

PLANNING COMMITTEE
TUESDAY 30 MARCH 2021

DOCUMENT PACK



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

**TUESDAY 12 JANUARY 2021
VIA A DIGITAL MEETING FACILITY**

1

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor K Mackie
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor J Williamson

Other Councillors Present:

Councillor A Forrest
Councillor J Henderson
Councillor J Goodfellow

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr C Grilli, Service Manager – Legal
Ms E Taylor, Manager Planning Delivery
Ms J McLair, Planner
Mr M Greenshields, Senior Roads Officer
Mr J Canty, Transport Planner
Mr R Yates, Transportation Planning Officer
Ms P Gray, Communications Adviser
Ms F Currie, Committees Officer

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 3 – Mr R Sutherland, Ms P Kay, Mr C Adamson, Mr G Moodie

Apologies:

Councillor F O'Donnell

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 NOVEMBER 2020

The minutes of the meeting of the Planning Committee of 3 November 2020 were approved.

2. PLANNING APPLICATION NO. 20/01030/PPM: AMEND CONDITION 30 OF PLANNING PERMISSION IN PRINCIPLE 14/00768/PM AT BLINDWELLS

A report was submitted in relation to Planning Application No. 20/01030/PPM. Julie McLair, Planner, informed Members that subsequent to the finalisation of the report, the applicant had made two requests in respect of this application. Firstly, the applicant requested that the wording of recommended condition 30 be amended so that the words “Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland,.....” be added to the start of this condition. This wording, known in planning terms as a tailpiece, would enable the applicant to request minor changes be made in the future to the requirements of the condition by way of an exchange of letters rather than by another planning application. Those changes would only be approved if both Transport Scotland and East Lothian Council were in agreement. Both Transport Scotland and the Council had no objection to this additional wording, and it was therefore recommended that the Planning Committee agree to include this additional wording. The second issue related to the lifespan of this planning permission. If Members approved this Section 42 application, it would create a new planning permission for the Blindwells site. As such, the applicant had requested that the Council make a direction to enable a timescale of 10 years for the submission of subsequent AMSC applications. When planning permission in principle was granted for the Blindwells development in 2018, the Planning Committee decided that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle. Given this, it was recommended that whilst the principle of making a direction to increase the length of time for submission of approved matters was acceptable, this should be for 8 years and not 10 years, as requested by the applicant.

Ms McLair then presented the report, summarising the key points. The report recommendation was to grant consent.

Ms McLair and other officers responded to questions from Members. Keith Dingwall, Service Manager for Planning, clarified that no more than 235 units could be occupied before road improvement works were undertaken. The actual commencement date was up to the applicant but he anticipated that work would probably start before occupation of the 235th unit. In response to queries about the impact of cars from these 235 units coming onto the A1, Ms McLair advised that Transport Scotland and the Council were satisfied with the applicant’s traffic modelling submission. Regarding active travel from the site and crossing points to Prestonpans and Preston Lodge High School, Ms McLair stated that this was dealt with through other conditions. Marshall Greenshields, Senior Roads Officer, indicated there would be crossing points across the main road to the High School, adding that transportation facilities to take pupils to school until these crossing points were in place would be arranged. He confirmed that safe routes to school would be in place before occupation of the 235 units. He added that this application before Members today was separate from other requirements of the original permission. In relation to timescales for the active travel roll out, he advised that some of the junction works were currently being carried out. On responsibility for the roundabouts in the vicinity of the Blindwells development, Mr Greenshields clarified that the Council had responsibility for the Millerhill roundabout and Transport Scotland had responsibility for the Bankton junction. Mr Dingwall reiterated that the active travel aspect was contained within the many conditions attached to the original planning permission, which included safe routes to school and the phasing plan.

Local Member Councillor Innes stated that Blindwells was one of the most important developments in the Local Plan. It was important that the site moved forward and he was encouraged by the progress now being made. He noted that both Transport Scotland and the Council's Road Services had no objection to the applicant's request regarding the alteration to condition 30. He would be supporting this application.

Local Member Councillor Bruce said that in his opinion the infrastructure should be in place before any buildings were occupied, he had concerns around this and also regarding the phasing. The requests by the applicant were, he felt, a significant change but he would, nonetheless, be supporting the application.

Councillor McLeod remarked that there were some important issues to be considered, however progress was required and he would be supporting the application.

Councillor McGinn echoed comments made by Councillor Innes. He welcomed the opportunity to continue to discuss these plans, particularly the active travel aspect. He would be supporting the application.

Councillor Findlay supported the application but did however still have concerns about the impact of traffic from the first 235 units coming onto the A1, he felt there would be queueing problems. He asked that this be monitored.

Councillor McMillan raised the issue of local employment opportunities, particularly relevant in the current circumstances; he added that as Economic Development spokesperson he would take this forward separately. He would be supporting the application.

The Convener indicated that it was disappointing at this stage for amendments to be requested to conditions. It was important that infrastructure was delivered timeously, the Council had to make sure this came through as detailed. He would be supporting the recommendation to grant planning permission.

The Convener moved to the vote on the report recommendation, to grant consent, taking into account the alterations requested by the applicant detailed earlier by Ms McLair (vote taken by roll call):

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years; and
2. The conditions set out below
 - 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements:
 - a. The provision within the application site of recycling facilities.

- b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
- c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
- d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
- e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
- f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
- g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
- h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
- i. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
- j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.
- k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.
- m. Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.
- o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.
- p. There shall be no built development or landscaping within the area defined as being "EMBANKMENT" on drawing number 13055(PL)160 - Masterplan - Rail Embankment.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road and rail safety.

- 2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 3 No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31	-	97 residential units per annum
Year 2031/32 to 2034/35	-	122 residential units per annum
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 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. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten 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.

- 6 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how

the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

The development shall thereafter be implemented in accordance with the details so approved.

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

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

Reason:

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

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide in accordance with the details so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:
- o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.
 - o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site
 - o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.
 - o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.
 - o The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 13 The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.
- Prior to the commencement of development, a timetable for the provision of the open space within the new settlement shall be submitted to and approved in advance by the Planning Authority.
- Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area.

- 14 Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.
- Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 15 Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.
- Development should thereafter be carried out in accordance with the details so approved.

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the

tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

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

Reason:

In the interests of road and pedestrian safety.

- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.

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

Reason:

To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.

- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

24 Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 30 Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

* There shall be no drainage connections to the trunk road drainage system.

Reason:

To ensure that: the design layout complies with the current standards; that there will be no distraction or dazzle to drivers on the trunk road; to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; to ensure that the efficiency of the

existing trunk road drainage network is not affected; all to ensure that the safety and free flow of traffic on the trunk road is not diminished.

- 31 Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 32 Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

3. PLANNING APPLICATION NO. 20/00999/P: ALTERATION TO BUILDING AND ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT 82 HIGH STREET AND LAND NORTH OF 82 HIGH STREET, NORTH BERWICK

A report was submitted in relation to Planning Application No. 20/00999/P. Ms McLair presented the report, summarising the key points. The proposed decision set out in the report was to grant consent

Ms McLair responded to questions. Regarding the aluminium clad windows, Councillor Findlay made reference made to a recent refusal for these for a different application by the Local Review Body, asking why these were acceptable in this case. Ms McLair clarified that the difference in this proposal was the contemporary design of a completely new building. Scottish Planning Policy stated this was allowable in these circumstances in a Conservation Area. In relation to his query about changing conditions to apply restrictions to when work could be carried out, Mr Dingwall indicated that it would not normally be appropriate to impose timescale conditions on a small scale development. However, limiting the hours of construction work had been done previously and, if at the vote stage Members were minded to grant planning permission, then the addition of such a condition could be considered. Councillor Williamson asked if restrictions could be imposed to keep this as a family home and not be sold as an airbnb or a holiday home. Ms McLair explained that planning permission was not generally required for rental of a property, adding that the applicant was building this to use as his family home.

Robin Sutherland of Sutherland and Co. Architects Ltd., applicant/agent, responded to questions. He explained that zinc was proposed as the primary cladding as in the context of a contemporary design this was a common material, there were numerous precedents in the North Berwick Conservation Area. Responding to a follow up query challenging this, particularly in relation to the amount of zinc proposed, he said the specific references would need to be checked but there were two recent examples of houses with zinc wall cladding in the Conservation Area.

Penelope Kay, immediate neighbour to the application site, spoke against the proposal. Her reasons for objecting to this application were loss of privacy and use of non-traditional materials. She outlined her concerns regarding overlooking, giving examples from a number of windows of her property and other neighbours' properties. She said the architect's plan did not show some of these windows. As regards the non-traditional materials she stressed

that the expanse of zinc cladding proposed was unmitigated by any other application. She quoted guidance from the North Berwick Conservation Area Character Statement regarding use of materials. This proposal would be highly visible, would dominate the streetscape and would not harmonise with nor preserve the appearance of the Conservation Area.

Colin Adamson, also an immediate neighbour, spoke against the application. He informed Members that this proposal would have a huge impact on neighbours, resulting in significant loss of light, privacy and views. The proposal was too high and too long, it should have been tied into the height of neighbouring buildings. He raised several concerns regarding the roof terrace, outlining how this would impact on his family's wellbeing in terms of loss of privacy and also the associated increased noise. The proposal was a design statement build by the architect. He highlighted the concerns of a neighbour, Mr Pugh, adding that his planning application for windows had been refused. He also raised concerns on behalf of another neighbour, Mr McLean. He hoped the Committee would refuse this application.

Responding to questions from Members regarding comments made about Mr Pugh's application, Mr Dingwall gave details of his planning applications since 2009, adding that there was no record of any application being refused but he would check further. The Convener pointed out that this was not material to determination of this application.

Gordon Moodie, representing North Berwick Community Council, spoke against the application. He outlined the Community Council's reasons for objection: invasion of privacy and overlooking issues, the proposal was an overdevelopment of the site and use of zinc cladding, which was felt to be incongruous in the Conservation Area.

Local Member Councillor Henderson, not a member of the Planning Committee, outlined her reasons for bringing this application to Committee. She highlighted concerns regarding the size of the building, particularly the height; the roof terrace and its positioning; and the finish of the proposal. Her greatest concern was the impact on neighbouring residents as the proposal would severely affect their privacy. She was not convinced this was the best place for a Grand Designs experiment; it was the wrong building in the wrong place. It was not acceptable; every element was barely within tolerance of the rules. She added that just because theoretically something could be done did not mean it should be done. She urged Members of the Committee to reject this application.

Local Member Councillor Goodfellow, also not a member of the Planning Committee, echoed comments and concerns raised by his colleague and the local community. He also had serious reservations regarding loss of privacy, the zinc cladding and overdevelopment of the site. He expanded on all these concerns. He stressed that taking everything into account the proposal was simply too much and he asked the Committee to refuse this application.

Local Member Councillor Findlay stated he had three major concerns with this application. Privacy: there were huge issues, especially with regard to use of the roof terrace. Zinc cladding: the amount of cladding proposed was excessive and not suitable for a Conservation Area. Height: the height of the proposed building constituted an overdevelopment in his opinion. He would not be supporting this application.

Councillor Innes remarked that this was a difficult application. He had listened to Local Members, objectors and the community council. He was inclined to accept the comments from Local Members; the architect had used his skill to design this building but the overall impact would be too significant for the site. The building could have been lower, and without a roof garden. On balance, he would not be supporting this application.

The Convener brought the discussion to a close. He noted the strong feelings expressed against the application but stressed that officers had reviewed the application and found it acceptable. It met all relevant policies as regards overlooking, overdevelopment and use of

new materials in relation to the zinc cladding. He felt the proposal to use zinc was acceptable and the building would be an attractive addition to the Conservation Area. He would be supporting the report recommendation to grant planning permission.

The Convener moved to the vote on the report recommendation (to grant consent) (vote taken by roll call):

For: 5 (Cllrs Hampshire, Gilbert, Mackie, McLeod, Williamson)
Against: 6 (Cllrs Bruce, Findlay, Innes, Kempson, McGinn, McMillan)
Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons (outlined by Mr Dingwall and agreed by Members):

1. The proposed house and its roof terrace would result in overlooking of neighbouring residential properties, harming the privacy and amenity of the occupants of those properties, contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.
2. The zinc cladding of the roof and walls of the proposed house would be an incongruous addition that would be harmful to the character and appearance of the North Berwick Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018.
3. The proposed house, by virtue of its height, would be an overdevelopment of the site and harmful to the character and appearance of the North Berwick Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: 30 March 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **20/01430/PM**

Proposal Substitution of house types on plots 1, 4-5, 8, 11, 13, 16, 18, 20-21, 23, 30, 53, 60, 71, 73, 75, 77-79, 86-96, 99-101 and 104-105 as changes to the scheme of development the subject of planning permission 18/01366/AMM

Location **Land At Saltcoats Field
Gullane
East Lothian**

Applicant Cala Management Ltd

Per c/o JTP

RECOMMENDATIONConsent Granted

REPORT OF HANDLING

PROPOSAL

Although this application is for the substitution of house types as changes to the scheme of development the subject of planning permission 18/01366/AMM, it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly, the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

In January 2018 following the conclusion of a S75 legal agreement to secure education and affordable housing contributions as well as contributions to play facilities, sports pitch and transportation interventions planning permission in principle 16/00594/PPM was granted for a residential development on the application site located on the southern side of Gullane. Condition 2 of planning permission in principle (Ref: 16/00594/PPM) states that no more than 150 residential units are approved for the site.

In August 2019 planning permission (Ref: 18/01366/AMM) was granted for Approval of Matters specified in conditions of planning permission in principle 16/00594/PPM - Erection of 122 houses, 28 flats and associated works. Development approved within planning permission (ref: 18/01366/AMM) has not commenced and that planning permission remains extant.

Planning permission is now sought to substitute house types on plots 1, 4-5, 8, 11, 13, 16, 18, 20-21, 23, 30, 53, 60, 71, 73, 75, 77-79, 86-96, 99-101 and 104-105 as changes to the scheme of development the subject of planning permission 18/01366/AMM.

The proposed changes to the scheme of development approved within planning permission (Ref: 18/01366/AMM) would affect 36 of the 150 residential units approved for the site involving:

- i) substitution on plots 1, 8, 23, 30, 53 and 60 of 2-storey 5-bedroom 'Dewar' house types and substitution on plots 11, 18, 94 and 101 of 2-storey 5-bedroom 'Melville' house types - all to detached 5-bedroom 'Gullane Dewar' house types;
- ii) substitution on plots 95 and 100 of 2-storey 5-bedroom 'Crichton' house types to detached 5-bedroom 'Garvie' house types;
- iii) substitution on plot 73 of detached 2-storey 5-bedroom 'Kennedy' house type to a 5-bedroom bespoke 'Lowther' house type;
- iv) substitution on plots 13, 16, 96 and 99 of 2-storey 4-bedroom 'Colville' house types to detached 5-bedroom 'Crichton' house types;
- v) substitution on plots 4-5 of 2-storey 5-bedroom 'Crichton' house types to detached 4-bedroom 'Colville' house types;
- vi) substitution on plot 71 of a 2-storey 5-bedroom 'Macrae' house type to a detached 5-bedroom 'Kennedy' house type;
- vii) substitution on plots 87-88, 91-92 of 2-storey 5-bedroom 'Macrae' house types and substitution on plots 75 and 79 of 2-storey detached 5-bedroom 'HT10' house types - all to detached 5-bedroom 'HT9' house types;
- viii) substitution on plots 77-78 of 2-storey 5-bedroom 'HT8' house types and substitution on plots 86 and 93 - all to detached 5-bedroom 'HT7' house types;
- ix) plots 89-90 - substitution of 2-storey detached 5-bedroom 'Napier' house types to 5-bedroom 'HT8' house types; and
- x) plots 20-21, 104-105 - substitution of 1.5-storey detached 3-bedroom 'HT5' house types to 5-bedroom 'HT13gw' house types.

There is no proposal within the application to change to the overall number of houses approved for the site by planning permission (Ref: 18/01366/AMM).

A number of the substitute houses would be slightly repositioned within the plots and some minor revisions of the internal parking and driveway layouts are proposed.

DEVELOPMENT PLAN

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 Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Proposal NK7: Saltcoats Field, of the adopted East Lothian Local Development Plan 2018 and Policies DP1

(Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), 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 this application.

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

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

Also material to the determination of the application is the development brief for allocated site NK7: Saltcoats which is within the Development Briefs Supplementary Planning Guidance 2018 and the approved masterplan for the site as approved by the grant of planning permission in principle (Ref: 16/00594/PPM). The Development Brief informed the masterplan and sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. The SPG expands on policies set out in the East Lothian Local Development Plan 2018 in seeking to achieve high quality design and exemplar developments.

REPRESENTATIONS

1 public objection has been received against the application. The main grounds of objection are given as the impact of the proposed development on privacy and security.

COMMUNITY COUNCIL COMMENTS

Gullane Area Community Council have been consulted on the application and make no comment.

PLANNING ASSESSMENT

The application site forms an area in the central part of the site the subject of planning permission (Ref: 18/01366/AMM). Planning permission (Ref: 18/01366/AMM) grants approval for the layout and design of houses within the site and it is only the alteration to that extant consent which is being considered by this application.

The site is capable of accommodating all of the proposed development, without being an overdevelopment of it and would not prejudice the remainder of the housing development already approved by the grant of planning permission (Ref: 18/01366/AMM).

The proposed changes in house types and the repositioning of houses would not affect the internal parking or road layout around these plots and therefore no design changes to these road and parking details are sought through this application. There would be no reduction in parking provision and the length and width of driveways serving the amended house plots would still meet or exceed the Council's minimum dimensions for driveways. The **Council's Roads Services** have been consulted on the application and raise no objection to the proposals being satisfied that they are consistent with policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The proposed amended house types, and the consequential repositioning of houses on their plots, would be in keeping with the overall development. There would be no loss of privacy or amenity for the proposed repositioned house plots or for any neighbouring proposed or existing houses. The proposed houses would be laid out in such a way as to give an acceptable standard of residential amenity to their future occupants.

The proposed substitution of house types, and the consequential repositioning of houses would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for this site provided there is compliance with the scheme of external finishes approved for this housing development by the grant of planning permission (Ref: 18/01366/AMM). In this regard, the predominant external wall finish should be render. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed residential units. The proposed mix of house types would provide houses of a variety of sizes in a generally simple architectural form, albeit displaying a variety of design and finishing details.

There would be no reduction in parking provision and the length and width of driveways serving the amended house plots would still meet or exceed the Council's minimum dimensions for driveways. The Council's Roads Services have been consulted on the application and raise no objection to the proposals being satisfied that they are consistent with policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The **Council's Landscape Officer** has been consulted and does not object to the application.

The proposed substitution of house types and repositioning of them on plots do not affect the overall number or mix of houses to be provided. The proposed houses are to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria applied by the Council, as Planning Authority.

The proposals are consistent with Policies DP1, DP2, DP3 and DP4 of the adopted East Lothian Local Development Plan 2018 and with Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08 & 101, the west elevation of the house to be built on Plot 94, the north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the occupants of neighbouring residential properties.

- 5 The roof lights on the east facing roof slopes of the houses to be built on Plots 08 &101 on the west facing roof slopes of the house to be built on Plot 94 on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of neighbouring houses.

REPORT TO: Planning Committee
MEETING DATE: 30 March 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

3

Note - this application was called off the Scheme of Delegation List by Councillor Kempson (1) and Councillor McLennan (2) for the following reasons:

- (1) *The concerns and objections of the local residents. This application represents a large commercial development in the heart of rural East Lothian and as such creates a precedent for the development of other farm steadings.*
- (2) *Dunpender Community Council objected to the application for a number of reasons, as a statutory consultee, their contribution needs to be heard.*

Application No. **20/01224/P**

Proposal Alterations, extensions to agricultural buildings, erection of buildings to form shop (class 1), visitors/conference centre (class 10), auditorium (class 11), cafe (class 3), bar (sui generis), letting bedrooms (class 7), offices/meeting rooms, 6 self-contained holiday lets and associated works

Location **Papple Steading
Papple
Whittingehame
East Lothian
EH41 4QD**

Applicant Mr George Mackintosh

Per Cameronwebsterarchitects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to Papple Steading, a 'U' shaped group of former agricultural buildings, located in the countryside at Papple to the north of the village of Garvald. The west and north range of Papple steading, including the engine house and chimney stalk attached to it, are listed as being of special architectural or historic interest (Category B). It is also within the Whittingehame to Deuchrie Special Landscape Area.

The steading is bounded to the north and east by agricultural land, to the west by a private access road beyond which there is agricultural land and to the south by Grieve's Cottage and its adjoining bothy buildings. Grieve's Cottage and its adjoining bothy buildings are also listed, by their historic association with Papple Steading, as being of special architectural or historic interest (Category B).

In June 2008, the Council gave a minded to grant decision, subject to conditions and the satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, for planning permission (Ref: 06/00990/FUL) for the conversion of the steading to form 9 houses, garages, 1 office/studio and associated works. However, no Agreement was concluded and planning application 06/00990/FUL has since been withdrawn. An associated application for listed building consent (Ref: 06/00990/LBC) was also withdrawn.

In April 2017, planning permission (Ref: 13/00699/P) was granted for the conversion of agricultural buildings to form 4 houses and associated works at Papple Steading. Planning permission 13/00699/P lapsed on 21st April 2020 without it being implemented. An associated application for listed building consent (Ref: 13/00699/LBC) was also granted in April 2017.

In July 2018, planning permission (Ref: 17/00851/P) was granted for alterations and extension of Grieve's Cottage and alterations, extension and change of use of agricultural buildings and land to form additional living accommodation to Grieve's Cottage, domestic garden ground, 2 holiday lets and associated works. Construction works have commenced on site and are still ongoing. An associated application for listed building consent (Ref: 17/00850/LBC) was also granted in December 2017.

In April 2020, planning permission (Ref: 20/00203/P) was granted for alterations to buildings and formation of hardstanding areas as changes to the scheme of development the subject of planning permission 17/00851/P. Planning permission 20/00203/P has not been implemented but remains extant until 17th April 2023. An associated application for listed building consent (Ref: 20/00216/LBC) was also granted in April 2020.

Planning permission is now sought for a number of alterations and extensions to the agricultural buildings at Papple Steading, including the erection of new buildings, to form a shop (Class 1), a café (Class 3), letting bedrooms (Class 7), a visitors/conference centre (Class 10), an auditorium (Class 11), a bar (sui generis), offices/meeting rooms and six self-contained holiday lets and associated works.

The proposed associated works comprise of (i) the formation of hardstanding areas to facilitate parking spaces within the curtilage of the steading buildings; and (ii) improvements to, and the resurfacing of, the private access road which serves the steading buildings to the west.

The existing hedging along the north boundary of the application site would be retained. So too would the existing trees on the east boundary of the site.

The application drawings also show the intention to remove three utilitarian buildings attached to the steading buildings and two outbuildings within its curtilage. The demolition of them do not require planning permission and thus they are not the subject of this planning application.

On 9th February 2021, listed building consent (Ref: 20/01223/LBC) was granted for alterations, extensions to buildings, erection of buildings, walls, fencing, gates and

formation of hardstanding areas.

The applicant's agent has submitted a Design Statement, a Historic Buildings Appraisal Survey, a Bat and Barn Owl Survey, a Noise Impact Assessment report, a Drainage Strategy report and a Transportation Statement.

Subsequent to the registration of this application, the applicant's agent has provided revised drawings and further information relating to traffic generation, access, servicing and swept path analysis relating to vehicle trips by coaches as requested by the Council's Road Services department.

The Design Statement submitted with this application states that the main aim of the proposal is to restore the steading to its original design by sensitively, and sustainably, repairing and reinstating the original character of the steading with contemporary additions to ensure an economically viable conversion. The proposal intends on reinstating missing elements of the original design (i.e. the vents on the principal elevation, finials and rebuilding the internal courtyard enclosures. The proposal aims to celebrate the history of the steading and adapt it without negatively affecting any historically important aspects of its listing. It states that much of the existing steading is in a state of disrepair such that walls need re-building/re-pointing with lime mortar, roofs need replacing with the original roofing materials reinstated. The majority of woodwork needs to be replaced and painted to match the 'Phase 1' work to Grieve's Cottage. Existing windows have either been boarded up or are in very poor condition and rooflights are small and damaged. Many of the internal courtyard low walls have been removed over the years, the scheme seeks to reinstate these and, where appropriate, use these walls to enclose the new courtyard. It also states that the proposals will provide a place for heritage, business and community use to attract tourists and visitors. The heritage centre will operate as a non-profit unit within Papple Steading. A museum curator is preparing the presentation of many implements and artefacts which have been given, or loaned out, by friends and neighbours of the farming community. Archive photography and video, virtual and augmented reality technologies will be used to explain, educate and entertain. The development will also include space for communities, such as a gift shop, a café, function room for events and well-being activities. Community groups can also make use of the larger auditorium (seating 128 people) for celebrations, musical and theatrical performances or for lectures. Papple Steading will also operate as a retreat for business groups with meeting facilities provided. The 26 bedroom accommodation will be used for groups using the business facilities and are not for individual rent akin to a hotel. The project will create 10 jobs by the end of 2023 and over 30 positions when in full time operation. A car parking area serving 73 parking spaces for visitors, which includes disabled and electric car charging points, 4 staff parking spaces and 4 parking spaces for users of the holiday let accommodation will all be provided.

DEVELOPMENT PLAN

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 Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies CH1 (Listed Buildings), DC1 (Rural Diversification), DC9 (Special Landscape Areas), DP1 (Landscape Character), DP2

(Design), DP5 (Extensions and Alterations to Existing Buildings), 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 is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Farm Steading Design Guidance' adopted by the Council on 30th October 2018.

REPRESENTATIONS

Ten objections and three representations have been received to this application. The main grounds of objection are:

- (i) the scale of the proposals, particularly the traffic which will be associated with the creation of 70 parking spaces is indicative of the volume of traffic that will be generated;
- (ii) the existing road network leading to site, which are either C classified or unclassified roads, are narrow with limited passing places, soft verges and no pavements. The existing road network would not cope with the increased traffic that is likely to be generated by the proposals;
- (iii) the existing road networks are already used by local traffic from several farms and contractors with heavy and wide machinery. The increase in traffic could result in a road safety hazard for pedestrians and other road users;
- (iv) the proposals will destroy the tranquil nature of the area resulting in noise, light and air pollution;
- (v) the commercial nature and scale of the proposals is unwelcome and unnecessary and would be out of keeping with the rural character of the area;
- (vi) the proposed new buildings (such as the auditorium and accommodation) will be visible from the main road and do not appear to be of a size or scale appropriate to the existing steading building. Those new buildings, including the large extent of the proposed hardstanding area, will detract from the historic character and the setting of the listed building;
- (vii) the proposals will impact on nearby wildlife and habitats;
- (viii) the proposals will result in loss of privacy and amenity to the occupiers of neighbouring properties;
- (ix) greenhouse gas emissions in and around Papple will increase dramatically with all the extra traffic and large volume of visitors;
- (x) the application has not been accompanied by a comprehensive design statement, conservation report or a historic building appraisal;
- (xi) a number of trees have been felled within the neighbouring land of Papan Wood, located to the southwest of Papple House, which reduces wildlife habitat and potential for noise dampening;
- (xii) neighbours have not been notified of the development proposals sought for in this

application;
(xiii) no public consultation has been carried out.

Two of the three representations received to this application are made in support of the proposals. They state that the proposals would retain and restore the agricultural character of the B-listed steading and that the auditorium, heritage centre, meeting rooms and exhibition areas will afford excellent educational facilities and opportunities for all ages. They state that whilst they have some reservations with regards to the size, scale and impact of the 26 bedroom accommodation building, this is considered to be a necessary 'enabling' aspect which is likely to make the whole venture commercially viable. They also state that the proposed accommodation building is respectfully set back and off-set from the north and east elevations of the steading such that it would not detract from the listed steading.

The other representation received to this application states that the site is liable to flooding which is generally caused by water runoff from the surrounding fields and pools being built up within, and around, the steading as well as the main access road to it.

In response to some of the points raised by the objectors and representors above:

A Design Statement and a Historic Building Appraisal has been submitted with this application and are deemed to be satisfactory in order to fully assess and determine this planning application.

Any trees which have been felled within the neighbouring land of 'Papana Wood', located to the southwest of Papple House, would require a felling licence from Forestry Commission Scotland. However, the removal of trees from within a private woodland area is for Forestry Commission Scotland to regulate. In any event, the neighbouring woodland area does not form part of the curtilage of this application site.

Only the neighbouring property named 'Papple House' required to be individually neighbour notified as it is located within a 20 metre radius of the application site. In any event, the application was been advertised in the Edinburgh Gazette on 18th December 2020 and a site notice has been displayed all in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

This planning application is a local development type in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, there is no requirement for a public consultation to have taken place.

The remaining points raised by the objectors and representors are addressed elsewhere within this report of handling.

COMMUNITY COUNCIL COMMENTS

Dunpender Community Council, as a consultee to this application, confirm that they object to this application. They consider that the development proposals would be too large in terms of its size and scale in relation to the landscape setting of this small scale rural settlement. In particular, they state that the extent of the hardstanding area, to facilitate the car park, would have an immediate impact on the rural setting. They also state that the transportation document submitted with this application seems unrealistic as it does not address the traffic movements that would flow from a development of this size. Moreover, they state that it does not (i) make reference to staff, caterers, ancillary support services and deliveries; and (ii) provide details on how much additional traffic might be expected from musical events and all of the other uses of the auditorium such

as for meetings, lectures and theatrical performances. Concerns are also raised that Papple Steading could become a late night venue for parties, weddings and other social events given that the application includes an auditorium, a bar, a café, conference rooms and a covered courtyard. They also state that no assessment has been made regarding light pollution and the impact this may have on neighbouring properties. They advocate that a proper consultation process with interaction with the Council and local residents should have been undertaken prior to the submission of this application. In summary, they state that the development of a 27 bedroom hotel, with entertainment, bar, conference and catering facilities plus six holiday lets and a small heritage centre within a quiet unspoilt rural area should not be supported.

Gifford Community Council, as a consultee to this application, raise concerns that the proposals may result in increased traffic passing through Gifford as a consequence of the proposed Heritage Centre and Business Retreat/Conference Centre at Papple Steading. In particular, they state that the Transportation Statement indicates that the estimated total average daily vehicle numbers (both to and from the development) is 305 and suggests that there would be three routes to the Papple Steading centre from i) the west approach via the B6369 road from Haddington through Gifford and onto the B6355 Duns Road, then left onto the B6370; (ii) the north approach involving the C130 road from East Linton; and (iii) the east approach via the B6370 road from Thistly Cross Roundabout onto the A1.

However, Gifford Community Council state that the majority of visitors could be expected to travel via the A1 at Haddington such that it would not be unreasonable for two thirds of the 305 average daily vehicle movements using the route through Gifford. This amounts to approximately 200 average daily vehicle movements. To put this in context, a traffic survey carried out by East Lothian Council in December 2016 as part of the Community Council's investigations into speeding in the village concluded that the 5 day 24hr mean on this road was 777 vehicle movements. They therefore state that if the Papple development could give rise to 200 additional daily vehicle movements then this would amount to an increase in traffic on the Duns Road in Gifford of more than 25%. Of the three roads into Gifford, the Duns Road currently has the biggest problem with speeding vehicles although traffic calming measures are about to be put in place. Nevertheless, they state that the increase in traffic volume will increase the risk to pupils at the nearby Yester Primary School, particularly during the rush hour periods when the Papple traffic is projected to be at a peak. Overall, they conclude that whilst the development at Papple may result in potential benefits in terms of job creation and business opportunities, they remain concerned about the significant increase in vehicular traffic through their village.

Garvald & Morham Community Council, as a consultee to this application, state that they do not object in principle to this application. However, they raise concerns that the proposals may generate additional road traffic which could impact on the roads around Garvald making them unsuitable and unsafe.

PLANNING ASSESSMENT

Papple Steading comprises of a 'U' shaped group of random rubble stone buildings, with pitched roof slopes mostly clad in slates, generally dating from the 19th century. There are also some later utilitarian agricultural buildings which are proposed to be removed. The steading buildings are, by their historic architectural form, no longer reasonably capable of modern agricultural use. They are therefore in need of a new lease of life in order to preserve them.

The west range and the north range of the steading, which includes the former engine house and the chimney stalk attached to the north range, are listed as being of special

architectural or historic interest (Category B). The other original steading buildings are of architectural merit. They are all well contained within their landscape setting and are part of the historic form and character of this part of the East Lothian countryside. They make a positive contribution to the rural landscape and built heritage of the area. Although they are substantially intact, some of the steading buildings are suffering from disrepair giving an appearance that is somewhat detracting from the amenity of the area. If left unused, or only put to limited use, they would be likely to fall into a further state of disrepair with a greater harmful affect on the appearance and amenity of the area.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) Agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) Other business that have an operational requirements for a countryside location, including tourism and leisure uses.

The proposed conversion of the steading buildings to provide a heritage centre, business retreat with conference and community facilities would involve the whole group of steading buildings and they are capable of accommodating a conversion into the proposed mixed use facility without any demolition works to the original steading buildings. In particular, the north range and part of the west range of the steading buildings would be converted and extended to facilitate an auditorium (with a seating capacity of 128), a bar, a lobby/break out area, an entrance hall, a meeting room, office, kitchen with storage, a covered function room, a shop, staff and plant rooms and toilets. The south range and part of the west range of the steading buildings would be converted to facilitate heritage rooms and three heritage courtyards. At first floor level, the west end of the north range would be converted to facilitate two separate apartments. One of the apartments would contain two bedrooms (one with an en-suite), a bathroom and an open plan living/kitchen area. The other apartment would contain three bedrooms (one with an en-suite), a bathroom and an open plan living/kitchen area.

To the north and east of the steading buildings, a one and a half storey and a single storey 'L' shaped building would provide 26 bedrooms of accommodation. A landscaped courtyard area between the new extension and the existing steading buildings would be created.

Two single storey outbuildings to the southeast of the steading buildings would also be provided. One of them would be used as a garage building with store and the other would provide 4 holiday let units of accommodation. The 4 holiday let units would each contain a bathroom, a bedroom within an open plan living/kitchen area. They would have access to a patio terrace and a communal garden area to the rear (south) of them. The 4 holiday let units would also benefit from a parking space with access served from the southern section of road to the west of the steading buildings.

A parking area for 76 public car parking spaces (which includes 6 disabled bays and 4 electric vehicle spaces) is proposed to the north of the steading along with cycle rack provision. In addition, 6 staff spaces are proposed to the southwest of the steading buildings. The parking areas would be hard surfaced and would only be accessed from the northern section of road to the west of the steading buildings.

Policy DC1 supports, in principle, business use within a countryside location, including tourism and leisure uses. The proposals would, as a result of the heritage centre use, create a visitor/tourism attraction that would be supported by a small shop and a café. The proposed business retreat facilitates would be mostly utilised within the existing

building with the addition of an auditorium and an 'L' shaped extension to the east and north of the steading buildings. The size and scale of the proposed extensions to facilitate the business use of the proposals would be of an appropriate scale and character. Accordingly, the proposed use of the steading as a heritage centre, business retreat with conference and community facilities does not conflict with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The proposed alterations and extensions to the buildings of Papple Steading include (i) the re-slatting of the pitched roof slopes of the north and west ranges; (ii) the replacement of the existing pantiles on the pitched roof slopes of the south range; (iii) the installation of replacement, and new, roof windows; (iv) the installation of timber framed sash and case windows with astragals within existing window openings; (v) the installation of solid timber framed doors in existing door openings; (vi) the installation of solid timber framed doors recessed within the existing arched doorway opening in the centre of the west range; (vii) the installation of full height timber framed glazed doors within the south end of the north range which would be recessed behind a solid vertical timber shutter; (viii) the replacement of the existing metal corrugated pitched roof slopes of the centre component within the inner side of north range with a 'corten' steel finish; (ix) the formation of new stone walls with timber gates which would enclose the three heritage courtyards within the inner side of the south range; (x) the addition of a one and a half storey extension, comprising of a 'corten' steel pitched roof, within the inner side of the east end of the north range; (xi) the addition of a single storey pitched roofed extension, comprising of a part glazed part 'corten' steel roof finish, on the inner side of the south end of the north range; and (xii) the addition of an 'L' shaped extension onto the east end of the north range which would wrap around, and be off-set from, the north range of the building.

The proposed alterations to facilitate the proposed conversion of the steading buildings would be sympathetic to the architectural form and character of them. Where possible, original openings would be used. New openings, including roof windows, by virtue of the number to be created and their positioning, would not harm the architectural character of the buildings, subject to the proposed roof windows being installed as near flush as possible with the upper surface of the roof into which they would be installed. The proposed new and replacement timber framed windows and doors by virtue of their form, style, materials, proportions, positions and finishing, would not be inappropriate to the architectural character of the buildings. The existing stone walls of the buildings would be repaired and re-pointed with lime mortar and the existing roofs would be clad in natural slates or clay pantiles to respect the historic use of those roof claddings on the steading buildings. These proposed alterations to the buildings would be compatible with and would not harm any significant architectural features of them and would be in keeping with the size, form, scale, proportion, massing and architectural character of the buildings. They would not be harmful to the character and appearance of the landscape of the area. They would not harm the special architectural or historic interest of the listed building or its setting.

None of these proposed alterations would harm the privacy or amenity of any neighbouring residential properties.

The proposed one and a half storey extension, which would facilitate the auditorium, would be positioned on the inner side of the east end of the north range of the steading. It would measure some 22 metres long, some 12.5 metres wide and some 6.5 metres high to the ridge of its pitched roof. Its external walls would be clad in stone and otherwise it would be mostly clad in 'corten' steel. It would have timber framed glazed doors formed within its south elevation wall. The proposed extension would, due to its contemporary design and external materials, be architecturally different from the north

and west ranges of the existing buildings which display external stone walls and pitched roof slopes clad in grey coloured slates. However, in its position on the inner side of the east end of the north range, only a small section (some 1.2 metres) of its west facing pitched roof slope would be visible above the single storey pitched roof slope of the west range of the building. However, in its set back position (some 26 metres) from the east facing pitched roof slope of the west range of the building and due to the long distance views in which it would be seen, the limited and exposed amount of west facing pitched roof slope of the proposed extension would not appear as a harmfully dominant, intrusive or incongruous addition to the existing buildings. Moreover, the ridge height of the pitched roof slope of the proposed extension would be some 580mm lower than the existing ridge height of the north range of the building and thus would not be seen in views of it from the north. The proposed extension would also replace the largest of the modern utilitarian buildings within the steading. In all of this, and by virtue of its architectural form, size, scale, design, proportions and materials, the proposed extension would be a sympathetic and complementary addition to the building and would be well absorbed into its surroundings. It would not be harmful to the overall composition of the existing buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

The other proposed extension would be positioned on the inner side of the south end of the north range. It would be single storey in height and would comprise of a part glazed, part 'corten' steel, roof finish. It would measure some 12.9 metres long, some 12 metres wide and some 4 metres high to the ridge of its shallow pitched roofed form. It would be lower than the ridge heights of the existing roofs of the existing buildings and thus it would not be visible in public views of it. By virtue of its architectural form, size, scale, design, proportions and materials, the proposed extension would be a subservient and complementary addition to the building and would be well absorbed into its surroundings. It would not be harmful to the overall composition of the existing buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

The proposed 'L' shaped extension would abut the east end of the north range of the existing buildings and otherwise would wrap around, and be off-set from, the east range of the building. The extension would provide 26 bedroom accommodation with a plant room, a laundry room, male and female toilets. The eastern component part of the proposed extension would be single storey in height. It would measure some 41 metres long, some 5.5 metres wide and some 5.5 metres high to the ridge of its pitched roof above ground level. The northern component of the proposed extension would be one and a half storey in height. It would measure some 35.7 metres long, some 5.2 metres wide and some 6.7 metres high to the ridge of its pitched roof above ground level. The proposed extension would be externally clad in 'corten' steel and otherwise it would have timber framed windows and full height glazed doors formed within it. A landscaped courtyard area between the proposed extension and the existing existing buildings would be created by its positional relationship with the east end of the north range of the existing buildings.

The proposed 'L' shaped extension would, due to its contemporary design and contrasting external materials, be a distinctive new component to the north range of existing buildings which displays external stone walls and pitched roof slopes clad in grey coloured slates. However, due to their lower ridge heights relative to the higher ridge height of the north range of the existing building and due to the north component of the proposed extension being set back some 28 metres from the west end of the north range of the existing building, these visible components of the proposed extension would not appear as harmfully dominant, intrusive or incongruous additions to the existing building. Rather the proposed extension would be subordinate in both its scale and form

and would make a deferential contrast to the steading buildings. By virtue of its architectural form, size, scale, height, design, proportions, materials and position, the proposed extension would be a subservient and complementary addition to the steading buildings and would be well integrated into its surroundings. The proposed extension has been designed in a high quality manner using appropriate materials and would not be harmful to the overall composition of the steading buildings. It would not be harmful to the character and appearance of the landscape of the area. It would not harm the special architectural or historic interest of the listed building or its setting.

There are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings and thus the glazing to be formed in each of the proposed extensions would not have any harmful impacts of overlooking or overshadowing.

It is also proposed to erect two single storey outbuildings to the southeast of the steading buildings. One of them would be used as a garage building with store and the other would provide four holiday let units of accommodation as a 'bothy'. The four holiday let units would each contain a bathroom, a bedroom within an open plan living/kitchen area. They would have access to a patio terrace and a communal garden area to the rear (south) of them. The four holiday let units would also benefit from a parking space with access served from the southern section of road to the west of the steading buildings.

The proposed outbuildings would each be single storey in height and their pitched roof slopes and external walls would be clad in 'corten' steel. In their positions to the southeast of the steading building they would not be visible in public views of them. By virtue of their architectural forms, sizes, scales, designs, proportions and materials, the proposed outbuildings would be appropriate to their place and would be well absorbed into their surroundings. They would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area.

There are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings and thus the proposed outbuildings would not have any harmful impacts of overlooking or overshadowing.

Although the proposed bothy outbuildings, which would provide four holiday let units of accommodation are small units they would, theoretically, be capable of being used as residential units. As units of holiday letting accommodation the use of the bothy outbuildings are consistent with development plan policy. However, they have not been assessed against the policy as new houses within the countryside and no locational justification has been given for them on these terms. In addition, the level of amenity in terms of garden ground and privacy has not been assessed as would be for a permanent house(s). Therefore, although the bothy outbuildings are acceptable as four holiday let units of accommodation when assessed against the adopted Local Development Plan, they are not approved for use as permanent residential dwellings.

To prevent the four bothy buildings from being used as separate permanent independent residential units of accommodation, the occupation of them should be restricted solely to short term lets of not more than 28 days and the holiday letting accommodation should not be re-let to the party who last occupied them anytime within a period of two months after that previous time of occupancy. This control can be imposed as a condition attached to a grant of planning permission.

The area proposed as a car park to the north of the steading would be a large area of hardstanding. However, it would be enclosed and given screening in views from outwith the steading by the existing hedgerow enclosing its north and west boundaries.

Screening would also be provided by the existing hedgerow on the east and west sides of the access road leading to the steading. New hedging is proposed to be planted on the east boundary of the site which would also provide screening in views from the east. Therefore the proposed areas of hardstanding including the proposed new car park would, by virtue of their extents, forms, materials and positional relationship with the proposed extension and the existing steading buildings, not be inappropriate to their place. They would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area. The use of the hardstanding areas would not allow for any harmful overlooking as there are no immediate neighbouring residential properties to the north, east, south or west of the steading buildings.

The proposed changes to the private access roads to the west of the steading building includes (i) the re-surfacing of them in a tarmac finish; and (ii) the widening of part of the west access road to include a reinforced verge to allow for passing places. These proposed alterations to the existing access roads to the west of the steading building would not radically alter the character or appearance of them. They would not appear harmfully intrusive, incongruous or exposed within their landscape setting. The proposed alterations would not be harmful to the setting of the steading building, which is listed as being of special architectural or historic interest, or to the character and appearance of the landscape of the area.

The application site is within the Whittingehame to Deuchrie Special Landscape Area. Policy DC9 of the adopted East Lothian Local Development Plan 2018 relates to Special Landscape Areas and seeks to protect the special character of such areas from inappropriate development. However, due to their nature and scale and the fact that the proposals are either located within the footprint of the existing steading buildings or within the curtilage of the steading buildings, they would not have an adverse impact on the special landscape area.

On these considerations and subject to the aforementioned controls the proposals are, as relevant, consistent with Policies CH1, DC9, DP1, DP2 and DP5 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: Revised December 2020. The proposals are also consistent with the Council's supplementary Planning Guidance on 'Farm Steading Design Guidance'.

The development proposals would be a radical change to Papple Steading and to the surrounding area. However the investment this proposal would bring into East Lothian must be weighed against the changes the proposal would bring to character of Papple Steading and its environs.

The **Service Manager for East Lothian Council's Economic Development Service** has confirmed that the mixed use development will secure the future of the steading, will attract further tourists to the local area, and importantly will assist East Lothian in its economic recovery. Around 10 jobs are expected to be created by the end of 2023 and over 30 positions when in full operation. Therefore the Service Manager for East Lothian Council's Economic Development Service supports the proposal as it would create employment and add value to the tourism accommodation offer in East Lothian, attract overnight stays and associated spending.

Due to the investment that this proposal would bring to the area, and as the proposed physical alterations and extensions to the steading are themselves acceptable, the change to the character of Papple Steading from one in agricultural use to one in use as an agricultural heritage centre, business retreat with conference and community facilities is in this circumstance acceptable.

The **Council's Policy & Strategy Manager** advises that the proposals seeks to repair and restore much of the original fabric of the steading while also inserting a new build auditorium in place of a 1960s or 70s shed and add a new range as an extension to the steading. The proposed new use is a mix of uses including an agricultural heritage centre, business retreat with conference and community facilities which is supported by Policy DC1 of adopted East Lothian Local Development Plan 2018. He also advises that the proposals comply with Policies CH2, DC9, DP1, DP2 and DP5 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the new buildings and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for the new build elements of this proposed development.

The **Scottish Environment Protection Agency (SEPA)** have been consulted on this application but have not responded with any comments. Nevertheless, at pre-application stage, SEPA did advise that the application site is outwith the SEPA Flood Maps and that they hold no records of flooding in this area.

The **Council's Archaeology Officer** confirms that an historic building recording was undertaken in 2007 for Papple Steading which has been submitted with this planning application. Accordingly, he has no further recommendations to make with regards to the development proposed in this planning application with regards to the historic environment.

The **Council's Environmental Health Officer** raises no objection to this application being satisfied that, having perused the noise impact assessment submitted with this application and due to separation distances to nearest noise sensitive receptors and performance of building fabric, noise impacts associated with entertainment arising from the proposed auditorium will not have a significant impact upon occupiers of Papple Cottages located some 200 metres to the west of the site. However he recommends that, with regards to the design criteria of the building fabric for the proposed auditorium, the minimum sound insulation RW rating values assumed for the main components of the building fabric shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020. This can be controlled by condition on a grant of planning permission. He also states that the glazed doors shall be maintained in a closed position during events within the proposed auditorium that involve amplified music and/or speech.

The Council's Environmental Health Officer also advises that air quality will be good in this location and thus he does not expect any significant impacts, in respect of air pollution, as a result of the development proposals. However he recommends that, in order to protect the amenity for occupiers of neighbouring properties due to lighting, the design of any proposed artificial lighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E2 Zone, (i.e. low district brightness areas such as rural, small village or relatively dark urban locations) light trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the

hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700. This can be controlled by condition on a grant of planning permission.

The **Council's Contaminated Land Officer** has advised that, as the site is a farm steading, there may be contamination issues associated with the current (and former) land use. Accordingly, he recommends that in order to determine the ground conditions and potential contamination issues impacting on the site, a Phase I Geo-Environmental Assessment (Desk Study) be carried out. This matter can be controlled by condition on a grant of planning permission.

The **Council's Flood Prevention Officer** advises that has reviewed the Drainage Strategy report and raises no objection to this application with regards to flood risk matters.

The **Council's Biodiversity Officer** states that that application site is located near the Biel Water Valley Local Biodiversity Site. However, she advises that the proposals would not have any significant affect on the Local Biodiversity Site or have an adverse impact on nearby wildlife. However, she notes that the submitted Barn Owl Survey (dated May-June 2020), observed two barn owls using several buildings for roosting and otherwise nesting in the tower. She therefore recommends that no development be carried out during the bird breeding season of March through to August and that details of a permanent nest space for barn owls must be provided within one or more of the developed buildings.

She also advises that the submitted Bat Survey (dated May-June 2020) identified 19 bat roosts within the buildings with two species of bats occupying them. However, she notes that this site can be registered under a low impact licence (BLIMP) as none of the bat roosts were identified as a breeding colony. Accordingly, she recommends (i) a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) be submitted prior to the commencement of development; and (ii) a Species Protection Plan for bats, including a timetable for the implementation of mitigation and protection measures, be submitted prior to the commencement of development. Subject to these aforementioned controls, the Council's Biodiversity Officer raises no objection to this application. Accordingly, and subject to appropriately worded conditions, the proposals do not conflict with Policies NH3 or NH5 of the adopted East Lothian Local Development Plan 2018.

The **landscape advice from Policy & Projects** notes that the hedgerow on the northern boundary is to be retained which will provide some enclosure to the car park in views of it from the north. However, she advises that the paved surface finish of the car park should be off-set from the hedge by a minimum of 1.5 metres to enable its successful retention. She also advises that new tree planting should be provided along the northern and eastern boundaries of the site with details of their positions, sizes, numbers and species to be submitted. She also notes that there are mature lime trees located on the east side of the existing access road to the north of the steading and that the 'Proposed Site Plan' drawing, number PP-119, seeks to reinforce the verge with reinforced grass. However, she notes that details of the proposed material and design have not been provided to demonstrate that excavation of the verge will not be required or damage the roots of the mature lime trees which are important to the landscape character of the area. She therefore raises no objection to this application subject to details of a scheme of landscaping being provided, including the retention of the existing hedgerows positioned on the northern and eastern boundaries of the site and the materials and design of the reinforced grass, in advance of any works commencing on site. Accordingly, and subject to an appropriately worded condition, the proposals do not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** state that the estimated traffic generation and arrival/departure profile is considered to be robust. The documents indicate that traffic generation, should both the conference and heritage elements be operating simultaneously and assuming conference visitors leave on the day they arrive, could reach 339 two way vehicle movements over the course of a day. The peak hours of generation are anticipated to be 08:00-09:00 and 16:00-17:00. During the morning peak hour, up to 48 movements are expected (40 arrivals and 8 departures) and during the afternoon peak hour, up to 55 movements (14 arrivals and 41 departures) with fewer movements during off peak hours. For assessment purposes, the traffic generation calculations assume a relatively modest proportion of the conference facility users will be car passengers or arrive by coach/minibus. The applicant states that users of both facilities will be encouraged to use coaches/minibuses to access the site which would reduce predicted traffic movements. This is to be encouraged, subject to appropriate coach routes being agreed as part of a Travel Plan.

With regards to traffic impact, the Council's Road Services officer advises that there are a number of routes that could be used to access the proposed development, particularly from the A1. The submitted Transport Statement focusses on three; the B6370 from the east, the B6370 from the west and the C130/U170 from the north. However it is considered that vehicle trips would distribute over a greater number of routes; some satnavs for instance would direct drivers from the A1 west via the A199 and C68/U170. The Road Services officer therefore advises that no more than 33% of the estimated traffic generation is likely to use any one of the possible approach routes which equates to fewer than 20 movements using any one route during the peak hour (averaging circa one vehicle every three minutes). Where the approach routes converge onto the U177 north and west/south of the site entrance, the volumes would be greater with potentially 50% (28) of the trips arriving from/ departing to the north and 50% (28) to from the west/south. It is generally accepted that adverse effects on accidents, safety, driver delay, pedestrian delay and pedestrian amenity due to increased traffic will be felt on road links where traffic flows are predicted to increase by more than 30% as a result of the development (Institute of Environmental Assessment - Guidelines for the Environmental Assessment of Road Traffic). In this instance a numerical assessment of traffic impact was not undertaken. Such an assessment requires recent representative base traffic data and with the Covid-19 restrictions resulting in abnormally low traffic volumes, any data collected since March 2020 cannot be considered representative. It is however, recognised that traffic flows, particularly on the unclassified roads immediately adjacent to the proposed development site, are low. Assuming 50% of the estimated trips will arrive from/ depart to the U177 north and 50% to/from the U177 west/south, the maximum additional traffic movements anticipated in any one hour on any one section of road would be circa 28, averaging less than one movement every two minutes. Whilst the Council's Road Services officer advises that she is unable to consider percentage impact, she notes that the applicant provided a supplementary traffic report which reviewed the increase in traffic flow in relation to the capacity of local road links; capacity being related primarily to road width. This is in line with standard practice. Roads in the vicinity of Papple Steading vary in width from 5m to 6m with localised reductions of between 4m and 5m; they are known not to experience capacity issues at present. The theoretical two-way capacity of a 4m carriageway is 280 vehicles per hour and of a 5m carriageway 1,100 vehicles an hour. The estimated maximum hourly two way traffic flows of 28 vehicles on the U177 north and 28 vehicles on the U177 west/south of the site access represent circa 10% of the hourly capacity of a 4m wide road link and less than 3% of a 5m wide road link. It is therefore considered that the level of traffic anticipated to be generated by the development will not cause significant impacts.

The Council's Road Service officer also advises that (i) reported personal injury accident

data indicates that the surrounding road network has a good record in terms of road safety; the level of development traffic is not expected to affect this; and (ii) whilst the roads in the vicinity of the proposed development site are used by walkers, cyclists and horse riders, none are formally designated routes or core paths. It is not considered that the type or volume of traffic attracted to the development will provide a significantly greater risk to these existing users than the current mix and volume of vehicles on the network.

With regards to coach traffic, the Council's Road Services officer states that the roads surrounding Papple Steading are adopted and unrestricted in terms of vehicle type and use but as the applicant intends to encourage access by minibuses and coaches, vehicle path assessments were requested at particularly constrained locations. Swept path assessments were provided for seven requested locations. These indicate that access from the north can be safely achieved to connect to the A199 at East Linton. Access via the B6370 and U177 west/south is not considered appropriate for coach traffic as vehicles will use all available road width to turn at the B6370 west/U177 junction at a point where the B6370 lies between embankments. The embankments constrain manoeuvring for large vehicles and restrict the ability of other traffic to pass a larger vehicle. However, she states that a management plan which set out details of how coach traffic will be restricted to appropriate routes to access the development can be agreed and implemented as part of Travel Plan. This can be made a condition on a grant of planning permission.

With regards to parking, the Council's Road Services officer states that ELC parking standards require 87 spaces to be provided as is detailed in the Transport Statement. However, the Transport Statement also notes that only 74 spaces will be provided as some users will arrive by coach/minibus. A parking accumulation assessment based on the provided arrival/departure profile for the conference facility and heritage centre suggests that up to 72 spaces could be occupied at any one time. The Council's Road Services officer therefore advises that the proposed level of parking would leave little margin should there be even a small increase in anticipated vehicle arrivals or users stay on site longer than the profile anticipates. As a result, the Council's Road Services officer initially advised that 87 spaces would be required.

The application drawings initially showed that 73 visitor spaces and 4 staff parking spaces were to be provided within the site (a total of 77 parking space). However, in light of the comments received from the Council's Road Services officer, the applicant's agent has provided revised drawings to show that 3 additional visitor spaces and two additional staff spaces can be accommodated within the site to increase the overall number of visitor parking spaces to 76 and staff parking spaces to 6 (a total of 82 parking spaces). The drawing also shows 5 covered cycle parking bays for staff and that four further parking spaces could be provided to the east of the south range of the steading building if additional parking at peak levels was required. The Council's Road Services officer confirms that the additional parking spaces and cycle parking, as shown on drawing number PP-119 Revision A, is acceptable. Subject to the parking spaces and cycle areas being laid out for them in accordance with the proposed site plan drawing the proposals do not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

Consideration must also be given to the potential impact of the proposed development on the infrastructure of the area. Policy DEL1 of the ELLDP stipulates that developer contributions are required for all new development proposals that meet or exceed the scale thresholds below, including windfall proposals:

- (i) Proposals of 5 or more dwellings, including affordable homes; and

(ii) Employment, retail, leisure or tourism proposals of 100 square metres gross floor space or larger.

Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

As the scale of the proposed development exceeds 100m², developer contributions are required towards the LDP Transport Proposals set out in the Developer Contributions Framework Supplementary Guidance and Adopted LDP Policies DEL1 and T32. This development proposal will have a cumulative impact with all other planned and windfall development on the East Lothian's transport network. The interventions have been designed to accommodate planned impacts.

The impacts and contributions of this proposed development at Papple Steading for a 978m² business retreat and 752m² heritage museum, have not been identified through the LDP and Developer Contributions Framework Supplementary Guidance transport appraisal process. However, the nearest assessed LDP non-housing site (DR9 Auction Mart, East Linton) can be used as a reasonable and scalable proxy to establish the relationships between the proposed development and planned interventions in this location and the scale and kind of that relationship and subsequent contributions. The contribution values below are based on the contributions for the site as set out in the Developer Contributions Framework Supplementary Guidance.

The **Council's Planning Obligations Officer** advises that the contributions required for each transport intervention are as detailed below:

- * Improvements to Bankton Interchange (PROP T17): £513.81
- * Rail Proposals (PROP T9 and T10): £2,425.81

The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £2,939.62.

The total developer contributions towards the transportation improvements of £2,939.62 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicant's agent has confirmed in writing that they are willing to enter into such an agreement. Subject to the payment of the required contribution towards transportation improvements the proposals are consistent with Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to secure from the applicant a financial contribution to the Council of ££2,939.62 for transport improvements to Bankton Interchange and Rail Proposals.

In accordance with the Council's time limits for completion of planning agreements the decision also is that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason

that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of transport improvements contrary to Policies DEL1 and T32 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATIONS:

That planning permission be granted subject to the undernoted conditions:

- 1 All new and replacement roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slope into which they will be installed and with minimum flashing.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 2 Samples of new and replacement natural slates and new and replacement pantiles to be used in the development hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 3 Notwithstanding what is shown for them on the docketed drawings the new and replacement windows and glazed doors hereby approved shall have through glazed astragals so as to divide their glazing and shall not have 'plant on' astragals. Prior to the installation of them a specification drawing, at a scale of 1:20, shall be submitted to and approved by the Planning Authority and the windows, glazed doors, astragals and glazing shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 4 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 5 All stonework repairs shall be carried out using salvaged stone from elsewhere on site. If this is not possible then natural stone specifically selected to match the existing stone in colour, tooling and shape shall be used.

Any new stone shall be coursed to match the original. In the case of replacement skews, door or window surrounds or other such features, the stone shall be dressed and laid in the same manner as the original, as far as reasonably possible.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 6 All stonework repairs and re-pointing shall be carried out using a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the

lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority.

Thereafter, the limework shall be implemented as approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 7 All rainwater goods shall be cast iron and painted, unless otherwise agreed with the planning authority. Prior to installation of the rainwater goods, details of the proposed colour shall be submitted to and approved in writing with the Planning Authority.

Thereafter the rainwater goods shall be installed and the colour applied as approved.

No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps, unless otherwise agreed in writing with the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 8 Samples of the external finishes of the extensions and ancillary buildings hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 9 The occupation of the holiday letting accommodation use hereby approved shall be restricted solely to short term lets of not more than 28 days. The holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday let, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

Reason:

To restrict the holiday letting use of the proposed buildings to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the East Lothian countryside.

- 10 The minimum sound insulation RW rating values of the main components of the building fabric of the auditorium hereby approved shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 11 The glazed doors to be formed within the auditorium hereby approved shall be maintained in a closed position during events that involve amplified music and/or speech.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 12 Any light trespass (onto windows) of neighbouring residential properties, as a result of any artificial lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 13 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the

site is potentially contaminated and the degree and nature of the contamination warrants further investigation;

(iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use or occupation of the buildings approved.

- 14 Prior to the commencement of development, details of a barn owl nesting box shall be submitted to and approved in writing by the Planning Authority. The details submitted shall include the location and specification of the nesting box and a timescale for its erection. Thereafter, the nest box shall be erected as approved and retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Development shall not be carried out during the bird breeding season of March through to August of any year, unless otherwise agreed in writing with the Planning Authority.

Reason:

To mitigate the potential impact of the development on barn owls on the site and provide compensatory nesting sites in the interest of biodiversity.

- 15 Prior to the commencement of development hereby approved, a Species Protection Plan (for bats) and a timetable for the implementation of mitigation and protection measures, shall be submitted to and approved in writing by the Planning Authority. The mitigation and protection measures shall thereafter be implemented in strict accordance with the timetable so approved.

In addition, a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) shall be submitted prior to the commencement of development.

Reason:

In the interests of biodiversity and the conservation of a European Protected Species.

- 16 No development shall take place on site until:

a) a scheme of landscaping has been submitted to, and approved in writing by, the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. In particular, the landscape scheme shall include (i) the retention of the existing hedgerows to the access roads and northern site boundary; (ii) the retention of the mature lime trees to the east side of the northern access road; (iii) new tree planting to the northern and eastern site boundaries; (iv) new hedgerow planting to the eastern boundary; and (v) show that the paved surface finish of the car parking area shall be off-set from the centre lines of the existing hedges enclosing the northern and eastern boundaries of the application site by a minimum of 1.5 metres; and

b) details of the construction of the grass verge reinforcement shall be submitted to and approved in writing by the Planning Authority. It shall be designed and carried out in accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations". The design must not require excavation into the soil, including through lowering of levels and/or scraping, other than the removal, using hand tools, of any turf layer or other surface vegetation.

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees, plants or hedgerows 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. No trees, shrubs or hedgerows, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme and the retention of trees and hedgerows in the interests of the landscape character, appearance and amenity of the area.

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 18 Prior to any use of the development hereby approved, the car parking spaces and cycle parking areas shown on docketed drawing number PP-119 Revision A, titled 'Proposed Site Plan', shall be fully formed and made available for use. So too shall the reinforced verge to be used as a passing area. Thereafter the car parking spaces, cycle areas and passing area shall all be retained in place in their entirety for use for the parking of vehicles, cycle bikes and to ensure that an adequate passing area is provided within the application site.

Reason:

To ensure the provision of adequate car and cycle parking facilities are available in the interests of road safety.

- 19 A Travel Plan to minimise private car trips to and from the site and to encourage use of alternative modes of transport such as buses and cycling shall be submitted to and approved by the Planning Authority prior to the use of the development hereby approved. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. It shall also include a risk assessment/statement of the appropriateness of local roads to accommodate coaches and cyclists.

The approved Travel Plan shall be implemented prior to the use of the conference and heritage facilities.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the conference and visitor centre use.

- 20 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in advance in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

REPORT TO: Planning Committee
MEETING DATE: 30 March 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Note - this application was called off the Scheme of Delegation List by Councillor McGinn for the following reasons: There is significant public concerns about this application and I think the Planning Committee should visit this site and consider the public concerns about this proposal before they take a decision on this application.

Application No. **20/01388/P**
Proposal Extension to house
Location **4 Sandersons Grove
Tranent
East Lothian
EH33 1JY**
Applicant Mr Mujahid Nazir
Per Architecturejfltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a two storey, detached house with associated garden ground. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is also situated within the Battle of Prestonpans Historic Battlefield Site.

The property is bounded to the north and south by neighbouring residential properties, to the east by the public road of Sandersons Grove and to the west by a public footpath.

Planning permission is sought for the addition of a two storey, pitched roof extension onto the side (north-west) elevation of the existing house.

The proposed extension would extend along the side (north-west) elevation some 12.2 metres; project out some 5.2 metres and would have a height of some 7.6 metres, at its

apex. The proposed extension would be finished predominantly in red facing brick, to match the existing house. The roof of the proposed extension would be clad in concrete roof tiles, to match the existing roof. The proposed window and door frames would be of uPVC construction and would be brown, to match the existing fenestration. The proposed rainwater goods would be of uPVC construction.

The front (north-east) elevation of the proposed extension would contain a window at ground floor level and a window with associated balustrade at first floor level. The rear (south-west) elevation would contain a window at ground and first floor level. The side (south-east) elevation would contain a glazed sliding door opening at ground floor level and no glazed openings at first floor level. The side (north-west) elevation would not contain any glazed openings at ground or first floor level.

Subsequent to the registration of the application the agent has submitted revised drawings which shows the first floor window on the rear (south-west) elevation re-positioned to the first floor of the side (south-east) elevation of the proposed extension.

The drawings also show an intention to (i) in-fill an existing single door opening in the rear (south-west) elevation of the existing house; (ii) extend the existing terrace slabs and steps to the rear (south-west) of the existing house; and (iii) extend the existing monoblock driveway to the front (north-east) of the existing house. These proposals do not require planning permission and as such do not form part of the application.

DEVELOPMENT PLAN

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 Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies CH5 (Battlefields) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS:

A total of 6 public letters of objection have been received in relation to the application. The main grounds of objection are:

- i) The proposed extension is very large and would increase the size of the property by approximately 50%;
- ii) Due to its height the extension would block a fairly open westerly aspect from a bedroom window of a neighbouring house;
- iii) The front facing windows are extremely large and out of proportion and character to the existing windows of the property and neighbouring properties. Additionally, the balustrade is at odds with neighbouring properties;
- iv) On street parking can, at times, be very difficult which objectors' feel would be exacerbated by the proposed extension;

- v) the extension could be to convert the property into a house of multiple occupancy;
- vi) The extension would dominate and overshadow neighbouring properties and the amenity of their homes would be greatly reduced which would also affect the value of the property;
- vii) An objector asks if the impact of the extension on the neighbouring premises in Sandersons Wynd which falls under the Tranent Conservation Area and the Battle of Prestonpans Historic Battlefield Area have been considered;
- viii) The extension would completely block out sunlight and daylight and cast a gloomy dark shadow over an objectors' sunroom as well as their whole garden. This would have a great impact of the light is restricted and will greatly impact the health of the occupants;
- ix) The extension would result in a loss of privacy to neighbouring residential properties; and
- x) what is the purpose of the extension and what arrangements for the construction of the extension will be made And will there be consideration of neighbours in any construction arrangements and/or engagement with the considerate constructor's scheme and/or specific parameters set for the construction activities.

With regards to the above comments, the loss of a view is not in itself a material planning consideration relevant to the determination of a planning application.

There is no evidence to suggest the proposed extension would be to facilitate either a commercial or letting use or for use as a house of multiple occupancy. What is proposed is an extension to be attached to an existing residential property. Planning permission would be required to convert the house into a House in Multiple Occupation (HMO). Any planning application submitted for that would be determined on its merits.

As a householder type development that is not uncommon in a residential area the details relating to the arrangements and timelines for the construction of the extension are not required in the determination of the planning application.

The impact of development upon the prices of residential properties within the locality is not a material planning consideration.

PLANNING ASSESSMENT

The proposed two storey extension would be attached to the side (north-west) elevation of the existing house. It would be readily visible from the public road of Sandersons Grove and from the public foot path to the rear of the house. However, the proposed two storey extension would be of a size, scale and massing that would be appropriate for attachment to the existing house. The ridge of its roof would not project above the ridge height of the existing house and it would not occupy the whole of the back garden of the house. Therefore and as its external finishes would match the external finishes of the house it would not be an addition to the house that would be overly large or dominating. It would be subservient to and in keeping with the existing house. Therefore and as it would be seen against the backdrop of the existing two storey house and of the neighbouring houses of Sandersons Grove the proposed extension would by virtue of its architectural form, size, design, proportions, materials, and positioning the proposed extension be appropriate to its setting and would not be harmfully unsympathetic to the

house or its surroundings. The proposed extension would not result in an overdevelopment of the house or its garden ground. The proposed extension would not be harmful to the character and appearance of the house or to the character and appearance of the wider area.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

In relation to the above, the glazed openings to be formed at ground and first floor levels in the front (north-east) elevation would face over the applicants' front garden for some 5.5 metres and beyond to the public road of Sandersons Grove. In addition, the glazed openings would not fall within 18 metres of any directly facing windows of any neighbouring residential properties. Therefore they would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to be formed at ground floor level in the rear (south-west) elevation would face over the applicants' rear garden for some 5.2 metres and onto a high fence boundary treatment and as such would not allow for any harmful overlooking of any neighbouring residential properties.

There are no proposals to form openings in the first floor of the rear (Southwest) elevation of the proposed extension. If formed at first floor level in the rear (south-west) elevation the glazed openings would face over the applicants garden for some 5 metres and would fall within 9 metres of the private rear garden of the neighbouring residential property to the immediate rear and as such would allow for harmful overlooking of that property. Therefore, it would be prudent to remove permitted development rights for the formation of first floor windows in the rear (south-west) elevation of the proposed extension in order to protect the privacy and amenity of the neighbouring residential property to the south-west. This can reasonably be achieved by attaching a condition to any grant of planning permission.

The glazed opening to be formed at ground floor level in the side (south-east) elevation would face over the applicants' rear garden for some 11 metres and beyond to a high fence boundary treatment and as such would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to be formed at first floor level in the side (south-east) elevation would face over the applicants' rear garden for some 11 metres and would not fall within 18 metres of any directly facing windows of any neighbouring residential property. Therefore, the glazed opening to be formed at first floor level in the side (south-east) elevation would not allow for any harmful overlooking of any neighbouring residential property.

There are no proposals to form windows at ground or first floor level within the side (north-west) elevation of the proposed extension. Additionally, there are no proposal to form windows or other glazed openings at first floor level within the rear (south-west) elevation of the proposed extension. Windows or other glazed openings could be formed in these elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed at ground floor level in the side (north-west) elevation the glazed openings would face over the applicants' garden and beyond to a high fence boundary treatment and as such would not allow for any harmful overlooking.

If formed at first floor level in the side (north-west) elevation the glazed openings would face over the applicants' garden and beyond to the blank side elevation of the neighbouring residential property to the south-east. However, if a glazed opening were to be formed towards the western end of the proposed extension then the glazed opening would face over the applicants' garden and beyond to the rear garden of the neighbouring residential property to the north-west. Therefore, it would be prudent to remove permitted development rights for the first floor level of side (north-west) elevation of the proposed extension in order to protect the privacy and amenity of the neighbouring residential property to the north-west. This can reasonably be achieved by attaching a condition to any grant of planning permission.

Subject to the imposition of conditions the proposed extension would not allow for harmful overlooking of any neighbouring residential properties.

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties. With regard to daylight, the Guide gives a two-part test, one part measured horizontally and the other vertically. The Guide advises that there will not be a harmful loss of daylight if a proposed extension passes at least one part of the test when applied to a window of a neighbouring house.

Application of the daylight tests on the proposed extension, given in The Guide demonstrates that given its orientation and siting in relation to neighbouring residential properties, it would pass both the horizontal and vertical tests when applied to neighbouring residential properties. Therefore the proposed extension would not lead to a harmful loss of daylight received by neighbouring residential property.

Application of the sunlight test given in The Guide demonstrates that on the 21st March there would be overshadowing of the rear garden of 5 Sanderson's Grove. This would however be limited to between the hours of 09.00 and 13.00pm. Due to the size of the garden of the neighbouring property, 5 Sanderson's Grove the extension would not lead to more than 50% of the garden area of this property being in shadow at any time. Therefore in accordance with The Guide there would be no detrimental impact on the levels of sunlight received by that neighbouring residential property or by any other property.

On those matters of amenity the proposed extension does not conflict with Policy DP5 of the adopted East Lothian Local Development Plan.

The **Council's Road Services** have been consulted on the application and advise the proposed extension would result in an increase in residential accommodation within the house. However given that it is proposed to increase the size of the driveway that this would accommodate the additional parking demand created by the extension. Therefore the Council's Road Services raise no objection to the application, however, they recommend that a dropped kerb application be made to extend the dropped kerb across the extension to the driveway for ease of access.

The proposed developments would not have a significant adverse effect on the key features of the Battle of Prestonpans Historic Battlefield Site.

The proposals are consistent with Policies CH5 and DP5 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: Revised December 2020.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed at first floor level within the side (north-west) elevation wall of the extension hereby approved.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the north-west.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed at first floor level within the rear (south-west) elevation wall of the extension hereby approved.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the south-west.

- 3 No use shall be made of the extension hereby approved unless and until the driveway has been extended in accordance with the drawings docketed to this planning application and made available for use. Thereafter the enlarged driveway shall be retained and available for use for the parking of vehicles unless otherwise agreed by the Planning Authority.

Reason:

In the interests of road safety.

REPORT TO: Planning Committee
MEETING DATE: 30 March 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: I would like this application brought before the planning committee to consider the parking situation on Church Street and the alterations to this Historic Building in Dunbar.

Application No. **20/01413/P**
Proposal Alterations and conversion of building into 4 flats
Location **Assembly Rooms
Church Street
Dunbar
East Lothian
EH42 1HA**
Applicant Mr Alexander Williamson
Per Architecturejfltd

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

Planning permission is sought through this application for the conversion of the ground floor and attic space of the Assembly Rooms building to form 3 flats and for alterations to that building to facilitate its conversion into flats. The building is situated on the eastern side of Church Street in Dunbar and is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The building is also within Dunbar Conservation area and it is listed as being of special architectural or historic interest (Category B).

The building fronts onto and is bounded by Church Street to the west with residential properties beyond. To the east of the building is the land that would have originally served the Assembly Rooms but which has been divided up and is now in part the garden ground for the basement flats with the remainder being in separate ownership. To

the north of the building is a building in residential use and to the south of the building is an area of undeveloped land of the Coastguard site.

Other than 3 flats within the basement of the building, it has been vacant for some 30 years. Consequently the building has been on the Buildings at Risk register for Scotland since 1992.

The Assembly Rooms building along with the adjacent Coastguard site were allocated for residential development through Proposal DN1 of the adopted East Lothian Local Plan 2000 and Proposal HN1 of the adopted East Lothian Local Plan 2008. It is therefore listed within the Dunbar Cluster Established Housing supply table DR1 of the adopted East Lothian Local Development Plan 2018 with the capacity to accommodate 8 residential units within it. Sites within the Established Housing supply table including the Assembly Rooms building are covered by Policy HOU1 (Established Housing Supply) of the adopted East Lothian Local Development Plan 2018. Policy HOU1: Established Housing Land Supply states that The Council continues to support the principle of appropriate residential development on sites of the established land supply as set out in the Housing Land Audit 2017. Proposal HN1 of the adopted East Lothian Local Plan 2008 states that parking for the Assembly Room flats is to be provided on the land of the adjacent Coastguard site.

The land immediately to the rear (east of the building) is divided between and is in use as garden ground for each of the 3 basement flats. One of those basement flats and the garden ground adjacent to it are within the ownership of the applicant. However, there is an area of unmaintained ground between that garden and Lamer Street that is in different ownership. All the other ground is in different ownership to the applicant. Consequently, there is no land within the ownership of the applicant on which to provide off street parking or garden ground for the building. Therefore none of the 4 flats would have either individual or communal amenity space nor would any of the flats have any dedicated parking spaces. Neither is there space to form a bin store.

In July 1994, planning permission (Ref: P/0003/94) was granted for the change of use of and alterations to the Assembly Rooms to form 9 flats and for the erection of 12 flats on the adjacent Coastguard site. At the same time listed building consent (Ref: L/0003/94) was granted for alterations to the Assembly Rooms in association with its change of use to 9 flats. Development of the approved scheme has not commenced and planning permission P/0003/94 and listed building consent L/0003/94 both lapsed in July 1999.

In January 2008, planning permission (Ref: 08/00053/FUL) was sought for the formation of 8 car parking spaces on part of the land of the Coastguard site. Those spaces were promoted to serve the flats proposed through planning application 06/00349/FUL. That application was withdrawn prior to determination in July 2015.

In December 2015, planning application 15/00478/P was sought, by the same applicant as for this application, for the erection on the adjacent Coastguard site of a flatted building containing nine flats, and for associated works on the site. The associated works included an area of car parking which included parking for the 8 flats to be formed within the Assembly Rooms building the subject of planning application 06/00349/FUL. However, planning application 15/00478/P was withdrawn prior to determination in August 2020 and therefore the provision of the 8 parking spaces was no longer proposed to facilitate the 8 flats proposed through application 06/00349/FUL.

In March 2019, planning permission 19/00978/PCL was refused for the change of use of the adjacent Coastguard site to a public car park.

In September 2020, planning permission 06/00349/FUL was refused for alterations and conversion of the Assembly Rooms building into 8 flats for the reason being that, 'As there is insufficient space within the curtilage of the application site to provide the 8 parking spaces required by East Lothian Council's Road Services to meet East Lothian Transportation Standards, the proposal would cause parking and congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018'.

In November 2020, listed building consent (Ref: 06/00349/LBC) was granted for alterations to building including heightening of roof. Listed building consent 06/00349/LBC has not been implemented but remains extant until 27th November 2023.

The proposed scheme of conversion now proposed is to form 4 flats within the Assembly Rooms building. As shown for them in the submitted 'Proposed Floor Plan' drawing, each of the 4 flats would contain three bedrooms (one with en-suite), a kitchen/living room and a bathroom. Three of the flats would also have a dining room. One of them would occupy the north end of the building - a duplex flat comprising part of the ground floor and first floor level of the building. The remaining three flats would occupy the ground floor, first floor and attic space of the building.

The proposed external alterations to the building to facilitate its change of use and conversion to flats are the same as those granted listed building consent by listed building consent 06/00349/LBC and also proposed through the previously refused planning permission 06/00349/FUL and include:

- (i) the replacement of the shallow pitched hipped roof of the building with a hipped roof with a steeper pitch, the top of which would be some 1.4 metres higher than the top of the existing roof. The replacement roof would have six roof windows, seven slate vents and two vent pipes installed within its front (west) facing roof slope and three hipped and pitched roofed dormers formed on its rear (east) facing roof slope;
- (ii) the installation of timber framed and astragalged windows within the existing openings on the front (west) elevation of the building;
- (iii) Blocking up the existing openings on the rear (east) elevation and the formation of seven new window openings in each of the ground and first floor levels of the building and the installation within those new openings of timber framed double glazed window;
- (iv) the installation of a timber door with glazed fanlight within the existing entrance on the ground floor of the front (west) elevation of the building;
- (v) the installation of two wall vents and a new length of cast iron downpipe on the rear (east) elevation of the building; and
- (vi) the rendering of the rear (east) elevation of the building with painted wet dash render.

All the proposed replacement windows would be timber framed and astragalged double glazed windows.

Subsequent to the registration of this application the applicant's agent has provided revised drawings to show (i) the removal of one roof window within the front (west) facing pitched roof slope of the building, and (ii) cycle storage at ground level within the hallway of the building.

It is also proposed to provide storage for the bins of each of the flats within the communal hallway of the building.

The applicant has also provided a transportation/travel plan as requested by the Council's Road Services department.

DEVELOPMENT PLAN

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 Southeast Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved Southeast Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Policies CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), HOU1 (Established Housing Land Supply), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DEL1 (Infrastructure and Facilities Provision) 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 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building and within a conservation area given in Scottish Planning Policy: Revised December 2020.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018 and it provides policy guidance on works to buildings which are in a conservation area and/or buildings which are listed as being of special architectural or historic interest.

REPRESENTATIONS

Three written objections and two representations have been received to this application. The main grounds of objection are:

- (i) the proposed alterations to the roof pitch, which is readily visible, would change the character and appearance of the building. It is too large and will look disproportionate;
- (ii) the west facade will see new sashes inserted. It is unclear whether these are faithful

to the originals;

(iii) the east elevation treatment is unwelcome and would result in an unimaginative clutter of fenestration;

(iv) the interventions and treatments proposed do not extend to the sunken tenement properties and therefore cannot be said to adequately integrate, improve or complement the building as a whole;

(v) the proposals will impact the amenity of neighbouring properties;

(vi) the photographs submitted in the Design Statement do not reflect, or portray, the parking problems that exist within Church Street. They must have been taken during full lockdown or when the High Street had no parking restrictions; and

(vii) the proposed 4 flats would have no parking, garden space or outdoor amenity.

The two representations received to this application raise some support and some concerns. In support of the proposal it states that the development of this listed building is warmly welcomed and long overdue. It states that the reduction in flat numbers and the accommodation of bins within the building is welcomed.

The concerns relate to the lack of car parking provision, the proposed alterations to the roof of the building (which will change the proportions and character of the listed building) and the external treatment/fenestration to the east elevation. One of the representors also states that 4 new flats, each of which would have 3 bedrooms, are likely to result in more than four cars being displaced on Church Street which is already congested.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council, as a consultee to this planning application, state that they are aware of the long history of proposals to convert this listed building and are concerned by its deterioration over time. Accordingly, they welcome a sympathetic conversion to bring the building back into use, one which will create fewer dwellings and also proposes storage of waste and recycling bins.

However, concerns are raised relating to the non-provision of resident parking. However, they remain hopeful that some innovative solution might be realised. They state that there is a large plot of unused garden ground at the rear of the property which is accessed from Lammer Street and is in multiple ownership but complicated by an absent owner. However they state that negotiations over the use of that garden ground for parking would be preferable to the parking area refused at the adjacent Coastguard site. They also raise concerns relating to the raising of the roof of the building and the changes to its fenestration.

PLANNING ASSESSMENT

The building is within the historic core of the settlement of Dunbar and within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing.

Through its inclusion within the Dunbar Cluster Established Housing Supply of the East Lothian Local Development Plan (ELLDP 2018), the Council supports the principle of the conversion of the Assembly Room building to flats. Furthermore, Policy HOU1: Established Housing Land Supply of the ELLDP 2018 states that the Council continues to support the principle of appropriate residential development on sites of the established land supply as set out in the Housing Land Audit 2017.

Therefore the principle of the conversion of the building to flats is consistent with Policies RCA1 and HOU1 of the adopted East Lothian Local Development Plan 2018.

Thereafter, the principal determining factors in this case are whether, having regard to national, strategic and local planning policy and guidance and other material considerations the alterations and the works associated with it are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties and their impact on the special architectural or historic interest of the listed building and the character and appearance of Dunbar Conservation Area, and whether or not there would be sufficient infrastructure, including car parking, to serve the proposed flats.

The Assembly Rooms is a two storey and basement building. Its principal front (west) elevation faces onto Church Street with access into the building via a gantry which crosses over the void containing the access to the basement flats of the building. This principal elevation of the building is largely unaltered. It has a stone frontage, and notwithstanding that they are blocked up, retains its original window and door openings. Due to differing ground levels to the rear of the building the basement flats are below Church Street and are level with, and open out onto, the rear garden ground adjacent to the rear of the building.

The rear (east) elevation of the building has undergone previous alterations. It has a rendered finish and has had alterations to its openings including the enlargement of some openings and the infilling of others, all of which are currently boarded up.

Other than the 3 flats in the basement, the building has been vacant for some 30 years. Its last known use was as a furniture shop back in 1978. The uses of it since then are unclear. This lack of use has resulted in a gradual decline in the condition of the fabric of the building. Consequently, it is a building that is on Scotland's Buildings at Risk register.

Therefore whilst this is a building that is of historic interest its current state of disrepair is compromising its special architectural and historic interest and detracts from and does not preserve nor enhance the character and appearance of the historic core of the Dunbar Conservation Area.

The proposed external alterations proposed for the conversion of the building, which is listed as being of special architectural or historic interest, are the same as those previously refused planning permission 06/00349/FUL. However, through the determination of that application those external alterations were not deemed unacceptable.

Those external alterations included the replacement of the shallow hipped pitched roof with a slated roof with a steeper pitched hipped roof, with three dormers on its rear (east) elevation and six roof windows within its front (west) elevation. It is also proposed to install new timber framed and astragalled double glazed windows doors and a new door within the existing openings within the front elevation of the building. The rear (east) elevation of the building will be overhauled and existing openings will be either partially or fully blocked up and new window openings formed at both levels.

The removal of the existing roof and its replacement with a new higher roof of a different form, would be noticeably different to, and would detract from the special architectural interest of the listed building. Notwithstanding this, the other proposed alterations would generally be sympathetic and acceptable changes to the building. On the principal elevation of the building all existing window openings would be retained and restored and

the proposed replacement windows to be installed within them would be white painted timber framed sliding sash and case style windows. Whilst not faithfully replicating the glazing pattern of the original windows they would not be so dissimilar to the windows that may previously have existed to appear out of keeping with the building. The alterations to the rear of the building would be more significant. However, by having been previously altered and due to its poor state of repair, that rear elevation of the building is not of the same special architectural or historic interest as its front principal elevation. Therefore the proposed alterations to it whilst changing the appearance would not cause the loss of any features of special architectural or historic interest. Those alterations to the rear elevation of the building would result in the overall improvement in its appearance. Conditions could be imposed on any grant of planning permission that replacement windows and doors are appropriate for use on a listed building and that roof windows are flush fitting with the upper surface of the roof.

The **Council's Policy & Projects Manager** states the principle of conversion of the building to residential use is supported by Policy HOU1 of the adopted East Lothian Local Development Plan 2018. He states that whilst the proposed conversion of the building would improve the appearance of the building and therefore enhance the character and appearance of the Dunbar Conservation Area, the design of the building could be more sympathetic.

Whilst this is a proposed scheme of development that would not faithfully restore the building to its original appearance, on balance, the benefits of the proposed scheme of development, including improving the appearance of the building, securing the future of a building that is on Scotland's Buildings at Risk register, and enhancing the character and appearance of the Conservation Area achieving positive townscape benefits within its historic core, would outweigh the harmful impact of the new proposed roof. Therefore, and subject to the imposition of planning controls, the proposed alterations to the building would not be inconsistent with Policies CH1, CH2 and DP5 of the adopted East Lothian Local Development Plan 2018, with Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018 or with Government policy guidance given in Scottish Planning Policy: Revised December 2020.

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 separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Due to the positioning of the Assembly Rooms building within Church Street the window and door openings within its west elevation are within 18 metres of windows of the flatted buildings on the opposite side of Church Street to the west. Those existing windows and door openings are to be retained and new windows installed within them. The windows on the ground floor of the houses and flats opposite are, due to their positioning on Church Street already overlooked by anyone walking or driving along Church Street. Whilst the first floor windows of the Assembly Rooms are currently blocked up, any new use of the building would result in the unblocking of those windows. Therefore whilst these windows do not meet the Council's normal standards any new use of the building would require the opening up of those windows and would allow for overlooking that does not meet the Council's Standards. Therefore, as an existing situation and as the proposed conversion of the building to 4 flats would safeguard and secure the future of this historic building, and bring with it significant townscape improvement, the proposed

intention to open up of those windows is not unacceptable.

The proposed roof windows to be installed in the front (west) facing pitched roof slope of the new raised roof would be within 18 metres of the flatted buildings on the opposite side of Church Street. The roof windows to be installed to the north of the entrance door would not directly face any windows or other glazed openings on the flatted building opposite and would not allow for harmful overlooking. However the four roof windows to be installed to the south of the entrance door would directly face and be within 18 metres of the two dormer windows on the roof of the flatted building opposite. Consequently they would allow for overlooking that would be new and would not be a historic situation. Those roof windows would serve bedrooms and a kitchen. To mitigate this overlooking it could be made a condition of any grant of planning permission that all four roof windows to the south to the entrance door be obscure glazed. Whilst it would be the normal practice of the Council to ensure that the occupants of those flats would have some outlook from a bedroom or kitchen, the benefits of the proposed conversion would outweigh the reduced amenity level of the future occupants of those flats.

The occupants of the other flats would also benefit from amenity. There is no requirement in terms of the adopted East Lothian Local Development Plan 2018 for the 4 flats to be served by private garden ground.

All the new and altered window openings on the rear (east) elevation of the building would face over the garden ground to the rear of the building. Whilst the outlook from the new openings would allow a view onto the gardens of the basement flats within the building, this same view would occur with any new use of the building. Therefore and due to the significant townscape benefits the conversion of this building would bring the opening up of those windows is acceptable.

The proposed heightening of the roof by some 1.4 metres would not cause overshadowing of any windows of neighbouring residential properties that would be significantly different to that already occurring from the existing building.

On these matters of overlooking and overshadowing the proposals are consistent with Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Scottish Water raise no objection to this application and advise that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and that the proposed development would be serviced by Dunbar Waste Water Treatment Works.

The **Council's Environmental Health Officer** raises no objection to this planning application.

The **Council's Waste Services** confirm that unlike the previously refused planning application, there is adequate bin storage space provided within each of the four store areas at ground floor level within the building for a domestic waste bin, recycling boxes and a food caddy. Therefore Council's Waste Services raise no objection to this planning application but advise that residents would be responsible for presenting containers at the kerbside on the appropriate day for collection and then removing them from the kerbside once collections were complete.

There is no off street parking proposed for the 4 flats. Therefore **Roads Services** have stated that they cannot support this application as it does not accord with Council Parking Standards. However Roads Services acknowledge that this is an existing building that is close to Dunbar Town centre which is well served by public transport.

Therefore the future occupants of the 4 flats would have reasonable and viable alternatives to using a private car and ownership of a car would not be essential for those living in the flats.

Furthermore Roads Services acknowledge that Policy CH2 of the adopted East Lothian Local Development Plan 2018 allows for a reduced level of parking for sites within Conservation Areas (which in exceptional circumstances could be no parking provision) if it can be demonstrated that a reduced level of parking will achieve positive townscape benefits without compromising road safety.

In the determination of previously refused planning application 06/00249/FUL it was accepted by Roads Services that due to the positive benefits associated with that proposal a reduced parking demand would be accepted and that instead of 1.5 spaces per flat being required that 1 space per flat would be acceptable. However in the determination of that application due to the number of flats (8) that were proposed and due to the demand for parking on Church Street the positive townscape benefits that could be achieved from the conversion of the building were outweighed by the fact that road safety would be compromised if that planning application was approved. For that reason planning application 06/00349/FUL was refused planning permission for the reason "there is insufficient space within the curtilage of the application site to provide the 8 parking spaces required by East Lothian Council's Road Services to meet East Lothian Transportation Standards, the proposal would cause parking and congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018."

What is now proposed is the conversion of this existing redundant listed building into 4 flats. This is a smaller scale of development than that proposed in the previously refused planning application 06/00349/FUL. Whilst the 4 proposed flats may be larger than the previously proposed 8 flats, the parking requirement that comes with this proposed scheme of development is for only 4 parking spaces. This is significantly less than the 8 spaces required through the previously refused planning application. Therefore and as this is a scheme of development that would bring with it such significant positive townscape benefits for the historic core of Dunbar Conservation Area without compromising Road Safety then it is consistent with Policy CH2 of the adopted East Lothian Local Development Plan 2018. However, for avoidance of doubt given the parking pressures on Church Street it is unlikely that any revised scheme of development that proposed to increase the number of flats to more than 4 could be supported as the risk to road safety would outweigh the positive townscape benefits that could be achieved.

In conclusion as this is a scale of development that would bring with it significant positive townscape benefits that would not compromise road safety it is a scheme of development that is consistent with Policy CH2 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Prior to its use on the building a sample of the slate to be used on the new roof and details of the pattern of its laying shall be submitted to and approved by the Planning Authority. Thereafter the slate used shall accord with and shall be laid in the pattern so approved unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 2 Prior to their installation within the building the details of the windows proposed for installation within the openings of the building shall be submitted to and approved by the Planning Authority. Thereafter the windows installed shall accord with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 3 The roof windows hereby approved shall be fitted such that, as far as possible, their upper surfaces are flush fitting with the upper surfaces of the roof into which they would be installed and with minimum flashing. Details of the roof windows shall be submitted to and approved by the Planning Authority and those fitted shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 4 The four roof windows to be installed within the south end of the front (west) facing pitched roof slope of the new raised roof hereby approved, which would serve bedroom 2, bedroom 3 and a kitchen at second floor level, shall all be obscurely glazed and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of the neighbouring residential property to the south.

REPORT TO: Planning Committee
MEETING DATE: 30 March 2021
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

6

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: The stair case is an addition to the original Whittingehame House Listed Building and I think the impact of its removal can only be judged properly by a site visit by members of the Planning Committee. So I am requesting that this application is removed from the Delegated List and come before the next Planning Committee.

Application No. **20/01348/LBC**

Proposal Removal of condition 4 of listed building consent 18/00401/LBC

Location **Apartment 2
West Wing
Whittingehame House
Stenton
East Lothian
EH41 4QA**

Applicant Mr Michael Gilmartin

Per REM Associates

RECOMMENDATION **Application Refused**

REPORT OF HANDLING

PROPOSAL

This application relates to 'Whittingehame House', an early 19th Century Greek-style neo-classical mansion house designed by Sir Robert Smirke, which is listed as being of special architectural or historic interest (Category A).

Whittingehame House was sub-divided into apartments in 1988 and the property to which this application relates is Apartment number 2, referred to as 'West Wing', which occupies part of the northwest corner of the building over three floors.

In July 2018, listed building consent (Ref: 18/00401/LBC) was granted for a number of

alterations to the building. Those alterations comprised of:

- (i) the removal and erection of partition walls and doors within the building;
- (ii) the replacement of the existing solid timber garage doors in the north end of the west elevation of the building;
- (iii) the infilling of the existing solid timber door and glazed fanlight in the south elevation of the building and for the installation of a white painted, timber framed, sash and case window with astragals within that door opening;
- (iv) the erection of an aluminium framed glazed roof that would be positioned above the pend entrance between the north elevation of the building and the south elevation wall of the existing garage; and
- (v) the installation of a rectangular shaped roof light that would be positioned above the flat roofed top of the existing garage component on the north end of the building.

The internal alterations proposed in application 18/00401/LBC also included the removal the masonry, scale and platt, service stair within the southwest end of the building.

Historic Environment Scotland (HES), in their consultation response to application 18/00401/LBC, stated that the proposals would result in the removal of the wing's service stair in its entirety within the southwest corner of the building. The masonry scale and platt service stair contributes to the character, special interest and social history of the house and should be retained.

Therefore to safeguard the special architectural or historic interest of the listed building, listed building consent 18/00401/LBC was granted subject to a number of conditions; one of which (Condition 4) was that the internal service stair within the southwest end of the building shall not be removed. Condition 4 states that:

'Listed building consent is not hereby granted for the removal of the service stair within the southwest end of the building.

Reason:

The proposed removal of the service stair, which is the only staircase that provides access to all three levels within the building, is an important historic feature within the building. The proposed removal of the service stair would result in a significant loss of historic fabric to the detriment of the special architectural or historic interest of the listed building, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014'.

Listed building consent is now sought for the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the internal service stair within the southwest end of the building.

The applicant's agent has submitted a Planning and Design Statement, a Heritage Briefing Report, a Supporting Statement Appendix and an Accommodation Needs Report in support of this application.

DEVELOPMENT PLAN

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

The Historic Environment Policy Statement and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Non-statutory guidance document 'Managing Change in the Historic Environment: Interiors (published in June 2016 and updated in February 2020) is also relevant to the determination of the application.

Policy CH1 (Listed Buildings) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of this application.

REPRESENTATION

One written objection to this application has been received. It is made on the grounds that the removal of the staircase may have a negative impact on Whittingehame House, which is a listed building.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

The Planning and Design Statement submitted with this application states that the apartment has a traditional room layout which has become unsustainable to meet the living accommodation required to facilitate the family's needs, particularly a younger member of the family with mobility issues. It states that the ground floor level of the applicant's apartment currently has no bedrooms at that level and that a bedroom, with adequate WC facilities, is required for one of the family members residing in the property on the ground floor. However, the family lounge and the main bedrooms for the residential property are and will continue to be on the first floor. Therefore even if a new bedroom with WC/bathroom facilities is formed on the ground floor of the property there will be a need for continued access to that first floor. At present that access to the first floor is via the stairs. It is proposed to remove that stair and replace it with a lift. The Accommodation Needs Report sets out the reasons as to why the removal of the service stair is required in order to accommodate health care needs and specialist bathroom facilities required by the dependants of the owner.

The Heritage Briefing Report, which has also been submitted with this application, considers that the scale and platt staircase that is proposed for removal has a basic functional design with a decorative support at the ground level with curtail and right-hand turn-out detail at the base of the stair. It states that the service stair makes a limited contribution to the special character of the listed building and that it is not integral to an understanding of the plan form and functioning of Whittingehame House as a whole. It states that the removal of the service stair would have a minimal impact on the special interest of the listed building as a whole. However, it suggests that the preparation of an 'options appraisal', should be carried out to show that there are no other available options that would allow the staircase to be retained and other rooms be altered to facilitate the needs and requirements for the family.

In accordance with the Heritage Briefing Report three alternative options for meeting the

needs of the family have been explored. The Supporting Statement Appendix submitted with this application sets out those three alternative options which would allow the retention of the existing service stair located within the southwest end of the building. Those three options are described below:

Option 1: demonstrates how the existing internal partition walls and doors separating the two store rooms within the south end of the ground floor component of the building could be removed to create a bedroom and an en-suite. It also shows that the existing playroom within the west end of the north part of the building could be converted into a utility room with a bathroom.

Option 2: demonstrates how the existing dining room, at ground floor level within the west end of the south part of the building, could be converted into a bedroom with an en-suite. It also shows that the existing playroom within the west end of the north part of the building could be converted into a store room with a bathroom.

Option 3: demonstrates how the existing dining room, at ground floor level within the west end of the south part of the building, could be converted into a bedroom with a new opening formed to create a door opening providing access to the inner hallway. It also shows that the existing playroom within the west end of the north part of the building could be converted into a two separate bathrooms.

The Planning and Design Statement advises that all three alternative options would not result in adequate accommodation to meet the healthcare requirements of the family's needs. Accordingly, none of these options have been formally discussed with Historic Environment Scotland or with the Council, as Planning Authority.

Notwithstanding the information set out in those supporting documents/reports the determination of an application for listed building consent must, in accordance with planning statute, be limited to the consideration of whether or not the development the subject of the application would preserve or enhance the listed building. In other words, that it would not harm the special architectural or historic interest of the listed building. Therefore the consideration of the layout of the accommodation within the property and its ability to meet the needs of the family is not a material consideration relevant to the determination of this application for listed building consent.

Historic Environment Scotland's guidance on interiors of listed buildings states that the interior of a historic building is important in defining its character and special interest. It states that the interior makes a substantial contribution to the special architectural or historic interest of a building. The significance of a historic interior, or part of an interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The 'plan form' is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, staircases and corridors, which is a key component of the character and special interest of any building. The interrelationship of rooms and circulation space is a reflection of the building's design, function, status and period.

Historic Environment Scotland, in their consultation response to this application, state that proposals to alter and/or extend a listed building must be informed by, and respond to, an understanding of the building's special architectural interest and of its character and appearance. The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, staircases and corridors, is a key component of the character and special interest of any building.

They note that the proposals would result in the removal of the wing's service stair in its entirety. Accordingly, HES state that the existing masonry scale and platt service stair in the southwest corner of the west wing of this category A listed building contributes to the character, special interest and social history of the house and should be retained. HES also advise that whilst the proposals do not raise historic environment issues of national significance, and do not object to this listed building consent application, they also state that their decision not to object should not be taken as their support of the proposals.

Whittingehame House is a building that is listed as being of special architectural or historic interest (Category A). The service stair proposed for removal, is the only staircase that provides simultaneous access to all three levels within the building and is an important historic feature of the listed building. It makes a significant contribution to the layout of the building and to our understanding of the form and function of that large mansion house prior to its subdivision. Through the subdivision of that large mansion house into separate apartments, the important historic features of the building, including the service stair, were retained to ensure that the alterations to the building to facilitate its subdivision into apartments did not harm the special architectural or historic interest of the listed building.

The proposed removal of the service stair would result in the loss of this significant historic feature of the listed building which would be to the detriment of the special architectural or historic interest of the listed building. Therefore the removal of the service stair would be harmful to the special architectural or historic interest of the listed building. Accordingly, the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the service stair within the southwest end of the building would be contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

In all of this there is no material change in circumstance since the determination of listed building consent 18/00401/LBC which would justify the removal of condition 4 of listed building consent 18/00401/LBC.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The removal of the service stair would result in the loss of this significant historic feature of the listed building which would be to the detriment of the special architectural or historic interest of the listed building. Therefore the removal of the service stair would be harmful to the special architectural or historic interest of the listed building. Accordingly, the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the service stair within the southwest end of the building would be contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

