



**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 18 JUNE 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor T Day (Chair)  
Councillor J McMillan  
Councillor S Currie

**Advisers to the Local Review Body:**

Mr P McLean, Planning Adviser to the LRB  
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

**Others Present**

None

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

Councillor J McNeil  
Councillor J Goodfellow

Prior to the commencement of the meeting of the East Lothian Local Review Body (ELLRB), Councillor Day was elected to Chair today's meeting by Councillor McMillan and Councillor Currie. Duly elected, Councillor Day welcomed everyone to the meeting.

Morag Ferguson, Legal Adviser, stated that both planning applications were being presented today in the form of written submissions and that site visits had been carried out prior to the meeting today. She also advised that a Planning Adviser, who had had no involvement with the determination of the original applications, would provide information on the planning context and background of each application.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 14/00758/P – PLANNING PERMISSION  
FOR EXTENSION TO SHOP TO FORM ADDITIONAL FLOOR SPACE AND  
TO FORM ONE FLAT AND ASSOCIATED WORKS AT 121A SALTERS  
ROAD, WALLYFORD**

The Legal Adviser stated that the ELLRB was meeting today to review the above application which had been refused by the Appointed Officer. Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from a Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

Phil McLean, Planning Adviser, stated that the application site was a single storey shop unit and that the application was seeking permission for a first floor extension to form a flat and various other alterations and extensions to the building, as well as the formation of two off-street parking spaces.

The Planning Adviser stated that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. He advised that the development plan consists of the approved Strategic Development Plan for Edinburgh and South East Scotland, known as SESplan, and the adopted Local Plan 2008. He stated that the site was within a residential area of Wallyford, designated under local plan policy ENV1, and was also within the designated site of the Battle of Pinkie. The building was not listed. The main policy considerations relevant to the application were design, amenity and transport, and the key policies in relation to these matters were outlined.

The Planning Adviser stated that the application had been refused by the appointed officer for two reasons. Firstly, on the basis that the height, scale and massing of the first floor extension would be overly dominant and intrusive within the streetscape, would not be in keeping with neighbouring buildings, and would be harmful to the character and appearance of the area. Secondly, on the basis that the proposed timber screen on the south-east boundary at first floor level would appear incongruous in the streetscape and would also be harmful to the character and appearance of the area. The application was therefore considered to be contrary to the design policies of the development plan. The appointed officer had considered that the proposals would be acceptable in other respects. The request for a review had argued that the roof of the proposed development would be only one metre higher than previously approved proposals and would not be dominant or incongruous. It had also argued that the increase in height was to allow for accommodation in the roof space, which would otherwise be unusable. The agent was also willing to replace the proposed timber screen with a rendered wall and stated that such a wall has been previously allowed.

The Planning Adviser advised that the Council's Road Services and Environmental Protection Service had raised no objections to the application but recommended conditions covering matters of construction traffic, parking and noise levels. Two public objections to the application had been received and there were no further representations received in response to the Notice of Review.

The Chair invited questions for the Planning Adviser. Councillor Currie noted that two car parking spaces had been identified in the application, reserving one space for the shop. Currently the shop did not have a reserved space. The Planning Adviser referred Members to the Consultation response from the Council's Road Services department which stated that the existing yard had sufficient room to accommodate one vehicle and that was currently used by the applicant to park his vehicle while he worked in the shop. The advice to the applicant was to retain this space for the shop, leaving one new space available for the flat. It was, however, open to Members to add a condition in respect of the car parking spaces, should they agree to grant planning permission. Councillor Currie enquired if one parking space was appropriate in relation to the number of rooms the flat would contain. The Planning Adviser referred Members to the Case Officer's report which stated that the Council's Road Services had advised that the proposed flat required the provision of one off-street parking space and one further off-street parking space retained for the ground floor shop use. It appeared from this advice that Road Services had considered that this parking provision would be sufficient.

The Chair then asked his fellow Members if they wished to proceed to determine this application today and they unanimously agreed to proceed.

Councillor Currie stated that the site visit had been helpful in allowing him to assess the scale of the proposals in relation to other buildings in close proximity. Having carefully studied the plans and considered the impact of the proposals, he had concluded that they would result in an overdevelopment of the site and would have a negative impact on the amenity of the surrounding area. He also had concerns in relation to the parking provision for a flat which would have 5 bedrooms. He would therefore be upholding the original decision of the Case Officer to refuse the application.

Councillor McMillan had also found it helpful to visit the site and agreed that the proposed building would look incongruous and dominant in its setting. He also had concerns in respect of the car parking provision to the rear of the property. He would therefore be supporting the decision of the Case Officer.

The Chair, Councillor Day, agreed with his colleagues that the proposals would result in over development of the site which, in his view, would have a negative impact on the streetscape and the amenity of the area. He also had concerns over parking provision in what was already a congested area. He too was therefore minded to uphold the original decision to refuse planning permission.

### **Decision**

The ELLRB unanimously agreed to uphold the original decision to refuse the application for the reasons given in the Decision Notice dated 27 February 2015.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.

## **2. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION No: 14/00922/P – PLANNING PERMISSION FOR THE REPLACEMENT OF 5 WINDOWS AT 16C MELBOURNE ROAD, NORTH BERWICK**

The Legal Adviser introduced the above application which had been refused by the Appointed Officer. She advised that a site visit had been carried out prior to the meeting and Members had received written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

Phil McLean, Planning Adviser, advised that the property was a first floor flat in a 3-storey flatted building and that the application was seeking permission for the replacement of five of the flat's windows; 3 on the front, one to the side and one at the rear. The existing windows were single-glazed sliding sash and case timber windows and the proposed replacements would be the same size, style and colour but would be double glazed and made from PVCu material.

The Planning Adviser stated that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. The development plan consisted of the approved Strategic Development for Edinburgh and South East Scotland (SESplan) and the adopted Local Plan 2008. The site was within a residential area of North Berwick designated under local plan Policy ENV1 and within the North Berwick Conservation Area although the building was not listed. The Development Plan seeks to preserve or enhance the character of Conservation Areas, and generally to promote a high

quality of design. The key policies in these matters were Strategic Development Plan policy 1B and Local Plan policy ENV4.

The Planning Adviser stated that Local Plan policy DP8 related specifically to replacement windows. It states that replacement windows in Conservation Areas must preserve or enhance the area's special architectural or historic character by retaining the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern. Three exceptions are provided for; firstly multiple glazing where there is no visible difference, secondly where a building does not positively contribute to the area's character and thirdly where the window cannot be seen from a public place.

The Planning Adviser related that the application had been refused by the Appointed Officer on the basis that the proposed replacement windows on the front and side elevations would be harmful to the character and appearance of the flat, the building and the Conservation Area, due to their PVCu frames, and would therefore be contrary to relevant development plan policies. The request for a review argued that the only change proposed is to the material and this would not compromise the character of the building and would be neutral at worst. The proposed replacement windows would be superior to the existing windows in terms of safety, security, maintenance and energy consumption. It was also stated that there were PVCu windows in surrounding properties. No consultations had been carried out by the Case Officer. One representation had been received from the Architectural Heritage Society of Scotland which stated that the proposed windows would be visible from public views and would be different in appearance from the existing windows. No further representations had been received in response to the Notice of Review.

The Chair invited questions for the Advisers. Councillor McMillan enquired if home owners were advised that their home was situated in a Conservation Area at the time of purchase and the Legal Adviser replied that potential buyers ought to be advised, prior to purchase, if a property was in a Conservation Area. New owners also received a Property Enquiry Certificate, which would include this information.

The Chair then asked his fellow Members if they wished to proceed to determine this application today and they unanimously agreed to proceed.

Councillor Currie referred to policy DP8, the terms of which he believed provided some latitude in respect of replacement windows. As he had observed that the existing windows were in a poor state of repair, he considered that, on balance, it was better to have well maintained windows. He was satisfied that the proposed windows were of a high standard and not dissimilar to the existing windows in appearance. He was therefore minded to overturn the decision of the Appointed Officer and grant planning permission.

Councillor McMillan agreed in part with Councillor Currie's comments. However, he had noticed that the existing windows of this property had a detail which he believed added to the character of the building and this would be lost with the proposed replacement windows. Therefore, in order to maintain the visual impact and seek consistency, he would be supporting the Case Officer's decision to refuse the application. The Planning Adviser referred Members to the applicant's submission which showed detailed drawings of the proposed windows. He advised that these illustrations suggested that it would be possible to replicate this sash horn detail and, should Members be minded to grant planning permission, a further condition to this effect could be added to the planning consent.

Councillor Day stated that he fully understood the applicant's motivation to replace the present windows of her home with the proposed PVCu windows. However, he pointed out that wooden double glazed windows were also available. He agreed that planning policy DP8 provided certain latitude but for him the over-riding consideration was context. He considered that the building was in a prominent position and he was mindful that it was in a Conservation Area. It was his opinion that PVCu would look significantly different to the existing windows and would detract from the character of the building. He was therefore minded to uphold the Case Officer's decision to refuse planning permission.

**Decision**

The ELLRB agreed by a majority of 2:1 to uphold the original decision to refuse the application for the reason set out in the Decision Notice dated 20 January 2015.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.