

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 October 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Currie for the following reason: this application has resulted in a number of representations from constituents and as a result I believe the full Planning Committee would benefit from hearing the case and making the determination.

Application No. **18/00685/P**

Proposal Alterations to building to form 1 house and associated works

Location **Land To The Rear Of 17-18 Carlyle Place
Musselburgh
East Lothian
EH21 6AX**

Applicant Epic Property Developments Ltd

Per Capital Draughting Cons Ltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

On 14th March 2018 planning permission 17/00673/P was granted for alterations and change of use of the existing social club and one flat at 17 And 18 Carlyle Place, a bowling and social club clubhouse for Inveresk Bowling Club, to form a total of three flats and associated works. The alterations to the building include the part demolition of an existing single storey rear extension of the existing building, and the alteration and retention of the southeast part of that extension as a detached building on the rear garden of the proposed two flats and one existing flat. The detached building that would be formed through the alteration and retention of the southeast part of the existing extension is approved to be used as domestic storage for the proposed two flats and one existing flat. Condition 4 of planning permission 17/00673/P requires that "The domestic storage building hereby approved to be formed through the alterations to the rear extension of the building, shall at all times be used as domestic storage purposes only, incidental to the residential use and enjoyment of the existing flat and two proposed flats also hereby approved, and at no time shall the domestic storage building be used as a separate residential unit or be used for any business, trade or other commercial use" for the reason "To enable the Planning Authority to control the use of the domestic storage

building in the interests of safeguarding the residential amenity of the existing flat, the proposed two flats and the neighbouring residential properties."

Works to undertake the development approved through planning permission 17/00673/P have commenced and are well underway, and thus planning permission 17/00673/P has been implemented.

On 1st June 2017 planning permission 17/00225/P was granted for the erection of a clubhouse building, the erection of a gate, and the formation of a ramp on an area of land of the northeastern part of the existing bowling green of Inveresk Bowling Club that is located on the western side of Carlyle Place, Musselburgh. Planning permission 17/00225/P remains extant.

The land and building of the current application site were part of the land and building of planning permission 17/00673/P.

This current application relates to an area of land measuring some 170 square metres that is located to the southeast (rear) of 17 and 18 Carlyle Place. The building of 17 and 18 Carlyle Place is located at the head of the cul-de-sac road of Carlyle Place and is attached to the end of the row of flatted buildings of 2 to 16 Carlyle Place. The frontage building of 17 and 18 Carlyle Place is a two storey building with a dual pitched roof clad with natural slates.

The land of the current application site comprises roughly 60% of the rear curtilage space of the building of 17 and 18 Carlyle Place. There is a detached building on the land of the application site, which comprises the southeast part of an extension of the building of 17 and 18 Carlyle Place that through the grant of planning permission 17/00673/P is approved, through its alteration and retention, for use as a domestic outbuilding to serve the two proposed flats and one existing flat to be formed in the frontage building of 17 and 18 Carlyle Place.

The building on the site is single storey in height with a high wall-head (eaves) height. Its external walls have a rendered finish and its roof is clad with natural slates with red clay ridge tiles. There are two ground floor windows and a double-leaf entrance door in its northwest (front) elevation. There are no other windows or external doors in its elevation walls or roof slopes.

The northeast elevation wall of the building encloses the northeast boundary of the site with the property of Musselburgh Library at 10 Bridge Street and its associated curtilage land. The site is enclosed along its southwest boundary with the communal garden of the flatted properties of 2 to 16 Carlyle Place by a 1.6 metres high brick wall with a concrete cope and with two timber pedestrian access gates, and along its southeast boundary with the garden of the flatted property of 28c to 28f Eskside West by a 1 metres high rubble stone wall. The ground level of the site is generally level however, it is some 1 metre higher than the ground level of the flatted property of 28c to 28f Eskside West to the southeast, and thus the southeast boundary wall of the site acts as a retaining wall to that neighbouring property.

The site is bounded to the southwest by the communal garden of the flatted properties of 2 to 16 Carlyle Place, to the southeast by the flatted building of 28c to 28f Eskside West and its associated garden ground, to the northeast by Musselburgh Library and its associated curtilage land, and to the northwest by the former bowling and social club building of 17 and 18 Carlyle Place, which through the grant of planning permission 17/00673/P is approved for use as three flats, and its associated land.

The site is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 and is also within the Musselburgh Conservation Area. The application site is also within the designated area of the Battle of Pinkie.

The application site is also within an area identified by The Coal Authority as being at low risk from past mining related activity.

Planning permission is now sought for alterations to the building on the site to form 1 house. The accommodation for the proposed house would be arranged over the ground and attic levels of the building and would result in the formation of a 3-bedroom house.

The proposed alterations to the building comprise:

- i) the formation of a new ground floor window opening in the northwest (front) elevation and the installation in that opening of a new window;
- ii) the formation of two new ground floor window openings in the southwest (side) elevations of the building, including a large picture window in the recessed southwest side elevation, and the installation of a new window in each of those openings;
- iii) the installation of two roof windows in the southwest (side) elevation roof slope, one roof window in the northwest (front) elevation roof slope, three roof windows in the northeast (side) elevation roof slope, and two roof windows in the southeast (rear) elevation roof slope of the building;
- iv) the installation of an extract boiler flue and an extract vent on the southeast elevation of the building; and
- v) the installation of a flue on the northwest elevation roof slope of the building.

All new windows would have white upvc framing. All new roof windows would be conservation type (ref. U04) roof windows.

The application site occupies a backland location, wholly to the rear (southeast) of the frontage building of 17 and 18 Carlyle Place. There is no land on which to provide any off-street parking for the proposed house.

Pedestrian access to the proposed house would be taken via an existing pedestrian path between the flatted buildings of 9 to 12 Carlyle Place and 13 to 16 Carlyle Place, and then via an existing footpath that crosses the communal garden of the flatted properties of 2 to 16 Carlyle Place to a shared footpath of the three flats formed in the building of 17 and 18 Carlyle Place through the approval of planning permission 17/00673/P.

Garden ground for the proposed house would be predominantly to the northwest (front) of the house with only narrow strips of garden (some 1 metre wide) along the southeast and southwest sides of it.

A supporting planning statement has been submitted with the application. In that statement it is explained that the proposal is to convert part of a rear extension (formerly used as a function room) of a former bowling and social club into one house. It is explained that the retained part of the rear extension of the frontage building of 17 and 18 Carlyle Place is approved by the grant of planning permission 17/00673/P to be altered and retained for use as a domestic storage building. The statement further explains that

the Inveresk Bowling Club social space is to relocate into a new constructed purpose built modern space adjacent to the bowling green (planning permission 17/00225/P). The statement goes on to explain that initial marketing by the developers indicates that potential would-be purchasers of the flats approved by the grant of planning permission 17/00673/P would find the presence of a domestic storage building on the rear garden of the flats obsolete given its detached form on the rear garden and the lack of convenience that brings for storage purposes. The statement further explains that this sets off a negative perception of the development the subject of planning permission 17/00673/P. It is stated that the proposed use of the building as a house would benefit overall character and visual presence of the area, self-police against any anti-social behaviour and bring further vitality into the neighbourhood.

The statement goes on to explain that the blank northwestern gable of the building would not be the most appealing aesthetic or design for future occupants of the 3 flats in the frontage building of 17 and 18 Carlyle Place to look out onto, and that instead the design proposals for the proposed single dwelling would break up the monotonous and featureless elevation of the building.

It is further stated that the proposed development would not be harmful to the character and appearance of this part of the Musselburgh Conservation Area.

On the matter of the on-site parking demand associated with the proposed house, it is stated that the proposed house would require 2 parking spaces, and that whilst no on-site parking would be provided, there is unrestricted on-street parking within walking distance of the proposed house.

Since the application was registered it has been amended to: (i) clarify the boundary enclosures of the site; and (ii) clarify details of the application drawings. This information is shown on revised and additional drawings submitted by the applicant's agent.

The application drawings include changes to the layout of the fencing, gates, hardstanding areas and steps of the rear gardens of the three flats approved to be formed in the frontage building of 17 and 18 Carlyle Place by the grant of planning permission 17/00673/P. Those changes are outwith the red application site outline for this current application and therefore do not form part of the proposals of this application. Thus, they do not form part of the assessment of this application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application for planning permission 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 Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application.

Policies CH2 (Development Affecting Conservation Areas), CH5 (Battlefields), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's

policy on development within a conservation area given in Scottish Planning Policy: June 2014.

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

One public representation to the application has been received. It is from a representative of the Musselburgh Conservation Society. The representation raises objection to the proposed development and the grounds of objection as summarised are that to conform to Policy ENV4 of the Local Plan the proposed windows should be of timber construction rather than upvc and that the Musselburgh Conservation Society is of the opinion that upvc windows in this situation do not enhance the conservation area but are detrimental to the character and appearance of the conservation area. Thus the Society raises objection to the use of upvc windows.

The reference to Policy ENV4 (Development Within Conservation Areas) is a reference to the policies of the East Lothian Local Plan 2008. At their meeting on 29 May 2018, the Council approved the East Lothian Local Development Plan (ELLDP) as the Local Development Plan it intended to adopt and in September 2018 that Local Development Plan was adopted. Thus the East Lothian Local Plan 2008 was superseded by the adopted East Lothian Local Development Plan 2018 (ELLDP). The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Policy CH2 (Development Affecting Conservation Areas) is the equivalent policy of the adopted East Lothian Local Development Plan 2018 and has similar terms to superseded Policy ENV4 in respect of the impacts of new development on a Conservation Area.

The application site is part of a wider area characterised as being of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. However, Policy RCA1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The site and thus the building that is proposed to be altered and converted to form one house, is within a predominantly residential area and is bounded to the southeast and southwest by residential properties. Further residential properties are located to the northwest and west of the bowling green that is located on the northwest side of Carlyle Place. Furthermore, the conversion of the frontage building of 17 and 18 Carlyle Place (former bowling and social club building) to the northwest of the application site to use as three flats is approved by the grant of planning permission 17/00673/P. The alteration and change of use of the building on the application site, which was formerly part of the rear extension of the building of 17 and 18 Carlyle Place, and which is approved to be a domestic storage building for use by the three flats to be formed in the building of 17 and

18 Carlyle Place by the grant of planning permission 17/00673/P, would be a residential use within a predominantly residential area of Musselburgh. The principle of which does not conflict with Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

Thereafter, the material consideration in this case is whether, having regard to national, strategic and local planning policies and guidance, and other material considerations, the conversion of and alteration to the building to use as one house would have an adverse impact on the character and amenity of the area, including its impact on neighbouring residential properties, and the character and appearance of the Conservation Area, and whether the proposed development could be provided with a safe means of vehicular access and a satisfactory provision of on-site parking and turning.

Scottish Water has been consulted on the application however no response has been received from them.

The application site is within an area identified by The Coal Authority as being at low risk from past mining related activity. In such areas, if planning permission were to be granted, the Coal Authority's Standing Advice would be applicable.

The existing building on the site is single storey in height with a high wall-head (eaves) height. It has a traditional dual pitched roof. Its external walls are finished with a wet dash render and its roof is clad with natural slates with red clay ridge tiles.

The proposed new ground floor window openings to be formed in the southwest (side) and northwest (front) elevations of the building would be larger than the existing two window openings of the northwest (front) elevation of the building. However, in the backland location of the application site, the new window openings would be of a size, form and proportion that would not be out of keeping with those existing windows and would be in keeping with the varied sizes, forms and proportions of the windows of the rear of the other buildings in the locality.

The new windows to be installed in the new ground floor window openings of the northwest (front) and southwest (side) elevations of the building would have white upvc framing. The use of upvc as the construction material for the frames of new windows of the building is not usually supported in a conservation area. However, due to the building being in a backland location and being wholly contained within the rear curtilage of the building of 17 and 18 Carlyle Place, and due to the proposed new windows being positioned on the northwest (front) and southwest (side) elevations of the building, the proposed new windows would not be visible in public views from outwith the site. Thus, in these particular circumstances, the use of upvc framed windows would not be harmful to the character and appearance of the building and nor would they have an appreciable impact on the character and appearance of this part of the Musselburgh Conservation Area.

The new roof windows would be conservation style roof windows and would be installed on the northwest (front), southeast (rear), and northeast and southwest side elevation roof slopes of the building. In the backland position of the building, the proposed roof windows of the northwest (front), southeast (rear) and southwest (side) elevation roof slopes would not be readily visible in public views from outwith the site. There may be glimpsed views of the proposed roof windows on the northeast (side) elevation roof slope, between the buildings of Bridge Street to the northeast. A number of buildings in the locality of this part of the Musselburgh Conservation Area have roof windows of differing sizes. The proposed roof windows would be small in size in their relationship with the greater massing and height of the proposed house. They would not dominate

the roof slopes on which they would be installed and would not be an overdevelopment of the part of the roof of the proposed house they would be installed on. In any glimpsed views of them from outwith the site, the proposed roof windows would be seen in their relationship with the greater massing of the proposed house. Accordingly, by virtue of their size, form, proportion and appearance, and due to their positioning on the roofs of the proposed house and the containment afforded to the proposed house in its backland location, the proposed roof windows would not appear as overly dominant, conspicuous or incongruous features on the roof of the proposed house.

Subject to the proposed roof windows being fitted as flush as possible with the upper surface of the roof on which they would be installed, being submitted for the approval of the planning authority, a detail that can be controlled by a condition attached to a grant of planning permission for the proposed development, the new roof windows of the northwest (front), southeast (rear), and northeast and southwest side elevation roof slopes of the building, would not be harmful to the character and appearance of the building, would be appropriate to their location, and would not harm the character and appearance of this part of the Musselburgh Conservation Area.

By virtue of their small size, form, appearance, and their positioning on the northwest (front) roof slope and southeast (rear) elevation wall of the proposed house, the proposed vent and flues would not appear as harmfully dominant features on that elevation and roof slope of the proposed house. They would not be an overdevelopment of the wall or roof slope on which they would be installed. In the backland location of the application site, a number of buildings in the locality of this part of the Musselburgh Conservation Area have vents and flues of differing sizes. Thus, subject to the proposed vent and flues being coloured to match as closely as possible the colour of the surface of the roof or wall on which they would be installed, a detail that can be controlled by a condition attached to a grant of planning permission for the proposed development, they would not be harmful to the character and appearance of the proposed house or of this part of the Musselburgh Conservation Area.

All of the proposed alterations to the building would be in keeping with the character and appearance of the building. As sympathetic alterations to the building, and due to the containment afforded by the backland location of the proposed house, they would not cause the building to appear harmfully dominant and intrusive within the streetscape and would not be harmful to the character and appearance of this part of the Musselburgh Conservation Area.

In the contained backland location of the application site, and in that the proposed house would be formed through the alteration and change of use of an existing building, the proposed development would not have a harmful impact on the key features of the designated area of Pinkie Battlefield, including its key landscape characteristics and special qualities.

Development of the site would not result in any loss of open space important to recreation or amenity requirements.

In that the proposed house would be formed through alterations to and the change of use of an existing structure that was once part of an existing extension to the building of 17 and 18 Carlyle Place there would be no change to the existing impact of that building on daylight or sunlight received by neighbouring residential properties.

On the matter of overlooking it is the practice of the Council, as Planning Authority in the case of a proposed new development 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 a 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential buildings.

Notwithstanding the existing windows of the building and their relationships with neighbouring residential buildings and garden ground it would not be unreasonable to apply the 9 and 18 metres overlooking test to the new windows that are proposed to be formed on the northwest (front) and southwest (side) elevations of the building and the new roof windows that are proposed to be installed in the northwest (front), southwest and northeast (side), and southeast (rear) roof slopes of the building.

In this regard the new windows of the northwest (front) elevation of the proposed house would be less than 9 metres away from the northwest boundary of the site with the communal footpath that would serve the proposed house and the two new flats and one existing flat of the building of 17 and 18 Carlyle Place, and less than 9 metres away from the rear garden areas of the flatted building of 17 and 18 Carlyle Place. However, the footpath is a communal area and the rear garden areas are already overlooked by the flats of the building of 17 and 18 Carlyle Place. The new windows of the northwest (front) elevation of the proposed house would also be less than 18 metres away from ground floor windows of the southeast elevation of one of the ground floor flat to be formed in the building of 17 and 18 Carlyle Place through the grant of planning permission 17/00673/P. Those windows of that ground floor flat would be overlooked from the rear external access staircase that would provide access to the existing first floor flat and the new first floor flat of the building of 17 and 18 Carlyle Place. However, such overlooking would be limited to a person using the external access staircase and is likely to be limited in nature. Furthermore, planning permission 17/00673/P also approves the erection of 1.8 metres high timber fencing along the southeast boundary of the garden of the flats of 17 and 18 Carlyle Place with the communal footpath and along the southeast side the communal footpath. At 1.8 metres high, such fencing would be of a sufficient height to mitigate for any overlooking of the windows of the ground floor flat to be formed in the building of 17 and 18 Carlyle Place by the grant of planning permission 17/00673/P. In these circumstances, the new ground floor windows of the northwest (front) elevation of the proposed house would not allow for harmful overlooking of the garden or windows of the flats to be formed in the building of 17 and 18 Carlyle Place through the grant of planning permission 17/00673/P.

The two new roof windows to be formed in the southwest (side) elevation roof slope of the proposed house would face towards the garden of the proposed house and beyond to the communal garden of the flatted properties of 2 to 16 Carlyle Place. The garden of the flatted properties of 2 to 16 Carlyle Place is a shared space and is already overlooked by those existing flatted properties. Thus, there would be no harmful overlooking from the proposed two new roof windows of the southwest (side) elevation roof slope of the proposed house.

The three new roof windows to be formed in the northeast (side) elevation roof slope of the proposed house would face towards the area of land at the rear of Musselburgh Library. This area of land is associated with a commercial building and thus does not require the same level of privacy as would a private residential amenity space. Thus, there would be no harmful overlooking from the proposed three new roof windows of the northeast (side) elevation roof slope of the proposed house.

The new roof window to be formed in the northwest (front) elevation roof slope of the proposed house would face towards the area of garden ground of the proposed house and beyond to the garden of the ground floor flat to be formed in the building of 17 and 18

Carlyle Place and the windows of the southeast elevation of the flatted building of 17 and 18 Carlyle Place. However, the floor plans for the proposed house show that the new roof window to be formed in the northwest (front) elevation roof slope would not serve an attic (first floor) level room but rather would provide light to a ground floor entrance hallway of the proposed house and thus its lower cill would be more than 1.8 metres above the finished floor level of that room and at such height above the finished floor level would not allow for harmful overlooking of any neighbouring residential property or its garden ground.

The two new roof windows to be formed in the southeast (rear) elevation roof slope of the proposed house would face towards the flatted building of 28c to 28f Eskside West and the garden ground of that building. However, the floor plans for the proposed house show that the two new roof windows to be formed in the southeast (rear) elevation roof slope would not serve attic (first floor) level accommodation but rather would provide light to the ground floor kitchen and a ground floor bathroom of the proposed house and thus their lower cills would be more than 1.8 metres above the finished floor level of the rooms they would serve and at such height above the finished floor level those two new roof windows would not allow for harmful overlooking of any neighbouring residential property or its garden ground.

The occupiers of the proposed new house would also have sufficient privacy and amenity.

The Council's Environmental Health and Trading Standards have no comment to make and raise no objection to the proposed development.

On all of the forgoing matters of design, privacy, overlooking and overshadowing, the alteration and change of use of the existing building to form one house does not conflict with Policies CH2, CH5, DP2, DP5 and DP7 of the adopted East Lothian Local Development Plan 2018, or with Scottish Government guidance on development within a conservation area given in Scottish Planning Policy: June 2014.

Planning permission 17/00673/P approves alterations to and the change of use of the frontage building of 17 and 18 Carlyle Place to form two new flats and to retain one existing flat.

The Inveresk Bowling Club continues to operate on the bowling green to the northwest of the building of 17 and 18 Carlyle Place (on the opposite side of Carlyle Place) and in the existing buildings on the northeast side of the bowling green. Furthermore, extant planning permission 17/00225/P, grants approval of the erection of a new clubhouse building comprising toilet and changing facilities, and a seating area in the location of the existing buildings.

At the time of the determination of planning permission 17/00673/P, there was no existing on-site parking to serve the former bowling and social club use of the building of 17 and 18 Carlyle Place. Parking associated with the existing flat, which would be retained in the building, and for staff, club members and visitors to the bowling and social club were accommodated on-street on the surrounding road network.

As part of planning permission 17/00673/P the Council's Road Services accepted that parking associated with the existing flat in the building was not provided on the site but rather was already accommodated on-street, and thus it would not be reasonable for the Council as Planning Authority to require an on-site parking provision to be provided for that existing flat.

At that time, Road Services advised that the public road of Carlyle Place is a narrow cul-de-sac with limited road width and which is often congested due to on-street parking. Accordingly, in the interests of road safety, Road Services required that on-site parking spaces to serve the two new flats and a satisfactory means of vehicles turning on the site to enable vehicles using the on-site parking spaces to enter and exit the site in a forward gear should be provided.

Planning permission 17/00673/P approved three on-site parking spaces on the hardstanding area to the northwest side of the building to serve the proposed two new flats, and the installation and provision of a mechanical vehicular turntable on the site in a position to the southwest of those three on-site parking spaces to enable vehicles entering and exiting the site (along Carlyle Place) to do so in a forward gear. Conditions of the grant of planning permission 17/00673/P secure the provision of the on-site parking and the mechanical vehicular turntable.

The current application site forms part of the application site for planning permission 17/00673/P. The current site is located to the southeast (rear) of the frontage building of 17 and 18 Carlyle Place, which is itself located at the end of a narrow dead-end road (cul-de-sac), and as such the site is in a wholly contained backland location. The proposed development does not include the provision of any on-site (off-street) parking to serve the proposed house, and nor is there any land of the application site on which to provide such parking or a vehicular access to such parking.

The Council's Road Services raise objection to the proposed development on the grounds that no on-site parking would be provided for the proposed house.

Road Services remain of the opinion that, due to the narrow constrained nature of the road of Carlyle Place, and the existing on-going use of the bowling green, there is no on-street capacity to accommodate the parking demand associated with the proposed house, and that as there is no land on which the applicant could provide an on-site parking provision for the proposed house, the proposed development should be refused as it is contrary to Policies T1 and T2 of the adopted East Lothian Local Plan 2018.

Through verbal correspondence with the Planning Officer, the applicant's agent purports that the site is close to public transport routes on Bridge Street to the northeast of the site, and that occupiers of the proposed house would have access to other car parks in the vicinity, including the car park at the rear of the nearby Royal Bank of Scotland that abuts the land of 17 and 18 Carlyle Place to the northeast of the site.

The applicant's agent also comments that the response from the Council's Road Services to this current application (Ref: 18/00685/P) differs from their advice in respect of planning permission 16/01029/AMM for the approval of matters specified in conditions of planning permission in principle 06/00770/OUT for the erection of 140 flats and associated works on the former Tesco store and adjacent land at Mall Avenue in Musselburgh. In that case, Road Services advised that the Council's parking standards applicable for a development of the type and size proposed sets a need for the provision of 210 on-site parking spaces - 140 for the residents and an additional 70 parking spaces for visitors. However, Road Services noted that the development would be located in Musselburgh Town Centre and would be close to the main bus routes into Edinburgh and to the 540 parking spaces of the car park of the Tesco Retail Store, and also to the council car park at Eskmills, and in this particular locational context, they were satisfied that the provision of 146 on-site parking spaces as proposed would be sufficient to serve the proposed development. Based on these considerations the proposed development was not considered to be a significant departure from Policy DP22 of the adopted East Lothian Local Plan 2008, which was one of the relevant Local Plan policies at that time.

Whilst planning permission 16/01029/AMM did not meet the Council's Standard for on-site parking, it did provide a sufficient amount of parking for each the proposed flats on the site. Meaning that it would only be visitor parking spaces that would be accommodated off-site in the nearby car park of the Tesco Retail Store and the public car park at Eskmills.

In contrast, in the case of this current application for planning permission (Ref: 18/00685/P), no parking provision is proposed to be provided on the site and nor is there any land available on which parking could be provided and accessed. In addition, although at some 290 metres away, the nearest bus routes on Bridge Street would be relatively close, that distance is twice the walking distance away from the bus routes on Bridge Street than is the site at Mall Avenue from the bus routes of High Street. Furthermore, the application site is not within the defined Musselburgh Town Centre as was the site for planning permission 16/01029/AMM. Moreover, the nearest public car park to the application site is the Eskmills car park some 260 metres away or the New Street car park to the north (rear) of The Brunton Hall, which is some 420 metres away. An inherent characteristic of society is that people seek to park as close as possible to their property or the place they are visiting. Thus, at such distances, it would be reasonable to assume that the occupiers of the flats or their visitors would be unlikely to use these car parks.

On the matter of the car park to the rear of the Royal Bank of Scotland on Bridge Street to the northeast of the application site, that car park is a private car park for the use of customers of the Bank and as such is outwith the control of the applicant and although close to the application site could not be considered to provide the off-street parking provision required for the proposed house.

Accordingly, based on these circumstances and as no on-site parking would be provided for the proposed house and nor is there any land on which such parking could be provided, and that due to the narrow constrained nature of the road of Carlyle Place, and the existing on-going use of the bowling green, there is no on-street capacity to accommodate the parking demand associated with the proposed house, the proposed development would be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The buildings of this part of Musselburgh vary in height from single storey to two storey, and there are also some 3 and 4 storey flatted buildings further afield to the northwest (towards the northwest end of Hercus Loan). The buildings predominantly have a traditional dual pitched roofed form. Although their positioning in relation to the street differs, the character of this part of Musselburgh is primarily of houses or flatted buildings having a direct frontage with the public road and footpath from which they would be accessed. In all of this, the layout and density of development of Carlyle Place and Hercus Loan is relatively high.

In that the proposed house would be formed through the alteration and change of use of a part of a rear extension of the building of 17 and 18 Carlyle Place that has through the grant of planning permission 17/00673/P been approved to be a domestic storage building, the proposed house would be positioned to the southeast (rear) of the building of 17 and 18 Carlyle Place, and, in contrast to the properties of Carlyle Place and the surrounding area, it would not have any frontage with the public road and footpath from which it would be accessed. In this respect the proposed house would occupy a wholly contained back garden location. Only by use of the existing communal pedestrian path between the flatted properties of 9 to 12 Carlyle Place and 13 to 16 Carlyle Place would pedestrian access to the site be gained. No vehicular access to the site or off-street parking for the proposed house is proposed and nor could any such vehicular access or

off-street parking be provided as there is no available land of the application site on which to do so.

By its contained backland position, the proposed house would be a substantial intrusion into its setting and a cramped form of infill housing development not appropriate to its place and harmful at odds with the characteristic pattern of the layout of the houses, flatted buildings and gardens of Hercus Loan and surrounding vicinity. As development harmful to the characteristic pattern of the layout of the houses and buildings of this part of Musselburgh, the proposals would be an overdevelopment of the site and would be harmful to the character of this part of the Musselburgh Conservation Area. Furthermore, the proposed house would not be provided with a satisfactory provision of off-street (on-site) parking. Consequently, the proposed development is contrary to Policies CH2, DP2, DP7, T1 and T2 of the adopted East Lothian Local Development Plan 2018 and Scottish Ministers' policy on development within a conservation area given in Scottish Planning Policy: June 2014.

REASONS FOR REFUSAL:

- 1 By its contained backland position, the proposed house would be a cramped form of infill housing development, not appropriate to its place and harmful at odds with the characteristic pattern of the layout of the houses, flatted buildings and gardens of Hercus Loan and surrounding vicinity. As development harmful to the characteristic pattern of the layout of the houses and buildings of this part of Musselburgh, the proposals would be an overdevelopment of the site and would be harmful to the character of this part of the Musselburgh Conservation Area. Consequently, the proposed development would be contrary to Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Ministers' policy on development within a conservation area given in Scottish Planning Policy: June 2014.
- 2 As no on-site parking provision would be provided for the proposed house and nor is there any land on which such parking could be provided, and that due to the narrow constrained nature of the road of Carlyle Place, and the existing on-going use of the bowling green, there is no on-street capacity to accommodate the parking demand associated with the proposed house, the proposed development would be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.