

The application site is situated within the Battle of Pinkie Cleugh Historic Battlefield.

PLANNING HISTORY

The application site has a varied planning history as outlined below.

In January 2003 planning permission Ref: 02/01158/FUL was granted for a first-floor extension to the single storey shop at 121 Salters Road to form 1 flat and associated works. Planning permission 02/01158/FUL has not been implemented and has lapsed.

In November planning permission 2010 10/00791/P was granted for a first-floor extension to the single storey shop at 121 Salters Road to form additional floor space for the shop use of the premises. The scheme of development approved by the grant of planning permission 10/00791/P is almost identical in its size and architectural form to that of planning permission 02/01158/FUL, with the exception of the omission of the roof terrace and with differences in the number, sizes, and pattern of the fenestration of the extension. Planning permission 10/00791/P has not been implemented and has lapsed.

In July 2011 planning permission Ref: 11/00278/P was granted on for a first-floor extension to the single storey shop at 121 Salters Road to form 1 flat and the addition of a single storey ground floor rear extension to provide both additional floor space for the existing ground floor shop use of the premises and an entrance vestibule for the proposed flat. Planning permission was also granted for the formation of two off-street car parking spaces within the existing rear service yard of the shop and for the erection of a 3 metres length of 2.2 metre high brick wall. Planning permission 11/00278/P has not been implemented and has lapsed.

In February 2015 planning application 14/00758/P was refused for a different scheme of development for the addition of a first floor extension to the single storey shop at 121 Salters Road to form 1 flat, the addition of a single storey ground floor rear extension to provide both additional floor space for the existing ground floor shop use of the premises and an entrance vestibule for the proposed flat, for the erection of a screen fence along the southeast edge of the existing flat roof of the existing flat roof of the rear part of the existing shop and for alterations to the existing shop front.

The reasons for refusal of planning application 14/00748/P were:

- (1) By virtue of its height, scale and massing the proposed first floor extension would appear overly dominant, incongruous and intrusive within the streetscape, and would not be in keeping with the height, scale and massing of the neighbouring buildings, and would be harmful to the character and appearance of the area, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008; and
- (2) By virtue of its positioning and timber form the proposed timber screen would appear incongruous and intrusive within the streetscape and would be harmful to the character and appearance of the area, all contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

In October 2015 planning permission 15/00657/P, was granted for the addition of a first-floor extension to the single storey shop at 121 Salters Road to form 1 flat and for the addition of a single storey flat roofed extension to the southeast (rear) elevation of the shop to provide both additional floor space for the existing ground floor shop and an entrance

vestibule for the proposed flat. Planning permission 15/00657/P also sought for the formation of two off-street car parking spaces within the existing rear service yard of the shop, the relocation of two existing air conditioning units, the erection of a 2.2 metres high wall to the northeast of the proposed single storey ground floor extension to form a bin store, and for alterations to the existing shop front fascia.

Planning permission 15/00657/P has not been implemented and has lapsed.

PROPOSAL

Planning permission is again sought through this application for the same scheme of development as was approved through planning permission 15/00657/P and again proposes the (i) addition of a first floor extension to the single storey shop at 121 Salters Road, to form 1 flat and (ii) for the addition of a single storey extension to the rear (southeast) elevation of the shop to provide additional floor space for the shop and an entrance vestibule for the proposed flat.

Planning permission is also again sought for:

- i) The erection of a wall to enclose the proposed shop waste storage area;
- ii) The formation of two off-street parking spaces with an associated EV charger;
- iii) The installation of two condenser units to the side (northeast) elevation of the shop; and
- iv) The installation of external signage to the side (northeast) and front (northwest) elevations of the shop.

Subsequent to the registration of the application the agent has submitted revised drawings which show the previously proposed brick screen wall to the existing flat roof of the shop removed.

The proposed pitched roof, first floor extension to the existing shop to form a flat would have a length of some 10.9 metres and a width of some 10.1 metres. The total height of the existing ground floor shop and proposed first floor flat would be some 9.1 at its apex.

The front (northwest) elevation of the proposed flat would contain 3 windows, the side (northeast) elevation would contain a window and the rear (southeast) elevation would contain 4 windows. The side (southwest) elevation would not contain any glazed openings. The proposed flat would be accessed by a flat roof extension to the rear (southeast) elevation of the shop. Internally the proposed first floor flat would comprise of 3 bedrooms, living room, kitchen/dining room, bathroom, store and hall.

The proposed single storey, flat roof extension to the rear (southeast) elevation of the building would provide additional floor space for the pharmacy by way of extending the existing kitchen and an entrance to the proposed first floor flat.

The proposed single storey extension would have a length of some 4.1 metres; a width of some 2.1 metres and would have a height of some 3.5 metres.

The side (northeast) elevation of the proposed extension would not contain any glazed opening and the side (southwest) elevation would attach to the existing shop. The rear (southeast) elevation would contain a single door opening.

The proposed first floor flat and extension would be finished predominantly in dry dash

render, to match the adjacent property. The roof of the flat would be clad in interlocking tiles whilst the roof of the extension would be clad in felt. The proposed window frames would be of uPVC construction and their frames would be white.

The proposed wall which would enclose the waste storage area for the existing shop would have a height of some 2.1 metres and would be situated adjacent to the proposed single storey extension.

The drawings also indicate a waste storage area for the proposed flat will be created within the southwest corner of the application site, adjacent to the proposed off-street parking.

The off-street parking would be situated to the rear of the application site and would be accessed via Albert Place. The drawings note that the existing gated access to this area would be removed alongside a section of the existing brick wall to accommodate this access. The off-street parking would comprise of 1 parking space for the proposed flatted residential property and 1 parking space for the existing shop. An EV charging point will also be installed for the use of the proposed flatted property.

The installation of external signage to the side (northeast) and front (northwest) elevations of the shop would be to match existing with a squared off corner following the line of the proposed upper floor walls.

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 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), 13 (Sustainable transport), 7 (Historic Assets and Places), 14 (Liveable Places) and 16 (Quality Homes) of NPF4 and Policies, CH5 (Battlefields), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also material to the determination of the application is the Scottish Government's guidance on housing design and quality given in Planning Advice Note 67: Housing Quality.

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

and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is the planning history of the site. The principle of the proposed scheme of development on the application has been established through the previous grant of planning permissions 02/01158/FUL, 10/00791/P, 11/00278/P and 15/00657/P.

REPRESENTATIONS

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

- i) The shop/pharmacy does not have parking for their employees at present;
- ii) There is currently not enough parking on this street and surrounding area;
- iii) The owner/staff and delivery drivers block an objectors driveway and other residents driveways;
- iv) Customers and delivery drivers park dangerously on double yellow lines;
- v) The street is narrow and due to dangerous parking it is difficult to drive up and down the street;
- vi) The level of safety is below acceptable on this street as you cannot see oncoming traffic on Salters Road when trying to exit Albert Place due to dangerous parking;
- vii) Planning permission has been rejected many times due to negative issues none of which have been eradicated;
- viii) The owners own the land on the main road where they flattened a unit and it has been left derelict for years. An objector queries why the applicant does not build on this land.

The matter of the previous refusal of planning permission, the fact that the owners flattened a unit on another site and delivery drivers blocking driveways are not material planning considerations relevant to the determination of this planning application.

The access from Albert Place is an existing access onto Salters Road and there are no proposals to alter that access. The matter of dangerous parking and delivery drivers/owner parking on double yellow lines is a matter controlled by legislation other than planning legislation. They are not matters relevant to the determination of this planning application.

PLANNING ASSESSMENT

In the determination of this planning application determining factor in this case is whether, having regard to planning policy and guidance and other material considerations, the size, form, design and architectural appearance of the proposed development are acceptable in terms of the potential impact of the development on the character and amenity of the area and neighbouring residential amenity, and whether the proposed development would be provided with a satisfactory means of vehicular access and a sufficient standard of off-street parking provision or alternatively if the proposal is well served by sustainable transport options such as public transport.

The building containing the existing shop/pharmacy is flat roofed and is externally finished in render and brick, with a glazed shop frontage facing onto Salters Road. The shop occupies a corner site which is bounded to the northwest by Salters Road, to the northeast by Albert Place, to the southeast by garden ground of the two-storey flatted building of 2 and 4 Albert Place and to the southwest by the adjoining flat roofed two storey house of 123 Salters Road. Adjoining the rear (southeast) elevation of the shop is an existing service yard enclosed by a high brick wall on three sides and accessed from the public road of Albert Place by way of a gated entrance in the northeast boundary wall. In order to facilitate the two off-street parking spaces it is proposed to remove this gate and section of wall.

The proposed first floor extension would create a 3-bedroom flat situated above the existing shop/pharmacy and would have a similar form, size and appearance to the extension approved by planning permission 15/00657/P.

The southwest elevation of the proposed first floor extension would tie into the gable wall of the adjacent two storey house of 123 Salters Road. The ridge of its roof would be some 2.4 metres above the level of the flat roof of the adjoining two storey house of 123 Salters Road. A single storey flat roof extension would be added to the rear (southeast) elevation of the shop/pharmacy which would have a rectangular shaped footprint and would provide an enlarged kitchen.

The proposed first floor extension and the single storey rear extension would each be readily visible in views from public places in the locality. However, as was the case for the grant of planning permission 15/00657/P, they would not be an overdevelopment of the existing building. The proposed first floor extension would match the height of the approved extension under planning application 15/00657/P and as such would not appear as overly prominent or incongruous within the locality which features a number of two storey, pitched roof properties. Therefore, by virtue of their architectural form, size, scale, materials, design and positioning the proposed extensions would be in keeping with the existing building and would be appropriate to their surroundings. As such they would not appear visually incongruous in their relationship with the adjacent house of 123 Salters Road and other neighbouring buildings and would not be out of keeping with the architectural character and appearance of the area. In all of this and on the matter of design the proposed extensions would not conflict with Policies 14 and 16 of NPF4 or with Policy Dp5 of the adopted East Lothian Local Development Plan 2018.

Policy DP5 of the ELLDP states that all alterations and extensions amongst other things, must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or form loss of sunlight or daylight. In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority, to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

In relation to the above, the windows to the front (northeast) elevation of the proposed first floor extension would face over the public road of Salters Road and would not fall within 18 metres of any directly facing windows of any neighbouring residential properties and as such the use of them would not allow for any harmful overlooking.

The window to be formed in the side (northeast) elevation of the proposed first floor extension would face over the public road of Albert Place for some 9 metres but would fall

within 18 metres of the side elevation of the neighbouring residential property of 111 Salters Road which contains a window at first floor level in its side elevation. Therefore, to safeguard the privacy and amenity of the occupants of that neighbouring house it would be prudent to impose a condition on any grant of planning permission that would ensure that the proposed window to be installed in the side (northeast) elevation of the proposed extension is obscure glazed. Subject to the imposition of that planning control the window in the side (northeast) elevation of the first-floor extension would not allow for harmful overlooking of the neighbouring house to the northeast.

The glazed openings to be formed in the rear (southeast) elevation of the proposed first floor extension would face over the existing flat roof to the rear of the building and onto the proposed off-street parking and beyond to the garden and driveway of the neighbouring residential flatted properties to the southeast. However, those gardens are front/side garden and driveway which are situated adjacent to, and readily visible from the public road and footpath. Therefore they do not benefit from any significant degree of privacy and the glazed openings in the southeast elevation of the extension would not allow for harmful overlooking taking into account the existing situation.

However, the neighbouring flatted property of 4 Albert Place has a window at first floor level in its side elevation wall which would face a window in the southeast elevation of the proposed first floor extension at a distance of less than 18m and therefore may allow for harmful overlooking of this window. Therefore, it would be prudent to ensure the kitchen window to the rear (southeast) elevation of the proposed flat is obscure glazed prior to any use being made of it and is thereafter retained. This can reasonably be achieved by attaching a condition to any grant of planning permission.

No windows or glazed openings are proposed in the side (southwest) elevation of the proposed first floor extension. Windows or other glazed openings could be formed in this elevation wall at a later date with permitted development rights and thus without the need for planning permission. If windows were to be formed to the rear section of the southwest elevation wall they would overlook the rear garden of the neighbouring residential property to the southwest and as such it would be prudent to remove permitted development rights for the side (southwest) elevation of the proposed first floor extension in order to protect the privacy and amenity of that property. This can reasonably be achieved by attaching a condition to any grant of planning permission.

No windows or glazed openings are proposed for the rear (southeast) or side (northeast) elevations of the proposed single storey extension. The entrance door proposed for the southeast elevation of the proposed single storey rear extension would face onto the proposed off-street parking and beyond to a high brick wall that is noted to be retained and therefore the entrance door to the southeast elevation of the proposed single storey rear extension would not allow for harmful overlooking of the neighbouring residential properties to the southeast.

If windows or glazed openings were to be formed in the side (northeast) elevation of the proposed single storey extension they would face over the proposed off-street parking and beyond to the public road of Albert Place and the high hedge of the neighbouring residential property to the northeast and as such any windows formed at a later date would not allow for any harmful overlooking.

Accordingly subject to the aforementioned planning controls, the proposed extensions would not allow for harmful overlooking of any neighbouring residential property. The occupiers of the proposed flat would also benefit from sufficient privacy and amenity.

On the matter of the impact of the proposed extensions on daylight and sunlight received

by neighbouring residential properties, guidance is taken from 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' by P.J. Littlefair. By virtue of their height, size, positioning and distance away from neighbouring residential properties, the proposed extensions would not, in accordance with the Guide, give rise to a harmful loss of daylight or sunlight received by neighbouring residential properties and therefore would not have a harmful effect on the residential amenity of them.

The proposed alteration to the existing shop fascia would comprise the formation of a right angled corner at the northeast corner of the shop fascia, where it at present has an angled corner, so that it would align with the northeast corner of the proposed first floor extension.

In its position on the roadside frontage of the building the alteration to square off the corner of the existing shop front fascia so that it would align with the northeast corner of the proposed first floor extension would be readily visible in views from Albert Place and Salters Road. The proposed altered shop fascia would be of a size, form and finish to match the existing fascia. By virtue of its size, scale, form, positioning and external finish, the proposed alteration to the shop front fascia would not be out of keeping with the existing building and would be appropriate to its surroundings. As such it would not appear visually incongruous in its relationship with the existing building or the neighbouring buildings and would not be out of keeping with the character and appearance of the area.

The proposed 2 metre high wall that would enclose the proposed shop waste storage area would not appear as overly prominent or incongruous within its setting and thus would not be harmful to the character or appearance of the building or to the surrounding area.

The proposed off-street parking for the flat and the shop/pharmacy and the associated EV charger would be sited within the existing service yard of the shop. Therefore the formation of the parking spaces and EV charger would not be inappropriate to their setting or out of keeping with their surroundings. They would not be harmful to the character or appearance of the building or the surrounding area.

The side (northeast) elevation of the existing rear extension to the shop would site the two relocated condenser units. In their position on the side (northeast) elevation wall they would not be harmful to the character or appearance of the building or to the surrounding area.

The **Council's Environmental Health Department** have been consulted on the application and advise they raise no objection.

Scottish Water have been consulted on the application and advise they raise no objection.

The **Council's Road Services** have been consulted on the application and advise they raise objection as the proposed off-street parking does not comply with the new parking standards of 3.3m x 6.0m for private driveways. The Council's Road Services are also concerned that a wheelchair or someone with a buggy will not have sufficient room to access the footway at the bottom on the ramp when the shop waste storage area is in use.

However the Council's Road Services raised no objection to granted planning permission 15/00657/P and this proposal is the same scheme of development as planning permission 15/00657/P including replicating the off-street parking approved through that planning permission. Therefore and as there has been no material change in circumstance in the application site since that planning permission was granted then it would be unreasonable to refuse planning permission for this planning application. Furthermore, the application site is situated adjacent to Salters Road which is served by a number of bus stops and bus services. The application site is also situated a short walk from Wallyford train station and

consequently the proposed flat would be well served by public transport. Therefore the proposal does not conflict with Policy 13 of NPF4 or Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The proposed development will not have a significant adverse effect on the Battle of Pinkie Cleugh Historic Battlefield Site and therefore does not conflict with Policy 7 of NPF4 or Policy CH5 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 planning control the proposals do not conflict with Policies 1 and 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. No details have been submitted on biodiversity enhancement with this application. Therefore it should be made a condition of any grant of planning permission that details of a biodiversity enhancement scheme to demonstrate the positive effects of the proposals for biodiversity are submitted for planning authority approval prior to the commencement of any development. Subject to the imposition of that planning control the proposals would not conflict with Policy 3 of NPF4.

The proposals are consistent with Policies 1, 2, 3, 7, 13, 14 and 16 of NPF4 and Policies CH5, DP2, DP5, T1 and T2 of the adopted East Lothian Local Development Plan 2018.

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 proposals 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 first occupation of the flat hereby approved the window to be installed in its side (northeast) elevation and the kitchen window which would be installed in its rear (southeast) elevation shall be obscure glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the development. The obscure glazing of these windows shall accord with the sample so approved. Thereafter, those windows to be installed in the side (northeast) elevation and the kitchen window to be installed in the rear (southeast) elevation of the first floor extension shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties to the northeast and southeast.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed in the side (southwest), side (northeast) and rear (southeast) elevations of the first floor extension hereby approved, other than those shown for those elevations on the docketed drawings.

Reason:

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

- 4 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, where feasible and appropriate in design terms. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 5 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 extensions 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.