

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note – this application was called off the Scheme of Delegation List by Councillor Ritchie for the following reasons: There is local concern about the visual impact of this development and it is felt that the Planning Committee would benefit from a site visit before determining this application.

Application No. **22/01323/P**
Proposal Erection of agricultural buildings
Location **Seton East Steading**
 Longniddry
 East Lothian
 EH32 0PG

Applicant Mr A Robertson
Per Thorburn Group Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

This application relates to the land at Seton East Steading, which is in a countryside location to the south of Cockenzie. The application site is some 0.0729 hectares in area. The site is rectangular in shape and comprises former agricultural buildings, now in ruins, and adjacent land. The surrounding buildings comprise eighteenth century farm steading buildings, later brick built barns and small areas of associated agricultural land.

The northern part of the site is bounded by the outbuilding of a residential property of Seton East House (formerly Seton Farmhouse). The outbuilding is a single storey rendered building which forms the northwest range of the steading. The site is bounded to the east by the public road of the C70 Fishergate Road on the opposite side of which are further farm buildings. The site is adjoined to the south west by the gardens and houses of Seton East Cottages and Innisfree and Seton East Farm Shop and to the west by agricultural land with further agricultural buildings, the residential property of The

Cottage, Seton East and agricultural land beyond. The wider surroundings comprise areas of agricultural land. Seton East House (formerly Seton Farmhouse) and its retaining walls are Category C listed as being of special architectural or historic interest.

PLANNING HISTORY

In May 2012, planning permission (ref: 11/00248/P) was granted at this location and the surrounding land for the alteration and extension to agricultural buildings to form 8 houses, conversion of a farm shop to form 1 house, conversion of agricultural building to form farm shop and store, formation of vehicular access and associated works. A subsequent application for planning permission (ref: 15/00213/P) was granted in January 2018 for the renewal of planning permission 11/00248/P. At the time of writing this report, this consent is still extant until 31st March 2023 given the extension of life of planning consents brought about by the Coronavirus (Scotland) Act 2020.

PROPOSAL

Planning permission is sought for the erection of an agricultural building. The building would be used for the purposes of storage for the existing agricultural holding. The proposed building would have a rectangular footprint and measure some 30 metres in length and some 24 meters in width. It would be orientated with the pitch of its roof running from south east to north west and would be some 9.228 metres in height to the ridge of its dual pitched roof and 6 metres in height to the eaves.

The building would be finished externally with 3 metre high pre-cast concrete panels below polyester coated single skin steel profile cladding to the upper sections. The roof would also be finished in grey coloured profiled fibre cement cladding. A roller shutter door and 2 personal doors would be installed within the south west facing elevation. The access to the site would remain as existing.

The existing derelict agricultural buildings on the site would be demolished as well as the reduction in height of the boundary wall to the east adjacent to the road. Planning permission is however not required for these elements of the works.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic assets and places), 14 (Design, quality and place) and 29 (Rural Development) of NPF4 and Policies DC1 (Rural Diversification), CH1 (Listed Buildings), CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

One letter of objection has been submitted in respect of the proposed development. The main grounds of objection can be summarised as follows:

- o Lack of consultation between applicant and neighbouring properties;
- o Queries over what would be stored within the agricultural building and whether a building of this size is necessary;
- o Queries over why this site was chosen nor the siting of the proposed building given that the original buildings on this site may have been smaller in scale. As such, it is considered that alternative locations should be explored;
- o Concerns over how the building would be accessed and whether the proposed use would allow for increased traffic movements to the site of vehicles of a different nature to the existing;
- o The scale, size, massing and height of the proposed farm building in such close proximity to residential properties would be detrimental to residential amenity;
- o The building would have a dominant and overbearing appearance in the surrounding area;
- o Impact on daylight/sunlight to surrounding residential properties;
- o Impact of the proposed building on the setting of adjacent Listed Buildings and the proposal inappropriate within the context of adjacent traditionally designed buildings;
- o Concerns over the impact of drainage within the surrounding area;
- o Impact of the proposal on the structural stability of adjacent buildings; and
- o Potential impact of the proposed building on plans for the location of solar panels on adjacent properties.

With regards to consultation, there is no requirement for the applicant to consult with neighbouring properties prior to the submission of an application of planning permission for a proposal of this scale. All neighbour notification and public consultation has taken place in full accordance with statutory requirements.

The applicant has stated that the building would be used for storage and there is no requirement to state what would be stored within the building as this may be subject to change over the lifetime of the building provided the building is used for agricultural purposes.

There is no requirement for the applicant to explore alternative options for the siting of this development proposal.

Structural issues are controlled by legislation other than planning and as such this cannot be taken into consideration in the determination of this planning application.

The site is not located within an area known for flood risk.

The possibility for proposals for solar panels on adjacent properties at a later date and the potential impact of this proposal on them, cannot be taken into consideration in the determination of this planning application.

Further issues raised within the written objections are addressed in the planning assessment below.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

Policy 29 of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. Policy DC1 of the East Lothian Local Development Plan 2018 supports the

principle of development in the countryside where it is for agricultural use.

In this regard, the proposed agricultural building would utilise previously developed brownfield land to construct a new agricultural building, suitable for modern agricultural practices. As such, the use of existing brownfield land would minimise the loss of good quality land while the proposed building would facilitate the ongoing operations of the existing agricultural business at Seton East Steading. Therefore the principle of the siting of this agricultural building in this countryside location is consistent with Policy 29 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy 29 of NPF4 also states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy DP1 of the East Lothian Local Development Plan 2018 states that new development must be well integrated into its surroundings by responding to and respecting landform.

Policy 14 of NPF4 and Policy DP2 of the East Lothian Local Development Plan 2018 seeks for new development to be designed to 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.

The proposed agricultural building would be visible from the public road which runs directly adjacent to the site to the south and east. The building would be of a functional design to reflect its agricultural purpose and it would be of a form, size and scale reflective of other agricultural buildings typically seen throughout the agricultural landscape of East Lothian. Furthermore, the proposed building would be seen in the context of and in relation to the existing group of agricultural buildings at Seton East Steading with which it would have a visual relationship with. The retention of part of the boundary wall to the east of the site adjacent to the public road as well as the trees to the south of the site would also provide partial screening to the agricultural building.

In that locational circumstance and by virtue of its architectural form, size, scale, materials and positioning the proposed agricultural building would be appropriate to its countryside setting and would not be out of keeping with its surroundings. The agricultural building would not harm the character of the surrounding landscape or be visually intrusive or harmfully prominent within its landscape setting.

On the above considerations, the proposed agricultural building is consistent with Policies 14 and 29 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

In relation to the historic environment, the existing steading buildings are not listed as being of special architectural or historic character. The farmhouse to the north of the site, Seton East House, and its retaining walls are listed as being of special architectural or historic interest Category C. The intervening outbuilding between the application site and Seton East House is not a listed building.

The proposed agricultural building would be of a modern, utilitarian design suited to its proposed agricultural use. Such buildings are seen throughout the countryside of East Lothian and often in association with an agricultural holding or group of traditional agricultural buildings and associated listed farmhouses. Furthermore, the intervening non-listed outbuilding would provide a degree of screening and separation which would prevent the proposed agricultural building from harmfully impacting the setting of the listed building of Seton East House.

On the above considerations, the proposed agricultural building is consistent with Policy

7 of NPF4 and Policy CH1 of the East Lothian Local Development Plan 2018.

Given the location of the site within the Battle of Prestonpans Historic Battlefield, Historic Environment Scotland (HES) have been consulted on the application. HES advise they have no comment to make on the proposal and as raise no objection to the application. The proposed development would not have any harmful impact on the character or appearance of the Battle of Prestonpans Historic Battlefield site, consistent with Policy 7 of NPF4 and CH5 of the East Lothian Local Development Plan 2018.

With regards to neighbouring amenity, in assessing whether or not a proposed new development would result in overlooking and loss of privacy to other residential properties it is the practice of the Council as planning authority to apply the general rule of a 9 metre separation between the windows on the proposed house and the garden boundary of neighbouring residential properties and an 18m separation between directly facing windows, if they are not adequately screened.

In this regard, no windows or glazed openings would be inserted within the north west, south east or north east elevations of the proposed agricultural building. Accordingly, there would be no loss of privacy to any neighbouring residential property in those directions. While a new roller door and two personal doors would be inserted within the south west elevation of the proposed agricultural building, these would not directly overlook any residential property. As such, the proposed agricultural building would not result in a loss of amenity to surrounding residential properties by way of overlooking and loss of privacy.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed development on the daylight and sunlight received by neighbouring properties. In this instance given the siting and orientation of the building and its proximity away from the neighbouring dwelling at Seton East House, application of the 25 degree test shows that there would be no detrimental loss of daylight to this residential property.

With regards to No's 2-4 Seton East Cottages, given the set back of the proposed agricultural building and its siting to the north west of these properties and their gardens, there would not be a harmful loss of daylight to these properties. Similarly, with regards to sunlight, given the siting of the proposed agricultural building to the north east of the houses at no's 2-4 Seton East Cottages and their gardens, there would be no harmful loss of sunlight to these residential properties.

With regards to Seton East House, the proposed agricultural building would be sited immediately to the south of this property. However, given the set back of the proposed building and the presence of the intervening outbuilding and driveway/hardstanding to Seton East House, the proposed agricultural building would not result in a harmful loss of sunlight to this property. Similarly, levels of daylight to this property would not be harmfully affected given the position and orientation of the proposed agricultural building.

The Council's **Senior Environmental Protection Officer** has been consulted on the application and raises no objection to the proposed development, satisfied its operation would not result in a loss of amenity to any neighbouring residential property.

On those matters of amenity the proposed agricultural building is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's **Road Services** have been consulted on the application and raise no objection to the proposals, satisfied that the use of the proposed agricultural building

would have little or no effect on operation of the public road and therefore would not result in a road or pedestrian safety hazard. Therefore the proposed development does not conflict Policy T2 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 or 2 of NPF4.

With regards to Biodiversity, Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Therefore it would be prudent to attach a condition to a grant of planning permission requiring that, prior to the commencement of any development, details are submitted of measures to support and enhance the biodiversity of the site. Subject to the above control the proposed development would not be contrary to Policy 3 of NPF4.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant development plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

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

- 2 Prior to the commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

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

Reason:

To minimise the environmental impact of the development.