

REPORT TO: Planning Committee

MEETING DATE: 3 June 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Veitch for the following reasons: This application appears to have generated significant concern locally therefore Members would benefit from a site visit.

Application No. **13/00650/P**

Proposal Erection of 2 houses and associated works

Location **Land Adjacent To The Steading
High Road
Spott
East Lothian
EH42 1RJ**

Applicant Mr and Mrs Gilmour and Tessa Lawrie

Per Architecturejfltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a mostly rectangular area of scrubland and a small linear stretch of agricultural land which are located to the south of High Road, Spott. The main part of the site is bounded to the east by the house and garden of 1 High Road, to the south by an access road, to the west by a small tree belt and to the north by the house and garden of Turner's House, which itself fronts onto High Road. The site is in an elevated position from that of High Road and the property of Turner's House.

The part of the site comprising the rectangular area of scrubland is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within Spott Conservation Area. Turner's House is listed as being of special architectural or historic interest (Category C).

The part of the site comprising the small linear stretch of agricultural land is within the

countryside as defined by Policy DC1 of the adopted East Lothian Local Plan 2008. It is not within Spott Conservation Area.

Planning permission is sought for the erection on the application site of two detached houses together with hardstanding areas.

The proposed two houses would be of a similar design with 2 floors of accommodation. It is proposed that they be positioned opposite and facing one another some 18.2m apart. Their roof ridges would run in a north-south alignment such that their gable ends would face north and south. The roof of each house is designed to be of a pitched form and of a maximum ridge height of some 7m. Pitched roofed wallhead dormers and a single roof window would be installed in the roof slopes of each house. The roof slopes and roofs of the wallhead dormers of each house would be clad with natural slate. The walls of each house would be clad in a white painted wet dash render with buff coloured sandstone cills, skewes and chimney copes. The windows to be installed in each of the houses would be of a timber framed traditional sliding timber sash and case style. White painted timber framed doors would be installed at ground floor level in each house.

Vehicular access into the site would be taken from the access road on the south site of the site. This would take the form of a shared access for the proposed two houses which would lead to a driveway parking and turning area for each house. Each house would have garden ground around it, with their principal area of garden being to the north of them.

On the small linear stretch of agricultural land it is proposed to form a new pedestrian path at the western part of the site for future occupiers of the proposed two houses, which would provide direct access from the access road on the south side of the site to High Road. A small post and wire fence would be erected at either side of the proposed path.

Revised drawings have been submitted showing a revised window detail more in keeping with the window detailing of the neighbouring houses in the Conservation Area.

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 the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), DP7 (Infill, Backland and Garden Ground Development), DP2 (Design) DP14 (Trees on or Adjacent to Development Sites), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the

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

Scottish Planning Policy on the historic environment echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservations area should be appropriate to the character of the conservation area. Planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

Scottish Planning Policy on housing states in paragraph 82 that infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Five written objections to this application have been received. The main grounds of objection are that the proposed development would;

- * harm the setting of the Category C listed Turner's House;
- * detract from the historic character and appearance of the Conservation Area;
- * harmfully overlook and lead to a loss of daylight to neighbouring residential properties;

- * lead to the loss of trees;
- * cause surface water flooding;
- * have poor access; and
- * put pressure on the local sewage system.

The impact of the proposed development on the local sewage system is a matter to be dealt with under separate Building Regulations and thus is not a material consideration in the determination of this planning application.

Due to its limited size and positioning the proposed use of the small linear stretch of agricultural land as a new pedestrian path would not appear incongruous or exposed within its landscape setting and would not harm the landscape character of the area. Due to its relatively simple form and that it would be finished with crushed stone and whin dust it would be appropriate to its setting and would not be out of keeping with its surroundings. It would not be prominent, obtrusive or exposed within its countryside setting. Neither due to its small height and open simple construction would the proposed post and wire fence. They would be consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 and DP2 of the adopted East Lothian Local Plan 2008.

The main rectangular area of scrubland component of the application site is not allocated for residential development in the adopted East Lothian Local Plan 2008. All of it is part of a larger area covered by Local Plan Policy ENV1. The principal purpose of Policy ENV1 is to ensure that the predominantly residential use of its area of coverage is to be safeguarded against the impacts of other land uses. Policy ENV1 does not actively promote the development of land for new build residential development. Policy ENV1 does state that infill and backland development will be assessed against Policy DP7.

This part of the site is within a predominantly residential area with residential properties to the north and east of it. In such circumstance the erection of two houses on it would amount to urban infill housing development within the village of Spott.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: February 2010 that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

In this case regard must also be paid to the desirability of preserving or enhancing the character or appearance of the Spott Conservation Area as required by Scottish Planning Policy: February 2010 and Policy ENV4 of the adopted East Lothian Local Plan 2008.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, the advice given in PAN 67 and the requirement of relevant development plan policy is that in designing proposed new buildings developers should think about the qualities and the characteristics of places. The development should reflect its setting and local forms of building and materials. The aim should be to have houses looking different without detracting from any sense

of unity and coherence for the development or the wider neighbourhood. They should not detract from the character and appearance of the Conservation Area.

The application site is on the southwestern edge of Spott Conservation Area. The Conservation Area that is generally characterised by single storey and one and a half storey houses, with pitched roofs clad in either slate, red pantiles or concrete tiles and walls finished in either red sandstone or white, cream or sandy coloured render. Some have pitched roof dormers in their roof slopes and others have roof windows. Most houses are aligned to face High Road however there are some that present their gable end to High Road. The garden plot sizes are all relatively modest. There are a number of mature trees on the western part of the site that contribute positively to the character and appearance of this part of the Conservation Area.

The proposed two houses, by their scale, design and finishes would in the most part have traditional architectural elements found within the Conservation Area and which are components of the special architectural character and historic interest of the Conservation Area, including their wet dash rendered walls with sandstone articulated architectural features, slated pitched roofs, wallhead dormers and the glazing pattern of their windows. By their detached one and a half storey architectural style and in their proposed positions and with their respective north-south alignments the proposed two houses would be in keeping with the form, pattern and density of the layout of the houses in Spott. The proposed two houses would sit comfortably in relation to one another and in their relationship with the houses to the east and the properties fronting High Road.

By virtue of their size, scale, proportions, architectural form, finishes and positioning the proposed two houses would not be an intrusive, incongruous or exposed form of development. They would not harm the character and appearance of the Conservation Area. They would respect the pattern and density of development of the built form of the locality. They would be an acceptable form of infill development. Conditions can be imposed on the grant of planning permission to control the external finishes of the proposed houses.

The proposed two houses have been positioned such that in views from High Road they would site at either side of the Category C listed Turner's House to the north of them. Due to their orientation it would only be the limited massing of the gable ends of each house that would be seen in views northwards from High Road towards Turner's House. This would allow Turner's House to remain the focus of its setting in views from High Road. In such circumstance the proposed two houses would not have a harmfully prominent or imposing visual relationship with and would not harmfully impose themselves on the setting of the listed Turner's House.

The proposed two houses are appropriately and acceptably designed for their place and are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV3, ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

The proposed new access driveway and hardstanding areas in the form of slabbed patio areas and pedestrian paths by their size, scale, proportions, architectural form, finishes and positioning in relation to the proposed two houses would not have a harmful impact on the character and appearance of the Conservation Area. These components of the proposed development are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008 and Scottish Planning

Policy.

There is sufficient land within the site not only to accommodate the proposed houses and associated works but also to provide them with sufficient sized gardens, vehicular and pedestrian access and off-street parking.

Policy DP7 of the adopted East Lothian Local Plan 2008 requires, amongst other things, that in the case of infill, backland and garden ground development the occupants of existing neighbouring houses experience no significant loss of privacy and amenity. New development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties because of overshadowing or overlooking.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

There would be no houses with directly facing windows within 18 metres of the windows and other glazed openings of the proposed two houses.

Each of the proposed two houses would be 9 metres or more away from the boundary of the garden of Turner's House to the north.

The house to be positioned on the eastern part of the site would be within 9 metres of the neighbouring property to the east. It would have a roof window installed within its east elevation roof slope. Provided that roof is obscure glazed then there would be no harmful overlooking from it to the neighbouring property to the east. The requirement for such obscure glazing can be made a condition of a grant of planning permission.

To prevent harmful overlooking from the garden of each of the proposed houses to the neighbouring garden ground of Turner's House to the north it is proposed to plant a beech hedge along the entire length of the north boundary of the site. Subject to that beech hedging being planted and allowed to grow to a height of at least 1.8 metres the property of Turner's House would not be harmfully overlooked from the garden of each the proposed houses.

It is proposed that the garden ground to be provided for the house to be positioned on the eastern part of the site be separated from the garden ground of the neighbouring property to the east by a beech hedge. Subject to that beech hedging being planted and allowed to grow to a height of at least 1.8 metres the neighbouring property to the east would not be harmfully overlooked from the ground floor windows of the east elevation of that proposed house or from the garden of that proposed house.

The proposed houses would be within Spott Conservation Area. Thus any further glazed openings could not be formed in the east elevation roof slope of the easternmost of the two houses without the need for planning permission, thus providing the Council, as Planning Authority with control against which to protect the residential privacy and amenity of the neighbouring property to the east.

Subject to the aforementioned controls the proposed development would not give rise to harmful overlooking of any neighbouring residential property. The occupiers of the proposed house would also have sufficient privacy and residential amenity.

On the matter of the impact of the proposed replacement house and outbuilding on daylight and sunlight to neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

Given their height, positioning and orientation the proposed houses would not give rise to harmful loss of sunlight or daylight to any neighbouring house or garden, nor to each other.

On these considerations of privacy and residential amenity, the proposed development accords with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

A tree survey report and a tree protection, management and planting proposals report have been submitted with the application. The tree protection, management and planting proposals report informs that 6 trees on the eastern and southern parts of the site would have to be removed to facilitate the proposed development. However it is proposed to plant 12 new trees on the southern and northern parts of the site to compensate for this loss the result of which would be to improve the landscape setting of the site.

The Council's Policy and Projects service raises no objections to the proposed development on landscaping grounds subject to it being carried out in accordance with the tree protection, management and planting proposals report submitted with the application. Such a matter can be controlled through a condition on a grant of planning permission. Accordingly the proposals are consistent with Policy DP14 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service is satisfied that the proposed arrangements for site access, parking and turning for the proposed two houses are all of an acceptable standard. Transportation advise that the proposed new pedestrian path leading to High Road shall form a continuous pedestrian link to the public road for both dwellings and should be formed and made available for use for future occupiers of the proposed houses, and that at the northern end of the path, a hard standing area should be provided on the verge adjacent to the carriageway to enable pedestrians entering or exiting the site to cross the road from/to the existing footway on the opposite side. Transportation also recommends that a dropped kerb pedestrian crossing shall be provided over High Road by the provision of lowered kerbs on either side of High Road to enable level access for pedestrians crossing the road.

Subject to the controls recommended by Transportation the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

On request from the Council's Senior Structures Officer the applicant submitted a Flood Risk Assessment. The Council's Senior Structures Officer concurs with the findings of the submitted assessment that the proposed development would not lead to any on site or off site flooding.

The Council's Environmental Protection Manager raises no objection to the proposals.

CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been

submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Samples of the materials to be used as external finishes of the houses hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the houses.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the Conservation Area.

- 3 The house to be erected on the eastern part of the site (marked 'House 2' on the application drawings) as hereby approved shall not be occupied until the roof window to be installed in its east elevation roof slope is obscure glazed in accordance with a sample of such obscure glazing to be submitted to and approved in advance by the Planning Authority. Thereafter that roof window shall remain obscure glazed in accordance with the sample so approved unless otherwise approved by the Planning Authority.

Reason:

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

- 4 The house to be erected on the western part of the site (marked 'House 1' on the application drawings) as hereby approved shall not be occupied unless the beech hedging has been planted along the length of the north, east and south boundaries of its plot as shown on docketed drawing no.AL(0)101 Revision F. This beech hedging shall be planted as 90-150cm whips at 300mm centres in two rows and shall be protected by staked 'tubex' or similar until established. This beech hedging shall be allowed to grow to and thereafter be maintained at a minimum height of 1.8 metres above ground level where it is to be planted.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties and in the interest of the landscape character and appearance of the area.

- 5 The house to be erected on the eastern part of the site (marked 'House 2' on the application drawings) as hereby approved shall not be occupied unless the beech hedging has been planted along the length of the west, north, east and south boundaries of its plot as shown on docketed drawing no.AL(0)101 Revision F. This beech hedging shall be planted as 90-150cm whips at 300mm centres in two rows and shall be protected by staked 'tubex' or similar until established. This beech hedging shall be allowed to grow to and thereafter be maintained at a minimum height of 1.8 metres above ground level where it is to be planted.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties and in the interest of the landscape character and appearance of the area.

- 6 The occupation of each one of the two houses hereby approved shall not commence unless and until the proposed vehicle access, turning and parking arrangements for it has been laid out on site as shown on docketed drawing no.AL(0)101 Revision F and thereafter the vehicle access, turning and parking arrangements designated for each house respectively shall be retained for such uses for each house.

Reason:

- In the interests of road safety.
- 7 Neither of the two houses hereby approved shall be occupied until the new pedestrian path on the western part of the application site connecting to High Road has been formed and been made available for use and thereafter the pedestrian path shall be retained for such use.

At the northern end of the pedestrian path a hard standing area shall be provided on the verge adjacent to the carriageway to enable pedestrians to cross the road from/to the existing footway on the opposite side of High Road and a dropped kerb pedestrian crossing shall be provided over High Road by the provision of lowered kerbs on either side of High Road to enable level access for pedestrians crossing the road, all in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

- In the interests of road and pedestrian safety.
- 8 The development hereby approved, the tree protection measures and the new tree planting shall all be carried out in strict accordance with Section 2 - TREES AND DEVELOPMENT, parts 3.1 and 3.2 of Section 3 - TREE AND HEDGE PLANTING and the Tree Proposals drawing no. 1347/1 of the Tree Protection, Management and Planting Proposals report by Donald Rodger Associates docketed to this planning permission, and also with the application drawings docketed to this planning permission.

In the first planting and seeding season following the last occupation of the two houses hereby approved or the completion of the development, whichever is the sooner the new tree planting indicated in the Tree Protection, Management and Planting Proposals report and shown on the Tree Proposals drawing no. 1347/1 of that report shall have been completed. If any of the new trees within a period of five years from the occupation of the last of the two new houses or the completion of the development, whichever is the sooner, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of the same species and of a similar size, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)