

LOCAL REVIEW BODY

31 October 2024

Application No: 23/00673/PP

Southwood, Newbyth, East Linton EH40 3DU

Appointed Officer's Submission

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App Ref: 23/00673/PP

Address: Southwood, Newbyth, East Linton, East Lothian, EH40 3DU.

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OFFICER REPORT

15th May 2024

App No. **23/00673/PP**

Application registered on **20th June 2023**
Target Date **19th August 2023**

Proposal	Planning permission in principle for the erection of 1 house and associated works	SDELL	N
		CDEL	N
Location	Southwood Newbyth East Linton East Lothian EH40 3DU	Bad Neighbour Development	N

APPLICANT: **Mr John Millar**

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

**c/o Helen Lucas Architects Ltd
Per Hannah Bowers
31-35 Marchmont Road
Edinburgh
United Kingdom
EH9 1HU**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to the detached single storey house, annex and garden ground of Southwood, Newbyth that is located some 1.85 kilometres to the northeast of East Linton, 1.4 kilometres to the northwest of Tynninghame and some 1.85 kilometres to the south of the village of Whitekirk. It is within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The application site is some 0.6957 hectares in size. The existing house occupies a roughly central position in its curtilage and is of a simple architectural style featuring a pitched roof clad in tiles and external walls finished in a mix of render and natural stone. An annex building with additional habitable accommodation is sited to the east of the host dwelling. A further non habitable outbuilding is located to the north east of the site.

The application site is enclosed by high trees and hedge planting on its east, west and north boundaries. The low southern boundary is adjoined by agricultural land. The site is accessed via a driveway to the east which leads from a shared access onto the public road to the east. The land to the north and west is characterised by woodland while to the east are the residential

properties of East Lodge and Birkhill.

East Lodge, which is located to the east of the application site and separated from the host property by high level landscaping. These properties share the same access from the public road as well as Birkhill to the northeast of the host property. East Lodge is listed as being of special architectural or historic interest, Category B and dates from circa 1832. It comprises a single storey Tudor style gate lodge with an unhappy modern timber extension. The property of Birkhill comprises a modern single storey property.

Immediately to the rear of the listed East Lodge, intervening outbuildings exist including a carport for East Lodge and an area of hardstanding used for the parking of cars.

The site is located within the Newbyth House Local Garden and Designed Landscape as well as the ancient woodland. Some 70 metres to the east of the application site on the opposite side of the public road is the western extent of the Tynninghame Garden and Designed Landscape.

Through this application, planning permission in principle is sought for the erection of a new part single, part two storey house associated works on the application site. To facilitate the erection of the new house it is proposed to demolish the existing house and annex building.

Although the application is made for planning permission in principle, elevational and floorplan drawings and a site layout plan have been submitted with it that show how a part two and part single storey house might be positioned roughly centrally on the application site. These drawings indicate how the proposed house could have an irregular, generally 'L - shaped' footprint, partially extending over the footprint of the demolished house and could be of a contemporary architectural design in contrast with the modest modern bungalow to be demolished. It is shown with flat/mono-pitched roofs and large areas of glazing on its south elevation. It is also shown having an overall length of approximately 24 metres and a width of 15 metres. The drawings further indicate that the external finishes could be render at ground floor level while the upper floor could be finished in a timber cladding. The link structure between the two building masses could be finished in zinc cladding. The submitted drawings also show that windows could be inserted within all elevations of the building. The fenestration of the dwelling could feature composite framed windows with an alu-clad external finish while the side lights of the link structure could be of timber framed construction. It is also shown that the north elevation could also feature a bay window at first floor level, which could be finished in a zinc cladding. The roof of the two-storey element of the proposed dwelling could also feature a large section of roof lights as well as an array of solar photovoltaic panels. All rainwater goods are shown to potentially be finished in zinc to match the roof.

The proposed new house is shown to have a ground floor footprint of some 186 sq meters. This could comprise a main double height block having a footprint of 128 sq metres, a single storey north wing with an area of 40.7 sq metres and a link between them measuring 17.3 sq metres. The first floor of the double height block could have an area of some 91 square meters. Accordingly, the new house could potentially have a total floor area of some 277 sq metres.

The main entrance to the house is shown located within its east elevation within the link structure. That entrance could provide access to an entrance hall with kitchen/dining room, utility, snug, craft room and living room within the section to the south of the link as well as two bedrooms and a shower room within the ground floor area of the north of the link.

The first floor of the property could also feature a landing providing access to a further two bedrooms (one en-suite), a family bathroom, store and study area. The staircase would also overlook a void above the ground floor living room.

The drawings indicate that the proposed new house could have a ridge height of some 6.75 meters at its highest point while the ridge height of the single storey element could have a height of 3.75 metres. Its mono-pitched roofs are shown to be finished in zinc while an external flue is shown on the drawings to potentially be fitted within the roof of the proposed house that would extend to a point some 1.2 meters above its proposed ridge height.

Although the application is submitted for planning permission in principle, none of the application drawings refer to the details as being indicative.

The existing driveway and access arrangement would be retained with alterations to allow for improved drainage.

Vehicular access to the house would be by way of the existing access and driveway taken from the public road to the east. A hardstanding would also be created to the south of the dwelling to form a patio area.

Demolition of the dwellinghouse is categorised as permitted development under Class 70 of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992 and therefore does not form part of the development the subject of this application.

Supporting information in the form of indicative drawings and a Design and Access Statement have been submitted in support of the application.

The Design and Access Statement sets out a contextual analysis explaining that the existing dwellinghouse comprises the main dwelling and a further annex building both of which combined amount to 241 sq metres of floor space over a single floor and sleep up to 4 people. It is finished in a mix of render and natural stone with a tiled roof. The windows of the main dwelling are UPVC framed while those of the annex are timber framed. Proposals are for the replacement of the main house and the annex with a modern highly insulated house with a footprint of 189 sq metres. The proposed house would be split into two linear buildings with a flat roofed connection linking both masses. The main body of the dwelling would be 2 storeys in height and the massing has been designed to make most of its orientation for passive solar gain. Finishing materials would feature render, timber cladding and zinc as well as the retention of some brick plinths. Energy efficient technologies are also proposed to be incorporated to include air source heat pumps and photovoltaic panels.

The statement only briefly mentions the condition of the existing dwelling to highlight that the windows of the cottage have become weather stained over time. Notwithstanding this, the concluding paragraph of the statement states that the dwelling is in adequate working order but the building's scale and accommodation are not suitable for the family's needs. As such, no case to demonstrate that the property is no longer habitable and no reasonable efforts can make it so, has been put forward in this document.

Following the registration of the application and additional Existing Condition Statement has been submitted by the agent. This sets out that an assessment of the original construction of the property indicates the use of sub-standard building methods that have not withstood the test of

time. The suspended timber floor and masonry-cavity walls (blockwork inner and outer leaf) have no insulation evident, resulting in the property being cold and damp all year round. When inside the property, it is possible to smell and feel the damp - with evidence of rotting timber frames and black mould growth visible on the wall linings. It is also set out that externally, there are also several significant cracks visible to the walls. As a minimum, these indicate that the render is boss, but more concerningly that the cavity wall-ties may be corroding; a significant structural concern, replacement of which would necessitate significant downtakings. It is also stated that due to the low-grade construction of the property, it cannot be comfortably heated as any heat produced is immediately lost through the uninsulated walls and floor.

The statement also mentions that measures to reasonably improve the building fabric have been made by the owners where possible, including replacing secondary with double-glazing units to the windows, insulating the loft and installing carpet with thick underlay throughout. However, they state that these material changes offer minimal effect during the cold winter months.

A statement has also been submitted on behalf of the applicant which states that they bought Southwood in 2010, and since then have used it as a second home for weekends and an extended period in the summer. In 2020 they made the decision that they would like to make Southwood their sole residence and to play an active role in the local community. They state that as their children have grown older, they have been able to spend more time at Southwood in the 'offseason' which has made them aware of its unsuitability for year-round living. It is stated that over time they have sought to improve the property by installing a new heating system and replacing secondary with double glazing. These efforts, however, have done very little to address the persistent issues of cold, damp and mould which result from the flimsy construction of the property.

They argue that their proposal incorporates an efficient heat-pump system, superinsulation and solar panels, the combination of which would address the current cold and damp living conditions and significantly reduce the ongoing carbon emissions from the property.

Notwithstanding the statement received following the application being registered, no cost analysis has been submitted with the application in terms of repair of defects to the existing house relative to the construction costs of the proposed new house or advice from a structural engineer to demonstrate that the property cannot be altered to address the defects.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 6 (Forestry, Woodland and Trees), 7 (Historic assets and places) and 17 (Rural homes) of NPF4 and policies DC1 (Rural Diversification), DC3 (Replacement Dwelling in the Countryside), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), CH1 (Listed Buildings), CH6 (Gardens and Designed Landscapes), NH8 (Trees and Development), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP are relevant to

the determination of the application.

No public objection has been received against the application.

The Council's Roads Services have commented on the application to state that the proposals allow for sufficient space for the on-site parking requirements of two parking spaces according to their current car parking standards, together with space for those vehicles to turn around to exit the property in forward gear. Therefore, with regards to car parking they would have no objections. However, as it will form a new residential dwelling then they would expect that it is served by an externally mounted electric vehicle charging point. This can reasonably be secured by way of a planning condition attached to any grant of planning permission in principle.

They also mention that the property is accessed via a shared private track that is accessed from the public road via an existing gravelled area between two other properties. This is a historic crescent shape feature that provides an informal give-way arrangement onto the public road (on the opposite side of this road is a public car park serving Binning Wood). There is good visibility at the junction with the presence of grass verges on both sides, and therefore, they have no concerns about its continued use.

Overall, subject to the provision of the electric vehicle charging point, Roads Services have no objections to this proposal.

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

The site is located within the Newbyth House Local Garden and Designed Landscape as well as the ancient woodland. Some 70 metres to the east of the application site on the opposite side of the public road is the western extent of the Tynninghame Garden and Designed Landscape. There would however be no public views of the proposed dwelling from the north east or west and only intermittent short duration views of the dwelling would be possible from the public road to the south east.

Given the siting of the proposal within close proximity to but not within the Tynninghame Designed Garden and Landscape, Historic Environment Scotland has been consulted on the application. They have responded to confirm that they have no comments to make on the proposal and accordingly no objection is raised.

Furthermore, the Council's Landscape Policy Officer has commented on the application to state that the site is designated as an area of ancient woodland of long established planation origin. However, there is an existing house on the site and the proposed location of the new house is within the garden ground of this house and will not require felling of any trees within this ancient woodland location to facilitate this. Given this, they confirm that they have no landscape objection to the proposals.

They have however suggested conditions be placed on any planning consent issued requiring the protection of the trees on the site during construction, and that only the existing driveway is to be used for construction access with the addition of temporary ground protection to protect the surrounding trees' roots from compaction by heavy construction machinery. There can reasonably be applied as conditions should planning permission in principle be approved.

The Council's Policy and Projects Officer has also commented on the proposal to state that the effect of the proposed development on the garden and designed landscape is limited to the impact on any remaining woodland, which is regarded as minimal.

The proposal would therefore not detrimentally impact on the character or appearance of the Newbyth House Local Garden and Designed Landscape as well as the ancient woodland or the nearby Tynninghame Garden and Designed Landscape. Subject to the imposition of relevant conditions the principle of building a new house on this plot is not contrary to Policy 6 of NPF4 and Policies DP1, DP2 and NH8 and CH6 of the ELLDP.

Scottish Water raise no objection to the proposals. They do however advise that the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Furthermore they confirm that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the development, however, there records indicate there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development. Therefore, they advise the applicant to investigate private treatment options. Scottish Water will not accept any surface water connections into their combined sewer system.

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

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

The proposed house due would not harm the setting of the listed building of East Lodge and would not be contrary to Policy 7 of NPF4 or Policy CH1 of the adopted East Lothian Local Development Plan 2018.

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

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

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

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the

diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

Policy DC1 of the ELLDP sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses. The proposed house is not being promoted to support an existing business or leisure use the principle of which would be supported by Policy DC1, therefore the proposal is contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

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

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

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

The existing house is a modest single-storey detached bungalow measuring some 169.2 sq metres, and annex measuring some 67.45 sq metres. Accordingly, the existing dwelling and annex have a combined footprint of some 236.65 square meters and is some 5.75 meters in height at its highest point. The dwelling and the annex sleep up to four people and is currently used as a holiday home by the applicant who is now looking to move to the site permanently.

The indicative drawings show that the proposed new house would be a larger house of a contemporary design, laid out over two stories with a ground floor footprint of some 186 square meters and a first floor area of some 91 square meters of residential accommodation. Accordingly, it would have a combined floor area of some 277 sq metres. The new dwelling would therefore amount to an increase in residential accommodation of some 17% over the

original residential floorspace.

The submitted Existing Condition Statement identifies defects with the existing dwelling, stating that the original construction of the property indicates the use of sub-standard building methods that have not withstood the test of time. The suspended timber floor and masonry-cavity walls (blockwork inner and outer leaf) have no insulation evident, resulting in the property being cold and damp all year round. Photographs submitted show evidence of damp and cracking in the property and it is stated that the energy efficiency of the dwelling is poor. However, no evidence has been submitted to confirm that the house cannot either be retained for habitation or refurbished as required to remedy the above issues.

Therefore the proposed house is not a like for like replacement of a dwelling recently rendered uninhabitable. As such the proposal fails to meet the criteria of and is therefore contrary to Policy DC3 of the adopted East Lothian Local Development Plan 2018.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

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

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

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

With regard to Section 24(3) of the Town and Country Planning (Scotland) Act 1997, in the

event of any policy incompatibility between NPF4 and the adopted East Lothian Local Development Plan 2018, whichever of them is the later in date is to prevail. In this case, the policies of NPF4 would prevail.

Policy 17 of NPF4 does give some support for a one for one replacement house, that is suitably scaled, sited and designed to be in keeping with the character of the area. In this instance whilst indicative drawings have been submitted, as this is an application for planning permission in principle and is not a detailed planning application matters of design are not relevant to the determination of this application. However, as matters of size and scale can be controlled by conditions attached to any planning permission in principle and given the size of the plot it would be possible to build a new house on this site that would be suitably scaled, sited and designed to be in keeping with the area.

However, whilst Policy 17 does give some support for a one for one replacement house, the text preceding Policy 17 of NPF4 says that LDPS should set out a tailored approach to rural housing. The adopted East Lothian Local Development Plan has such a tailored approach to rural house in Policies DC3, DC4 and DC5. Therefore as the principle of a replacement house is contrary to Policies DC3, DC4 and DC5 of the adopted East Lothian Local Development Plan and does not accord with its tailored approach to rural housing, then the principle of the replacement house is contrary to Policy 17 of NPF4.

By being contrary to the development plans policies on rural housing the proposed house is also contrary to Policy 16 of NPF4.

Furthermore the site is not allocated for housing development in the ELLDP, nor is it a brownfield, vacant or derelict site as it is in use as a habitable dwellinghouse. The proposed replacement house does not reuse a redundant or unused building. The proposed house is not an appropriate use of a historic environment asset. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it would be required to support a use which in principle requires a countryside location. In the absence of any such direct operational requirement or justified supporting case for the erection of a new house on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside.

Therefore the proposed scheme of development for a replacement house on this rural site located within the East Lothian countryside does not meet the circumstances specified in Policies 16 and 17 of NPF4 and Policies CH1, DC1, DC3, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018.

Therefore, the principle of building a replacement house on this rural site located within the East Lothian countryside is contrary to Policies 16 and 17 of NPF4 or Policies DC1, DC3, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018.

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

REASONS FOR REFUSAL

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed house would not: i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances; ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building; or iii) be similar in size, scale and massing to the original. Therefore, the proposal does not comply with either criteria (i) or (ii) of Policy DC3 of the adopted East Lothian Local Development Plan 2018.
- 3 As the principle of a replacement house is contrary to Policies DC3, DC4 and DC5 of the adopted East Lothian Local Development Plan and does not accord with its tailored approach to rural housing, then the principle of the replacement house is contrary to Policies 16 and 17 of NPF4.

LETTERS FROM

15th May 2024

Currie, Fiona

From: Clark, Colin - EHO
Sent: 13 July 2023 09:51
To: Environment Reception
Cc: Kiely, Ciaran
Subject: RE: 23/00673/PP-Ciaran Kiely - Planning Consultation

Categories: [REDACTED]

I refer to your consultation request of 05th July 2023 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel. 01620 827443 | [REDACTED]
[REDACTED] Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 05 July 2023 09:06
To: [REDACTED]

Subject: FW: 23/00673/PP-Ciaran Kiely - Planning Consultation

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 04 July 2023 23:58
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 23/00673/PP-Ciaran Kiely - Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Southwood Newbyth East Linton East Lothian EH40 3DU
NHS Coronavirus Information

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintranet.eastlothian.gov.uk%2Fmultimedia%2F1624%2F1624_250x83.jpg&data=05%7C01%7Ccclark1%40eastlothian.gov.uk%7Cff5e58ac45bc42c83a8c08db7d2eb064%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638241412044499873%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=EBh%2Bwlu%2BprAD8PhearKOaa3u9TpkdQmk3tzWtxJIMdc%3D&reserved=0]



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:
environment@eastlothian.gov.uk

East Lothian Council
Planning Delivery
John Muir House
Haddington
EH41 3HA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300066911
Your ref: 23/00673/PP
13 July 2023

Dear East Lothian Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Southwood Newbyth East Linton East Lothian EH40 3DU - Planning permission in
principle for the erection of 1 house and associated works

Thank you for your consultation which we received on 05 July 2023. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
GDL00380	TYNINGHAME	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Currie, Fiona

From: Cheyne, Sarah
Sent: 27 March 2024 09:15
To: Kiely, Ciaran
Subject: RE: 23/00673/PP-Planning permission in principle for the erection of 1 house at Southwood Newbyth East Linton

Hi Ciaran

I write in response to the consultation on the above application with landscape comments.

The site is designated as an area of ancient woodland of long established planation origin. However there is an existing house on the site and the proposed location of the new house is within the garden ground of this house and will not require felling of any trees to facilitate this. Given this we have no landscape objection to the proposals.

We would however request that conditions be placed on any consent requiring:

- the protection of the trees on the site during construction, and
- only the existing driveway to be used for construction access with the addition of temporary ground protection to protect the surrounding trees' roots from compaction by heavy construction machinery.

I can provide wording for these conditions should you require.

Regards
Sarah

Sarah Cheyne

*Landscape Projects Officer | Planning Service | East Lothian Council | John Muir House | EH41 3HA
T: 01620 828756 | E: landscape@eastlothian.gov.uk*



Consider the environment. Please don't print this e-mail unless you really need to.

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: Tuesday, July 4, 2023 11:58 PM
To: Landscape <landscape@eastlothian.gov.uk>
Subject: 23/00673/PP-Ciaran Kiely - Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Southwood Newbyth East Linton East Lothian EH40 3DU
NHS Coronavirus Information

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



East Lothian Council

From: Policy and Projects Manager

To: Development Management Manager

Application: 23/00673/PP

Address: Southwood, Newbyth, East Linton, East Lothian, EH40

Case Officer: Ciaran Kiely

Policy Officer: Paul Zochowski

Description: Planning permission in principle for the erection of 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	<input type="checkbox"/>
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	✓	23 Health and Safety	<input type="checkbox"/>
7 Historic assets	✓	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	<input type="checkbox"/>	29 Rural Development	✓
13 Sustainable Transport	<input type="checkbox"/>	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 checked="" 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 checked="" type="checkbox"/>
HOU8 Gypsy Travellers	<input type="checkbox"/>	DC2 Conversion of Rural Building to House	<input type="checkbox"/>
OS1 Protection of Open Space	<input type="checkbox"/>	DC3 Replacement Dwelling in the Countryside	<input checked="" type="checkbox"/>
OS2 Change of use of Garden Ground	<input type="checkbox"/>	DC4 New Dwelling in the Countryside	<input checked="" 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 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 checked="" 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 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 checked="" 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 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"/>

Policy Assessment

The main policy considerations for this application are whether a replacement house is permitted in the countryside and the impact on the amenity of its surroundings and the need to take into account the climate and nature crises as well as the effect of the development on historic and natural assets.

The proposal is for the complete demolition of two useable, non-derelict houses in the same ownership and their replacement with a single house. The two existing houses are referred to in the supporting Design and Access Statement as Main House and Cottage and are both single storey with pitched pantiled roofs with stone gable facade.

The site is located within a wider area of woodland and is adjacent to two other houses in large plots, one of which is a listed building. The Design and Access Statement notes that the houses have 'only ever been able to be used as a holiday home' and the building is inadequate in size for the family's growing needs. The site lies within a locally important garden and designed landscape and is within an area of designated ancient woodland.

National Planning Framework 4 (NPF) Policy 17 allows a one for one replacement of an existing house in principle. Policies 1, 2 and 3 seek to ensure that the effects of development proposals on climate change are considered and that in all developments biodiversity is enhanced to help address the nature crisis. Policy 6 protects certain woodlands and supports proposals that enhance expand and improve woodland. Policy 7 protects the designated

historic environment and its setting from harmful development. Policy 9 supports the reuse of existing buildings but does not support the demolition of existing buildings given the need to conserve embodied energy. Policy 29 outlines where new development will be supported in rural areas but offers no support to this proposal.

The East Lothian Local Development Plan 2018 (LDP1) has more detailed policies on rural development contained in Policy DC1, DC3 and DC4. DC1 does not offer any support for the proposed development. DC3 outlines the circumstances where a replacement house can be supported. Policy NH8 contains detailed policy with regard to trees on development sites. The Countryside and Coast Supplementary Planning Guidance to LDP1 expands further on Policy DC3 and DC4.

The site lies within the countryside of East Lothian and countryside/rural area policies apply. The site is also part of a larger natural and historic asset being designated as ancient woodland and as a locally significant garden and designed landscape.

The proposal is to demolish two useable houses used previously as holiday lets and replace with one larger house of contemporary design which it is stated would be permanently lived in. Given that the existing houses are useable and not in a dilapidated condition and are proposed to be completely removed and not incorporated in any way into the new building then the proposal would lose the embodied energy in such buildings, contrary to NPF policy 9 which states that demolition is the least preferred option as it loses the embodied energy in a building. NPF policy 17 allows the principle of a one for one replacement of a dwelling of an existing permanent house as long as it is suitably scaled sited and designed to be in keeping with the character of the rural area. This application does not propose a one for one replacement instead it is a one for two replacement.

Southwood is located in the south part of a long established wooded area that is still designated as an area of ancient woodland, with Policy 6 expressly not supporting development proposals that would result in any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. In this matter you should seek the views of the Council Landscape and Tree officers. The character of this part of the countryside is that of a wooded plantation in which three houses, the listed East lodge for Newbyth, a modern house opposite and Southwood behind, have been inserted.

Newbyth is a locally significant garden and designed landscape associated with Newbyth mansion house. Part of its landscape character is the plantation woodland to the south which encompasses Southwood. The east entrance to Newbyth comprises an early 19th C gate lodge house that is of traditional architecture with stone walls, balustrade and gate. The effect of the proposed development on the garden and designed landscape is limited to the impact on any remaining woodland, regarded as minimal and its impact on the setting of the listed lodge adjacent which will require an assessment of the visual impact of the proposed modern house on the lodge in terms of its architectural form. The gate lodge is stone built with tall angular chimneys and detailing and a pitched slate roof. It is set in a moderately sized garden with garden trees and bushes. On the north side of the entrance lies Birkhill a 20th C bungalow constructed in a traditional style with harled white painted walls

and a pitched slate roof in a larger plot than the lodge and partially visible from the road behind a stone wall. The existing buildings at Southwood are also 20th C bungalows constructed in traditional style with white walls, stone gable and pitched pantiled roofs. Its plot is approximately the size of the lodge and Birkhill put together and appears to contain some plantation trees to the north west of its plot. The proposed replacement house is of a different contemporary architectural style and is two storeys with annexe and single pitch roofs. Ground floor walls would be white render with upper floors clad in timber and with larger amounts of glazing than the original house. To satisfy Policy 17 it requires to be designed to be in keeping with the character of the area. Given that the proposed house is not designed to blend in with either Birkhill or the gate lodge it does not meet the criteria of policy 17. However, neither is the site particularly visible from anywhere but within the estate but visibility is not a criterion of policy 17.

LDP1 policy DC3 deals with replacement dwellings in the countryside. However, to be replaced these dwellings must be uninhabitable either as a result of an accidental fire or to be of a construction such that is incapable of retention for habitation. The proposal is not in accordance with policy DC3. Policy DC4 supports a new house in the countryside only where there is no existing house or no existing building suitable for conversion therefore does not support the current proposal.

In situations where there is conflict between NPF and the current LDP the more recent document prevails. In this case that would be NPF. However, while policy 17 might permit a replacement house in principle, contrary to Policy DC3 of the LDP, it does so only if it is in keeping with the character of the area, which by virtue of its proposed design it is not. Moreover NPF read as a whole requires strong weight to be given to the global climate and nature crises as stated in Policy 1. In Policy 9 it highlights the embodied energy in existing buildings implying that should not be lost unnecessarily.

Recommendation

It is recommended that this application be refused as contrary to NPF policies 1, 6, 9 and 17 and East Lothian Local Development Plan 2018 policies DC1, DC3 and DC4.

Currie, Fiona

From: Kiely, Ciaran
Sent: 30 July 2023 22:23
To: Environment Reception
Subject: FW: 23/00673/PP-Ciaran Kiely - Planning Consultation

Categories: 

Hello,

Can this please be logged?

Thanks,

Ciaran

Ciaran Kiely | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827995 | E. ckiely@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk



 Consider the environment. Please don't print this e-mail unless you really need to.

From: Canty, Jon <jcanty@eastlothian.gov.uk>
Sent: 13 July 2023 16:01
To: Kiely, Ciaran <ckiely@eastlothian.gov.uk>
Subject: RE: 23/00673/PP-Ciaran Kiely - Planning Consultation

Hi Ciaran,

Thank you for consulting us on this planning application, having reviewed the submitted drawings and documents our comments are as follows:

- The proposals are to demolish and replace the existing dwelling with a 4-bedroom family home on a site which has an existing large gravel driveway with sufficient space for the on-site parking requirements of two parking spaces according to our current car parking standards, together with space for those vehicles to turn around to exit the property in forward gear. Therefore, with regards to car parking we would have no objections, however, as it will form a new residential dwelling then we would expect that it is served by an externally mounted electric vehicle charging point – this should be demonstrated via a drawing to be submitted for our approval and then uploaded onto the planning portal.
- The property is accessed via a shared private track that is accessed from the public road via an existing gravelled area between two other properties – this is a historic crescent shape feature that provides an informal give-way arrangement onto the public road (on the opposite side of this road is a public car park

serving Binning Wood). There is good visibility at the junction with the presence of grass verges on both sides, therefore, we have no concerns about its continued use.

Overall, subject to the provision of an electric vehicle charging point, we would have no objections to this proposal.

Regards,

Jon

Jon Canty

Transportation Planning Officer

East Lothian Council

01620 827285

jcanty@eastlothian.gov.uk

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

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

Sent: 04 July 2023 23:58

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

Subject: 23/00673/PP-Ciaran Kiely - Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Southwood Newbyth East Linton East Lothian

EH40 3DU

NHS Coronavirus Information

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

Wednesday, 12 July 2023



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

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

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



Dear Customer,

Southwood, Newbyth, East Linton, EH40 3DU
Planning Ref: 23/00673/PP
Our Ref: DSCAS-0090396-B7F
Proposal: Planning permission in principle for the erection of 1 house and associated works

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

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

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices

to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

App No. 23/00673/PP

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

Mr John Millar
c/o Helen Lucas Architects Ltd
Per Hannah Bowers
31-35 Marchmont Road
Edinburgh
United Kingdom
EH9 1HU

APPLICANT: Mr John Millar

With reference to your application registered on 20th June 2023 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for the erection of 1 house and associated works
at
Southwood
Newbyth
East Linton
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 IN PRINCIPLE** for the said development.

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

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is

not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed house would not: i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances; ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building; or iii) be similar in size, scale and massing to the original. Therefore, the proposal does not comply with either criteria (i) or (ii) of Policy DC3 of the adopted East Lothian Local Development Plan 2018.
- 3 As the principle of a replacement house is contrary to Policies DC3, DC4 and DC5 of the adopted East Lothian Local Development Plan and does not accord with its tailored approach to rural housing, then the principle of the replacement house is contrary to Policies 16 and 17 of NPF4.

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>
1259-SWN 001	P1	14.06.2023
1259-SWN 100	P1	14.06.2023
1259-SWN 120	P1	14.06.2023
1259-SWN 211	P1	14.06.2023
1259-SWN 224	P1	14.06.2023
1259-SWN 500	P1	14.06.2023
1259-SWN 501	P1	14.06.2023
1259-SWN 220	P2	04.08.2023
1259-SWN 221	P2	04.08.2023

1259-SWN 300	P2	04.08.2023
1259-SWN 200	P3	04.08.2023
1259-SWN 210	P2	04.08.2023
1259-SWN 222	P2	04.08.2023
1259-SWN 223	P2	04.08.2023
1259-SWN 205	P1	24.04.2024

15th May 2024

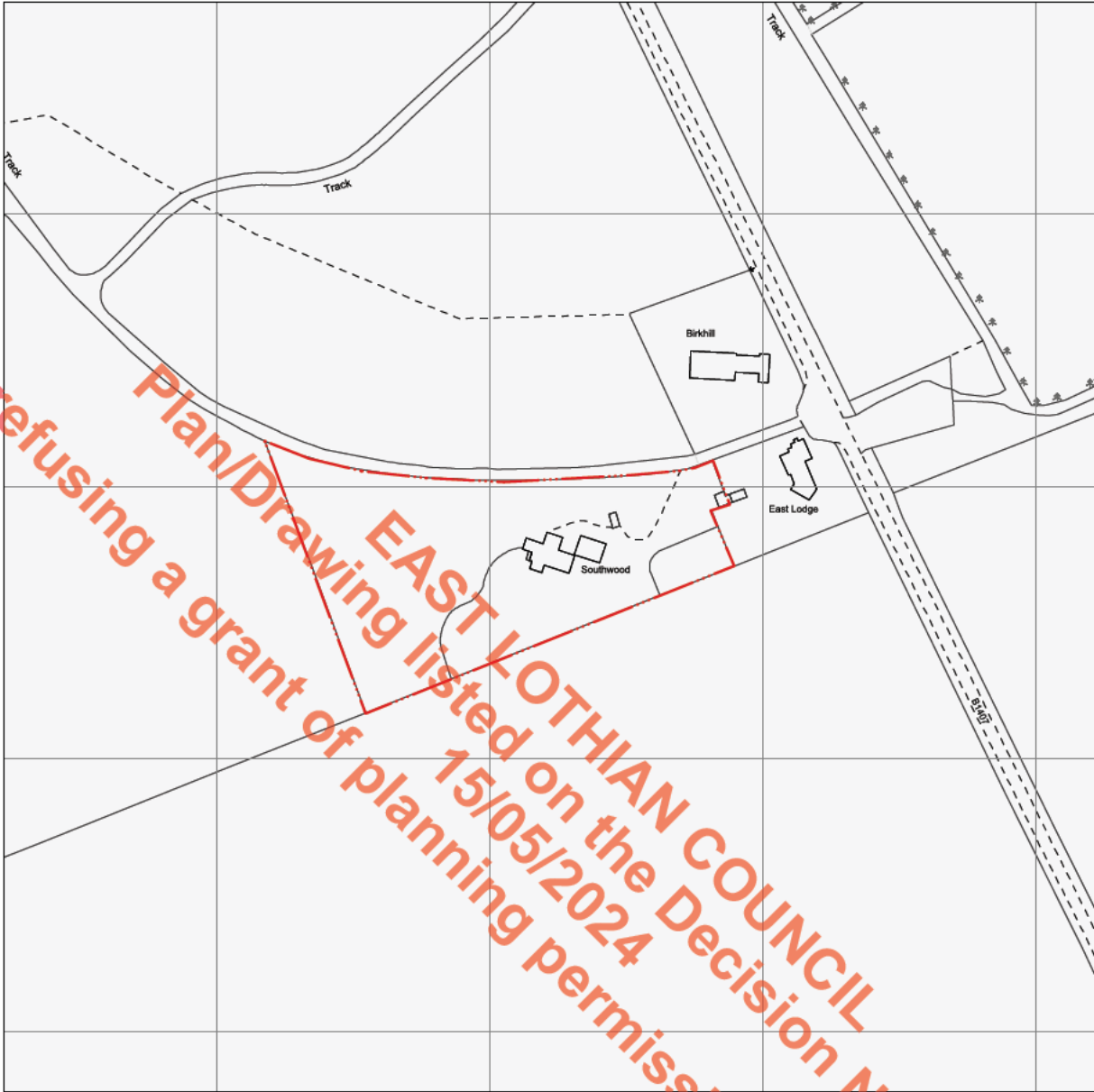


Keith Dingwall
Service Manager - Planning

NOTES

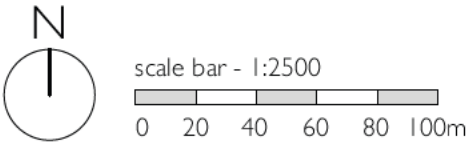
If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review 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.



Southwood
 Newbyth, East Linton
 East Lothian
 EH40 3DU

— Site boundary



PI	14/06/2023	Planning Application
revision	date	notes

PLANNING
 NOT FOR CONSTRUCTION

helen lucas
 ARCHITECTS

mail@helenlucas.co.uk
 31 35 MARCHMONT ROAD EDINBURGH EH9 1HU
 t 0131 478 8880

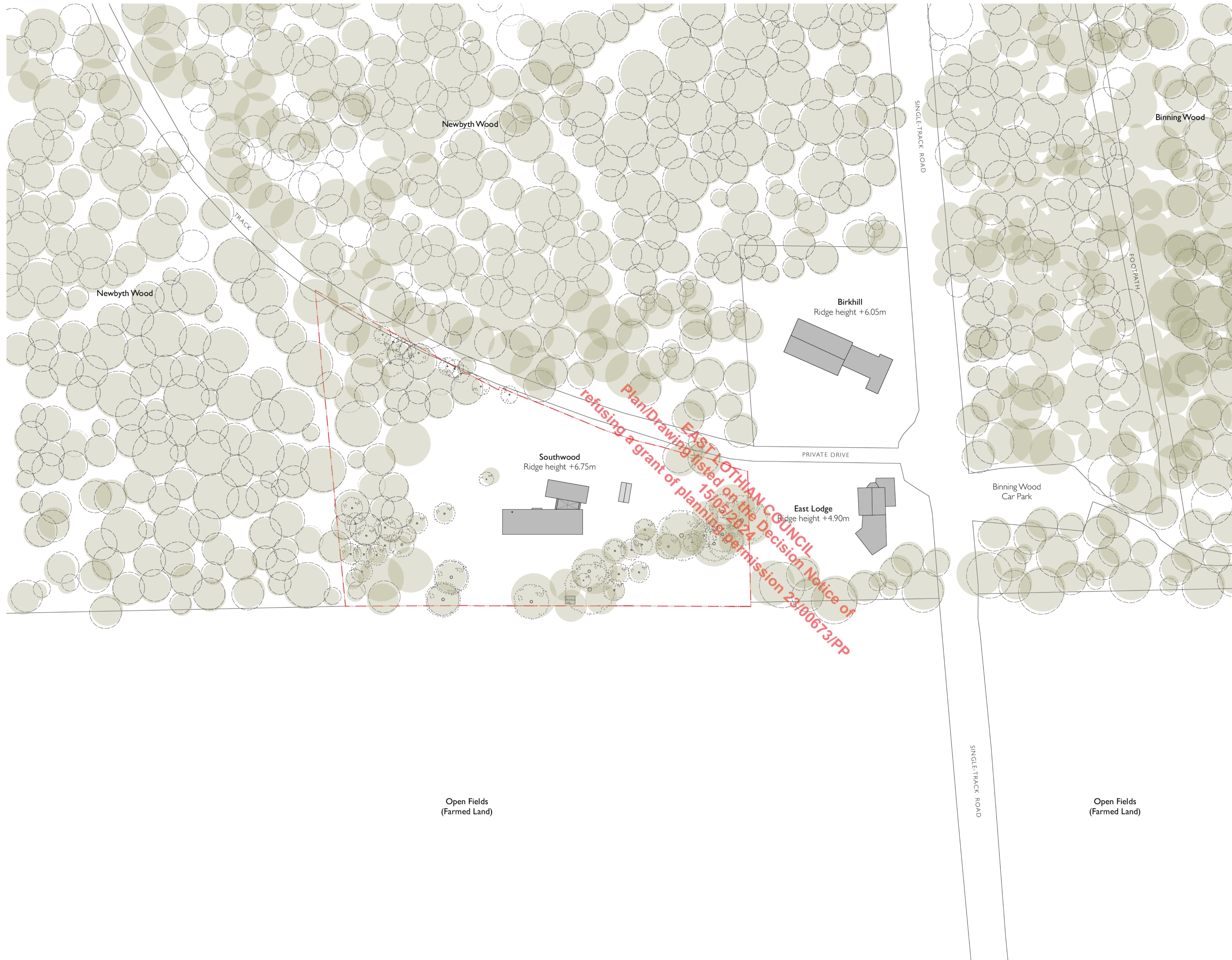
Southwood, Newbyth
 East Lothian, EH40 3DU

AS EXISTING
 Location Plan

1259-SWN 001 Rev: PI

1:2500 @ A4

2. All dimensions to be checked on site prior to starting work.
 3. Any discrepancies to be reported to Architect.
 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
 5. Location of stud in partitions are indicative only.



PI	24.04.24	Planning Application
revision	date	notes

PLANNING
 NOT FOR CONSTRUCTION

helen lucas
 ARCHITECTS

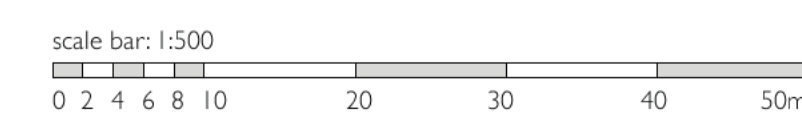
mail@helenlucas.co.uk
 31 35 MARCHMONT ROAD EDINBURGH EH9 1HU
 t 0131 478 8880

Southwood, Newbyth
 East Lothian, EH40 3DU

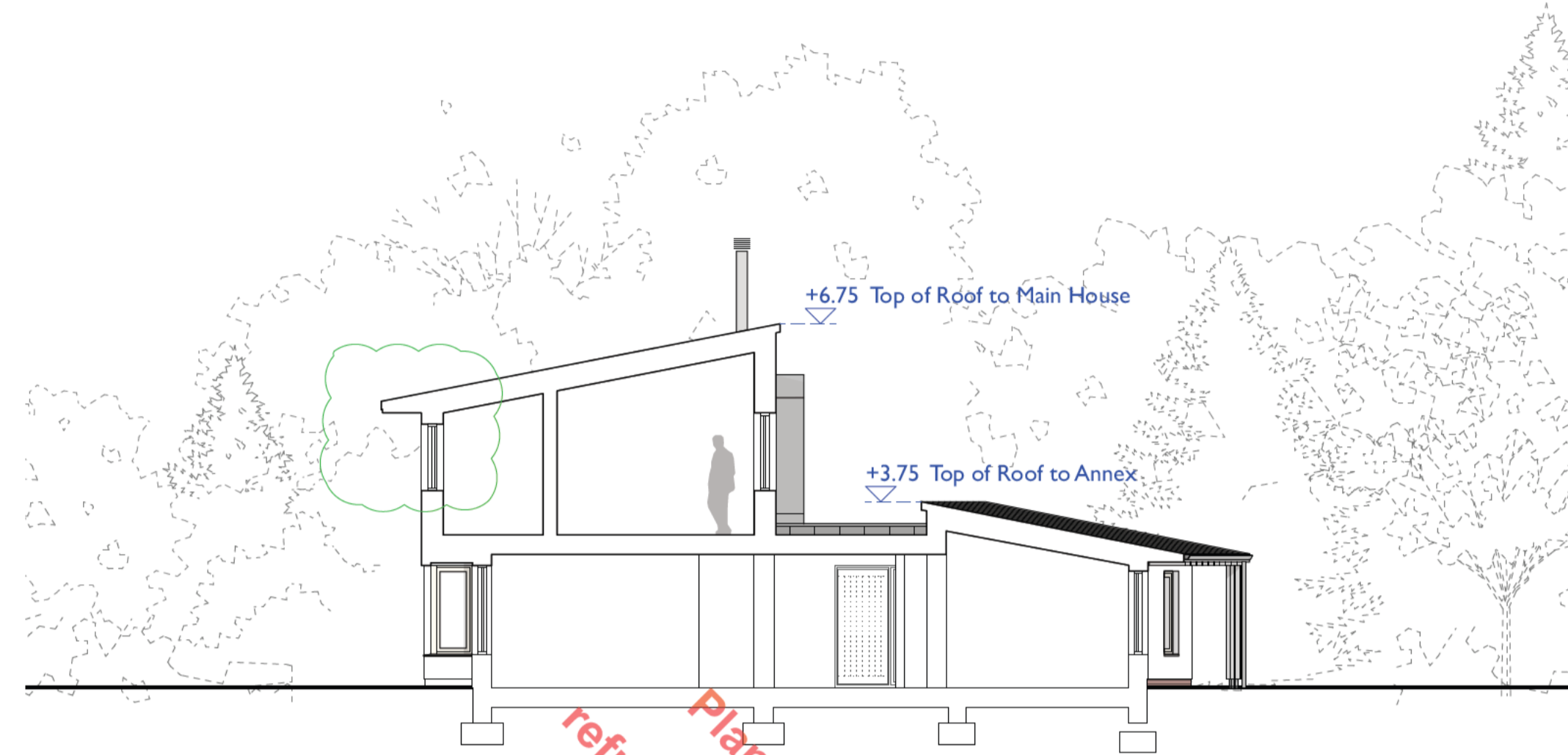
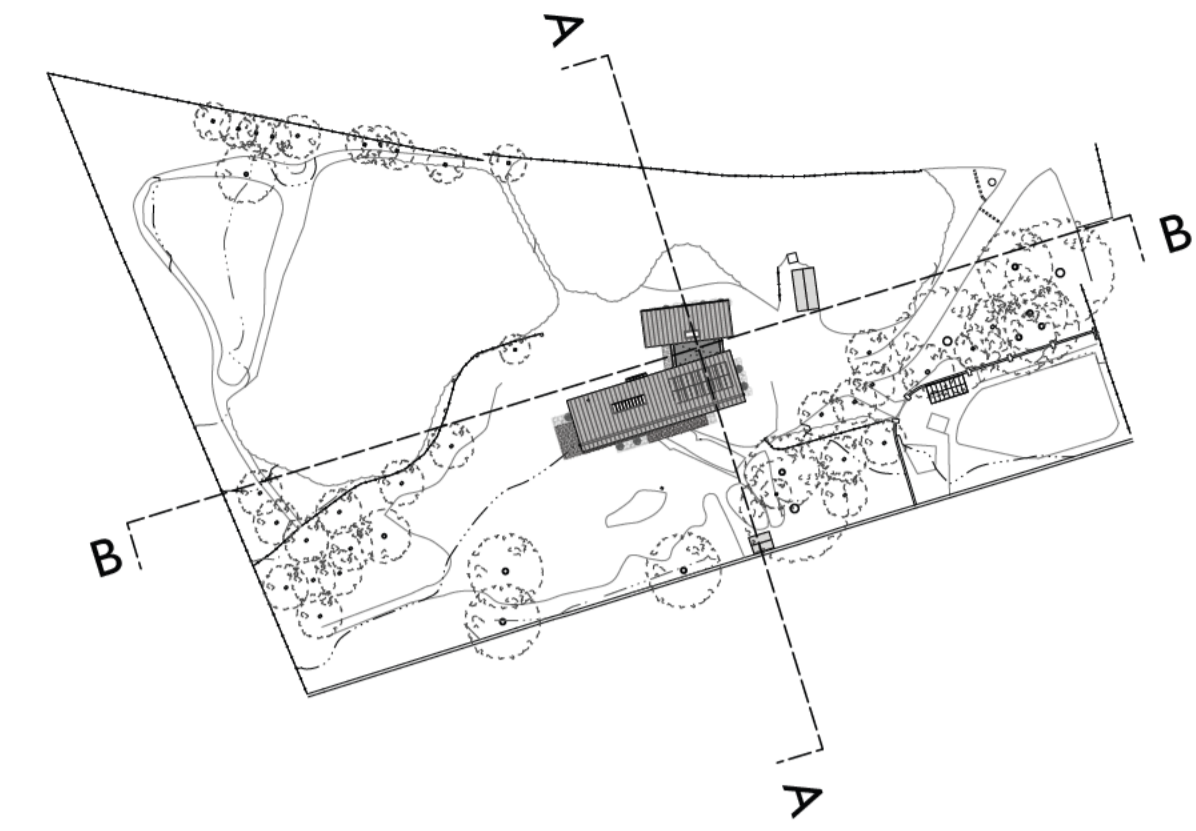
AS PROPOSED
 Block Plan

1259-SWN 205 Rev: P1

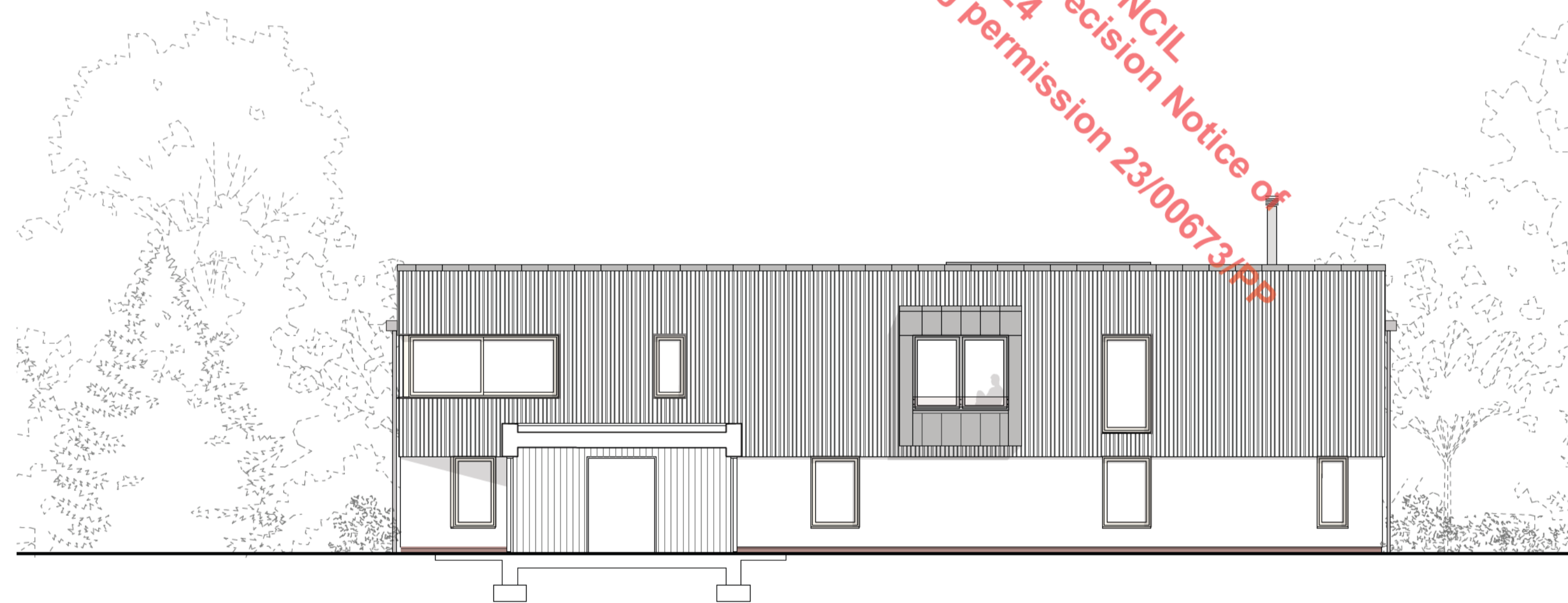
1:200 @ A1 / 1:400 @ A3



2. All dimensions to be checked on site prior to starting work.
 3. Any discrepancies to be reported to Architect.
 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
 5. Location of stud in partitions are indicative only.



SECTION AA



SECTION BB

EAST LoTHIAN COUNCIL
 Plan/Drawing listed on the Decision Notice of
 15/05/2024
 refusing a grant of planning permission 23/00673/PP

revision	date	notes
P2	04.08.23	Roofline extended (at southern elevation)
P1	14.06.23	Planning Application

PLANNING
 NOT FOR CONSTRUCTION

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 East Lothian, EH40 3DU

AS PROPOSED
 Section

1259-SWN 300 Rev: P2

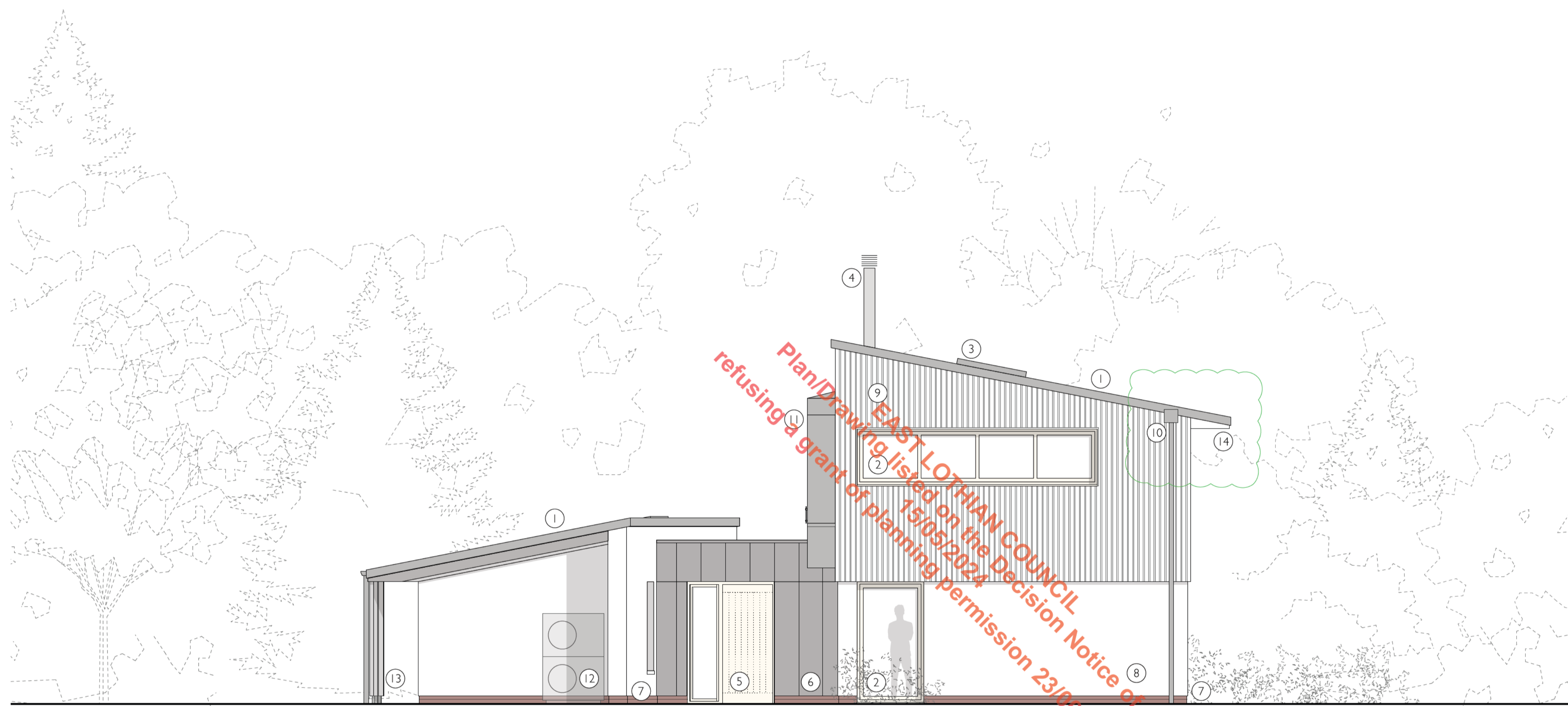
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2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

KEY

- 1 Standing-seam zinc roof
- 2 Composite window frame (Alu-clad exterior)
- 3 Rooflight
- 4 Flue to wood-burning stove
- 5 Timber rear access door with glazed side-light
- 6 Zinc cladding
- 7 Red brick
- 8 Render
- 9 Timber cladding
- 10 Rainwater goods (to match zinc roof)
- 11 Zinc clad projecting bay window (to first floor Landing)
- 12 Air Source Heat Pump (ASHP)
- 13 Timber column, stained to match cladding
- 14 Projecting roofline for solar shading



WEST ELEVATION

revision	date	notes
P2	04.08.23	Roofline extended (at southern elevation)
P1	14.06.23	Planning Application

PLANNING

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East Lothian, EH40 3DU

AS PROPOSED
West Elevation

1259-SWN 223 Rev: P2

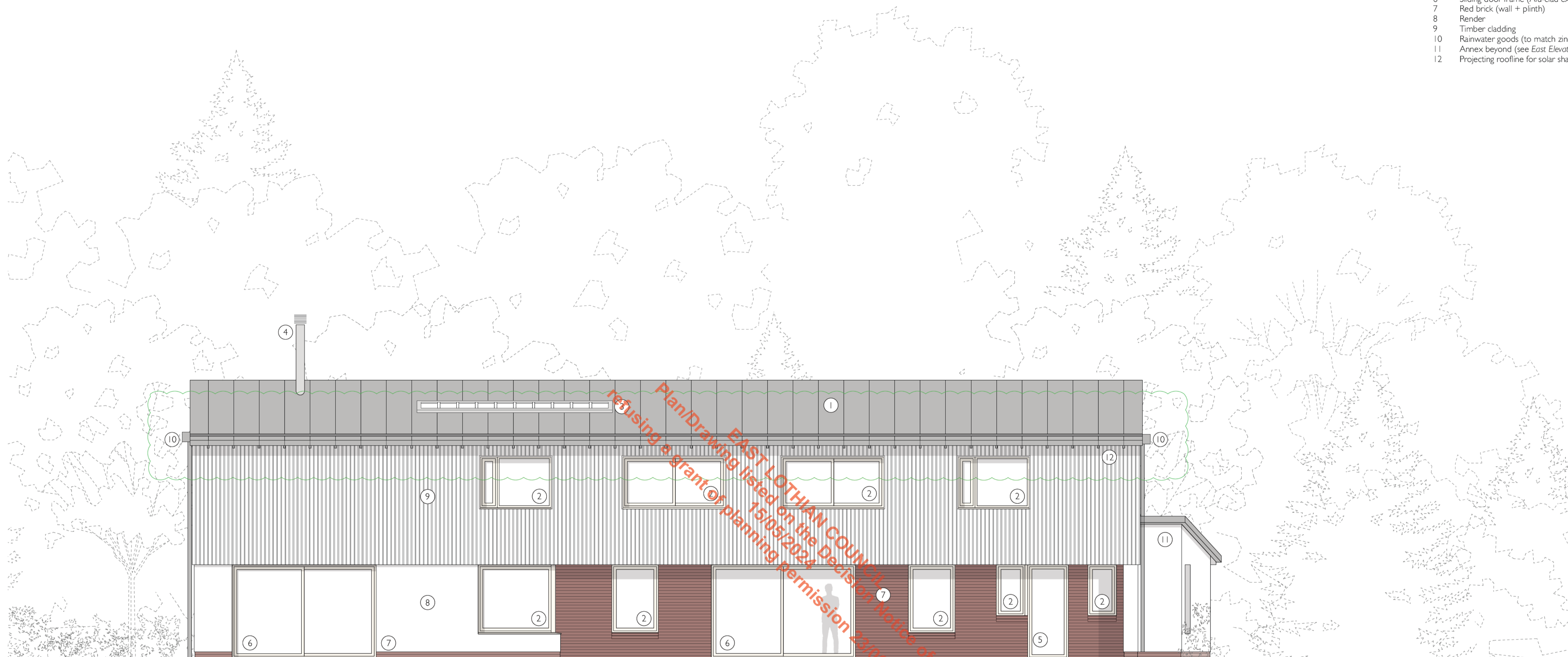
1:50 @ A1 / 1:100 @ A3



2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

KEY

- 1 Standing-seam zinc roof
- 2 Composite window frame (Alu-clad exterior)
- 3 Rooflight
- 4 Flue to wood-burning stove
- 5 Glazed rear access door (Alu-clad exterior)
- 6 Sliding door frame (Alu-clad exterior)
- 7 Red brick (wall + plinth)
- 8 Render
- 9 Timber cladding
- 10 Rainwater goods (to match zinc roof)
- 11 Annex beyond (see East Elevation)
- 12 Projecting roofline for solar shading



SOUTH ELEVATION

revision	date	notes
P2	04.08.23	Roofline extended (at southern elevation)
P1	14.06.23	Planning Application

PLANNING

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AS PROPOSED
South Elevation

1259-SWN 222 Rev: P2

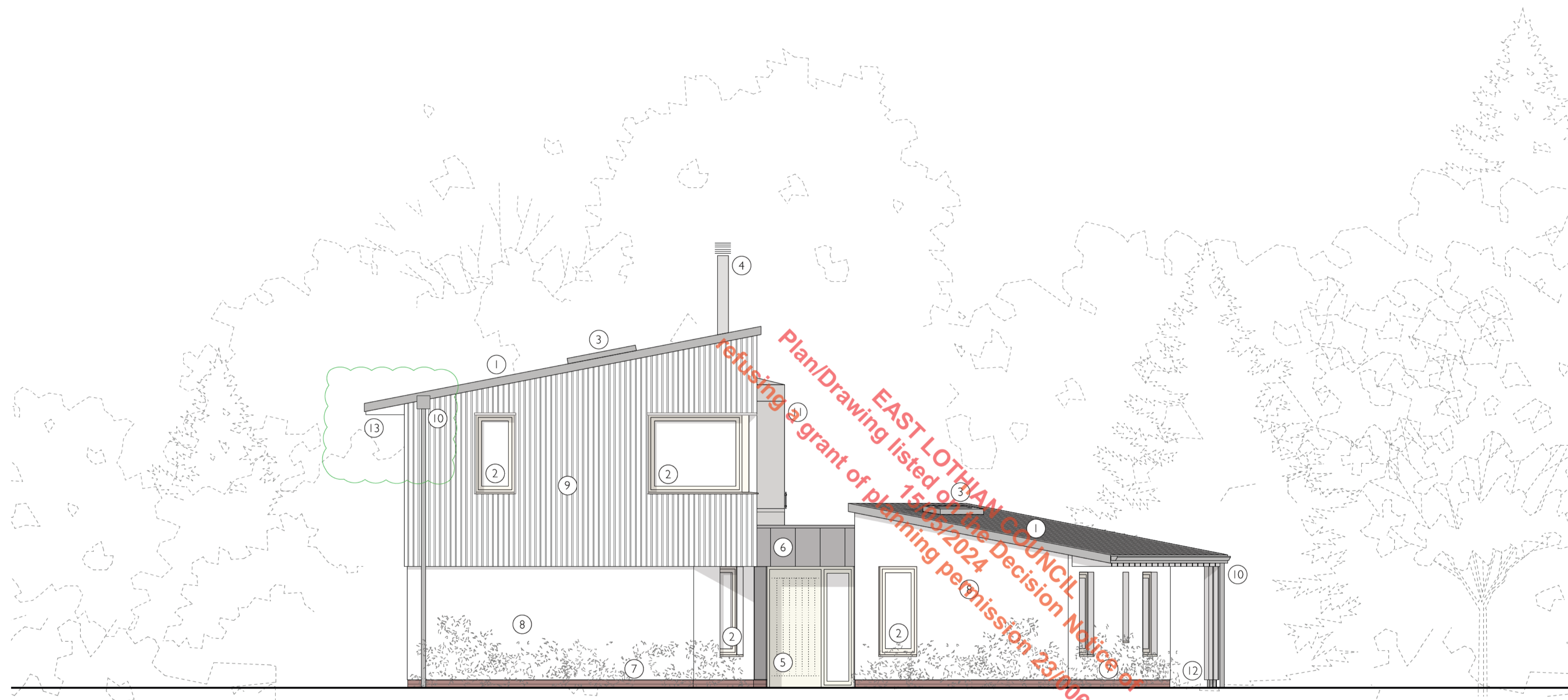
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- 2. All dimensions to be checked on site prior to starting work.
- 3. Any discrepancies to be reported to Architect.
- 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
- 5. Location of stud in partitions are indicative only.

KEY

- 1 Standing-seam zinc roof
- 2 Composite window frame (Alu-clad exterior)
- 3 Rooflight
- 4 Flue to wood-burning stove
- 5 Timber entrance door with glazed side-light
- 6 Zinc cladding
- 7 Red brick (plinth)
- 8 Render
- 9 Timber cladding
- 10 Rainwater goods (to match zinc roof)
- 11 Zinc clad projecting bay window (to first floor Landing)
- 12 Timber column, stained to match cladding
- 13 Projecting roofline for solar shading



EAST ELEVATION

revision	date	notes
P2	04.08.23	Roofline extended (at southern elevation)
P1	14.06.23	Planning Application

PLANNING

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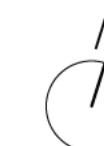
Southwood, Newbyth
East Lothian, EH40 3DU

AS PROPOSED

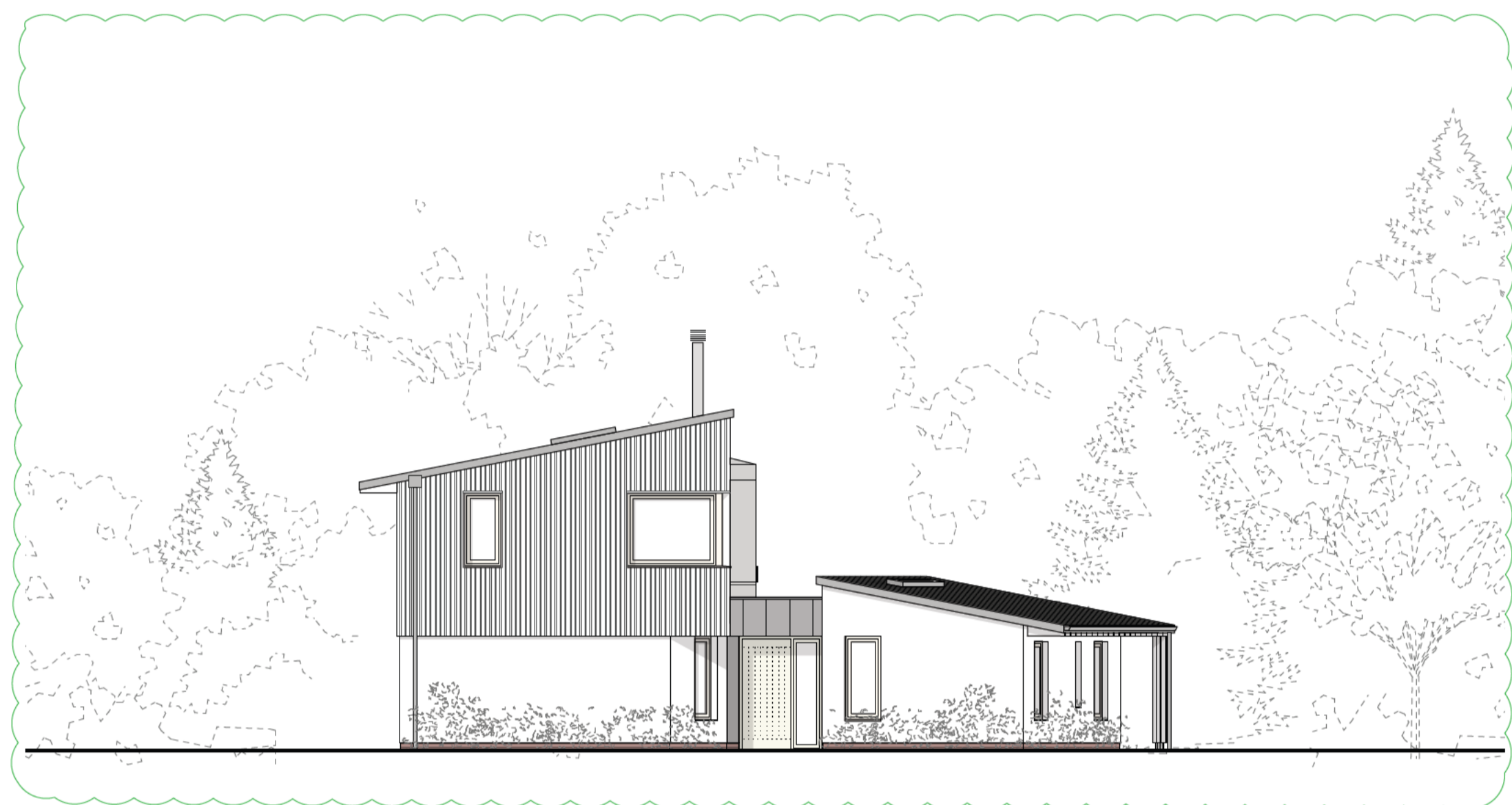
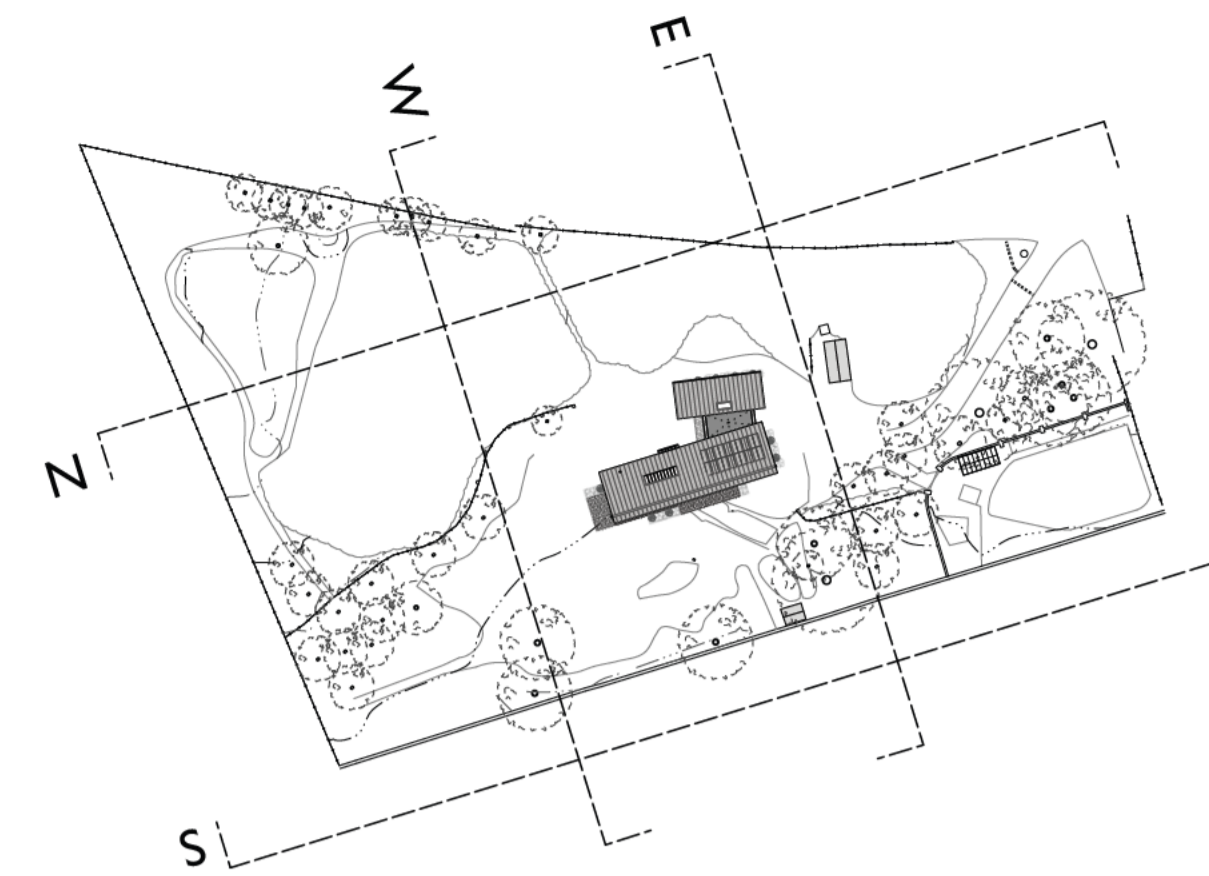
East Elevation

1259-SWN 221 Rev: P2

1:50 @ A1 / 1:100 @ A3



2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.



EAST ELEVATION

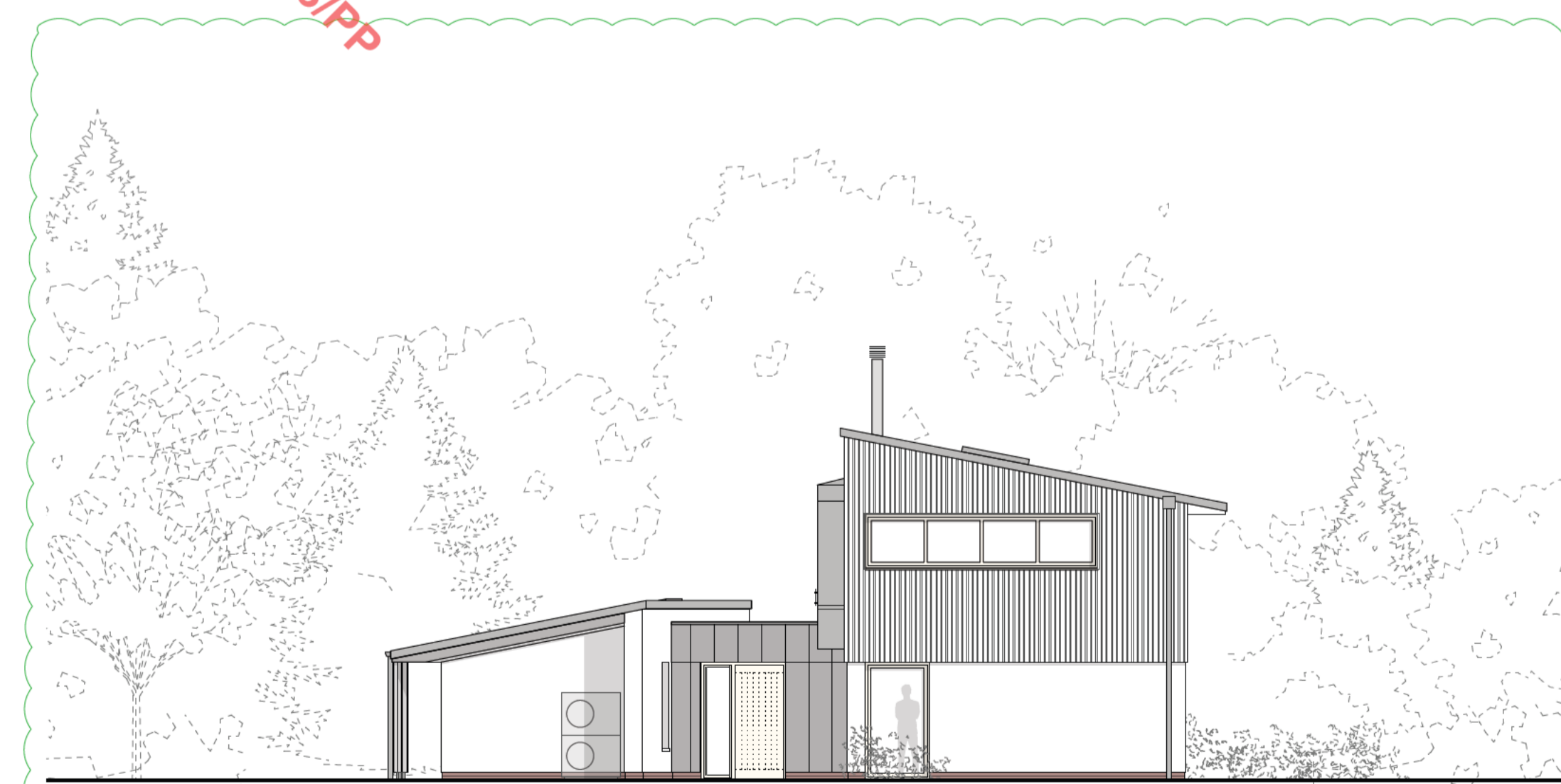


SOUTH ELEVATION

EAST LOTHIAN COUNCIL
 Plan/Drawing listed on the Decision Notice of
 refusing a grant of planning permission 23/00673/PP
 15/05/2024



NORTH ELEVATION



WEST ELEVATION

revision	date	notes
P2	04.08.23	Roofline extended (at southern elevation)
P1	14.06.23	Planning Application

PLANNING
 NOT FOR CONSTRUCTION

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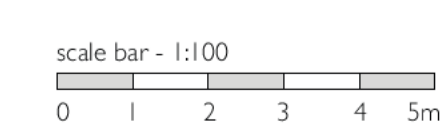
mail@helenlucas.co.uk
 31 35 MARCHMONT ROAD EDINBURGH EH9 1HU
 t 0131 478 8880

Southwood, Newbyth
 East Lothian, EH40 3DU

AS PROPOSED
 Elevations - Overview

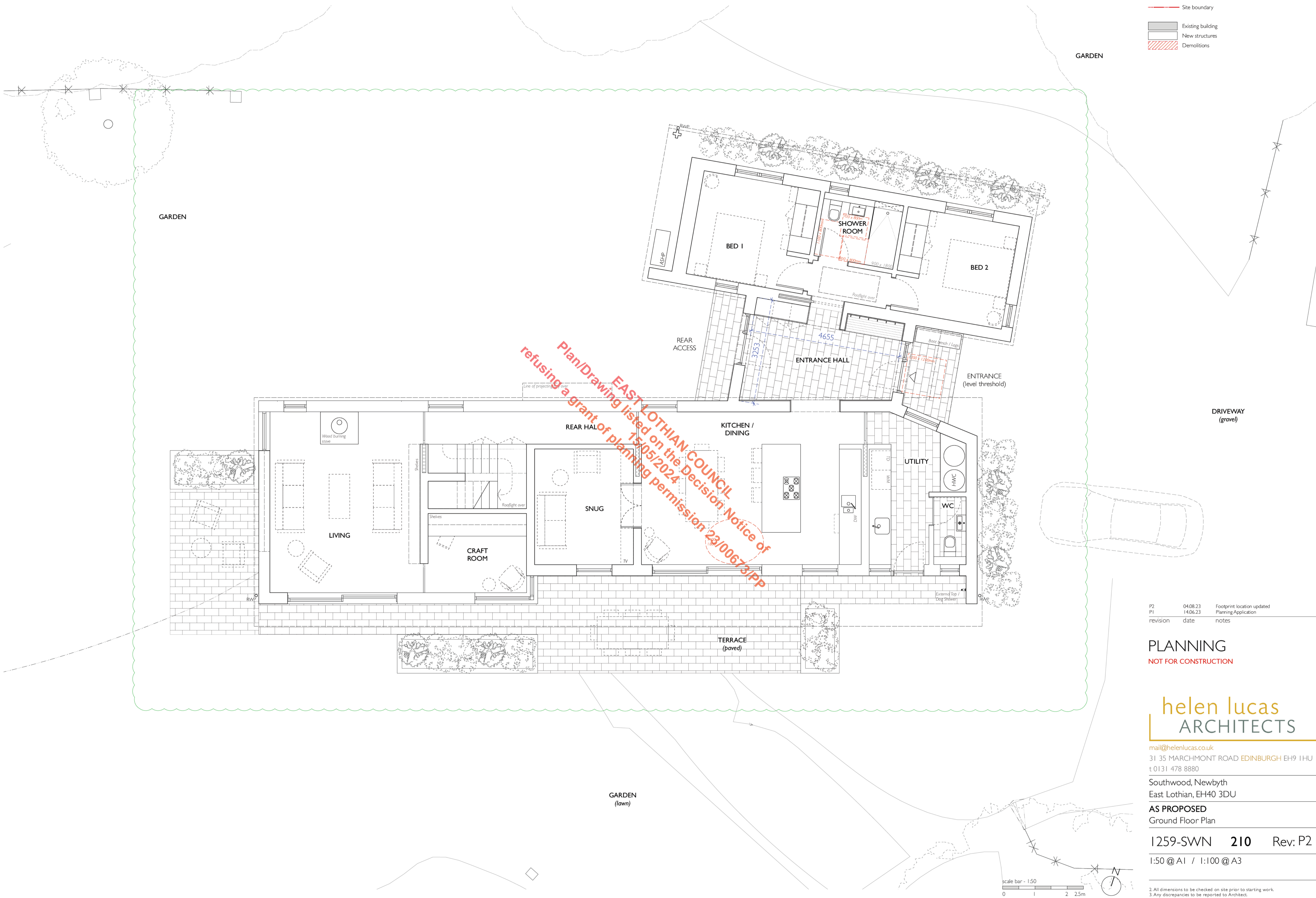
1259-SWN 220 Rev: P2

1:100 @ A1 / 1:200 @ A3



2. All dimensions to be checked on site prior to starting work.
 3. Any discrepancies to be reported to Architect.
 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
 5. Location of stud in partitions are indicative only.

- Site boundary
- Existing building
- New structures
- Demolitions



EAST LoTHIAN COUNCIL
 Plan/Drawing listed on the Decision Notice of
 refusing a grant of planning permission 23/00673/PP
 15/05/2024

revision	date	notes
P2	04.08.23	Footprint location updated
P1	14.06.23	Planning Application

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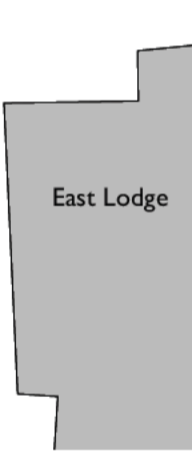
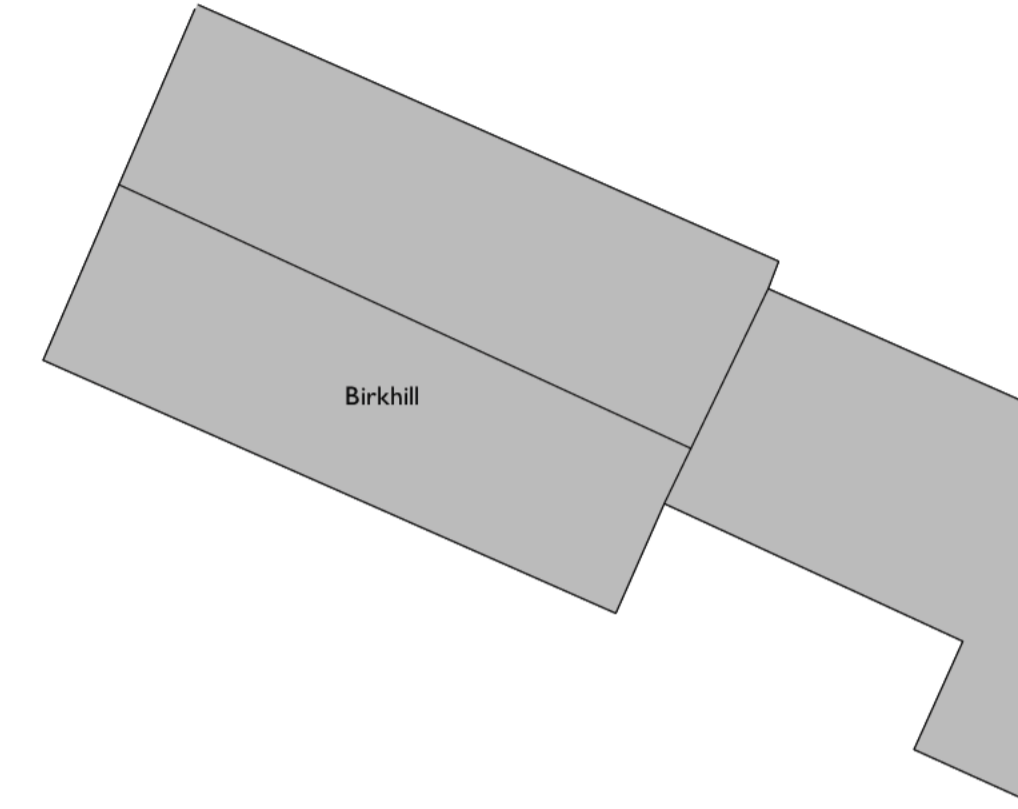
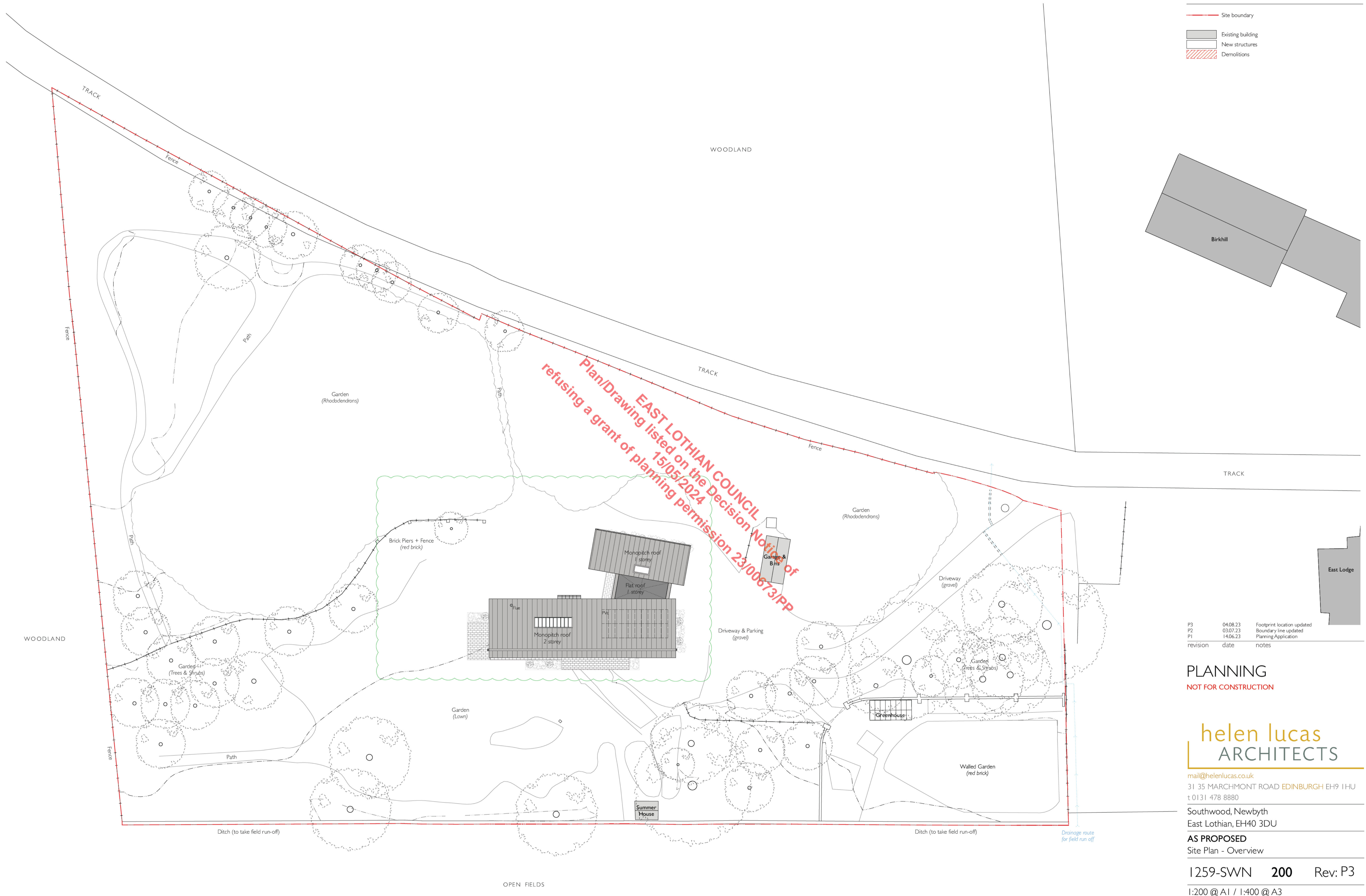
AS PROPOSED
 Ground Floor Plan

1259-SWN 210 Rev: P2

1:50 @ A1 / 1:100 @ A3

2. All dimensions to be checked on site prior to starting work.
 3. Any discrepancies to be reported to Architect.
 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
 5. Location of stud in partitions are indicative only.

- Site boundary
- Existing building
- New structures
- Demolitions



revision	date	notes
P3	04.08.23	Footprint location updated
P2	03.07.23	Boundary line updated
P1	14.06.23	Planning Application

PLANNING
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Southwood, Newbyth
East Lothian, EH40 3DU

AS PROPOSED
Site Plan - Overview

1259-SWN 200 Rev: P3

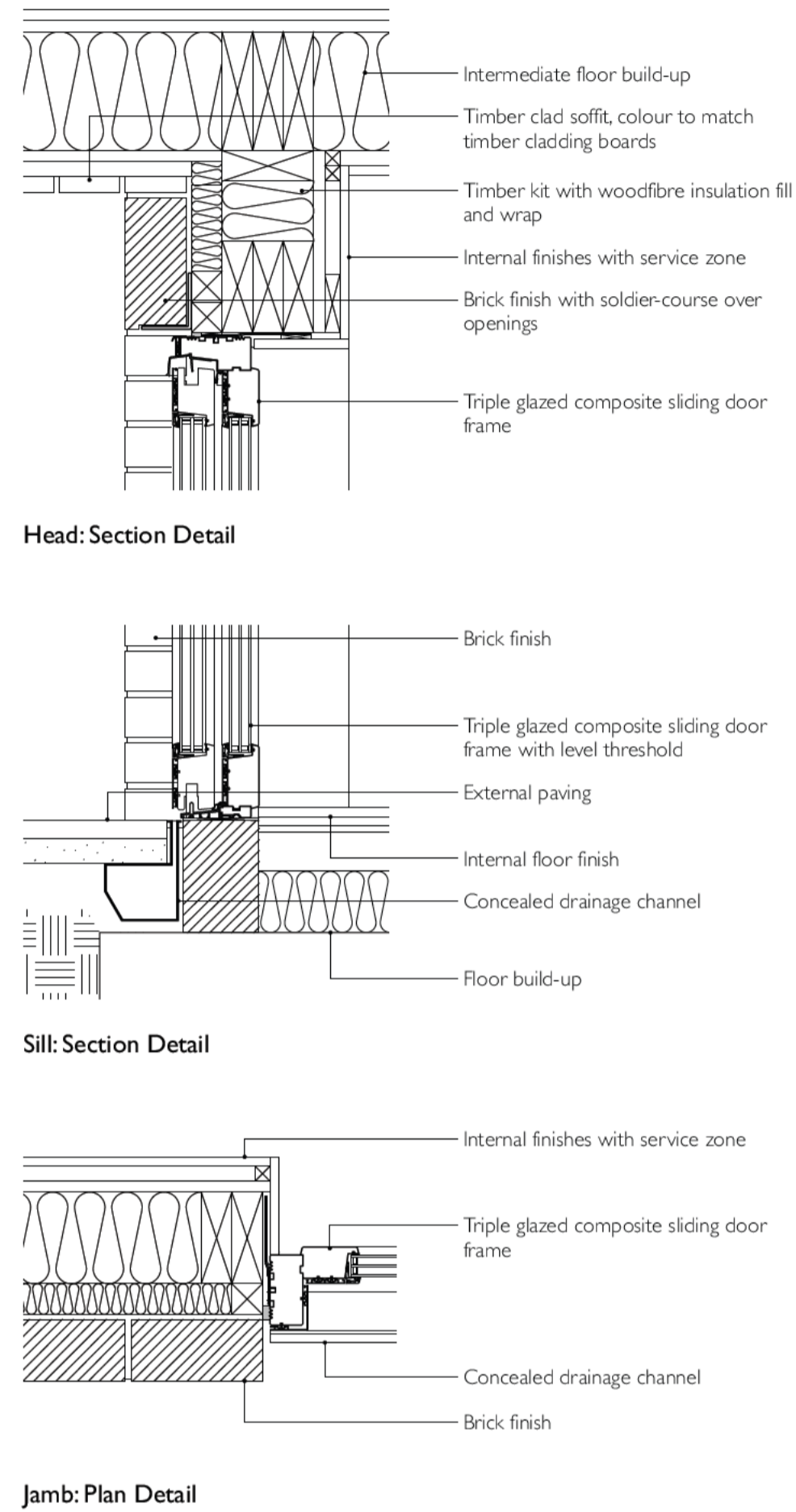
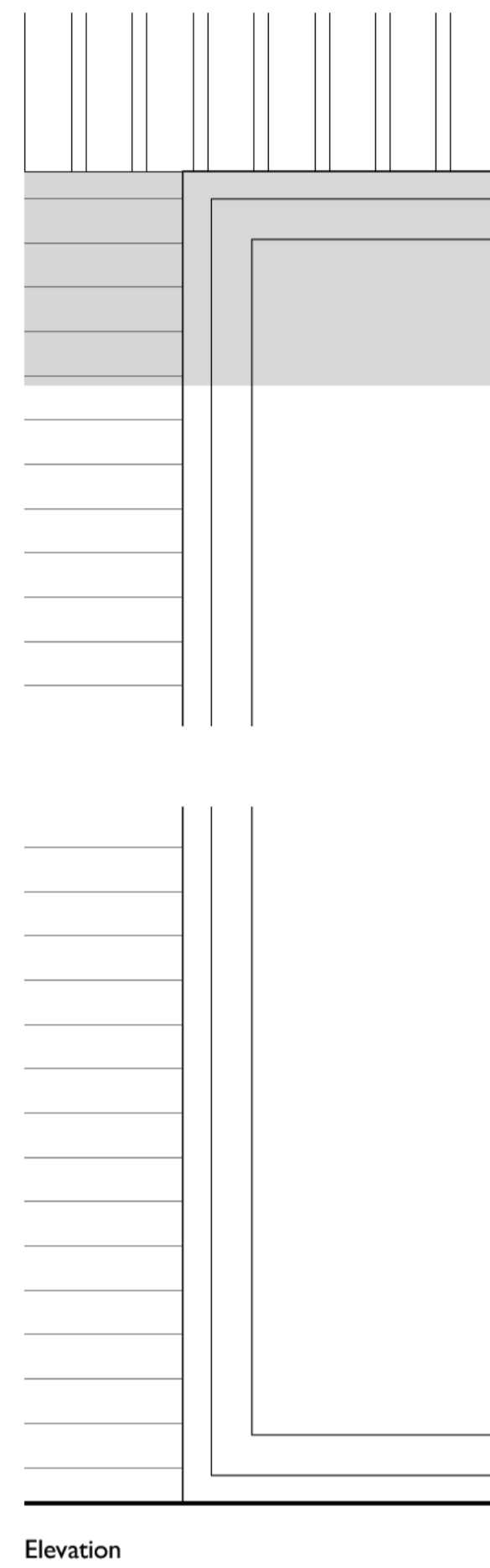
1:200 @ A1 / 1:400 @ A3

Proposed Footprint = 189m²

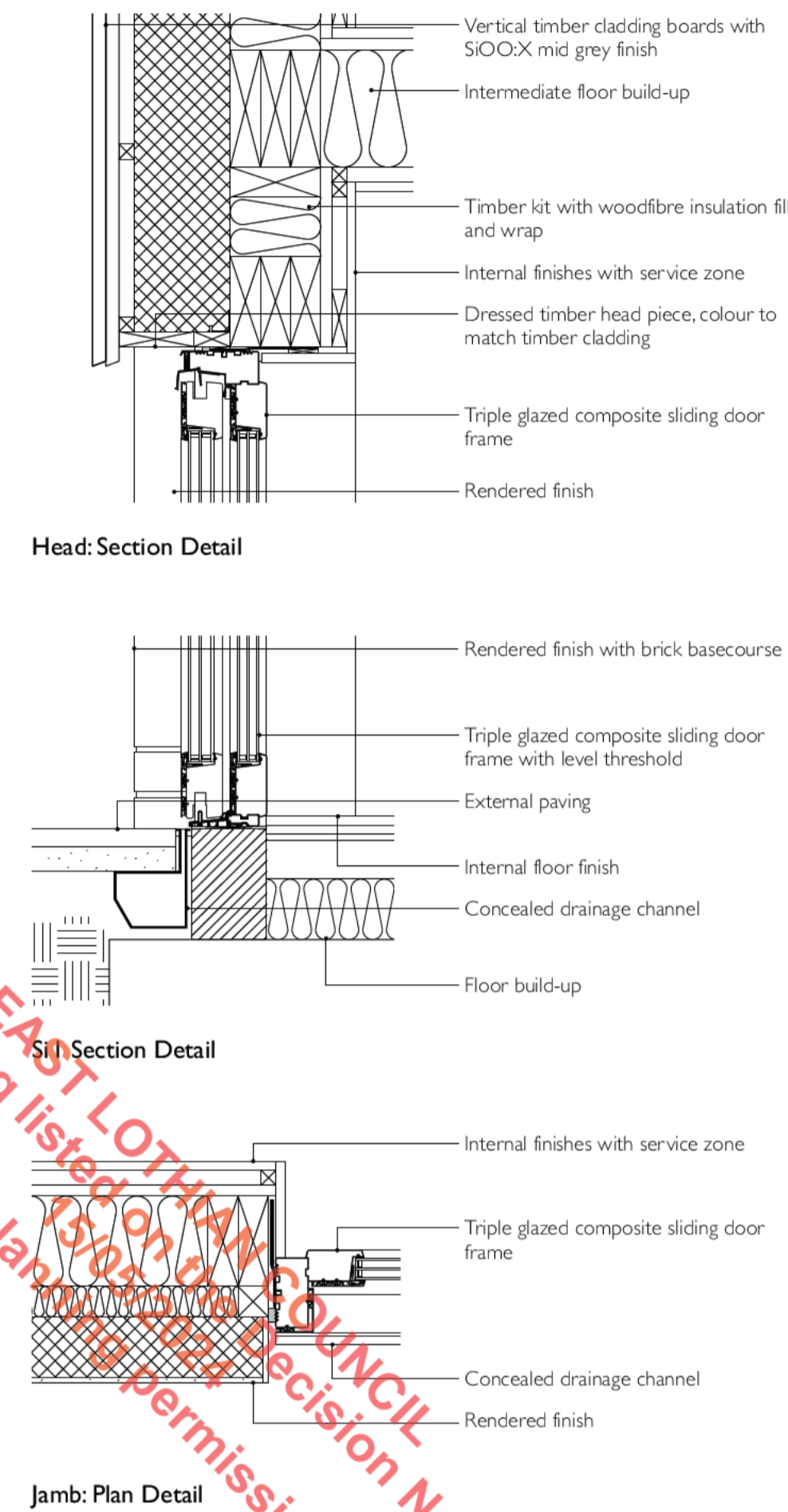
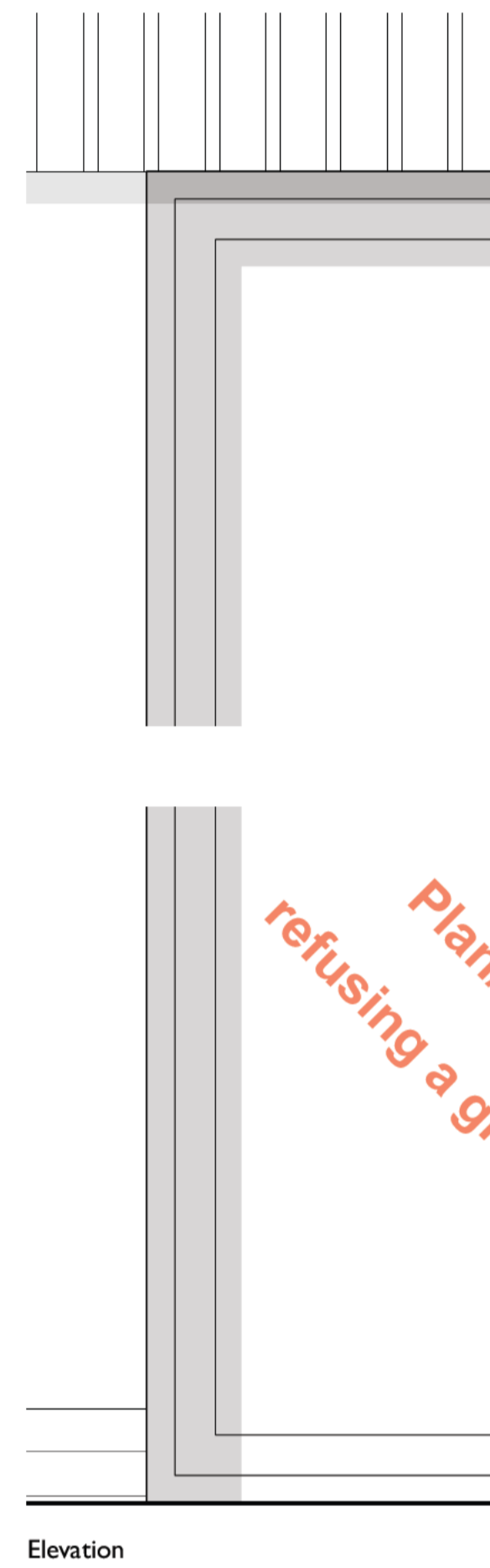


2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

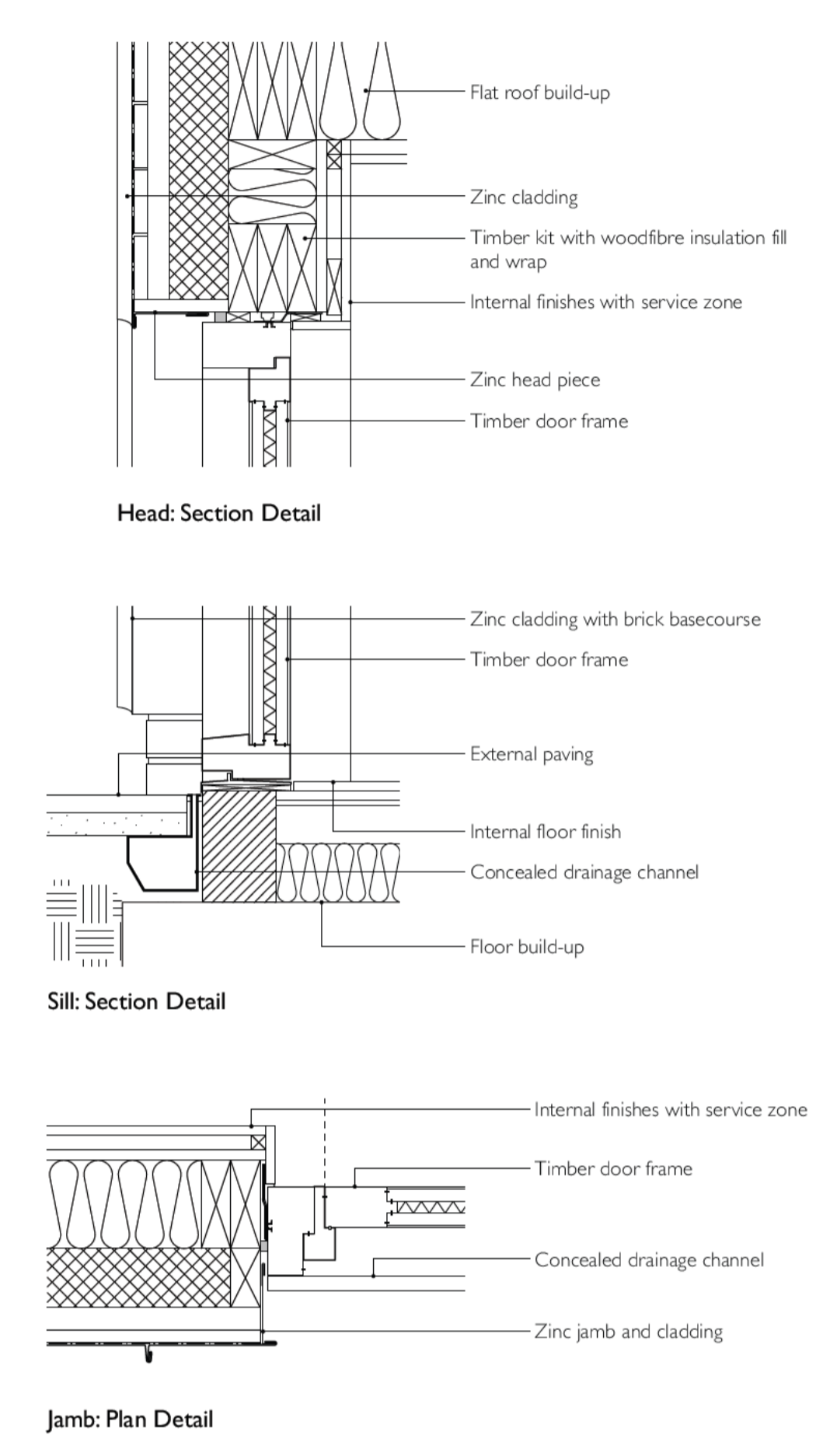
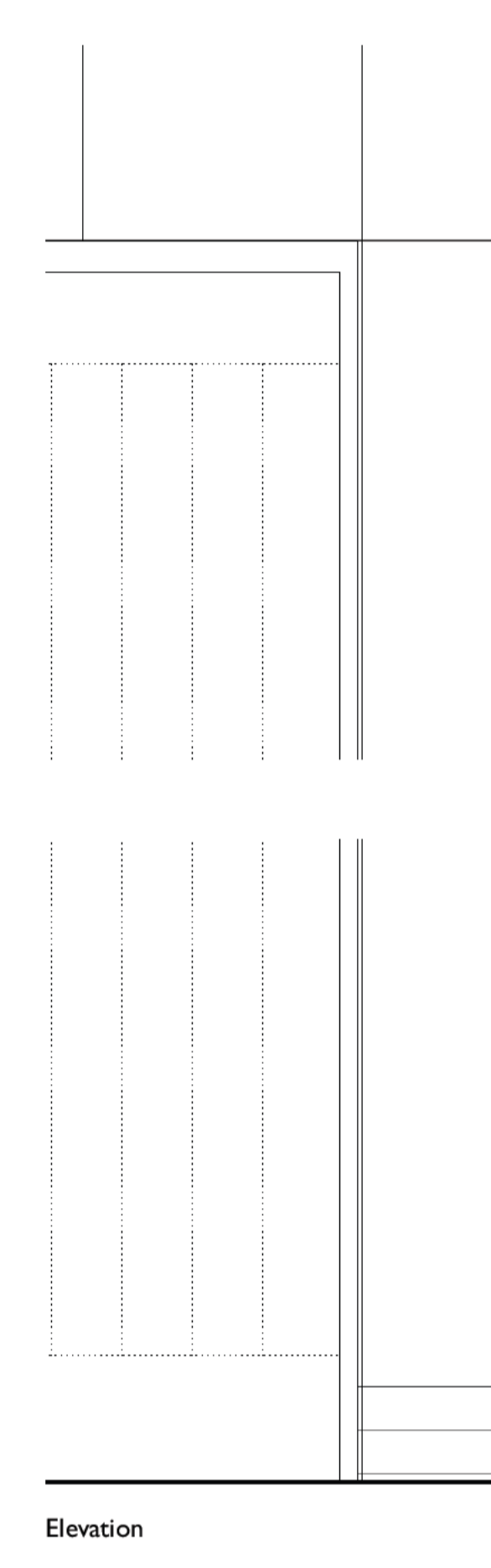
Composite Sliding Door Frame / Brick



Composite Sliding Door Frame / Render



Timber Door Frame / Zinc Cladding



EAST Lothian Council
refusing a grant of planning permission 23/00673/PP
Plan/Drawing listed on the
15/01/2024 Decision Notice of

PI	14.06.23	Planning Application
revision	date	notes

PLANNING
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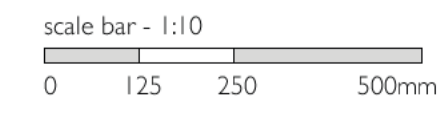
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Southwood, Newbyth
East Lothian, EH40 3DU

TYPICAL DETAILS - 02

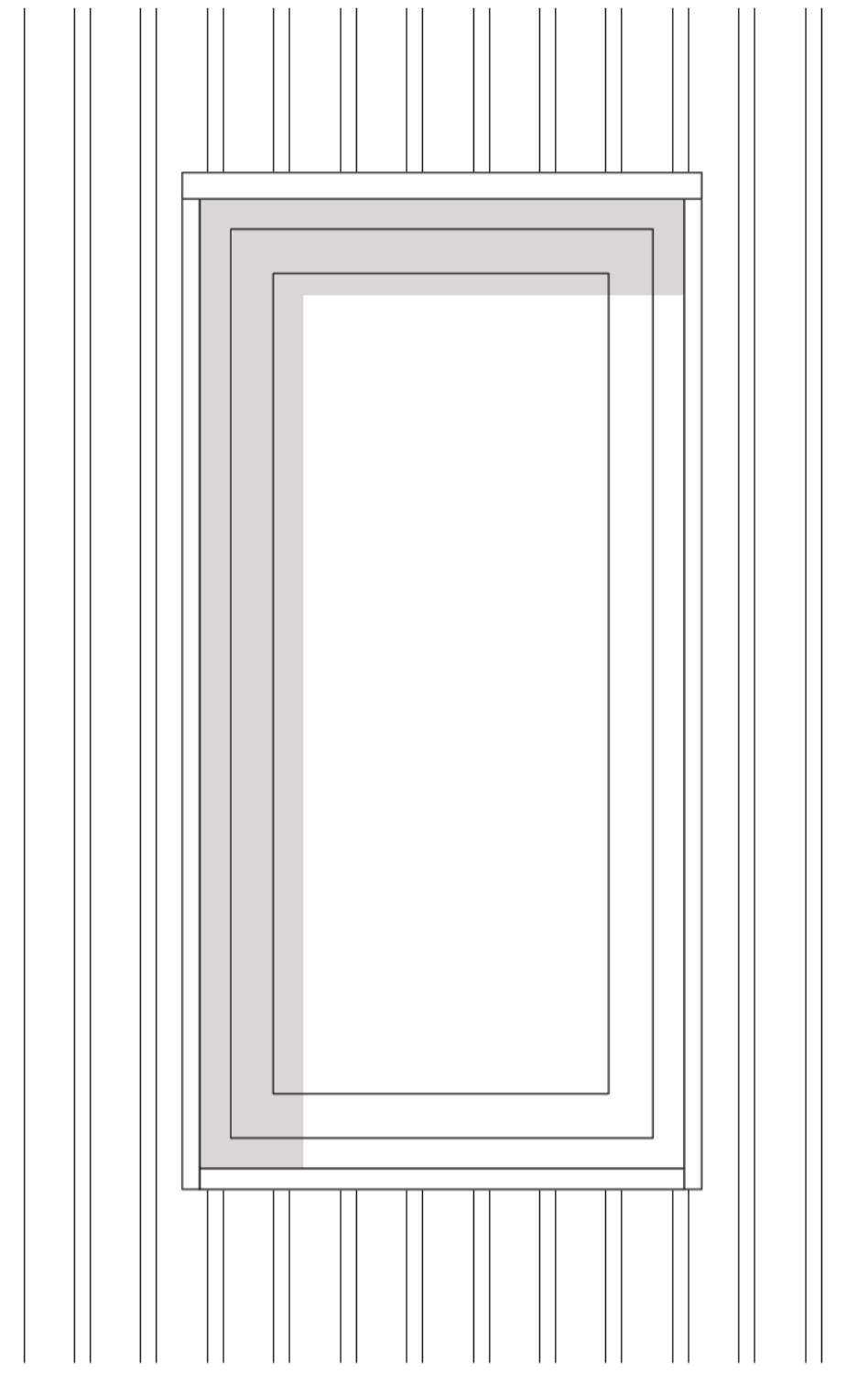
1259-SWN 501 Rev: P1

1:10 @ A1 / 1:20 @ A3

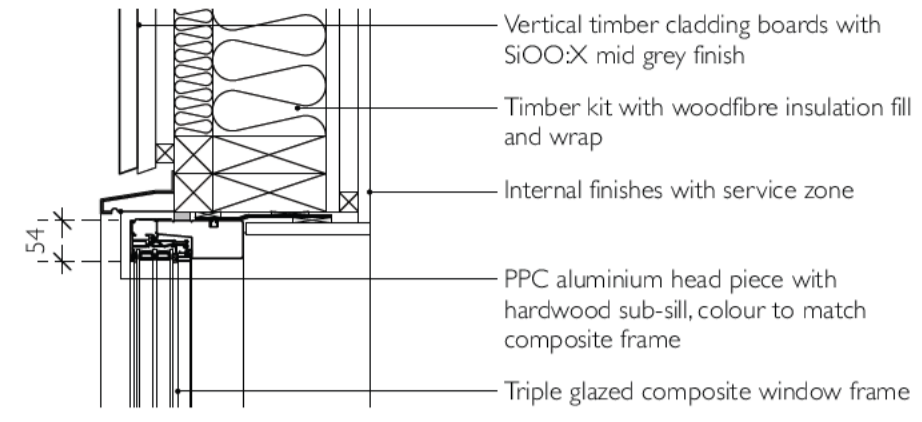


2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

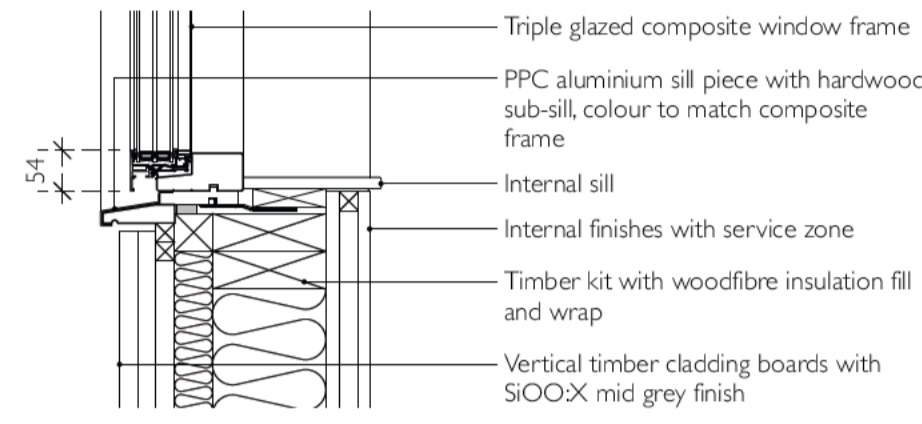
Composite Frame / Timber Cladding



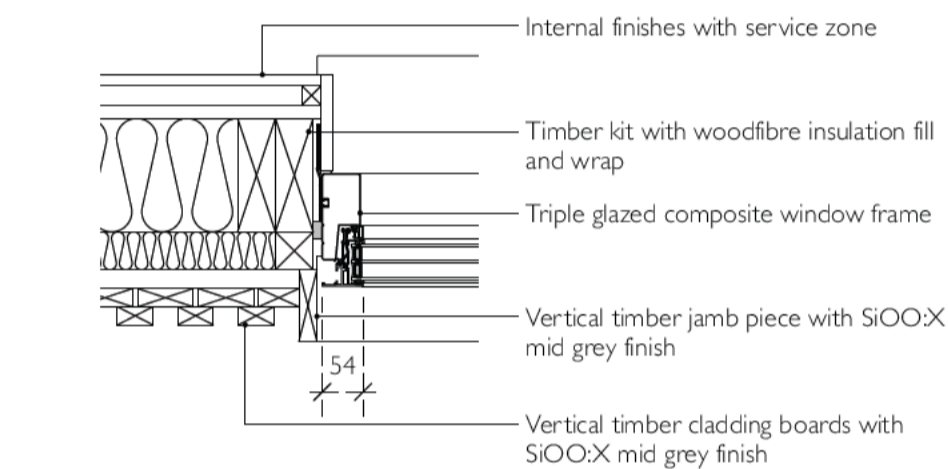
Elevation



Head: Section Detail

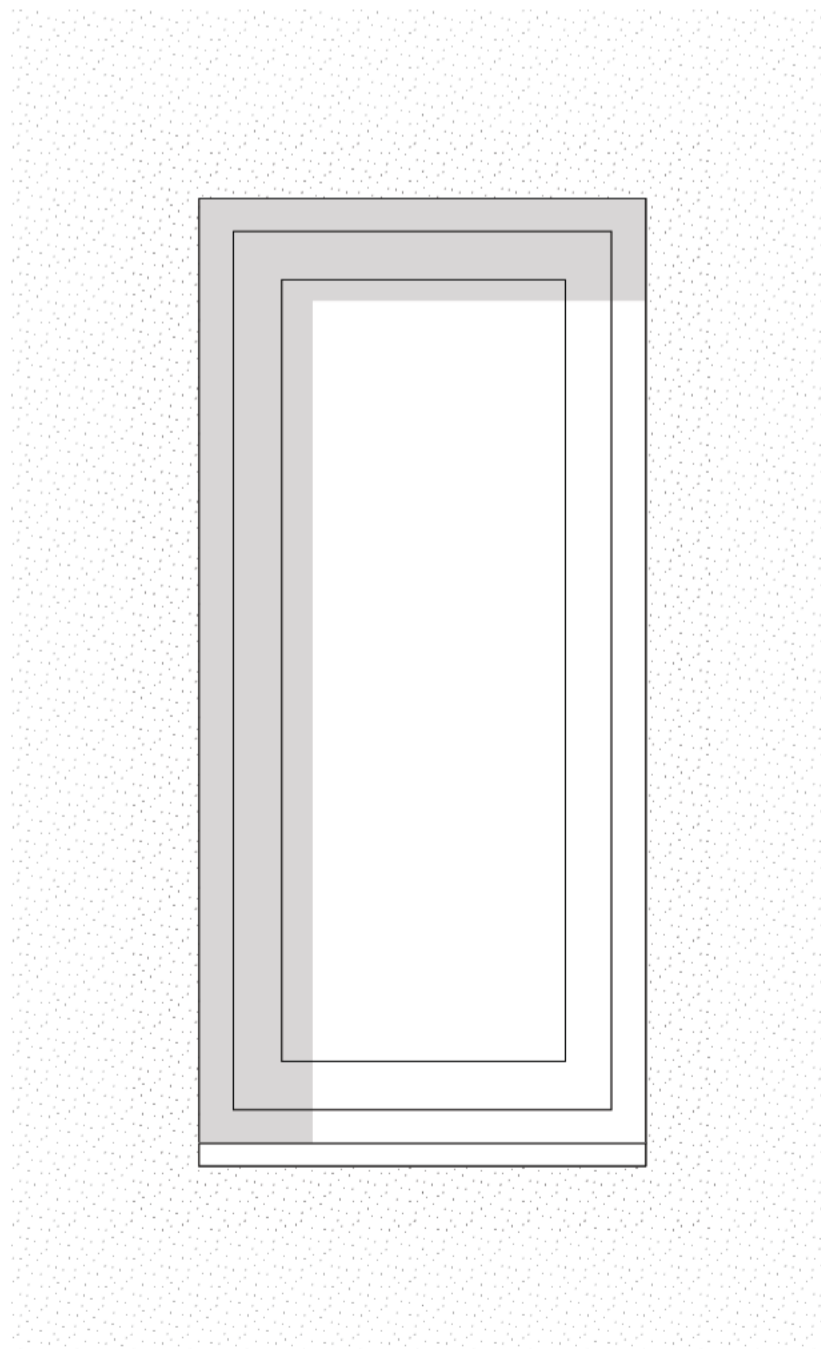


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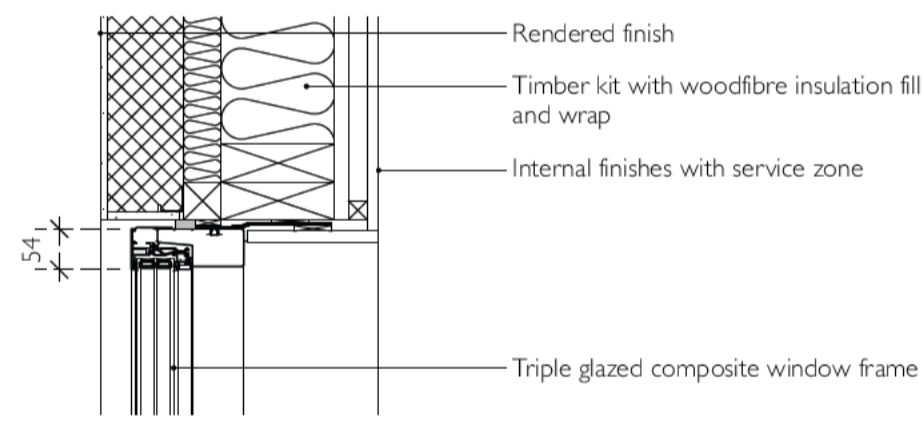


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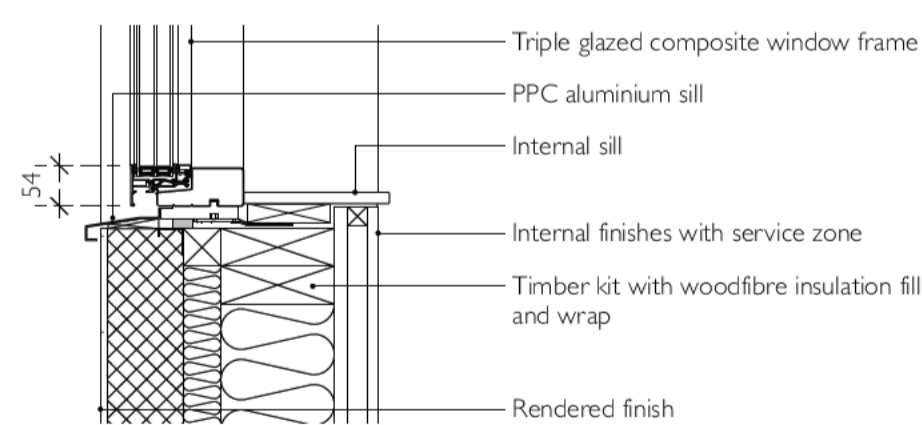
Composite Frame / Render



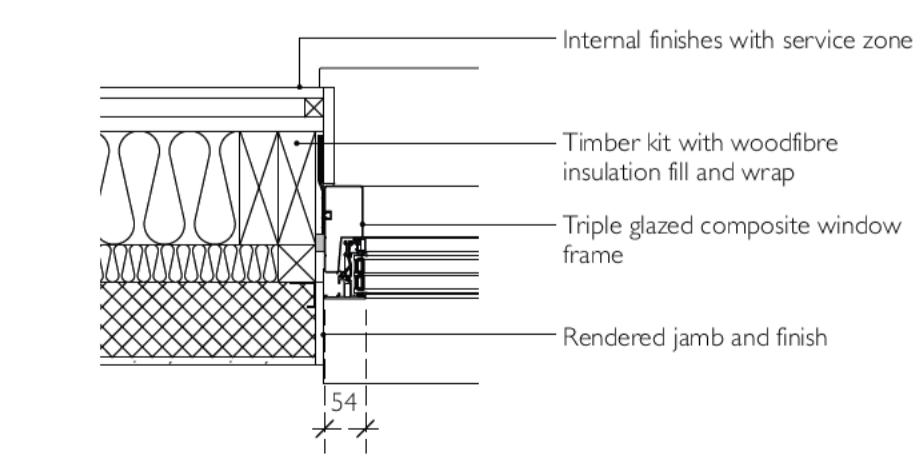
Elevation



Head: Section Detail

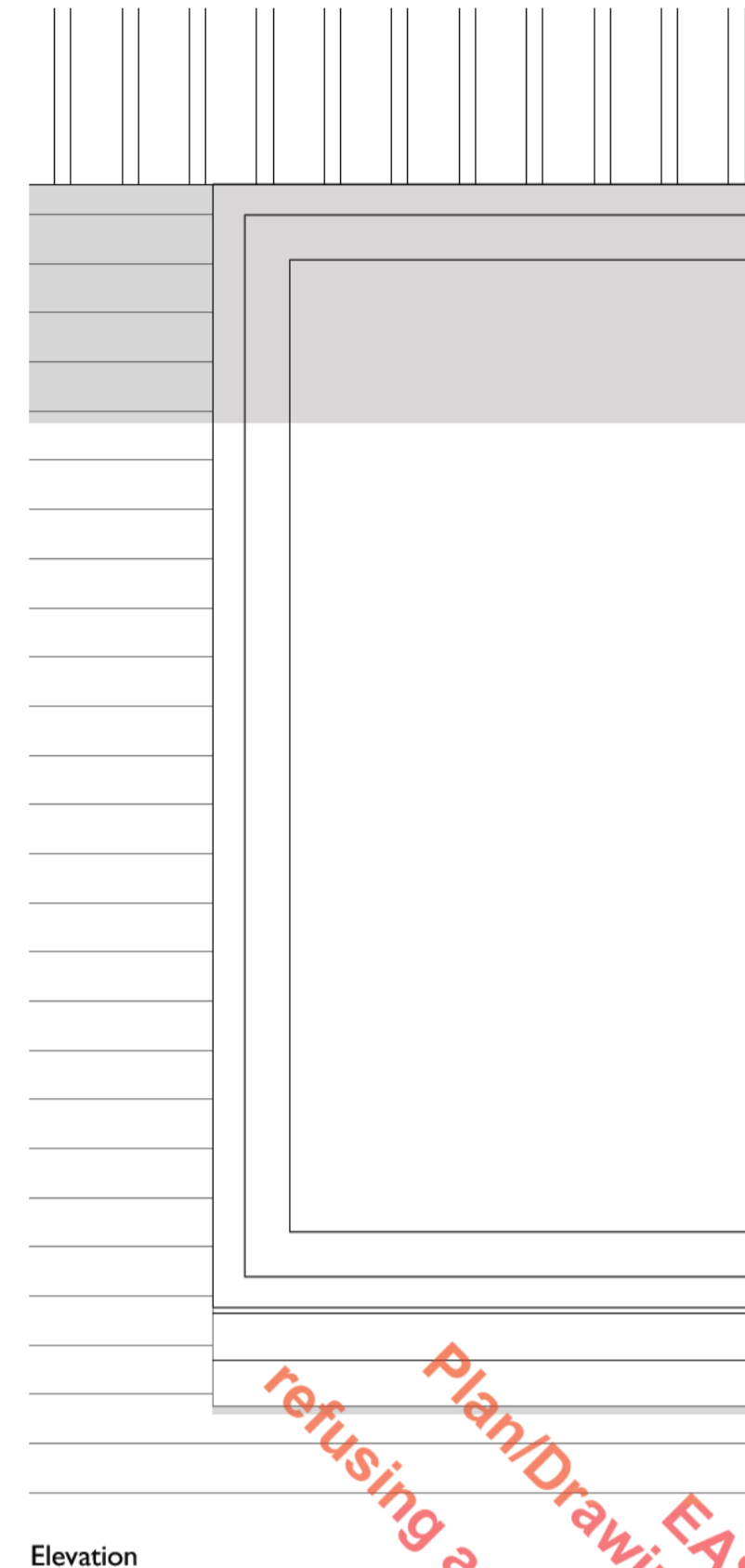


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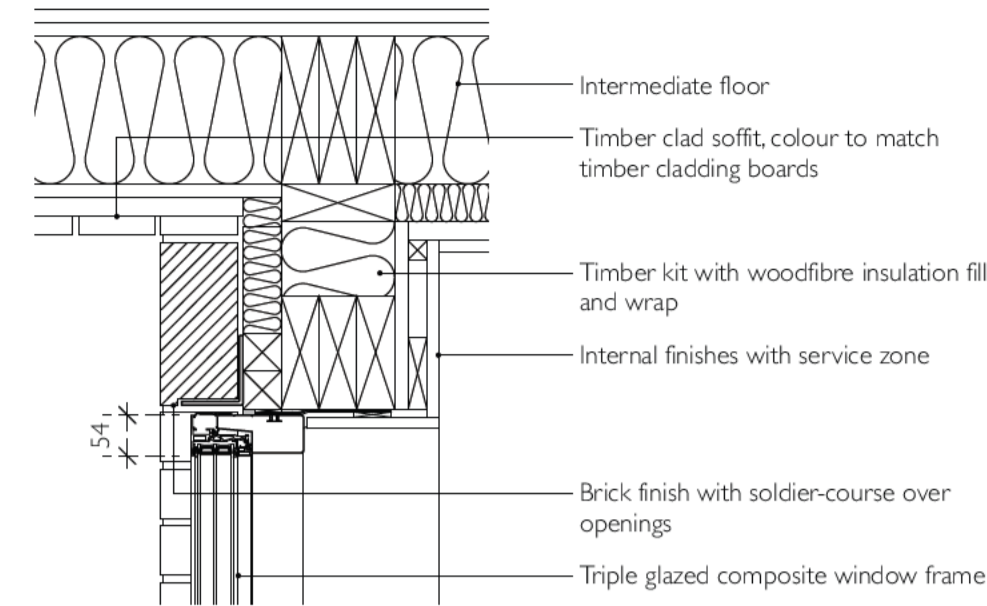


Jamb: Plan Detail

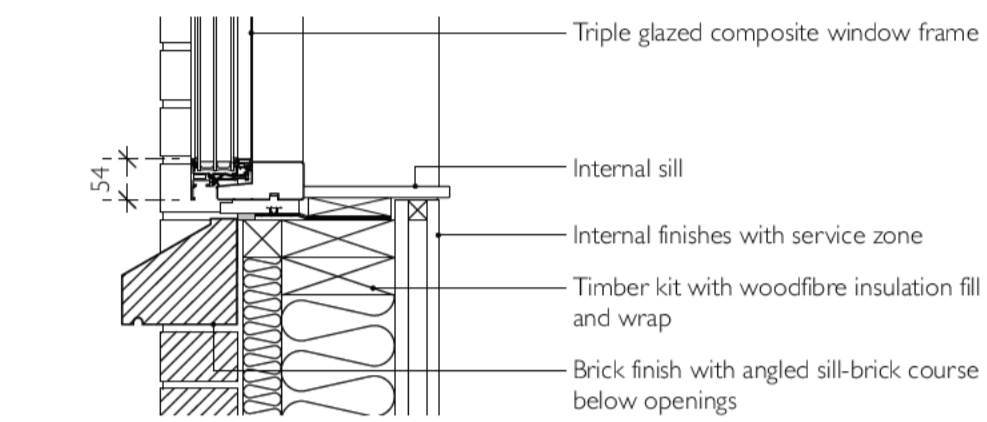
Composite Frame / Brick with Timber Head



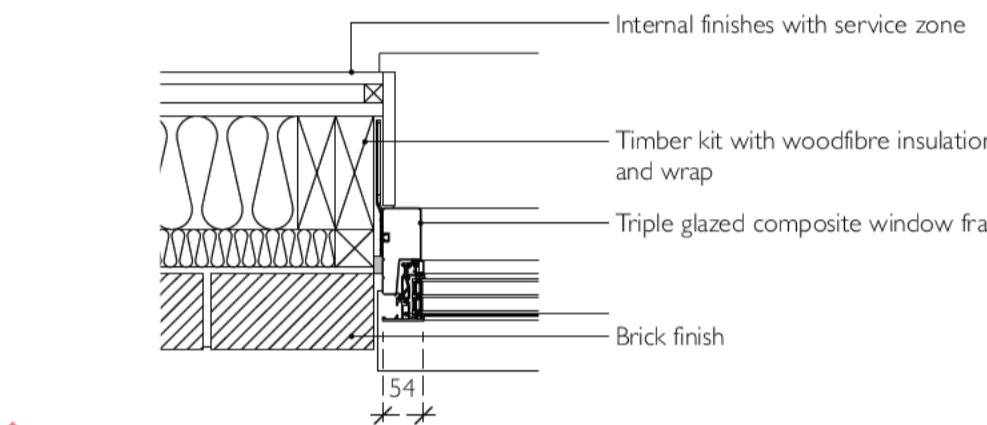
Elevation



Head: Section Detail

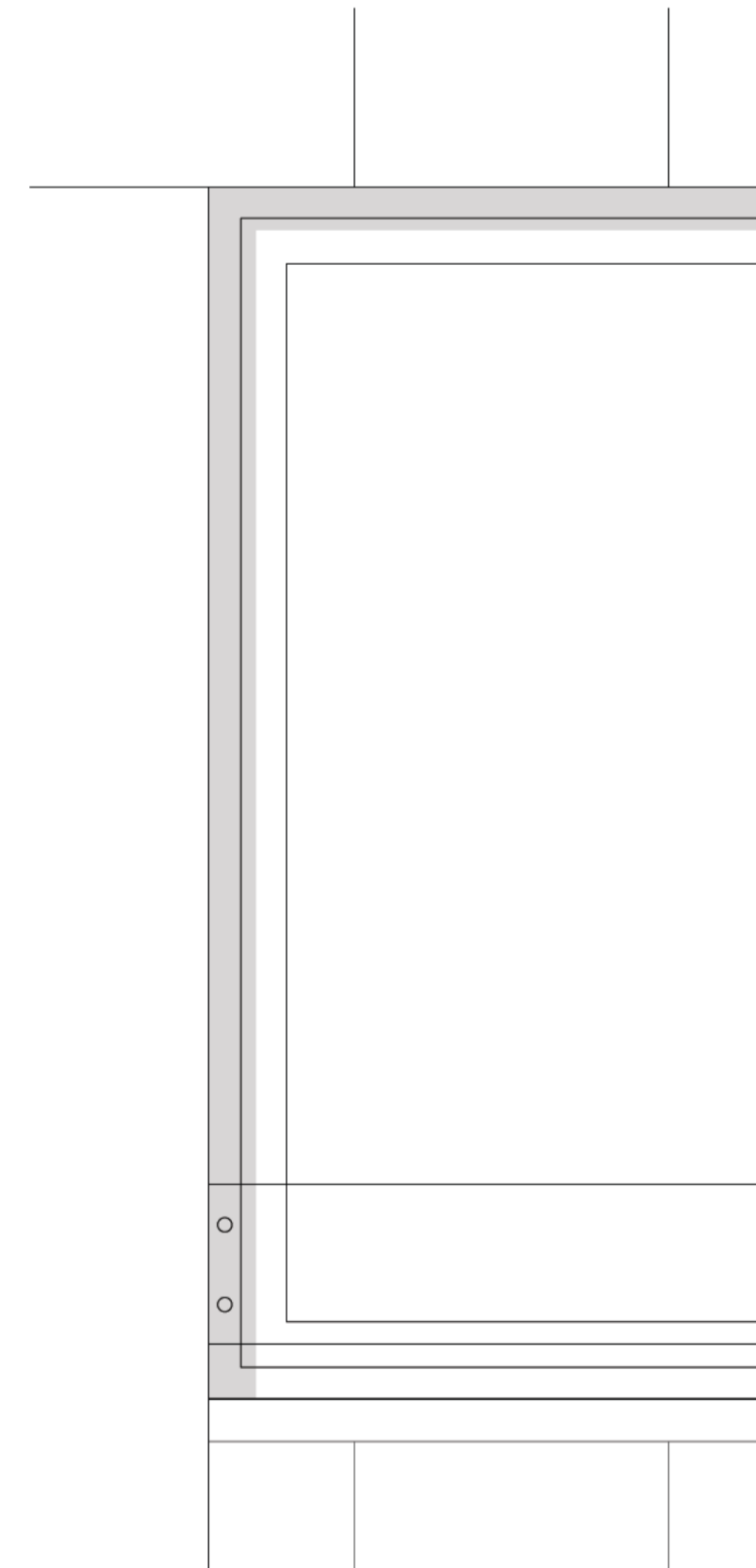


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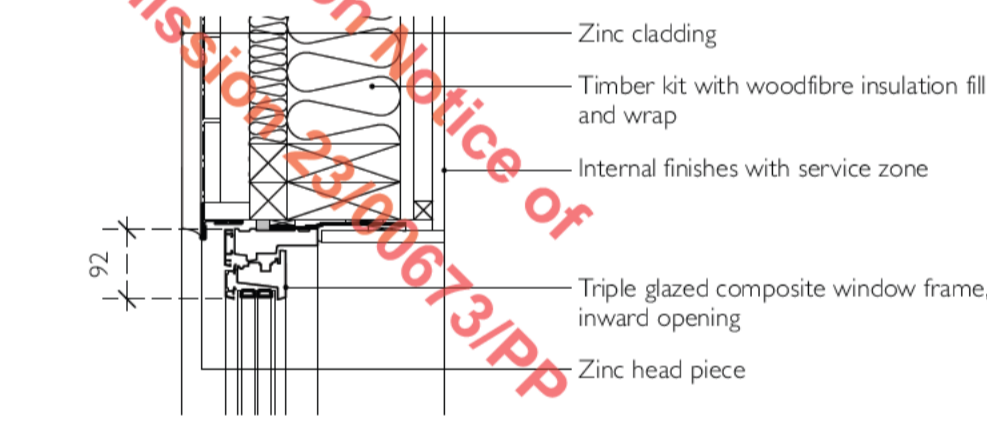


Jamb: Plan Detail

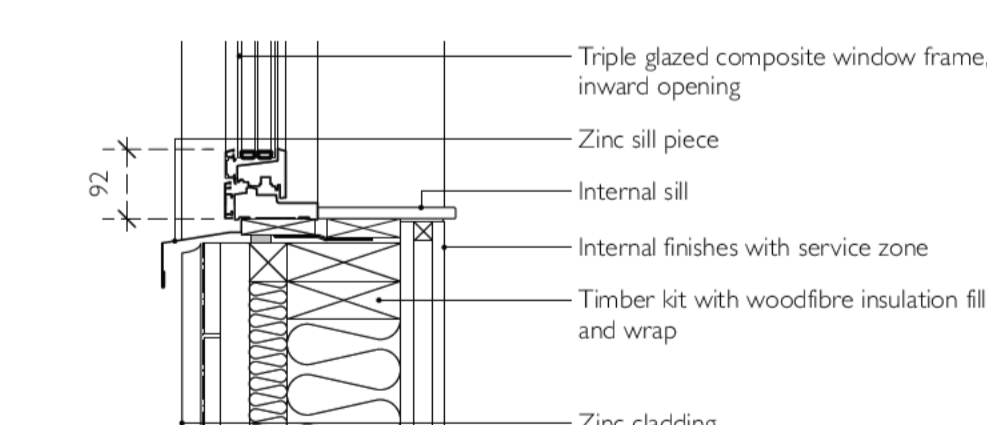
Composite Frame (inward opening) / Zinc



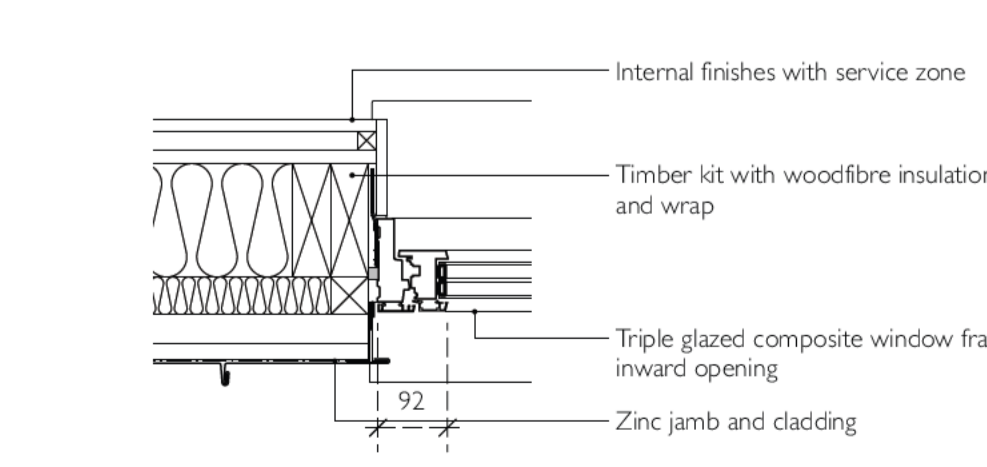
Elevation



Head: Section Detail

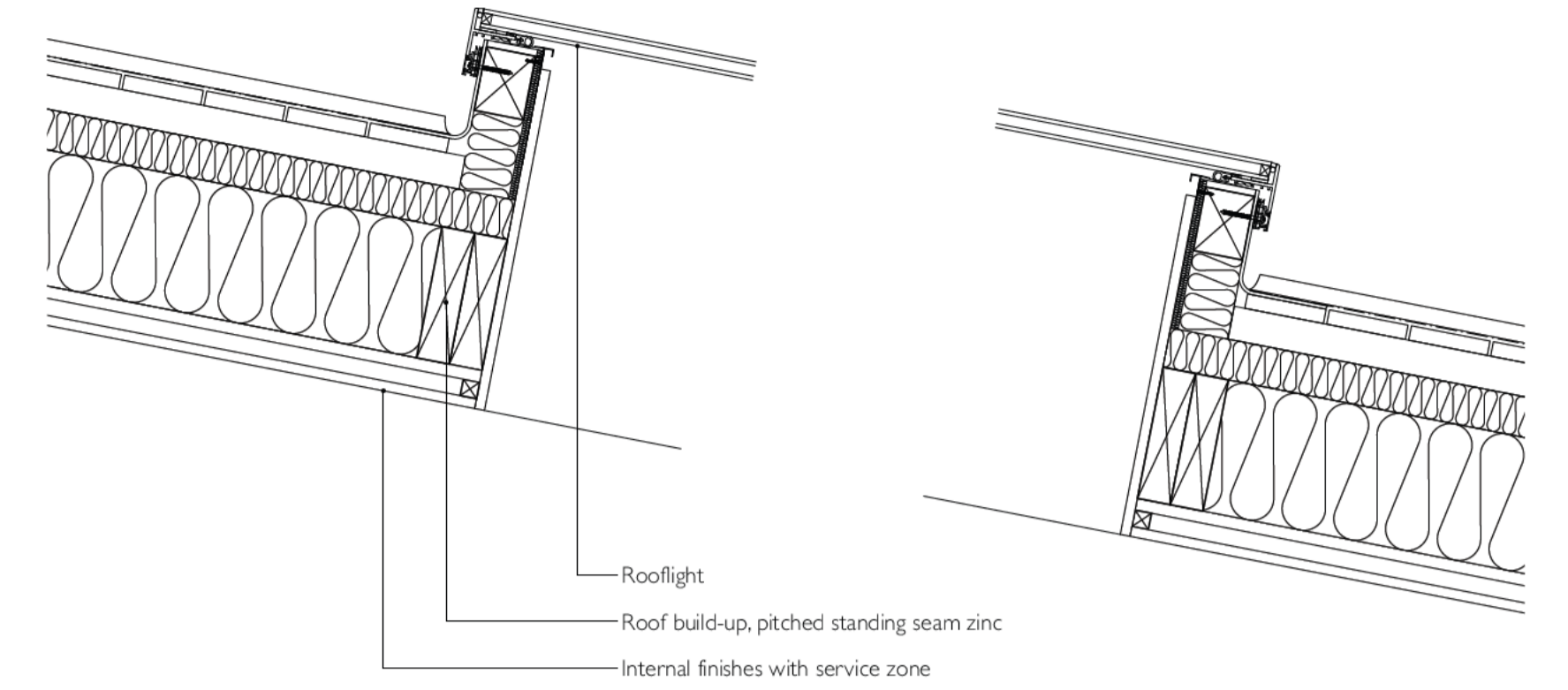


Sill: Section Detail



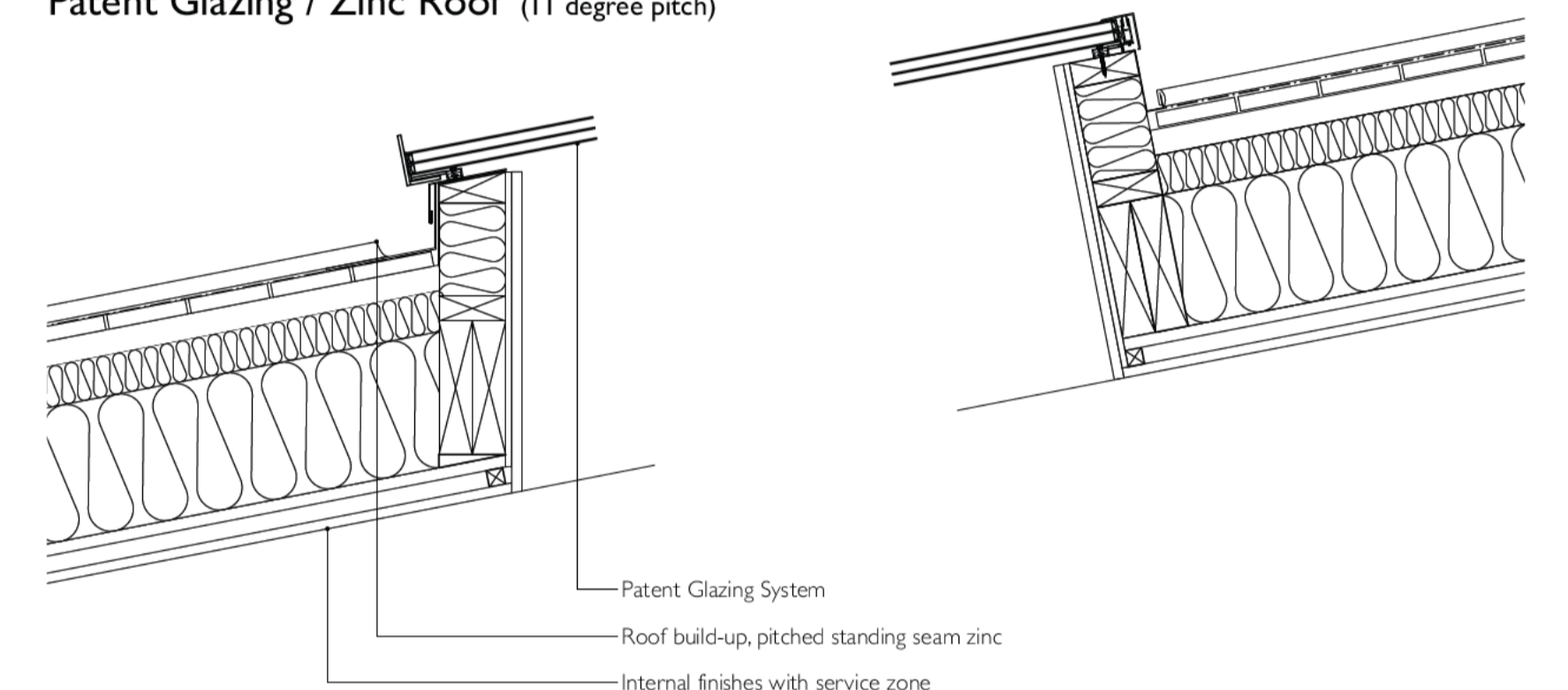
Jamb: Plan Detail

Rooflight / Zinc Roof (11 degree pitch)



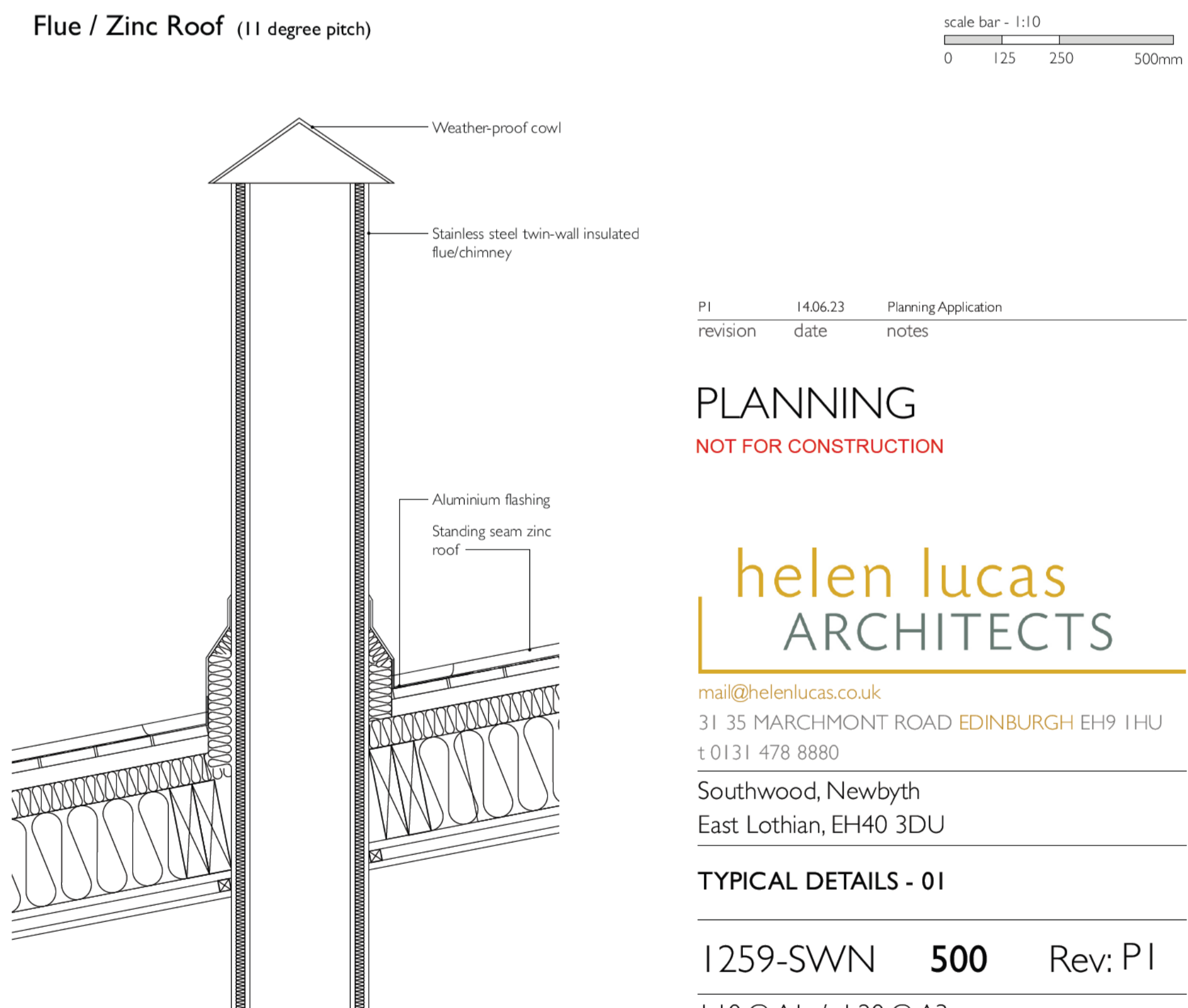
Section Detail

Patent Glazing / Zinc Roof (11 degree pitch)



Section Detail

Flue / Zinc Roof (11 degree pitch)



Section Detail

EAST LoTHIAN COUNCIL
15/05/2024
refusing a grant of planning permission 24/0673/PP

PI 14.06.23 Planning Application
revision date notes

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TYPICAL DETAILS - 01

1259-SWN 500 Rev: P1

1:10 @ A1 / 1:20 @ A3

2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

KEY

- 1 Standing-seam zinc roof
- 2 Composite window frame (Alu-clad exterior)
- 3 Rooflight
- 4 Flue to wood-burning stove
- 5 Red brick (plinth)
- 6 Render
- 7 Timber cladding
- 8 Rainwater goods (to match zinc roof)
- 9 Zinc clad projecting bay window (to first floor Landing)
- 10 Air Source Heat Pump (ASHP)
- 11 Timber column, stained to match cladding



NORTH ELEVATION

PI	14.06.23	Planning Application
revision	date	notes

PLANNING

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East Lothian, EH40 3DU

AS PROPOSED
North Elevation

1259-SWN 224 Rev: P1

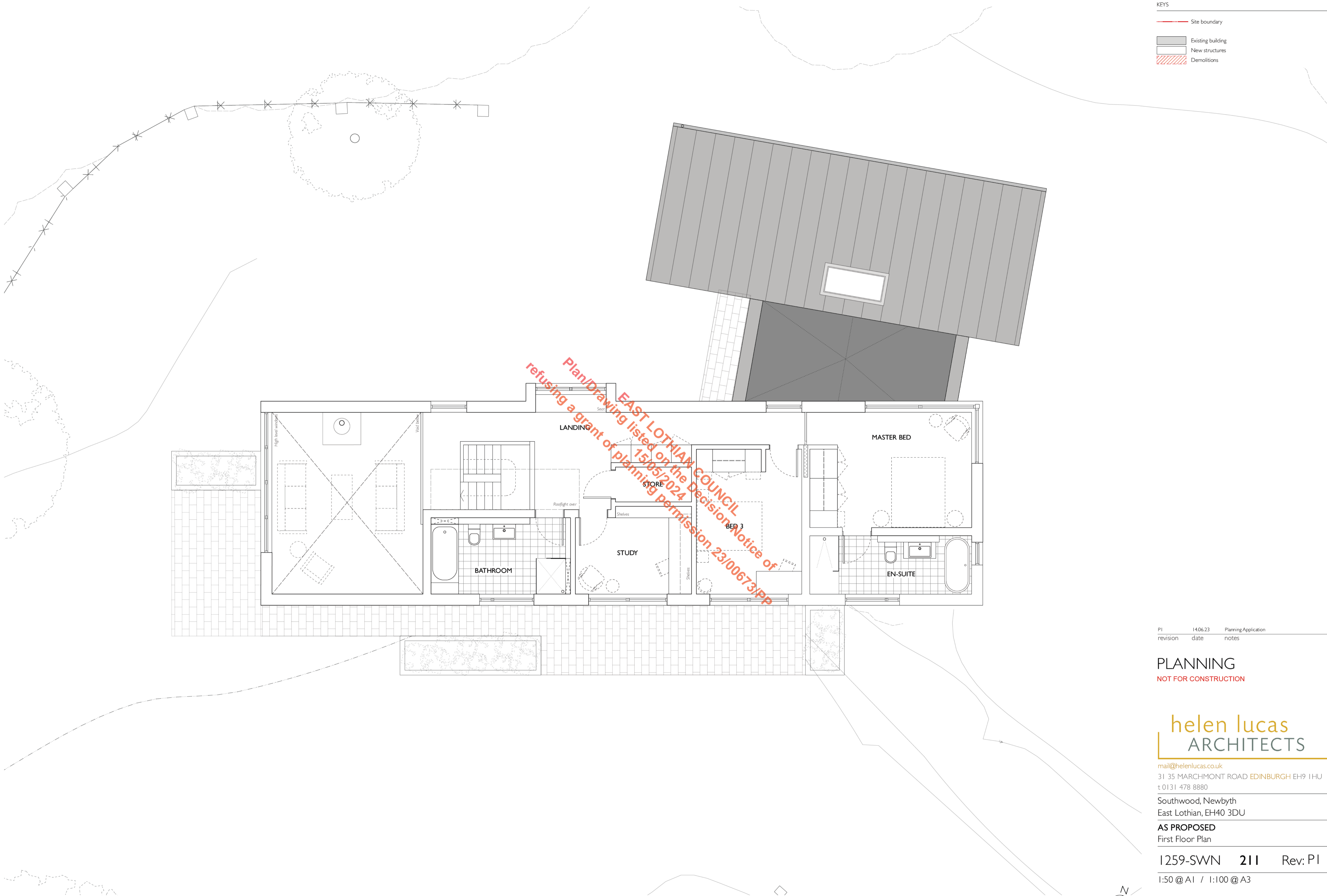
1:50 @ A1 / 1:100 @ A3



2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

KEYS

- Site boundary
- Existing building
- New structures
- Demolitions



PI	14.06.23	Planning Application
revision	date	notes

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ARCHITECTS

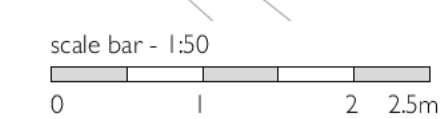
mail@helenlucas.co.uk
31 35 MARCHMONT ROAD EDINBURGH EH9 1HU
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East Lothian, EH40 3DU





AS PROPOSED
First Floor Plan

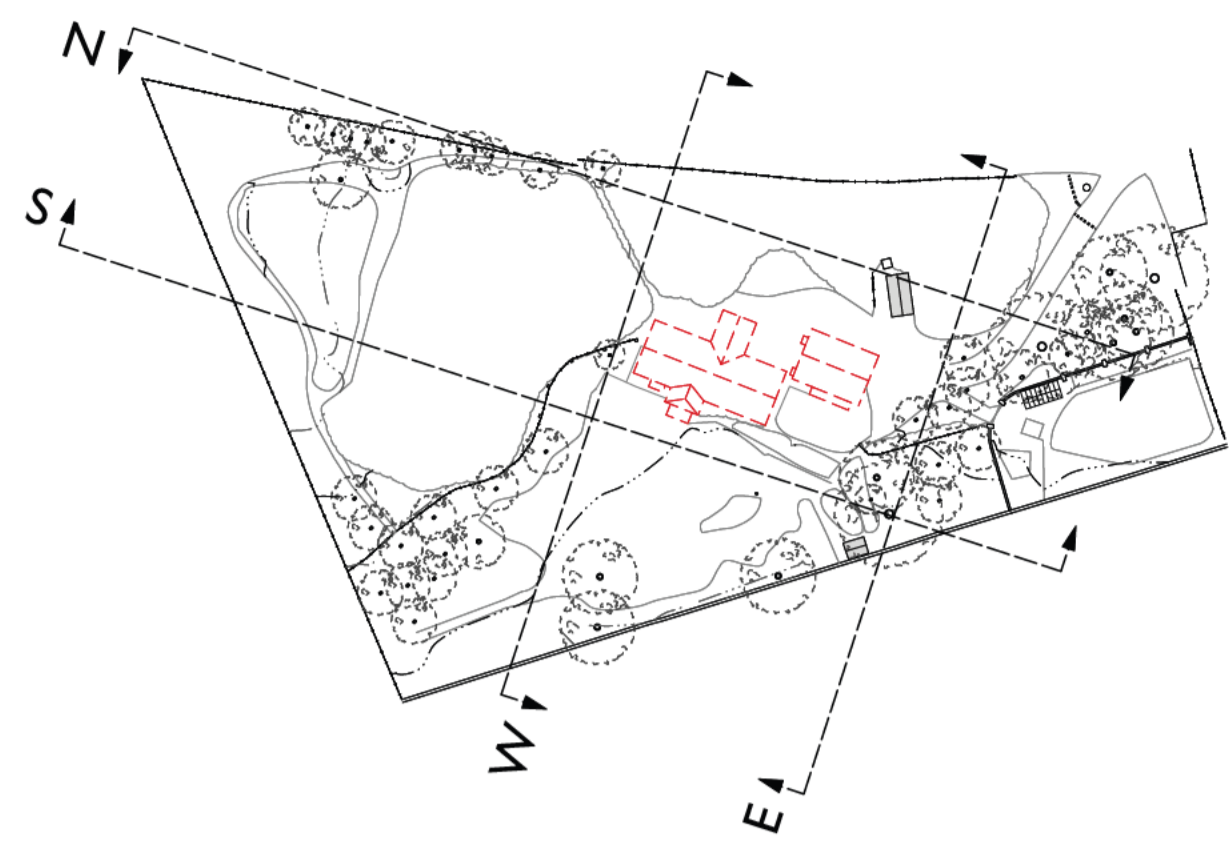
1259-SWN 211 Rev: P1

1:50 @ A1 / 1:100 @ A3



- All dimensions to be checked on site prior to starting work.
- Any discrepancies to be reported to Architect.
- Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
- Location of stud in partitions are indicative only.

-  Site boundary
-  Existing building
-  New structures
-  Demolitions



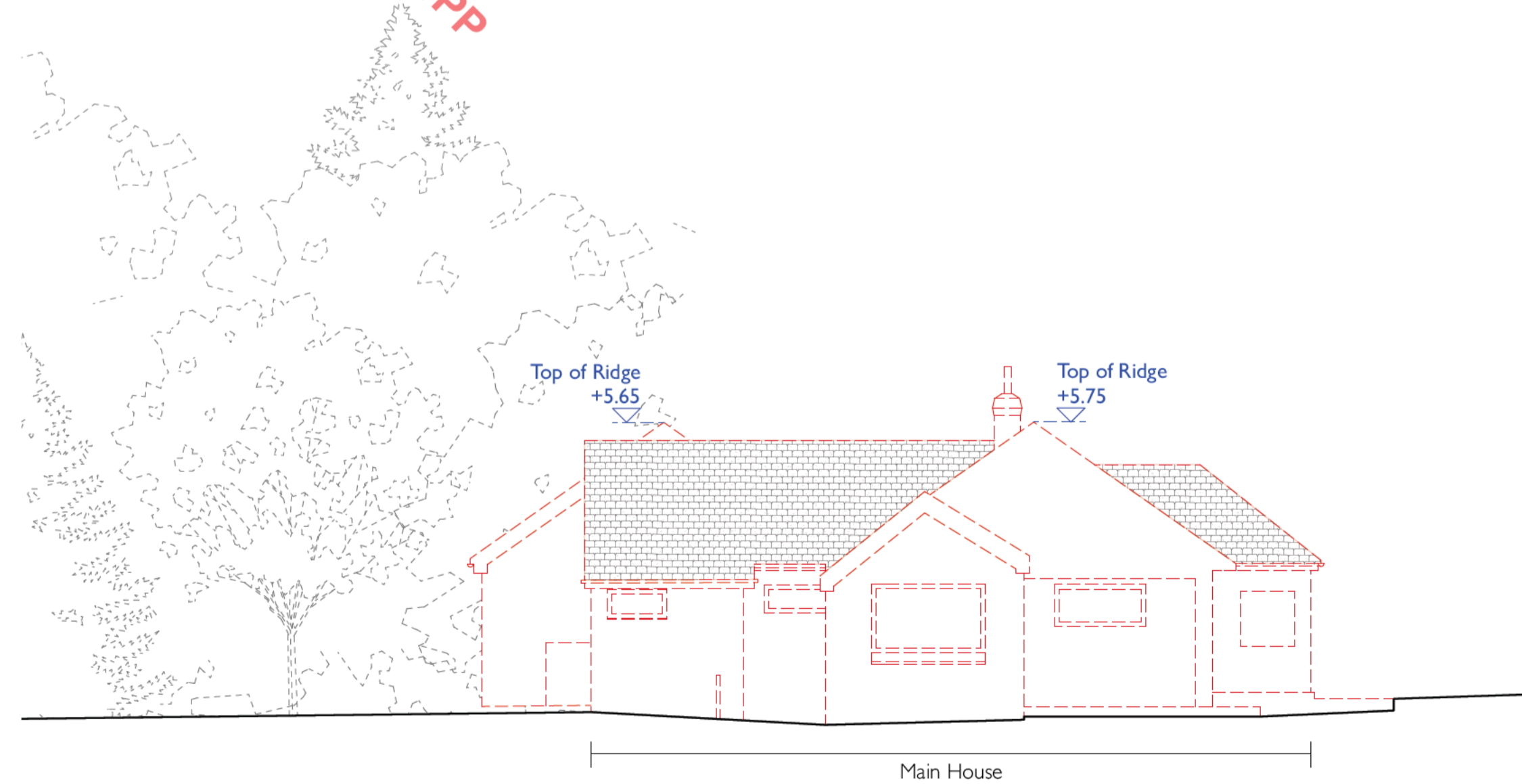
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

EAST LoTHIAN COUNCIL
 refusing a grant of planning permission 15/05/2024
 Plan/Drawing listed on the Decision Notice of 23/00673/PP

PI	14.06.23	Planning Application
revision	date	notes

PLANNING
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 ARCHITECTS

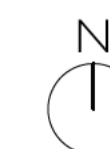
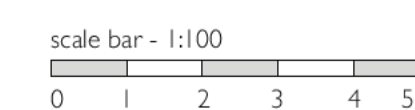
mail@helenlucas.co.uk
 31 35 MARCHMONT ROAD EDINBURGH EH9 1HU
 t 0131 478 8880

Southwood, Newbyth
 East Lothian, EH40 3DU

AS EXISTING
 Elevations

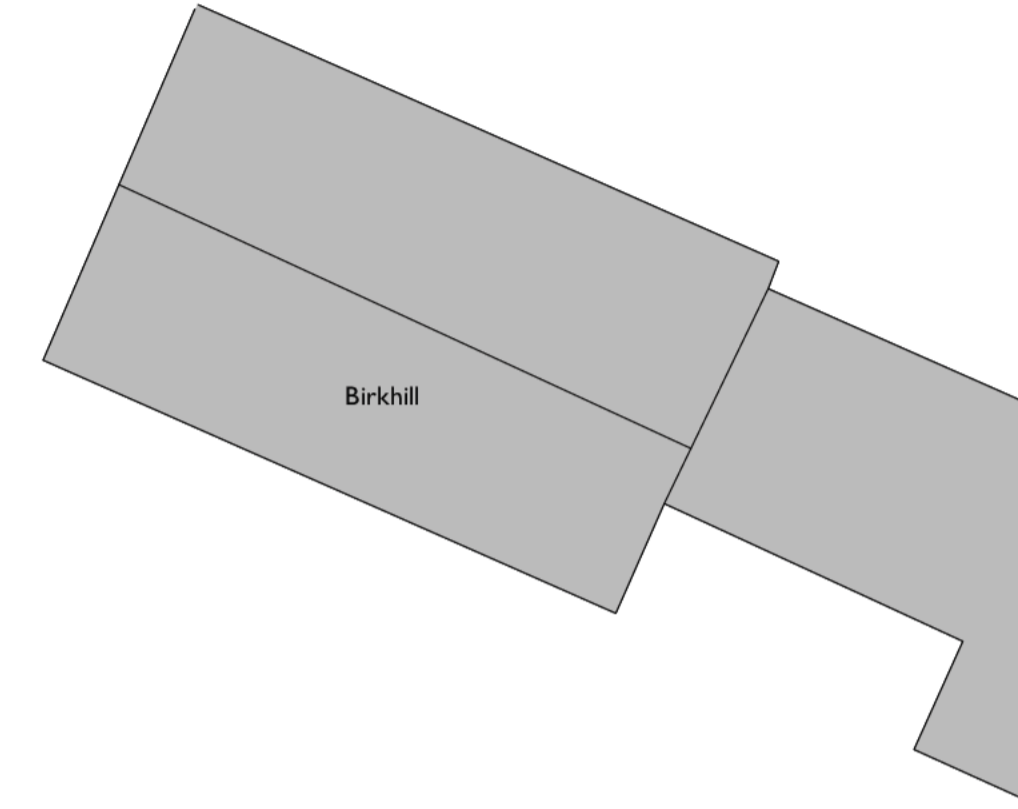
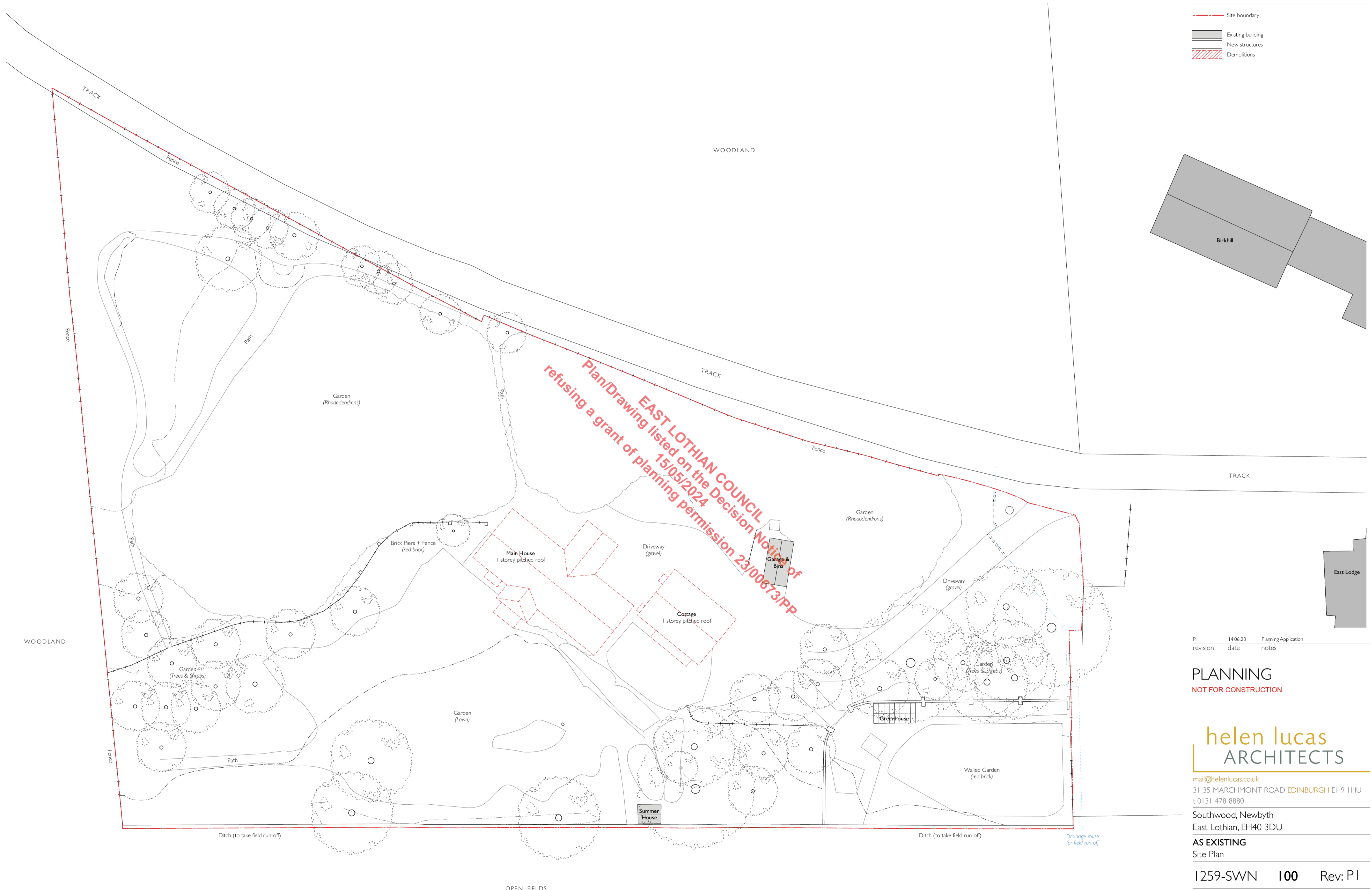
1259-SWN 120 Rev: P1

1:100 @ A1 / 1:200 @ A3



2. All dimensions to be checked on site prior to starting work.
 3. Any discrepancies to be reported to Architect.
 4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
 5. Location of stud in partitions are indicative only.

- Site boundary
- Existing building
- New structures
- Demolitions



PI	14.06.23	Planning Application
revision	date	notes

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East Lothian, EH40 3DU

AS EXISTING
Site Plan

1259-SWN 100 Rev: PI

1:200 @ A1 / 1:400 @ A3



Total Plot Area : 6957m²
Existing Footprint (Main House + Annex) = 241m²

2. All dimensions to be checked on site prior to starting work.
3. Any discrepancies to be reported to Architect.
4. Drawings to be read in conjunction with structural engineer's and consultant's drawings, specifications and schedules.
5. Location of stud in partitions are indicative only.

Forestry, woodland and trees

Policy Principles

Policy Intent:

To protect and expand forests, woodland and trees.

Policy Outcomes:

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

Local Development Plans:

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

Policy 6

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

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Tourism](#)

Historic assets and places

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

Policy 7

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

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

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

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

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

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

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

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](#)

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](#)

DIVERSE COUNTRYSIDE & COASTAL AREAS

Background

- 5.1 While the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast. The Plan supports development for agriculture, horticulture, forestry, and countryside recreation, as well as other forms of appropriate rural development with a need for a countryside or coastal location, including business, leisure and tourism developments. New homes in the countryside may also be supported in certain circumstances such as conversions of attractive rural buildings or affordable homes to meet local needs.
- 5.2 New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast. The Plan seeks to strike the appropriate balance between meeting the needs of the countryside to diversify and develop, while resisting the significant pressure for less sustainable development that would promote car-based travel patterns, would suburbanise the countryside, or would harm the character or appearance of the rural area.
- 5.3 The Council has carried out a review of its rural landscapes, the Landscape Character Area (LCA) Review, based on SNH's Landscape Character Assessment 1998. The Council will have regard to the LCA Review in assessing planning applications. East Lothian's landscape is one of its key assets and its most significant, sensitive and attractive areas deserve enhanced protection, for example the landscape settings of some settlements, or landscapes of particularly special quality.
- 5.4 East Lothian contains a wide range of attractive, vernacular rural buildings, which contribute to local character and distinctiveness. Some of these are no longer required for their original purpose and present opportunities for positive re-use. The Plan supports the restoration of architecturally important rural buildings. This should be done in a way that maintains or complements the layout and appearance of traditional rural buildings or groups of buildings. Advice can be found in the Council's Farm Steadings Design guidance as supplementary planning guidance.

Advice Box 5: Defining the 'Countryside' and 'Coastal Areas'

For the purposes of this LDP:

- Countryside is defined as all areas of East Lothian outwith existing defined settlement boundaries or other land specifically allocated for development (as defined or allocated by this

Plan). This includes the coast (except the Developed Coast), Green Belt, Countryside Around Towns and Special Landscape Areas;

- All relevant Plan policies will be applied, including those in the Design Chapter.

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 DCC6.

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.

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.

5.9 As a further exception to the general presumption against new housing in the countryside, replacement of an existing permanent dwelling may be supported in some limited circumstances such as where a house has been significantly damaged by accidental fire, or where a dwelling is constructed in such a way as to be incapable of renovation or improvement. If the replacement dwelling would be better located on a different part of the same plot (e.g. for landscape reasons or ground conditions) the Council will require as a condition of any planning permission that the original dwelling will be demolished on completion of the replacement.

Policy DC3: Replacement Dwellings in the Countryside

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

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

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

5.10 The Plan has a general presumption against new housing in the countryside, but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. Appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. This will include evidence that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house. Where a house is sought on the basis of an operational requirement in conjunction with a business that is not yet established (e.g. in association with a proposal that is consistent with criterion b of Policy DC1), a business case that supports the proposal will also be required to be submitted as part of the planning application. In the first instance, the Council will normally grant temporary planning permission for temporary accommodation. Permanent accommodation will only be permitted once the business is established and the Council is satisfied that it is viable and that permanent accommodation is justified.

5.11 Where there is no existing building worthy of conversion in the locality in line with policy DC2, as a further exception to the normal policy presumption against new housing in the countryside, the Plan also allows for small-scale affordable housing developments that would meet the needs of small and less accessible rural communities. In such communities, the cost of rural housing is often unaffordable to many who need to live or work in the countryside, and there are fewer housing opportunities in these localities. Such proposals must adjoin an existing small-scale settlement identified by this Plan and be subordinate in scale to that settlement. To demonstrate that the new housing is justified, the registered affordable housing provider shall provide evidence that there is a clear need in the locality and ensure that the development can fulfil this need for the longer term. Proposals must be for a very small number of homes.

Policy DC4: New Build Housing in the Countryside

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

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

Enabling Housing Development

5.12 The Council may exceptionally be willing to support an element of new build housing as enabling development to help deliver another form of development (other than for residential development or infrastructure) that is supported in principle in a countryside location under policy DC1, or where it would fund the restoration of a listed building or one that has recognised heritage value including being recorded on the national Buildings at Risk Register or other significant feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features. Such an approach would only be supported if the wider benefits of the main proposal outweigh the normal policy presumption against new build housing in the countryside. Any such enabling development must be essential, the minimum necessary to achieve the primary

use, and not a substitute for normal development funding, including borrowing. Additionally, such proposals would not be expected to provide affordable housing for this reason.

Policy DC5: Housing as Enabling Development

Housing in the countryside may exceptionally be supported as enabling development where it will:

- a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;
- c) the proposal satisfies the terms of Policy NH1.

Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

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

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

Development in Coastal Areas

5.13 Scottish Planning Policy expects development plans to promote the developed coast as the focus for new developments requiring a coastal location. In East Lothian such areas are where settlements intersect with the coastline and these locations should continue to be the focus for most coastal economic and recreational activity on the coast.

5.14 Between coastal settlements there are generally undeveloped areas where new coastal development should generally be avoided. In such constrained areas new development may be acceptable in certain circumstances where there is an operational requirement for a coastal location, for example appropriate tourism proposals or infrastructure, including flood defences or on-shore development proposed in association with off-shore energy projects. The constrained coastline includes local variations: there are parts that are not intensively

Cultural Heritage

Background

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

Development Affecting Listed Buildings

6.38 East Lothian contains around 2,700 properties and structures that are listed either individually or as part of a group. Each is classified as category 'A', 'B' or 'C' according to its relative importance. Listed building consent is required for any works or alterations that affect the character of a listed building, including the interior of the building and the removal of any object or structure fixed to it, such as plasterwork or a chimneypiece. Planning permission will also normally be required for external (but not internal) works.

6.39 Successful work to listed buildings is as a result of a full understanding of the historic asset, its special interest and character. Proposed alterations or extensions to listed buildings should ensure that the value of the building is not lost or its character undermined by insensitive changes. They should be complementary and of a high quality, both in design and use of materials. Planning decisions will be taken in accordance with the advice contained in national historic environment policies and guidance.

6.40 No listed building should be lost unless it has been demonstrated beyond reasonable doubt that every effort has been made to find practical ways of keeping it. Historic Environment Scotland Policy Statement outlines the tests against which proposed demolition of a listed building will be assessed.

6.41 The setting of a listed building can be affected by new development proposed within its curtilage, adjacent to it or visible from it. Development proposals should not interrupt key views of, from or to a listed building and should ensure that the presence of new development does not dominate or detract from the listed building in a way that affects understanding and appreciation of it.

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

Policy CH1: Listed Buildings

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

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

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

Development Affecting Conservation Areas

6.43 Conservation Area designation is used to identify areas of special architectural or historic interest. Planning decisions must ensure that the character or appearance of a Conservation Area is preserved or enhanced. There are currently 30 designated Conservation Areas in East Lothian and each has its own distinctive character.

6.44 Supplementary planning guidance will be published when this Plan is operative that will contain the Conservation Area Character Statements for 29 Conservation Areas and the more comprehensive Conservation Area Character Appraisal for Inveresk Conservation Area. The guidance will be a material consideration in planning decisions. In due course Character Statements will be replaced by more comprehensive Conservation Area Character Appraisals and Management Plans. The guidance also expands on the circumstances in which proposals for external wall treatment, alterations to shop fronts, external security, and advertisements will be supported within conservation areas. It also allows for reduced parking standards where positive townscape benefits can be demonstrated. These policies will also be material considerations in planning decisions. Proposed work affecting trees within Conservations Areas also requires the prior approval of the Council.

6.45 Design Statements can be used to describe and illustrate the design principles and design concepts of development proposals, including how these have been informed by relevant Conservation Area character statements or appraisals, and how the proposal would preserve or enhance the character or appearance of the Conservation Area. The circumstances where such statements will be required are set out in the Design chapter of this plan. Brief statements would be useful even for minor developments.

Development that adversely impacts on a scheduled monument, or its setting, will not be permitted.

Development that would harm a site of regional or local archaeological interest, or its setting, will only be permitted in exceptional circumstances, where the Council accepts that archaeological advice that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations (including the benefits of the proposed development). In such situations, the developer must make proper provision for the excavation, recording and analysis of the archaeological remains in advance of the commencement of development, the results of which must be reported and any subsequent post-excavation work undertaken should also be reported and, if warranted, published. Appropriate conditions may be applied to any planning permission to achieve this.

Where it is feasible within a proposed development to accommodate, preserve or enhance a Scheduled Monument or archaeological remains, interpretation and integration of these features and where appropriate, public access, will be expected.

Development Affecting a Nationally Important Historic Battlefield

6.50 The Inventory of Historic Battlefields is a list of nationally important battlefields designated by Historic Environment Scotland for their association with key historical events or figures, for the physical remains and/or archaeological potential they contain, or for their landscape context. Designated areas associated with battlefields can be extensive. There are currently four battlefields in East Lothian included in the Inventory of Historic Battlefields: Battle of Pinkie Cleugh (1547), Battle of Prestonpans (1745), Battle of Dunbar I (1296), and Battle of Dunbar II (1650). An Overview and Statement of Significance for each site is published by Historic Environment Scotland.

6.51 The effect of proposed development on the historical and archaeological significance of designated battlefield areas is a material planning consideration. Development should not adversely impact on the archaeological resource or the landscape context, including key views to from or within the battlefield. The cumulative effect of new development in addition to past or current developments should not adversely impact on the battlefield. Historic Environment Scotland will be consulted on development proposals within an Inventory Battlefield site, other than proposals for householder development.

6.52 East Lothian also has other battlefields that are of regional or local significance that are not included on the national Inventory. These will be treated as archaeological sites and assessed under Policy CH4. In due course the Council will prepare supplementary planning guidance on Battlefields.

Policy CH5: Battlefields

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

Development Affecting Gardens and Designed Landscapes

6.53 Gardens and Designed Landscapes make a significant contribution to East Lothian's historic environment and landscape. There are currently 27 gardens and designed landscapes in East Lothian that are of national importance and are included in Historic Environment Scotland's National Inventory of Gardens and Designed Landscapes. There are also many more gardens and designed landscapes of local or regional importance that are identified on East Lothian's Historic Environment Record; the assessment of these is an ongoing process.

6.54 Scottish Planning Policy requires that gardens and designed landscapes of national, regional or local importance are protected and, where appropriate, enhanced. They can have different qualities and are assessed under the following value-based criteria, although do not have to be of value under all of them:

- Value as an individual work of art
- Historic value
- Horticultural, arboricultural, silvicultural value
- Architectural value
- Scenic value
- Nature conservation value
- Archaeological value

6.55 Impacts of development proposals on gardens and designed landscapes will be a material planning consideration. Planning applications that may affect a garden or designed landscape on the National Inventory will be referred to Historic Environment Scotland for its comments.

Policy CH6: Gardens and Designed Landscapes

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

Area Based Cultural Heritage Policies

Greywalls, Gullane

6.56 The particular importance of the landscape setting of category A listed Greywalls and its associated Designed Landscape is recognised. Greywalls should remain the focus of its setting at all times and with reference to the framed view from the garden, the eye should never be distracted by the presence of new development.

Policy CH7: Greywalls , Gullane

Development that harms the landscape setting of Greywalls and its associated Designed Landscape will not be permitted.

West Road Field, Haddington

6.57 This greenfield land forms a prominent open area on the approaches to the town centre, framing the housing surrounding it on three sides and allowing for expansive southern views. In so doing it contributes to the character and appearance of the Conservation Area. It may be possible to accommodate some limited, carefully located and well-designed housing, appropriate to its site and location, on the downslope towards Pencaitland Road. Any such development must not interrupt the middle and longer distance southern views and, through design, scale, materials and layout, must preserve or enhance the character and appearance of the Conservation Area. Such development must also provide, at the developer's expense, the laying out and landscaping of the remainder of the West Road field as a public park. The latter will be secured by a legal agreement.

Policy CH8: West Road Field, Haddington

The contribution that the West Road field makes to the character and appearance of the Haddington Conservation Area is recognised. The Council will support a limited residential development on its down slope to Pencaitland Road provided that (1) this can be accommodated without harming the character and appearance of the Conservation Area and (2) the developer lays out and appropriately landscapes the balance of the field as a public park.

High Street, Inchview, Prestonpans

6.58 In Prestonpans, there remains scope for further improvement to the High Street and Inch View streetscapes and to important public spaces, using consistent materials to promote a coordinated approach. Part of the character of the street is that, in following the shoreline, it allows occasional glimpses of the sea on the north. Several locations where sea views are available are landscaped and open to the public but other undeveloped sites also make a significant contribution to the character of the street. Such sites also allow views into the High Street from the coastal walkway. In assessing any development proposals on these sites, the Council must be satisfied that they would not harm the character and amenity of the area by closing off important views of the Forth.

Policy CH9: High Street/Inch View, Prestonpans

In considering development proposals on vacant or underused land on the coastal side of High Street / Inch View, the Council must be satisfied that the overall amenity of the area will not be harmed by the loss of important seaward views. Any proposals will need to be accompanied by project specific information to inform an assessment under the Habitats Regulation Appraisal that will be undertaken by the competent authority. Only projects that do not have an adverse effect on the integrity of the Firth of Forth SPA will be permitted.

Soil Quality

6.18 East Lothian's soils provide many ecosystems services, not least for food production and forestry, which depend on their sustainable use. Soils have a role in absorbing contaminants, storing carbon, retaining water and reducing its overland flow. They are also a source of minerals and contain varied biodiversity. Pressures on soils include climate change and loss of soil organic matter, as well as threats related to development such as soil sealing and changes to hydrology. Disturbance of carbon rich soils, including through development, can lead to the release of CO₂, adding to climate change risk.

6.19 Particularly sensitive soil types are prime agricultural land and carbon rich and rare soils. Prime agricultural land is the most versatile land for food production, and is a non-renewable resource. The Council aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types.

Policy NH7: Protecting Soils

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

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

Proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO₂ emissions as a result of its construction and where relevant operation.

Trees and Woodland

6.20 Trees can improve the quality of the environment and provide a range of benefits, including contributing to green network objectives. They often contribute significantly to the character and amenity of an area, are both a setting and resource for recreation, and are valuable for biodiversity. With a changing climate, trees may become more important to regulate temperatures in towns and provide shade, as well as having an important role in mitigation of climate change. Significant trees may have particular biodiversity, landscape and cultural value, including trees subject to Tree Preservation Orders, trees in Conservation Areas or veteran trees, and these should be retained where possible and public access encouraged.

6.21 Ancient woodland is an irreplaceable resource and should be protected from adverse effects arising from development. The Scottish Government's Control of Woodland Removal policy sets out national policy on woodland removal and replacement planting. Its aims include support for the maintenance and expansion of forest cover in Scotland and achieving an appropriate balance between forested and non-forested land. It contains a strong presumption in favour of protecting Scotland's woodland resources. East Lothian has relatively sparse tree cover, increasing the importance of protecting existing trees, and increasing woodland cover where possible. Developers are encouraged to engage early with Forestry Commission Scotland to investigate opportunities that could be facilitated through its Forestry Grant Scheme.

6.22 Some development sites contain groups of trees, for example shelter belts, or relict hedgerows. If these are incorporated into private gardens, they tend to suffer from varied pressures and maintenance, and the overall appearance and value as a linear feature for biodiversity and landscaping can be reduced. Wherever possible, such features should be integrated into areas of public open space, with access for maintenance and suitable space for replacement planting, and developments should avoid backing onto or enclosing them.

6.23 Trees on and adjacent to development sites should be retained where possible, and protected in line with British Standard 5837. Trees adjacent to development sites can be affected by changes in drainage patterns or damage to their root systems. Impacts on trees outwith a development site are also a consideration, including for development design. The Council will use planning conditions to protect any tree that makes a significant contribution to the setting and amenity of an area. Work on trees should be carried out in accordance with relevant British Standards 3998. Where the tree is located on a site proposed for development, ensuring that development and any works to the tree or trees are carried out appropriately will be a condition of planning permission.

6.24 The aim of policy on trees is to give protection to trees and woodland, in fulfilment of the Council's biodiversity duty and as an important part of promoting sustainable development.

Policy NH8: Trees and Development

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

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

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

Protecting and Enhancing the Water Environment

6.25 The second River Basin Management Plan 2015-2021 will be published during 2015. The plans' main objective is to achieve good ecological status of the water environment. The term 'water environment' encompasses watercourses, wetlands, lochs, coastal, estuarine and ground water. 'Ecological status' is a combined measure of the plants and animals present, the quantity of water available to sustain species, the physical structure of the waterbody which provides habitat and the chemical water quality. Additional objectives apply in certain protected areas, for example in relation to designated bathing waters and drinking water supply. RBMP2 will set out key pressures, objectives and measures for the water environment and will replace the first plan when it is published.

6.26 The planning regime is a key tool assisting the delivery of River Basin Management Plans (RBMP), protecting and restoring the water environment through influencing developments. This will help increase the environment's capacity to cope with and support future developments, for example through the protection of existing flood plains or wetlands and the use of Sustainable Drainage Systems (SuDS).

Advice Box 6: Water Environment

To ensure that a proposed development protects and enhances the water environment, the following principles should be observed:

- Developments should be connected to the public sewer where possible (rather than private treatment systems) and should be capable of being served by an adequate water supply.
- Buffer strips should be provided between development and waterbodies both for maintenance and for protecting and enhancing water and habitat quality.
- There will be a presumption against unnecessary engineering activities in the water environment.
- Where development presents an opportunity for morphological improvements (for example, the removal of fish barriers) these will be encouraged, subject to flood risk assessments.
- Water conservation measures are encouraged in all developments in order to reduce the impact of new development in terms of water supply, and to promote climate change adaptation. Such measures could include rainwater collection, 'grey' water recycling, and the use of low or dual flush toilets, spray taps, supply restrictor valves in water systems, and water efficient heating and cooling systems.

Policy NH9: Water Environment

Where relevant, new development should protect and, where appropriate, enhance the water environment, in line with the Water Framework Directive 2000 (WFD) and the Water Environment and Water Services (Scotland) Act 2003 (WEWS).

Development proposals that would have a detrimental impact on the water environment will not be supported.

Sustainable Drainage Systems (SuDS)

6.27 Sustainable Drainage Systems (SuDS) return excess surface water to the water cycle with minimal adverse impact on people and the environment. SuDS contribute to alleviation of flood risk and reduce discharge of diffuse pollutants through a range of measures aimed at managing water run-off from a site. SuDS manage surface water run-off by treating it as near to source as possible, slowing down the rate of water run-off, and treating water naturally and releasing good quality water to watercourses or groundwater.

6.28 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) make SuDS a legal requirement for new development, as well as requiring that surface water discharges must not result in pollution of the water environment. The only exceptions to

DESIGN

Background

7.1 The location and quality of development directly affects everyone in society by influencing the quality of our environment and how it can be used now and in future. SPP has two principal policies, one on Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development to ensure it exhibits the six qualities of successful places:

Advice Box 9: Qualities of Successful Places	
1. Distinctive	4. Welcoming
2. Safe and pleasant	5. Adaptable
3. Easy to move around	6. Resource efficient

7.2 Securing a high quality of development is the responsibility of everyone in the planning and development process and collaborative working is required, including taking account of public consultation where this is necessary in association with a proposal. Different design approaches and solutions, and attention to detail will be required based on the proposal and character of the local area. Scottish Planning Policy, the Scottish Government's Architecture Policy for Scotland and Designing Streets set out key stages of the design process. The following 'design tools' are identified as key considerations for improving design quality through these stages.

Advice Box 10: The Design Toolkit

Design Frameworks	Wider areas of change	Planning Authority
Development Briefs / Guidelines	Place or site specific	Planning Authority
Masterplans	Site specific	Normally Developer
Design Codes	Sets 'rules' for design	Normally Developer
Design Statements	Explain design response	Developer

7.3 The LDP has an important role in delivering the placemaking design agenda by setting a local policy context for improving design quality. Supplementary planning guidance has been or will be prepared to set out design principles and objectives for sites or topics, as set out in Policies DP8 and DP9. Additional guidance will be prepared as and when required when the plan is operative. Developers will be expected to prepare masterplans and design statements for major sites, and can also consider submitting other elements of the Design Toolkit in support of their proposals. Design statements should explain the design approach and solutions, with reference to the Scottish Government Place Standard.

7.4 Design quality is a material consideration when assessing proposals and planning permission can be refused solely on design grounds. The policies of this chapter promote high quality development and design and will apply to all development proposals in East Lothian, both within settlements and within the countryside.

Design of New Development

7.5 East Lothian has a varied and attractive townscape and landscape character. It contains many compact, vibrant and distinctive historic towns and villages as well as fine rural buildings with their own character and identity. The layout and variety of settlements, public spaces and buildings often reflects their historic function and provides their distinctiveness and identity. Settlements have vibrant cores where an appropriate mix of land uses allows appropriate activity during the day and evening. Active built frontages in these places and in other parts of urban areas ensures they have a sense of safety, security and welcome. East Lothian's best buildings and places have evolved to a compact human scale and are well-proportioned and attractive places.

7.6 The siting and layout of development in its surroundings influences the way that buildings work together to create well proportioned and attractive public spaces. By connecting multifunctional public spaces together the urban structure can contribute to a higher quality of life as well as ease of movement: the best public spaces also prioritise the needs of people over vehicles where possible. Views to prominent landmark buildings or landmark features consolidate settlement identity and the sense of place, and make it easy for people to find their way around. Traditional buildings, including steadings, add significantly to the character and appearance of the countryside. High quality buildings and places reflect the history and context of the area and their physical and visual relationship with their surroundings.

7.7 Designs for new development must evolve from and respond to an analysis of the proposed development site and its wider context. Proposals must respect the existing character and quality of place and take opportunities to reinforce and enhance this where relevant. New development will be expected to integrate with the existing urban form, street pattern, and the plots sizes, building lines, and the form, scale and massing of development in the local area. In the countryside, new development will be expected to complement the character of the area by integrating with existing buildings or woodland or other well-contained setting, and respect and make use of landform or existing landscape features. The designs, materials and finishes proposed must complement those of existing buildings and in the local area.

7.8 Consideration must be given to how a development's resource consumption can be minimised, including making provision where appropriate for decentralised energy or heat networks. An efficient use of resources can be achieved by building at higher density. This

can also be achieved in the layout, design and materials used for buildings, as well as their relationship to one another and the landform, landscape and sun path characteristics of an area. However, a rigid application of such design principles would compromise the Plan's other design requirements. A balance must be made between competing design objectives, and measures to reduce resource consumption must be incorporated whenever possible. Active travel and public transport opportunities are to be prioritised in designs and provided in new development to encourage their use as alternatives to the private car.

7.9 In the development of a new settlement, in areas of significant change, or where there is potential to regenerate or improve the character and appearance of an area, there may be opportunities to create or enhance an areas character and identity. Settlement expansions and new settlements should be developed at higher densities to make efficient use of land without causing overcrowding, congestion or loss of amenity. These new mixed communities should support a mix of land uses, a range of house types, sizes and tenures as well as local service provision. Development in areas of significant change must ensure that East Lothian's special qualities are maintained and enhanced. The design of these new places should be based on the best examples of East Lothian's existing buildings and places as well as the best examples from further afield that can be adapted to an East Lothian context.

7.10 New development must integrate with the existing landscape and townscape of the area, maximise the potential to make connections with the surroundings and reflect local vernacular architectural styles. It should create a sense of place, safety and welcome, be easy to navigate and must maximise accessibility to all in the community as well as be energy efficient and adaptable. Ensuring this will maintain the setting, character, identity and amenity of the area as well as create high quality new places. Standardised buildings and layouts designed or those designed primarily for the needs of vehicles and that reflect nothing of their surroundings will not be acceptable.

Policy DP1: Landscape Character

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

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

Policy DP2: Design

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

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

7.11 The Council will prepare design guidance and, where appropriate, Development Briefs and guides to assist the operation of these policies as appropriate.

Advice Box 11: Design Statements

All planning applications for national or major developments types must be accompanied by a design and access statement. All planning applications for development of a local development type where the land to which the application relates is listed in Section 13(2) of Part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, including in a conservation area, historic garden or designed landscape, the site of a scheduled monument or the curtilage of a category A listed building must be accompanied by a Design Statement. This does not apply to applications made under section 42 of the Act, for engineering or mining operations, householder development or where a change of use to land is proposed.

OUR INFRASTRUCTURE & RESOURCES

Connections: Transportation, Digital & Other Networks

Background

4.1 Effective and efficient transport and digital communications networks are fundamental to today's lifestyle and to supporting sustainable economic growth. The transport network is needed to attract economic development and encourage job creation, to conveniently access work, education, services, leisure and recreation opportunities, and to allow for the delivery of goods and services. Digital communications can help reduce the need to travel and provide new ways to work, learn and to access information, goods and services. Investment in these networks, including with new development, will be required to maintain and enhance their performance and the area's competitiveness. This will help to ensure the need to travel is minimised, encourage the use of sustainable transport modes, and contribute towards the transition to a low carbon economy.

4.2 The LDP takes the Council's Local Transport Strategy 2015 – 2025 into account. The LDP seeks to integrate new development with East Lothian's existing transport networks and services and the LTS's vision for how these will change and be improved in future. The LTS promotes an enhanced active travel network that is integrated as part of East Lothian's Green Network and public transport options: this could provide a realistic alternative to the private car for some journeys, including longer ones, and may in time form part of the national walking and cycling network. The LTS vision includes improvements to the road and rail networks, including the enlargement of station car parks and platforms (for larger trains), the potential provision of new rail stations, and improvements to the trunk and local road network, including to junctions and interchanges. Real time travel information systems and integrated timetabling and ticketing are also promoted. The LTS will discuss where in the area there may be opportunities to support additional freight or passenger transport, including the potential for a new port related to energy development.

4.3 East Lothian is a relatively well connected place, but its transport and digital networks could be improved to reflect that it is a part of Edinburgh's housing and labour market areas. The majority of new development is planned in parts of East Lothian that are, or will become, connected via high speed digital networks or that are, or can become, accessible, including by public transport. Nodes where interchange between different modes of travel can occur are to be enhanced and provide a focus for new development. Promoting local services and new development alongside sustainable transport options will help maximise accessibility and social inclusion. In areas of significant change, or in the design of sites, the Council will ensure that digital networks can be provided and that the order of travel priority can be walking, cycling, public transport then private cars where possible.

Transportation

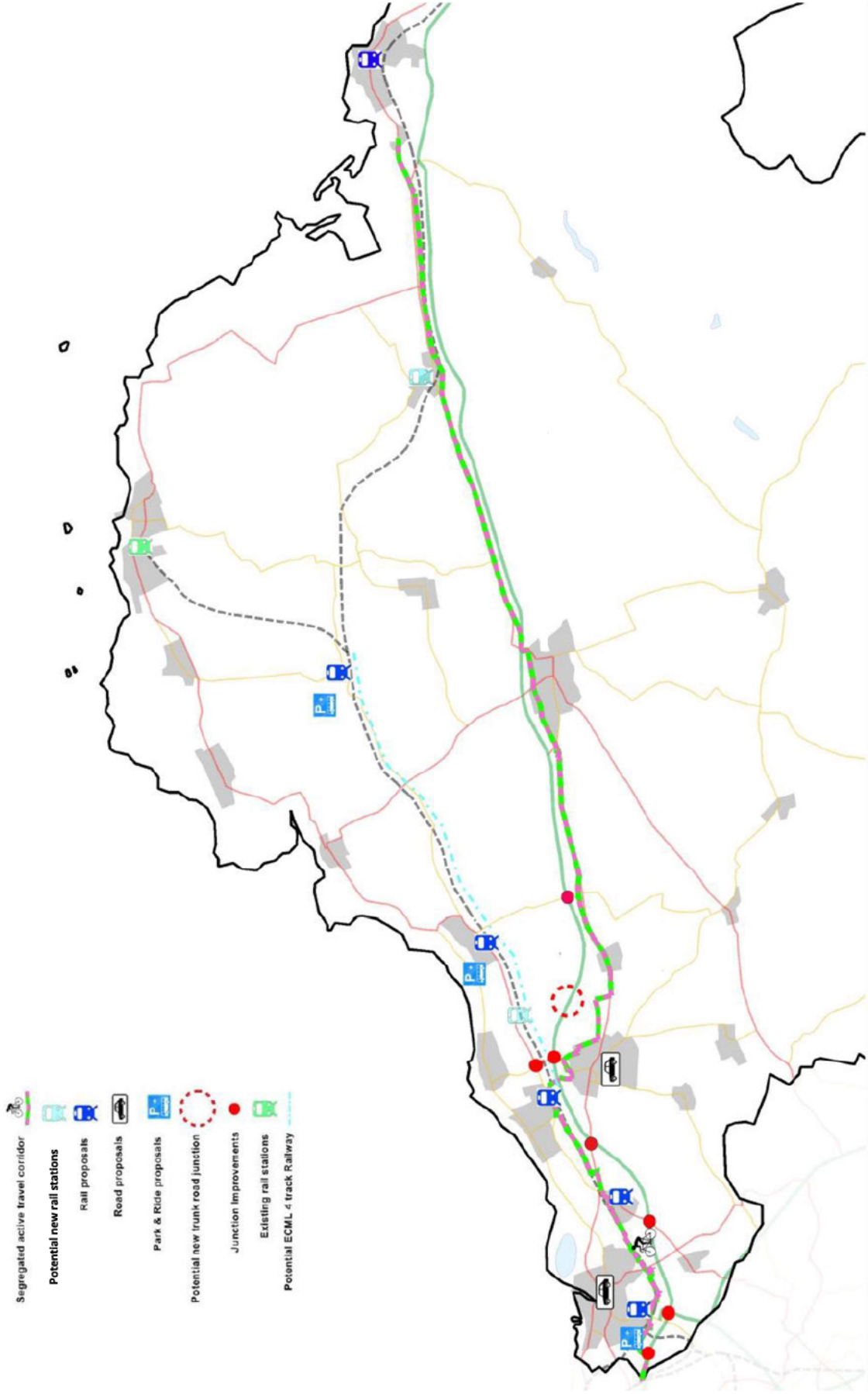
Location of New Development

4.4 The location of new development has a major impact on transport systems and how people travel. New development should be located so as to allow choice of means of travel and to encourage the use of sustainable transport modes. The Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking. This is to be achieved by seeking to:

- support the town centre first principle by maintaining town and local centre facilities that are well served by public transport and accessible on foot or by cycle;
- direct major travel generating uses to locations that reduce the need to travel and that are or can be made highly accessible by public transport, pedestrians and cyclists;
- resist proposals for out-of-centre developments where their siting would encourage longer journeys, especially by private car;
- increase public transport options and their frequency at transport interchanges, and make these nodes more accessible via an enhanced active travel network;
- encourage a more mixed pattern of higher density development in highly accessible locations where appropriate, consistent with design, amenity and environmental standards, where this could help reduce the need to travel and support viable public transport services;
- introduce or contribute to traffic management and restraint measures which favour public transport, walking and cycling where appropriate;
- maximise the use of information technology and introduce real time travel information systems as well as integrated timetabling and ticketing.

4.5 If a significant travel generating development would be reliant on private car use it should not be supported unless there is a way to provide sustainable transport options, including active travel. Travel Plans encourage better practice and set targets for use of sustainable transport modes and measures to discourage private car use. Information technology can be used to encourage use of public transport and in some cases it may be appropriate to limit car parking for a development. Yet there may be situations when some types of development in less accessible locations is acceptable, such as in the countryside in line with LDP policy or where the nature of a proposal requires a specific location, including forestry or mineral operations. Notwithstanding this, improvements to the transport network to make locations more accessible particularly by public transport and active travel modes could help reduce reliance on the car, including the introduction of small park and ride sites on rural bus routes and development of the strategic path network.

Strategy Diagram 2: Transport



4.6 For development proposals that are expected to generate a significant number of trips a Transportation Assessment will be required. Where new development creates travel demands, the Council will seek provision of, or a contribution towards, necessary improvements to the transport network required as a direct result of it, including provision for public transport and the enhancement of active travel networks consistent with promoting an appropriate order of travel priority. Where specific improvements to the transport network are necessary, developers will provide these improvements, including contributions pro rata towards strategic mitigation in line with Policy T32. The Council will secure this mitigation by planning condition and / or legal agreement, as appropriate.

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

Active Travel Networks

4.7 The LTS promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Some parts of East Lothian are relatively well connected via roads and foot and cycle paths, including via repurposed railway routes and paths along river banks. Many of

these routes are included in the Council's Core Paths Plan and its Green Network Strategy. These provide active travel options which should be enhanced in association with new development in the area to provide extensions of and connections to the active travel network. The Council will ensure that new development does not obstruct or damage existing foot or cycle paths, or other routes for public access, and that new development mitigates its impact and does not prejudice the future implementation of enhancements to the network within East Lothian. Wherever appropriate, extensions to the network of active travel routes shall be provided or contributed to as part of new developments, particularly routes set out in the Core Path Plan as part of the Green Network Strategy.

4.8 As part of this approach the Council proposes a Segregated Active Travel Corridor for East Lothian which aims to promote a priority route for pedestrians and cyclists. This is so active travel can provide a realistic alternative to the private car, including for longer journeys. In time this may form part of the national walking and cycling network. The route will generally follow the A199 corridor (former A1) and link the western boundary of East Lothian with Edinburgh through to Dunbar. The section of the route from Wallyford to Edinburgh will deviate from the road and continue westwards to the East Lothian Council boundary by closely following the main East Coast rail line route. This route will provide a safe, better connected active travel route and facilities through East Lothian, and will link to other active travel corridors that lead to key destinations, including town centres, transport interchanges and routes.

4.9 Provision for the creation of the active travel network Segregated Active Travel Corridor must be made by developments that generate a need for them as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32 and Policy DEL1.

PROP T3: Segregated Active Travel Corridor

The Council will develop a new segregated active travel corridor within East Lothian and will work in partnership with local communities, public, developers and the private sector to secure funding mechanisms. Relevant development proposals will be required to provide or contribute to the provision of the Segregated Active Travel Corridor for East Lothian as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32. An indicative route is illustrated on the Proposals Map. A finalised route will be confirmed subject to HIRA.

Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy

The Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

Schedule Of Conditions

App Ref: 23/00673/PP

Address: Southwood, Newbyth, East Linton, East Lothian, EH40 3DU.

Proposal: Planning permission in principle for the erection of 1 house and associated works

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

Reason:

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

2. The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the house, the means of access to it and the means of any enclosure of the boundaries of the site and those details shall accord with the following principles of development for the site:

- a. The house shall be no higher than two storeys in height, and the ridge of its roof shall be no higher than that shown on indicative drawing No: 1259-SWN 220 Rev: P2 dated 04/08/2023.

- b. The house shall be designed with a mono-pitched roof clad with a standing seam zinc and its walls shall be finished predominantly with a render and red brick to ground floor and timber cladding to the upper floor unless otherwise approved by the Planning Authority.

- c. The house shall be provided with parking spaces within the curtilage of the house at a rate of 5 habitable rooms or fewer - 1 parking space or 6 or more habitable rooms - 2 parking spaces.

- d. The means of enclosing the boundaries of the site shall be shown and the house shall not be occupied until the approved means of enclosure has been erected or planted.

Reason:

To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in the interests of road safety, and to enable the Planning Authority to control the development in the interests of safeguarding the character and appearance of the area and the privacy and amenity of neighbouring residential properties and of occupiers of the new house.

3. No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, and confirmed in writing by the Planning Authority. The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection

Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- No vehicular or plant access
- No raising or lowering of the existing ground level
- No mechanical digging or scraping
- No storage of temporary buildings, plant, equipment, materials or soil
- No hand digging
- No lighting of fires
- No handling discharge or spillage of any chemical substance, including cement washings.

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

4. Only the existing driveway shall be used for construction access with the addition of temporary ground protection to protect the surrounding trees' roots from compaction by heavy construction machinery.

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

5. Within three months of the date of this consent, details of an EV charging facility shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation.

The approved EV charging facility shall thereafter be installed and made available for use in accordance with the details so approved. The approved EV charging facility shall thereafter be retained, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of promoting sustainable travel and the environment.

