

LOCAL REVIEW BODY

18th January 2024

Application No: 23/00373/P

Trabroun Farmhouse, Huntingdon, Macmerry

Appointed Officer's Submission

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Ref: 23/00373/P- Erection of 1 replacement house and associated works, Trabroun Farmhouse, Huntington, Macmerry, Haddington, EH41 3SX

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Schedule of Conditions (to refer to if appeal upheld)

OFFICER REPORT

12th June 2023

App No. **23/00373/P**

Application registered on **11th April 2023**
Target Date **10th June 2023**

Proposal	Erection of 1 replacement house and associated works	SDELL	N
		CDEL	N
Location	Trabroun Farmhouse Huntington Macmerry Haddington EH41 3SX	Bad Neighbour Development	N

APPLICANT: **Mr & Mrs Andrew Bain**

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

**c/o Richard Hall Architects
Per Richard Hall
The Studio
Broomybank
Heughfield Road
Bridge Of Earn
PH2 9BH**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to the detached single storey house and garden ground of Trabroun Farmhouse that is located some 1.6 miles to the northwest of Haddington and some 1.0 mile to the northeast of the village of Gladsmuir. It is within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The application site is some 0.48 hectares in size. The existing house occupies a roughly central position in its curtilage and is of a simple architectural style featuring a pitched roof clad in tiles and external walls finished in render. An integral garage is attached to its north elevation.

The application site is enclosed by high hedge planting on its east, west and south boundaries and to the north by a low stone wall featuring a driveway that provides vehicle access from a farm access track. The site is bounded to the east by agricultural land and to the west by an unclassified public road. The land to the south of the site has previously been planted as an orchard and is within the ownership of the applicant, beyond which is a terraced row of four cottages.

Trabroun Steading with Doocot, which is located some 7.5 metres to the north of the application site on the opposite side of the intervening farm access track, is listed as being of special architectural or historic interest, Category B. The Steading dates from circa 1830, and comprises the west range of a formerly quadrangular steading with a central pend with tower above incorporating a dovecot. The Steading buildings, which are predominantly single storey in height with the exception of the tower, are of rubble and ashlar stone construction with piended slate roofs.

Immediately to the rear of the listed steading buildings, and further to the east of those buildings, and to the northeast of the application site are further modern agricultural buildings, including grain storage and drying buildings.

Some 14 metres to the west of the application site on the opposite side of the public road is the eastern extent of the Elvingston Local Garden and Designed Landscape.

The application site is identified by The Coal Authority as being within an area at low risk from past mining related activities, and where The Coal Authority's Low Risk Standing Advice applies.

In November 2022 planning permission (ref: 21/00438/P) was sought for the erection of a house and garage on the current application site. That application was withdrawn prior to determination.

In August 2021 planning permission (ref: 20/01457/P) was granted for the erection of 1 house, garage and associated works on Land North Of Trabroun Farm some 60 meters to the north of the site of this application.

Through this application planning permission is sought for the erection of a new house with 2 floors of accommodation and associated works on the application site. To facilitate the erection of the new house it is proposed to demolish the existing house.

The proposed new house would extend over the footprint of the demolished house. It would be of an irregular shape and north facing. It would be composed of: i) a large pitched roof structure oriented east to west with living accommodation in its roofspace; ii) a smaller gabled pitch roof element to the west oriented north to south; and iii) a gabled pitched roof element to the east running north to south with a shallow pitched roof single storey outshot attached to its east elevation. An integral garage would attach to its north elevation.

The proposed new house would have a ground floor footprint of some 360 square meters and a first floor footprint of some 115 square meters. The main entrance to the house would be located within its north elevation and would be composed of an entrance doorway and a pitched roof porch finished in materials to match that of the main house. That entrance would provide access to a reception area, lounge, kitchen/dining area, shower room, office, music room utility/storage areas and two bedrooms at ground floor level. An internal stairway would lead to first floor landing providing access to two ensuite bedrooms and storage areas.

The proposed new house would have a ridge height of some 8 meters at its highest point. Its pitched roofs would be finished in natural slate. Its west (side) elevation walls would be constructed in natural stone, its north (front) and south (rear) walls would be finished in a mix

of stone and render and its east (side) external walls would be finished in render. Two pitched roof dormer windows and two rooflights would be installed within the south elevation roofslope and a pitched roof dormer and two rooflights within the north roofslope. It is further proposed that two extract flues are installed within the south elevation roofslope. All elevations would have glazed openings at ground floor levels composed of aluminium framed windows and glazed doors. The north and south pitched roof gable ends would feature large glazed panels at first floor levels. The east gable end would feature glazing and a glazed door providing access to a balcony at first floor level.

An external stone chimney would attach to the west elevation of the proposed house that would extend to a point some 1.2 meters above its proposed ridge height.

All rainwater goods would be finished in dark grey cast iron.

Proposals also involve the formation hardstanding patio areas and the erection of fencing. Garden areas would be provided to the side, front and rear of the proposed house.

Vehicular access to the house would be by way of a new access and driveway taken from the public road to the west of the site through the removal of a section of the existing hedge and the erection of stone pillars and 1.8 meters high timber gates. The proposed driveway would be finished in tarmac and serve a gravelled entrance courtyard. The existing access to the north would be infilled with stone to match the existing wall.

Demolition of the dwellinghouse is categorised as permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992 and therefore does not form part of the development the subject of this application.

Supporting information in the form of detailed drawings and a Supporting Statement and appended Structural Engineers Report (William Crowe Ltd, dated 30th September 2022) have been submitted in support of the application.

The Supporting Statement sets out a contextual analysis explaining that the existing dwellinghouse is of no architectural or historic value and has poor insulation and structural defects. Proposals are for its replacement with a modern highly insulated house appropriate for the site and to its setting and incorporating modern methods to minimise energy consumption. It informs that the proposals consider all of the energy involved in the manufacture of the proposed building's components and the resultant emissions as well as the future energy consumption of the building and its likely carbon footprint. It purports that the existing house would require to be demolished and rebuilt in order to achieve current Building Regulation U-value requirements. It further purports that the form, massing, proportion scale and siting of the proposed house provides a positive response to the listed steading to the north and its setting. It explains that the single storey northern wing of the proposed house would be similar in width to the existing steading building and would feature a similar pitched hipped roof. It further explains that the proposed house would extend further towards the western boundary of the application site reinforcing the enclosure of the formal foreground of the listed steading.

The appended Structural Engineers Report explains that the general construction of the existing house is timber kit and trussed rafter roof with rendered block external skin. It informs of structural defects in the roof sarking and in the timber kit construction of the house and identifies energy inefficiencies. It purports that the introduction of required wall insulation

would involve the removal of all existing external wall linings. It concludes that identified structural defects and energy inefficiencies would be resolved through the replacement of the existing house with a new house.

No cost analysis has been submitted with the application in terms of repair of defects to the existing house relative to the construction costs of the proposed new house.

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 (ELLDP).

Policies 7 (Historic assets and places), 17 (Rural homes) and 29 (Rural development) of NPF4 and policies DC1 (Rural Diversification), DC3 (Replacement Dwelling in the Countryside), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), CH1 (Listed Buildings), CH6 (Gardens and Designed Landscapes), (DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the ELLDP are relevant to the determination of the application.

No public objection has been received against the application. One representation in support of the application has been received.

The Councils Roads Services raise no objection to the proposals being satisfied that the proposed house could be safely accessed and provide an acceptable amount of on-site parking.

The Councils Senior Environmental Health Officer has been consulted and has no comment to make on the proposed development.

Scottish Water raise no objection to the proposals. They do however advise that whilst there is sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development there is no public waste water infrastructure within the vicinity of this proposed development and therefore advise investigation of private treatment options. A copy of Scottish Waters consultation response has been forwarded to agents for the applicant accordingly.

The proposed new house, by virtue of its position orientation, and distance from the nearest neighbouring residential properties would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential properties, nor would it result in any harmful overlooking of any neighbouring residential property.

Given its layout and positioning the proposed house would provide future occupants with a satisfactory level of privacy and residential amenity.

Information submitted as part of the application advises that should planning permission be granted the redundant orchard to the south will be integrated with the garden ground of the proposed house and additional meadow planting will be implemented to encourage and strengthen the biodiversity of the site.

The Councils Biodiversity Officer has been consulted on the application and has offered no response.

The Councils Landscape Officer has been consulted and has raised no objections to the proposals.

In relation to considerations of contaminated land issues the Council's Contaminated Land Officer advises that, due to the nature of the proposed development, a condition should be attached should planning permission be granted requiring that a suitable Geo-Environmental Assessment is carried out prior to any development of the site, with the Report(s) being made available to the Planning Authority for approval. Should any risks be identified a Remediation Statement will be required to be submitted for planning authority approval providing details of how the site is to be brought to a condition suitable for the intended use. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted to the planning authority for approval that demonstrates the effectiveness of the remediation carried out. In the event that unexpected ground contamination is encountered at any time when carrying out any 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.

These requirements could reasonably be secured through a condition attached to a grant of planning permission for the proposed development.

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 and detail 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.

Although the application site is adjacent to existing residential properties, these houses are not defined as a settlement in the ELLDP. Rather they are defined as being located within the countryside.

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 of the ELLDP 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. The proposed house is not being promoted to support an existing business or leisure use the principle of which would be supported by Policy DC1, therefore the proposal is contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy DC3 (Replacement Dwellings in the Countryside) of the adopted East Lothian Local Development Plan 2018, states that the principle of providing replacement dwellings in the countryside is considered acceptable when two criteria are met. Those criteria require that a proposed new house would:

- (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or
- ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building. Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant.

Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

The existing house is a single-storey detached bungalow with a footprint of some 195 square meters and is some 5.3 meters in height at its highest point. It is comprised of four bedrooms, a shower room, kitchen, dining room, lounge, utility room, vestibule/hall with a conservatory and integral garage.

The proposed new house would be a larger house over two stories with a ground floor footprint of some 360 square meters and a first floor footprint of some 115 square meters of residential accommodation within its roofspace. Main entrance would provide access to a ground floor reception area, lounge, kitchen/dining area, shower room, office, music room, utility/storage areas and two bedrooms. An internal stairway would lead to first floor landing providing access to two further bedrooms and storage areas.

The proposed house is not therefore a like for like replacement of a dwelling recently rendered uninhabitable. As the proposed house would be considerably larger than the house that currently exists the proposal fails to meet that aspect of criteria (i) of Policy DC3.

The submitted Structural Engineers Report identifies structural defects and energy inefficiencies. However no evidence has been submitted to confirm that the house cannot either be retained for habitation or refurbished as required. Notwithstanding information submitted, the proposal for a replacement house on the site does not meet the criteria (ii) of and is therefore contrary to Policy DC3 of the ELLDP.

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.

In this instance the proposed house is not a direct operational requirement of an existing agricultural, horticultural, forestry or other employment use. Neither is the proposed house being promoted as affordable housing to be operated by a registered affordable housing provider. Therefore the proposal does not meet any of the criteria of and therefore is contrary to Policy DC4 of the adopted East Lothian Local Development Plan 2018.

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.

In this instance the proposal is not being promoted to enable a desirable primary use supported by Policy DC1 nor is it being promoted as enabling development promoted to fund the restoration of a listed building or any building with recognised heritage value. Therefore the erection of a house on the site would not meet the criteria of and would be contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

With regard to Section 24(3) of the Town and Country Planning (Scotland) Act 1997, in the event of any policy incompatibility between NPF4 and the adopted East Lothian Local Development Plan 2018, whichever of them is the later in date is to prevail. In this case, the policies of NPF4 would prevail.

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 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;

In this instance this is a replacement house and therefore the principle of it is not inconsistent with Policy 17. However Policy 17 (a) also requires 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. Policy 29 of NPF4 reiterates this requirement and requires that development proposals 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.

The ELLDP 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 south are a row of single storey traditional terraced cottages featuring pitched roofs clad in slates and original walls of natural stone with small modern extensions. The buildings comprising Trabroun Steading to the north that are predominantly single storey in height with the exception of the Central Tower. They are typical of rural residential properties and historical buildings which are well established features within the East Lothian countryside.

The existing house is a fairly modern, single storey bungalow with a footprint of some 195 square meters that sits between a terrace of cottages to the south and the Trabroun farm steading to the north.

The proposed house, whilst largely single storey in height, would increase the development footprint of the existing house by some 165 square meters. Consequently it would occupy a much larger proportion of the plot than the existing house. It would be of a modern contemporary design providing living accommodation on two floors with a ridge height at its highest point some 2.7 metres higher than that of the existing house. Furthermore the proposed house would be some 2.5 meters higher than the neighbouring row of terraced cottages located to the south and have a significantly larger footprint than those cottages. Consequently the proposed house would not reflect nor be in keeping with the size, scale or architectural form of

those existing cottages. It would not be suitably scaled, sited and designed to be in keeping with the character of the houses in the area.

Furthermore, the Category B listed Trabroun Steading is a stone built steading complex with a traditional architectural form and character. Whilst the existing house is not of the same traditional form and character as that steading, due to its size and scale it does not impose itself on or draw focus from that listed building. Consequently it is not seen to harm the setting of that listed building.

In contrast the proposed house would be a much larger house designed without reference to either its landscape setting or the neighbouring traditional buildings within the locality. In its position to the south of the Category B listed buildings of Trabroun Steading the proposed house would, by virtue of its height, size, scale, architectural form, and external finishes, draw focus away from the principal west elevation of the Category B listed buildings of Trabroun Steading. Consequently the proposed house would be harmful to the setting of the Category B listed buildings of Trabroun Steading.

Therefore, whilst Policy 17 of NPF4 lends support to a one-for-one replacement of an existing dwellinghouse in a rural location, the replacement house as proposed would not be suitably scaled, sited and designed to be in keeping with the character of the area. It would be inappropriate to its setting and would be out of keeping with its surroundings. It would be harmful to the special architectural or historic interest of the Category B listed Trabroun Steading.

In all of this the proposed replacement house is contrary to Policies 7, 17 and 29 of NPF4 and Policies CH1, DP1 and DP2 of the ELLDP.

Moreover, the application site is some 20 metres (minimum) to the east of the Elvingston Local Garden and Designed Landscape. The proposed house by its presence within the landscape would impact on the setting of the local garden and designed landscape, including the relationship of it with the nearby B-listed Trabroun Steading. In views northwards and southwards from the public road to the west of the application site the proposed new house, by its form, height and scale would be dominantly imposing on the landscape of the Elvingston Local Garden and Designed Landscape. It would be seen as a harmfully dominant, discordant and incongruous feature within its landscape setting adjacent to the Elvingston Local Garden and Designed Landscape therefore contrary to Policy 7 of NPF4 and Policy DP6 of the ELLDP.

Furthermore the site is not allocated for housing development in the ELLDP, nor is it a brownfield, vacant or derelict site as it is in use as a habitable dwellinghouse. The proposed replacement 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 new 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.

Therefore the proposed scheme of development for a replacement house on this rural site located within the East Lothian countryside does not meet the circumstances specified in Policies 7, 17 and 29 of NPF4 and Policies CH1, DC1, DC3, Dc4, DC5, DP1 and DP2 of the adopted ELLDP 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 proposed house would not: i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances; ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building; or iii) be similar in size, scale and massing to the original. Therefore, the proposal does not comply with either criteria (i) or (ii) of Policy DC3 of the adopted East Lothian Local Development Plan 2018.
- 3 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 DC5 of the adopted East Lothian Local Development Plan 2018.

- 4 The proposed replacement house would of a form, size and scale that would compete with and draw focus from the category B-listed Trabroun Steading and be harmful to its setting contrary to Policy 7 of NPF4 and Policy CH1 of the adopted East Lothian Local Development Plan 2018.

- 5 The proposed house would be seen as a harmfully dominant, discordant and incongruous feature within its rural landscape setting and adjacent to the Elvingston Local Garden and Designed Landscape. Therefore the proposed house would not be suitably sited, scaled or designed to be in keeping with the character of the area contrary to Policies 7, 17 and 29 of NPF4 and Policies CH6, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[REDACTED]

12th June 2023

Currie, Fiona

From: Clark, Colin - EHO
Sent: 18 April 2023 10:46
To: Environment Reception
Cc: Taylor, David (Officer)
Subject: RE: 23/00373/P-Mr David Taylor - Planning Consultation

Categories: [REDACTED]

I refer to your consultation request of 17th April 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. 01620 827443 [REDACTED]
[REDACTED] | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

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

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

Sent: 17 April 2023 15:25

To [REDACTED]

Subject: FW: 23/00373/P-Mr David Taylor - Planning Consultation

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

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

Sent: 17 April 2023 15:00

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

Subject: 23/00373/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 replacement house and associated works at Trabroun Farmhouse Huntington Macmerry Haddington
EH41 3SX
NHS Coronavirus Information

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

Currie, Fiona

From: Callow, Scott
Sent: 26 April 2023 11:45
To: Taylor, David (Officer)
Cc: Environment Reception; Clark, Colin - EHO
Subject: Planning Consultation: 23/00373/P (Trabroun Farmhouse, Huntington, Macmerry)

Categories: 

Hi David,

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 proposal is for the development of a new dwelling to replace the existing bungalow on the site. Given the site is adjacent to a working farm steading, there is the possibility that there may be contamination issues as a result of spillages/leakages from any on-site chemical or fuel tanks as well as the possible existence of made ground on the site.

Given the above, 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 (Desk Study) 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 demolition works that may be required but prior to any site development 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 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.

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. 01620 827256

Email. scallow@eastlothian.gov.uk

Visit our website at www.eastlothian.gov.uk

NHS Coronavirus Information



Thursday, 20 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,

Trabroun Farmhouse, Huntington, Macmerry, EH41 3SX
Planning Ref: 23/00373/P
Our Ref: DSCAS-0085142-453
Proposal: Erection of 1 replacement 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 **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

██████████

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."

Currie, Fiona

From: Hunter, Liz
Sent: 26 April 2023 12:12
To: Environment Reception; Taylor, David (Officer)
Cc: Lennox, Ian
Subject: TRANSPORT PLANNING RESPONSE: 23/00373/P - David Taylor - Planning Consultation

Categories: 

EAST LOTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager
To: Service Manager, Planning

Proposal: Erection of 1 replacement house and associated works at Trabroun Farmhouse Huntingdon Macmerry Haddington EH41 3SX

The application details indicate that comments made by Roads officers on a previous application for the site have been addressed, namely that

- At the access onto the public road a minimum clear visibility splay of 2 metres by 90 metres to the left and 2 metres by 50 metres to the right must be provided
- Gates must be set back by at least 6 metres. Gates must open inwards.
- A minimum of 2 parking spaces shall be provided within the site having minimum dimensions of 2.5 metres by 5 metres.
- As the driveway would connect directly to the carriageway (i.e. over a verge where there is no footway), the first two metres would remain part of the adopted road and should be constructed to adoptable footway standard in asphalt
- Beyond the verge crossover, the first 2 metres of the driveway should be hard formed to prevent loose materials entering the public road on vehicle tyres.

I therefore have no objections to the proposals.

Please advise the applicant that all works within or affecting the public road including works on the footway must be authorised in advance by the Council as Roads Authority.

Send on behalf of IAN LENNOCK
ROADS SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

[Liz Hunter](#)
Senior Roads Officer

East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX
lhunter1@eastlothian.gov.uk

NHS Coronavirus Information



App No. 23/00373/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mr & Mrs Andrew Bain
c/o Richard Hall Architects
Per Richard Hall
The Studio
Broomybank
Heughfield Road
Bridge Of Earn
PH2 9BH**

APPLICANT: Mr & Mrs Andrew Bain

With reference to your application registered on 11th April 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of 1 replacement house and associated works
at
Trabroun Farmhouse
Huntington
Macmerry
Haddington**

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 proposed house would not: i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances; ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building; or iii) be similar in size, scale and massing to the original.
Therefore, the proposal does not comply with either criteria (i) or (ii) of Policy DC3 of the adopted East Lothian Local Development Plan 2018.
- 3 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 DC5 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposed replacement house would be of a form, size and scale that would compete with and draw focus from the category B-listed Trabroun Steading and be harmful to its setting contrary to Policy 7 of NPF4 and Policy CH1 of the adopted East Lothian Local Development Plan 2018.
- 5 The proposed house would be seen as a harmfully dominant, discordant and incongruous feature within its rural landscape setting and adjacent to the Elvingston Local Garden and Designed Landscape. Therefore the proposed house would not be suitably sited, scaled or designed to be in keeping with the character of the area contrary to Policies 7, 17 and 29 of NPF4 and Policies CH6, DP1 and DP2 of the adopted East Lothian Local Development 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>
DWG 01	-	11.04.2023
DWG 02	-	11.04.2023
R532 PL01	-	11.04.2023
R532 PL02	-	11.04.2023
R532 PL03	-	11.04.2023
R532 PL04	-	11.04.2023
R532 PL05	A	11.04.2023
R532 PL06	-	11.04.2023
R532 PL07	-	11.04.2023
R532 PL08	A	11.04.2023
R532 PL09	-	11.04.2023

13th June 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.

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy Outcomes:

- 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.

Local Development Plans:

LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

- 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

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.

Rural development

Policy Principles

Policy Intent:

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy Outcomes:

- Rural places are vibrant and sustainable and rural communities and businesses are supported.
- A balanced and sustainable rural population.

Local Development Plans:

LDPs should identify the characteristics of rural areas within the plan area, including the existing pattern of development, pressures, environmental assets, community priorities and economic needs of each area. The spatial strategy should set out an appropriate approach to development in rural areas which reflects the identified characteristics. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Spatial strategies should support the sustainability and prosperity of rural communities and economies. Previously inhabited areas which are suitable for resettlement should be identified in the spatial strategy.

Policy 29

- 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.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
- i. will support local employment;
 - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
 - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals 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 their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

ELLDP 2018

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. Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

Policy DC3: Replacement Dwellings in the Countryside

Proposals for replacement dwellings in the countryside will be supported in principle where they would: x

- (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or
- (ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building.

Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant. Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

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; or

b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;

c) the proposal satisfies the terms of Policy NH1. Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building.

Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding including borrowing

DP1: Landscape Character

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

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

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 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 places and buildings that respect and complement the sites 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 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.

Policy CH6: Gardens and Designed Landscapes

Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.

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.

1. Site Setting out

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 house and garage 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.

2. Schedule of materials

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 and garage 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 samples so approved.

Reason:

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

3. Site Access, parking and turning

Prior to the occupation of the house hereby approved the vehicular access, turning and parking arrangements shall be laid out and made available for use, as shown in docketed drawing no.R532 PL08A and thereafter the access, turning and parking areas 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, turning and parking in the interests of road safety.

4. Geo-Environmental Assessment

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 Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;

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

(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, timetable of works and site management procedures. 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) 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 commencement of the new use of the land.

Reason:

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

5. Carbon Emissions

Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for 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.

