

**REPORT TO:** Planning Committee

**MEETING DATE:** 9 April 2013

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Pre-Determination Hearing: Planning Application No. 12/00680/PPM – Planning permission in principle for residential development at Ferrygate Farm, Dirleton Road, North Berwick

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## **1 PURPOSE**

- 1.1 A Pre-determination Hearing is mandatory where a planning application is made for a major development that is significantly contrary to the development plan and consequently has to be determined by a meeting of the full Council.
- 1.2 As the area of the application site is greater than 2 hectares and the principle of development is for more than 50 houses, the proposed development is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development. Furthermore the proposed development is significantly contrary to Policies ENV3 and HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC1 of the adopted East Lothian Local Plan 2008.
- 1.3 Application 12/00680/PPM is therefore brought before the Planning Committee for a Pre-determination Hearing prior to the consideration of the merits and determination of the application by the Council at their meeting on 23 April 2013.
- 1.4 The purpose of this report is to provide the Committee with a description of the development proposal and with summaries of the development plan policies and other material considerations, consultation responses and public representations applicable to application 12/00680/PPM.

## **2 RECOMMENDATIONS**

- 2.1 That the Committee refers to the content of the report as an informed context for the Pre-determination Hearing.

### **3 BACKGROUND**

#### **3.1 Description of application**

The application site consists of 10.3 hectares of land in the East Lothian countryside. It is located immediately to the west of part of North Berwick. The site consists of agricultural land and a length of a single track road, known as Gasworks Lane, which runs through the site from north to south and which bisects the agricultural land in two, an eastern part and a western part. The eastern part is an enclosed field. The western part forms the northeast part of a larger field. That larger field is bounded to its west by a belt of tree planting. All of the agricultural land is gently undulating and slopes gradually upwards at its southern end. The site is irregularly shaped. To the north of it is a length of Dirleton Road (the A198 road), a petrol filling station and garage, a small landscaped area and a number of houses. To the east of it are houses, garden ground and a paddock. To the south of it are Williamstone Farm Cottage and Williamstone Steading. Williamstone Steading and Williamstone Farm Cottage are both listed as being of special architectural or historic interest (Category B and Category C(S) respectively). Further to the south of the site is the Edinburgh to North Berwick rail line. To the west of the site is the remainder of the larger field.

Planning permission in principle is sought for the residential development of the application site and for associated works.

A site layout plan submitted with the application shows how 140 residential units might be accommodated within the application site. It also shows how the residential units could consist of 93 detached houses, 10 semi-detached houses, 25 terraced houses and 12 flats and could be laid out on the site with 31 of the residential units located on the eastern part of the site and the other 109 residential units located on the western part of the site.

Access could be taken from Dirleton Road via a new access to be formed some 20 metres to the west of the petrol filling station and garage on Dirleton Road. Additionally it is shown that a footpath could be formed along the eastern end of the site and could terminate at the southeast end of the application site. The applicant has indicated in their supporting statement that Gasworks Lane would remain connected to Dirleton Road but only pedestrians and cyclists would be able to use it to access the proposed residential development.

The site layout plan indicates that the existing belt of trees to the west of the application site would be enlarged with additional woodland planting. The site layout plan further indicates that a SUDS pond and two areas of open space could be provided within the application site. One of the areas of open space, a park that could be formed in the southeast part of the site, could incorporate natural play elements including landforms, climbing boulders and balancing bridges.

No illustrative drawings have been submitted with the application to indicate the design of any of the residential units.

The application is supported by, amongst other things, a pre-application consultation report, a planning statement, a landscape and visual impact assessment, a noise assessment and a transport assessment.

As a statutory requirement of major development type proposals this proposal was the subject of a Proposal of Application Notice (Ref: 11/00010/PAN) and, through that procedure, community consultation prior to the application for planning permission in principle being made to the Council. As a further statutory requirement a report on that pre-application consultation is submitted with this application.

The report informs that approximately 62 people attended the two pre-application consultation events held in North Berwick and that amendments were made to the pre-application proposals following the consultation events. This included significantly reducing the scale of development in response to public concern.

The planning statement submitted with this application provides background details on the proposals and sets out the key factors that should be taken into account in the determination of the planning application. It declares that there is a very large shortfall in the delivery of new homes to meet Structure Plan requirements and that this proposal would deliver much needed housing, including affordable housing, in the short term.

The landscape and visual impact assessment considers the impact of a residential development of the site on the landscape and visual characteristics of the location and surrounding landscape.

The noise assessment assesses the noise impact of i) road traffic using Dirleton Road, ii) operation of the petrol filling station located on Dirleton Road, and iii) rail traffic using the rail line that is to the south of the site, on future residents of the proposed housing development.

The Transport Assessment examines the current and future transport matters associated with a residential development of the site and evaluates the accessibility of the development by all modes of transport.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 08 May 2012 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed

development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

### 3.2 Development Plan Policy and Other Material Policy Considerations

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies ENV3 (Development in the Countryside), HOU8 (Development on Greenfield Land) and HOU10 (The Five Year Housing Land Supply) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP17 (Art Works- Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), INF3 (Infrastructure and Facilities Provision) H4 (Affordable Housing), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: February 2010 and the letter from the Scottish Government's Chief Planner to Heads of Planning dated 29 October 2010.

In Paragraph 75 of Scottish Planning Policy it is stated that a supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building. Planning authorities should monitor land supply through the annual housing land audit, prepared in conjunction with housing and infrastructure providers. Development plans should identify triggers for the release of future phases of effective sites where a 5 year effective supply is not being maintained.

In Paragraph 84 of Scottish Planning Policy it is stated that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

In Paragraph 97 of Scottish Planning Policy it is stated that prime quality agricultural land is a finite national resource on which development should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development where no other suitable site is available. When forming the settlement strategy, planning authorities should consider the impact of the various options on prime quality agricultural land and seek to minimise its loss.

The letter from the Chief Planner to Heads of Planning dated 29 October 2010 provides advice on the provision of an effective housing land supply as a result of the changed economic climate. It advises that the concept of 'effective housing land' centres on the question of whether a site can be developed i.e. whether "residential units can be completed and available for occupation". If the circumstances affecting sites means that there is no longer a 5 year supply of effective housing land, the Chief Planner's expectation is that planning authorities will take steps to comply with Scottish Planning Policy: February 2010. The housing land audit can be used to achieve this by identifying sites that are no longer effective and highlighting a need to bring forward new sites. Where a planning authority has a 5 year supply of effective housing land but the impediment to developing that site is the general availability of mortgages or low level of demand from purchasers then there will be little if anything to be gained by releasing additional sites.

### 3.3 Consultations

The Council's Transportation service raise no objection to the principle of the proposed development.

The Council's Landscape and Countryside Management Manager is satisfied with the indicative proposals for open space and play area provision. She recommends that the residential development should be phased to ensure that the proposed play area is provided at a reasonably early phase of the development.

The Council's Senior Environmental & Consumer Services Manager raises no objection to the principle of the proposed development, although he recommends that some mitigation measures, in the form of acoustic glazing and close boarded fences, may be required to ensure that residents of houses within the northern part of the site are not affected by traffic noise from Dirleton Road.

The Policy and Projects Manager recommends refusal of the application, advising that the principle of the proposed development is contrary to the development plan. He further provides landscape advice in respect of the proposed development.

The Council's Archaeology Officer recommends that a programme of archaeological works (evaluation) should be carried out at the site by professional archaeologists.

The Council's Executive Director (Services for People) raises no objection to the principle of the proposed development, provided that the applicant makes a financial contribution to the Council towards the provision of additional accommodation at Law Primary School and North Berwick High School.

The Council's Housing Strategy & Development Service Manager advises that the requirement for the provision of affordable housing arising from this proposed housing development is determined by the Council's Affordable Housing Policy approved by the Council in January 2006. Accordingly, 25% of the proposed residential units should be affordable housing.

North Berwick Community Council recommends refusal of the application on the grounds that the proposal would encourage the coalescence of Dirleton and North Berwick and that development in the countryside is contrary to East Lothian's planning policies. The Community Council also advise that i) the housing developments at Mains Farm, Gilsland and Newhouse Farm will greatly contribute towards the accepted housing needs and ii) yet another residential development would prove disastrous to the town's infrastructure and would increase such major problems as parking.

Gullane Area Community Council recommends refusal of the application on the grounds that i) it is a departure from the Local Plan and the area is not zoned for development; ii) it is a development in the countryside; iii) the additional residential units would create problems for the school; iv) the extra traffic would aggravate traffic pollution and the parking situation in North Berwick; v) plans are already in hand to build further units to the south of North Berwick; vi) there can be no justification for ignoring all previous decisions made simply because the current view is that there is a perceived lack of land on which to build; and vii) closure of the gap between Dirleton and North Berwick should be resisted in order to maintain the two separate communities.

The Scottish Environment Protection Agency recommend that details of the location and route of the Strathearn Culvert and the field drain is submitted to and approved by the Council and that no built development is located on top of those structures and flood risk is not increased elsewhere.

On the matter of flood risk, the Council's Senior Structures officer raises no objection to the principle of the proposed development, although he advises that the details of the proposed sustainable urban drainage system (SUDS) should be submitted to and approved by the Council as Planning Authority.

Scottish Water have provided comment on the capacity of the North Berwick Waste Water Treatment Works.

### 3.4 Representations

A total of 26 written representations have been received in respect of this application. Of these 24 make objection to the principle of the proposed development and 1 expresses support for it. The other representor does not state whether they support or object to the proposals.

The main grounds of objection are summarised as follows:

- \* Proposal is not supported by the adopted Local Plan as a location for residential development;
- \* Additional residents from the proposed housing would put even more strain on the Infrastructure of North Berwick, including local schools;
- \* If approved, development would promote ribbon development between North Berwick and Dirleton;
- \* The site is prone to flooding;
- \* Loss of prime agricultural land;
- \* Proposed development would devalue the objector's property;
- \* Proposed development would increase traffic on the surrounding road network;
- \* Loss of private views;
- \* Loss of privacy;
- \* Gradual upsizing of the town's peripheries would take the heart out of the community and would destroy the unique atmosphere of the township;
- \* There is insufficient capacity at the North Berwick Treatment Works to accommodate the scale of development proposed;
- \* Proposal would ruin the aesthetically pleasing approach into North Berwick from the west; and
- \* Granting planning permission in principle could undermine delivery of a committed or allocated site such as Mains Farm, which in turn would prevent delivery of necessary education infrastructure in North Berwick.

The written representation expressing support for the principle of the proposed development is made on the grounds that the proposal would make a positive contribution to the housing stock in North Berwick, that it would provide good access to the west and Edinburgh, and that it would contribute to effecting more reasonable house values in North Berwick.

## **4 POLICY IMPLICATIONS**

### **4.1 None.**

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None.  
6.2 Personnel – None.  
6.3 Other – None.

## **7 BACKGROUND PAPERS**

- 7.1 None.

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