

LOCAL REVIEW BODY

22 August 2024

Application No: 23/00950/P

**Ferneylea Steading, Oldhamstocks, East Lothian
TD13 5YN**

Appointed Officer's Submission

REVIEW AGAINST DECISION TO REFUSE PLANNING PERMISSION

23/00950/P – Alterations, change of use of agricultural building to form 1 house and associated works at Ferneylea Steading, Oldhamstocks, East Lothian.

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OFFICER REPORT

15th December 2023

App No. **23/00950/P**

Application registered on **19th September 2023**

Target Date **18th November 2023**

Proposal	Alterations, change of use of agricultural building to form 1 house and associated works	SDELL	Y
		CDEL	N
Location	Ferneylea Steading Oldhamstocks East Lothian	Bad Neighbour Development	N

APPLICANT: **Ms Christine Donaldson**

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

**c/o Wood Associates
Per Harry Wood
44 Morningside Road
Edinburgh
EH10 4BF**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

This application relates to a building on the eastern side of the steading of Ferneylea Farm, located south-east of the settlement of Oldhamstocks. The building is located within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 ('ELLDP 2018') and also falls within an area designated as an archaeological site of interest (ref: MEL 10345).

The building is part of a larger steading roughly set in a rectangular formation, centred around a courtyard area. The southern steading range which once connected the east and western ranges together has since been demolished. The building on the west side of the steading has been converted and is in use as a house. The building on the north side of the courtyard is in use as a store.

The building is bounded to the east by an access track which leads into the central courtyard of the steading beyond which is the residential property of the Old Farmhouse. The access track wraps around the steading on its southern boundary and south of the track is the dwellinghouse of Shepherd's Cottage. To the west is the courtyard and the house within the converted western

steading range, beyond which are several agricultural buildings and farmland.

The building the subject to this application is currently unused and vacant and has been for a number of years. It has been constructed with mainly random rubble masonry, though within more recent years, the building has been heightened and infilled in places with brickwork, giving a mix in materials. The roof of the building is predominantly pitched and clad with corrugated sheeting. There is a single roof light on the southern roof elevation and rainwater goods are currently of UPVC construction.

PLANNING HISTORY

In September 2003 planning permission REF: 02/01040/FU was granted for alterations and extensions to the farm building comprising the western range of Ferneylea steading to form 1 house. Planning permission 02/01040/FUL has been implemented and that building is in use as a house.

In November 2011 planning permission REF: 04/00810/FUL was granted for alterations to and change of use of the agricultural building the subject of this application to form a domestic garage/store to be used in association with The Old Farmhouse, Ferneylea. This planning permission has not been implemented.

In November 2021 planning permission REF: 06/01337/FUL was sought for the conversion of the building the subject of this application to form ancillary residential accommodation to be used in association with The Old Farmhouse, Ferneylea. Whilst the Council as Planning Authority had resolved to grant planning permission for the application, that application was withdrawn subject to the prior conclusion of a S75 which was designed to prevent the building from being used as a separate dwellinghouse and to ensure that the use of the building would at all times remain ancillary to the residential use of the dwellinghouse The Old Farmhouse, Ferneylea, Oldhamstocks.

PROPOSAL

Planning permission is now sought for the change of use of the steading building (the same building the subject of planning permission 04/00810/FUL and application 06/01337/FUL) to form one house, for alterations to the building to facilitate the change of use and for associated works.

The vacant steading building is proposed to be converted into a two-bedroom house, with each with their own en-suite bathrooms. The house would have a kitchen / dining room and living room, a storage area on the 1st floor and an internal courtyard. A parking area is proposed to be formed to the north of the steading and a bin store will be provided on the western edge of the parking area.

To facilitate the proposed change of use the northern (side) gable end of the building and some 6m or so of the eastern (front) and western (rear) elevation walls are proposed to be demolished to provide adequate parking for the proposed house. The northern (side) gable end would then be rebuilt some 6m or so south of its original position. The remaining existing random rubble walls are to be retained, repaired and repointed. The higher-level brickwork is proposed to be rendered and painted 'Menagerie' in colour by Farrow and Ball. The roof is to be heightened and clad in natural slates. Rainwater goods are proposed to be of cast iron construction and

painted black.

To facilitate the conversion of the building to a house, a number of new window and door openings are proposed to be formed within it. These include:

- o 3 high level windows on the western (rear) elevation which would serve the living room; and a hallway;
- o 1x new door opening on the northern (side) elevation;
- o the formation of a large opening in the east elevation of the building and the installation of a sliding timber door within it to provide access into the internal courtyard garden;
- o 1x window opening on the eastern (front) elevation, obscurely glazed which would serve a bedroom;
- o 1x window opening on the southern (side) elevation which would serve a shower room.

Windows on the eastern (front) and western (rear) elevations are proposed within existing door openings. The remainder of each existing door opening will be infilled with stone to match the existing. Windows and doors are proposed to be of solid timber construction and finished in white. The internal courtyard would be glazed on its north and western sides with sliding doors providing access into the main body of the dwelling. The southern side of the courtyard will be partially glazed. This window would serve the ground floor bedroom.

A total of 14 rooflights are proposed on the roof of the building. 4 rooflights are proposed on the western roof face. An atrium style roof light comprising of 8x Velux windows is proposed centrally on the eastern roof face and 2x additional roof lights are proposed further south on the eastern roof face.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 2018').

Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 7 (Historic Assets and Places), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 14 (Design, Quality and Place), 16 (Quality Homes), 17 (Rural Homes) of NPF4 and Policies T1 (Development, Location and Accessibility), T2 (General Transport Impact), DP5 (Alterations and Extensions to Existing buildings), DC 1 (Rural Diversification), DC2 (Conversion of Rural Buildings to Housing), CH4 (Scheduled Monuments and Archaeological sites), DP8 (Design Standards for New Housing Areas), and Policy W3 (Waste Separation and Collection) of the adopted ELLDP 2018 are relevant to the determination of this planning application.

Also, material to the determination of this application is East Lothian Council's Farm Steading Design Supplementary Planning Guidance (SPG) 2018 and Design Standards for New Housing Areas SPG (May 2020).

REPRESENTATIONS

Three letters of objection have been received in relation to this application. The main grounds of objection are as follows:

- i. The red line boundary as submitted by the applicant is not representative of what is within the applicant's control. The area fronting and rearing the steading does not fall under the ownership of the applicant;
- ii. The applicant wrongly states that the site area is 590 sqm;
- iii. The application form wrongly states that proposed development would connect to a public water supply, rather it would connect to a private water supply, which it is at capacity;
- iv. The current septic tank is at capacity and is unfit for its current purposes. Objectors state that when flooded, it drains into a water course;
- v. A lack of detail has been submitted regarding drainage;
- vi. The proposed skylights on the eastern elevation would cause overlooking and privacy concerns;
- vii. Increasing the height of the steading may have implications on the foundations of the building;
- viii. The proposed parking spaces are not consistent with reality, in that the access lane is only 3.3m in width;
- ix. Road safety concerns regarding the proposed parking and lack of visibility splays, and doors opening onto the access track; and,
- x. There would be a lack of accessibility within the access lane during the construction phase.

Subsequent to the registration of this application, revised application forms and plans were submitted to amend inaccuracies within the initial submission, namely regarding the red line boundary, site coverage & ownership and water supply and drainage connections.

The applicant's agent has provided title deeds relating to the eastern range steading, which state that there is a right of connection to the private water supply. Capacity issues surrounding this private water supply would be a civil matter and would need to be addressed by the collective group serviced by this water supply and the applicant.

A Drainage Plan and evidence of connections to grey and foul drainage systems was requested. Having reviewed the applicant's title deeds, the applicant has a right to connect to the current septic tank system. Where they deem fit, the applicant also has the right to create a new septic tank in the region of the existing septic tank. A Drainage Plan was submitted on 24th November 2023. The applicant's agent confirmed via email on 28th November 2023 that the Drainage Plan required amendments with regard to septic tank connections as the Drainage Plan submitted detailed connections to the wrong tank. No amendments have been forthcoming, further, the Drainage Plan did not provide or indicate grey water connections. Notwithstanding the matter of the connections to the septic tank are matters controlled by legislation other than planning legislation and it would be for the applicant to demonstrate, if planning permission were to be granted for this development, that they can meet Building Standards regulations including for dealing with drainage and foul waste. Furthermore, the granting of planning permission for a development does not negate the need to thereafter secure the right to carry out the development.

Raw sewage draining into a watercourse would be a matter for SEPA to investigate. Accordingly, this matter will be passed onto them to investigate.

Considerations (vi) to (x) will be addressed later on within this report.

PLANNING ASSESSMENT

The Council's Archaeology and Heritage Officer was consulted as part of this application who advised that subject to the imposition of a condition requiring a Programme of Archaeological works be carried out prior to the commencement of the demolitions works they do not object to the application. Subject to the imposition of that planning control the proposal is not contrary to Policy 7 of NPF4 or Policy CH4 of ELLDP 2018.

The Council's Road Services advise that owing to the close proximity of surrounding buildings to the north, east and south of the proposed parking area, that parallel parking in the proposed parking space may be difficult, even for the most experienced of drivers and that the access lane would always need to be accessible for turning vehicles. However, the Council's Roads Service raise no objection to the proposed development, being satisfied that it would not have a harmful impact on road safety. They do however require a condition be attached to any grant of planning permission requiring: i) the provision of EV charging ii) the driveway to be a minimum of 6.0 x 3.3m and iii) internal/lockable cycle parking provision. Whilst proposals do largely comply with Policy 13 of NPF4 and policies T1 and T2 of the ELLDP 2018, any grant of planning permission would be conditional upon securing the aforementioned roads requirements.

The Council's Waste Services raise no objection to this application. Moreover, the general collection and management of waste and recycling from the proposed development will be operated by the Council's Waste Services from the access road serving the existing development and other houses within the vicinity. Accordingly, the proposals are consistent with Policy W3 of the adopted ELLDP 2018.

The Council's Environmental Protection Officer was consulted as part of this application and made no comment, being satisfied that neighbouring land uses would not have an adverse impact on the amenity of the residential use.

At its meeting on Tuesday 27th August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. No details have been submitted surrounding carbon reduction measures. Any grant of planning permission would be conditional upon securing the aforementioned carbon reduction requirements.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. In this regard, no provision for landscaping or biodiversity enhancement has been provided. Any grant of planning permission would be conditional upon securing the aforementioned biodiversity enhancement requirements.

Subject to the imposition of those planning controls the proposals do not conflict with Policies 1, 2 and 3 of NPF4.

The Council's Contaminated Land Officer was consulted as part of this application and whilst they raised no objection, they did highlight the potential for isolated areas of contamination on-site and further highlighted that the site fell within an intermediate radon probability area (where 1-3% of properties are above the radon action level). The following reports would be required prior to the commencement of any development: A site investigation report and subsequent risk assessment report. Depending on these findings, it may also be necessary for a remediation strategy report and a verification report to be undertaken. A radon report would also be required as an advisory. Any grant of planning permission would be conditional upon securing the aforementioned Contamination Land Survey requirements.

The principal determining factor in this application is whether, having regard to planning policy, guidance and other material considerations, the conversion, and alterations proposed to the building to form a house would be of an acceptable architectural form, size, scale and positioning appropriate for its setting. Thereafter it must be established whether as a result of the development, it causes any reduction in privacy or amenity to surrounding residential neighbours and whether the future occupants of the proposed house would benefit from a sufficient amount of privacy and amenity.

The existing building is an existing structure that already forms as part of the landscape character of this countryside location. The slight increase in ridge height by some 30cm, paired with the use of slate rather than the existing corrugated roofing material would create a similar appearance to that of the surrounding steading ranges. Furthermore, the ridge heights of the surrounding steading ranges sit higher than the existing ridge height of the eastern steading range and as such, the new proposed roof would be of a scale, design, proportion that would be in keeping with the character of the steading development, the wider residential and rural character of the area.

The Farm Steading Design SPG favours the retention of existing door and window openings. Whilst the existing building has no current window openings, other than a skylight on the southern roof elevation and a bricked-up window on the eastern (front) elevation, it does have a number of door openings. Whilst development proposals do make limited use of existing door openings, windows and door openings proposed on the north, east and southern elevations are of a style, size and proportion traditionally used in steading conversions. Further, the sliding barn style door is also of a particular architectural style which makes reference to the historical context of the existing steading. In their position, the windows and doors on the north, south and eastern elevations would not appear as prominent or incongruous features on the building. The 3x high level windows proposed on the western (rear) elevation are not of a typical rural steading style, however, they are located to the rear of the development and thus would not be particularly visible from the main access road leading into the farm. As they would not be readily visible from the main access track, they would have a negligible impact on the overall character and appearance of the development. In that context, they would not appear as prominent or incongruous features on the building.

The Farm Steading Design SPG recommends against the use of new roof lights wherever practicable. The western steading range obtained planning permission under ref: 02/01040/FUL for the installation of roof lights, subject to the condition that the upper surface of the roof lights were installed as flush as possible with the upper surface of the roof in which

they were installed into, with minimum flashing. Without the roof lights, there would be no natural light entering into these areas. On balance and subject to their overall positioning, the roof lights and velux windows serving the internal courtyard would not appear as prominent or incongruous features on the building.

The covering of the brickwork with render would cover the mismatched materials, providing a more finished appearance. Further, the use of render would reflect the materials used on the houses just east of the proposal. As such, the use of this material would not detract from the architectural character or appearance of the existing building, the wider steading development, or the rural character of the area.

The formation of hardstanding and the erection of a bin shed to the north of the repositioned gable wall would by virtue of their form, character and size would not appear as prominent or incongruous features within their context.

By virtue of their form, size, scale, proportions and materials, the proposed alterations to the building to facilitate its use as a house and the formation of hardstanding and erection of a bin shed would be appropriate to and would not be harmful to the character and appearance of the building or to the wider steading of which it is a part. On matters of design the alteration do not conflict with Policy 14 of NPF4 or Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Policy 16 of NPF4 supports new homes in rural areas on land not allocated for housing within the LDP, where proposals are consistent with policy on rural homes, the spatial strategy and is supported by an agreed timescale for build out.

Policy 9, 12 & 17 of NPF4 support development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict buildings.

Policy DC1 of the ELLDP 2018 states that 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. It further states that 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 17 of NPF4 and policies DC2 and DP5 state that on the matter of design that any extension or alterations are compatible with and do not harm any significant architectural or historic features of the building and are in keeping with its size, form, scale, proportion, massing and architectural character.

As the building is an existing rural building that is substantially intact then the principle of the conversion of it to a house is not contrary to Policies 9,12, 16 and 17 of NPF4 and with Policies DC1 of the adopted East Lothian Local Development Plan 2018.

However, Policy DC2 of the ELLDP 2018 supports the conversion of rural buildings to housing where the building is suitable for the proposed use. Therefore, notwithstanding that the principle of the conversion of the building to a house is supported by Policy 17 of NPF4 and

Policy DC1 of the adopted East Lothian Local Development Plan 2018, it is now necessary, in accordance with Policy DC2, to establish whether the building is suitable for its conversion to a house and whether the future occupants of the new house would enjoy sufficient amenity. Policy DP5 of the ELLDP also requires that alterations or extensions to a building, must not be harmful to the residential amenity of neighbouring properties through loss of privacy from overlooking, or from loss of sunlight or daylight.

On the matter of amenity Policy DP8 of the adopted East Lothian Local Development Plan states that the principles of the Council's supplementary planning guidance Design Standards for New Housing Areas must be incorporated into the design of all new developments. The aim should be to ensure all occupants have the same (or very similar) levels of amenity such as outlook, privacy and private space.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore cause a 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 building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

A solid timber door opening is proposed to be formed on the northern (side) elevation of the building; no other openings are proposed on this elevation. This elevation faces onto the southern (side) elevation of the northern steading range, which contains one existing window opening. This window serves what appears to form as a store. Although less than 18m in distance between the northern (side) elevation and the existing window belonging to the northern steading range, the formation of any other window openings on this elevation would not give rise to overlooking or a reduction in privacy given the northern range is not in residential use and serves as a store.

A window opening is proposed on the southern (side) elevation of the building that would serve a bathroom. There is less than 9m separation distance between the proposed window and the boundary of adjacent neighbouring properties. Shepherd's Cottage does however have a high hedge within its front curtilage which would serve as a screen to prevent any overlooking or privacy concerns for the neighbouring property, should the internal space be reconfigured. Therefore, that window would not allow for harmful overlooking of the neighbouring house to the south.

There would be 3 window openings formed almost centrally in the western (rear) elevation of the building. Two high-level windows would serve the living/dining room and the other would serve a passageway connecting the living /dining space to the ground floor bedroom. These windows would face onto the central courtyard which falls outwith the control of the applicant and as such, a separation distance of 9m between these proposed windows of the eastern steading range and the garden boundary of the western steading range would not be achievable in this instance. In addition, there would not be an 18m separation distance between the windows proposed on the western (rear) elevation of the steading conversion and the eastern (front) elevation of the existing steading to the west. To overcome any issues of overlooking from those windows, it is proposed that the windows be high level windows with a cill height of 1.8m above finished floor level. At such a height they would not allow for any overlooking of the courtyard to the west or any windows of the neighbouring house. However, any

alteration to those windows to reduce their cill height or the formation of different window types or additional glazed openings on this elevation could give rise to further overlooking or privacy concerns. Therefore if planning permission were to be granted it would be prudent to impose a condition removing the right to alter those openings or to form any other glazed openings on that elevation of the building. Subject to the imposition of that planning control the openings on that elevation to the building would not allow for harmful overlooking of the neighbouring property to the west.

The 4x roof lights proposed on the western roof scape would be some 18 metres in distance from any directly facing windows and thus, this would be a sufficient distance in prevent harmful overlooking.

The east (front) elevation of the building is located some 5.7m away from the west elevation of the Old Farmhouse. There is one existing door opening in that elevation at present and no existing window openings.

To facilitate the proposed change of use it is proposed to infill the bottom part of the existing door opening to form a window and to install an obscurely glazed window within the east elevation wall. Due to the position of that window and as it would be obscurely glazed it would not allow for harmful overlooking of the Old Farmhouse to the east.

It is proposed to install a total of 10 roof lights on the east elevation roof slope of the building, 8 of which would serve the internal courtyard. Given their height above the courtyard the proposed roof lights to be installed above it would not allow for harmful overlooking. The 2 other roof lights to be installed onto the east facing roof slope of the building would face towards and be within 9m of the curtilage of The Farmhouse to the east. However, the part of the curtilage of that neighbouring house onto which they would face is not private garden but is instead a parking area for that house. Therefore the 2 roof lights would not lead to any significant reduction in privacy for neighbouring residential properties, through overlooking of any windows or private garden area of that neighbouring house.

It is also proposed to form a new large door opening in the east (front) elevation of the building which would allow access for the occupants of the proposed house into the new internal courtyard to be formed within it from the adjacent lane. That new opening would be formed in a position opposite the conservatory attached to the south side of the Old Farmhouse at a distance of less than 9m. Whilst the solid timber sliding door to be installed within this new opening would prevent any harmful overlooking from the courtyard when shut, when open views would be possible from that internal courtyard into the conservatory of the Old Farmhouse. Whilst it is possible to look into the conservatory from the existing access lane, any overlooking from the internal courtyard would be for sustained lengths of time which would be different to the overlooking possible from anyone passing the conservatory when using lane. This would harm the residential amenity of the occupants of that neighbouring house. Therefore as there would be harmful overlooking of the neighbouring house the proposal is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

On the matter of outlook with the exception of the internal courtyard glazing, all other ground floor windows of the proposed house would be required to be either a) obscurely glazed, or b) high level windows that would not allow for any outlook from them. Those measures are required to ensure that window and door openings of the proposed house would not give rise to overlooking of any neighbouring residential properties. As a result of these measures, the

proposed house would have no ground floor windows that would allow any views or outlook from the rooms including the kitchen, living room and ground floor bedroom. Therefore, the occupants of the new house would not have any outlook from the principle rooms of the house and would not have the same level of amenity as the occupants of most other houses in East Lothian contrary to the Design Guide for New Housing Areas and therefore to Policy DP8 of the adopted East Lothian Local Development Plan 2018.

Furthermore, the only useable private amenity space for the occupants of the proposed house would be the 10sqm internal courtyard. That indoor courtyard which would also be used for cycle parking, would be accessed via the large sliding doors on the eastern (front) elevation of the house. Those doors when open would allow views from the neighbouring house and from the adjacent access track into it and thus it would be an area that would not have any degree of privacy. When those sliding doors were closed that area would be a small indoor area that would function more as a room than as an area of outdoor space. Therefore, there would be no useable outdoor amenity space for the occupants of the proposed new house to use. Therefore the occupants of the proposed house not having the same level of amenity as the occupants of other houses in East Lothian. This is again contrary to the Design Guide for New Housing Areas and therefore to Policy DP8 of the adopted East Lothian Local Development Plan 2018.

In conclusion whilst the proposals would see the conversion of an existing vacant building that may otherwise fall into further disrepair, as the occupants of the new house would have no outlook from the house, would have no outdoor amenity space and would result in harmful overlooking of the conservatory of the neighbouring house of the Old Farmhouse this is a building that is not suitable for conversion to a house as it would not give its future occupants the level of amenity that the occupants of a house could reasonably expect to have contrary to Policies DC2 and DP8 of the adopted East Lothian Local Development Plan 2018.

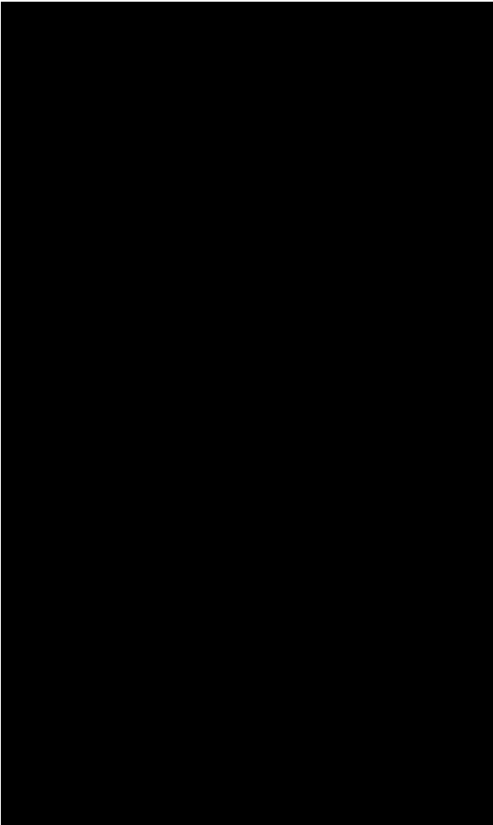
The conversion of the building to a house would be contrary to Policies DC2, DP5 and DP8 of the adopted East Lothian Local Development Plan and its Supplementary Planning Guidance the Design Guide for New Housing areas.

The proposed conversion of the building to a house is contrary to the development plan and there are no material considerations that outweigh the fact that the proposal is contrary to the development plan.

REASONS FOR REFUSAL:

- 1 As the occupants of the new house would have no outlook from the house and would have no outdoor amenity space this is a building that is not suitable for conversion to a house as it would not give its future occupants the level of amenity that the occupants of a house could reasonably expect to have contrary to Policies DC2 and DP8 of the adopted East Lothian Local Development Plan 2018.
- 2 As the new opening to be formed in the east elevation of the proposed house would result in harmful overlooking of the conservatory of the neighbouring house of the Old Farmhouse this proposal is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM



15th December 2023

2. Letter's from Interested Parties.

Interested Parties:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Interested Party 1.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

East Lothian council
John Muir House
Haddington
EH41 3HA

Planning Application Number 23/00950/P

Application location; Ferneylea Steadings, Oldhamstock, East Lothian

We would like to formally object to the alteration and change of use to the farm building [REDACTED] for the following reasons.

Privacy

Looking at the plans we are only 4.5m away from the roof of the conversion. The velux windows are positioned below the bedrooms of our house giving a direct view into their bedroom.

They will both be able to see directly into [REDACTED] and from [REDACTED] elevated position and looking at their floor plans, we may see the occupant lying in bed.

Please see the attached photo of our bedroom (Photo 1)

I would request that all roof windows are removed from the east side of the building.

Parking Space

There seems to be some inconsistencies with the plans and reality. The spaces are both too narrow and I suspect impossible to access. Measuring only 3.3m wide for 2 cars.

Please see the attached diagram (Diagram 1) of parking spaces and access.

Building height

I am slightly concerned about how they are going to achieve the height for two stories, I have measured the gutter height at 2.9m. I would have my concerns with the building foundations if they decide to dig down to gain the extra height required.

Septic tank and water supply

I believe the current building shares our septic tank, I have my concerns that this will be unsuitable for two houses. The septic tank is very old, within a couple of weeks of moving into the house we had problems with the septic tank overflowing. We have since had private contractors in to clean the whole area and jet and clean the pipework and septic tank. We currently treat the septic tank with kid gloves and are very careful what we dispose of. If this planning was to go ahead I would recommend that a new septic tank and soakaway be installed. Please see photo below

Please see the attached photos of the septic tank overflowing prior to renovation and cleaning.

The houses in this area are fed by a private water supply, which fluctuates and already struggles to supply the houses connected. I would recommend that a private borehole be installed.

Yours Sincerely



Photo 1 – View from bedroom window

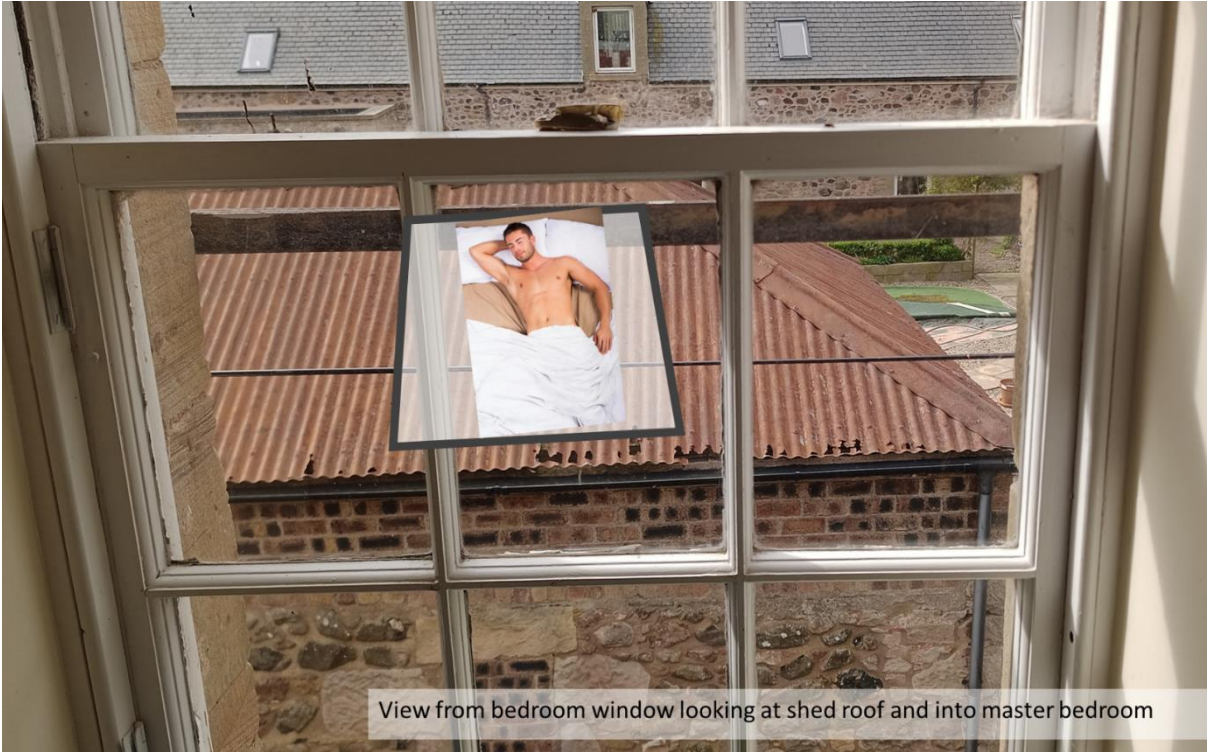


Diagram showing - Proposed parking space for two cars

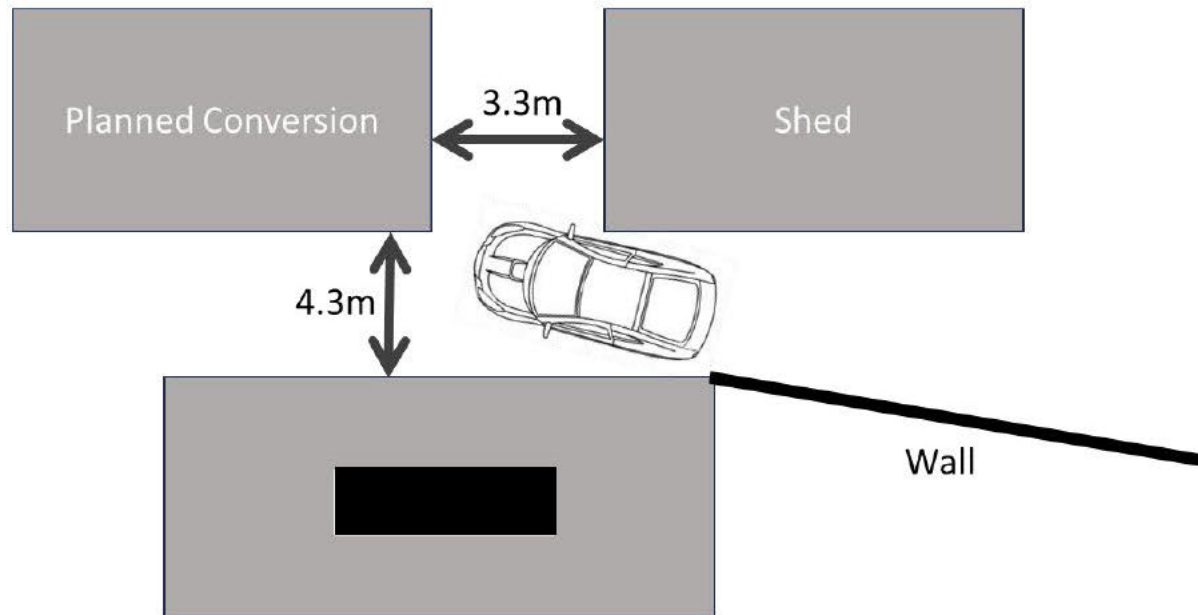


Photo 2 – Showing septic tank before cleaning and jetting



Interested Party 2

Comments for Planning Application 23/00950/P

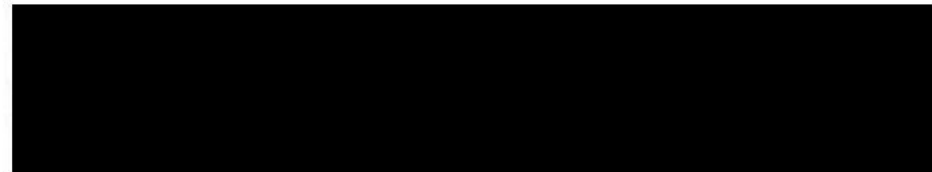
Application Summary

Application Number: 23/00950/P

Address: Ferneylea Steading Oldhamstocks East Lothian

Proposal: Alterations, change of use of agricultural building to form 1 house and associated works

Case Officer: Amelia Smith



Comment Details



Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning Application Number - 23/00950/P Ferneylea Steading, Oldhamstocks, East Lothian

The actual Site Area owned by [REDACTED] is 116.16m², as measured from the Title Deed.

3. The Applicant, Ms Christine Donaldson, who has lived at Ferneylea for more than 20 years, is and has always been aware of the ownership of the Access Lane (her right of access to use this lane will be included in her title deeds to Shepherds Cottage) and the hard standing surrounding The Steading.

We are therefore concerned that both the drawings and some details on this application are misleading and factually incorrect.

Representation/Comment on the application by



We object to the planning application for the following reasons:

There are substantial material errors in the application.

1. The Landowner named on the application under Land Ownership Certificate does not own all of the land noted for development on the application, and the drawings submitted, specifically 'Proposed Alterations to Steading for Ferneylea - Planning Site Plan 23/796 P G4C' is factually inaccurate and entirely misleading as to the extent of the land owned by [REDACTED]. [REDACTED] owns the footprint of the building known as The Steading, but does not own any land outwith the building, including any part of the 'Access Lane' or the 'existing concrete hardstanding' and 'grassed area' noted on the drawing. The Deed of Sale between [REDACTED] recorded in the Registers of Scotland on 18 January 1993, Page Sixth, point Eight notes only 'a heritable and irredeemable servitude right of vehicular and pedestrian access' to the areas in question.

2. The application states a Site Area of 590m².

Interested Party 3.

Comments for Planning Application 23/00950/P

Application Summary

Application Number: 23/00950/P

Address: Ferneylea Steading Oldhamstocks East Lothian

Proposal: Alterations, change of use of agricultural building to form 1 house and associated works

Case Officer: Amelia Smith

Customer Details



Comment Details

Commenter Type [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Water supply:The application states using public water supply.This is false.There is no public water on Ferneylea.The supply is private, shared by the 6 houses and farm.It is already stretched to capacity.At peak time it all but fails.Any leaks mean loss of water to all houses.This application adds a new house, for which there is no capacity.Applicant/owner have not consulted with the other users.No permission has been given.

Stealing land and narrowing lane:The strip of grass/paving facing the lane is on ground not belonging to the owner.The lane is owned entirely by the The Granary.This is a land grab.Houses in Ferneylea only have right of access.This is also true of the grassed area to the rear.Further, to take this land would make an already tight access impassable to large vehicles.The lane is used by deliveries, refuse collection, large farm vehicles.The application gives no consideration to other users of the lane.

Parking:The parking is unsuitable.Cars exiting will have zero vision down the lane until they are halfway across the it.The lane is used by children, dogs, farm vehicles, and cars.The parking plans are a hazard.A mirror could help, but owner has no permission to install one in the lane.The courtyard doors give the same issue, opening directly on the road.

No SUDs:The application states that no plans are made.The owner recently sold the Old Farmhouse.Lack of maintenance to their water junction box there did significant run-off damage to the lane.Large potholes remain.This application does nothing to show that the same will not happen again.

Septic tank capacity:The tank proposed is very old, owned by [REDACTED] on grounds that were part of the Old Farmhouse, until sold.Today it's shared by Shepherd's + Barn Cottage.Between this planning and Mrs Donaldson's other (23/00795/P), the tank will be over its capacity, in terms of equivalent population.This capacity value was given by [REDACTED]

Septic tank unfit: Owning the Rowan Trees, we have particular interest in this tank. Its main pipe runs through our land, with an open-pipe inspection hole. [REDACTED] has been in breach of her property deeds for 2 years, after [REDACTED] blocked maintenance to the tank, putting a locked shed on it. Previous owner of the Rowan Trees had the same done, until the tank back-flowed into the house. The tank is overdue emptying. If the tank overflows again, it will do so onto our land. Further, since [REDACTED] sold the Old Farmhouse, there is no vehicular access to empty the tank. The tank is in a poor state. Constant smell, the air vents are rusted away, and the ground by the outflow is boggy, and grows prolifically, suggesting the pipe is compromised.

Septic tank to waterway: The tank drains to a watercourse with no soakaway. This system is now illegal if new. The proposed new connection to this environmentally poor tank needs to be questioned with SEPA.

Works block lane: Such extensive works will surely block the lane. This is the only access to existing 4 houses.

Interested Party 4.



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

Dear Sirs,

I refer to the above Planning Application and the amended site drawings recently added.

Please note that the revised Site Area is still incorrect - previously stated as 590m², now showing 148m².

The Block Plan Existing drawing is also incorrect. It shows a 'grassed area' encroaching into the Access Lane. Please note that this area of land is not owned by the owner of the Steading, [REDACTED] and therefore cannot be included as part of the application.

The Block Plan Proposed also contains inaccuracies. All areas marked 'grassed area' and 'block paving' which encroach on to the Access Lane are not on land owned by [REDACTED]

According to our Title Deeds the area occupied by The Steading which is owned by [REDACTED] is 118m².

I am aware that the consultation period for this application may have passed, however the above noted details are factually incorrect.

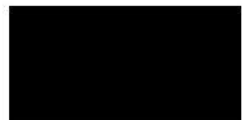
We are extremely concerned that this Planning Application has been submitted by the applicants with full knowledge that they do NOT own all the land included in the drawings.

For accuracy, and as already stated in our comments on the application submitted recently, [REDACTED] owns ONLY the footprint of the building known as The Steading.

All land surrounding The Steading, being Access Lane and Existing Concrete Hard Standing, is owned by [REDACTED]. If required, [REDACTED] provide proof of land ownership.

I look forward to hearing from you shortly.

Kind regards



Interested Party 5.

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Good evening

My wife and I feel we need to write regarding the planning application 23/00950/P. We are one of the [REDACTED] to the property in question. We lodged an objection to the original application, but we see that new drawings have been added, and they now contain explicit details of the drainage plans, which we believe are entirely unsuitable.

The drawings now show a connection to an existing septic tank, located in the field beyond our house. Unfortunately, the main inlet pipe to the tank, and the one that [REDACTED] intends to connect to, runs through our property. It also has an open half pipe rodding point covered only by a flagstone.

The application [REDACTED] is making here, as we understand it, will take this very old septic tank over its working capacity. We know this because [REDACTED] and her husband gave us the effective population capacity figures themselves some time ago. That capacity of course, refers to the tank working as new. This tank is very poor condition and is already long overdue emptying and maintenance, if not being condemned. If this tank overflows, as [REDACTED] has previously, deliberately allowed it to do, it will do so onto our property and cause a major health risk.

A further circumstance that makes the situation worse, is that [REDACTED] has no vehicular access to get the tank emptied. This was previously possible when she owned The Old Farmhouse but the sale of that property has cut the tank off from all road access available to [REDACTED]

Finally, we are also led to believe (but cannot confirm) that the steadings property already has a connection to the other existing septic tank to the north of the property.

We strongly object to the steadings property being allowed to take this unfit tank over its capacity and put our property and health at risk. I hope you can take this into consideration and reject at least this aspect of the application.

Kind regards,

[REDACTED]

3. Consultation Responses

Consultees:

1. Road Services;
2. Environmental Health;
3. Contaminated Land Officer;
4. Archaeology Officer;
5. Scottish Water;
6. Policy and Projects; and,
7. Biodiversity Officer (No response).

Consultee 1. Roads Services

RE: 23/00950/P-Amelia Smith - Planning Consultation Alterations, change of use of agricultural building to form 1 house and associated works | Ferneylea Steading Oldhamst...



Yates, Robbie
To: Smith, Amelia



Tue 28/11/2023 11:58

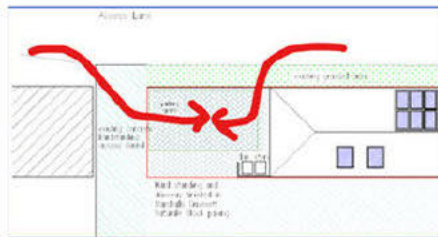
Retention Policy ELC Exchange Mailbox Retention 5 Years (5 years)

Expires on: 26/11/2028

Follow up. Completed on 30 November 2023.
You forwarded this message on 30/11/2023 17:15.

Amelia,

Looks a bit tight for all but the most skilful parallel parkers but, given it is a private lane, and if the applicant has access rights over the vennel and the grass verge, this would be acceptable. The vennel would also need to be accessible for vehicles turning. Happy with the bike storage in the courtyard but I reiterate parking bay would need to have access to EV charging infrastructure.



Regards

Robbie Yates

Transportation Planning Officer | Roads Services | Infrastructure | Partnerships & Community Services
East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

yates@eastlothian.gov.uk

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

From: Smith, Amelia <[REDACTED]>
Sent: 27 November 2023 11:42
To: Yates, Robbie <[REDACTED]>
Subject: RE: 23/00950/P-Amelia Smith - Planning Consultation

Hi Robbie,

New drawings have since been submitted for the above to incorporate a 5by6m driveway & lockable bicycle storage. Are you content with the revised drawings?

Kind regards,

Amelia

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

From: Yates, Robbie [REDACTED]
Sent: 30 October 2023 12:05
To: Smith, Amelia [REDACTED]
Subject: RE: 23/00950/P-Amelia Smith - Planning Consultation

Hi Amenia

Driveways should be 3.3metres wide by 6metres long minimum.

For cycle parking I would need something covered with somewhere to lock the bike to if the covered area itself is not lockable. A shed would be fine... or if there were a lobby or similar that a bike could be stored with the property.

Regards

Robbie Yates

Transportation Planning Officer | Roads Services | Infrastructure | Partnerships & Community Services East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

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

From: Smith, Amelia <[REDACTED]>
Sent: 30 October 2023 11:47
To: Yates, Robbie [REDACTED]
Subject: RE: 23/00950/P-Amelia Smith - Planning Consultation

Hi Robbie,

Many thanks for your email below - Although not shown on the plans, I believe that part of the steading building is to be demolished to make way for the parking spaces. Awaiting clarity on the area to the front though. What would be the required spec for a single parking space/drive way?

Would the internal courtyard suffice for cycle parking storage?

Kind regards,

Amelia

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

From: Yates, Robbie <[REDACTED]>
Sent: 18 October 2023 11:02
To: Smith, Amelia <[REDACTED]>
Subject: RE: 23/00950/P-Amelia Smith - Planning Consultation

Hi Amelia,

I visited this site yesterday and although I don't have any major objections as it is private ground with little or no impact on the public road network I was approached by one of the neighbours. He strongly contested the ownership of an area beyond the footprint of the building. It was a [REDACTED] and he has formally objected. I note another objector has raised similar concerns.

I note that the proposal is to reduce the lane width from around 6.0 to 4.8m. Although in principle I would have no objection to this I think this should be made clear in the application. I would like to know the proposed refuse storage and collection arrangement.

Also I should point out that the parking bays are too small in width and length. Double driveways should be 3.3m x 11m or 5m wide x 6m long. However the number of habitable rooms in the proposed dwelling would only justify one space so if an additional 1.2m length could be provided it would be acceptable. I would also need to have Type 2 EV charger provided as well as secure and sheltered bicycle storage.

Happy to chat through.

Regards

Robbie Yates

Transportation Planning Officer | Roads Services | Infrastructure | Partnerships & Community Services East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 12 October 2023 17:43
To: Transport Planning <transportplanning@eastlothian.gov.uk>; [REDACTED]
Subject: 23/00950/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Alterations, change of use of agricultural building to form 1 house and associated works at Ferneylea Steading Oldhamstocks East Lothian

Health

From: "Slight, Lynn" <[REDACTED]>
To: "Environment Reception" <environment@eastlothian.gov.uk>
Subject: FW: 23/00950/P-Amelia Smith - Planning Consultation

Dear Amelia

Ferneylea is on a private water supply (spring supply) and I note the application form indicates connection to the mains. This is an error.

Environmental Health have no objection to this application but my advice would be the applicant also informs (as well as the direct neighbours listed) the responsible person for the spring supply.

There are a few recent planning applications for Ferneylea - glamping pods, and two new builds. The obvious concern would be demand on the supply.

Kind regards

Lynn
Lynn Slight
Senior Environmental Health Officer Ch.EHO MREHIS
East Lothian Council
John Muir House
Haddington

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 20 September 2023 15:38
To: [REDACTED]
Subject: Fw: 23/00950/P-Amelia Smith - Planning Consultation

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 20 September 2023 15:30
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 23/00950/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Alterations, change of use of agricultural building to form 1 house and associated works at Ferneylea Steading Oldhamstocks East Lothian

From: [REDACTED] 28/09/2023 16:21:2
To: "Environment Reception" <environment@eastlothian.gov.uk> HTML format
Subject: RE: 23/00950/P-Amelia Smith - Planning Consultation

I refer to your consultation request of 20th September 2023 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

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

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

From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 20 September 2023 15:38
To: [REDACTED]
Subject: Fw: 23/00950/P-Amelia Smith - Planning Consultation

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 20 September 2023 15:30
To: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Subject: 23/00950/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Alterations, change of use of agricultural building to form 1 house and associated works at Ferneylea Steading Oldhanstocks East Lothian

Consultee 3: Contaminated Land Officer

Planning Consultation : 23/00950/P (Ferneylea Steading, Oldhamstocks)



Callow, Scott

To Smith, Amelia

Cc Clark, Colin - EHO; Environment Reception

Retention Policy: ELC Exchange Mailbox Retention 5 Years (5 years)

Follow up. Completed on 30 October 2023.

Expires on: 23/10/2028



Wed 25/10/2023 15:32

Hi Amelia,

I note that the development is within an active farm steading and therefore there may be isolated areas of contamination within the wider site area. However, the development proposals are for conversion of the existing, vacant steading building rather than the construction of a new build so it is unlikely that any significant pollutant linkages will be present. It should be noted that (according to the latest Radon Mapping) the site may potentially fall within an intermediate radon probability area (where 1-3 % of properties are above the radon action level), possibly requiring the relevant radon protection measures to be installed.

In light of the above I would recommend that the following conditions be attached to any grant of consent:

Contaminated Land Condition -

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 occupation of the new dwellings.

Advisory for Radon -

It is recommended that the relevant Radon Report (and monitoring if required) be obtained to determine the levels applicable for the site and based on this reporting any radon protection measures found to be necessary should be installed.

Regards,

Scott

[Scott Callow](#) | Senior Environmental Compliance Officer | Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA



Consultee 4: Archaeology Officer

From: Robertson, Andrew <[REDACTED]>
Sent: 11 December 2023 11:59
To: Smith, Amelia <[REDACTED]>
Subject: Re: 23/00950/P - Steading Conversion at Ferneylea Farm

Hi Amelia

Sorry - chasing my tail with everything and away from my computer today. I haven't got the specifics in front of me but it is likely that this would need to be at least subject to a historic building recording (that is fairly standard for steadings if this age). I won't get a chance to look properly but given your recommendation it will prob suffice for me to recommend a Programme of Archaeological works for this one. If it goes further I can tighten this up with the details of what that would entail. Sorry again for not getting back to you and for the rather shorthand response.

Cheers

Andy

Sent from [Outlook for iOS](#)

Consultee 5: Scottish Water

From: "Planning Consultations" <PlanningConsultations@scottishwater.co.uk>	25/09/2023 13:55:18
To: "Environment Reception" <environment@eastlothian.gov.uk>	HTML format
Subject: SW Ref: DSCAS-0094815-6CC? - Your Ref: 23/00950/P	

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

Dear Local Planner,

Please see the attached letter regarding SW Case: DSCAS-0094815-6CC - Your Ref: 23/00950/P

If you have any questions then please do not hesitate to contact Scottish Water.

Kind Regards,

Ruth Kerr.

Ruth Kerr

Technical Analyst
North Regional Team

Strategic Development
Development Services
Dedicated Freephone Helpline: 0800 389 0379

DevelopmentOperations@scottishwater.co.uk

Scottish Water.

Trusted to serve Scotland.

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Opinions, conclusions and other information in this message that do not relate to the official business of Scottish Water ("SW"), Scottish Water Horizons Ltd ("SWH"), Scottish Water International Ltd ("SWI") or Scottish Water Solutions 2 Ltd ("SWS2") shall be understood as neither given nor endorsed by them. The contents of Emails sent and received by SW, SWH, SWI and SWS2 are monitored.

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Scottish Water

www.scottishwater.co.uk

Plain text Rich text HTML

DSCAS-0...
- Plann...

Thursday, 21 September 2023



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

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

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



Dear Customer,

Ferneylea Steading, Oldhamstocks, East Lothian, TD13 5YN
Planning Ref: 23/00950/P
Our Ref: DSCAS-0094815-6CC
Proposal: Alterations, change of use of agricultural building to form 1 house and associated works

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by Oldhamstocks Sep Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

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,

Ruth Kerr.

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."

Consultee 6: Policy and Projects

East Lothian Council

From: Policy and Projects Manager

To: Development Management Manager

Application ref no.: 23/00950/P

Address: Ferneylea, Oldhamstocks, East Lothian

DM Case Officer: Amelia Smith

Policy Officer: Jean Squires

Description: Alterations, change of use of agricultural building to form 1 house and associated works

Planning Policy and Council Material Considerations

NPF 4 – Policies Relevant to Proposal			
1 Climate and Nature Crisis	✓	18 Infrastructure First	✓
2 Climate Mitigation etc	✓	19 Heat and Cooling	<input type="checkbox"/>
3 Biodiversity	✓	20 Blue and Green Infra	<input type="checkbox"/>
4 Natural Places	<input type="checkbox"/>	21 Play and Recreation	<input type="checkbox"/>
5 Soils	<input type="checkbox"/>	22 Flood Risk and Water Management	<input type="checkbox"/>
6 Forestry	<input type="checkbox"/>	23 Health and Safety	<input type="checkbox"/>
7 Historic assets	<input type="checkbox"/>	24 Digital Infrastructure	<input type="checkbox"/>
8 Green Belt	<input type="checkbox"/>	25 Community Wealth Building	<input type="checkbox"/>
9 Brownfield & Derelict Land	✓	26 Business and Industry	<input type="checkbox"/>
10 Coastal Development	<input type="checkbox"/>	27 City, Town and Local Centres	<input type="checkbox"/>
11 Energy	<input type="checkbox"/>	28 Retail	<input type="checkbox"/>
12 Zero Waste	✓	29 Rural Development	<input type="checkbox"/>
13 Sustainable Transport	✓	30 Tourism	<input type="checkbox"/>
14 Design and Place	<input type="checkbox"/>	31 Culture and Creativity	<input type="checkbox"/>
15 20 Min Neighbourhoods	<input type="checkbox"/>	32 Aqua Culture	<input type="checkbox"/>
16 Quality Homes	<input type="checkbox"/>	33 Minerals	<input type="checkbox"/>
17 Rural Homes	✓	Other ie Spatial Strategy	<input type="checkbox"/>

Local Development Plan 2018 – Policies Relevant to Proposal			
TC1 Town Centre First	<input type="checkbox"/>	OS5 Allotment Provision	<input type="checkbox"/>
TC2 Town Centre and Local Centre	<input type="checkbox"/>	OS6 Allotment Sites	<input type="checkbox"/>
TC3 Protection of Local Facilities	<input type="checkbox"/>	T1 Development Accessibility	<input type="checkbox"/>
TC4 Hot Food Outlets	<input type="checkbox"/>	T2 General Transport Impact	<input type="checkbox"/>
RCA1 Residential Character and Amenity	<input type="checkbox"/>	T3 Segregated Active Travel	<input type="checkbox"/>
EMP1 Business and Employment Locations	<input type="checkbox"/>	T4 Active Travel Routes	<input type="checkbox"/>
EMP2 Operational Harbours	<input type="checkbox"/>	T5 Cycle Routes	<input type="checkbox"/>
HOU1 Established Land Supply	<input type="checkbox"/>	T6 Reallocation of Road Space	<input type="checkbox"/>
HOU2 Effective Land Supply	<input type="checkbox"/>	T7 - IT	<input type="checkbox"/>
HOU3 Affordable Housing	<input type="checkbox"/>	T8 – Bus Network Improvements	<input type="checkbox"/>
HOU4 Affordable Housing Tenure	<input type="checkbox"/>	WD1 - 6 Wind Farms etc	<input type="checkbox"/>
HOU5 Nursing Homes – Change of use	<input type="checkbox"/>	W1 – 4 Waste	<input type="checkbox"/>
HOU6 Nursing Homes – Location	<input type="checkbox"/>	M1 – 11 Minerals	<input type="checkbox"/>
HOU7 HMOs	<input type="checkbox"/>	DC1 Rural Diversification	<input type="checkbox"/>
HOU8 Gypsy Travellers	<input type="checkbox"/>	DC2 Conversion of Rural Building to House	<input checked="" type="checkbox"/>
OS1 Protection of Open Space	<input type="checkbox"/>	DC3 Replacement Dwelling in the Countryside	<input type="checkbox"/>
OS2 Change of use of Garden Ground	<input type="checkbox"/>	DC4 New Dwelling in the Countryside	<input type="checkbox"/>
OS3 Open space standards	<input type="checkbox"/>	DC5 Enabling Development	<input type="checkbox"/>
OS4 Play Space Provision	<input type="checkbox"/>	DC6 Development in coastal areas	<input type="checkbox"/>
DC7 – 8 Green Belt and CATS	<input type="checkbox"/>	NH13 Noise	<input type="checkbox"/>
DC9 SLAs	<input type="checkbox"/>	CH1 & 3 Listed Buildings	<input checked="" type="checkbox"/>
DC10 Green Network	<input type="checkbox"/>	CH2 Conservation Areas	<input type="checkbox"/>
DC11 Roadside Advertising	<input type="checkbox"/>	CH4 – 5 Archaeology and Battlefields	<input type="checkbox"/>
NH1 – 6 Environmental Designated Sites	<input type="checkbox"/>	DP1 Landscape Character	<input type="checkbox"/>
NH7 Soils	<input type="checkbox"/>	DP2 & 8 Design	<input type="checkbox"/>
NH8 Trees	<input type="checkbox"/>	DP3 Density	<input type="checkbox"/>
NH9 Water Environment	<input type="checkbox"/>	DP4 Major Development Sites	<input type="checkbox"/>
NH10 SUDS	<input type="checkbox"/>	DP5 Building Extensions	<input type="checkbox"/>
NH11 Flood Risk	<input type="checkbox"/>	DP6 – 7 Security and back land development	<input type="checkbox"/>
NH12 Air Quality	<input type="checkbox"/>	DP9 – Development briefs	<input type="checkbox"/>

Other relevant Council Planning Guidance

Supplementary Planning Guidance and Supplementary Guidance	<input type="checkbox"/>
<i>Developer Contributions Framework SG</i>	<input checked="" type="checkbox"/>
<i>Town Centre Strategy SG</i>	<input type="checkbox"/>
<i>Affordable Housing SPG</i>	<input type="checkbox"/>
<i>Countryside and Coast SPG</i>	<input type="checkbox"/>
<i>Cultural Heritage and Built Environment SPG</i>	<input type="checkbox"/>
<i>Design Standards for New Housing Areas SPG</i>	<input type="checkbox"/>
<i>Development Briefs SPG</i>	<input type="checkbox"/>
<i>Farm Steading Design Guidance SPG</i>	<input checked="" type="checkbox"/>
<i>Green Network Strategy SPG</i>	<input type="checkbox"/>
<i>Special Landscape Areas SPG (1 – 3)</i>	<input type="checkbox"/>
<i>Sustainable Drainage Systems</i>	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Policy Assessment

This proposal concerns a small steading building at Ferneylea, constructed of stone and brick and with a corrugated roof. It is not listed but is of a vernacular style that is not unattractive. It is not clear whether the applicant owns the whole site for which planning permission is required, however this is not a planning matter. The site is in a countryside location within a small group of houses.

Policy 1 of NPF4 requires that significant weight is to be given to the climate and nature crisis. The aim is to encourage, promote and facilitate development that addresses these crises. Policy 2 aims to encourage development that minimises emissions and adapts to current and future climate change. Policy 2a requires proposals to be designed to minimise lifecycle greenhouse gas emissions as far as possible while 2b addresses adaptation. No lifecycle analysis has been submitted. The proposal will retain some of the embodied energy

of the building by the reuse of its existing stone walls. A new roof of natural slate is proposed, and uPVC windows. Marshalls [Drivesell Naturale](#) Block paving will be used for the formation of parking spaces and some landscaping. The reuse of the stone will save some of the embodied energy of the building. There is no indication of any renewable energy installation to provide heat or power for the building. Although the site is raised it is likely to be sheltered from winds somewhat by the surrounding buildings.

There will be additional greenhouse gas emissions arising from the use of the building as residential. This location is not at all well served by public transport and is not close to any major sources of employment, education or retail and leisure, the nearest town being Dunbar which is around 7-8 miles distant.

Overall, as no life cycle assessment has been provided of the proposal it is not possible to know if the emissions are greater or less than average, and therefore if the proposal would accord with the mitigation aspect of this policy. I note that use of uPVC is proposed for the windows &c. This material tends to have higher emissions over its lifecycle than timber, which should therefore normally be preferred. The Council had a standard planning condition covering climate and energy which should be imposed to assist with understanding and reducing emissions.

The intention of NPF Policy 3 is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Proposals must include appropriate measures to conserve, restore and enhance biodiversity, which has not been shown here. If this is not amended, the application should be refused on this ground as significant weight is to be given to the biodiversity crisis. There may be protected species on site, namely bats, and it may have other biodiversity value as it stands currently. There is no biodiversity assessment but Policy 3 requires proposals to show enhancement. [Therefore](#) more information is needed from the applicant to satisfy Policy 3. They may wish to refer to NatureScots '[Developing with Nature Guidance](#)'. Once the information is submitted the advice of the Biodiversity Officer should be sought on whether the measures suggested are sufficient.

Policy 7 seeks to protect and enhance the historic environment and places. This is an old vernacular building which while not listed is part of the original character of this building group and of the area, and it is beneficial to see it reused rather than falling into dereliction. [Part O](#) notes that non-designated historic environment assets should be protected and preserved in situ where feasible, which this proposal would support, though the treatment of its historic window and door openings could be improved.

Policy 9 supports the reuse of brownfield land including vacant and derelict land. It is not clear if this building falls into that category as it may still be in use. However, if it is vacant it would benefit from reuse. Policy 9a requires that the biodiversity value of the brownfield land should be taken into account. As noted above, this site may have biodiversity value and [if so](#) this should be weighed against the desirability of the reuse of the brownfield site.

Policy 12 seeks to reduce waste through reduction, reuse or recycling of materials. No information on the sourcing or destination of materials has been given. The reuse of parts of

the building is supported by this policy however. The reuse of material on site should be maximised, and sourcing of construction materials considered in relation to the waste hierarchy. Appropriate construction waste management could be secured by condition. The policy also requires that proposals set out how much waste is expected to be generated and how it is managed. This does not appear to have been done, and should be.

Policy 13 encourages development that can be accessed sustainably. As noted above, this site is poorly located in terms of public transport, and neither is it convenient for walking or cycling to access daily needs. As noted above it is at some distance from places that could supply these needs, and therefore there is likely to be significant reliance on the use of a private car.

Policy 17 aims to encourage delivery of more high quality, affordable and sustainable rural homes in the right location. Although this is not a new building, this proposal is for new homes which reuse a redundant building. The building is not listed but is constructed of stone. It is not unattractive in itself and the design retains its form and scale. However the details of the proposed work would introduce discordant elements such as the use of uPVC for windows and the application of part render to elevations that are largely in stone and does not accord with the historic ambience of the building itself or building group as a whole. It is noted that the building is very close to an adjacent house, which could raise issues of amenity for existing and future residents.

Policy DP1 of the LDP requires that all new development should include appropriate landscaping. This proposal has limited ground, however the Marshalls block paving does not appear to be sympathetic to the building or the surroundings. Policy DP2 requires that privacy and amenity are ensured. This should be checked with regard to nearby buildings, as some of their windows face the proposal. The building should also be suitably serviced; this group of houses are on a private water supply and septic tank and the capacity and suitability of this may need to be checked.

Policy DC2 of the LDP supports conversion of appropriate buildings to residential use where they are worthy of retention by its architectural or historic character. This building is not listed but is built of stone and in a vernacular style; as such it is worthy of retention. Part (iii) requires that the building is structurally stable and stands substantially intact. A structural survey should be provided to confirm that this is the case.

Policy 18 (and LDP Policy DEL1) seeks to address the impact of development proposals on infrastructure, and contributions may be required for educational infrastructure and adjustments to the public road in line with this policy and the Council's Developer Contribution Supplementary Guidance.

Policy 19 promotes development that facilitates decarbonised solutions to heat and cooling demand. The source of heat of this proposal is not clear. Due to its location this proposal may be difficult to connect to heat networks. Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials. The proposal does not show how it has achieved this,

though the means of achieving this are constrained by the orientation and character of the existing building.

Policy 23 seeks to protect people from environmental harm, and proposals which are likely to have a significant adverse effect on health will not be supported. It is not clear if this track is used for agricultural activities. If so, it may be dangerous for residents as it is narrow and there is very little garden ground to protect those exiting the door to the lane side. It is also not clear if any farm activities will continue in the immediate area.

The Farm Steading SPG notes that steading conversion should include the whole building group. There appears to be another steading building here subject to a different application. The purpose of this part of the guidance is to ensure that the new residents' amenity is not harmed by ongoing farm operations e.g. noise and smell. However the use of other buildings as homes in this building group would suggest that the impacts from adjacent uses are acceptable.

The SPG continues that the design, fenestration, detailing, materials and finishing must respect the original. In practice this means retaining original openings rather than blocking them up and avoiding new slappings in walls. There are some parts where original windows and door will be blocked up, and the addition of extra windows including in the roof. The original window and door openings (some currently blocked up) should be re-used. A plan for provision of services should be provided (para 9) to show that the development can be serviced by water supply, surface and foul drainage, and sewage treatment. Services such as electricity, telecoms & should be underground or concealed where practicable.

Para 11 notes that where served by a single track road, adequate provision of passing places will be required. Colleagues from transportation will advise however if this is required, where hedges are to be removed this should be included in appraising any biodiversity enhancement.

If permission is granted, permitted development rights for further extensions should be withdrawn in order to respect the historic character of the building.

Conclusion

The key benefit of this proposal is the retention of a building with historic character and embodied energy, and provision of a rural home. This is considered to outweigh the climate impact of the proposal arising from a location which is poor in terms of public transport and pedestrian access, so leading to greater than average emissions from transport; a heating system which has no renewable energy or heat; and choice of materials of construction. The lifecycle emissions of the proposal have not been demonstrated nor mitigated. The applicant should be required to show this which could be achieved through condition.

In addition no biodiversity enhancement has been provided, and there may be impacts on its existing biodiversity. Enhancement should be shown.

If you are inclined to grant consent for the proposal the details of design should include the reuse of more of the original building openings and external materials that are more

sympathetic to an old vernacular building, which allow for more of its character and embodied energy to be retained. I believe you will be advised separately on developer contributions as outlined in the Developer Contributions Framework Supplementary Guidance.

Recommendation

There are no policy objections to the granting of consent for this proposal subject to the provision of enhancement for biodiversity and demonstration of mitigation of climate change emissions as per the councils standard condition on this matter.

App No. 23/00950/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Ms Christine Donaldson
c/o Wood Associates
Per Harry Wood
44 Morningside Road
Edinburgh
EH10 4BF**

APPLICANT: Ms Christine Donaldson

With reference to your application registered on 19th September 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Alterations, change of use of agricultural building to form 1 house and associated works
at
Ferneylea Steading
Oldhamstocks
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 As the occupants of the new house would have no outlook from the house and would have no outdoor amenity space this is a building that is not suitable for conversion to a house as it would not give its future occupants the level of amenity that the occupants of a house could reasonably expect to have contrary to Policies DC2 and DP8 of the adopted East Lothian Local Development Plan 2018.

2 As the new opening to be formed in the east elevation of the proposed house would result in harmful overlooking of the conservatory of the neighbouring house of the Old Farmhouse this proposal is contrary to Policy DP5 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	-	10.01.2024
23/798 P01	-	10.01.2024
23/798 P02	A	10.01.2024
23/798 P03	B	10.01.2024
23/798 P04	E	10.01.2024
23/798 P05	-	10.01.2024

10th January 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.

5. Development Plan Policies

National Planning Framework 4 (NPF4)

Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 7 (Historic Assets and Places), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 14 (Design, Quality and Place), 16 (Quality Homes), 17 (Rural Homes) of NPF4 were relevant to the determination of planning application ref: 23/00950/P.

Policy 1 (Tackling the Climate and Nature Crisis)



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

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

Policy impact:

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

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

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

Key policy connections:

All other policies.

Policy 3 (Biodiversity)

Biodiversity

Policy Principles

Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
 - d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

Historic assets and places

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

Policy 7

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

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

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

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

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

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

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

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

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

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

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)

Brownfield, vacant and derelict land and empty buildings

Policy Principles

Policy Intent:

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy Outcomes:

- Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.
- The contribution of brownfield land to nature recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.
- Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.

Local Development Plans:

LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

Policy 9

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Historic assets and places](#)
- [Zero waste](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Health and safety](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Rural development](#)
- [Culture and creativity](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

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

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

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

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

Policy impact:

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

Key policy connections:

[All other policies.](#)

Policy 16 (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.

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Green belts](#)

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

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Rural homes](#)

[Health and safety](#)

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

Policy 17 (Rural Homes)

Rural homes

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.

Policy 17

- 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.

Policy impact:

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

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Natural places](#)
- [Historic assets and places](#)
- [Green belts](#)
- [Brownfield, vacant and derelict land and empty buildings](#)
- [Coastal development](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [City, town, local and commercial centres](#)
- [Rural development](#)
- [Tourism](#)

East Lothian Local Development Plan (ELLDP 2018)

Policies T1 (Development, Location and Accessibility), T2 (General Transport Impact), DP5 (Alterations and Extensions to Existing buildings), DC 1 (Rural Diversification), DC2 (Conversion of Rural Buildings to Housing), CH4 (Scheduled Monuments and Archaeological sites), DP8 (Design Standards for New Housing Areas), and Policy W3 (Waste Separation and Collection) of the adopted ELLDP 2018 were relevant to the determination of planning application ref: 23/00950/P.

Policies T1 (Development, Location and Accessibility)

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.

T2 (General Transport Impact)

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.

Extension and Alterations to Existing Buildings

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

Policy DP5: Extensions and Alterations to Existing Buildings

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

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

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

Development in the Countryside

Rural Diversification

- 5.5 Appropriate development in the countryside traditionally includes agriculture, horticulture, forestry and countryside recreation. New businesses may also seek to establish in East Lothian's countryside and coast, including tourism uses that could diversify the local economy. The Plan supports the principle of new built development in the countryside to accommodate an appropriate countryside use or other business, tourism or leisure development. Existing leisure, tourism or employment uses in countryside or coastal locations will not be expected to demonstrate an operational requirement to justify the principle of further development or expansion.
- 5.6 New build retail uses, such as farm shops in the countryside, may only be supported where there is an operational requirement for a countryside location, there is no opportunity to reuse an existing building, and where it would not be more appropriately located in a town centre.
- 5.7 Countryside or coastal sites may be needed to provide infrastructure for operational reasons, or may be appropriate to work minerals or for proposals related to renewable energy.

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.

DC2 (Conversion of Rural Buildings to Housing)

Housing in the Countryside

- 5.8 In general, East Lothian's countryside and coast is not an area that requires regeneration, renewal or action to address population decline. Few, if any, locations are more than an hour's drive time from Edinburgh or 30 minutes drive time from Musselburgh or Tranent, towns of over 10,000 people. As an accessible area where mobile demand for housing from Edinburgh will continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Most new housing development is therefore directed to towns and villages or planned extensions of these. However, as an exception to this general presumption against new housing in the countryside, the conversion of attractive rural buildings to housing may be supported.

Policy DC2: Conversion of Rural Buildings to Housing

Conversion of appropriate buildings in the countryside to residential use will be supported where:

- (i) The existing building is worthy of retention by virtue of its architectural or historic character;
- (ii) The building is physically suitable for the proposed use and any extensions or alterations are compatible with and do not harm any significant architectural or historic features of the building and are in keeping with its size, form, scale, proportion, massing and architectural character; and
- (iii) The building stands substantially intact (normally to at least wallhead height) and requires no significant demolition. To be satisfied that the existing structure is suitable for the conversion without significant demolition the Council must be provided with credible evidence of the building's structural stability at the time of the planning application.

In the case of a change of use of agricultural buildings to housing, the change of use must involve the whole building group.

In the case of a farm steading conversion, a limited amount of new build may be acceptable where:

- a) it reinstates a part of the original steading group demolished or altered by later development alien to its character and appearance, where there is clear physical and/or historic evidence of the original form; or
- b) it is a logical extension to an existing part of the steading that would provide a completeness to the steading's overall composition that is in keeping with its scale, form and character.

In all cases, the external finishes used must be sympathetic to those of the existing buildings proposed for conversion.

Development Affecting Scheduled Monuments and Archaeological Sites

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

Policy CH4: Scheduled Monuments and Archaeological Sites

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

Design Standards for New Housing Areas

- 7.23 East Lothian Council requires that high quality design principles are incorporated into the design and layout of all new developments. Scottish Planning Policy and Designing Streets support this. These policy documents also promote the use of shared space streets in new development. High quality design is at the heart of making places safe, legible and welcoming and supporting integrated land use and transport. Designing better places to live, work and play that improve the integration of places, people and their movement needs represents a move towards realising such objectives. The Council's Design Standards for New Housing Areas will provide supplementary planning guidance.

Policy DP8: Design Standards for New Housing Areas

The principles of the Council's supplementary planning guidance Design Standards for New Housing Areas must be incorporated into the design and layout of all new relevant developments. All Home Zone / shared surface street designs must also be consistent with this document.

Policy W3: Waste Separation and Collection

All new development including residential, commercial and industrial properties should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations and address the waste hierarchy. This should include:

- a. For all scales of residential development, appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes;
- b. For all major residential, industrial or commercial developments, recycling facilities of an appropriate scale and at a suitable location;
- c. Appropriate access roads and sufficient space for servicing by collection vehicles.

Supplementary planning guidance will provide more detailed guidance on integrating sustainable waste management measures into new development.

6. Schedule of Conditions

Should the Planning Authority's decision to refuse planning permission under ref: 23/00950/P be upheld at the Local Review Body and planning permission is subsequently granted, a schedule of recommended conditions to be attached to any grant of planning permission is detailed below:

1. Time Condition

The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Flush Fitting Roof Windows

The roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slopes into which they will be installed and with minimum flashing.

Reason:

To ensure the satisfactory appearance of the development, in the interests of the visual amenity of the area.

3. Programme of Archaeological Works

No development shall take place until the applicant has, through the employment of an archaeologist or archaeological organisation, undertaken and reported upon a programme of archaeological work (Historic Building Recording) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to, and have approved in advance by, the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

4. Roads Requirements

The proposed residential dwelling hereby approved shall be provided with a driveway with a minimum specification of 6.0m by 3.3m and with the provision of internal and lockable cycle parking in accordance with stamped approved plans. Thereafter, both the minimum specification of driveway and cycle parking shall be retained on-site, unless otherwise approved by the Planning Authority.

Reason:

In the interest of promoting sustainable transport infrastructure on the site and in the interests of road safety.

5. EV Charging

Prior to the commencement of development, a timetable and detail for the provision of the electric vehicle charging point and its associated infrastructure shall be submitted to and approved in writing by the Planning Authority. The electric vehicle charging point and its associated infrastructure shall thereafter be installed in accordance with the detail and timetable so approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

6. Biodiversity Enhancements

Prior to the commencement of development, details of measures to protect and enhance biodiversity on the application site in the form of a scheme of landscaping shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

7. Climate Change

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. 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.

8. Contaminated Land

Prior to the commencement of development, a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. The assessment should include the following details:

- i) A Preliminary Investigation, incorporating a Phase 1 Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- ii) A Phase 11 Ground Investigation (if the Desk Study has determined that further assessment is required);
- iii) 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;
- iv) An appraisal of the remediation methods available and proposal of the preferred option(s). The Desk Study and Ground Investigation must be undertaken by a suitably qualified, experienced and competent person and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by such reporting that remediation of the site is not required, then Parts 2 & 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, timetable of works and site management procedures. It should ensure that the site will not qualify as contaminated land under Part 2 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

Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted to the Planning Authority, which 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.

Part 4

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the 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 Remedial 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.

Reason:

In the interests of the amenity of future occupiers of the dwelling, hereby approved.

9. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no other windows or other glazed openings shall be formed in the rear (west) and front (east) elevations or on the front (east) roof slope of the proposed steading conversion hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the east and west.

10. Obscure Glazing

Prior to the occupation of the house hereby approved, the ground floor window on the front (east) elevation shall be obscurely glazed in accordance with stamped approved plans and in accordance with a sample of obscured glazing to be submitted to and approved by the

Planning Authority in advance of its use on the house. The obscure glazing installed on the ground floor window on the front (east) elevation shall accord with the sample so approved. Thereafter, ground floor window on the front (east) elevation shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property to the east.

11. Samples

Prior to their use on site, full details (including samples where requested) of materials and finishes to be used to externally clad the roof and walls of the house, for the windows, doors and any ground surfacing on the site shall be submitted to and approved in writing by the Planning Authority.

The development shall thereafter be implemented in accordance with the approved details unless otherwise agreed by the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted and control the materials used on the site in the interest on visual amenity.

Advisory for Radon –

It is recommended that the relevant Radon Report (and monitoring if required) be obtained to determine the levels applicable for the site and based on this reporting any radon protection measures found to be necessary should be installed.