

REPORT TO: Planning Committee
MEETING DATE: 1 April 2025
BY: Executive Director - Place
SUBJECT: Application for Planning Permission for Consideration

4

***Note:** This application has been called off the Scheme of Delegation List by Councillor Bruce for the following reason: Given the comments submitted by Longniddry Community Council, particularly around the appropriateness of what is proposed, I feel it would be appropriate for the Planning Committee to discuss this application.*

Application No. **24/01416/P**

Proposal Erection of 2 houses and associated works

Location **Land at Davanmore
19 Gosford Road
Longniddry
East Lothian**

Applicant B & Y Developments Ltd

Per Jones Robbins Tobin

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application site comprises a rectangular shaped plot of land, measuring some 1,766 square metres in area, on which the single storey detached house named 'Davanmore', its garden ground and associated outbuilding are located on. The plot of land is situated on the south side of, and at the eastern end of, the public road of Gosford Road in the village of Longniddry. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The site is bounded to the north by the public road of Gosford Road and to the east, west and south by neighbouring residential properties.

The existing house named 'Davanmore', including its associated outbuilding, is located within the northern half of the application site. The southern half of the site comprises of a large garden area that serves the existing house. The property is accessed from Gosford Road via an existing gated opening within the east end of the north roadside boundary

wall. Otherwise, its east, south and west boundaries are enclosed by fencing and high hedging. The existing house is orientated on an east to west axis and is currently unoccupied. It displays pitched roof slopes clad in grey coloured slates and it has white painted rendered walls. It has a mix of timber and UPVC framed casement windows formed within it. The existing house is set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The topography of the site is relatively flat.

Planning permission is sought for the erection of two detached houses and associated works on the site. The associated works comprise of the formation of a new gated vehicular access within the north roadside boundary wall of the site to serve one of the proposed houses, hardstanding areas in the form of a new driveway and a re-surfaced and extended driveway, parking areas, external patio areas, the erection of new lengths of walls to separate each of the proposed two houses from one another and the erection of new gates that would be installed across the existing vehicular access within the east end of the north roadside boundary of the site.

The proposed two detached houses would be positioned one in front of the other on the site and would both be orientated on an east to west axis. The building line of the proposed 'front house' would be set back from the building line of the neighbouring houses to the east and west, albeit it would be positioned slightly further forward than that of the front building line of the existing house that presently occupies the site. The proposed 'front house' would be served by a new vehicular access within part of the north roadside boundary wall with a new driveway formed behind it. The proposed vehicular access would have metal gates erected across it. Vehicular access to the proposed 'back house' would be taken from the existing access within the east end of the north roadside boundary of the site. The existing driveway, which is largely overgrown, is to be re-surfaced and extended further southwards within the site to serve the proposed 'back house'. The existing metal gates erected across the existing vehicular access are to be replaced with new metal gates.

Each of the proposed two houses would be two storeys high with single storey flat roofed components attached to them. Their pitched roof slopes would each be clad in a light grey coloured 'standing seam' zinc finish and their external walls would be predominately finished in brick with some limited use of horizontal timber cladding at its upper level. The flat roofed component of the proposed 'front house' would project out from the east end of the rear (south) elevation of it and the flat roofed component of the proposed 'back house' would project out from the side (east) elevation of it. A flat roofed 'link' would also project out from part of the front (north) elevation of the proposed 'back house' to connect to a double garage that would serve that house. The flat roofed components of the proposed two houses would each be clad in a single ply roofing membrane. The windows and glazed doors to be formed in the proposed 'front house' would comprise of timber frames whereas the windows and glazed doors to be formed in the proposed 'back house' would comprise of aluminium frames. Each of the proposed two houses would have a row of solar panels formed within each of their rear (south) facing pitched roof slopes. Their patio areas would be clad in stone paving. The proposed 'front house', which would occupy the northern part of the site, would have a plot area of some 625 square metres and would comprise of 4 bedrooms. The proposed 'back house', which would occupy the southern part of the site, would have a plot area of some 1,141 square metres and would also comprise of 4 bedrooms.

Each of the proposed two houses would benefit from a front and rear garden area to serve the future occupants of them. The existing boundary enclosures of the site would be largely retained, with the exception of a removal of part of the north roadside boundary wall to facilitate the new vehicular access to serve the proposed 'front house'. A high wall would

be erected within the site to separate the front and rear garden areas of the proposed 'front house' from that of the vehicular access and garden area serving the proposed 'back house'. The proposed two houses would each be served by two off-street vehicle parking spaces, a driveway, stone paving external patios and an electric vehicle charging point.

The submitted drawings show that a total of 9 new trees are proposed to be planted within the site and that 6 of the existing 8 trees within the site are to be removed.

As this proposal seeks to build replacement houses on the application site then neither the prior approval for demolition works nor planning permission is required for the demolition of the existing house.

This is a substitute application submitted in favour of planning application 24/01121/P that has been withdrawn. This substitute application is made to include a number of design changes to the proposed scheme of development, including the re-orientation and re-positioning of the proposed two houses on the site.

The application is accompanied by a Design Statement.

Subsequent to its registration, the applicant's agent has provided an arboricultural tree survey report and a proposed planting plan drawing, a surface water management report and a drainage layout drawing and a number of revised drawings. As revised, the drawings now show a 2 metres x 20 metres visibility splay at the mouth of the proposed new vehicular access to be formed within the north roadside boundary of the site and updated 3D visuals. In addition, the revised drawings now include details of the surface finish for the proposed new driveway and the re-surfaced and extended driveway within the site along with a revised site plan drawing to show each of the proposed two houses on the site relative to neighbouring properties.

DEVELOPMENT PLAN

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crisis), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees), 9 (Brownfield, vacant and derelict land and empty buildings), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), NH8 (Trees and Development), NH11 (Flood Risk), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), SEH2 (Low and Zero Carbon Generating Technologies) and W3 (Waste Separation and Collection) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also material to the determination of this application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

REPRESENTATION

Five objections and one representation to this application have been received. The main grounds of objection, as summarised, are:

- (i) the proposals seek to squeeze two modern houses into a plot that is only big enough for one house resulting in an overdevelopment of the site and small gardens for the proposed two houses in contrast to the majority of the houses in the road which mostly have large gardens;
- (ii) the proposals are out of character with the traditional design and external materials of existing houses in the streetscape, including the height of the proposed 'front house';
- (iii) the windows and glazed doors in each of the proposed two houses will overlook and result in a loss of privacy to neighbouring properties;
- (iv) the gable end of the proposed 'back house' will overshadow the garden of a neighbouring residential property;
- (v) there is no requirement to build two houses on this site to meet demand for new housing, there are already ongoing housing developments in Longniddry and Blindwells;
- (vi) the submitted Design Statement states that Gosford Road was established as a new self-built road with large deep plots for family homes established between 1950-1970, with most plots being completed by 1980, and that since then the road was continued to develop with plots being subdivided and split. However, it is claimed that the one of the objectors houses was built in 1926 and that most of the original houses in Gosford Road are of that vintage and design character and not 1950-1970 as stated;
- (vii) the submitted Design Statement claims that there has been a trend towards more modern designs and that this site provides an opportunity to renovate the site to a higher standard. However, it is claimed that there has been no trend towards more modern designs in Gosford Road nor do the designs harmonise with the surrounding environment in Gosford Road;
- (viii) Gosford Road is a very narrow road and there is a very sharp, entirely blind and already very dangerous, corner right at the east end of Gosford Road. This road is also increasingly being used as an alternative route through the village to avoid traffic lights on the Main Street. The addition of a new access and driveway will be adjacent to existing entrances which already make this corner dangerous and will compound the risk of road safety in an unacceptable manner by adding to the vehicle volume both from residents' cars and from cars visiting/delivering to this plot;
- (ix) two parking spaces per house is not enough for two, 4 bedroomed, houses and will lead to cars being parked on the street in a position opposite existing driveways belonging to neighbouring properties which will impinge on access to neighbouring driveways and cause problems for emergency vehicles;
- (x) it is not clear if there is sufficient turning space within the site to prevent cars from reversing out onto Gosford Road. Any reversing onto the road would result in a road safety hazard;
- (xi) cars using Gosford Road often travel at speeds in excess of the 20mph limit and some cars take the corner well over the centre line;
- (xii) subdividing the existing house plot in the manner proposed may set a precedent for other houses in the streetscape to do the same; and
- (xiii) whilst several properties in Gosford Road have been divided and redeveloped in the past, there appears to be only one other front to back plot division. However, that plot division is located on a much wider plot compared to that of the plot of Davanmore.

Some of the objectors state that, whilst they feel the current property requires to be redeveloped (given that the existing house on the site is probably beyond refurbishment), a new replacement house on the site would be much more in-keeping with the surrounding neighbourhood than that of two new houses as is proposed.

The representation received to this application states that some of the mature trees located close to the south boundary of the site have been removed and that any replacement tree planting will take a considerable amount of time to grow to the same height, which provided a home to birds and acted as a privacy screen to the occupiers of a neighbouring residential property.

COMMUNITY COUNCIL COMMENTS

Longniddry Community Council, as a consultee to this application, state that they object to the proposals to build two large family houses on this plot of land which, in their opinion, would result in an overdevelopment of the site. They note that the submitted Design Statement concludes that there is a need for modern housing but contest that there are around 500 houses presently being built in Longniddry (some of which are 4 bed properties such as these) which all offer modern facilities. They state that it is not clear what trees, if any, are to be removed within the site and state that any mature trees already removed would have been carried out without any thought given to neighbouring properties in respect of the screening that those trees provide them. They raise concerns that the gravel driveways proposed for each of the two new houses could potentially cause noise and disturbance to neighbours. They state that placing two large family homes on this plot will create on-street parking on what is a narrow busy road located close to a bend and to the entrances of other properties on the opposite side of the street. They state that adding one extra driveway to this plot will add to the number of driveways on this short stretch of road and that the submitted drawings do not seem to incorporate sufficient parking for vehicles belonging to the future occupiers of them and/or visitors. They also note that a diagram, within the Design Statement, shows the development of site division, extensions and re-build developments within this part of Gosford Road. However, they state that only one of these sites (which is somewhat larger than the Davanmore land) shows the land split between front and back but in a somewhat different scenario. They state that Gosford Road is a prestigious road within the village and is filled with many characterful houses with large established gardens with mature trees. They state that what is being proposed here is that front to back divisions should become the norm for this area when, in fact, this would actually lead to the character of the Gosford Road area becoming severely compromised. Longniddry Community Council conclude that they would be in favour of one family home being built on this plot, giving an adequate garden area and amply parking/garage space for multiple vehicles. They also state that, if any development is allowed, they request that whilst building works are ongoing a restriction should be placed on how many construction vehicles are allowed to park at this location at any one time and that a restriction is also imposed on working times in order to give neighbours a reprieve in respect of noise disturbance and inconvenience.

PLANNING ASSESSMENT

Policy 16(f) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances including, where the proposal is supported by other policies of the plan including local living and 20 minute neighbourhoods and is for smaller scale opportunities within an existing settlement boundary. The application site is not allocated for development by the ELLDP. However, the proposal for the 2 houses is a small scale development that would be located within the settlement of Longniddry and therefore on those counts the proposals do not conflict with Policy 16(f) of NPF4.

By being located within Longniddry the proposed 2 houses would be well located to ensure their future occupants could meet the majority of their needs within a reasonable distance of their home by walking or wheeling, or using public transport. Therefore, the proposals are consistent with Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4.

Furthermore, the application site is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. Policy RCA1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Development Plan 2018.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. It also states that the privacy of existing and future residents must also be protected and that there should be no loss of important physical or natural features.

Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area and will be supported where they are consistent with the 6 qualities of successful places.

Policy DP2 of the adopted East Lothian Local Development Plan 2018, amongst other things, requires that all new development must be well designed and integrated into its surroundings. It requires that a building must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale.

The application site is in existing residential use comprising of a single storey detached house, its garden ground and associated outbuilding and existing vehicular access and driveway arrangement. It is within a predominantly residential area and there are neighbouring residential properties on the opposite side of the intervening public road of Gosford Road to the north and otherwise directly to the east, west and south of it. The subdivision of the house plot and the erection of two detached houses on the site, on a split 'front to back' layout, would amount to infill housing development within a predominantly residential area, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Thereafter, having regard to local planning policy and guidance and other material considerations, it must be determined whether the design, positioning and layout of the proposed new houses and the works associated with them are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties, and their impact on the character and appearance of the wider area.

The application site is not located within a designated conservation area and the existing house on the site is not listed as being of special architectural or historic interest.

The streetscape of Gosford Road, in which the application site lies, is generally characterised by detached houses of varying architectural styles, sizes, heights and finishes. The houses within the streetscape are mostly set within large plots that are set back from the public road and enclosed along their roadside boundaries by high hedges, fences or walls. In some cases, houses in the locality have had their large gardens subdivided and infilled by a house with the benefit of planning permission. Consequently, there is no strong design thread of architectural style, or an established building line, that defines or characterises the houses within the streetscape of Gosford Road.

The existing house named 'Davanmore', which is located within the northern half of the application site displays pitched roof slopes clad in grey coloured slates and has white painted rendered walls. It has a mix of timber and UPVC framed casement windows formed within it. The existing house is rectangular in shape and measures some 15 metres long (measured to its roof overhang), some 8.9 metres wide (measured to its roof overhang) and some 6.4 metres high measured to the ridge of its pitched roof above ground level. It is orientated on an east to west axis, is set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. It is not of a form or character that is of any particular architectural merit.

To the east of the site is the neighbouring house named 'East Croft'. It is a large 2 storey detached house which occupies almost the full width of its plot. It has steep pitched roof slopes clad in rosemary tiles, external walls that are predominantly finished in a mix of brick and render with the upper part of its west gable end displaying white coloured, UPVC composite, horizontal panels. Its front and rear facing pitched roof slopes contain large dormers within them and otherwise it has a flat roofed component that projects out from the west end its front (north) elevation. To the west of the site is the neighbouring house named 'Nemeton', a large one and a half storey pitched roofed house which occupies almost the full width of its plot. Its pitched roof slopes are clad in grey coloured slates and its external walls are rendered in a white painted finish. It has modern UPVC framed casement windows formed within its front (north) elevation and within the exposed upper parts of its side (east and west) gable ends.

The proposed two houses to be erected on the site would be two storeys high with single storey flat roofed components attached to them. Their pitched roof slopes would each be clad in a light grey coloured 'standing seam' zinc finish and their external walls would be predominately finished in brick with some limited use of horizontal timber cladding at its upper level. The proposed 'front house' would also display some metal clad panels on its front (north) elevation. The windows and glazed doors to be formed in the proposed 'front house' would comprise of timber frames whereas the windows and glazed doors to be formed in the proposed 'back house' would comprise of aluminium frames.

Each of the proposed two houses would be positioned and orientated on an east to west axis to replicate the layout and pattern of the existing house on the site and that of the majority of the houses within this part of the streetscape. The proposed two houses would have larger footprints than that of the existing house which occupies the site and would be of modern contemporary designs. The proposed 'front house' would be set back from the front building line of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The ridge height of the proposed 'front house' would be some 1.25 metres lower than the ridge level of the two storey pitched roof form of the neighbouring house of 'East Croft' to the east and of a similar height to that of the pitched roofed, one and a half storey, neighbouring house named 'Nemeton' to the west. The proposed 'back house', which would occupy the southern part of the site, would be largely screened by the proposed 'front house' with only the eastern part of its front (north) elevation visible, albeit in limited and long distance views from the public road of Gosford Road. The front (north) elevation of the proposed 'front house' would be visible from the public road of Gosford Road.

As seen from the public road, the proposed 'front house' would maintain a similar position and alignment as that of the existing house. Only a limited part of the proposed 'back house' would be seen, albeit in limited views, from the public road of Gosford Road to the north. Although the proposed two houses would be modern contemporary designs, they would be seen in the context of their surroundings which are characterised by large detached houses which display a range of architectural forms, sizes, styles, heights and external finishes. Thus they would not appear as harmfully dominant, intrusive or

incongruous features within their streetscape setting. The single storey flat roofed outshots attached to their rear elevations would not be seen from a public place to the enclosures of the site. In all of this, and by virtue of their architectural forms, sizes, scales, massing, materials and positional relationships, the proposed two houses would complement the design and architectural variety of the existing houses within this part of the streetscape and would not be harmful to the character and appearance of the area.

The proposed two houses, as positioned and orientated on the site, would not harmfully change the pattern or density of the built form and layout of the existing houses to which they would become a part of. Accordingly, the proposed two houses would sit comfortably in their positional relationships relative to one another and to other neighbouring residential properties within this part of the streetscape. The proposed houses would be set within a sustainable and well-connected location and thus they would contribute to local living within the village of Longniddry. Moreover, the application site is of a size sufficiently capable of accommodating two houses on the site in the manner proposed, including an adequate level of provision of garden ground, vehicular access and off-street parking to serve each of them without being an overdevelopment of the site. Therefore, the proposed two houses and their associated works would not be a cramped form of infill housing development and would not be harmful to the character and appearance of the area.

It is proposed to form a new gated vehicular access within part of the north roadside boundary wall of the site to serve the proposed 'front house'. The opening to be formed in the north boundary wall to create the access would measure some 3.6 metres wide and the metal gates to be erected across it would measure some 600mm high. It would be positioned some 2.3 metres further westwards of the existing vehicular access already established within the east end of the north roadside boundary of the site and which would be utilised to serve the proposed 'back house'. The existing metal gates serving the existing vehicular access are also proposed to be replaced with new 600mm high metal gates.

The proposed vehicular gated access to be formed within the north roadside boundary wall of the site would be seen in relation to a number of residential properties in the streetscape which have vehicular accesses formed in their roadside boundaries, most of which are enclosed by metal or timber gates. The proposed vehicular access and its associated gates would be seen in relation to the existing vehicular accesses in the locality and thus they would be in keeping with their surroundings. So too would the proposed replacement metal gates to be installed across the existing access within the eastern end of the north roadside boundary of the site. In the context of their surroundings, these proposals would not appear as harmfully dominant or intrusive features. They would not be harmful to the character and appearance of the area.

It is also proposed to create an area of hardstanding, behind the proposed new gated vehicular access, to create a parking area to serve the proposed 'front house'. The proposed hardstanding area would comprise of grey coloured stone setts. In its relationship with the proposed gated vehicular access and by its extent, form and materials, the proposed area of hardstanding would be appropriate to its setting. So too would the proposed re-surfaced and extended driveway that would serve the proposed 'back house' and which would also comprise of grey coloured stone setts for its first 30 metres with the remainder of the driveway comprising of a gravelled finish thereafter. They would be in keeping with their surroundings and would not be harmful to the character and appearance of the area. So too would the external patio areas associated with each of the proposed two houses. The use of the areas of hardstanding would not allow for harmful overlooking of neighbouring residential properties due to the screening afforded by the existing boundary enclosures of the site.

The proposed lengths of 2.7 metres high brick wall would be erected within the site to separate the rear garden areas of the proposed 'front house' from that of the vehicular access and front garden area serving the proposed 'back house'. It is also proposed to erect a shorter length of some 600mm high brick wall between the east end of the front (north) elevation of the proposed 'front house' and the inner side of the north roadside boundary wall. By virtue of their extents, forms, materials and positions, the proposed lengths of brick walls would be appropriate to their place and well absorbed into their surroundings. They would not harm the character and appearance of the streetscape or of the area.

On these considerations of design, layout and density the proposed two houses and associated works are consistent with Policies 9, 14, 15 and 16 of NPF4, Policies RCA1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and with Supplementary Planning Guidance on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

Policy DP7 of the adopted East Lothian Local Development Plan 2018 requires, amongst other things, that in the case of infill, backland and garden ground development, the occupants of existing neighbouring development experience no significant loss of privacy and amenity. The privacy of existing and future residents must also be protected.

Policy DP2 requires, amongst other things, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties because of overshadowing or overlooking.

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

The 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 March of any calendar year. The guide recommends that at least half of a garden or amenity area should receive at least two hours of sunlight on the 21st March for it to be adequately sunlit throughout the year. Application of the sunlight test applied to the proposed two houses demonstrates that the rear gardens of the neighbouring houses named 'East Croft' to the east, 'Nemeton' to the west and the nearest neighbouring houses of 44 to 52 Douglas Road to the south would not be overshadowed to an extent that would be detrimental to the amenity of them. Accordingly, the proposed two houses would not result in a loss of sunlight to the rear gardens of those neighbouring residential properties.

By virtue of their sizes, heights, positions, orientations and distances away from the nearest neighbouring houses to the east, west and south, the proposed two houses would not give rise to a harmful loss of daylight to any neighbouring residential properties within the locality and thus they would not have a harmful affect on the residential amenity of any of those neighbouring properties.

The proposed two houses and their associated gardens would also receive a sufficient amount of daylight (skylight) and sunlight to give sufficient amenity to the future occupiers of them.

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

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

The windows and glazed door to be formed within the front (north) elevation wall of the proposed 'front house' would face towards the public road of Gosford Road to the north and thus they would not allow for harmful overlooking of the neighbouring residential properties on the opposite side of that intervening public road.

The windows to be formed in the rear (south) elevation wall of the two storey component of the proposed 'front house' would face at a distance of more than 9 metres away from the front garden of the proposed 'back house' and at a distance of more than 18 metres away from the windows to be formed in the front (north) elevation of the proposed 'back house'. Thus, as positioned and orientated on the site, the proposed two houses would afford the future occupiers with a sufficient degree of privacy and amenity from one another.

Notwithstanding the 2.7 metres high brick wall to be erected between the proposed two houses on the site, the windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'front house' would face onto the blank side (north) elevation wall of the flat roofed garage that would be attached to part of the front (north) elevation of the proposed 'back house'. Accordingly, and notwithstanding the high brick wall to be erected between the proposed two houses on the site, the windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'front house' would not allow for harmful overlooking of the windows to be formed in the front (north) elevation wall of the proposed 'back house' due to the positioning and orientation of its associated garage.

The window to be formed in the side (east) elevation wall of the single storey component of the proposed 'front house' would face towards the exposed driveway serving the 'back house' and otherwise towards the high hedging that encloses the east boundary of the site. It would not, therefore, allow for harmful overlooking to the detriment of the privacy and amenity of any neighbouring residential properties in that direction.

The windows and bi-fold glazed doors to be formed in the side (west) elevation wall of the single storey component of the proposed 'front house' would face, at a distance of more than 9 metres away from, the high hedge that encloses the west boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'Nemeton' to the west.

The windows and glazed doors to be formed in the rear (south) elevation wall of the two storey component of the proposed 'back house' would face at a distance of more than 9 metres away from the rear gardens of the neighbouring residential properties of 48 and 50 Douglas Road to the south and at a distance of more than 18 metres away from the windows formed in the rear (north) elevations of those neighbouring houses. Thus, they would not allow for harmful overlooking of any neighbouring residential properties in that direction.

The windows to be formed at ground floor level in the side (east) elevation wall of the proposed 'back house' would face towards the high hedge that encloses the east boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'East Croft' to the east.

The windows to be formed in the rear (south) elevation wall of the single storey component of the proposed 'back house' would face towards the high hedge that encloses the south

boundary of the site and thus they would not allow for harmful overlooking of the neighbouring residential property of 50 Douglas Road to the south.

The windows to be formed in the side (west) elevation wall of the single storey component of the proposed 'back house' would face, at a distance of more than 9 metres away from, the high hedge that encloses the west boundary of the site and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house named 'Nemeton' to the west.

There is no proposal to form any windows or other glazed openings at first floor level within each of the side (east and west) gable ends of the proposed two houses. Windows or other glazed openings could be formed in those elevation walls at a later date (i.e. once the proposed two houses are built and occupied) without the need for planning permission. If formed within the side (east and west) gable ends of the proposed 'front house' they would face, within a distance of 18 metres, towards the first floor windows, which both serve bedrooms, within the gable ends of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The resultant overlooking would be harmful to the privacy and amenity of those neighbouring residential properties. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the side (east and west) elevation walls of the proposed 'front house'.

If formed within the side (east and west) gable ends of the proposed 'back house' they would face, within a distance of 9 metres, directly towards the rear gardens of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively. The resultant overlooking would be harmful to the privacy and amenity of those neighbouring residential properties. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the side (east and west) elevation walls of the proposed 'back house'.

There are also no windows or other glazed openings to be formed within the side (east and west) elevation walls of the single storey flat roofed 'link' that would project out from part the front (north) elevation of the proposed 'back house' and which otherwise would contain the double garage serving that house. However, any windows to be formed within the side (east and west) elevations of that single storey component would face towards the high hedging that encloses the east and west boundaries of the site and thus they would not allow for harmful overlooking of the rear gardens of the neighbouring houses named 'East Croft' and 'Nemeton' to the east and west respectively.

Use of the proposed hardstanding areas, in which it is proposed to create the parking spaces, driveways and external patio areas serving each of the proposed two houses, would not allow for harmful overlooking of any neighbouring residential properties due to the high enclosures of the boundaries of the site.

The application drawings show that a new length of 2.7 metres high brick wall would divide and separate the garden areas of the proposed two houses from another. Subject to that length of high brick wall being erected in place prior to the occupation of either of the proposed two houses on the site, which can be controlled by a condition on a grant of planning permission, each of the proposed two houses would benefit from private garden areas and would afford the future occupiers of them with a sufficient degree of privacy and amenity from one another.

On these considerations of overlooking and overshadowing, and subject to the above aforementioned controls, the proposed new houses and their associated works would not

have a detrimental impact on the privacy and amenity of any neighbouring residential properties as a consequence of overshadowing or overlooking. The occupiers of the proposed houses would also benefit from a sufficient degree of privacy and residential amenity. Accordingly, the proposed two houses and their associated works would not conflict with Policy 14 of NPF4 or with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

Scottish Water raise no objection to this planning application and advise that there is currently sufficient capacity in the Castle Moffat Treatment Works to service the proposed development and that the proposed development would be serviced by Edinburgh PFI Waste Water Treatment Works.

The **Council's Flood Protection Officer** advises that SEPA's Flood Hazard Mapping indicates that the site is at risk in sections from a flood event with a return period of 1 in 200 years, plus climate change. He also advises that, as the site is for two houses, a basic drainage strategy and layout must be submitted prior to the application being determined for approval. Accordingly, and in order to address this matter, the applicant's agent has now submitted a Surface Water Management report and a drainage layout drawing relating to the site. The Council's Flood Protection Officer advises that he is satisfied with the information submitted and confirms that the site is not shown to be at flood risk and thus raises no objection to the location of the proposed two houses on the site. However, he also advises that prior to the commencement of development the applicant will need to submit a copy of Scottish Water's Technical Approval for the surface water drainage and connection proposals. Subject to this recommended control, the proposals do not conflict with Policy 22 of NPF4 or Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The **Council's Waste Services Team Manager** raises no objection to this application and advises that residents would be expected to present containers (for waste and recycling) at the kerbside on Gosford Road for collection on the appropriate days. Accordingly, it can be reasonably considered that the proposals do not conflict with Policy 12 of NPF4 or Policy W3 of the adopted East Lothian Local Development Plan 2018.

The **Council's Environmental Health Officer** raises no objection to this planning application.

The **Council's Land Contamination Officer** advises that, whilst there is no direct evidence to suggest any previous (historic) contaminative use of the site, there is a possibility that localised 'hotspots' of contamination may exist following the removal of the existing house from the site as well as areas of made ground within the wider site area. Therefore, the Council's Contaminated Land Officer recommends that a land contamination site investigation, risk assessment and remediation, as relevant, be undertaken on the site. This requirement can be controlled by a condition on a grant of planning permission.

The **Council's Road Services** advise that each of the proposed two houses would be served by two car parking spaces and an electric vehicle charging point which is consistent with the Council's parking standards. They state that they note that the existing access, which is relatively close to a bend in the road, is to be preserved to facilitate access to the proposed 'back house' and that a turning area will be provided to reduce the possibility of vehicles reversing out onto the road. They also note that a new gated access will be created to serve the proposed 'front house', which is located further away from the bend, and that the revised drawings indicate that the 600mm high gates, along with the reduction in height of part of the roadside boundary wall (from 1 metre high to 600mm high), will ensure that sufficient visibility is provided for exiting drivers to see traffic on the

carriageway and pedestrians on the footway. However, they recommend that a condition be imposed on a grant of planning permission to ensure that (i) the access, parking and turning arrangements shall be laid out, formed and made available for use as shown for them on drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'; (ii) the electric vehicle charging points, including any associated infrastructure for them, shall be fully formed and made available for use in the locations shown for them on drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'; (iii) a Construction Method Statement be submitted for the prior approval of the Planning Authority prior to the commencement of development. Accordingly, and subject to these recommended controls, the Council's Road Services raise no objection to this planning application being satisfied that the proposals do not conflict with Policy 13 of NPF4 or Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Landscape Officer** advises that the submitted tree survey identifies 8 trees on the site, along with the root protection areas of the retained trees and hedgerows, and that it includes a section on tree protection fencing design and location. Whilst 6 of the 8 trees are to be removed, the Council's Senior Landscape Officer advises that the proposed mitigating planting is generally acceptable but advises that, in order to break up the hardness of the proposed urban form of this development when viewed from the street, trees 3 and 4 should be changed to larger species trees (such as field maple or birch) and that a new tree (such as a rowan) be added to the west side of the proposed new entrance. Accordingly, the Council's Senior Landscape Officer raises no objection to this planning application providing that (i) the existing retained trees within the site are protected by temporary protective fencing in accordance with the positioning and details of the temporary protective fencing set out within the document titled 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3 February 2025; and (ii) a scheme of landscaping be submitted for the written approval of the Planning Authority prior to the commencement of development which includes details of the tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Subject to the imposition of these recommended conditions on a grant of planning permission, the proposals do not conflict with Policy 6 of NPF4 or Policy NH8 of the adopted East Lothian Local Development Plan 2018.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. The report will also set out how the development proposals will seek to minimise waste, use materials with the lowest forms of embodied carbon (such as recycled and natural materials) and use materials that are suitable for reuse with minimal processing. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 and 2 of NPF4 or Policy SEH1 of the adopted East Lothian Local Development Plan 2018.

With regards to Biodiversity, Policy 3 of NPF4 states, amongst other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Accordingly, should planning permission be granted, a condition shall be imposed requiring the submission of a report of the measures to be undertaken to enhance biodiversity on the site to be submitted prior to the commencement of development. Pending compliance with such a condition, the

proposals would comply with Policy 3 of NPF4.

On these considerations, the proposals are consistent with Policies 1, 2, 3, 6, 9, 12, 13, 14, 15, 16 and 22 of National Planning Framework 4 and with Policies RCA1, NH8, NH11, DP2, DP7, T1, T2, SEH2 and W3 of the adopted East Lothian Local Development Plan 2018. The proposals are also consistent with Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020. Therefore, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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.

- 3 A schedule and samples of the materials to be used as external finishes of the two houses hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. Thereafter the materials used shall accord with the samples so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 4 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 side (east and west) elevation walls of the two houses hereby approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring properties to the east and west respectively.

- 5 The two houses hereby approved shall not be occupied unless and until the length of 2.7

metres high brick wall has been erected between the gardens of the two houses in the position shown for it on docketed drawing number 24149(PL) 402 Boundaries Revision A titled 'Proposed Site Boundaries'. Thereafter, the length of 2.7 metres high brick wall shall be retained in place and at that height unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupiers of the two houses hereby approved.

- 6 Prior to commencement of development hereby approved, confirmation of Scottish Water's technical approval of the surface water drainage and connection proposals for the development shall be submitted to and approved in advance by the Planning Authority.

Reason:

To ensure that the drainage design can be vested by Scottish Water in the interest of flood protection.

- 7 Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance in writing by the Planning Authority. The scheme shall include details of the following:

- Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- Phase II - A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site; and an appraisal of the remediation methods available and proposal of the preferred option(s). It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.

The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

Prior to the commencement of the development hereby approved on the site, and where risks have been identified, a detailed Remediation Statement shall be submitted for the prior approval of the Planning Authority. The Remediation Statement shall incorporate details that show that the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to and approved in advance in writing by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Statement.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Before the proposed two houses hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the houses on

the site.

- 8 Prior to any use being made of the two houses hereby approved, the access, parking and turning arrangements shall be laid out, formed and made available for use as shown for them on docketed drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'. Thereafter, the access, parking and turning areas shall all be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety and to ensure a satisfactory provision of on-site parking and turning for the proposed development.

- 9 Prior to any use being made of the two houses hereby approved, the electric vehicle charging points, including any associated infrastructure for them, shall be fully formed and made available for use in the locations shown for them on docketed drawing number 24149(PL) 205 Parking Plan Revision E titled 'Proposed Parking Plan'. Thereafter the electric vehicle charging points and their associated infrastructure shall be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 10 Prior to the commencement of development hereby approved, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work. The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 11 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" and in strict accordance with the details and positions shown for them in the tree survey report titled 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3rd February 2025 which is docketed to this planning permission. The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

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.

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 12 No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall include details of tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. It shall also include indications of all existing trees and hedgerows on the land, details of those to be retained and measures for their protection.

Notwithstanding what is shown for it on the planting plan in Appendix 3 of the docketed 'Tree Survey, Arboriculture Implication Assessment and Planting Proposal' dated 3rd February 2025, the planting plan shall include:

- (i) a medium sized tree adjacent to the street in a position to the west side of the new vehicular entrance;
- (ii) a medium sized tree to the south of the cherry tree to be retained in the northwest corner;
- (iii) a medium sized species tree adjacent to the yew tree to the west boundary fence; and
- (iv) a medium sized species tree to the south boundary.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased, within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

No trees detailed in the approved landscaping plans 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:

To ensure the implementation and retention thereafter of a scheme of landscaping in the interests of the character, appearance and visual amenity of the area.

- 13 Prior to the commencement of development hereby approved, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 14 Prior to the commencement of development hereby approved, the details of the measures to be taken to enhance biodiversity within the application site shall be submitted to and approved by the Planning Authority which shall include a timetable for their implementation. Thereafter those measures identified to enhance biodiversity shall be carried out within the timescales stated, unless otherwise agreed in writing by the Planning Authority.

Reason:

To enhance biodiversity in accordance with Policy 3 of NPF4.