and house types for the residential development approved by the grant of planning permission 14/00219/PM (“the mixed use scheme”).

3.4 Notwithstanding these specific planning applications, the immediate surrounding area has been subject to a number of planning applications.

Location in Relation to Subject Site	Otherwise ‘Known As’	Planning Application Reference	Proposal	Outcome
East	‘Persimmon Homes Development’	13/00800/PPM	Mixed-used development comprising of Residential and business (class 4)	Planning Permission in Principle - Granted - 20 <sup>th</sup> November 2014
East	‘Persimmon Homes Development’	14/00940/AMC	Approval of matters specified in conditions (13/00800/PPM) for the erection of 20 houses	Approval of Matter Specified in Conditions - 9 <sup>th</sup> April 2015
East	‘Persimmon Homes	14/00941/AMC	Approval of matters	Approval of Matters

	Development'		specified in conditions (13/00800/PPM) for the erection of 40 houses on the remainder of the land	specified in conditions - 9 <sup>th</sup> April 2015
East	Persimmon Homes Development	14/00904/P	Erection of 19 houses and associated works on the western end of the land approved for residential by planning permission 13/00800/PPM	Planning Permission - 1 <sup>st</sup> September 2016
East	Care Home Development	15/00599/P	Erection of a nursing home and 30 extra care flats on the land approved for business use by application 13/00800/PPM)	Pending Consideration
West	Sainsbury's Superstore Development	11/00729/PPM	Planning Permission in principle for the erection of a Class 1 retail store, petrol filling station, reconfiguration of existing commerce park car park, services and associated works.	Granted Planning Permission in Principle - 28 <sup>th</sup> February 2012
South	Mactaggart and Mickel/Taylor Wimpey/Classhappy Ltd Development	13/00519/PM	Erection of 385 houses, 48 flats, garages and associated works	Planning Permission - 10 <sup>th</sup> May 2017
South	Mactaggart and Mickel Homes Development	17/00105/P	Erection of 33 houses and associated works	Pending Consideration
South East	Cala Management Development	14/00089/PM	Erection of 257 houses, 119 flats, commercial and community buildings and associated works	Granted Planning Permission - 9 <sup>th</sup> May 2017

Table 2: Surrounding Applications

- 3.5 The planning history of this area demonstrates the changing nature of this part of Haddington and the extensive number of proposals which have been submitted to East Lothian Council.
- 3.6 As shown in Section 5 of this Statement, a number of the sites for these proposals were not originally allocated for housing, but have subsequently secured permission for housing developments of varying scales - based on sound argument and reasons.

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## 4 PLANNING POLICY

4.1 This section will outline Development Plan policy which is relevant to the subject site and its current use intentions.

4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

4.3 In this instance, the Development Plan relevant to the application site comprises the Edinburgh and South East Scotland Strategic Development Plan (SESplan) (2013) and the adopted East Lothian Local Plan (2008).

### SESplan (2013)

4.4 SESplan was approved in 2013, setting out the strategic planning policies for the Edinburgh and South East Scotland Area, including East Lothian. Paragraph 9 of SESplan states the vision for the area:

*“By 2032, the Edinburgh City Region is a healthier, more prosperous and sustainable place which continues to be internationally recognised as an outstanding area in which to live, work and do business”.*

4.5 Furthermore, Paragraph 17 of SESplan sets out the aims of the SDP including, *inter alia*:

- *Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations*

4.6 East Lothian is also listed as a ‘Strategic Development Area’ in Figure 1. This is one of 13 areas identified as the main focus for future growth.

4.7 **Policy 2 (Supply and Location of Employment Land)** is relevant to this proposal. It notes that the SDP supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. It continues by noting that Local Development Plans should provide a range and choice of marketable sites to meet anticipated requirements.

4.8 **Policy 5 (Housing Land)** sets out the housing land requirements for the SDP area for the period up to 2014. It notes that LDPs should allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period (2009-2019) and (2019-2024). There should be sufficient land to accommodate the building of 107,545 houses across the SESplan period 2009-2024. Of that total, 74,835 houses to be built across the SESplan area in the period 2009-2019.

4.9 **Policy 6 (Housing Land Flexibility)** requires Councils to maintain a five years’ effective land supply at all times, and that the scale of this supply shall derive from the housing requirements for each LDP area identified through the Supplementary Guidance approved in October 2014.

4.10 Of significant weight to this proposal is the obligation placed on planning authorities to take action when a shortfall in the 5-year effective supply of housing emerges (Paragraph 93):

*“Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing. Where a shortfall in the 5-year effective supply emerges, planning authorities should take action to rectify this, for instance by bringing forward future phases of*

*effective sites already identified in development plans or approving appropriate planning applications”.*

4.11 As shown below, there is a significant shortfall in the five year effective housing land supply in East Lothian. The last point in paragraph 93 of SESplan regarding “*approving appropriate applications*” would apply to this site. This is a proposal for 16 units on an effective site, which can be delivered in the short term making it wholly ‘*appropriate*’.

4.12 On that basis of the SESplan Supplementary Guidance (Housing Land) (November 2014) and East Lothian Housing land Audit 2015, it is possible to calculate East Lothian’s 5 year supply target and shortfall as follows:

East Lothian SESplan Supplementary Guidance Requirement	2009-2020	7,010
Completions	2009-2015	2,043
Remaining Housing Requirement	2015-2020	4,967
5 year Effective Housing Supply (HLA 2015)	2015-2020	3,307
5 year Shortfall of Housing	2015-2020	1,660
Number of Years Supply		3.32 Years
Percentage of 5 year Requirement		66%

Table 3: East Lothian 5 year effective housing supply

4.13 As this table shows, there is a shortfall of housing supply, with sufficient housing for only the next 3.32 years. This position is acknowledged by the Council within the Interim Housing Planning Guidance. Given the recognised shortfall in the housing land supply in East Lothian, there is a clear policy context for favourable consideration of this proposal under the clear terms set out in SESplan.

4.14 It is understood that the Draft Housing Land Audit is yet to be published for 2016. However, it is expected that this will continue to show a shortfall in the housing land supply.

4.15 It is also noted, in the context of realistic timeframes, that the 2015 Housing Land Audit programmes delivery of future housing in Haddington, in the period 2020 beyond, from committed sites (i.e. sites with planning permission) of 433 units and no further units to come forward from completion sites.

#### **East Lothian Local Plan (2008)**

4.16 The East Lothian Local Plan forms part of the development plan for East Lothian. As noted in Scottish Planning Policy (2014), as the Local Plan is out-of-date, policies relating to housing supply are also now out of date and no weight should be applied to the Local Plan in the consideration of this proposal for this reason. However, one point of the Local Plan still needs to be highlighted and relates to the development of brownfield and greenfield land. Paragraph 10.20 notes that priority should be given to brownfield land followed by greenfield land for housing proposals. This is a point SPP makes and still resonates as a principle for guiding development. The subject site is a brownfield, effective site which can be developed in the short term.

#### **Site Allocation**

4.17 This site is allocated in the Local Plan for Business and Employment Uses under Policy BUS1. The local plan states acceptable uses on this site would include Class 4 (Business), 5 (General Industrial) and 6 (see overleaf). This policy notes that:

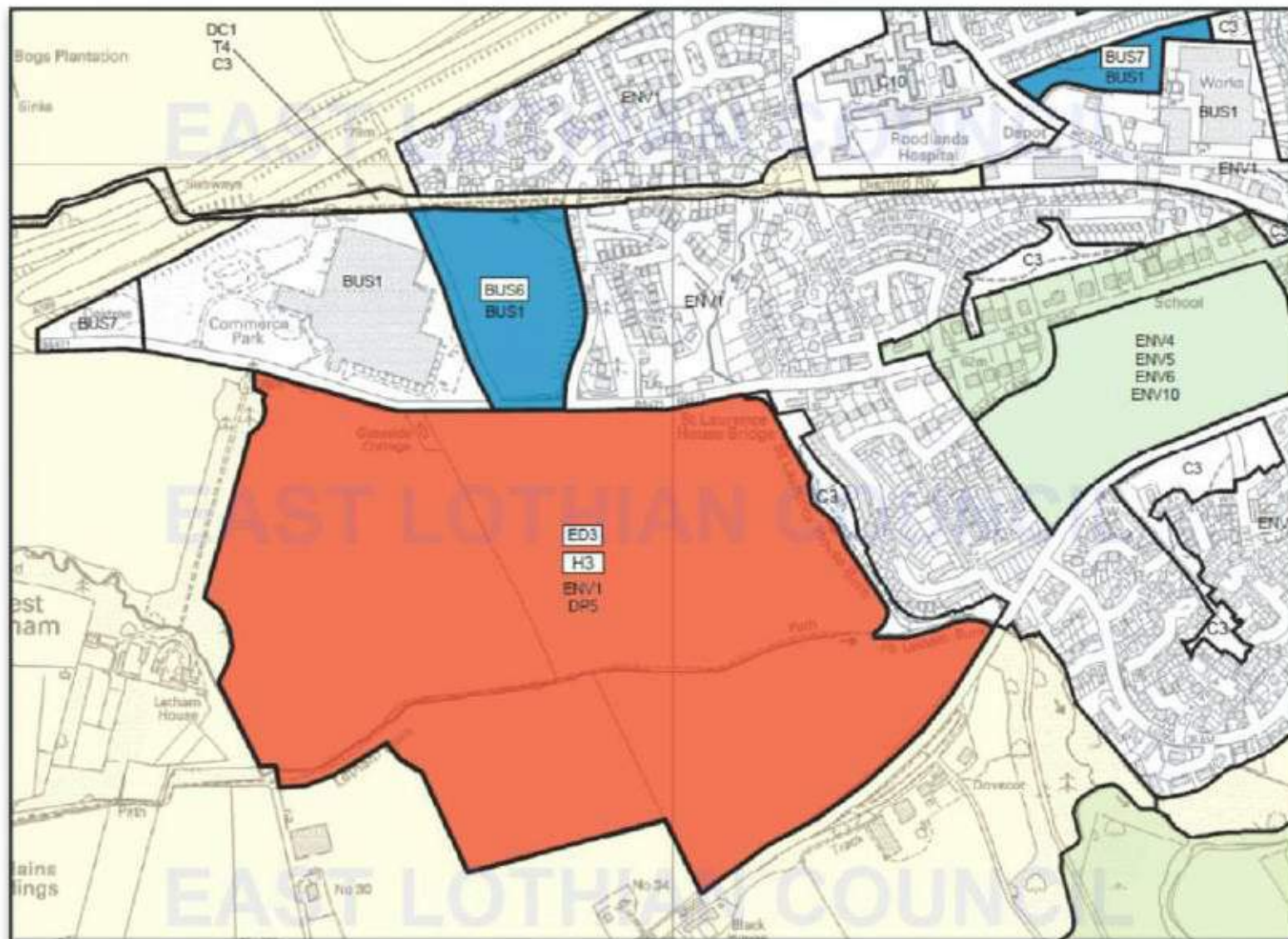


Figure 1: East Lothian Plan (2008) Proposals Map

*“Development that does not fall within these classes will not normally be permitted, with the exception of retail activity that is directly related and ancillary to a business or industrial process carried out on the site.*

- 4.18 Since the land was allocated in 2008, nearly 10 years ago, planning permission has been granted for a mixed-use development including housing, pub/restaurant and the retention of some employment uses (Application reference 14/00219/PM).

#### Planning Policy Summary

- 4.19 The Local Plan is currently out of date. As such the relevant housing land supply policies are not considered applicable. There is clear policy grounding from SESplan that action needs to be taken when there is an identified shortfall in the five year-housing land supply for releasing unallocated sites for housing. Scottish Planning Policy, which will be discussed in the following section, and advocates the need for action in light of a shortfall in the five-year housing land supply.
- 4.20 This proposal should be seen by the Council as a positive contribution to addressing this significant shortfall in a short timescale.

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## 5 MATERIAL CONSIDERATIONS

5.1 As referenced at the outset of the previous section, Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.2 There are a number of other material planning considerations which also support the grant of planning permission for residential development on this site. These will be discussed in turn as follows:

- Scottish Planning Policy (2014)
- Proposed (emerging) East Lothian Local Development Plan (ELDP) (2016)
- Council Interim Planning Policy Guidance - Housing Land Supply
- Other East Lothian Council Planning Decisions
- Alternative Sites

### Scottish Planning Policy (2014)

5.3 Published in 2014, SPP establishes national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land.

5.4 SPP provides that the presumption in favour of development that contributes towards sustainable development is a material consideration in all planning applications. Specifically, the *"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term"* (Paragraph 28).

5.5 Importantly, Paragraph 40 requires decisions to be guided by a number of principles including: *"considering the re-use or redevelopment of brownfield land before new development takes place on greenfield sites"*.

5.6 SPP further asserts that, *"where existing business sites are underused, for example, where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered"* (Paragraph 103).

5.7 Paragraph 110 also notes that a 5-year supply of effective housing land should be maintained at all times.

5.8 Paragraph 125 identifies that *"where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant"*.

5.9 When this happens Paragraph 33 makes clear: *"Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration"*.

5.10 The East Lothian Local Plan is therefore out-of-date for two reasons:

- It is more than 5 years old; and
- There is a shortfall in the 5-year housing land supply.

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5.11 SPP also discusses the issues of ‘prematurity’ in paragraph 34, as follows:

*“Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.”*

5.12 This proposal is not considered to be premature for two main reasons:

- It is supported by the Council’s Interim Housing Policy, the purpose of which is to bring forward housing sites in circumstances where there is an identified current housing shortfall in advance of the new LDP being adopted; and
- The proposed 16 units would not undermine the plan-making process in terms of scale, location or phasing of new developments. The proposal is wholly in keeping with the area in which it is located and other surrounding housing proposals. 16 units cannot be considered so substantial that it would undermine the plan-making process. This is effectively a windfall site which will contribute to addressing the recognised shortfall of housing land in East Lothian.

5.13 It is clear that SPP advocates a flexible and realistic approach to decision making. This is especially true in relation to employment and business land which has not come forward for some time. It is also crucial to take note that SPP advocates the reuse of brownfield land before allowing development on greenfield sites. As such, the proposed development would be redeveloping brownfield land. This is in comparison to surrounding applications (e.g. Letham Mains Development) which have been granted permission on greenfield sites which have previously been undeveloped.

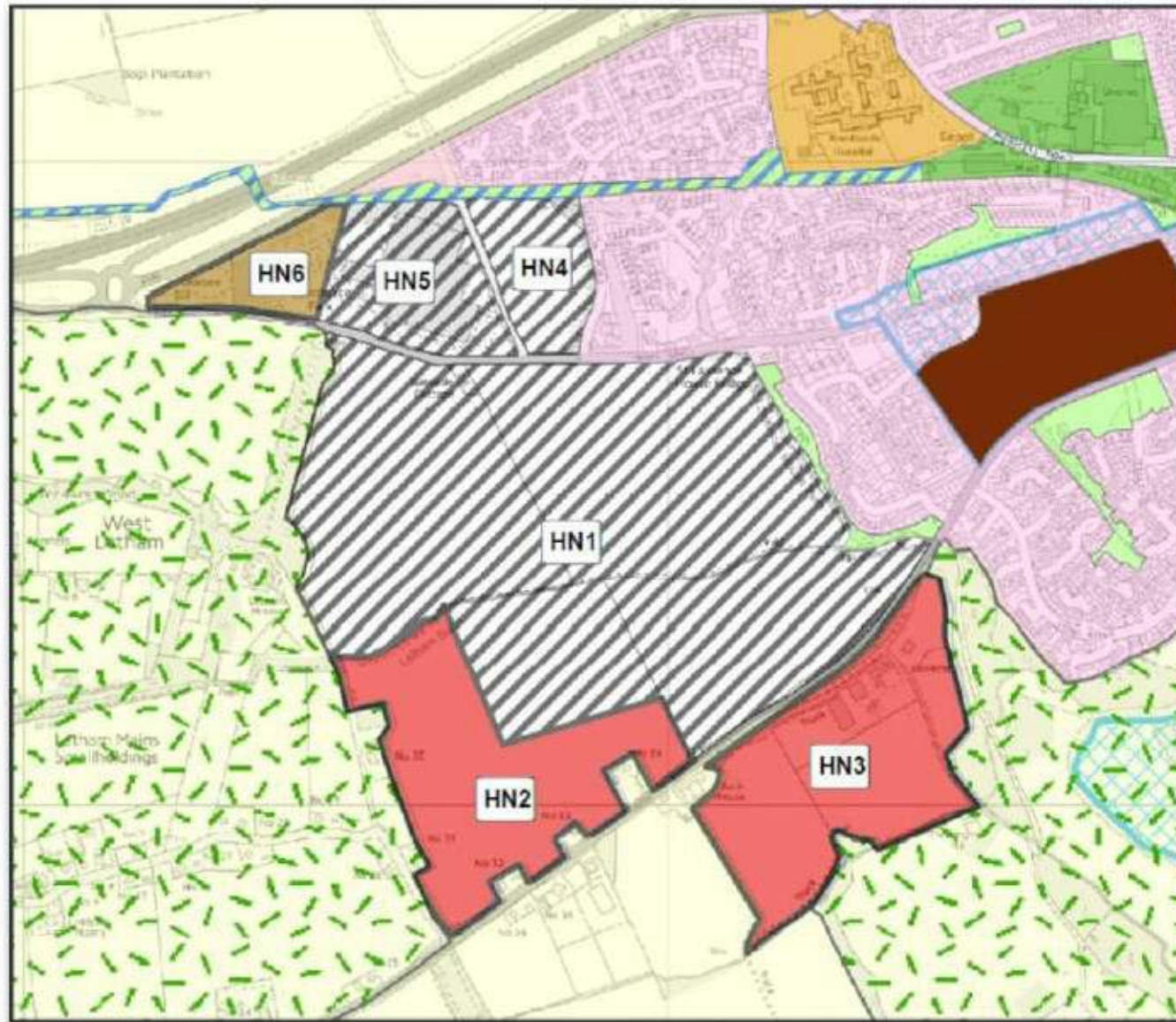
5.14 As the next section of this report will show, there has been little-to-no market interest in the site in its current use despite extensive marketing by the appointed agent due to a number of reasons which will be outlined. In accordance with SPP, this site is no longer appropriate for a restaurant/pub use, and a residential permission would be effective and deliverable in the short term and within the current phase of building or as part of the current build program using established site facilities.

#### **Proposed East Lothian Local Development Plan (2016)**

5.15 The ELDP was published for consultation between September 2016 and November 2016 and was recently submitted to Scottish Ministers for Examination on 4<sup>th</sup> May 2017. This plan will set out a development strategy for East Lothian to 2024 and beyond. This plan will reflect an up-to-date position for the Council’s planning policy.

5.16 The proposal site is allocated as a mixed-use proposal under allocation PROP HN5: Land at Gateside West (see overleaf). This allocation states:

*“Land at Gateside West is allocated for a mixed use development, including circa 112 homes and employment generating uses, to reflect existing planning permissions. Any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on*



*proportionate basis for any cumulative impacts with other proposal including on the transport network and on education and community facilities as appropriate.”*

Figure 2: Proposed East Lothian Local Development Plan (2016) Proposals Map

- 5.17 This allocation in the ELDP reflects existing planning permissions which are in place.
- 5.18 The landowner made written representations to the Council at the Proposed Plan consultation stage (Manse, ref 0333) supporting the allocation of this as effective, housing land in order to meet the shortfall in the Housing Land Supply. As shown in Figure 2, above, the proposed site sits between sites previously allocated for housing (HN5, HN4 and HN1). Development of this site as proposed would be a natural addition to the housing already planned for this area; rounding off this part of the HN5 allocation.
- 5.19 The proposed ELDP also notes in paragraph 2.11 that there will be a priority in redeveloping brownfield land where possible. The subject site is a brownfield site, which is developable, and can be delivered in short time scale.

**East Lothian Council’s Housing Land Supply - Interim Planning Guidance (Updated 23<sup>rd</sup> February 2016)**

- 5.20 East Lothian Council approved its updated Interim Planning Guidance (IPG) on the 23<sup>rd</sup> February 2016, which establishes the range of criteria that proposed development must satisfy. The Interim Planning Guidance has been provides in response to the fact that the East Lothian Local Plan is over 5 years old. Whilst this is not statutory, it is accepted that the IPG provides relevant criteria for the selection of additional housing sites where additions to the effective supply are required.
- 5.21 Appendix 2 of the IPG sets out the Council’s methodology for calculating housing land supply and identifies a shortfall in the five year supply of 1,660 homes in the period to 2019/2020; which calculates to be 3.32 years of housing supply.



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5.22 Appendix 1 of the IPG also makes clear:

*“In the case of a planning application for housing on a site where the principle of such a use is not specifically supported by the statutory Development Plan, the Council accepts that the availability of an effective supply of housing land is a significant material consideration...The weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy all of the following material considerations”*

5.23 These criteria are as follows:

**Effectiveness** - The site is capable of being delivered by 2019/2020 and during the period of greatest pressure for the LDP to bring forward effective new sites. The site represents a logical extension to the housing site and, if consented, will be developed and completed in tandem with the rest of the site by the period noted above.

**Scale** - At 16 units the scale of the proposed residential development is wholly appropriate within the application site and its wider setting.

**Timing** - it is strongly believed that this site can be delivered quickly. There is also a high level of interest in this site from a number of housebuilders to help meet the shortfall of housing in East Lothian.

**Development Plan Strategy** - This site was submitted during the consultation for the Proposed East Lothian Local Development Plan for consideration as a residential use. The size and scale of this site would not undermine the development plan strategy which is coming forward.

**Locational Considerations** - The proposed development is considered to be a sustainable, appropriate and proportionate housing site in Haddington, set within the bounds of other applications for housing.

5 (i) situated within the East Lothian Strategic Development Area, it is further confirmed that the site:

- a) The site is not in the greenbelt
- b) The site is an appropriate extension to the Haddington settlement and is keeping with the scale and character of the area.
- c) Infrastructure is available and can be made to deliver the housing in a short timescale
- d) The development of the site for housing is consistent with all development plan policies, where relevant.

5 (iii) The site is consented for a pub/restaurant use. However, as this report demonstrates, there is no reasonable prospect of this site being delivered for that use due to a lack of current and future market interest; and the proposed 16 housing units would help meet the identified shortfall in housing in East Lothian significantly outweighing the current allocation on this site.

5 (iv) The proposed housing site is adjoined by a number of sites allocated for housing and would therefore be wholly compatible with surrounding uses.

5 (v) The proposal would make use of existing boundaries and is for a modest number of units which would not encourage inappropriate extensions to the settlement boundary. Indeed, this site is located between a number of sites allocated for housing, and not advocating a further expansion of the urban area.

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5.24 Thus, it is clear to see that the site wholly complies with East Lothian Council's IPG for Housing Land Supply.

#### **Other East Lothian Planning Decisions**

5.25 Previous decisions which East Lothian have made in relation to planning applications for similar developments or similar locations, are also material to the determination of this proposal. Relevant permissions include:

- **Permission (14/00219/PM)** - East Lothian Council accepted the loss of existing employment buildings for replacement by smaller business units on significantly less employment land within a mixed use site.
- **Permission (13/00800/PPP)** - This site was allocated for Class 4, 5 and 6 and East Lothian Council accepted the loss of this use, subject to some business land being provided.
- **Permission (15/0738/P)** - This application permitted the change of use from allocated class 4, 5 and 6 uses to Class 11 use.

5.26 These proposals demonstrate that the Council has granted planning permission for other uses, which was previously identified for employment/business uses.

#### **Material Considerations Summary**

5.27 It is clear that the proposal complies with more recent, and emerging, policy to that approved in 2008. Whilst the East Lothian Local Plan (2008) is the current adopted development plan for the local authority area, this is a plan which is out-of-date and does not account for social and economic changes since it was adopted nearly 10 years ago.

5.28 The ELDP provides a more up-to-date reflection of planning policy which we believe to carry more significant weight. Other recent decisions by East Lothian Council for sites which were allocated for employment use in the adopted local plan, but now have permission for various other uses, also demonstrates the adopted plan is no longer fit for purpose nor reflective of current or prevailing commercial property market conditions.

5.29 SPP makes it clear that Council's have to take action when there is a recognised shortfall in the 5 year effective housing land supply - as is the case with East Lothian.

5.30 The Council's IPG is a significant material consideration and is accepted as guidance for additional housing sites. The proposal complies with the criteria of the IPG and will help meet deficiencies in identified housing land.

5.31 The site would continue to operate as a mixed use designation with the land for 13 business units located to the north being transferred to East Lothian Council for employment use. The owner of this site has prepared the site for use for the Council and aims to transfer the land to the Council in the near future.

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## 6 MARKET INTEREST FOR COMMERCIAL USE OF THE SITE

6.1 As part of this Statement, Rapleys has undertaken an overview of the level and scope of commercial market interest reported in recent years, for the Council's preferred pub/restaurant use of this site.

6.2 As previously explained, planning permission was granted in 2015 for a mixed use development at Gateside West including a pub/restaurant within the south-west corner of the site.

6.3 The pub/restaurant site has been marketed since 2015 by the agents, Colliers International. Appendix 2 provides a market briefing by Colliers International, from December 2016. Broadly, this brief highlights a lack of interest in the site for pub/restaurant use, since it was first brought to the market in November 2015.

6.4 Feedback regarding the site marketing highlights that little traction has been made with the following comments being offered by the property agents:

*"Despite extensive marketing we have not attracted any offers for the site and in view of market conditions generally, unless there is a fundamental change to these we are not optimistic that a purchaser for the current use will be forthcoming in the near/medium future". (Colliers International December 2016) (See Appendix 2).*

6.5 This report continues, by noting that the location of this site and its lack of prominence to the A1 or A199 has caused a lack of interest amongst potential operators. Frontages along main roads are the most desirable for pub/restaurant operators and this site lacks a feature of this nature.

6.6 This report continues, by noting that there has been considerable interest from a number of residential housebuilders, and the agents note that a residential consent would no doubt attract a number of purchasers.

6.7 It is clear to see that the acting agent's report, from only 6 months ago, highlights the limited interest which has been shown in the site, with its current use class. Indeed, recent discussions with the agent (w/c 15<sup>th</sup> May 2017) again demonstrated that there has been no further interest in the site, for its current use class, since the report was published in December 2016.

6.8 To summarise the main points of the report include:

- There is a severe lack of interest in the market for pub/restaurant use of the site (application reference 14/00219/PM);
- The site is not prominent enough to the A1 or A199 which are the most desirable frontages for a commercial business such as pub/restaurant operator;
- The agent has received interest from housebuilders for the site as a residential development but no interest from a commercial pub/restaurant operator;
- No offer has been made to date for the Council's preferred use class, despite extensive marketing; and
- The outlook for occupation by a pub/restaurant operator in the near/medium term is not positive or very unlikely.

## Feedback from Relevant Market Operators

- 6.9 As part of this report, Rapleys have undertaken consultation with relevant operators who might be expected to express interest in a site such as this one. The relevant operators include: Marstons, Greene King and Whitbread. These are national pub/restaurant operators with a UK wide reach. The relevant contacts in these organisations have provided written responses, which can be seen in full at Appendix 1.
- 6.10 To summarise their main feedback, regarding the potential of the site for viable pub/restaurant operation includes:

Operator	Description of Business	Feedback on the Haddington Pub/Restaurant Site
Whitbread	<i>“Whitbread is the UK’s largest operator of hotels, restaurants and coffee shops including Premier Inn &amp; Restaurants and Costa Coffee”</i>	<i>“Further to our discussion, I can confirm that we don’t generally progress pub/ restaurant opportunities, without an onsite hotel”</i>
Greene King	<i>“Greene King, the UK’s leading pub retailer and brewer, has ambitious plans to expand its Farmhouse Inns, Hungry Horse and Metropolitan Pub Co brands.”</i>	<i>“The site would not be of interest. At present, we are concentrating on rolling out our Farmhouse brand and this location would not be suitable as well as being too small”</i>
Marstons	<i>“We have pubs that are traditional locals, family our restaurants and fashionable town centre bars...We are now one of the country’s top pub businesses”</i>	<i>“Marston’s are not interested in pursuing this site at Haddington as we presently feel that the overall population of the town (at a 1 mile, 3 mile and 5 mile radius) is not large enough to justify investment for us here at the moment. We also have another site in Dunbar so feel that this is too close for us to then build a pub restaurant in Haddington.  More weight is applied to what housing is currently there as we would generally open for trade at an earlier stage than waiting for all proposed housing to be constructed, which may take some years”</i>

Table 4: Comments from Pub/Restaurant Operators

## Existing Pub and Restaurant Facilities

- 6.11 In understanding the viability of this site to be a successful operation, there is a need to understand the existing supply of similar pub/restaurant establishments in the area.
- 6.12 In looking to understand what is currently available and operating in Haddington, we conducted a desktop analysis to audit the existing supply of similar restaurant/pub establishments. In conducting this research, comparable establishments were assessed (i.e. pub/restaurants/hotels with restaurants) The following table provides an assessment of this.

Location	Name	Use	Operating	Corresponding Marker on Figure 3
6-7 Hardgate, Haddington	Eastern Eye	Restaurant	Yes	1
11 Kilpair Street, Haddington	Gardeners Arms	Public House/Restaurant	Yes	2
9 Court Street, Haddington	The Victoria Inn (Avenue Restaurant)	Restaurant/Hotel	Yes	3
Mitchells Newton Haddington	China Garden Restaurant	Restaurant	Yes	4
73 Market Street, Haddington	The Pheasant	Restaurant	No	5
10, The Sands, Haddington	n/a	Restaurant/Cafe	No	6
West Road, Gateside West	Sainsbury's Development	Supermarket (but does not include a café/restaurant which is usually	No	7
5 Bridge Street, Haddington	The Golf Tavern	Pub/Restaurant	Yes	8
73 Market Street, Haddington	Jo's Kitchen	Restaurant	Yes	9
11-13 Court Street, Haddington	Plough Tavern	Pub/Restaurant	Yes	10
1-5 Waterside, Haddington	Waterside	Restaurant	Yes	11
10 Poldate, Haddington	Tyneside Tavern	Restaurant	Yes	12
24 Sidegate, Haddington	Maitlandfield House Hotel	Restaurant	Yes	13
58 High Street, Haddington	The Pantry	Restaurant	Yes	14

Haddington						
14 High Street, Haddington	Golden Grain	Restaurant	Yes	15		
70 Court Street, Haddington	Railway Hotel	Pub/Restaurant	Yes	16		

Table 5: Current Pub and Restaurant facilities within the Haddington Settlement

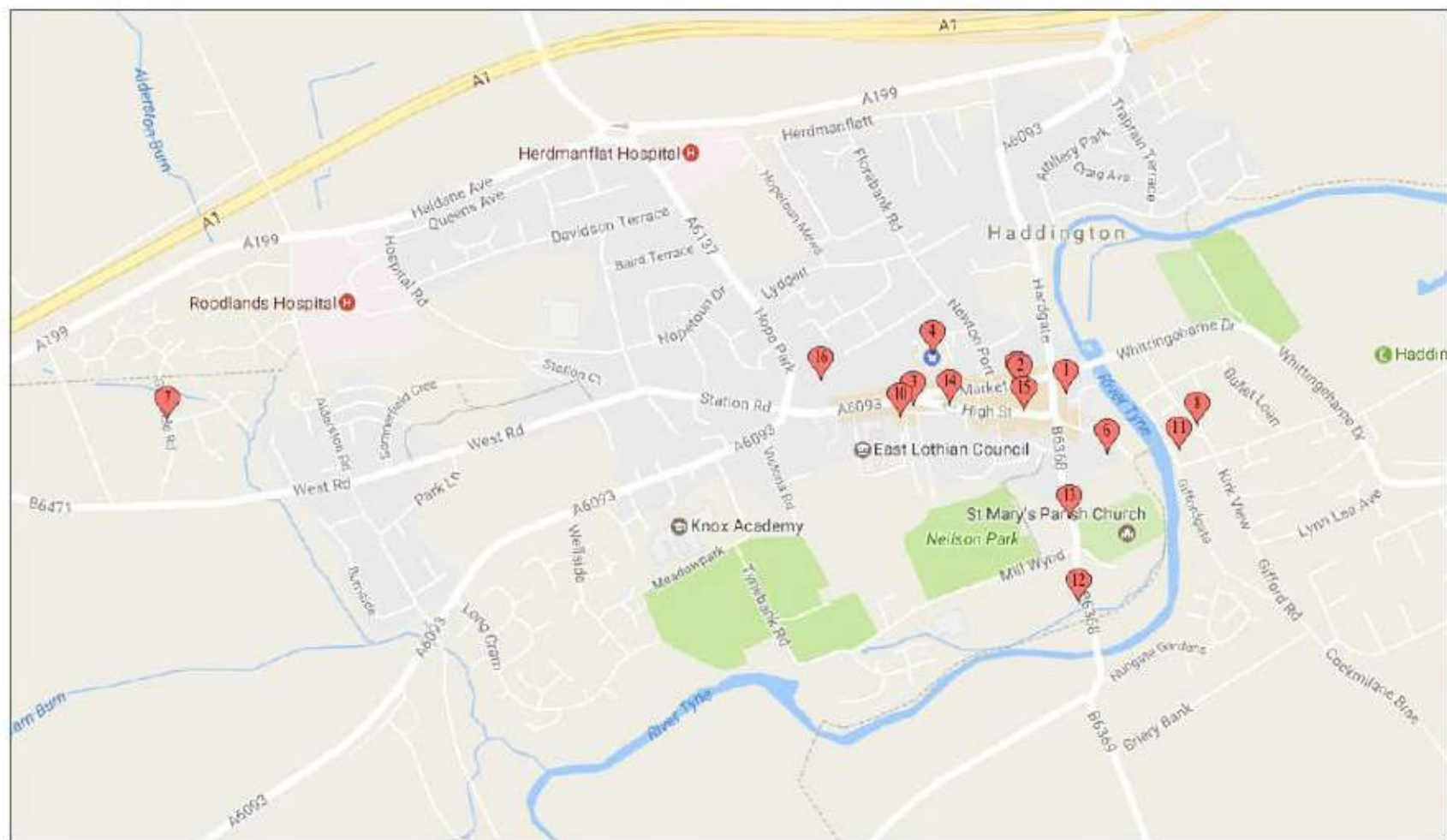


Figure 3: Map of Haddington Town Centre Pub/Restaurants

- 6.13 We have included the Sainsbury's development proposal (consented) in Table 5 to highlight that this proposal does not include a café/restaurant facility. A café/restaurant is a common feature expected of a supermarket development of this scale. Enquiries with Sainsbury's acquisition agents have confirmed a lack of demand and need for the addition of a café/restaurant facility at this location, based on market research and analysis.
- 6.14 From Table 5 and Figure 3, the spatial location of these uses highlights that existing demand is being met, within Haddington. Furthermore, the unoccupied units demonstrate there is a lack of further demand for a pub/restaurant in this area. Concurrently, this table would suggest that there is a plentiful supply of existing restaurant/pub offers within the town which the aforementioned occupiers would expect to occupy in general, but they have indicated they have no desire to locate in Haddington per temps.
- 6.15 The officer noted in the Report to Committee for planning application 14/00219/PM that a pub/restaurant use would be appropriate for this site as it would serve the wider area and numerous housing developments which are coming forward. However, as aforementioned, market conditions have changed, and there has been little interest in the site since this application was granted in 2015. The number of similar pub/restaurants in Haddington which are occupied and operating demonstrate that demand is being met.

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- 6.16 The vacant units identified within the town highlight that there is currently no demand for a further pub/restaurant operation of this nature. In looking to fill these unoccupied units, it would be hoped that the “Town Centre First Principle” would be applied, whereby the Scottish Government is directing Planning Authorities to support town centre uses, such as a pub and restaurant, to vacant units within town centres, as a preference, and only to out-of-centre sites where capacity is not available in town centres.
- 6.17 During the PLDP consultation period, the landowner made a representation, specifically focussing on PROP HN5 (reference number 0333). This noted, *inter alia*, that the site was available for residential development, would be effective and deliverable in the short term, and that there market evidence to show that there is a distinct lack of interest in this site for a pub/restaurant use. East Lothian Council replied to this representation with the following comments:
- “The site is in close proximity to the A1 and the A199, and is within a site approved for the development of circa 112 homes and adjacent to the Letham Mains site HN1, so could provide employment close to where people live. Furthermore, the representor has not provided evidence that there is no demand for economic uses in the current market (2016/2017). The Council further submits that there is significant urban expansion planned, including housing, within the area and site HN4 has not completed. This additional population and housing growth is likely to increase demand for flexible employment spaces and a pub/restaurant over time.”*
- 6.18 In rebuttal to the Council’s response, this section of the report has now demonstrated that there is a lack of demand and market interest for a pub/restaurant on this site. Evidence from the acting agent and main pub/restaurant operators all serve to highlight this point.
- 6.19 Additionally, it is also clear from this evidence that the site is not prominent enough to the A1 or A199 to be a viable operation despite the Council stating that it is “*in close proximity*” to this road network. The evidence we have gathered shows the site’s distance from these network connections are a main reason why a lack of interest has been shown.
- 6.20 The Council also noted that population growth is “*likely*” to increase the need for a pub/restaurant; and that this site “*could*” provide employment opportunities close to where people live. On the basis of market evidence provided in this report, it seems clear that the likelihood of this site being occupied by a pub/restaurant operator in the short/medium future is very unlikely with primary sources highlighting the problems with this site as a viable venture and employment opportunity. It should also be noted, in relation to employment opportunities, that housing development creates a significant number of jobs too. The House Builders Federation noted in 2015 that for every unit created, 4.3 jobs are created through the supply chain (HBF 2015).
- 6.21 An important consideration the Council have to make regarding the current designated use is the effect a pub/restaurant could have on surrounding residential developments. Considerations should include: noise, opening hours, alcohol licensing, traffic generation amongst other things. An operation of this nature may have significant, adverse affects on the residential developments coming forward, and a balanced assessment of this needs to be considered.
- 6.22 Alongside the points which have already been presented, this section has also demonstrated that there is a sufficient supply of pub/restaurants in the town centre to serve the residents of the settlement. It is more likely that this site will lie vacant in the near future with its current use, and not integrate successfully with the surrounding area.
- 6.23 We would conclude that there is a sufficient supply of pub/restaurants in the settlement to cater for the addition of new homes in the area. This assertion is compounded by the fact

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that there is little-to-no interest in the available site suggesting that demand is being met in the area.

#### **Alternative Sites**

- 6.24 As part of this report, alternative sites and locations which could be suitable for a pub/restaurant have been considered.
- 6.25 It has been shown that Haddington Town Centre already contains a number of pub/restaurants which meet demand. Indeed, there are two vacant units which could accommodate two further pub/restaurant operations.
- 6.26 The Letham Mains development, south of the application site, and subject to a number of applications which have been noted in this report, is subject to a development framework which supports the development of a local centre in this area. This would include commercial space, and other related services. With this in mind, it would seem reasonable and more realistic for a possible pub/restaurant in this location which would be complementary to surrounding uses in a new local neighbourhood centre; and in a location where the Council has actively supported such uses.



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## 7 CONCLUSIONS

7.1 This report has been produced on behalf of Persimmon Homes East Scotland in support of a residential proposal on land which is allocated for a pub/restaurant in the emerging LDP and has a previous consent for such a use.

7.2 This report has analysed the policy context, other important material considerations as well as undertaking an investigation into the market potential for this site.

7.3 Overall, all three of these areas have shown that the site is a prime location for a modest number of additional housing units in Haddington; there is a clear and distinct lack of interest in the market for this site as a pub/restaurant unit; and that this site can be effective and can help meet a recognised shortfall in the effective housing land supply in East Lothian.

7.4 To summarise:

- There is a recognised shortfall in the 5 year effective housing land supply for East Lothian which needs to be met with additional housing sites being brought forward;
- The Council has not identified enough land for housing with only 3.32 years worth of housing supply;
- This is a brownfield site which can be successfully redeveloped in line with National, Regional and Local planning policy which all prioritise the development of brownfield sites before considering greenfield sites;
- Market evidence and investigation has clearly shown that there is a severe lack of interest in this site from the major pub/restaurant operators who would be expected to occupy such a site;
- Reasons for this are stated to be that the site is not prominent enough on the area's major road networks; is too small to accommodate a viable development; the population of the surrounding areas is not large enough to justify an investment; and there are already similar proposals in surrounding towns signifying that demand is already being met;
- Due to the shortfall in the effective housing land supply, planning policy requires the Council to identify other suitable and sustainable sites such as this one which can be delivered quickly and effectively;
- East Lothian Council has demonstrated in the recent past its flexibility and realism in granting sites, formerly allocated for employment/business uses, permission for residential development;
- The overall site will continue to be a mixed-use designation with employment land to the north of the application site which will deliver; and
- This proposal will be affordable for local people, with certainty of delivery on an effective site. It is proposed that this site will house 12 low cost private units (circa £150,000) and 4 affordable housing units. The majority of new private housing in East Lothian is 3,4 and 5 bedrooms. This will provide a smaller housing at 2 bedrooms to meet local need and provide a range and choice in the market.

7.5 We have also provided a summary of the site’s history in the LDP and marketplace as a guide to the commercial aspects and development plan timing. This is summarised as follows:

Description	Date
Site allocated in the East Lothian Local Plan for Business and Employment Uses	2008
Site granted planning permission for pub/restaurant use as part of a mixed use site (application reference 14/00219/PM)	January 2015
Site has been marketed for pub/restaurant use	November 2015-Present
Site allocated in the Proposed Local Development Plan for a pub/restaurant use	2016
Marketing Agent’s update on lack of interest in the site	November 2016
Commentary from relevant market operators highlighting the lack of interest in the site with no desire for future take-up	May/June 2017

Table 6: Summary of the Subject Site’s key dates

7.6 It has been shown in this report that this site is no longer viable for a pub/restaurant use and Table 6 serves to highlight that the site continues to be so. This summary in Table 6 also serves to show this evidence. It is questionable how long the Council can continue to preserve this site for this use when evidence shows that there is no prospect of this site being developed as a pub/restaurant.

7.7 On the reasons outlined above, and in this report, it is clear that this site at Gateside West is now not suitable for its intended pub/restaurant use. Market evidence makes clear that, since the site has been marketed, little interest has been expressed by potential pub/restaurant operators. However, there has been a noted higher interest from numerous housebuilders on the suitability of this site for housing.

7.8 National, regional and local planning policy makes clear that the Council need to address its shortfall in effective housing land by brining forward additional housing sites.

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APPENDIX A - Comments from Pub/Restaurant Operators (May/June 2017)

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Thank you for your email on Haddington.

Marston's are not interested in pursuing this site at Haddington as we presently feel that the overall population of the town (at a 1 mile, 3 mile and 5 mile radius) is not large enough to justify investment for us here at the moment. We also have another site in Dunbar so feel that this is too close for us to then build a pub restaurant in Haddington.

I hope this assists your research and all the best with the project.

Kind Regards,

Rachel

**Rachel Newnes MRICS**  
**Acquisitions Manager**

Marston's PLC  
Marston's House  
Brewery Road  
Wolverhampton  
WV1 4JT



More weight is applied to what housing is currently there as we would generally open for trade at an earlier stage than waiting for all proposed housing to be constructed, which may take some years.

Kind Regards,

Rachel

**Rachel Newnes MRICS**  
**Acquisitions Manager**

Marston's PLC  
Marston's House  
Brewery Road  
Wolverhampton  
WV1 4JT

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Apologies, I thought I had responded to this.

As discussed previously, the site would not be of interest. At present, we are concentrating on rolling out our Farmhouse brand and this location would not be suitable as well as being too small.

Regards  
Alan

Alan McNeil  
Acquisitions & Estate Manager (Belhaven)  
GREENE KING PLC



**GREENE KING**  
BURY ST EDMUNDS



Further to our discussion, I can confirm that we don't generally progress pub/restaurant opportunities, without an onsite hotel. However, should you have any other opportunities please don't hesitate to contact me.

Good luck with the development.

Regards

**Nick Johnston**  
Acquisitions Manager (Scotland & Wales)  
Whitbread Hotels & Restaurants

Whitbread Court  
Houghton Hall Business Park  
Porz Avenue, Dunstable  
Bedfordshire LU5 5XE



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Appendix B - Marketing Brief for Subject Site from Acting Agent (December 2016)

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## **HADDINGTON - GATESIDE - WEST ROAD**

I refer to our instructions to market the site at the above on your behalf and would take this opportunity outlining the actions taken to-date as well as the strategy proposed for future exposure of the site to the market.

I would report as follows;

### **TIMING**

Marketing commenced in November 2015 and the availability of the property since then has been widely known to the market through the actions noted below.

### **BOARD**

Our advertising board has been located in a prominent position on the site from the outset and it is fair to say has attracted the majority of enquiries albeit most of these have been tentative in nature.

### **MARKETING PARTICULARS**

I attach a copy of our marketing particulars herewith and you will note that these place emphasis on the following:

- The position close to Haddington town centre;
- Adjacent to a site acquired by Sainsbury's for a supermarket development;
- 1,200 houses being constructed in the immediate vicinity by Taylor Wimpey, Mactaggart and Mickel, Cala and Persimmons;
- Planning consent having been obtained for a pub/restaurant extending to 690 sq m (7,425 sq ft), although it is available for alternative uses subject to planning.

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## **SAINSBURY'S DEVELOPMENT**

Current information on the proposed Sainsbury's development is that they are intending to carry this out themselves albeit at this stage there is no indication of a firm commitment.

## **MARKETING**

Details have been circulated actively and specifically to the following;

- Accessible Retail circulation list
- Shopping agents circulation list
- CoStar
- Completely Retail
- Colliers requirement list

In addition the property is logged on our website which gives access to various marketing websites including;

- CoStar
- Novaloca
- EGI

## **MARKETING RESPONSE**

Initial response to the marketing was relatively positive with interest being noted by McDonalds, albeit following a review they did not proceed. Feedback has been received to the effect that the site is not prominent enough to the A1 or A199, which are the most desirable frontages for commercial business. Whilst feedback from the various circulation lists has been slow, response to the board has been better, albeit this is mainly from more tentative enquiries. Users enquiring include a residential developer, a pub/restaurant operator, retail/strip mall developers (albeit the status of the Sainsbury's development is relevant as far as this particular interest is concerned) and leisure operators.

Although enquiries received have been at a high-level no offers have been received to date.

It would be helpful to have a definite commitment from Sainsbury's to proceed with the development on their site at this location. Notwithstanding it is the intention is to refresh our details and recirculate these to the following users;

- Pub and restaurant
- Fast food
- Trade counter
- Convenience store and strip mall occupiers
- Leisure



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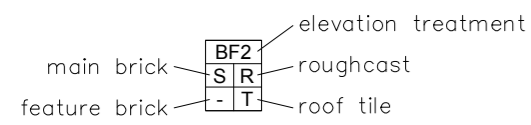
## **COMMENTS**

Despite extensive marketing we have not attracted any offers for the site and in view of market conditions generally, unless there is fundamental change to these we are not optimistic that the purchaser for the current use will be forthcoming in the near/medium future.

We have received enquiries from more than one national house builder and our view would be if residential consent was available on the site this would attract a number of purchasers capable of delivering a development complimentary to the immediate surrounding uses.

I hope that the above brief summary will be helpful but if you require anything further at this stage please let me know.

**MATERIAL FINISHES**



**MATERIALS CODING:**  
**Roof tiles**  
 'R' = Redland Red Profiled - Farmhouse Red  
 'G' = Redland Grey Flat - Slate Grey  
**Stone**  
 'S' = Recon Stone - Marshalite Split Face  
**Roughcast/Renderers**  
 'W' = Dolowhite Aggregate on White backing  
 'M' = Tuscan Aggregate on Magnolia backing  
 'B' = Monarch Aggregate on Beige backing

**Doors/Windows**  
 Front doors to be steel painted white.  
 Rear/side doors to be steel painted white.  
 Garage doors to be steel painted black.  
 Windows to be white uPVC.  
 Fascias to be white uPVC.  
 RWP's to be black uPVC.

All landscaping shown reflects the proposed scheme at the time of print. All prospective buyers are to refer to the current Landscape Layout for full details.

All front gardens to be turfed.

Paths to single dwelling to be 1.0m clear.

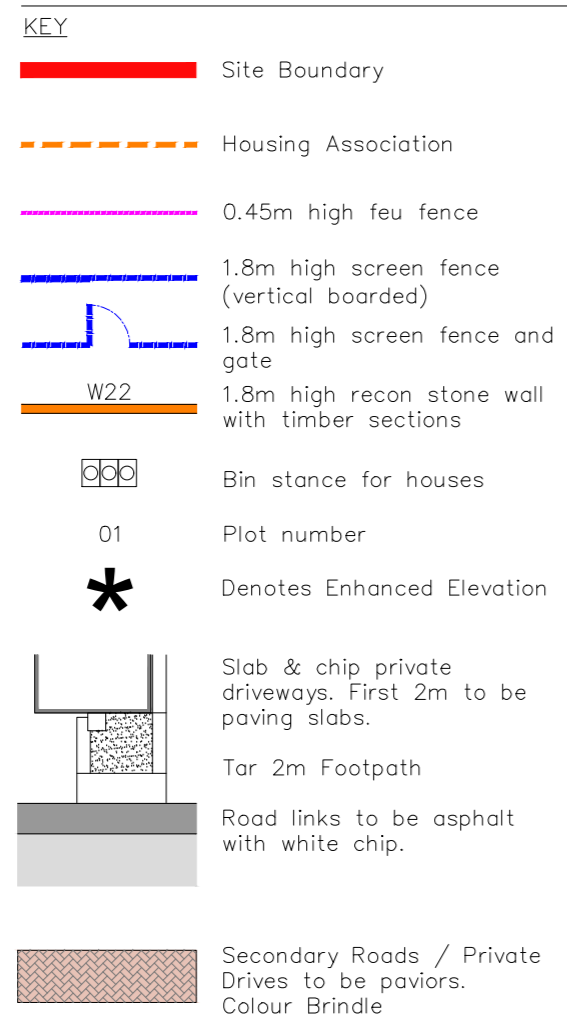
Pathways to communal areas to be 1.2m clear.

Pavements to be 2m wide unless otherwise stated (ie cycleways)

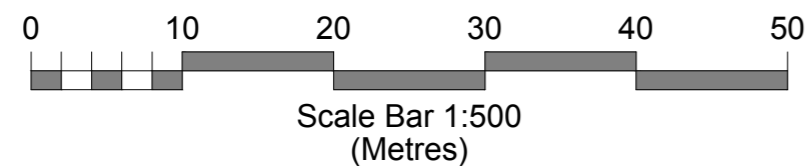
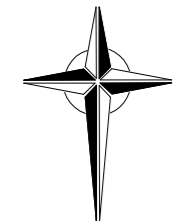
Indicates 25% visitor parking 4 spaces required

**CONSTRUCTION**

All houses on this site will be built in timber frame and to 'V6' specification. Refer to site specific drawing issue register for relevant drawings.



**NORTH**



**ACCOMMODATION SCHEDULE**

House Type	Notes	Code	No
Portree	2 bed. mid terr.	613t	6
Newmore	3 bed. end terr.	799t	6
<b>TOTAL PD UNITS</b>			<b>12</b>
Braemar	2 bed. mid terr.	834t	2
Threave	3 bed. end terr.	953t	2
<b>TOTAL HA UNITS</b>			<b>4</b>
<b>TOTAL UNITS</b>			<b>16</b>
<b>TOTAL SQ.FT</b>			<b>12,046</b>



Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

No.	REVISION	DATE	BY
F	15.12.17	AF	
E	27.11.17	LI	
D	20.11.17	AF	
C	01.11.17	AF	
B	25.10.17	AF	
A	14.07.17	AF	

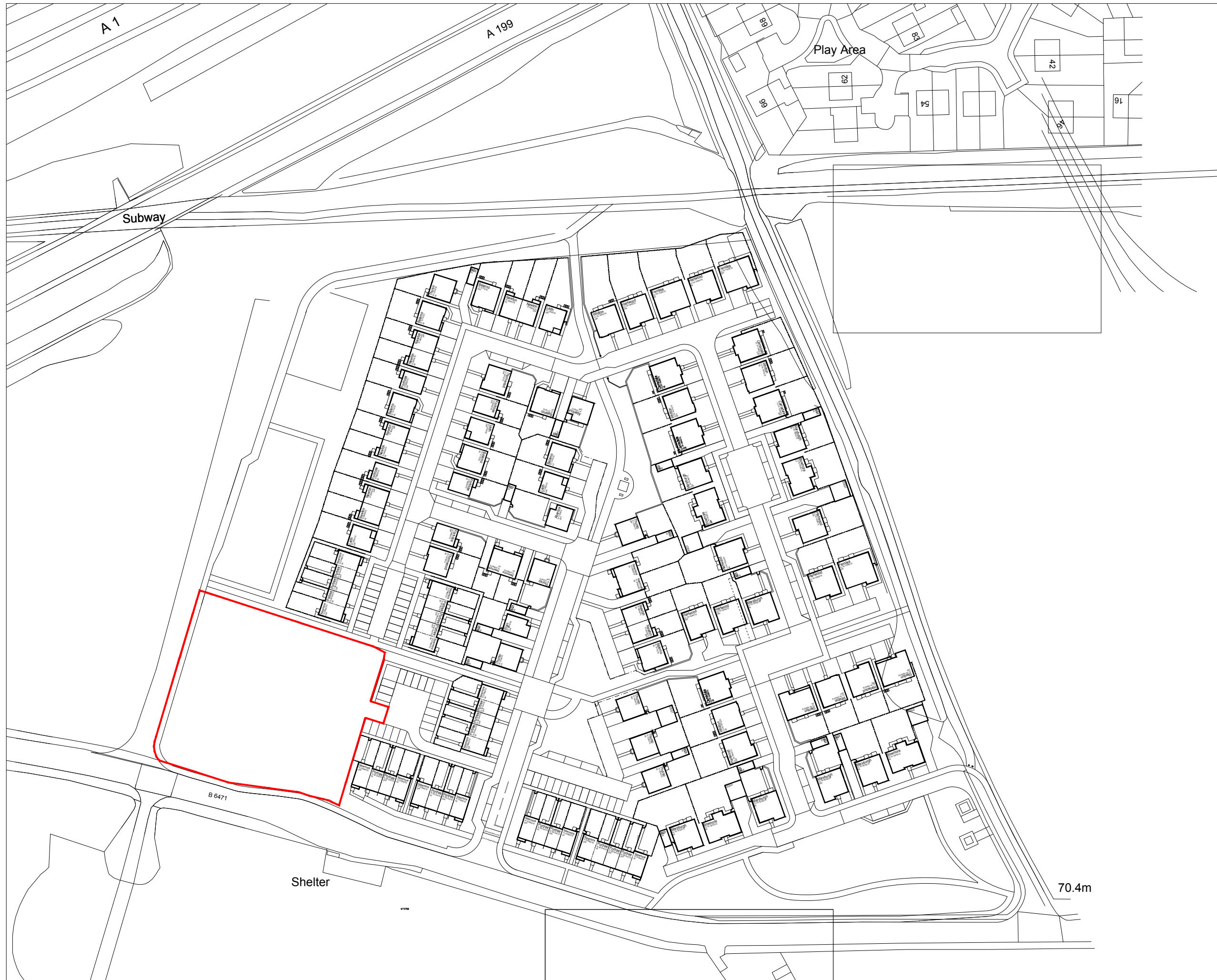
**SITE**  
 Haddington Manse  
 Additional Land

**TITLE**  
 Site Layout  
 Planning

HDD LOCATION	DATE	12.07.17
DRAWN BY	AF	SCALE 1:500@A2
NUMBER	REV	
HM-PB-02-01	E	

**PERSIMMON HOMES**  
 EAST SCOTLAND LTD  
 UNIT 1  
 WESTER INCH BUSINESS PARK  
 OLD WELL COURT  
 BATHGATE • EH48 2TQ  
 TEL 01506 638300  
 FAX 01506 638301

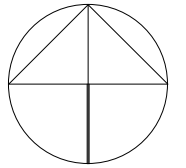




Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

I CERTIFY THAT THIS IS THE ORIGINAL/A TRUE COPY OF THE DRAWING AS REFERRED TO IN OUR APPLICATION FOR BUILDING WARRANT. SIGNED ON BEHALF OF PERSIMMON HOMES (SCOTLAND) LTD

SIGN & DATE :



North



Scale Bar 1:1250 (Metres)

Application Boundary

Site area: 0.98 Acres

No.	REVISION	DATE	BY

SITE  
**Haddington Manse  
Additional Land**

TITLE  
**Location Plan - A3**

HDD LOCATION -	DATE 12/07/17
DRAWN BY AF	SCALE 1:1250 (A3)

NUMBER <b>HM-PS-01-01</b>	REV -
------------------------------	-------

**PERSIMMON HOMES  
EAST SCOTLAND LTD  
UNIT 1  
WESTER INCH BUSINESS PARK  
OLD WELL COURT  
BATHGATE • EH48 2TQ  
TEL 01506 638300  
FAX 01506 638301**

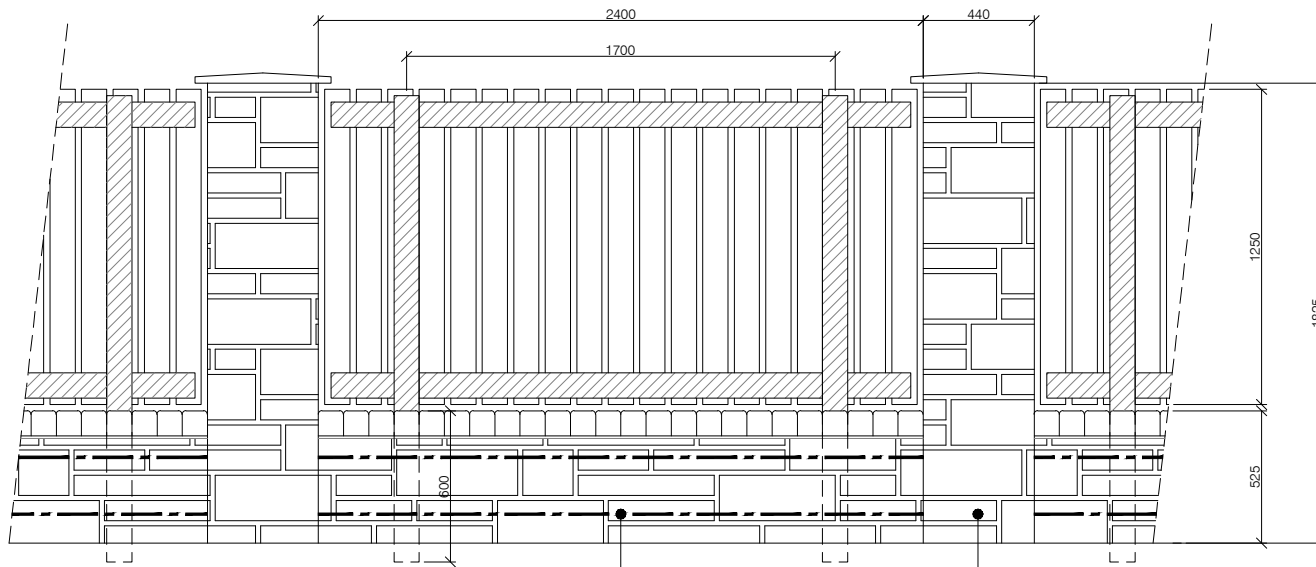


DETAIL  
1800mm High Recon. Stone Wall/Screen Fence.

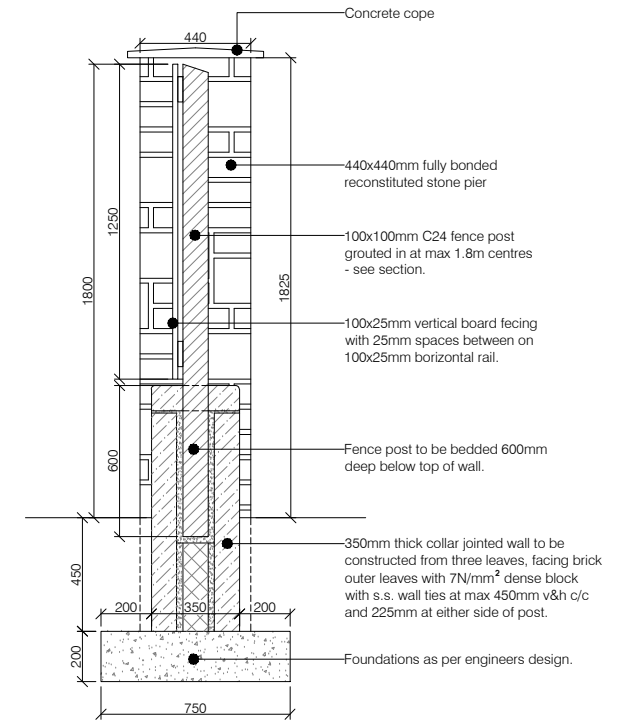
DETAIL SECTION.

W22

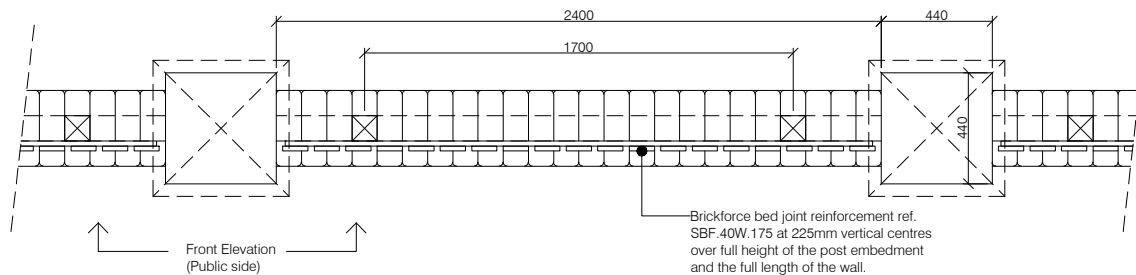
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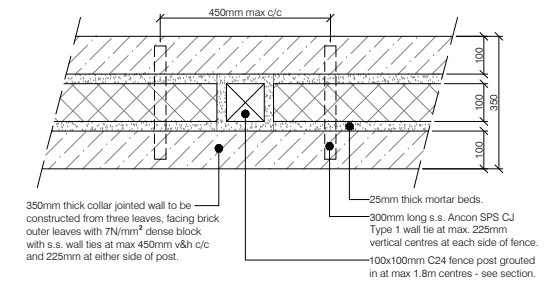
Elevation (Client side)



Section



Plan



Plan Section through Wall