

LOCAL REVIEW BODY

22 August 2024

Application No: 21/01510/P

**South Lodge, Prestongrange Road, Prestonpans,  
EH32 9RR**

Appointed Officer's Submission



## **21/01510/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISISON**

Planning application review against decision (refusal): Extension to house.

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1. Statement of Case: Officer’s report for planning application 21/01510/P.
2. Copy of stamped refused drawings relating to planning application 21/01510/P.
3. Copy of Decision Notice (including reason for refusal) relating to planning application 21/01510/P
4. Copy of consultation responses received in relation to planning application 21/01510/P.
5. Copy of Policies 6 (Forestry, woodland and trees), 7 (Historic Assets and Places), 8 (Green Belts) and 16 (Quality Homes) of NPF4 and Policies CH1 (Listed Buildings), CH5 (Battlefields), CH6 (Gardens and Designed Landscapes), DP5 (Extensions and Alterations to Existing Buildings) and NH8 (Trees and Development) of the adopted East Lothian Local Development Plan 2018

Please note there are no schedule of conditions submitted or letters from interested parties.

# OFFICER REPORT

**4th March 2024**

App No. **21/01510/P**

Application registered on **26th January 2022**

Target Date **25th March 2022**

Proposal	<b>Extension to house</b>	SDELL	N
		CDEL	N
Location	<b>South Lodge Prestongrange Road Prestonpans East Lothian EH32 9RR</b>	Bad Neighbour Development	N

APPLICANT: **Mr Scott Pollock**

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

**c/o Psas  
Per Peter Stanton  
14 Aubigny Row  
Haddington  
United Kingdom  
EH41 3TG**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The property to which this application relates is a single storey, detached house with associated garden ground. The existing house has been previously extended to its rear (east) elevation. It is situated within the countryside and within the Green Belt as defined by Policies DC1 and DC7 of the adopted East Lothian Local Development Plan 2018. It is also located within the Battle of Pinkie Cleugh Historic Battlefield Site and a Local Gardens and Designed Landscape Area.

The building of South Lodge is listed as being of special architectural or historic interest (Category C). However it is also included as part of a group of buildings with Prestongrange House, Prestongrange House Boundary Walls, Prestongrange House East Lodge and Prestongrange House North Lodge that are listed as a group Category B.

There are a number of mature trees in the garden of the applicants' property that are within a grouping of trees at Prestongrange that are protected by a Tree Preservation Order (TPO) - TPO No. 1 Prestongrange.

The property is bounded to the north and east by Royal Musselburgh Golf Course, to the south

by the public road of B1361 and to the west by an access road which leads to The Royal Musselburgh Golf Club.

Planning permission is sought for the addition of a single storey, flat roof extension onto the rear (east) elevation of the house.

Through separate application 21/01511/LBC listed building consent is sought for alterations and extension to the building. That application stands to be determined on its own merits.

In order to facilitate the proposed extension it is proposed to remove the existing single storey, flat roof extension that is attached to the rear (east) elevation of the house and remove the existing garage within the applicants' rear garden.

The proposed extension would have a length of some 12.8 metres; would project out from the rear elevation for some 6.3 metres and would have a height of some 2.8 metres.

The proposed extension would be finished predominantly in vertical untreated timber cladding and would feature a rubble/stonework base course. The roof would be clad in a green felt. The proposed window and door frames would be of timber frame construction and would feature grey colour frames. The proposed rainwater goods would be of cast iron construction.

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 6 (Forestry, woodland and trees), 7 (Historic Assets and Places), 8 (Green Belts) and 16 (Quality Homes) of NPF4 are relevant to the determination of this application. Policies CH1 (Listed Buildings), CH5 (Battlefields), CH6 (Gardens and Designed Landscapes), DP5 (Extensions and Alterations to Existing Buildings) and NH8 (Trees and Development) of the adopted East Lothian Local Development Plan 2018 are also relevant to the determination of this application.

Material to the determination of the application are Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states 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.

No objection has been received in relation to the application.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 19 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

With regards to the above, there are no neighbouring residential properties that would fall within 18 metres of the proposed extension and as such the use of it would not allow for any harmful overlooking.

Furthermore, owing to its size, form and positioning the proposed extension would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential properties.

The proposed development would not have a significant adverse effect on the Greenbelt, the Local Gardens and Designed Landscape Area or the Battle of Pinkie Cleugh Historic Battlefield Site.

Notwithstanding all of the above this application relates to a house that is a building listed as being of special architectural or historic interest and there are trees protected by a Tree Preservation Order within its garden. Consequently, the proposed extension must be assessed against national, strategic and local planning policy relating to the design of new extensions and assess whether the architectural form, size, scale and positioning is appropriate for its attachment to a listed building and whether it would have an adverse impact on nearby protected trees.

Policy 16 of NPF4 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the house and the surrounding area in terms of size, design and materials.

Policy DP5 of the adopted East Lothian Local Development Plan states that 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.

Policy 7 of NPF4 and Policy CH1 of the Local Development Plan states that 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.

South Lodge is located on the east side of the entrance into the Royal Musselburgh Golf Club and its club house - Prestongrange House - from the B1361 public road. By being a lodge house it is of an architectural form typical of lodge houses and is of a relatively modest size and scale. It is a building of special architectural or historic interest in its own right and as part of the group of listed buildings associated with Prestongrange House.

The proposed extension would be a modern addition to the rear of the house. With its flat roof

and timber clad external finishes it would be visibly different to the form and finish of the existing lodge house. Furthermore, it would have a footprint that would be wider than the existing house with the building lines of its north and south elevations projecting beyond the north and south elevations of the house. Therefore due to its large size and scale and of its modern architectural form and finish it would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such it would be harmful to the special architectural or historic interest of the listed building contrary to Policies 7 and 16 of NPF4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.

By being harmful to the special architectural or historic interest of the listed building the proposed extension would be harmful to the character and appearance of the area.

Policy 6 of NPF4 and Policy NH8 of the adopted Local Development Plan state that development proposals will not be supported where they will result in any loss of ancient and veteran trees.

Policy NH8 of the Local Development Plan states that there is a strong presumption in favour of protecting East Lothian's woodland resources.

The rear garden of the house has a number of mature trees located within it. Those trees are included within the Tree Preservation Order No. 1 for Prestongrange.

The Council's Landscape Officer has been consulted on the application and advises he has concerns regarding the positioning of the proposed extension in relation to the TPO trees within the applicants' garden. The Council's Landscape Officer notes the submitted drawings do not show the tree stem diameters at 1.5 metres above ground level, and do not show the tree root protection areas (RPA's), in accordance with LDP Policy NH8, nor is the extent of the tree crowns shown on the plans. The Council's Landscape Officer notes trees 1 and 4 are of particular concerns as they both appear too close to the proposed extension.

This information has been forwarded to the applicant's agent who has also been advised that we cannot support the application without evidence that the extension could be constructed without harm to the TPO'd trees. However, the agent has not submitted an amended scheme of development or submitted any information to address the concerns raised by the Council's Landscape Policy Officer. Instead the agent has requested that the application be determined based on the current scheme of development.

As it has not been demonstrated through the applicants' submission that the proposed extension has been designed and positioned to safeguard the adjacent TPO'd trees, then the proposal is contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered not to be in accordance with Development Plan Policies 6, 7 and 16 of NPF4 and Policies CH1, DP5, NH8 of the adopted East Lothian Local Development Plan 2018 and there are no material considerations which outweigh the fact that the proposals do not accord with the Development Plan.

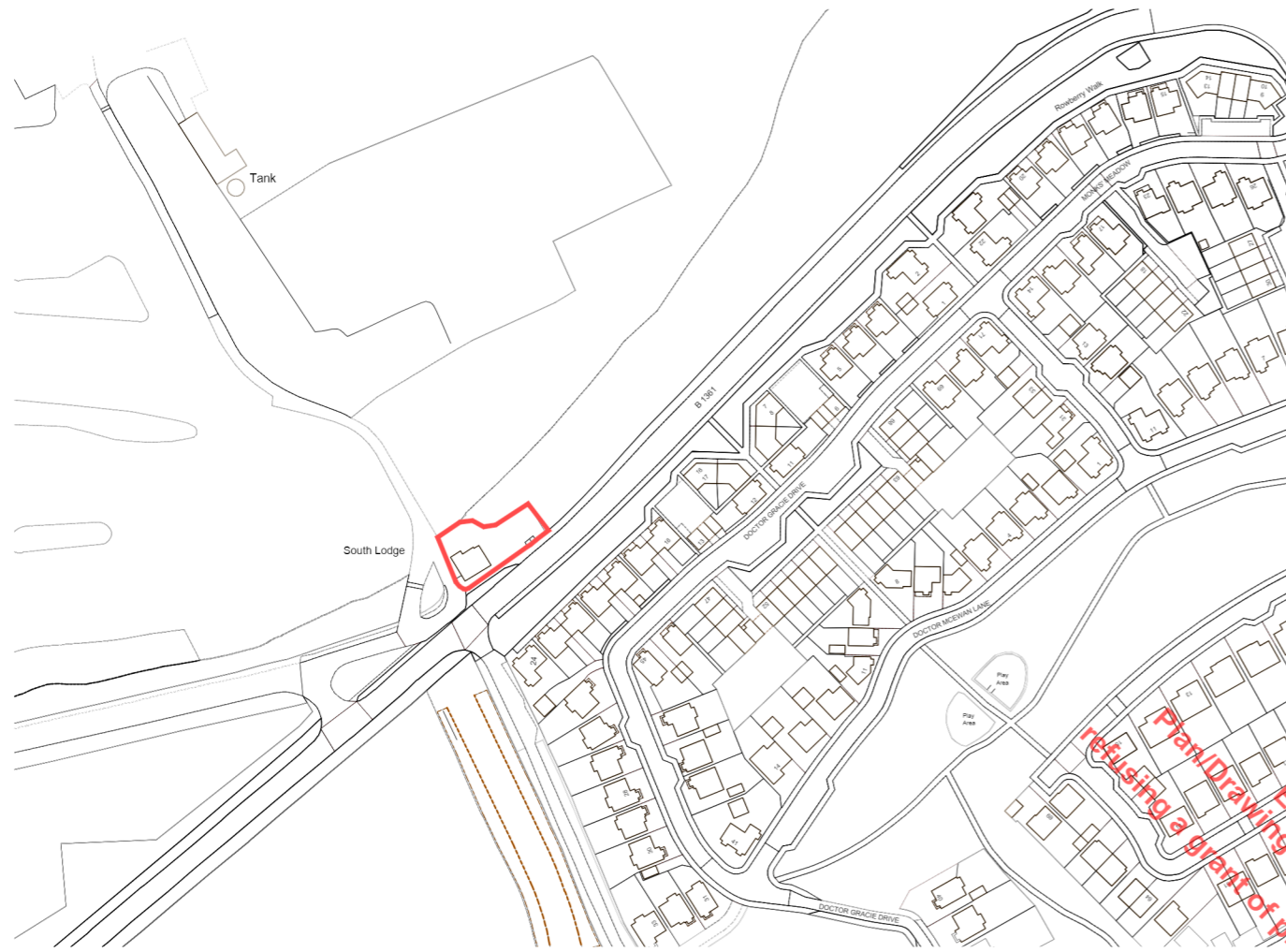
**REASON FOR REFUSAL:**

- 1 Due to its large size and scale and of its modern architectural form and finish the proposed extension would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such the proposed extension would be harmful to the special architectural or historic interest of the listed building contrary to Policies 7 and 16 of NPF4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.
- 2 It has not been demonstrated through the applicants' submission that the proposed extension would not encroach onto or cause damage to any of the root protection areas of any of the TOP'd trees that are within the garden of the house. Therefore the proposal does not comply with Policy 6 of NPF4 or Policy NH8 of the adopted East Lothian Local Development Plan 2018.

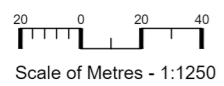
LETTERS FROM

4th March 2024





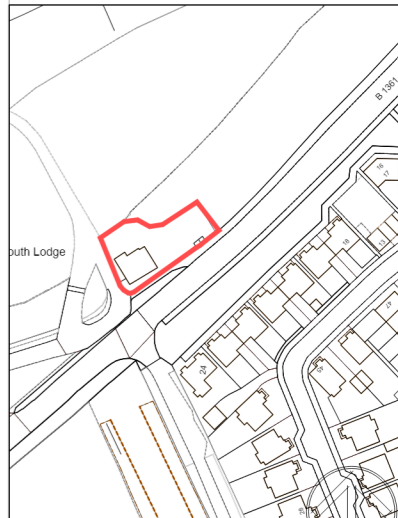
LOCATION PLAN  
SCALE: 1:1250



**Plan/Drawing listed on the Decision Notice of Refusing a grant of planning permission 21/01510/P EAST LOTHIAN COUNCIL 04/03/2024**

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ALL MATERIALS, FITTINGS AND COMPONENTS MUST BE CONSTRUCTED IN A TECHNICALLY PROPER AND WORKMANLIKE MANNER. MATERIALS, FITTINGS AND COMPONENTS MUST BE SUITABLY DURABLE AND FIT FOR THEIR INTENDED USE.  
WHERE SUITABILITY DEPENDS ON MAINTENANCE OR PERIODIC RENEWAL, THEN ACCESS MUST BE PROVIDED SO THAT REPLACEMENT IS REASONABLY PRACTICABLE  
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LOCATION PLAN  
SCALE: 1:1250

North

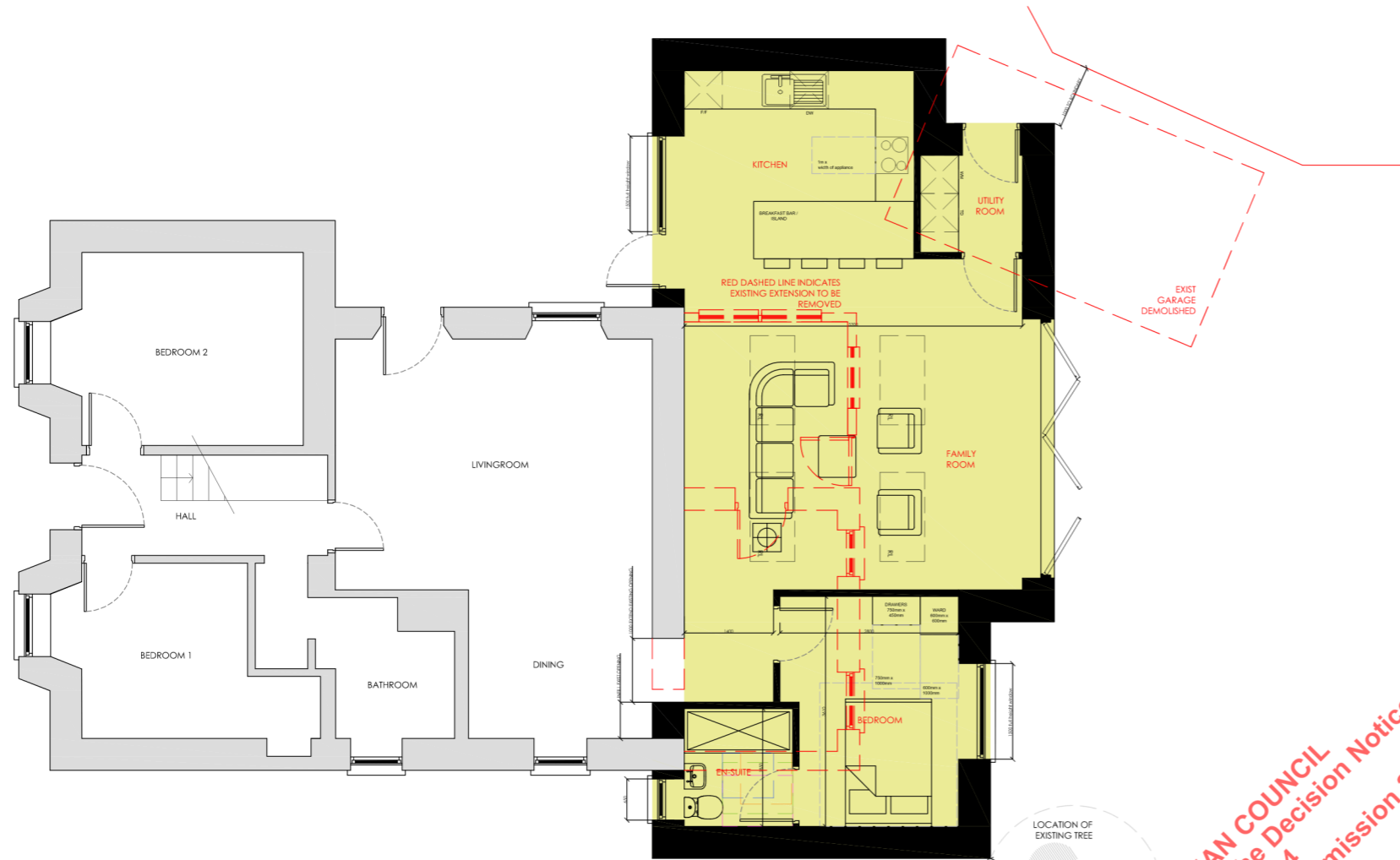
REV.	DESCRIPTION	BY	DATE
<b>PLANNING</b>			



CLIENT:  
**MR POLLOCK & MRS BURNS-POLLOCK**  
SOUTH LODGE  
PRESTONPANS  
EH32 9RP

SITE:  
**SOUTH LODGE  
PRESTONPANS**  
TITLE:  
**OS**

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	OS		

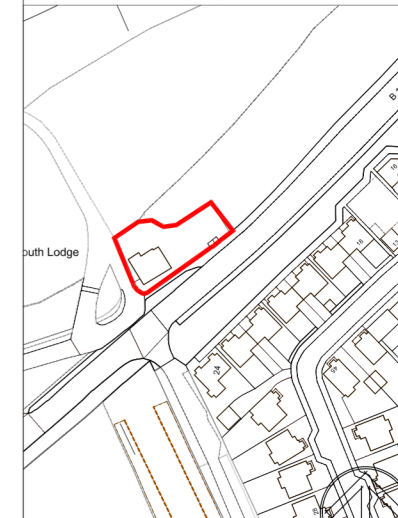
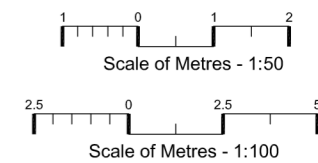


**GROUND FLOOR PLAN AS PROPOSED**

SCALE: 1:50

**EAST LOTHIAN COUNCIL**  
 Plan/Drawing listed on the Decision Notice of  
 04/03/2024  
 refusing a grant of planning permission 21/01510/P

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SCALE: 1:1250

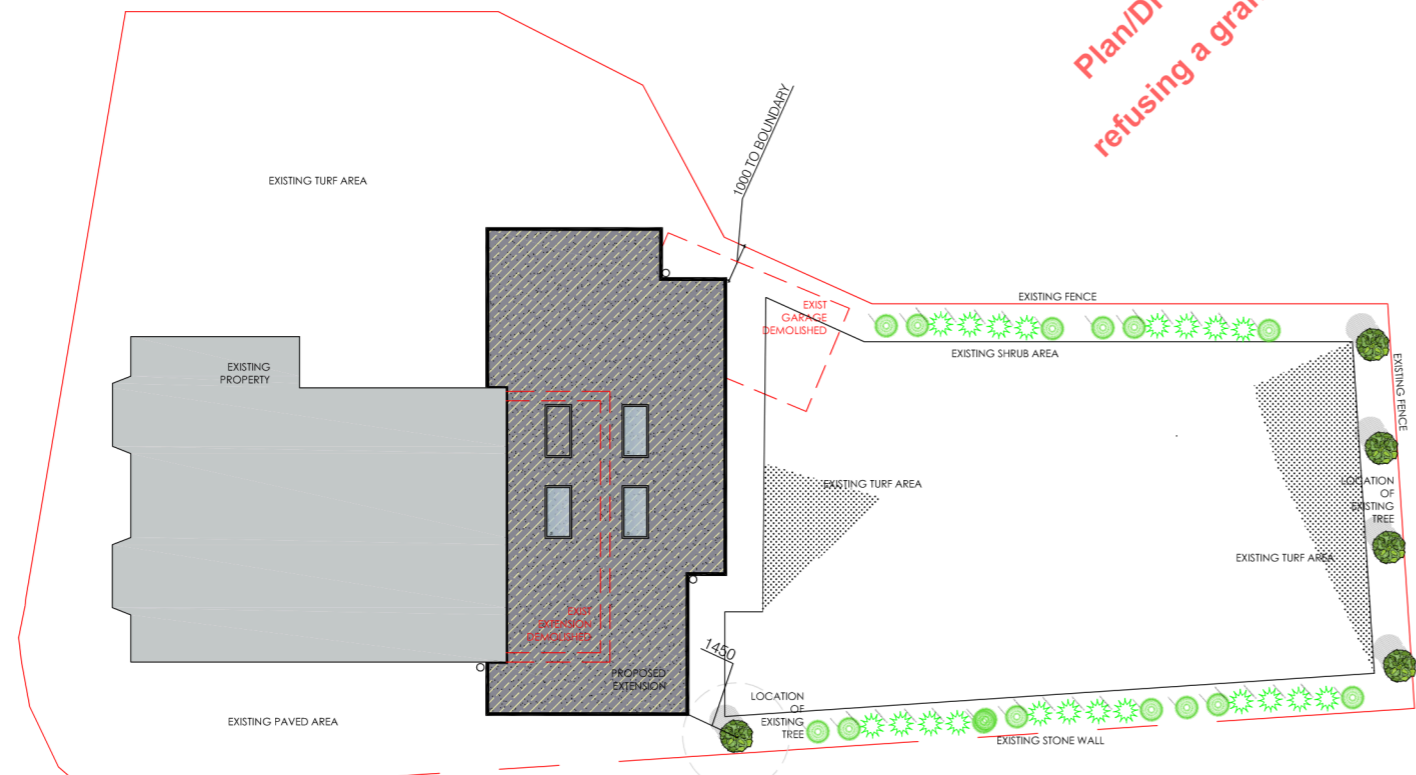
A	Site Plan/Landscape		01/22
REV.	DESCRIPTION:	BY:	DATE:
STATUS: <b>PLANNING</b>			

..\\..\\PERSONAL\Fee Letter 1.jpg

CLIENT:  
 MR POLLOCK & MRS BURNS-POLLOCK  
 SOUTH LODGE  
 PRESTONPANS  
 EH32 9RP

SITE:  
 SOUTH LODGE  
 PRESTONPANS

TITLE: GROUND FLOOR PLAN AS PROPOSED SITE PLAN AS PROPOSED			
SCALE AT 1:	DATE:	DRAWN:	CHECKED:
AS STATED	Jan-22	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	002	A	



**SITE PLAN AS PROPOSED**

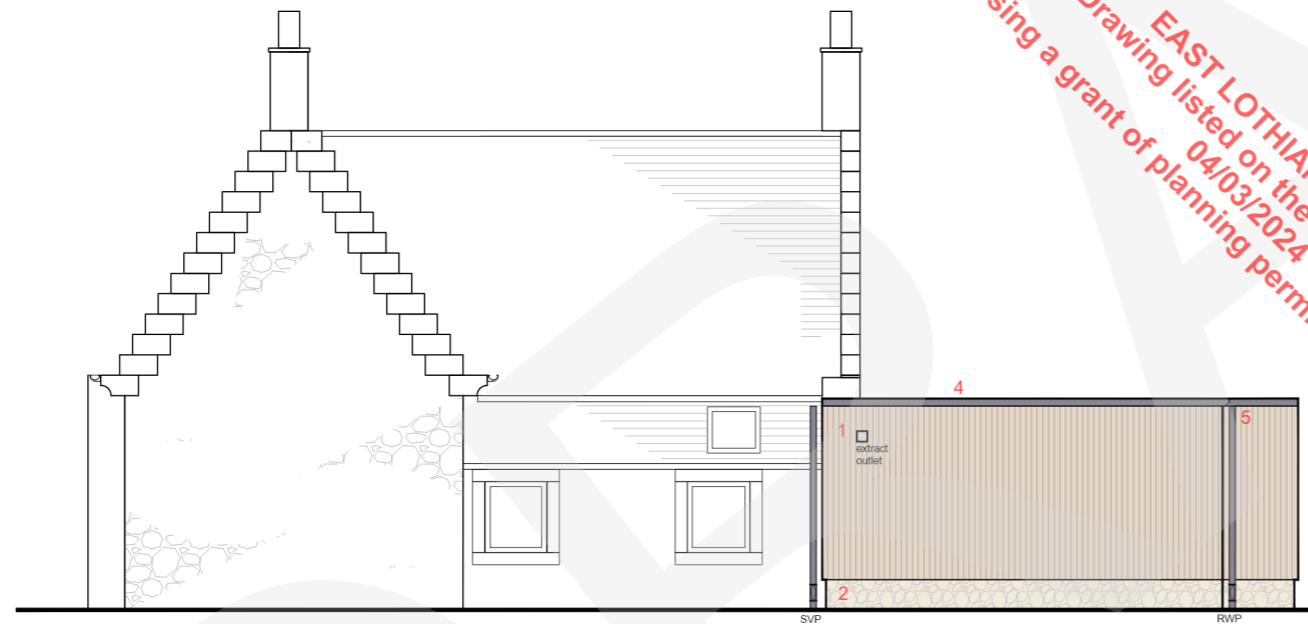
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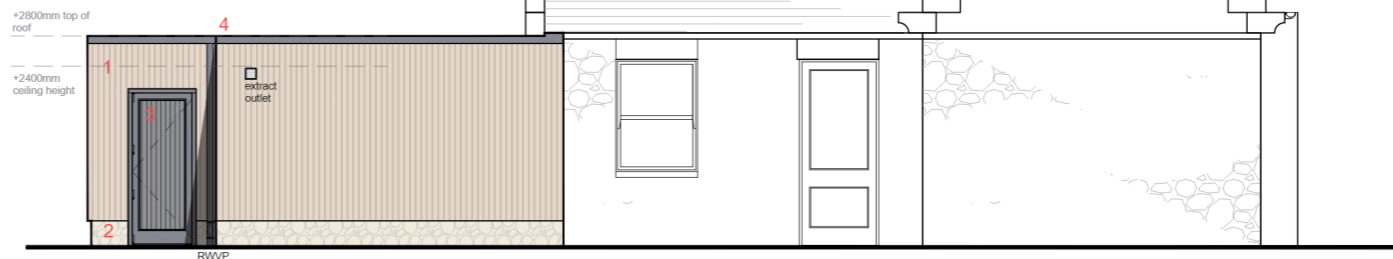
FRONT ELEVATION AS PROPOSED  
SCALE: 1:50



REAR ELEVATION AS PROPOSED  
SCALE: 1:50



SIDE ELEVATION AS PROPOSED  
SCALE: 1:50



SIDE ELEVATION AS PROPOSED  
SCALE: 1:50

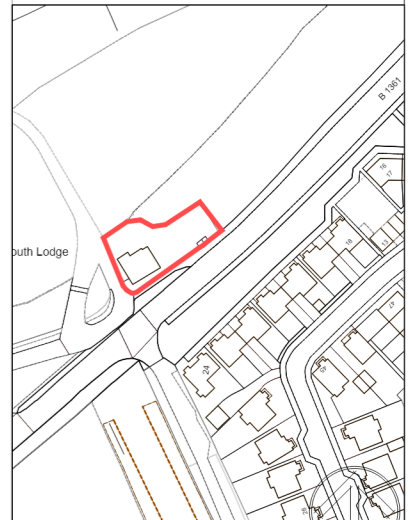
**EAST LOTHIAN COUNCIL**  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 21/01510/P  
04/03/2024

**SCHEDULE OF MATERIALS:**

- 1- ScotLarch Timber Cladding to be installed vertically. Untreated to 'grey' over time.
- 2- Rubble / Stonework base course to +400mm from FGL. Rubble/Stone to match existing property.
- 3- Double glazed, timber framed windows and doors as per elevation. Frame Colour: Grey to match existing.
- 4- Flat roof to new extension. Roof to be finished in 'green' felt.
- 5- Cast iron rainwater and waste goods. Colour: Dark Grey.

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LOCATION PLAN  
SCALE: 1:1250

REV.	DESCRIPTION	BY	DATE
<b>PLANNING</b>			

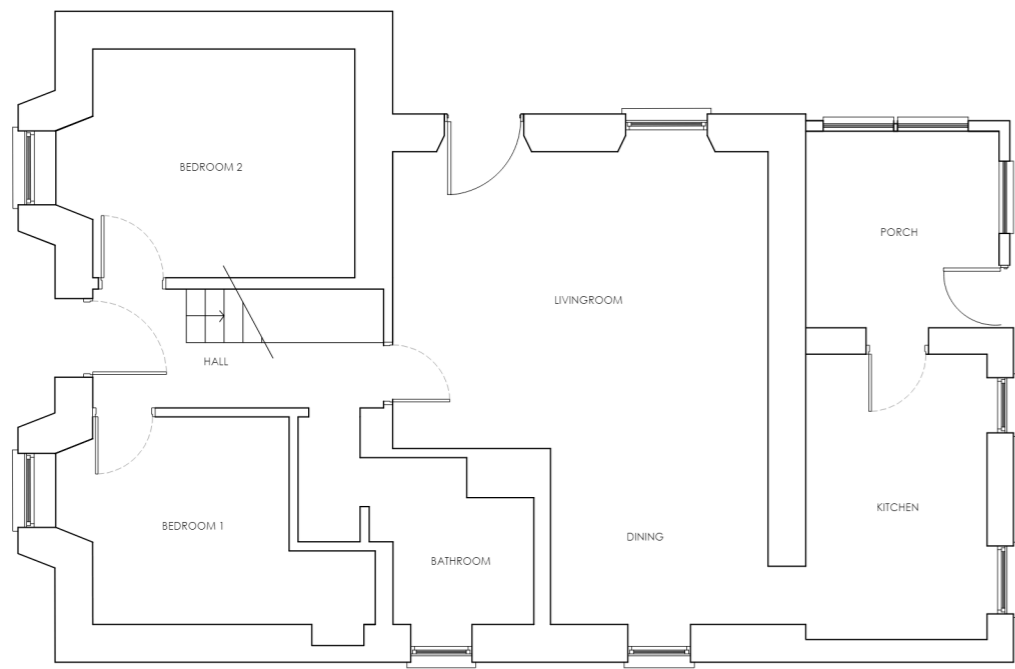


CLIENT:  
**MR POLLOCK & MRS BURNS-POLLOCK**  
SOUTH LODGE  
PRESTONPANS  
EH32 9RP

SITE:  
**SOUTH LODGE  
PRESTONPANS**

TITLE:  
**ELEVATIONS AS PROPOSED  
OPTION 1**

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	003		



GROUND FLOOR PLAN AS EXISTING

SCALE: 1:50



SITE PLAN AS EXISTING SCALE: 1:100

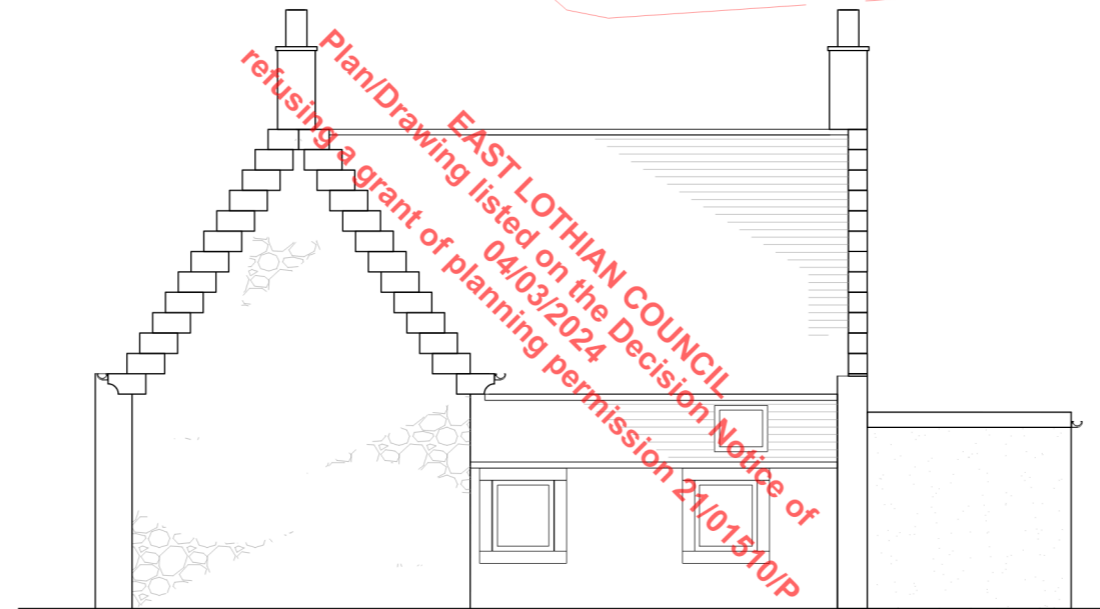
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Scale of Metres - 1:100

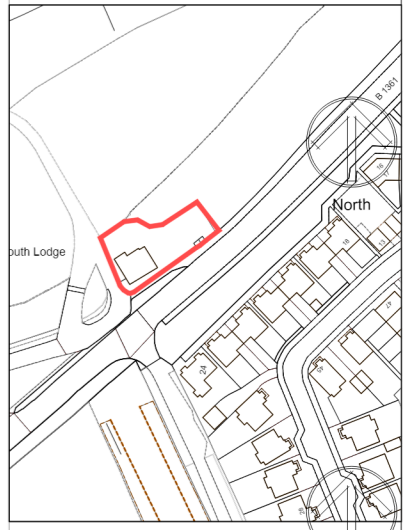
Scale of Metres - 1:50



FRONT ELEVATION AS EXISTING SCALE: 1:50



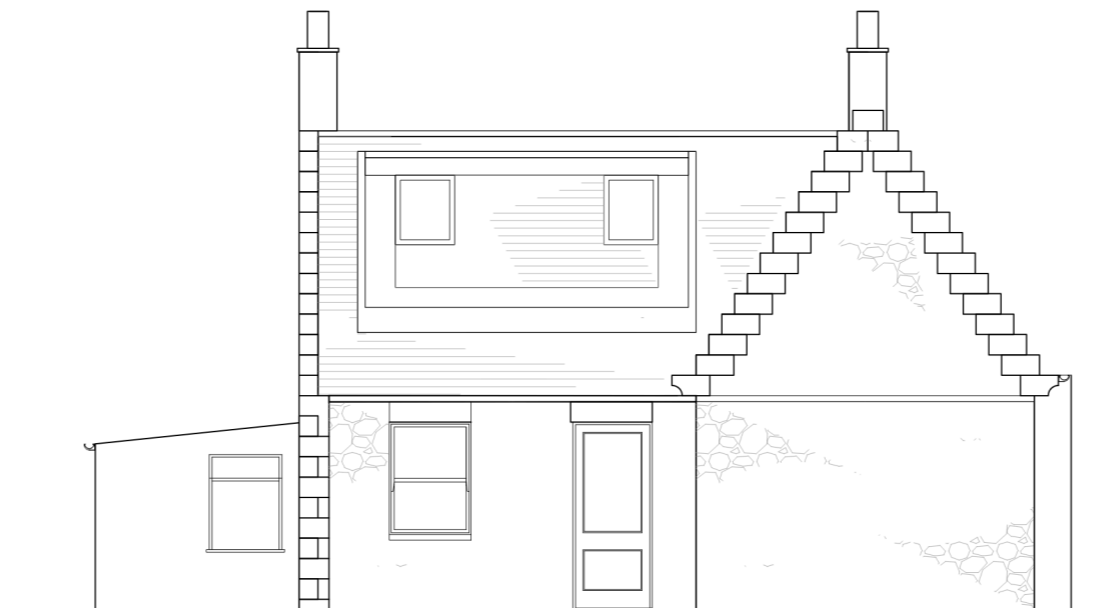
SIDE ELEVATION AS EXISTING SCALE: 1:50



LOCATION PLAN SCALE: 1:1250



REAR ELEVATION AS EXISTING SCALE: 1:50



SIDE ELEVATION AS EXISTING SCALE: 1:50

LOCATION PLAN SCALE: 1:1250

REV.	DESCRIPTION	BY	DATE
STATUS: <b>PLANNING</b>			



CLIENT:  
 MR POLLOCK & MRS BURNS-POLLOCK  
 SOUTH LODGE  
 PRESTONPANS  
 EH32 9RP

SITE:  
 SOUTH LODGE  
 PRESTONPANS  
 TITLE:  
 EXISTING

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	001		

App No. 21/01510/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Mr Scott Pollock  
c/o Psas  
Per Peter Stanton  
14 Aubigney Row  
Haddington  
United Kingdom  
EH41 3TG**

**APPLICANT: Mr Scott Pollock**

With reference to your application registered on 26th January 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Extension to house  
at  
South Lodge  
Prestongrange Road  
Prestonpans  
East Lothian**

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

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

- 1 Due to its large size and scale and of its modern architectural form and finish the proposed extension would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such the proposed extension would be harmful to the special architectural or historic interest of the listed building contrary to Policies 7 and 16 of NPF4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.

2 It has not been demonstrated through the applicants' submission that the proposed extension would not encroach onto or cause damage to any of the root protection areas of any of the TOP'd trees that are within the garden of the house. Therefore the proposal does not comply with Policy 6 of NPF4 or Policy NH8 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>
001	-	16.12.2021
003	-	16.12.2021
2021-003 OS	-	16.12.2021
002	A	26.01.2022

**4th March 2024**



Keith Dingwall  
Service Manager - Planning

## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**From:** [REDACTED]  
**To:** [Allan, James](#)  
**Cc:** [Environment Reception](#)  
**Subject:** RE: 21/01510/P - James Allan - Planning Consultation  
**Date:** 18 February 2022 15:07:45

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Hi James

Thanks for this.

I have no comments to make in relation to the historic environment for this one.

Although the building is C Listed the proposals will basically cover the same area of the building as the existing extension. An assessment of the proposal indicates that the proposed extension will not change how the building is seen, understood or its character.

I therefore have no comments to make on the proposals in respect of the historic environment

If you need anything else please just let me know

Cheers

Andy

Andrew Robertson  
Archaeology/ Heritage Officer  
East Lothian Council Archaeology Service  
John Muir House, Haddington  
EH41 3HA  
Tel: 01620 827039  
[REDACTED]

Archaeology - East Lothian Council  
Our HER is now online at John Gray Centre

Please be advised that we will only be undertaking site monitoring and meetings where social distancing requirements can be observed. Please contact us via e-mail if you have any questions or queries about this.

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

From: Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>  
Sent: 10 February 2022 16:20  
To: Robertson, Andrew [REDACTED]  
Subject: 21/01510/P - James Allan - Planning Consultation

Please see attached document in relation to the following application: Alterations and extension to house at South Lodge Prestongrange Road Prestonpans East Lothian EH32 9RR



**From:** [REDACTED]  
**Subject:** FW: 21/01510/P - Planning Consultation  
**Date:** 24 July 2024 13:54:46

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

From: Sillence, David [REDACTED]  
Sent: 31 March 2022 13:15  
To: Allan, James [REDACTED]  
Subject: FW: 21/01510/P - James Allan - Planning Consultation

Hi James ~ [REDACTED]

Eventually getting back to you on this application.

It appears there may likely be issues regarding the trees within TPO 1 and the application site.

The plans do not accurately detail the position of all of the trees within and adjacent to the site. What the applicant should do is to arrange for this information to be clearly shown on the plans with each tree's stem diameter measured at 1.5m above ground level denoted and to show the individual trees' canopy extent as well as the tree root protection areas. The trees root protection area (RPA), as a starting point would be a circular area around each tree with a radius measuring twelve times the stem diameter taken from the centre point of each tree e.g. a stem diameter of 600mm gives a radius of 7.2m and an area of 163 square metres. If obstacles are in the way of a circular root plate growth, the area remains but the circular shape is deformed to a polygon where the tree roots can grow. These circles as well as the canopy spread dictate the construction exclusion zones as well as the tree root protection areas in accordance with British Standard 5837: Trees in relation to design, demolition and construction. No development is permitted within the trees' root protection areas or crown spread whichever is the greater.

Hope this helps and I am happy to discuss.

Cheers

David

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

From: Environment Reception <environment@eastlothian.gov.uk>  
Sent: 08 February 2022 16:44  
To: Landscape <landscape@eastlothian.gov.uk>  
Subject: 21/01510/P - James Allan - Planning Consultation

Please see attached document in relation to the following application: Alterations and extension to house at South Lodge Prestongrange Road Prestonpans East Lothian EH32 9RR

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# National Planning Framework 4

## Policy 6

### Forestry, woodland and trees

#### Policy Principles

**Policy Intent:**

To protect and expand forests, woodland and trees.

**Policy Outcomes:**

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

**Local Development Plans:**

LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

**Policy 6**

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
  - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
  - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
  - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
  - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Tourism](#)

## 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.

**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](#)

## Policy 8

### Green belts

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.

##### Policy Outcomes:

- Development is directed to the right locations, urban density is increased and unsustainable growth is prevented.
- The character, landscape, natural setting and identity of settlements is protected and enhanced.
- Nature networks are supported and land is managed to help tackle climate change.

#### Local Development Plans:

LDPs should consider using green belts, to support their spatial strategy as a settlement management tool to restrict development around towns and cities.

Green belts will not be necessary for most settlements but may be zoned around settlements where there is a significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside.

Green belts should be identified or reviewed as part of the preparation of LDPs. Boundary changes may be made to accommodate planned growth, or to extend, or alter the area covered as green belt. Detailed green belt boundaries should be based on evidence and should be clearly identified in plans.

### Policy 8

- a) Development proposals within a green belt designated within the LDP will only be supported if:
- i) they are for:
- development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands);
  - residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available;
  - horticulture, including market gardening and directly connected retailing, as well as community growing;
  - outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths);
  - flood risk management (such as development of blue and green infrastructure within a "drainage catchment" to manage/mitigate flood risk and/or drainage issues);
  - essential infrastructure or new cemetery provision;
  - minerals operations and renewable energy developments;
  - intensification of established uses, including extensions to an existing building where that is ancillary to the main use;
  - the reuse, rehabilitation and conversion of historic environment assets; or
  - one-for-one replacements of existing permanent homes.
- and

- ii) the following requirements are met:
- reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
  - the purpose of the green belt at that location is not undermined;
  - the proposal is compatible with the surrounding established countryside and landscape character;
  - the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
  - there will be no significant long-term impacts on the environmental quality of the green belt.

#### Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

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

[Energy](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

## 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.



# East Lothian Local Development Plan 2018

## Policy CH1

### 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 CH5

### Policy CH5: Battlefields

Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse affect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Any new development supported in such areas must provide appropriate mitigation that conserves or enhances the key features of the battlefield, including through siting, scale, design and landscape treatment and, where relevant, contributes to the understanding of the battle and historic assets, particularly with respect to any archaeological deposits found in situ (See Policy CH4).

## Policy CH6

### 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 DP5

### 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.

## Policy NH8

### Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or  
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.