

LOCAL REVIEW BODY

30th November 2023

Application No: 23/00600/P

1 Marketgate, Ormiston

Appointed Officer's Submission

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App Ref: 23/00600/P

Address: 1 Marketgate, Ormiston, East Lothian, EH35 5LS

Proposal: Replacement windows and doors

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 - NPF4 – Policy 16
 - LDP 2018 – Policy CH2
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 - Cultural Heritage and Built Environment SPG 2018 Extract - Replacement windows within Conservation Areas

[NB: There is no Schedule of Conditions for this application.]

OFFICER REPORT

13th July 2023

App No. **23/00600/P**

Application registered on **5th June 2023**
Target Date **4th August 2023**

Proposal	Replacement windows and doors	SDELL	Y
		CDEL	N
Location	1 Marketgate Ormiston East Lothian EH35 5LS	Bad Neighbour Development	N

APPLICANT: **Mr G. and Mrs T. Paton**

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

**c/o Lochinvar Developments Ltd
Per Marcin Janaszek
25 Fisherrow Industrial Estate
Newhailes Road
Musselburgh
EH21 6RU**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSAL

The application site relates to a semi-detached single storey house with associated garden ground. The property is located within a residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The site is also located within the Ormiston Conservation Area.

The property is bounded to the north and west by neighbouring residential properties, and to the east and south by the public road.

In May 2023 planning permission Ref: 23/00136/P, was submitted which proposed the replacement of all the timber framed windows and doors of the house with UPVC framed windows and doors. However, on the advice of the Planning Officer that application was amended and the replacement windows proposed for the south and east elevations of the house were replaced with double glazed timber framed windows and doors. The reason for this change was to safeguard the character and appearance of the Ormiston Conservation Area.

Planning permission is now again sought for the replacement of all the windows and doors of the house with UPVC framed windows and doors. The glazing pattern of the windows and doors would replicate that of the windows and doors they would replace.

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 7 (Historic Assets and Place), 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 are relevant to the determination of this application. Policies CH2 (Development in a Conservation Area) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: Revised January 2020.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018 and provides policy guidance on replacement windows in buildings which are in a conservation area.

The policy guidance set out in the SPG states that the replacement of a window in a building in a conservation area must preserve or enhance the area's special architectural or historic character. This will normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained. The only exceptions to this will be:

- i) Multiple glazing where there is no visible difference between that proposed and the original style of window;
- ii) If the building itself does not contribute positively to the character or the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area; and
- iii) If the window cannot be seen from a public place.

Also material to the determination of this planning application is the planning history for the application site.

REPRESENTATIONS

Three letters of objection have been received to the application. The main grounds of objection are:

- * Property was part of the historic farm (Marketgate Farm);
- * The group of historic farm buildings enhance the character of the Conservation Area;
- * South and east elevations of the house are visible from the road and are timber construction;
- * uPVC replacement are not like for like and contrary to policy;
- * proposed would harm the character of the building and its surroundings – made more so since previous approval of timber;
- * south and east elevations visible from public realm and Conservation Area;
- * previously accepted by applicant to propose wood under previous submission;
- * no justification over changes;
- * no window or heritage survey;
- * introduction of uPVC at Marketgate would damage the strong visual contribution which 1 Marketgate makes to the Ormiston CA;
- * contrary to policy CH2 and DP5 of the ELLDP;

As this property is not a listed building then there is no requirement to submit a window or heritage survey with the application.

Neither is there a requirement for the applicant to justify the changes made to this planning application from the previous planning permission.

PLANNING ASSESSMENT

The proposed replacement windows and door would not harm the residential amenity of any neighbouring properties.

Marketgate is located to the north of, and is accessed from Main Street in Ormiston. It is a cul de sac that is in 2 distinct parts which are separated by the applicant's house. The southern part of Marketgate, which includes the applicant's house comprises a group of former agricultural type buildings that have been converted to housing along with the associated Marketgate Farmhouse. These houses and buildings are readily visible from Main Street, are of traditional character and appearance and both individually and cumulatively make a positive contribution to the character and appearance of the Ormiston Conservation Area. The timber framed windows and doors in the south and east elevations of the applicant's house are an intrinsic part of the character of the house and of this part of the Ormiston Conservation Area.

To the north of the applicant's house Marketgate is characterised by more modern style infill housing which, due to the positioning and orientation of the applicant's house are not readily visible from Main Street. Consequently the houses and buildings in this part of northern part of Marketgate do not make the same positive contribution to the character and appearance of

Ormiston Conservation Area. Therefore the introduction of UPVC framed windows and doors has been accepted as such replacement windows and doors do not harm the character and appearance of the Ormiston Conservation Area.

Likewise, due to the positioning and orientation of the applicant's house, its north and west elevations are not readily visible from Main Street and do not make the same positive contribution to the group of former agricultural buildings and to the character and appearance of the Ormiston Conservation Area as its south and east elevations. Therefore it was accepted through the determination of planning application 23/00136/P that the replacement of the timber framed and astragalled windows and doors on the north and west elevations of the house with UPVC framed windows and doors would not harm the character and appearance of the Ormiston Conservation Area and was acceptable. There is no good reason in the determination of this planning application to take a different decision. Therefore the replacement windows proposed for the north and west elevations of the house would not harm the character and appearance of the house or the character and appearance of the Ormiston Conservation Area.

In contrast, as the south and east elevations of the house are readily visible from public places then the proposed replacement UPVC framed windows and doors would be readily visible. If, as proposed, the white painted timber framed sash and case windows and doors were to be replaced with white coloured uPVC framed windows and doors they would, with their thicker frames and non traditional astragals, be visibly different in appearance to the windows and doors they would replace. This difference would not preserve the positive contribution the traditional timber framed sash and case windows and timber doors make to the character and appearance of the house and to the special architectural or historic interest of the Ormiston Conservation Area. Consequently the loss of the existing windows and doors and their replacement with UPVC framed windows and doors would neither preserve nor enhance, but would be harmful to, the character and appearance of the house and the character and appearance of this part of the Ormiston Conservation Area contrary to Policy 7 of NPF4 and Policies CH2 and DP5 of the adopted ELLDP 2018 and relevant Cultural and Built Heritage SPG of the ELLDP.

Additionally, the proposal if approved, would set an undesirable precedent for the installation of uPVC windows in similar contexts that are prominent and readily seen in the street scene and public realm. Over time, such changes would dilute the character and be detrimental to the special character and appearance of Ormiston Conservation Area.

Therefore, notwithstanding that the replacement windows and doors proposed for the north and west elevation of the house are acceptable as the windows and doors in the south and east elevation are unacceptable then the whole planning application should be refused planning permission.

The proposed replacement windows and doors in the south and east elevation of the house do not accord with Policy, 7 of NPF4 and with Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposals do not accord with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's discordance with the Development Plan.

REASON FOR REFUSAL:

- 1 The proposed replacement UPVC framed windows to be installed in the south and east elevations of the house with their thicker frames and non traditional astragals would be visibly different in appearance to the windows they would replace. Therefore the loss of the existing windows and doors and their replacement with the UPVC framed windows and doors would be harmful to the character and appearance of the building and to the character and appearance of this part of the Ormiston Conservation Area contrary to Policy 7 of NPF4, Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018 and contrary to the Council's supplementary Planning Guidance on 'Cultural Heritage and the Built Environment'.

LETTERS FROM



13th July 2023

From: [REDACTED]
To: [Environment Reception](#)
Subject: Planning Application Comment - 23/00600/23
Date: 25 June 2023 15:15:19

[REDACTED]

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.

Dear Sir,

I believe the above application in a conservation area will harm the character and appearance of the building, its surroundings and that of the adjacent buildings.

It is particularly confusing that this application has been made when a previous application (23/00136/P) has already been granted approval to proceed?

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
To: [Environment Reception](#)
Subject: Planning Application 23/000600/P
Date: 25 June 2023 17:47:44

[REDACTED]

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.

Dear Sir/Madam

Replacement Windows and Doors, 1 Marketgate, Ormiston, East Lothian, EH35 5LS

I would like to register my objection to the above planning application.

1 Marketgate lies within the Ormiston Conservation Area and is also a prominent part of the group of buildings which previously formed Marketgate Farm. The south and east facing elevations are easily visible from the road and both the individual building of 1 Marketgate, and the former farm group, enhance the character of the conservation area.

The current visible windows and doors for the property are timber. I understand that the current Council Guidance is for any replacement windows and doors to be of the same design and materials as the original. The proposed replacement windows and doors, whilst echoing the original design, are to be of uPVC and not timber, which goes against current policy.

Allowing uPVC replacement windows for the properties in the conservation area may also set a precedent for other properties, which would be to the detriment of the area's character.

Yours faithfully

[REDACTED]

Sent from my iPad

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. Mr Billy Stark

Our ref: 23.EH35 5LS

by email: environment@eastlothian.gov.uk

29 June 2023

Dear Mr Stark

1 Marketgate Ormiston East Lothian EH35 5LS : Replacement windows and doors

Planning application: 23/00600/P

The Society is puzzled by this application and wishes to **OBJECT**.

To the naked eye 23/00600/P is indistinguishable from the earlier application 23/00136/P. The Council were able to approve this recent application after the applicant accepted that the replacement windows in the east and south elevations, both of which are visible from a public place in the CA, should be in wood, not upvc. The justification for these conditions was fully examined in the Officer's Report in terms of **NPF4**, **LDP2018**, and **Supplementary Planning guidance**.

The present application is presumably intended as a challenge to the earlier ruling. However, it contains no reasons as to why that decision should be changed. There is still no window survey or Heritage Assessment; and the application's Supplementary Statement is identical with the earlier one. The Society's objection is based on its judgement that the intrusion of upvc windows would damage the strong visual contribution which 1 Marketgate makes to the Ormiston CA. The wide entrance to the Marketgate area, which Number 1 so boldly defines, has strong heritage resonance. It frames an intriguing reminder of the mixed activities which characterised John Cockburn's original new village. Replacing the wooden windows with upvc would introduce a non-traditional material which, by its nature, contains inappropriate design elements, notably in the corner joints.

We see the main policy objection as being **CH2**, which requires development proposals within or affecting a Conservation Area to be "*designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.*" We also see it as contrary to **DP5's** requirement that alterations to existing buildings "*must be in keeping with the original building.*"

Chairman: Martin Robertson

A non-traditional material such as upvc has been found to fall well short in this respect. It has, moreover, been consistently ruled out by the Council where it can be viewed, as here, from a public space. No reason has been submitted which would lead the Society to believe that now would be an appropriate time for the Council to change its approach. On the contrary, the recent restatement of Scottish Government planning guidance in NPF4 suggests an expectation at the highest level that policy should be applied, if anything, more firmly.

The Society would be grateful if its objection could be registered and considered accordingly.

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

App No. 23/00600/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mr G. and Mrs T. Paton
c/o Lochinvar Developments Ltd
Per Marcin Janaszek
25 Fisherrow Industrial Estate
Newhailes Road
Musselburgh
EH21 6RU**

APPLICANT: Mr G. and Mrs T. Paton

With reference to your application registered on 5th June 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Replacement windows and doors

**at
1 Marketgate
Ormiston
East Lothian
EH35 5LS**

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

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

- 1 The proposed replacement UPVC framed windows to be installed in the south and east elevations of the house with their thicker frames and non traditional astragals would be visibly different in appearance to the windows they would replace. Therefore the loss of the existing windows and doors and their replacement with the UPVC framed windows and doors would be harmful to the character and appearance of the building and to the character and appearance of this part of the Ormiston Conservation Area contrary to Policy 7 of

NPF4, Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018 and contrary to the Council's supplementary Planning Guidance on 'Cultural Heritage and the Built Environment'.

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>
REPORT 01	-	30.05.2023
DWG 01	-	30.05.2023
DWG 02	-	30.05.2023
DWG 03	-	30.05.2023
DWG 04	-	30.05.2023
DWG 05	-	30.05.2023
DWG 06	-	30.05.2023
MANU LITERATURE 01	-	05.06.2023
MANU LITERATURE 02	-	05.06.2023

28th July 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.

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- 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.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- 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 impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[All other policies.](#)

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\) set out in Annex E](#).

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- 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:
 - 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; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Rural homes](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

Cultural Heritage

Background

6.37 East Lothian is rich in cultural heritage, which gives the area a strong identity and appeal to residents and visitors alike. This includes scheduled monuments, listed buildings, conservation areas, designed landscapes, battlefields and archaeological sites, as well as the context in which these features sit and the patterns of past use in the landscape and in settlements. The Council seeks to protect, conserve and where appropriate enhance these historic assets for future generations to enjoy while at the same time permitting beneficial development.

Development Affecting Listed Buildings

- 6.38 East Lothian contains around 2,700 properties and structures that are listed either individually or as part of a group. Each is classified as category 'A', 'B' or 'C' according to its relative importance. Listed building consent is required for any works or alterations that affect the character of a listed building, including the interior of the building and the removal of any object or structure fixed to it, such as plasterwork or a chimneypiece. Planning permission will also normally be required for external (but not internal) works.
- 6.39 Successful work to listed buildings is as a result of a full understanding of the historic asset, its special interest and character. Proposed alterations or extensions to listed buildings should ensure that the value of the building is not lost or its character undermined by insensitive changes. They should be complementary and of a high quality, both in design and use of materials. Planning decisions will be taken in accordance with the advice contained in national historic environment policies and guidance.
- 6.40 No listed building should be lost unless it has been demonstrated beyond reasonable doubt that every effort has been made to find practical ways of keeping it. Historic Environment Scotland Policy Statement outlines the tests against which proposed demolition of a listed building will be assessed.
- 6.41 The setting of a listed building can be affected by new development proposed within its curtilage, adjacent to it or visible from it. Development proposals should not interrupt key views of, from or to a listed building and should ensure that the presence of new development does not dominate or detract from the listed building in a way that affects understanding and appreciation of it.

- 6.42 Historic Environment Scotland will be consulted on planning applications that would affect a category A listed building or its setting, and on applications for listed building consent for works to category A and B listed buildings.

Policy CH1: Listed Buildings

Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

Development Affecting Conservation Areas

- 6.43 Conservation Area designation is used to identify areas of special architectural or historic interest. Planning decisions must ensure that the character or appearance of a Conservation Area is preserved or enhanced. There are currently 30 designated Conservation Areas in East Lothian and each has its own distinctive character.
- 6.44 Supplementary planning guidance will be published when this Plan is operative that will contain the Conservation Area Character Statements for 29 Conservation Areas and the more comprehensive Conservation Area Character Appraisal for Inveresk Conservation Area. The guidance will be a material consideration in planning decisions. In due course Character Statements will be replaced by more comprehensive Conservation Area Character Appraisals and Management Plans. The guidance also expands on the circumstances in which proposals for external wall treatment, alterations to shop fronts, external security, and advertisements will be supported within conservation areas. It also allows for reduced parking standards where positive townscape benefits can be demonstrated. These policies will also be material considerations in planning decisions. Proposed work affecting trees within Conservations Areas also requires the prior approval of the Council.
- 6.45 Design Statements can be used to describe and illustrate the design principles and design concepts of development proposals, including how these have been informed by relevant Conservation Area character statements or appraisals, and how the proposal would preserve or enhance the character or appearance of the Conservation Area. The circumstances where such statements will be required are set out in the Design chapter of this plan. Brief statements would be useful even for minor developments.

Policy CH2: Development Affecting Conservation Areas

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

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

Demolition of Unlisted Buildings

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

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

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

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

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

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

Development Affecting Scheduled Monuments and Archaeological Sites

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

Policy CH4: Scheduled Monuments and Archaeological Sites

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

1. How the masterplan design will be informed by and responds to the contextual analysis of the site and its surroundings;
2. The development strategy, including the access and transportation requirements, the use of building types, the location and nature of proposed land uses, the landscape, green network and open space strategy for the site, and any key public views as well as the nodes and focal points that must be retained and created;
3. How the proposal will be implemented setting out the phasing, timing and basic economic assumptions of development;
4. How the various development phases will be brought forward to ensure an overall consistency of design and layout with provision for the delivery of shared infrastructure;
5. Points of access to and within the site and any required off site road improvements, and how opportunities to maximise connections between the site, its surroundings and different development phases will be realised, including by pedestrian and cycle routes;
6. The hierarchy of the movement framework, including the streets to be treated as Home Zones / shared surface spaces and the safe routes to school;
7. A well connected network of multifunctional public spaces that have been designed together with the layout of buildings, accessed by a movement framework (road, cycle and footway network) that presumes in favour of walking and cycling in appropriate areas, and optimises the potential for integrated transport;
8. Indicative building lines and aspects of buildings adjacent to main thoroughfares and the public open space network that will ensure the creation of a sequence of welcoming, distinctive principal public spaces and a series of views through them;
9. Indicative cross sections of the principal thoroughfares and open spaces illustrating the relationships between buildings, public spaces and the use of public realm landscaping;
10. The locations for taller buildings and their maximum height;
11. The locations for higher, medium and low density areas with the density range;
12. How the design seeks to minimise resource consumption in its response to the contextual analysis through layout and building design, while complementing other requirements;
13. Indicative building design, colours and materials to be used on buildings to secure cohesive and harmonising development areas;
14. For housing development, the proportion and location of dwelling types, sizes and tenures, including the integration of affordable housing and the provision, location and means of integrating housing with any other proposed uses;
15. The size, shape and development capacity of the individual phasing land parcels;
16. The type, location and incorporation of Sustainable Urban Drainage Systems and the required provision of waste recycling facilities;
17. The anticipated location for visible utilities infrastructure housings, including electrical substations and gas compressor stations.

Extension and Alterations to Existing Buildings

- 7.18 Extensions and alterations must be well designed and respect the character of the existing building and its surroundings. Generally, any alteration or extensions of, an existing building should be designed to appear as an integral part of the original building. For example, if the original building has a pitched roof then it is likely that an extension will require a roof of similar pitch, particularly on prominent public elevations. Furthermore, the size of the extension should be such that it is not seen to overwhelm the existing building, leading to the existing building appearing subservient to the extension.
- 7.19 The scale and positioning of an extension should minimise any adverse effects on the privacy and amenity, including the effects of sunlighting and daylighting, of neighbouring properties. The amount of accommodation relative to the plot size, including the area of garden ground remaining, and the extension's proximity to property boundaries will also be considered. Such requirements will be most relevant for housing. Extensions to business and industrial premises are likely to reflect the more functional requirements of their use and location.

Policy DP5: Extensions and Alterations to Existing Buildings

All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;
2. For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;
3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;

Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.

- 7.20 The Town and County Planning (General Permitted Development) Scotland) Amendment Order 2014 extended permitted development rights for alterations to unlisted buildings outwith a conservation area to all classes of development other than buildings within Class 7 (Hotels and Hostels) and Class 11 (Assembly and Leisure). Consequently planning permission

8.0 Replacement Windows

- 8.1 Planning permission may be required to replace windows in buildings in a Conservation Area unless the replacement window matches exactly the existing window. If a building is listed, Listed Building Consent will be required.
- 8.2 Windows form an important part of the appearance of a building and therefore contribute significantly to the character and interest of conservation areas. Replacing windows in a style unsuited to the building can have a damaging impact on both the individual building and that of the immediate area.
- 8.3 Permission to replace a window will only be granted where the design and construction of the window does not harm the character and appearance of the building or its surroundings.
- 8.4 Timber framed windows in older properties can be repaired rather than requiring complete replacement. Historic Environment Scotland guidance for windows¹ that are of historic interest is that the repair of their components is preferable to replacement. Repair should therefore always be considered before, and is preferable to, replacement. This approach not only retains historically-important fabric and character, but is sustainable. Repair of existing windows does not require consent.
- 8.5 Where a replacement historic window is shown to be necessary and double glazing is required Historic Environment Scotland guidance notes that slim, thin or narrow-profile/section double-glazing allows more accurate replication of historic window patterns. In such windows, sections of sash meeting rails and astragal profiles should match the original as closely as possible, horns should only be provided if there is historical evidence for their use and through astragals should be provided. It is customary for window frames to be painted white or cream in East Lothian for consistency, any proposed exception to this will require to be justified.
- 8.6 The following applies to the different situations where window replacement is required:
- Replacement Windows in a Conservation Area:**
- 8.7 Planning permission is required to replace windows in all buildings in a Conservation Area, unless the replacement window matches exactly the existing window. If a building is also listed, Listed Building Consent will also be required.
- 8.8 Where windows are of historic interest, repair of their components is preferable to replacement and does not require planning permission. Permission to replace windows will only be granted where the design and construction of the windows does not harm the character and appearance of the building or its surroundings.
- 8.9 **Policy Guidance: The replacement of a window in a building in a conservation area must preserve or enhance the area's special architectural or historic character. This will normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained. The only exceptions to this will be:**

¹ Managing Change in the Historic Environment: Windows, Historic Environment Scotland, January 2018

- 1) Multiple glazing where there is no visible difference between that proposed and the original style of window.
- 2) If the building itself does not contribute positively to the character of the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area;
- 3) If the window cannot be seen from a public place.

Replacement Windows in a Listed Building:

- 8.10 In line with Policy CH1 Listed Buildings, in the case of any Listed Building, Listed Building Consent will be required for the replacement or alteration of an existing window and will only be permitted where they do not harm the architectural or historic character of the building. Repairs to original or historic windows using the original materials ("like for like") do not require either Planning Permission or Listed Building Consent. Where a window is proposed for replacement a survey report of the window must be submitted that demonstrates that the window cannot be repaired. The guidance box gives further information about the survey.
- 8.11 **Policy Guidance: Original windows in a listed building should be retained and, where necessary, repaired. Only where repair is shown to be impossible should replacement be accepted. Replacement windows will normally be required to exactly match the original window in all respects, including proportions of the window opening, opening methods, materials, colour, astragal profile if appropriate, and glazing. Permission will not be granted for a replacement window that is visibly different to an existing original window.**

GUIDANCE BOX:

Window Condition Survey: what should be in a survey?

It is recommended that a window condition survey be conducted and completed by someone who is knowledgeable in the field of architectural or building conservation e.g. a joiner.

The survey should include:

- each individual window;
- elevation drawings with the windows numbered;
- an accompanying proportionate amount of information about the type, age and condition of each window;
- photographs of each window that highlight areas of deterioration;

Additional information may be required for a more complex building or where significant historic windows are involved. For a straightforward residential property an annotated photo with the windows numbered and a short description of the window condition may be acceptable.

9.0 Development Affecting Trees in Conservation Areas

- 9.1 Trees have particular biodiversity, landscape and cultural value. The visual impact of trees within our conservation areas is often an important part of the overall quality of the

