

LOCAL REVIEW BODY

6 October 2022

Application No: 21/01364/P

**Speedwell House, Main Road, Dirleton**

Applicant's Supporting Information



## STATEMENT OF REVIEW

### 21/01364/P: PROPOSED DEVELOPMENT of a HOUSE with INTEGRAL GARAGE

### SPEEDWELL GARDENS, MAIN STREET, DIRLETON

### G H Johnston Ltd on behalf of MR D SKINNER

#### Background

- 1.1 This Statement of Review concerns a proposal for the development of one house with integral garage on land at Speedwell Gardens, Dirleton, East Lothian [GHJ1]. The application is for planning permission in full; and the applicant is the landowner.
- 1.2 The planning application (21/01364/P) [GHJ1] including PL001 Location Plan, PL002 Site Plan, PL100 Floor PL300 Elevation and PL301 Visualisations, is accompanied by a Supporting Planning and Design Statement [GHJ2] including an Arboricultural Statement (A Mackay Consultants 2019).
- 1.3 The application was lodged on 8<sup>th</sup> November 2021. The proposal was refused planning permission under delegated powers. The decision notice dated 29th April 2022 [GHJ3] indicates the reason for refusal as:

*“The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation Area, contrary to policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018 and to Scottish Planning Policy June 2014”.*

#### Purpose

- 1.4 This Statement of Review demonstrates:
  - that the proposal accords with the relevant policies of the East Lothian Local Development Plan (policies RCA1: Residential Character and Amenity; DP7: Infill, Backland and Garden Ground Development and CH2: Development Affecting Conservation Areas);

- that it therefore comprises sustainable development on land identified with development potential, suitable for housing; that it fits with the settlement form, would not harm the Conservation Area and therefore would preserve or enhance its character and appearance, including the adjoining countryside;
- that the reliance of the decision on a previous case relating to a different proposal ((06/00945/FUL/ 09/00028/P/1) is unjustifiable and prejudicial in this case; and
- that there are no adverse consultee responses, that all of the matters raised in representations are addressed, and that planning permission should have been granted.

1.5 This Statement of Review is presented in five parts: **Part One: Background**; **Part Two: Proposal and Context** including *appraisal of the development pattern and Conservation Area*; **Part Three: Local Development Plan and Policy**: *appraisal of the compatibility of the proposal with the adopted East Lothian Local Development Plan, Scottish Planning Policy and regional policy*; **Part Four: Reason for Refusal**: *response to the reason in full, notably the Report of Handling which inappropriately applies a previous decision, on a different proposal, made under a previous development plan as “the primary material consideration”, rather than due process as prescribed*; and **Part Five: Conclusion** and Recommendation.

1.6 Reference is made throughout to the proposal as lodged as 21/01364/P (the current application); and to a previous proposal (the application (06/00945/FUL and its appeal 09/00028/P/1).

## **Part Two: The Proposal and Context**

### **Proposal**

- 2.1 The proposal concerns a modest, single-storey house and integral garage, low profile and small-scale, of traditional materials and proportions, notably white harled-walls, largely slate roof, terracotta colouring and stone detailing **[GHJ2]**.
- 2.2 The proposed plot extends to approximately 0.3 ha. of vacant land, sheltered and secluded by a mature line of cypress trees to be retained in full, which defines its boundary on three sides **[GHJ2]**.
- 2.3 The Supporting Planning and Design Statement **[GHJ2]** states (para. 2.6) *“the site is physically separated from surrounding countryside by boundaries of mature trees on all sides presented to the farmland and views beyond. It is an extremely well sheltered and indeed secluded site...”*.



- 2.4 The proposed site - unoccupied for some twenty years **[GHJ2]** - was previously used as a market garden which included large glass-houses **[GHJ13]**, remnants of which are evident. The position of the proposed house aligns largely with these previous buildings, orientated to respect neighbouring amenity.
- 2.5 Access to Main Street - the principal village thoroughfare - is via a shared, private lane; and parking and turning space for two cars is contained within the plot. The proposal involves mains utility services.
- 2.6 The plot adjoins existing neighbouring residential development which includes a mix of tighter, higher density dwellings and detached houses in larger plots, of a similar scale and character.

### **Context and Setting**

- 2.7 The proposal is located within the defined village **[GHJ6]**, whose indented limits give way to open agricultural land, all part of a designated Conservation Area **[GHJ14]**.

#### *Development Pattern and Conservation Area*

- 2.8 Dirleton is predominantly linear in form having developed on an east-west axis, with an urban character of historic and more recent buildings either side. The proposed house is designed - in common with several recent developments - to express traditional historic building features in a contemporary style.
- 2.9 On its north-east edge - where the proposal is located - several significant "fingers" of built development extend into the countryside, dove-tailed with adjoining intervening open agricultural land. These extend varying distances (between approximately 125m-375m) from the village axis. Notably, the proposal would not extend the village beyond the northernmost "finger" of development, but is contained within those limits by some 60m.
- 2.10 The settlement line and form of development in this locality gives an irregular profile to the incised village edge, which is variously screened and softened by mixed species trees. These features are integral to the character and appearance of the Conservation Area **[GHJ14]**.
- 2.11 The Conservation Area Character Statement **[GHJ12]** indicates (para. 1.1) "*development impinging on ....the open countryside or woodland at the approaches to the village would adversely affect the Conservation Area*"; (para. 1.5) "*...most buildings are low density and small scale*"; (para. 1.6) "*to the east end of Dirleton buildings are also low density, generally single-storey and a mix of stone and white-washed walls*"; and

(para. 1.8) *“throughout the village there are mature trees many of which are protected by a Tree Preservation Order. This well landscaped character, coupled with the open greens give the village a feel that is both open and intimate”.*

- 2.12 The proposal is set back north-east of the village Main Street and the buildings which front onto it; and therefore occupies An *intimate “backland” location*, secluded and well absorbed in an ambiance of built development, interspersed with trees. It does not involve designated countryside nor impinge on important trees, but retains both, unaffected.

### **Consultation and Representations**

#### Consultations

- 2.13 The Report of Handling **[GHJ4]** confirms no technical objection from any of the consultees: not the Council Roads Services, Senior Environmental Protection nor Contaminated Land Officer.

#### Representations

- 2.14 The following responses are made to representations lodged, based on the summary contained in the Report of Handling **[GHJ4]**.

#### *Previous Concerns*

- 2.15 This Statement of Review sets out the terms and extent to which the proposal accords with the Local Development Plan and relevant policies. The proposal is for one house and garage - one integrated building; no other development is proposed.

#### *Previously Used Land*

- 2.16 The site is explained by evidence lodged **[GHJ13]** to have been used previously and is therefore brownfield as referred in Scottish Planning Policy. Its suitability for development as a house plot is not secured per se by policy RCA1, but is explained to be so by cross-reference and interrogation of the merits of the proposal against every individual caveat of policies DP7 and CH2. The site is reasonably *backland*, by any description.

#### *Tree Protection*

- 2.17 The proposal incorporates existing trees which are subject to a Tree Protection Plan. Any tree removal would require approval from the planning authority.

### Access

- 2.18 The proposed access and site capacity is reported as acceptable to the Roads Services advisers. There are no objections from utilities providers.

### Conservation Area

- 2.19 The proposal is demonstrated - throughout this Statement of Review - not to harm the character or appearance of the Conservation Area, nor conflict with any policy objectives in that regard.

### Amenity/Detailing

- 2.20 No request has been made for any ecological appraisal. The application is in principle and could be subject to conditions in relation to finishes. Policy enables land in these circumstances to be approved for development.

### Report of Handling

- 2.21 The Report of Handling **[GHJ4]** *planning assessment* states that “*the proposed house would be orientated and at a distance far enough away from Speedwell House and to other houses to the south such that there would not be any harmful overlooking of those properties...given its positioning the proposed house would also not give rise to any loss of sunlight or daylight to surrounding residential properties. The occupants of the proposed house would also benefit from a sufficient level of privacy and amenity*”.
- 2.22 The Report of Handling **[GHJ4]** disputes none of the design characteristics of the proposed house, nor its positioning, nor its access, nor its relationship with neighbours, nor does it dispute that the site has been previously used and developed with buildings, and that it is therefore brownfield land **[GHJ13]**.

## Part Three: Local Development Plan

- 3.1 The appropriate policies are contained within the East Lothian Local Development Plan **[GHJ5]**. The Development Plan Proposals Map (Inset 22 Dirleton) **[GHJ6]** identifies the site as within an area of residential character and amenity (RCA1), within an area with potential for infill and/or *backland* development (DP7), and within a Conservation Area (CH2); and it clearly differentiates these factors from countryside around towns (DC8) which adjoins, but is outwith the site.
- 3.2 The East Lothian Local Development Plan (2018) applies the following relevant core policies; and the extent to which the proposal accords with each, follows respectively.

*Policy RCA1: Residential Character and Amenity*

*The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.*

- 3.3 The proposal is for residential use within a residential area and in that regard, it is of compatible residential character with no adverse impacts in site planning or neighbour terms.

*Policy DP7: Infill, Backland and Garden Ground Development*

*Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:*

- 1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and*
  - 2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and*
  - 3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and*
  - 4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.*
- 3.4 The site is demonstrated (1) to be of appropriate plot size for residential purposes, as it comfortably accommodates the whole proposal and its trees, appropriate access including for pedestrians, appropriate parking (two cars) and turning space.
- 3.5 The proposal - arising from the scale, form and positioning of the proposed house relative to neighbouring houses - is demonstrated (2) to cause no undue loss of privacy or amenity, or overlooking, and to create appropriate privacy and amenity for future occupants; and in that regard, its placement within the site, aligned to orientate in the same direction as

the neighbouring house, maintains a distance of almost 50m to the nearest neighbouring property (which significantly exceeds the 18m referred (in Building Regulations) for intervening windows.

- 3.6 The proposal - arising from its scale, design and density - is demonstrated (3) to fit with its surroundings (and by the comparison with neighbouring dwellings) is demonstrated not to cause overdevelopment; and the distinctive landscape and boundary feature - the mature line of cypress trees - is retained. This gives the site the character of a discrete, enclosed, self-contained paddock in visual terms distinctively different from the character of adjoining agricultural land.
- 3.7 The site is acknowledged as having been previously used (as a market garden) and is therefore not "greenfield"; and arising from its tenure in private ownership, its discrete position in relation to the gravity of public activity and movement throughout the village, and its inaccessibility for any public purpose, has it any significant value (4) as open ground or for public recreation or amenity purposes; and the only significant tree inside the treed boundary, is retained.
- 3.8 The proposal therefore accords with policy DP7 (and with the combined purpose of RCA1 and DP7), subject to other relevant policies. As the proposal concerns development in a "*backland location*", *on land recognised as having development potential* and is demonstrated to meet the above criteria, it should - as policy states - be supported, pending assessment of its compliance with other relevant policies (notably CH2).

*Policy CH2: Development Affecting Conservation Areas*

*All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces...*

- 3.9 The irregular and indented building line at the north-east edge of the village creates four "fingers" of development extending into open land. This is the historic building pattern, a distinctive feature of the Conservation Area, integral to its character and appearance.
- 3.10 The proposal involves one of these fingers, which is identified in the development plan as part of "*an existing housing area of predominantly residential character and amenity*", and within which "*infill, backland and garden ground development*" ... "*will be supported*".
- 3.11 In respect of each of these considerations, the proposal would reflect the settlement pattern and the character of the north edge of the

Conservation Area, as represented by the prevailing development form and the retention unaffected, of open land (as designated by policy DC8 Countryside Around Towns); and it would retain unaffected, the line of cypress trees enclosing the site.

3.12 Arising from its small-scale, single storey form, low density, sympathetic positioning and orientation, local palette of materials and finishes including wet-dashed walls, slate roof and earth colours, and unaltered boundary feature, the proposal is designed to reflect the principal architectural influences which represent the sense of place, distinctiveness and character of Dirleton.

3.13 The proposal would therefore be located and designed not to harm the Conservation Area, but to be contained on land in which the Local Development Plan would otherwise support development; and it would then preserve (or enhance) the special architectural or historic character or appearance of the Conservation Area; and in these terms, it would accord with and respond positively to policy CH2.

*Policy DP1: Landscape Character*

*All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:*

*1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;*

*2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.*

3.14 The above assimilation of the extent to which the proposal accords and integrates with the settlement form and character and appearance of the Conservation Area (paras. 3.4-3.8 and 3.9-3.13 above) demonstrates the proposal to be integrated well with its surroundings.

3.15 Notably the proposal retains and positively incorporates the distinctive natural treed boundary line; and by incorporating the *soft* features of a generous residential curtilage, it would contribute to the wider green network which integrates with the prevailing development form. The proposal therefore meets the terms of, and satisfies, policy DP1.



- 3.16 The assessment above (reflecting the partial planning assessment in the Report of Handling) gives no indication at all that the proposal presents any conflict with the objectives of RCA1 or DP7, and those policies together recognise its location as having potential for development.

*Policy DP2: Design*

*The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:*

- 1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;*
- 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;*
- 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*
- 4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*
- 5. Clearly distinguish public space from private space using appropriate boundary treatments;*
- 6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*
- 7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*
- 8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.*

- 3.17 The proposal is a dwellinghouse, located in a cul-de-sac lane with neighbouring houses, of similar size and similar single-storey form, finished with a limited palette of harled walls and slate roof and white/earth colours; and therefore in scale and proportion with the character of its residential surroundings (1).

- 3.18 The proposal is aligned with the neighbouring houses, similarly in a self-contained plot and is therefore coherent in the "street scene", rounds-off the cul-de-sac and achieves a comfortable fit and transition of the built-up edge to countryside setting, and therefore identifies with the identity of the settlement form and character (2).
- 3.19 The proposal is orientated and aligned with neighbouring development, it achieves a good quality architectural outcome, reflecting vernacular principles in a modern idiom, and landscape response (3).
- 3.20 The proposal is fitted to an existing access lane which gives a direct link to the Main Road, the main village thoroughfare and a bus stop within easy reach (4); and its boundary retains the green network of indigenous trees and hedges which frames the north edge of the village and thus the character of the Conservation Area, and differentiates clearly, the site from its surroundings (5).
- 3.21 The proposal is defined as a private plot by strong boundary trees; is low-profile and positioned almost 50m from its nearest neighbour **[GHJ10]**, exceeding privacy standards and respecting the principal outlook from that property; and is positioned not to impose any restriction on daylighting outlook or overlooking in relation to the amenity enjoyed by neighbours (6).
- 3.22 The proposal is sensitive to the potential impact on the adjacent TPO insofar as it makes provision for construction management (7); and is serviced by an existing access, and mains water and drainage acceptable to the relevant technical consultee (8).
- 3.23 The proposal therefore accords with policy DP2. These are the checks and balances that would confirm, further to policies RCA1 and DP7 which indicate its acceptability in land use and neighbour association terms, that the design and appearance of the proposal, and its impact on its surroundings is consistent with the objectives of the development plan.

*Policy NH8: Trees and Development*

*There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:*

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or*



b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or

(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

*Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.*

- 3.24 The proposal retains the treed line of mature cypress trees which define the site and the distinctive mature trees within it. It therefore - through the sensitive positioning and design of the proposed house - incorporates existing trees within the layout of the site, as policy requires.
- 3.25 The Supporting Planning and Design Statement **[GHJ2]** includes an Arboricultural Method Statement prepared by A Mackay Consultants which informs the safeguarding of three significant existing trees (sycamore and silver cedar) within the proposed site and measures required to protect the TPO which aligns with the access lane.
- 3.26 The proposal therefore fully addresses the strong presumption in favour of protecting trees and accords with clause (i) of policy NH8; and it responds positively to the expression of intimacy, attributable in the Conservation Area Character Statement to the well landscaped character of the village.

#### *Definition of Backland Location*

- 3.27 The Local Development Plan glossary does not explain “backland”. Policy DP7 refers to “backland location”. Any reasonable understanding of that term would be that it refers to a location behind other development. That is the relationship of the proposal with the village, its main thoroughfare, development which fronts onto Main Street, the historic core of the village and the Conservation Area.

#### *Summary*

- 3.28 The above assessment that explains the proposal to be in accordance with policies RCA1, DP7 and CH2; and further to being residential development, in an area of residential character, in a *backland location* recognised as having development potential, avoiding designated countryside and any effect on trees, that the proposal would present an acceptable fit with the Conservation Area, in that it would not harm its

character and appearance. Such an outcome would be given further weight in material considerations in the following wider framework of policy objectives.

### **Scottish Planning Policy 2014**

#### *Design*

- 3.29 Scottish Planning Policy **[GHJ7]** (paras. 40-46) states that “*planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place ie. distinctive, safe and pleasant, welcoming, adaptable, resource efficient, easy to move around and beyond.*”
- 3.30 As regards the Proposed SESplan 2016 *Placemaking Principles [GHJ8]*, the proposal is demonstrated to support and strengthen the distinctive identity and sense of place of Dirleton and its Conservation Area; it avoids intrusion into the adjoining countryside and safeguards its open character and contribution to the green network; and it would not impose on the *welcoming appearance* of the north-eastern approach to the village.
- 3.31 The proposal contributes to the housing stock and local choice; involves and brings back into use, brownfield land, and is easily accessible and well connected.

#### *Sustainable Development*

- 3.32 Scottish Planning Policy **[GHJ7]** introduces a *presumption in favour of development that contributes to sustainable development*. It states:

*The planning system should support economically, environmentally and socially sustainable places.... The aim is to achieve the right development in the right place...(para. 28).*

*This means that policies and decisions should be guided by the following principles:...giving due weight to net economic benefit; supporting good design and the six qualities of successful places; making efficient use of existing capacities of land, buildings and infrastructure....supporting delivery of accessible housing development...having regard to the principles for sustainable land use ...protecting, enhancing and promoting access to cultural heritage, including the historic environment; avoiding over-development, protecting the amenity of new and existing development... (para. 29).*

- 3.33 The proposal contributes to the social infrastructure and resources which support the economy, achieves design compatible with its surroundings, uses brownfield land, delivers housing, delivers a sympathetic scale and

form of development comfortable with its plot size; and is demonstrated not to cause harm to the Conservation Areas; and is demonstrated to respect neighbour amenity.

#### *Brownfield Land*

- 3.34 Scottish Planning Policy **[GHJ7]** defines brownfield land as *“land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable”*. Under Policy Principles it refers that *decisions should be guided by the following policy principles: ...considering the re-use or re-development of brownfield land before new development takes place on greenfield sites.... (para. 40)*.
- 3.35 The acknowledged benefits of development on brownfield land **[GHJ13]** arising from the proposal serve to reinforce its compliance with policy which supports housing (RCA1 and DC7) and which - assimilated with its merits - is demonstrated not to cause harm to the Conservation Area.

#### *Conservation Areas*

- 3.36 Scottish Planning Policy **[GHJ7]** states that *“proposals for 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 or appearance of the conservation area should be treated as preserving its character or appearance. ...” (para. 143)*.

*“Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions (para. 144)”*.

- 3.37 The proposal is demonstrated to preserve or enhance the character and appearance of the Conservation Area, because it puts back into use previously used land, would remove the obsolete remnants of that previous use and replace it with residential development in a compatible architectural style; and it would retain the distinctive treed boundary feature and any significant specimen on site (without any proposed works), all consistent with all relevant policy objectives, on a well contained, visually screened and discrete site.
- 3.38 In that sense the proposal - housing on land identified for housing, in a form reflecting the shape and structure of the village edges, on land wholly distinguishable and separate from adjoining countryside of agricultural character, retaining the prevailing landscape framework and promoting a building in compatible architecture - could not harm the

Conservation Area and should therefore be treated as policy states, as preserving its character and appearance.

- 3.39 The proposal is further presented as contributing to local placemaking objectives and as constituting sustainable development with brownfield benefits; but moreover, its case for approval is strengthened further by the explanation in national policy, *that a proposal that does not cause harm to a Conservation Area, should be treated as preserving its character or appearance.*

#### Summary

- 3.40 None of the above assessment or considerations would give any justification to divert from a process and procedure which assesses the proposal as lodged, against the provisions of the adopted Local Development Plan, and instead apply the circumstances of a previous proposal, a different development, twelve years ago, decided under a different development plan, and different other policies, as the “*primary material consideration*” as the Report of Handling [GHJ4] has done.

#### Part Four: Reasons for Refusal

- 4.1 The decision notice [GHJ3] attaches the Report of Handling [GHJ4] which is explained to be incorporated in full and *details the terms on which the decision is based.*
- 4.2 This Statement of Review contends that the Report of Handling and the decision to refuse planning permission and the reason for it are founded on fundamental misconceptions which are prejudicial to due process and a different decision; and which disregard the principles of the planning system as set out in Scottish Planning Policy and Circular 4/2009 Development Management Procedures.
- 4.3 The Report of Handling [GHJ4] refers (1) that an earlier proposal (06/00945/FUL) refused planning permission and sustained on appeal is “*similar*” and “*so similar*” to the proposal as lodged; (2) that there has been “*no significant change to development plan policy since those decisions*” (06/00945/FUL/09/00028/P/1); (3) that those previous decisions are therefore “*the primary material consideration*” in this case; and (4) that “*there is no good reason to take a different decision on this application*”.
- 4.4 This Statement of Review contends that (1) the previous proposal (06/00945/FUL) [GHJ10] and the proposal as lodged (21/01364/P) [GHJ1] are significantly and materially different; (2) that the development plan and policies are not the same, that these have been subject to statutory review and their implications for the proposal are not the same; that the proposal as lodged should be fully considered in that context and

that there is no justification for reverting to the circumstances of a previous proposal and affording them the status of “*the primary material consideration*”; (3) that appropriate *planning assessment* of the proposal as lodged would indicate that it would accord with policy, not harm the character and appearance of the Conservation Area and therefore be treated as preserving its character and appearance; and (4) that planning permission for the proposal should have been granted.

### Statutory Process and Procedures

- 4.5 Scottish Planning Policy 2014 **[GHJ7]** (para. iii) indicates under Status “*the 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise*”.
- 4.6 Scottish Planning Policy **[GHJ7]** (para. 4) states under Core Values of the Planning Service that Scottish Minister expect the service should *focus on outcomes, maximising benefits and balancing competing interests; ...be plan-led, with plans being up-to-date and relevant; make decisions... in a fair way, ...and uphold the law ...*”.
- 4.7 Circular 4/2009 Development Management Procedures (Annex A) **[GHJ9]** in referring to “*the range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case*” includes as possible material considerations “*...the environmental impact of the proposal ...and planning history of the site*”.
- 4.8 However, further to this, Circular 4/2009 (Annex A) **[GHJ9]** refers to a House of Lords judgement and the following approach to deciding an application: “*identify any provisions of the development plan which are relevant to the decision; interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies; consider whether or not the proposal accords with the development plan; identify and consider relevant material considerations for and against the proposal, and assess whether these considerations warrant a departure from the development plan*”.
- 4.9 In this case, the decision **[GHJ3]** is not demonstrated as having been made in accordance with the development plan as current and adopted; and the *planning assessment* as set out in the Report of Handling **[GHJ4]** does not demonstrate due regard to the *approach to deciding an application* as set out in Circular 4/2009 *in respect of the above sequence of considerations*.
- 4.10 In that regard, the *planning assessment* of the proposal as lodged is partial, but that partial assessment gives no indication that the proposal - eg. its form, scale, finishes, orientation, separation to neighbours,

servicing and retention of trees - is unacceptable, and fails to accord with the relevant policies RCA1 and DP7. It would follow from that therefore, that *the approach* as referred in **[GHJ9]** would have been to consider the proposal as lodged, against policy CH2 *Development Affecting Conservation Areas*, in its own right, as demonstrated at paras. 3.9-3.13 above, (informed by paras. 3.4-3.8 and 3.14-3.28), further to which, this statement contends that the proposal is demonstrated to accord with policy CH2.

- 4.11 Instead, the Report of Handling **[GHJ4]** affords undue weight to the decision to refuse an earlier application (06/00945/FUL) and its appeal outcome (09/00028/P/1); and in that regard it is founded on misconceptions: (1) that the present application is *similar* and *so similar* to the earlier proposal; and (2) that the development plan provisions have undergone *no significant change*. Neither are the case.

### Differences Between the Proposals

- 4.12 The Report of Handling **[GHJ4]** states that the proposal is “*similar*” and “*so similar*” to a previously refused proposal (06/00945/FUL) except that “*the difference between this application and the previously refused application is that there is only one house instead of two (houses) and the leylandii trees around the site are proposed to be wholly retained, instead of being lowered*”...The Report of Handling describes the previous proposal as “*two detached houses and two detached garages*”.
- 4.13 The proposal as lodged - for one house - is profoundly different from the earlier proposal for two houses. The application for two houses is not *similar* or *so similar* in any respect, to the application for one house; the present proposal is for one building, the previous proposal, for four buildings. The earlier proposal concerned two one-and-a-half storey houses with dormer windows; the present proposal, one single-storey house of different design and finishes. The Report of Handling **[GHJ4]** states “*the proposed houses (06/00945/FUL) were to be single storey in height with accommodation in their roof space*”. In any other description those would be one-and-a-half storey houses.
- 4.14 The proposals 06/00945/FUL and 21/01364/P would not occupy the same footprint, their scale, form, massing, height and intensity is different, their appearance is different, their plot sizes and curtilages are different, as elaborated at para. 4.39 below. Their comparative footprints are different by 118m<sup>2</sup>, their distance of *intrusion* by 8.5m, and their height to ridge by 2.1m, as evidenced by **[GHJ10]**. Those values as measured, are significant material differences in any planning assessment, let alone within a Conservation Area.



- 4.15 The present proposal involving retention of the line of cypress trees surrounding the application site is different to the earlier proposal which sought to lower the trees. The earlier proposal in lowering the trees could have exposed the two houses proposed at that time to view in terms which the present proposal in retaining the trees, *would not*.
- 4.16 The speculation in the Report of Handling [GHJ4] (in the absence of any documented position) as to whether a condition “*to secure the trees*” with the effect of allowing the two houses previously proposed is irrelevant, and in no sense justifies the view that retaining the trees “*does not provide sufficient weight to take a different decision on this application*”. The previous decision to refuse the proposal for two houses and the subsequent appeal outcome responded to the development (including works to trees in a Conservation Area which would have required Conservation Area Consent) as proposed at the time. Not any other hypothetical situation.
- 4.17 The differences between the proposal as lodged and the previous proposal is so significant that any reasonable assessment would caution against applying the outcome of (06/00945/FUL) and (21/01364/P) as *the primary material consideration*; at least until the proposal as lodged is considered in its own right, in light of the policies in the adopted Local Development Plan, as [GHJ7] and [GHJ9] states and prescribes. This statement presents that assessment at paras. 3.4-3.28 above, underpinned by paras. 3.29-3.40.

### Development Plan and Policy

#### *Meaning of the Development Plan: Support for Development*

- 4.18 The Report of Handling [GHJ4] states that policy RCA1 “*does not actively promote the development of land for new build residential development*”.
- 4.19 Policy RCA1 Residential Character and Amenity is applied to “*existing and proposed housing areas*” and that these will be “*safeguarded from the adverse impacts of uses other than housing*”. The application (21/01364/P) is *proposed housing* and does not concern any other use.
- 4.20 Policy RCA1 does not permit *development incompatible with the residential character*. The application is residential and therefore consistent with the prevailing character, and as it is proposed housing; and as policy RCA1 is cross-referenced with policy DP7 *Infill, Backland and Garden Ground Development* which states that development “*will be supported,*” their purpose, taken together *promotes* development.
- 4.21 As the proposal concerns a backland location and policy DP7 states that “*development within backland locations will be supported*”, and since

the development plan carries no presumption against development within the Conservation Area, then the overriding thrust of the development plan (policies RCA1 and DP7) in these terms - however much they are qualified - is, as a first point of reference, to allow the proposal *pending assessment of its compliance with other policies*. These are the terms in which the Local Development Plan does “actively” *promote the development of land for new build residential development*.

- 4.22 This is further explained by the Proposals Map (Inset 22) **[GHJ6]** in which the entirety of the village - all established development comprising the built-up area of Dirleton (except designated historic interests and a farm) - is defined as within policy *RCA1 Residential Character and Amenity*. The application site is identified as within the same RCA1 policy area and uniquely, it is virtually the only land within the village limits that is shown not to contain development: all other land identified within RCA1 - insofar as conveyed by the Proposals Map - contains development. Policy RCA1 and DP7 therefore, *must* be recognising its *potential for development*.
- 4.23 This Statement of Review contends that the inclusion of the proposal within the RCA1 policy area reflects that the site has been previously used as a market garden that it did contain buildings, was developed and is *brownfield* **[GHJ13]**; that its physical definition and relative concealment by a line of mature (hedge) trees reflects its historic use; and that such enclosure and self-containment results in it being of a wholly different character and appearance than the surrounding *open agricultural land* - designated *countryside around towns* (DC8) - which the proposed site is not.
- 4.24 Furthermore, it is not credible surely, that the East Lothian Local Plan represented the site (uniquely without development) as within an area at least with potential for development and that the East Lothian Local Development Plan does the same - when in the interim a proposal for two houses had been turned down - if the Local Development Plan objective had been to deny development per se and in principle, on the strength of that earlier refusal.
- 4.25 Since policies RCA1 and DC7 allow development and apply to the proposed site, it is clear that they recognise at the very least, the *potential* of the site for development. That also underscores the purpose of policy - that as a first point of reference - the site is suitable for development; that weight should be given, in accordance with the development plan to that possible outcome, and then, that the effect of what is proposed should have been scrutinised in light of the other policies of the plan, as policy DC7 states and as statute **[GHJ7]** and **[GHJ9]** prescribes.
- 4.26 The reference in the Report of Handling (in relation to the previous appeal outcome 09/00028/P/1) that “*therefore there is no support for the*



*proposal in DC7*” does not accord with the terms of policy as it is applied in the East Lothian Local Development Plan; and is plainly not the case.

4.27 The Report of Handling [GHJ4] states “*previous applications for housing development on the site were refused due to the land being designated as countryside, outwith the predominantly residential area of Dirleton village and because those proposals at those times constituted inappropriate development in the countryside*”.

4.28 The above premise insofar as it might apply to 06/00945/FUL and 09/00028/P/1 and the development plan does not reflect the position. The East Lothian Local Plan [GHJ11] did not designate the land as countryside, but within an area whose policies acknowledged the land as within a predominantly residential area (*EV1 Residential Character and Amenity*; and in which policies *EV4 Development within a Conservation Area and DC7 Infill Backland and Garden Ground Development* were also applied). *This presents an inappropriate preamble to the whole Report.*

*Prescribed Approach: Planning Assessment*

4.29 The above considerations would militate against applying the outcome of a previous application - more than twelve years ago in relation to a different development proposal - as “*the primary material consideration of this planning application*” (as the Report of Handling claims), when the terms of Circular 4/2009 indicate that in the *approach* to deciding an application, it is the development plan; and following from that, a *planning assessment* as presented at paras. 3.4-3.40 above would indicate a different weight to that previous judgement, as a material consideration.

4.30 The rationale presented in the Report of Handling is therefore unsound as a basis for deciding the present proposal on exactly the same terms as the previous proposal, except for reference to statute (as regards the Conservation Area) and the *adopted* Local Development Plan, which is not considered in the Report of Handling, in the terms in which it should have been considered.

4.31 As a footnote, the statutory framework for planning decisions - which justify appropriate scrutiny as stated in Circular 4/2009 - is further brought into focus in that the previous proposal 06/00945/FUL had been recommended for approval and the recorded decision of the Planning Committee was as close as a split vote could be: 7-5.

4.32 Had the Report of Handling [GHJ4] made a *planning assessment* of the extent to which the proposal accords with other policies, then - since it appears not to refute any of the design or site/neighbour characteristics of a significantly revised proposal, and the policy framework identifies the development potential of the application site - it might reasonably have

concluded that the present proposal would not cause harm to the character and appearance of the Conservation Area, and that planning permission should be granted. This statement presents that assessment also, at paras. 3.4-3.40 above, elaborated at paras. 4.36-4.44 below.

### Application of the Previous Decisions

#### *Past Judgements on a Different Proposal*

- 4.33 The Report of Handling [GHJ4] refers *“it is necessary to consider whether or not with regard to national, strategic and local planning policy and other material considerations” ...the proposal ...“is acceptable with due regard to its impact on the character and appearance of the Conservation Area and if not, whether there are other material planning considerations that outweigh this conflict with the development plan”.*
- 4.34 The Report of Handling demonstrates no *planning assessment* in that regard, but rather, applies those previous decisions. Almost fifteen years have elapsed since that earlier proposal was lodged, twelve years since the earlier appeal decision in respect of an entirely different proposal, during which time the development plan has been reviewed and the terms, nature and detailing of the proposal as now submitted are fundamentally different.
- 4.35 The Report of Handling [GHJ4] refers the decision to refuse the previous proposal ie. that *“the proposed development would be a conspicuous and incongruous outward extension of Direlton, harmful to the form, character and appearance of the village and of the Conservation Area”*; *“that the proposal would not integrate well into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner”*; that *“the development would represent an intrusion out of character with the adjoining agricultural land and would conflict with the important objective of preserving or enhancing the character and appearance of the Conservation Area”*; that *“since the site is surrounded on three sides by agricultural land it is self evident that development of the site would be out of keeping with these agricultural surroundings”*; and that *“the site cannot be properly described as infill” and “therefore there is no support from DP7”.*

#### *Implications and Effect of the Proposal as Lodged*

- 4.36 In response, the proposal (21/01364/P) - one house, not two houses: one building, not four - would present a different composition and massing, a different nature and intensity and a different appearance of development, any of which would present a different impact in relation to its fit with the settlement form and the village edge, notwithstanding that its

surroundings are different and that the underpinning policies of the adopted development plan *do* support development.

- 4.37 Firstly - and further to paras. 4.12-4.16 above - the proposal **[GHJ1]** could not be *conspicuous* to the same degree; and with the surrounding screen of trees retained in full, and not lowered - could it be visible, or as clearly visible. The *“important objective”* of preserving the character and appearance of the Conservation Area should have been assimilated with a proposal which retains (and therefore preserves) and does not lower, the line of cypress trees.
- 4.38 Secondly, in terms of the extent to which it could comprise an *“incongruous outward extension”*, the proposal is located within one of four defined fingers of development, separated by open land between, which are a distinctive feature of the indented, irregular village edge, integral to the character and appearance of the Conservation Area. This is the settlement form, clear and indisputable. The proposal fits within that form as indicated on the Proposals Map Inset 22 of a revised development plan **[GHJ6]**, that indicates the application site - despite the previous decision - within land recognised as having development potential. The proposal would not extend the village edge beyond the outermost of these *fingers*, but would contain development at least 30m within these established limits.
- 4.39 Thirdly, in these terms also, the effects of the proposal (21/01364/P) would derive from one house not two (and two garages), and the degree of intrusion would be less. The footprint size of the proposal (280m<sup>2</sup> as against 398m<sup>2</sup>) would be 30% less than the previous proposal (06/00945/FUL); the height of the proposal would be reduced by a 25% ie. by 2.1m; and the northernmost building line of the proposal would be held back 15m from the outer northernmost boundary of the site, 8.5m less in terms of *intrusion* by comparison with the previous proposal, as evidenced in **[GHJ10]**. These are all significantly different impacts with significantly different outcomes - having regard to the policies of the adopted development plan - for the Conservation Area.
- 4.40 Fourthly, as the previous appeal outcome distinguishes the site as *“surrounded on three sides by agricultural land”* **[GHJ4]** this would not reflect the fact that - as part of the proposal as lodged, it is enclosed by a mature line of evergreen trees; and that it could not be “conspicuous” in that regard. This *setting* indicates that the proposal would not read with the open character of surrounding agricultural land, but as a discrete, concealed and self-contained paddock, previously developed.
- 4.41 Fifthly, and further to para. 3.27 above, the proposal as lodged is not described as infill, but is *backland development* and therefore as such, it is not only referred in policy DC7, but - further to the planning

assessment (paras. 3.4-3.40 above) - as the adopted Local Development Plan states, *will be* supported by that policy.

- 4.42 The Supporting Planning and Design Statement **[GHJ2]** includes three historic maps and one historic photo **[GHJ13]** illustrating the proposed site and its surroundings, all clearly showing the extent of the site as a self-contained unit, separate from adjoining agricultural land; the existence of buildings on the site, and the four projections of development from the village as "*fingers of development*" separated by intervening countryside, at all stages of the evolution of the village ie. 1944-70. Those are the principle intrinsic features of the village edges and the Conservation Area. The proposal replicates that settlement form and character on land identified as having potential for development, on land previously built.
- 4.43 Annotated photographs **[GHJ14]**: three views (from the north, north-west and south-east towards the proposal) all illustrate that proposed house would be wholly concealed behind an enveloping line of mature cypress trees, other development on the village edges variously open to view, and an extensive foreground of open agricultural land, in every direction, clearly and obviously different in character to the proposed site. The proposal would not introduce any change in any of these views, and the village edge and Conservation Area would be preserved as existing and retained intact.
- 4.44 These factors in a reasonable *planning assessment* would have been weighed with a development plan whose provisions support the proposal in principle, as demonstrated at paras. 3.1-3.40 above; and had this been considered in the Report of Handling, the proposal would have been found not to conflict with the Conservation Area objectives.

#### *Further Contextual Changes*

- 4.45 The Report of Handling **[GHJ4]** states that "*since the decision to refuse planning application 06/00945/FUL other than the leylandii trees around the site growing taller, there has been no significant change to the application site or to the part of the Conservation Area in which the site is located*".
- 4.46 There have been profound changes in the development prospects and profile of the edge of the Conservation Area in the vicinity of the site ie. within 250m.
- 4.47 Firstly, most notably, some ten large detached, two storey houses (the Glebe) have been built, with the minimum of tree cover **[GHJ14]**. These affect the appearance of the edge of the Conservation Area.

- 4.48 Secondly, a much larger development of thirty-four houses (as opposed the one house proposed in this case) - also in a *backland position*, set back behind development, a similar distance from the main thoroughfare, but without significant tree cover has been approved, on appeal, despite the allocation of that land for housing (NK11Castleton Mains) [GHJ6] in the adopted Local Development Plan.
- 4.49 Thirdly, in this regard also, despite its *absolute reliance* on a previous appeal decision, the Report of Handling [GHJ4] does not respond to this (much) more recent appeal case (PPA-210-2072) referred in the Supporting Planning and Design Statement [GHJ2] (paras. 4.1-4.8) which also concerned a *backland location*, at the village edge and within the Conservation Area, which *the Reporter* concludes *would not diminish the experience of the historic core of the village*.
- 4.50 Fourthly, the East Lothian Local Plan (2006) preceded Scottish Planning Policy 2014 [GHJ7] and the provisions therein for design, brownfield land and sustainable development, all of which underpin the East Lothian Local Development Plan. The proposal as lodged responds positively to each: in design terms and in bringing land back into use, it does not draw criticism in the Report of Handling; and as it meets policies RCA1 and DP7 which *support* development, it would be *sustainable development*. These considerations, in light of the apparently acceptable design, scale, profile, servicing and neighbour relationships which the proposal presents, also lend weight to its prospects of compliance with CH2, as much as any circumstances could, had that assessment been made.

### Outcomes Informing the Decision

- 4.51 The Report of Handling [GHJ4] states “*in conclusion, the proposals are considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material planning considerations with sufficient weight to outweigh the fact that the proposal is contrary to the Development Plan*”.
- 4.52 The Report of Handling contains no assessment of the merits of the proposal against policy CH2 nor therefore the extent to which it accords with the “*relevant*” Local Development Plan, (but bases a decision to refuse planning permission on an understanding that circumstances are *similar, so similar* - and therefore not materially different - than those in which two houses were refused permission and that decision was sustained on appeal, in 2009 [GHJ4].
- 4.53 It is a fundamental feature of the proposal as lodged [GHJ1] that planning permission is sought for one house, not two houses; that the landscape setting for the proposal - retention of a mature cypress hedge enclosing the site - is different from the previous proposal which sought planning approval to lower that hedge; that the impacts of the proposal as lodged are different, and that there is only partial assessment in the



Report of Handling of the merits of the proposal against the primary determining policies of the Local Development Plan: *ie. policies DP7 Infill, Backland and Garden Ground Development*; and no assessment of its compliance with CH2 *Development Affecting Conservation Areas*.

- 4.54 This Statement of Review - paras. 3.1-3.40 and paras. 4.36-4.44 above - demonstrates that the proposal as lodged accords with the determining policies of the adopted Local Development Plan, including that it would not harm the character or appearance of the Conservation Area; and that it should have been granted planning permission.
- 4.55 It is contended that the Report of Handling **[GHJ4]** has not demonstrated that the process and procedures for considering the proposal as referred in Scottish Planning Policy and Circular 4/2009 have been carried out; and that it does not demonstrate that the decision to refuse planning permission has been reached *fairly* without those considerations.
- 4.56 Appropriate consideration of the proposal which followed the prescribed approach **[GHJ9]** *ie. to identify any provisions of the development plan which are relevant to the decision; interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies; consider whether or not the proposal accords with the development plan...* would have weighed the determining factors in this case differently. It is not the policy objectives for the Conservation Area that is disputed, but rather the assessment that the proposal as lodged should have been given, instead of being replaced in that regard, by a different proposal and the terms under which it was decided.

### Part Five: Conclusion

- 5.1 The proposal concerns residential development in a designated residential area (RCA1 on the Proposals Map). It involves land recognised as having *development potential*, and a “*backland location*” in which policy DC7, states development *will be supported*.
- 5.2 Accordance of the proposal with policy DC7 is demonstrated in that it responds positively to *eg. plot size; scale, design density and detailing, placement, retention of boundary features, privacy, amenity and servicing*; and that as self-contained, vacant brownfield land, it is insignificant as open space, in recreation or amenity terms.
- 5.3 There are no unresolved consultee objections, nor site planning or overriding material neighbour-related concerns. The design of the proposal - its scale and appearance - servicing, and neighbour relations are not opposed in the Report of Handling, and evidently acceptable.
- 5.4 As the proposal accords with policies RCA1 and DP7, it should then have been assessed for its compliance with policy CH2 (and other relevant policies) in its own right and against the adopted development plan, as

this Statement of Review does at paras. 3.4-3.28 and paras. 4.36-4.44 above, as supported also by paras. 3.29-3.40.

- 5.5 The proposal is demonstrated to accord with the assessment criteria of policy CH2 *Development Affecting Conservation Areas* and - further to the above merits - would therefore not harm the character and appearance of the Conservation Area; and would then be treated as able to *preserve or enhance* the Conservation Area, as required by Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 [GHJ4].
- 5.6 Instead, the presentation of the previous decisions as *the primary material consideration*, founded on the premise that the proposal as lodged is *so similar* to that earlier refused, is therefore unjustified and unsound. That is because the proposal is different, its impacts are different, and the development plan under which that decision was made, has been reviewed. A subsequent and much more recent appeal decision places an entirely different complexion on the effect of backland development on the Conservation Area.
- 5.7 The weight therefore that should have been given in support of the proposal is evident from the *planning appraisal* in this Statement of Review, and should it have been necessary, is further underscored by the extent to which the proposal is compliant with the settlement form and avoids adjoining designated countryside.
- 5.8 The proposal is further demonstrated to accord also with policies DP1, DP2 and NH8 and with Scottish Planning Policy objectives in relation to sustainable development, brownfield land, design and conservation areas.

### **Recommendation**

**On this basis, the Local Review Body is invited to approve the grant planning permission in full for a house and integral garage at Speedwell Gardens, Dirleton, as proposed.**

List of Productions (over)

**Productions**

- [GHJ1]** Planning Application 21/01364/P including location plan, site plan, house design plans
- [GHJ2]** Supporting Planning and Design Statement incorporating Arboricultural Method Statement (A Mackay Consultants)
- [GHJ3]** Decision Notice dated 29<sup>th</sup> April 2022
- [GHJ4]** Report of Handling 21/01364/P: East Lothian Council
- [GHJ5]** East Lothian Local Development Plan 2018 Extracts RCA1, DP7, CH2, DP1, DP2, NH8
- [GHJ6]** East Lothian Local Development Plan 2018 Proposals Map
- [GHJ7]** Scottish Planning Policy 2014 Extracts: purpose, planning system, core values; design, sustainable development, brownfield, conservation areas
- [GHJ8]** SESplan 2016 Extracts Placemaking Principles
- [GHJ9]** Circular 4/2009 Development Management Procedures Annex A
- [GHJ10]** Comparative Assessment: Planning Application 06/00945/FUL and 09/00028/P/1 including site layout and house designs
- [GHJ11]** East Lothian Local Plan 2006 Extracts Proposals Map
- [GHJ12]** Conservation Area Statement
- [GHJ13]** Historic Maps and Photo: Proposed Site in Historic Context
- [GHJ14]** Annotated Photographs: Settlement Edge

CM-GHJ 27-07-2022





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100439854-001

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

## Type of Application

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

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

## Description of Proposal

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

Proposed residential development of a single house on former Market Garden site, Dirleton.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	G H JOHNSTON BUILDING CONSULTANTS LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kenny	Building Name:	WILLOW HOUSE
Last Name: *	Shand	Building Number:	
Telephone Number: *	01463-237229	Address 1 (Street): *	STONEFIELD BUSINESS PARK
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	INVERNESS
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV2 7PA
Email Address: *	yvonne@ghjohnston.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	Donald	Building Number:	
Last Name: *	Skinner	Address 1 (Street): *	Willow House
Company/Organisation	Mr Donald Skinner	Address 2:	Stoneyfield Business Park
Telephone Number: *		Town/City: *	INVERNESS
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	IV2 7PA
Fax Number:			
Email Address: *	admin@ghjohnston.co.uk		

## Site Address Details

Planning Authority:

East Lothian Council

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

Address 1:

SPEEDWELL HOUSE

Address 2:

MAIN ROAD

Address 3:

DIRLETON

Address 4:

Address 5:

Town/City/Settlement:

NORTH BERWICK

Post Code:

EH39 5DZ

Please identify/describe the location of the site or sites

Northing

684220

Easting

351689

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

0.41

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Brownfield, previously used vacant land.

## Access and Parking

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

Yes  No

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

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

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

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

0

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

2

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

## Water Supply and Drainage Arrangements

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

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

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

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

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

## Trees

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

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

## Waste Storage and Collection

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

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

Area allocated for bin collection is shown on the Location Plan - Drawing PL001.

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

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

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Kenny Shand

On behalf of: Mr Donald Skinner

Date: 19/10/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

- |  |   |   |
|--|---|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

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

Supporting Planning and Design Statement - G H Johnston Building Consultants Ltd

## Declare – For Application to Planning Authority

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

Declaration Name: Miss Yvonne Macdonald

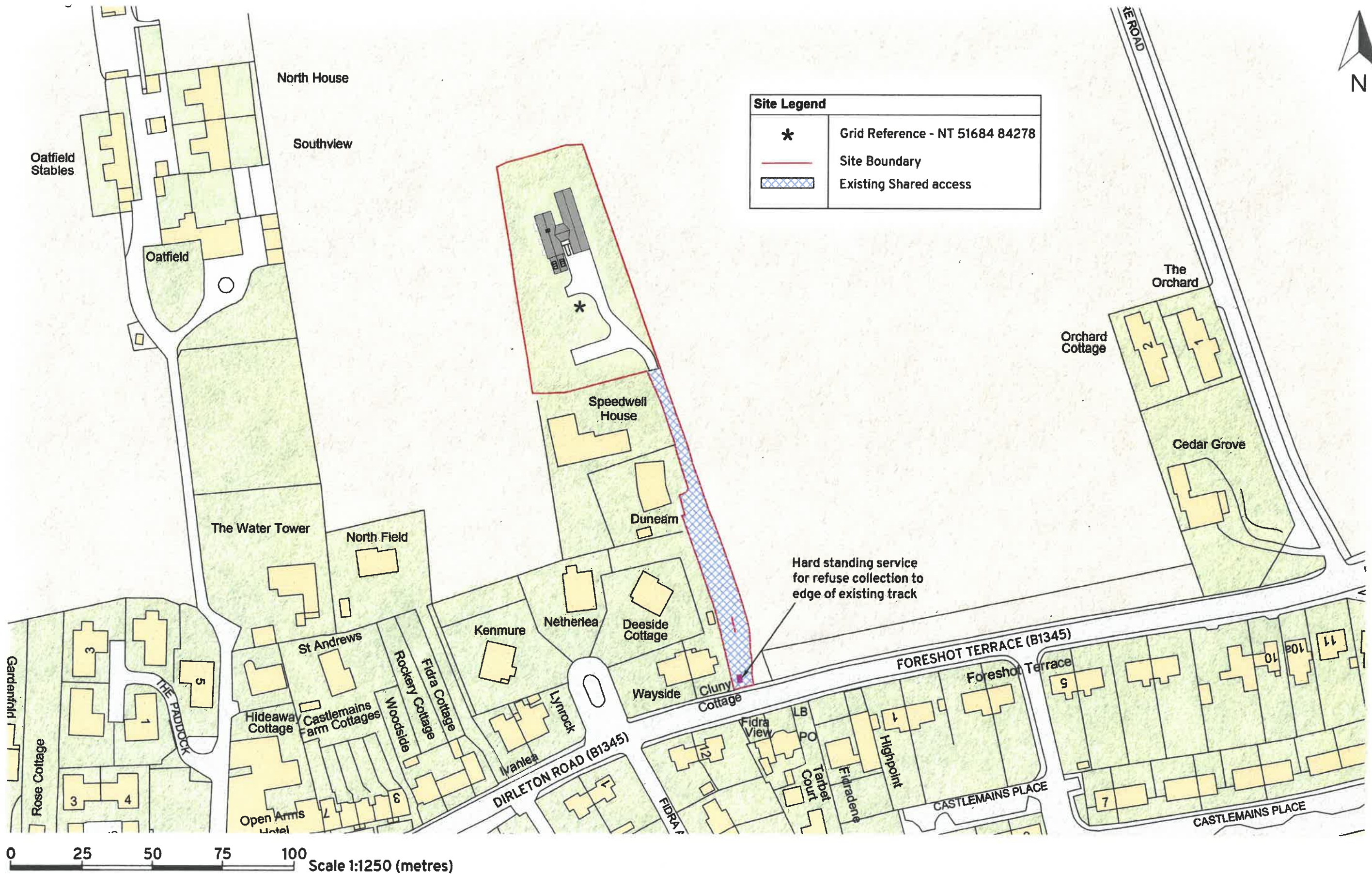
Declaration Date: 27/10/2021

## Payment Details

Pay Direct

Created: 27/10/2021 10:53



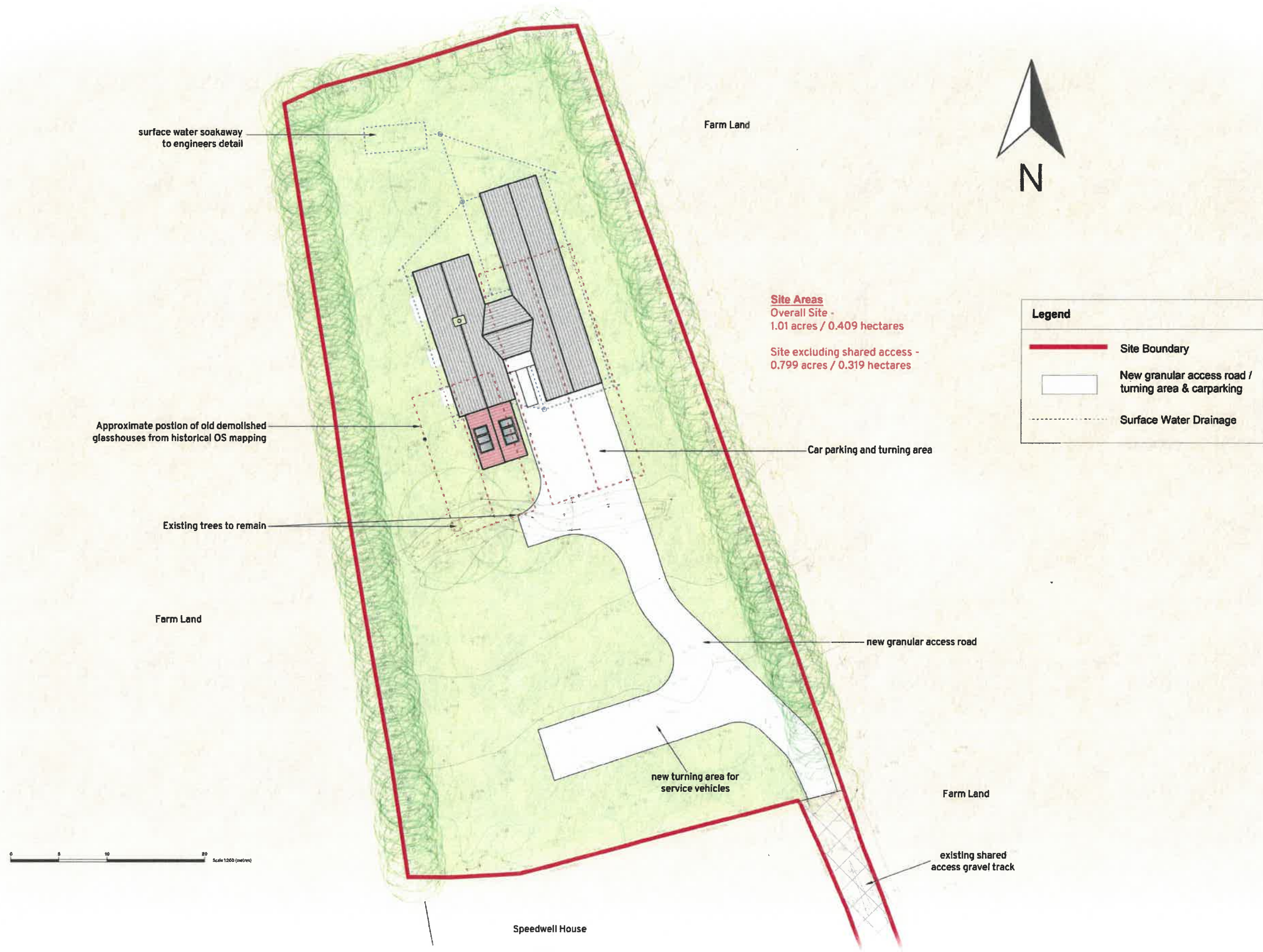


Mr Donald Skinner  
 Proposed Residential Development  
 of a Single House on Former Market  
 Garden Site, Dirleton

Location Plan - 1:1250 A3  
 Project / Drawing No. - 2533 / PL001  
 Date - October 2021

G H Johnston Building Consultants Ltd  
 Planning & Architecture  
 Willow House, Stoneyfield Business Park, Inverness, IV2 7PA  
 Tel: 01463237229, Email: technical@dghjohnston.co.uk

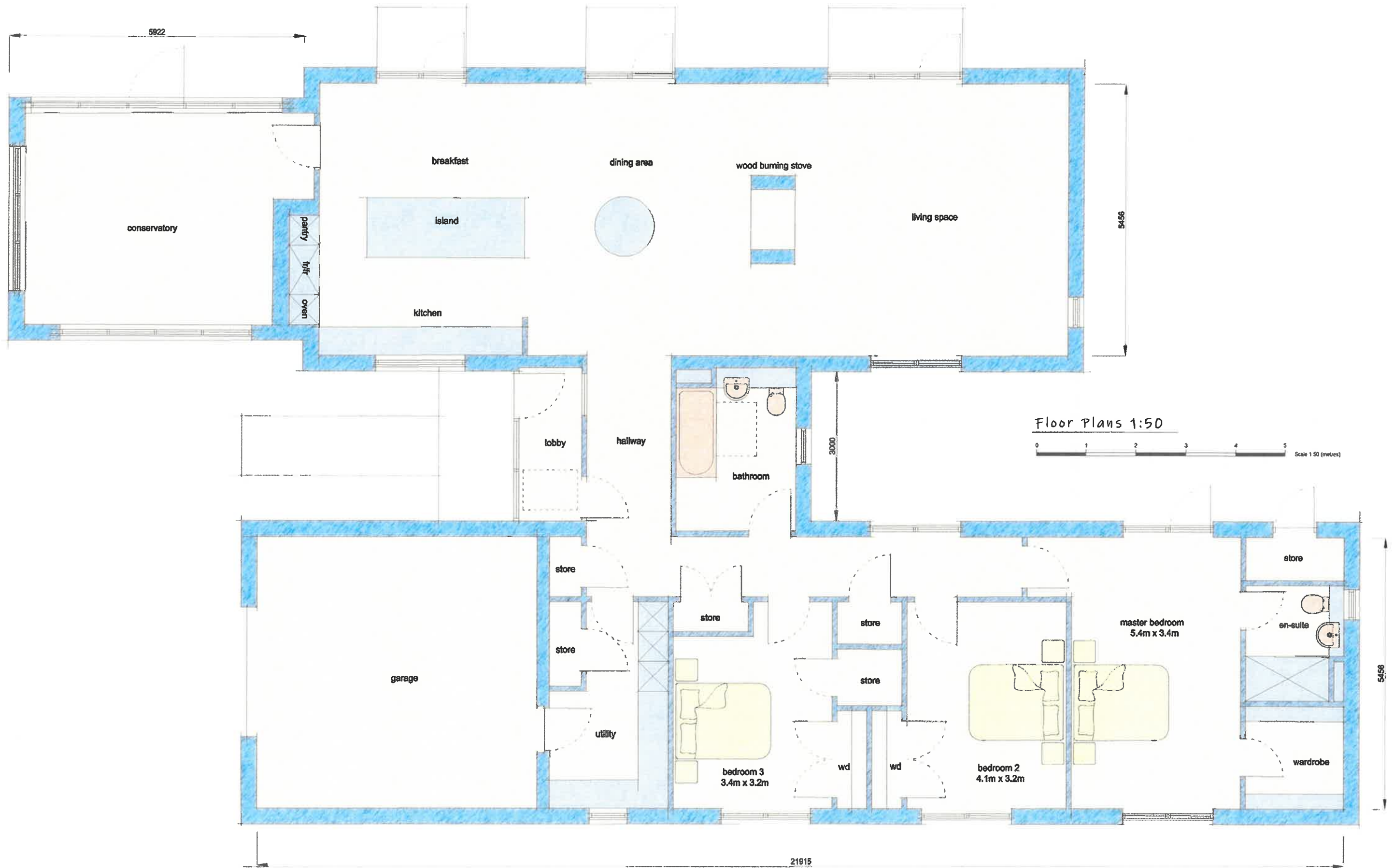




Mr Donald Skinner  
 Proposed Residential Development  
 of a Single House on Former Market  
 Garden Site, Dirleton

Site Plan - 1:200 A1  
 Project / Drawing No. - 2533 / PL002  
 Date - October 2021

G H Johnston Building Consultants Ltd  
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Mr Donald Skinner  
 Proposed Residential Development  
 of a Single House on Former Market  
 Garden Site, Dirleton

Floor Plans - 1:50 A2  
 Project / Drawing No. - 2533 / PL100  
 Date - October 2021



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Front Elevation 1:100



Side Elevation 1:100



Rear Elevation 1:100



Scale 1:100 (metres)



Side Elevation 1:100

Mr Donald Skinner  
Proposed Residential Development  
of a Single House on Former Market  
Garden Site, Dirleton

Elevations - 1:100 A2  
Project / Drawing No. - 2533 / PL300  
Date - October 2021



G H Johnston Building Consultants Ltd  
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Willow House, Stoneyfield Business Park, Inverness, IV2 7PA  
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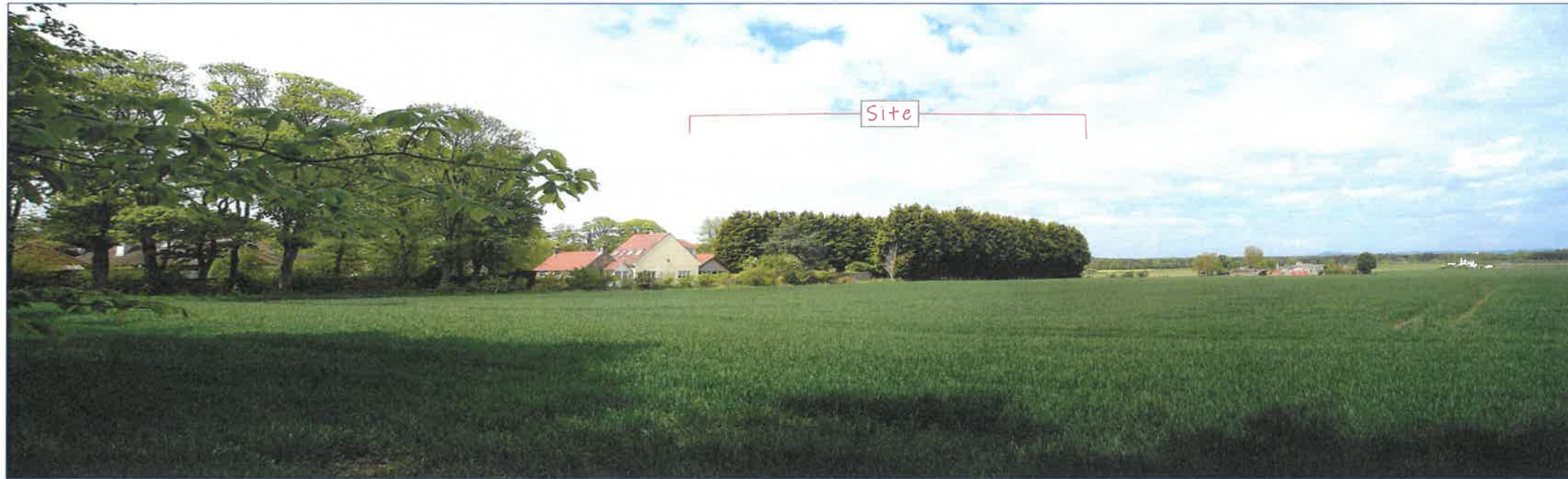


Photo 1 - Outline of Proposed House on Site



Satellite Image of Proposed House on Site

Mr Donald Skinner  
Proposed Residential Development  
of a Single House on Former Market  
Garden Site, Dirleton

Visualisations - Not to scale A3  
Project / Drawing No. - 2533 / PL301  
Date - October 2021



G H Johnston Building Consultants Ltd  
Planning & Architecture  
Willow House, Stoneyfield Business Park, Inverness, IV2 7PA  
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## PROPOSED RESIDENTIAL DEVELOPMENT OF A SINGLE HOUSE ON FORMER MARKET GARDEN SITE, DIRLETON

SUPPORTING PLANNING & DESIGN STATEMENT by G H Johnston  
Building Consultants Ltd *planning & architecture*

Page | 1

on behalf of Mr D Skinner

### 1. Background

- 1.1 The following statement is prepared in support of a proposal for the erection of a modest single storey detached house with integral garage on a previously developed site within the village. The Conservation Area designation and aspects of how the proposal relates and protects it are covered specifically within this statement.
- 1.2 The proposed house is designed as a traditionally proportioned single storey dwelling with wet dash harled walls featuring natural stone detailing matching local colouration and that of recently approved housing in the area.
- 1.3 In choosing the roof material it was felt that the material should be predominantly natural slate however given the prevalence of red clay pan tiles in the area an element of the conservatory roof has been finished with a red profile sheet to draw distinction and add some variation to the elevation.

### 2. Location and Site

- 2.1 The site is located within the conservation village of Dirleton. It is located at the north-east of the existing built-up area. Residential development is located to the south, agricultural land to the north, east and west.
- 2.2 The site extends to approximately 0.2 ha. and has been used in the past as a market garden. It contains remnants of that past use and indeed historical evidence in support of this application shows the extensive glasshouses which were once on site.
- 2.3 The site has lain unused for some 20 years; it is brownfield land in accordance with national policy and the principles of sustainable development, offers an appropriate redevelopment opportunity. In that regard, redevelopment would also deliver environmental enhancement. Considerate placing of the house on site seeks to maintain the extent of the previously built form and protect existing trees.



- 2.4 The current owner on acquiring the site undertook a series of demolitions to clear the site of the unsightly remnants of the glasshouses (as shown as dotted outline on site plan and seen from old aerial photos) of the previous use on the understanding he was making some improvements to the immediate environs.
- 2.5 In the intervening years the site has remained largely untouched and although the subject of previous planning applications and Local Development Plan bids has never been developed beyond it's original use.
- 2.6 The site is physically separated from surrounding countryside by boundaries of mature trees on all sides presented to the farmland and views beyond. It is an extremely well sheltered and indeed secluded site which lends itself to sympathetic small-scale residential redevelopment to bring it back into use.
- 2.7 The surrounding open countryside is covered by Policy DC8 in the 2018 East Lothian Local Development Plan and the village of Dirleton itself is predominantly linear in form having developed on an east-west axis, but with significant "fingers" of built development extending into the countryside along its north-east edge.
- 2.8 The form of development on this site and is therefore important in two key respects. Firstly, in its relationship with the wider Countryside and secondly and equally as important the sites relationship with and to the Conservation Area of Dirleton.
- 2.9 The organic nature of the village with pockets and fingers of development are clearly apparent and, in many cases, softened by woodland and mature trees. Our client's site and its location within the village respect these characteristics as this supporting statement will outline in the following paragraphs.

### **3. Planning Policy & Compliance**

- 3.1 The relevant development plan consists of the approved South East Scotland Strategic Development Plan (2013) and the adopted East Lothian Local Development Plan (2018), together with its adopted supplementary guidance.
- 3.2 The purpose of a strategic development plan is to set out the strategic planning framework to assist in the preparation of local development plans. In general terms they are not particularly relevant when assessing small scale development proposals such as this.



3.3 The key policies which form the assessment of this proposal come from the East Lothian Local Development Plan 2018 and are as follows:

3.4 **Policy RCA1: Residential Character and Amenity**

*The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.*

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3.5 The proposal is for residential use within a housing area and in that regard, it is of compatible residential character with no adverse impacts, as will be demonstrated in relation to all other relevant policies (including DP7) which follow.

3.6 **Policy DP1: Landscape Character**

*All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:*

*1. be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;*

*2. include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.*

3.7 The proposal is well integrated into its surroundings because it reflects the "fingered" form of development prevalent in the village and open intervening land on the north edge of Dirleton.

3.8 The integration is clear in so far as the proposed single storey house will not interrupt any of the existing natural features on site nor will it detract from any views currently experienced either to or from the site.

3.9 It is particularly well screened from surrounding farmland which itself is protected through policy DC8 from both short and distant views having a stand of mature Cypress Trees forming clear definition and effectively hiding the proposed house (visualisation submitted with drawings).

- 3.10 This is an important point which will, by highlighting a recent Reporter decision in summing up, form a critical and fundamental material consideration and should be given due materiality and weight when arriving at a decision on this proposal.
- 3.11 Given the foregoing along with the drawings and visualisations put forward in this planning submission the proposal accords with policy DP1.
- 3.12 ***Policy DP7: Infill, Backland and Garden Ground Development***
- Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:*
- 1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and*
  - 2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and*
  - 3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and*
  - 4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.*
- 3.13 The site as shown on the submitted drawings is in all respects appropriate in plot size for residential purposes, provides appropriate private access including for pedestrians and other modes of travel, clearly demonstrates appropriate parking (two cars as a minimum) and shows an additional turning space should there ever be visiting emergency vehicles.
- 3.14 The house given its scale, form and positioning relative to the nearest neighbouring property, is sensitively sited to cause no undue loss of privacy or amenity and to create appropriate privacy and amenity for future occupants.
- 3.15 Importantly arising from its scale, design and use of traditional and locally characteristic palette of materials it will fit with its surroundings particularly given the fully enclosed nature of the site, its tenure in private ownership and its inaccessibility for any public purpose.

3.16 Moreover, the proposal is of no value as open ground or for recreation or amenity purposes; and all significant trees will be retained including the lines of Cypress which enclose the site on all but one of its boundaries, the proposal therefore accords with policy DP7.

3.17 ***Policy DP2: Design***

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*The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:*

*1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;*

*2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;*

*3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*

*4. Provide a well-connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*

*5. Clearly distinguish public space from private space using appropriate boundary treatments;*

*6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*

*7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*

*8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.*

3.18 The following paragraphs highlight the suitability of the site and house design in terms of the criteria set out in policy DP2.

3.19 The submitted drawings forming part of this application clearly show that the proposed house is appropriate to its location in terms of its positioning, size, form, massing, proportion, and scale as well as the use of a limited palette of traditional materials and colours that complement its surroundings.

3.20 The siting, low density nature and traditional design proportions and fenestration of the house will complement the site's context, along with its

sense of identity being part of the accepted and established pattern of housing both traditional and non which extend outwards in fingers of development on the Northern Village edge.

3.21 The retention of this irregular form of settlement edge, whilst not affecting agricultural land and therefore retaining the shape and character of the village is crucial to any new development's successful incorporation. In this case our client's site can achieve these aims.

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3.22 Whilst the site is sheltered by mature tree boundaries the house has been positioned within the site primarily taking direction from a historic reference point lying on the footprint where the old glasshouses once stood as shown in Appendix 2.

3.23 However, in doing so it has also positioned the house in such a manner that the principal elevation and opportunities for passive solar gain are maximised on its southern elevation. This also presents a welcoming sense of arrival on entering the site.

3.24 Our client's proposal would not affect important trees (covered later in this statement) within the site nor is it their intention to remove any of the boundary trees which give a good degree of both shelter and privacy whilst clearly reducing the perceived impact that any new development may have in the short term.

3.25 Importantly the building line on the north edge of Dirleton will not be extended and the opportunity exists here to easily contain development within a discrete self-contained and effectively a brownfield site brought back into use in a location which clearly meets and supports the aims of the emerging 20-minute neighbourhood.

3.26 In terms of the 20-minute neighbourhood the house would be well connected and be accessible from an existing access that already serves two houses, would be located close to an existing shop and bus stop, within 400m of hotels, public house, bowling club and other amenities and within 600m of the local primary school.

3.27 The relationship of the site with the surrounding countryside has been discussed earlier however to reiterate the plot has a well-defined edge of cypress trees around all but one boundary on the southern edge and which presents a clear visual separation from agricultural and open countryside beyond.

3.28 The retention of these natural features forms part of this proposal with reinforcement planting also deemed an acceptable condition where necessary to ensure this screen is maintained in the longer term.

3.29 These existing natural boundary features will not impact upon existing levels of sunlight experienced either by existing or the new occupants of the house.

3.30 In terms of servicing, it is considered that all services are available in close proximity and connections can be achieved with the various providers.

3.31 ***Policy T1: Development Location and Accessibility***

*New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.*

3.32 The parking provision is shown on the submitted drawings and additionally an area allocated for emergency service vehicles to access and egress the site in a forward gear. The accessible nature of our client's site is evident and presents a very sustainable position within the village with many facilities within comfortable walking distance. The provisions of Policy T1 are met within this submission.

3.33 ***Policy CH2: Development Affecting Conservation Areas***

*All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.*

*The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.*

3.34 The Local Development Plan states: '*Design Statements can be used to describe and illustrate the design principles and design concepts of development proposals, including how these have been informed by relevant Conservation Area character statements or appraisals, and how the proposal would preserve or enhance the character or appearance of the Conservation Area. The circumstances where such statements will be required are set out in*

*the Design chapter of this plan. Brief statements would be useful even for minor developments.'*

- 3.35 The Dirleton Conservation Area Character Statement refers '*...most buildings are low density and small scale'...to the east end of Dirleton buildings are also low density, generally single-storey and a mix of stone and white-washed walls*'; and to '*several fingers of built development that extend northwards into open agricultural land. This characteristic leaves undeveloped open land in between the fingers which are a distinctive part of its character*'.
- 3.36 There are four fingers of development extending into open productive agricultural land in between protected from inappropriate development through the application of Policy DC8 and from which our client's site is quite rightly excluded.
- 3.37 Importantly our client's site reads as an integral part of one of these fingers, and which are identified in the development plan and in that regard, it would reflect the settlement pattern and the character of the north edge of the conservation area.
- 3.38 The proposal requires to demonstrate compatibility and fit with the site and its surroundings and to secure a design solution which preserves the character and appearance of the Conservation Area.
- 3.39 Within that context, the proposal represents 'infill, backland or garden ground development' (and considered in light of policy DP7) it would not affect open land between the fingers and would therefore recognise the prevailing development form and the character of intervening open land.
- 3.40 In fact, our client's site has been an integral part of this 'built finger form' over many years with its use as a market Garden and with the associated structures albeit now removed but evident and a part of the built form for many years.
- 3.41 The Character Assessment additionally states that: '*To the east end of Dirleton buildings are also low density, generally single storey and a mix of stone and whitewashed walls. To the west are low-density cottages and houses along with the primary school, which are a mix of stone and harled buildings developed mostly in the 19th and 20th centuries*'.
- 3.42 The design solution presented in this submission and described within this planning and design supporting statement has taken direction from both the character assessment for Dirleton and numerous examples within the local area and applied a material palette which is sympathetic to both.



**3.43 Policy NH8: Trees and Development**

*There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:*

*a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or*

*b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or  
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.*

*Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.*

3.44 The Dirleton Conservation Area Character Assessment also highlights that: *'Trees are an important part of the setting within the village particularly in the gardens to the north and west of the village. The setting to the west is dominated by the plantation woodland within Archerfield and to the east woodland at the entrance is also an important landscape feature. Throughout the village, there are mature trees many of which are protected by a Tree Preservation Order. This well landscaped character, coupled with the open greens give the village provides a feel to the village that is both open and intimate'.*

3.45 The Local Planning Authority (LPA) previously asked G H Johnston Building Consultants Ltd to implement a number of measures in order to ameliorate the impact of development activity on trees on the former Market Garden site.

3.46 Subsequently a report was commissioned and undertaken by Angus Mackay in 2019 and details several measures and controls for specific trees which should be put in place. This is included as Appendix 1.

#### 4. Summary

- 4.1 In 2019 Reporter Keith Bray in his findings on Planning Appeal Reference PPA-210-2072 made some key points in relation to the character statement for Dirleton and giving weight in arriving at his decision to allow that particular Appeal.
- 4.2 Interestingly his assessment was specific about the proposals visible impact from the historic core of Dirleton which is why we summarise it here in support of our client's application.
- 4.3 He stated *'I conclude that a person walking or travelling through Dirleton on the (B1345) would generally be unaware of the proposed housing. As a consequence, their experience of the historic core would not be diminished'*
- 4.4 He concluded, and accepted, that for a development consisting of some 36 new properties of a substantially larger scale and therefore impact than our clients in close proximity to a number of prominent buildings, scheduled monuments and within the Conservation Area, that it would alter views to and from the Castle and its grounds and allowed the Appeal.
- 4.5 In terms of the impact our client's house will have upon the Conservation Area we would refer back to that recent 2019 appeal decision and the reasons contained therein by the Reporter who concluded:
- 4.6 *'I conclude that a person walking or travelling through Dirleton on the (B1345) would generally be unaware of the proposed housing. As a consequence their experience of the historic core would not be diminished'*
- 4.7 We would therefore also conclude that our client's proposed house when experienced as a person walking or travelling through Dirleton on the (B1345) would generally be unaware of it and as a consequence their experience of the historic core and the Conservation Area designation would not be diminished.
- 4.8 Our client's proposal demonstrates compatibility and fit with the site and its surroundings and secures a design solution which preserves the character and appearance of the Conservation Area, additionally the proposal accords with relevant policies and guidance as outlined in this supporting statement.
- 4.9 The proposal would comply with the detailed design requirements of policy CH2 and DP2 regarding the impact on the Dirleton Conservation Area. Landscaping and tree retention would be in keeping with policy NH8 and DP1 in relation to retaining valuable trees and integration with the character of the conservation area and surrounding landscape.

**5. Recommendation**

- 5.1 It is respectfully requested that this modest well designed, considered and sensitively positioned house be **granted planning permission**, as proposed, and subject to any necessary planning conditions deemed appropriate.

Appendix 1. Arboricultural Method Statement

Appendix 2. Dirleton OS Historical Mapping and Aerial Image

**ARBORICULTUREAL METHOD STATEMENT**  
**PROPOSED DEVELOPMENT AT SPEEDWELL GARDENS**  
**DIRLETON**  
**EAST LOTHIAN**

**GH JOHNSTON BUILDING CONSULTANTS LTD**  
**WILLOW HOUSE**  
**STONEFIELD BUSINESS PARK**  
**INVERNESS**  
**IV27 PA**

**PREPARED BY ANGUS MACKAY**

## **CLIENT BRIEF**

The Local Planning Authority (LPA) of East Lothian Council have asked G H Johnston Building Consultants Ltd to implement a number of measures in order to ameliorate the impact of development activity on trees growing at the work site at Speedwell Gardens, Dirleton, East Lothian.

This report details a number of measures and controls which should be put in place.

The purpose of the document is to create a specification for work, which should be used as a reference on site and be submitted for approval to the Local Planning Authority (LPA).

The trees in question are tree tag numbers 01640 Sycamore , 01641 Sycamore and 1 No Silver Cedar growing in adjoining property identified as tree A. All trees are in the age class of Early Mature.

## **ARBORICULTURAL METHOD STATEMENT**

1. The work method should have approval from LPA and all work should be supervised by the Project Arboriculturist.
  - 1.1 All work should strictly adhere to the guidelines in BS 5837 :2012 – Trees in relation to design, demolition and construction – Recommendations
  - 2.0 All vehicles used during the works should be parked outside the Root Protection Area (RPA).
  - 3.0 During construction, should live roots be encountered outside the RPA, fencing , the Project Arboriculturist should be consulted, and any exposed roots should be covered with damp hessian until immediately covered by BS quality top soil. All broken roots should be pruned using sharp hand saws as per BS

## **GENERAL TREE PROTECTION RECOMMENDATIONS.**

**ROOT PROTECTION AREAS.** - Based on the Ground Level Tree Survey, data, root protection areas (RPA) have been given for every retained tree. The RPA,s are designed to protect at least a functional, minimum of tree roots in order to ensure the trees survive the construction process.

## **RESTRICTIONS WITHIN TREE ROOT PROTECTION AREAS.**

Inside the exclusion area of the fencing as shown on drawing No sk003 the following should apply

- No work on site should commence until the RPA fencing is in place and approved by the LPA and the Project Arboriculturist.
- No mechanical excavations whatsoever.
- No excavation by any other means without arboricultural site supervision.



- No hand digging without a written method statement having first been approved by the Project Arboriculturist.
- No alteration levels for any purpose (except the removal of grass sward using hand tools)
- No storage of plant or materials.
- No vehicular access.
- No storage or handling of chemicals including cement washings.

Further precautionary measures are necessary adjacent to trees.

- No substance harmful to the tree health, including fuels, oil, bitumen, cement, builders sand, concrete mixing etc.
- No fire shall be lit which allows flames within 5 meters of the tree foliage or branches or within RPA

### **GENERAL TREE PROTECTION MEASURES**

The following considerations should be taken into account

- Erection of RPA fencing as per attached diagram.
- Plant and material delivery
- Landscaping
- Construction works
- Utility installation
- Demolition
- Soil stripping.

Once constructed in situ, NO tree protection measures will be removed or changed in any way without prior recommendations by the Project Arboriculturist and approved by LPA. Type 1 tree protection barriers (diagram attached) : This is suitable for areas of high intensity, development and should consist of interlocking weld mesh panels, well braced to resist impacts by attachment to a scaffold framework that is set firmly into the ground.

Once the exclusion zone has been protected by barriers and/or ground protection, construction work may begin. All weather 'Keep Out' RPA Zone notices should be displayed on the barriers.

### **ACCESS DRIVE TREE PROTECTION DURING CONSTRUCTION**

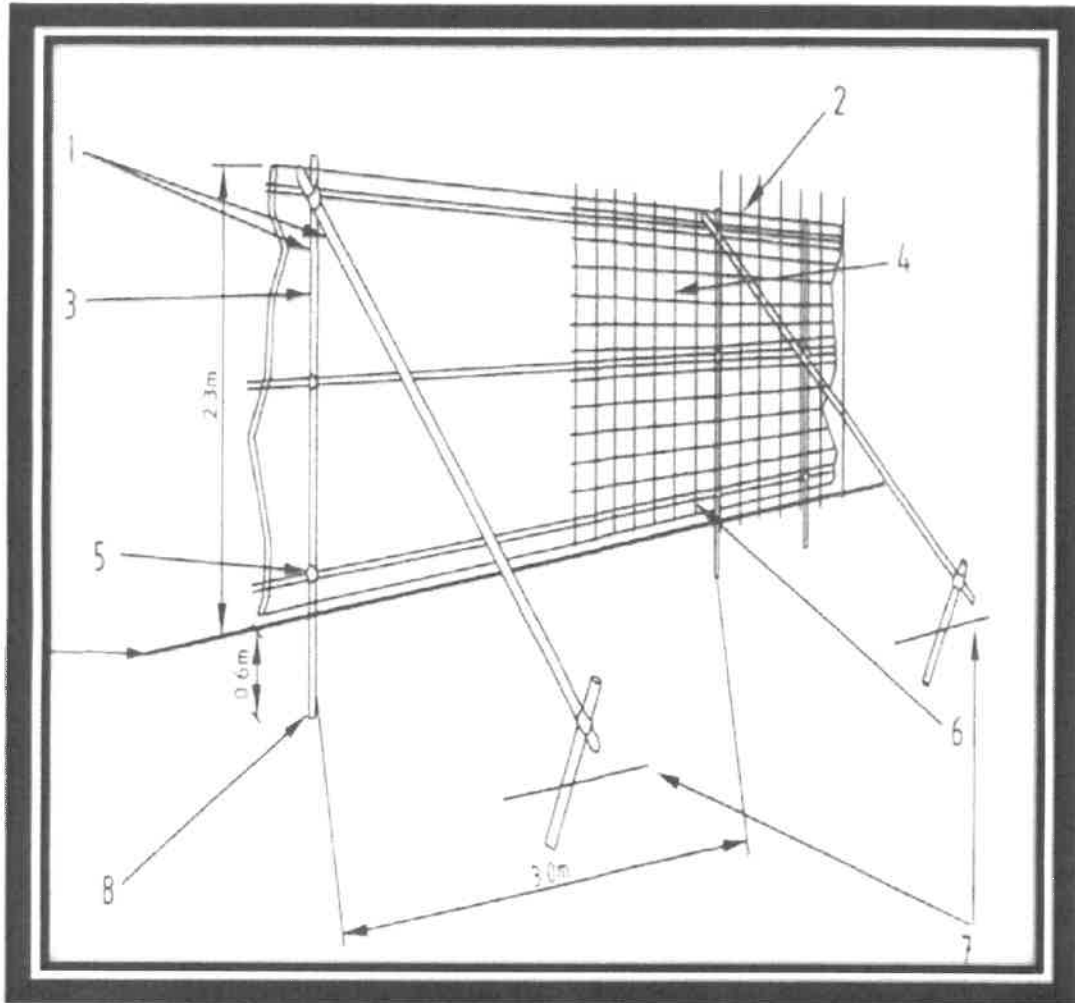
- The existing track is approximately 4.2M in width, and has 8 no Sycamores (Acer pseudoplatanus) along the grass verge to the North, with several Ash (Fraxinus Excelsior) near the entrance
- The trees are covered by a Tree Protection Order.
- Due to the size of the trees, it is possible that some of their root systems may be under the track, although no roots were showing on the surface of the track, nor at the entrance junction.

- Delivery vans use this track at present.
- The height of crown clearance along the track is around 4.5 M.

#### **TREE PROTECTION MEASURES FOR TREES AT ENTRANCE AND TREES ADJOINING TRACK**

- Prior to any work commencing, a check should be made along & adjoining track & entrance for any above and below ground services which could be damaged during deliveries etc.
- The height of crown clearance on all trees is to be checked and if any crown lifting of tree limbs is required, contact should be made with the L.P.A to discuss removal etc.. All tree works would be to BS3998: Tree work – Recommendations. The tree work should be planned so as to minimise any potential diminution of the trees aesthetic, ecological or other value.
- In advance of any heavy vehicles/plant using the track or entrance protective fence should be erected as per diagram shown earlier and be to BS 5837 :2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This should protect root systems and tree boles.
- On completion of Root Protection Fencing , approval should be sought from LPA and the Project Arboriculturist.
- Following approval of fencing and pruning if necessary , a root protection should be laid on the track to spread the load of any construction traffic
- A temporary road system should be 'fit for purpose' and should reduce axle weight pressures and reduce the risk of damage during construction.
- A TRAK MAT system as manufactured by Marwood Group Ltd could be used for track protection. Any system proposed should be approved by LPA and the Project Arboriculturist, and removed immediately access for heavy vehicles is no longer required.

Angus Mackay 09/03/2019



- 1 Standard scaffold poles**
- 2 Uprights to be driven into the ground**
- 3 Panels secured to uprights with wire ties and where necessary standard scaffold clamps**
- 4 Weld mesh wired to the uprights and horizontals**
- 5 Standard clamps**
- 6 Wire twisted and secured on inside face of mesh**
- 7 Ground level**
- 8 Approx. 0.6 m driven into the ground**

DO NOT SCALE. IF IN DOUBT PLEASE ASK  
 All setting out must be checked on site prior to  
 commencement. Any discrepancy must be reported to  
 G. H. JOHNSTON Building Consultants Ltd

# Sketch Proposal

## REVISIONS

rev.	description	date

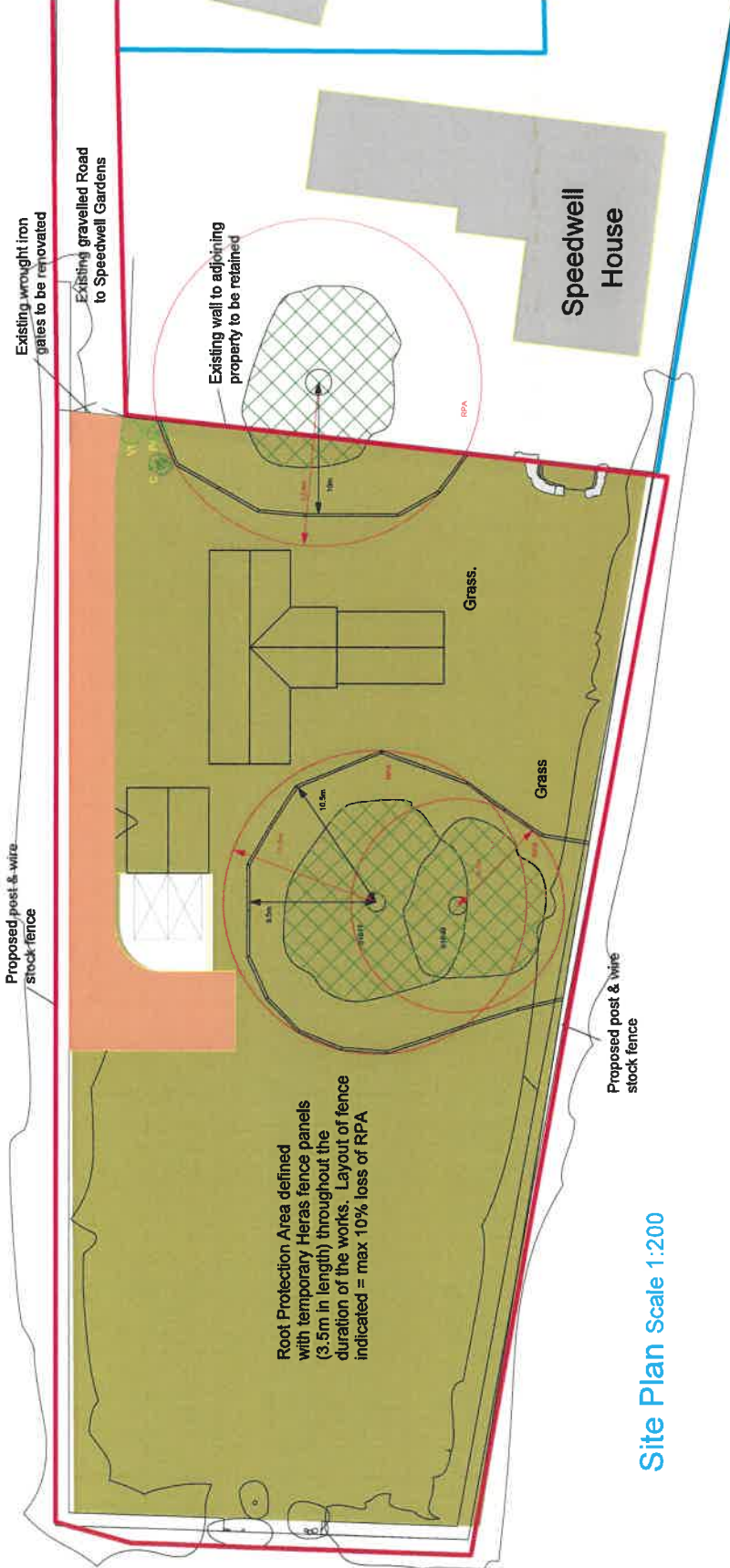
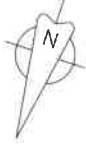
Client  
**Mr Donald Skinner**

Project  
**House Plot at  
 Dirleton, East Lothian**

Drawing  
**Site Plan  
 Option 3**

Scale	Date	Drawn by
1:250@A210.18	ca	ca
Project no	Dwg no	Rev
2533	SK003	

**G.H. JOHNSTON**  
 BUILDING CONSULTANTS LTD  
 WILLOW HOUSE  
 STONEYFIELD BUSINESS PARK (A63) 23 929  
 INVERNESS, IV2 7PA  
 Email: technical@ghjohnston.co.uk



Site Plan Scale 1:200

**GROUND LEVEL TREE SURVEY : Proposed Development Speedwell Gardens, Dirleton – DATE OF SURVEY: 27/01/2019 SURVEY No. 504/704/A WEATHER: , Cloudy, Dry , Calm 9 C CARRIED OUT BY MACKAY CONSULTANTS B55837:2012 – Trees in Relation to design, Development & Construction CLIENT: Mr D Skinner**

**D/W/S = Remove Dead Wood & Snags Physio Cond. = Physiological Condition N= Normal: F = Fair: P = Poor : U = Remove : HCC = Height of Crown Clearance: D/S = Double Stem: M/S = Multi Stem: AS = Aerial Survey Recommended: DDT = Decay Detection Test Recommended: WLP = Wild Life Potential 1= High: 2 = Moderate: 3 = Poor: \* Multi Stem measured at above root flare**

**AGE CLASS Y= Young: SM = Semi Mature: EM = Early Mature : M = Mature: OM = Over Mature : V = Veteran ERY = Estimated Remaining Years = -10, 10 +, 20 +, 40+; N/W/R = No Work Required at this time. Survey valid until 26/01/2020**

Tree Ref No	Species	Height approx M	Branch Spread Approx. M	Height of Crown Clearance M N,S,E,W	Stem Diam at 1.5M AGL CM *	Age Class	Physio Cond.	Structural Condition	Preliminary Management Recommendations	E.R.Y	Grading Category	Circle Radius (RPA)
01640	Sycamore (Acer pseudoplatanus)	14	N: 8 S: 8 E: 6 W: 9	1.0 S	67	EM	Fair	Poor vigour	D/W/S. Clean up old pruning stubs. Remove top soil dumped under canopy by hand & remove hedge prunings from under canopy	20 +	B 1	8.10
01641	Sycamore D/S (Acer pseudoplatanus)	15	N: 9 S: 9 E: 9 W: 6.5	0	73/23	EM	Fair	Slight inclusion at 1.2 M M.	Remove top soil dumped under canopy by hand.	20 +	B 1	11.5
<b>TREE IN ADJOINING GARDEN OF SPEEDWELL HOUSE</b>												
Tree A	Silver Cedar (Cedrus libani glauca)	10	N: 9 S: 7 E: 8.5 W: 6	0	103	EM	Normal	OK	N/W/R	40 +	A 1	12.4

<b>B S Categories</b>	
A	Trees where retention is most desirable (high category)
B	Trees where retention is desirable (moderate category)
C	Trees which could be retained (low category)
U	Trees for removal (fell category)

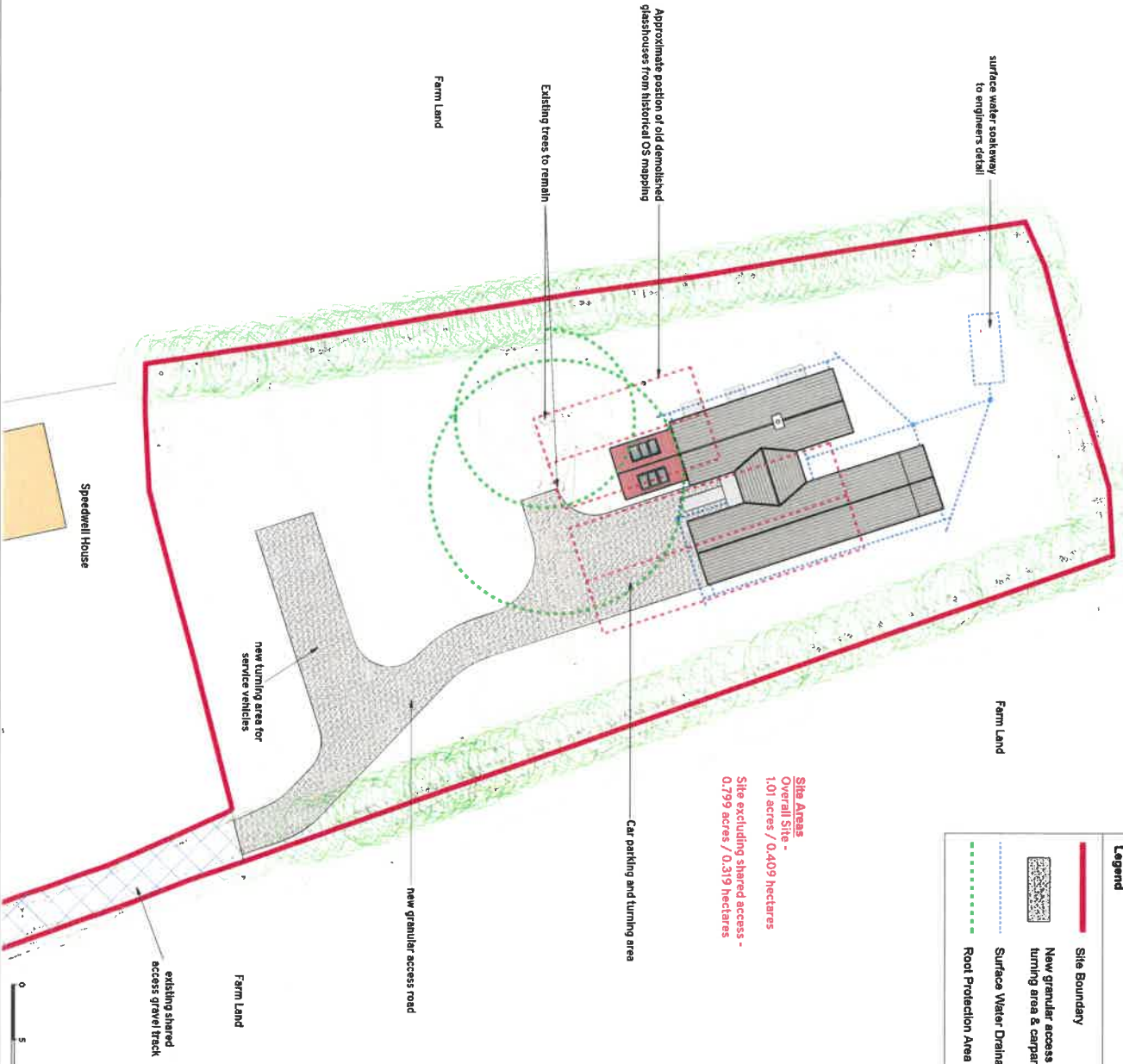
**NOTES It is recommended that the x Cupressocyparis leylandii hedge along the 3 No boundaries be removed and replaced with a wildlife type hedge consisting of Beech (Fagus sylvatica) 80 %. Field Maple (Acer campestre) 5% Spindle (Euonymus europaeus) 5% Privet (Ligustrum vulgare) 5% and Escallonia edinensis 5%**



**Legend**

- Site Boundary
- New granular access road / turning area & carparking
- Surface Water Drainage
- Root Protection Area

**Site Areas**  
 Overall Site -  
 1.01 acres / 0.409 hectares  
 Site excluding shared access -  
 0.799 acres / 0.319 hectares



**PLANNING APPLICATION**

**REVISIONS**

Rev.	Description	Date

**Client**  
 Mr Donald Skinner

**Project**  
 Proposed New House & Garage at  
 Dillston, East Lofhlan

**Drawing**  
 Root Protection Plan

Scale	Date	Drawn By
1:200@A1	Oct 2021	SRDC
Project no	DWG no	Rev
2533	SK 003	

**G.H. JOHNSTON**  
 BUILDING CONSULTANTS LTD

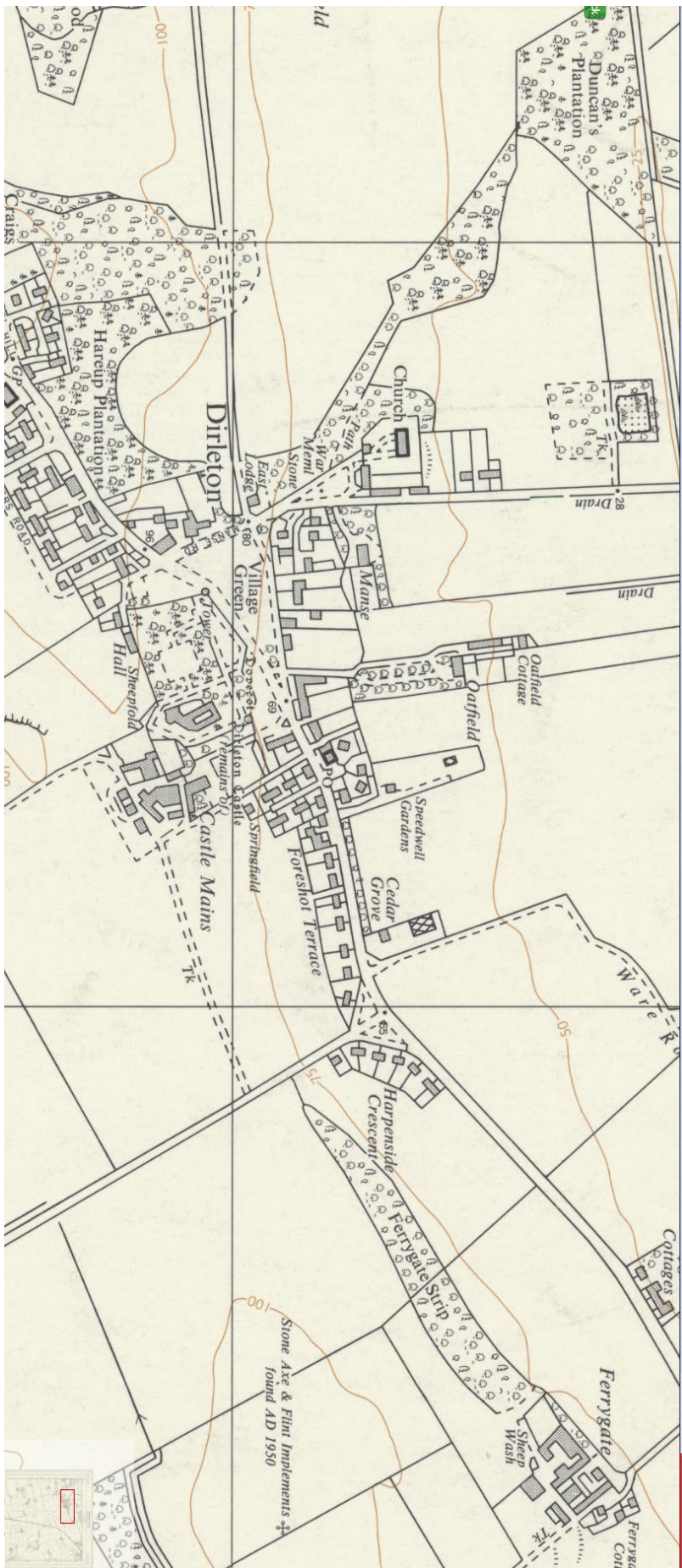
WILLOWHURST  
 SHERWOOD BUSINESS PARK  
 SHERWOOD, NOTTINGHAM NG4 8JF  
 Email: info@ghjohnston.co.uk  
 Tel: 01483 21729



# Dirleton OS Historic Mapping

Additional Library: **NT58 SW - A (includes: Athelstaneford; Dirleton; North Berwick; Pr...**  
 Scotland  
 Ordnance Survey  
 Surveyed / Revised: 1963 to 1967, Published: 1968  
 Size: map 47.50 x 47.50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)

home > Ordnance Survey > National Grid maps: 1944-1970



Re-use: CC-BY

Order this map

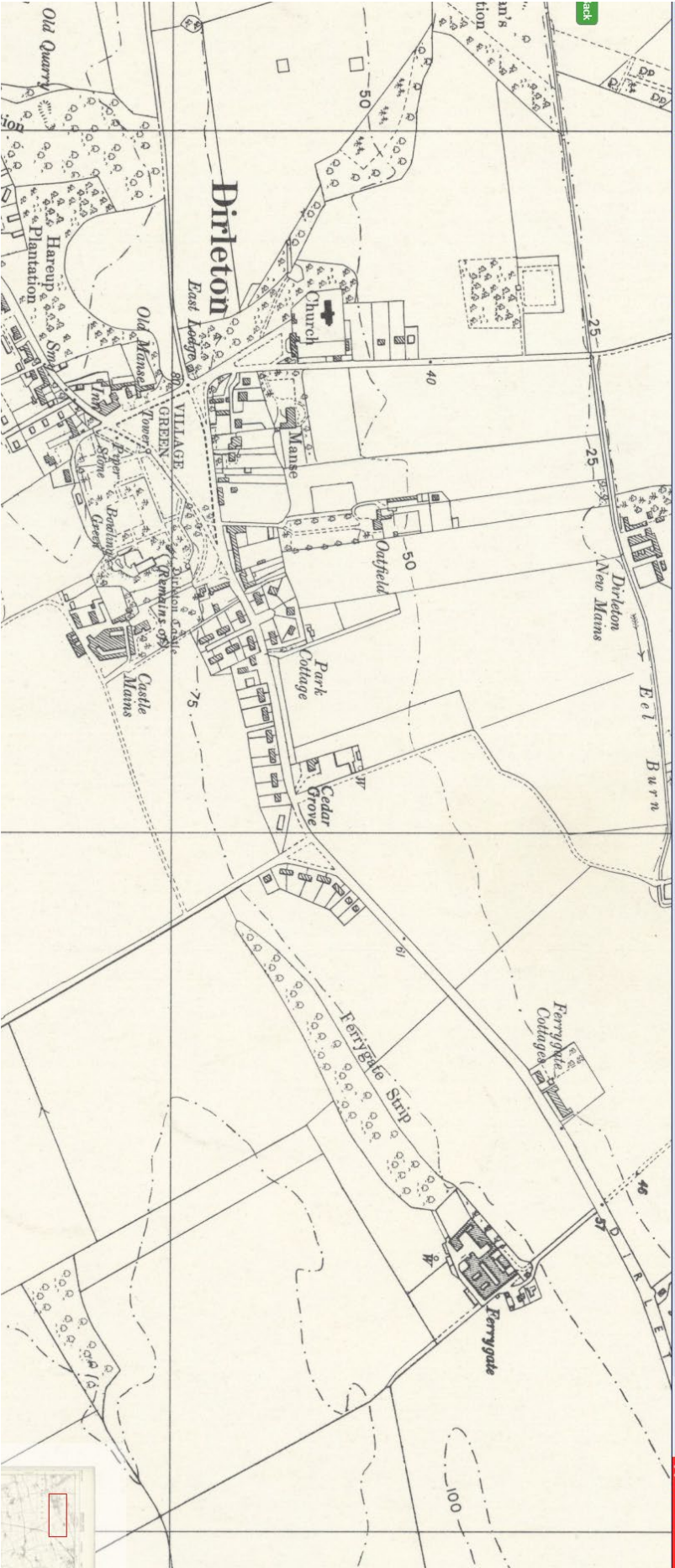
**National Library of Scotland**  
**NT58SW - A (includes: Athlinstaneford; Dirleton; North Berwick; Pr...**  
**Surveyed / Revised: Pre-1930 to 1996, Published: 1957**  
**Size: map 47.50 x 47.50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)**

[Home](#) > [Ordnance Survey](#) > [National Grid maps, 1944-1970](#)

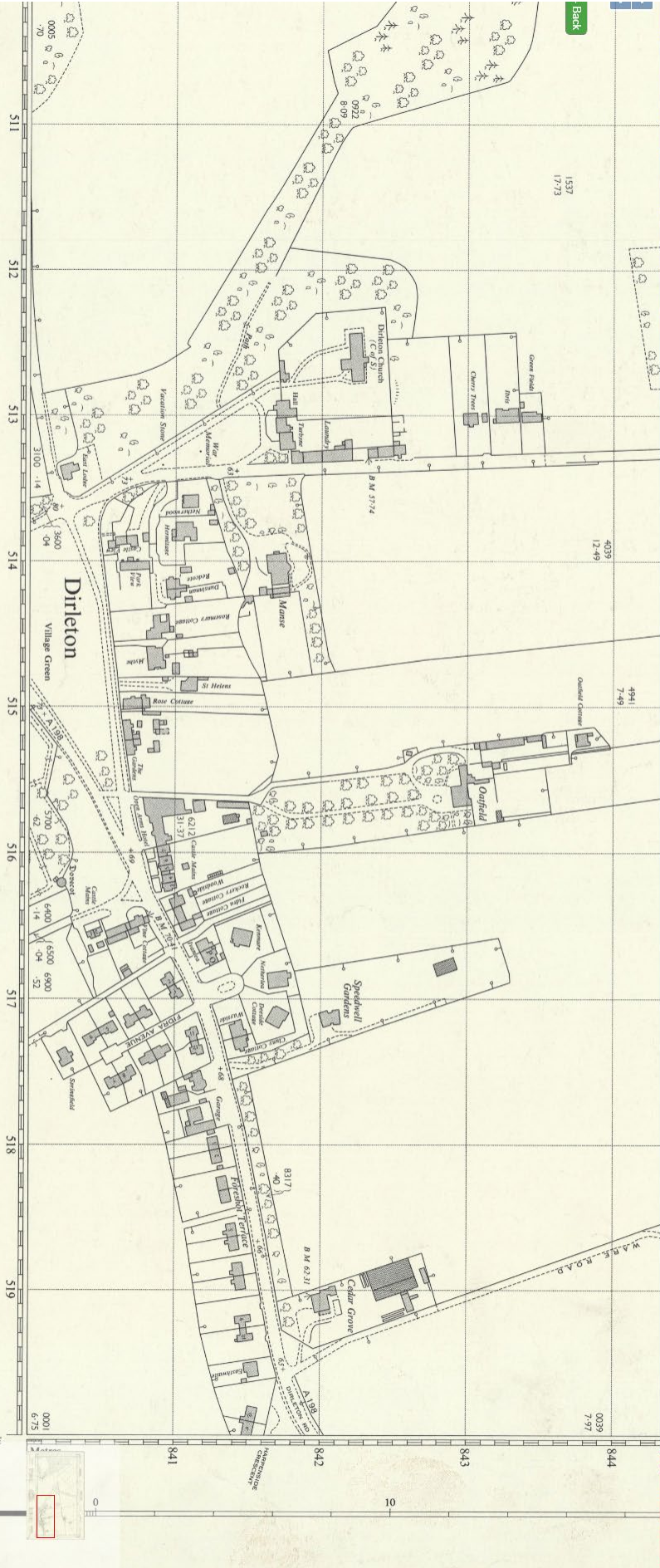
Keyword search

Re-use: [CC-BY](#)

[Order this map](#)



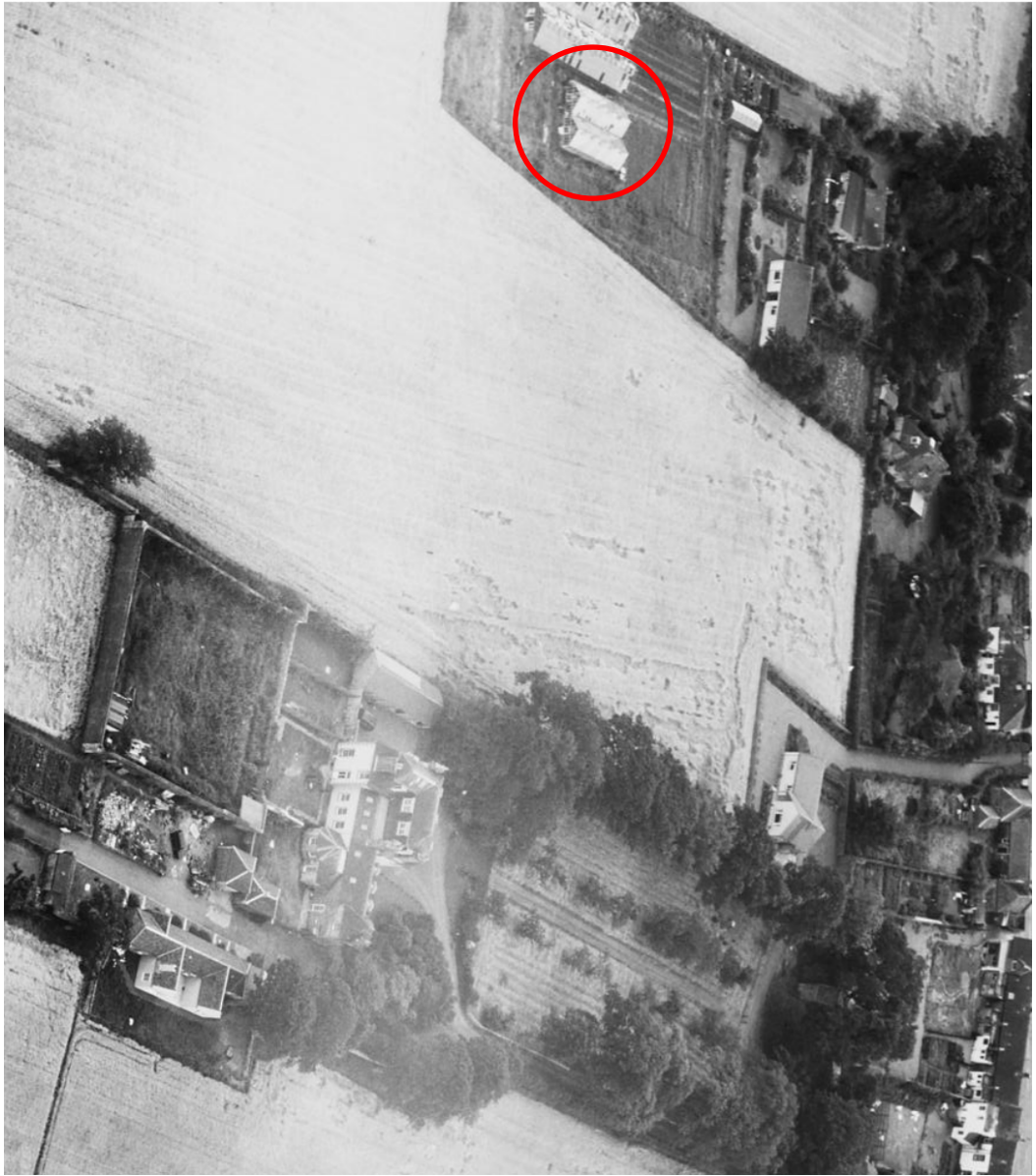




Q Keyword search

Reuse: CC-BY (NLS)

Order this map



App No. 21/01364/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Mr Donald Skinner  
c/o G H Johnston Building Consultants Ltd  
Per Kenny Shand  
Willow House  
Stoneyfield Business Park  
Inverness  
IV2 7PA**

**APPLICANT: Mr Donald Skinner**

With reference to your application registered on 8th November 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of 1 house with integral garage and associated works**

**at**

**Land To Rear Of Speedwell House**

**Main Road**

**Dirleton**

**East Lothian**

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

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

- 1 The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area contrary to Policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018 and to Scottish Planning Policy: June 2014.

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

Details of the following are given in the application report:

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

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
MANU LITERATURE 01	-	05.11.2021
MANU LITERATURE 02	-	05.11.2021
MANU LITERATURE 03	-	05.11.2021
2533/PL001_A	-	05.11.2021
2533/PL002_A	-	05.11.2021
2533/PL100_A	-	05.11.2021
2533/PL300_A	-	05.11.2021
2533/PL301_A	-	05.11.2021
2533/PL303	-	05.11.2021
2533/PL003	-	08.11.2021
2533/PL302_A	-	08.11.2021

**29th April 2022**



Keith Dingwall  
Service Manager - Planning

## NOTES

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

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



# OFFICER REPORT

**13th April 2022**

App No. **21/01364/P**

Application registered on **8th November 2021**

Target Date **7th January 2022**

Proposal	<b>Erection of 1 house with integral garage and associated works</b>	SDELL	Y
		CDEL	N
Location	<b>Land To Rear Of Speedwell House Main Road Dirleton East Lothian</b>	Bad Neighbour Development	N

APPLICANT: **Mr Donald Skinner**

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

**c/o G H Johnston Building Consultants Ltd  
Per Kenny Shand  
Willow House  
Stoneyfield Business Park  
Inverness  
IV2 7PA**

DECISION TYPE:

**Application Refused**

## REPORT OF HANDLING

The application site is an area of grassed land with tall *Leylandii* hedging planted around its boundaries. It is a flat area of land of some 0.325 hectares and is roughly rectangular in shape, tapering gradually towards its northern end. It is bounded to the north, east and west by agricultural land, and to the south by the garden of the residential property of Speedwell House. To the south of Speedwell House are a number of other houses and to the south of them is the B1345 public, which, as it passes through the village of Dirleton is known as Main Road. The neighbouring houses are a mix of one and one and a half storeys with either stone or render wall finishes and slated, pantiled or concrete tiled roofs. The site was formerly used for a market gardening enterprise. Previous applications for housing development on the site were refused due to the land then being designated as countryside, outwith the predominantly residential area of Dirleton village and because those proposals at those times constituted inappropriate development in the countryside.

The application site is within an area defined by Policy RCA1: Residential Character and Amenity of the adopted East Lothian Local Development Plan 2018 and is within the Dirleton Conservation Area.

## PLANNING HISTORY

In 2009 planning application Ref: 06/00945/FUL was refused by Planning Committee, against officer recommendation, for the erection of 2 detached houses, 2 detached garages and associated works on the application site. The proposed houses were proposed to be positioned roughly centrally within the site and were to be single storey in height with accommodation in their roof space and would be traditional in their design. The pitched and gabled roof of each house would include two pitched roofed dormer windows to their front and rear elevations serving accommodation in the roof space. The proposed house would be served by an access road running from the existing private access road which serves the house which lies between the site and the main road. The reason for refusal of planning application 06/00945/FUL was;

"The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area."

That decision to refuse planning permission was appealed to the DPEA ref: 09/00028/P/1 and that appeal was subsequently dismissed in 2010. The for the dismissal of that appeal was:

"Since the site is surrounded on 3 sides by agricultural land it is self evident that development of the site would be out of keeping with these agricultural surroundings. In view of the forgoing the site cannot be properly described as an infill site. Therefore there is no support for the proposal in DP7; and

The proposed development would not integrate well into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would conflict with the important objective of preserving or enhancing the character and appearance of the conservation area. The development would represent an intrusion out of character with the surrounding agricultural land."

Since that refusal of planning permission, planning applications Ref's 14/00696/P, 15/00208/P and 19/00564/P, have all been submitted seeking planning permission for the erection of one house on the application site. Each of those planning applications was subsequently withdrawn before being determined.

## PROPOSAL

Full planning permission is now sought for the erection of one house with integral garage on the application site and for associated works. The proposed house would be positioned centrally within the site and would have a large 'H' shaped footprint. The proposed house would be single storey in height and would feature a pitched and gabled roof. The walls of the proposed house would be finished in a textured render with a southern projection being finished in natural rubble stone walls. The main body of the roof would be finished in natural slate with the southernmost projection featuring corrugated metal sheeting. Windows and doors would have timber frames that would be in painted grey.

The proposed house would be served by an access road running from the existing private access road which serves the house which lies between the site and the main road. The access road would run into the site at the southeast corner and from there it would align along the eastern edge of the site before forming a parking and turning area to the front of the new dwelling as well as a turning area for service vehicles. The existing Leylandii hedge surrounding the site would be retained.

In a supporting statement submitted by the applicant it is stated that the site is located within the conservation village of Dirleton. It is located at the north-east of the existing built-up area. Residential development is located to the south, agricultural land to the north, east and west. The site extends to approximately 0.2 ha and has been used in the past as a market garden. The site has lain unused for some 20 years; it is brownfield land in accordance with national policy and the principles of sustainable development, offers an appropriate redevelopment opportunity. In that regard, redevelopment would also deliver environmental enhancement. Considerate placing of the house on site seeks to maintain the extent of the previously built form and protect existing trees.

## 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 (ELLDP).

There are no policies contained within the adopted South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Policies RCA1 (Residential Character), CH2 (Development Affecting Conservation Areas), Policy DP7: Infill, Backland and Garden Ground Development and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

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

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and 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.

Also material to the determination of the application is the planning history of the site and the decision to refuse planning permission 06/00945/FUL for the erection of 2 houses on the site and the subsequent decision by the DPEA to dismiss an appeal ref: 09/00028/P01 for those 2 houses.

## REPRESENTATIONS

Six letters of objection to the application have been received. One of these is from Dirleton Village Association. Another objector has submitted two representations. The main grounds of objections are summarised as follows;

- i) The previous reason for refusal has not been overcome with the proposal for one dwelling;
- ii) Siting of the proposed dwelling allows for additional development on the site;
- iii) The site is a greenfield site and not a brownfield site;
- iv) The proposed retention of the trees would be dangerous for occupiers of the proposed dwelling and surrounding dwellings;
- v) The proposed development would lead to the damage to protected trees and their roots within the site;
- vi) Removal of the trees would allow the proposed dwelling from the A198.
- vii) Replacement native planting would take several years;
- viii) Difficult access to the site for emergency vehicles cannot attend the site, nor can water be supplied to the site in the case of a fire; Also issues with access for disabled persons' made worse from ongoing issues with cars parking on pavements causing hazards to children, pushchairs, wheelchairs and people with impaired vision;
- ix) The condition of the driveway is not suitable to accommodate additional dwellings and it is in a state of disrepair;
- x) The site cannot be easily served by gas, electricity and water and would put strain on existing services;
- xi) The proposal would be detrimental to the character and appearance of the Dirleton Conservation Area;
- xii) The applicants are not local to the area and would be unfamiliar with the local environment and infrastructure and therefore not sympathetic to this rare conservation village;
- xiii) increased parking and traffic pressures in the area.
- xiv) Impact on wildlife who use the site and requirement for a Wildlife Survey to be submitted;
- xv) While the site is designated within and RCA1 policy area, this does not infer it should be developed for housing;
- xvi) Site not considered infill or backland site and fails to comply with Policy DP7;
- xvii) No guarantee the trees would not be removed in the future;
- xviii) The fussy stone corner stones or quoins to the harled building sections should be omitted;
- xix) Materials should respect those of the designed village of the Dirleton vernacular;

- xx) Noise and disturbance from use, and
- xi) Loss of informal green space and open land.

With regards to impacts upon wildlife, the site is not located within any area of local or national importance.

The trees on the site are not proposed to be removed. While they are not protected from Tree Preservation Orders, given the location of the site within the conservation area, permission would be required for their removal. The merits of such an application to remove the trees would be assessed at this stage.

With regards to site access and parking, no objection has been raised by the Council's Road Services and no concerns were raised about access for emergency vehicle.

The matter of the use of the private road to serve the proposed development is a legal matter for those parties who have an ownership or right of access interest in the road. As such this is not a material planning consideration relevant to the determination of a planning application.

The potential for future development on the site is not a planning consideration and officers can only consider the application as currently set out before them. Any future planning application submitted would be determined on its merits.

The matter of getting services and utilities to the site and the fact that the applicant is not local to the area are not material planning consideration relevant to the determination of this planning application.

#### COMMUNITY COUNCIL COMMENTS

Dirleton Community Council note that Dirleton Village Association has submitted a letter of objection. The Dirleton Community Council state that they fully support the views expressed by the Dirleton Village Association and seek for these views to be taken into account in considering the application.

#### PLANNING ASSESSMENT

The gravel drive already serves several properties but this additional property constitutes intensification of use. The Council's Road Services raises no objection to the proposal but have requested that the first 2 metres of the driveway should be hard formed. It can therefore be reasonably concluded that pending compliance with such a condition, the proposal would not be a road safety hazard consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

The proposed house would be orientated and at a distance far enough away from Speedwell House and other houses to the south of the application site such that there would not be any harmful overlooking of those existing properties from it. Given its positioning the proposed house would also not give rise to any loss of sunlight or daylight to surrounding residential properties. The occupants of the proposed house would also benefit from a sufficient level of privacy and amenity.

The Council's Senior Environmental Protection Officer has been consulted on the application. They have responded to confirm that they have no comments to make on the application. Accordingly no objection has been raised.

The Council's Contaminated Land Officer has reviewed historical maps for the site as well as looking at the potential contamination issues that may impact on the development. They have confirmed the site doesn't seem to have had any historic, potentially contaminative land-use associated with it. There is, however, the possibility that undocumented areas of made ground may exist on the site that could have contributed to localised areas of contamination. Therefore, should planning permission be approved further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). This can be made a condition of any grant of planning permission.

Notwithstanding all of the above it is now necessary to consider whether or not, with regard to national, strategic and local planning policy and other material considerations, the erection of the house and associated development on the application site is acceptable, with due regard to its impact on the character and appearance of the Dirleton Conservation Area and, if not, whether there are any other material planning considerations that outweigh this conflict with the development plan.

Whilst the site is within the settlement of Dirleton 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. Proposals for new development will be assessed against appropriate local plan policies, which in this instance is Policies CH2: Development Affecting a Conservation Area and DP7: Infill and Ground Development.

Whilst this application is for 1 house the proposal is largely similar in its positioning on the plot, and with a vehicular access similar to the previously refused proposal the subject of planning application 06/00945/FUL. The difference between this application and the previously refused planning application is that there is only 1 house proposed instead of 2 and the Leylandii trees around the site are now proposed to be wholly retained, instead of being lowered.

On this latter consideration, neither Planning Committee in their decision to refuse planning application 06/00945/FUL in 2009 nor the Reporter in his decision to dismiss the appeal ref: 09/00028/P01 in 2010 made reference to the lowering of the trees in their decisions to refuse planning permission. Planning Committee and the Reporter, could if they were minded to grant planning permission for the 2 houses, have imposed a condition on that planning permission, securing the retention of those trees. However, neither Planning Committee nor the Reporter chose to secure the retention of the trees and to grant planning permission for the 2 houses. Therefore the fact that the trees are now to be wholly retained does not provide sufficient weight to take a different decision on this application.

Consequently as the application is similar to the two houses proposed through application 06/00945/FUL, the primary material consideration in the determination of this planning application is the Planning Committee's decision to refuse planning application ref: 06/00945/FUL for the erection of 2 houses on the site in 2009 and the subsequent decision by the DPEA to dismiss an appeal ref: 09/00028/P01 for those 2 houses in 2010.

The Planning Committee refused planning application 06/00945/FUL in November 2009 for the reasons that “The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area.”

The Reporter in his decision on appeal ref: 09/00028/P01 agreed with the council that the proposal would not integrate well into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner. He stated that the development would represent an intrusion out of character with the surrounding agricultural land and would conflict with the important objective of preserving or enhancing the character and appearance of the conservation area. He also stated that since the site is surrounded on 3 sides by agricultural land and it is self evident that development of the site would be out of keeping with these agricultural surroundings. In view of the forgoing the site cannot be properly described as an infill site. Therefore there is no support for the proposal in DP7

Since the decision to refuse planning application 06/00945/FUL in 2009 other than the Leylandii trees around the site growing taller, there has been no significant change to the application site or to the part of the Dirleton Conservation Area in which the site is located.

Furthermore, whilst the adopted East Lothian Local Plan 2018 has replaced the adopted local plan of 2008, Policy CH2: Development Affecting Conservation Area still requires all development proposals within or affecting a Conservation Area or its setting to be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Therefore the Policy requirements of Policy CH2 are no different to those of Policies ENV4: Development within Conservation Areas and DP7 of the previous adopted local plan 2008. Furthermore Policy DP7: Infill, Backland and Garden Ground Development has replicated Policy DP7 of the adopted Local Plan 2008.

Therefore as the proposal is so similar in character to the proposal that was refused planning permission 06/00945/FUL for the 2 houses and the subsequent appeal was dismissed, and as there has been no significant change to the Development Plan Policy since those decisions were taken, there is no good reason to take a different decision on this application to that of planning 06/00945/FUL and appeal decision ref: 09/00028/P01. Accordingly, as the proposed development would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area it is contrary to Policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018 and to Scottish Planning Policy: June 2014.

In conclusion, the proposals are considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material planning considerations with sufficient weight to outweigh the fact that the proposal is contrary to the Development Plan.

**REASONS FOR REFUSAL:**





GHJ 5



# local development plan

2018

3.14 For the purposes of this policy, 'smaller villages' means settlements defined as such in this Plan that do not have a defined town or local centre, i.e. Garvald, Humbie, East Saltoun, Aberlady, Dirleton, Whitekirk, Elphinstone, Gladsmuir, Macmerry, West Barns, and Pencaitland.

#### Policy TC3: Protection of Local Facilities

Within smaller villages changes of use of the last shop or public house will only be permitted where there is evidence that the premises is no longer viable.

#### *Town centre strategies and Health Checks*

3.15 A town centre strategy has been already prepared for Musselburgh covering the period to 2019. The Council will prepare individual town centre strategies for Tranent, Prestonpans, Haddington, Dunbar, and North Berwick town centres. These will be progressed once the Plan is operative and will be taken forward as statutory supplementary guidance. Strategies will be reviewed and updated as appropriate based on regular health checks. The town centre strategies will provide a vision for each town centre to help address local environmental issues as well as their vibrancy, vitality, and viability. They will also be informed by the findings of a retail capacity study for East Lothian.

#### *Hot food outlets*

3.16 Hot food take-aways have the potential to raise particular issues for local residential amenity due to noise and smell, and road safety resulting from parking impacts. Cumulative impacts are an important consideration, particularly in town centres that already have a number of hot food take take-aways.

3.17 Hours of operation will normally be limited to times between 7.30am and midnight; in some circumstances more restrictive times will be appropriate

#### Policy TC4: Hot Food Outlets

Proposals for hot food take-aways will be supported in the locations identified below provided they will not result in significant impacts on local amenity, including cumulatively with other existing or consented take-aways in the area, and are consistent with other relevant Plan policies, including in relation to parking and road safety:

- Town or local centres; or
- Designated employment areas where the development is intended to meet demand from employees of business within the site and not to attract customers from outwith the site.

Siting of mobile snack bars may also be permitted on suitable car park or lay-by sites adjacent to main transport routes, subject to other Plan policies including consideration of visual and landscape impact.

#### Residential Character & Amenity

3.18 The LDP seeks to grow East Lothian's economy and communities but also protect and, where possible, enhance their residential character and amenity. Uses such as shops, offices and certain businesses uses can be suitable in residential areas where the predominantly residential use and character and amenity of the area is maintained. However, development that could cause unacceptable levels of noise, smells, traffic movement or other adverse environmental impacts will not be permitted. For the avoidance of doubt, the inclusion of a site or building within an RCA1 policy area does not imply that a proposed new residential development will be acceptable. While the principle of residential use is likely to be compatible with the terms of this policy, any such proposals must first be assessed against other policies.

#### Policy RCA1: Residential Character and Amenity

The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.

#### Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Government's Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or  
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

### Protecting and Enhancing the Water Environment

- 6.25 The second River Basin Management Plan 2015-2021 will be published during 2015. The plans' main objective is to achieve good ecological status of the water environment. The term 'water environment' encompasses watercourses, wetlands, lochs, coastal, estuarine and ground water. 'Ecological status' is a combined measure of the plants and animals present, the quantity of water available to sustain species, the physical structure of the waterbody which provides habitat and the chemical water quality. Additional objectives apply in certain protected areas, for example in relation to designated bathing waters and drinking water supply. RBMP2 will set out key pressures, objectives and measures for the water environment and will replace the first plan when it is published.
- 6.26 The planning regime is a key tool assisting the delivery of River Basin Management Plans (RBMP), protecting and restoring the water environment through influencing developments. This will help increase the environment's capacity to cope with and support future developments, for example through the protection of existing flood plains or wetlands and the use of Sustainable Drainage Systems (SuDS).

#### Advice Box 6: Water Environment

To ensure that a proposed development protects and enhances the water environment, the following principles should be observed:

- Developments should be connected to the public sewer where possible (rather than private treatment systems) and should be capable of being served by an adequate water supply.
- Buffer strips should be provided between development and waterbodies both for maintenance and for protecting and enhancing water and habitat quality.
- There will be a presumption against unnecessary engineering activities in the water environment.
- Where development presents an opportunity for morphological improvements (for example, the removal of fish barriers) these will be encouraged, subject to flood risk assessments.
- Water conservation measures are encouraged in all developments in order to reduce the impact of new development in terms of water supply, and to promote climate change adaptation. Such measures could include rainwater collection, 'grey' water recycling, and the use of low or dual flush toilets, spray taps, supply restrictor valves in water systems, and water efficient heating and cooling systems.

#### Policy NH9: Water Environment

Where relevant, new development should protect and, where appropriate, enhance the water environment, in line with the Water Framework Directive 2000 (WFD) and the Water Environment and Water Services (Scotland) Act 2003 (WEWS).

Development proposals that would have a detrimental impact on the water environment will not be supported.

### Sustainable Drainage Systems (SuDS)

- 6.27 Sustainable Drainage Systems (SuDS) return excess surface water to the water cycle with minimal adverse impact on people and the environment. SuDS contribute to alleviation of flood risk and reduce discharge of diffuse pollutants through a range of measures aimed at managing water run-off from a site. SuDS manage surface water run-off by treating it as near to source as possible, slowing down the rate of water run-off, and treating water naturally and releasing good quality water to watercourses or groundwater.
- 6.28 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) make SuDS a legal requirement for new development, as well as requiring that surface water discharges must not result in pollution of the water environment. The only exceptions to

### Policy CH2: Development Affecting Conservation Areas

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

#### *Demolition of Unlisted Buildings*

- 6.46 **Demolition of an unlisted building within a Conservation Area requires Conservation Area Consent. Where a building makes a positive contribution to the area it should be retained. As with a listed building, every effort should be made to retain it and find a new use for it before demolition can be considered. Proposals for demolition of an unlisted building that makes a positive contribution to a Conservation Area must therefore make a similar case to that for the demolition of a listed building. Demolition can also be considered in the case of emergency where serious structural damage caused by unexpected event leaves no alternative. Any replacement building should preserve or enhance the character or appearance of the area, making reference to the relevant character statement/appraisal. Historic Environment Scotland will be consulted on proposals to demolish unlisted buildings in a Conservation Area.**

### Policy CH3: Demolition of an Unlisted Building in a Conservation Area

Proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.

### Development Affecting Scheduled Monuments and Archaeological Sites

- 6.47 **Scheduled Monuments are sites or structures of national importance scheduled by Historic Environment Scotland for legal protection. Scheduled Monument Consent is required from HES for any work affecting them, including repairs. Their setting is often very important to both the understanding of and the appearance of the monument. There are around 295 Scheduled Monuments in East Lothian, including well-known landmarks such as Traprain and North Berwick Laws.**
- 6.48 **The vast majority of archaeological sites within East Lothian are not scheduled and have no statutory protection at national level but are nevertheless of regional or local importance. The East Lothian Historic Environment Record lists these as 'archaeological sites' and contains approximately 8,000 entries. All sites and monuments, whether scheduled or not, are fragile and irreplaceable and they are a material consideration in the planning process.**
- 6.49 **The preservation in situ of important archaeological remains will always be preferred. Where development is proposed within areas of archaeological potential the developer must commission and make available to the Planning Authority, an archaeological assessment as part of any planning proposals. If significant archaeological remains are uncovered, the developer is encouraged to make provision for public accessibility and community involvement, e.g. through local media involvement, school visits, talks, open days, or exhibitions.**

### Policy CH4: Scheduled Monuments and Archaeological Sites

Where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation.

can also be achieved in the layout, design and materials used for buildings, as well as their relationship to one another and the landform, landscape and sun path characteristics of an area. However, a rigid application of such design principles would compromise the Plan's other design requirements. A balance must be made between competing design objectives, and measures to reduce resource consumption must be incorporated whenever possible. Active travel and public transport opportunities are to be prioritised in designs and provided in new development to encourage their use as alternatives to the private car.

- 7.9 In the development of a new settlement, in areas of significant change, or where there is potential to regenerate or improve the character and appearance of an area, there may be opportunities to create or enhance an area's character and identity. Settlement expansions and new settlements should be developed at higher densities to make efficient use of land without causing overcrowding, congestion or loss of amenity. These new mixed communities should support a mix of land uses, a range of house types, sizes and tenures as well as local service provision. Development in areas of significant change must ensure that East Lothian's special qualities are maintained and enhanced. The design of these new places should be based on the best examples of East Lothian's existing buildings and places as well as the best examples from further afield that can be adapted to an East Lothian context.
- 7.10 New development must integrate with the existing landscape and townscape of the area, maximise the potential to make connections with the surroundings and reflect local vernacular architectural styles. It should create a sense of place, safety and welcome, be easy to navigate and must maximise accessibility to all in the community as well as be energy efficient and adaptable. Ensuring this will maintain the setting, character, identity and amenity of the area as well as create high quality new places. Standardised buildings and layouts designed or those designed primarily for the needs of vehicles and that reflect nothing of their surroundings will not be acceptable.

#### Policy DP1: Landscape Character

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provide structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

#### Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

- 7.11 The Council will prepare design guidance and, where appropriate, Development Briefs and guides to assist the operation of these policies as appropriate.

#### Advice Box 11: Design Statements

All planning applications for national or major developments types must be accompanied by a design and access statement. All planning applications for development of a local development type where the land to which the application relates is listed in Section 13(2) of Part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, including in a conservation area, historic garden or designed landscape, the site of a scheduled monument or the curtilage of a category A listed building must be accompanied by a Design Statement. This does not apply to applications made under section 42 of the Act, for engineering or mining operations, householder development or where a change of use to land is proposed.



is still required for any alterations, including the installation of security shutters, on buildings in either Class 7 or Class 11 use. To safeguard the character and appearance of the area it is important to control the installation of shutters on these buildings.

**Policy DP6: External Security (Unlisted Buildings and Buildings Outwith a Conservation Area)**

External security should be designed to allow the frontage and display area of the building to remain visible. Where they would have a neutral affect on the character and appearance of the area in which they would be located or where it can be demonstrated that alternative security measures are not practical, solid roller shutters may be acceptable. It will be a condition of planning permission that shutters and grilles on a street frontage of a building will be open or removed whilst trading.

Note: For listed buildings or buildings within a conservation area see Policy CH2 and associated supplementary planning guidance.

**Infill, Backland and Garden Ground Development**

- 7.21 In built up areas, infill sites (where the site has a direct frontage on to a road) and backland sites (where access to a road requires to cross adjoining land) can be suitable for new development. Their proximity to existing services and the avoidance of the use of greenfield sites can have positive environmental benefits. Proposals for development within residential areas often involve the subdivision of garden ground to form a new house plot. All proposals for infill and backland development must be consistent with the general development policies outlined in DP1 and DP2 above. Such development will not be permitted on existing areas of open space such as parks, playing fields and informal open space that make a positive contribution to the leisure, recreation or amenity needs of an area.
- 7.22 Throughout East Lothian there are a number of urban areas characterised by housing set in substantial areas of garden ground with mature planting. These often fall within Conservation Areas and may be Listed Buildings or in close proximity to such buildings. There is significant pressure to develop new houses in garden ground and in certain situations this may be detrimental to the character of these areas. Such development must satisfy the following criteria, in addition to the design policies contained elsewhere in this chapter.

**Policy DP7: Infill, Backland and Garden Ground Development**

Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and
4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

**Design Standards for New Housing Areas**

- 7.23 East Lothian Council requires that high quality design principles are incorporated into the design and layout of all new developments. Scottish Planning Policy and Designing Streets support this. These policy documents also promote the use of shared space streets in new development. High quality design is at the heart of making places safe, legible and welcoming and supporting integrated land use and transport. Designing better places to live, work and play that improve the integration of places, people and their movement needs represents a move towards realising such objectives. The Council's Design Standards for New Housing Areas will provide supplementary planning guidance.

**Policy DP8: Design Standards for New Housing Areas**

The principles of the Council's supplementary planning guidance Design Standards for New Housing Areas must be incorporated into the design and layout of all new relevant developments. All Home Zone / shared surface street designs must also be consistent with this document.

**Development Briefs**

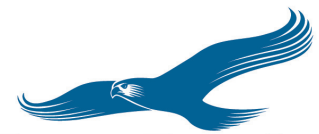
- 7.24 The Council has adopted Briefs for the sites allocated by this plan. It may prepare or adopt additional guidance as the plan is operative to set out key design objectives and requirements for the development of allocated land.

**Policy DP9: Development Briefs**

Proposals for the development of sites that are subject to a development framework or brief that has been adopted by the Council must conform to the relevant framework or brief.

# East Lothian Local Development Plan

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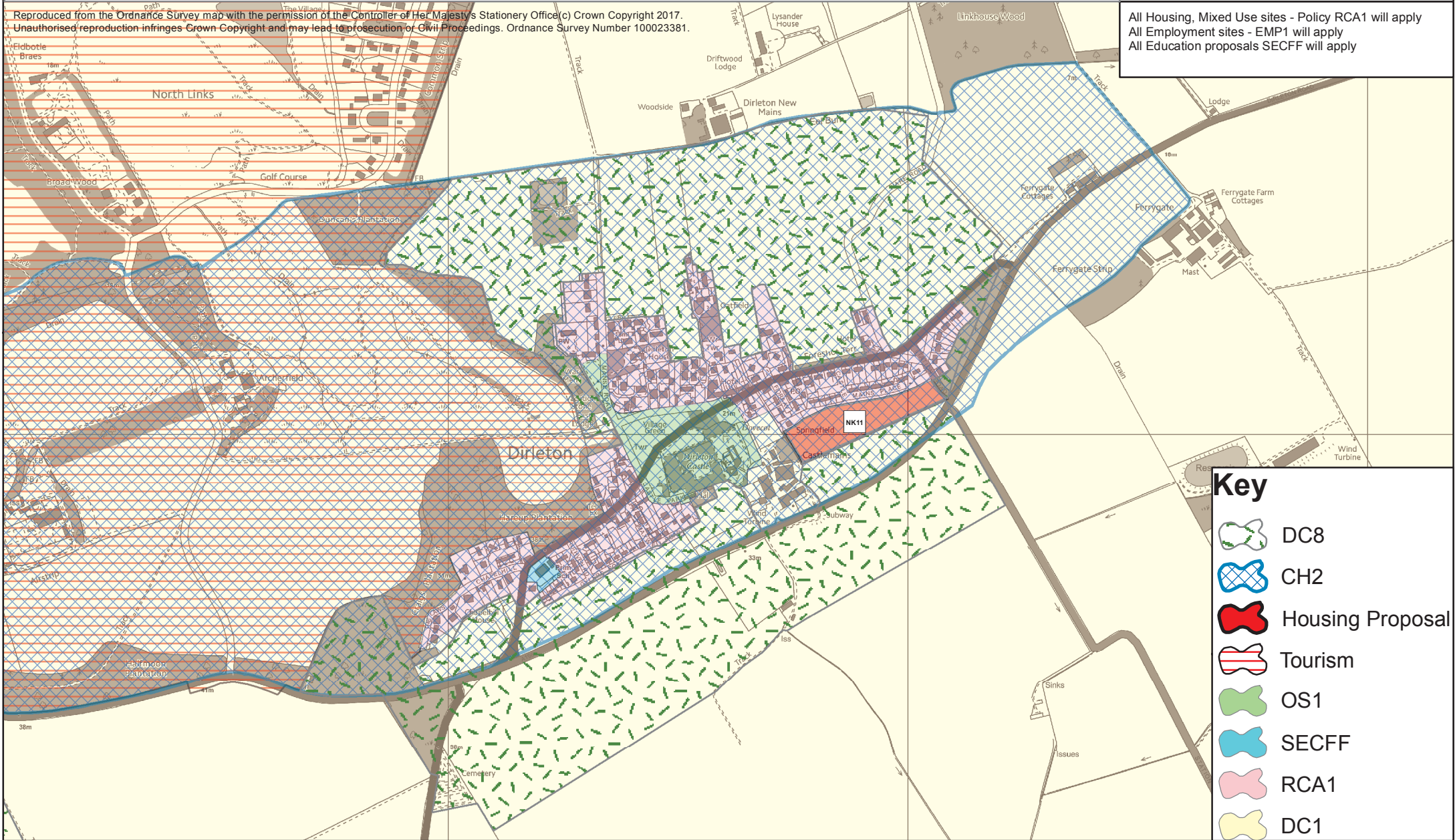
**East Lothian  
Council**



## Inset Map - 22 Dirleton

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



**Key**

-  DC8
-  CH2
-  Housing Proposal
-  Tourism
-  OS1
-  SECF
-  RCA1
-  DC1



# Scottish Planning Policy

# Principal Policies

## Sustainability

### NPF and wider policy context

**24.** The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

**25.** The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

**26.** The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

**27.** The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

### Policy Principles

**This SPP introduces a presumption in favour of development that contributes to sustainable development.**

**28.** The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

**29.** This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;



- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## Key Documents

- [National Planning Framework](#)<sup>17</sup>
- [Government Economic Strategy](#)<sup>18</sup>
- [Planning Reform: Next Steps](#)<sup>19</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>20</sup>
- [UK's Shared Framework for Sustainable Development](#)<sup>21</sup>

## Delivery

### Development Planning

#### 30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is **flexible enough to adapt to changing circumstances over time**;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- **set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.**

17 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

18 [www.scotland.gov.uk/Publications/2011/09/13091128/0](http://www.scotland.gov.uk/Publications/2011/09/13091128/0)

19 [www.scotland.gov.uk/Publications/2012/03/3467](http://www.scotland.gov.uk/Publications/2012/03/3467)

20 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

21 <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

**39.** The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

**Planning should direct the right development to the right place.**

**40.** This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

**Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.**

- ***Distinctive***

**41.** This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

**42.** This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.



- **Welcoming**

**43.** This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

**44.** This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

**45.** This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

**46.** This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

## Key Documents

- [National Planning Framework](#)<sup>23</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>24</sup>
- [Creating Places – A Policy Statement on Architecture and Place for Scotland](#)<sup>25</sup>
- [Designing Streets](#)<sup>26</sup>
- [Planning Advice Note 77: Designing Safer Places](#)<sup>27</sup>
- [Green Infrastructure: Design and Placemaking](#)<sup>28</sup>

23 [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

24 [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

25 [www.scotland.gov.uk/Publications/2013/06/9811/0](http://www.scotland.gov.uk/Publications/2013/06/9811/0)

26 [www.scotland.gov.uk/Publications/2010/03/22120652/0](http://www.scotland.gov.uk/Publications/2010/03/22120652/0)

27 [www.scotland.gov.uk/Publications/2006/03/08094923/0](http://www.scotland.gov.uk/Publications/2006/03/08094923/0)

28 [www.scotland.gov.uk/Publications/2011/11/04140525/0](http://www.scotland.gov.uk/Publications/2011/11/04140525/0)

## Delivery

### Development Planning

**138.** Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

**139.** Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

### Development Management

**140.** The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

### Listed Buildings

**141.** Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

**142.** Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

### Conservation Areas

**143.** Proposals for 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 or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

**144.** Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders<sup>60</sup> can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

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60 [www.scotland.gov.uk/Publications/2011/01/28152314/0](http://www.scotland.gov.uk/Publications/2011/01/28152314/0)



# SESplan

The Strategic Development Planning Authority  
for Edinburgh and South East Scotland

*Thriving, Successful, Sustainable*  
**Proposed Strategic Development Plan**

October 2016





# Placemaking

### 3 The Spatial Strategy

**Table 3.1 Placemaking Principles**

<b>Distinctive</b>	<ul style="list-style-type: none"> <li>✓ Areas important for maintaining the character, landscape setting and distinctive identity of existing and proposed settlements should be protected and enhanced, particularly where they are needed to avoid the coalescence of settlements.</li> <li>✓ The contribution of the natural and historic environment to making distinctive places should be maximised. Key views of the surrounding landscape should be integrated into developments to provide a sense of place and identity.</li> <li>✓ Views of the Southern Uplands, the Lammermuir Hills, the Firth of Forth, the Pentland Hills, the Lomond Hills, the Bathgate Hills and the key landmarks of Edinburgh are particularly important in supporting a sense of place and making settlements distinctive.</li> </ul>
<b>Safe and Pleasant</b>	<ul style="list-style-type: none"> <li>✓ Public spaces should be free from excessive traffic noise and air pollution and the needs of people should be considered before the movement of motor vehicles.</li> <li>✓ Public spaces should be overlooked by housing, so that the people who use them feel safe, and the people who live nearby feel a sense of ownership.</li> <li>✓ It should be easy for people to access green/open space, including places where they can enjoy nature.</li> <li>✓ Developments should be located within a network of green and blue infrastructure that provides a pleasant outlook for the people living and working there.</li> </ul>
<b>Welcoming</b>	<ul style="list-style-type: none"> <li>✓ Gateways into settlements and extensions to existing settlements should be interesting, memorable and contribute to local distinctiveness.</li> <li>✓ A wide range of public spaces of different types and character, accessible to all, should be provided that appeal to people of different ages and with different interests.</li> <li>✓ Neighbourhood centres should include attractive and safe indoor and outdoor spaces where people can interact.</li> </ul>

## The Spatial Strategy 3

- Adaptable**
- ✓ Development should be located where a wide range of densities, tenures and uses can be supported to meet the changing needs of the community into the future.
  - ✓ Green networks should be multi-functional. They should comprise infrastructure that provides a range of benefits and can be adapted and enhanced depending on the local need for growing spaces, play spaces, natural spaces, public parks, sustainable drainage and the need to adapt to climate change.
- Resource Efficient**
- ✓ New development should be located near existing public transport hubs, or in locations where there are planned infrastructure projects to enable easy access to the public transport network.
  - ✓ The re-use or re-development of brownfield land should be considered before new development takes place on greenfield land, including Prime Agricultural Land and other land important for food production.
  - ✓ Development should be located and orientated to maximise passive solar heating and opportunities for solar power generation.
  - ✓ Heat mapping and other approaches should be used to identify opportunities to co-locate sources of high heat demand (e.g. housing) with sustainable sources of heat supply (e.g. biomass power plants).
  - ✓ Development should be located away from functional flood plains and areas of medium to high flood risk.
  - ✓ Areas important for flood storage and conveying capacity should be safeguarded for a range of compatible uses such as recreation, water quality management, flood attenuation and habitat creation.
  - ✓ Development should be designed to minimise the area of impermeable surface and incorporate sustainable drainage systems as appropriate.
- Easy to Move Around**
- ✓ There should be good walking and cycling networks close to where people live, providing safe and convenient access to local facilities and to public transport stops.
  - ✓ There should be a range of public transport options that provide easy access into Edinburgh, strategic centres, town centres, local centres and centres of employment.
  - ✓ Development should integrate with, and contribute to, the enhancement of walking and cycling networks.





4

2009

DEVELOPMENT MANAGEMENT  
PROCEDURES

■  
circular



## ANNEX A

### DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision,
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
  - Consider whether or not the proposal accords with the development plan,
  - Identify and consider relevant material considerations for and against the proposal, and
  - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
  - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
- Scottish Government policy, and UK Government policy on reserved matters
  - The National Planning Framework
  - Scottish planning policy, advice and circulars
  - European policy
  - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
  - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
  - a National Park Plan
  - the National Waste Management Plan
  - community plans
  - the environmental impact of the proposal
  - the design of the proposed development and its relationship to its surroundings
  - access, provision of infrastructure and planning history of the site
  - views of statutory and other consultees
  - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

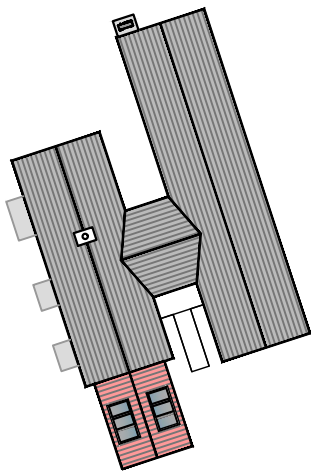
# COMPARATIVE ASSESSMENT

## PLANNING APPLICATIONS 06/00945/FUL and 21/01364/P

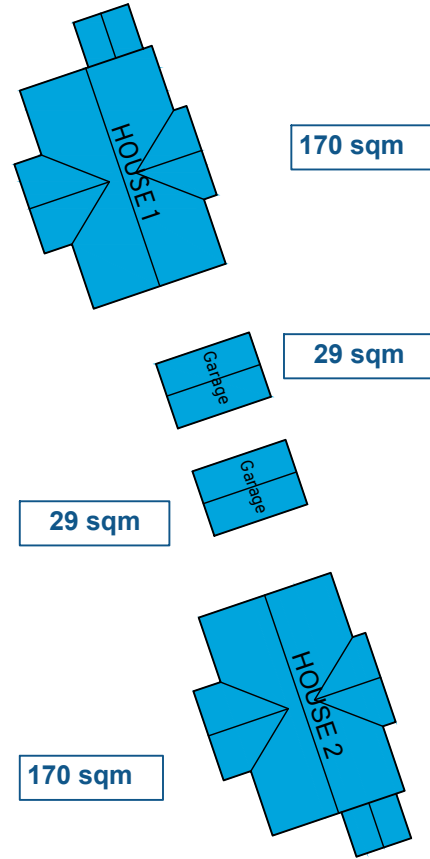
Planning Application 21/01364/P  
ERECTION OF 1 HOUSES WITH INTEGRAL GARAGE  
& ASSOCIATED WORKS

Planning Application 06/00945/FUL  
ERECTION OF 2 HOUSES, GARAGES & ASSOCIATED  
WORKS

### DEVELOPMENT FOOTPRINT

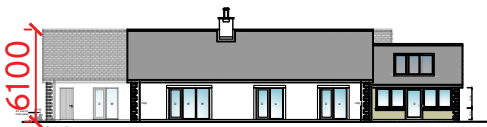


**Total Development Footprint :  
280 sqm**



**Total Development Footprint :  
398 sqm**

### HEIGHT TO RIDGE



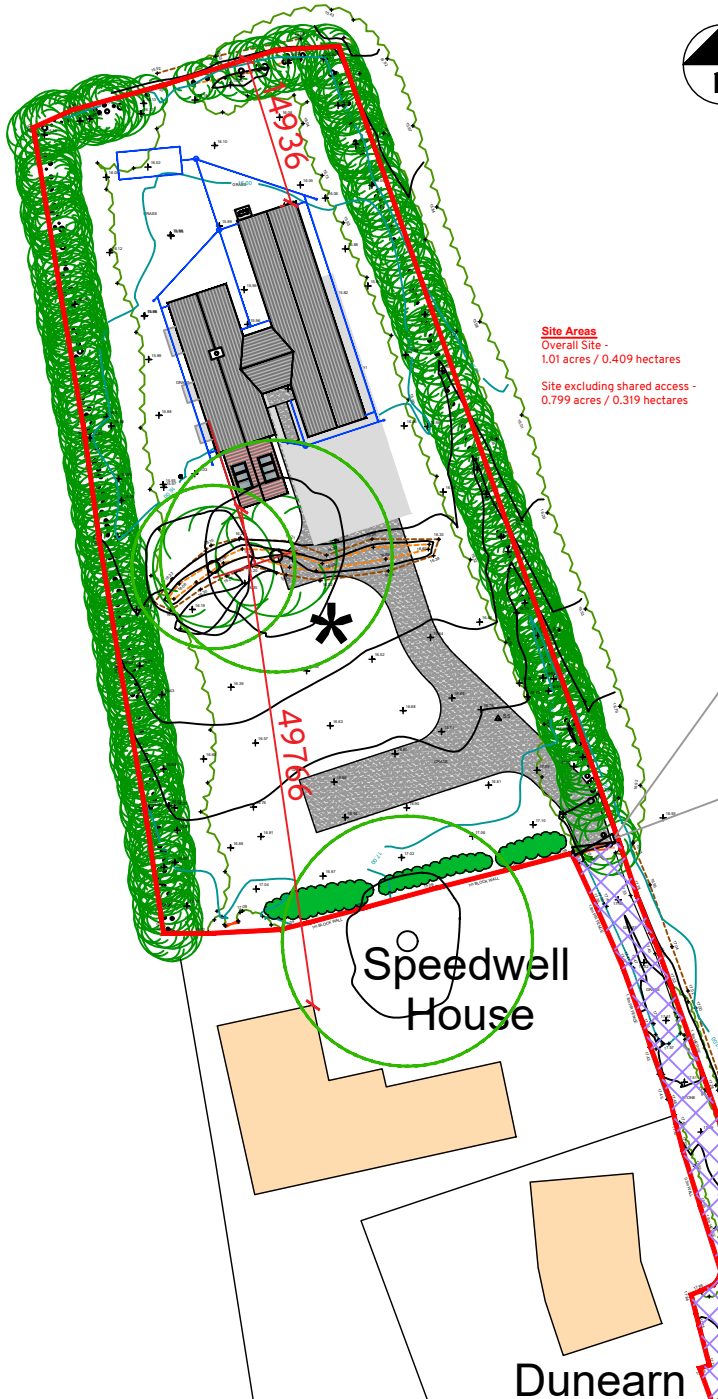
# COMPARATIVE ASSESSMENT

## PLANNING APPLICATIONS 06/00945/FUL and 21/01364/P

Planning Application 21/01364/P  
ERECTION OF 1 HOUSES WITH INTEGRAL GARAGE  
& ASSOCIATED WORKS

Planning Application 06/00945/FUL  
ERECTION OF 2 HOUSES, GARAGES & ASSOCIATED  
WORKS

DISTANCE TO BOUNDARY



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Client  
Mr Donald Skinner

**Comparative Assessment:  
Planning Applications  
06/00945/FUL and 21/01364/P**

Rev.	Description	Drawn	Date

Status  
Supporting Information

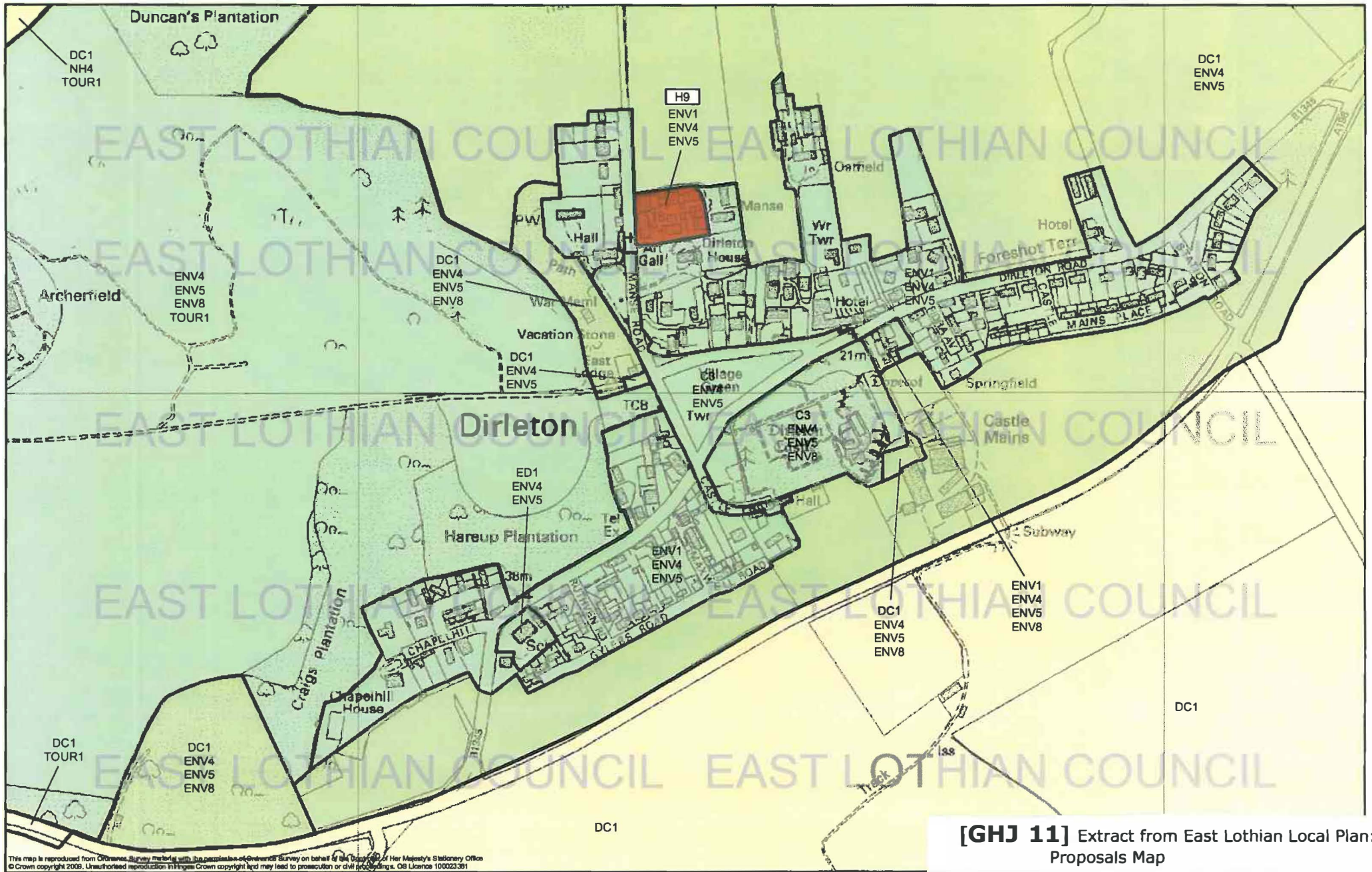
Scale 1:750 Date 26.07.22

Sheet A4 Drawn by CL

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2533 / Misc002

Rev





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-  Policy Boundary
-  Policy DC1
-  Housing Proposals
-  Proposal Site Reference
-  Policy ENV4
-  Leisure, Recreation, Tourism & Community Proposals

**Dirleton**



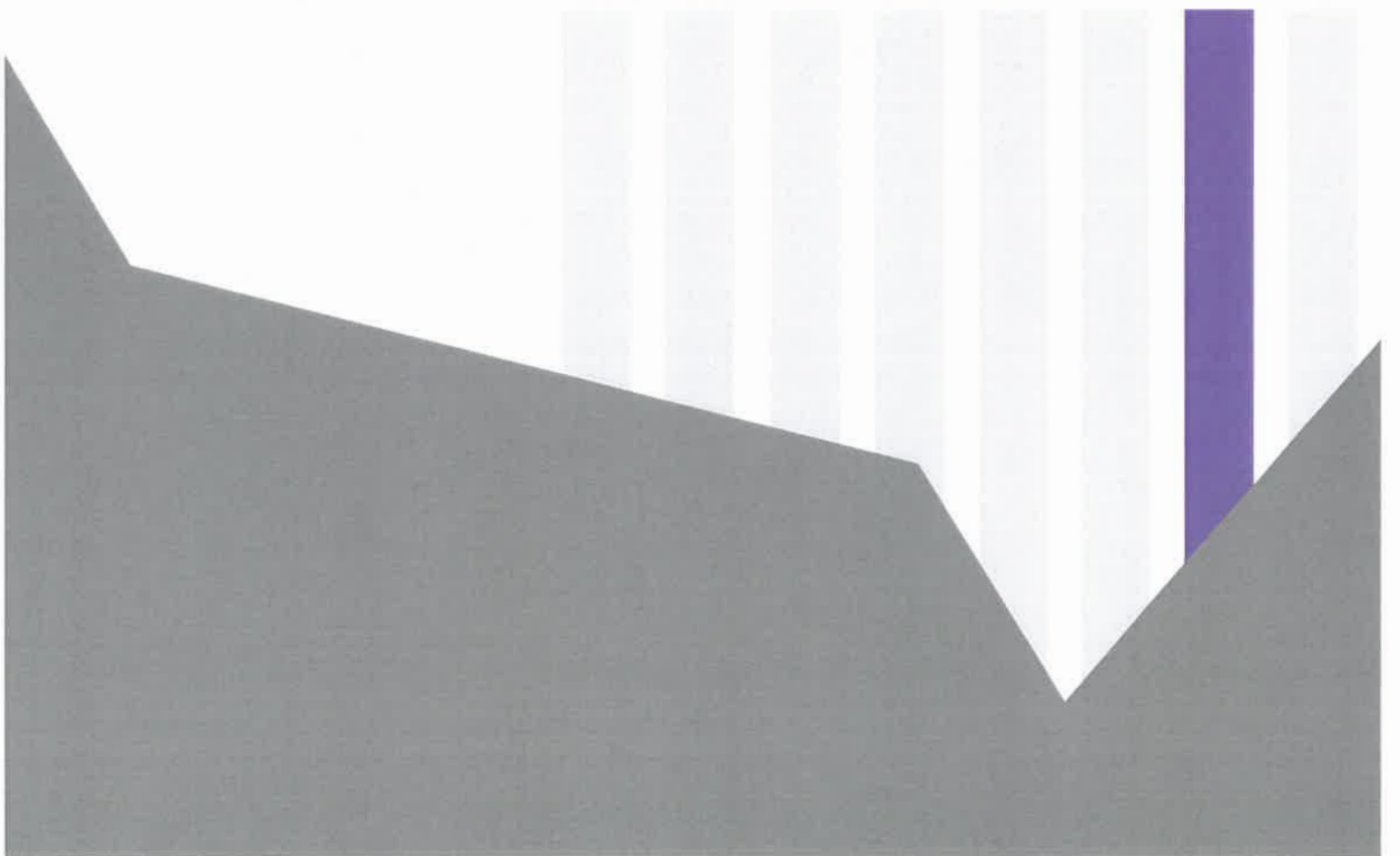


**local development plan**

# **cultural heritage and the built environment**

supplementary

planning guidance 2018



## **DIRLETON**

### **Dirleton Conservation Area Character Statement**

1.1 Dirleton conservation area comprises the whole of the very picturesque village with its buildings grouped around a series of open greens. Dirleton is set on and around the rocky outcrops of Dirleton Castle and Chapelhill within open generally flat arable land. Its setting includes Archerfield, its home farm and associated buildings and the planned landscape around the house. Development impinging on either the greens or the open countryside or woodland at the approaches to the village would adversely affect the Conservation Area.

1.2 Dirleton grew up around the Castle, which was built on a rocky outcrop surrounded by marshland, with the original castle-village being to the east. The Castle is now appreciated for its scenic qualities and fine open views over the surrounding area and is a popular visitor attraction.

1.3 The castle's historic position as the main house of the area was replaced in the 17th century when Archerfield House was built to the west of castle as a more fashionable residence for more peaceful times. This 3-storey classical mansion was originally built by the Nisbet family in 1663, and ceased to be occupied after the second world war and lay derelict for many years. It has recently been comprehensively restored in fine detail and is once again back in use as a house.

1.4 In the early 19th century the agricultural village was substantially improved by Lady Elgin. She laid out the village green on what had been a midden and enhanced the village by planting; the Manse overlooking the green and new cottages were built and others "beautified" by the unifying design details that are still in evidence today. These are unique to Dirleton and include the raised gable heads, diamond shaped chimneystacks and skew putts found on many of the buildings around the main village green and on the walls around the castle. Such details must be retained.

1.5 Most buildings are low density and small scale, although there are exceptions which are landmark buildings - the church and the castle, Oatfield House, Dirleton House and the Red House, built to house Estate workers. A feature of the cottages grouped to the north of the green is the extensive mature trees and gardens that allow only glimpses in to the buildings. The Castle Inn facing on to the main green was designed by architect William Burn. Oatfield House is a three storey former farmhouse set back from the main housing on the green. Its setting includes the formal approach with bordering fruit trees between the house and the village. The openness of this setting is important to the house and would be harmed by development that would close this off or otherwise interfere with views of Oatfield from Dirleton. Oatfield is one of several fingers of built development that extend northwards into open agricultural land. This characteristic leaves undeveloped land in between the fingers which are a distinctive part of its character.

1.6 To the east end of Dirleton buildings are also low density, generally single storey and a mix of stone and whitewashed walls. To the west are low-density cottages and houses along with the primary school, which are a mix of stone and harled buildings developed mostly in the 19th and 20th centuries.

1.7 Materials used to finish the walls of buildings in the older part of the village are almost exclusively stone. Within the eastern and western parts of the village harled exteriors are also evident. Roofs tend to be either natural slate or clay pantile. Loss of existing stone walls would harm Conservation Area. Some boundaries particularly on to agricultural land are post and wire fencing and hedges are also used within the village.

1.8 Trees are an important part of the setting within the village particularly in the gardens to the north and west of the village. The setting to the west is dominated by the plantation woodland within Archerfield and to the east woodland at the entrance is also an important landscape feature. Throughout the village, there are mature trees many of which are protected by a Tree Preservation Order. This well landscaped character, coupled with the open greens give the village provides a feel to the village that is both open and intimate.

## **DREM**

### **Drem Conservation Area Character Statement**

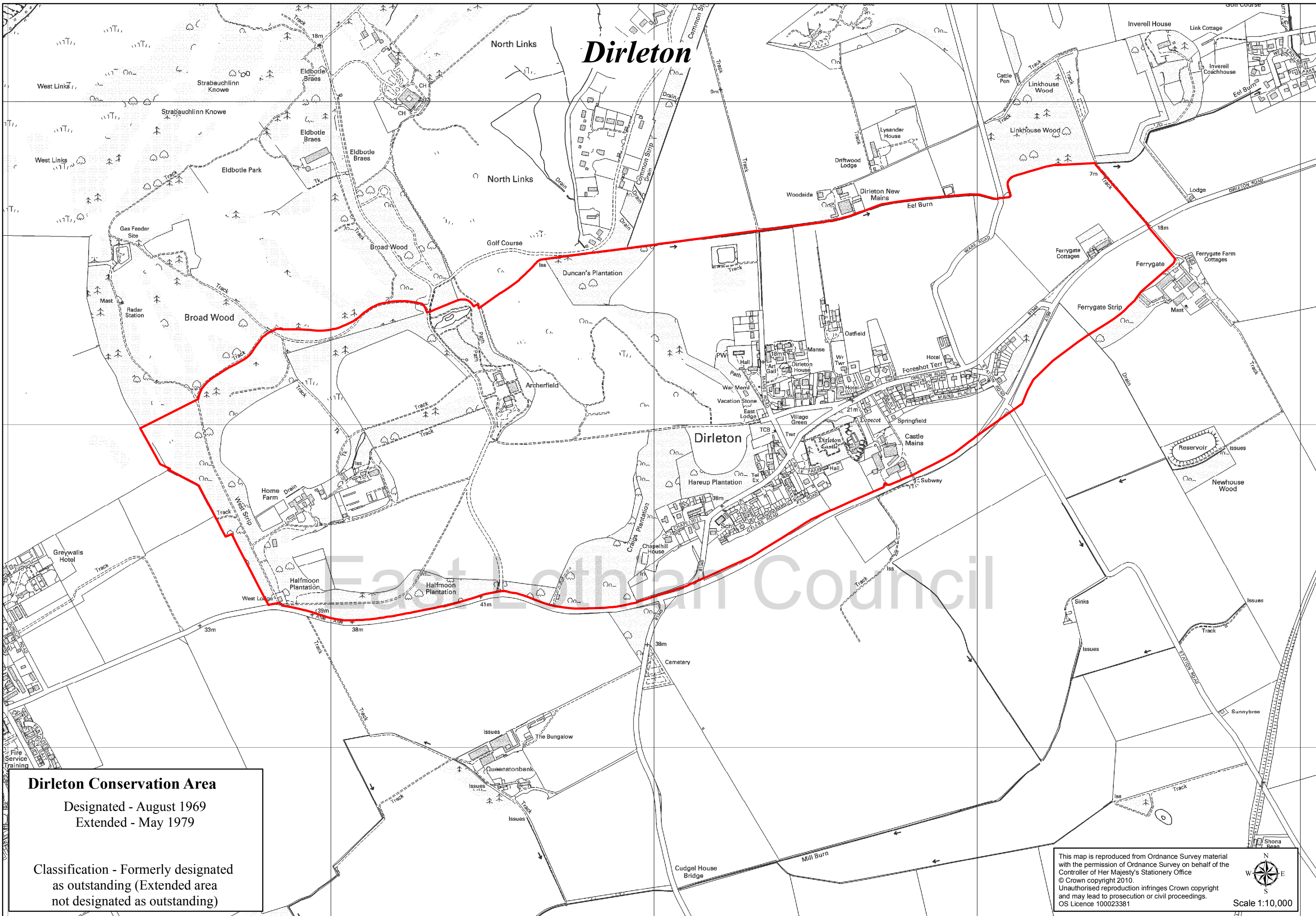
1.1 Drem Conservation Area comprises the whole village and its landscape setting in the virtually flat and agricultural North Berwick coastal plain. This allows extensive views to and from the Conservation Area, including to North Berwick Law and the Garleton Hills.

1.2 The linear form of the old village developed from its nucleus at the Chapel and farmhouse to the west to the village green to the east. The curving farm access road provided the focus for this organic growth. The configuration of the two perpendicular roads shaping the village green reflects historic movement patterns. The resulting triangular open space and the views of it are particularly important to the character of the Conservation Area. The row of U-plan cottages to the north combined with the detached buildings to the south frame the open space and punctuate the view on entering the village. The orientation of these buildings also deflects views towards the historic core of Drem. The open space on the opposite side of the B1377 complements the village green and allows views to the historic buildings when entering Drem from the east.

1.3 The courtyard of Drem farmhouse to the west of the old village is surrounded by high stone walls and tall farm buildings, creating a distinctive terminal feature to the historic street. The buildings of the old village take their alignment from the farm access road. There is a general reduction in scale and height of buildings when distanced from the farmhouse. Building lines project and recess along the length of the road with properties presenting both primary elevations and gable ends to it. This creates a series of linked, semi-enclosed and attractive spaces. Buildings set away from the street have plots defined by low red sand stone walls or hedgerows. Vehicle parking is provided in parking bays with informal surfaces, which are located both within and separate from plots. Such bays are positioned so parked cars will be less conspicuous.

1.4 The railway introduced buildings on the south of the main road including the listed station buildings and the simple utilitarian red brick workers cottages. Other buildings, including the vernacular old school building consolidate Drem's compact form. Some ribbon development occurred along the B1377 to the east post 1945 and recently farm buildings have been converted and the stackyard developed for housing

1.5 Underpinning village character is the use of traditional Scottish architectural features and materials throughout and the relationship between the sensitive scale of development with its immediate townscape and the wider landscape setting. A clear distinction in scale and appearance exists between the opulent and substantial farmhouse, the robust and utilitarian ancillary buildings, and the variety of simple architectural form and materials used in the modest farm and railway workers cottages. Landscaping and small red sand stone boundary walls often define plot boundaries and complement the buildings of the village. Drem has experienced little



**Dirleton Conservation Area**

Designated - August 1969  
 Extended - May 1979

Classification - Formerly designated  
 as outstanding (Extended area  
 not designated as outstanding)

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Scale 1:10,000



# Dirleton OS Historic Mapping

National Library of Scotland  
 NT58SW - A (includes: Athelstaneford; Dirleton; North Berwick; Pr...  
 Surveyed / Revised: 1963 to 1967, Published: 1968  
 Size: map 47-50 x 47-50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)

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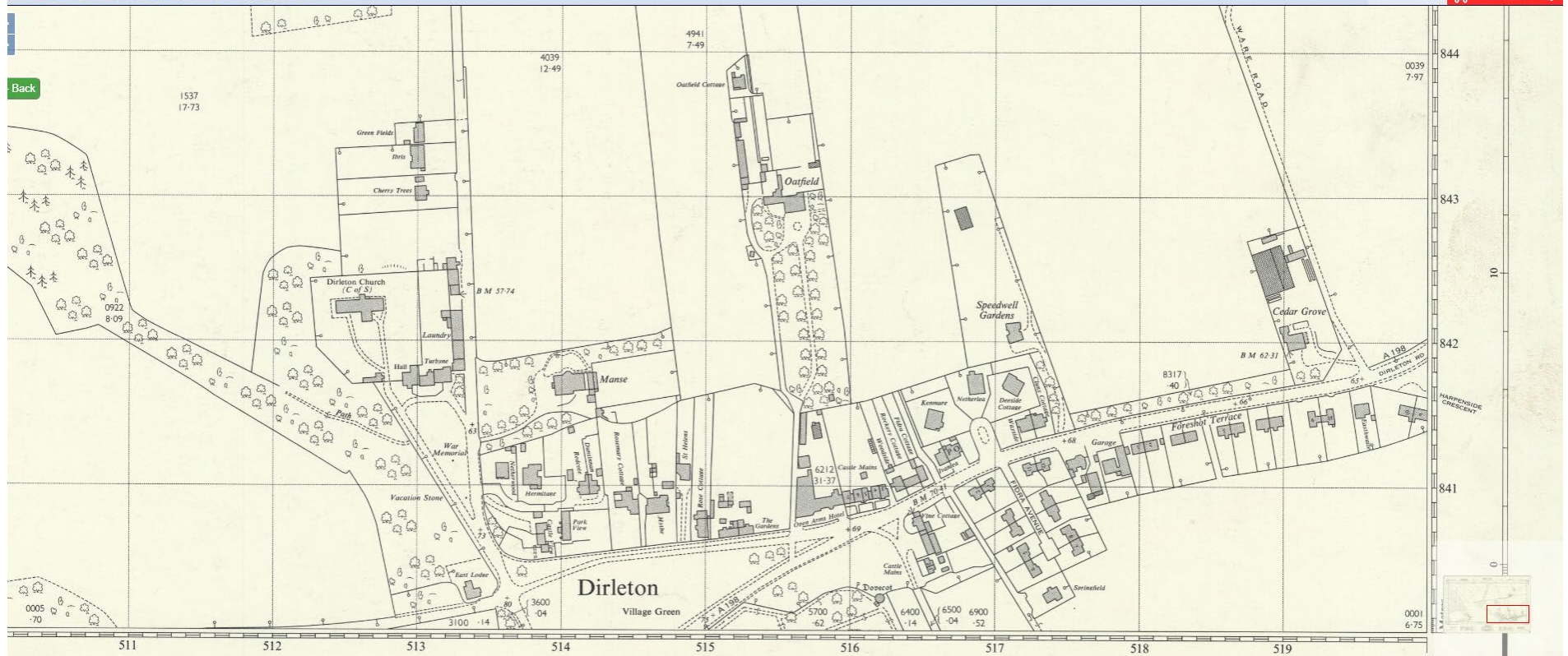
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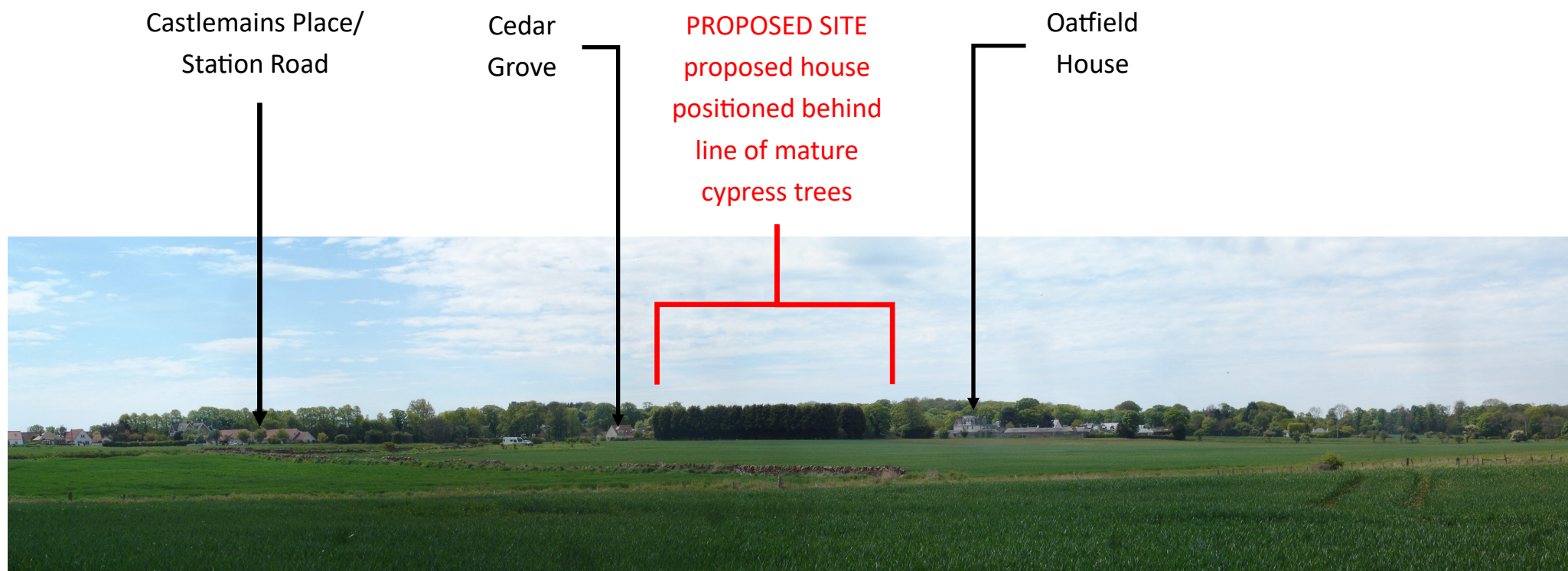




## PHOTO 1 : LOOKING SOUTH TOWARDS THE VILLAGE EDGES (from Dirleton Mains farm track)

Showing the proposed site as a screened, self-contained paddock; extensive open agricultural land in the foreground and neighbouring development exposed to view

-The proposal would not change this view





## PHOTO 2 : LOOKING SOUTH EAST ACROSS THE VILLAGE EDGES (from Manse Road track)

Showing the proposed site in the middle distance, behind Oatfield Cottages, extensive open agricultural land in the foreground and neighbouring development exposed to view

-The proposal would not change this view

PROPOSED SITE  
proposed house  
positioned behind  
line of mature  
cypress trees

The Glebe -  
new housing  
open to view





PHOTO 3 : LOOKING NORTH WEST TOWARDS THE PROPOSED SITE (from edge of main street)

Showing the proposed site as a screened, self-contained paddock and extensive agricultural land in the foreground and neighbouring development exposed to view

-The proposal would not change this view

Speedwell  
House



PROPOSED SITE  
proposed house  
positioned behind  
line of mature  
cypress trees

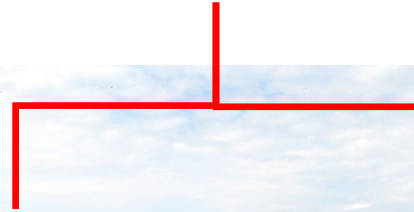




PHOTO 1, 2 & 3 LOCATIONS

