

LOCAL REVIEW BODY

23 January 2025

Application No: 24/00782/P

**Land east of 7 Springfield Cottage, Whitecraig,
Musselburgh EH21 8PZ**

Appointed Officer's Submission

24/00782/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Erection of fencing at Land East Of 7 Springfield Cottages, Whitecraig, Musselburgh.

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1. Statement of Case: Officer’s report for planning application 24/00782/P.
2. Copy of the Decision Notice (including reasons for refusal) relating to planning application 24/00782/P.
3. Copy of consultation responses from (i) ELC Landscape; and (ii) Historic Environment Scotland.
4. Copy of Policies 6 (Forestry, woodland and trees), 7 (Historic assets and places), 8 (Green belts) and 14 (Design, quality and place) of National Planning Framework 4 and Policies CH5 (Battlefields), NH8 (Trees and Development), DC7 (Development in the Edinburgh Green Belt) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018.
5. Schedule of conditions.

NB: The stamped refused drawings are available to view in the Shared Folder for LRBs.

OFFICER REPORT

12th September 2024

App No. **24/00782/P**

Application registered on **26th July 2024**
Target Date **25th September 2024**

Proposal	Erection of fencing	SDELL	Y/N
		CDEL	Y/N
Location	Land East Of 7 Springfield Cottages Whitecraig Musselburgh EH21 8PZ	Bad Neighbour Development	Y/N

APPLICANT: **Mr & Mrs Rory Shearer**

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

**c/o David Paton Building Consultancy
Per David Paton
13 High Street
Loanhead
EH20 9RH**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to a parcel of woodland located within the countryside at Carberry, to the southeast of Whitecraig, and which is situated to the east of the house and garden of 7 Springfield Cottages. The parcel of woodland is irregular in shape and measures some 0.18 hectares in area. It is within the Edinburgh Green Belt and within the Battle of Pinkie Historic Inventory Battlefield site.

The application site is bounded to the north by the A1624 public road, to the west by the residential property of 7 Springfield Cottages, and to the south and east by woodland.

Planning permission is sought for the erection of a 2.1 metres high solid timber fence that would enclose the northern roadside boundary of the parcel of woodland and which would be set back, by some 2.5 metres, from the existing grass verge that exists between the area of woodland and the back edge of the A1624 public road. The proposed fence would comprise of vertically aligned timber boards, affixed to vertical supporting posts, for a length of some 95 metres. It would be painted in a dark brown colour.

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

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

Policies 6 (Forestry, woodland and trees), 7 (Historic assets and places), 8 (Green belts) and 14 (Design, quality and place) of NPF4 are relevant to the determination of this application. Policies CH5 (Battlefields), NH8 (Trees and Development), DC7 (Development in the Edinburgh Green Belt) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

There is no public objection to this application.

Historic Environment Scotland raise no objection to this planning application being satisfied that the proposal would not raise historic environment issues of national significance. It can therefore be reasonably deduced that the proposed fence would not harm the designated Battle of Pinkie Historic Inventory Battlefield site. Accordingly, the proposed fence would not conflict with Policy 7 of NPF4 or Policy CH5 of the adopted East Lothian Local Development Plan 2018.

Policy DP2 requires, amongst other things, that new development should not result in any significant loss of daylight or sunlight, with regards to overshadowing, of a neighbouring residential property.

In this regard, the proposed 2.1 metres high solid timber fence would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties. On this consideration of overshadowing, the proposed fence would not conflict with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

Policy DP2 also requires that new development must 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.

Policy 8 of NPF4 and Policy DC7 of the adopted East Lothian Local Development Plan also apply as the application site is within the Edinburgh Green Belt. In this specific case, no justification or evidence has been submitted with this application to demonstrate that the proposed fence complies with the criteria set out in Policy 8 of NPF4 or Policy DC7 of the adopted East Lothian Local Development Plan 2018.

The proposed 2.1 metres high solid timber fence would enclose the northern roadside boundary of the parcel of woodland, for a length of some 95 metres, in a position to the east of the house and garden of 7 Springfield Cottages. Due to its extent, height, solid appearance and its exposed roadside position, the proposed fence would be readily visible from the A1624 public road to the north, which serves as a gateway location at the southeast end of Carberry. Notwithstanding that the proposed length of fencing would be painted in a dark brown colour and would be seen against the backdrop of the high trees within the area of woodland to which it would form an enclosure to, the proposed length of fencing would appear as a visually prominent and harmfully imposing feature to the detriment of the

character and appearance of the woodland area. By virtue of its extent, height, solid form and its exposed roadside position, the proposed length of fencing would appear as a harmfully dominant and intrusive feature within its woodland setting and would detract from the character and appearance of the landscape of the area. It would not be appropriate to its place or in keeping with its surroundings. It would be harmful to the landscape character and visual amenity of the woodland area and would be incompatible with the surrounding countryside and landscape character of this part of the Edinburgh Green Belt, contrary to Policies 8 and 14 of National Planning Framework 4 and Policies DC7 and DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer advises that the majority of the northern roadside boundary is presently contained by a low post and wire fence which provides an open view into the woodland and gives a rural and permeable feel to the road. She states that the proposed 2.1 metres high solid timber fence would completely change the character of the area removing its rural character and will reduce the connectivity between the woodland area of the site and the woodlands at Carberry within the Elphinstone Ridge Special Landscape Area to the east. She also advises that there are a number of trees growing within the line of the proposed fencing such that the proposed fence could not be erected along the northern roadside boundary of the woodland area without the removal of, or damage to, the existing trees. Accordingly, the Council's Landscape Officer advises that the proposed length of fencing is not supported in landscape terms due to its detrimental impact on the landscape character of the area and the damage to existing trees, contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

On these considerations, the proposed length of fencing is contrary to Policies 6, 8 and 14 of National Planning Framework 4 and Policies NH8, DC7 and DP2 of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposal is not considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the fact that the proposal does not accord with the Development Plan.

REASONS FOR REFUSAL:

- 1 The proposed length of fencing would appear as a visually prominent and harmfully imposing feature to the detriment of the character and appearance of the woodland area. By virtue of its extent, height, solid form and its exposed roadside position, the proposed length of fencing would appear as a harmfully dominant and intrusive feature within its woodland setting which would detract from the character and appearance of the landscape of the area. It would not be appropriate to its place or in keeping with its surroundings. It would be harmful to the landscape character and visual amenity of the woodland area and would be incompatible with the surrounding countryside and landscape character of this part of the Edinburgh Green Belt, contrary to Policies 8 and 14 of National Planning Framework 4 and Policies DC7 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed length of fencing would result in the loss of, or damage to, a number of existing trees within the woodland which positively contribute to the landscape

character of the area, contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

12th September 2024

App No. 24/00782/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

Mr & Mrs Rory Shearer
c/o David Paton Building Consultancy
Per David Paton
13 High Street
Loanhead
EH20 9RH

APPLICANT: Mr & Mrs Rory Shearer

With reference to your application registered on 26th July 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of fencing
at
Land East Of 7 Springfield Cottages
Whitecraig
Musselburgh
EH21 8PZ

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

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

- 1 The proposed length of fencing would appear as a visually prominent and harmfully imposing feature to the detriment of the character and appearance of the woodland area. By virtue of its extent, height, solid form and its exposed roadside position, the proposed length of fencing would appear as a harmfully dominant and intrusive feature within its woodland setting which would detract from the character and appearance of the landscape of the area. It would not be appropriate to its place or in keeping with its surroundings. It would be

harmful to the landscape character and visual amenity of the woodland area and would be incompatible with the surrounding countryside and landscape character of this part of the Edinburgh Green Belt, contrary to Policies 8 and 14 of National Planning Framework 4 and Policies DC7 and DP2 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed length of fencing would result in the loss of, or damage to, a number of existing trees within the woodland which positively contribute to the landscape character of the area, contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
24/30 PN1	A	26.07.2024

12th September 2024



Keith Dingwall
Service Manager - Planning
(Chief Planning Officer)

NOTES

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

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

From: [Cheyne, Sarah](#)
To: [Millar, Neil](#)
Subject: RE: Planning Ref: 24/00782/P; Land East Of 7 Springfield Cottages, Whitecraig, Musselburgh
Date: 23 August 2024 11:26:11
Attachments: [REDACTED]

Hi Neil

At present the majority of this boundary is contained by a post and wire fence and provides an open view into the woodland giving a rural and permeable feel to the road. The proposal to create a 2.1m high timber close board fence would completely change the character of the area removing its rural character. In addition it will reduce the connectivity between the woodland area of the site and the woodlands at Carberry within the Elphinstone Ridge Special Landscape Area to the east.

In addition there are a number of trees growing within the line of the proposed fence. The drawing states that no trees are to be affected by the new fencing, however the fence could not be erected along the rear line of the verge without removal of or damage to these trees.

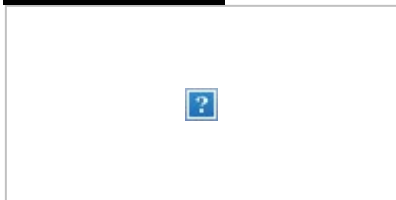
We do not support the application in landscape terms due to its detrimental impact on the landscape character of the area and damage to trees.

We would suggest that a more appropriate fence be a replacement of the post and wire with wire mesh stock proof fence at a maximum height of 1.2m. This would secure the site whilst retaining the rural character of the area. The applicant notes that the area is to remain as woodland. Privacy and safety as would be required for garden ground would therefore not be a relevant consideration here to require a higher solid fence.

Regards
Sarah

Sarah Cheyne | [Landscape Projects Officer](#) | Planning Service | East Lothian Council | John Muir House | EH41 3HA

[REDACTED] | E: landscape@eastlothian.gov.uk



From: Millar, Neil [REDACTED]
Sent: Wednesday, August 21, 2024 9:46 AM
To: Cheyne, Sarah [REDACTED]
Subject: Planning Ref: 24/00782/P; Land East Of 7 Springfield Cottages, Whitecraig, Musselburgh

Hi Sarah,

Just wondering if I could have your comments to this application as soon as possible.

In particular, and if you are supportive of this application from a landscape perspective, whether or not the following condition on a grant of planning permission would be relevant:

The post holes for the posts of the fence hereby approved shall be hand dug within the tree root protection area of the trees within the woodland area. The posts shall be positioned to avoid tree roots exceeding 25mm in diameter. If roots exceeding 25mm in diameter are encountered the excavation shall be backfilled and lightly compacted immediately and another hole dug. Any tree roots 25mm in diameter and smaller encountered shall be cleanly cut prior to installing the support posts.

Reason:

In order to ensure protection of the trees within the application site in the interests of safeguarding the landscape character of the area.

Many thanks

Neil

Neil Millar | Planner | Planning Delivery | East Lothian Council | John Muir House |
Haddington EH41 3HA

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www.eastlothian.gov.uk





HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
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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: 300074605
Your ref: 24/00782/P
30 July 2024

Dear East Lothian Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land East Of 7 Springfield Cottages Whitecraig Musselburgh EH21 8PZ - Erection of
fencing

Thank you for your consultation which we received on 29 July 2024. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
BTL15	Battle of Pinkie	Battlefield

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.

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-



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[historic-environment-guidance-notes/](#). Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Orla Craig who can be contacted by phone on 0131 668 8716 or by email on Orla.Craig@hes.scot.

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**

National Planning Framework 4

Policy 6 (Forestry, woodland and trees)

(a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

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

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy 7 (Historic assets and places)

(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 8 (Green belts)

a) Development proposals within a green belt designated within the LDP will only be supported if: i) they are for:

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

And ii) the following requirements are met:

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

Policy 14 (Design, quality and place)

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

Further details on delivering the six qualities of successful places are set out in Annex D (see extracts below).

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

Annex D – Six Qualities of Successful Places

1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health
Designing for: <ul style="list-style-type: none">• lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance and use of physical safety measures.• healthy and active lifestyles, through the creation of walkable neighbourhoods, food growing opportunities and access to nature and greenspace• accessibility and inclusion for everyone regardless of gender, sexual orientation, age, ability and culture• social connectivity and creating a sense of belonging and identity within the community• environmentally positive places with improved air quality, reactivating derelict and brownfield land, removing known hazards and good use of green and blue infrastructure
2. Pleasant: Supporting attractive natural and built spaces
Designing for: <ul style="list-style-type: none">• positive social interactions including quality of public realm, civic spaces, streets and ensuring a lively and inclusive experience• protection from the elements to create attractive and welcoming surroundings, including provision for shade and shelter, mitigating against noise, air, light pollution and undesirable features, as well as ensuring climate resilience, including flood prevention and mitigation against rising sea levels• connecting with nature including natural landscape, existing landforms and features, biodiversity and eco-systems, integrating blue and green infrastructure and visual connection• variety and quality of play and recreation spaces for people of all ages and abilities• enjoyment, enabling people to feel at ease, spend more time outdoors and take inspiration from their surroundings
3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency
Designing for: <ul style="list-style-type: none">• active travel by encouraging more walking, wheeling and cycling together with reliable, accessible, public transport and shared transport hubs that allow for simple modal shifts• connectivity including strategic cycle routes, local cycle routes, footpaths, pavements, active travel networks, desire lines, destinations, permeability, accessibility and catering for different needs and abilities• convenient connections including local and regional interconnection, infrastructure, sustainable travel, interchange between public transport and active travel and supporting easy modal shifts in transport• pedestrian experience including safe crossing, pedestrian priority, reduced vehicular speed and noise, inclusive design and surfaces, assistive technology, reduced street clutter, catering for suitable vehicular parking and management of loading/unloading and deliveries and refuse collections

<p>4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity</p>
<p>Designing for:</p> <ul style="list-style-type: none"> • scale including density, building heights, massing, orientation, building lines and legibility • built form including mix of typologies, types, uses, sizes and tenures • sense of place including design influences, architectural styles, choice of materials and finishes, detailing, landscape design, active frontages and cultural context
<p>5. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience and integrating nature positive biodiversity solutions</p>
<p>Designing for:</p> <ul style="list-style-type: none"> • transition to net-zero including energy/carbon efficient solutions, retrofitting, reuse and repurposing and sharing of existing infrastructure and resources • climate resilience and nature recovery including incorporating blue and green infrastructure, integrating nature positive biodiversity solutions • active local economy including opportunities for local jobs and training, work spaces, enabling working from home, supporting community enterprise and third sector • community and local living including access to local services and facilities, education, community growing and healthy food options, play and recreation and digital connectivity
<p>6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time</p>
<p>Designing for:</p> <ul style="list-style-type: none"> • quality and function, ensuring fitness for purpose, design for high quality and durability • longevity and resilience including recognising the role of user centred design to cater for changing needs over time and to respond to social, economic and environmental priorities • long-term maintenance including effective engagement, clarity of rights and responsibilities, community ownership/stewardship, continuous upkeep and improvements

Place Standard Tool and the delivery of successful places

The Place Standard contains 14 themes that support the Six Qualities of Successful Places, providing a consistent framework to consider and to assess the quality of new and existing places. The Place Standard tool Design Version is specifically created to support the consideration of development planning and design within the framework of the 14 Place Standard themes and to deliver on the Six Qualities of Successful Places.

Adopted East Lothian Local Development Plan 2018

Policy CH5 (Battlefields)

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

Policy 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.

Policy DC7 (Development in the Edinburgh Green Belt)

New built development will only be permitted in the Edinburgh Green Belt where necessary for:

- agricultural, horticultural or forestry operations, including community woodlands;
- an extension or alteration to an existing building, or ancillary development within its curtilage;
- a national requirement or established need, if no other suitable site is available;
- a replacement house (supported under Policy DC3); or
- essential infrastructure.

Proposals should be of a size, scale and nature that do not harm green belt objectives or the character or appearance of the local area.

Changes of use will be acceptable in principle subject to other relevant Plan policies.

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.

SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING APPLICATION BY THE LOCAL REVIEW BODY – 24/00782/P

Should the Local Review Body be minded to uphold the review it is respectfully requested that planning permission be granted subject to the following conditions:

1. A sample of the dark brown paint or stain colour to be applied to the fencing hereby approved shall be submitted to and approved in advance by the Planning Authority prior to the painting or staining of it. Thereafter the paint or stain colour used shall accord with the details so approved and shall be applied to the entire length of the fencing.

Reason:

To safeguard the character and appearance of the landscape of the area.

2. No trees or shrubs, which are to be retained within the woodland area, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention of the existing trees within the site which are important to the landscape character and appearance of the area.

3. Prior to the commencement of development hereby approved, a section drawing at a scale of 1:50 to show the exact location of the new fence posts, including details of their foundation construction (materials, depths and widths), relative to any trees positioned within 2 metres of the fence line shall be submitted to, and approved in advance by, the Planning Authority. Fence posts and foundations shall be located no closer than 1 metre to any tree trunk. Thereafter the fence posts and foundations shall be installed in the exact locations shown for them, and at the depths shown for them, in accordance with the details shown on the approved section drawing.

Holes for fence posts and foundations shall be dug and backfilled by hand and repositioned as required to minimise damage to tree roots and any tree roots encountered with a diameter of 25mm or more shall be left unsevered in accordance with British Standard BS5837:2012 – ‘Trees in relation to design, demolition and construction – Recommendations’.

Reason:

To ensure the retention of, and to prevent damage to, existing trees that are visually important to the landscape character of the area.