

Planning Application Numbers: 16/00710/PM and 16/00711/P

Proposed Development for 24 Dwellings at Ware Road, Dirleton

The Dirleton Village Association's Objections to the Application 24 October 2016

Background

Following the statutory community consultation carried out by Muir Homes in Dirleton, the Dirleton Village Association compiled and published its comments on the proposals in a document entitled Dirleton Expects. Muir Homes responded to this document, and revised their proposals, showing them to the DVA advisers at a meeting on 2nd August. It was explained that no approvals could be given at the meeting. The advisers were to report back to the DVA and wait for a subsequent application before making comment. The application was made and registered on 20th September 2016 as two submissions.

The emerging LDP has now reached the 'Proposal' stage, and at the end of the current response period, due to end on 30th October 2016, it will become the 'Final' LDP and will then be presented to the Scottish government for approval. It is therefore at an advanced stage and has already been extensively consulted upon, considered and scrutinised by ELC officers and councillors. It is described as 'the settled view' of the council. It contains proposals for housing developments on sites that it proposes to allocate for housing development. The application site is not included. In fact, it is shown as protected countryside under the Countryside Around Towns policy section.

The following **objections** to the applications fall into two groups: those relating to planning matters in relation to the Proposed Local Development Plan and those which relate to the details of the proposed applications.

Section 1.0 Non-conformity with the Proposed LDP Countryside around Towns Policy

We see the following objection relating to non-compliance with the Countryside Around Towns (CAT) policy as fundamental to the application, and the primary reason why it should be rejected, without further consideration.

The proposed development at Ware Road is in conflict with the Countryside Around Towns (CAT) policy, in the proposed LDP, as the land upon which it is situated is shown in the proposed LDP as countryside to be protected from development. On the Dirleton CAT plan, the whole of the fields bordering to the north and the south of the settlement are subject to this policy, with the exception of the Castlemains Farm site, which is shown as a housing development site.

Approval of the Ware road application will therefore prejudice the emerging Countryside around Towns policy in the Proposed Local Development Plan. Granting planning permission on land allocated as protected countryside in the proposed LDP would prejudice decisions about subsequent applications to build new developments on protected countryside along the entire northern edge of Dirleton. The development would set a precedent for the 'infilling' of the other fields which lie between the 'fingers' running along the village's northern edge,

which are well integrated with the countryside. This edge currently forms a very attractive settlement edge and unspoilt landscape setting for the conservation area.

The development would also set a precedent for house building into the open countryside eastwards and down Ware Road which would make it difficult to resist the pressure for further building towards Yellowcraig beach in the future. There are no existing defensible boundaries down Ware Road. This edge currently forms a very attractive settlement edge and landscape setting for the conservation area.

Furthermore, approval of the application would call into question and undermine the whole plan-making process with regard to the new Countryside Around Towns policy not only for Dirleton but across the whole county.

The extra level of protection this new policy offers Dirleton will help considerably in the struggle to conserve the character and the landscape setting of the settlement in the face of development pressures from the landowners on both the north and the south boundaries. The large area of attractive, unspoilt, undeveloped countryside to the north of the settlement stretches from the village to the surrounding woodlands of Archerfield, Ware Road and Yellowcraig. It is one of the few remaining unspoilt sections of countryside with public access along the northern coastal zone of East Lothian. There is a high recreational use of this area by walkers and cyclists along the John Muir Way and by visitors to the popular Yellowcraig beach and the adjacent touring caravan site.

Section 2.0 Other objections relating to the Proposed LDP

We also have **objections** relating to other aspects of the proposal and other sections of the Proposed LDP.

2.1 The Number of Houses

Whilst East Lothian in general has to meet the housing targets set, this should be achieved without compromising the long-term protection of the historic conservation villages. Dirleton in particular, with its castle of national significance, other historic and listed buildings and open spaces, and its position on the increasingly popular John Muir long distance walkway, is a very special case, and merits additional protection from the suburbanising impacts of volume house building.

The numbers of modern style houses in Dirleton (where ‘modern’ is taken to mean post-1945, to include the post-war council houses in this group) already outweigh the historic ones by 57% to 43%. If this scheme proceeds, the proportion of modern houses to historic ones will increase to 62% to 38%. If both this development and the Castlemains Farm development proceed then modern houses will outnumber the historic ones by 66% to 34%.

The conservation character of the built settlement edge, important to the village’s setting in the countryside and to the quality of the views of it from the surrounding roads and paths, is already heavily eroded, with 33% of the edge now modern houses and only 16% historic houses and gardens. The remainder is woodland or mature tree edge.

24 houses would represent an increase of 10.8% on the total houses in the village (222), and an increase of 25% if compared only to the historic portion of the village (95 houses pre-1945), further eroding the balance of historic to modern, which affects its overall character. It

is essential that the existing balance, already weighted in favour of non-historic buildings, is not dramatically altered at once, but that the conservation village be allowed to grow incrementally and in small areas. The DVA had been informed by ELC at earlier consultations that a figure of about 15 was being considered for this LDP. It was felt that this level of impact, a 6.8% total increase, would have been reasonable in the circumstances.

2.2 The Proposed Local Plan NPF3, Purpose and Planning Hierarchy and Carbon Emissions

This rural development in the east end of the county would have a high carbon footprint as a result of car-based commuting, when compared to developments in the west of the county and, indeed, within the city boundary itself. This would not be in accordance with NPF3. Its frontispiece note reads:

*'A growing, low carbon economy...growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our county so special. Planning makes Scotland a successful, **sustainable place; a low carbon place; a natural, resilient place; a connected place**'*

If both developments were to proceed, then the pollution impact would be 60x40x5x47 or 564,000 miles worth of released carbon gases per annum. The global warming implication of this strategy could be avoided by allocating more of this land supply in or nearer to Edinburgh.

This development does not therefore comply with the Scottish government's efforts to meet carbon emission reduction targets nor does it comply with the sustainability objectives of the ELC LDP.

2.3 The Proposed Local Development Plan 5.2 Diverse Countryside and Coastal Areas

*'New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work, recreate and visit East Lothian's countryside and coast. The Plan seeks to strike the appropriate balance between meeting the needs of the countryside to diversify and develop, **whilst resisting the significant pressure for unsustainable forms of development car-based travel patterns, would suburbanise the country, or would harm the character or appearance of the rural area.**'*

This proposal is founded on car-based travel patterns and would suburbanise the village and harm the character and appearance of the rural area. See below.

2.4 The Proposed Local Development Plan Section 5.3

*'East Lothian's landscape is one of its key assets and its most significant, sensitive and attractive areas deserve enhanced protection, **for example the landscape settings of some settlements, or landscapes of particularly special quality**'*

The landscape setting north of Dirleton is arguably one of East Lothian's most significant and sensitive. The large, open expanse of countryside to the north of the village and the village's northern edge together form a beautiful and unspoilt large space. Key historic buildings such as Cedar Grove House, Oatfield House and Dirleton Kirk all form part of this composition. Its importance is increased due to the popularity of the area. Ware Road is the very busy route to Yellowcraig beach and to the much used Yellowcraig caravan park. The development would be seen by all travellers on their return south. In this respect, it would also affect an

approach to the village. See the section below concerning non-compliance with the Conservation Statement's statement on the protection of the settlement approaches.

2.5 The Proposed Local Development Plan Policy CH2 Conservation Areas:

*'All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve **or enhance the special architectural or historic character** or appearance of the Conservation Area'*

The proposed site falls within the Dirleton Conservation Area. The LDP states that design elements in new developments should reflect strongly the elements defined as characteristics of the Conservation Area in the Conservation Statement:

Of relevance to the application are:

*1.6...To the east end of Dirleton buildings are also low density, **generally single storey and a mix of stone and whitewashed walls**. To the west are low-density cottages and houses along with the primary school, which are a mix of stone and harled buildings developed mostly in the 19th and 20th centuries.*

*1.7... the walls of buildings in the older part of the **village are almost exclusively stone**. Within the eastern and western parts of the village **harled exteriors are also evident**. Roofs tend to be either natural slate or clay pantile.*

The proposals do not comply with the characteristics listed above. See the points below for more detail.

2.6 Objections relating to the absence of a Conservation Area Design Guide

No Dirleton Design Guide exists. We believe that this relatively large proposal cannot be properly evaluated by the planning authority without a Design Guide. Such a document would also inform other planning applications.

Section 3.0 Objections relating to the Housing Land Supply: Interim Planning Guidance

This guidance was approved by ELC at their meeting on 23 February this year. It explains how the interim situation with regard to housing applications which occur during the 'overlap' period between the old and the new LDPs is to be managed. In broad terms, the new emerging LDP will take precedence over the old plan as it emerges, and this precedence will become increasingly stronger as the new plan progresses. As the moment the new LDP is in its last consultation stage before it becomes 'Final'. It will then be submitted to the Scottish government for final ratification. The Countryside Around Towns Policy in the new LDP is therefore material to this application, as is the 'settled' allocation of the Castlemains Farm site as the only site in Dirleton to be developed for housing.

Of additional particular relevance to this case is Appendix 1 section 5(v). It states:

'The proposed housing use ...must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a Development Plan review'

This seems to be particularly relevant to the Ware Road application, which opens up the possibility of future housing expansion both down Ware Road and across the northern edge of the settlement.

Section 4.0 Objections relating to the planning submission documents

4.1 The Supporting Statement

This statement appears to have been prepared prior to the approval of the proposed update of the LDP by ELC on 6th September 2016 and the Housing Land Supply: Interim Planning Guidance of 23rd February 2016, as it does not take account of either document. Its arguments are therefore largely superseded.

The SPP states:

‘important material considerations include the SPP and the emerging LDP’

Therefore, at this point in time, matters in the old 2008 LDP which have been changed by the emerging proposed LDP should follow the updated proposals. In this case, the most material facts are the non-inclusion of the Ware Road site for housing in the proposed LDP, after consideration during the MIR stage, and the new designation of the site as ‘protected countryside’ under the Countryside Around Towns policy, as developed by the technical note of 6th September.

Other points in the statement to which we object are:

The statement refers to an existing ‘woodland setting’. The Leyland Cypress trees on the North-Western corner, which would form an important part of any screen, are only an overgrown hedge which has been neglected by the owner. The neighbours would like to see this removed, as it overshadows the adjacent house and is not in character with the East Lothian countryside. The tree boundary along Foreshot Terrace just consists of two rows of deciduous trees which would not screen the development in the winter. The boundary to the East of the site, described as ‘built-up’, actually consists of three houses set in open fields.

The statement describes the public transport facilities as good. The bus service is too indirect and slow for commuters to Edinburgh to use. There is no cycle track or footpath between Dirleton and Drem station. The parking provision at Drem, North Berwick and Longniddry stations is seriously inadequate and incapable of coping with the present demand.

The proposed improvements to the Ware road junction referred to will not improve the key issue which is poor visibility to the west, as the stone wall which limits the view does not belong to the applicant, and cannot be moved.

The statement quotes SPP 5.5:

‘SPP also indicates that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. In light of

the nature/scale of the proposed residential development such considerations would not apply in this case.'

On the contrary. Granting planning permission on land allocated as protected countryside in the proposed LDP would not only predetermine decisions about subsequent applications to build new developments on protected countryside along the entire northern edge of Dirleton, also shown as protected countryside in the CAT plan, but also along the entire southern edge, also currently designated as protected countryside. Furthermore, as a precedent for the re-drawing of a CAT protected area, it would call into question and undermine the whole plan-making process with regard to the new Countryside Around Towns policy not only for Dirleton but across the whole county.

The Statement challenges the selection of Castlemains Farm as the preferred site in Dirleton, stating that the reasons are far from clear. The reasons are clearly set out in the planning officer's description of the site in the Housing Land Supply section of the Proposed LDP: whereas the northern edge of the settlement is seen as an unspoiled landscape setting and an area of countryside of special value, the southern edge of the settlement, out-with the castle setting, is seen as an existing modern housing edge. They therefore see a well-designed housing development here, provided it is located away from the castle, as in keeping. We would add that a well-designed development could actually improve the southern edge of the settlement, provided it includes a new woodland belt between the development and bypass road and the castle, and provided it is designed in character with the historic part of the village.

The proposal seeks to justify the location of the development by describing it as 'infill'. Firstly, such a description, if accepted as grounds for development in this case, could also be applied to developments proposed in the fields running all along the northern edge of the settlement, between the 'fingers' of the established settlement edge. Such a precedent would have a severe impact on the Conservation Area policies and the Countryside Around Towns policy along the whole of the northern edge, as detailed in the Countryside Around Towns policy section above. Secondly, the houses in the development extend well beyond the last existing house. 8 houses, or one third of the entire proposed number, are located beyond such a line.

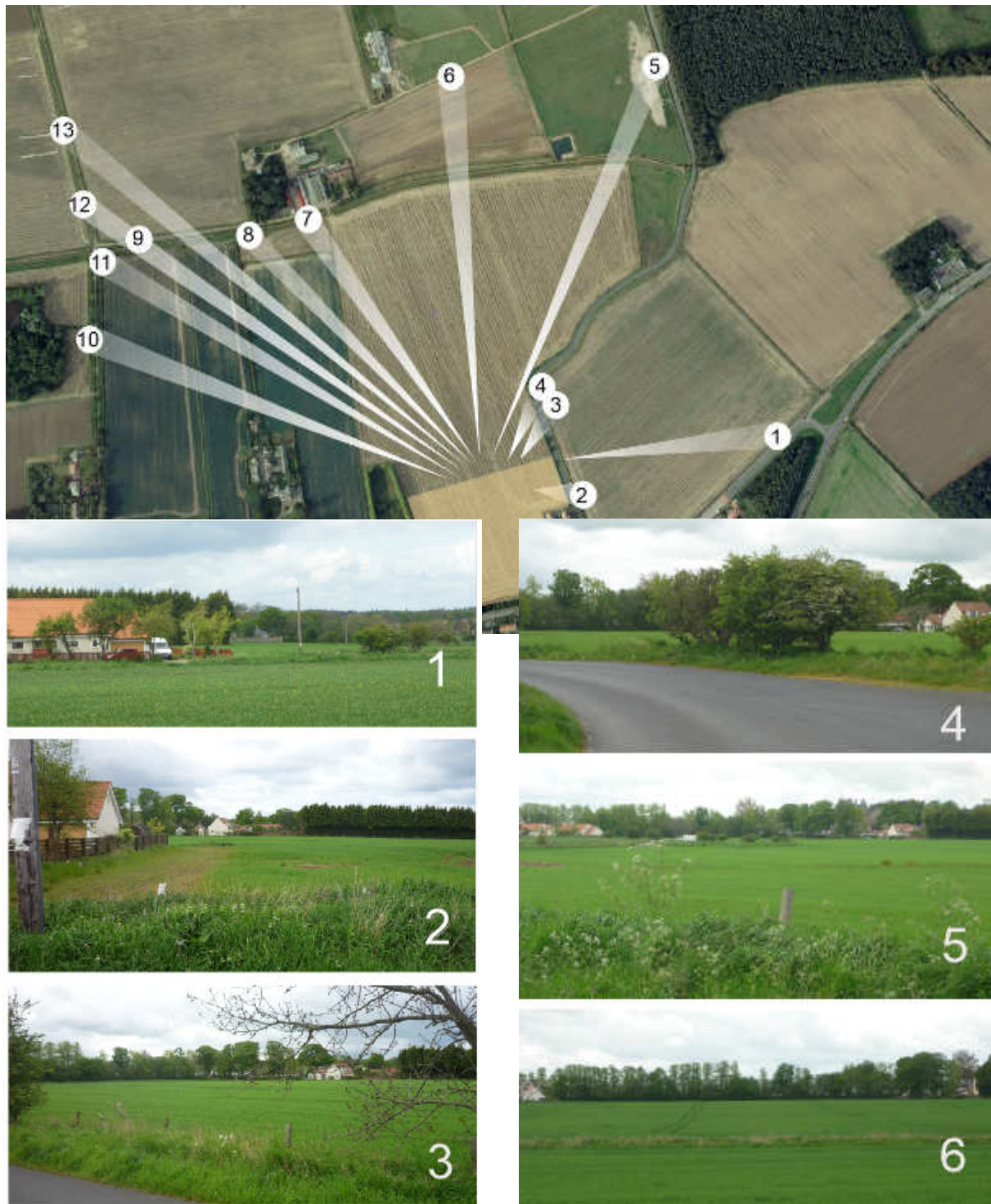
4.2 Objections relating to the Landscape Design Statement

This statement does not address the specific issues of the site in sufficient detail. There is only one photograph of the site in the whole document, and no views at all from Ware road and from the Public Right of Way immediately south of the site.

We agree with the general description of the village landscape setting in this statement which identifies the modern houses along the southern built edge of the village as being out of character with the historic village and too linear in form. We agree that they have an adverse impact on the surrounding countryside and views. We also agree that the existing northern edge is well integrated with the countryside as it is. The obvious conclusion is that the best location for a new housing development is not the Ware Road field, but on the southern edge, provided it is well designed and well set back from the castle. If it also had a woodland belt, then it would improve the least attractive side of the village.

We object to the limited selection of photographs used in the Statement. They focus on the southern edge, and merely serve to illustrate the case for development on the southern side, to improve it. There is only one photograph of the site, and this is carefully chosen so that the site is barely visible behind a farm steading. The key open views, all omitted here, are those from Ware Road, the John Muir Way and the public footpath running between these two just to the north of the site.

In order to illustrate these key views missing from the Landscape Statement, we have had to photograph them ourselves. They are shown below.





Once these views are considered, then it becomes clear that:

1 The Development would affect an approach to the village. The development would be visible to all southbound traffic on Ware Road, suburbanising the character of Dirlerton when seen by all visitors returning from the popular Yellowcraig beach and caravan park. It would be visible for over 500 metres, and would be viewed at very close proximity from the last bend and the straight section into the village. It would contravene the The Dirlerton Character Statement: ‘.development impinging on ...the open countryside at the approaches to the village would adversely affect the Conservation Area’.

2 Most of the development will be in view from the John Muir Way in the distance and the closer Right of Way running from the John Muir Way to Ware Road. The John Muir Way is an important part of East Lothian’s countryside long-distance path network. It is important to the enjoyment of countryside walkers that these views are not suburbanised by building.

We welcome the agreement by the developer to create a 10m woodland belt across the northern boundary, but we must recognise that this will only become effective as a screen to the development as the trees mature and will not fully mitigate some of these impacts until



then. It is also important to ensure that the internal layout and design details are sympathetic to the conservation status of the village, as described in section 4.3 below. It is also essential that the tree belt is continued round to the critical east end as stopping it short, as proposed, means that it will be clearly visible from Ware Road.

We therefore disagree with the statement that:

‘ the magnitude of change will be slight, and the nature of effect minor and not fundamental to the character of the view ’

The Landscape Statement submitted in support of the application is therefore incomplete, as it does not properly address the key issues of the impact on the views from Ware Road, the John Muir Way and the Public Right of Way which runs between them, neither does it fully address the potential impact of the proposal on the unspoilt countryside to the north and the northern village edge. If the character of the northern agricultural landscape and its key views were fully considered, then we believe that the proposals form a significant and immediately apparent part of the scene that will fundamentally change the overall visual experience until the woodland belt has grown.

4.3 Objections relating to the Proposed Design and the Historic Form, Landscape Structure and Visual Character of the Dirleton Conservation Area

Background

Dirleton has no Conservation Area Design Guide to help assess the proposal. The Conservation Statement provides some guidance, which is referred to below, and section 5.0 of the proposed Local Development Plan gives some general policy guidance in relation to development in the countryside. See above.

General; Place-Making

Good design in a conservation area will build upon the special character of the particular place, and will seek to improve upon it where possible. Dirleton’s historic architectural character, townscape and landscape character have not been fully reflected in this design. Its uniform, estate-like elements are not appropriate for such a special and unique settlement.

We acknowledge the attempt by Muir to meet the expectations of Dirleton Expects with what are fundamental improvements over the original proposals, but despite this several areas of concern remain, as set out below:

Layout

The most sensitive part of the site, visually and in terms of the landscape setting of the village, is the North East corner, where the road has to enter the site. This is where the development comes close to the Ware Road approach into the village, and is the point at which all the recreational traffic going to and returning from the caravan park and the beach will pass.

The most unsightly part of the development, the engineering retention basin, is located here. Not only is it a structure which is not suitable for a historic conservation area, but it also opens up the view into the housing estate in general. The ‘orchard’, consisting of small fruit trees, will not screen the view.

We suggest that the SUDs feature would be better re-located as a long, narrow basin inside the woodland, with woodland on all four sides and a grass track to it for maintenance. The woodland could then be returned down the roadside to further integrate the development with the countryside, and the existing remnant hawthorn hedge could be protected and reinforced with new hawthorn.

The developers promised a 10 metre wide tree belt of small trees down the east boundary, but this has not been included. What is proposed falls well short of this to the extent that it is unlikely to be effective.

Architectural Elements

The architectural features which are characteristic of historic Dirleton are to be found in the pre-1945 traditional buildings.

The buildings in the historic reference area of Dirleton are built of real stone or are finished with rough harling and painted. They are not mixtures of the two. The mixture of synthetic stone and render shown on the proposed house elevations is therefore not in keeping with the historic village houses.

The materials selected for the houses and garages do not fit the village. The render proposed is not typical of the village or to East Lothian conservation villages in general. It would make the proposed estate appear standardised and devoid of any local character. Wet-dash harling is typical of Dirleton. Real stone would also be appropriate. A few houses in key positions could be built entirely of stone, with the rest finished in painted rough harling. Overall, this would not increase costs.

Engineering elements

The SUDS concrete headwalls may be visible to passing traffic, and the basin may also need to be fenced off and with a lifebelt in a prominent position if it contains standing water for any length of time, in order to meet current practice.

We would encourage a re-think, looking at alternatives such as an oversized wet woodland hollow or grass swales fully contained within the woodland.

Townscape Elements

The porous and adoptable paving areas are not specified. A coloured concrete block aesthetic would not be in character with historic Dirleton. Good quality neutral coloured stone replica tumbled blocks would be in keeping.

The proposed synthetic stone back garden walls are strongly urban in character and are not found in the historic part of Dirleton. Dirleton back gardens are enclosed with hedges growing over timber picket fencing. Where walls are required, then they should match the historic village's stone walls. Front garden timber picket entrance gates would also be in keeping with the village.

Landscape Elements

The use of only one single type of plant for the garden hedging adds to the repetitive, estate-like appearance of the design. In the village, the hedge pattern is more varied, and this

contributes to the impression that the village has grown organically over time. The use of privet and hawthorn sections as well as beech and laurel would help overcome this. Municipal style 'new town' shrub beds are used in the design, adding to the estate-like, non-traditional appearance. These are not typical of historic Dirleton. The only public realm shrub bed in the historic part of Dirleton is the new one planted to screen the toilets. The landscaping would help to make the design look more traditional if the public shrub beds were omitted and the gardens were re-designed to avoid the use of small left-over bits of public space.

The village green in the centre of the development is in keeping with the historic village, but the symmetrical formal arrangement of the trees and the boundary hedges are not. As mentioned above, we think that the orchard area should be woodland.

4.4 Objections relating to the Ecological Assessment

There is a history of the sites being regularly used for feeding by pink footed geese overwintering at the Aberlady Bay nature reserve, which forms part of the Firth of Forth Special Protection Area and is thus afforded a high level of protection under the European Habitats Directive. Record photographs exist taken on 21 January 2015, when up to 1000 birds were present. There is also evidence that the sites are used as winter feeding ground by curlews, which are classified on the RSPB's website as having red status and thus as having the highest level of conservation priority. There is also a rookery in the trees along Foreshot Terrace.

In the light of the evidence above, we suggest that the data used for the Ecological Assessment is incomplete and that its conclusion, in clause 1.16, that 'the site would not be utilised at all by any designated species given the small size and residential location' is factually incorrect. There will be an impact on protected species. The significance of this would need to be re-assessed.

Section 5.0 Objections relating to off-site impacts

Parking impact on Drem

There is insufficient parking space at Drem station to meet current demand, and Drem conservation village already suffers from the impact of commuter parking over-spilling into the village from the station car park. The village street has recently been restricted to resident parking only as a result, but this only throws the problem back onto the commuters. This development will only increase the current parking pressure on this conservation village.

Summary

We conclude that this development proposal should be rejected because it does not conform to either the 2008 LDP or the new proposed LDP and because it would set a precedent for house building along the whole of the unspoilt north edge of the village in both a westerly and an easterly direction and northwards down Ware Road. We also maintain that it cannot be justified as 'infill'.

We also object to those aspects of the design which are not in keeping with the historic character of the village and to the various environmental impacts of the proposal, all as detailed above.

The Dirleton Village Association

24 October 2016