

REPORT TO: Planning Committee

MEETING DATE: Tuesday 19 April 2016

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Caldwell for the following reason: This building has a golfing history dating back many years and it is important that the Committee members visit the site before a decision is made.

Application No. **15/01035/P**

Proposal Change of use from pub/restaurant/managers flat and pub grounds to form 1 house and domestic garden ground

Location **2 Ravensheugh Road
Musselburgh
East Lothian
EH21 7PP**

Applicant Clifton March

Per EMA Architecture + Design Limited

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site comprises the former Mrs Formans public house, restaurant and manager's flat and associated grounds that are located on the north side of Ravensheugh Road. The site is to the north side of the Levenhall Roundabout junction of Ravensheugh Road with Linkfield Road to the west, Pinkie Road to the south and Haddington Road to the east. The public house, restaurant and managers flat are presently vacant and un-occupied.

The existing building comprising the public house, restaurant and managers flat is positioned on the southern part of the site with its south (front) elevation fronting onto the public footpath on the north side of Ravensheugh Road. The land to the north (rear) of the building was last in use as pub grounds and garden ground for the manager's flat. The building has a rectangular shaped footprint and is predominantly two storeys in height with a dual pitched and gabled roof. Attached to its east gable elevation is a one and a half storey component with a pitched and piended roof and a wall-head dormer on

its south (front) elevation. Attached to the east elevation of that one and a half storey part of the building is a mono-pitch roofed component with an external staircase. Attached to the north (rear) elevation of the two storey main part of the building is a two storey flat roofed component with an external staircase. The external walls of the building are finished in a combination of painted stone and painted render, and its roof is finished with red clay pantiles. The building has chimneys and stone copes to its gabled roof. The frames of its windows are of painted timber construction and the majority of the windows are of a traditional sash and case style opening method. The frames of the external doors are of painted timber construction and the external doors are of a painted timber construction or timber and glazed construction. There are painted stone bands around the windows of the south (front) and west side elevations of the building, and a painted base course on its south (front) and west side elevations. There is a dual pitched roofed porch canopy above the main entrance doors of the south (front) elevation of the main two storey part of the building.

The land of the application site rises up slightly from north to south with the land to the north (rear) of the existing building being at a higher ground level than the public footpath to the south (front) of the building.

The application site is enclosed along its south boundary in part by the south elevation wall of the existing building and in part by a high rendered wall with a pedestrian gate through it. The west boundary of the site is enclosed by a combination of the west gable elevation wall of the existing building, a 1.6 to 1.8 metres high rubble stone boundary wall with a 'sheeps heid' cope, a 1.6 metres high metal pedestrian gate and a cypress hedge some 5 metres in height. The north boundary of the site is enclosed by a 1.3 to 1.5 metres high rubble stone boundary wall with a 'sheeps heid' cope. The east boundary of the site is enclosed by a combination of 1.4 to 1.5 metres high rubble stone boundary wall with a 'sheeps heid' cope with 600mm high timber fencing attached to the top of it giving an overall height of some 2.0 metres, a 1.2 metres high rubble stone wall with 'sheeps heid' cope, trellis and hedging to 1.6 metres in height, and 1.5 to 1.8 metres high rendered wall with 500mm of timber fencing attached to the top of it giving an overall height of some 2.0 to 2.3 metres above ground level.

The application site is bounded to the east by the residential properties of 4 and 4A Ravensheugh Road, to the north by an area of open space on which there is a group of mixed evergreen and deciduous trees, to the west by land of the Musselburgh Old Golf Course and Musselburgh Racecourse, and to the south by the public road of Ravensheugh Road at the Levenhall Roundabout junction and an area of public off-street parking on the western part of which are positioned communal public recycling bins and charity collection bins.

Along with the cypress hedge that encloses part of the west boundary of the site there is a further holly tree positioned adjacent to the west boundary of the site and to the south of an existing pedestrian access gate of the west boundary, some small fruit trees are positioned roughly centrally on the land to the rear of the building and a larger evergreen tree is positioned alongside the east boundary of the site at a point roughly half way along that east boundary. There is also a tree outwith the site to the east on the edge of the shared driveway of the neighbouring residential properties of 4 and 4A Ravensheugh Road.

The application site is identified as being within an area of predominantly residential character and amenity by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is not within a conservation area. The building is not listed as being of special architectural or historic interest.

In October 2015 planning permission (Ref:15/00810/P) was sought for the erection of 3 houses, 1 flat and a garage on the site of the former Mrs Formans public house at 2 Ravensheugh Road. Planning permission was also sought for the formation of hardstanding areas and the erection of boundary enclosures. To facilitate the development, it was proposed to demolish the existing building of 2 Ravensheugh Road. That planning application was subsequently withdrawn by the applicant's agent.

Planning permission is now sought for the change of use of the public house/restaurant/manager's flat of Mrs Formans at 2 Ravensheugh Road to form 1 house and for the change of use of the grounds associated with that public house and manager's flat to form domestic garden ground to be used in association with the proposed house. No external alterations are proposed to be carried out to the existing building or the existing site, including its boundary enclosures.

The proposal would create a four bedroom house in what is the former public house/restaurant/manager's flat of Mrs Formans at 2 Ravensheugh Road.

The application drawings show an intention to carry out internal alterations to the building to facilitate its use as a house. Internal alterations to the building are not development and therefore do not require planning permission. Nor do they require listed building consent as the building is not listed as being of special architectural or historic interest. Thus, the internal alterations do not form part of the assessment of this application for planning permission.

Since the application was registered amended drawings have been received to provide full details of the layout of the existing building. This information is shown on amended application drawings submitted by the applicant's agent.

In February 2016 a further planning application 16/00059/P, submitted by the applicant, Clifton March, was registered for alterations and change of use of the public house/restaurant/manager's flat of Mrs Formans at 2 Ravensheugh Road to form 1 house, for the erection of 2 houses on the land associated with the former public house to the north of the former public house building, and for the formation of hardstanding areas and the erection of boundary enclosures. Planning application 16/00059/P stands to be determined on its own merits and will be reported on a subsequent Scheme of Delegation List.

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 C8 (Musselburgh Lagoons), ENV1 (Residential Character and Amenity), ENV7 (Scheduled Monuments and Archaeological Sites), DP2 (Design), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is the Scottish Government's policy on development affecting the historic environment given in Scottish Planning Policy: June 2014.

Paragraphs 135 and 136 of Scottish Planning Policy: June 2014 state that the historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places, and that Planning has an important role to play in maintaining and enhancing the distinctive and high quality irreplaceable historic places which enrich our lives, contribute to our sense of identity and are important resources for our tourism and leisure industry. Paragraph 151 goes on to state that there is a range of non-designated historic assets, which do not have statutory protection and these resources are an important part of Scotland's heritage and should be protected and preserved as far as possible in situ wherever feasible.

Also material to the determination of the application is Scottish Government's policy on development affecting an archaeological site given in Scottish Planning Policy: June 2014 and Planning Advice Note 2/2011: Planning and Archaeology.

With regard to archaeological sites and monuments Scottish Planning Policy states that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

Sixty six public representations to the application have been received. Many of these representations have been received from golfers around the world.

Sixty five of the representations raise objection to the proposals and of those some two-thirds use pro-forma text, with the remaining third taking the form of individual emails and letters. The grounds of objection raised, as summarised, are:

- i. any changes to the historically sensitive and significant location of the Musselburgh Old Golf Course and Mrs Formans at 2 Ravensheugh Road should be opposed as the location is one of golf's most important early sites and has an unlimited value to Musselburgh's golf tourism and economy;
- ii. Mrs Formans, which is the oldest golf pub in the world, is of national and international historical significance in golf and is important to the continued reputation of the Musselburgh Old Golf Course and thus also to golfing tourism in East Lothian and Scotland;
- iii. there is a significant cultural and heritage link between Mrs Formans and the Golf Course;
- iv. all alternative avenues for the continued operation of the premises as a public house should be explored or it should be used as a heritage centre;
- v. the application is incomplete and should show the full details of the entire plot;
- vi. no proposal that would have an adverse impact to the look of the Old Course or its viability should be supported;
- vii. any development that would change the nature of this historic building should be

resisted;

viii. the proposed development contravenes Local Plan Policies C8, DP4, ENV1, DP7, DP14, DP16 and DP22;

ix. the golf course is the oldest golf course in the world in continuous use, has hosted 6 Open Championships, and is one of the two most important centres in the history of early golf before the first world war;

x. the loss of this historic building would be an act of cultural vandalism;

xi. the change of use of the building would mean the loss of its connection with golf tourism that could never be reinstated;

xii. the site is at risk from flooding according to SEPA's flood risk maps;

xiii. the loss of trees from the site would be harmful to the view of the golf course;

xiv. there is a risk to the health and safety of residents of any house from mis-directed balls from the publicly accessible golf course straying onto the site; and

xv. there would be a reduction in heritage value of the Old Golf Course and the potential adverse impact on it that would result from pressure to change the layout of Mrs Formans green would lead irreversible changes to the look and viability of this world renown golf course.

The one remaining representation neither objects to nor supports the proposed development but comments that it is sad to hear of the impending closure of Mrs Formans adjacent to the historic Musselburgh Links, and that as a golfer it is a site that is enticing to visitors. The representation goes on to comment that the history of golf, a game borne in Scotland, should be preserved and shared with the world.

The application site is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. Policy ENV1 does not actively promote the development of land for new build residential development. The principal purpose of Policy ENV1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing.

The application proposes the change of use of the existing building comprising the former public house/restaurant/manager's flat to form one house, and for the use of the land associated with that public house/restaurant/manager's flat as domestic garden ground to be used in association with the proposed house. No external alterations to the existing building or associated land are proposed.

Many of the objectors raise concern about the loss of the public house and restaurant use, as they consider that it is of national and international historical significance in golf and important to tourism within Musselburgh. However there is no presumption in either the approved or the adopted East Lothian Local Plan 2008 against the loss of the existing public house and restaurant use of the premises. Consequently it would not be reasonable to resist this proposal on the ground that it would result in the loss of the public house and restaurant.

The application site comprises an existing building and its associated land within the urban area of Musselburgh which are no longer required for their authorised use. In

terms of national, strategic and local planning policy it is a brownfield site. The proposed development would make new use of an existing building within the urban area of Musselburgh. The building was last in use as the public house and restaurant of Mrs Formans and its associated manager's flat. However, this use ceased to operate in 2014/2015 and the building has lain vacant since that time. The building is structurally intact and is part of the characteristic built form of this part of Musselburgh. If left un-used, or only put to limited use, it would be likely to fall into such a state of disrepair as to have a detrimental effect on the character and amenity of the area. Thus, the building is suitable for conversion and is no longer required for its original purpose. All of the land of the application site is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. There are residential and commercial properties to the east of the site and residential properties further away to the northeast on Hope Place and to the southwest on the south side of Linkfield Road. In this context the change of use of the existing building and its associated land to use as one house and associated garden ground would not, due to the location of the site, in principle be contrary to Local Plan Policy ENV1.

Thereafter, the material considerations in the determination of this application are whether or not the proposed scheme of development would be appropriate for the site and its surroundings and whether or not the site is capable of acceptably accommodating the proposed scheme of development, relative to its impact on the amenity of the area, including the impact on the character and appearance of the area, the residential amenity of neighbouring properties, whether or not the proposed development could be suitably accessed, and whether or not the proposed development would have an adverse impact on the Musselburgh Lagoons and the adjacent Musselburgh Old Golf Course.

In its use as a public house/restaurant and manager's flat there is no planning control over the level and frequency of movement of customers or of the occupiers of the manager's flat to and from the building. Thus, as contained within the building the proposed residential use of the former Mrs Formans public house and restaurant, and its associated manager's flat, as a substantial sized house, in terms of any impact of it on the locality would be likely to be significantly less than would the use of the building as a public house, restaurant and associated manager's flat.

Furthermore, other than for the removal of the existing sign boards and hanging signs, which form of development does not require planning permission, there would be no physical alterations to the existing building. Nor is the applicant proposing any alterations to the associated land including its boundary enclosures. Thus, the use of the existing building and associated land as one house with domestic garden ground would not have a harmful impact on the character and visual amenity of the area.

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

The application is for the change of use of the existing building and no physical external alterations to the building are proposed, thus there would be no change to the existing impact of the building on daylight or sunlight received by neighbouring residential properties. On these matters of residential amenity the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Plan 2008.

On the matter of overlooking it is the practice of the Council, as Planning Authority in the case of a proposed new development 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 a 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential buildings.

The application is for the change of use of the existing building and no physical external alterations to the building are proposed, thus there would be no change to the existing windows of the building and their relationships with neighbouring residential properties. The use of the building as one house rather than a public house/restaurant/manager's flat would be likely to reduce the perception of overlooking due to the reduction in the number of unrelated people attending the site. The proposed development would not allow for harmful overlooking or loss of privacy to any neighbouring residential property. The occupiers of the proposed house would also benefit from an acceptable level of privacy. Accordingly, on these matters of overlooking and privacy the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Service has no comment to make regarding the proposed development and raises no objection to the application.

The Council's Environmental Protection Officer (Contaminated Land) advises that there are no contaminated land issues with the site. However, he advises that the site falls within an area of potential radon risk and as such radon monitoring is required to determine what radon mitigation measures would be required. The applicant's agent has been made aware of this matter.

Local Plan Policy C8 (Musselburgh Lagoons) states that the Musselburgh Lagoons will be retained primarily for recreational use. The Council supports the further development of and improvements to Musselburgh Racecourse and Old Golf Course. Development of new or existing uses or facilities will be assessed against their likely impact on: the character and amenity of Musselburgh Conservation Area; natural heritage interests, in particular the Special Protection Area; Musselburgh Old Golf Course and its setting; public access; traffic and parking and residential amenity.

The 4th hole of the Musselburgh Old Golf Course, known as "Mrs Forman's", and the 5th tee are located in close proximity to the west gable of the existing building and the west boundary wall of the application site.

The Musselburgh Old Golf Course has no formal designation as a Scheduled Monument or Designed Landscape, and carries no special planning protection on account of its cultural value or historic importance.

Nonetheless, Scottish Planning Policy: June 2014 states that there is a range of non-designated historic assets, which do not have statutory protection and these resources are an important part of Scotland's heritage and should be protected and preserved as far as possible in situ wherever feasible.

Furthermore, in 2007 the Scottish Government reporter, in his findings on the evidence of the public inquiry into planning application 05/00661/FUL for development of a floodlit all weather and extended turf track and various associated works at Musselburgh Racecourse that is also located to the west of the current application site, concluded that although the Musselburgh Old Golf Course has no formal designation and carries no special planning protection on account of its cultural value or historic importance, its high value as a 'must play' golf course is attributable to its history as, reputedly, the oldest golf course in the world, and that this value lies in its cultural heritage value and primarily in its associative characteristics (i.e. the history, traditions, personalities and memories associated with it), and that the development the subject of that public inquiry would

result in serious and irreversible adverse heritage impacts to the setting and character of the historic Golf Course.

The proximity of the Musselburgh Old Golf Course to the application site, the potential impact of the use of that part of the golf course on the amenity of future occupants of the proposed house and the consequent potential for the proposed development to impact on the setting and character of the historic Golf Course are material considerations in the determination of this application for planning permission.

Due to the proximity of the application site to the 4th hole, known as "Mrs Forman's", and the 5th tee there is potential for hazards, particularly from stray golf balls, to impact on the amenity of the occupiers of the proposed house through wayward golf balls 'over-sailing' beyond the green towards the west gable wall of the building, the garden and pedestrians exiting the existing pedestrian gate in the west boundary of the site.

Enjoy Leisure, the operators of the Musselburgh Old Golf Course raise concerns that the proximity of the 4th hole, known as "Mrs Forman's", and the 5th Tee of the Golf Course to the proposed house and its associated garden ground would result in significant risk to the occupiers of the proposed house from wayward golf balls 'over-sailing' the 4th hole and hitting the windows of the west elevation wall of the proposed house or landing in its garden. They also raise concerns that as a consequence of this hazard, and what may be considered to be a nuisance by the occupiers of the proposed house, there would be increased pressure to change the layout of the 4th hole either by shortening or severely altering it, which would have a detrimental impact on the integrity, layout and historical value of what is the most iconic hole of the Golf Course, that itself is the oldest golf course in the world, and would also result in a change to the relationship between the existing public house building and the Golf Course, which again is of significant heritage value. They explain that the west gable of the public house and the west boundary wall, gate and hedge are known worldwide and provide a backdrop for this iconic hole of the Golf Course, and that the relationship between Mrs Formans and the Golf Course dates to the early 19th century and has historically included the selling of refreshment from one of the ground floor windows of the west gable elevation of the building to golfers playing the 4th hole. The 4th hole is the signature hole of the Musselburgh Old Course and is best known, and certainly the most testing hole.

The comments from Enjoy Leisure are supported by a statement from a PGA Professional golfer of 7 years experience, who explains that the 4th hole is a par 4 of 431 yards and of some difficulty. He goes on to explain that the challenges inherent in the length of the 4th hole and the approach to its green combined with the mixed abilities of the golfers playing this public course increases the probability of wayward shots being played on the approach to the green and thus there is significant risk to any residential use from golf balls landing in the garden and hitting the windows of the west gable of the building. However, he goes on to explain that at present the existing rubble stone boundary wall and the existing cypress hedge of the west boundary of the site both provide a barrier to prevent golf balls entering the land of the application site. It is his opinion that the existing hedge would need to be retained at a height of some 4.0 metres minimum and at a thickness of no less than 1 metre to act as an effective barrier to wayward golf balls.

Thus, the considerations here are two-fold; whether or not the matter of 'over-sailing' golf balls would be harmful to the amenity of the occupiers of the proposed house and whether or not there would be any harmful impact on the cultural heritage value of the setting and character of the Old Golf Course.

In respect of the matter of wayward golf balls hitting the west gable elevation and thus the

windows of that elevation of proposed house, there are no physical changes proposed to this elevation wall of the existing building and thus it would remain in its current form with two ground floor and two first floor windows. As the west elevation wall of the existing public house/restaurant/manager's flat it could presently be hit by 'over-sailing' golf balls. Whether the building is used as a public house/restaurant/manager's flat or as one house there would be no different impact on this elevation wall than could already occur. Thus, there would be no change to the existing amenity impacts or hazard to the building and its occupiers than could already occur.

If converted to use as a house and occupied as such, new windows or other glazed openings could be formed in the west gable elevation wall without the need for further planning permission. Such new windows or other glazed openings would result in there being an increased risk to the occupiers of the proposed house from over-sailing golf balls hitting the windows of the new house and thus also a detrimental impact to their amenity. Furthermore, the formation of such additional openings could result in increased pressure to change the layout of this part of the Golf Course, which would have a profound and detrimental impact on the integrity, layout and historical value of Musselburgh Old Golf Course. Thus, in order to protect the amenity of the occupiers of the proposed house and the cultural heritage value of the setting and character of the Musselburgh Old Golf Course permitted development rights for the formation of additional windows or other openings in the west gable elevation of the proposed house should be removed. This detail could be controlled by a condition attached to a grant of planning permission for the proposed development.

In respect of the matter of the impact of potential wayward golf balls to impact on the amenity of the occupiers of the proposed house through their use of the existing pedestrian gate in the west boundary of the site, this pedestrian access from the site onto the eastern edge of the golf course and racecourse land is long established, and whether used by customers of the existing authorised public house use of the site or by the occupiers of the proposed house to be formed through the conversion of the building to residential use there would be no change to the existing circumstances. Thus, the residential use of the building would not result in any different impact for pedestrians using the existing pedestrian access gate than could already occur. Thus, there would be no change to the existing amenity impacts.

In respect of the matter of wayward golf balls 'over-sailing' the 4th hole onto the land at the rear of the existing building, which would be used as domestic garden ground for the proposed house, the existing rubble stone boundary wall and cypress hedging at present provide an effective barrier between the authorised public house use of the application site and the golf course. The PGA Professional golfer advises that if the existing boundary wall is retained at its current height, and the existing cypress hedging is retained at a minimum of some 4 metres in height above ground level and at a minimum thickness of 1 metre this would be a sufficient barrier between the proposed residential use and the existing established golf course use and should reasonably prevent 'over-sailing' golf balls from landing in the garden of the proposed house.

Notwithstanding the PGA Professional golfer's advice that the hedge should be retained at a minimum thickness of 1 metre, the actual hedge is some 4.3 to 4.6 metres thick on average and of that some 1.8 - 2.4 metres of its overall inner growth is brown. The landscape advice from Policy & Projects is that in order to ensure that the hedge would be retained and would not be cut back to such an extent that would lead to the hedge dying, the existing hedge should be maintained at a minimum thickness of 4 metres.

Thus in order to protect the amenity of the occupiers of the proposed house and the cultural heritage value of the setting and character of the Musselburgh Old Golf Course

the existing west boundary wall should be retained at its current height of some 1.7 metres, and the existing cypress hedging along the west boundary of the site should be retained for its full length at a minimum height of 4 metres above the ground level of the site on which it is planted and at a minimum thickness of 4 metres. This requirement could be controlled by a condition attached to a grant of planning permission for the proposed development.

Subject to the aforementioned planning controls preventing 'over-sailing' golf balls from landing in the garden of the proposed house, residents of the new house would benefit from an acceptable degree of residential amenity. Moreover, without the hazard of 'over-sailing' golf balls from landing in the garden of the proposed house, there would not be increased pressure to change the layout of the 4th hole either by shortening or severely altering it. Thus, subject to the aforementioned planning controls, the proposed development would not have a detrimental impact on the cultural heritage value of the setting and character of the Musselburgh Old Golf Course. Accordingly, on these matters of amenity and the protection of the non-designated historic asset that is the Musselburgh Old Golf Course the proposed development is consistent with Policies C8 and DP2 of the adopted East Lothian Local Plan 2008.

There is no vehicular access or off-street parking spaces associated with the authorised use of the building and land of 2 Ravensheugh Road as a public house/restaurant/manager's flat. Nor can any vehicular access or off-street parking spaces be provided due to the arrangement of the existing buildings on the site. At present any parking demand generated by the use of the public house/restaurant and the occupation of the manager's flat has to be met on-street, and there is a small public parking area located to the south of the application site on the north side of the Levenhall Roundabout junction.

The Council's Road Services advises that the proposed change of use to form one house would generate a similar or lesser trip profile and parking demand than would the use of the building as a public house and restaurant. Thus, in light of this, Road Services raise no objection to the proposed development and are satisfied that parking demand and vehicle movements associated with the proposed house would not result in a road safety hazard. Accordingly, on these considerations the proposed development does not conflict with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

On all of these aforementioned considerations the proposed change of use of the existing public house/restaurant/manager's flat and their associated land to use as one house and associated domestic garden ground would not harm the amenity or character and appearance of the immediate area, the cultural heritage value of the Musselburgh Old Golf Course, or the amenity of any neighbouring residential property. There is sufficient land within the site to accommodate the proposed development and to provide the proposed house with a sufficient sized garden and adequate parking provision without there being an overdevelopment of it. Development of the site would not result in any loss of open space important to recreation or amenity requirements in the area. Accordingly, the proposed development does not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies C8, DP2 and ENV1 of the adopted East Lothian Local Plan 2008 and Scottish Government's policy on development affecting the historic environment given in Scottish Planning Policy: June 2014.

The application site is not within a flood risk area as defined by the Scottish Environmental Protection Agency's Indicative River and Coastal Flood Map (Scotland). However, it is in close proximity to such an area. Thus, on the matter raised by objectors that the application site is at risk from flooding, the Scottish Environmental Protection

Agency (SEPA) and the Council's Structures, Flooding and Street Lighting Team Manager, who provides internal advice on flood risk matters, have been consulted on the proposed development.

SEPA advises that the application site lies outwith the flood risk area and as such is potentially at low likelihood of flooding. Thus, SEPA raises no objection to the proposed development.

SEPA does however note that the adjacent land of the golf course/racecourse is within an area at medium likelihood of flooding and thus they recommend that, where feasible, floor levels of properties are raised above surrounding ground levels. This information has been provided to the applicant's agent.

The Council's Structures, Flooding and Street Lighting Team Manager agrees with SEPA's findings and raises no objection to the proposed development.

The Council's Archaeology Officer advises that the existing building on the application site dates to at least the mid 19th century. It lies in close proximity to a prehistoric burial site and other prehistoric burials have been found further afield in the near vicinity. The application site is close to the Inventory Battlefield of the Battle of Pinkie Cleugh and a late 19th century brickworks. As a result there is potential for previously unknown buried archaeological remains to lie within the proposed development site and the change of use of the existing building has the potential to result in loss/alteration to the existing historic building. Thus, the Archaeology Officer recommends that a programme of archaeological works (Historic Building Survey (Basic)) be secured prior to the commencement of development. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 No development shall take place until the applicant has, through the employ of an archaeologist or historic buildings specialist, secured the implementation of a programme of archaeological work (historic building survey (basic)) on the building hereby approved to be converted to form 1 house in accordance with a written scheme of investigation which the applicant shall submit to and have approved in advance by the Planning Authority.

Reason:

To record upstanding historical archaeological remains and to determine any further areas for more detailed recording.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no further windows or other openings shall be formed in the west gable elevation of the house hereby approved to be formed through the conversion of the existing building, other than those already formed in that elevation, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the amenity of the occupiers of the proposed house.

- 3 The west boundary wall of the site shall be retained in situ and maintained at its existing height of some 1.7 metres and the cypress hedge that is immediately to the east side of that boundary wall shall be retained in situ and maintained at a minimum height of 4 metres above the ground level of the site on which it is planted and the thickness of the hedge shall be maintained at a minimum of 4 metres.

In the event that the existing hedge, dies, becomes seriously damaged or diseased it shall be replaced in the next planting season with mature hedge plants of the same or similar species to establish a hedge of the same length, height and thickness as specified in this condition. Details of the replacement hedge plants shall be submitted to and approved in writing by the Planning Authority prior to their planting and thereafter the replacement hedge shall be maintained in accordance with the requirements set out above.

Reason:

In the interests of safeguarding the amenity of the occupiers of the proposed house.