

LOCAL REVIEW BODY

30th November 2023

Application No: 23/00209/P

**Site Adjacent to West Cottage,
Fenton New Mains Road, Fenton Barns**

Appointed Officer's Submission

23/00209/P – LRB AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Erection of 1 house and associated works at site adjacent to west cottage, Fenton New Mains Road, Fenton Barns, East Lothian

INDEX OF CONTENTS:

1. Statement of Case: Officer’s report for planning application 23/00209/P.
2. Copy of the Decision Notice and reasons for refusal relating to planning application 23/00209/P.
3. Copy of consultation responses from:
 - (i) ELC Road Services;
 - (ii) ELC Environmental Health Officer;
 - (iii) ELC Environmental Protection Officer;
 - (iv) ELC Landscape Officer;
 - (v) ELC Planning Policy Officer;
 - (vi) Scottish Water
4. Copy of 20 representations received to application 23/00209/P.
5. Copy of relevant Development Policies: RCA1 (Residential Character and Amenity); CH2 (Development in Conservation Areas); T1 (Development Location and Accessibility) and T2 (General Transport Impact).
6. Schedule of conditions.
7. Additional Information.

OFFICER REPORT

App No. **23/00209/P**

Application registered on **22nd March 2023**
Target Date **21st May 2023**

Proposal	Erection of 1 house and associated works	SDELL CDEL	Y/ N
Location	Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian	Bad Neighbour Development	N

APPLICANT: **Mr Pat Cesari**

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

**c/o APT Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
East Lothian
EH42 1XA**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

This application relates to a 380 square metre area of largely rectangular land last in use as an allotment/vegetable growing area. A small brick outbuilding is positioned within the northern part of the site. The site occupies a corner plot on the eastern side of Calderstone Road and on the north side of Fenton Newmains Road. It is bound to the east by the end terraced single storey residential property of West Cottage and to the north by the residential properties located within the converted Newmains Steading and car park area. The application site is located within the East Lothian Countryside. Four mature trees are positioned along the western boundary of the application site and a mature tree is positioned to the immediate east of the application site within the garden area of the neighbouring residential property of West Cottage. A number of commercial buildings are located to the west of Calderstone Road and to the east of the residential properties which are located to the immediate east of the application site. The application site is also located right on the edge of the WWI & II Drem airfield.

PLANNING HISTORY

Through previous planning application 22/01261/P planning permission was sought for the erection of 1 house and associated works. Planning application 22/01261/P was reported on a

weekly Committee Delegated List circulated to Members with a recommendation for refusal however the application was withdrawn by the applicant's agent prior to the 7 day expiration of the List.

PROPOSAL

Through this application planning permission is sought for the same scheme of development to that which was the subject of previous planning application 22/01261/P namely the erection of a detached house with living accommodation provided over two floors. The proposed house would be positioned some 1 metre off the eastern boundary of the site and would run in a north - south alignment with its gable elevations to the north and south. The proposed house would have a rectangular footprint with the ground floor measuring at most some 10.8 metres by some 6 metres, a covered carport would be positioned under the first floor of the proposed house at the northern end. The first floor of the proposed house has been designed to overhang the ground floor with steel support beams and would measure some 16.5 metres by 7.5 metres. It would have a ridge height of some 7.8 metres. The proposed house would provide at ground floor level an entrance hall, open plan dining kitchen, utility room, bedroom, w.c., covered and internal stair to the first floor. The first floor of the proposed house would provide three further bedrooms including a master-bedroom with dressing room and ensuite with the dressing room having an external door access onto an external stair, hall and lounge with snug area with access onto a first floor terrace on the south elevation. Access to the site would be provided through a new vehicular access off Calderstone Road which would be formed through the widening of an existing opening within the existing stone boundary wall which encloses the western boundary. Amenity space would be provided in the form of a private garden area within the northern part of the site, a patio within the southern part of the site and a first floor terrace on the south elevation.

The proposed house would have its roof finished externally in corrugated corten steel, with the walls of the building finished in natural treated timber feather edge weatherboarding, windows and doors would be aluminium framed. The existing boundary wall has an opening and path leading onto the site from the road. We intend to widen that opening to form a driveway into the site to a car port nestled under the building. To the north-west a more intimate private garden is formed distinct from the garden area under the trees and between the boundary wall and the building.

A design and access statement has been submitted with the application which informs that it is proposed to continue the building line of the cottages on Newmains but turn the building 90 degrees to mark the corner with an elevated gable facing out over the long view over the fields to the south-east. The massing and form of the new home has been designed to reflect and sit comfortably within the massing of the surrounding buildings and landscape. The proposal reflects, and is inspired, by the terracotta dual pitch and gable forms of the adjacent cottages and steading. The longer face of the building turns the corner to run parallel behind the canopy of the existing trees softening the building form from Calderside Road. The home would be accessed via a widened opening in the existing stone boundary wall leading to a car port tucked away between the colonnade underneath the building. The proposals provide a range of well defined outside amenity space for the residents to enjoy. The proposals have been designed to be sensitive to, and respectful of, the neighbouring context and improve the reading of the place through the careful development of this abandoned corner plot

The applicant's agent has also submitted a Supporting Statement with the application stating the proposed house will be very much in keeping with the surrounding homes immediately to the east and north. Importantly, the new home will present a much more attractive site to the public facing frontages along Calderside Road and New Mains Cottages. The plot is comfortably large enough to accommodate the proposed home including the proposed parking and garden ground. The development of the plot will not have any detrimental impacts on the existing residents to the east or north nor would the development have any impact on the wider countryside setting. The landscape character will not be compromised by the proposed development. The site is easily capable of accommodating the proposed home and the proposals have been sensitively designed to utilise the existing built form. The design pays particular attention to the landscape backdrop retaining a number of mature trees whilst enabling the improvement of the overall appearance of the site. The development of a sustainable, attractive and appropriate new home will enhance the view of the site, especially when viewed from the south. Concern is consistently raised about protecting East Lothian from isolated and sporadic development in the countryside. In its immediate and wider context, this site is neither. It is part of an established group of homes and commercial properties and is within easy reach of key services and infrastructure. We would assert that each application must be determined on its individual merits and whilst it does not meet all of the planning policy tests set out above this does not and should not, in itself preclude development on this site. Planning should concentrate on the outcome of a process. In this instance, the outcome will be the delivery of an attractive, appropriate new family home on a previously developed home, sitting comfortably within a wider built environment and addressing an existing gap site. Planning policy cannot relate to every application, to every circumstance, but provides a framework within which decisions are taken and a logical decision in this instance would be to permit the redevelopment of this previously developed site.

In support of the application a 'Survey of Trees' Report prepared by Hinshelwood Arboricultural Consultants has also been submitted.

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), 3 (Biodiversity), 5 (Soils) 6 (Forestry, woodland and trees), 13 (Sustainable transport), 14 (Design, quality and place), 16 (Quality Homes), 17 (Rural Homes) and 29 (Rural Development) of NPF4 are relevant to the determination of this application. Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DP2 (Design), NH7 (Protecting Soils), NH8 (Trees and Development), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape. It is not identified in the adopted East Lothian Local Development Plan 2018 as being within a

settlement and the Local Development Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

It is stated in Policy 17 of NPF4 that:

(a) development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development: (i) is on a site allocated for housing within the Local Development Plan (LDP); (ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention; (iii) reuses a redundant or unused building; (iv) is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; (v) is demonstrated to be necessary to support the sustainable management of a viable rural business or craft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work; (vi) is for a single home for the retirement succession of a viable farm holding; (vii) is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or (viii) reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house;

(b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location;

(c) Development proposals for new homes in remote rural areas will be supported where the proposal: (i) supports and sustains existing fragile communities; (ii) supports identified local housing outcomes; and (iii) is suitable in terms of location, access, and environmental impact;

(d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to its rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the

particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should: (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and (c) the proposal satisfies the terms of Policy NH1. In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

On the matter of Policy DC5, the principle of the erection of one house on the application site is not promoted to enable a desirable primary use supported in principle by criterion b of Policy DC1. Thus, there are no benefits of such a primary use that would outweigh the normal presumption against new build housing in the countryside. Nor is the principle of the erection of one house on the application site promoted to fund the restoration of a listed building.

REPRESENTATIONS

A total of 20 representations have been received to the application. 14 letters are in support of the application. 5 letters object to the application while 1 letter makes comment on the proposal.

The main grounds of support are:

- i) Building will give a positive impact to a derelict site that currently has no use. Building design has been considered well with main windows looking out to open land;
- ii) I work in this area and believe a dwelling of this style in this location is nothing but a positive for the area;
- iii) I am familiar with the work and integrity of the Planning Applicant and therefore have no doubt that the property he plans will be constructed and finished to a high standard, drawing from his skills, workmanship and experience, as well as the talents of associated practitioners in the relevant trades;

- iv) I think this house will really fit in to the keeping of the community. And from viewing all the planning details this will not be an eye sore;
- v) I think this house will bring real character to the area & will be a really positive Enhancement;
- vi) I am in support of this planning application. I have been aware of the potential of this site for a number of years and feel the scheme proposed makes very good use of a brownfield site with a lovely design in keeping with the surroundings;
- vii) The proposed house looks fantastic, I think it will not give someone a beautiful home but both fit in and improve the surrounding area. Nice to see modern houses fitting it so well to the surrounding area;
- viii) I think it's a fantastic application, a lovely mix of tasteful modern design and traditional design. I think it is a positive contribution and works well with the surrounding houses. I love the design, I would be more than happy to live next to such a lovely property. In fact I would rather live in it, the architect has done an amazing job and it will make a stunning family home;
- ix) Great idea. I think it would finish that corner of perfectly;
- x) The proposal would bring a derelict site back into positive use which would benefit the area! The design is striking and would be a great addition to the area;
- xi) Looking forward to this build in East Lothian, great to see building innovation within the area. A real compliment to Fenton barns;
- xii) The proposed contemporary house will sit beautifully beneath the existing mature sycamore trees and will positively contribute to the existing, distinctive settlement of Fenton Newmains. Utilising corrugated Corten cladding on a dual pitch and gable form innovatively reflects the terracotta tiles and massing of the existing cottages. The new building will have a beneficial impact on the corner of Calderside Road and Fenton Newmains Cottages;
- xiii) This proposal seeks to occupy a natural gap site clearly within the defined parameters and building pattern of the existing settlement of Fenton Newmains, while offering a sympathetic and appropriately scaled addition. The relationship and clear material language complements those existing rural structures and will work to enhance the surrounding buildings. The retention of the mature trees along the west boundary is encouraging and will serve to protect and screen the proposed development. This has to be considered a positive addition to the existing pattern of rural buildings, with exemplary use of material and detailing - a fine contemporary design that is influenced heavily by the existing traditional architecture that surrounds it while offering a purposeful solution to the site for modern living;

The main grounds of objection are:

- i) The proposal is not a change of use or conversion of an existing building. It is not for agriculture, horticulture, forestry or countryside location. Therefore does not comply with LDP policy DC1;
- ii) Does not comply with LDP Policy DC2, as it is not proposing conversion of a rural building to housing. Also it is not small scale affordable housing;
- iii) Does not comply with LDP Policy DC3. There is only a small shed building currently on the site. The proposed building would be substantially bigger than the shed. The site is not brownfield and the house would not be of an appropriate scale or design;
- iv) Does not comply with LDP4. There is no direct operational requirement for viable agriculture, forestry, countryside recreation or leisure or tourism;
- v) It is not enabling development so is contrary to LDP Policy DC5;
- vi) Insufficient information has been submitted to show that the development complies with Policy NH8;

- vii) Does not comply with LDP Policies DP1 (landscape Character) or DP2 (Design) clearly overdevelopment of the site, it seems inappropriate to place a 1.5/2 storey house at the end of a single storey cottages;
- viii) The proposed site is not in a sustainable location. It is not in a 20 minute neighbourhood nor in an urban location. Access to public transport is also limited. Any future occupier would heavily rely on private car, not in accordance with the transport hierarchy. As such it has not been sited or designed to adapt to current or future risks from climate change contrary to Policies 1 and 2 of NPF4;
- ix) The removal and building over of a long established allotment and possible removal of well established trees will not contribute to the enhancement of biodiversity. No measures to conserve, restore and enhance biodiversity in accordance with national and local guidance has been provided. As such the proposal does not comply with NPF4 Policy 3;
- x) The application site is not brownfield land. It has been utilised as an allotment for a significant period of time and only has one small shed present within it, which only occupies a small proportion of the site. The rest of the site is just earth, which is in a natural state. The proposal does not comply with NPF4 Policy 9;
- xi) The site is not in a sustainable location and any future occupiers will be required to predominantly use a private car to get about. As such proposal does not comply with NPF4 Policy 13;
- xii) Regarding drainage, objector is confused by the application's assertion that service is available from existing connections on the site since objector alleges they are unaware that any such exists. If it refers to a connection to the sewage treatment works to the south of the site, these were determined to be unsuitable for another application in the nearby vicinity so presumably are unsuitable for any other application. Drainage is a significant issue in the local area and we're keen to understand how it will be resolved;
- xiii) Regarding parking and access, we are pleased to understand from the application that there is no intention that parking will be required in the car parks at Fenton Steading. This private parking is explicitly provided for residents and visitors of the Steading and is currently oversubscribed. We're also concerned about any possible parking on the road or the corner that would block access. Furthermore, while not directly an issue for us, we'd also note any parking on the road will likely cause considerable difficulties for the HGVs that pass along the road multiple times a day to access Andrew Black Limited; any blockages would likely have a serious impact on residents at Fenton Steading;
- xiv) Loss of light and overshadowing-sunlight and daylight to our property will be severely diminished especially in the winter months when the sun will hardly rise above the proposed new property;
- xv) Negative impact to visual amenity-the height and location of the proposed property will drastically reduce the overall enjoyment of the area;
- xvi) Overlooking/loss of privacy-our privacy will be compromised, due to the large window situated in the new property's master bedroom directly overlooking our only garden;
- xvii) Inadequacy of parking/loading/turning provision and highway safety concerns-there is a significant safety concern regarding the location of the access point for vehicles-visibility appears to be compromised and the road is in constant use by cars and lorries;
- xviii) The site lies within the designated countryside area and, as such, LDP policies DC1-5 apply. The proposed development does not comply with any of these policies. As well as this the site is not brownfield; it had been a long established allotment with a small brick shed present within it. The allotment, before purchase of the site, and surrounding trees contributed significantly to the character of the surrounding countryside. When not looked after, as further back in the past, this piece of land re-wilds quickly with no intervention;

xix) The site is not a gap site as indicated in the Planning Statement, particularly as it lies outside the building line formed by the cottages and the steading. Also on such a small site, the proposed house is in effect urban not rural;

xx) Objector alleges unacceptable behaviour by the applicant who has trashed this attractive corner site and left it in an untidy state for almost a year, presumably in order to make a case;

xxi) Height of the property - two storey property will affect sunlight to neighbouring properties;

xxii) Trees - there are four mature sycamore trees, as stated in the application. They are at risk of damage;

xxiii) In view of the fairly onerous planning conditions attached to the Fenton Steading development and others materials appear inappropriate;

xxiv) In the interests of accuracy objector states the site itself is not in their opinion 'an abandoned corner gap site', rather it was a productive allotment serviced by some current and some previous Steading owners over the last 10 years or so until the new/present owner recently withdrew their permission;

xxv) Visitor Car Parking - there does not seem to be any provision made for visitor car parking and therefore we would have some concern at any likely overspill to the already challenged Steading car parks;

xxvi) Proposed Roofing Material - is it reasonable to suggest that a rusted steel roof will adequately match to terracotta pantiles;

The Architectural Heritage Society of Scotland object to the application. Their main grounds of objection are;

Fenton New Mains is an exemplary steading conversion, widely praised at the time of its completion. It respects the Council's Supplementary Planning guidance on farm steading design (October 2018) and the advice in HES's Guide for Practitioners: Rural Buildings of the Lothians - Conservation and Conversion (1999). Although not statutory, both these pieces of guidance are a material planning consideration. The present application's failure to respect them is objectionable. In the opinion of the Society, it would furthermore undermine the Council's credibility if this overbearingly massed and inappropriately orientated building, with non-traditional materials and clumsy detailing, were to be approved.

The Society stands by its objections to the earlier almost identical proposals submitted by this applicant and subsequently withdrawn.

To recap, we consider this site suitable for a small house aligned with, and on the scale of, the single storey cottages to the west. But we see it as entirely unsuitable for the house proposed in the present application. The applicant's claim that the proposal is "small in scale" and "very much in keeping with the surrounding houses" is spurious.

The Society objects to this application on the following specific grounds:

1) LDP Policy DP2. Far from being "entirely appropriate to its location" as this policy requires and as the applicants claim, the house would be out of scale (2 storeys, thinly disguised, not one-and-a-half), wrongly aligned (being the only building in the steading/cottages group aligned north/south rather than east/west) and built in inappropriate materials, especially the proposed corrugated corten steel roof. The alignment of this roof with that of the steading to the rear is achievable only because of the fall in ground level. The new house would read as a more substantial building than the steading, let alone the cottages, with whose eaves it could in no way be said to "broadly align."

The eaves of the new house would be higher and on a ninety-degree angle to the cottage eaves

2) LDP Policy DP7, which provides that "the scale, design and density of the proposed development will be sympathetic to its surroundings" and that "overdevelopment of the site will be unacceptable." The applicants' claim that their proposal would be of a

"scale/design/density sympathetic to location" is inaccurate. See above. The opposite is the case. The idea that dressing the west and south elevations with out-of-scale pillars would somehow evoke the short cast iron pillars which are used unobtrusively in the steading is equally unconvincing.

The basic approach of this proposal as well as its detail are, in the Society's opinion, misconceived.

COMMUNITY COUNCIL COMMENTS

None

PLANNING ASSESSMENT

While the applicant has stated that the application site is a gap site, the site has been in use for some years, until recently purchased by the applicant, as an established allotment/vegetable growing area and lies within land that is categorised as Prime Agricultural Land. NPF4 sets out the intent to minimise disturbance to soils from development while the East Lothian Local Plan sets out the Council's aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types. The proposal would result in the loss of a small area of Prime Agricultural Land to a residential land use which given its location is not part of a significant agricultural land area as such the proposal would not be inconsistent with Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Plan 2018.

The Council's Policy and Project Manager as a consultee on the application states that an application ref: 22/01261/P for the same proposal was not determined however it was assessed and a report of handling drawn up with the intent to refuse. The application was assessed based on the existing LDP and the current NPF4 was not adopted at that time. However NPF4 was a material consideration in the determination of application 22/01261/P. NPF4 is now adopted and as such together with the adopted East Lothian Local Development Plan 2018 forms the development plan.

The Council's Policy and Project Manager states that Policy 17 of NPF4 sets out the circumstances in which new homes in rural areas will be supported. Policy 17 (a) (i) echoes the LDP policy approach in that development will be allowed on a site that is allocated for housing within the LDP. The proposed site is not allocated in the current LDP for development, rather it lies within the designated countryside area. Policy 17 (a) (ii) relates to brownfield land which by definition is land that has been previously developed. The proposed site had been a long established allotment with a small brick shed present within it. The site had not previously been development and therefore does not constitute brownfield land. The site was a productive allotment serviced by some current and some previous Steading owners over the last 10 years or so until the new/present owner recently withdrew their permission. Continued use as an allotment would have provided a sense of place and community and a natural asset to the area in line with the policy outcomes. Policy 17 (a) (iv) and (v) also states that the development is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker to live permanently at or near their place of work or a single home for the retirement succession of a viable farm holding. This is in line with Policies DC1 (Rural Diversification) and DC4 (New Build in the Countryside) of the LDP. Rural economic agility, innovation and diversification should be encouraged. The proposal for a single home does not meet the requirements of the relevant Policies in NPF4 or the LDP. Also Policy 16

(Quality Homes) (f) states 'Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where: (f) (iii) the proposal is consistent with policy on rural homes. In conclusion having assessed the application against NPF4, specifically Policy 17, and the existing LDP, The Council's Policy and Project Manager considers that the proposal is contrary to the Development Plan and is therefore not supported in policy terms.

The Council's Senior Environmental Health Officer has advised he has no comment to make regarding the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

The Council's Contaminated Land Officer advises that the proposed development incorporates the construction of new dwelling on vacant/derelict plot. While there is no direct evidence of any historic activities on the site that could potentially have contributed to contamination issues, the site was part of the former RAF Drem airfield and as such it is possible that localised areas of made ground may exist; In addition various commercial/industrial activities are situated in close proximity to the site potentially resulting in associated contamination of the soil. Given the above and due to the nature of the proposed development (residential), 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). As such the Council's Contaminated Land Officer recommends that a condition be attached to any grant of planning permission requiring a suitable Geo-Environmental Assessment to be carried out prior to any site development. This matter could be controlled through a condition of a grant of planning permission.

The Council's Road Services have been consulted on the application and advise that the proposals for a dwelling on this site include a new driveway onto the adopted road on the western side of the property via a widening of an existing gap in the low level stone wall which has previously been used as a pedestrian entrance. The proposed driveway is placed between two of the existing line of mature trees along the western boundary. Given that traffic on this road is relatively light and that the road does not have the function or status of a local distributor road then we would not require a domestic turning head within the property and could accept reversing in or out of the driveway (the expectation would be that residents would reverse in and then depart in forward gear). Whilst the speed limit of the road is legally 60mph as the national speed limit, it is semi-rural and has some urban characteristics in terms of surrounding buildings etc so speeds are likely to be below the speed limit. On this basis, the minimum visibility splay that we could accept for such a driveway access would be 2.0m by 20m in each direction with no obstructions above 1.05m in height, which could be achieved given the proposed arrangement submitted. A dropped kerb application will be required following any planning permission in order to formally create the driveway access - the vehicle crossover of the adopted gravel footway section should be of a bituminous construction. The use of resin bound aggregate on the driveway / path within the site boundary is acceptable.

A dwelling of this size would require a double driveway to meet with Road Services adopted parking standards and the dimensions of a double length driveway should be 3m by 11m - the proposed arrangement with a driveway leading to a car port is generally acceptable but the 3m width should be maintained into the car port area for accessibility reasons so a redesign in this area will be required.

Subject to the issue of the driveway dimensions into the car port area being addressed, Road Services advise they would not have any other objections to this proposal and as such the proposal would not be contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer has been consulted on the application and advises that the four trees within the application site are significant and on landscape grounds should be retained under LDP policy NH8, the fifth tree within West Cottage has been significantly reduced in height, and although not as attractive it still has a level of visual amenity. The Council's Landscape Officer advises that he has reviewed the 'Survey of Trees' by Hinshelwood Arboricultural Consultants of 22nd February 2023 submitted as part of the application and has the following comments:

- i) The tree root protection areas (RPAs) for all five trees that are discussed within the report has not considered section 4.6.2 & 4.6.3 of BS 5837: 2012 'Trees in relation to design, demolition and construction', in respect of the likely location of tree roots extending significantly into the area proposed for development due to the asymmetrical rooting systems ~ when applying this, there is very little, if any, area for development out with the RPA/construction exclusion zone;
- ii) Furthermore, if the development was approved, the proposed raft foundation within the trees' RPA is too deep, as the tree roots are within the top 500 to 600 mm, and not only would the necessary ground excavation remove the section of root plate, the proposed foundation would starve these roots of moisture and oxygen and likely crush any remaining tree roots below;
- iii) There should be sufficient temporary protective fencing on the extent of the RPA to prevent any construction activities entering the RPA; and to consider constructing a box around the main stem of a tree as the tree report suggests would not be acceptable;
- iv) When the trees are in leaf the garden area of the site will be constantly in shade and thus, regular crown thinning and reduction works will likely be required to the trees to alleviate such heavy shading and to prevent the trees from growing over/into the proposal, this creates an ongoing maintenance issue and is not good for the future health of the trees and will significantly reduce the trees' visual amenity to the wider area;

In all of the above the Council's Landscape Officer advises that it is unlikely that the proposed scheme of development could be undertaken without harm to the four mature trees within the site contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018. The Council's Landscape Officer advises that if this site was considered to be granted planning permission for such a development he would suggest, due to all of the above concerns, that the trees be removed and smaller more appropriate tree species be planted to fit the small space that would be left after development was completed; however, this approach would not align with Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Archaeology/Heritage Officer has been consulted on the application however no response has been received. However The Council's Archaeology/Heritage Officer was consulted on previous application 22/01261/P for the same scheme of development on the same application site and advised at that time that 'although the proposals lie right on the edge of the WWI & II Drem airfield from the available mapping this area did not contain any infrastructure associated with it. Additionally the area is immediately adjacent to the Historic steading and it is likely that if any earlier remains were once present that the construction and

operation of the steading would have disturbed or removed them. An assessment has suggested that the potential for unknown remains is likely to be low.' Accordingly the Council's Archaeology/Heritage Officer advised he had no comment to make on previous application 22/01261/P. As the scheme of development and application site the subject of this current application is the same as that which was the subject of previous application 22/01261/P it is assumed that the previous comments of the Council's Archaeology/Heritage Officer apply to this current application and he has no comment to make on it.

Scottish Water whilst raising no objection to the application advise that unfortunately according to their records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore they would advise applicant to investigate private treatment options. Scottish Water also advise that for reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Notwithstanding all of the above the application site is located in a countryside location within East Lothian that is characterised by a low density dispersed built form within an agricultural landscape. While there are both residential and commercial buildings within the vicinity of the application site it is not identified in the adopted East Lothian Local Plan 2018 as being within a settlement and the Local Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside. Thereafter it must be established whether the proposed house would be of an architectural form, size, scale and positioning appropriate for its setting and whether the proposal would have an adverse impact on nearby mature trees.

Although the application site is adjacent to existing residential properties, these houses are not defined as a settlement in the adopted East Lothian Local Development Plan 2018. Rather they are defined as being located within the countryside. These existing houses and buildings which contain residential properties are not new build developments but are existing houses which are long established in their countryside location or in the case of the residential properties within Fenton Steadings are located within a long established steading building which has been converted to residential properties and which are part of the character and appearance of the area. Moreover, whilst the application site is situated to the south and west of the residential properties of Fenton Steading and West Cottage respectively the erection of a house on the site would not be an addition to a settlement or an addition adjoining the edge of a settlement. Rather, it would constitute sporadic development in the countryside.

The site is not allocated for housing development in the adopted East Lothian Local Development 2018, nor is it a brownfield, vacant or derelict site as it has been used, until recently purchased by the applicant, for a substantial number of years, as an established allotment/vegetable growing area. The proposed house does not reuse a redundant or unused building. The proposed house is not an appropriate use of a historic environment asset. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it would be required to support a use which in principle requires a countryside location. In the absence of any such direct operational requirement or justified supporting case for the erection of a house

on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a new build house on the application site is in principle contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

The adopted East Lothian Local Development Plan 2018 states that designs for new development must evolve from and respond to an analysis of the proposed development site and its wider context. Furthermore it states that the designs, materials and finishes proposed must complement those of existing buildings in the local area. The neighbouring residential properties to the east are a row of single storey traditional terraced cottages with pitched roofs clad in pantiles and original walls of natural stone with small modern extensions. The buildings comprising Fenton Steading located to the north of the application site were converted to residential properties through the grant of planning permission 04/00765/FUL for a sympathetic conversion which retained the scale form and historical and architectural appearance of the steading buildings with the buildings again being of a traditional construction with walls of natural stone and pitched roofs clad in pantiles, typical of rural residential properties and historical buildings which are well established features within the East Lothian countryside.

The submitted design and access statement states that the massing and form of the new home has been designed to reflect and sit comfortably within the massing of the surrounding buildings and landscape and the proposal reflects, and is inspired, by the terracotta dual pitch and gable forms of the adjacent cottages and steading. However the proposed house is not of a scale, form, massing or finish in-keeping with the residential properties within the locality. The proposed house is a modern contemporary design house providing living accommodation on two floors with the proposed house having a ridge height some 2 metres higher than that of the neighbouring properties of West Cottage and the neighbouring row of terraced cottages located to the immediate east. The positioning of the building is also not in keeping with the buildings within the locality with the row of terraced cottages to the immediate east of the site running in a west/east alignment fronting onto Fenton Newmains Road to the south. The proposed house would be positioned in a north/south alignment fronting onto Calderston Road to the west and presenting its gable elevations to the north and south. While the Fenton Steading buildings to the north are set back from Calderston Road, with the west elevations of the steading buildings being positioned in a similar building line to the west gable elevation of West Cottage. There are no residential properties or indeed buildings located on the east side of Calderston Road fronting directly onto the road in the immediate locality. Whilst there is a small brick storage building on the site this is small in scale and is not visually prominent. Consequently, the proposed house would disrupt the built form of development within the area. The positioning, design, scale, form, materials and finish of the proposed house would not complement those of existing buildings in the area. The overall appearance would be of a large modern house designed without reference to either its landscape setting or the neighbouring traditional buildings in residential use within the locality. As such the proposed house would be inappropriate to its setting and would be out of keeping with its surroundings contrary to Policies 14, 16 and 29 of NPF4 Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

NPF4 seeks to give significant weight to the global climate crisis. In this regard housing should be directed towards existing settlements where facilities and services including public transport are available and on allocated housing sites; this is a sustainable approach to spatial planning

and is in line with the LDP and national planning policy. Housing in rural areas should only be supported in particular circumstances. The proposed scheme of development for a house on this rural site located within the East Lothian countryside does not meet these circumstances specified in Policy 17 of NPF4 or DC4 of the adopted East Lothian Local Development Plan 2018 and would effectively undermine the spatial strategy of the LDP and result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions. As such the proposal is contrary to Policies 1, 13, 14 and 16 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

REASONS FOR REFUSAL

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.
- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not an appropriate use of a historic environment asset or promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy 17 of NPF4 and Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed house is of a design, scale, form, materials and finish inappropriate to its setting and out of keeping with its surroundings contrary to Policies 14, 16 and 29 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 4 It has not been demonstrated that the site could be developed for the erection of one house without harm to the trees within the site and the tree immediately adjacent to the eastern boundary or their removal. Thus, the principle of the erection of a house on the

site is contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Plan 2018.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

App No. 23/00209/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mr Pat Cesari
c/o APT Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
East Lothian
EH42 1XA**

APPLICANT: Mr Pat Cesari

With reference to your application registered on 22nd March 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house and associated works

**at
Site Adjacent To West Cottage
Fenton New Mains Road
Fenton Barns
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 erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is

not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not an appropriate use of a historic environment asset or promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy 17 of NPF4 and Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed house is of a design, scale, form, materials and finish inappropriate to its setting and out of keeping with its surroundings contrary to Policies 14, 16 and 29 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 4 It has not been demonstrated that the site could be developed for the erection of one house without harm to the trees within the site and the tree immediately adjacent to the eastern boundary or their removal. Thus, the principle of the erection of a house on the site is contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Plan 2018.

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>
AL_1F-01	04	02.03.2023
AL_EL_01	04	02.03.2023
AL_EL_03	04	02.03.2023
AL_EL_04	03	02.03.2023
AL_EX_1F_01	03	02.03.2023

AL_EX_EL_01	03	02.03.2023
AL_EX_EL_03	03	02.03.2023
AL_EX_GF_01	03	02.03.2023
AL_EX_RF_01	03	02.03.2023
AL_EX_SE_01	03	02.03.2023
AL_EX_SE_03	03	02.03.2023
AL_EX_SE_04	03	02.03.2023
AL_EXT_01	01	02.03.2023
AL_GF_01	04	02.03.2023
AL_RF_01	04	02.03.2023
AL_S_01	02	02.03.2023
AL_SE_01	04	02.03.2023
AL_SE_02	04	02.03.2023
AL_SE_03	04	02.03.2023
AL_SE_04	04	02.03.2023
S_1F_01	03	02.03.2023
S_EL_01	03	02.03.2023
S_EL_03	03	02.03.2023
S_EX_1F_01	03	02.03.2023
S_EX_EL_01	03	02.03.2023
S_EX_EL_03	03	02.03.2023
S_EX_GF_01	03	02.03.2023
S_EX_RF_01	03	02.03.2023
S_EX_SE_01	03	02.03.2023
S_EX_SE_03	03	02.03.2023

S_EX_SE_04	03	02.03.2023
S_GF_01	03	02.03.2023
S_RF_01	03	02.03.2023
S_SE_01	03	02.03.2023
S_SE_03	03	02.03.2023
S_SE_04	03	02.03.2023
SK 002	02	02.03.2023
SK 003	02	02.03.2023
SK 004	02	02.03.2023
SK 005	02	02.03.2023
SK 006	02	02.03.2023
SK 007	02	02.03.2023
SK 008	02	02.03.2023
SK 009	02	02.03.2023
AL_EL_04	03	20.03.2023
AL_EX_EL_02	02	20.03.2023
AL_EX_EL_04	02	20.03.2023
AL_EX_SE_05	02	20.03.2023
AL_SE_05	03	20.03.2023
S_EL_02	02	20.03.2023
S_EL_04	02	20.03.2023
S_EX_SE_05	02	20.03.2023
AL_EL_02	03	22.03.2023

10th May 2023



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.

From: [REDACTED]
To: [REDACTED]
Subject: RE: 23/00209/P-Julie McLair - Planning Consultation
Date: 31 March 2023 15:58:11

Hi Julie,

Having reviewed this planning application, the proposals are not noticeably different to the scheme considered in the withdrawn planning application 22/01261/P and on this basis I have the following comments that still apply:

- The proposals for a dwelling on this site include a new driveway onto the adopted road on the western side of the property via a widening of an existing gap in the low level stone wall which has previously been used as a pedestrian entrance. The proposed driveway is placed between two of the existing line of mature trees along the western boundary. Given that traffic on this road is relatively light and that the road does not have the function or status of a local distributor road then we would not require a domestic turning head within the property and could accept reversing in or out of the driveway (the expectation would be that residents would reverse in and then depart in forward gear). Whilst the speed limit of the road is legally 60mph as the national speed limit, it is semi-rural and has some urban characteristics in terms of surrounding buildings etc so speeds are likely to be below the speed limit. On this basis, the minimum visibility splay that we could accept for such a driveway access would be 2.0m by 20m in each direction with no obstructions above 1.05m in height, which could be achieved given the proposed arrangement submitted. A dropped kerb application will be required following any planning permission in order to formally create the driveway access - the vehicle crossover of the adopted gravel footway section should be of a bituminous construction. The use of resin bound aggregate on the driveway / path within the site boundary is acceptable.
- A dwelling of this size would require a double driveway to meet with our adopted parking standards and the dimensions of a double length driveway should be 3m by 11m - the proposed arrangement with a driveway leading to a car port is generally acceptable but the 3m width should be maintained into the car port area for accessibility reasons so a redesign in this area will be required.

Subject to the issue of the driveway dimensions into the car port area being addressed, we would not have any other objections to this proposal.

Kind Regards,

Jon

Jon Canty

Transportation Planning Officer

East Lothian Council

[REDACTED]

[REDACTED]

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 29 March 2023 12:51

To: Transport Planning <transportplanning@eastlothian.gov.uk>; [REDACTED]

[REDACTED]

Subject: 23/00209/P-Julie McLair - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

From: [REDACTED]
To: [Environment Reception](#)
Cc: [REDACTED]
Subject: RE: 23/00209/P-Julie McLair - Planning Consultation
Date: 04 April 2023 10:01:04

I refer to your consultation request of 29th March 2023 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel. [REDACTED] | Email. [REDACTED] | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>

Sent: 29 March 2023 13:18

To: [REDACTED]

Subject: FW: 23/00209/P-Julie McLair - Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 29 March 2023 12:50

To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>

Subject: 23/00209/P-Julie McLair - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

From: [REDACTED]
To: [REDACTED]
Cc: [Environment Reception](#); [REDACTED]
Subject: Planning Consultation: 23/00209/P (Site Adjacent To West Cottage, Fenton New Mains Road, Fenton Barns)
Date: 30 March 2023 15:47:41

Hi Julie,

I have reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development and would comment as follows:

- The proposed development incorporates the construction of [new dwelling](#) on vacant/derelict plot. While there is no direct evidence of any historic activities on the site that could potentially have contributed to contamination issues, the site was part of the former RAF Drem airfield and as such it is possible that localised areas of made ground may exist;
- In addition various commercial/industrial activities are situated in close proximity to the site potentially resulting in associated contamination of the soil.

Given the above and due to the nature of the proposed development (residential), 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). In light of this I would recommend that the following conditions be attached to any grant of consent:

Land Contamination Condition - Investigation, Risk Assessment, Remediation and Validation

Part 1

Following any site demolition that may be required but prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);*
- *A Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:*
 - *A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;*
 - *An appraisal of the remediation methods available and proposal of the preferred option(s).*

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3

of this Condition can be disregarded.

Part 2

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

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to the use of the new development.

Part 4

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Regards,

Scott

Scott Callow | Environment Protection Officer (Con Land) | Public Health & Environment Protection | East Lothian Council | John Muir House | Haddington | EH41 3HA

Tel. [REDACTED]

Email. [REDACTED]

Visit our website at www.eastlothian.gov.uk

NHS Coronavirus Information



Currie, Fiona

From: Silence, David
Sent: 05 April 2023 16:15
To: McLair, Julie
Subject: RE: Planning Application 23/00209/P Site Adjacent to West Cottage - TPO No.121

Hi Julie

The four trees within the application site are significant and on landscape grounds I would suggest should be retained under LDP policy NH8, the fifth tree within West Cottage has been significantly reduced in height, and although not as attractive it still has a level of visual amenity.

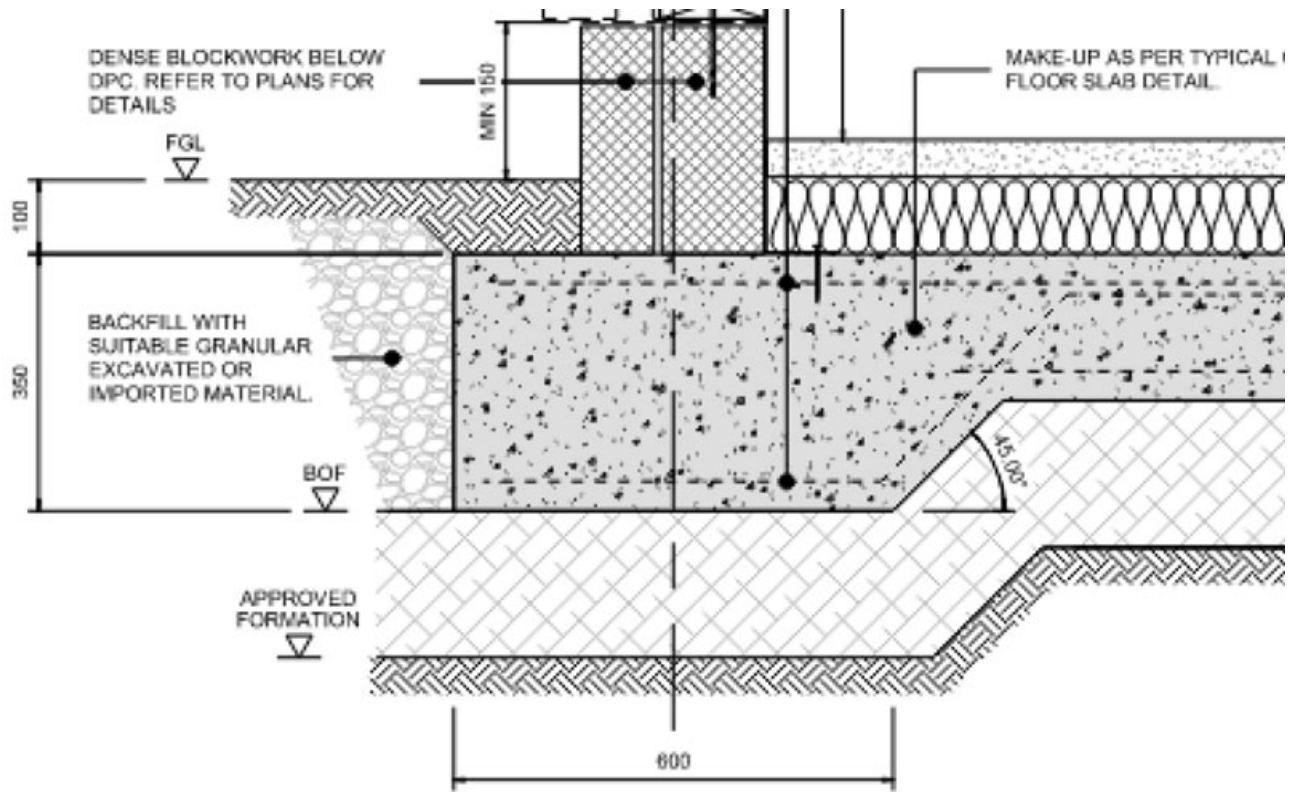
I have had a look through the 'Survey of Trees' by Hinshelwood Arboricultural Consultants of 22nd February 2023 and have the following comments.

- The tree root protection areas (RPAs) for all five trees that are discussed within the report has not considered section 4.6.2 & 4.6.3 of BS 5837: 2012 'Trees in relation to design, demolition and construction', as extract below, in respect of the likely location of tree roots extending significantly into the area proposed for development due to the asymmetrical rooting systems ~ when applying this, there is very little, if any, area for development out with the RPA/construction exclusion zone: -

4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.

4.6.3 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
 - b) topography and drainage;
 - c) the soil type and structure;
 - d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.
- Furthermore, if the development was approved, the proposed raft foundation within the trees' RPA is too deep (extract below), as the tree roots are within the top 500 to 600 mm, and not only would the necessary ground excavation remove the section of root plate, the proposed foundation would starve these roots of moisture and oxygen and likely crush any remaining tree roots below.



SECTION A-A - RAFT FOUNDATION
EDGE DETAIL

SCALE 1 : 10

- There should be sufficient temporary protective fencing on the extent of the RPA to prevent any construction activities entering the RPA; and to consider constructing a box around the main stem of a tree as the tree report suggest (as below), would not be acceptable: -

Example of trunk protection box in use



When the trees are in leaf the garden area of the site will be constantly in shade and thus, regular crown thinning and reduction works will likely be required to the trees to alleviate such heavy shading and to prevent the trees from

growing over/into the proposal, this creates an ongoing maintenance issue and is not good for the future health of the trees and will significantly reduce the trees' visual amenity to the wider area.

If this site was considered to be granted planning permission for such a development I would suggest, due to all of the above concerns, that the trees be removed and smaller more appropriate tree species be planted to fit the small space that would be left after development was completed; however, this approach does not appear to align with Council policies.

Regards

David

From: [REDACTED]
Sent: 29 March 2023 13:16
To: [REDACTED]
Subject: Planning Application 23/00209/P Site Adjacent to West Cottage - TPO No.121

David/Dervilla,

I have sent a consultation to landscape for the above application. This is a new application to replace previous application 22/01261/P for the erection of a new house on the site which is shown as being covered by TPO No. 121. The applicant queried the validity of TPO No. 121 during the determination process of the previous application and Legal Services advised that it appears that as the TPO was not signed it is not valid.

Previous application 22/01261/P was recommended for refusal of a Committee Delegated List (copy of report attached) however the applicant withdrew it prior to determination.

The applicant has submitted the new application with an accompanying Tree Report which the previous application did not have.

Given the importance of the trees along the western boundary of the site I would appreciate a timely Landscape consultation response to the new application 22/01261/P.

Many thanks in advance.

Regards

Julie

Please note I work on Tuesdays, Wednesdays, and Thursdays only.

Julie McLair | Planner, Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA | [REDACTED] | www.eastlothian.gov.uk | twitter: @ELCouncil

NHS Coronavirus Information



East Lothian Council

Internal Memorandum

From: Policy & Projects Manager

To: Development Management Manager

Application: 23/00209/P

Case Officer: Julie McLair

Address: New Mains, Fenton Barns

Policy Officer: Sinead Wanless

Description: Erection of 1 house and associated works at New Mains, Fenton Barns

19 April 2023

Background

This application relates to a 380m² of land that was last in use as an allotment/vegetable growing area. A small brick outbuilding is positioned within the northern part of the site. The site occupies a corner plot on the eastern side of Calderstone Road and on the north side of Fenton Newmains Road. It is bound to the east by the end terraced single storey residential property of West Cottage and to the north by the residential properties located within the converted Newmains Steading and car park area. The application site is located within an area of designated countryside.

An application (22/01261/P) for the same proposal was submitted and consequently withdrawn in January 2023. This application was not determined however it was assessed and a report of handling drawn up with the intent to refuse. The application was assessed based on the existing LDP and the current NPF4 was not adopted at that time.

Planning Policy Considerations

As the application is the same as previously submitted and having read the officers report of handling, I will focus the response on the nuances of NPF4 which is now in legislation.

Policy 17 promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way. The policy intent is to encourage, promote and facilitate the delivery of more high quality affordable and sustainable rural homes in the right locations. The policy outcomes state: Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met; Homes are provided that support sustainable rural communities and are linked with service provision; The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

For clarity, it is understood that for Parts (a) and (b) 'rural areas' are considered as anything that isn't an 'accessible small town', 'large urban area', 'other urban area', 'Remote Rural' (in 6 fold classification) or Green Belt as covered by other policy provisions. Based on the Scottish Government Urban Rural Classification 2020 Policy 17 parts (a) and (b) only apply to countryside areas that are '*accessible rural*' as per 6 fold classification.

The policy sets out the circumstances in which new homes in rural areas will be supported. These include:

- i. land allocated for housing within the LDP;

- ii. reuse of brownfield land, redundant or unused buildings;
- iii. use of a historic environment asset or enabling development to secure the future of historic environment assets;
- iv. supporting the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- v. a single home for the retirement succession of a viable farm holding;
- vi. subdivision of an existing residential dwelling; and
- vii. reinstatement of a former dwelling house or a one-for-one replacement of an existing permanent house.

(b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

Policy 17 (a) (i) echoes the LDP policy approach in that development will be allowed on a site that is allocated for housing within the LDP. The proposed site is not allocated in the current LDP for development, rather it lies within the designated countryside area.

17 (a) (ii) the topic of brownfield has been addressed by the officer in the report of handing. By definition this is *land that has been previously developed*. The proposed site had been a long established allotment with a small brick shed present within it. The site had not previously been development and therefore does not constitute brownfield land. My understanding is that the proposed site was a productive allotment serviced by some current and some previous Steading owners over the last 10 years or so until the new/present owner recently withdrew their permission. Continued use as an allotment would have provided a sense of place and community and a natural asset to the area in line with the policy outcomes.

17 (a) (iv) and (v) also states that the development is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker to live permanently at or near their place of work or a single home for the retirement succession of a viable farm holding. This is in line with Policies DC1 (Rural Diversification) and DC4 (New Build in the Countryside) of the LDP. Rural economic agility, innovation and diversification should be encouraged. The proposal for a single home does not meet the requirements of the relevant Policies in NPF4 or the LDP.

NPF4 provides a framework for encouraging rural development which meets the needs of rural communities. With a focus on reuse of previously developed land and land identified for development in local development plans, the opportunities for small ad-hoc development may actually be reduced unless stipulated in the LDP.

Also Policy 16 (Quality Homes) (f) states 'Development proposals for new homes on land *not allocated* for housing in the LDP will only be supported in limited circumstances where:

(f) (iii) the proposal is consistent with policy on rural homes.

Conclusion

Having assessed the application against the NPF4, specifically Policy 17, and the existing LDP, it is considered that the proposal is contrary to the Development Plan for the reasons outlined above and is therefore not supported in policy terms.

Monday, 03 April 2023



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Adjacent To West Cottage Fenton, New Mains Road, Fenton Barns
Planning Ref: 23/00209/P
Our Ref: DSCAS-0084199-X3Z
Proposal: Erection of 1 house and associated works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on [REDACTED] or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

From: [REDACTED]
To: [REDACTED] [ent.Reception](#)
Subject: Planning Application No 23/00209/P
Date: 09 April 2023 18:57:53

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Planning Application No 23/00209/P: Neighbour Comments

We note the above application and appreciate the opportunity to make comments. This application appears to supersede an earlier application for the same site and from our lay person review of the paperwork we found it very difficult to identify any significant differences. We would therefore like to make the following comments/observations which are almost exactly the same as our comments on the previous application;

1. Firstly, we would like to welcome the application and state that we are broadly supportive of a quality private development of the type submitted.
2. In the interests of accuracy, we would like to point out that the proposed development site itself is not in our opinion “an abandoned corner gap site” rather it was a productive allotment serviced by some current and some previous Steading owners over the last 10 years or so until the new/present owner recently withdrew their permission.
3. Drainage – we are surprised to read from the application that water and especially drainage services are available from existing connections on the site. Presumably this must mean the long since disused former toilet block which in the absence of any other network, must be connected to the private sewage treatment works some half mile or so to the south of the development site? In a recently approved planning application for additional storage facilities to the east of Fenton Steading, this treatment works was described as being beyond capacity and not usable for that application/development. Why would this application/site be any different?
4. Visitor Car Parking – there does not seem to be any provision made for visitor car parking and therefore we would have some concern at any likely overspill to the already challenged Steading car parks.
5. Proposed Roofing Material – with so much of the design have given sympathetic consideration to the existing environment, is it reasonable to suggest that a rusted steel roof will adequately match to terracotta pan tiles?

Hopefully these comments still make sense for this new application and are submitted in accordance with your statutory timescales.

We would of course be happy to explain or expand upon any comments that we have made should this be necessary.

Yours sincerely,

[REDACTED]
[REDACTED]

Sent from my iPhone

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]
[REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As owners of the corner property in Fenton Steading situated directly north of the site, we believe we will be adversely affected by the current proposal and have the following concerns:

1. Loss of light and overshadowing-sunlight and daylight to our property will be severely diminished especially in the winter months when the sun will hardly rise above the proposed new property.
2. Negative impact to visual amenity-the height and location of the proposed property will drastically reduce the overall enjoyment of the area.
3. Overlooking/loss of privacy-our privacy will be compromised, due to the large window situated in the new property's master bedroom directly overlooking our only garden.
4. Inadequacy of parking/loading/turning provision and highway safety concerns-there is a significant safety concern regarding the location of the access point for vehicles-visibility appears to be compromised and the road is in constant use by cars and lorries.



13th April 2023

Keith Dingwall
Service Manager - Planning
John Muir House
Haddington
EH41 3HA



By Hand & Email:

This letter is issued within the 21 day period following the ELC neighbour notification on 27th March 2023. With the adoption of NPF4 policies within the last couple of months, please also see the attachment at the end of this letter.

Dear Sir,

I refer to application no. 23/00209/P and wish to lodge my objection on the following grounds.

The site lies within the designated countryside area and, as such, LDP policies DC1-5 apply. The proposed development does not comply with any of these policies. As well as this the site is not brownfield; it had been a long established allotment with a small brick shed present within it. The allotment, before purchase of the site, and surrounding trees contributed significantly to the character of the surrounding countryside. When not looked after, as further back in the past, this piece of land re-wilds quickly with no intervention.

Policy DC1- (Rural Diversification). The proposal is not a change of use or conversion of an existing building. It is not for agriculture, horticulture, forestry or countryside recreation. It is not a business that requires a countryside location. Therefore does not comply with LDP policy DC1.

Does not comply with LDP policy DC2, as it is not proposing the conversion of a rural building to housing. Also it is not small scale affordable housing development.

Does not comply with LDP policy DC3. There is only a small shed building currently on the site. The proposed building would be substantially bigger than the shed. The site is not brownfield and the house would not be of an appropriate scale or design.

Does not comply with LDP policy DC4. There is no direct operational requirement for viable agriculture, forestry, countryside recreation or leisure or tourism.

It is not enabling development so is contrary to LDP policy DC5. Also therefore contrary to Countryside and Coast Supplementary planning guidance.

Insufficient information has been submitted to show that the development complies with LDP policy NH8.

Insufficient information has been submitted to show compliance with LDP policy NH11 (Flood risk). SEPA flood maps show an area of high risk of surface flooding nearby and no information has been provided to show how the development will not cause surface water flooding to nearby properties.

The proposals do not comply with LDP policies DP1 (Landscape character) or DP2 (Design). Clearly overdevelopment of the site.

It seems inappropriate to place a 1.5 / 2 storey house at the end of single storey cottages which, themselves, are subject to planning restrictions, eg no dormer windows or other projections above eaves level. This is in place, quite rightly, to preserve the appearance of East Lothian's traditional heritage of farm cottage and farm steading architecture.

Furthermore Corten steel cladding is not in keeping with surrounding clay pantiles; it gives the house has an industrial appearance.

It has not been shown that the development would not cause material loss of sunlight/daylight to nearby buildings. One would expect a full sunlight/daylight assessment to be carried out.

It appears to block out the winter afternoon sunshine from my garden and kitchen/dining, and visually completely dominates these areas. (see colour emailed images / enclosed b/w prints)

A photo of the model from NE (not included in the application) would also help to demonstrate this.

A previous planning application for this site was rejected presumably on the above grounds or similar, and the present scheme again looks like extreme overdevelopment of this site.

I've had the good fortune to enjoy the visual amenity of this woodland outlook from my kitchen/dining area for the last 40 years. For me it was originally a good buying point, and it would eventually be a good potential selling point for my own property.

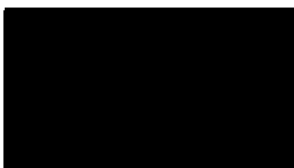
The site is not a gap site as indicated in the Planning Support Statement, particularly as it lies outside the building line formed by the Cottages and the Steading. Also on such a small site, the proposed house is in effect urban not rural.

Finally it should be pointed out that this proposal has been published in Urban Realm on 27/03/23 (see emailed images / prints), in which the wording suggests a scenario in which Planning Consent has already been given.

Also the 'knitting comment' may be apparent from the view shown, but nowhere else. To me it makes no sense visually to join residential buildings up to industrial buildings across the road.

This is unacceptable behaviour by the applicant who has also trashed this attractive corner site and left it in an untidy state for almost a year, presumably in order to make his case.

Yours faithfully



Response in relation to NPF4 Policies:

NPF 4 Policy 1 (Tackling the Climate and Nature Crises) states that the policy intent is to encourage promote and facilitate development that addresses the global climate change emergency and nature crisis.

NPF4 Policy 2 (Climate Mitigation and adaptation states that the policy intent is to encourage promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The proposed site is not in a sustainable location. It is not in a 20 minute neighbourhood nor in an urban location. Access to public transport is also limited. Any future occupier would heavily rely on private car, not in accordance with the transport hierarchy. The site also lies within close proximity to an area identified with a high probability of flooding according to SEPA flood maps. No SWMP or FRA has been provided. As such it has not been sited or designed to adapt to current or future risks from climate change.

The proposal therefore does not comply with NPF4 policies 1 or 2.

The removal and building-over of a long established allotment and possible removal of well established trees will not contribute to the enhancement of biodiversity. No measures to conserve, restore and enhance biodiversity in accordance with national and local guidance has been provided. No ecology or biodiversity surveys or mitigation measures have been submitted for assessment.

The proposal does not comply with NPF4 Policy 3 Biodiversity.

NPF4 Policy 5 (Soils) Criterion (b) States that development proposals on prime agricultural land will only be supported if a number of exemptions are complied with. According to the Scottish Government's soil maps, the application site is class 2 land. This is classed by the Scottish Government as prime agricultural land. The application does not meet any of the exemptions highlighted under policy 5.

The proposal does not comply with NPF4 Policy 5.

The application site is not brownfield land. It has been utilised as an allotment for a significant period of time and only has one small shed present within it, which only occupies a small proportion of the site. The rest of the site is just earth, which is in a natural state. It is also not within the settlement boundary it would be an expansion of it and it is not an intensification of an existing use.

The proposal does not comply with NPF4 Policy 9.

As previously discussed the site is not located in a sustainable location and any future occupiers will be required to predominantly use a private car to get about. The development proposal has not shown that the transport requirements generated have been considered in line with the sustainable travel hierarchy as it will not comply.

The proposal does not comply with NPF4 Policy 13.

NPF4 Policy 16 (Quality Homes) criterion (f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal meets certain criteria.

The proposal does not meet any of these criteria, it does not comply with the rural homes policy and it is for a large scale expansion of an existing boundary, and therefore does not comply with NPF4 Policy 16

NPF4 Policy 17 (Rural Homes) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development complies with other criteria.

Firstly, the development is not suitably scaled, sited or designed, it would be an incongruous addition which represents overdevelopment of the site. Secondly, it is not on a site allocated for housing within the LDP, does not reuse brownfield land, (The site is at present in a natural state), it will not reuse a redundant or unused building, it is not an enabling development, is not a single home for a viable farm holding, is not a subdivision, and does not reinstate a former dwelling.

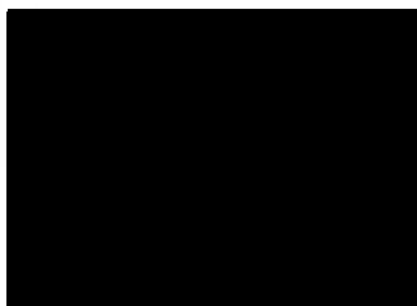
It will also not provide affordable housing, and is in an unsustainable location. It is not a remote rural location.

The proposal does not comply with NPF4 Policy 17.

Policy 22 of NPF4 (Flood Risk and Water Management). Criterion (a) states that development proposals at risk of flooding or in a flood risk area will only be supported if they meet certain criteria.

The site lies close to an area defined as being at high risk of surface water flooding. Neither a Surface Water Management Plan nor Flood Risk Assessment has been provided.

The proposal does not comply with NPF4 policy 22.



Home > News > March 2023 > **New home knits a former WWII airfield back into Fenton Newmains**

New home knits a former WWII airfield back into Fenton Newmains

March 27 2023

A long-abandoned toilet block used by the women's auxiliary air force in World War II is to become a modern family home under plans submitted by Sonia Browse Architects with APT planning & development.

The corner plot will help reconnect the former Drem Airfield to the rural settlement of Fenton Newmains, East Lothian, by extending an established row of cottages - of which rear steadings have already been converted to residential use.

In a planning statement, the architects noted:

"... we propose to create a sustainable, high-quality, distinctive and contemporary family home which draws character and inspiration from the adjacent steadings, cottages and landscape in the settlement of Fenton Newmains. The proposals have been designed to be sensitive to, and respectful of, the neighbouring context and improve the reading of the place through the careful development of this abandoned corner plot."

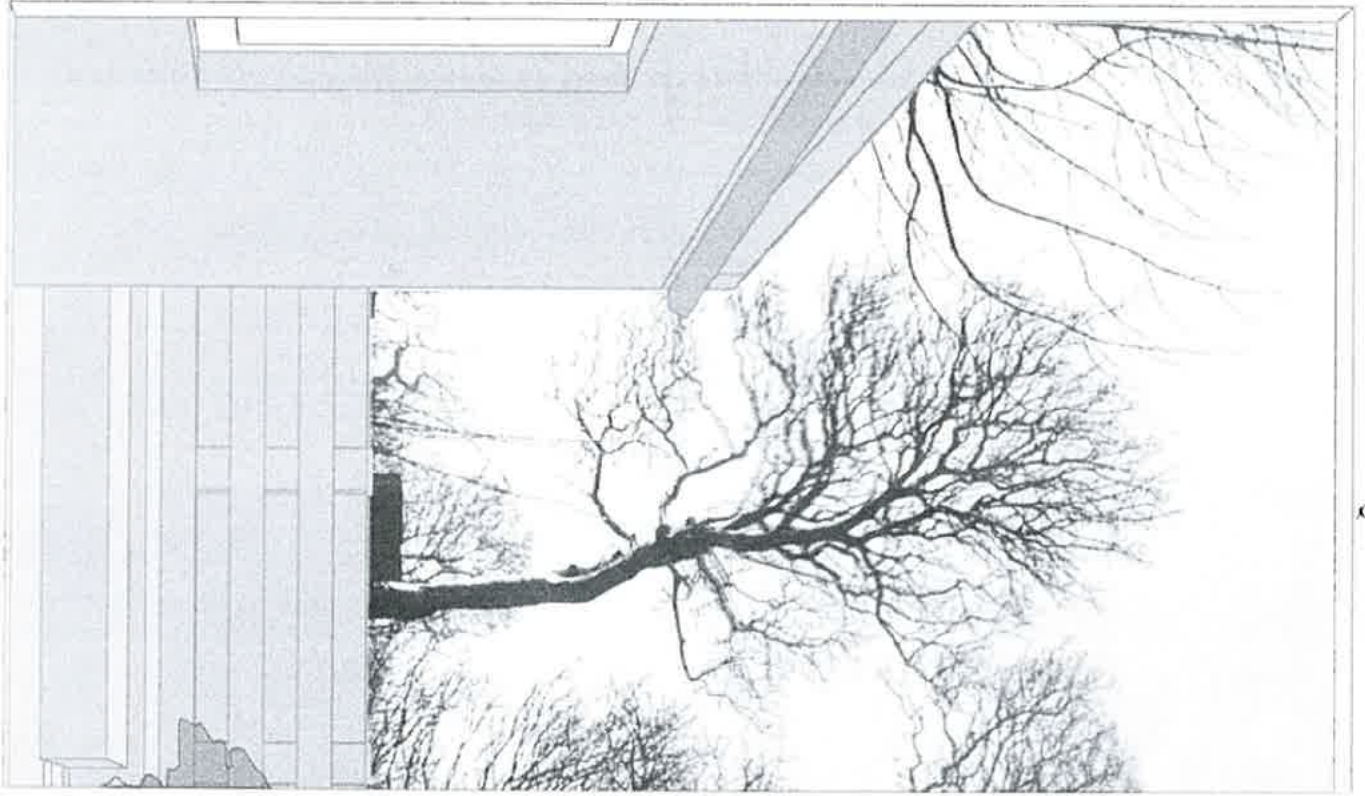
A canopy of mature trees along Calderside Road obscures the building, which features an elevated gable that looks out across fields to the southeast. A corten steel folded pitch roof pays homage to the terracotta roofs of its neighbours while a painted steel collonade draws inspiration from the adjacent steading.

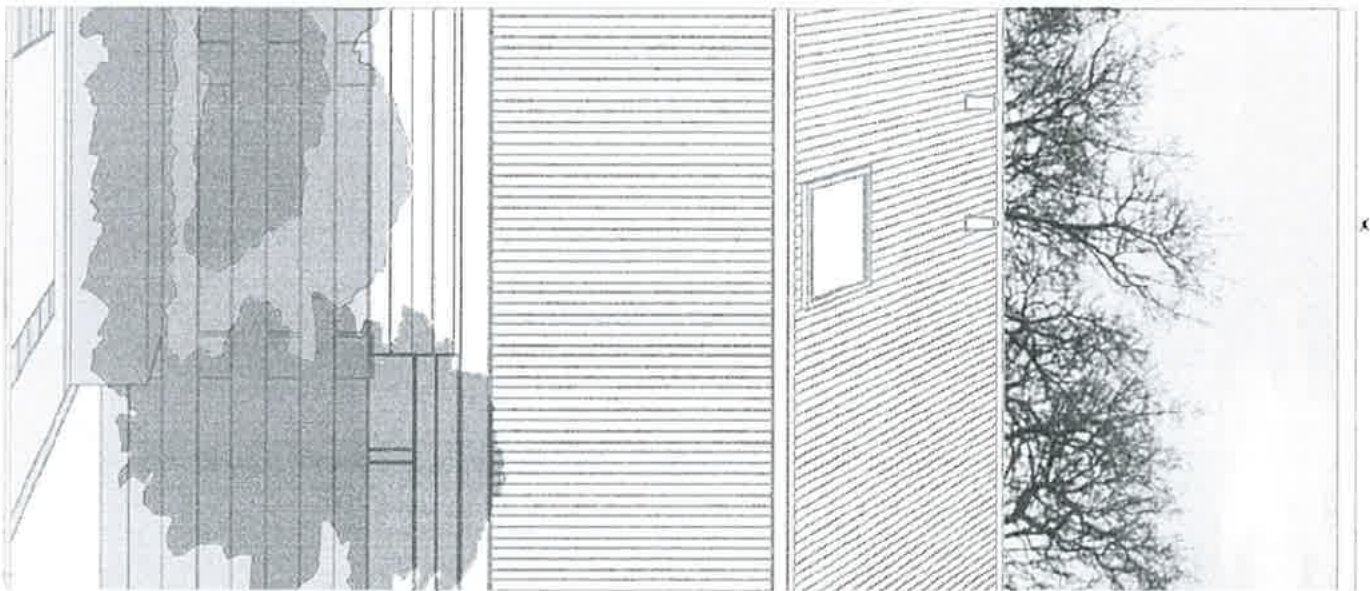


Bookending an established run of cottages the home follows residential conversion of nearby steadings



The new home builds on the established residential character of the area







Application for Planning Permission



MR P CESARI

Application for Erection of New Home

Land at Calderside Road, New Mains, Fenton Barns, East Lothian

PLANNING SUPPORT STATEMENT

February 2023

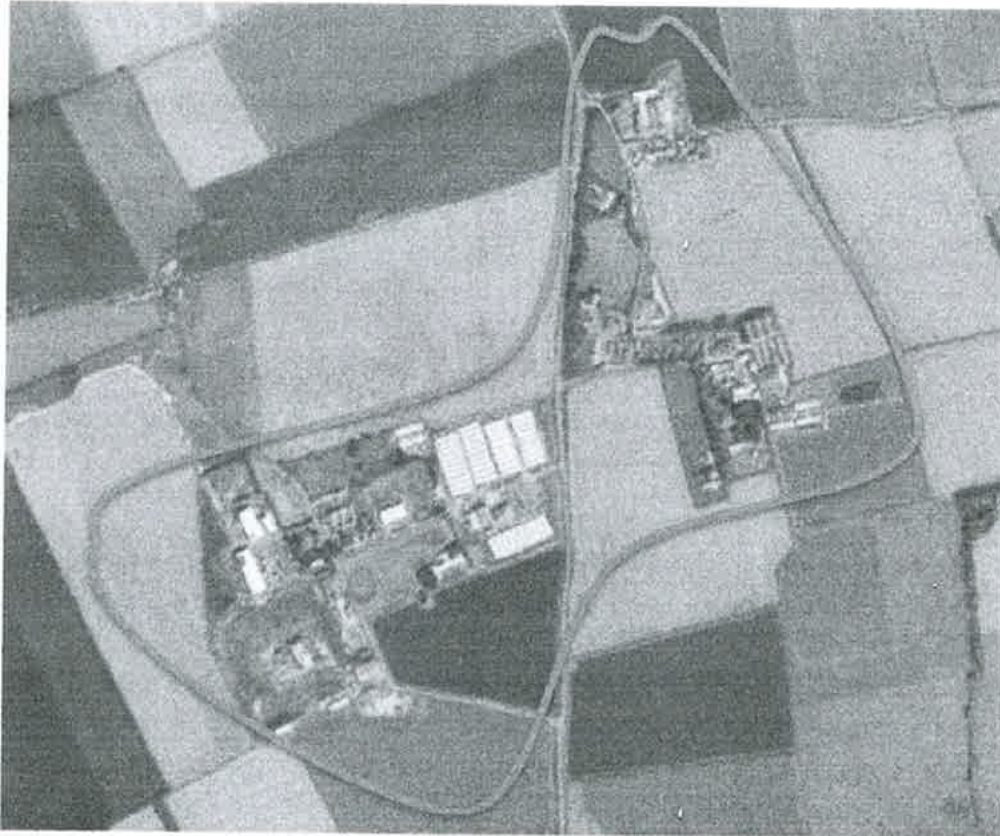
apt planning &
development

6 High Street
East Linton
EH40 3 AB

T – 07747 780 852

tony@apt-plandevlop.co.uk

www.apt-plandevlop.co.uk



Planning History

Planning application for private dwelling in late 1980s - refused

11. There is no specific planning history for this site though a previous application (14/00733/PP) for the erection of a new house on garden ground to the east of the application site was refused in November 2014. That application was different in that it sought the development of a piece of existing garden ground, set back from the existing building line and cluster.
12. This application seeks development on land which sits comfortably within the surrounding cluster of homes. The refusal of 14/00733/PP was also under the previous Local Plan and not relating to the 2018 East Lothian Local Development Plan.

Design Principles

13. Scottish Planning Policy supports sustainable development and encourages a design-led approach. We have no doubt that the proposed development will also meet the six qualities of successful place (though clearly on a small scale). The application is for this modest one and a half storey home on this previously developed site.

DC3: Replacement Dwellings in the Countryside. This policy outlines exemptions to the general presumption against new housing in the countryside and states that replacement dwellings would be supported in principle where it is a like for like replacement of a dwelling recently rendered uninhabitable or to replace an existing dwelling that is incapable of inhabitation.

The proposed development cannot accord with DC3 though the proposal does seek to utilise a previously developed site. Flexibility can be applied to enable limited development on this site - a previously developed site that relates well to neighbouring uses. The proposed home is of an appropriate scale to the locality and sits within an established and clearly defined cluster of homes (and amongst a much wider group of both residential and commercial buildings).

DC4: New Build Housing in the Countryside. New build housing, where there is no existing house/existing building suitable for conversion to a house, will only be supported in the countryside if it is required to meet an operational business need, or if it is for affordable housing and satisfies the terms of NH1.

The proposed development seeks to utilise this previously developed site. Given the site specific characteristics and circumstances the creation of a home on the application site can be justified. The proposal is small scale (a single house) and forms a logical addition to the existing cluster of buildings. perched on a busy corner well in front of unofficial building lines

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.

There are four mature trees on the western boundary of the site (and a fifth tree in the grounds of the neighbouring property to the east). A tree survey has been undertaken by Hinshelwood Arboricultural Consultants which has advised on the appropriate construction methods to protect the long-term health of the trees. All will be retained and provide an attractive setting for development.

**DP1:
Landscape
Character**

All new development must be well integrated into its surroundings and retain and where appropriate enhance existing natural and physical features, incorporating these into the design in a positive way. It must include appropriate landscaping/multifunctional green infrastructure/open spaces to unify and integrate it into its surroundings.

The landscape character will not be compromised by the proposed development. The site is easily capable of accommodating the proposed home and the proposals have been sensitively designed to utilise the existing built form. The design pays particular attention to the landscape backdrop retaining a number of mature trees whilst enabling the improvement of the overall appearance of the site. The development of a sustainable, attractive and appropriate new home will enhance the view of the site, especially when viewed from the south.

The proposed development complies with Policy DP1: Landscape Character.

DP2: Design

The Council requires good design and the design of all new development proposals must meet a number of specific criteria. Those relevant to this application are listed below and the design of the proposed new build should take into account:

1. Appropriateness to the location;
2. Siting, density and design;
3. Positioning and orientation of buildings;
4. Distinguishing public space from private space;
5. Ensuring privacy and amenity; and
6. Retaining physical or natural features;
7. Suitably serviced and accessed.

The proposed development is entirely appropriate to its location. As the application drawings and visualisations illustrate the proposal is for a simple, attractive new home. The frontage and choice of materials are appropriate for the location and a key aim for the home will be for it to be resource efficient. It will be well integrated into its surroundings (with no impact on the neighbouring properties in terms of privacy/ amenity), and does not require the removal of any trees. The site is suitably serviced and accessed and a home in this location will provide an appropriate conversion and use of the existing property.

The proposed development complies with Policy DC2: Design.

timber and corten sheets as opposed to stone and pantiles !!

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

This policy outlines specific criteria that need to be met before the principle of development can be supported within infill and backland locations.

We acknowledge that this site is in a countryside setting and outwith the scope of the policy, but believe that all of the criteria outlined in DP7 can apply to a gap site in the countryside and specifically this application. The proposed development meets ALL of the criteria outlined in this policy. The site can comfortably accommodate the entire development; it offers a good level of privacy and amenity to both the existing occupants of neighbouring properties and the occupants of the new home. The scale/design and density of the development is sympathetic to its surroundings – it is not overdevelopment and there is no material loss of green land, open space or physical or natural features.

Conclusions

22. This site provides the opportunity to present an innovative and resource efficient addition to the residential properties at New Mains, an existing hamlet and wider cluster of residential and commercial properties at Fenton Barns. The proposals would see the delivery of a new sustainable and attractive new home on the western edge of an existing row of properties and relating well to Fenton Steading immediately to the north.
23. The proposed development will have no impact on the wider landscape setting and would relate well to the existing group of homes. In fact the development would be a significant improvement on the current state of the plot.
24. The proposed home is an appropriate addition to an existing identifiable building group. It is an infill, gap site. Not really
25. The recently adopted **National Planning Policy 4** provides a positive context in the reuse of brownfield land for the development of rural homes. These proposals pass that particular test alongside other key tests in NPF4.
26. Concern is consistently raised about protecting East Lothian from isolated and sporadic development in the countryside. In its immediate and wider context, this site is neither. It is part of an established group of homes and commercial properties and is within easy reach of key services and infrastructure.
27. We would assert that each application must be determined on its individual merits and whilst it does not meet all of the LDP planning policy tests set out above this does not and should not, in itself preclude development on this site.
28. Planning should concentrate on the **outcome** of a process. In this instance, the **outcome** will be the delivery of an attractive, appropriate new family home on a previously developed home, sitting comfortably within a wider built environment and addressing an existing **gap** site.
29. Each planning policy cannot possibly relate to every application, to every circumstance, but provides a framework within which decisions are taken and a logical decision in this instance would be to permit the redevelopment of this previously developed site. The assessment of proposals against planning policy must be reasonable to the site specific nature of each application. One of the fundamental foundations of the planning system is that each application must be judged on its own merits.





From: [REDACTED]
Subject: [Environment Reception](#)
Date: Planning Application 23/00209/P
12 April 2023 13:32:14

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

> I refer to the neighbour notification regarding the above planning application.

>

> First of all, I wish to point out the 21 days to respond coincides with the Easter holiday period. The consultation period of the previous application, later withdrawn, coincided with the Christmas holiday period. I believe that this is no coincidence. This is being submitted within the time frame allowed but the timescale has obviously been curtailed by the timing of the notification.

Secondly, we are dismayed that the points made by neighbours regarding the original application have not been addressed. In fact, there is little or no difference from the original application.

Thirdly, the application appears to be incomplete. There is no drawing for the south east elevation. This should be added and a further period for consultation allowed.

>

> While broadly welcoming the development of the site, there are a few comments on the application that should be considered, as follows.

>

> 1. Height of the proposed dwelling: this will adversely affect the sunlight to the conservatory of the cottage next door. It will also adversely affect sunlight to the property at 2 Fenton Steading, particularly during winter months when the sun is low. Situated next to one-storey cottages at one side and 1 1/2 storeys on the other, I am surprised that the application is for full two-storey height. I suggest that this be reduced to 1 1/2 story height for reasons stated above.

>

> 2. Drainage: As you are no doubt aware, there is a drainage problem in the area with sewer already at full capacity. What action is being taken with this development to alleviate that problem?

>

> 3. Parking: What provision is being made for visitor parking? There are only two parking spaces: one in the car port and one in front of that. The road is unsafe for parking due to the wide turning required for haulage vehicles turning into Andrew Black's facilities and delivery lorries to the builder's yard opposite. Parking on the road creates a sight line problem for vehicles leaving the Steading and from the mushroom farm road. We also do not want unauthorised parking in the Steading car park, particularly as it is at capacity already.

>

> 4. Trees: There are four mature sycamore trees, as stated in the application. They are at high risk of damage during the development works. What precautions are being taken to preserve these trees?

>

> 5. Development Works: There is nothing in the Design and Access Statement that addresses the access during the development works. It is unsafe for delivery lorries to park on the road for reasons outlined above. Being a very tight site, where are materials going to be stored? How will lorries and machinery access the site? There is insufficient space between the trees to enable large vehicles access to the site. We are concerned about safety for neighbours, (that include young children) during the development and this issue has not been addressed in the planning application. We need to see and be consulted on detailed proposals for this.

>

> 5. In view of the fairly onerous planning conditions attached to the Fenton Steading development and others, even down to the non-standard colour of paint, I am surprised that there is no attempt to adhere to similar materials for the roof, i.e. pantiles. Can this please be addressed?

>

> Kind Regards

>

[REDACTED]

From: [REDACTED]
To: [Environment Reception](#)
Cc: [REDACTED]
Subject: Planning Application No 23/00209/P
Date: 18 April 2023 09:19:38

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

Thank you for the Neighbour Notification notice regarding the planning application referenced in the subject of this email and for providing the opportunity for comment. My wife and my family live at [REDACTED].

We generally welcome the proposal and are pleased that the site will be used for new residential property rather than further commercial development. We're also grateful that the design largely considers local aesthetics.

We would like to note the following:

1. Regarding drainage, we are confused by the application's assertion that service is available from existing connections on the site since we're unaware that any such exists. If it refers to a connection to the sewage treatment works to the south of the site, these were determined to be unsuitable for another application in the nearby vicinity so presumably are unsuitable for any other application. Drainage is a significant issue in the local area and we're keen to understand how it will be resolved.
2. Regarding parking and access, we are pleased to understand from the application that there is no intention that parking will be required in the car parks at Fenton Steading. This private parking is explicitly provided for residents and visitors of the Steading and is currently oversubscribed. We're also concerned about any possible parking on the road or the corner that would block access. Furthermore, while not directly an issue for us, we'd also note any parking on the road will likely cause considerable difficulties for the HGVs that pass along the road multiple times a day to access Andrew Black Limited; any blockages would likely have a serious impact on residents at Fenton Steading.
3. As noted, we're grateful the design has considered the existing environment with the intention that the new property will fit into the local setting. However, one aspect that does not conform with the existing properties is the choice of roofing material. We would respectfully suggest the use of terracotta tiles per the existing buildings.

Finally, we take issue with the application's assertion that the site was "an abandoned corner gap site". My wife has spent the last six years tending the site as an allotment, helping to feed my family and providing her with significant enjoyment and associated health benefits (the site was also used as an allotment by previous tenants before my wife took over). It's only in the last year since the new owner withdrew their permission and my wife stopped tending the allotment that it has become derelict and a mess.

The new owner has used it as a dumping ground for various rubbish (tyres, plastic drums filled with bits of wood and metal, etc). We feel that this was intentional so that the site could be described as such in this application. While this is the new owner's prerogative,

and we understand that it is not a valid basis for any objection, describing it as "an abandoned corner gap site" is only applicable since they took possession, and we strongly feel it is a situation that has been deliberately created for the purpose of this application.

We hope these comments are useful and are submitted in time. We have, of course, discussed these issues with other residents at Fenton Steading, and I expect you may receive similar submissions.

Please feel free to contact us for any further information.

Kind regards,

[Redacted signature]

--
[Redacted signature]

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I give full support to the above planning application. I think the building will give a positive impact to a derelict site that currently has no use. I also think the building design has been considered well with main windows looking out to open land.

Speaking for
Scotland's Buildings
AHSS East Lothian Cases Panel,



Planning and Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian EH41 3HA
f.a.o. Julie McLair

Our Ref. 23.Fenton Barns/2

by email: environment@eastlothian.gov.uk

8th April 2023

Dear Ms McLair

Erection of 1 house and associated works: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Planning application: 23/00209/P

The Society wishes to register its **OBJECTIONS** to this application.

Fenton New Mains is an exemplary steading conversion, widely praised at the time of its completion. It respects the Council's Supplementary Planning guidance on farm steading design (October 2018) and the advice in HES's Guide for Practitioners: *Rural Buildings of the Lothians - Conservation and Conversion* (1999). Although not statutory, both these pieces of guidance are a material planning consideration. The present application's failure to respect them is **OBJECTIONABLE**. In the opinion of the Society, it would furthermore **UNDERMINE THE COUNCIL'S CREDIBILITY** if this overbearingly massed and inappropriately orientated building, with non-traditional materials and clumsy detailing, were to be approved.

The Society stands by its **OBJECTIONS** to the earlier almost identical proposals submitted by this applicant and subsequently withdrawn.

To recap, we consider this site suitable for a small house aligned with, and on the scale of, the single storey cottages to the west. But we see it as entirely unsuitable for the house proposed in the present application. The applicant's claim that the proposal is "*small in scale*" and "*very much in keeping with the surrounding houses*" is spurious.

Chairman: Martin Robertson

The Society OBJECTS to this application on the following specific grounds:

1) LDP Policy **DP2**. Far from being "***entirely appropriate to its location***" as this policy requires and as the applicants claim, the house would be out of scale (2 storeys, thinly disguised, not one-and-a-half), wrongly aligned (being the only building in the steading/cottages group aligned north/south rather than east/west) and built in inappropriate materials, especially the proposed corrugated corten steel roof. The alignment of this roof with that of the steading to the rear is achievable only because of the fall in ground level. The new house would read as a more substantial building than the steading, let alone the cottages, with whose eaves it could in no way be said to "broadly align."

The eaves of the new house would be higher and on a ninety-degree angle to the cottage eaves

2) LDP Policy **DP7**, which provides that "***the scale, design and density of the proposed development will be sympathetic to its surroundings***" and that "***overdevelopment of the site will be unacceptable.***" The applicants' claim that their proposal would be of a "*scale/design/density sympathetic to location*" is inaccurate. See above. The opposite is the case. The idea that dressing the west and south elevations with out-of-scale pillars would somehow evoke the short cast iron pillars which are used unobtrusively in the steading is equally unconvincing.

The basic approach of this proposal as well as its detail are, in the Society's opinion, misconceived.

Yours faithfully,

The AHSS East Lothian Cases Panel

c.c. Historic Environment Scotland [REDACTED]
AHSS National Office nationaloffice@ahss.org.uk

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rutland Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I work in this area and believe a dwelling of this style in this location is nothing but a positive for the area.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am familiar with the work and integrity of the Planning Applicant and therefore have no doubt that the property he plans will be constructed and finished to a high standard, drawing from his skills, workmanship and experience, as well as the talents of associated practitioners in the relevant trades.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think this house will really fit in to the keeping of the community. And from viewing all the planning details this will not be an eye sore

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think this house will bring real character to the area & will be a really positive enhancement

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am in support of this planning application. I have been aware of the potential of this site for a number of years and feel the scheme proposed makes very good use of a brownfield site with a lovely design in keeping with the surroundings.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think it's a fantastic application, a lovely mix of tasteful modern design and traditional design. I think it is a positive contribution and works well with the surrounding houses.

I love the design, I would be more than happy to live next to such a lovely property. In fact I would rather live in it, the architect has done an amazing job and it will make a stunning family home.

From: [REDACTED]
To: [Planning \(NOT FOR PUBLIC ENQUIRIES\)](#)
Subject: RE: C
Date: 01 April 2023 17:50:05

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

The proposed house looks fantastic, I think it will not give someone a beautiful home but both fit in and improve the surrounding area.

Nice to see modern houses fitting it so well to the surrounding area.

Warm regards

[REDACTED]

Sent from my Galaxy

----- Original message -----
From: planning@eastlothian.gov.uk
Date: 31/03/2023 12:55 (GMT-05:00)
[REDACTED]
Subject: C

Comments for Planning Application 23/00209/P

Dear Sir/Madam,

[REDACTED]

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 31/03/2023 6:55 PM from [REDACTED]

Application Summary

Address:	Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian
Proposal:	Erection of 1 house and associated works
Case Officer:	Julie McLair

[Click for further information](#)

Customer Details

Name:	[REDACTED]
Email:	[REDACTED]
Address:	[REDACTED]

Comments Details

Commenter Type:	Member of Public
Stance:	Customer made comments in support of the Planning Application
Reasons for comment:	

Comments: I think it's a fantastic application, a lovely mix of tasteful modern design and traditional design. I think it is a positive contribution and works well with the surrounding houses.

I love the design, I would be more than happy to live next to such a lovely property. In fact I would rather live in it, the architect has done an amazing job and it will make a stunning family home.

Kind regards

Email Disclaimer - East Lothian Council

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and can be intercepted, corrupted or amended without the knowledge of the sender. East Lothian Council do not accept liability for errors or omissions arising as a result of interrupted or defective transmission.



Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Great idea. I think it would finish that corner of perfectly.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The proposal would bring a derelict site back into positive use which would benefit the area! The design is striking and would be a great addition to the area.

Mark

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Looking forward to this build in East Lothian, great to see building innovation within the area. A real compliment to Fenton barns.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be a great addition to the area, and fits in in terms of scale, massing, form and material. The contemporary nature of the design would make a positive contribution to the area and avoid pastiche or ugly imitation. Sonia Browse Architects have won major architectural awards and such a scheme by them would be beneficial to the area's built heritage in the long term.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This proposal seeks to occupy a natural gap site clearly within the defined parameters and building pattern of the existing settlement of Fenton Newmains, while offering a sympathetic and appropriately scaled addition.

The relationship and clear material language complements those existing rural structures and will work to enhance the surrounding buildings. The retention of the mature trees along the west boundary is encouraging and will serve to protect and screen the proposed development.

This has to be considered a positive addition to the existing pattern of rural buildings, with exemplary use of material and detailing - a fine contemporary design that is influenced heavily by the existing traditional architecture that surrounds it while offering a purposeful solution to the site for modern living.

Comments for Planning Application 23/00209/P

Application Summary

Application Number: 23/00209/P

Address: Site Adjacent To West Cottage Fenton New Mains Road Fenton Barns East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Julie McLair

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I wish to register my support for this application.

The proposed contemporary house will sit beautifully beneath the existing mature sycamore trees and will positively contribute to the existing, distinctive settlement of Fenton Newmains.

Utilising corrugated Corten cladding on a dual pitch and gable form innovatively reflects the terracotta tiles and massing of the existing cottages.

The new building will have a beneficial impact on the corner of Calderside Road and Fenton Newmains Cottages.

Relevant Development Plan Policies for Application 23/00209/P Erection of 1 house and associated works at site adjacent to West Cottage, Fenton New Mains Road, Fenton Barns, East Lothian

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the climate and nature crises);

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 3 (Biodiversity);

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria: i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long term retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered.

c) 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. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 5 (Soils);

Policy 5 a) Development proposals will only be supported if they are designed and constructed: i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

Policy 6 (Forestry, woodland and trees);

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

Policy 13 (Sustainable Transport);

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

Policy 14 (Design, Quality and Place)

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported

Policy 16 (Quality Homes);

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i. the proposal is supported by an agreed timescale for build-out; and

ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;

iii. and either:

- a) delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained;
- b) or the proposal is consistent with policy on rural homes;
- c) or the proposal is for smaller scale opportunities within an existing settlement boundary;
- d) or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan

Policy 17 (Rural Homes);

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

i. is on a site allocated for housing within the LDP;

ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;

iii. reuses a redundant or unused building;

iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

vi. is for a single home for the retirement succession of a viable farm holding;

vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal: i. supports and sustains existing fragile communities; ii. supports identified local housing outcomes; and Part 2 – National Planning Policy National Planning Framework 4 – Revised Draft 66 iii. is suitable in terms of location, access, and environmental impact.

Policy 29 (Rural Development):

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location

East Lothian Local Development Plan 2018 (ELLDP)

Policy DC1 (Rural Diversification)

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for: a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or b) other businesses that have an operational requirement for a

countryside location, including tourism and leisure uses. Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Policy DC4 (New Build Housing in the Countryside);

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

Policy DC5 (Housing as Enabling Development);

Housing in the countryside may exceptionally be supported as enabling development where it will:
a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside;

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.

Policy NH7 (Protecting Soils);

Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless:

- It is to implement a proposal of this plan, or
- It is necessary to meet an established need and no other suitable site is available; or
- It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; and
- The layout, design and construction methods of development minimises the amount of such land that is affected, taking into account the design policies of the 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.

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.

Policy T2 (General Transport Impact):

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;

- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic. Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

Schedule of Conditions for 23/00209/P if appeal upheld

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

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

a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;

b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and

c. the ridge height of the proposed building shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 3 A schedule and/or samples of all of the external finishing materials and finishing colours to be used in the external finishes of the house hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. Thereafter, the external finishing materials and colours used shall accord with the schedule and/or samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the area.

- 4 Prior to the commencement of development a detailed drawing showing the site layout with a double length driveway of 3m by 11m leading to the car port with the width maintained at 3m into the car port area shall be submitted for approval. Prior to the occupation of the house hereby approved, the approved vehicular access and parking arrangement shall be laid out and made available for use, and thereafter the access and parking area shall be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the provision of an acceptable standard of vehicular access and parking in the interests of road safety.

- 5 No trees which are to be retained on the site shall be damaged or uprooted, felled, lopped, or topped without the prior written consent of the Planning Authority.

Reason:

To ensure the retention of trees important to the character and appearance of the area.

- 6 No development shall take place on site until all existing trees to be retained on the site have been protected by a fence, to be approved in writing by the Planning Authority, erected around each tree or group of vegetation at a distance from each tree trunk commensurate with the tree crownspread or such distances as may be agreed in writing by the Planning Authority. Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

- 7 Following any site demolition that may be required but prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

(i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);

(ii) A Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:

(i) A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;

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

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

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

- (a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.
- (b) The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to the use of the new development.

In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no unexpected ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Reason:

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

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

Reason:

To minimise the environmental impact of the development.