

## **Paper Apart A**

1. There is an issue of fairness which requires the applicants be given the opportunity to make verbal representations to the Committee. If Councilors wish to make a site visit, the applicants have no objection to this, but they are primarily seeking the opportunity to make verbal representations to the Committee. This was requested on several occasions before the decision was made, due to there being several complex historical matters which can best be explained verbally. The last grant of consent was unanimously granted by the Committee after verbal representations were made in exactly the same terms as the argument for the current application. Fairness therefore requires that the opportunity to make verbal representations be given again. The applicants assert that the local development plan map has a mistake in it which the Council committee have historically accepted and have the authority to disregard. This mistake was made before the last grant of planning consent. After verbal submissions were made, the Committee acknowledged the mistake and consequently unanimously granted planning consent. The applicants submit that fairness requires them to be given the same opportunity now.

2. Given that the Council have previously granted permission for the site in very similar terms, there is a presumption against refusal on this occasion. It does not appear this has been taken into account in coming to the decision.

3. There are a number of statements of fact in the decision which are demonstrably incorrect. There is no evidence for some of the statements made in the decision. It appears that expert evidence submitted in support of our application has not been taken into account in coming to the decision, in particular the tree and flood assessment rep

## **Paper apart B**

The application was refused for the following reasons:-

### **1. Against East Lothian Local Plan 2008**

The first reason given is not sustainable because there is an error the Council's local development plan. A simple mapping error in council's policy document creates a conflict between the factual position and the council's decision.

In the 2016 local plan map of the area of Dunbar and West Barns the boundary of West Barns village has been drawn along the eastern edge of West Barns primary school. It should be along the eastern edge of our garden. The map incorrectly places our property outside of the boundary of West Barns village, and so in policy area DC8, which relates to green space and agricultural land.

It has consistently (and correctly) been the council's position that our property is in the village of West Barns. The property is not in policy area DC8, but in RCA1. The eastern boundary of the village is our eastern boundary. The sign for West Barns village, erected and maintained by the Council, is at the eastern boundary of our property and always has been.

This property already has a history of planning applications in which establishes the Council's correct position.

In 1990s a predecessor in title made a number of planning applications in respect of the ground within the curtilage of the house and the field to the east of our boundary ('the paddock' which is not part of this application). The Council granted permission to develop the land which is now our garden ground. The paddock is now owned by someone else and the boundary of West Barns village is formed by our boundary with that paddock. The title to the whole area (our property and the paddock) was split in 2003, so that the boundary of West Barns Village is now clearly defined.

The paddock has never been anything other than a field and can properly be considered as agricultural. The paddock is properly placed within policy zone DC8. Our house, however, was built as a domestic house in the 1860's and has only been in domestic and commercial use. Furthermore, when it was in commercial use planning applications by Ferguson Hotels Ltd were also granted in respect of

- (a) demolition of the Victorian conservatory and its replacement with a discotheque
- (b) a caravan site hosting 12-14 caravans and
- (c) a shower block to service the caravan site.

The planning history indicates that the Council has correctly and consistently accepted that our property does not form part of land under policy DC8. The Council have already acknowledged that the eastern edge of our property marks the outside limit of policy DC8.

In January 1998, planning permission for conversion of the house to 3 flats and the erection of and 4 houses in the garden was granted. At that time, the same error in the Council policy area map existed. Councillors identified the error at the planning meeting. The Council then declared that this property lies within West Barns and is in a zone where permission for housing could be granted. Your own records confirm that the 1998 application resulted in a grant of planning permission.

In 2003 an application was made to the Council to extend the permission granted in 1998 for a further 5 years. This was granted.

For 18 years the Council have accepted that there was an error in the local plan map. For 18 years the Council have accepted that our property falls within West Barns and therefore within RCA1 development area. To this day, the Council maintain the West Barns Village sign on the eastern edge of our property. Even though the local plan map has been changed, the Council's constant concession that this property falls within West Barns Village remains unchanged. This fact together with the fact that consent was granted and extended previously for an application in similar terms to the current application gives rise to a presumption against refusal which has not been taken into account.

## **2. An undesirable precedent**

The housing strategy for East Lothian acknowledges the need for over 10,000 new dwellings in the county. Development of our plot represents an opportunity to fulfill that need in a way that maintains the green space between the villages of West Barns and Belhaven. The proposed development realises a manifestly underused resource and enhances the amenity of the area. There are no objections and there will be little or no visual impact to the locality due to the privacy of the site.

## **3. The trees**

There is no evidence that any significant harm will be done to mature trees which might impact on the amenity of the locale. Reference is made to the attached expert arboreal cultural report dated August 2017 which was submitted with the original application. The incorrect factual terms of the council's refusal creates the impression that this report was not taken into account in coming to the decision.

## **4. Flood risk.**

The application was supported by an expert flood risk assessment dated May 2018. There is incorrect factual information in the refusal decision which creates the impression that this report was not adequately considered. The refusal contains errors of fact. The proposed development site flooded with surface water in 2009 when the culvert below the property was blocked by tree roots. The tree which caused the problem was removed. There has been no flooding since the removal of the tree. The Flood report indicates that the risk of flooding is approximately once in a thousand years. The Council's supposition that the proposed development may place buildings and persons in flood risk is entirely without support and is completely contradicted by the weight of expert evidence placed before the Council's planning

department. Councillors familiar with the property will also be aware that it sits significantly higher than most of the surrounding dwellings.




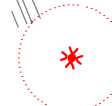


NOTIFY ARCHITECTS OF ANY DISCREPANCIES BEFORE STARTING CONSTRUCTION.

**GENERAL NOTES**

- A. At Detailed Planning Application stage all surface drainage for roofs and hard landscape is to be designed to include as much of a SuDS system as is possible to mitigate for the reduced free draining site area.
- B. Scottish Water state that a "Pre-Development Enquiry" should be submitted to them directly after Permission is granted.

**KEYS**

-  Application Site Boundary
-  Site owned by the Applicant
-  Shows duntakings
-  Existing tree stump



**NOTES**

1. Existing Battleblent House
2. Existing outbuilding to Battleblent House to be refurbished and form new garage or store to proposed housing
3. Existing road access to Battleblent House
4. Proposed plot for 2-storey detached house, garage and garden
5. New road access to proposed housing
6. Existing tree unsafe and to be removed
7. Line of existing underground drainage & 1 metre offset
8. Outline of house location on original application

G	01.05.18	Revised for PIP	JG
F	10.01.18	Revised for PIP	JG
E	20.04.17	Revised for PIP	MW
D	12.04.17	Revised for PIP	MW
C	03.04.17	Planning Permission in Principle	MW
B	30.03.17	For Approval	MW
A	14.12.16	Initial Planning Consultation	JG
-	13.12.16	For Information	JG
Revisions:			

**Client:**  
Mr & Mrs P & E Doyle

**Job:**  
083.1  
Battleblent House  
East Lothian

**Title:**  
Site Plan  
showing Development  
as Proposed

**Scale:** 1:500@A3

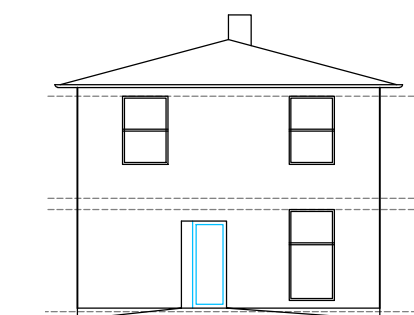
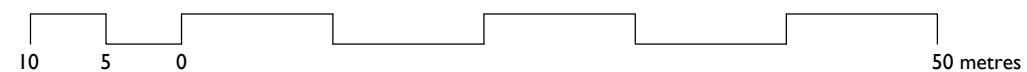
**Date:** Dec 2016

**Dwg. No:**  
083.1  
FI-P-001  
Rev G

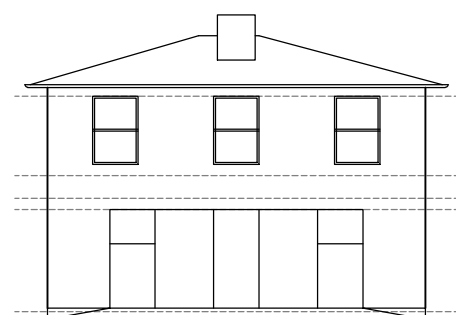


**Jonathan Gotelee ARCHITECT**  
9 Forrest Road  
Edinburgh  
EH1 2QH  
T: (+44) 0131 629 8529  
E: info@jonathangotelee.co.uk

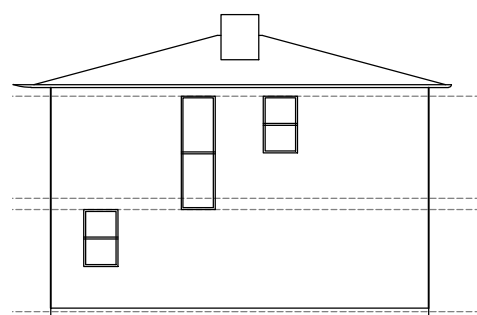
1 Site Plan as Proposed  
Scale: 1:500 at A3



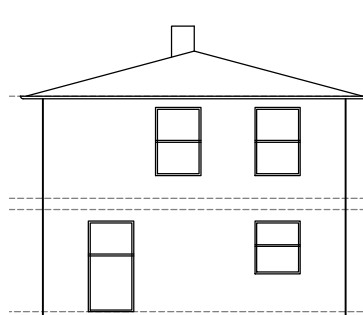
2 Typical Entrance Elevation  
Scale: 1:200 at A3



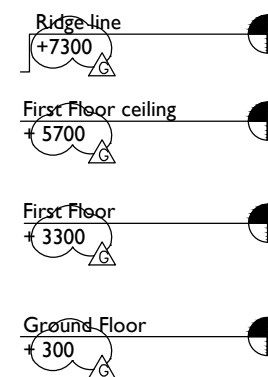
3 Typical Garden Elevation  
Scale: 1:200 at A3



4 Typical Side Elevation  
Scale: 1:200 at A3



5 Typical Rear Elevation  
Scale: 1:200 at A3



App No. 17/00313/PP

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Mr & Mrs P & E Doyle  
c/o Jonathan Gotelee  
9 Forrest Road  
Edinburgh  
EH1 2QH**

**APPLICANT: Mr & Mrs P & E Doyle**

With reference to your application registered on 25th April 2017 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for the erection of 4 houses  
at  
Battleblent House  
West Barns  
Dunbar  
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 IN PRINCIPLE** for the said development.

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

- 1 The erection of four houses on the site is, in principle, contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses elsewhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a countryside designation between

the settlements of West Barns and Belhaven. The cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

- 3 It has not been demonstrated that the design and layout of a four house development could ensure the incorporation of the mature trees that make a significant positive contribution to the visual amenity of the area. Accordingly, the proposals are contrary to Policy DP14 of the adopted East Lothian Local Plan 2008.
- 4 The proposed development may place buildings and persons at flood risk. Accordingly the proposals are contrary to Policy DP16 of the adopted East Lothian Local Plan 2008 and to Scottish Planning Policy: June 2014.

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>
DWG 083.1 F1-P-001	G	05.06.2018

**11th September 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.

# OFFICER REPORT

11th September 2018

App No. **17/00313/PP**

Application registered on **25th April 2017**  
Target Date **24th June 2017**

Proposal	<b>Planning permission in principle for the erection of 4 houses</b>	SDELL	N
		CDEL	N
Location	<b>Battleblent House West Barns Dunbar East Lothian EH42 1TS</b>	Bad Neighbour Development	N

APPLICANT: **Mr & Mrs P & E Doyle**

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

**c/o Jonathan Gotelee  
9 Forrest Road  
Edinburgh  
EH1 2QH**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The property to which this application relates is a predominately three storey detached mansion house and its extensive garden located in the countryside between West Barns and Belhaven. It was formerly a hotel prior to its conversion to residential use in 2003.

The property is bounded to the north by the public road of Edinburgh Road (A1087), to the east by agricultural land beyond which there is a neighbouring residential property, to the south by agricultural land beyond which is the East Coast Main Rail Line and to the west by West Barns Primary School.

Battleblent House has a substantial planning history dating from 1995 to 2003 as outlined in more detail below:

On the 2nd February 1995, planning permission (Ref: P/00773/94) was refused for the erection of 5 houses on land to the rear of Battleblent House. At this time, the application site was designated as agricultural land within the Dunbar Area Local Plan 2003.

On the 20th January 1998, Members of the Council's Planning Committee granted planning permission (Ref: P/00778/97) for the change of use, alteration and extension of the Battleblent Hotel to form 3 flats and garages and for the erection of 4 houses with integral garages and associated works on the land of the caravan park to the rear of the Hotel.

On the 11th June 2003, planning permission (Ref: 03/00054/FUL) was granted for the renewal of planning permission P/00778/97. Planning permission 03/00054/FUL lapsed on 11th June 2006 without it having been implemented. At this time, the site was designated as an ENV1 area of residential character as outlined within the East Lothian Local Plan 2000.

On 18th December 2003, planning permission (Ref: 03/01232/FUL) was granted for the change of use of the Battleblent Hotel to a house and for the erection of fencing and gates. Planning permission 03/01232/FUL has been implemented and the property is now occupied as a single dwelling. At this time, and prior to the adoption of the East Lothian Local Plan 2008, the site remained designated as an ENV1 area of residential character.

Planning permission in principle is now sought for the erection of four detached houses, including three new garages, within the rear garden of the applicant's house. Each of the proposed four houses would be served by a new access road through part of the site. The new access road would, in essence, extend the existing driveway that serves the applicant's house further southwards. No changes are proposed to the existing vehicular access within the north boundary of the site and which provides access into and out of the site from the public road of Edinburgh Road (A1087).

Subsequent to the registration of this application, the applicant's agent has provided revised layout drawings, revised supporting statements, a tree survey report, a flood risk assessment and a structural assessment report.

The most recent supporting 'Planning Statement' submitted by the applicant's agent sets out the planning history of the site, the location of the site and its relation to planning policies and the site's drainage and liability to flooding. In summary, the applicant's agent states that planning permission in principle should be granted for four houses in the rear garden of Battleblent House because:

- (i) there was a detailed permission in place for the same number of houses on the same site for 10 years, a permission granted despite similar policies being in place at the same time. These policies were subsequently altered to match the permission granted;
- (ii) the proposals retain more of the site's buildings, use less of the site, align better with the existing house and its design spirit and produce better plots with bigger gardens;
- (iii) the registered title, geography and local history all support the established view that this property is in West Barns Village and so should be properly designated and zoned as such;
- (iv) the Council maintains the West Barns Village sign on the eastern edge of the property. The house is in West Barns "conurbation";
- (v) the boundary of West Barns Village is clearly defined by the garden walls of Battleblent House and the garden forms an obvious piece of developed land within undeveloped land;
- (vi) the paddock east of the house is not owned by Battleblent House's owners and therefore the boundary of West Barns Village is formed by Battleblent House's eastern boundary with that paddock;

- (vii) the paddock has never been anything other than a field and can be, and should be, considered as agricultural. The paddock is properly placed within the current policy zone DC8;
- (viii) Battleblent House was built as a domestic house in the 1860's and has only been in domestic and commercial use. Many changes to the use of the site has been allowed. Permitting four houses on the site is compatible with the site use;
- (ix) the planning history shows that the Council has accepted that the property does not form part of land similar to the proposed Policy DC8. The Council acknowledged in the 2000 Local Plan that the eastern edge of the property marks the western limit of policies equivalent to DC8;
- (x) after the granting of planning application in 1998, the Council accepted that there was an error in the local plan map and even produced a Local Plan that reflected this. For 10 years, the Council accepted that Battleblent House fell within an area suitable for development but subsequently does not seem to have maintained a consistent approach;
- (xi) this application accepts that the land to the east and south of Battleblent House and its garden are, and should, remain designated as DC8. However, the Battleblent House garden adjacent playing fields for the school and the wider West Barns community west of Battleblent House are evidently not;
- (xii) Policy DC8 has possibly been made more onerous because a decision has been made, contrary to current valid 2008 Local Plan, to allow a development west of Beveridge Row which reduces the corridor of green between West Barns and Dunbar from Belhaven Bay south towards the railway line between West Barns and Dunbar.

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.

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.

Policy 1B (The Spatial Strategy: Development Principles) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or adjacent to Development Sites), DP16 (Flooding) and T2 (General Transport Impact) are relevant to the determination of the application.

The proposed East Lothian Local Development Plan was submitted to Scottish Ministers for examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29th May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of

applications. Relevant Policies DP1 (Landscape Character), Policy DC1 (Rural Diversification), Policy DC4 (New Build Housing in the Countryside), Policy DC8 (Countryside Around Towns), DP2 (Design) and DP7 (Infill, Backland and Garden Ground Development) does not represent any significant alteration to the current relevant policies.

Also material to the determination of the application is Scottish Government guidance given in Scottish Planning Policy: June 2014.

There is no public objection to this application.

Both Dunbar Community Council and West Barns Community Council, as consultees to this planning application, raise a number of concerns regarding the proposals as follows:

- (i) the application is outwith the Local Development Plan which has recently been submitted to Scottish Ministers for approval. It seems to have been submitted following the successful Cala application at Beveridge Row;
- (ii) four houses are considered to be an overdevelopment of the site;
- (iii) the application suggests that there would be another access onto the busy Edinburgh Road where sight lines in this area are not good and there are particular concerns about a safe walking route between Dunbar and West Barns;
- (iv) the development will add to pressure on West Barns School and, if granted, the developer should pay contributions towards the school;
- (v) the development will add to issues regarding drainage in the area, there should also be consideration of added pressure on the sewer system which has proven to be an issue at the Cala application site at Beveridge Row; and
- (vi) the area will benefit from an archaeological survey.

In response to the points raised above (i) whilst it is not clear what is meant by the statement 'the application site is outwith the local development plan', the application site is not within an existing or proposed housing area, as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008; (ii) the matter of whether or not the proposals are considered to be an overdevelopment of the site are fully considered elsewhere within this report; (iii) the proposed layout plan submitted with this application does not show any change to the existing vehicular access within the northern boundary of the site; (iv) the application does not warrant developer contributions to be sought as the proposals do not propose more than 5 residential units; (v) the matters raised regarding drainage and sewer outlets are fully considered elsewhere within this report; and (vi) the application site is not known to be within an area of archaeological importance.

The drawing submitted with this application, (drawing number 083.1F1-P-001 Revision G), titled 'Site Plan showing Development as Proposed' shows the proposed layout of the four houses within the rear garden of the applicant's house. Three of them are shown to have new build garages within their boundary plots whilst one of them would utilise an existing outbuilding for use as a garage. The indicative drawing also shows each of the proposed four houses to be two storeys in height with shallow pitched roofs. Each house would have window or door openings formed within each of its elevation walls at both ground floor and first floor levels. Windows or doors are shown to be formed in each elevation wall of each house at ground floor and first floor levels. Each house would benefit from one car parking space served by a new access road through part of the site. Each of the proposed four houses would have a front and rear garden, the rear gardens being of a generous size. The indicative



drawing does not specify the materials to be used for any of the four houses or their boundary enclosures nor does it indicate the floor plan layouts for each of the four houses.

The proposed four houses would be contained within their garden setting. With careful attention given to the design and layout of the development, it should be possible to accommodate four houses on the site without them being unacceptably prominent or intrusive features. The proposed four houses would benefit from a sufficient amount of private amenity space. They would not, individually or cumulatively, result in an overdevelopment of the site.

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

The submitted drawing shows that each of the four houses would have window or door openings formed within their elevation walls at both ground floor and first floor levels. Subject to a 1.8 metres high fence or other solid boundary treatment of the same height being erected between the each of the proposed houses, and subject to there being no window or other glazed openings above ground floor level that would face within a distance of 9 metres towards the garden of any of the neighbouring house plots or towards the area of garden to be used in association with the existing house of 'Battleblent House', there would be no harmful overlooking between the proposed four houses if laid out in the manner shown. Equally, the houses could be carefully designed or re-positioned within the site such that there would be no loss of privacy between them or to the existing house of 'Battleblent House'. There are no immediate neighbouring residential properties to the east, south or west of the application site.

It should also be possible to design and position each of the proposed four houses on the site without any of them resulting in a harmful loss of daylight or sunlight to each other or without any of them resulting in a harmful impact on the daylight or sunlight received to the existing house and garden of 'Battleblent House'.

On these matters of design, overlooking and overshadowing the proposals do not conflict with Policies DC1 (Part 5), DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Councils Road Services advise that the existing access road leading to the site is not suitable for adoption as it is too steep and unlit. Moreover, the minimum width for an adoptable road would be 4.8 metres and the proposed private access is only 4 metres wide. The proposed layout appears to show that some driveways are only capable of accommodating one car. The parking standard for a dwelling with six or more habitable rooms is 2 spaces plus 0.25 communal. However, he states that Road Services would be willing to accept that one communal space for the proposed four dwellings can be deemed to be provided on the 4 metre wide access road but that there should be capacity to park 2 cars within the boundary of each dwelling. Accordingly, he raises no objection to this application but recommends that each property has a driveway with minimum dimensions of 5.5 metre wide by 6 metres long or 3 metres wide by 11 metres long with the first two metres being hard formed. If planning permission in principle was to be granted for the proposed

development, then a condition could be reasonably imposed to ensure that two car parking spaces be accommodated within the curtilage of each of the proposed four houses.

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

Scottish Water raise no objection to this application and also confirm that there is currently sufficient capacity in the Castle Moffat Water Treatment Works in order for the proposed development to be serviced. However, they also advise that there is currently insufficient capacity in the Dunbar Waste Water Treatment Works but suggest that the applicant completes a Pre-Development Enquiry Form and submits it directly to Scottish Water. The applicant's agent has been informed accordingly.

Notwithstanding the above material considerations, it is now necessary to consider whether or not the principle of the proposal is acceptable.

The application site is in a countryside location within East Lothian. It is not identified in the adopted East Lothian Local Plan 2008 as being within a settlement and the Local Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of four houses on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long distance car based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate.

By being within the countryside the application site is covered by Policy DC1 of the adopted East Lothian Local Plan 2008. Policy DC1 sets out specific criteria for new build housing development in the countryside. Part 1(b) of Policy DC1 only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Applications must be accompanied by a statement justifying the direct operational requirement for the house.

The building of four new houses on the application site would constitute sporadic development in the countryside. There is no agricultural or other employment use presently in operation to justify the need for any new house on the application site. The applicant has not advanced any such case of justification of need for the principle of the proposed four houses. In the absence of any such direct operational requirement or justified supporting case for the erection of four houses within the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect four houses on the site is in principle contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

If approved the proposed development would set an undesirable precedent for the development of new houses anywhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a countryside designation between the settlements of West Barns and Belhaven. The cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

SESplan Policy 7 states that planning authorities may allocate or grant planning permission for housing development on greenfield sites within or outwith the strategic development areas in order to maintain a five years supply of effective housing land, subject to the ability of a proposal to satisfy the relevant criteria of the policy.

Importantly, however, the application of Policy 7 is not mandatory, it is discretionary, as indicated by the use of the word 'may' within the opening paragraph of the policy. Policy 7 should only be applied when and where the application of it is needed in order to maintain 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. Its purpose is to set out material considerations that the Council should take into account when determining applications for planning permission for housing development on land not identified as suitable in principle for this purpose by the adopted East Lothian Local Plan 2008. The intention is that the guidance be used by the Council alongside SESplan Policy 7 to create a context for the Council to approve planning permission for appropriate housing development proposals on appropriate sites that comply with the Interim Planning Guidance. This is to help maintain a five years' supply of effective housing land.

The Interim Planning Guidance has been in place since 10 December 2013, when the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply. This position, and the associated guidance, was updated in December 2014 and again in February 2016. When approving the latest version of the Interim Planning Guidance the Council accepted a series of recommendations on how it should be applied in decision making with other relevant material considerations as the Proposed Local Development Plan is developed further. Importantly, the Council agreed to place increasing weight on the Proposed Local Development Plan as it progresses through its stages towards adoption. However, the Plan should be taken into account on a case-by-case basis with other material considerations as appropriate, including representations to it as well as prematurity and prejudice considerations.

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 was submitted to Scottish Ministers for examination in 2017. The Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP)

was thereafter modified following the Examination. At their meeting on 29th May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt.

For the avoidance of doubt the site the subject of this application is not a proposed housing allocation of the East Local Development Plan and thus the Council does not recognise its potential for residential development. In not being a site of the East Local Development Plan the application site is not an integral part of the group of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

Following the submission of the East 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 East 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.

For the avoidance of doubt, the application of SESplan Policy 7 is not mandatory, it is discretionary. Policy 7 should only be applied when and where it is needed in order to maintain an adequate five years supply of effective housing land. In this context, demonstrating a 6.17 years supply of effective housing land, and because the application site does not feature in the East Local Development Plan or the agreed 2017 Housing Land Audit, Policy 7 should not be applied to support the principle of residential development on this site. Neither should the Council's Interim Planning Guidance.

As part of the existing area of undeveloped land between Belhaven and West Barns, the land of the application site serves to differentiate one from the other. In their supporting statement, the applicant argues that the site is within West Barns village and should be properly designated as such. Notwithstanding this, the adopted East Lothian Local Plan 2008 does not designate the site as being within the settlement of West Barns. Neither does the emerging Local Plan. Rather the Local Plan defines the site as being countryside land to the immediate east of the village.

The applicant also notes that planning permission was previously granted for a residential development of the application site. However at the time of those decisions, the site was not identified as being within the East Lothian countryside. Rather it was covered by Policy ENV1 of the then Local Plan. That is no longer the case.

Since the granting of those previous planning permissions, the existing area of undeveloped land between Belhaven and West Barns has narrowed, as planning permission (Refs: 12/00553/PPM and 16/00633/AMM) has been granted for the erection of 78 houses and 12 flats on an area of agricultural land immediately to the west of West Barns. That site is currently being developed. The proposed development would further erode the openness of the green space between Belhaven and West Barns.

The Council's Policy and Projects Manager confirms that the proposals would be contrary to Policies DC1, DP1 and DP2 of the adopted East Lothian Local Plan 2008 and with Policies DC1, DC4, DC5 and DC8 of the proposed East Lothian Local Development Plan and with Policy 7 of the approved South East Scotland Strategic Development Plan (SESplan). In terms of the relevant planning history, the development plan position regarding the inclusion or exclusion of the land from the settlement boundary is the result of changing circumstances relating to live and lapsing planning permissions, some of which were approved against officer recommendation. The most recent and emerging development plan positions have sought to bring this position up-to-date and seeks to address this in the context of wider development pressures. He advises that the principle of this proposed development is not supported because of the degree of harm it would cause to the loss of open land between West Barns and Belhaven and the negative impact on the setting of these settlements, the character of the local area and Battleblent House. He also advises that this is not outweighed by the very modest contribution towards housing land supply that the proposal could offer, particularly following the recent appeal allowed for up to 90 dwellings nearby at Beveridge Row the development of which has already commenced. Accordingly, he recommends that this application be refused.

The Council's Manager for Structures, Flooding and Street Lighting confirms that he is aware of flooding on the application site in 2007, 2008 and 2009. He advises that the source of the flooding was from a masonry culvert which originates to the south of the A1 Dunbar Bypass via the East Coast Main Rail Line, West Barns Playing Fields, Battleblent House garden and adjoining paddock before outfalling at Seafield Pond. He states that the proposed layout should ensure that no housing is built over the culvert and that a full Water and Drainage Assessment is required incorporating the investigation and assessment of the culvert and any remedial works required. He also advises that a Flood Risk Assessment is required. Subsequent to this advice, the applicant's agent has submitted a Flood Risk Assessment report by 'Gavia Environmental' dated May 2018, a structural implications report by 'Elliott & Co.' and a revised layout drawing. The Council's Manager for Structures, Flooding and Street Lighting raises some concerns regarding the historical flooding facts stated within the Flood Risk Assessment report confirming that flooding did occur in September and December of 2009 and not 2010 as stated within the flood report. He confirms that one of the four houses proposed within the site is shown to be 1 metre from the side of the culvert and thus he raises concerns with regards to the construction of foundations near the underground watercourse. Accordingly, he suggests that the layout of this house is re-positioned further away from the culvert. Notwithstanding this advice, he raises no objection to this application being satisfied that the repair works carried out to the culvert and the provision of a new manhole in the nearby playing fields will mitigate the risk of future flooding.

The Scottish Environment Protection Agency (SEPA), in their initial consultation to this application, raised no objection but recommended that further investigations into a small watercourse through the site be undertaken. However, in light of the further flood risk information submitted by the applicant's agent, SEPA now advise that they object on the grounds of lack of information on flood risk. They advise that the Flood Risk Assessment submitted in support of the application confirms that a culvert flows through the site and beneath the ground level of each of the proposed four house plots. Whilst they state that it would be the responsibility of each owner to fix and repair the culvert should any issues arise with it (i.e. it collapses), they advise that this is not a sustainable approach and that there should be a corridor maintained along the culvert which would enable access and avoid ownership issues arising. They also suggest that the application site be amended such that all

built development and property boundaries are setback from the culvert to an appropriate distance. In particular, drawing number 083.1 F1-P-001 Revision G shows that the property in the southeast corner of the site is encroaching within the 1 metre off-set zone and potentially over the culvert which cannot be supported. They also note that the FRA states that previous flooding in 2010 was due to tree roots entering the culvert and blocking it and that the tree has now been removed and the culvert repaired. However, SEPA also advise that further information is needed on the mitigation measures proposed for potential of blockages to occur north of the railway line. The applicant has not submitted further information sufficient to overcome the objection raised by SEPA. Accordingly, SEPA maintain their objection to the proposed development on the grounds that it may place buildings and persons at flood risk. Accordingly the proposals are contrary to Policy DP16 of the adopted East Lothian Local Plan 2008 and to Scottish Planning Policy: June 2014.

The Council's landscape officer advises that there are mature trees within the application site which make a significant positive contribution to the visual amenity of the area. The proposed four houses are shown to be positioned within close proximity of the existing trees and, as such, could impact on their root protection areas. Accordingly, the landscape officer advises that a tree survey report is carried out to identify the root protection areas of the trees and that a tree constraints plan is provided to ensure that no part of the proposed development is positioned within their root protection areas. Subsequent to this advice, the applicant's agent has submitted a tree survey report titled 'Overview Tree Survey and Arboricultural Assessment'. It states that there are four large and well established trees along the west boundary of the site and a mature sycamore towards the southern tip of the site which are worthy of retention. It also states that the proposals will require the removal of three central fruit trees (which are in a very poor condition) as well as the strip of overgrown shrub growth that runs north to south towards the eastern end of the plot (which is of poor quality and limited value). In conclusion, the tree survey report states that it will be feasible to retain the important peripheral growth, including large and mature trees and that there will be adequate space to accommodate the proposed dwellings outwith the root protection areas and canopy spreads of the trees. It also states that the existing tarmac driveway is to be utilised and as such this will not impact on the group of mature trees to the north of the site. The landscape officer confirms that no tree constraints plan has been submitted with the tree report and that details of the houses locations and their footprints could change and increase in size, through the submission of an approval of matters specified in conditions application, should planning permission in principle be approved. Accordingly, she advises that insufficient information has been submitted with regards to the trees to ensure that the site is sufficiently large to contain four plots for detached houses whilst successfully retaining the important boundary trees. Moreover, she notes that the tree survey report concludes that the existing tarmac driveway is to be utilised to access the site and that the Council's Road Services identify the existing access road as being too steep and too narrow for adoption and is currently unlit. Any works to bring this access road up to an adoptable standard, provide passing places or to install lighting could significantly impact on important trees to the north side of the property and would not be supported. Given this, and given the insufficient information that has been submitted, it has not been demonstrated that the design and layout of a four house development could ensure the incorporation of the mature trees that make a significant positive contribution to the visual amenity of the area. Accordingly, the proposals are contrary to Policy DP14 of the adopted East Lothian Local Plan 2008.

The proposed development does not accord overall with the relevant provisions of the development plan, and there are no material considerations which would justify granting planning permission in principle.

#### REASONS FOR REFUSAL:

- 1 The erection of four houses on the site is, in principle, contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses elsewhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a countryside designation between the settlements of West Barns and Belhaven. The cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.
- 3 It has not been demonstrated that the design and layout of a four house development could ensure the incorporation of the mature trees that make a significant positive contribution to the visual amenity of the area. Accordingly, the proposals are contrary to Policy DP14 of the adopted East Lothian Local Plan 2008.
- 4 The proposed development may place buildings and persons at flood risk. Accordingly the proposals are contrary to Policy DP16 of the adopted East Lothian Local Plan 2008 and to Scottish Planning Policy: June 2014.

#### LETTERS FROM

11th September 2018

# PLANNING STATEMENT

**PROJECT:** 083.I BATTLEBLENT HOUSE, WEST BARNES  
**FROM:** Jonathan Gotelee  
**DATE:** 31<sup>st</sup> March 2017  
Revision A 31<sup>st</sup> October 2017 – *Revisions in italics*  
**TO** East Lothian Council Planning Department  
Clients  
File

This statement sets out the Planning Policy and Design position regarding the Application for Planning in Principle it accompanies, there are several issues relating to the application that make it unusual and which need to be understood in order clearly to appreciate the site, proposals and the history of them both and therefore allow for a full balanced consideration of the proposals and decide on their being able to be approved.

We will set out the following matters:

- i. The proposal now being submitted and its differences to the previously consented proposal
- ii. The site's actual location or address and its relation to Planning Policies
- iii. The site's planning history
- iv. *The Site's Drainage and liability to Flooding* (rev A)
- v. Closing Summary

## i – The proposal being submitted

Battleblent House is not Listed, Nationally or Locally. It was built by William Brodie, proprietor of the brickworks, now only evident as the stretch of water left from the excavations, on the opposite side of the road. The "Reminiscences and Notices of ten Parishes of Haddington – 1894" (page 124) states that he "built a very unique mansion house at Westbarns which he named "Battle Blent"" Our analysis of the solar compass suggests that Battleblent House was deliberately built to be carefully orientated to the solar calendar, hence its strong and unusual form, this combines with a central spiral staircase surrounded by the working chimneys (the ones on the gables are fake) to create a warmed core and circulation to the house. The form of the house is not an accident.

The proposal is to build 4 detached houses with garages within the rear garden area, the same number as the previously consented application.

This is not a Detailed Application for Planning Permission but we have carried out design work to a level that means we can make statements about the proposals to a more detailed level than would usually be the case for an Application for Planning Permission in Principle, this is to check the site's viability and be able to make definitive statements about the design and properly support this application.

The first significant alteration from the original Planning Application (P/0778/97) (Appendix 2, below) is that Battleblent House has been given a greater amount of garden to its rear, south side. The height of the gable and chimney laid onto the ground defines where the new boundary sits. The amount of site taken for new development has reduced by 364m<sup>2</sup>

We have designed the new application so that the existing buildings on the site are not demolished but retained, repaired and re-used. This keeps the house's setting more intact, reduces the impact on the site and environment and provides more unusual and cost effective outdoor storage and a garage for the two eastern houses. The rear lean-to addition on the Coach House, built as shower rooms for the time when the garden was a caravan and camping park, would be taken down, but the bricks could be re-used to re-build the east wall of the gardens which require attention, especially to their upper courses.



The new site layout is orientated to align with Battleblent House's south wing and the east terrace face so the new houses work with the sun in a similar way to the current house. The new house plans are designed and arranged on the site to put living spaces to the south, east and west sides and leave the north sides for service spaces, bathrooms, kitchen and staircase. The gardens are as deep as possible to the south and boundary side of each house to maximise the garden size, the impression of being in the countryside and reduce the houses' visual impact from outside the site.

The design covers less site than the last scheme and more gives flexible spaces. Each house has a 32m<sup>2</sup> smaller footprint; are a full 2 storeys with shallow roofs with their overall height no greater than the previous application and take up, with roads, hard paving etc. 372m<sup>2</sup> less site area than the previous application while creating a greater floor area, full height upstairs rooms and a more energy efficient form.

There are no Tree Preservation Orders on the site. Since the original application was made some trees have reached the end of their life and been taken down, we assess that three more are similarly unsafe and need to be removed, a Sycamore to the front of the house which is heavily diseased and missing almost one half of its lower trunk and two smaller trees immediately south of the south wing which lean at an unsafe angle. *We attach a Tree Preservation Report to accompany this memo, as requested by the Council's Planning Department.* <sup>(Rev A)</sup>

The proposals do not remove any more trees on the building site than the previous application.

The road access has a clear view in each direction as it is on the outside of a curve and is within a 30 mile an hour zone. It does not need to be altered more than the previous application

## ii – The Site Address

Battleblent House and its garden is in West Barns, the road sign coming from the east is aligned directly with the eastern boundary of the house (Figure 1), the Council Planning Website and the registered mortgage charge places the house in West Barns, as does the Council Tax registration. (Figure 2).

The house's garden boundary wall is brick around both its south and east sides and forms a strong physical edge to the building line of West Barns. The south side of the site was also banked up when the house was built to reduce the impact of railway noise.


The 1983 Local Development Plan showed the house being outside West Barns boundary (Figure 3), but the Plan of 2000 shows the house as being in West Barns (Figure 4) and zoned for development under ENVI (and ENV4 by extension), see below, subsequent ones have missed this change, including the proposed but not yet adopted 2016 plan, we hold that this is an error.



Figure 1 - alignment West Barns sign with eastern boundary

**Payment notice for  
Council Tax, Water  
and Sewerage charges**  
(Local Government Finance Act 1992)

30689/1236565 315C  
Mr Paul Doyle  
Mrs Emma Doyle  
Battleblent  
J West Barns  
Dunbar  
East Lothian  
EH42 1TS



**East Lothian  
Council**  
Alex McCrorie  
DEPUTE CHIEF EXECUTIVE  
(RESOURCES & PEOPLE SERVICES)

Council Tax  
East Lothian Council  
P.O. BOX 13251  
John Muir House  
Haddington  
East Lothian  
EH41 3HA  
[www.eastlothian.gov.uk/counciltax](http://www.eastlothian.gov.uk/counciltax)

**See over the page for  
guidance notes and details  
of how you can pay**

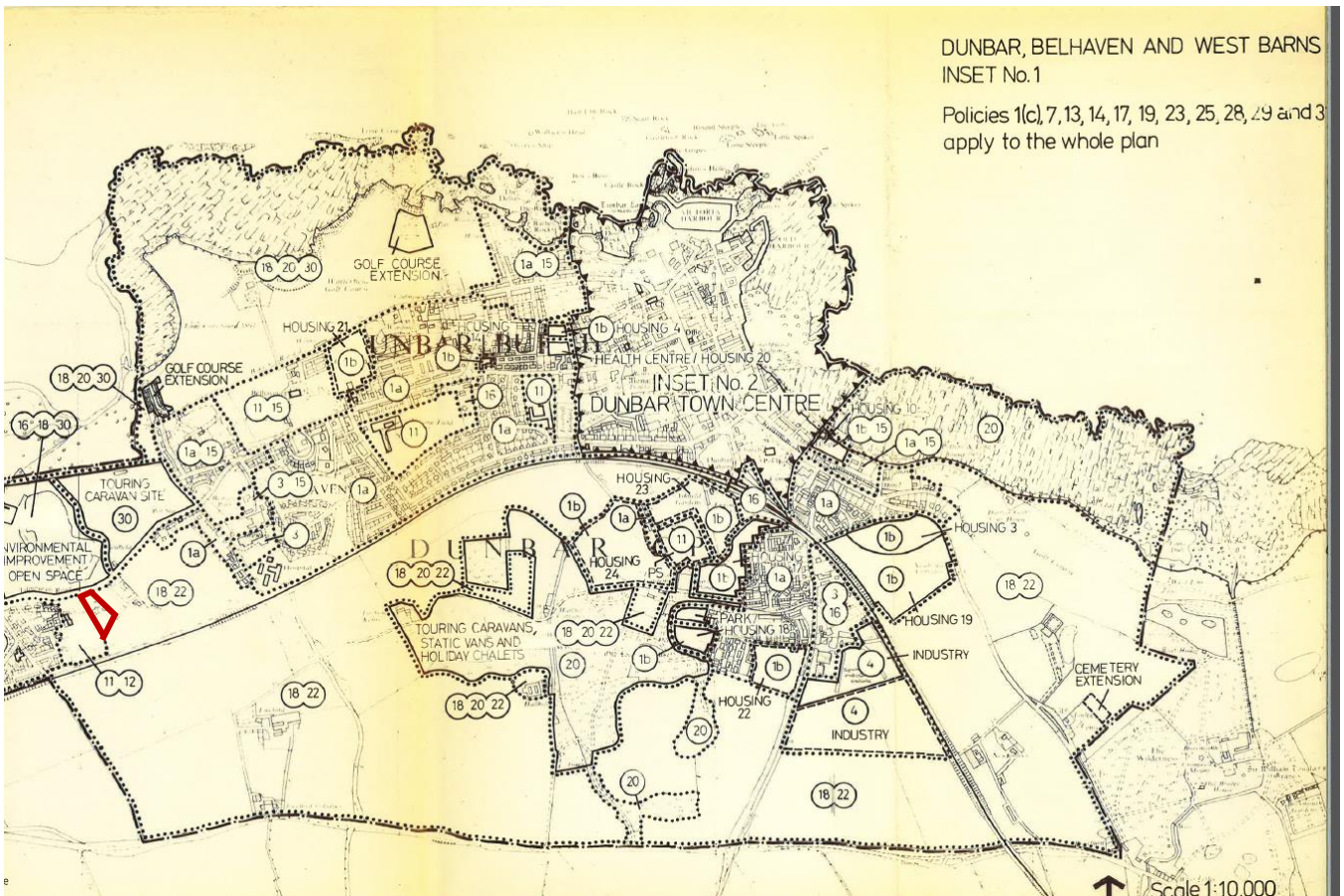
**For Property:** BATTLEBLENT  
J WEST BARNES  
DUNBAR  
EAST LOTHIAN  
EH42 1TS

**Financial Year** 2017/2018  
**Account number** 100699638  
**Property number:** 021038  
**Date of issue:** 26.02.2017  
**Bill number:** 15/0

Your Council Tax, Water and Sewerage charges for 2017/2018 are shown below.  
The reason for issue is annual billing.

Figure 2 Council Tax Charge – (header only)

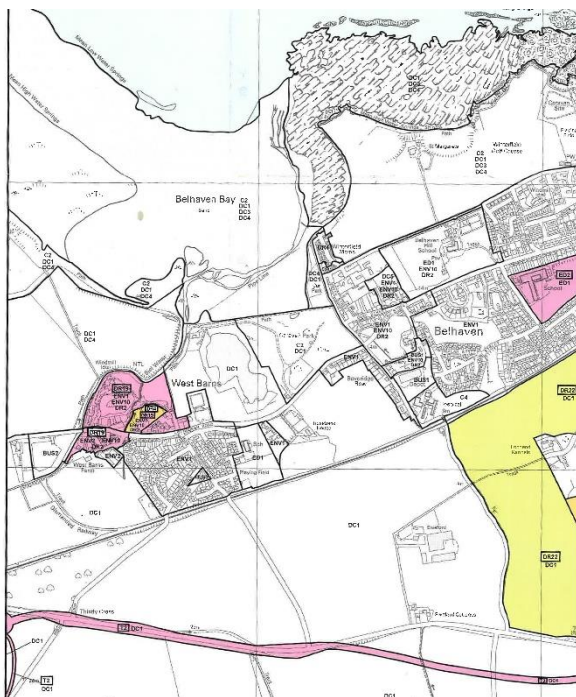




DUNBAR, BELHAVEN AND WEST BARNs  
INSET No.1

Policies 1(c), 7, 13, 14, 17, 19, 23, 25, 28, 29 and 30  
apply to the whole plan

**Figure 3 – 1983 Local Plan map** – site outlined in red and shown as being in Policy 18: “Retain existing uses and character of area” and 22: “Presumption against development unless for agriculture”



**Figure 4 – 2000 Local Plan Map** – Is shown as Policy ENV1 “The predominantly residential use of existing or proposed housing areas will be safeguarded. Development incompatible with the residential amenity of an area will not be permitted. Infill and backland development will be assessed against Policy ENV4”

ENV4 States “POLICY ENV4: INFILL AND BACKLAND DEVELOPMENT Infill and backland development, including the subdivision of garden ground, will be supported provided:

- (1) The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking, and where necessary vehicle turning space; and
- (2) the occupants of existing neighbouring houses experience no significant loss of privacy and amenity and occupants of any new house must also enjoy privacy and amenity; and

occupants of any new house must also enjoy privacy and amenity; and

(3) the scale and design of the proposed development will be sympathetic to its surroundings, and landscape and boundary features important to the character of the area retained where possible; and

(4) there will be no loss of open space important to the recreation and amenity requirements of the area.

### iii – Site Planning History

In 1990s FBF Hotels Ltd (the previous owner of the site) made several planning applications in respect of the ground within the curtilage of the house and the field to the east of the boundary ('the paddock'), at that time FBF Hotels Ltd owned both pieces of land and it was being used as a camping and caravanning site. Several applications in respect of the whole area of house, garden and paddock, were refused because the paddock (and only the paddock) was beyond the boundary of West Barns village and an unacceptable extension to the village.

However, the title to the whole area that was contentious in Planning terms (Battleblent House and the paddock) was split in 2003, when the paddock was sold and separated from Battleblent House.

After the failure of the joint applications, FBF Hotels then applied for permission only to develop the land which is now Battleblent House's garden ground for four 1½ storey houses. Reference P/0778/97 (Figure 6, at end of document).

On 20th January 1998, planning permission [Appendix 4] for conversion of the house to 3 flats and the erection of 4 houses in the garden was granted.

At that time the 1983 Local Plan was in force and the area was presumed as being undevelopable. However, Councillors identified the error at the planning meeting and disagreed with the allocation. The Council Planning Committee decided that this property lies within West Barns and is in a zone where permission for housing could be granted. East Lothian Council's own records confirm that the 1998 application resulted in a grant of planning permission.

The 2000 Local Plan acknowledges this Planning Permission because it puts the Battleblent House site under ENVI/ENV4.

In addition, while it was in commercial use, planning applications by FBF Hotels Ltd were also granted in respect of:

- (a) demolition of the Victorian conservatory and its replacement with a discotheque
- (b) a caravan site hosting 12-14 caravans and
- (c) a shower block to service the caravan site.

On 15th January 2003, an application was made to the Council to renew the permission granted in 1998 for a further 5 years. This was granted in the same terms on the 11th June 2003, meaning it was valid until June 2008.

An attempt was made by the current owners to extend the Permission for 4 houses early in 2008, but it was rejected on the grounds that the application was no longer also for conversion of the hotel into flats as the house had been consented Change of Use and was a domestic dwelling.

By the time the next Local Plan was adopted, in late 2008, Battleblent House had been put into Policy DC1, once again fundamentally precluding any housing development other than for provable reasons of functional necessity.

The 2016 Plan makes this allocation more stringent still.

### iv – The Sites Drainage and Liability to Flooding <sup>(Rev A)</sup>

Once the application was made the Council's Planning Department asked questions regarding the site's flooding history and asked for:

- (i) a Water and Drainage Assessment (incorporating the investigation and assessment of the culvert and any remedial works required)
- (ii) a Flood Risk Assessment



Item (i) There is a culvert running across the site, its route is shown on the revised version of the site layout.

In 2010 the culvert became blocked by the roots of an adjacent tree having broken through the walls of the culvert and caused surface flooding of the site. The culvert was excavated and repaired, and the tree removed. The culvert's top is more than 2m under the site surface. Photographs of the flooding and excavation and culvert are below.

There has been no further issue with flooding on the site since the repairs.



*Clockwise from top left: 1. Flooding seen from roof level, 2. Flooding seen from ground level, 3 & 4. Excavations in progress showing depth to top, 5. Culvert interior*

Item (ii) A Flood Risk Assessment

We have the following comments:

- i. This is a Planning Permission in Principle application, not a full application and flooding and drainage specialists with whom we have consulted consider that to ask for a Full Flood Analysis is excessive in cost and information terms.
- ii. We have examined the SEPA Flooding Data print out that Alex Coull sent with the requirement for this additional analysis; the accuracy of the correlation between the SEPA data and OS Map is at variance with the reality on the ground, we do not think that water would travel across the site and out of its

eastern side as shown, there is, if nothing else a retaining and boundary wall preventing water leaving the east side of the site.

- iii. *This probably relates to the OS Map's showing of contours upon which the water flows appear to be modelled. However, when the house was built (and the Culvert installed) the garden and site on which this Application wants to build was levelled so that it is higher than the land to its immediate west, and, if water does gather south of the railway line (and south and east of the Application site), it will flow to the road down the playing fields on the site's west side, not through this garden.*

*The original application had no knowledge of the Culvert and had to take no account of flooding. We have shown the route of the culvert on the original site plan at the end of this document. It passes under the corner of one house and directly under the south west house.*

*On the Application to which this report relates relocation of the one house passing over the culvert would be perfectly achievable, but we do not believe that this is necessary.*

## v – Closing Summary

We believe that Permission in Principle should be granted for four houses in the garden behind Battleblent House because:

There was a Detailed Permission in place for the same number of houses on the same site for 10 years, a permission granted despite similar policies being in place at the time. These policies were subsequently altered to match the permission granted.

The proposals retain more of the site's buildings, use less of the site, align better with the existing house and its design spirit and produce better plots with bigger gardens.

The registered title, geography and local history all support the established view that this property is in West Barns village and so should be properly designated and zoned as such.

The Council maintains the West Barns Village sign on the eastern edge of the property. The house is in West Barns "conurbation".

The boundary of West Barns Village is clearly defined by the garden walls of Battleblent House and the garden forms an obvious piece of developed land within undeveloped land. See our photographs sheet Appendix I

The paddock east of the house is not owned by Battleblent House's owners and therefore the boundary of West Barns village is formed by Battleblent House's eastern boundary with that paddock.

The paddock has never been anything other than a field and can and should properly be considered as agricultural. The paddock is properly placed within the current policy zone DC8.

Battleblent House, however, was built as a domestic house in the 1860's and has only been in domestic and commercial use and been allowed many changes to the use of its site. Permitting 4 houses on the site is compatible with the site use.

The planning history shows that the Council has accepted that the property does not form part of land similar to the proposed policy DC8. The Council acknowledged in the 2000 Local Plan that the eastern edge of the property marks the western limit of policies equivalent to DC8.

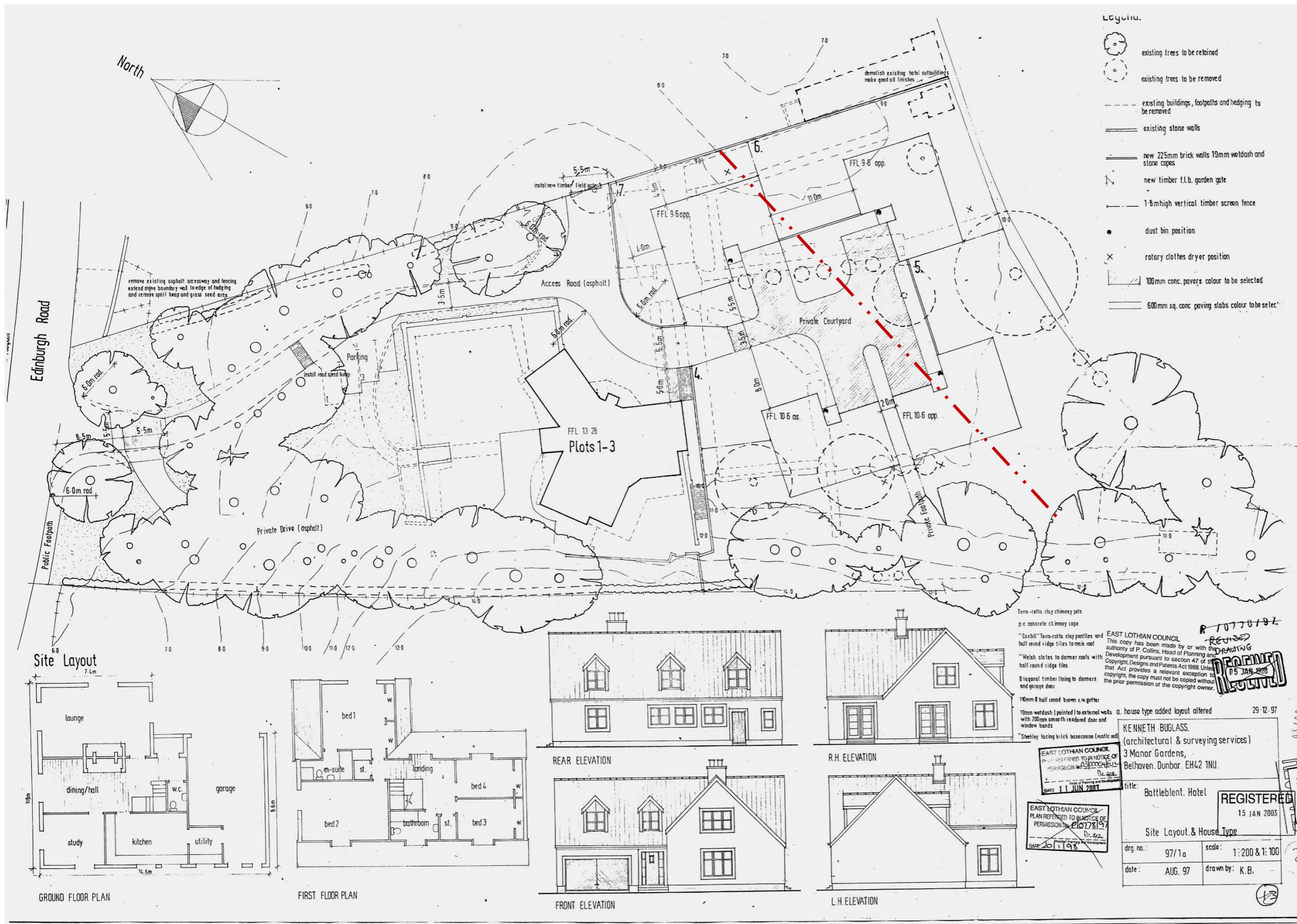
After the granting of the Planning Application in 1998, the Council accepted that there was an error in the local plan map and even produced a Local Plan that reflected this. For 10 years, the Council

accepted that Battleblent House fell within an area suitable for development but subsequently does not seem to have maintained a consistent approach.

This application accepts that the land to the east and south of Battleblent House and its garden are and should remain designated as DC8 However, the Battleblent House garden adjacent playing fields for the school and wider West Barns community west of Battleblent House are evidently not.

Policy DC8 has possibly been made more onerous because a decision has been made, contrary to the current valid (2008) Local Plan, to allow a development west of Beveridge Row which reduces the corridor of green between West Barns and Dunbar from Belhaven Bay south towards the railway line between West Barns and Dunbar.





NOT TO SCALE

--- Approximate Line of Culvert (Rev A)

**PROJECT:** 083.I BATTLEBLENT HOUSE, WEST BARNES  
**TITLE:** Appendix I – Previous Planning Application – Not to Scale  
**DATE:** 31<sup>st</sup> March 2017





Image 1 – view from the road (right of picture) from the east edge of the “paddock” looking south east showing length of eastern boundary site



**PROJECT:** 083.1 BATTLEBLENT HOUSE, WEST BARNES  
**TITLE** Appendix 1 – Site Panorama photographs, sheet No. 1  
**DATE:** 31<sup>st</sup> March 2017





Image 3 – view from playing fields with the railway line behind hedge on right of picture looking north east towards house (centre of picture) showing boundary with playing fields



Image 4 – Panorama from tower left side looking north east towards Dunbar, right side looking west towards West Barns, garden and proposed site in centre.

**PROJECT:** 083.I BATTLEBLENT HOUSE, WEST BARNES  
**TITLE** Appendix I – Site Panorama photographs, sheet No. 2  
**DATE:** 31<sup>st</sup> March 2017



6 14  
JAN 1998.

P.A. No: P/0778/97

FDN/1.18

EAST LoTHIAN COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
TOWN AND COUNTRY PLANNING  
(GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

K Buglass  
3 Manor Gardens  
Belhaven  
Dunbar East Lothian EH42 1NU

APPLICANT: F B F Hotels Ltd c/o  
K Buglass

With reference to your application registered on 27/08/1997  
for planning permission under the above mentioned Acts and Orders  
for the following development, viz:-

Change of use, alteration and extension of existing hotel  
to form 3 flats and garages and development of caravan park  
for the erection of 4 houses with integral garages and associat  
works.

at:  
Battleblent Hotel Edinburgh Road  
Dunbar  
East Lothian EH42 1TS

the Council in exercise of their powers under the above-mentioned  
Acts and Orders hereby GRANT PLANNING PERMISSION for the said  
development in accordance with the plan(s) listed below and as  
docquetted as relative hereto and the particulars given in the  
application. The permission is subject to the following conditions  
which have been imposed for the reasons set out below:-

CONDITIONS:

- 1 The development shall begin before the expiration of 5 years  
from the date of this permission.

Reason:  
Pursuant to Section 58 of the Town and Country Planning  
(Scotland) Act 1997.

- 2 No development shall take place on site unless and until final  
site setting out details have been submitted to and approved by  
the planning authority.

The above mentioned details shall include a final site  
setting-out drawing to a scale of not less than 1:200, giving:  
a. the position within the application site of all elements of  
the proposed development and position of adjoining land and  
buildings;



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

Reason:

To enable the planning authority to control the development of the site in the interests of the amenity of the area.

- 3 Samples of the external brick to be used for the base course, and samples of the clay pantile and slate to be used for the roofing shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

Reason:

In the interests of visual amenity.

- 4 Full details of the colour the wet dash render and cement bands which surround the windows and doors are to be painted shall be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of visual amenity.

- 5 Full details or samples of all windows, garage doors, doors and patio doors and the colour they are to be painted shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

Reason:

In the interests of visual amenity.

- 6 The access road shall be finished in asphalt or some other non-loose material and a road speed hump shall be installed in the position shown on drawing number 97/1a. Full details of the road speed hump and the finish of the road and car parking areas shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. The road speed hump, roads and parking areas shall be finished in accordance with the approved details prior to the last of the dwellings hereby approved being occupied.

Reason:

In the interests of highway safety.

- 7 No one of each of the four houses hereby approved shall be occupied until its 1.8 metre high boundary fencing has been erected.

Reason:

In the interests of residential privacy.

- 8 No dwelling on Plot 6 or 7 shall be occupied until a 2.25 metre high wet dash rendered boundary wall has been constructed along the site's eastern boundary in the position shown on drawing number 97/1a. Samples of the colour the wet dash render is to be painted shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:



To ensure a satisfactory form of screening along the east boundary of Plots 6 and 7 in the interests of the residential amenity of those plots and of the visual amenity of the area.

- 9 No development shall take place on site until all existing trees, bushes and hedges to be retained on the site have been protected by a fence, to be approved in writing by the Planning Authority, erected around each tree or group of vegetation at a distance from each trunk commensurate with the tree crownspread or such distances as may be agreed in writing by the Planning Authority. Within the areas so fenced off the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:  
To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 10 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on, or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances; and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

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

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

Reason :  
In the interests of road safety.



12 All services shall be routed underground.

Reason:  
In the interests of visual amenity.

13 None of the four dwellinghouses hereby approved shall be occupied until all of the three flats to be created through the conversion of the existing hotel building have been formed and are capable of being occupied as flats.

Reason:  
To ensure the site is developed in a comprehensive and integrated manner so as to enable compatibility of use and the future use of the existing building, in the interests of the amenity of the surrounding area.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

LIST OF PLANS:

1	11/08/97
13	05/01/98
14	05/01/98

Dated 20/01/1998

Peter Collins, MRTPI  
Head of Planning and Development  
Council Buildings  
Haddington  
East Lothian  
EH41 3HA.

.....



**Overview Tree Survey  
and  
Arboricultural Assessment**

*for*

**Battleblent  
Edinburgh Road  
West Barns**

*by*

**Donald Rodger Associates Ltd  
Arboricultural Consultants**

*for and on behalf of*

**Ms E Doyle**

**August 2017**

## **1 Introduction**

This report relates to trees growing within the grounds of the property known as Battleblent, Edinburgh Road, West Barns. It was commissioned by Ms E Doyle and has been prepared in connection with a proposal for four detached dwelling houses within the southern half of the grounds.

This report is very much an initial feasibility assessment at an outline stage in the process. It provides a general overview survey of the tree cover and assesses the scope for the construction of the dwellings and any potential impact on trees. It is based on a site visit undertaken by Donald Rodger on 11 August 2017.

## **2 Tree Description and Assessment**

The southern half of the grounds are open and mostly put down to lawn. The tree cover is largely located around the periphery of the plot, where it collectively provides screening and shelter.

- **Peripheral Tree Cover**

Four large and well established trees (three horse chestnut and sycamore) stand on an elevated banking along the west boundary and a mature sycamore stands towards the southern tip of the site. These trees are in satisfactory health and condition and stand as the dominant arboricultural features on this part of the site. They are worthy of retention.

The remaining peripheral tree cover comprises overgrown hedging with occasional younger, self seeded trees scattered throughout. This tends to be rather bushy and scrubby in character, although it does provide useful screening.

- **Central trees**

Only three obvious trees stand as open grown specimens within the main central body of the site. These are domestic fruit trees (two pears and an apple) in full maturity. The apple

tree is leaning very heavily at 45 degrees and shows signs of historic root lift. This tree is potentially unstable and at risk of complete collapse. One of the pear trees (to the east of the site) is very heavily decayed. These two trees display serious and significant defects which severely limit their safe future life expectancy. As such, they are not suitable for retention in a development context and their early removal will be required on arboricultural grounds in any event.

A short strip of overgrown shrubs and self-seeded trees runs north to south towards the east of the plot. This consists of holly, laurel and other shrubs, with young self-seeded growth of ash, elm and sycamore. This is very poor and scrubby in character and of no arboricultural or landscape value.

### **3 Development Proposal**

It is proposed to site four new houses within the open, southern half of the grounds. Indicative proposals have been prepared by Jonathan Gotelee, Architect.

The proposals will require the removal of the three central fruit trees and the strip of overgrown shrub growth. As noted above, two of the fruit trees are in very poor condition and require removal in any event, and the area of shrub growth is of poor quality and limited value. The impact in terms of the tree cover is therefore negligible in the wider context of the site.

It will be feasible to retain the important peripheral growth, including the large and mature trees. These would continue to provide a sense of privacy and enclosure. There exists adequate space to accommodate the dwellings outwith the root protection areas and canopy spreads of the trees.

The existing tarmac driveway is to be utilised and as such this will not impact on the group of mature trees to the north of the site.

## **4 Conclusion**

From an arboricultural perspective, there exists adequate scope to site four houses within the site without adversely impacting on the tree cover. These could be located at a suitable distance from the peripheral trees to be retained and outwith their root protection areas. The dwellings could be specifically designed to suit the constraints of the site and integrate sustainably with the trees. Access and servicing could also be addressed with minimal, or if any, impact on the trees.

Should the project progress to the detailed stage, then a full tree survey would be undertaken and an arboricultural implication assessment prepared to BS 5837:2012. This would set out in detail tree protection measures and management recommendations, and inform the final layout.

**Donald Rodger**

18 August 2017

# FLOOD RISK ASSESSMENT

## BATTLEBLENT HOUSE, DUNBAR



## FLOOD RISK ASSESSMENT

## BATTLEBENT HOUSE, DUNBAR

## QUALITY MANAGEMENT

Prepared by:	Name	David Barratt	Title	Senior Hydrologist (Team Lead)
	Signature			
Authorised by:	Name	Manuela Toth	Title	Technical Director
	Signature			
Current Status:	V0			
Issue Date:	16/05/18	Revision number:	V0	
		Revision notes:	N/A	

Quality Assurance: This report has been prepared according to Gavia Environmental Quality Management System. Gavia Environmental employs consultant scientists who are members of appropriate professional institutions and adhere to professional codes of conduct.

Disclaimer: This report is presented to Emma Doyle (the Client) in relation to the proposed development, and may not be used or relied on by any other person or by the client in relation to other matters not covered specifically by the scope of this report.

Notwithstanding anything to the contrary contained in the report, Gavia Environmental Ltd is obliged to exercise reasonable skill, care and diligence in the performance of the services required by the Client and shall not be liable except to the extent that it has failed to exercise reasonable skill care and diligence, and this report shall be read and construed accordingly.

The report has been prepared by Gavia Environmental Ltd. No individual is personally liable in connection with the preparation of this report. By receiving this report and acting on it, the client or any other person accepts that no individual is personally liable whether in contract, tort, for breach of statutory duty or otherwise.

Copyright © Gavia Environmental

The material in this report has been produced for the exclusive use of the Client and shall not be distributed or made available to any other company or person without the knowledge and written consent of the Client or Gavia Environmental Ltd.

Gavia Environmental Ltd  
Inveralmond Industrial Estate  
Auld Bond Road  
Perth  
PH1 3FX

Tel: 01738 646741

Email: info@gavia-environmental.co.uk



## Table of Contents

1	Introduction .....	4
1.1	Scope of Report .....	4
1.2	Aims and Objectives .....	4
2	Planning and Legislative Policy Framework .....	5
2.1	Scottish Planning Policy (SPP) .....	5
2.2	East Lothian Local Development Plan (Proposed, 2016) .....	6
3	Site .....	7
3.1	Location.....	7
3.2	Development Proposal .....	7
3.3	Current Site Condition & Topography.....	7
3.4	Historic Land Use .....	8
3.5	Watercourses & Drainage .....	8
3.6	Site Visit .....	9
4	Data Acquisition .....	9
4.1	SEPA .....	9
4.2	History of Flooding .....	9
5	Flood Hazard.....	10
5.1	Back ground .....	10
5.2	Fluvial.....	10
5.3	Surface Water Flooding .....	10
5.4	Groundwater.....	10
5.5	Infrastructural.....	10
5.6	Coastal .....	11
6	Flood Risk.....	12
6.1	Surface Water Flooding .....	12
6.1.1	Flow Estimation .....	12
6.1.2	Flood Routing .....	13
6.1.3	Site Generated Flows .....	14
6.2	Infrastructural Flooding .....	14
7	Conclusion And Mitigation .....	16
7.1	Mitigation .....	16
	Appendix A – Site Visit Photos .....	17
	<b>Tables</b>	
	Table 1 - Flows .....	13
	<b>Figures</b>	
	Figure 1 – Site location (aerial view) .....	7

Figure 2 - Site location (maps view) ..... 7

Figure 3 - Site topography ..... 8

Figure 4 - Culvert interior ..... 8

Figure 5 - Overland Flow Catchment ..... 12

Figure 6 - 1 in 200 +CC Flood Extent ..... 14

# 1 INTRODUCTION

## 1.1 Scope of Report

Gavia Environmental Ltd (GEL) was commissioned by Emma Doyle (the client) to undertake a Flood Risk Assessment (FRA) for the proposed housing development at Battleblent House (the site) detailed under planning application 17/00313/PP. The report is a level 2 flood risk assessment (FRA) as defined by CIRIA C624.

The report consists of a review of possible flood hazards and a qualitative assessment of hazards considered present. The aims to understand the mechanisms of flooding at the site, develop a more detailed understanding of the development in the context of each source and conclude a likely level of risk for each source as defined in Scottish Planning Policy. The assessment includes a review of the potential impact of the proposed development and where required, the assessment will provide outline recommendations for mitigation measures.

## 1.2 Aims and Objectives

The aims of this report are as follows;

- J Review the possible hazards posed from all major sources of flooding (Fluvial, Surface Water, Groundwater, Infrastructural and Coastal sources);
- J Provide a qualitative assessment of all flood hazards present;
- J Quantify the extend and depth of potential sources of flood risk; and
- J Outline mitigation where required.

## 2 PLANNING AND LEGISLATIVE POLICY FRAMEWORK

This FRA has been prepared in accordance with the following national policy guidance;

- J Scottish Planning Policy (SPP)<sup>1</sup>;
- J SuDS Design Manual for Scotland and Northern Ireland (CIRIA C753);
- J Online advice on Flood Risk (2015)<sup>2</sup>, which superseded Policy Advice Note (PAN) 69;
- J Technical Flood Risk Guidance for Stakeholders (2015)<sup>3</sup>;
- J Delivering Sustainable Flood Risk Management Guidance (2011)<sup>4</sup>;
- J Surface Water Management Planning Guidance (2013)<sup>5</sup>.

### 2.1 Scottish Planning Policy (SPP)

Scottish Planning Policy (2014) sets out the guidelines for the prevention and alleviation of flood risk. The main aims of this policy, related to flood risk management, are to prevent, avoid and reduce flood risk from all sources. The Flood Risk Framework detailed within SPP categorises areas according to their annual probability of flooding. These categories determine the appropriate planning approach for new development. Specifically:

- J Little or No Risk – annual probability of coastal or watercourse flooding is less than 0.1% (1:1000 years)
  - o No constraints.
- J Low to Medium Risk – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
  - o Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential infrastructure and the most vulnerable uses. Water resistant materials and construction may be required.
  - o Generally not suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- J Medium to High Risk – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 

May be suitable for:

  - o residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
  - o essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
  - o some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
  - o job-related accommodation, e.g. for caretakers or operational staff.

Generally not suitable for:

<sup>1</sup> Scottish Government (2014) Scottish Planning Policy. Available at <http://www.gov.scot/Resource/0045/00453827.pdf>

<sup>2</sup> Scottish Government (2015) Online Planning Advice on Flood Risk. Available at <http://www.gov.scot/Resource/0047/00479774.pdf>

<sup>3</sup> SEPA (2015) Technical Flood Risk Guidance for Stakeholders. Available at <https://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf>

<sup>4</sup> The Scottish Government (2011) Delivering Sustainable Flood Risk Management Guidance, Available at <http://www.gov.scot/Resource/Doc/1057/0111368.pdf>

<sup>5</sup> The Scottish Government (2013) Surface Water Management Planning Guidance. Available at <http://www.gov.scot/Resource/0041/00413778.pdf>

- civil infrastructure and the most vulnerable uses;
- additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
- new caravan and camping sites.

Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.

Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

SEPA's indicative flood risk maps can be used as an initial indication of the likely level of risk. Where appropriate, further investigation should be carried out to better determine the true level of risk.

For surface water flooding, the flood risk framework recommends that:

- )] Generally all infrastructure or buildings should be built free from surface water flooding during rainfall where the annual probability of flooding is higher than 0.5%, 1:200 years
- )] Drainage measures should result in a neutral or better outcome towards flood risk for not only the proposed site but also outside of it with the consideration of the rainfall on the site and run-off from adjacent areas

While the Risk Framework provides an excellent guidance for determining high flood risk areas, consideration should also be given to:

- )] "the characteristics of the site;
- )] the use and design of the proposed development;
- )] the size of the area likely to flood;
- )] depth of water, likely flow rate and path, rate of rise and duration;
- )] existing flood prevention measures - extent, standard and maintenance regime;
- )] an allowance for freeboard;
- )] cumulative effects of development, especially the loss of flood storage capacity;
- )] cross boundary effects and the need for consultation with adjacent authorities;
- )] effects of a flood on access, including by emergency services;
- )] effects of a flood on proposed open spaces including gardens; and
- )] the extent to which the development, its materials and construction is designed to be water resistant"

Land raising, a possible flood protection measure, may be accepted in exceptional circumstances provided that it results in a neutral or better outcome for flood risk outwith the elevated site. Compensatory storage should be provided where required.

Along with SPP, PAN 69 offers guidance on the implementation of flood risk management.

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

The East Lothian Local Development Plan (LDP) was proposed in 2016 and submitted to Scottish Ministers in 2017 and is due to be adopted in early 2018. The LDP sets out the council's strategy for development until 2024. Among the aims set out in the plan is to direct development, particularly vulnerable uses, away from areas of flood risk to appropriate locations, and to design new development so it will be resilient to the effects of climate change and helps to reduce or avoid flood risk.

## 3 SITE

### 3.1 Location

The site is located between West Barns and Dunbar and sits to the south of the Edinburgh Road (A1087). The site is within the grounds of Battleblent House, centred approximately on NGR NT66050 78100. Figures 1 and 2 show the location of the site outlined in red.



Figure 1 – Site location (aerial view)

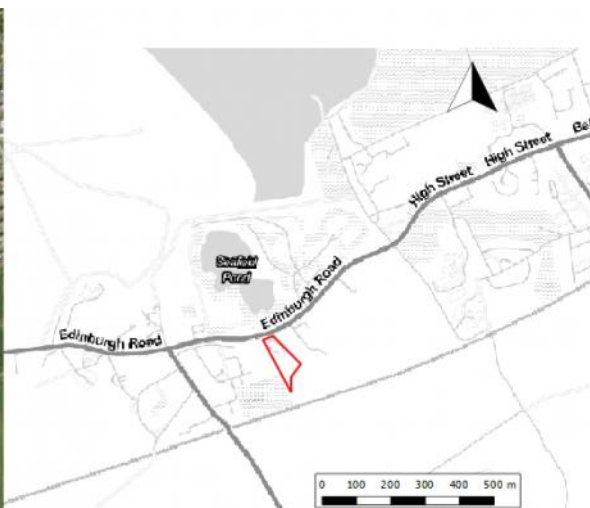


Figure 2 - Site location (maps view)

### 3.2 Development Proposal

The proposed residential development is for the erection of 4 detached houses with garages and garden area. A site layout plan is provided in Appendix A and shows the 4 units to be to the south of the existing house.

### 3.3 Current Site Condition & Topography

The site sits within the grounds of Battleblent and is characterised by a typical residential garden with lawn area. The topography of the site and surrounding land has been assessed using 1m LiDAR data from the Scottish Remote Sensing Portal (SRSP). The LiDAR data indicates the location of the proposed houses to be at a level of approximately 9.5m AOD. The surrounding land generally slopes to the north. Land to the south rises to the top of the 2m high railway embankment at a level of approximately 15m AOD. Edinburgh Road, to the north of the site, sits at approximately 5m AOD. Figure 3 shows 1m contours derived from the LiDAR data. The railway line is clearly shown as a topographic feature. Land to the south falls towards the railway with a loop contours indicating possible runoff accumulations to the south of the site.





Figure 3 - Site topography

### 3.4 Historic Land Use

Historic mapping dating back to the 18<sup>th</sup> Century Roy Military Survey maps and in detail from the 1880's OS one, six and 25-inch maps were examined for past features on and around the site which might have a bearing on flood risk. The mapping indicates virtually no changes to the site since the 1800's and provide no information relevant to flood risk.

### 3.5 Watercourses & Drainage

The closest surface watercourse to the site is the Biel Water, located about 670m to the west. The Firth of Forth and Belhaven Bay are located approximately 360m to the north.

As noted in the Planning Statement for planning application 17/00313/PP, there is a culvert running beneath the site which runs from south west to north east. The stone-built culvert is not identified on any of the historic maps reviewed but is understood to convey flows from the south beneath the site and discharging to Seafield Pond to the north of Edinburgh Road. The culvert is thought to relate to numerous others around the area that bring water down from the Lammermuirs to the south. The interior of the culvert is shown in Figure 4 below. The soffit of the culvert is more than 2m below the surface. Further information is provided in Section 4.3. The route of the culvert is shown in Appendix A. There are no other surface water drainage features considered relevant to the assessment of flood risk.



Figure 4 - Culvert interior

### 3.6 Site Visit

A site visit was carried out on the 24<sup>th</sup> February 2018 to review various points of interest on and around the site. The weather was clear and dry. Photos from the site visit are available in Appendix A together with a location plan of where photo were taken.

Of particular interest was the possible connectivity between the land to the south of the railway line and the site itself. As already noted in Section 3.3, the railway embankment is around 2m in height and land to the south is likely to direct runoff towards the railway. As photos C i-iv show, there is no culvert conveying surface water runoff through the railway embankment and runoff would therefore accumulate on the southern side of the railway, and therefor outwith the proposed development before either soaking away or overtopping.

## 4 DATA ACQUISITION

### 4.1 SEPA

SEPA is the flood warning authority in Scotland and are responsible for monitoring river levels, rainfall, tidal predictions and weather forecasts across Scotland to predict the likelihood and timing of flooding. SEPA also has a strategic role in managing flood risk and a duty to provide flood risk advice to Planning Authorities when consulted in relation to applications for development where the Planning Authority considers there may be a risk of flooding.

SEPA's indicative flood map was reviewed for river, surface water and coastal flooding. The flood map provides details of flood extent, depth and velocity for each source of flooding for high, medium and low likelihood events as defined below;

**High likelihood:** A flood event is likely to occur in the defined area on average once in every ten years (1:10). Or a 10% chance of happening in any one year.

**Medium likelihood:** A flood event is likely to occur in the defined on average once in every two hundred years (1:200). Or a 0.5% chance of happening in any one year.

**Low likelihood:** A flood event is likely to occur in the defined area on average once in every thousand years (1:1000). Or a 0.1% chance of happening in any one year.

The SEPA flood map indicates the site is likely not at risk from fluvial or coastal flooding but does indicate a risk of surface water flooding. Within the development boundary, the site is indicated to be at medium-risk of flooding from surface water. Depths during a medium likelihood event are shown to be generally less than 0.3m with flooding to the south of the railway to depths greater than 1m. Flow velocities are shown to be less than 1m/s.

### 4.2 History of Flooding

As noted in the planning statement associated with the application, in 2010 the culvert beneath the site became blocked by the roots of an adjacent tree having broken through the walls of the culvert and caused surface water flooding within the site. The culvert was excavated and repaired, and the tree removed.

## 5 FLOOD HAZARD

### 5.1 Back ground

Flooding can occur from a range of sources including fluvial, pluvial, groundwater, infrastructural and coastal sources. Each of these possible flood hazards has been reviewed in the following sections, concluding whether the flood hazard is a viable risk to development. Where a source of possible flood risk is considered viable, further assessment is provided in relation to the likely level of risk in the following section of the report.

### 5.2 Fluvial

Fluvial or river flooding can occur through the inundation of floodplains, overtopping and breaching of defences and blockage of culverts, particularly during high flows. As the Biel Water is located 670m to the west and since the site is elevated relative to the watercourse, it is not considered likely that flooding of the site from watercourse would occur. It is further noted that the SEPA indicative flood mapping shows the site clear of fluvial flooding for low through to high likelihood flooding.

Based on available information including SEPA flood mapping and local topography it can be concluded the site is at little or no risk of flooding from fluvial sources.

### 5.3 Surface Water Flooding

Overland or pluvial flow may occur when intense rainfall exceeds the infiltration capacity of the ground, when it is already saturated, or when it is impermeable. Flood risk to the site may occur if it lies between a sizable catchment and the natural drainage channel. Risk of flooding from overland flows is considerably higher in areas where the surrounding topography results in a concentration or accumulation of flows. Pluvial flooding can result from flows generated within or outwith the site boundary.

SEPA's indicative flood map highlights potential areas of localised surface water flooding surrounding and within the site. Further assessment of this risk is therefore presented in this report.

### 5.4 Groundwater

Groundwater flooding occurs when the water table rises above ground level. This is most likely to occur in low-lying areas that are underlain by permeable rock such as chalk or sandstone and are classified as regional aquifers. Groundwater flooding may also arise from localised sands and gravels in valley bottoms underlain by less permeable rocks. Generally, the water table rises in wet winter months and falls in summer months as the water migrates to the surface watercourse. The water table close to watercourses is often closely aligned with levels within the river. SEPA state that there are few confirmed instances of groundwater flooding in Scotland and that scoping work suggests it is not a widespread problem.

The proximity of ponds to the north of Edinburgh Road is such that groundwater levels are likely closely aligned and groundwater levels would rise concurrently with levels within the ponds and would not therefore result in flooding outwith periods of fluvial flooding. The site topography is such that there are no areas lying below the level of the ponds or the nearest watercourse and it is therefore considered groundwater flooding is not a significant hazard and the site is at little or no risk.

### 5.5 Infrastructural

Flooding from existing infrastructure such as reservoirs, drainage systems or flood defences can occur where capacity in the system is insufficient or when maintenance lapses. Given the history of flooding onsite from a failed culvert and the potential influence of the railway embankment in determining flow conveyance, Further assessment of this risk is required and presented in this report.

## **5.6 Coastal**

Major flooding can occur when low-lying coastal areas are inundated by the sea, usually during exceptionally high tides and especially when these are combined with high waves, such as those produced by extreme storms.

The site has an elevation of approximately 9m AOD and is sufficiently inland that it can be concluded not to be at risk from coastal flooding. The site is therefore at little or no risk of flooding from coastal sources.



## 6 FLOOD RISK

### 6.1 Surface Water Flooding

As concluded in Section 5.3, further assessment of surface water flooding is required to determine the level of risk the site could be exposed to.

#### 6.1.1 Flow Estimation

LiDAR data was used to derive a detailed overland flow catchment for the land to the south of the railway line shown in Figure 5 below. The surface topography indicates an area of 29.4ha would drain towards the railway line to the south of the site where SEPA mapping indicates considerable flood depths. Available topography on and surrounding the A1 indicates flows will locally drain to a small watercourse to the east and that there is no connectivity between the land to the south of the A1 and the runoff to the railway line.



Figure 5 - Overland Flow Catchment

Point data from the FEH Web service was used to determine the catchment descriptors. A SAAR<sup>6</sup> value of 610mm, PROPWET<sup>7</sup> value of 0.430 and BFIHOST<sup>8</sup> value of 0.639 were used.

The Revitalised Rainfall-runoff model Version 2.2 (ReFH2) method was used for flow estimation. This is the currently recommended method for use for ungauged small catchments in Scotland by SEPA.

SEPA recommend ReFH2 is not used in catchments where lochs and reservoirs exist as the catchments used in the calibration of the model all have FEARL values greater than 0.9. The Dunbar catchment is suitable for application of ReFH2.

The 1 in 200-year design flow would have a peak runoff of 103l/s and total runoff of 8,260m<sup>3</sup>. To account for climate change, 20% should be added taking the total design runoff to 9,912m<sup>3</sup>.

<sup>6</sup> Standard annual average rainfall (SAAR)

<sup>7</sup> Proportion of time soils are wet (PROPWET)

<sup>8</sup> Base Flow Index. A measure of catchment responsiveness (BFIHOST)

Table 1 - Flows

Return Period (years)	ReFH2 Peak Flow (l/s)	ReFH2 Total volume (m <sup>3</sup> )
1	24.7	1,900
10	44.3	3,480
30	61.1	4,840
100	86.5	6,900
200	103	8,260
200+CC*	123.6	9,912
1000	148	11,800
*Climate Change (CC)		

### 6.1.2 Flood Routing

From the local topography, it is evident that flows generated within the catchment would accumulate on the south side of the railway line before either soaking away or overtopping the embankment. Analysis of the topography using the 'SAGA Raster Volume' tool within QGIS shows a volume of 11,763m<sup>3</sup> up to a level of 15m AOD could be accommodated before flows spill over the railway line.

Given the storm volumes estimated in Table 1, the available storage capacity behind the railway line would comfortably accommodate the 1 in 200-year design flows without overtopping and with climate change factored in. Based on the local topography, the 1 in 200-year plus climate change design flow volumes would flood up to a volume of 14.7m AOD with a depth of 1.8m. Figure 6 shows the flood extent for this. It is likely the 1 in 1000-year design flood would overtop the railway and flows would begin to enter the site.

Flows generated north of the railway line but outwith the site boundary are likely to be minimal due to the surrounding topography. Any flows entering the site would be low in volume and very shallow. Erring on the side of caution, it is recommended that finished floor levels are 300mm above existing ground levels.

Based on the above assessment, it can be concluded that the site is at low-risk of flooding from surface water flow generated off site.



Figure 6 - 1 in 200 +CC Flood Extent

### 6.1.3 Site Generated Flows

As noted in Section 5.3, surface water flooding can result from site generated flows as well as flows generated offsite. The proposed development of a previously undeveloped site will result in an increased area of impermeable ground and consequently an increased rate of runoff. Without mitigation, development can contribute to increased peak flows and increased risk of flooding either onsite or downstream.

It is recommended that prior to the development of the site and during the detailed design stage, SuDS should be used to ensure site generated flows are managed and attenuation storage is provided to mitigate the impact of increased permeability.

Providing the above recommendation is adopted, it can be concluded that the site will be at low-risk of flooding.

## 6.2 Infrastructural Flooding

As concluded in Section 5.5, further assessment of Infrastructural flooding is required to determine the level of risk the site could be exposed to.

The culvert beneath the proposed development referred to Section 4.2 resulted in flooding in 2010. As already noted, the flooding was the result of tree routes blocking the culvert beneath the site, forcing flows to backup into the development site though saturation of the surrounding soils. As remedial work has since been completed and the tree removed, the risk of blockage beneath the site is low. Although it has not been possible to establish the exact upstream route of the culvert, it is considered that if the capacity were exceeded up stream either through blockage or high flows, surcharging would occur upstream and would not impact on the site. It is recommended that the culvert is taken into account in engineering assessments of the proposed construction.

As noted in Section 6.1.2, the railway embankment to the south is likely to protect the site from overland flows generated further to the south. The elevation of the embankment is such that 1 in 200-year design flows with an allowance for climate change would be contained but that 1 in 1000-year design flows would begin to overtop. The railway line to the south of the site is the East Coast Main Line and a significant piece of national infrastructure. It is considered unlikely that the flood volumes estimated would be sufficient to undermine the embankment, particularly given the low velocities likely to occur.

It is recommended that Scottish Water is consulted in relation to the capacity of local sewage and water supply infrastructure as part of the detailed design, although there is no indication that existing infrastructure poses a risk to the site.

Based on the available information there is no indication that the site is at risk of flooding from infrastructural failure, and it is considered that careful design of site drainage and sewerage connections will result in the site being at little or no risk of flooding from infrastructural flooding.



## 7 CONCLUSION AND MITIGATION

The proposed development has been assessed in relation to all major sources of flooding and a quantitative assessment of surface water flooding has been provided. It has been demonstrated that site is at little or no risk of flooding from fluvial, groundwater or coastal flooding. Further assessment of surface water and infrastructural flooding indicates that providing adequate steps are taken during the detailed design, the site will be at low-risk of flooding from surface water flooding and little or no risk of flooding from infrastructural flooding.

Providing the recommended mitigation is adopted it is concluded the proposal would be consistent with the principles of Scottish Planning Policy and the East Lothian Development Plan.

### 7.1 Mitigation

The following mitigation has been advised;

- ) Finished Floor Levels 300mm above existing ground level.
- ) Inclusion of SuDS at detailed design stage to mitigate increased impermeable area.
- ) Consultation with Scottish Water to ensure adequate capacity in existing infrastructure.
- ) Engineering assessment of the culvert in relation to construction above it.

## APPENDIX A – SITE VISIT PHOTOS



A i – Looking north east along A1087



A ii – Looking north toward pond



A iii – looking southwest down A1087



A iv – Looking north





A v – Looking south



B i – Looking north along site boundary



B ii – looking north west



B iii – Looking southwest parallel to railway



B iv – Looking south over railway line



B v – Looking southeast over railway line



C i – Looking east



C ii – Looking north to railway line





C iii – Looking south over field to south of railway line



C iv – Looking west



D i – Looking northeast from south of railway line



D ii – Crossing location of underground stream



D iii – View looking north from south of railway line



E i – Looking east

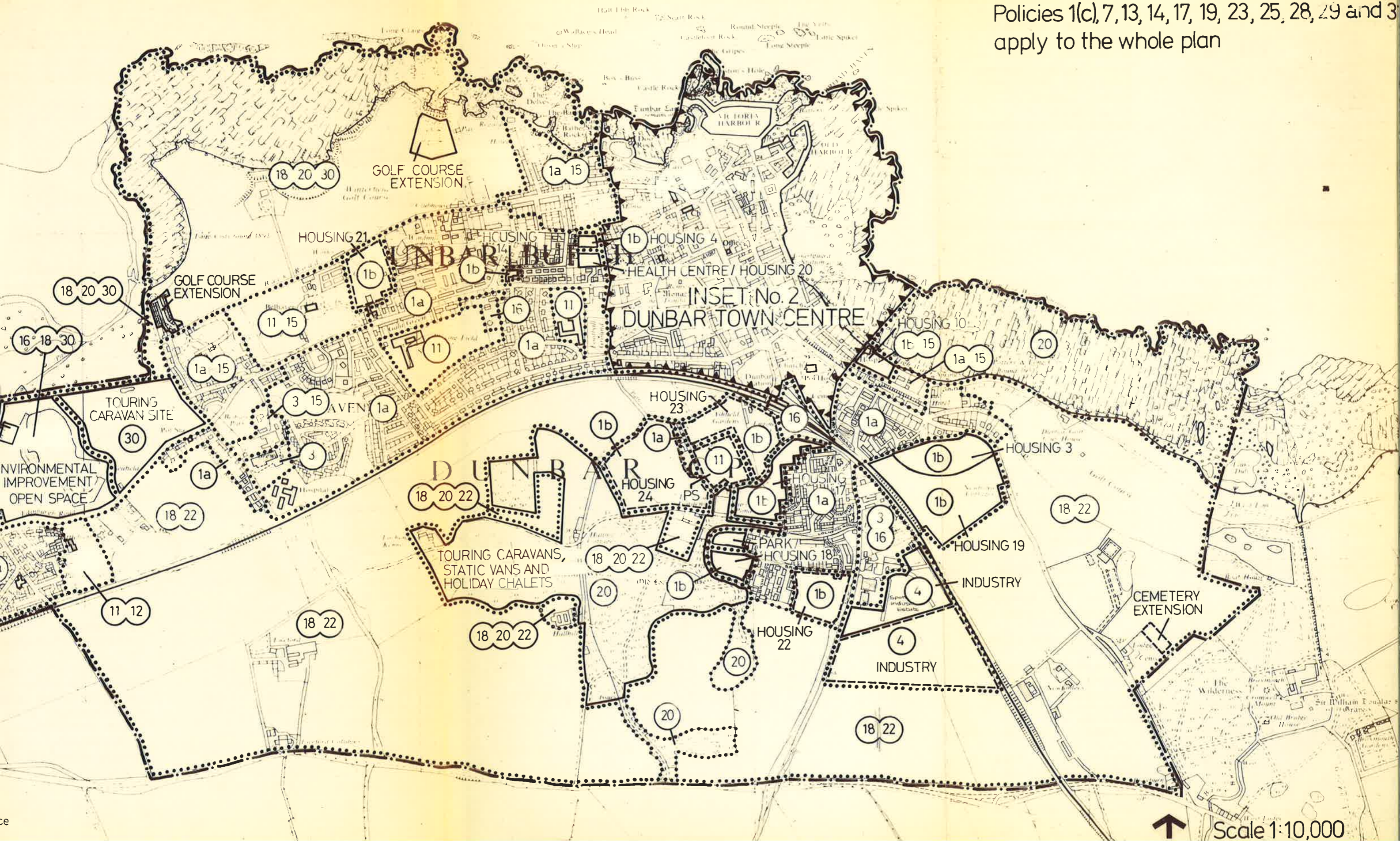


E ii – Looking north



DUNBAR, BELHAVEN AND WEST BARNES  
INSET No.1

Policies 1(c), 7, 13, 14, 17, 19, 23, 25, 28, 29 and 30  
apply to the whole plan






PROPOSALS

Firm 


Plan Description

Text Reference

Explanation

Tentative 

Plan Description	Text Reference	Explanation
HOUSING	3.1-3.13	Housing for local needs and to support limited population growth.
PRIMARY SCHOOL	3.15, 7.1, 7.3	New primary school related to housing developments.
PARK	3.17, 9.9	Recreation area for Ashfield.
SEWAGE TREATMENT WORKS	6.1	Dunbar Sewage Disposal Scheme.
INDUSTRY	4.4-4.7	Industrial development at Spot Road.
ENVIRONMENTAL IMPROVEMENTS	4.9	Former industrial land to be restored to agriculture.
ENVIRONMENTAL IMPROVEMENTS/OPEN SPACE	9.12	Refuse disposal site at Seafield Ponds.
HEALTH CENTRE	9.17	Lothian Health Board - Committed Proposal
GOLF COURSE EXTENSION	9.13	Seafield.
TOURING CARAVAN SITE	9.14	Lochend Woods.
TOURING CARAVAN, STATIC	9.14	
VAN & HOLIDAY CHALET SITE		
CEMETERY EXTENSION	6.7	Deer Park Cemetery.

POLICIES 

to whole plan area

Land Use	Number and Text Reference	Description
Housing	1(a) (3.1-3.24)	Retain housing use. Support minor infill.
Housing	1(b) (3.1-3.24)	Controlled housing development.
Housing	1(c) (3.1-3.24)	Presumption against housing development outside existing settlements.
Industry	3 (4.1-4.7)	Retain existing industrial use.
Industrial Development	4 (4.1-4.7)	Develop land at Spot Road.
Land Renewal	5 (4.1-4.7)	Return land at West Barns to agricultural use.
Industrial Development	7 (4.11)	Support for small industries.
Education	11 (7.1-7.3)	Retain/develop education use. Restrictions on temporary buildings.
Rural Schools	12 (7.1-7.3)	Support for schools in Innerwick, Stenton and West Barns.
Development Briefs	14 (10.1)	All new development to conform to development briefs to be issued by District Council.
Urban Conservation	15 (10.2)	Presumption against development which would detract from the historical and architectural environment.
Environmental Improve-	16 (10.3)	Promotion of action on specific sites.
Environmental Improve-	17 (10.3)	Support for environmental improvement.
Development Restraint	18 (10.4)	Retain existing uses and character of area.
Landscape	19 (11.1-11.2)	Presumption against visually intrusive development.
Area of Great Landscape Value	20 (11.3-11.5)	Conservation of existing landscape/character.
Agricultural Land	22 (11.8)	Presumption against development unless for agriculture.
Trees	23 (11.9)	Conservation of trees in the landscape.
Minerals	25 (11.10)	Presumption against mineral extraction.
Wildlife Habitats	28 (11.14)	Conservation of wildlife habitats.
Archaeological Sites	29 (11.15)	Consultations with appropriate agencies where development affects sites of archaeological interest.
Countryside Recreation	30 (11.16-11.17)	Controlled public recreation use.
Public Rights of Way	31 (11.18)	Retain/Extend existing network.



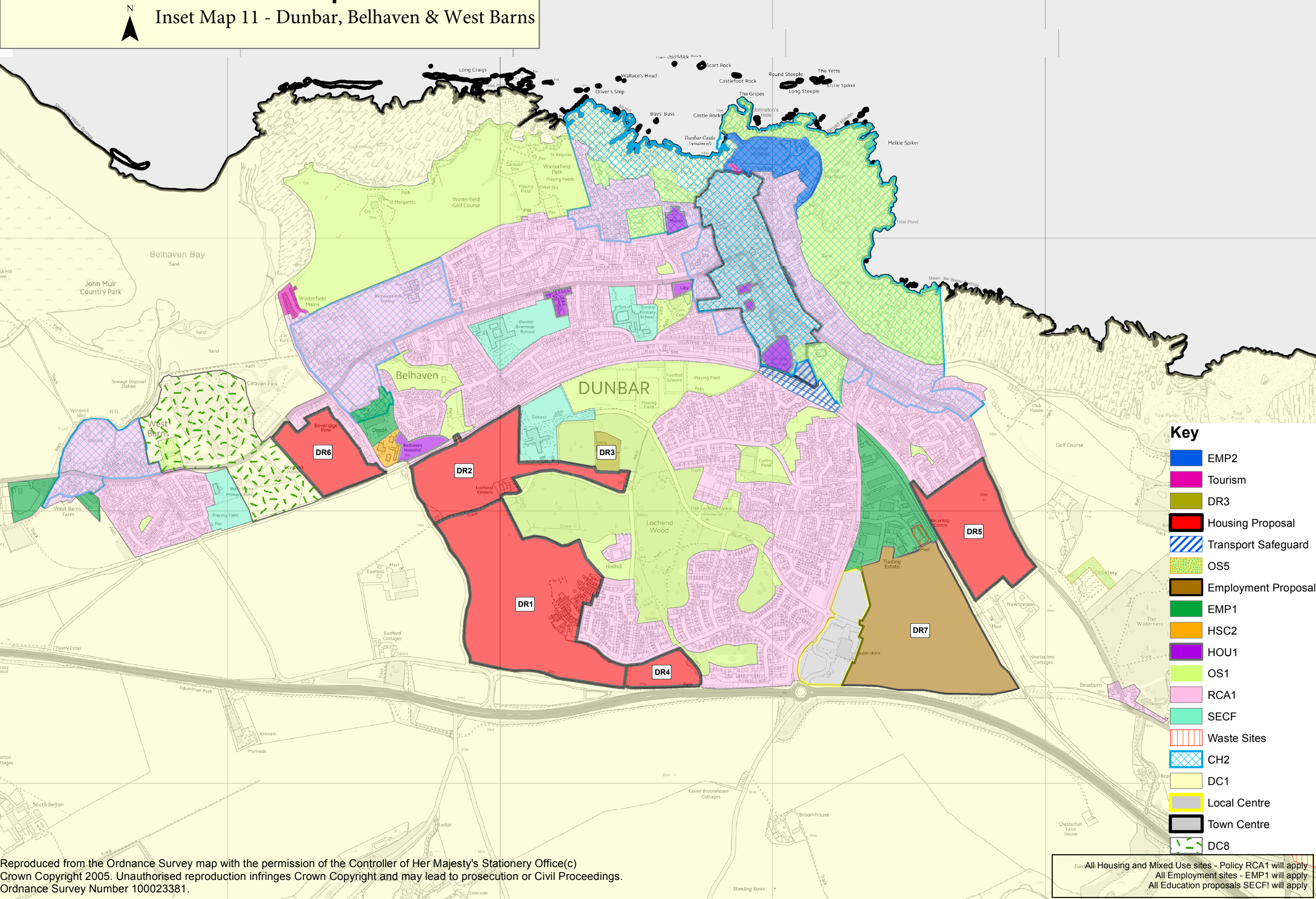




# East Lothian Local Development Plan 2016

## Inset Map 11 - Dunbar, Belhaven & West Barns

Please refer to inset maps 1-4 and any other relevant settlement maps



### Key

- EMP2
- Tourism
- DR3
- Housing Proposal
- Transport Safeguard
- OS5
- Employment Proposal
- EMP1
- HSC2
- HOU1
- OS1
- RCA1
- SECF
- Waste Sites
- CH2
- DC1
- Local Centre
- Town Centre
- DC8

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office(c) Crown Copyright 2005. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Ordnance Survey Number 100023381.

All Housing and Mixed Use sites - Policy RCA1 will apply  
 All Employment sites - EMP1 will apply  
 All Education proposals SECF will apply