

**PLANNING COMMITTEE**

**9 AUGUST 2016**

**PUBLIC DOCUMENT PACK**





**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 7 JUNE 2016  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor S Currie  
Councillor T Day  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter  
Councillor J Williamson

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal and Procurement  
Mr K Dingwall, Principal Planner  
Mr D Irving, Senior Planner  
Mr M Greenshields, Transportation Planning Officer  
Mr G Talac, Transportation Planning Officer

**Clerk:**

Ms F Currie

**Visitors Present:**

Item 2 – Mr R Holder, Mr K Hunter, Mr G Wilson, Ms M Roberts, Ms J Bell  
Item 3 – Ms S Hobbs

**Apologies:**

Councillor J Caldwell  
Councillor A Forrest

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 19 APRIL 2016**

The minutes of the meeting of the Planning Committee of 19 April 2016 were approved.

**2. PLANNING APPLICATION NO. 15/00630/PM: ERECTION OF 240 HOUSES AND ASSOCIATED WORKS, LAND TO SOUTH OF BOWMONT TERRACE, DUNBAR**

A report was submitted in relation to Planning Application No.15/00630/PM. Daryth Irving, Senior Planner presented the report, summarising the key points. The report recommendation was to grant consent for the application.

In response to questions from Members Mr Irving advised that agreement on the number of affordable homes on site and the split of housing types would form part of the planning permission. He also confirmed that the density within the site was comparable with similar sites in Dunbar.

Robin Holder of Holder Planning, agent for the applicant, explained the background to the application and the process of public consultation and discussion with officers. He referred to the changes made to introduce a buffer zone to preserve the amenity and privacy of neighbouring properties, and the arrangements for vehicular and pedestrian access to the site. He reminded Members that the site was part of the draft Local Development Plan (LDP) and that it would contribute significantly to the shortfall in available housing within East Lothian.

Mr Holder responded to a range of questions from Members regarding mitigation measures to protect the amenity of neighbouring properties and to reduce the impact of the nearby railway line, the variety of house types and the layout of the affordable units within the site.

Members also asked how many of the affordable units would be for social rent and how many of those would be managed by the Council. The Convener advised that although some of these units would be for social rent, these would be managed by a housing association and none of them would be Council housing.

Kevin Hunter spoke against the application. He said he had lived in his home for 31 years and the erection of double storey houses to the rear of his property would have a detrimental effect on his privacy. He suggested the use of bungalows rather than double storey houses and he also raised concerns about the strip of land to the rear of his house and asked if this could be blocked off to prevent it being used by dog walkers. He said that the development would have a significant impact on what had been a peaceful area.

Gavin Wilson spoke against the application. He explained that his concerns centred around the difference in height between the proposed site and the houses in Beachmont Place and the impact on traffic levels and access in the area. He said it was unfortunate that Councillors had not viewed the site from its highest point during their visit and he considered that the site should be dug out to a much greater degree that was proposed. Moving to the impact on traffic, he said that the existing junction was already very busy and would not cope with additional cars. He was also concerned that drivers would use his road as a way of avoiding the busy junction.

Following questions from the Convener and Councillor Berry, an architect from the applicant's team clarified the height differential between the two sites and the width of the buffer zone.

Margaret Roberts spoke against the application. She advised Members that as well as the significant difference in height between the proposed development site and Beachmont Place the current houses were mostly bungalows while the new houses would be double storey. These factors, added to the density of the housing on the new site, would result in a loss of privacy for existing residents. She said that bungalows were much in demand in the area and should be included in the mix of housing types on the site.

Jacque Bell spoke on behalf of Dunbar Community Council. She said that the Community Council, while generally supportive, remained concerned about a number of factors including the loss of further green belt land, the density of housing and the need to maintain green space within the site, the height and levelling of the site, potential overlooking and the impact on traffic levels and local access routes. Ms Bell also referred to issues regarding section 75 contributions, and the impact on other local services such as GPs and dentists and the layout of the affordable housing units in two 'ghetto-type' blocks.

The Convener, speaking as a local Member, noted that the application had been through extensive consultation and changes had been made to the layout as a result of some of these discussions. Referring to concerns about the density of the site and overlooking of existing residents, he said that the application met the Council's requirements in these areas. He said that his major concern was the impact on traffic levels and the existing access roads and junctions. However, he noted that discussions had taken place and solutions put forward for the longer term management of traffic in the area. He concluded that, in his view, everything possible had been done and he would be supporting the report recommendation.

Councillor Currie said he had listened carefully to the views expressed on both sides but that he remained concerned about this application. He disagreed with the layout of the affordable housing units suggesting that a 'pepper pot' approach would provide a better mix than building them in two blocks of 30 units. He was also unhappy that all the affordable units would be likely to be low cost ownership, rather than some being managed by the Council as social rented properties. Having considered all of the views he would not be supporting the report recommendation because of the proposed spread of the affordable housing and the loss of amenity to existing residents.

Councillor Berry expressed concerns about impact on traffic levels in the area and the road and junction layouts. He said, in his view, this proposal constituted overdevelopment. He agreed with Councillor Currie's comments on the layout of the affordable housing within the development and was disappointed there would be no Council housing within this provision. He concluded that he had more objections to the Council's policy than the application but he would be voting against it on the grounds of overdevelopment.

Provost Broun-Lindsay acknowledged the concerns of local residents but took the view that the inclusion of the landscaped strip of land and the planting of medium height trees would screen residents from much of the development. He did not agree with the other concerns raised by his colleagues and he would be supporting the application.

Councillor Innes reminded Members that this site was contained within the draft LDP and would deliver much needed housing in the area. Although he had some concerns about the height of the new units in relation to existing homes, he noted the proposed mitigation measures and he would be supporting the application.

Councillor McMillan said that he had listened carefully to the objections put forward and his main concern was the strip of land between the existing houses and the proposed development. While he took some comfort from the information contained in the report, he wanted to see a condition put in place to ensure that the land was protected and monitored in a way that suited both existing and new residents.

Councillor MacKenzie said he had been impressed by the variety of housing types proposed within the development but he was disappointed that none of the affordable housing would be for rent through the Council. He concurred with the remarks made by Councillors Currie and Berry and he said he would be voting against the application.

Councillor Trotter said that he would be supporting the report recommendation.

The Convener brought the discussion to a close. He noted that Members were split in their opinions. Councillor Innes asked for clarification regarding the amendment proposed by Councillor McMillan. Mr Dingwall said that he had prepared an additional draft condition as follows:

“Prior to the commencement of development, details of measures to prevent public access to the landscape strip along the northwest boundary of the application site shall be submitted to and approved by the Planning Authority. Those details shall include the provision of fencing and a lockable gate. It shall also include a timetable for the implementation of the measures to prevent public access.

Development shall thereafter be carried out in accordance with the details so approved.

The measures to prevent public access to the landscape strip shall thereafter remain in place, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of neighbouring properties.”

Councillor McMillan thanked Mr Dingwall and formally proposed the addition of this condition, which was seconded by Provost Broun-Lindsay. The Convener put the matter to the vote and the amendment was agreed unanimously.

The Convener then moved to the vote on the report recommendation (to grant consent), as amended:

For: 13

Against: 3

Abstentions: 0

### **Decision**

The Committee agreed to grant planning permission subject to the following conditions:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant a financial contribution of a total of £1,974,655.20 (£8,227.73 per unit) towards the provision of additional accommodation at Dunbar Primary School (John Muir Campus Pre-School), Dunbar Primary School (Lochend Campus P4 – P7) and Dunbar Grammar School;

(ii) Secure from the applicant 60 affordable residential units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 60 affordable residential units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision;

(iii) Secure from the applicant a financial contribution to the Council of £45,000 towards the provision of road improvements/ alterations at, or in the vicinity of, the junction of Queens

Road and Spott Road, Dunbar. The contribution would have to be made prior to occupancy of any of the houses hereby approved; and

(iv) secure from the applicant a commuted sum of £90,000 for construction of a footpath from the north east corner of the site along the railway boundary to connect with Spott Road would provide a key alternative route to the Town Centre, Train Station and School on the commencement of development.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Dunbar Primary School (John Muir Campus Pre-School), Dunbar Primary School (Lochend Campus P4 – P7) and Dunbar Grammar School, the lack of provision of affordable housing and an unacceptable impact on the junction of Queens Road and Spott Road, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

## 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 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 2016/2017 - 27 residential units  
Year 2017/2018 - 57 residential units  
Year 2018/2019 - 86 residential units  
Year 2019/2020 - 70 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 4 year phasing period and not to the year following on.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 3 Prior to the commencement of works on site a revised detailed scheme of landscaping shall be submitted for the approval of the Planning Authority. This shall include details of:

i) all trees and shrubs on site and denote those to be retained and those to be removed and the root protection areas in accordance with BS5837: 2012;

- ii) tree protection measures in accordance with BS5837: 2012 and construction method statements for all works encroaching on root protection areas, including that any such work shall be supervised by a qualified arboriculturalist;
- iii) tree planting as mitigation for any trees to be removed, including species; street tree planting;
- iv) a planting schedule, specification and maintenance programme, including details of maintenance access where required;
- v) details of the design and screening for the proposed sub station on the northeastern part of the site.

Reason:

To ensure the retention and maintenance of the trees on the site which are an important landscape feature of the area and to ensure the implementation and maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 4 No development shall take place on site until temporary protective fencing has been erected in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction". This temporary protective fencing shall be erected prior to works commencing and kept in good condition throughout the works. The fencing shall be erected in the positions shown for it as shown on the approved revised detailed scheme of landscaping.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development. Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of its Root Protection Area. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

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

- 5 Unless otherwise agreed in writing by the Planning Authority all new planting as approved in terms of the revised detailed scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings in the phases of the site, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

All the new planting shall be maintained in accordance with the maintenance programme of the approved revised detailed scheme of landscaping.

No trees or shrubs which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation and maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 Notwithstanding that shown on the drawings docketed to this planning permission, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high solid enclosures around rear gardens of the houses hereby approved except where those boundaries are adjacent to a road or pathway where they shall be feature walls to heights and finishes to be approved in advance by the Planning Authority.

Details submitted shall also include the design, construction and materials of the entrance feature walls at the main accesses to the site.



Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 7 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed drawings, otherwise the layout shall be subject to the following requirements:

1) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. At this time house sizes on individual plots have not been identified and therefore layouts may be subject to adjustment in respect of parking numbers at the detailed application stage.

2) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures.

3) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles.

4) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

5) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

6) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.

Thereafter those access, parking and footpath provisions shall not be used for any other purpose than for accessing and for parking in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 8 A play area with equipment suitable for children aged 0 - 15 years shall be provided on the area of open space on the southwest part of the application site which is to the north of plots 30-31 as shown on docketed site layout drawing no. 15026(PL)001P. Prior to the commencement of the development hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 9 All the open space recreation areas indicated on the docketed site layout plan shall be available for use prior to the occupation of the last house on the site.

Other than to provide the play area as required by Condition 7 above, the open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 10 A visibility splay of 4.5m by 90m shall be provided and thereafter maintained in both directions at each of the application site access junctions with the A1087 Bowmont Terrace public road so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

- 11 No development shall commence unless and until a 30 miles per hour (mph) speed limit on the A1087 Bowmont Terrace public road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A1087 Bowmont Terrace public road southwards to include along the entire length of site frontage. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and shall incorporate town entry treatments and a Dunbar Gateway sign. Thereafter the new 30 miles per hour speed limit, street lighting, town entry treatments and Dunbar Gateway sign shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

- 12 No development shall commence unless and until an independent road safety audit has been submitted to and approved in advance by the Planning Authority. The independent road safety audit shall be undertaken for the proposed site access junctions with the A1087 Bowmont Terrace public road and shall include an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development.

Reason:

In the interests of road safety.

- 13 The proposed site access junctions with the A1087 Bowmont Terrace public road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6.

Reason:

In the interests of road safety.

- 14 Prior to the occupation of any of the residential units hereby approved a continuous 2 metre wide shared footway shall be provided on the west side of the A1087 Bowmont Terrace public road along the application site frontage to connect to the existing footway network to the north with dropped kerbs provided as necessary.

Details of the new 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 15 Prior to the occupation of any of the residential units hereby approved a footpath linking the application site with Spott Road to the west shall be provided. This footpath shall be provided across the adjacent allocated employment land at Spott Road to the west of the site via the underpass of the East Coast Main Rail line to the south of the southern boundary of the application site. Details of the footpath including its route and construction and a timetable for its implementation shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of ensuring a safe route to school in respect of the development in the interests of pedestrian safety.

- 16 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include

a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 17 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 18 Prior to the commencement of development a scheme to connect to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water. The scheme must demonstrate appropriate alignment of the phasing and timing of the development with the provision of secondary treatment by Scottish Water at the Dunbar Waste Water Treatment Works.

Reason:

To protect people and the environment from the impact of waste water and ensure that the development can be serviced by the public waste water sewerage scheme.

- 19 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of the amenity of the area.

- 20 In order to ensure compliance with the upper limit for daytime garden noise levels of 55dBLAeq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise associated with rail traffic on the East Coast Main Line, mitigation measures in the form of an Acoustic Barrier shall be provided along the western boundary of the application site prior to the occupation of any of the residential units hereby approved. The barrier shall be 4 metres in height (2 metres close boarded timber fence atop a 2m earth bund or equivalent) in accordance with detail to be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved. To maintain the acoustic performance of the barrier, the selected timber fence shall be appropriately fitted with no holes or gaps and thereafter be maintained as such.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 21 In order to ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise associated with road traffic on the A1087 and the East Coast Main Line, the following mitigation measures shall be provided:

(i) upgraded glazing and ventilation units shall be installed within the living room windows of the residential units as specified and shown in Appendices 1 and 2 of the docketed Noise Assessment Addendum by Wardell Armstrong of May 2016;

(ii) upgraded glazing and ventilation units shall be installed within the bedroom windows of the residential units as specified and shown in Appendices 3 and 4 of the docketed Noise Assessment Addendum by Wardell Armstrong of May 2016.

Thereafter such form of attenuation shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

In the interest of safeguarding the residential amenity of future occupiers of the proposed residential development.

- 22 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 23 Details of all ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 24 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 25 Prior to the commencement of development, details of measures to prevent public access to the landscape strip along the northwest boundary of the application site shall be submitted to and approved by the Planning Authority. Those details shall include the provision of fencing and a lockable gate. It shall also include a timetable for the implementation of the measures to prevent public access.

Development shall thereafter be carried out in accordance with the details so approved.

The measures to prevent public access to the landscape strip shall thereafter remain in place, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of neighbouring properties.

*Sederunt: Councillor Williamson and Councillor Berry left the meeting before the vote on Item 3.*

**3. PLANNING APPLICATION NO. 15/00599/P: ERECTION OF A NURSING HOME, 30 EXTRA CARE FLATS AND ASSOCIATED WORKS, LAND WEST OF GATESIDE ROAD, HADDINGTON**

A report was submitted in relation to Planning Application No. 15/00599/P. Mr Dingwall presented the report, outlining the background to the site, the previous planning permission, and the key points of the current application for a nursing home and care flats. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members Mr Dingwall advised on the status of the previous planning permission and legal agreement. He also advised on the number of parking spaces and possible measures to mitigate the visual impact of the development.

Sheila Hobbs of Scott Hobbs Planning Ltd, agent for the applicant, advised that the scale and layout of the accommodation was necessary to ensure the viability of the project. The sale of the care flats would help to fund the building of the nursing home and any reduction in the number of flats or changes to the nursing home provision would have cost implications. She indicated that extensive public consultation had resulted in changes being made to the design of the buildings to address concerns about their visual impact. She said that the operator, Viewpoint, had developed and managed other similar nursing homes and that this development would create up to 80 jobs and would be an asset to the local community.

Ms Hobbs responded to a number of questions from Members. She advised on car parking, landscaping, the number and type of jobs to be created, the minimum number of units required for the development to be viable and confirmed that the flats would be for sale rather than rent. She also confirmed that her client was Insight, the company who had obtained the previous planning permission for business units on the site, but it would be Viewpoint who would develop and operate the proposed nursing home and care flats. She added that, although she had not seen the paperwork, an agreement was in place and Viewpoint was committed to the project.

Local Member Councillor McMillan said that he had called in this application as he remembered voting against proposals for housing on this site in the past. However, he acknowledged that there was a social need for nursing home/care flat accommodation in the area and the development was modern and attractive and would provide economic benefits too. He accepted that there may be concerns about visual impact but felt that these could be managed. On balance, he would be going against officers' advice and would not be supporting the report recommendation.

Local Member Provost Broun-Lindsay agreed with much of Councillor McMillan's remarks. He considered that this development would provide a greater benefit to Haddington than the previously proposed business units. On this basis, he could not support the report recommendation but he stressed that the northern boundary of the site should be protected and tree planting preserved to mitigate some of the visual impact.

Local Member Councillor Trotter echoed these remarks and noted that the overall impact on the elderly and jobs would be more positive than negative. He would not be supporting the report recommendation.

Councillor Currie was concerned that if Viewpoint pulled out of the project and another operator took over the proposals may change. He was also unhappy that the flats would be for sale instead of rent, as previously advised. He noted the concerns about the visual impact and suggested that a masterplan of the site might have been helpful. However, for the reasons previously stated, he would be supporting the report recommendation.

Councillor McNeil's main concern related to parking. He felt that the number of spaces proposed would be insufficient and may lead to people parking on the road. While he praised the proposed development and type of secure and supported living it would offer, he added that it was unfortunate that some of the flats could not be offered for rent. Nevertheless, he would be going against the advice of officers and would be supporting the application.

Councillor Innes said that he had listened carefully to the debate but that the application introduced an element of housing for sale which was contrary to the local plan. He acknowledged that there was a need for this type of accommodation but this was not the right site and he would not be supporting the application.

Councillor Goodfellow observed that this would be a close vote. He was in agreement with officers that the proposed development would be too prominent and intrusive. However, he

added that if there was significant planting to the western boundary he might be persuaded to support the application.

Councillor McLeod was concerned about the lack of rental flats. He felt that if the development relied on cross subsidy and not enough flats were sold then the whole project could fall through. He would not be supporting this application.

Councillor Grant said he was disappointed that Viewpoint was not present at the meeting. He had no problem with proposals for the 60 bed nursing home and associated care flats and he felt that the concerns about car parking were unwarranted. He said that the application must be determined on planning issues and balanced with the lack of information regarding the business plan.

Councillor Day said he did not share officers' concerns regarding visual impact but he agreed with Councillor Innes that the application was contrary to the local plan. In his view, the site should be safeguarded for business use and he would be supporting the report recommendation.

The Convener brought the discussion to a close. In his view the development would not detract from the visual amenity of the area and the model of nursing home and care flats was one which had been used successfully across the country. The development would address the clear need for this type of accommodation in east Lothian and would be of benefit to local people. He was in agreement with local members; he would be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 6  
Against: 8  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission subject to a legal agreement and conditions to be determined by the Convener/local Members and officers.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**WEDNESDAY 15 JUNE 2016  
CORN EXCHANGE, HADDINGTON**

**1b**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor J Caldwell  
Councillor S Currie  
Councillor T Day  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter

**Council Officials Present:**

Mr D Proudfoot, Head of Development  
Ms M Ferguson, Service Manager – Legal and Procurement  
Mr K Dingwall, Principal Planner  
Mr D Irving, Senior Planner  
Mr M Greenshields, Transportation Planning Officer  
Mr D Oliver, Service Manager – Environmental Health  
Mr C Clark, Principal Environmental Protection Officer  
Mr P Forsyth, Team Manager – Assets & Regulatory  
Ms C Molloy, Legal Team Leader  
Ms P Bristow, Communications Officer

**Clerk:**

Ms F Currie

**Visitors Present:**

Mr N Sutherland, Ms L Hopwood, Mr I Thomson  
Mr D Scott, Mr J MacCallum, Mr A DeVenny  
Mr T Drysdale

**Apologies:**

Councillor A Forrest  
Councillor J Williamson

**Declarations of Interest:**

None

**1. PLANNING APPLICATION NO. 16/00068/P: CONSTRUCTION OF AN ANAEROBIC DIGESTER PLANT, COMBINED HEAT AND POWER PLANT, ERECTION OF BUILDINGS, FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS AT LAND AT STANDALANE, NEAR BALLENCRIEFF, EAST LOTHIAN**

A report was submitted in relation to Planning Application No. 16/00068/P. Daryth Irving, Senior Planner, presented the report, summarising the background and key points of the application, its previous appearance at Committee and the amendments to the proposed conditions put forward by the Applicant. Mr Irving advised that in May 2016 planning permission was granted for the conversion of Standalane Steading to form 1 house. The impact of the proposed anaerobic digestion plant on the privacy and amenity of the future occupants of Standalane Steading, should it be converted to a house, was an important material consideration in the determination of this application. Mr Irving confirmed that further consultation had taken place and that both the Council's Environmental Health officers and SEPA were satisfied with the suggested conditions. The proposed decision set out in the report was to grant consent for the application subject to the amended conditions.

In response to questions from Members, Mr Irving and Marshall Greenshields, Transportation Planning Officer, advised on issues relating to on-site storage, operating and delivery hours, noise assessments, implications for local road safety and traffic levels and the affect of the proposals on the amenity of neighbouring properties.

In addition, Sean Caswell from SEPA, confirmed that consents had been granted in relation to ground water usage and that SEPA had no concerns in this regard.

Neil Sutherland of Wardell Armstrong, agent for the applicant, explained that the proposed plant would provide low carbon, sustainable energy for up to 7000 homes and would support over 30 East Lothian farms and associated jobs. He referred to independent assessments and scrutiny which supported the proposals and outlined some of the measures which would be put in place, such as planting, to minimise the visual impact of the development. He indicated that, while an Environmental Impact Assessment (EIA) had not been prepared as this was not a legal requirement, sufficient assessments had been undertaken and the results submitted to the Council. A traffic assessment had also been undertaken in keeping with other applications of this size.

Mr Sutherland responded to questions from Members regarding the size and number of vehicles accessing the site each day, the decision not to provide an EIA, procedures for dealing with gas leaks and the provision of on-site storage.

Lucy Hopwood, from the National Non-Food Crops Centre (NNFCC), spoke in support of the application. She advised that there were 300 anaerobic digester plants operating in the UK, 25 of those in Scotland, and that these plants made farms more sustainable and profitable. She confirmed that the plant at Standalane would support 40 jobs during construction and 6 thereafter, as well as those of associated suppliers. It would allow for crop diversity and price agreements with local farmers and provide energy for local homes. She encouraged Members to support the application.

Ms Hopwood explained the role of the NNFCC as an independent adviser on anaerobic digestion and responded to questions from Members on the requirements for on-site storage, the average size of agricultural and industrial plants and VAT advice provided by HMRC.



Iain Thomson, a local farmer, spoke in support of the application. He said he was enthusiastic about the idea of growing crops for sustainable energy production within East Lothian. He referred to the recent depression in farming and said that farmers had to diversify to survive in the current market. He explained that having a contract and an agreed price would allow farmers the opportunity to invest in their businesses. He added that there were environmental benefits to the process and that it was endorsed by the National Farmers Union as a way of sustaining farms and jobs.

Derek Scott, agent acting on behalf of Samantha Henderson, owner of Standalane Steading, spoke against the application. He outlined his client's objections which centred on concerns over increased traffic volumes, the impact of slow moving traffic on road safety, and the loss of amenity to her property through noise pollution and the lack of a reasonable buffer zone. He suggested that the data provided by the applicant was unreliable and the mitigation measures proposed insufficient to address the potential impact of the development. He concluded that, should the application be approved, his client would have no option but to seek a Judicial Review.

Mr Scott responded to questions from Members, expanding on the concerns around the safety of the road junction and the potential noise levels from the plant.

John MacCallum, agent acting on behalf of David Chalmers, spoke against the application. He advised that the proposed plant would remove up to 2 hectares of agricultural land and would be situated on an elevated position visible from the north of the site, which no amount of planting could obscure, all of which was contrary to planning policies. He also referred to the transport and noise concerns and suggested that the applicant had been slow to provide information on these issues. He added that the detail on matters such as ground water usage and on-site storage was still unclear and that the concerns of the local community in relation to road safety had not been adequately addressed.

Alan DeVenny, agent acting on behalf of John Smart, spoke against the application. He said that his consultancy had undertaken a full traffic and transport review which had identified significant concerns. In his view the development was on an industrial scale and could result in very significant level of heavy vehicle traffic to and from the site. Referring to the applicant's transport survey, he said that this had not considered the full impact on local feeder routes and had underestimated the number of traffic movements. The assessment of the impact on the main junction was also deficient and the information gathered by his team suggested that there were already speeding issues on that road as well as a history of accidents within a 10 mile radius. He concluded that substandard access, with insufficient visibility could be detrimental to road safety.

Tom Drysdale, Gullane Area Community Council, advised Members that the application had caused great concern in the local area for a number of reasons. He said that it amounted to an industrial installation on agricultural land which would take crops and agricultural waste from many areas out with East Lothian. There was also great concern regarding the plant's visibility on the landscape and that this would be far greater than had been suggested by the applicant. He indicated that, in the Community Council's view, the traffic assessment was flawed as it had been undertaken out with peak times and it did not mention one of the main commuter routes in the area. He also called into question the Transportation Planning Officer's view that there would be no impact on traffic levels, stating that traffic would likely move to the coastal route leading to increased congestion in the villages.

Local Member Councillor Day said that he had called in this application due to significant public interest and he felt it was important to debate the issues at Committee. He outlined his concerns over the size of the development, the impact on traffic and road safety ( which he observed from the site visit was slow moving along a tourist route). He also noted that the

applicant had failed to take account of future developments in the area which would impact on the road capacity. He raised concerns about the lack of an appropriate buffer between it and Standalane Steading. In his view, prime agricultural land was not an appropriate site for this development and he would not be supporting the application.

Local Member Councillor Berry observed that while it could be argued that this development would help farmers and sustainable energy, it was effectively a power station rather than an agricultural plant. He was also concerned that the impact of vehicle movements had been underestimated, that the plant would have a negative impact on Standalane Steading and that an EIA should have been carried out and further details provided on proposed ground water use. As a result, he would not be supporting the report recommendation.

Local Member Councillor Goodfellow supported anaerobic digestion as a means of generating power from waste; however, he did not consider that this was a waste plant as it would take crops specifically grown for power generation. He did not think that the plant could be contained within 2 hectares; it was not an agricultural development in terms of Policy DC1; there was no evidence that alternative sites had been explored and the traffic assessment was not sufficiently robust. He would not be supporting this application.

Councillor McMillan referred to the importance of balancing economic need against local concerns. He said he disagreed with concerns about traffic levels and added that issues around speeding and road safety could be controlled through existing legislation. He pointed to the needs of farmers and the opportunity that this plant would give them to invest in and grow their businesses. He said that there would be little impact on tourism and that the plant would help the Council to meet its goal to support sustainable development and renewable energy. On balance, he would be supporting the report recommendation.

Councillor Currie referred to the positives and negatives outlined by previous speakers and said that the decision must reflect the impact of the development on the local environment and local communities. He shared his colleagues' concerns over traffic levels and road safety (observing that there would be concerns with an HGV turning at a slow pace onto oncoming traffic). He was also concerned at the lack of an EIA and the likely impact on Standalane Steading in terms of noise and amenity. He concluded that this was a case of 'the right application but in the wrong location' and he would not be supporting the report recommendation.

Councillor Trotter said that he had listened carefully to the views both for and against. While he supported renewable energy he said that this had to be balanced in sympathy with the objections raised. He would not be supporting the application.

Provost Broun-Lindsay acknowledged that there were strong views on both sides. However, he took the view that the impact on traffic levels and road safety would not be as significant as some suggested. He observed that there was no such thing as 'unspoilt' scenery and he considered that the visual impact of the plant could be mitigated to an extent and would not be as intrusive as wind turbines. On balance, he felt that the benefits outweighed the negatives and he would be supporting the application.

Councillor McLeod said that although this was a new and exciting business opportunity, public safety was a key issue and the applicant could have done more to address concerns. He would not be supporting the application.

Councillor Grant said he had listened with interest to all of the arguments and had come to the view that he would support the application. He noted that the applicant had sought assurances that an EIA was not necessary; he also noted that while planning policy stated that an application should consider buffers it was not a requirement for planning permission.

He believed that the concerns around road safety could be managed and that the plant would offer benefits for local farmers and the local economy.

Councillor Innes commented that this was a difficult decision with both sides making valid and coherent arguments. However, in his view, the application was not an agricultural development but an industrial one as the function of the plant was to generate energy. He said that there needed to be significant reasons to allow such developments within the countryside and he agreed with Councillor Currie that this was the right application but in the wrong location. Therefore, with reluctance, he would not be supporting the application.

Councillor MacKenzie said he had also found it difficult to come to a view. He agreed with the comments of Provost Broun-Lindsay and although he had listened to the concerns regarding the impact on traffic levels and noise pollution he was not persuaded by these views. He would be supporting the application.

The Convener brought the discussion to a close. He noted that Members were finding this decision difficult. He stated that, in his view, the main consideration was whether prime agricultural land was an appropriate place for this type of development and he referred to the terms of Policy DC1. He concluded that, having heard all of the views, he did not consider this to be a suitable development for this site. He was in agreement with local members; he would not be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 6  
Against: 10  
Abstentions: 0

The Committee then considered the reasons for refusal and agreed each by a majority vote.

**Decision**

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed anaerobic digestion plant would be an inappropriate form of industrial development, contrary to Policy DC1 of the adopted East Lothian Local Plan 2008;
2. The proposed development, by virtue of its size, form and position, would be harmful to the visual amenity of the area, contrary to Policy 1B of the South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008;
3. The proposed development, by virtue of the proposed access arrangements and the nature and number of vehicle movements that would be generated, would result in an unacceptable risk to road safety; and
4. It has not been demonstrated that the proposed anaerobic digestion plant would not have an unacceptable impact on the privacy and amenity of the future residents of Standalane Steading, if it were to be converted to a house.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee



**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 9 August 2016  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: there is significant local objection to this application and I feel this should be a committee decision.*

Application No. **16/00334/P**  
Proposal Extension to house  
Location **3 May Terrace  
North Berwick  
East Lothian  
EH39 4BA**  
Applicant Mr Russell Grey  
Per Ross Dodd  
RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

The property to which this application relates is a two storey detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

The property is bounded to the northwest by an area of public open space beyond which there are neighbouring residential properties, to the northeast by neighbouring residential properties and a row of detached garages, to the southeast by the end-terrace flatted building of 1 and 2 Station Row and to the southwest by the public footpath and road of May Terrace.

Planning permission is sought for the addition of a two storey pitched and hipped roofed extension that would attach to, and integrate with, the southeast side and rear (northeast) elevations of the house. It would have the same roof pitch, eaves height and ridge height as those of the existing house. Its front (southwest) elevation would be set back some 4.8 metres from the most forward projecting component part on the northwest end of the front elevation of the house. Its rear (northeast) elevation would

project some 5 metres out from the building line of the rear elevation of the house and would take the form of a solid wall that would be positioned some 3 metres away from the northeast boundary of the rear garden of the house. The proposed extension would be externally finished in materials to match those of the house.

The existing sheds positioned within the southeast and northeast ends of the rear garden of the house would each be removed to facilitate the positioning of the proposed extension. Removal of the existing sheds do not require planning permission and thus they do not form part of this planning application.

Subsequent to the registration of this application revised drawings have been received to show (i) the correct dimension of the proposed extension in relation to the northeast boundary of the rear garden of the house as amended on the site plan drawing, (ii) the extent of the southwest side elevation wall of the proposed extension fully coloured on the elevation drawings for it, and (iii) that three off-street car parking spaces can be accommodated within the curtilage of the applicant's property in order to comply with the Council's parking standards.

An additional drawing has also been received to show the position of the proposed extension in relation to neighbouring residential properties.

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 Policy DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Four written objections to the application have been received. The main grounds of objection are that:

(i) the proposed extension would, due to its scale and positioning close to the boundary wall, have an adverse effect on the privacy, amenity and wellbeing of occupants of neighbouring residential properties;

(ii) the size, form and scale of the proposed extension would result in an overdevelopment of the site. It would be incompatible with the residential character and amenity of the area and would not be sympathetic or appropriate to its surroundings as it will dwarf other residential properties;

(iii) the proposed extension would result in the loss of daylight and sunlight to neighbouring residential properties;

(iv) the proposed parking area for the site would result in the loss of hedges and thus there is a total disregard for landscape and boundary features which are important to the character of the area; and

(v) if the proposed extension was to be approved it would reduce the value of neighbouring residential properties in the area;

One of the objector's also states that the first floor windows serving the bedroom within the proposed extension would, although facing north, directly overlook their property depriving them of privacy in their house and garden.

The affect of a proposed development on property value or its affect on the saleability of a property are not material planning considerations in the determination of an application for planning permission.

North Berwick Community Council, as a consultee to this planning application, confirm that they have concerns that the proposed extension is too high and too close to the rear boundary wall such that it will overshadow the rear gardens of the neighbouring houses of Abbey Court. They also state that the proposed extension would overlook the bedrooms in those neighbouring houses.

Scaling from the submitted application drawings shows that the existing rear (northeast) elevation of the applicant's house is some 8 metres away from the northeast boundary of the rear garden of the house beyond which is the rear garden of the neighbouring residential property of 21 Abbey Court to the northeast. In contrast, it shows that the rear elevation of the proposed extension would be some 3 metres away from that northeast boundary and some 13 metres away from the principal rear elevation of that neighbouring house at its closest point to it.

The application drawings also demonstrate that the southeast side elevation of the proposed extension would be positioned some 1 metre away from the southeast boundary of the site beyond which is the communal path serving the end-terrace flatted building of 1 and 2 Station Row. Its southeast elevation would run parallel with the full length of the northwest side elevation of that neighbouring flatted building at a distance of some 3 metres away from it.

The proposed extension would be a relatively large addition to the applicant's detached house. However, in its position and due to the high enclosures on the front and rear boundaries of the garden of the house, the proposed extension would not be seen in its completeness. Only the first floor level of the front elevation of the proposed extension would be visible from the public road of May Terrace to the southwest. A lesser extent of its rear elevation would be seen from the public road of Abbey Court to the northeast. Notwithstanding the above, in that it would have the same roof pitch, eaves height and ridge height as those of the existing house the proposed extension would not appear harmfully disproportionate to the house. As so extended the existing house would not appear harmfully incongruous in its relationship with the other residential properties within the streetscape which are of varying heights, external finishes and architectural styles. By virtue of its architectural form, size, scale, height, proportions, materials and positioning the proposed extension would be a sympathetic and complementary addition to the house. It would be well integrated into its surroundings. It would not result in an overdevelopment of the house or of the rear garden of the house. It would not appear harmfully dominant or incongruous to the detriment of the character and appearance of the house or to the character and appearance of the area. Neither would it have a harmfully dominating affect on a neighbouring residential property. It would not be harmful to the character and appearance of the house, the streetscape or of the area.

Accordingly, on the matter of design, the proposed extension is consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

Policy DP6 of the Local Plan also requires that a proposed extension to a house should not adversely affect the existing residential amenity of neighbouring properties. Accordingly it should not result in any significant loss of privacy, daylight or sunlight to neighbouring properties as a result of overlooking or overshadowing.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

The windows to be formed in the front elevation wall of the proposed extension would face onto the public road of May Terrace and would not allow for harmful overlooking of any neighbouring property.

The window to be formed at first floor level in the southeast side elevation wall of the proposed extension would serve a bathroom and, as annotated for it on the application drawings, would be obscurely glazed. The northwest side elevation wall of the neighbouring flatted building has a window opening at first floor level in it. However, that first floor window serves a stair landing for the occupants of the upper floor flat of 2 Station Row. Accordingly, even if the bathroom window to be formed at first floor level in the southeast side elevation wall of the proposed extension is clear glazed, it would not allow for harmful overlooking of a habitable room and thus of the neighbouring flatted property to the southeast.

The windows and glazed doors to be formed in the northwest side elevation wall of the proposed extension would face towards the rear garden of the applicant's house and thus they would not allow for harmful overlooking as there are no neighbouring residential properties in that direction.

There is no proposal to form any windows or other glazed openings within the rear (northeast) elevation of the proposed extension or at ground floor level within the southwest side elevation of it. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed at ground floor level in the rear (northeast) elevation wall of the proposed extension they would face towards the 2.4 metres high wall on the northeast boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house of 21 Abbey Court to the northeast.

If formed at first floor level in the rear (northeast) elevation wall of the proposed extension they would face, within a distance of 9 metres, towards the rear garden of the neighbouring house of 21 Abbey Court to the northeast. The resultant overlooking would be harmful to the privacy and amenity of that neighbouring property. To safeguard against this, a condition can be imposed on the grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the rear (northeast) elevation wall of the proposed extension.

If formed at ground floor level within the southeast side elevation wall of the proposed extension they would face towards the high wall on the southeast boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the



neighbouring flatted building of 1 and 2 Station Row to the southeast.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties.

With regard to the matter of loss of sunlight the Guide states that in designing a new development or extension to a building, care should be taken to safeguard access to sunlight as people are particularly likely to notice a loss or reduction in sunlight. The Guide advises that no more than two-fifths, and preferably no more than a quarter, of a private rear garden should be prevented by buildings from receiving any sunlight at all on the 21st March.

The sunlight test given in the Guide for assessing the loss of sunlight to neighbouring residential properties is conducted using sun-to-ground indicators that are placed over the application drawings and which are based on the sun's path on the 21st of March of any calendar year.

Application of this sunlight test to the proposed extension demonstrates that due to its size, scale, height and positioning it would overshadow the rear garden of the neighbouring house of 21 Abbey Court for a short duration of time, and only to a variable extent, between the hours of 1300 and 1600 on the test day of 21st March. The impact of the loss of sunlight to the rear garden of that neighbouring house would not, therefore, be to such an extent and for so long that it would be detrimental to the amenity of that neighbouring residential property. The sunlight also demonstrates that the proposed extension would not, due to its position and orientation, overshadow the rear gardens of the neighbouring houses of 22 and 23 Abbey Court to the northeast.

Due to its positioning and orientation the proposed extension would not result in a harmful loss of daylight to the neighbouring houses of 21, 22 and 23 Abbey Court or to any other neighbouring residential properties within the locality.

On these matters of privacy and amenity the proposed extension is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

The proposed extension would create 7 habitable rooms within the dwelling which, as set out in the East Lothian Council Standards for Development Roads, requires the provision of 3 off-street car parking spaces. The applicant's agent has provided an additional drawing to demonstrate that three off-street car parking spaces can be accommodated within the curtilage of the site in a position to the rear of the house. The Council's Road Services confirm that the existing parking arrangement would be maintained and capable of serving the house to the size to which it would be extended. Thus he raises no objections to this planning application. Accordingly, the proposed extension does not conflict with Policy DP22 of the adopted East Lothian Local Plan 2008.

The application drawings show the intention to remove part of the existing hedge, at a length of some 6.6 metres, within the southeast end of the southwest boundary of the front garden of the house and to form a hardstanding area capable of accommodating 3 further car parking spaces. The proposal to create a vehicular access and form an area of hardstanding within the front garden for the house for the use of a parking area does not require planning permission for it and thus it does not form the subject of this planning application.

**CONDITION:**

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed at first floor level within the rear (northeast) elevation wall of the extension hereby approved, unless otherwise approved by the Planning Authority.

**Reason:**

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

*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)*