

LOCAL REVIEW BODY

23 October 2025

Application No: 24/01372/P

The Studio, Goose Green, Gullane, EH31 2AT

Appointed Officer's Submission

24/01372/P – REVIEW AGAINST DECISION – PLANNING OFFICER'S SUBMISISON

Planning application review against decision (refusal): Erection of 1 house and formation of hardstanding areas and associated works

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OFFICER REPORT

15th May 2025

App No. **24/01372/P**

Application registered on **9th January 2025**

Target Date **8th March 2025**

Proposal	Erection of 1 house and formation of hardstanding areas and associated works	SDELL	Y
		CDEL	N
Location	The Studio Goose Green Road Gullane EH31 2AT	Bad Neighbour Development	N

APPLICANT: **Pin High Properties**

Is this application to be approved as a departure from structure/local plan? N

**c/o Architecturejfltd
Per Julian Frostwick
Gullane Business Centre
12A Lammerview Terrace
Gullane
EH31 2HB**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

The application relates to a single storey, semi-detached, pitched roof house that is located to the east of Goose Green, Gullane. The property is situated within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The building is not listed as being of special architectural or historic interest. It is however located within the Gullane Conservation Area.

The application site comprises an existing a semi-detached, pitched roof, single storey house with a projecting side component which adjoins May Cottage to the west and also has a projecting porch element on the front (north) elevation. The building is attached to, and immediately to the northeast of, the single storey building of May Cottage. The site is otherwise bounded to the north, east and south by residential properties.

The application site is bounded to the north by an access lane serving The Studio and Elm Cottage and beyond by the neighbouring property of Victoria Cottage. To the east the site is bounded by the property of Victoria Cottage, to the south by the access land serving

Sunnyside Cottage and beyond to the property of Sunnyside and to the west by the adjoining property of May Cottage and beyond to the public road of Goose Green road and associated green area of public open space, Goose Green.

PLANNING HISTORY

In November 2017, and again in April 2018, conservation area consent (Refs: 17/01005/CAC and 18/00378/CAC) was sought for the demolition of the existing building. Those applications were submitted in respect of redevelopment proposals for the site. Also in April 2018 planning permission (Ref: 18/00379/P) was sought for the erection of one house on the site. All of those applications were withdrawn without them having been determined.

In September 2018 conservation area consent (Ref: 18/00757/CAC) was granted for the demolition of the existing house on the application site. That consent was not implemented and as such has since lapsed.

In September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site subject to conditions. That planning permission was not implemented and as such has since lapsed.

The house approved through planning permission 18/00756/P was a semi-detached, single storey house with accommodation in its roof space. It had a square shaped footprint with a recessed element along the front elevation. The proposed house had a slightly bigger footprint in comparison to the existing house. It was rectangular in shape with a projecting element to the front (north), measuring some 96.12 square metres in area which takes in the majority of the land within the plot. The eaves of the roof of that approved house sat below the height of the ridge of the roof of the neighbouring house of May Cottage.

PROPOSAL

Planning permission is again sought for the erection of a single storey house with accommodation in its roof space as a replacement for the existing house on the site. The proposal also includes the formation of hardstanding areas and a bin store for use in conjunction with the proposed house.

The site would continue to be accessed from the existing access lane that currently runs along the north side of the application site. It is also proposed that existing boundary wall would remain along the southern boundary of the property. The proposed house would have no useable garden ground.

The proposed house would have a similar amount of accommodation as the house previously approved by planning permission 18/00756/P which comprise of a hall, 3 bedrooms, dressing room, laundry room, bathroom and storage at ground floor level and an open plan kitchen/living area and associated roof terrace at first floor.

The proposed house would be some 0.8m higher than the house approved through the grant of planning permission 18/00756/P with the eaves of its roof sitting above the ridge of the roof of the neighbouring houses of May Cottage and would have more roof windows on its

north, south and east elevation. Otherwise, the proposed house would occupy a similar footprint as the previously approved house.

The walls of the proposed house would be finished externally in a white painted wet dash render to the north and east elevations. The south and west elevations would be finished externally in Scotch buff. The west elevation would contain sections of vertical Cedral wood fibre cement weatherboarding which would be white in colour. The roof of the house would be clad in natural slate. The proposed roof lights would be of grey aluminium frame construction and would each feature a conservation astragal bar. The proposed window and door frames would be of white painted, timber frame construction with double glazed units.

The side (west) elevation roof slope of the house is proposed to have a balcony cut into it with an area of outdoor amenity space. The proposed balcony would be enclosed by a 1.1-metre-high clear glass balustrade enclosing its front and a 1.5-metre-high frosted glass balustrade enclosing its sides.

The proposed house would comprise of a hall, 3 bedrooms, dressing room, laundry room, bathroom and storage area at ground floor level. At first floor level the proposed house would contain an open plan kitchen/living area and associated roof terrace.

Access to the proposed house would be taken via the existing access from Goose Green Road that serves the neighbouring residential property of Elm Cottage, which is situated to the northeast of the application site.

Like the existing house and the house approved by planning permission 18/00756/P the proposed house would not benefit from any significant degree of garden ground. It would have areas of hardstanding to its front and side.

Like the existing house and the house approved by planning permission 18/00756/P the proposed house would not benefit from any designated off-street parking space.

The submitted drawings indicate bin storage would be provided to the front (northwest) of the proposed house. The proposed wooden bin store would have a length of some 1.5 metres, a width of some 0.9 metres and would have a height of some 1.2 metres.

A design and access statement has been submitted by the agent in support of this planning application which notes the proposals are for a replacement dwelling on the application site. It further advises the proposed house would meet all accessibility standards. It further advises the proposed replacement house is of a traditional form and materials which are appropriate to the Gullane Conservation Area and consistent with lapsed planning permission 18/00756/P.

Through separate application 24/01373/CAC conservation area consent is sought for the demolition of the existing house. That application stands to be determined on its own merits.

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 crises), 2 (Climate mitigation and adaptation), 6 (Forestry, woodland and trees), 7 (Historic Assets and Places), 9 (Brownfield, vacant and derelict land and empty buildings), 11 (Energy), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Liveable Place), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), NH8 (Trees and Development), NH11 (Flood Risk), RCA1 (Residential Character and Amenity), SEH2 (Low and Zero Carbon Generating Technologies), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of this planning application is the Council's Supplementary Planning Guidance on The Cultural Heritage and the Built Environment and the planning history of the application site as outlined above in this report.

COMMUNITY COUNCIL

Gullane Community Council (GCC) have objected to this planning application in their capacity as a consultee. In summary, their main grounds of objection are:

- i) The scale of the proposed house is significantly bigger than that of the 2018 application that was approved;
- ii) The proposed house is likely to adversely affect the amenity of the immediate neighbours given their close proximity;
- iii) The construction of the house would cause disturbance to neighbours, particularly given the need for access via the shared lane; and
- iv) If the property were intended to be used as a short-term let then GCC would object to that on the basis of the impact on parking.

REPRESENTATIONS

A total of 25 objections have been received in relation to this planning application, a number of which were received from the same objectors' due to the application being re-advertised and neighbours re-notified. In summary the main grounds of objection are:

- i) The proposal is an overdevelopment of the small application site;
- ii) The proposed house would overshadow and result in a loss of daylight to neighbouring properties;
- iii) The proposed house would be overbearing on neighbouring properties;
- iv) The proposed house would both be taller and larger in footprint than the existing house;
- v) The design, form and appearance of the proposed house would not be in-keeping with the character and appearance of the surrounding area and Gullane Conservation Area;
- vi) The proposed house would not be in-keeping with the surrounding area and would be a prominent and detrimental addition to the character and appearance of the surrounding area and Conservation Area;
- vii) There is no parking available which would create additional strain on Goose Green;
- viii) The proposed house would harmfully overlook neighbouring properties and the use of the roof terrace may be noisy;
- ix) The proposed house may impact on the price of neighbouring properties;
- x) Objectors note the proposed house may be used as a short-term holiday let;
- xi) Objectors raise concerns about the need to control short-term lets in general;

- xii) The proposed house would be significantly higher than the previously approved scheme;
- xiii) The current gap between an objectors' boundary wall and the south-facing wall of the new build will be lost and it is alleged that ventilation holes may need to be bored in a neighbours wall;
- xiv) Objectors raise general points regarding the use, layout and maintenance of the amenity space of Goose Green and that if the house were to be used as a short-term holiday let then visitors would be less likely to respect that amenity space;
- xv) Objectors raise concern about the construction and maintenance of the property,
- xvi) An objector would not allow the removal, damage or alteration to their boundary wall for the purpose of constructing the proposed house;
- xvii) The proposed house could not be constructed without disruption to the shared access to the site;
- xviii) The proposed house would prevent access to a manhole and that the house would appear to extend over the drain that runs below;
- xix) The floor area of the proposed house would be more than double that of the existing house;
- xx) Neither the exiting or proposed houses benefit from an useable private garden space;
- xxi) The submitted drawings and application form are inaccurate and do not reflect the existing layout of the site and its surroundings;
- xxii) Since the granting of 18/00756/P and 18/00756/CAC the adjoining neighbouring property of May Cottage has been granted planning permission (Ref: 24/00876/P) for alterations to that property which should be shown on the submitted drawings;
- xxiii) The properties known as May Cottage and The Studio were under the same ownership at the time planning permission and conservation area consent were previously granted. This is no longer the case with the two properties now being in separate ownership;
- xxiv) The previous grant of permission was assessed under a previous Local Development Plan and the proposals should now be assessed under the current Local Development Plan and NPF4;
- xxv) The proposal does not include sufficient space for external activities such as recreation and drying clothes;
- xxvi) There is not sufficient provision for bin storage or cycle storage;
- xxvii) The proposals are contrary to relevant development plan policies and the Gullane Conservation Area character statement;

xxviii) The previous assessment of the granted planning permission was incorrect in stating that proposed house would not cause harmful overlooking as there were roof lights installed within the roof of May Cottage;

xxix) The proposed 1.5-metre-high frosted glass to the sides of the proposed roof terrace are considered insufficient to prevent from harmful overlooking to neighbouring properties;

xxx) There is an existing cherry tree to a neighbouring garden which would be adversely affected by the proposed house and associated demolition/construction works;

xxxi) Concerns are raised about surface water run-off as a result of the proposed house and the carrying capacity of the foul drainage system;

xxxii) The proposals are devoid of proposals for any low and/or zero carbon generating technologies;

xxxiii) If approved a construction management plan is requested;

xxxiv) There is no justification submitted for the demolition for the existing house; and

xxxv) There is no space to store building materials on-site.

There is nothing unusual in the development proposed to suggest that construction works would have an unacceptable impact on neighbouring properties. Any issues of noise would be for the Council's Environmental Health Service to investigate under their separate statutory powers.

Sufficient details have been submitted with the application to allow a full and accurate determination of the application.

With regards the proposals not complying with building regulations, this would be a matter for building control to consider and is not a material consideration in the determination of this planning application.

Any unreasonable noise or anti-social behaviour from the property are matters for the Council's anti-social behaviour team and Police Scotland. They are not matters relevant to the determination of this planning application.

In relation to the alleged proposal to use the proposed house as short-term holiday let accommodation, this concern has been passed onto the applicant who confirmed in writing that the property would be let out, if approved however, this would be on a long term let as opposed to being used as a short-term let. The applicant further advises they are aware if they did wish to use the property as short-term holiday let accommodation then they would need to apply for the relevant licence. In any event any future use of the proposed house as short-term holiday let accommodation would be assessed on its own individual merits to assess if a material change of use would occur and therefore if planning permission would be required. Nevertheless, this is not material to the determination of this planning application as the applicant is not proposing a short-term holiday let accommodation.

The alleged impact of the proposed house upon the property values of neighbouring residential properties is not a material consideration in the determination of this planning application.

The submitted drawings note the existing low boundary wall to the northeast of the proposed house would remain unaltered by the proposals. Similarly, the submitted drawings note the existing boundary wall to the south of the proposed house would remain unaltered.

Concerns regarding the maintenance and construction of the proposed house, existing wall along the southern boundary and how drainage will be managed are all private matters and not material considerations in the determination of this planning application.

Any dispute over the alteration, damage or removal of any boundary wall is a civil matter between affected parties and is not material to the consideration of this planning application.

The disruption or prevention of any access to any manholes and/or drainage pipes is a civil matter between affected parties and is not material to the consideration of this planning application.

Subsequent to the initial registration of the application the agent has submitted amended drawings which are deemed sufficient to allow for the determination of this planning application. Furthermore, subsequent to the receipt of those amended drawings the application was re-registered, re-advertised and neighbours were re-notified.

Furthermore, there is no requirement for the agent to show alterations to a neighbouring property. The Council, as Planning Authority has access to the approved plans for the alterations approved to the adjoining neighbouring residential property known as May Cottage. Therefore, an accurate assessment of the impact of the proposed house on that neighbouring property and other neighbouring properties can be undertaken.

The justification for the demolition of the existing house shall be assessed by the associated conservation area consent application (Ref: 24/01373/CAC) and not through this planning application. Both applications stand to be determined on their own merits.

The lack of space to store building materials and equipment on the application site is not material to the consideration of this planning application.

In September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site subject to conditions. That planning permission was not implemented and as such has since lapsed. Furthermore, the assessment of that planning permission was made under a previous development plan. As such, this current planning application stands to be determined on its merits in accordance with the relevant development plans, those being NPF4 and the adopted East Lothian Local Development Plan 2018.

PLANNING ASSESSMENT

The Council's Environmental Health Officer has been consulted on this application and advises he has no comments relating to the proposed development.

The Council's Contaminated Land Officer has been consulted on this application and advises there is no direct evidence to suggest any previous (historic) contaminative use of the site, however, given the proposed demolition of the existing dwelling there is the possibility that localised 'hotspots' of contamination may exist (possible asbestos containing materials in the building fabric) as well as areas of made ground in the wider site area.

Given the above, if planning permission were to be granted then further information would be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment being carried out). If planning permission were to be granted this could reasonably be made a condition of any grant of planning permission.

The Council's Flooding Officer has been consulted on this application and he advises that in terms information that this Council has concerning flood risk to this site, he would state that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years, plus climate change. Furthermore, the Council's Flooding Officer advises the proposed development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. As such, the Council's Flooding Officer raises no objection on the grounds of flood risk. Therefore, the proposed development complies with Policy 22 of NPF4 and Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The Council's Senior Landscape Officer has been consulted on this application and she advises the cherry tree situated within the garden of the neighbouring residential property known as Victoria Cottage, to the northwest of the application site was identified in planning application 16/00259/P. The Council's Landscape Officer advises the property at Victoria Cottage is at a raised level from the development site and is separated from the site by a stone retaining wall and 4m wide monoblock drive. These constraints are likely to prevent tree root growth in the direction of the site. Referring to BS5837:2012, these constraints together with the distance of the proposal from the cherry tree mean that the proposals are unlikely to impact on the cherry tree. As such the proposed development complies with Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Waste Services have been consulted on this application and advise they raise no objection to the proposed development but advise residents would be required to present containers for waste and recycling collections at the nearest accessible point for HGVs. As such the proposed development complies with Policy 12 of NPF4 and Policy W3 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services have been consulted on this planning application and object to the proposal on the basis that one off-street parking space should be provided. On this matter, the sites planning history is a material consideration. The existing house, and previously approved house, like other houses in the area, do not benefit from any off-street parking. Given the small scale of the plot of land associated with the application site, it is not possible to incorporate a parking space within the curtilage of the proposed property. Furthermore, the application site is located in close proximity to a number of bus services on Gullane Main Street and as such the application site can be easily accessed by public transport. On the matter of cycle storage, the Council's Road Services advise that cycle storage is not required for the proposed house. As such the proposal complies with Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Scottish Water have been consulted on this application and advise they raise no objection and advise there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development. In addition, Scottish Water advise the proposed development is within the Gullane Wastewater Treatment Works.

Notwithstanding the above the principal determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations the principle of a new house and the works associated with it would be acceptable, with due regard to its potential impact on the character and residential amenity of the area, including the impact on the character of the character and appearance of the Gullane Conservation Area. Furthermore, due regard has to be placed on the impact of the proposed development on neighbouring residential properties.

The application site is part of a wider area characterised as being of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. However, Policy RCA1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, back land and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The site is within a predominantly residential area with residential properties to the north, east, south and west of it. The erection of a house on the site would amount to infill housing development within this part of Gullane and therefore Policy DP7 would apply.

With respect to infill, back land and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 requires that the following design principles are met:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable, and landscape and boundary features important to the character of the area must be retained where possible; and
4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

Policy DP2 of the adopted East Lothian Local Development Plan 2018 requires that all new developments must be well designed and sets out a number of design principles. Amongst

these are the requirement that all new development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palate of materials and colours that complement its surroundings and retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate.

Policy DP7 amongst other things requires that the occupants of existing neighbouring properties experience no significant loss of privacy and amenity from new development and that the occupants of any new development must also enjoy privacy and amenity.

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 a planning authority to apply the general rule of 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 residential properties.

In relation to the above, the glazed openings to be formed at ground floor level in the front (northwest) elevation of the proposed house would face over the shared access for some 4 metres and beyond to a high stone wall boundary treatment. Therefore, the use of those glazed openings would not allow for any harmful overlooking of any neighbouring residential properties.

There are no proposals to form windows or other glazed openings at ground floor level within the side (northeast) or rear (southeast) elevation walls of the proposed house. As the property falls within a conservation area any future proposals to form windows or other glazed openings would require planning permission and as such could be controlled by the Planning Authority.

The ground floor component of the side (southwest) elevation of the proposed house would abut the adjoining neighbouring residential property known as May Cottage and as such there would be no windows or other glazed openings formed at ground floor level in this elevation wall.

The glazed openings to be formed within the front (northwest) roof slope would face over the shared access for some 4 metres and beyond to the garden ground of the neighbouring residential property known as Victoria Cottage. The double roof lights to be formed in the lower position in the front (northwest) and side (southeast) elevation roof slope would serve the ground floor component of the proposed house and as such those roof lights would be of sufficient height above floor level to ensure that they would not allow for any harmful overlooking of any neighbouring residential property.

The double roof lights to be formed in the higher position of the roof would be set some 1.7 metres up from the finished floor level of the first floor. As such, those roof lights would also be of sufficient height above floor level to ensure they would not allow for harmful overlooking of any neighbouring residential properties.

The roof light to be formed within the side (northeast) roof slope of the proposed house would serve a ground floor en-suite and as such the use of it would not allow for any harmful overlooking of any neighbouring residential properties.

The proposed house would have a roof terrace with associated glass balustrade within the side (southwest) roof slope. The side (northwest and southeast) elevations of the proposed roof terrace would be enclosed by a 1.5 metre high frosted glass balustrade to both its side elevations and as such these frosted screens would prevent harmful overlooking of neighbouring residential properties to the northwest and southeast respectively.

However, the front of the roof terrace would be enclosed by a 1.1-metre-high clear glazed balustrade. This would face over the roof slopes of the adjoining neighbouring residential property of May Cottage. Since the grant of planning permission 18/00756/P that neighbouring house has had new roof lights installed in its roof, including within the north elevation roof slope through the grant of planning permission ref: 24/00876/P. However, should planning permission be granted for the proposed house then harmful overlooking could be mitigated by a condition requiring a 1.5-metre-high frosted balustrade to enclose the front component of the roof terrace. Subject to the imposition of that planning control the proposed roof terrace would not allow for harmful overlooking of May Cottage or any other neighbouring residential property.

On the matter of the impact of the proposed house 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 has been undertaken on March 21st in line with the guidance set out in Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. The sunlight test indicates the proposed house would cast a shadow on the garden ground of Sheilbrae at 08.00. In addition, the proposed house would also cast a gradual shadow on the garden ground of Victoria Cottage between the hours of 08.00 and 13.00. The sunlight test also indicates the proposed house would cast a gradual shadow on the garden ground of Elm Cottage between the hours of 12.00 and 16.00. Therefore, in accordance with the Guide the proposed house by virtue of its size, form and positioning would not allow for a harmful loss of sunlight to any neighbouring residential properties.

Application of the 25-degree daylight test to the neighbouring residential properties of Elm Cottage and Victoria Cottage indicates the proposed house would not result in a harmful loss of daylight to those neighbouring residential properties.

Application of the 25-degree daylight test to the neighbouring residential property of Sunnyside indicates the proposed house would fail in relation to the bedroom windows to the side (northwest) elevation of that property. As such the proposed house would result in a harmful loss of daylight to those windows of that neighbouring residential property.

Application of the 25-degree daylight test to the neighbouring residential property of May Cottage indicates the proposed house would fail in relation to the roof lights that have been installed in the northeast elevation roof slope which were approved through planning permission 24/00876/P. One of those roof lights serves a bedroom and that bedroom would only be served by that affected roof light. As such the proposed house would result in a harmful loss of daylight to that neighbouring residential property.

Therefore, given the above considerations the proposed house would result in a harmful loss of daylight to the neighbouring residential properties of Sunnyside and May Cottage and as such would be contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 amongst other things requires that a site for a new development is of sufficient size so that it can accommodate the entire development, including an appropriate amount of open space.

In relation to the above, the proposed house would not have any useable garden ground for its occupants. However, the existing house has very little garden ground and the house granted planning permission Ref: 18/00756/P had no useable garden ground associated with it. Therefore, and as the proposed house would have a roof terrace that any occupants could use the fact that there is no useable garden ground is not in this circumstance unacceptable.

Policy 7 of NPF4 and Policy CH2 of the adopted East Lothian Local Development Plan requires development in a conservation area to preserve or enhance the character and appearance of the conservation area.

Policy DP7 of the ELLDP requires that, amongst other things, the scale, design and density of a proposed development will be sympathetic to its surroundings.

Like the house approved through planning permission 18/00756/P the proposed house would be single storey in height with accommodation in its roof space. It would differ from that previously approved house in that the flat top of its roof would be some 0.8 metres taller than and, unlike that previously approved house, the eaves of its roof would now sit some 0.4m above the ridge of the roof of May Cottage. As such the full extent of the roof of the proposed house would be visible above May Cottage in views from Goose Green to the south. Therefore, unlike the previously approved house, the proposed house would not be of a scale that would be sympathetic to or respect the size and massing of the neighbouring house of May Cottage and therefore would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14 of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

The proposed house would not preserve or enhance the conservation area and therefore is contrary to the development plan, it must now be established if there are any material planning considerations that would outweigh the policies of the development that would indicate that this proposal should be granted planning permission. In this instance a material planning consideration is that in September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site. That planning permission was not implemented and has lapsed. Therefore, and as the scheme of development proposed through this application is different to that previously approved scheme of development the granting of planning permission 18/00756/P for a replacement house on this site is not a material planning consideration that outweighs the fact that the proposed development would neither preserve nor enhance but would be harmful to the character and appearance of the conservation area.

Given the above considerations, the proposed house is contrary to Policies and 14 of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design) and DP7 (Infill, Back land and Garden Ground Development) of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposal is considered not to be in accordance with the aforementioned provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's discordance with the Development Plan.

REASONS FOR REFUSAL:

- 1 The proposed house would not due to its size and scale be sympathetic to and would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14 of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed house by virtue of its size, form and positioning would result in a harmful loss of daylight to the neighbouring properties of Sunnyside and May Cottage Therefore, the proposal is contrary to Policy 16 of NPF4 and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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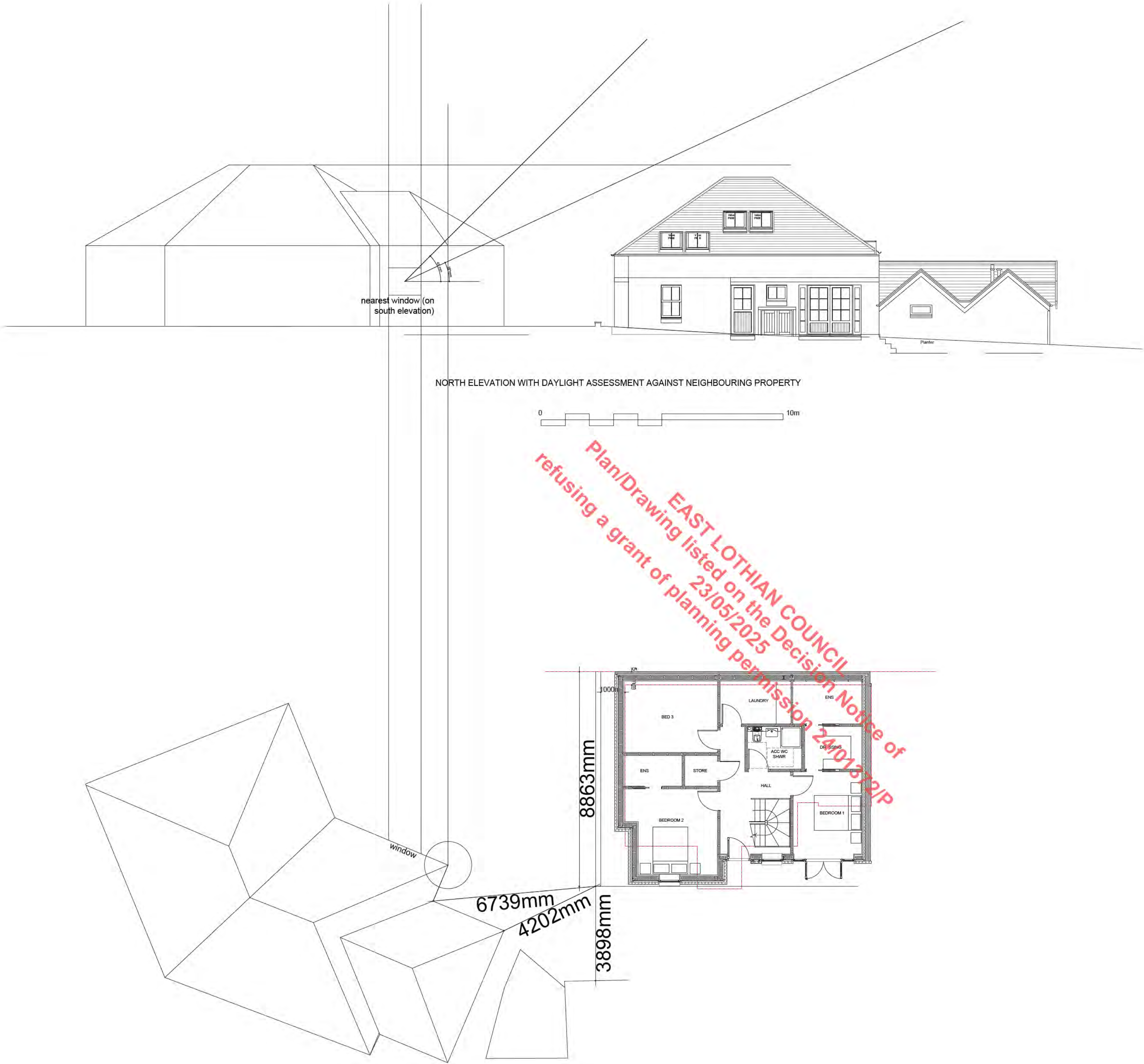
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15th May 2025

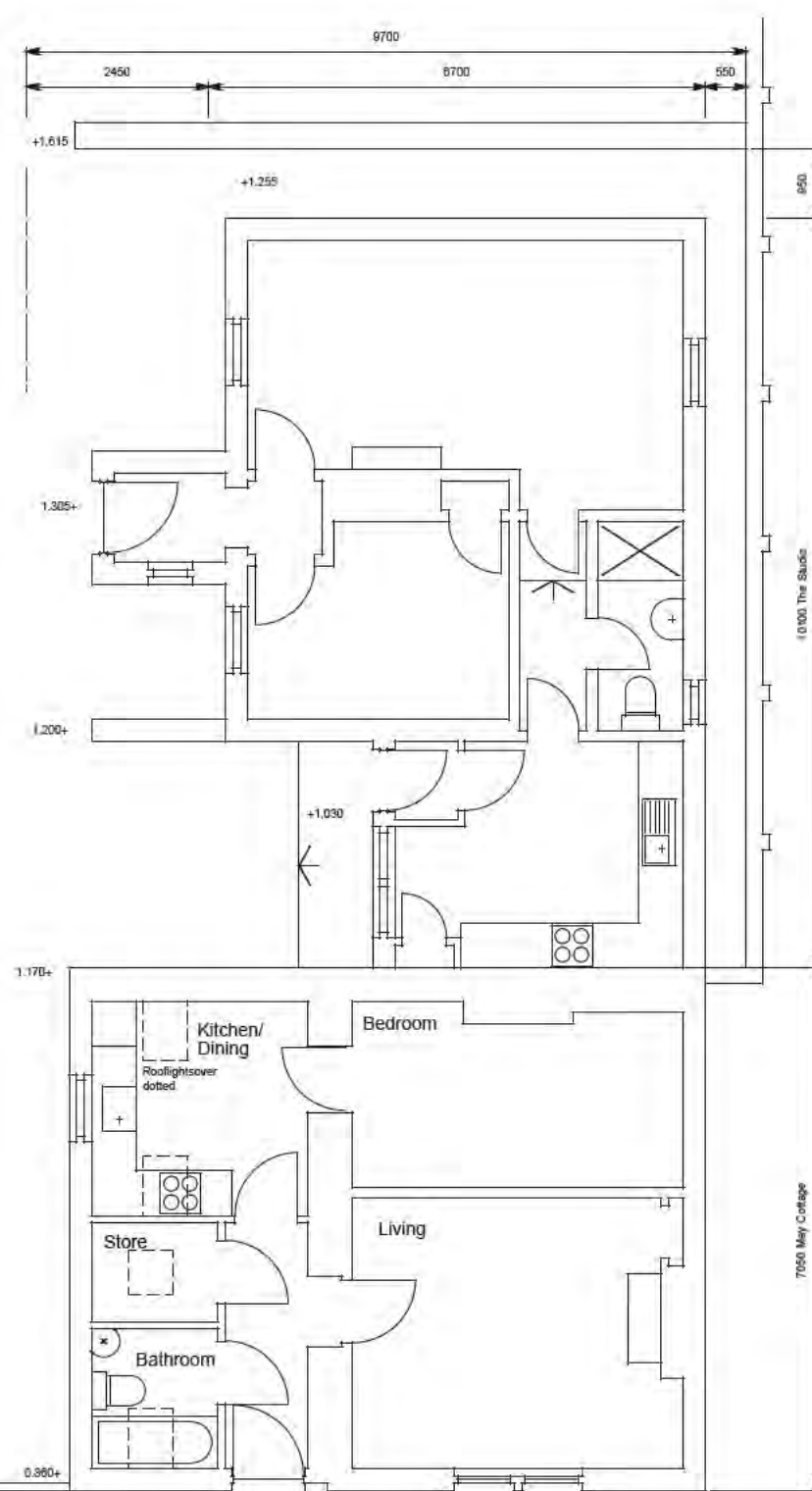


LOCATION PLAN 1:1250 SCALE

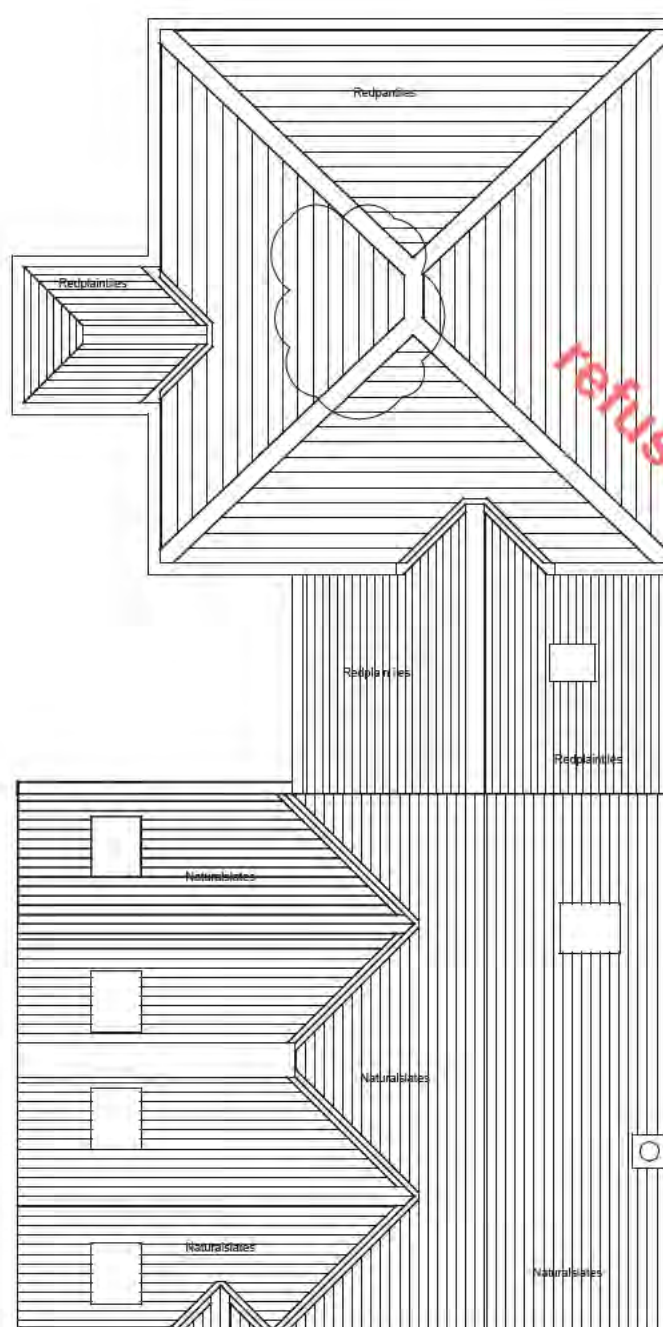
date		description		revision	
architecturejfltd					
Gullane Business Centre 12a Lammerview Terrace, Gullane, East Lothian EH31 2HB					
t: 01620 84 5555		f: 01620 84 5559			
e: architecturej@btconnect.com					
project					
The Studio					
Goose Green Road, Gullane					
for					
Pin High Properties					
drawing					
Location Plan					
scale		date		drawn	
1:1250@A1		250225			
project no.		drawing no.		revision	
23:14		AL(0)100		A	



date	description	revision
architecturejfltd		
Gullane Business Centre 12a Lammermuir Terrace, Gullane, East Lothian EH31 2HB		
t: 01620 84 5555		f: 01620 84 5559
e: architecturejfl@btconnect.com		
project		
The Studio		
Goose Green Road, Gullane		
for		
Pin High Properties		
drawing		
Daylight Assessment		
scale	date	drawn
1:100@A1	250225	
project no.	drawing no.	revision
23:14	AL(0)02	A



Ⓚ Ground Floor Plan
As Existing



Ⓚ Roof Plan
As Existing

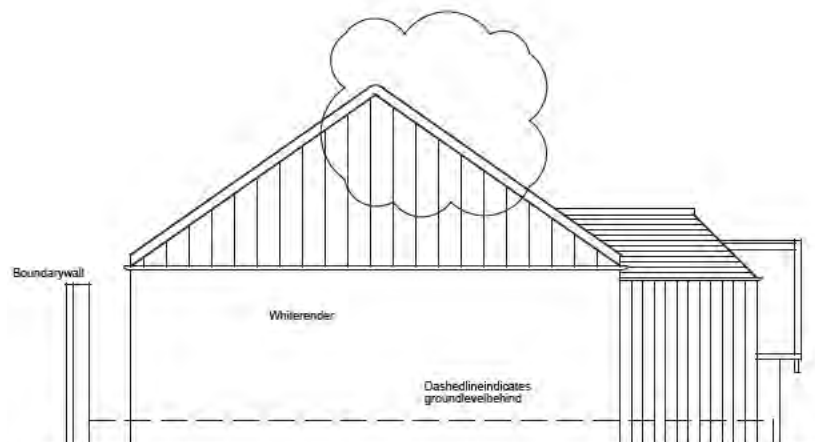


North Eleva
as Existing

South Eleva
as Existing



West Elevation
as Existing



East Elevation
as Existing

Feb 25 - chimney deleted, chimney added
Jan 25 - dotted red lines showing removals deleted

RevE
RevA

date	description	revision
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architecturejfltd

Gullane Business Centre
12a Lammerview Terrace, Gullane, East Lothian EH31 2HB
t: 01620 84 5555 f: 01620 84 5559
e: architecturejl@btconnect.com

project
The Studio
Goose Green Road, Gullane

for Pin High Properties

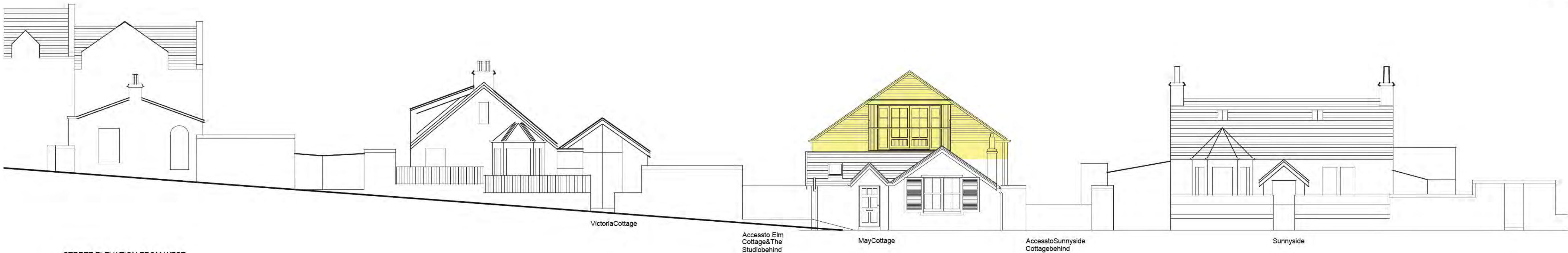
drawing As Existing Plans and Elevations

scale	date	drawn
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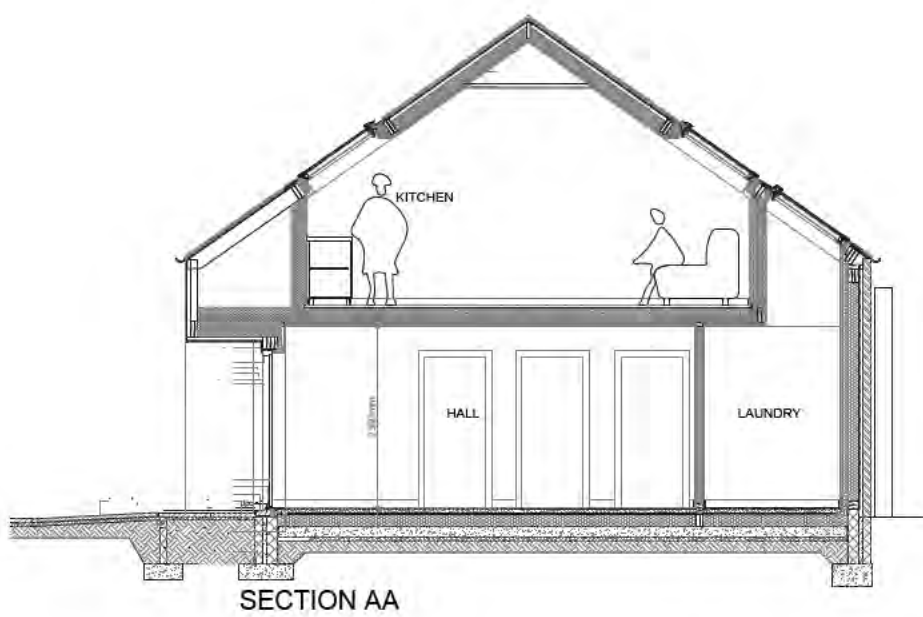
1:100@A1 250225

project no.	drawing no.	revision
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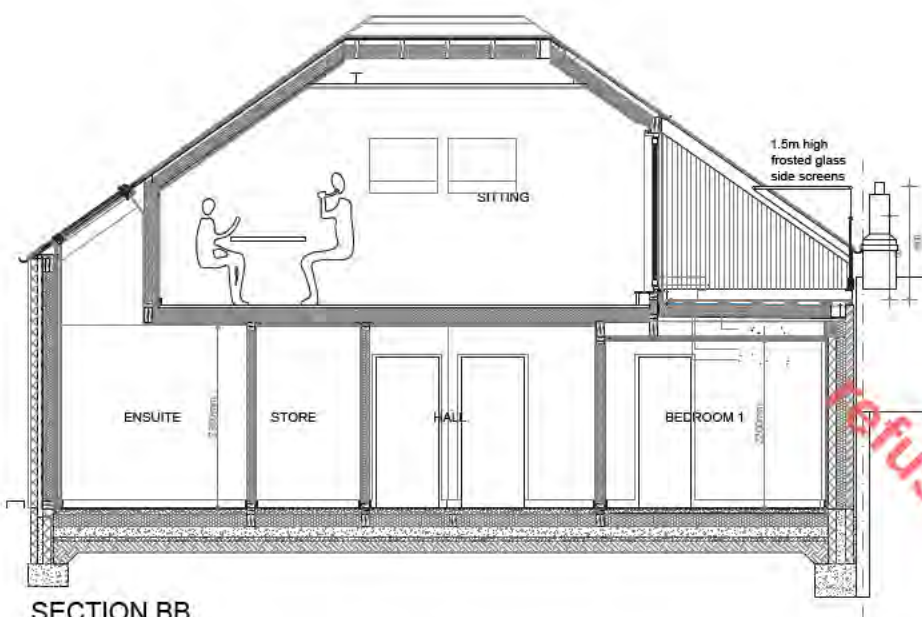
23:14 AD(0)01 B



STREET ELEVATION FROM WEST



SECTION AA



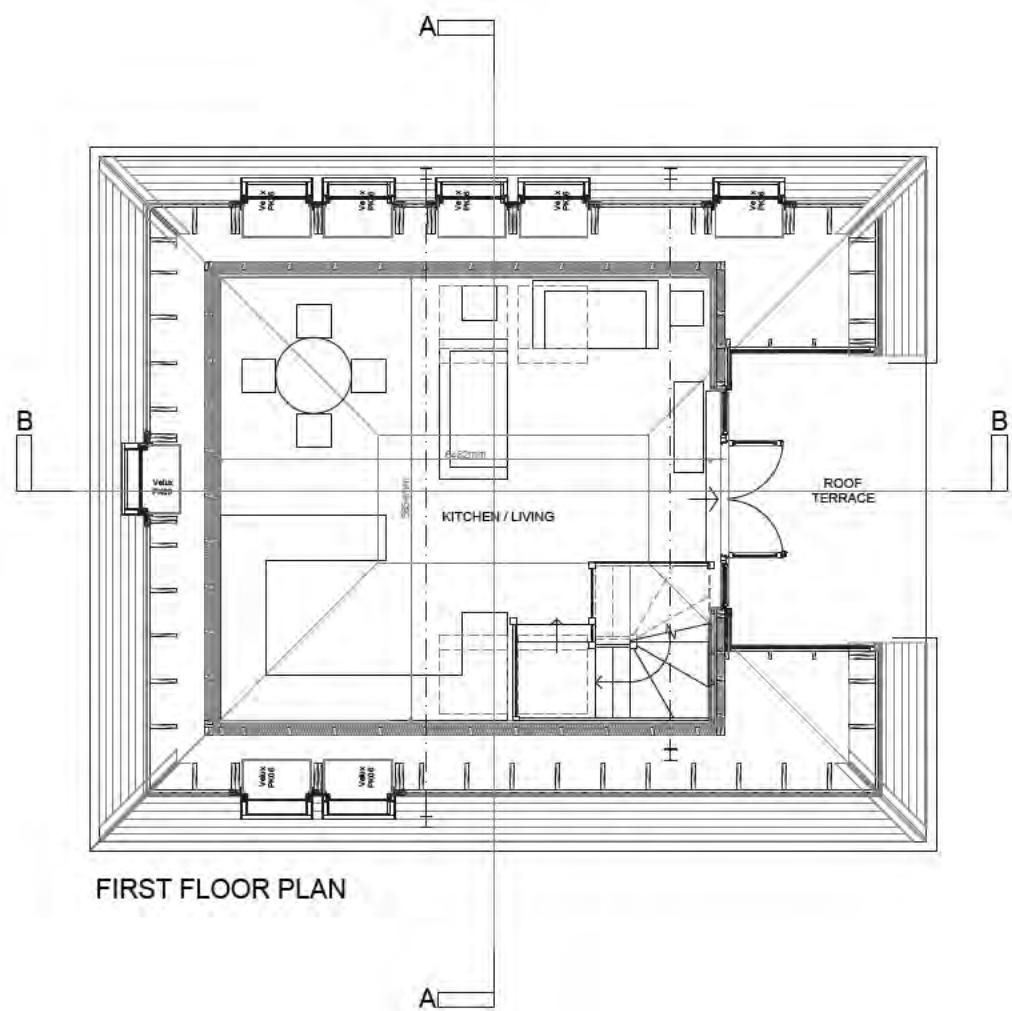
SECTION BB



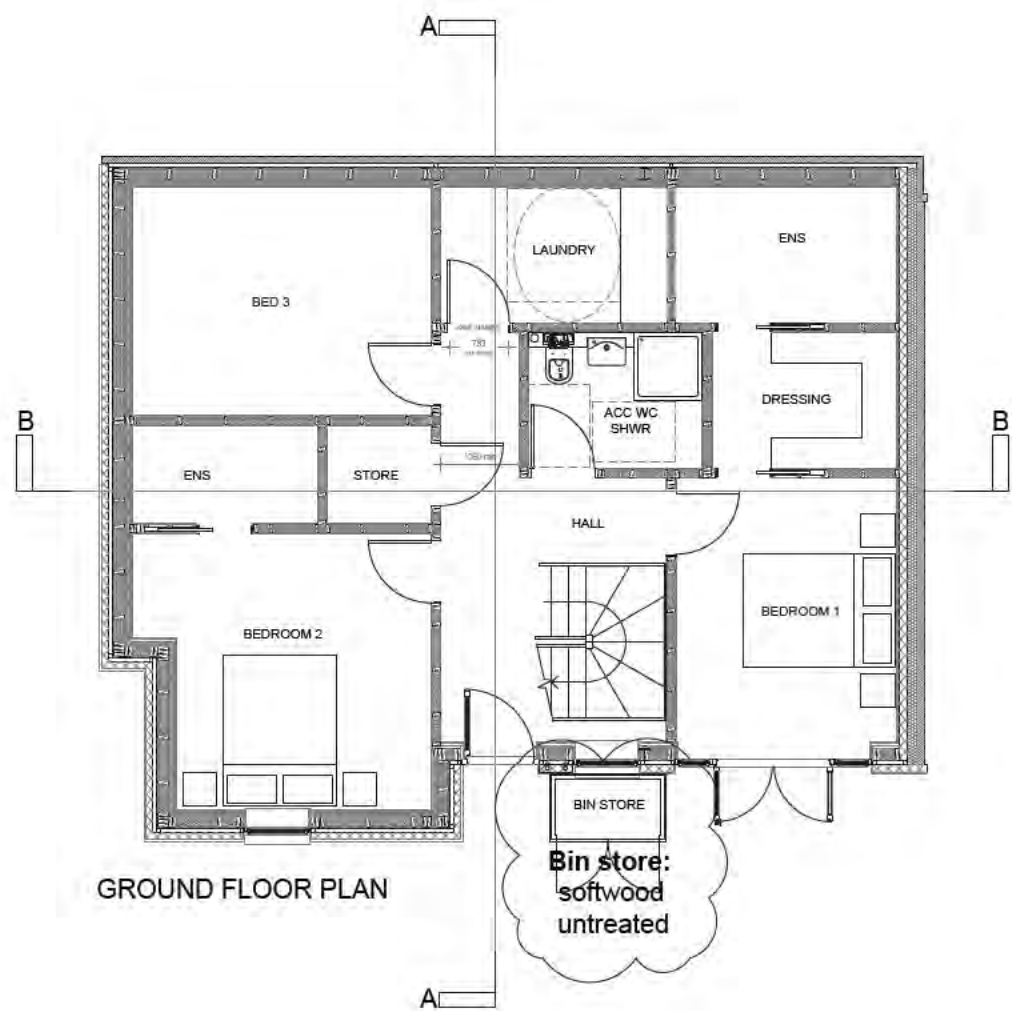
WEST ELEVATION



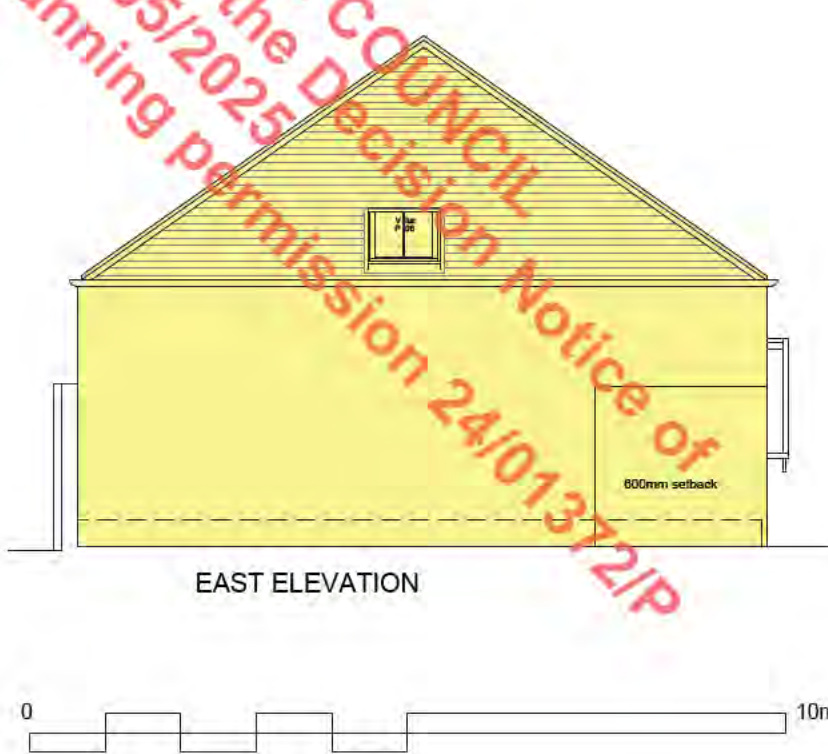
NORTH ELEVATION



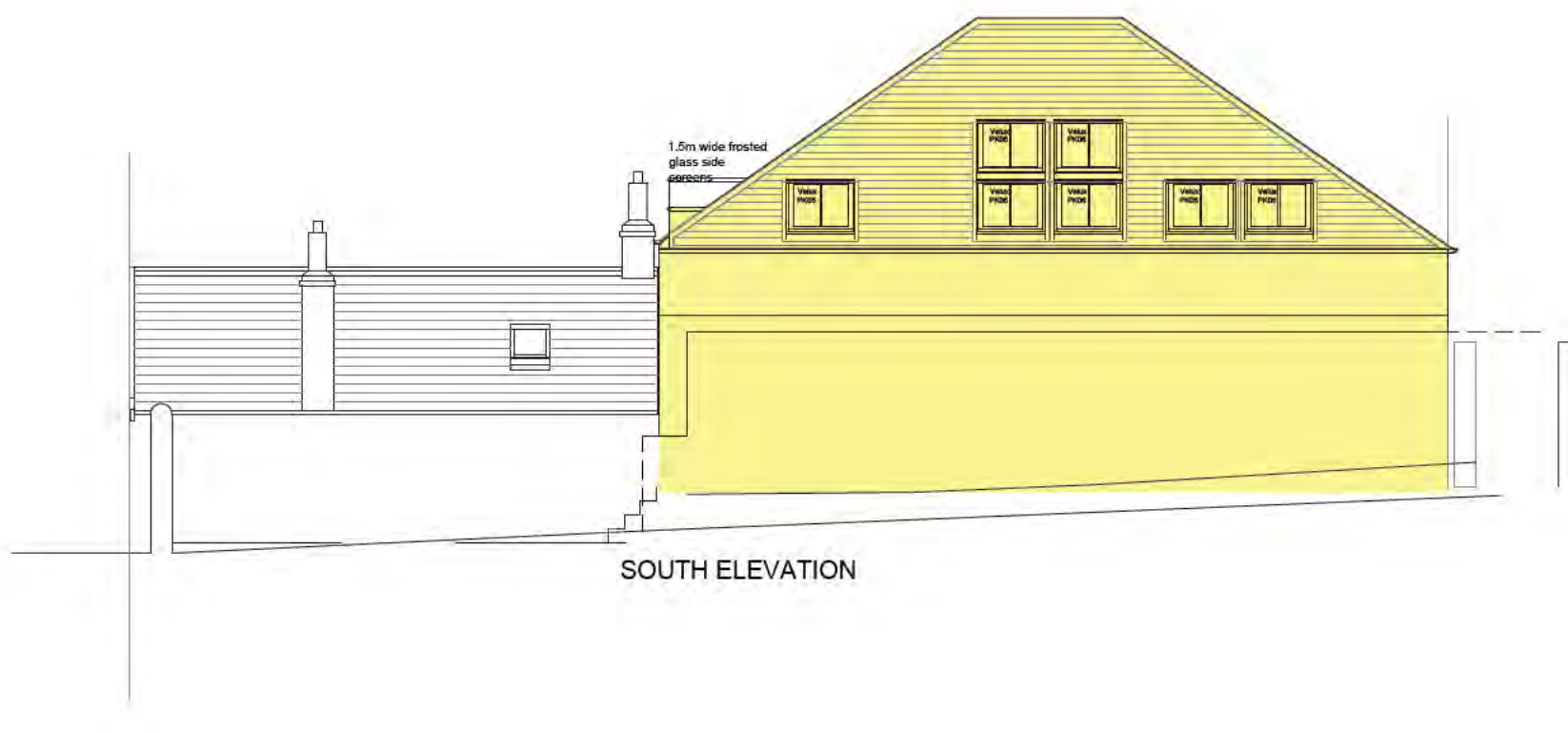
FIRST FLOOR PLAN



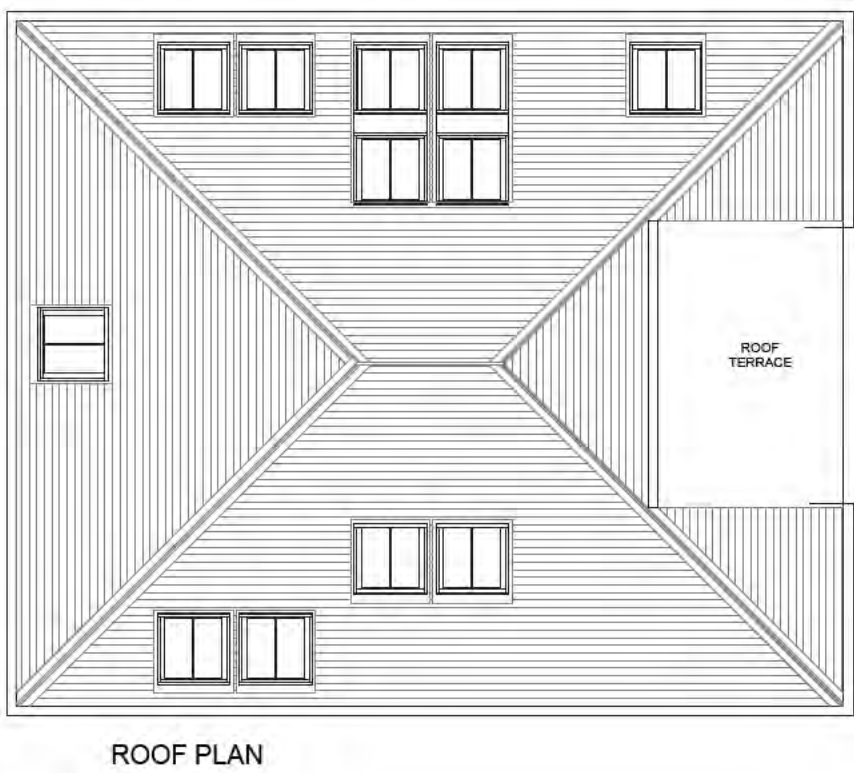
GROUND FLOOR PLAN



EAST ELEVATION



SOUTH ELEVATION



ROOF PLAN

External Finishes/Materials

Walls: white painted wet dash render to North and East elevations. South and West elevations; Scotch Buff or equal sandstone. West elevation vertical weatherboarding; Cedral Click Wood fibre cement boarding, colour White C01

Roof: Natural slate, zinc ridge and hip flashings

Windows and doors: white painted timber with clear double glazing

Rooflights: grey anodized aluminium with clear glazing Low profile EDN2000 flashing. Window within kerb Velux GGL PK06 with Conservation astragal bar

Rainwater goods: grey upvc Brett Martin Cascade cast iron style; 112mm 'Roundstyle' half round gutters and 68mm 'Round' downpipes

Decking: 147x27mm grooved Ryno TerraSmart vitrified composite decking boards, wood effect colour Himalayan Birch; untreated

Glass balustrade: 21.5mm toughened laminated glass with 48mm stainless steel top and bottom rails. 110mm high clear glass to west elevation; 1500mm high frosted glass to north and south elevations

Feb 25 - bin store added to plan	RevC	
Jan 25 - north elevation amended	RevB	
Jan 25 - roof plan added	RevA	
date	description	revision

architecturejfltd

Gullane Business Centre
12a Lammerview Terrace, Gullane, East Lothian EH31 2HB
t: 01620 84 5555 f: 01620 84 5559
e: architecturej@btconnect.com

project
The Studio
Goose Green Road, Gullane

for
Pin High Properties

drawing
Proposed Plans Sections & Elevations

scale date drawn

1:100@A1 091224

project no. drawing no. revision

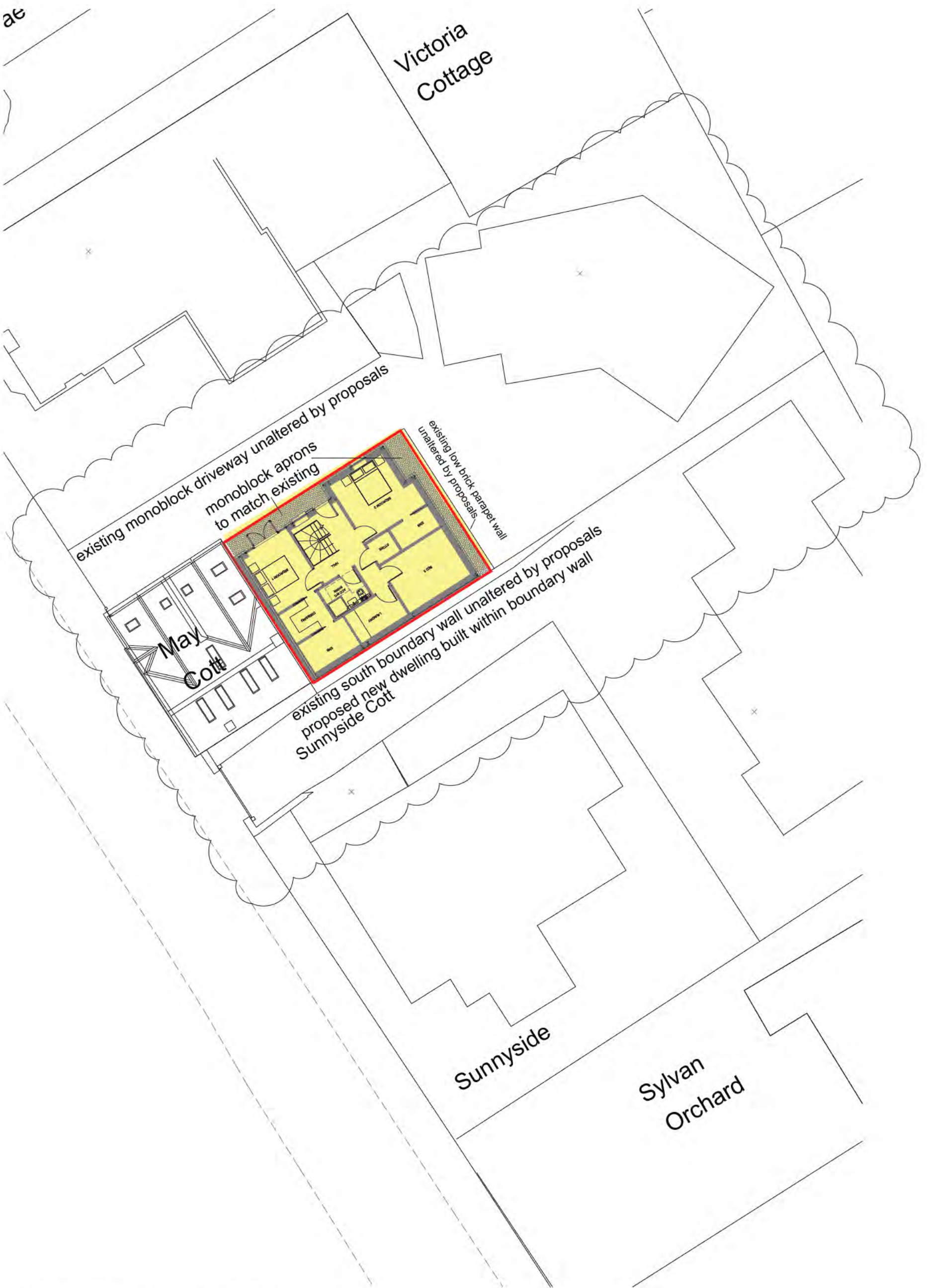
23:14 AL(0)01 C



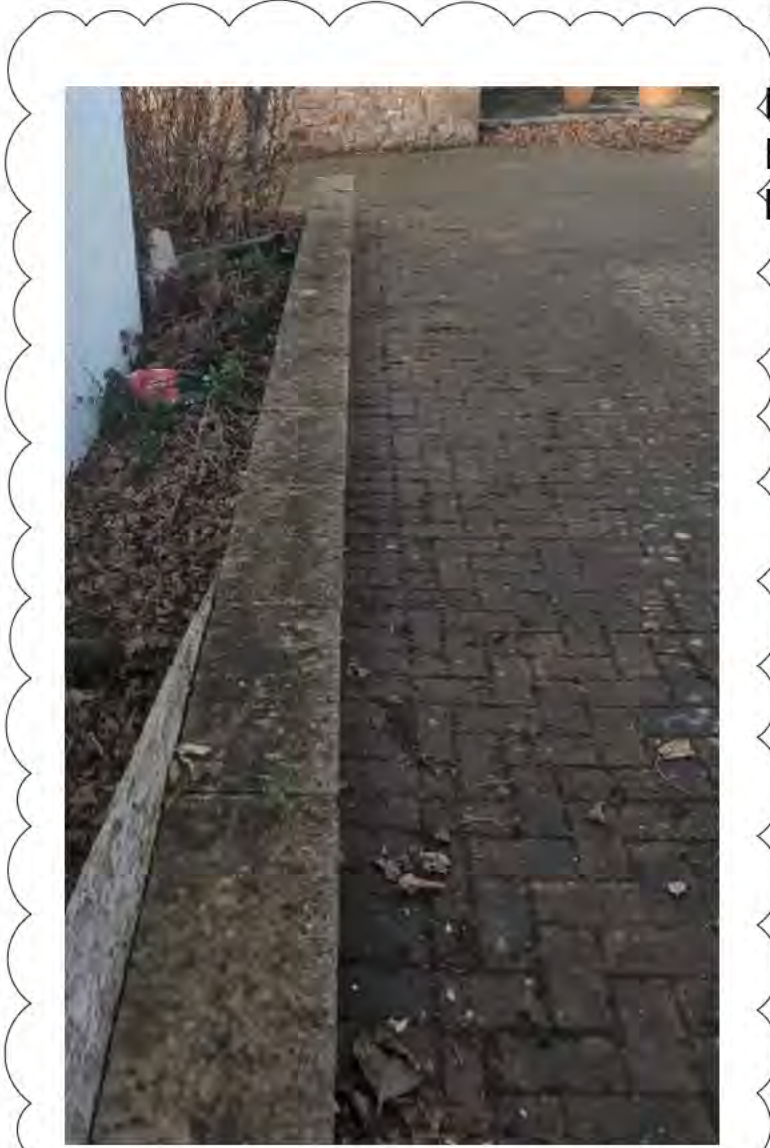
AS EXISTING SITE PLAN 1:200 SCALE



AS EXISTING SITE PLAN WITH PROPOSED REMOVALS SHOWN DOTTED RED 1:200 SCALE



PROPOSED SITE PLAN 1:200 SCALE



PROPOSED MONOBLOCK APRONS TO BE BRINDLE BROWN IN HERRINGBONE PATTERN TO MATCH EXISTING (SHOWN PHOTO BELOW)



Feb 25 - adjacent buildings amended	RevC	
Jan 25 - north east boundary amended	RevB	
Jan 25 - monoblock and plant bed added	RevA	
date	description	revision

architecturejfltd
Gullane Business Centre
12a Lammermuir Terrace, Gullane, East Lothian EH31 2HB
t: 01620 84 5555 f: 01620 84 5559
e: architecturej@btconnect.com

project
The Studio
Goose Green Road, Gullane

for
Pin High Properties

drawing
Site Plans

scale date drawn
1:200@A1 250225

project no. drawing no. revision
23:14 AL(0)101 C

App No. 24/01372/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Pin Hign Properties
c/o Architecturejfltd
Per Julian Frostwick
Gullane Business Centre
12A Lammerview Terrace
Gullane
EH31 2HB

APPLICANT: Pin Hign Properties

With reference to your application registered on 9th January 2025 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house and formation of hardstanding areas and associated works
at
The Studio
Goose Green Road
Gullane
EH31 2AT

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed house would not due to its size and scale be sympathetic to and would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14

of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed house by virtue of its size, form and positioning would result in a harmful loss of daylight to the neighbouring properties of Sunnyside and May Cottage Therefore, the proposal is contrary to Policy 16 of NPF4 and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
AD(0)01	B	26.02.2025
AL(0)02	A	26.02.2025
AL(0)100	A	26.02.2025
AL(0)01	C	14.03.2025
AL(0)101	C	14.03.2025

23rd May 2025



Keith Dingwall
Service Manager - Planning
(Chief Planning Officer)

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

From: [REDACTED]
To: environment@eastlothian.gov.uk
Subject: Planning The Studio, Goose Green Road EH31 2AT
Date: 28 January 2025 10:43:05

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[You don't often get email from moeackner@btinternet.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Ref:No: 24/01373/CAC

Ref:No: 24/01372/P

I am writing to object to the above planning permission.

1. Goose Green is a very attractive conservation area and the proposed building would be out of proportion to the area especially the nearby houses.
2. Building Access. There is no space to store the building material and Goose Green Road is very narrow and in constant use and the green itself is totally unsuitable as a storage area.

Yours sincerely,

[REDACTED]

[REDACTED]

LETTER to:

Service Manager – Planning (Chief Planning Officer)

East Lothian Council

John Muir House

Haddington

EH41 3HA

OBJECTIONS

to

PLANNING APPLICATIONS

24/01372/P

related to

‘The Studio’, Goose Green Road, Gullane

For consideration by

East Lothian Planning Dept

and

East Lothian Planning Committee

December 2024/ January 2025

Dear Sir/Madam

My name is [REDACTED] and I write on behalf of [REDACTED],
[REDACTED] We are a [REDACTED] property to the
development proposed in the Planning Application undernoted.

The following pages have been prepared in response to the Notice received regarding Planning Application **24/01372/P**, a new build proposed for the site known as The Studio, Goose Green Road, Gullane, East Lothian. We are submitting a separate paper covering the related Planning Application **24/01373/CAC**.

Proposals for development at this small site have been going on for a number of years (since 2018) and it is accepted that a resolution is long overdue. Nevertheless, whatever the outcome, the answer must be in keeping with the 'preservation' aspects related to the Goose Green area of Gullane, and care is needed when considering these latest proposals to prevent precedent in terms of scale, footprint, and intended 'use' of the new build proposed. Although the Council planning dept will rightly focus on compliance to standards of build etc, there are significant wider issues at stake, with neighbouring properties and their owners being affected in ways beyond the usual impacts involved in planning applications for redevelopment.

There are therefore a number of aspects to be considered:

- The site concerned is very small circa 120 sqm, and hard up against neighbouring properties. Both demolition and construction have ramifications that directly impact these other properties, carrying associated risks associated with their stability and safety.
- The scale of the proposals compared to what exists currently is likewise very significant and detrimentally impacts neighbouring properties in terms of overlook, loss of daylight, loss of privacy, and potentially even the property values.
- The overall visual and aesthetic impact on the Goose Green area and adherence to not only the statutory requirements of a conservation area, but also the spirit of the 'conservation' area as a whole.
- The intended use of the proposed new build. Of particular concern is the possible **precedent** of sanctioning overt commercial use of a domestic dwelling within this residential preservation area.

The following pages address the matter in defined categories:

1. Objections regarding footprint and scale
2. Conformity with Preservation requirements for the immediate area
3. Practicalities of construction
4. Purpose of Development
5. Conclusions

1. Footprint and Scale - OBJECTIONS

The comparison in terms of change has to be based on what is proposed in **this** planning application against what exists today, not against what may have been previously approved plans (now lapsed), and as a matter of note, found subsequently to be impractical when actual building details were looked at by professional builders.

The change in sheer scale of the new building proposed is unacceptable and disproportionate in every way.

1. The proposed roof elevation is raised significantly in height (by multiple feet) from what exists today and is shown as being at a level based on neighbouring **chimney level**, not neighbouring roof level.
2. Every conceivable inch of land footprint is being proposed meaning the roof is extended in length by a considerable percentage.
3. The proposal also means that the current gap between [REDACTED]
[REDACTED]
[REDACTED]
4. The height of the building completely **swamps the site**, dominating all neighbouring properties, and alters substantially the visual aesthetic looking east from Goose Green.
5. The height and scale of the proposals effect daylight, and importantly, sunlight of adjoining properties. [REDACTED] estimate, lose up to 2 hours of sunlight in the latter part of the day from May through to October. The plans appear to show a lighting assessment, however that assessment only covers the [REDACTED], they omit to show the effect on the two other properties [REDACTED].
6. The new roof proposed shows the use of multiple dormer style windows on both North and South elevations, and that these windows will be of clear glass. As such they represent a breach of privacy for [REDACTED]
[REDACTED] In terms of those windows facing [REDACTED]
7. The balcony proposed on the West elevation gives the facility to stand at roof level (of May Cottage) and actively overlook adjoining properties, marginalising privacy and possibly even home security. The proposed use of opaque glass as a token screen to maintain privacy of adjoining properties is not considered sufficient. The balcony itself is the infringement.
8. The visual effect of the proposed new build, the impact of the scale of build on the view of the current aesthetic of May Cottage as viewed from the Green, is best conveyed by the photograph shown as Appendix A. The line drawn across from the property 'Sunnyside' chimney level indicates the airspace required for the proposal and should be compared to the drawing in the plans. The effect is much more dramatic than the proposal's drawings indicate. In fact [REDACTED] believe the drawings to be misrepresentative. The photograph (Appendix) is actual; the drawing is, by its very nature, conceptual. [REDACTED] have to live with the actual not the conceptual.
9. The plans appear to show parking for 10 vehicles on site. This is a misrepresentation. There is a drive that cannot be used for parking without blocking in vehicles from Elm Cottage, at which there is space for two vehicles (for use by Elm Cottage). This means parking for The Studio only exists on Goose Green. That might be deemed acceptable if it was one or possibly on occasion two vehicles but given what [REDACTED] understand as the intended use of the new build - as a rental or Air B&B facility with 3 double bedrooms, - it is obvious more parking on the Green will be required. This aspect is covered in more detail below.

2. Conformity with the 'special' preservation nature of the Goose Green residential area.

Goose Green is a public amenity area and local residents take pride in its upkeep and appearance. This covers more than the physical appearance of the Green itself. It includes the ambiance and 'feel' of the environment. The Green is an open grassed space and the buildings that immediately surround it contribute substantially to this 'feel' and 'ambiance'. The design style, general 'fit', and upkeep of these properties is an important aspect that cannot be taken lightly.

The proposed plans show an 'engulfing' of May Cottage, and in doing so it damages entirely the character of what is a listed property. It also serves to obscure the properties immediately behind such is the totally dominating scale and position of the new build. The creation of a two-storey new build with a balcony/terrace overlooking May Cottage means that the new property is viewed from the Green as front line. Item 8 in the previous page illustrates, as does the image in my Appendix. It is completely out of keeping with everything else that exists around the Green and creates an over-built, over-developed, cramped, and closeted feel to the east side of the Green.

Add to this the secondary issues around parking, and local residents have a right to request that Councillors and Council officials take special interest. Parking on Goose Green is becoming ever more difficult to manage with the gradual increase in free public parking that takes place around the Green. At peak times this often means the complete encircling of the Green by parked vehicles.

The public amenity aspect of the Green is vitally important. Children play, the elderly walk and use provided bench seating, pet dogs are exercised, and families occasionally picnic on the grass. However there are **no pavements** surrounding the Green and parking around the edge obscures children playing and dogs running off lead. Either/both can therefore run between parked cars onto the bordering road and into danger. This danger has become more acute since the advent of electric vehicles that are silent.

Residents without driveways park their vehicles on the green but take care in doing so. They do not 'skid' their tyres on the grass and they move their vehicles when they see the Council's grass cutting taking place. Visitors/renters are obviously less aware and less interested in the state or upkeep of the Green and very much less likely to bother. There has been a steady deterioration of grass around the east side of the Green which in inclement weather turns the borders into muddy, sludgy, areas with dirt pools of water.

In terms of this proposed development, the prospect of use as a rental Air B&B property will mean an inevitable steady stream of visitor/renter vehicles requiring to park on the Green. A

three-bedroom house, which can sleep 6, creates the prospect of multiple vehicles or even mini-buses being parked there. Parking on the Green, whilst essential for residents without driveways, needs to be discouraged/controlled for other users.

All the foregoing points have a bearing in terms of 'conformity'.

3. Practicalities of construction

[REDACTED], [REDACTED]
[REDACTED]
[REDACTED] There is a practical issue regarding these plans as regards [REDACTED]. The plans indicate that the current gap between the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Additionally, given that new foundations are required, foundations substantial enough to support a two-storey new build, [REDACTED].
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. Purpose of development

[REDACTED] believe the new owners of The Studio have purchased the property not to reside in themselves but to become part of a property portfolio used for rentals and possibly Air B&B. This being so there can be little doubt that this proposal is designed to serve commercial purpose. A residential area is by very definition for residents. The proposer is a company called Pin High Properties, registered office in Motherwell. **In this respect we feel we must object to the plans based on purpose.**

At the very least ■ must ask the Council to seek formal clarification of purpose from the proposers.

Meantime ■ ask the question, should this be what a property in a designated residential part of Gullane should be used for? ■ position is that **it should not**, and ■ hope our Council will agree and rule accordingly.

East Lothian's attraction and to some extent it's economy, and certainly Gullane's local economy, is heavily dependent on golf and tourism. There are 3 hotels in Gullane, 1 hotel in Dirlerton, 2 in Aberlady, 5 in North Berwick, 1 in Haddington, plus numerous holiday lodges throughout the county. Many of these lodges/homes are listed as for rent and are intended to satisfy self-catering demands.

However East Lothian's tourism business is very seasonal and golf tourism particularly so. A number of hotels have incurred major investments in the past few years, upgrading their facilities – namely, The.Bonnie.Badger and The.Mallard in Gullane, The.Marine and The.Nether. Abbey, in North Berwick, and the recently rebranded The.Leddie formerly Ducks in Aberlady. In addition Archerfield.House.and.lodges have been created. Such improvements in standards of offering, the investment committed, is healthy for the County and needs ongoing support from EL Council. This support is not monetary but more in terms of policies that enable those investments to be considered worthwhile. In the peak season return on investment may not be an issue, in the off-season however it becomes a different matter.

The number of short-term letting, Air B&B businesses needs controlled, especially new build properties specifically built for such commercial purpose, as all they serve to do is undercut the hotels. Additionally in the off-season such properties often remain **unused for much of the time**.

To facilitate/permit a new commercial short term let/Air B&B business to become established in a designated **residential** conservation area not only flies in the face of the support Hotels need from their Council, but also risks setting a dangerous precedent with longer term implications. As homes come up for sale they become targets for businesses in the short term/ air B&B market. That impacts property values that usually mean locals can be priced out.

5. CONCLUSIONS

■ believe the plans associated with this development to be flawed in a number of ways and in particular our objections relate to scale and purpose.

The drawings themselves lack definitive sizes, levels, and measurements, and we believe misrepresent the utter domination of the proposal over all adjoining properties. **This 'swamping' of what is a relatively small site is completely unacceptable and [REDACTED] fervently ask the planners to deny the application. [REDACTED] are therefore registering our objections in accordance with the various aspects covered herein.**

Additionally [REDACTED] wish it noted that to accept the plans under the circumstances [REDACTED] illustrate, i.e. Commercial use, (assuming we are correct in our belief on this) sets a precedent that as local residents we believe to be to the detriment of the legal preservation requirements that apply to Goose Green.

Should demolition be approved then a replacement new build home should be no greater in size and height than that which currently exists i.e a single storey property. There are numerous publicly stated needs for single bedroom homes - a starter property for a young person wishing to get on the property ladder, a retired single person wishing a home in a quiet environment with minimal upkeep required, to name but two.

[REDACTED] hope you will give [REDACTED] objections support and refuse the Planning Application. Thank you for considering [REDACTED] views.

Signed

[REDACTED]

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: While not [REDACTED] to the proposed house, I have been on Goose Green for [REDACTED] and am, [REDACTED] hope understandably, concerned to maintain the character of the Green.

1. The proposed dwelling is higher than all its neighbours which will impact the appearance of the Green.
2. The proposed balcony is intrusive and potentially a noise problem particularly if the property were to be a holiday let. [REDACTED] understand that the owner is a limited company which makes this likely. Drunken visiting golfers is not attractive idea.
3. Parking is already an issue on the Green which is interesting given that [REDACTED] understand no one should park on the Green.

All in all it is difficult to see why this proposal should proceed.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/madam

As a [REDACTED] to this proposed development Goose Green is a conservation area and I have several objections as outlined below.

The proposal is an overdevelopment and the size and scale is disproportionate to the size of the plot.

The design and proposal to make the property a 2 storey in-house which is significantly larger and taller than the existing 1 storey cottage and the proposed height and roof terrace will be overbearing and inappropriate in relation to May Cottage in front of it.

Design and visual amenity and adverse impact on the Gullane Conservation Area - the current planning application proposals in terms of size , roof height and the proposed roof terrace will result in a significant adverse impact on the visual amenity of the frontage of May Cottage to Goose Green which is in the conservation area.

Noise - the current planning application proposals for a roof terrace are of great concern in general for the neighbouring properties in respect of noise disturbance given how noise carries across Goose Green , noise disturbance is areal issue for concern for neighbours in Goose Green.

There is also no provision for parking on site and this will increase the pressure for parking on Goose Green.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Elm Cottage
Goose Green Road
Gullane
East Lothian
EH31 2AT**

27th January 2025

Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
EH41 3HA
Email environment@eastlothian.gov.uk

To Whom It May Concern,

**Demolition of building – The Studio, Goose Green Road, Gullane. EH31 2AT
Ref. No: 24/01373/CAC**

**Erection of 1 house - The Studio, Goose Green Road, Gullane. EH31 2AT
Ref. No: 24/01372/P**

I wish to make the following objections to the above two applications for conservation area consent / planning permission.

the application property, as shown on the attached copy title plan. The

1. I am aware that the application property is situated within the Gullane Conservation Area and that it was the subject of previous applications for demolition and redevelopment, in particular under applications reference 18/00756/P and 00757/CAC, both of which were granted but neither of which have been implemented. It is however apparent from the drawings lodged with the new applications that the building now proposed is higher and wider than the existing building and that it is to extend into the area of open ground to the north-west of the present building. I suggest that because of its increased bulk, as compared with the previously proposed buildings and with the smaller traditional nature of the surrounding properties, it is not of a form appropriate to the Conservation Area. I suggest that this view is consistent with the Conservation Area Statement, which provides at paragraph 1.2 that “the higher density segment of the Conservation Area comprises attractive Edwardian three-storey parades, giving an urban feel to the Main Street, while this gives way to smaller-scale cottages and the open village green Goose Green to the north, providing a more rural environment and a setting for the surrounding buildings”.
2. Further to concerns expressed at paragraph 1 above, I have been advised that the proposed development will result in being increasingly overshadowed as a result of the increase in the height and bulk of the proposed new building. This is confirmed by the accompanying report by NGP Architecture Limited, Chartered Architects, Federation House, 222 Queensferry Road, Edinburgh, EH4 2BN, a copy of which I am attaching to this letter. This is a matter of serious concern to .

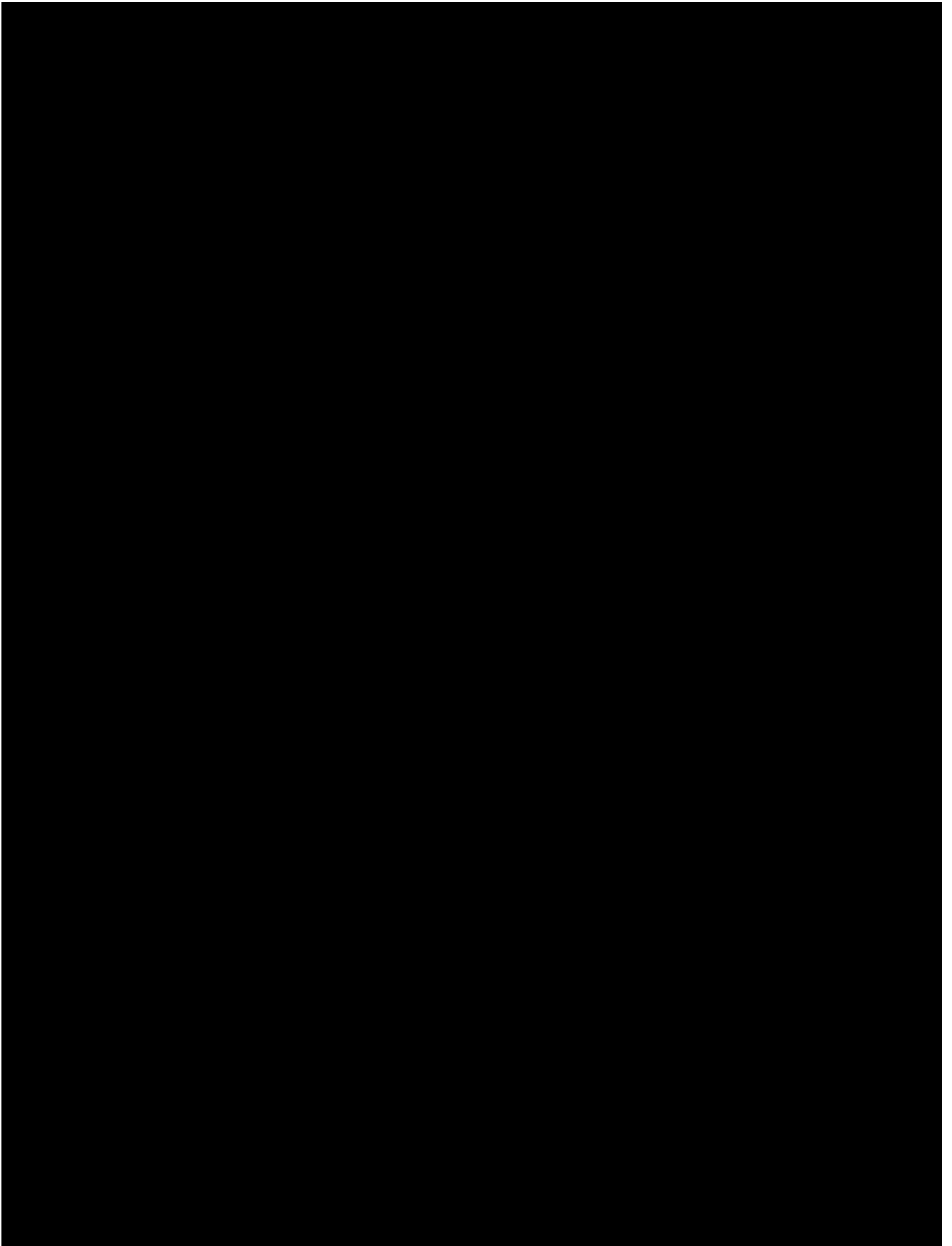
3. [REDACTED] It seems inconceivable that the new building can be constructed without interrupting this access. Such interruption would cause great difficulty to the occupiers of [REDACTED] as well as a danger to them in the event of an emergency. If, despite [REDACTED] objections, the Council is minded to approve the applications, [REDACTED] ask that their approval is granted subject to access to [REDACTED] [REDACTED] being kept open at all times throughout the period of construction.
4. [REDACTED]
[REDACTED] understand that in the past an additional manhole for this drain was situated within the open ground of the Studio plot at its north-eastern extremity. This manhole appears to have been covered over as the cover is no longer visible or accessible, and the line of the drain has not been shown on the application drawings. It appears that the new building will extend over this drain. [REDACTED] fear that this could lead to maintenance problems in the future and would ask that if the Council is minded to approve the applications, their approval is granted subject to a new manhole being required for the drainage of the new building and any existing drainage that runs into the old, covered manhole from May Cottage.
5. [REDACTED]
[REDACTED]
6. [REDACTED] also note from the drawings that the proposed new house is to contain three large bedrooms, two of them with en-suite facilities. [REDACTED] feel that this suggests the possible intended use of the house being for short term holiday letting and that this would be likely to lead to vehicle congestion and unauthorised parking on the access lane and in the on the yard. [REDACTED] ask that such use should not be permitted.

For all of the foregoing reasons, and particularly on account of the proposed development being inconsistent with the Conservation Area Statement, [REDACTED] ask you to refuse the application. If, however, you are minded to grant it then [REDACTED] ask that this is made subject to the conditions [REDACTED] have referred to above.

Yours faithfully

[REDACTED]

Attachment - Title plan



[REDACTED]

[REDACTED]

15-01-2025

[REDACTED]

[REDACTED]

[REDACTED]

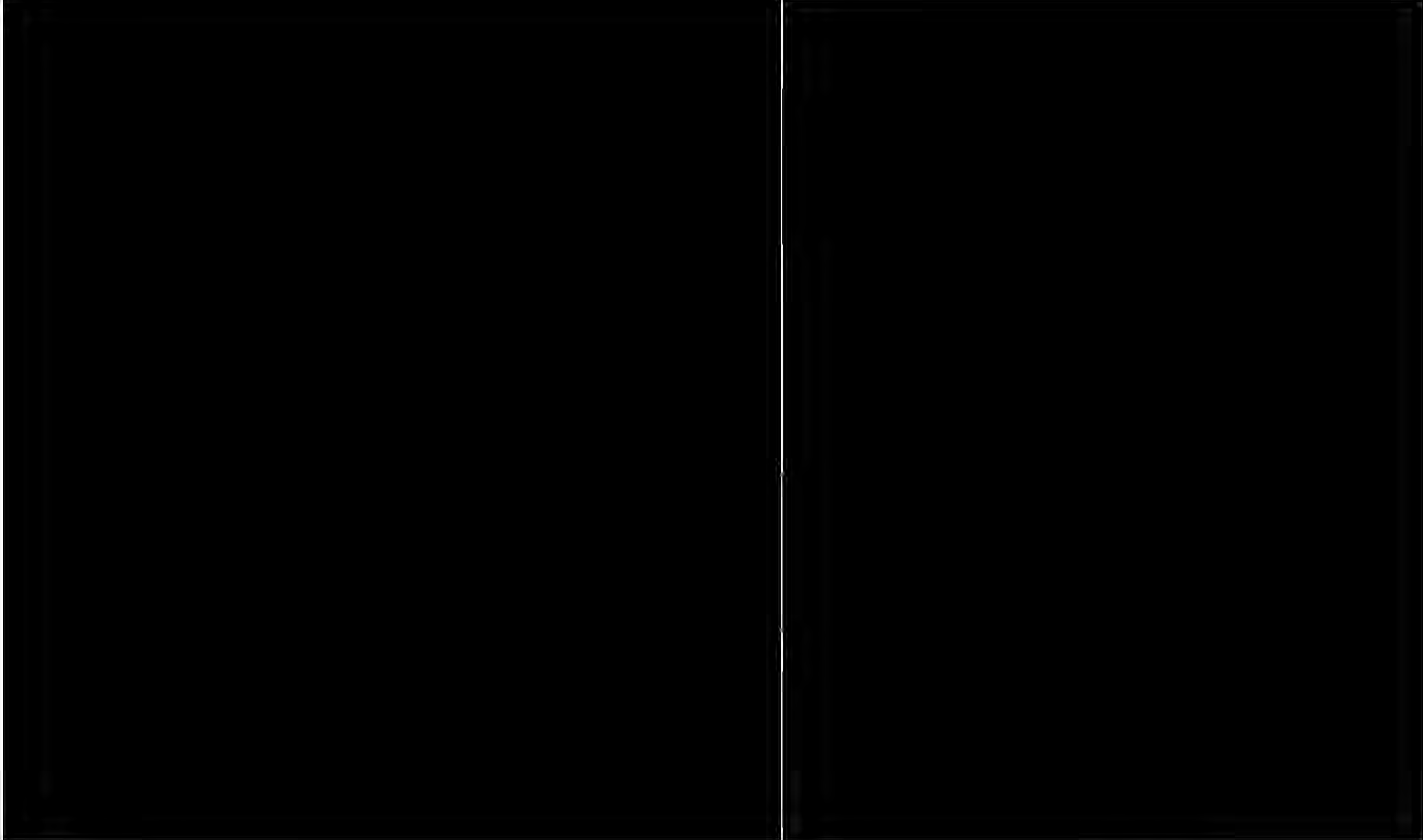
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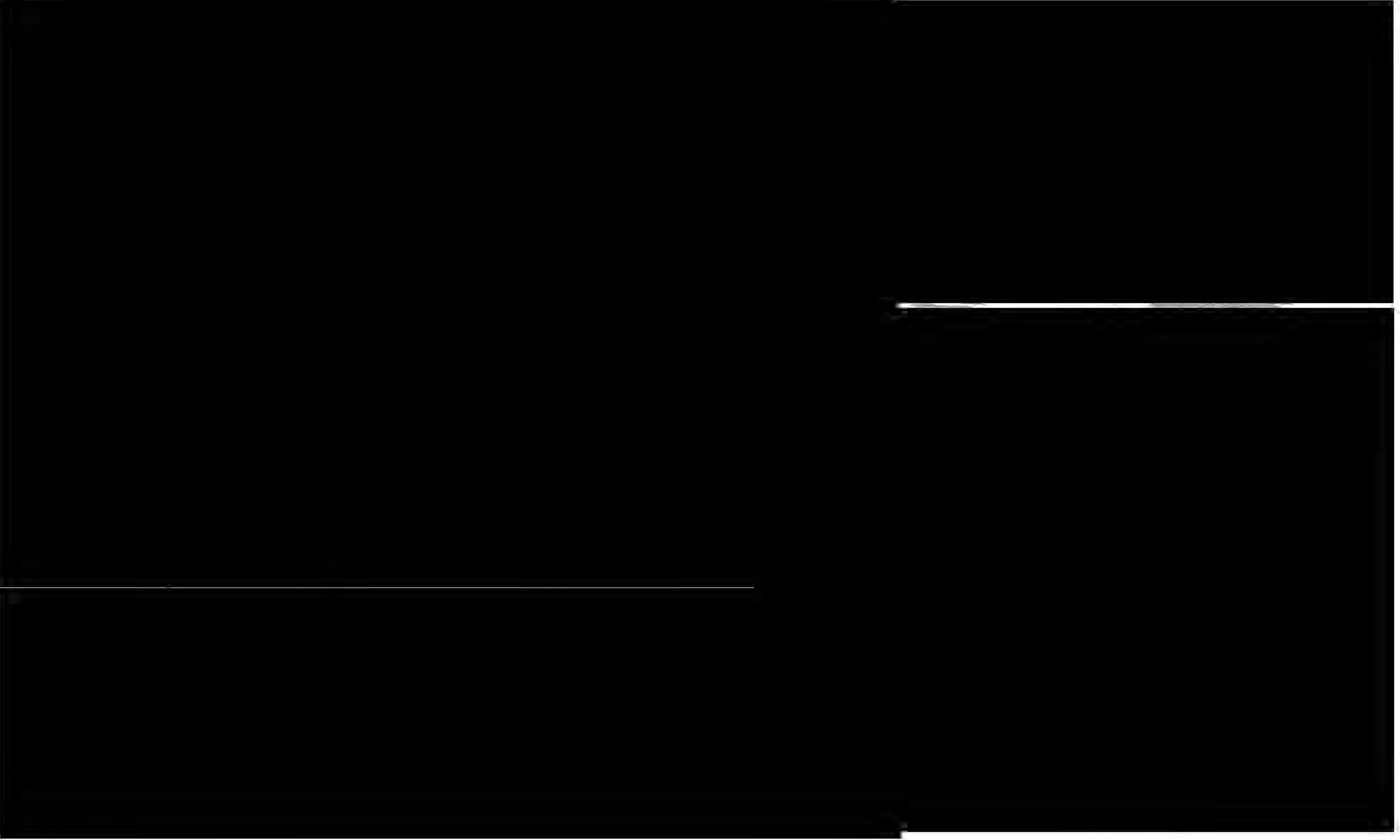
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 24/01372/P | Erection of 1 house and formation of hardstanding areas | The Studio Goose Green Road Gullane EH31 2AT

1. The proposed development is in a very sensitive area of Gullane being on the edge of Goose Green, in the Gullane Conservation Area. Goose Green is enjoyed by neighbours, Gullane residents and visitors and golfers from all over the world.
2. Both the height and style of the proposed development are out of keeping with the generally traditional, low-rise style of other buildings around Goose Green.
3. The proposed development with its roof terrace will be prominent from a large proportion of Goose Green and would compromise the visual amenity of the Goose Green Conservation Area.
4. The new development would see a one-bedroom single storey property replaced by a significantly higher 3-bedroom 2 storey property.
5. The footprint and height of the house are out of proportion to the size of the plot.
6. The roof terrace is out of keeping with the Goose Green Conservation Area
7. The proposed height of the new building and the roof terrace would dwarf the picturesque May Cottage in front of it and other adjacent properties.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Overdevelopment- the proposed new 3 bedroom 2 storey house with a roof terrace will result in a new property which will be completely disproportionate to the size of the plot it is located on ie this will be overdevelopment.

2. Inappropriate nature of the proposed development- the current planning application proposals are for a new 2 storey house which will be significantly larger and taller than the existing 1 storey cottage and in addition the proposed roof height and roof terrace will be overbearing and inappropriate in relation to particularly May Cottage in front of it.

3. Design and Visual Amenity and adverse impact on the Gullane Conservation Area- the current planning application proposals in terms of size, roof height and the proposed roof terrace will result in a significant adverse impact on the visual amenity of the frontage of May Cottage to Goose Green which is in the Gullane conservation area.

4. Detrimental Impact on the Gullane Conservation Area -the current planning application proposals will result in a detrimental impact on the character and appearance of the Gullane Conservation Area due to the proposed design and visual appearance of the proposed new property.

6. Noise- the current planning application proposals for a roof terrace are of great concern generally for the neighbouring properties in respect of noise disturbance. Given how noise carries across Goose Green noise disturbance is a real issue of concern for all residents of Goose Green.

7. Usage of property - it is understood that the applicant behind the current planning proposals Pin

High Properties Ltd is a commercial entity which plans to let out The Studio property on Airbnb

8. Parking - there is no provision for parking on the site and this will increase pressure on parking on Goose Green.

9. The information provided with the current planning application proposals is very difficult to understand and is lacking in detail what does the balcony actually look like ?

Speaking for
Scotland's Buildings
AHSS East Lothian Cases Panel,



Planning and Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian EH41 3HA

Our ref. 25.EH31 2AT

by email: environment@eastlothian.gov.uk

30 January 2025

Dear Mr Allan

The Studio Goose Green Road Gullane EH31 2AT: Erection of 1 house and formation of hardstanding areas
Planning applications: 24/01372/P and 24/01373

The AHSS wish to **OBJECT** to the above applications.

The Studio stands behind and adjacent to Mayfield Cottage. Although unlisted, the latter is an excellent example of the small cottages and rural character of Goose Green, as described in the Gullane Conservation Area Statement. So are its immediate neighbours. The present building is subservient and fits in well.

The applicants wish to demolish The Studio and replace it with a modern house. A similar proposal was approved in 2018. The passage of time has, however altered the planning context, most notably with the introduction in 2023 of **NPF4**. In the Society's opinion NPF4's emphasis on applying planning controls correctly implies a more objective approach than the surprising permissiveness adopted in 2018. The Society believes that the proposed building is too insensitively designed to be acceptable in terms of NPF4. Policy 7 of NPF4 specifically emphasises that proposals in or affecting Conservation Areas will only be supported where the character and appearance of the area and its setting is preserved or enhanced. It goes on to emphasise the importance of context and design.

Policy 7 also attaches importance to townscape value. Measured against this yardstick, the present proposals fall well short. They are not neutral. They are untenably damaging, given current policy guidance in NPF4. The existing pyramid roof of The Studio is modest and subservient. Its replacement will be taller, unorthodox in shape and based on a substantially wider footprint. Its position overlooking the gently undulating Goose Green will make it prominent and out of place, especially with its alien-looking balcony. It is not only the main elevation of the new roof that would be visible. The substantial gap between Mayfield Cottage and its neighbour to the south will expose the design of the side elevation as well, to the further detriment of the Conservation Area.

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rutland Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

In local terms, we believe it to be incompatible with Council Policy **DP5**, which provides that alterations and extensions to existing buildings must be well integrated into their surroundings, and either in keeping with or complementary to their character and appearance.

Specifically:

- The new building proposes the introduction of a substantial balcony on the elevation facing Goose Green. This will be assertively contemporary, highly visible and incongruous, not just in its immediate vicinity but also across the open space of the green itself, introducing a thoroughly discordant note. (This is our main difference of judgement with the 2018 decision, which we feel failed to consider this innovation in context.)
- Despite the mitigating measures proposed in 2018, we cannot see how the new balcony could possibly have other than a damaging effect on the residential amenity of neighbouring properties. It is conceived as a substantial entertainment space, not as some sort of quiet sun trap.
- The new building would be neither subservient to, or in keeping with, either Mayfield Cottage or the other traditional buildings facing Goose Green.
- The proposed increases in the massing and footprint of the new building are stealthy examples of inappropriate attempts at planning creep, the result being a significantly more intrusive building than the one it is intended to replace.

The design faults of the new building will have the further, unfortunate effect of damaging the Conservation Area more generally, contrary to Council Policy **CH2**. Specifically:

- Because of its intrusive design the new building would damage the special architectural and historic character and appearance of the Conservation Area.
- It would not accord with the size and proportions of nearby buildings.
- It would be damaging to the public space of Goose Green.
- It also seems probable (here again, in contrast to the view taken in 2018) that the new house would exacerbate Goose Green's parking problems. This is mainly because, within its enlarged envelope, a substantial increase in accommodation is envisaged. It is therefore almost certain that only one reserved parking space will not be adequate.
- There is no likelihood whatever that approving this application will achieve what CH2 describes as positive townscape benefits.

We should be grateful if you would please register our **OBJECTION** accordingly.

Yours faithfully,

The AHSS East Lothian Cases Panel

c.c. Historic Environment Scotland [REDACTED]
AHSS National Office [REDACTED]

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rutland Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objections to the Proposed Development

1. Overdevelopment The proposed new 3-bedroom, 2-storey house with a roof terrace, as outlined in the current planning application, is disproportionate to the size of the plot, resulting in overdevelopment.
2. Inappropriate Development: The proposed 2-storey house is significantly larger and taller than the existing 1-storey cottage. The roof height and roof terrace would be overbearing and inappropriate, particularly in relation to May Cottage in front of it.
3. Design and Visual Amenity Impact on Gullane Conservation Area: The proposed house's size, roof height, and roof terrace would significantly adversely impact the visual amenity of May Cottage's frontage to Goose Green, which is in the Gullane Conservation Area.
4. Detrimental Impact on Gullane Conservation Area: The proposed design and visual appearance of the new property would negatively affect the character and appearance of the Gullane Conservation Area.
5. Overlooking and Loss of Privacy: The proposed development would adversely impact each of the five immediately neighbouring properties through overlooking and loss of privacy.
6. Noise: The proposed roof terrace raises concerns about noise disturbance for neighboring properties. Given how noise carries across Goose Green, this is a significant issue for all residents.

7. Parking: There is no provision for parking on the site, increasing pressure on parking in Goose Green.

8. Usage of Property: I fear that the applicant plans to let out "The Studio" property on Airbnb, heightening concerns outlined in points 5, 6, and 7.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: [REDACTED] are concerned about the scale of the proposed development and the impact this will have on the adjacent properties and the wider area.

The proposal appears disproportionate to the extent of the site.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Summary of objections

1. Lack of clarity in the application - The information provided in the planning application is difficult to interpret and lacks sufficient detail.

2. Overdevelopment - The proposed new three-bedroom, two-storey house with a roof terrace/balcony, as outlined in the current planning application, is excessively large in relation to the size of the plot. This represents significant overdevelopment.

3. Inappropriate nature of the development - The proposed two-storey house will be considerably larger and taller than the existing single-storey cottage. Additionally, the increased roof height and the inclusion of a roof terrace/balcony will be overbearing, particularly in relation to May Cottage in front of the proposed development.

4. Design, visual amenity, and impact on the Gullane Conservation Area - The size, roof height, and inclusion of a roof terrace/balcony will have a significant negative impact on the visual appeal of May Cottage's frontage to Goose Green, and is out of keeping with the Gullane Conservation Area.

Overall the proposed design and visual appearance of the new property will harm the character and overall aesthetic of the Gullane Conservation Area.

5. Overlooking and loss of privacy - The development will result in an increased level of overlooking, leading to a loss of privacy for the five immediately adjacent properties. This is a source of considerable anxiety to current occupants across all five properties.

6. Noise disturbance - The inclusion of a roof terrace/balcony has raised significant concerns regarding noise disruption for neighbouring properties. Given how sound carries across Goose Green, this poses a broader concern for all residents in the area.

7. Property usage - The applicant, Pin High Properties Ltd reportedly intends to let the property commercially. This exacerbates concerns regarding privacy (point 4), noise disturbance (point 5), and parking (point 7). All have been issues recently due to poor behaviour by people letting holiday accommodation on Green.

8. Parking pressure - There is no designated parking provision on-site, which will further increase demand for parking on the Goose Green.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It would seem to be a breach of planning to convert a single story dwelling in a back garden into a 2 storey house. The size of the development would be disproportionate to the size of plot. This would be a good example of over development.

Even if it meets general planning criteria, it would be totally out of keeping with the neighbourhood, detrimental to the neighbours and not in keeping with other dwellings on the East side of the Goose Green. It would be detrimental to May cottage in front of it and look utterly ridiculous.

It will be detrimental to the character and appearance of a conservation area.

Given that the property developer plans to let the property, the roof terrace will create both noise and loss of privacy to surrounding properties and the Goose Green in general.

There is no proposal for where cars would be parked.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a [REDACTED] and frequent user of Goose Green I object to the plans for the proposed house on the plot of The Studio on Goose Green. The proposed house is out of character and keeping with the houses around the green. It would represent an over development of an already overcrowded part of the green. Replacing a one bedroomed house with a three bedroomed house on a plot with no land around it encroaches on the immediate neighbours who are already in a very crowded area. The proposed two storey house would overshadow the cottages immediately beside and in front of it. The large modern design is out of keeping with the other properties and the inclusion of a balcony further impacts on neighbours' privacy, the privacy of those who use the green and would simply look ridiculous in such a position. Goose Green is a much loved, well used and valued facility in the village. Such a balcony, which would be well used by the occupants given that there is no other outdoor space on the plot, would destroy the green's tranquility of a summer evening especially if the property is let out to groups of holiday makers who are not invested in village life. This proposed development is within the conservation area of the village and is completely inappropriate and must not be granted planning permission. Granting permission in such a location would set a precedent and mark the end of the character of the conservation area for which Gullane is admired and loved.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development for a new 3 bedroom, 2 storey house with a roof terrace / balcony replacing a small 1 story cottage represents a significant overdevelopment of the site in the heart of the Gullane Conservation area.

The footprint and height of the proposed house and roof terrace / balcony are out of proportion to the size of the plot in the Gullane Conservation area.

The proposed development will also have an adverse impact on the 5 neighbouring properties as a result of overlooking / loss of privacy.

It is understood that the Company behind this planning application plan to let out the property on Airbnb. This raises significant concern as it is very likely noise will become an issue. People using the balcony for parties on their summer holidays could become very rowdy indeed into the small hours.

There is no space at all on the proposed development site for parking a car and therefore any cars would have to be parked across the road on the grass of Goose Green, which is unsatisfactory.



Our Ref: ep856/let005/DS/ELC

07th February 2025

Mr. James Allan
East Lothian Council
Planning Department
John Muir House
Court Street
Haddington
East Lothian
EH41 3HA

Dear Mr. Allan,

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

Introduction

1. We refer to the above-mentioned applications for Planning Permission and Conservation Area Consent which were submitted to your Council by Julian Frostwick on behalf of Pin High Properties on 12th December 2024 (Validated on 09th January 2025 and subsequently amended on 15th January 2025) and which relate to the demolition of an existing dwelling house and its replacement with a new dwelling house at 'The Studio,' Goose Green Road, Gullane. We have been instructed by and are writing this letter on behalf of our clients, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Our clients have instructed us to **OBJECT** to the application on their behalf and respectfully request that all of the points outlined within this letter are given due and appropriate consideration in the determination of the applications referred to.

2. The applications submitted seek Planning Permission and Conservation Area Consent for the demolition of the existing dwelling house and its replacement with a new dwelling house. The existing dwelling house, which is single storey in scale, accommodates within its c62.0 sq. metre footprint, a single bedroom, living room, kitchen and WC/shower room and has an internal floor area of c51.5 sq. metres. The proposed dwelling house, which is two storey in scale, occupies a footprint of 92 sq. metres and accommodates 3 no bedrooms (2 en-suite) and an accessible WC/shower room on the ground floor; and an open plan kitchen/living/dining area on the first floor, off which there is projecting balcony to the south west offering views over Goose Green. The internal floor area of the dwelling proposed is some 115 sq. metres with an additional 10 sq. metres provided on the balcony, resulting in an overall floor area which is more than twice that of the existing dwelling house. In addition to the projecting balcony referred to, the proposals also accommodate four roof lights (two serving the ground floor and two serving the first floor) in the north elevation (facing Victoria Cottage); seven roof lights (five serving the ground floor and

two serving the first floor) in the south elevation facing Sunnyside; and one roof light (serving the ground floor) in the east elevation facing Elm Cottage to the north east. Neither the existing nor the proposed dwelling houses benefit from any useable private garden space.

3. As noted in Paragraph 1, the applicant's agent submitted amended plans to your Department on 15th January 2025 which reduced the extent of the boundaries on the existing and proposed site plans. However, as the boundaries of the location plan submitted with the original application were not amended, a situation now exists where there are inconsistencies in the application boundaries between different plans submitted. We would further add to this that the amended site plans submitted on 15th January 2025 remain incorrectly drawn insofar as they relate to the

[REDACTED]

[REDACTED] Finally, we would also point out that the site area as stated in the application forms as 122 sq. metres is clearly incorrect and the forms need to be amended in this regard. By way of information we have calculated the application site to now measure c.104 sq. metres or thereby.

4. The Design and Accessibility Statement submitted in support of the Planning Application claims that the replacement dwelling house proposed is consistent with the permission granted under the terms of the now lapsed Planning Permission Reference Number 18/00756/P, inferring on the back of this, that the current application proposals submitted under the terms of Application Reference Numbers 24/01372/P and 24/01373/CAC should also be granted Planning Permission and Conservation Area Consent. Whilst we accept that the planning history referenced by the applicant's agent is a material consideration in the determination of the current applications, no weight whatsoever should be ascribed to that history as a consequence of the following considerations:

- (i) The earlier planning permission granted under the terms of Planning Permission Reference Number 18/00756/P has now lapsed as confirmed by the Chief Planner, Mr. Keith Dingwall. This is noted and accepted by the applicants in both the application forms and in the supporting Design and Accessibility Statement submitted in support of the application, which state, inter-alia, the following:

'Further discussions with Keith Dingwall advise that new application required not variation to permission 18/00756/P which is deemed to have lapsed.' (Application Forms)

'The proposed replacement house is of traditional form and materials appropriate to the Gullane Conservation Area and consistent with lapsed Permission 18/00756/P to which we are seeking new Permission.' (Design and Accessibility Statement)

- (ii) The applications currently proposed are of a significantly larger scale in terms of height and in the number of window openings proposed than the previously approved scheme with resultant and additional adverse effects arising on amenity levels within neighbouring properties and on the character and appearance of the area;

- (iii) [REDACTED]

- (iv) In addition to the situation described in 4(ii) above, it should also be noted that the properties known as May Cottage and The Studio were in the same ownership when the earlier applications were approved on 21st September 2018 under the terms of Application Reference Numbers 18/00765/P and 18/00756/CAC. That is no longer the case with the two properties now being in separate ownership.
 - (v) Finally, the merits of the earlier applications submitted under the terms Application Reference Numbers 18/00756/P & 18/00756/CAC and determined on 21st September 2018 (now lapsed) were assessed within the context of policies within the East Lothian Local Plan 2008. That local plan has been superseded by the East Lothian Local Development Plan 2018 which was adopted by your Council on 27th September 2018. National Planning Framework 4 (NPF4) was also adopted by Scottish Ministers on 13th February 2023 and at that point was indocrinated into the development plan. As a consequence of the policy situation described, the current application proposals now require to be assessed against policies within both NPF4 and the East Lothian Local Development Plan 2018. Section 24(3) (i) of the Town and Country Planning (Scotland) 1997 Act states that *'in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.'*
5. Given the established and historical use of the application property as a single storey dwelling house, our clients wish to place on record that they would have no objection to the refurbishment and continued use of the existing property for such residential purposes nor would they have any objection, in principle at least, to the redevelopment of the application site for the erection of a similarly scaled single storey one bedroom dwelling house with appropriate design credentials. Unfortunately, the proposals contained in the current applications stray quite considerably from such parameters. Within the context described in this and preceding paragraphs, our client's objections to the applications, as currently presented, are supported by the considerations outlined in the following paragraphs.

Grounds of Objection

- 6. **Overdevelopment** – The application proposals represent a significant over development of the site through what, in effect, involves the replacement of a one-bedroom single storey dwelling house with a three-bedroom two storey dwelling house with a floor area over twice the size of the existing. According to the forms accompanying the current planning application, the site has an area of 122 sq. metres. That, it is worth noting, is some 14 sq. metres in excess of the site area (108 sq. metres) specified in the application forms accompanying the earlier planning application approved under the terms Planning Permission Reference Number 18/00756/P (now lapsed); 16 sq. metres greater than the 106 sq. metres specified as the site area in the Report of Handling on that earlier application; and 18 sq. metres greater than the site area (c.104 sq. metres) which we have calculated from the most recently submitted drawings. Clarification should be sought on this matter and corrections, where deemed necessary, sought.
- 7. The existing dwelling house on the site has a footprint of some 62.0 sq. metres which when applying the 104 sq. metres, which we consider to be the correct and actual site area relating to The Studio, equates to a plot ratio of 59.6% built and 40.4% unbuilt. The dwelling house proposed in the current application is on a footprint of 92 sq. metres which equates to a plot ratio of 88.5% built and 11.5% unbuilt. Generally speaking, it is a long-established principle that dwelling houses of the nature proposed should retain approximately two thirds of the overall site area free from development (66.6% - unbuilt) with one third (33.3% - built) accommodating the dwelling house and any ancillary buildings. Such credentials will ensure that sufficient space is retained for external activities associated with residential occupation (e.g. play, drying clothes, sitting out etc.) and ancillary storage requirements. The plot ratio associated with the current application falls considerably short of these credentials and is therefore totally unacceptable.
- 8. Whilst neither the existing nor proposed properties benefit from any usable private garden space within which to undertake external activities associated with residential occupation, the implications of such deficiencies are significantly greater for the three-bedroom property proposed given its potential to be occupied as a family home than to the existing one-bedroom property which is less likely to be so occupied. The latter is of course an existing lawful situation and whilst far from ideal must be accepted as it is. The applicants have attempted to address such external amenity deficiencies through the incorporation of a balcony feature at first floor off the

kitchen/living/dining area. Whilst this provides some opportunity for external living, it is comparatively small to what would normally be expected with a three-bedroom dwelling house, where, as a minimum, some 60 -100 sq. metres of useable garden space would be expected to be provided. In any event, the incorporation of the balcony within the scheme is not without other adverse consequences as will be elaborated upon in subsequent paragraphs to follow. Another related consideration relates to the absence of opportunities for the storage of items ancillary to and deemed essential for modern living. Setting aside the obvious absence of any off street car parking facilities and the potential consequences arising from that, it is not apparent from the plans submitted where waste/bin storage facilities will be accommodated nor where cycles might be stored.

9. In short and as noted in Paragraph 5 previously, the application proposals involve the demolition of a one-bedroom single-storey dwelling house and its replacement with a three-bedroom two-storey dwelling house occupying **88.5%** of the site area and without any meaningful external amenity or storage space provided for activities associated with residential occupation. The situation described clearly constitutes an unacceptable overdevelopment of the application site.
10. **Design and Visual Appearance** – The application proposals are considered to have an adverse effect on the character and appearance of the area’s streetscape which falls within the Gullane Conservation Area - designated as such as it is considered to be *‘an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.’* According to the Gullane Conservation Area Character Statement contained within the Council’s Supplementary Planning Guidance relating to *‘Cultural Heritage and the Built Environment,’* *‘Gullane Conservation Area comprises two distinct character areas, the higher density development within and adjacent to the town centre and the lower density Gullane Hill area. Large tracts of the golf courses to the south, which are an essential part of the setting of the village, are also incorporated within the Conservation Area boundary. The higher density segment of the Conservation Area comprises attractive Edwardian three storey parades, giving an urban feel to the Main Street, while this gives way to smaller-scale cottages and the open village green Goose Green to the north, providing a more rural environment and a setting for the surrounding buildings. The open expanse of the golf courses to the south and south west enhance the setting of the town and green areas extend to the Main Street, enhancing the amenity of the village centre.’*
11. The existing dwelling house on the site (The Studio) adjoins and sits to the rear (north east) of May Cottage which is an attractive single storey cottage fronting onto Goose Green and highly visible from a wide panorama of viewpoints within the Green and from Goose Green Road circumventing it.



Application site as viewed from the Green/Goose Green Road

As the situation presently exists, the roof of The Studio projects above May Cottage acting as a suitably scaled back drop and tying in harmoniously with other elements of the wider roof scape surrounding as shown in the photograph above. The dwelling house proposed in the current application is, as noted previously, a significantly larger property in terms of scale, height and mass to the existing property and is also larger than the dwelling

house previously approved under the terms of Planning Permission Reference Number 18/00756/P – a far cry from the image of ‘small-scale cottages’ described in the Gullane Conservation Area Character Statement referenced in Paragraph 10.



Proposed dwelling house substantially larger than existing

Documents 1 & 2 attached compare the scale of the proposed dwelling house with the existing and previously approved (permission now lapsed) houses. The proposed house will project significantly higher (1.72 metres) than the existing dwelling appearing as an over dominant and discordant feature, when viewed against the much lesser scaled May Cottage, in particular, but also within the context of other neighbouring properties. It also projects 0.9 metres above the previously approved (permission now lapsed) dwelling house. The dominance and associated prominence of the proposed dwelling is further increased through the introduction of the incongruously featured balcony at the front which will create visual confusion and disharmony in the street scene distorting the otherwise harmonious roof scape described. That relationship will be further threatened by the potential placement of furniture on the balcony (e.g. seating/dining facilities/sunshades etc.) and its potential use for domestic related activities such as drying clothes. We are genuinely surprised that such considerations were not given any weight in the determination of the earlier application on the site (18/00756/P), presumably in error.



Proposed dwelling house substantially larger than existing

12. **Overlooking/Loss of Privacy** – The application proposals will result in an adverse impact on our client’s residential amenity as a result overlooking/loss of privacy. Addressing each property in turn, the situation described is supported by the following considerations.

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

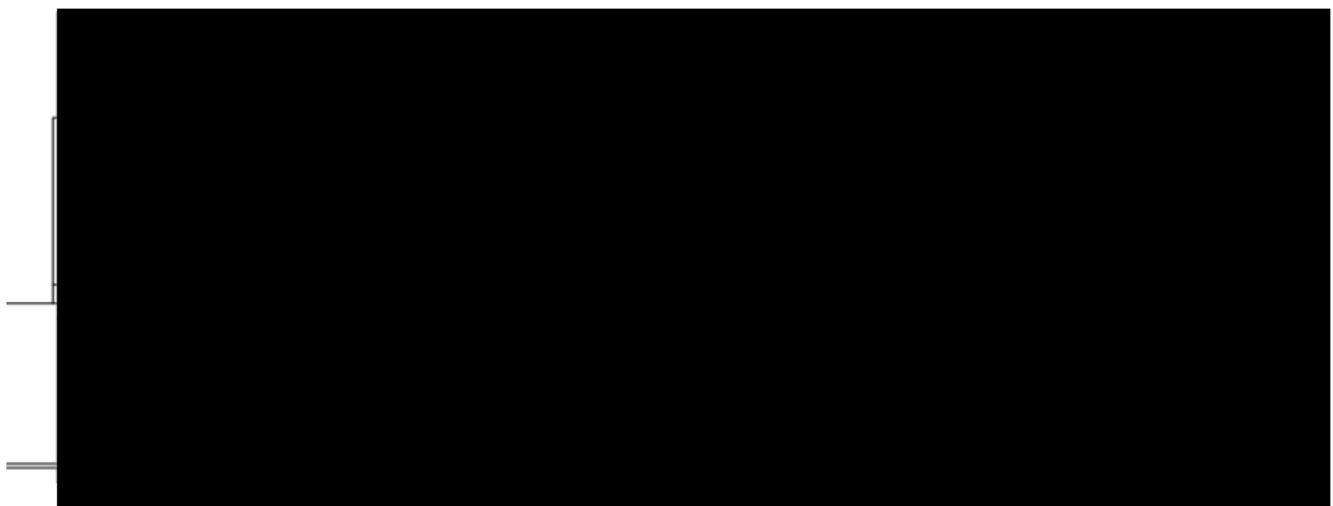
[REDACTED]

[REDACTED]

16. No such measures have been proposed to protect our clients against [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

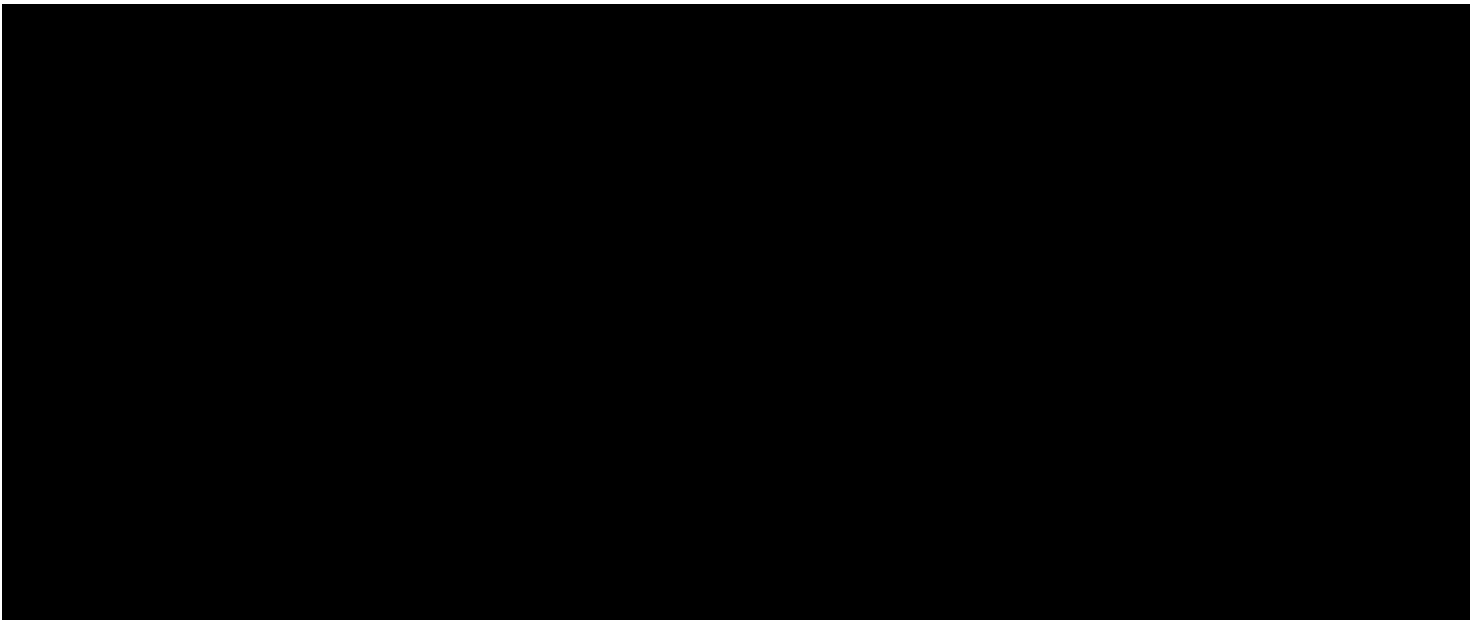
17. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18. **Loss of Daylight** – Whilst the application proposals are accompanied by a drawing assessing the impacts of the proposed dwelling house on day lighting considerations insofar as they relate to Elm Cottage to the north east, an assessment of the impacts arising from the proposals on [REDACTED]
[REDACTED] As a consequence of this the applicants have failed to demonstrate that those properties will not be adversely impacted upon by the application proposals. To assist in your assessment of daylighting situations we attach below an image which clearly shows that the dwelling proposed fails the 25 degrees daylighting test insofar as its relationship with [REDACTED] is concerned resulting in a significant adverse impact on residential amenity.



19. **Overshadowing** – The application submitted is devoid of any information to demonstrate that adjoining properties will not experience increased levels of overshadowing from the application proposals. In light of this we have attached within **Document 3** an overshadowing analysis study which conclusively demonstrates that the proposed dwelling will result in additional levels of overshadowing on [REDACTED] to the further detriment of its residential amenity. The following consequences will arise:

- Overshadowing in the front garden from September to March in the morning;
- Overshadowing in the back garden around midday in the winter months; and
- Overshadowing covering some of the existing [REDACTED] during winter mornings.



20. **Trees** – There is an existing [REDACTED] whose root system has the potential to be adversely affected by the works associated with the demolition of the existing house and the construction of the new house. As that said tree makes a positive contribution to the character and appearance of the Conservation Area from both visual and biodiversity perspectives, it is respectfully suggested that the applications should not be determined until such time as it has been conclusively demonstrated, by an appropriately qualified Arboricultural Consultant, that the welfare of the tree will not be threatened as a consequence of the works proposed.
21. **Drainage** – The application forms submitted claim that the proposals do not require a new or altered water supply or drainage arrangements. Given that the footprint of the proposed dwelling is significantly larger than the existing dwelling house which occupies the site, combined with known drainage difficulties in the area, revised proposals require to be submitted to capture and treat the increased run-off from the roof and any other hard surfaced areas within the site. Our clients are also concerned about the carrying capacity of the foul drainage system and the increased pressures arising from the dwelling house now proposed due to its potential to accommodate a larger number of residents than the existing dwelling house. It is respectfully suggested, if you have not already done so, to consult Scottish Water in connection with these matters.
22. **Energy Requirements** – The application proposals are devoid of any explanation or associated proposals for the provision of energy to service the proposed dwelling house. Of particular note in this regard is the absence of any proposals for low and/or zero carbon generating technologies such as air source heat pumps and /or photovoltaics. Details of such measures must be provided in advance of the determination of the application and their associated visual impacts assessed.
23. **Construction Management Plan** – Whilst it seems extremely unlikely, given the considerations outlined in preceding paragraphs that the application proposals, as currently presented, will be supported by your Council, it is of paramount importance to our clients, in the event of permission being granted for the development of a new dwelling on the site, that work does not commence until such time as a Construction Management Plan is submitted to and agreed with your Department following engagement and consultation with other property owners surrounding the site in which respect we would note in particular the properties known as [REDACTED] [REDACTED] Issues to be addressed within such a Management Plan should include but not necessarily be restricted to the following:

- (i) A structural survey of all walls within and in close proximity to the site with associated protection measures during demolition and construction works. The works referred to include the [REDACTED]
[REDACTED]
[REDACTED]
- (ii) Measures to be employed to ensure the continued provision of unrestricted pedestrian and vehicular access to [REDACTED] during demolition and construction works;
- (iii) Hours of permitted construction activities and associated maximum noise levels; and
- (iv) Waste Management and Recycling of Materials.

24. **Use of Property** – It has been brought to our attention that the application property has been used for periods in the past as a short-term holiday let and advertised on platforms such as Airbnb. Our clients are concerned, in the event of permission being granted for the erection of a new dwelling house on the site, that the property could be used for such purposes again with resultant adverse impacts on amenity levels to adjoining property owners and car parking pressures in the area. It is, in our opinion, unequivocally clear that the use of any dwelling house on the site as a short-term holiday let would constitute a material change of use to the property requiring planning permission. That being the case and in the event of permission being granted, it is respectfully requested that a condition be imposed specifying that the use of the property be restricted to a domestic dwelling and that its use for any form of short-term holiday letting purposes including as a bed and breakfast establishment would require a separate grant of planning permission.

25. **Other considerations** – [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Planning Policy

26. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as '*The Act*') states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

As the application site lies within the Gullane Conservation Area, the decision maker is also required under the terms of Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.

27. In the context of Section 25 of the Act referred to above, due regard should be made to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:
- *identify any provisions of the development plan which are relevant to the decision;*
 - *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
 - *consider whether or not the proposal accords with the development plan;*

- *identify and consider relevant material considerations, for and against the proposal; and*
- *assess whether these considerations warrant a departure from the development plan.*

28. As noted previously, the relevant development plan for the area within which the application site lies comprises National Planning Framework 4 (NPF4) and the East Lothian Local Development Plan 2018.

National Planning Framework 4 (NPF4)

29. National Planning Framework 4 (NPF4), as noted previously, was adopted by Scottish Ministers on 13th February 2023 and contains 33 no. policies against which applications for development proposals now require to be assessed. The application proposals are considered to be in conflict with or have failed to demonstrate compliance with the following policies within that document.



Policy 1 – Sustainable Places – Tackling the climate and nature crises

Policy 2 – Climate Mitigation and Adaptation

Policy 6 – Forestry, Woodland and Trees

Policy 7 – Historic Assets and Places

Policy 9 – Brownfield, vacant and derelict land and empty buildings

Policy 12 – Zero Waste

Policy 13 – Sustainable Transport

Policy 14 – Liveable Places - Design Quality and Place

Policy 22 – Flood Risk and Water Management

Policy 23 – Health and Safety

30. The intent of **Policy 1** in NPF4 on '***Sustainable Places – Tackling the climate and nature crises***' is '*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.*' The intent of **Policy 2** on '***Climate Mitigation and Adaptation***' is '*to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.*' No information has been submitted in support of the application to demonstrate that the application proposals address the global climate and nature crises and/or minimise emissions and/or adapts to the current and future impacts of climate change. The absence of any low or zero carbon-generating technologies in energy generation within the proposal, is particularly notable in this regard.

31. The intent of **Policy 6** in NPF4 on '***Forestry, Woodland and Trees***' is '*to protect and expand forests, woodlands and trees.*' Criterion (b)(ii) states that '*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.*' As the applicants have failed to assess the impacts of the proposals on the existing [REDACTED] tree within the grounds of [REDACTED] as referred to in Paragraph 19 previously, the requirements of Policy 6 have not been met.

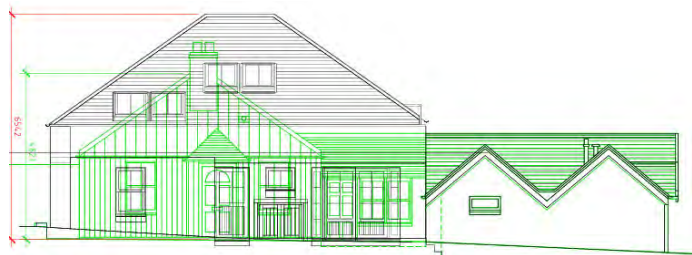
32. The intent of **Policy 7** in NPF 4 on '***Historic Assets and Places***' is '*to protect and enhance historic assets and places, and to enable positive change as a catalyst for the regeneration of places.*' The following criteria within Policy 7 are particularly relevant to the determination of the application proposals:

- Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.*

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- d) *Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:*
- i. *architectural and historic character of the area;*
 - ii. *existing density, built form and layout; and*
 - iii. *context and siting, quality of design and suitable materials.*
- e) *Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.*
- f) *Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:*
- i. *reasonable efforts have been made to retain, repair and reuse the building;*
 - ii. *the building is of little townscape value;*
 - iii. *the structural condition of the building prevents its retention at a reasonable cost; or*
 - iv. *the form or location of the building makes its reuse extremely difficult.*
- g) *Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.'*

33. The application proposals are devoid of any supporting information outlining the justification for the demolition of the existing dwelling house and its replacement with a dwelling of a significantly larger scale which will result in the overdevelopment of the site, and which, for the reasons mentioned in Paragraphs 10-11 previously, will have a significant adverse effect on the character and appearance of the Gullane Conservation Area. The proposals are, as a consequence, considered to be in conflict with the requirements of Policy 7.



Dwelling proposed significantly larger than existing

34. The intent of **Policy 9** in NPF4 on '**Brownfield, vacant and derelict land and empty buildings**' is 'to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help to reduce the need for greenfield development.' Criterion 9(d) within the policy states that 'Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.' As the applicants have failed to conclusively demonstrate that the existing dwelling requires to be demolished and cannot be reused for residential purposes, the requirements of the cited criterion within the policy have not been met.
35. The intent of **Policy 12** on '**Zero Waste**' is to 'encourage, promote and facilitate development that is consistent with the waste hierarchy.' Criteria (a) to (c) within Policy 12 have particular relevance to the application proposals and state the following:
- a) *Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.*
 - b) *Development proposals will be supported where they:*
 - i. *reuse existing buildings and infrastructure;*
 - ii. *minimise demolition and salvage materials for reuse;*
 - iii. *minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;*

- iv. *use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;*
 - v. *use materials that are suitable for reuse with minimal reprocessing.*
- c) *Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:*
- i. *provision to maximise waste reduction and waste separation at source, and*
 - ii. *measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.*

36. The application proposals submitted are devoid of any supporting information to demonstrate how the requirements of Policy 13 will be complied with. These should be addressed within the Construction Management Plan referenced in Paragraph 23.

37. The intent of **Policy 13** on '**Sustainable Transport**' is '*to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.*' Criterion 13(b) (iii) of Policy 13 states that '*Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking.*' As noted previously there is no provision whatsoever for cycle parking facilities within the application proposals thus rendering them contrary to the terms of Policy 13.

38. The intent of **Policy 14** on '**Design, Quality and Place**' is '*to encourage, promote and facilitate well designed development that makes successful places by taking a designed-led approach and applying the Place Principle.*' Development proposals are only supported where they are consistent with the six qualities of successful places, namely, '*healthy, pleasant, connected, distinctive, sustainable and adaptable.*' Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities referenced will not be supported. Again, for the reasons mentioned in preceding paragraphs dealing inter-alia, with the subjects of overdevelopment; design and visual appearance; overlooking/loss of privacy; loss of daylight; and overshadowing, the application proposals are considered to be in conflict with Policy 14.



Application proposals dwarf existing cottage (shown in green)

39. The intent of **Policy 22** on '**Flood Risk and Water Management**' is '*to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.*' Criterion (c) of Policy 22 states the following:

'Development proposals will:

- i. *not increase the risk of surface water flooding to others, or itself be at risk.*
- ii. *manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer;*
- iii. *seek to minimise the area of impermeable surface.'*

40. The applicants have not outlined in their application submissions how they intend to capture, attenuate and treat the increased water arisings from the larger impermeable areas associated with the current application and as such compliance with the requirements of Policy 22 has not been demonstrated.
41. The intent of **Policy 23** on '**Health and Safety**' is '*to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.*' Criterion (e) of Policy 23 states that '*Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.*' As noted in Paragraph 13 previously, the occupiers of [REDACTED] are at significant risk of noise disturbance from activities undertaken on the balcony of the proposed dwelling house – that risk derives from the relationship of the balcony to roof light openings in the roof plane of the cottage facing that referenced balcony, thus rendering the proposals contrary to the terms of Policy 23.

East Lothian Local Development Plan 2018

42. The East Lothian Local Development Plan 2018 was, as noted previously, adopted by East Lothian Council on 28th September 2018. The application proposals are considered to be in conflict with or have failed to demonstrate compliance with the following undernoted policies which have been cited in the order in which they appear within the plan.

Policy RCA1 – Residential Character and Amenity
Policy T1 – Development Location and Accessibility
Policy T2 – General Transport Impact
Policy SEH2 – Low and Zero Carbon Generating Technologies
Policy W3 – Waste Separation and Collection
Policy NH8 – Trees and Development
Policy NH13 – Noise
Policy CH2 – Development Affecting Conservation Areas
Policy CH3 – Development of an unlisted building in a Conservation Area
Policy DP2 – Design
Policy DP5 – Extensions and Alterations to Existing Buildings
Policy DP7 – Infill, Backland and Garden Ground Development
Policy DP8 – Design Standards for New Housing Areas



43. **Policy RCA1** on '*Residential Character and Amenity*' states the following:
- 'The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.'*
44. Whilst Policy RCA1 is not directly relevant to the application proposal, as it seeks planning permission for the erection of a dwelling house, it is nonetheless cited to remind the decision maker that any use of the property for purposes other than mainstream residential (e.g. short term holiday let) would have the potential to result in a significant adverse impact on levels of residential amenity enjoyed by surrounding property occupiers thus supporting the request made previously that in the event of planning permission being granted for any redevelopment of the site, a condition be imposed to prevent it being used for such purposes.
45. **Policies T1** on '**Development Location and Accessibility**,' and **T2** on '**General Transport Impact**,' state the following:
- 'New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in*

accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals. ' (Policy T1 - Development Location and Accessibility)

'New development must have no significant adverse impact on:

- *Road safety;*
- *The convenience, safety and attractiveness of walking and cycling in the surrounding area;*
- *Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times*
- *The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and*
- *Residential amenity as a consequence of an increase in motorised traffic.*

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate. ' (Policy T2 - General Transport Impact)

46. Whilst the application site is sustainably located in terms of accessibility to a range of facilities and services and therefore compliant with the principles of local living and 20 minute neighbourhoods, the likelihood of occupants cycling to access such facilities in preference to the private car is seriously compromised by the lack of storage opportunities for cycles within the site. That makes cycling as a mode of transport to service the site entirely unattractive and contrary to the requirements of Policies T1 and T2.

47. **Policy SEH2** on '**Low and Zero Carbon Generating Technologies**,' states the following:

'All new buildings must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, except for the following:

- *Alterations and extensions to buildings;*
- *Changes of use or conversion of buildings;*
- *An ancillary building that is stand-alone, having an area less than 50 square metres;*
- *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
- *Buildings which have an intended life of less than two years;*
- *Any other buildings exempt from Building Standards.*

Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.'

48. As noted in our response to Policy 2 in NPF4 previously, the absence in the application submitted of any proposals for low and/or zero carbon generating technologies in meeting the energy requirements of the dwelling house proposed also renders the proposals contrary to the terms of Policy SEH2 in the Local Development Plan.

49. **Policy W3** on '**Waste Separation and Collection**,' states the following:

'All new development including residential, commercial and industrial properties should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations and address the waste hierarchy. This should include:

- a. *For all scales of residential development, appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes;*

- b. *For all major residential, industrial or commercial developments, recycling facilities of an appropriate scale and at a suitable location;*
- c. *Appropriate access roads and sufficient space for servicing by collection vehicles.*

Supplementary planning guidance will provide more detailed guidance on integrating sustainable waste management measures into new development.'

50. The application proposals, as currently presented, are devoid of any measures for the storage of domestic waste and recycling facilities thus rendering them contrary to the requirements of Policy W3 on *'Waste Separation and Collection.'*

51. **Policy NH8 on 'Trees and Development'** states the following:

'There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. *any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or*
- b. (i) *in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or*
- (ii) *in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.*

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.'

52. Due to the applicant's failure to demonstrate that the [REDACTED] tree within [REDACTED] will not be adversely impacted upon by the development works proposed, the application is not considered to meet the requirements of Policy NH8 on *'Trees and Development.'*

53. **Policy NH13 on 'Noise,'** states the following:

'The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.'

54. As noted in our response to Policy 23 on *'Health and Safety'* in NPF4, the occupiers of [REDACTED] are at significant risk of noise disturbance from activities undertaken on the balcony of the proposed dwelling house – such risk deriving from the relationship of the balcony to roof light openings in the roof plane of the cottage facing that balcony. As a consequence of the relationship described, the proposal contravenes the requirements of Policy NH13 on *'Noise.'*

55. **Policy CH2 on 'Development Affecting Conservation Areas,'** states the following:

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

Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.'

56. For the reasons mentioned in Paragraphs 10 & 11 previously, the application proposals will have a significant adverse effect on the character and appearance of the Gullane Conservation Area thus rendering them in contravention of Policy CH2 on 'Development Affecting Conservation Areas.'

57. **Policy CH3** on the '**Demolition of an Unlisted Building in a Conservation Area,**' states the following:

'Proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;*
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or*
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.*

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.'

58. As noted in Paragraph 33 previously, the application proposals are devoid of any supporting information outlining the justification for the demolition of the existing dwelling house and its replacement with a dwelling of significantly larger scale which will result in the overdevelopment of the site and which, for the reasons mentioned in our response to Policy CH2 above, will have a significant adverse effect on the character and appearance of the Gullane Conservation Area. The proposal is, as a consequence of these considerations considered contrary to the terms of Policy CH3 on the '*Demolition of Unlisted Buildings in Conservation Areas.*'

59. **Policy DP2** on '**Design,**' states the following:

'The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

- 1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;*
- 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;*
- 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*
- 4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*

5. *Clearly distinguish public space from private space using appropriate boundary treatments;*
6. *Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*
7. *Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*
8. *Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.'*

60. Due to the issues raised within Paragraphs 6-20 previously, the application proposals do not meet the requirements of Policy DP2 on 'Design.'

61. **Policy DP5 on 'Extensions and Alterations to Existing Buildings,'** states the following:

'All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

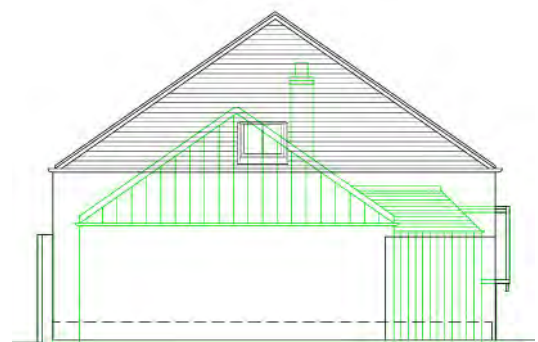
1. *It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;*
2. *For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;*
3. *For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;*

Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.'

62. Whilst the dwelling house proposed forms a separate residential unit to May Cottage it will nonetheless be physically attached to it and as a consequence has the appearance of being an extension to it particularly when viewed from the Green and Goose Green Road. That being the case, the criteria within Policy DP5 provide a useful yardstick against which to assess the merits of the proposal and in relation to which we would make the following observations:

1. As noted previously the proposed dwelling house will result in a significant loss – in fact the elimination of all privacy to the occupiers of [REDACTED] due to the relationship of the proposed balcony [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. The dwelling house proposed is of a significantly larger scale than the dwelling house it is replacing and dwarfs the existing cottage to such an extent that it results in harmful overbearing effects and harmful visual effects on the character and appearance of the Conservation Area.



Dwelling house proposed significantly larger than existing

63. **Policy DP7 on 'Infill, Backland and Garden Ground Development,'** states the following:

'Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:

1. *The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and*

2. *The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity;*
 3. *The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and*
 4. *There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.'*
64. As the application proposal provides no open space (usable private garden space); no car parking facilities; impacts significantly on the amenity of neighbouring property occupiers; and adopts a design which will result in a significant adverse effect on the character and appearance of the area (Gullane Conservation Area) it contravenes the requirements of Policy DP7 on *'Infill, Backland and Garden Ground Development.'*
65. **Policy DP8 on 'Design Standards for New Housing Areas,'** states the following:
- 'The principles of the Council's supplementary planning guidance Design Standards for New Housing Areas must be incorporated into the design and layout of all new relevant developments. All Home Zone / shared surface street designs must also be consistent with this document.'*
66. The application proposals do not comply with various of the undernoted requirements set out in the Council's Supplementary Design Standards for New Housing which require the following to be provided in association with new housing proposals:
- 4.23 Cycle Storage, Safety and Security
- *Opportunities for the provision of safe and convenient storage of bicycles*
- 4.26 Daylight, Sunlight, Overshadowing
- *Ensure there is no unacceptable loss of daylight to habitable rooms of existing neighbouring properties;*
 - *Not cause an unacceptable loss of sunlight to neighbouring properties and their gardens.*
- 4.27 Separation Distances, Privacy and Overlooking
- *Protect the privacy of existing dwellings (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).*
 - *Demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property and the street and other public spaces.*
- 4.28 Garden Ground, Extensions or Alterations
- *Provide private open space for family housing that can support adaptability and offer choice for potential residents;*
 - *Provide usable private or communal open space in the form of gardens, patios or balconies for flats. Its layout and design should offer privacy for dwellings adjoining the space.*
- 4.29 Waste and Recycling
- *Ensure that the design and materials of refuse storage areas are integrated with the design of the houses, car or cycling parking areas and use materials that will look good for years to come*

Other Material Considerations

67. As noted in Paragraph 25 previously, Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It has been conclusively demonstrated within Paragraphs 29-66 of this objection letter that the application proposals contravene numerous policies within National Planning Framework 4 and the East Lothian Local Development Plan 2018 which together comprise the development plan. We are unaware of any material considerations which would justify the granting of planning permission for the dwelling house proposed in contravention of the various policies cited within the development plan. The applicants, in their short supporting Design and Accessibility Statement, have advanced the view that the proposal is consistent with lapsed permission 18/00765/P. However, as we have outlined in Paragraph 4 previously no weight whatsoever should be given to that previous and now expired permission in the determination of the current application for inter-alia, the following reasons:
- (i) The applications currently proposed are of a significantly larger scale in terms of site coverage, height and in the number of window openings than the previously approved scheme with resultant and additional adverse effects arising on neighbouring properties. That previously granted scheme, as noted in the application forms submitted by the applicants, is deemed to have lapsed by the Council's Chief Planning Officer, Mr. Keith Dingwall.
 - (ii) Since the last applications were approved, planning permission has been granted under the terms of Planning Permission Reference Number 24/00876/P, for alterations to May Cottage to the south west of the application site which include the introduction of new and additional roof lights (opening) fitted with clear glass on the roof plane of the cottage directly facing the application site.

Summary and Conclusions

68. In summary, the application proposals are considered to contravene or have failed to demonstrate compliance with Policies 1, 2, 6, 7, 9, 12, 13, 14, 22 and 23 in National Planning Framework 4 (NPF4) and with Policies RCA1, T1, T2, SEH2, W3, NH8, NH13, CH2, CH3, DP2, DP5, DP7 and DP8 in the East Lothian Local Development Plan. Whilst our clients have no objection in principle to the reuse of the existing property for residential purposes or for the development of a new suitably designed dwelling house of a similar scale to the one presently existing, the proposals advanced in the current application would in summary:
- (i) result in a gross over development of the site and cause significant adverse impacts on the character and appearance of Gullane Conservation Area, contravening the requirements of Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
 - (ii) result in significant adverse impacts on established residential amenity levels within neighbouring properties; and
 - (iii) result in a new dwelling house offering substandard levels of amenity to future occupants.

As a consequence of these considerations, it is respectfully requested that the applications for planning permission and conservation area consent be refused.

69. We reserve the right to expand upon these submissions in the event of additional information being submitted in support of the applications. Kindly acknowledge receipt and registration of this objection letter at your earliest convenience.

Yours sincerely

[REDACTED]

Derek Scott Planning

[REDACTED]

LIST OF DOCUMENTS

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

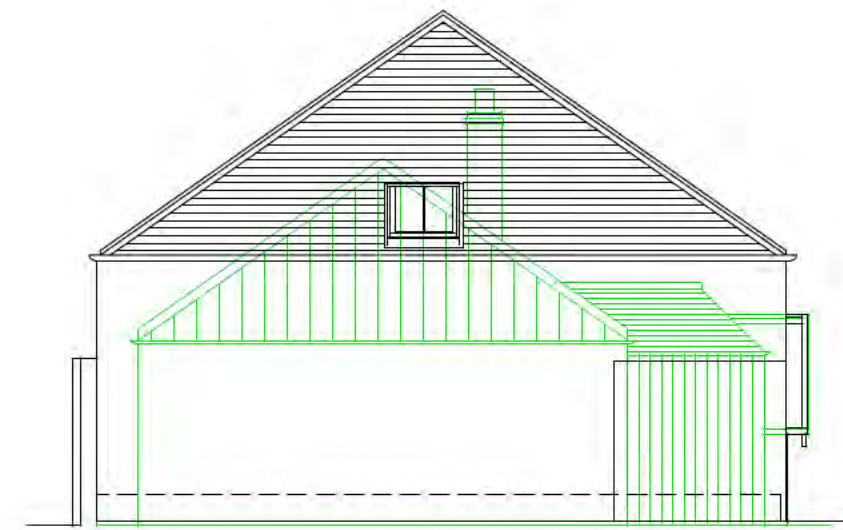
- Document 1 –** Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with existing dwelling house on the site.
- Document 2 –** Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with that previously approved under the terms of Planning Permission Reference Number 18/00756/P (now expired)
- Document 3 –** Sun Path/Overshadowing study [REDACTED]

Document 1

Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with existing dwelling house on the site.



01 SOUTH ELEVATION
Scale 1:100



02 EAST ELEVATION
Scale 1:100

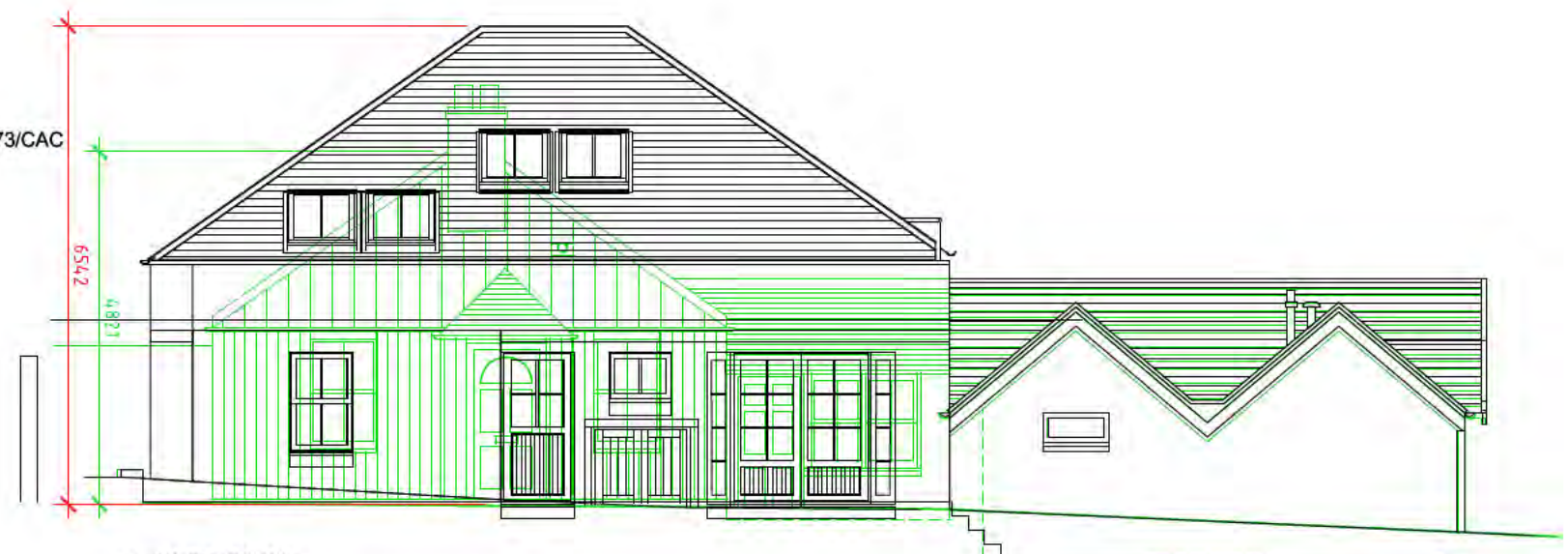
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Existing building

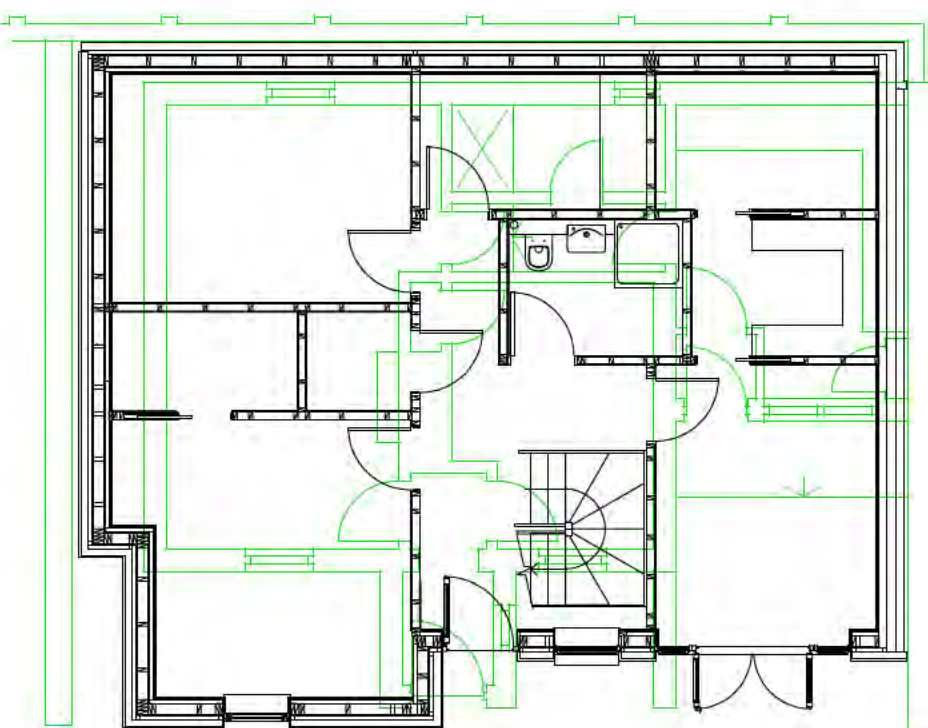
Proposals as per
24/03372/P & 24/01373/CAC



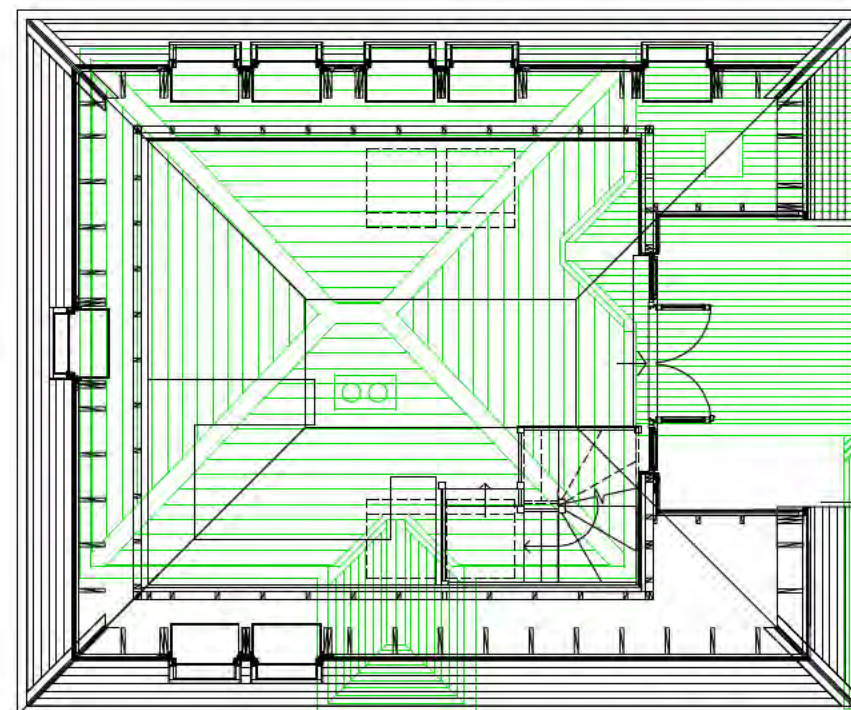
03 WEST ELEVATION
Scale 1:100



04 NORTH ELEVATION
Scale 1:100



05 GROUND FLOOR PLAN
Scale 1:100



06 FIRST FLOOR PLAN
Scale 1:100

0 1 2 3 4 5
Scale in metres (1:100)

Project
24/03372/P & 24/01373/CAC
The Studio
Goose Green Road
Gullane EH31 2AT
Drawing
24/01372/P and EXISTING
COMPARISON

Drawing Category:

PLANNING

NGP architecture Ltd.

Federation House
222 Queensferry Road
Edinburgh EH4 2BN

telephone 0131-603 7540
mail@ngparchitects.co.uk
www.ngparchitects.co.uk

Scale
1:100 @ A3

Date
Jan '25

By
NGP

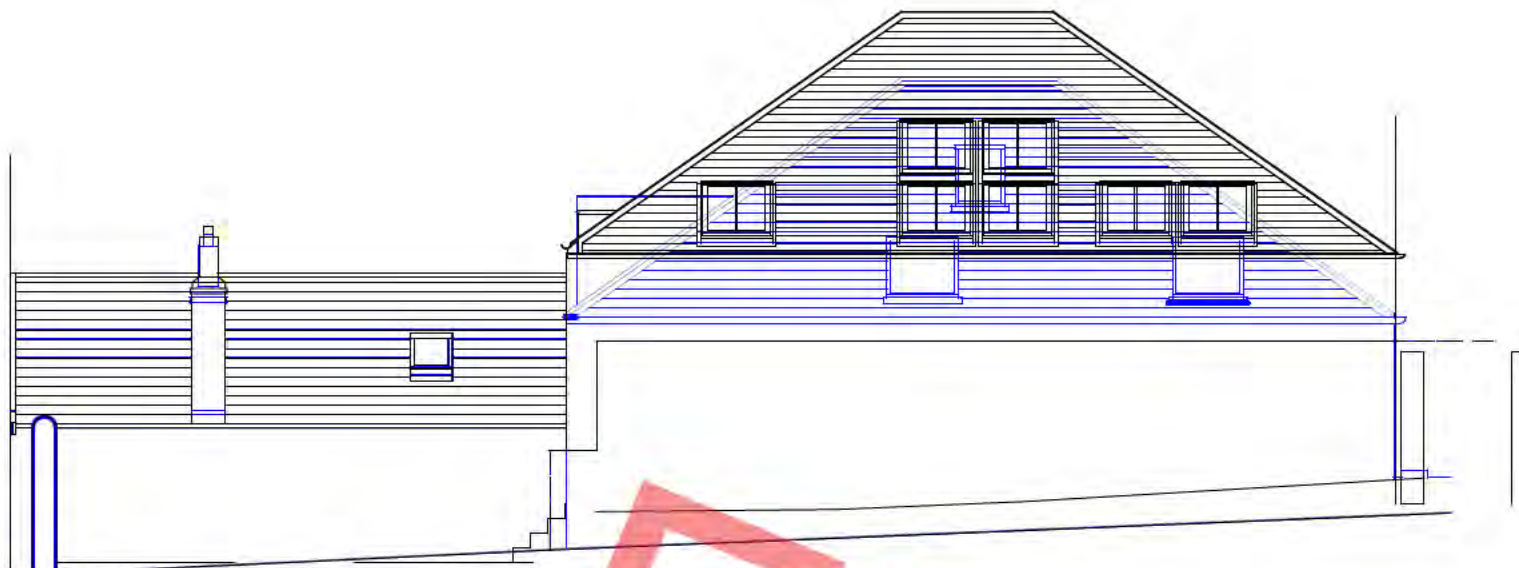
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24-020

Drawing no
801-S

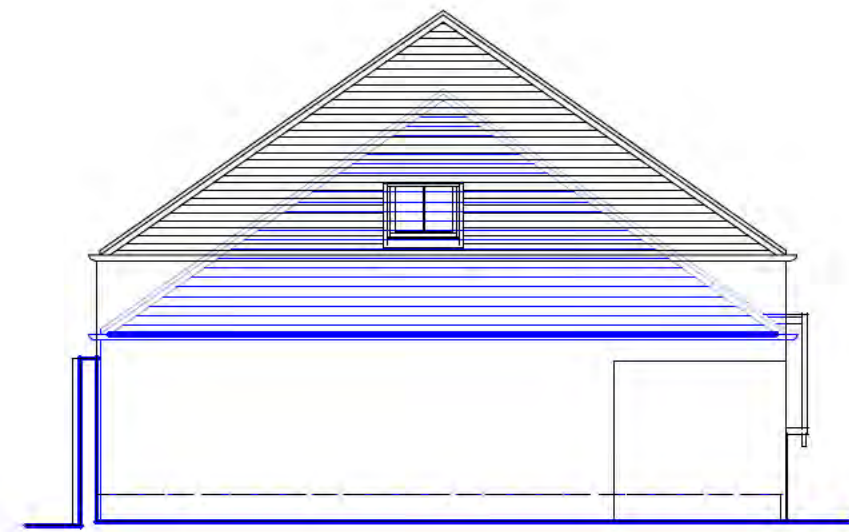
Rev
P01

Document 2

Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with that previously approved under the terms of Planning Permission Reference Number 18/00756/P (now expired)



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Scale 1:100



02 EAST ELEVATION
Scale 1:100

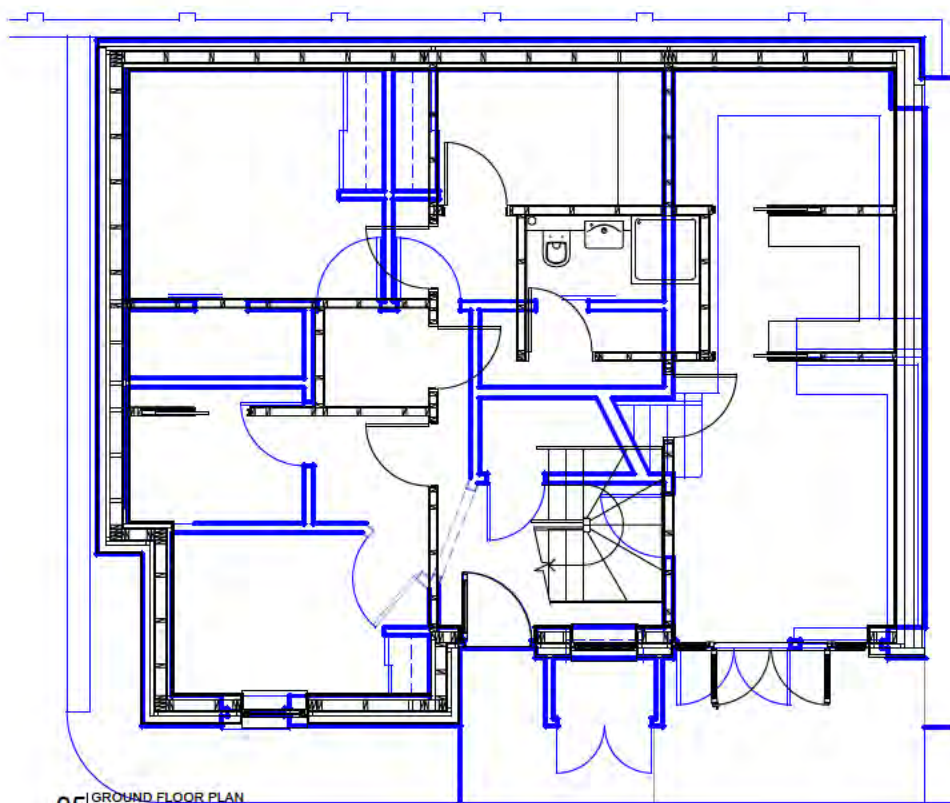


03 WEST ELEVATION
Scale 1:100

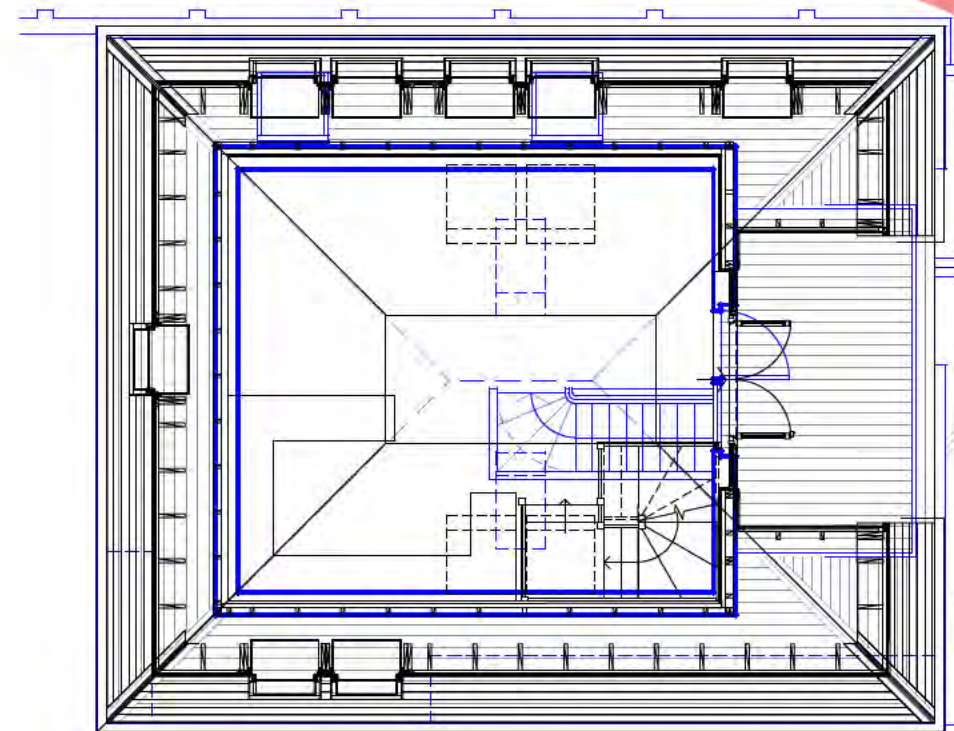
KEY:
As per 18/00756/P
Proposals as per 24/03372/P & 24/01373/CAC



04 NORTH ELEVATION
Scale 1:100



05 GROUND FLOOR PLAN
Scale 1:100



06 FIRST FLOOR PLAN
Scale 1:100

0 1 2 3 4 5
Scale in metres (1:100)

Project
24/03372/P & 24/01373/CAC
The Studio
Goose Green Road
Gullane EH31 2AT
Drawing
24/01372/P and 18/00756/P
COMPARISON

Drawing Category: PLANNING

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mail@ngparchitects.co.uk
www.ngparchitects.co.uk

Scale 1:100 @ A3	Date Jan '25	By NGP
Job No 24-020	Drawing no 800-S	Rev P01

Document 3

Sun Path/Overshadowing study relating to [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

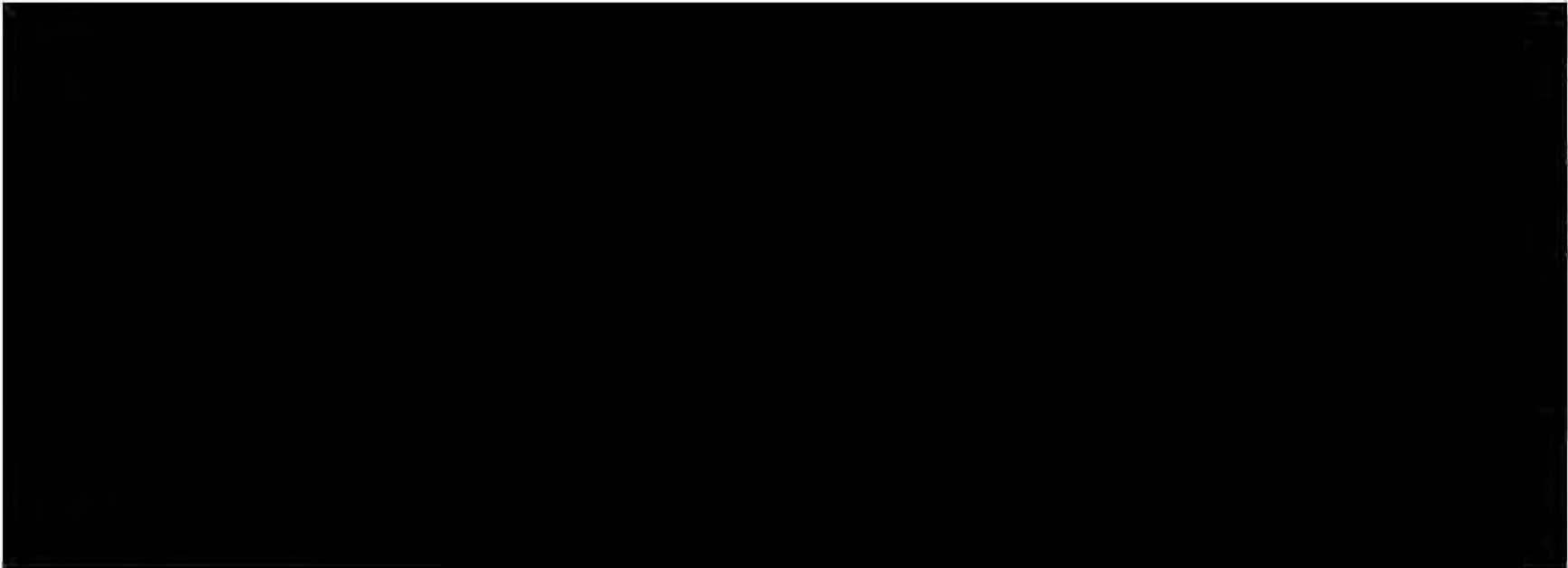
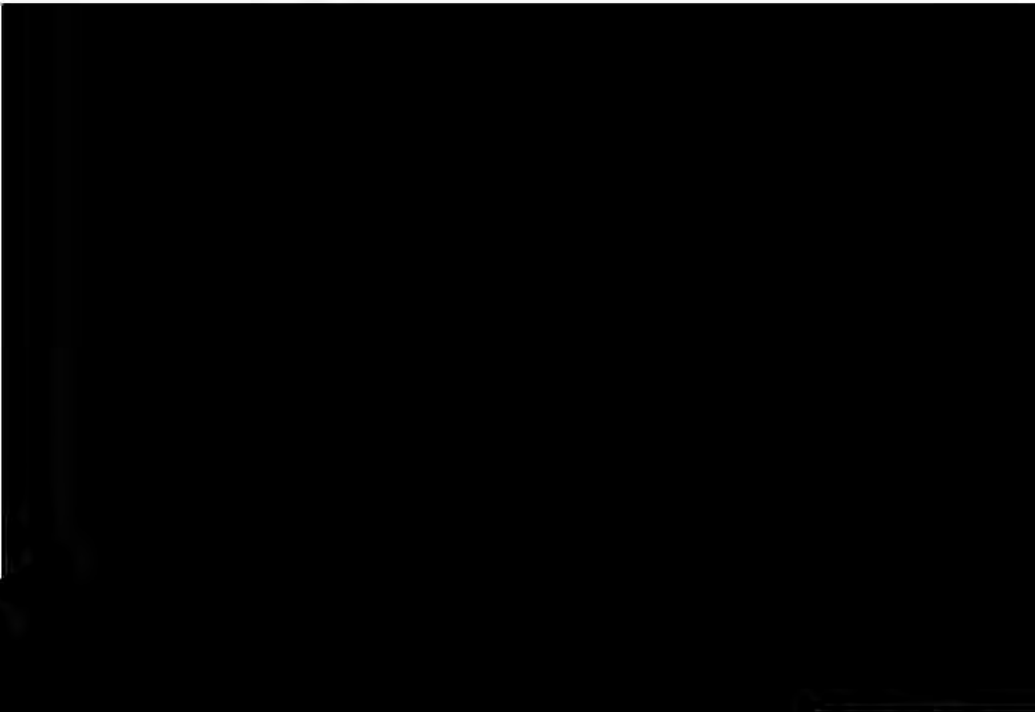
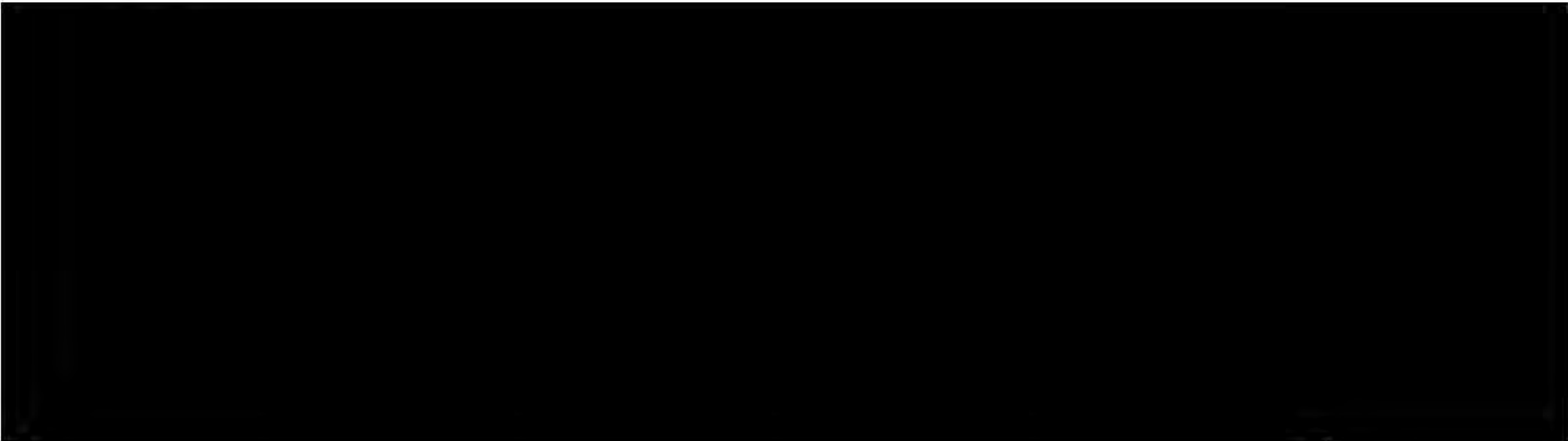
08-01-2025

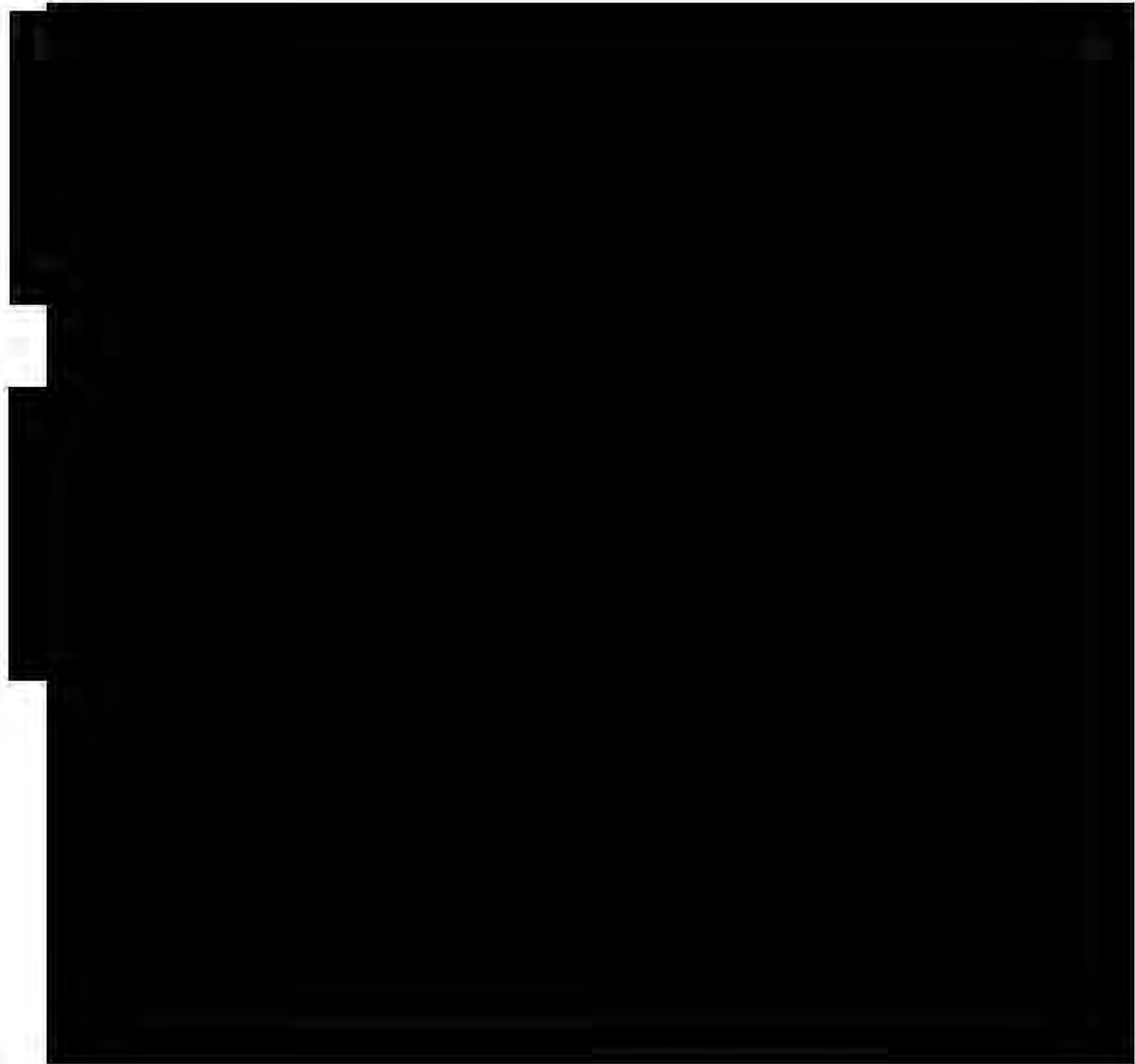
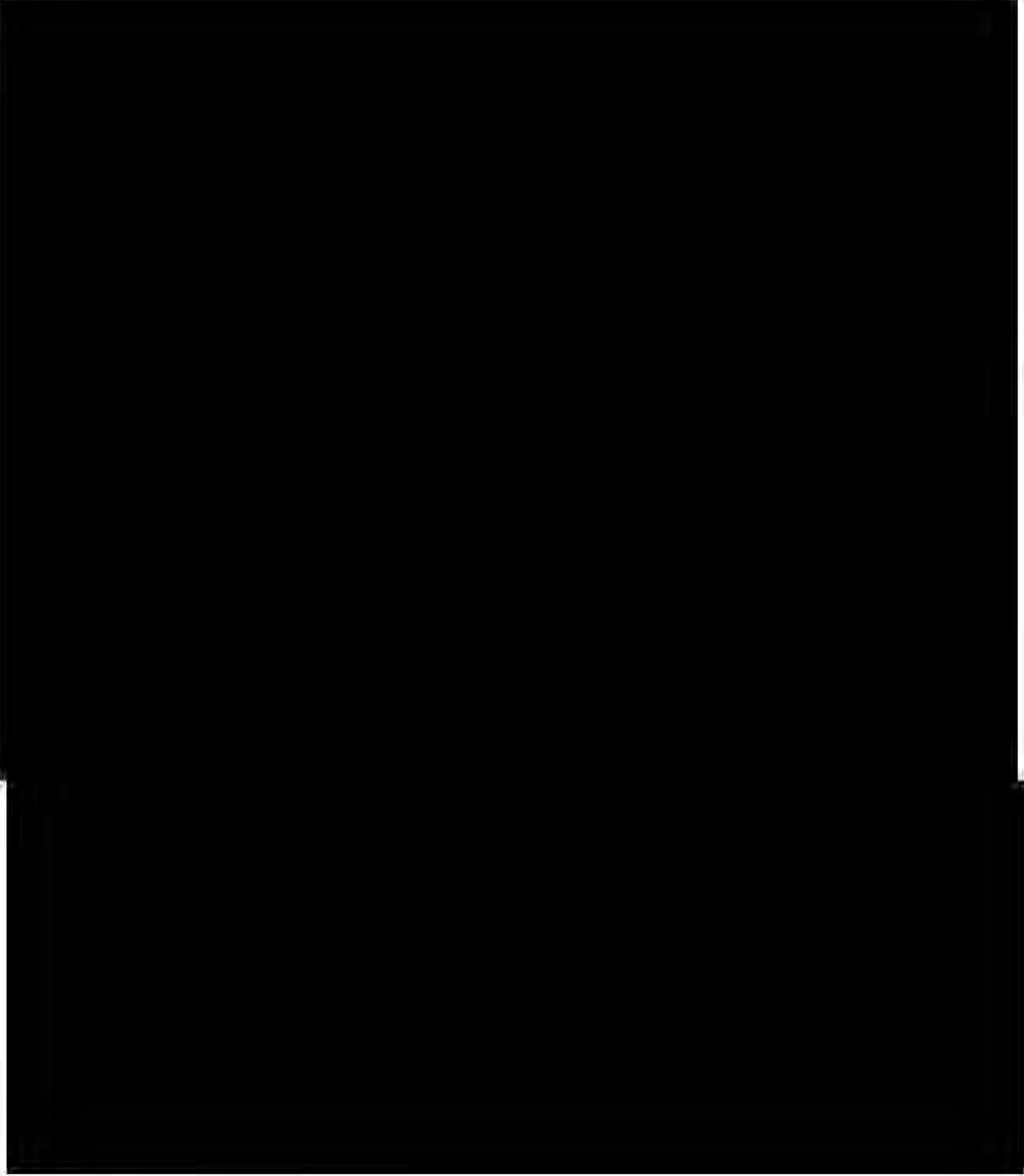
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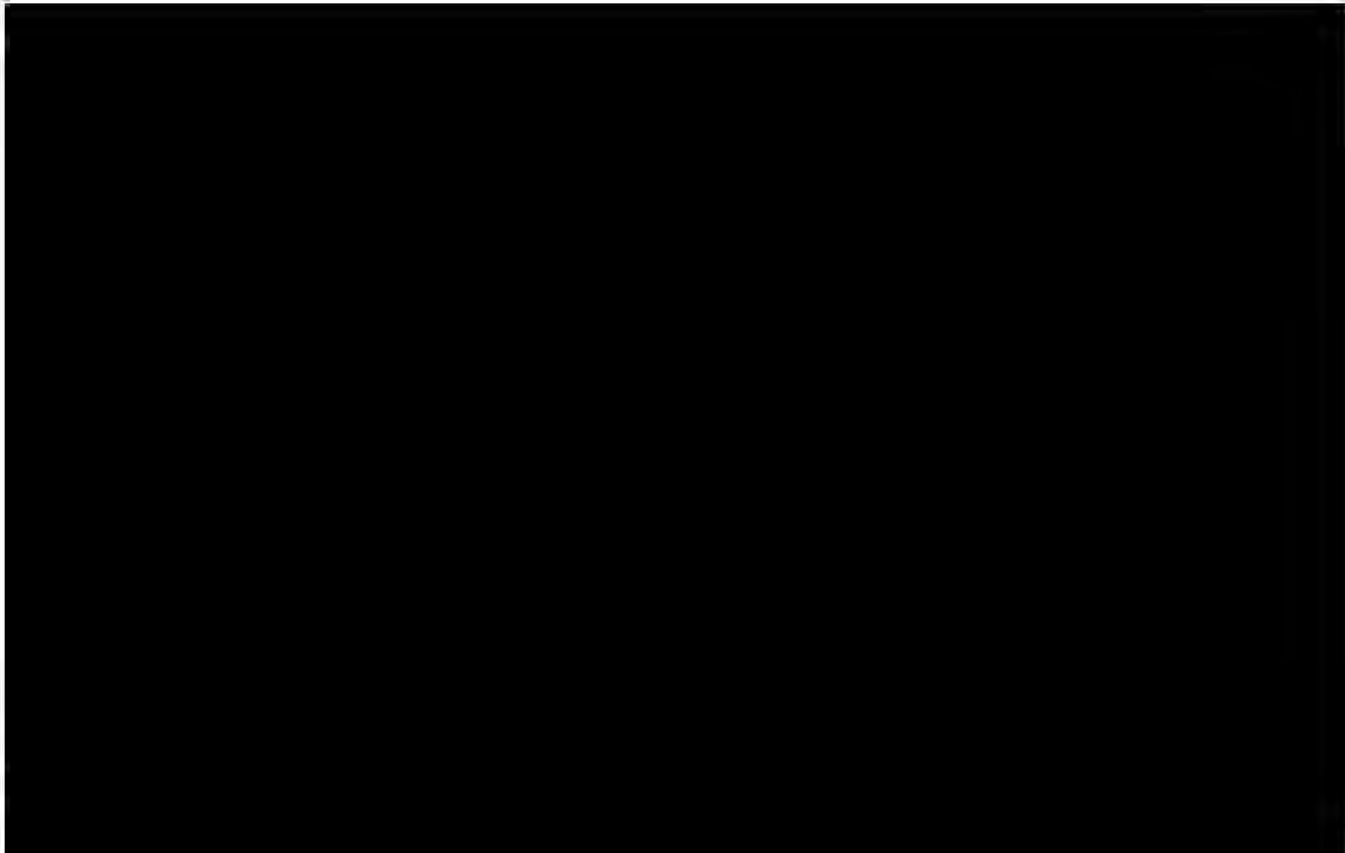
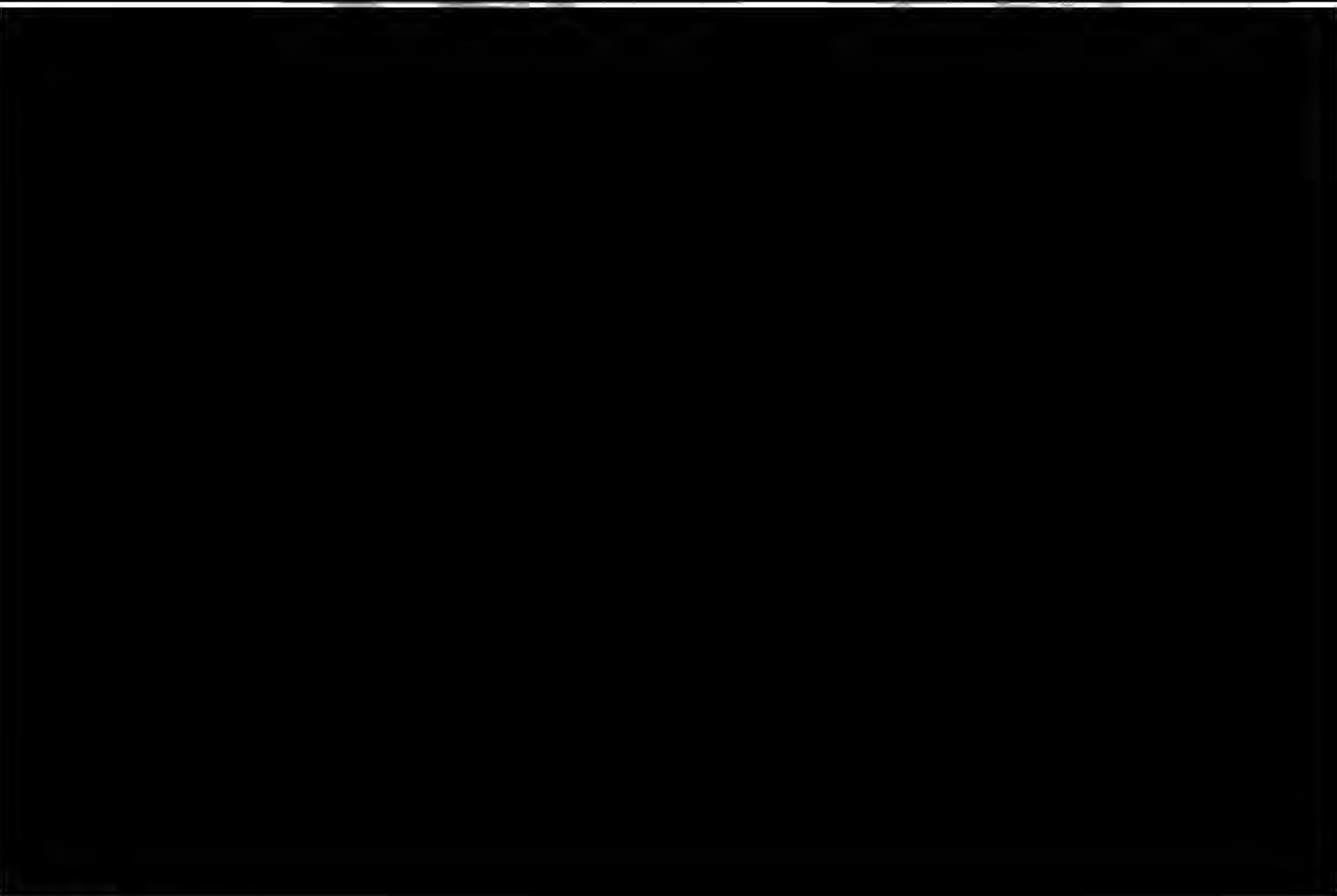
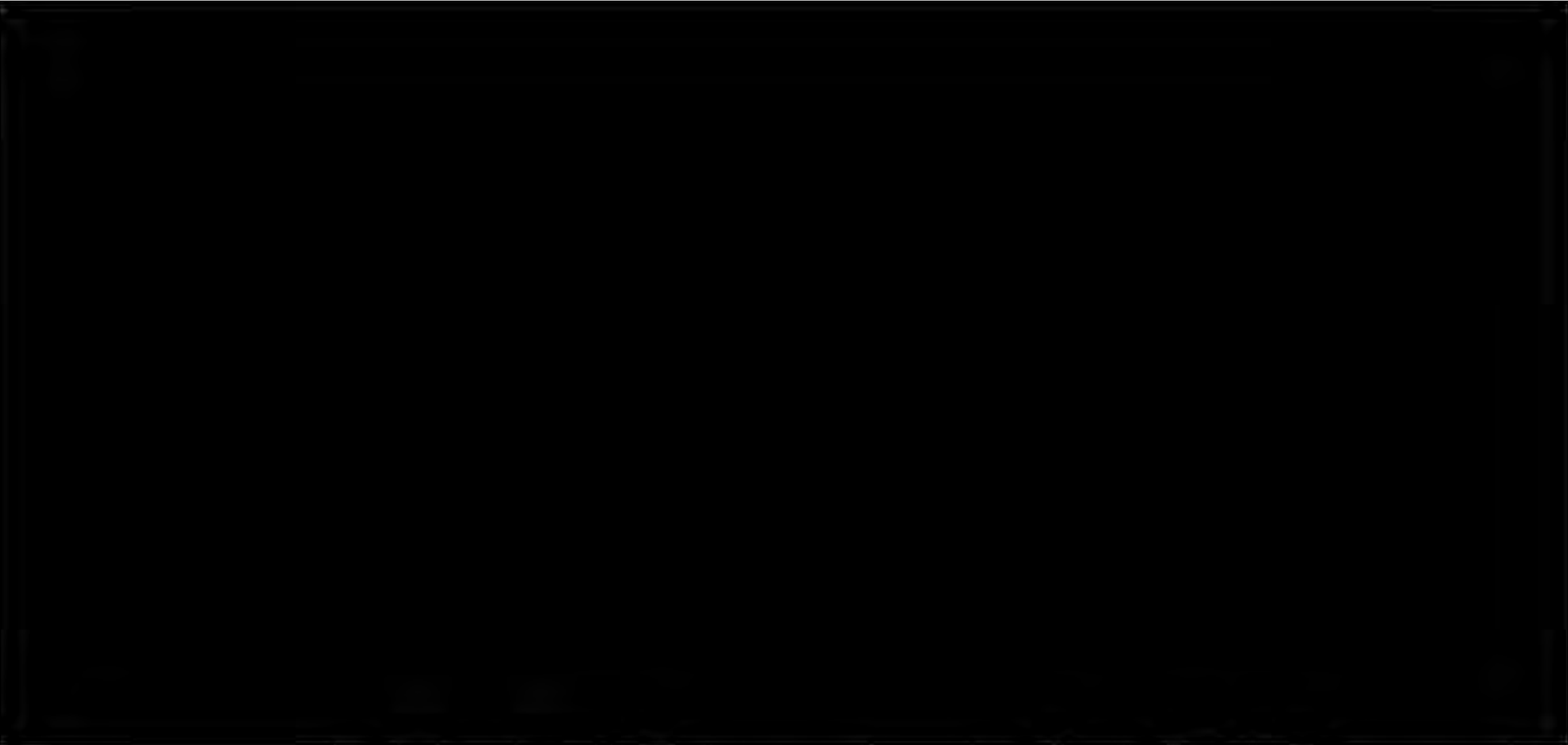
[REDACTED]

[REDACTED]

[REDACTED]







Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We write on behalf of our clients [REDACTED]

to state the reasons for their objection which are:

1. Design + Access Statement (D+A):

The D+A notes that the new permission is consistent with the lapsed Permission (18/00756), with the proposed replacement house being of traditional form and materials appropriate to the Gullane Conservation Area. Whilst the footprint of the house is substantially the same, the internal layout, external openings, proposed materials and most notably the height of the proposal differ from the lapsed permission.

2. Increased Height:

The new proposals are approx. 870mm higher than the previous design (18/00756). As a result, the scale of the house and relationship with May Cottage appear out of character and have a negative visual impact on the Gullane Conservation Area.

The height of the house is higher than all the surrounding properties. Whilst the ridge height aligns with Victoria Cottage, this is only due to the topography and the neighbouring cottage being built on higher ground.

3. Loss of Privacy:

The application does not appear to take into account the recent Planning Approval for May Cottage (application no. 24/00876/P). The proposed balcony and its increased height provides direct views into the bedroom, shower and primary living space of May Cottage via the approved rooflights, constituting a loss of privacy.

Furthermore, the proximity of the balcony, its elevated position and proposed use as a social

space (directly off The Studio's primary living space) would have a detrimental impact on the amenity of the residents of May Cottage and the neighbouring properties at Victoria Cottage and Sunnyside. The positioning of this is highly inappropriate and whilst the previous application's D+A referenced similar glazed balconies, they all address an open outlook and not directly overlooking a neighbouring property.

4. Previous Planning History:

Whilst, the approach of incorporating the first floor living space within a roof form is maintained (18/00756), the increased height and detachment from the roofscape of May Cottage is not in keeping with the character and scale of the immediate context. The significant increase of mass and scale of development with the new application reintroduces the same concerns raised with previous proposals for the site/property (withdrawn in 2017) and appears to be in complete disregard of the context.

As detailed above, the circumstances since the approval of the previous application have changed. Most notably the additional rooflights granted (24/00876/P) as part of the alterations to May Cottage, change the relationship with the proposed balcony resulting in a direct view into the property and in the process compromising the privacy within May Cottage.

Refer to additional comments submitted in relation to application 24/01373/CAC and email to department with letter and appendices.



Mr James Allan
East Lothian Council
Planning Department
John Muir House
Court Street
Haddington EH41 3HA

31/01/2025

Dear James,

Project

Re: Objection to Planning Application (24/01372/P) + Conservation Area Consent Application (24/01373/CAC) - The Studio, Goose Green Road, Gullane, EH31 2AT

Ref

180

We write on behalf of our clients [REDACTED] to state the reasons for their objection to the plans submitted to demolish The Studio and rebuild an enlarged dwelling in its place.

In compiling this objection, we have reviewed both the planning submissions (new and lapsed) for The Studio and outlined our findings below, alongside drawings we have prepared to illustrate the differences included as an appendix.

1. Design + Access Statement (D+A):

The D+A notes that the new permission is consistent with the lapsed Permission (18/00756), with the proposed replacement house being of traditional form and materials appropriate to the Gullane Conservation Area.

Whilst the footprint of the house is substantially the same (minus the removal of the bin store), the internal layout, external openings, proposed materials and most notably the height of the proposal differ from the lapsed permission.

2. Increased Height:

The new proposals are approx. 870mm higher than the previous design (lapsed permission). As a result, the scale of the house and relationship with May Cottage appear out of character and have a negative visual impact on the Gullane Conservation Area.

The height of the house is higher than all the surrounding/neighbouring properties. Whilst the ridge height aligns with Victoria Cottage, this is only due to the topography and the neighbouring cottage being built on higher ground.

Please refer to Appendix A for further details.

3. Loss of Privacy:

The application does not appear to take into account [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We note that the principles set out in Edinburgh City Council's Householder Guidance document, comments on this matter as follows:

"Balconies, roof terraces and decking which are close to boundaries and overlook neighbouring properties can be a major source of noise and privacy intrusion.

Permission for roof terraces and balconies will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties."

4. Previous Planning History:

The D+A Statement of the lapsed planning permission (18/00756) includes correspondence relating to previous applications and concerns raised by East Lothian Council's planning department of the scale of a two-storey proposal on the site.

"By its greater size, greater height and greater floor area the proposed extension to May Cottage would be an overly dominant, imposing and incompatible addition to the side of the existing small, single storey house. It would not be subservient to or in keeping with the architectural form, character and appearance of May Cottage and due to its two-storey height, would be highly visible from the Conservation Area. Consequently the proposed extension is contrary to Policy 1B...., DP6....., and ENV4."

Whilst, the approach of incorporating the first floor living space within a roof form is maintained (from the lapsed application), the increased height and detachment from the roofscape of May Cottage is not in keeping with the character and scale of the immediate context. The significant increase of mass and scale of development with the new application reintroduces the same concerns raised with previous proposals for the site/property (which were withdrawn in 2017) and appears to be in complete disregard of the neighbouring context. While the previous lapsed permission tied in the new roof junction to May Cottage's roof, the new application steps significantly above the existing roof form and creates an unsightly junction that we believe is out of character in the area.

As detailed in Section 3 above, the circumstances since the approval of the previous application have changed. Most notably the [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

Please refer to Appendix B.

7. Demolition:

Whilst we note that the principle of demolition was accepted by the Planning Department previously, since the last application was approved (18/00756), NPF4 has identified the '*demolition*' of existing buildings as the least preferred option given the need to conserve embodied energy (Policy 9). The justification for demolition in this application (24/01373/CAC) has not been stated.

8. Over Development of Site:

The proposed footprint occupies approx. 89% of the application site and is devoid of any external amenity area for occupiers of the Studio, other than the proposed balcony. The founding premise of the lapsed permission was to move the amenity space to the balcony, however, on the basis that the balcony overlooking May Cottage (as outlined in Item 3 and 4 above) is inappropriate in the context, the amenity space would have to be provided at an alternative position at ground level. In this case, the footprint would inevitably have to reduce to accommodate this, in order to meet policy requirements with regard amenity.

9. Site Plan:

The Site Plan submitted as part of The Studio's application (24/01372/P) does not appear to accurately reflect the existing context. In particular, the position of Elm Cottage and the extent of the boundary to Victoria Cottage do not correlate with our site survey records, or the Ordnance Survey information. We have overlayed an outline of The Studio's site plan on May Cottage's existing site plan (submitted as part of application no. 24/00876/P) to illustrate the differences.

Please refer to Appendix C for further details.

The position of the retaining wall between Elm Cottage's driveway and The Studio also appears to be shown in a different position. Based on our survey records, the new dwelling will be built directly adjacent/against the retaining wall rather than offset as currently shown on the submitted information.

Furthermore, it appears that the existing brick boundary wall to the south will be replaced as part of the proposals. Based on the drawings the replacement wall appears to increase in height from 1960mm to 2585mm. The existing wall currently acts as a retaining wall and is adjacent to mature existing planting along the edge of Sunnyside Cottage's driveway.

Please refer to Appendix A and overlayed South Elevation for further details.

10. Existing Drainage:

There are known drainage issues with a history of blockages reported by the neighbours at Victoria Cottage, Elm Cottage, Sunnyside Cottage and Sunnyside.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The increased
load imposed by the additional sanitary facilities (illustrated in The Studio
application 24/01372/P), are a concern to all effected residents.

In summary, as a consequence of these considerations, we respectfully request the applications refusal for both planning permission and conservation area consent.

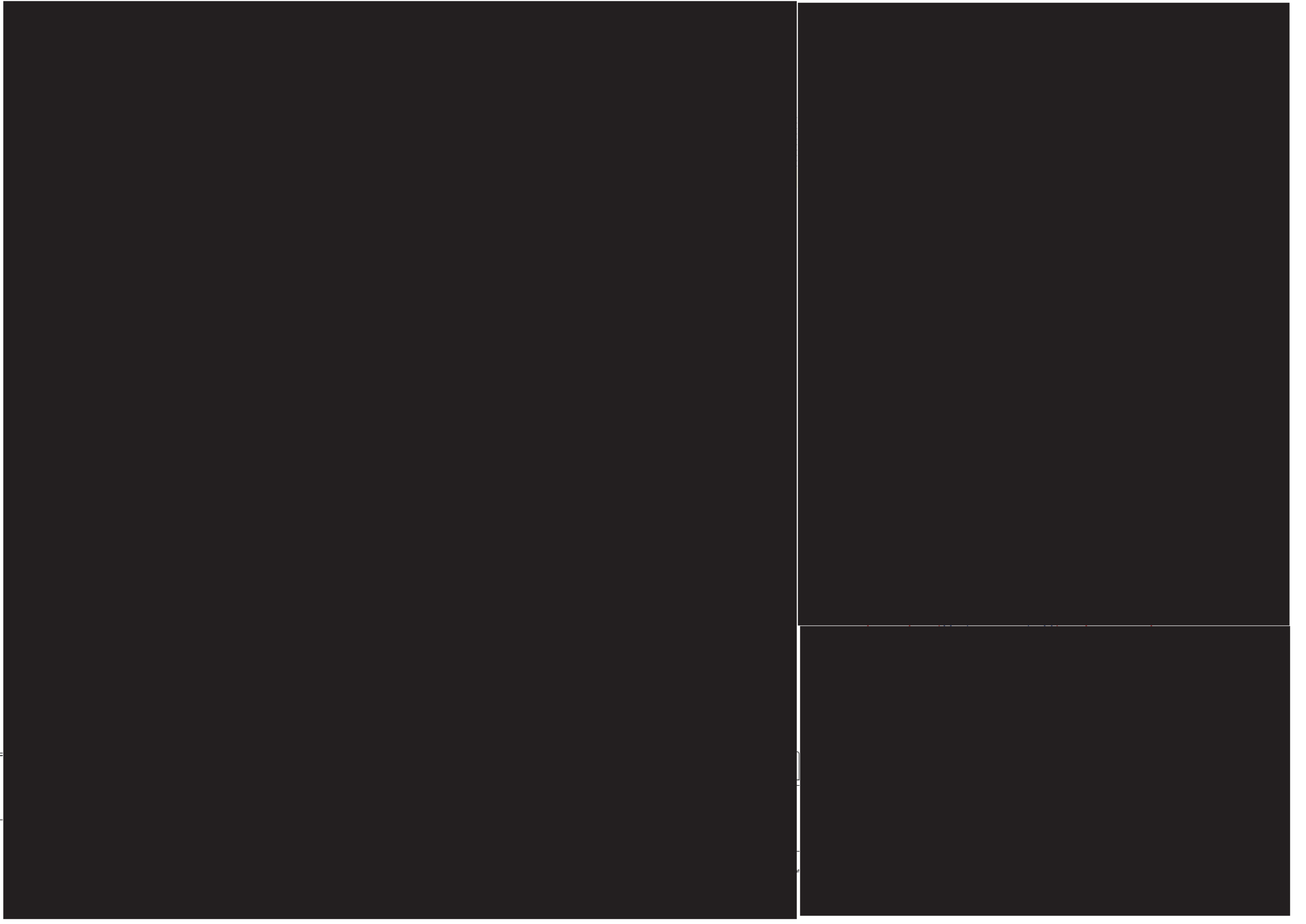
Yours sincerely

[REDACTED]
[REDACTED]



Appendix A

Elevation Study





Appendix B

Overshadowing + Daylight Study

[REDACTED]

20-01-2025

[REDACTED]

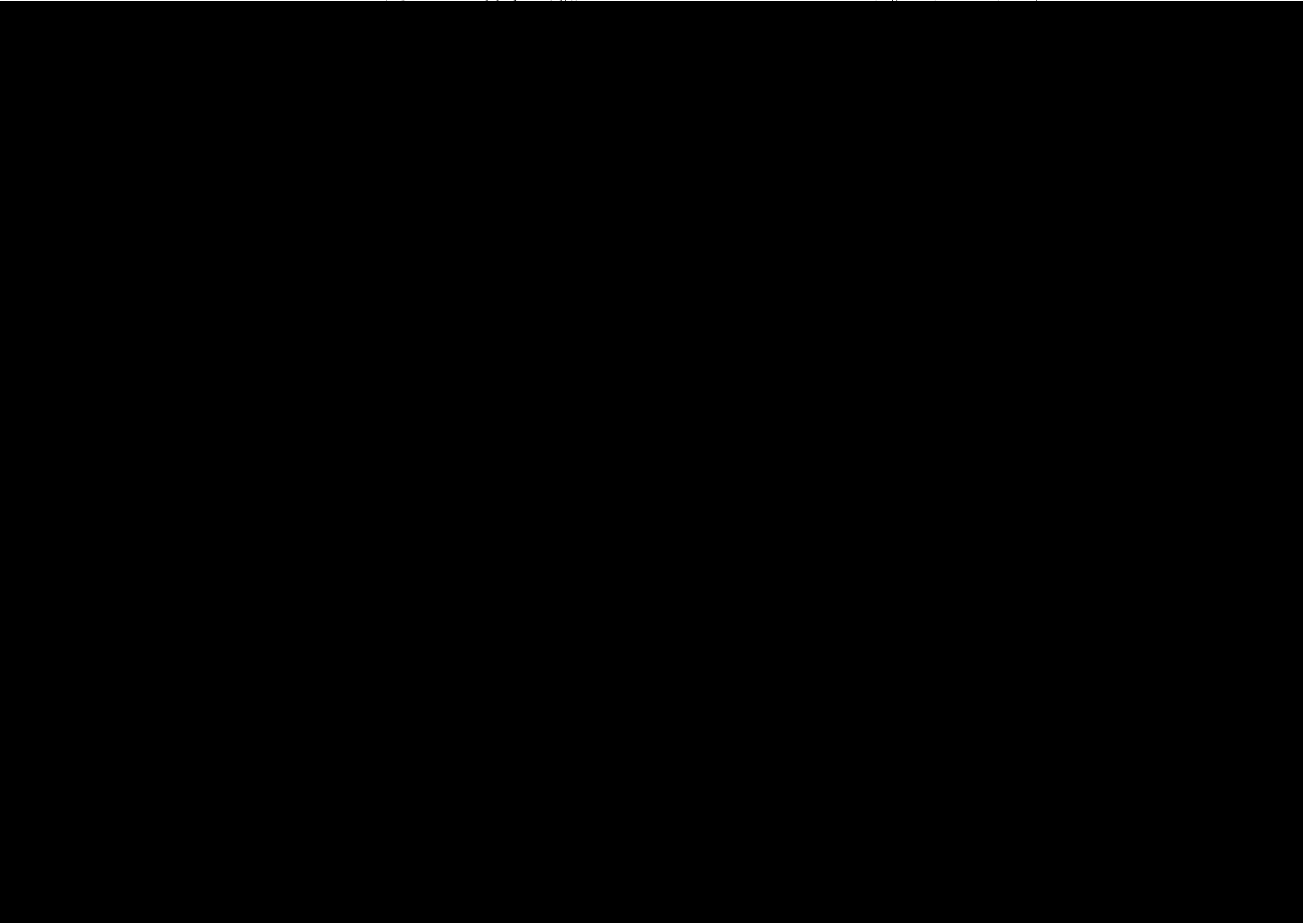
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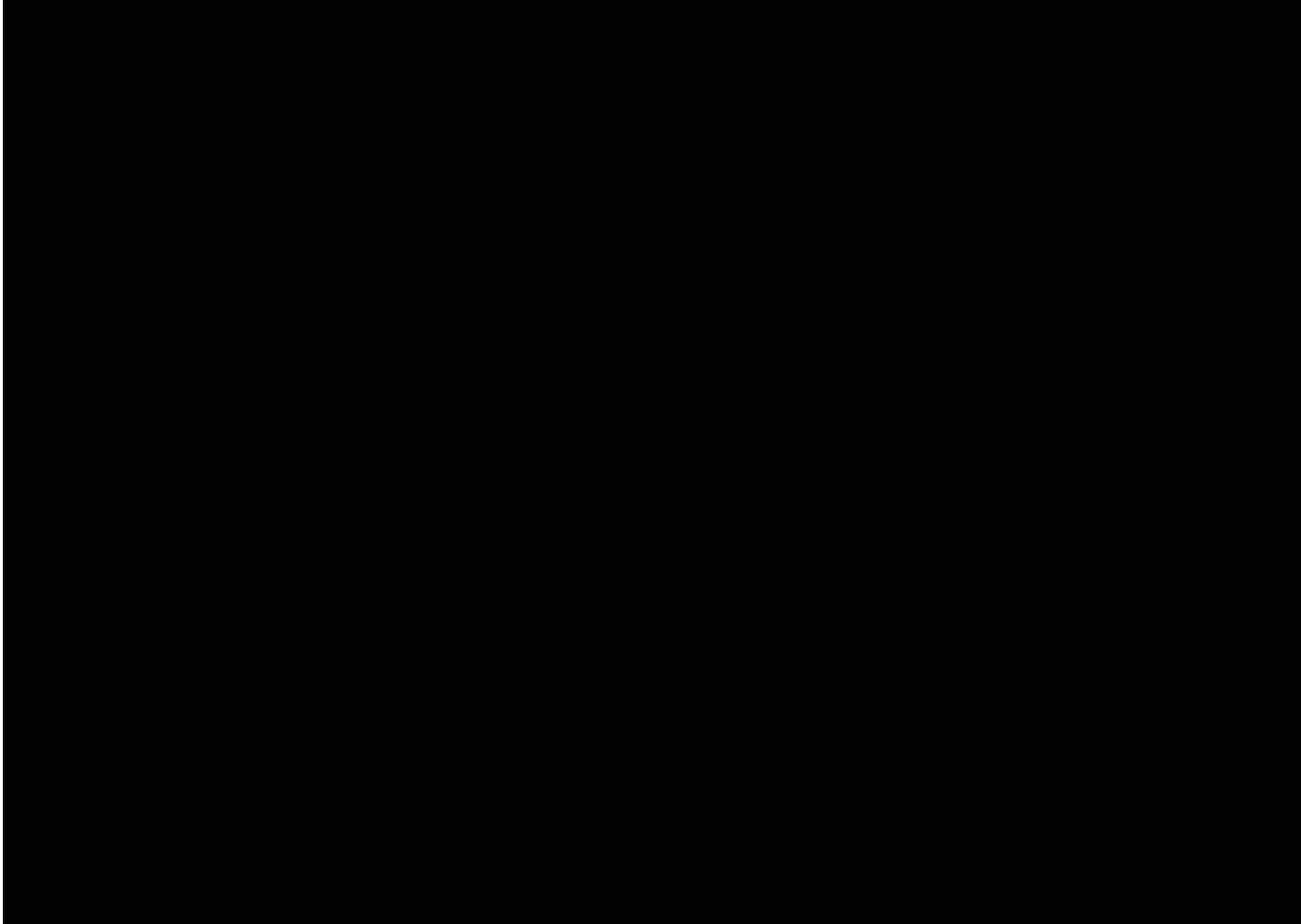




Appendix C

Site Plan Study





0 1 2 4 6 10 1:100

01 Site
Prop

mills mc



From: [REDACTED]
To: [Environment Reception](#)
Subject: Planning Application 24/01372/P
Date: 25 March 2025 17:28:06

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs/Madam/etc

I am writing as yet again I have received a further 'neighbour re-notification' regarding planning application 24/01372/P. I note that amended drawings have been submitted. However the objections I raised in my email of [REDACTED] with attachments concerning this development have not altered - in fact I wish to both restate them (exactly as written in short paper attached to the [REDACTED] email, and now add further comment.

It is now evident from these revised drawings that the original plans were erroneous, claiming ownership of more site size than is the true case. With the site size in square meterage now reduced to what appears to be genuinely the case, the scale of the over-development is even greater and our objections therefore even more valid.

Additionally the plans show a height elevation looking East from Goose Green that is quite misleading. The proposed roof height of the new developed property is shown as roughly comparable with the property to the north - this is only possible because there is an uphill gradient that is easily overlooked when considering the plans - the property to the north of the development is built further up this rise in ground level and is in keeping with other properties built similarly at that level. Hence we wish to re-emphasise that the scale of height of the proposed new development is completely disproportionate to all neighbouring properties, towering in many respects over them, overshadowing them in terms of privacy, and in our case [REDACTED] denying us sunlight into part of our home for important daytime hours over months of the year.

We wish to be reassured that our concerns and formal objections as stated within the objections of our email of [REDACTED] will still be properly considered as and when the plans 24/01372/P are submitted for whatever Planning processes are involved.

Many thanks

Yours sincerely

[REDACTED]

Speaking for
Scotland's Buildings
AHSS East Lothian Cases Panel,



Planning and Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian EH41 3HA

Our ref: 25.EH31 2AT.2

by email: environment@eastlothian.gov.uk

[Date]

**24/01372/P | Erection of 1 house and formation of hardstanding areas | The Studio Goose
Green Road Gullane EH31 2AT**

The AHSS wish to register an **OBJECTION** to this application.

This somewhat time worn application is related to applications 24/01372/P and 24/01373/P, to both of which the AHSS OBJECTED is its letter of 30 January. We request the Council to treat this letter equally as an OBJECTION to the present application.

We would wish to emphasise that the approval extended to a very similar proposal in 2018 should not be allowed to influence the Council's consideration of the present plans, because:

- The earlier proposal having been allowed to lapse, this new proposal falls to be considered rigorously on its merits.
- The planning environment has changed since 2018, with the introduction in 2023 of NPF4; and **NPF4** makes it clear that Scottish Government policy does not encourage any weakening of planning controls in Conservation Areas.

We should be grateful if our OBJECTION could be considered accordingly. A spare copy of our earlier letter is enclosed.

Yours faithfully,

The AHSS East Lothian Cases Panel

c.c. Historic Environment Scotland [REDACTED]
AHSS National Office [REDACTED]

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rutland Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

Speaking for
Scotland's Buildings
AHSS East Lothian Cases Panel,



Planning and Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian EH41 3HA

Our ref. 25.EH31 2AT

by email: environment@eastlothian.gov.uk

30 January 2025

Dear Mr Allan

The Studio Goose Green Road Gullane EH31 2AT: Erection of 1 house and formation of hardstanding areas
Planning applications: 24/01372/P and 24/01373

The AHSS wish to **OBJECT** to the above applications.

The Studio stands behind and adjacent to Mayfield Cottage. Although unlisted, the latter is an excellent example of the small cottages and rural character of Goose Green, as described in the Gullane Conservation Area Statement. So are its immediate neighbours. The present building is subservient and fits in well.

The applicants wish to demolish The Studio and replace it with a modern house. A similar proposal was approved in 2018. The passage of time has, however altered the planning context, most notably with the introduction in 2023 of **NPF4**. In the Society's opinion NPF4's emphasis on applying planning controls correctly implies a more objective approach than the surprising permissiveness adopted in 2018. The Society believes that the proposed building is too insensitively designed to be acceptable in terms of NPF4. Policy 7 of NPF4 specifically emphasises that proposals in or affecting Conservation Areas will only be supported where the character and appearance of the area and its setting is preserved or enhanced. It goes on to emphasise the importance of context and design.

Policy 7 also attaches importance to townscape value. Measured against this yardstick, the present proposals fall well short. They are not neutral. They are untenably damaging, given current policy guidance in NPF4. The existing pyramid roof of The Studio is modest and subservient. Its replacement will be taller, unorthodox in shape and based on a substantially wider footprint. Its position overlooking the gently undulating Goose Green will make it prominent and out of place, especially with its alien-looking balcony. It is not only the main elevation of the new roof that would be visible. The substantial gap between Mayfield Cottage and its neighbour to the south will expose the design of the side elevation as well, to the further detriment of the Conservation Area.

Chairman: Martin Robertson

In local terms, we believe it to be incompatible with Council Policy **DP5**, which provides that alterations and extensions to existing buildings must be well integrated into their surroundings, and either in keeping with or complementary to their character and appearance.

Specifically:

- The new building proposes the introduction of a substantial balcony on the elevation facing Goose Green. This will be assertively contemporary, highly visible and incongruous, not just in its immediate vicinity but also across the open space of the green itself, introducing a thoroughly discordant note. (This is our main difference of judgement with the 2018 decision, which we feel failed to consider this innovation in context.)
- Despite the mitigating measures proposed in 2018, we cannot see how the new balcony could possibly have other than a damaging effect on the residential amenity of neighbouring properties. It is conceived as a substantial entertainment space, not as some sort of quiet sun trap.
- The new building would be neither subservient to, or in keeping with, either Mayfield Cottage or the other traditional buildings facing Goose Green.
- The proposed increases in the massing and footprint of the new building are stealthy examples of inappropriate attempts at planning creep, the result being a significantly more intrusive building than the one it is intended to replace.

The design faults of the new building will have the further, unfortunate effect of damaging the Conservation Area more generally, contrary to Council Policy **CH2**. Specifically:

- Because of its intrusive design the new building would damage the special architectural and historic character and appearance of the Conservation Area.
- It would not accord with the size and proportions of nearby buildings.
- It would be damaging to the public space of Goose Green.
- It also seems probable (here again, in contrast to the view taken in 2018) that the new house would exacerbate Goose Green's parking problems. This is mainly because, within its enlarged envelope, a substantial increase in accommodation is envisaged. It is therefore almost certain that only one reserved parking space will not be adequate.
- There is no likelihood whatever that approving this application will achieve what CH2 describes as positive townscape benefits.

We should be grateful if you would please register our **OBJECTION** accordingly.

Yours faithfully,

The AHSS East Lothian Cases Panel

c.c. Historic Environment Scotland [REDACTED]
AHSS National Office [REDACTED]

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rutland Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The two story proposal is inappropriate for the village green and entirely out of keeping with the original architecture of the east side.

The expansion of the small site upwards is a visual intrusion on neighbouring properties and disproportionate relative to the site. It is excessive and seemingly purely to maximise commercial rental income in what is a residential conservation area.

Historical development has been tightly restricted for us all. If precedent is of any value whatsoever, this flagrant profiteering at the expense of village green aesthetics should be refused.

A single story design can sympathetically accommodate the light and space that is required on such a small and tight site. It simply wouldn't be as big.

Comments for Planning Application 24/01372/P

Application Summary

Application Number: 24/01372/P

Address: The Studio Goose Green Road Gullane EH31 2AT

Proposal: Erection of 1 house and formation of hardstanding areas

Case Officer: James Allan

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is clearly out of proportion to the conservation area and the neighbouring properties.



Our Ref: ep856/let006/DS/ELC

11th April 2025

Mr. James Allan
East Lothian Council
Planning Department
John Muir House
Court Street
Haddington
East Lothian
EH41 3HA

Dear Mr. Allan,

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

1. We refer to the above-mentioned applications for Planning Permission and Conservation Area Consent which were submitted to your Council by Julian Frostwick on behalf of Pin High Properties relating to the demolition of an existing dwelling house and its replacement with a new dwelling house at 'The Studio,' Goose Green Road, Gullane. As you are aware we act on behalf of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] We objected to the application on behalf of our clients on [REDACTED] and attach a copy of that letter for your convenience.
2. For the avoidance of any doubt, please be advised that the latest plans submitted in support of the application have not, in any way, addressed our client's concerns about the proposal. Key concerns and points of objection made in that original letter remain and are summarised as follows:
 - (i) **Overdevelopment** - The application proposals represent a significant over development of the site through what, in effect, involves the replacement of a one-bedroom single storey dwelling house with a three-bedroom two storey dwelling house with a floor area over twice the size of the existing and with no useable private garden space whatsoever.
 - (ii) **Design and Visual Appearance** – The application proposals are considered to have an adverse effect on the character and appearance of the area's streetscape which falls within the Gullane Conservation Area. Those adverse effects arise due the scale, height and mass of the proposed property being significantly larger than the existing and dwarfing [REDACTED] The dominance and associated prominence of the proposed dwelling is further increased through the introduction of the incongruously featured balcony at the front which will create visual confusion and disharmony in the street scene distorting the otherwise harmonious roof scape in the street scene.

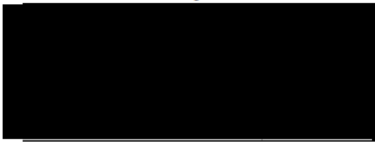
- (iii) **Overlooking/Loss of Privacy** – The application proposals will result in [REDACTED] levels [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- (iv) **Overshadowing** – The dwelling house proposed results in additional levels of overshadowing on [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- (v) **Trees** – There is an existing [REDACTED] tree within the boundaries of [REDACTED] e whose root system has the potential to be adversely affected by the works associated with the demolition of the existing house and the construction of the new house.
- (vi) **Drainage** – The applicants have failed to address the drainage requirements associated with the new dwelling house and/or their impacts on the prevailing drainage arrangements associated with other properties in the area.
- (vii) **Energy** – The application proposals remain devoid of any explanation or associated proposals for the provision of energy to service the proposed dwelling house.
- (viii) **Construction Management Plan** – The updated information submitted does not include a Construction Management Plan.
- (ix) **Use of Property** – Our clients remain concerned, in the event of permission being granted for the erection of a new dwelling house on the site, that the property could be used for holiday/short term letting purposes with resultant adverse impacts on amenity levels to adjoining property owners and car parking pressures in the area. No assurances have been provided by the applicant's agents that this will not be the case.

3. As far as the amended plans submitted on 14th March 2025 are concerned, we have the following observations:

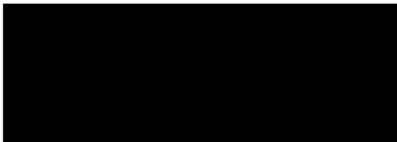
- (i) Whilst there are two chimneys identified on May Cottage in the '*West Elevation*' on Drawing Reference Number AL (O) 01 Revision C, one of those chimneys has disappeared from the '*Street Elevation from West*' Drawing.
- (ii) The existing roof plan (AD (0) 01 Rev B) only identifies one of existing chimneys on May Cottage.
- (iii) Whilst a bin store has been identified on the latest submitted plans (Drawing Reference Number AL (O) 01 Revision C) the capacity of that store to facilitate all waste and recycling bins required by the Council is questioned.
- (iv) Whilst the red line application site has been reduced in area on the Location Plan (AL (0) 100 Rev A) and on the Site Plans (AL (0) 100 Rev C) compared to earlier submissions, the application forms continue to state that the site area is 122 sq. metres in extent and as such requires to be amended.
- (v) The existing Plans and Elevations Drawing (AD (0)01 Rev B) only shows the existing Ground Floor Plan for May Cottage. It does not show the floor plan as approved under the terms of Planning Permission Reference Number 24/00876/P. To allow for a proper and thorough assessment of this application it is of utmost importance that the proposals are presented against both the existing and proposed/consented floor and roof plans relating to May Cottage.

4. We remain of the view that the application proposals contravene or have failed to demonstrate compliance with Policies 1, 2, 6, 7, 9, 12, 13, 14, 22 and 23 in National Planning Framework 4 (NPF4) and with Policies RCA1, T1, T2, SEH2, W3, NH8, NH13, CH2, CH3, DP2, DP5, DP7 and DP8 in the East Lothian Local Development Plan and as a consequence of that , it is respectfully requested that the applications for planning permission and conservation area consent are both refused.
5. We have no further comments at this juncture but nonetheless reserve the right to expand upon these submissions in the event of additional information being submitted in support of the applications. Kindly acknowledge receipt and registration of this letter at your earliest convenience.

Yours sincerely



Derek Scott Planning



Copy of Objection Letter Dated [REDACTED] [REDACTED]



Our Ref: ep856/let005/DS/ELC

07th February 2025

Mr. James Allan
East Lothian Council
Planning Department
John Muir House
Court Street
Haddington
East Lothian
EH41 3HA

Dear Mr. Allan,

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

Introduction

1. We refer to the above-mentioned applications for Planning Permission and Conservation Area Consent which were submitted to your Council by Julian Frostwick on behalf of Pin High Properties on 12th December 2024 (Validated on 09th January 2025 and subsequently amended on 15th January 2025) and which relate to the demolition of an existing dwelling house and its replacement with a new dwelling house at 'The Studio,' Goose Green Road, Gullane. We have been instructed by and are writing this letter on behalf of our clients, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Our clients have instructed us to **OBJECT** to the application on their behalf and respectfully request that all of the points outlined within this letter are given due and appropriate consideration in the determination of the applications referred to.

2. The applications submitted seek Planning Permission and Conservation Area Consent for the demolition of the existing dwelling house and its replacement with a new dwelling house. The existing dwelling house, which is single storey in scale, accommodates within its c62.0 sq. metre footprint, a single bedroom, living room, kitchen and WC/shower room and has an internal floor area of c51.5 sq. metres. The proposed dwelling house, which is two storey in scale, occupies a footprint of 92 sq. metres and accommodates 3 no bedrooms (2 en-suite) and an accessible WC/shower room on the ground floor; and an open plan kitchen/living/dining area on the first floor, off which there is projecting balcony to the south west offering views over Goose Green. The internal floor area of the dwelling proposed is some 115 sq. metres with an additional 10 sq. metres provided on the balcony, resulting in an overall floor area which is more than twice that of the existing dwelling house. In addition to the projecting balcony referred to, the proposals also accommodate four roof lights (two serving the ground floor and two serving the first floor) [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
3. As noted in Paragraph 1, the applicant's agent submitted amended plans to your Department on 15th January 2025 which reduced the extent of the boundaries on the existing and proposed site plans. However, as the boundaries of the location plan submitted with the original application were not amended, a situation now exists where there are inconsistencies in the application boundaries between different plans submitted. We would further add to this that the amended site plans submitted on 15th January 2025 remain incorrectly drawn [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED] Finally, we would also point out that the site area as stated in the application forms as 122 sq. metres is clearly incorrect and the forms need to be amended in this regard. By way of information we have calculated the application site to now measure c.104 sq. metres or thereby.

4. The Design and Accessibility Statement submitted in support of the Planning Application claims that the replacement dwelling house proposed is consistent with the permission granted under the terms of the now lapsed Planning Permission Reference Number 18/00756/P, inferring on the back of this, that the current application proposals submitted under the terms of Application Reference Numbers 24/01372/P and 24/01373/CAC should also be granted Planning Permission and Conservation Area Consent. Whilst we accept that the planning history referenced by the applicant's agent is a material consideration in the determination of the current applications, no weight whatsoever should be ascribed to that history as a consequence of the following considerations:

- (i) The earlier planning permission granted under the terms of Planning Permission Reference Number 18/00756/P has now lapsed as confirmed by the Chief Planner, Mr. Keith Dingwall. This is noted and accepted by the applicants in both the application forms and in the supporting Design and Accessibility Statement submitted in support of the application, which state, inter-alia, the following:

'Further discussions with Keith Dingwall advise that new application required not variation to permission 18/00756/P which is deemed to have lapsed.' (Application Forms)

'The proposed replacement house is of traditional form and materials appropriate to the Gullane Conservation Area and consistent with lapsed Permission 18/00756/P to which we are seeking new Permission.' (Design and Accessibility Statement)

- (ii) The applications currently proposed are of a significantly larger scale in terms of height and in the number of window openings proposed than the previously approved scheme with resultant and additional adverse effects arising on amenity levels within neighbouring properties and on the character and appearance of the area;
- (iii) Since the lapsed permissions (18/00756/P & 18/00756/CAC) were approved by your Council on 21st September 2018, planning permission has been granted, on 15th October 2024, under the terms of Planning Permission Reference Number 24/00876/P, for alterations to May Cottage to the southwest of the application site. The approved alterations, which relate to the reconfiguration of the internal living space within that property, include the introduction of new and additional opening roof lights fitted with clear glass on the roof plane directly facing the application site. A Building Warrant application for the works described was submitted to your Council on 20th December 2024 (Application Reference Number 24/00871/BW) with works due to commence upon receipt of that warrant. It is noted that the application drawings submitted under the terms of Planning Application Reference Number 24/01372/P make no reference whatsoever to the approved alterations to May Cottage. [REDACTED]

[REDACTED] We would therefore suggest that the applicant's agents should be requested to provide plans of their proposals in the context of the referenced approvals to May Cottage and not just those relating to the property as existing at present.

(iv)

(v)

Finally, the merits of the earlier applications submitted under the terms Application Reference Numbers 18/00756/P & 18/00756/CAC and determined on 21st September 2018 (now lapsed) were assessed within the context of policies within the East Lothian Local Plan 2008. That local plan has been superseded by the East Lothian Local Development Plan 2018 which was adopted by your Council on 27th September 2018. National Planning Framework 4 (NPF4) was also adopted by Scottish Ministers on 13th February 2023 and at that point was indocrinated into the development plan. As a consequence of the policy situation described, the current application proposals now require to be assessed against policies within both NPF4 and the East Lothian Local Development Plan 2018. Section 24(3) (i) of the Town and Country Planning (Scotland) 1997 Act states that *'in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.'*

5. Given the established and historical use of the application property as a single storey dwelling house, our clients wish to place on record that they would have no objection to the refurbishment and continued use of the existing property for such residential purposes nor would they have any objection, in principle at least, to the redevelopment of the application site for the erection of a similarly scaled single storey one bedroom dwelling house with appropriate design credentials. Unfortunately, the proposals contained in the current applications stray quite considerably from such parameters. Within the context described in this and preceding paragraphs, our client's objections to the applications, as currently presented, are supported by the considerations outlined in the following paragraphs.

Grounds of Objection

6. **Overdevelopment** – The application proposals represent a significant over development of the site through what, in effect, involves the replacement of a one-bedroom single storey dwelling house with a three-bedroom two storey dwelling house with a floor area over twice the size of the existing. According to the forms accompanying the current planning application, the site has an area of 122 sq. metres. That, it is worth noting, is some 14 sq. metres in excess of the site area (108 sq. metres) specified in the application forms accompanying the earlier planning application approved under the terms Planning Permission Reference Number 18/00756/P (now lapsed); 16 sq. metres greater than the 106 sq. metres specified as the site area in the Report of Handling on that earlier application; and 18 sq. metres greater than the site area (c.104 sq. metres) which we have calculated from the most recently submitted drawings. Clarification should be sought on this matter and corrections, where deemed necessary, sought.
7. The existing dwelling house on the site has a footprint of some 62.0 sq. metres which when applying the 104 sq. metres, which we consider to be the correct and actual site area relating to The Studio, equates to a plot ratio of 59.6% built and 40.4% unbuilt. The dwelling house proposed in the current application is on a footprint of 92 sq. metres which equates to a plot ratio of 88.5% built and 11.5% unbuilt. Generally speaking, it is a long-established principle that dwelling houses of the nature proposed should retain approximately two thirds of the overall site area free from development (66.6% - unbuilt) with one third (33.3% - built) accommodating the dwelling house and any ancillary buildings. Such credentials will ensure that sufficient space is retained for external activities associated with residential occupation (e.g. play, drying clothes, sitting out etc.) and ancillary storage requirements. The plot ratio associated with the current application falls considerably short of these credentials and is therefore totally unacceptable.
8. Whilst neither the existing nor proposed properties benefit from any usable private garden space within which to undertake external activities associated with residential occupation, the implications of such deficiencies are significantly greater for the three-bedroom property proposed given its potential to be occupied as a family home than to the existing one-bedroom property which is less likely to be so occupied. The latter is of course an existing lawful situation and whilst far from ideal must be accepted as it is. The applicants have attempted to address such external amenity deficiencies through the incorporation of a balcony feature at first floor off the

kitchen/living/dining area. Whilst this provides some opportunity for external living, it is comparatively small to what would normally be expected with a three-bedroom dwelling house, where, as a minimum, some 60 -100 sq. metres of useable garden space would be expected to be provided. In any event, the incorporation of the balcony within the scheme is not without other adverse consequences as will be elaborated upon in subsequent paragraphs to follow. Another related consideration relates to the absence of opportunities for the storage of items ancillary to and deemed essential for modern living. Setting aside the obvious absence of any off street car parking facilities and the potential consequences arising from that, it is not apparent from the plans submitted where waste/bin storage facilities will be accommodated nor where cycles might be stored.

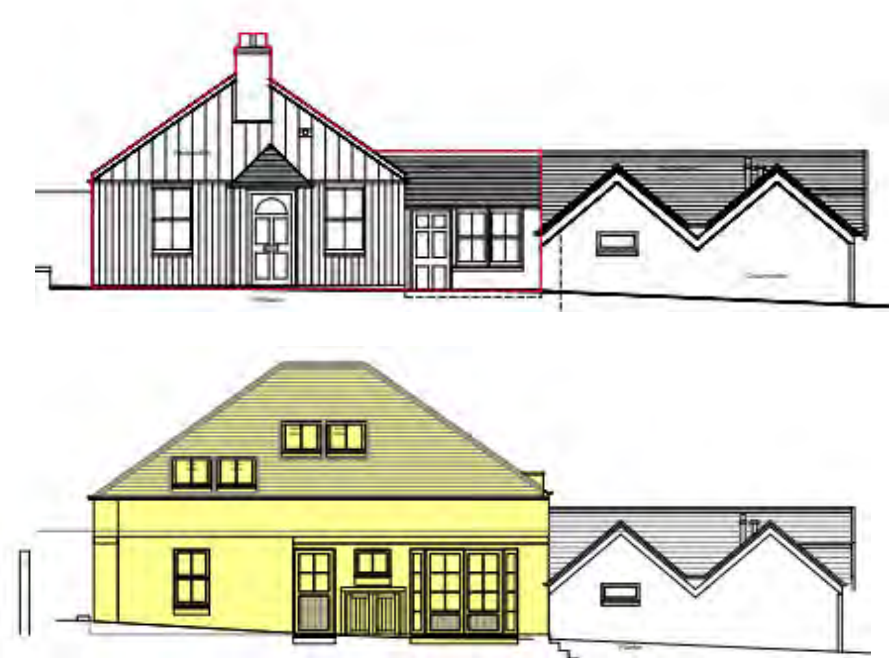
9. In short and as noted in Paragraph 5 previously, the application proposals involve the demolition of a one-bedroom single-storey dwelling house and its replacement with a three-bedroom two-storey dwelling house occupying **88.5%** of the site area and without any meaningful external amenity or storage space provided for activities associated with residential occupation. The situation described clearly constitutes an unacceptable overdevelopment of the application site.
10. **Design and Visual Appearance** – The application proposals are considered to have an adverse effect on the character and appearance of the area’s streetscape which falls within the Gullane Conservation Area - designated as such as it is considered to be *‘an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.’* According to the Gullane Conservation Area Character Statement contained within the Council’s Supplementary Planning Guidance relating to *‘Cultural Heritage and the Built Environment,’* *‘Gullane Conservation Area comprises two distinct character areas, the higher density development within and adjacent to the town centre and the lower density Gullane Hill area. Large tracts of the golf courses to the south, which are an essential part of the setting of the village, are also incorporated within the Conservation Area boundary. The higher density segment of the Conservation Area comprises attractive Edwardian three storey parades, giving an urban feel to the Main Street, while this gives way to smaller-scale cottages and the open village green Goose Green to the north, providing a more rural environment and a setting for the surrounding buildings. The open expanse of the golf courses to the south and south west enhance the setting of the town and green areas extend to the Main Street, enhancing the amenity of the village centre.’*
11. The existing dwelling house on the site (The Studio) adjoins and sits to the rear (north east) of May Cottage which is an attractive single storey cottage fronting onto Goose Green and highly visible from a wide panorama of viewpoints within the Green and from Goose Green Road circumventing it.



Application site as viewed from the Green/Goose Green Road

As the situation presently exists, the roof of The Studio projects above May Cottage acting as a suitably scaled back drop and tying in harmoniously with other elements of the wider roof scape surrounding as shown in the photograph above. The dwelling house proposed in the current application is, as noted previously, a significantly larger property in terms of scale, height and mass to the existing property and is also larger than the dwelling

house previously approved under the terms of Planning Permission Reference Number 18/00756/P – a far cry from the image of ‘small-scale cottages’ described in the Gullane Conservation Area Character Statement referenced in Paragraph 10.



Proposed dwelling house substantially larger than existing

Documents 1 & 2 attached compare the scale of the proposed dwelling house with the existing and previously approved (permission now lapsed) houses. The proposed house will project significantly higher (1.72 metres) than the existing dwelling appearing as an over dominant and discordant feature, when viewed against the much lesser scaled May Cottage, in particular, but also within the context of other neighbouring properties. It also projects 0.9 metres above the previously approved (permission now lapsed) dwelling house. The dominance and associated prominence of the proposed dwelling is further increased through the introduction of the incongruously featured balcony at the front which will create visual confusion and disharmony in the street scene distorting the otherwise harmonious roof scape described. That relationship will be further threatened by the potential placement of furniture on the balcony (e.g. seating/dining facilities/sunshades etc.) and its potential use for domestic related activities such as drying clothes. We are genuinely surprised that such considerations were not given any weight in the determination of the earlier application on the site (18/00756/P), presumably in error.



Proposed dwelling house substantially larger than existing

12. **Overlooking/Loss of Privacy** – [REDACTED]
[REDACTED]
[REDACTED].

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

[REDACTED]

16. [REDACTED]

17. [REDACTED]

18. **Loss of Daylight** – [REDACTED]

[REDACTED]

19. **Overshadowing** – The application submitted is devoid of any information to demonstrate that adjoining properties will not experience increased levels of overshadowing from the application proposals. In light of this we have attached within **Document 3** an overshadowing analysis study which conclusively demonstrates that the proposed dwelling will result in additional levels of overshadowing [REDACTED]

- Overshadowing in the front garden from September to March in the morning;
- Overshadowing in the back garden around midday in the winter months; and
- [REDACTED]

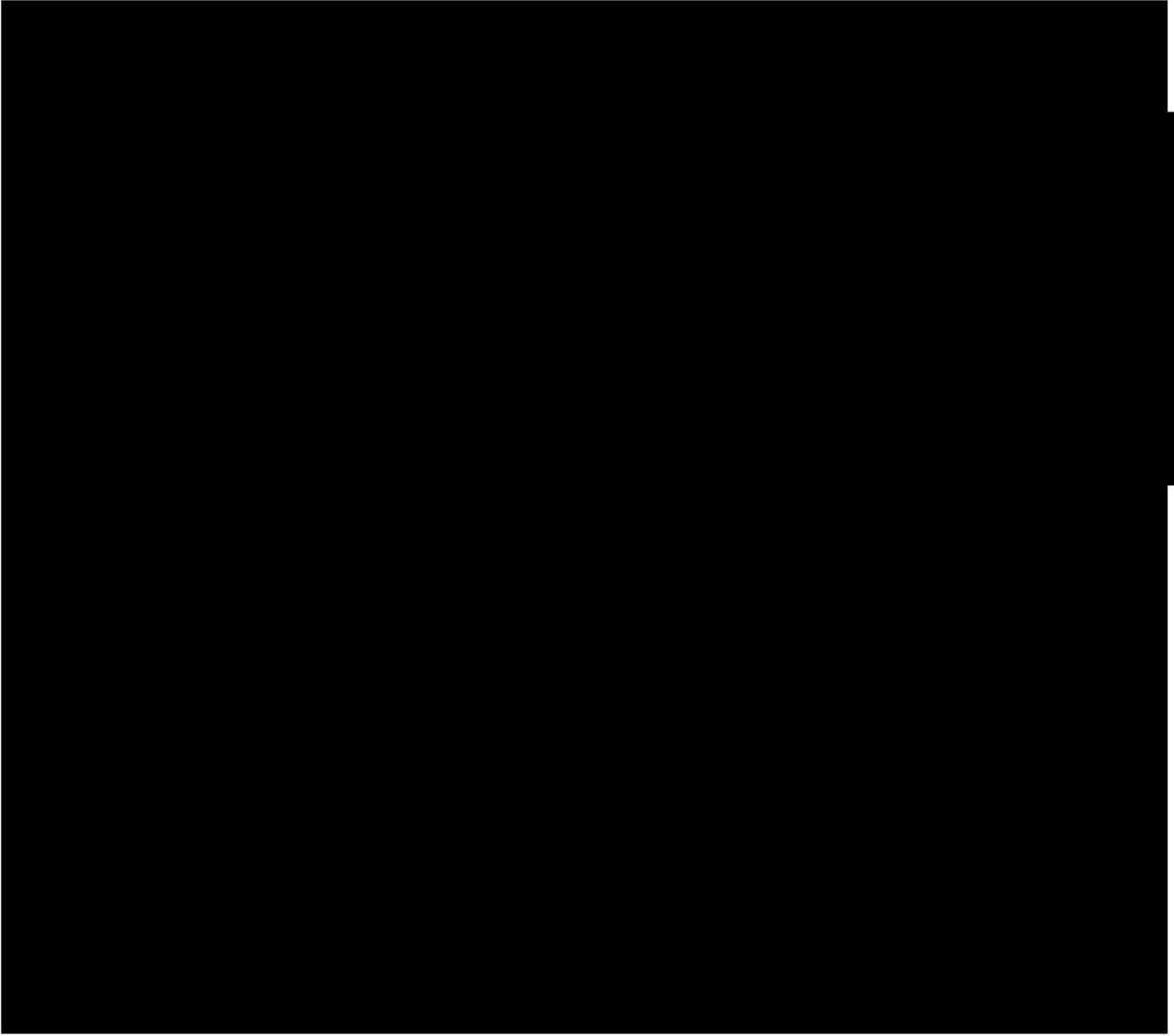
20. **Trees** – There is an existing [REDACTED] tree within the boundaries of [REDACTED] whose root system has the potential to be adversely affected by the works associated with the demolition of the existing house and the construction of the new house. As that said tree makes a positive contribution to the character and appearance of the Conservation Area from both visual and biodiversity perspectives, it is respectfully suggested that the applications should not be determined until such time as it has been conclusively demonstrated, by an appropriately qualified Arboricultural Consultant, that the welfare of the tree will not be threatened as a consequence of the works proposed.
21. **Drainage** – The application forms submitted claim that the proposals do not require a new or altered water supply or drainage arrangements. Given that the footprint of the proposed dwelling is significantly larger than the existing dwelling house which occupies the site, combined with known drainage difficulties in the area, revised proposals require to be submitted to capture and treat the increased run-off from the roof and any other hard surfaced areas within the site. Our clients are also concerned about the carrying capacity of the foul drainage system and the increased pressures arising from the dwelling house now proposed due to its potential to accommodate a larger number of residents than the existing dwelling house. It is respectfully suggested, if you have not already done so, to consult Scottish Water in connection with these matters.
22. **Energy Requirements** – The application proposals are devoid of any explanation or associated proposals for the provision of energy to service the proposed dwelling house. Of particular note in this regard is the absence of any proposals for low and/or zero carbon generating technologies such as air source heat pumps and /or photovoltaics. Details of such measures must be provided in advance of the determination of the application and their associated visual impacts assessed.
23. **Construction Management Plan** – Whilst it seems extremely unlikely, given the considerations outlined in preceding paragraphs that the application proposals, as currently presented, will be supported by your Council, it is of paramount importance to our clients, in the event of permission being granted for the development of a new dwelling on the site, that work does not commence until such time as a Construction Management Plan is submitted to and agreed with your Department following engagement and consultation with other property owners surrounding the site in which respect we would note in particular the properties known as May Cottage, Victoria Cottage, Elm Cottage, Sunnyside and Sunnyside Cottage. Issues to be addressed within such a Management Plan should include but not necessarily be restricted to the following:

- (i) A structural survey of all walls within and in close proximity to the site with associated protection measures during demolition and construction works. The works referred to include the mutual wall between The Studio and May Cottage; the wall to the south of the Studio along the existing driveway serving Sunnyside Cottage; and the boundary wall to the north of the access drive serving May Cottage, The Studio and Elm Cottage (boundary with Victoria Cottage);
- (ii) Measures to be employed to ensure the continued provision of unrestricted pedestrian and vehicular access to Elm Cottage during demolition and construction works;
- (iii) Hours of permitted construction activities and associated maximum noise levels; and
- (iv) Waste Management and Recycling of Materials.

24. **Use of Property** – It has been brought to our attention that the application property has been used for periods in the past as a short-term holiday let and advertised on platforms such as Airbnb. Our clients are concerned, in the event of permission being granted for the erection of a new dwelling house on the site, that the property could be used for such purposes again with resultant adverse impacts on amenity levels to adjoining property owners and car parking pressures in the area. It is, in our opinion, unequivocally clear that the use of any dwelling house on the site as a short-term holiday let would constitute a material change of use to the property requiring planning permission. That being the case and in the event of permission being granted, it is respectfully requested that a condition be imposed specifying that the use of the property be restricted to a domestic dwelling and that its use for any form of short-term holiday letting purposes including as a bed and breakfast establishment would require a separate grant of planning permission.

25. **Other considerations** – [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]



Planning Policy

26. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as ‘*The Act*’) states that:

‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

As the application site lies within the Gullane Conservation Area, the decision maker is also required under the terms of Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.

27. In the context of Section 25 of the Act referred to above, due regard should be made to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:
- *identify any provisions of the development plan which are relevant to the decision;*
 - *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
 - *consider whether or not the proposal accords with the development plan;*

- *identify and consider relevant material considerations, for and against the proposal; and*
- *assess whether these considerations warrant a departure from the development plan.*

28. As noted previously, the relevant development plan for the area within which the application site lies comprises National Planning Framework 4 (NPF4) and the East Lothian Local Development Plan 2018.

National Planning Framework 4 (NPF4)

29. National Planning Framework 4 (NPF4), as noted previously, was adopted by Scottish Ministers on 13th February 2023 and contains 33 no. policies against which applications for development proposals now require to be assessed. The application proposals are considered to be in conflict with or have failed to demonstrate compliance with the following policies within that document.



Policy 1 – Sustainable Places – Tackling the climate and nature crises

Policy 2 – Climate Mitigation and Adaptation

Policy 6 – Forestry, Woodland and Trees

Policy 7 – Historic Assets and Places

Policy 9 – Brownfield, vacant and derelict land and empty buildings

Policy 12 – Zero Waste

Policy 13 – Sustainable Transport

Policy 14 – Liveable Places - Design Quality and Place

Policy 22 – Flood Risk and Water Management

Policy 23 – Health and Safety

30. The intent of **Policy 1** in NPF4 on '***Sustainable Places – Tackling the climate and nature crises***' is '*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.*' The intent of **Policy 2** on '***Climate Mitigation and Adaptation***' is '*to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.*' No information has been submitted in support of the application to demonstrate that the application proposals address the global climate and nature crises and/or minimise emissions and/or adapts to the current and future impacts of climate change. The absence of any low or zero carbon-generating technologies in energy generation within the proposal, is particularly notable in this regard.

31. The intent of **Policy 6** in NPF4 on '***Forestry, Woodland and Trees***' is '*to protect and expand forests, woodlands and trees.*' Criterion (b)(ii) states that '*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.*' As the applicants have failed to assess the impacts of the proposals on the existing [REDACTED] as referred to in Paragraph 19 previously, the requirements of Policy 6 have not been met.

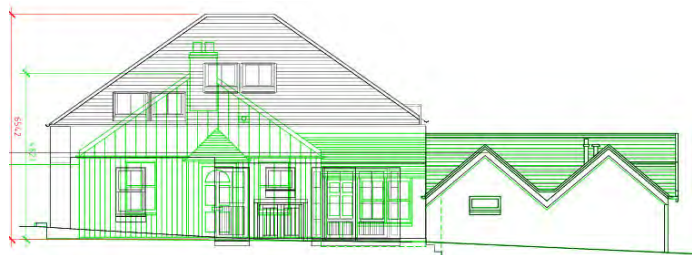
32. The intent of **Policy 7** in NPF 4 on '***Historic Assets and Places***' is '*to protect and enhance historic assets and places, and to enable positive change as a catalyst for the regeneration of places.*' The following criteria within Policy 7 are particularly relevant to the determination of the application proposals:

- Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.*

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- d) *Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:*
- i. *architectural and historic character of the area;*
 - ii. *existing density, built form and layout; and*
 - iii. *context and siting, quality of design and suitable materials.*
- e) *Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.*
- f) *Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:*
- i. *reasonable efforts have been made to retain, repair and reuse the building;*
 - ii. *the building is of little townscape value;*
 - iii. *the structural condition of the building prevents its retention at a reasonable cost; or*
 - iv. *the form or location of the building makes its reuse extremely difficult.*
- g) *Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.'*

33. The application proposals are devoid of any supporting information outlining the justification for the demolition of the existing dwelling house and its replacement with a dwelling of a significantly larger scale which will result in the overdevelopment of the site, and which, for the reasons mentioned in Paragraphs 10-11 previously, will have a significant adverse effect on the character and appearance of the Gullane Conservation Area. The proposals are, as a consequence, considered to be in conflict with the requirements of Policy 7.



Dwelling proposed significantly larger than existing

34. The intent of **Policy 9** in NPF4 on '**Brownfield, vacant and derelict land and empty buildings**' is 'to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help to reduce the need for greenfield development.' Criterion 9(d) within the policy states that 'Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.' As the applicants have failed to conclusively demonstrate that the existing dwelling requires to be demolished and cannot be reused for residential purposes, the requirements of the cited criterion within the policy have not been met.
35. The intent of **Policy 12** on '**Zero Waste**' is to 'encourage, promote and facilitate development that is consistent with the waste hierarchy.' Criteria (a) to (c) within Policy 12 have particular relevance to the application proposals and state the following:
- a) *Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.*
 - b) *Development proposals will be supported where they:*
 - i. *reuse existing buildings and infrastructure;*
 - ii. *minimise demolition and salvage materials for reuse;*
 - iii. *minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;*

- iv. *use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;*
 - v. *use materials that are suitable for reuse with minimal reprocessing.*
- c) *Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:*
- i. *provision to maximise waste reduction and waste separation at source, and*
 - ii. *measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.*

36. The application proposals submitted are devoid of any supporting information to demonstrate how the requirements of Policy 13 will be complied with. These should be addressed within the Construction Management Plan referenced in Paragraph 23.

37. The intent of **Policy 13** on '**Sustainable Transport**' is '*to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.*' Criterion 13(b) (iii) of Policy 13 states that '*Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking.*' As noted previously there is no provision whatsoever for cycle parking facilities within the application proposals thus rendering them contrary to the terms of Policy 13.

38. The intent of **Policy 14** on '**Design, Quality and Place**' is '*to encourage, promote and facilitate well designed development that makes successful places by taking a designed-led approach and applying the Place Principle.*' Development proposals are only supported where they are consistent with the six qualities of successful places, namely, '*healthy, pleasant, connected, distinctive, sustainable and adaptable.*' Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities referenced will not be supported. Again, for the reasons mentioned in preceding paragraphs dealing inter-alia, with the subjects of overdevelopment; design and visual appearance; overlooking/loss of privacy; loss of daylight; and overshadowing, the application proposals are considered to be in conflict with Policy 14.



Application proposals dwarf existing cottage (shown in green)

39. The intent of **Policy 22** on '**Flood Risk and Water Management**' is '*to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.*' Criterion (c) of Policy 22 states the following:

'Development proposals will:

- i. *not increase the risk of surface water flooding to others, or itself be at risk.*
- ii. *manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer;*
- iii. *seek to minimise the area of impermeable surface.'*

40. The applicants have not outlined in their application submissions how they intend to capture, attenuate and treat the increased water arisings from the larger impermeable areas associated with the current application and as such compliance with the requirements of Policy 22 has not been demonstrated.
41. The intent of **Policy 23** on '**Health and Safety**' is '*to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.*' Criterion (e) of Policy 23 states that '*Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.*' As noted in Paragraph 13 previously, the occupiers of May Cottage in particular, are at significant risk of noise disturbance from activities undertaken on the balcony of the proposed dwelling house – that risk derives from the relationship of the balcony to roof light openings in the roof plane of the cottage facing that referenced balcony, thus rendering the proposals contrary to the terms of Policy 23.

East Lothian Local Development Plan 2018

42. The East Lothian Local Development Plan 2018 was, as noted previously, adopted by East Lothian Council on 28th September 2018. The application proposals are considered to be in conflict with or have failed to demonstrate compliance with the following undernoted policies which have been cited in the order in which they appear within the plan.

Policy RCA1 – Residential Character and Amenity
Policy T1 – Development Location and Accessibility
Policy T2 – General Transport Impact
Policy SEH2 – Low and Zero Carbon Generating Technologies
Policy W3 – Waste Separation and Collection
Policy NH8 – Trees and Development
Policy NH13 – Noise
Policy CH2 – Development Affecting Conservation Areas
Policy CH3 – Development of an unlisted building in a Conservation Area
Policy DP2 – Design
Policy DP5 – Extensions and Alterations to Existing Buildings
Policy DP7 – Infill, Backland and Garden Ground Development
Policy DP8 – Design Standards for New Housing Areas



43. **Policy RCA1** on '*Residential Character and Amenity*' states the following:
- 'The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.'*
44. Whilst Policy RCA1 is not directly relevant to the application proposal, as it seeks planning permission for the erection of a dwelling house, it is nonetheless cited to remind the decision maker that any use of the property for purposes other than mainstream residential (e.g. short term holiday let) would have the potential to result in a significant adverse impact on levels of residential amenity enjoyed by surrounding property occupiers thus supporting the request made previously that in the event of planning permission being granted for any redevelopment of the site, a condition be imposed to prevent it being used for such purposes.
45. **Policies T1** on '**Development Location and Accessibility**,' and **T2** on '**General Transport Impact**,' state the following:
- 'New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in*

accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals. ' (Policy T1 - Development Location and Accessibility)

'New development must have no significant adverse impact on:

- *Road safety;*
- *The convenience, safety and attractiveness of walking and cycling in the surrounding area;*
- *Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times*
- *The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and*
- *Residential amenity as a consequence of an increase in motorised traffic.*

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate. ' (Policy T2 - General Transport Impact)

46. Whilst the application site is sustainably located in terms of accessibility to a range of facilities and services and therefore compliant with the principles of local living and 20 minute neighbourhoods, the likelihood of occupants cycling to access such facilities in preference to the private car is seriously compromised by the lack of storage opportunities for cycles within the site. That makes cycling as a mode of transport to service the site entirely unattractive and contrary to the requirements of Policies T1 and T2.

47. **Policy SEH2** on '**Low and Zero Carbon Generating Technologies,**' states the following:

'All new buildings must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, except for the following:

- *Alterations and extensions to buildings;*
- *Changes of use or conversion of buildings;*
- *An ancillary building that is stand-alone, having an area less than 50 square metres;*
- *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
- *Buildings which have an intended life of less than two years;*
- *Any other buildings exempt from Building Standards.*

Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.'

48. As noted in our response to Policy 2 in NPF4 previously, the absence in the application submitted of any proposals for low and/or zero carbon generating technologies in meeting the energy requirements of the dwelling house proposed also renders the proposals contrary to the terms of Policy SEH2 in the Local Development Plan.

49. **Policy W3** on '**Waste Separation and Collection,**' states the following:

'All new development including residential, commercial and industrial properties should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations and address the waste hierarchy. This should include:

- a. *For all scales of residential development, appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes;*

- b. *For all major residential, industrial or commercial developments, recycling facilities of an appropriate scale and at a suitable location;*
- c. *Appropriate access roads and sufficient space for servicing by collection vehicles.*

Supplementary planning guidance will provide more detailed guidance on integrating sustainable waste management measures into new development.'

- 50. The application proposals, as currently presented, are devoid of any measures for the storage of domestic waste and recycling facilities thus rendering them contrary to the requirements of Policy W3 on *'Waste Separation and Collection.'*

- 51. **Policy NH8 on 'Trees and Development'** states the following:

'There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. *any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or*
- b. (i) *in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or*
- (ii) *in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.*

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.'

- 52. Due to the applicant's failure to demonstrate that the [REDACTED] will not be adversely impacted upon by the development works proposed, the application is not considered to meet the requirements of Policy NH8 on *'Trees and Development.'*

- 53. **Policy NH13 on 'Noise,'** states the following:

'The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.'

- 54. As noted in our response to Policy 23 on *'Health and Safety'* in NPF4, the occupiers of [REDACTED] are at significant risk of noise disturbance from activities undertaken on the balcony of the proposed dwelling house – such risk deriving from the relationship of the balcony [REDACTED]
[REDACTED] As a consequence of the relationship described, the proposal contravenes the requirements of Policy NH13 on *'Noise.'*

- 55. **Policy CH2 on 'Development Affecting Conservation Areas,'** states the following:

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

Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.'

56. For the reasons mentioned in Paragraphs 10 & 11 previously, the application proposals will have a significant adverse effect on the character and appearance of the Gullane Conservation Area thus rendering them in contravention of Policy CH2 on *'Development Affecting Conservation Areas.'*

57. **Policy CH3** on the **'Demolition of an Unlisted Building in a Conservation Area,'** states the following:

'Proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;*
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or*
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.*

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.'

58. As noted in Paragraph 33 previously, the application proposals are devoid of any supporting information outlining the justification for the demolition of the existing dwelling house and its replacement with a dwelling of significantly larger scale which will result in the overdevelopment of the site and which, for the reasons mentioned in our response to Policy CH2 above, will have a significant adverse effect on the character and appearance of the Gullane Conservation Area. The proposal is, as a consequence of these considerations considered contrary to the terms of Policy CH3 on the *'Demolition of Unlisted Buildings in Conservation Areas.'*

59. **Policy DP2** on **'Design,'** states the following:

'The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

- 1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;*
- 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;*
- 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*
- 4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*

5. *Clearly distinguish public space from private space using appropriate boundary treatments;*
6. *Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*
7. *Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*
8. *Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.'*

60. Due to the issues raised within Paragraphs 6-20 previously, the application proposals do not meet the requirements of Policy DP2 on 'Design.'

61. **Policy DP5 on 'Extensions and Alterations to Existing Buildings,'** states the following:

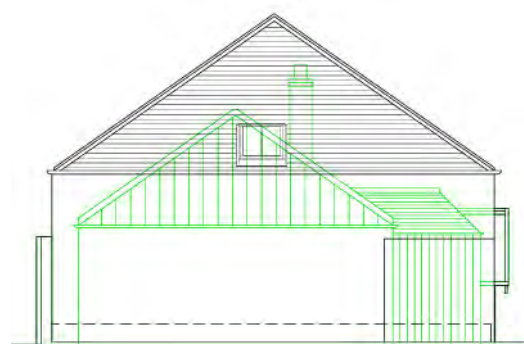
'All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

1. *It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;*
2. *For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;*
3. *For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;*

Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.'

62. Whilst the dwelling house proposed forms a separate residential unit to May Cottage it will nonetheless be physically attached to it and as a consequence has the appearance of being an extension to it particularly when viewed from the Green and Goose Green Road. That being the case, the criteria within Policy DP5 provide a useful yardstick against which to assess the merits of the proposal and in relation to which we would make the following observations:

1. As noted previously the proposed dwelling house will result in a significant loss – in fact the elimination of all privacy to the occupiers of [REDACTED] due to the relationship of the proposed balcony [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. The dwelling house proposed is of a significantly larger scale than the dwelling house it is replacing and dwarfs the existing cottage to such an extent that it results in harmful overbearing effects and harmful visual effects on the character and appearance of the Conservation Area.



Dwelling house proposed significantly larger than existing

63. **Policy DP7 on 'Infill, Backland and Garden Ground Development,'** states the following:

'Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:

1. *The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and*

2. *The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity;*
 3. *The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and*
 4. *There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.'*
64. As the application proposal provides no open space (usable private garden space); no car parking facilities; impacts significantly on the amenity of neighbouring property occupiers; and adopts a design which will result in a significant adverse effect on the character and appearance of the area (Gullane Conservation Area) it contravenes the requirements of Policy DP7 on *'Infill, Backland and Garden Ground Development.'*
65. **Policy DP8 on 'Design Standards for New Housing Areas,'** states the following:
- 'The principles of the Council's supplementary planning guidance Design Standards for New Housing Areas must be incorporated into the design and layout of all new relevant developments. All Home Zone / shared surface street designs must also be consistent with this document.'*
66. The application proposals do not comply with various of the undernoted requirements set out in the Council's Supplementary Design Standards for New Housing which require the following to be provided in association with new housing proposals:
- 4.23 Cycle Storage, Safety and Security
- *Opportunities for the provision of safe and convenient storage of bicycles*
- 4.26 Daylight, Sunlight, Overshadowing
- *Ensure there is no unacceptable loss of daylight to habitable rooms of existing neighbouring properties;*
 - *Not cause an unacceptable loss of sunlight to neighbouring properties and their gardens.*
- 4.27 Separation Distances, Privacy and Overlooking
- *Protect the privacy of existing dwellings (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).*
 - *Demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property and the street and other public spaces.*
- 4.28 Garden Ground, Extensions or Alterations
- *Provide private open space for family housing that can support adaptability and offer choice for potential residents;*
 - *Provide usable private or communal open space in the form of gardens, patios or balconies for flats. Its layout and design should offer privacy for dwellings adjoining the space.*
- 4.29 Waste and Recycling
- *Ensure that the design and materials of refuse storage areas are integrated with the design of the houses, car or cycling parking areas and use materials that will look good for years to come*

Other Material Considerations

67. As noted in Paragraph 25 previously, Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It has been conclusively demonstrated within Paragraphs 29-66 of this objection letter that the application proposals contravene numerous policies within National Planning Framework 4 and the East Lothian Local Development Plan 2018 which together comprise the development plan. We are unaware of any material considerations which would justify the granting of planning permission for the dwelling house proposed in contravention of the various policies cited within the development plan. The applicants, in their short supporting Design and Accessibility Statement, have advanced the view that the proposal is consistent with lapsed permission 18/00765/P. However, as we have outlined in Paragraph 4 previously no weight whatsoever should be given to that previous and now expired permission in the determination of the current application for inter-alia, the following reasons:
- (i) The applications currently proposed are of a significantly larger scale in terms of site coverage, height and in the number of window openings than the previously approved scheme with resultant and additional adverse effects arising on neighbouring properties. That previously granted scheme, as noted in the application forms submitted by the applicants, is deemed to have lapsed by the Council's Chief Planning Officer, Mr. Keith Dingwall.
 - (ii) Since the last applications were approved, planning permission has been granted under the terms of Planning Permission Reference Number 24/00876/P, for alterations to May Cottage to the south west of the application site which include the introduction of new and additional roof lights (opening) fitted with clear glass on the roof plane of the cottage directly facing the application site.

Summary and Conclusions

68. In summary, the application proposals are considered to contravene or have failed to demonstrate compliance with Policies 1, 2, 6, 7, 9, 12, 13, 14, 22 and 23 in National Planning Framework 4 (NPF4) and with Policies RCA1, T1, T2, SEH2, W3, NH8, NH13, CH2, CH3, DP2, DP5, DP7 and DP8 in the East Lothian Local Development Plan. Whilst our clients have no objection in principle to the reuse of the existing property for residential purposes or for the development of a new suitably designed dwelling house of a similar scale to the one presently existing, the proposals advanced in the current application would in summary:
- (i) result in a gross over development of the site and cause significant adverse impacts on the character and appearance of Gullane Conservation Area, contravening the requirements of Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
 - (ii) result in significant adverse impacts on established residential amenity levels within neighbouring properties; and
 - (iii) result in a new dwelling house offering substandard levels of amenity to future occupants.

As a consequence of these considerations, it is respectfully requested that the applications for planning permission and conservation area consent be refused.

69. We reserve the right to expand upon these submissions in the event of additional information being submitted in support of the applications. Kindly acknowledge receipt and registration of this objection letter at your earliest convenience.

Yours sincerely



Derek Scott Planning



LIST OF DOCUMENTS

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

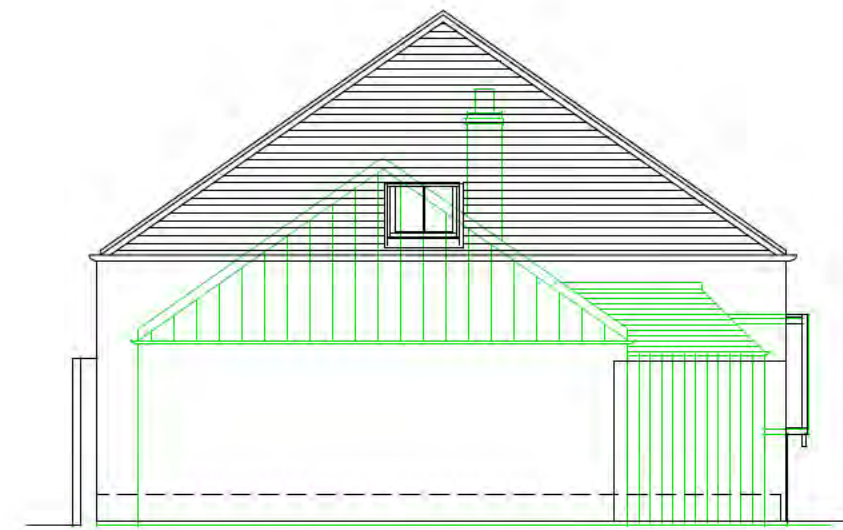
- Document 1 –** Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with existing dwelling house on the site.
- Document 2 –** Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with that previously approved under the terms of Planning Permission Reference Number 18/00756/P (now expired)
- Document 3 –** Sun Path/Overshadowing study relating to [REDACTED]

Document 1

Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with existing dwelling house on the site.



01 SOUTH ELEVATION
Scale 1:100



02 EAST ELEVATION
Scale 1:100

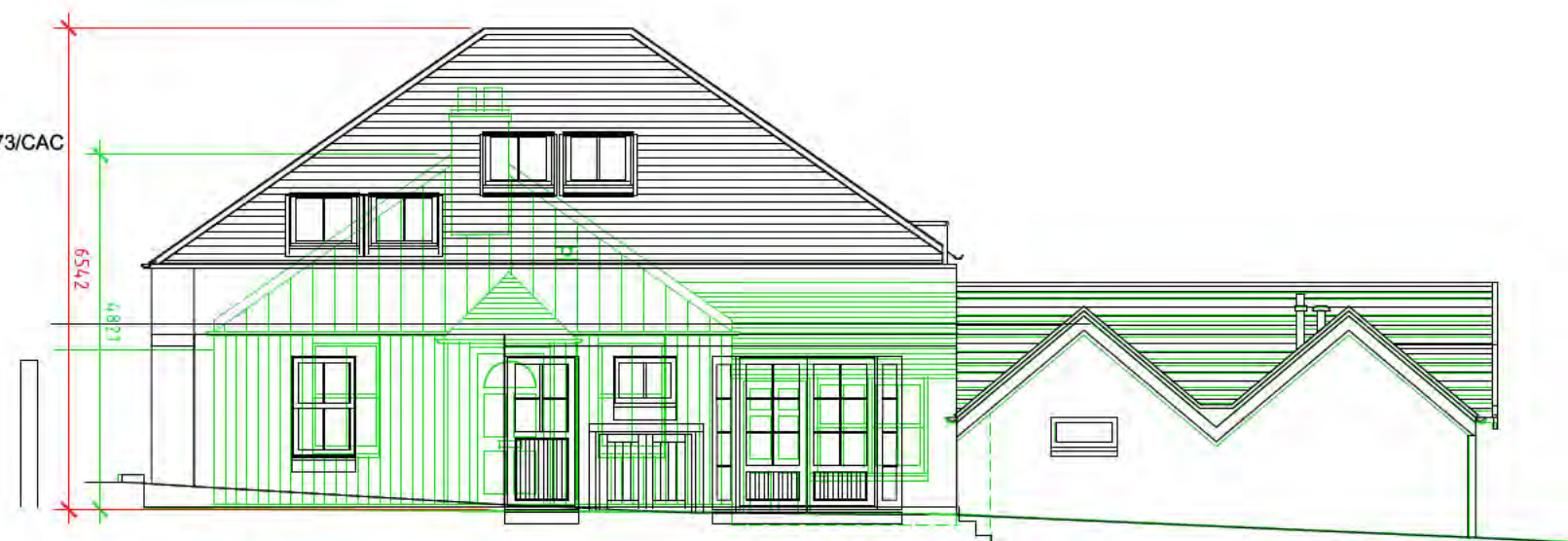


03 WEST ELEVATION
Scale 1:100

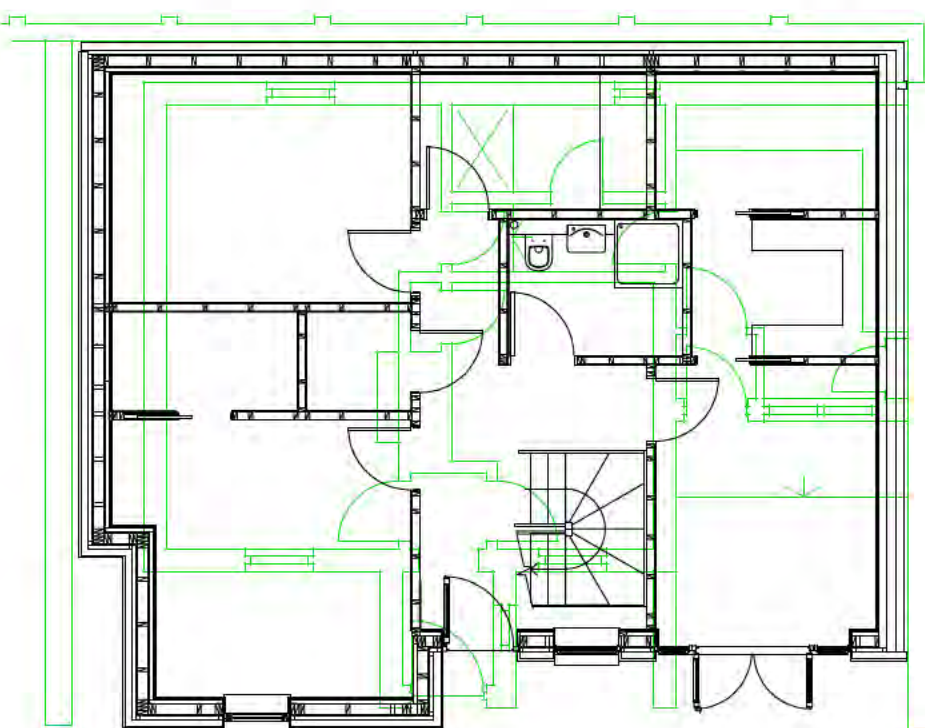
KEY:

Existing building

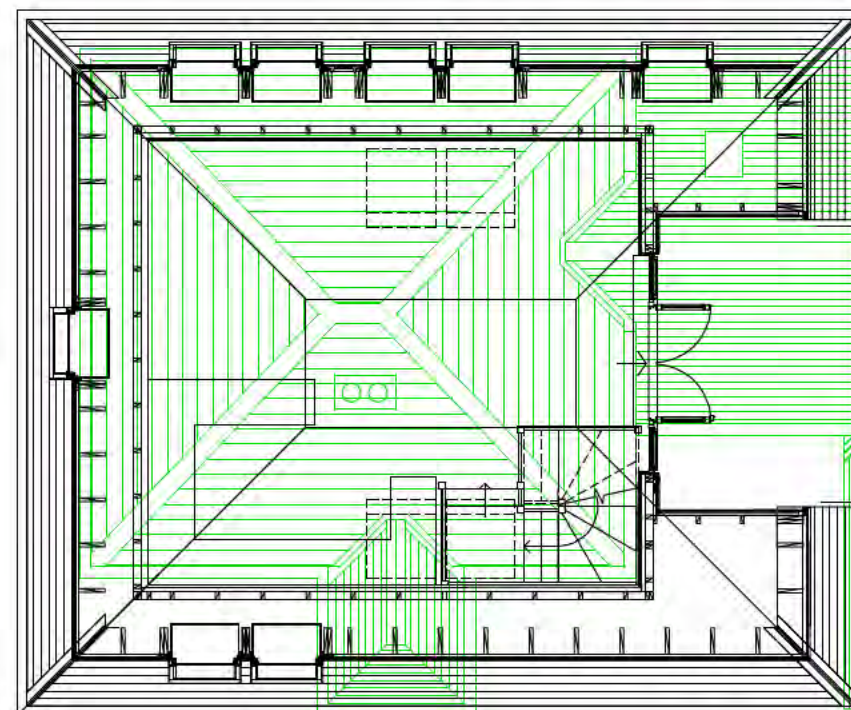
Proposals as per
24/03372/P & 24/01373/CAC



04 NORTH ELEVATION
Scale 1:100



05 GROUND FLOOR PLAN
Scale 1:100



06 FIRST FLOOR PLAN
Scale 1:100

0 1 2 3 4 5
Scale in metres (1:100)

Project
24/03372/P & 24/01373/CAC
The Studio
Goose Green Road
Gullane EH31 2AT
Drawing
24/01372/P and EXISTING
COMPARISON

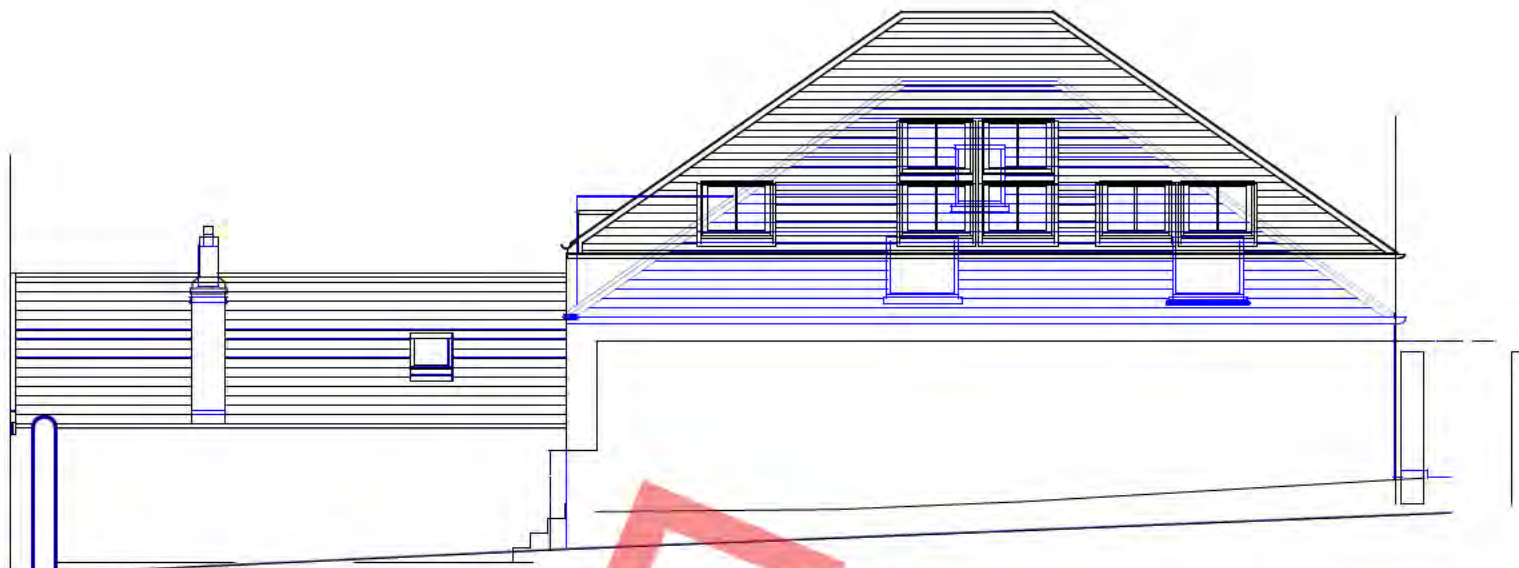
Drawing Category: PLANNING

NGP architecture Ltd.
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Edinburgh EH4 2BN
telephone 0131-603 7540
mail@ngparchitects.co.uk
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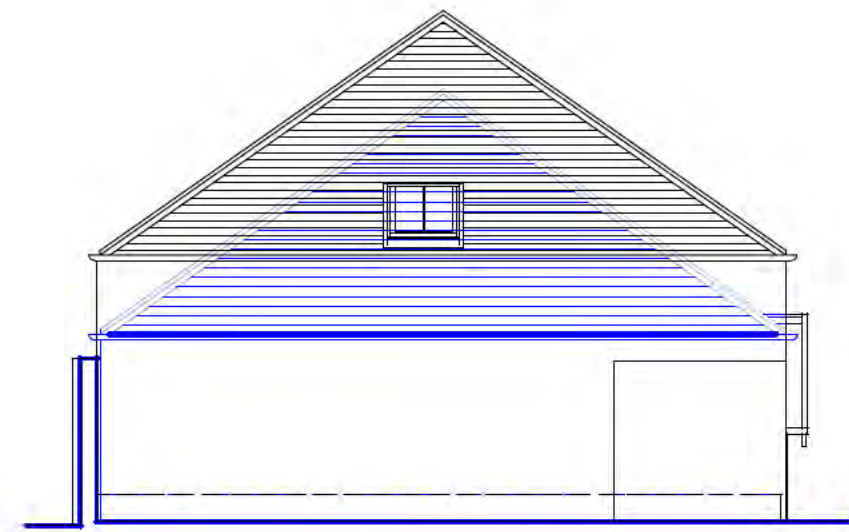
Scale 1:100 @ A3	Date Jan '25	By NGP
Job No 24-020	Drawing no 801-S	Rev P01

Document 2

Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with that previously approved under the terms of Planning Permission Reference Number 18/00756/P (now expired)



01 SOUTH ELEVATION
Scale 1:100



02 EAST ELEVATION
Scale 1:100

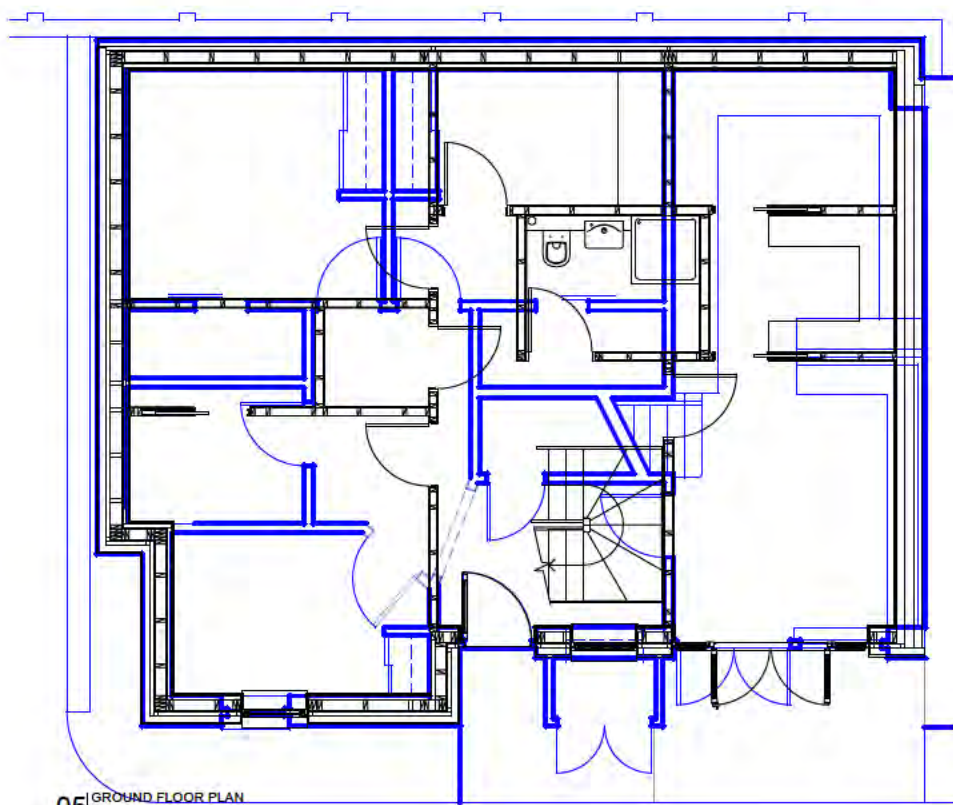


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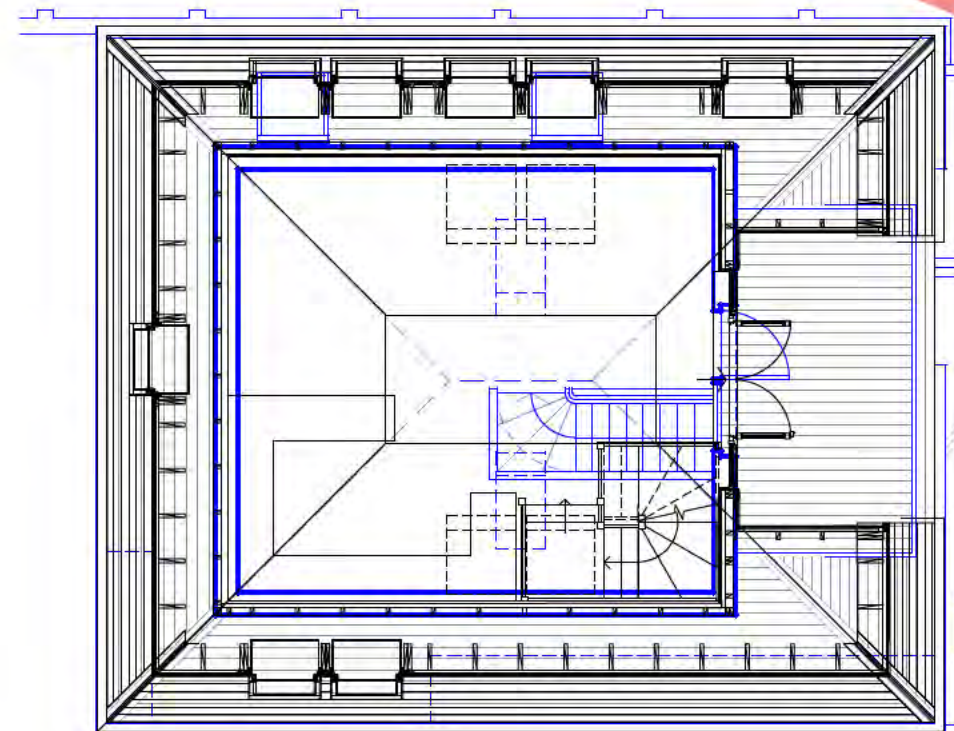
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Proposals as per 24/03372/P & 24/01373/CAC



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Scale 1:100 @ A3	Date Jan '25	By NGP
Job No 24-020	Drawing no 800-S	Rev P01

Document 3

Sun Path/Overshadowing study relating to [REDACTED]
[REDACTED]

[Redacted]

Sun path/ overshadowing study– Proposed Studio alterations

08-01-2025

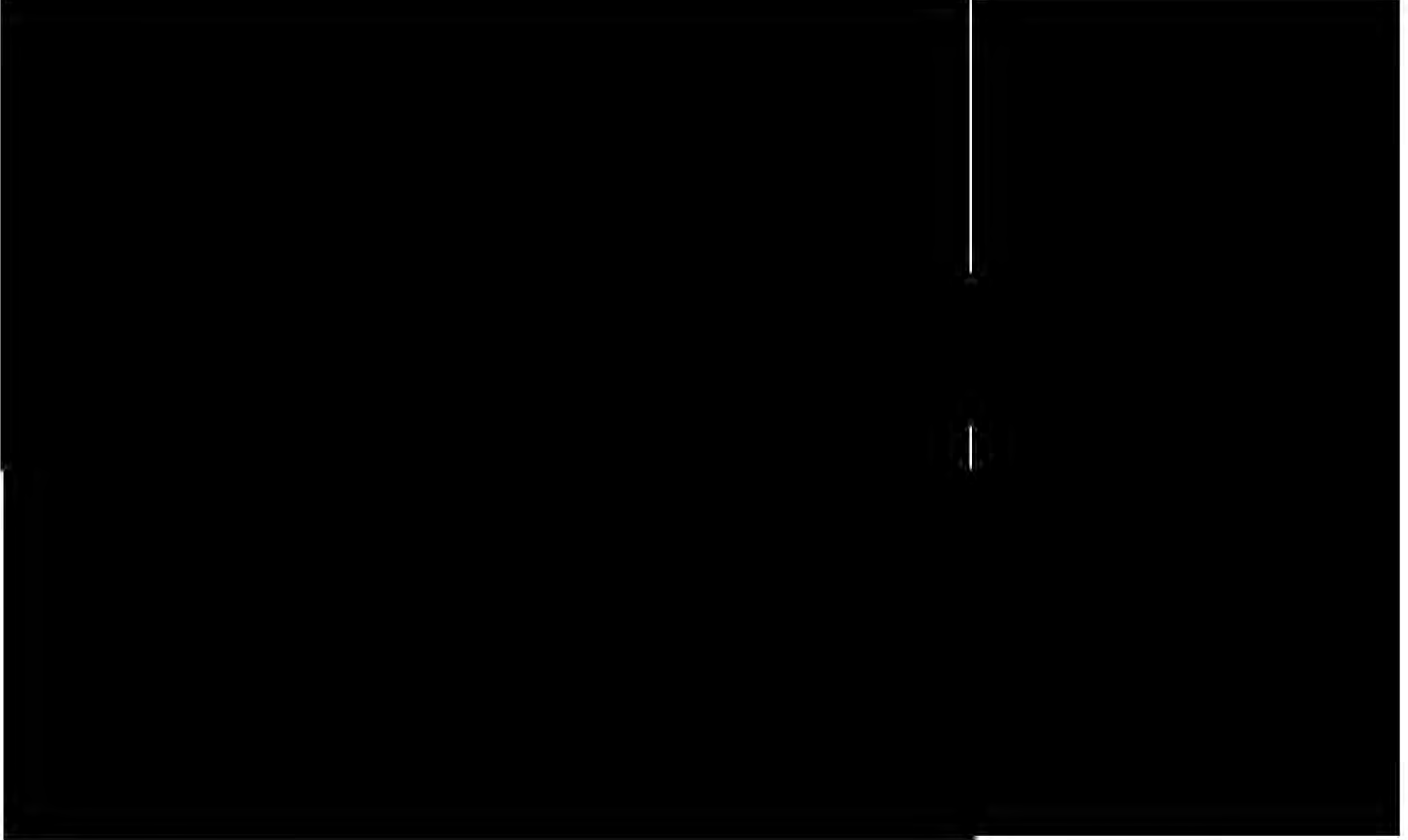
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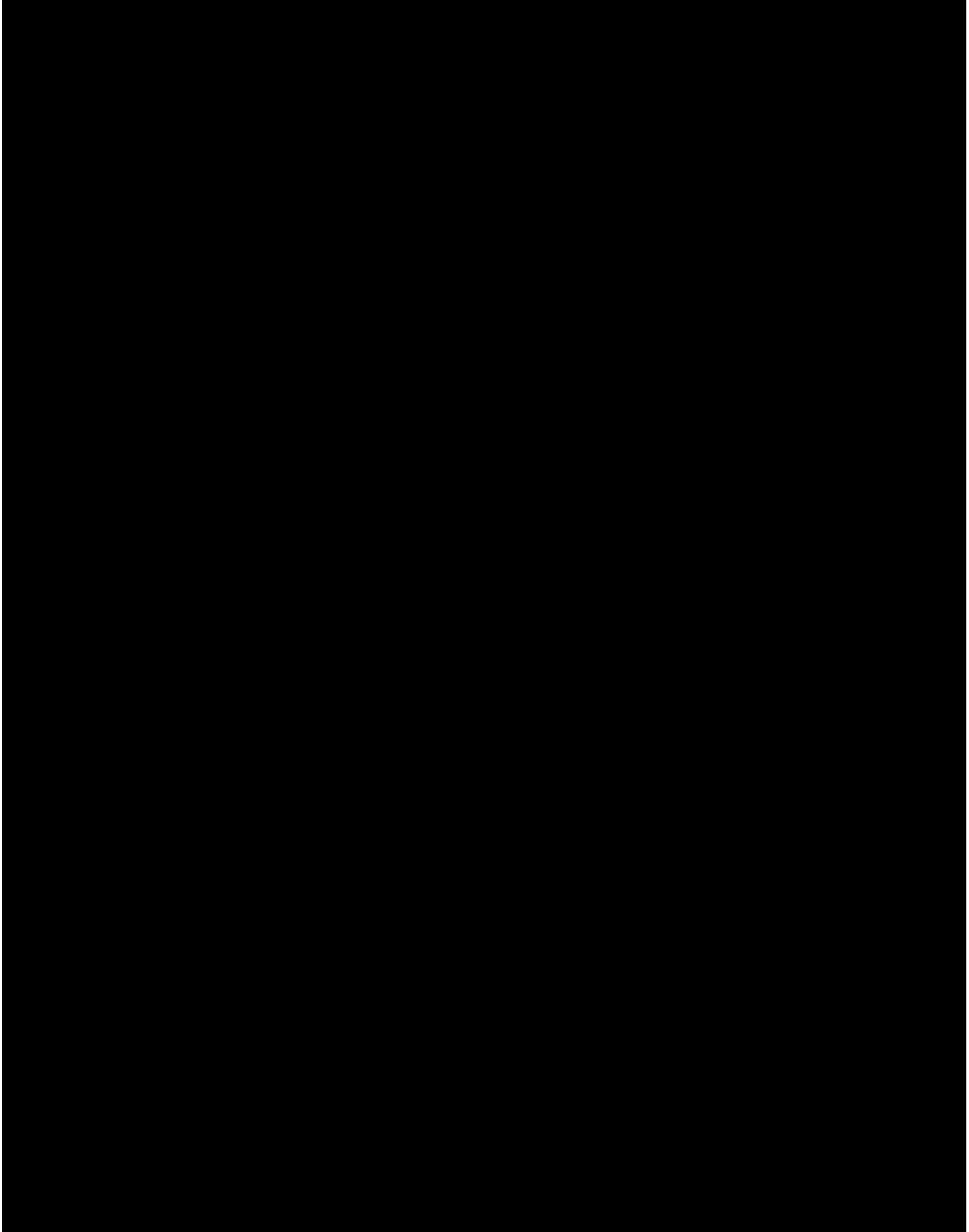
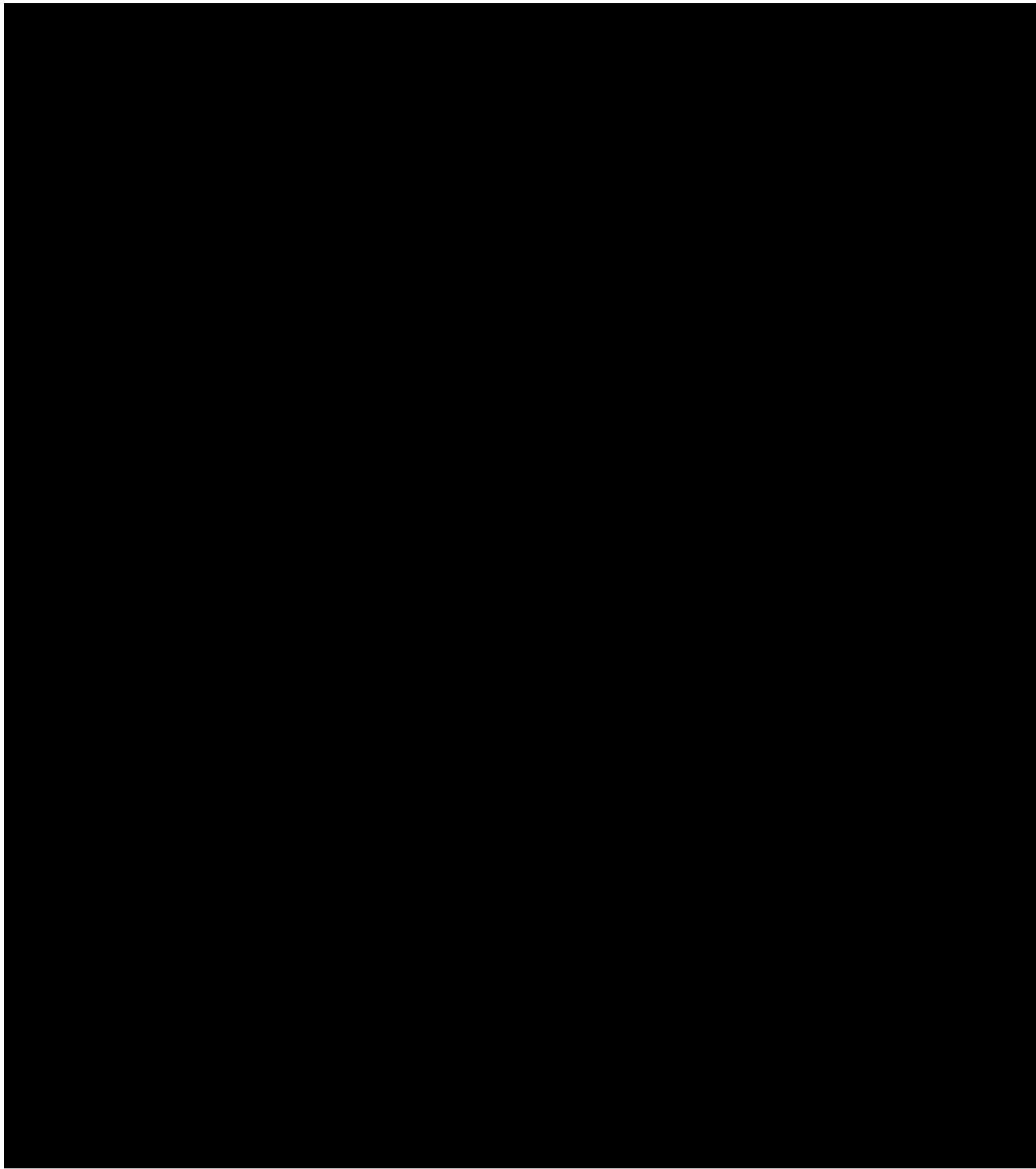
[Redacted]

[Redacted]

[Redacted]



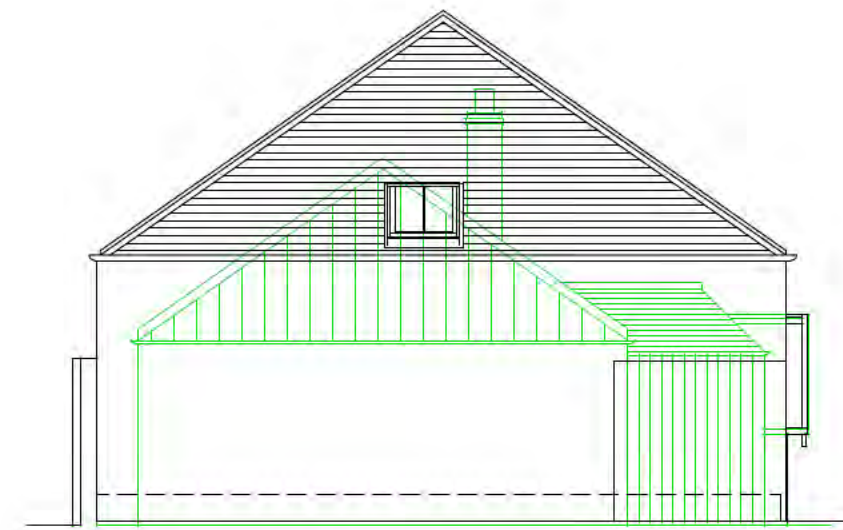




Copy of Objection Letter Dated [REDACTED] [REDACTED]



01 SOUTH ELEVATION
Scale 1:100



02 EAST ELEVATION
Scale 1:100

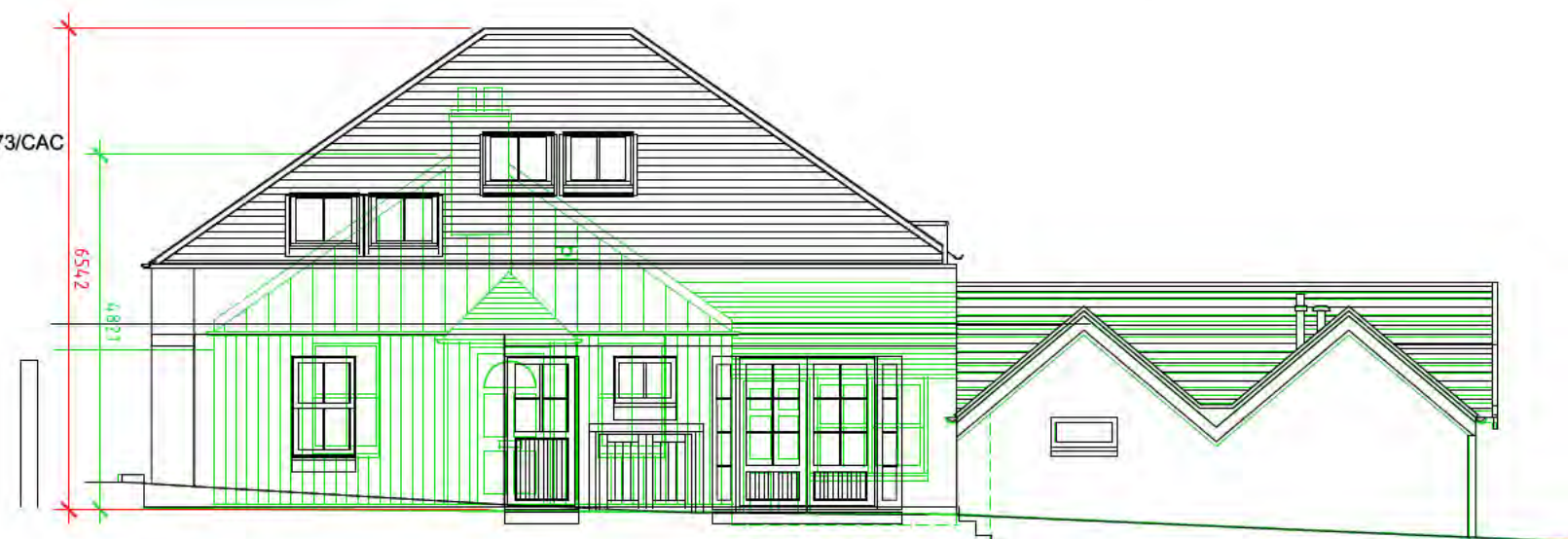


03 WEST ELEVATION
Scale 1:100

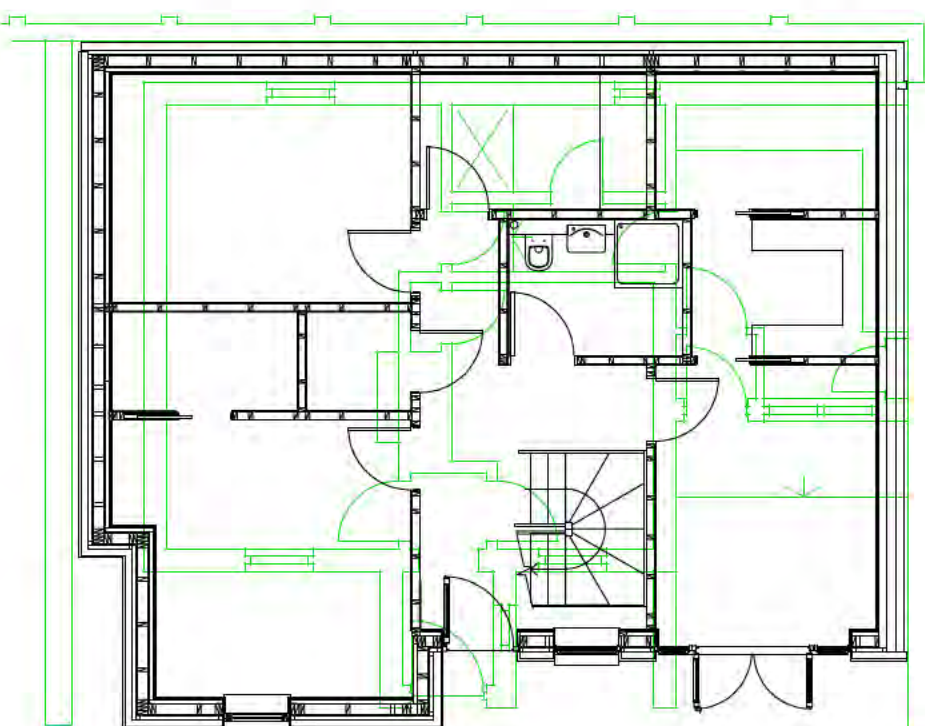
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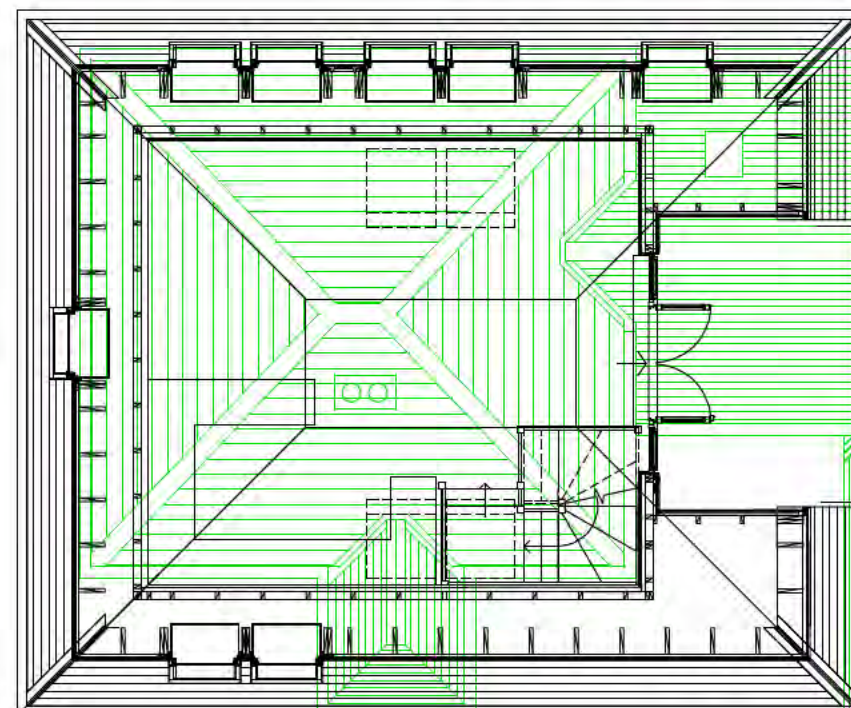
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Scale 1:100



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Scale in metres (1:100)

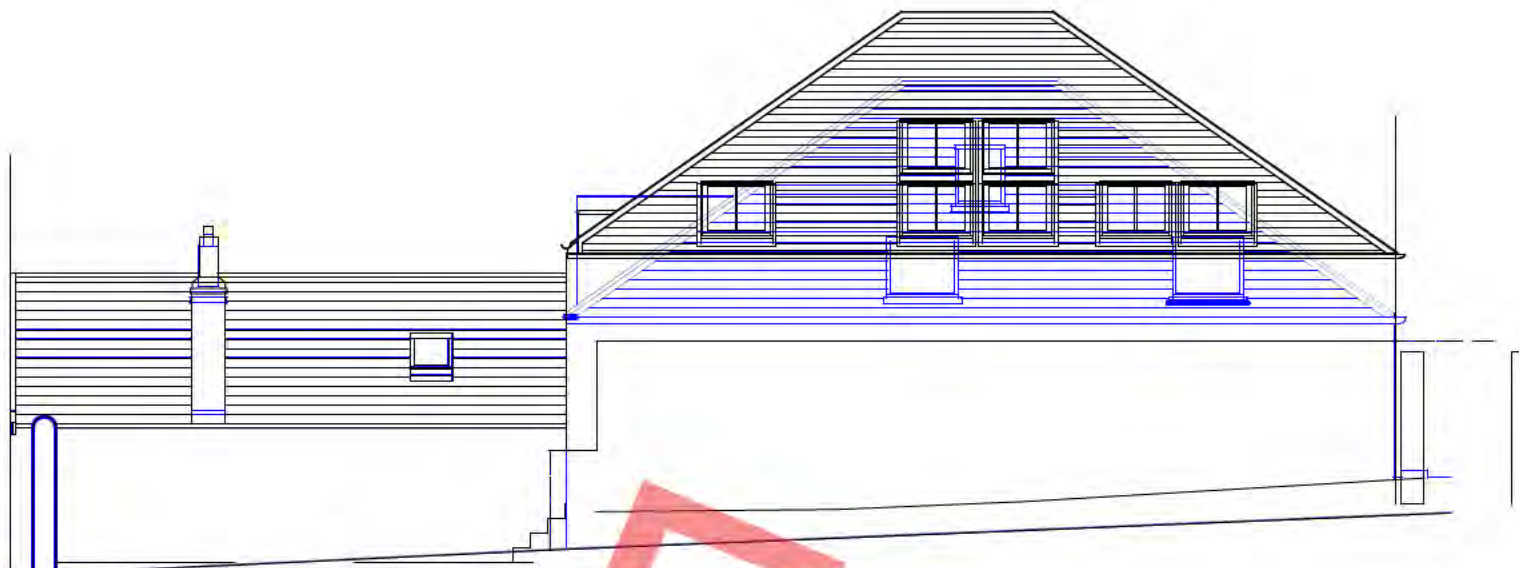
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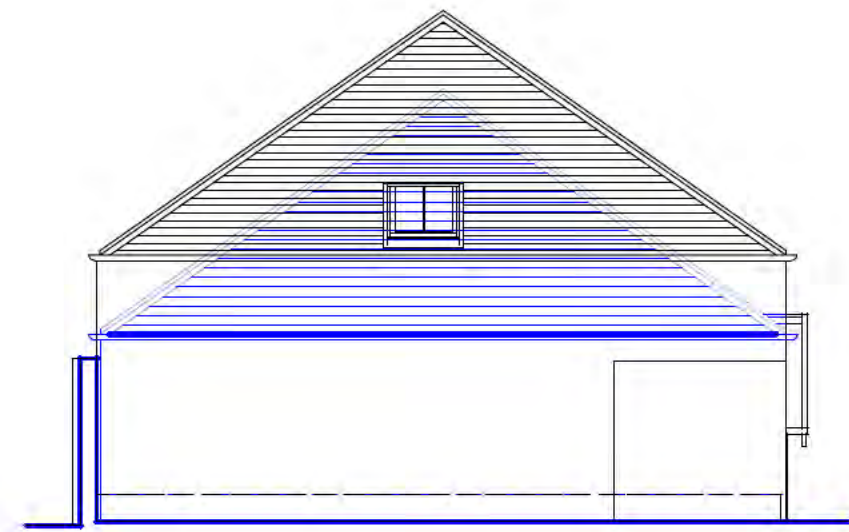
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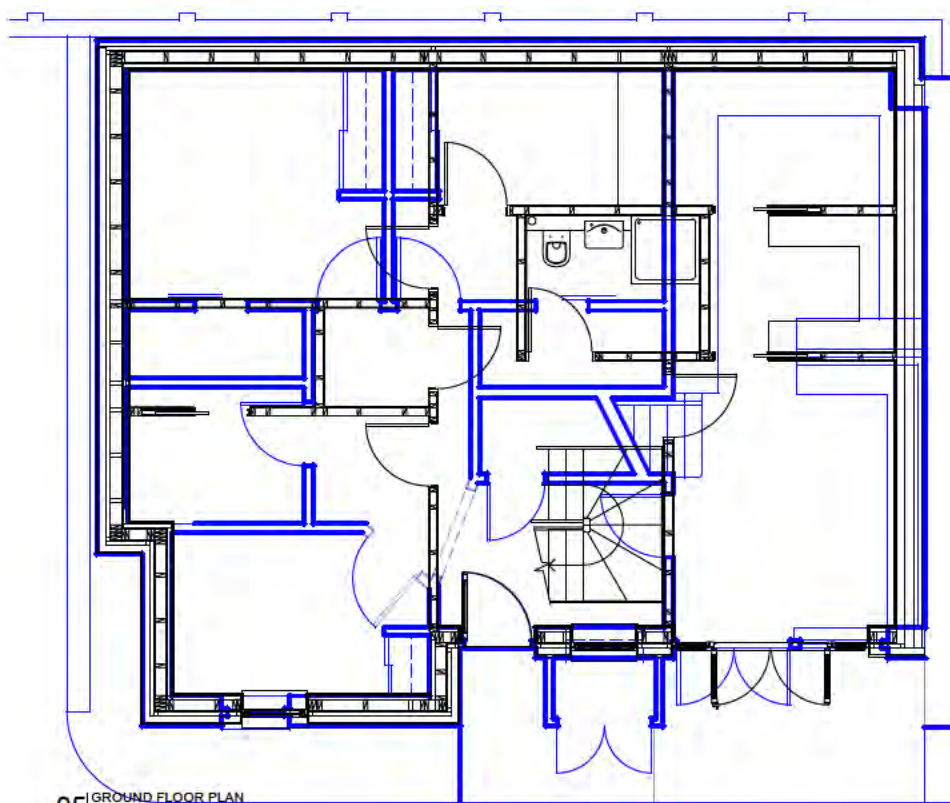


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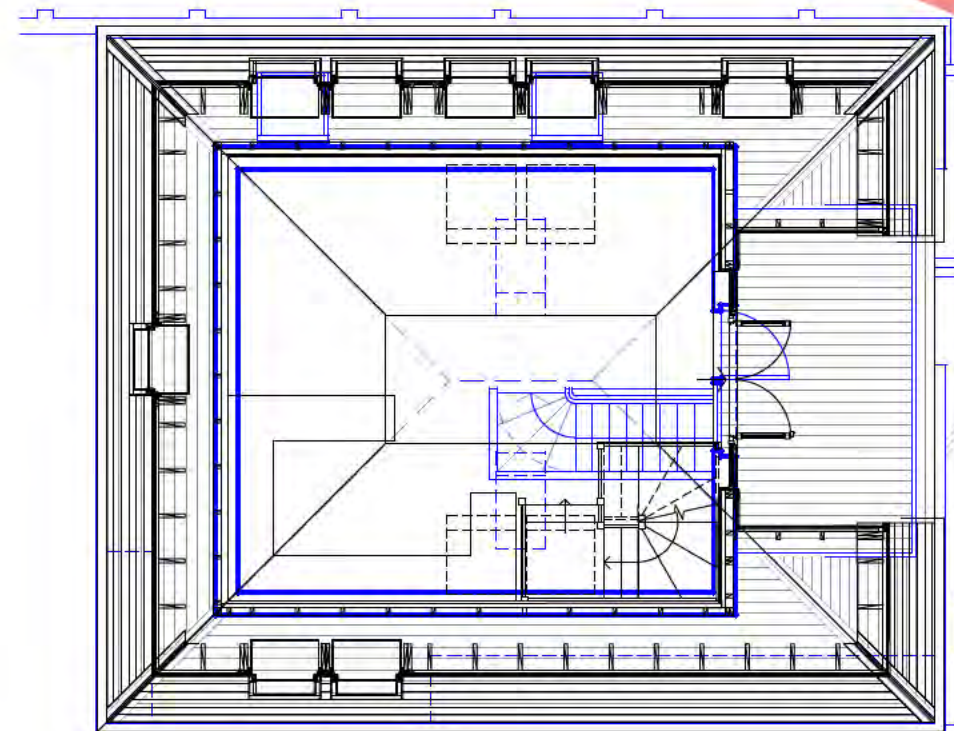
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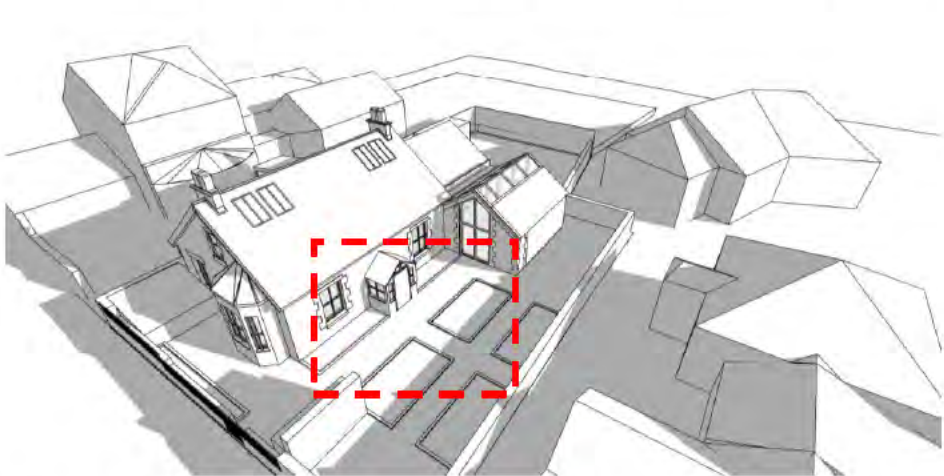
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Job No 24-020	Drawing no 800-S	Rev P01

VICTORIA COTTAGE
Sun path/ overshadowing study– Proposed Studio alterations

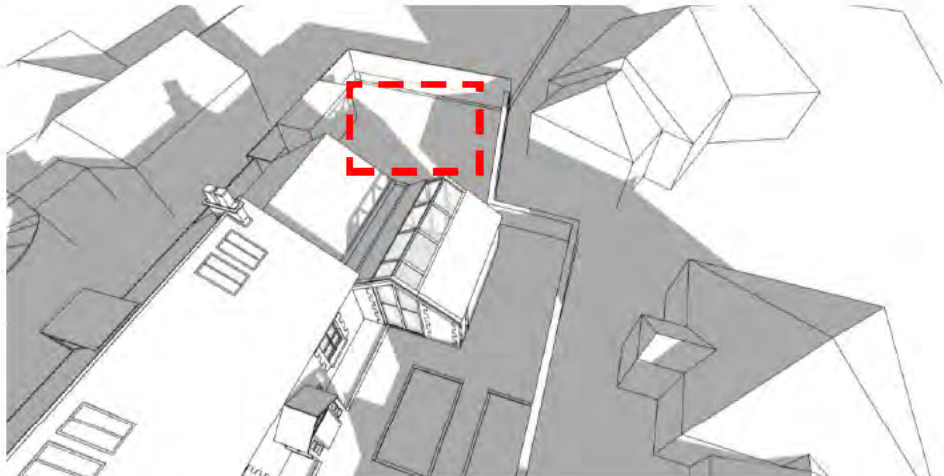
08-01-2025

The proposed dwelling house at the Studio adjacent to Victoria Cottage results in various overshadowing situations across the day and year.

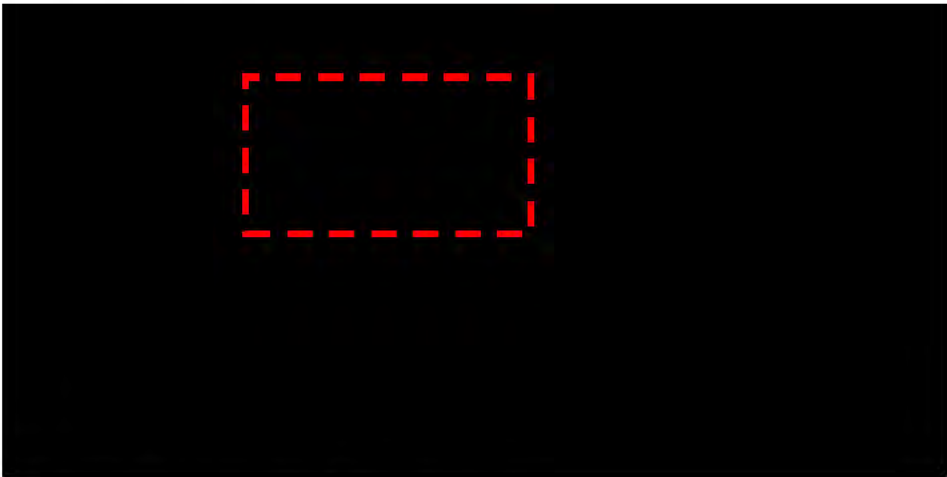
- The front garden is overshadowed partially from September to March in the morning.
- The back garden is overshadowed around midday in the winter months.
- The proposed dwelling house also causes a shadow covering some of the existing roof lights on Victoria cottage during winter mornings.



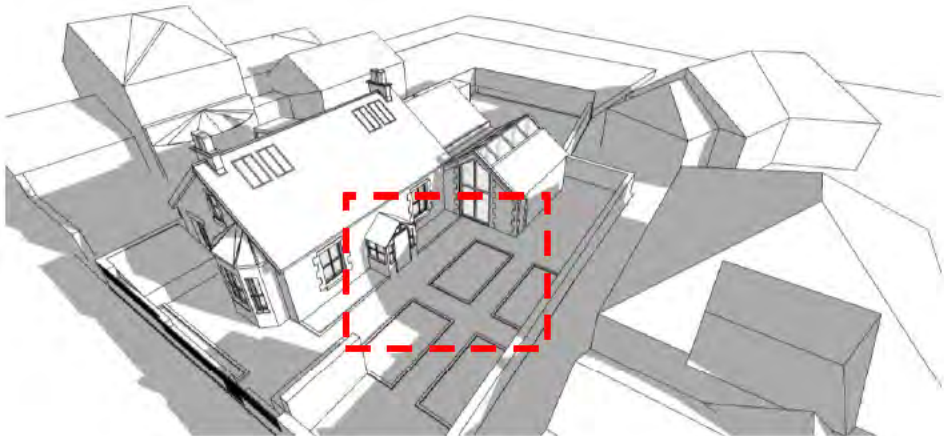
Sept-March morning– As existing



Winter Midday – As existing



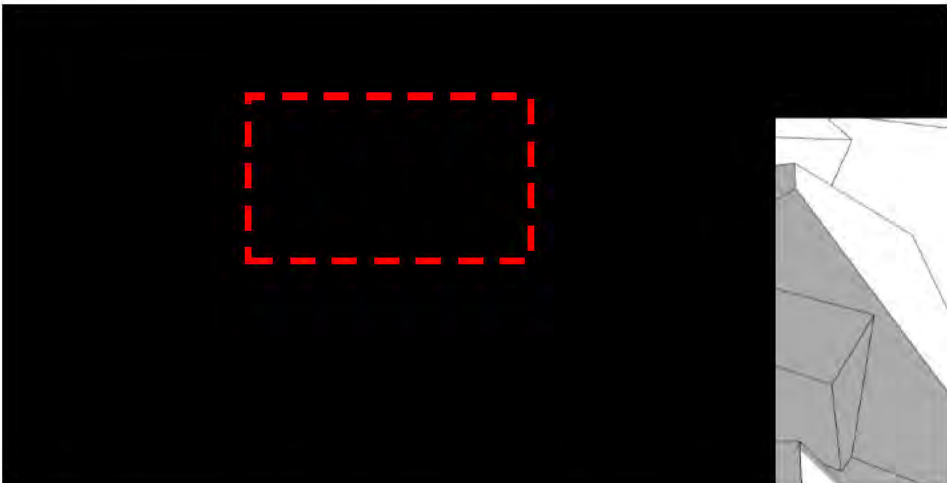
Winter morning– As existing



Sept-March morning– As proposed



Winter Midday – As proposed



Winter morning– As proposed

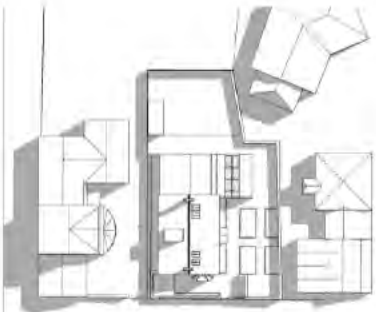
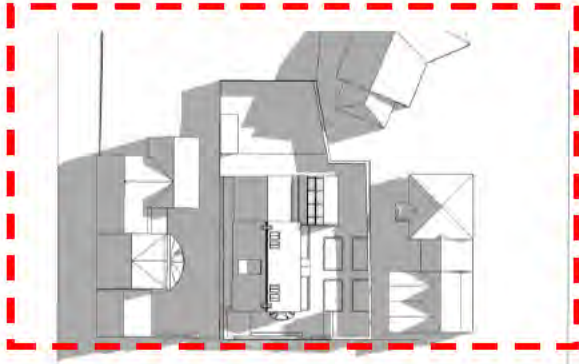
March

June

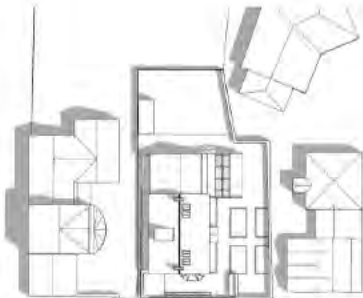
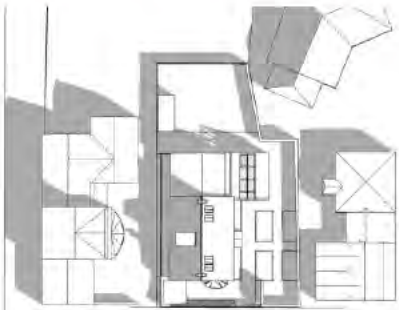
September

December

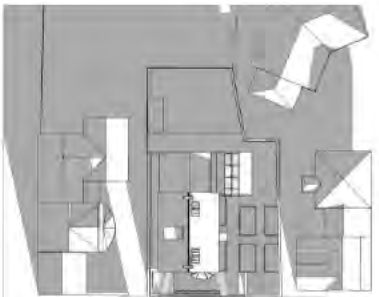
9:00 am



12:00 pm



15:00 pm



18:00 pm



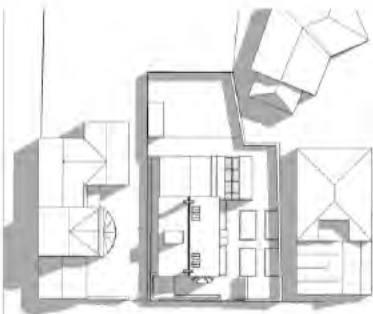
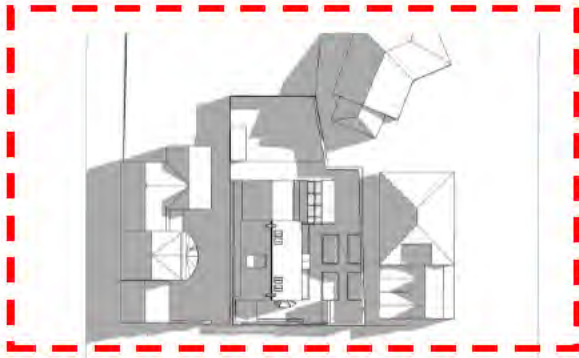
March

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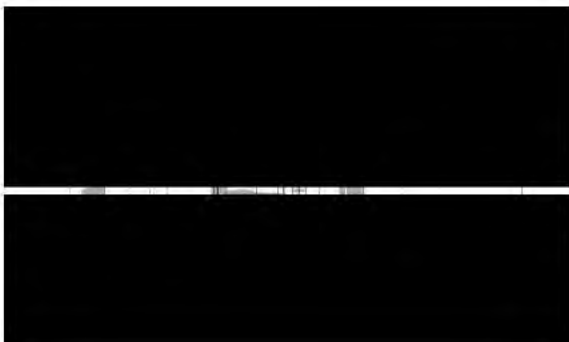
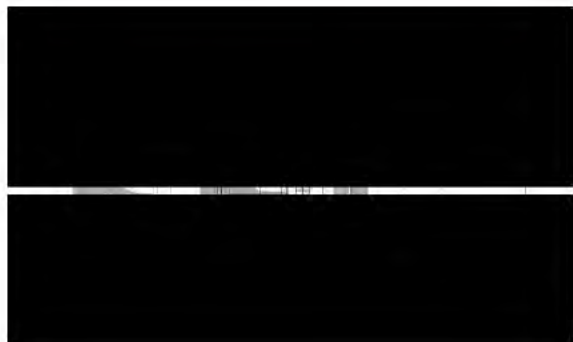
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December

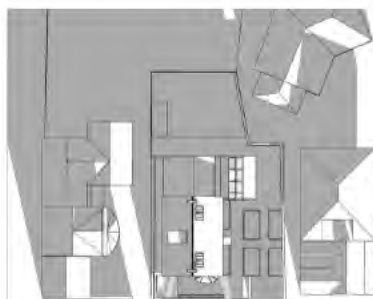
9:00 am



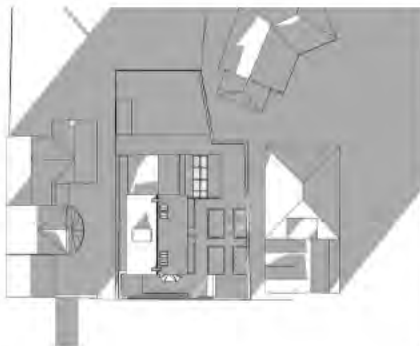
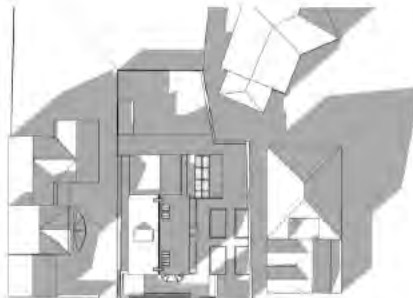
12:00 pm



15:00 pm



18:00 pm



I'll be in the office tomorrow if its easier to chat or just give me a call whenever.

Thanks

James



Monday, 24 February 2025



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

The Studio, Goose Green Road, Gullane, EH31 2AT
Planning Ref: 24/01372/P
Our Ref: DSCAS-0127447-5SG
Proposal: Erection of 1 house and formation of hardstanding areas

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

- There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- This proposed development is within the Gullane Waste Water Treatment Works catchment. Single house developments; unless utilising private drainage methods, are required to submit a Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.



Our Ref: ep856/let005/DS/ELC

07th February 2025

Mr. James Allan
East Lothian Council
Planning Department
John Muir House
Court Street
Haddington
East Lothian
EH41 3HA

Dear Mr. Allan,

24/01372/P - Erection of 1 house at The Studio, Goose Green Road, Gullane EH31 2AT
24/01373/CAC - Demolition of house at The Studio, Goose Green Road, Gullane EH31 2AT

Introduction

1. We refer to the above-mentioned applications for Planning Permission and Conservation Area Consent which were submitted to your Council by Julian Frostwick on behalf of Pin High Properties on 12th December 2024 (Validated on 09th January 2025 and subsequently amended on 15th January 2025) and which relate to the demolition of an existing dwelling house and its replacement with a new dwelling house at 'The Studio,' Goose Green Road, Gullane. We have been instructed by and are writing this letter on behalf of our clients, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Our clients have instructed us to **OBJECT** to the application on their behalf and respectfully request that all of the points outlined within this letter are given due and appropriate consideration in the determination of the applications referred to.

2. The applications submitted seek Planning Permission and Conservation Area Consent for the demolition of the existing dwelling house and its replacement with a new dwelling house. The existing dwelling house, which is single storey in scale, accommodates within its c62.0 sq. metre footprint, a single bedroom, living room, kitchen and WC/shower room and has an internal floor area of c51.5 sq. metres. The proposed dwelling house, which is two storey in scale, occupies a footprint of 92 sq. metres and accommodates 3 no bedrooms (2 en-suite) and an accessible WC/shower room on the ground floor; and an open plan kitchen/living/dining area on the first floor, off which there is projecting balcony to the south west offering views over Goose Green. The internal floor area of the dwelling proposed is some 115 sq. metres with an additional 10 sq. metres provided on the balcony, resulting in an overall floor area which is more than twice that of the existing dwelling house. In addition to the projecting balcony referred to, the proposals also accommodate four roof lights (two serving the ground floor and two serving the first floor) in the north elevation [REDACTED]

21 Lansdowne Crescent, Edinburgh EH12 5EH T: 0131 535 1103 E: enquiries@derekscottplanning.com

also at

Suite 2/3, 48 West George Street, Glasgow G2 1BP T: 0141 673 1792

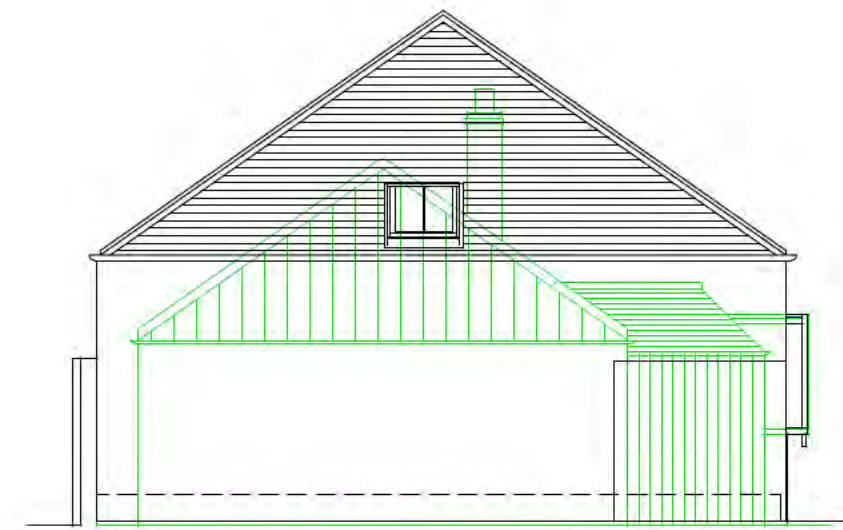
Unit 9, Dunfermline Business Centre, Izatt Avenue, Dunfermline KY11 3BZ T: 01383 620300

W: www.derekscottplanning.com

Partners: Derek Scott MRTPI MIPI Irene Scott ACIBS



01 SOUTH ELEVATION
Scale 1:100



02 EAST ELEVATION
Scale 1:100

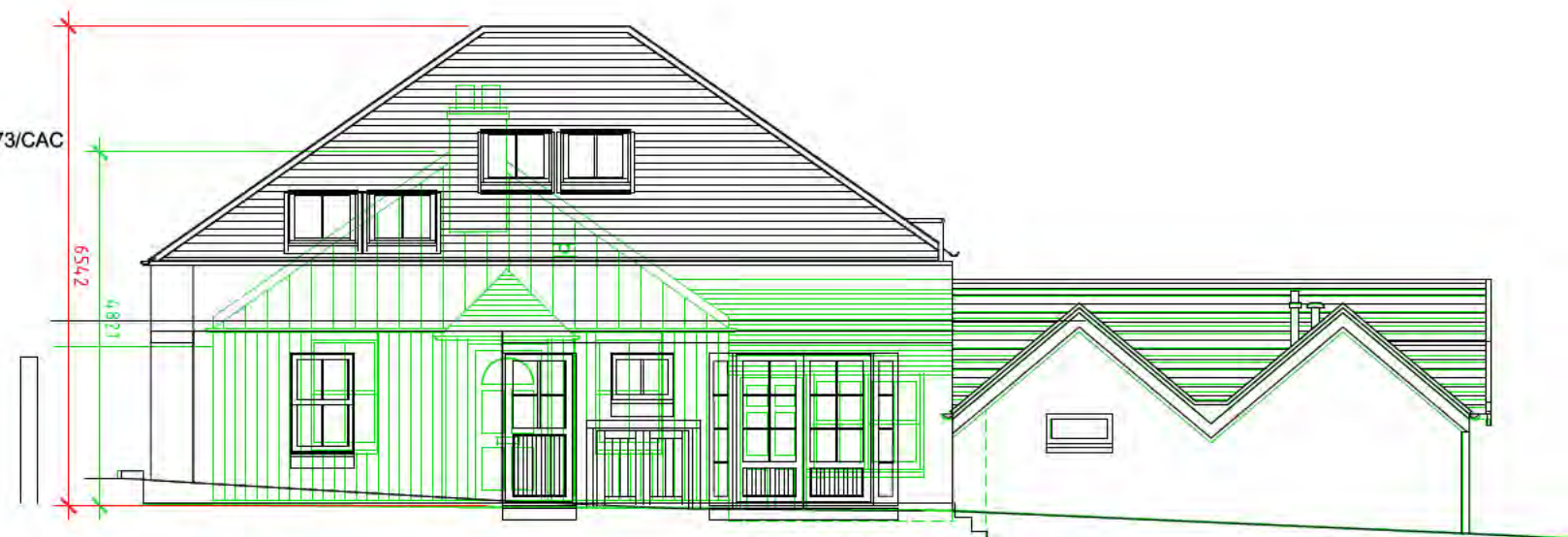


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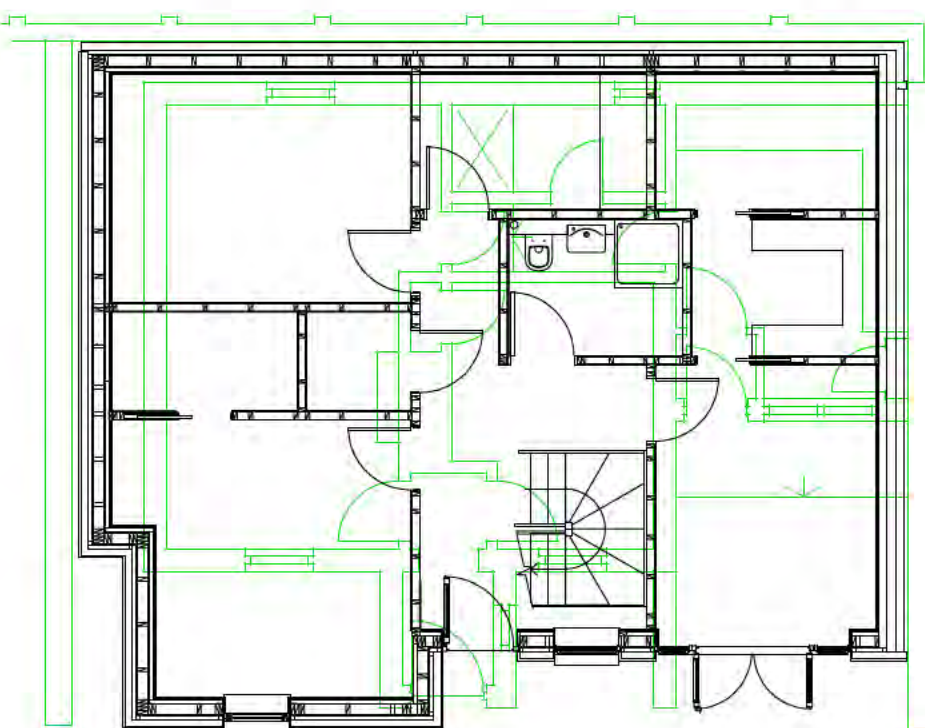
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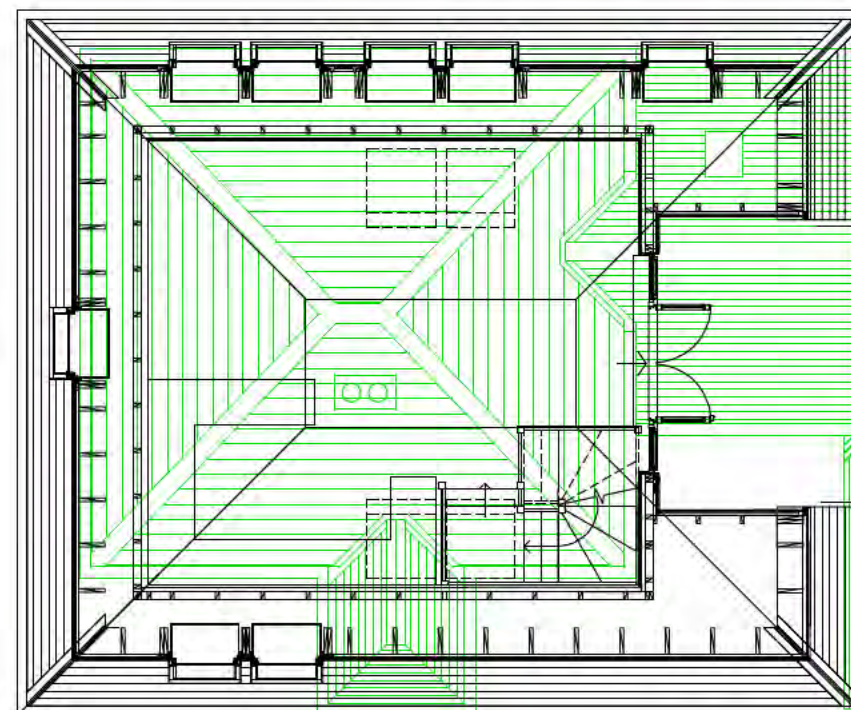
Proposals as per
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Scale 1:100

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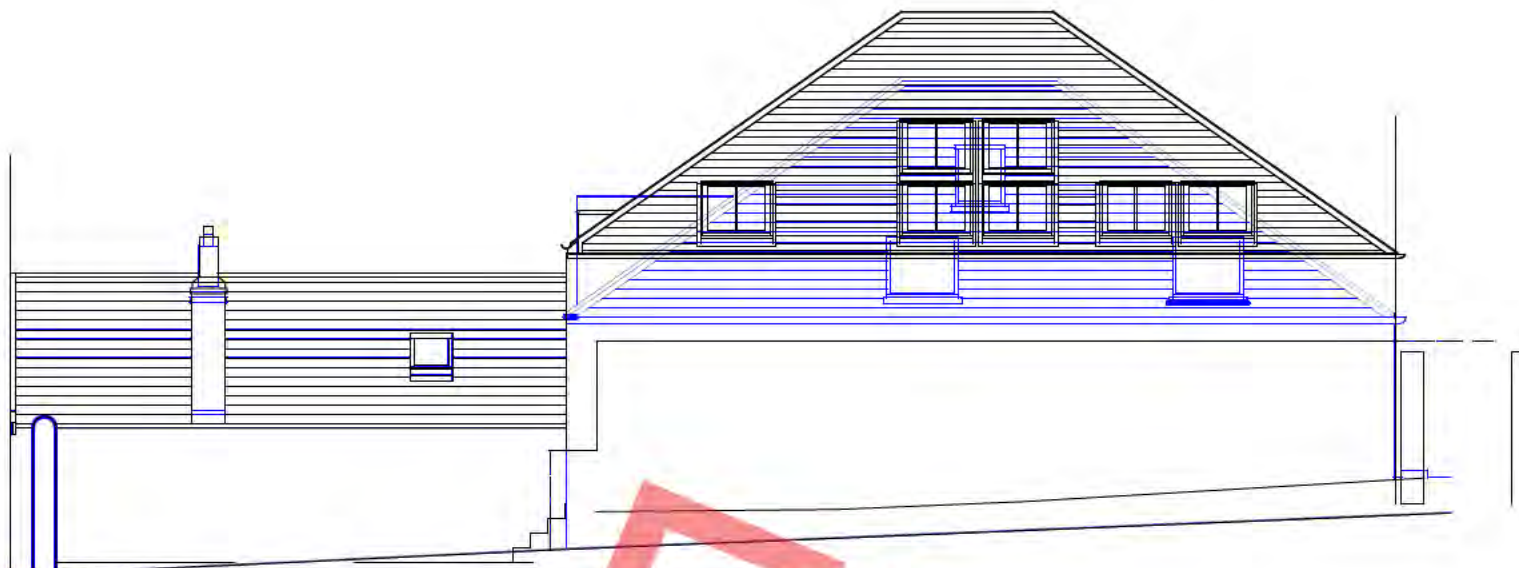
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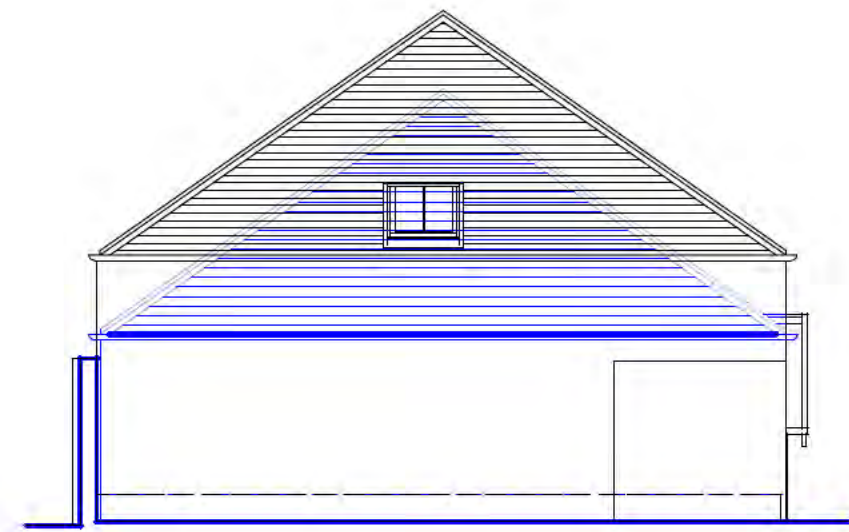
Scale 1:100 @ A3	Date Jan '25	By NGP
Job No 24-020	Drawing no 801-S	Rev P01

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Drawing showing comparison of dwelling house proposed in Planning Application Reference Number 24/01372/P with that previously approved under the terms of Planning Permission Reference Number 18/00756/P (now expired)



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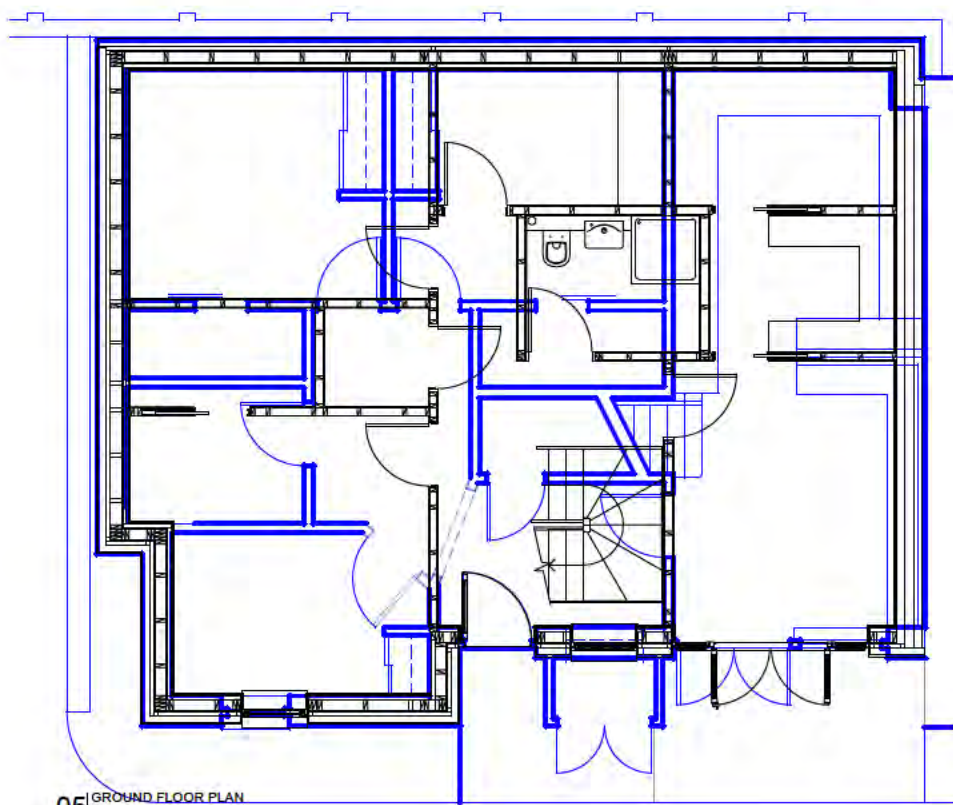


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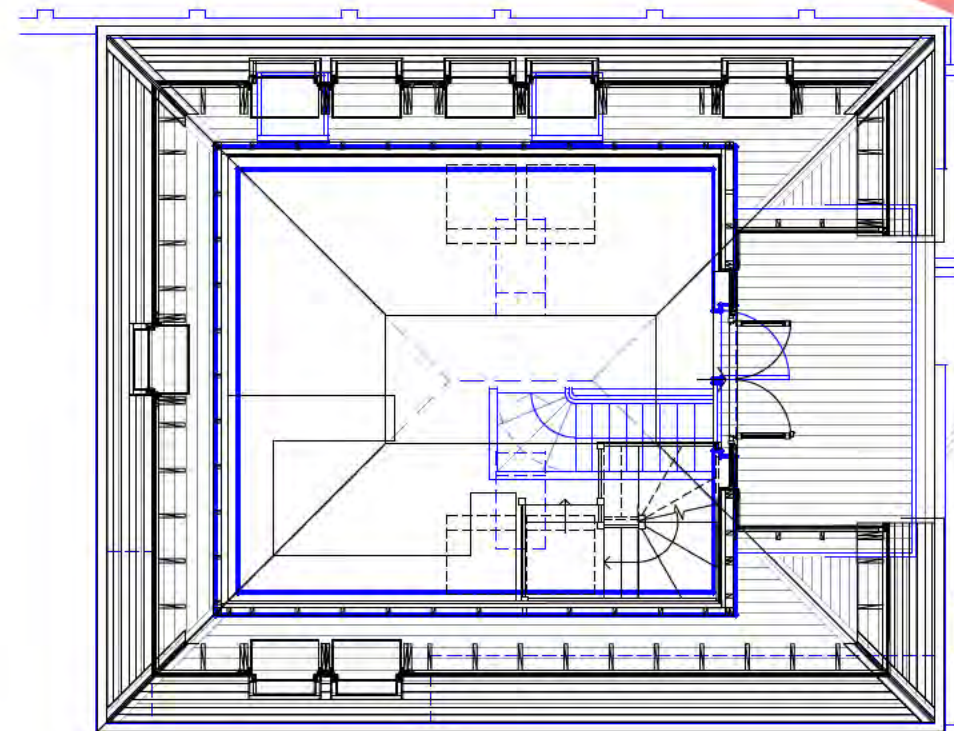
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Sun Path/Overshadowing study relating to [REDACTED]

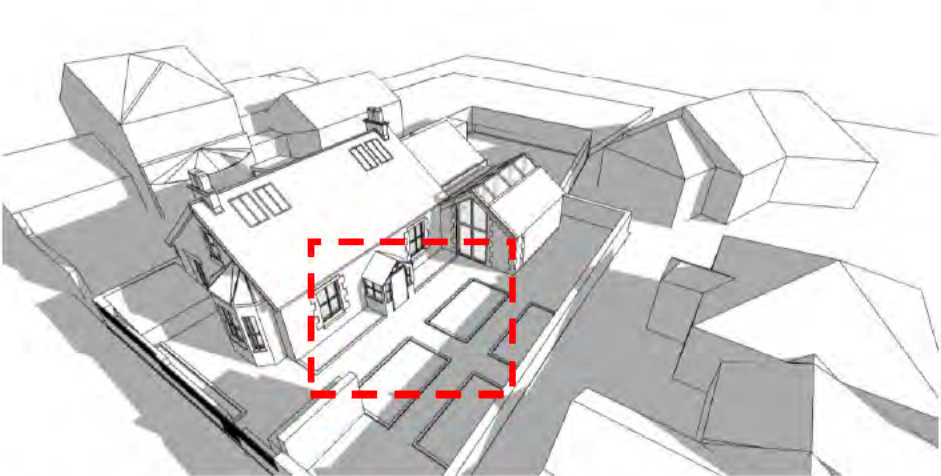
[REDACTED]

Sun path/ overshadowing study– Proposed Studio alterations

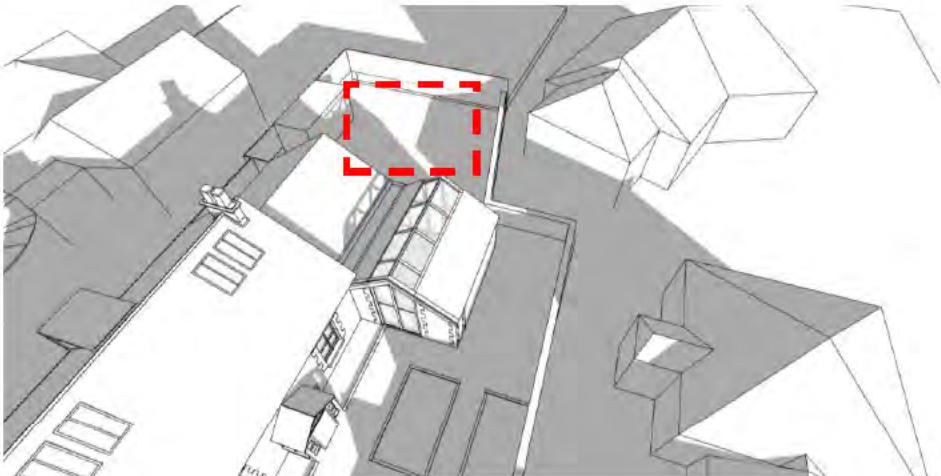
08-01-2025

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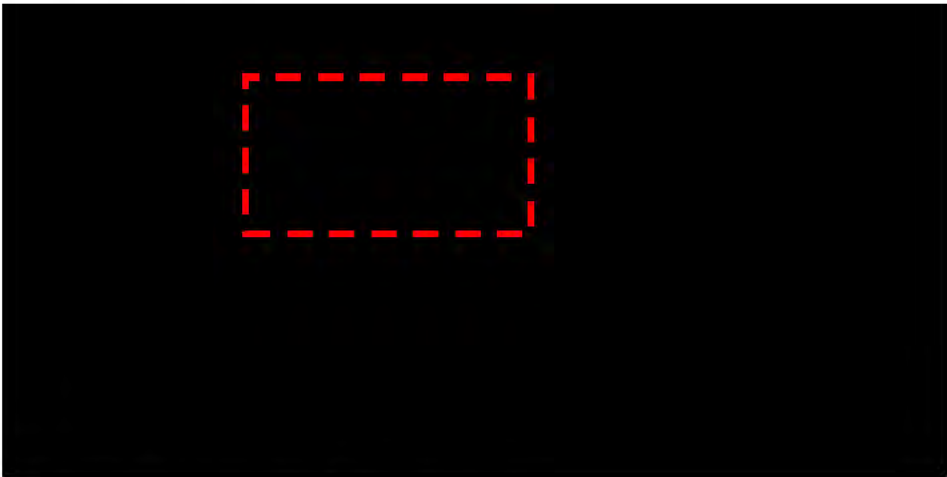
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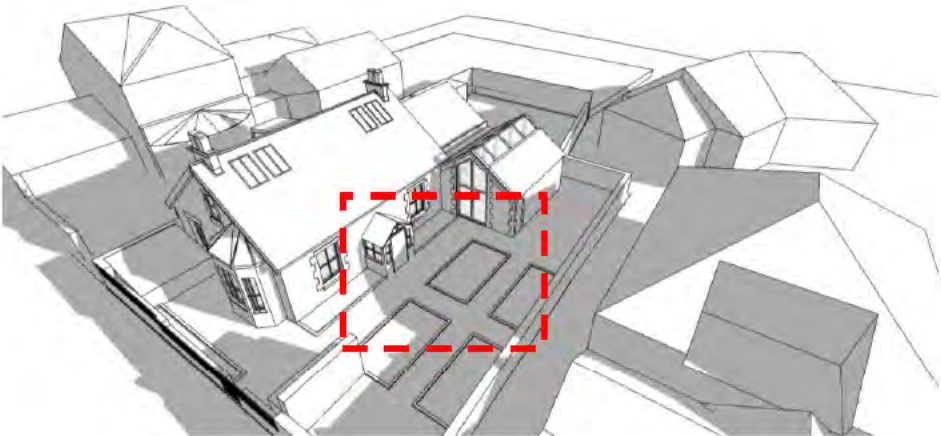
Sept-March morning– As existing



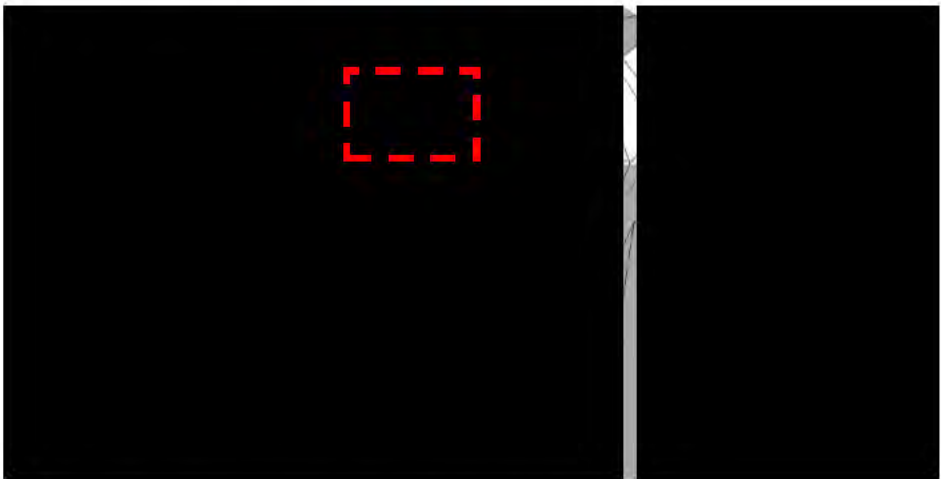
Winter Midday – As existing



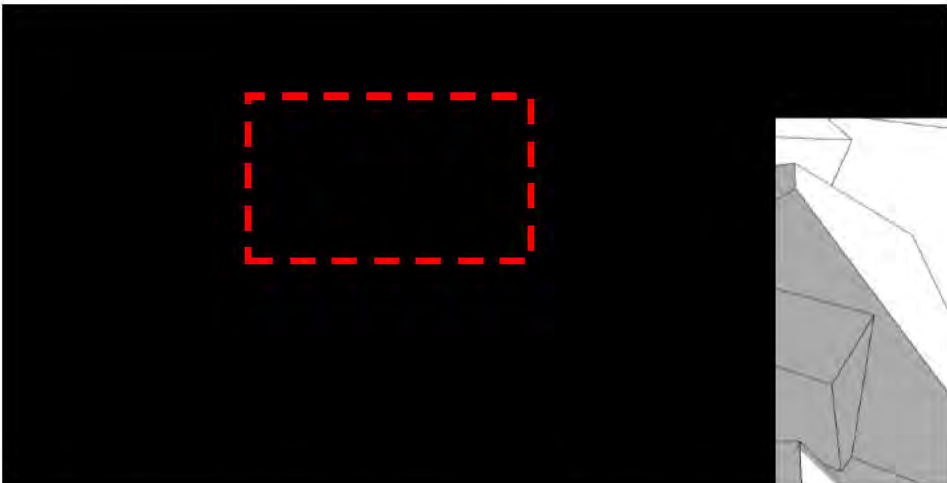
Winter morning– As existing



Sept-March morning– As proposed



Winter Midday – As proposed



Winter morning– As proposed

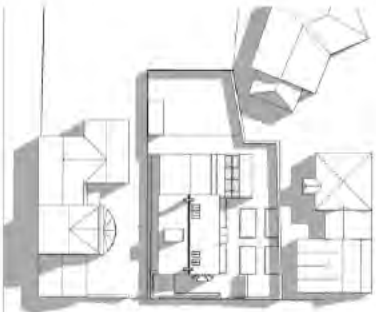
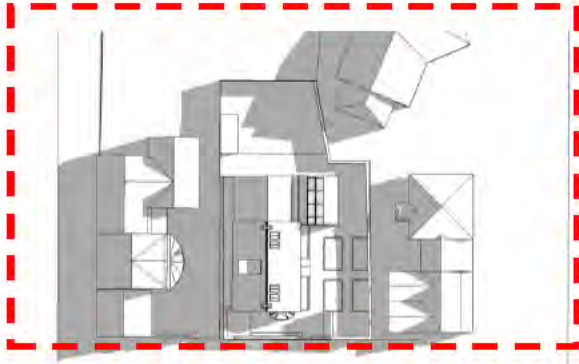
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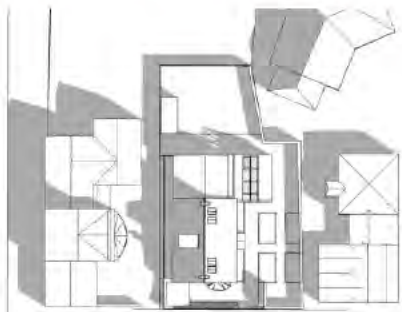
September

December

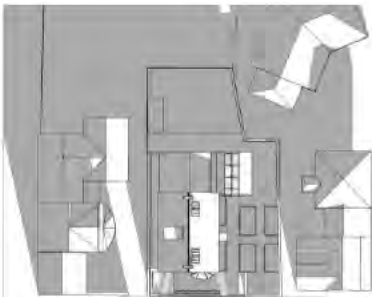
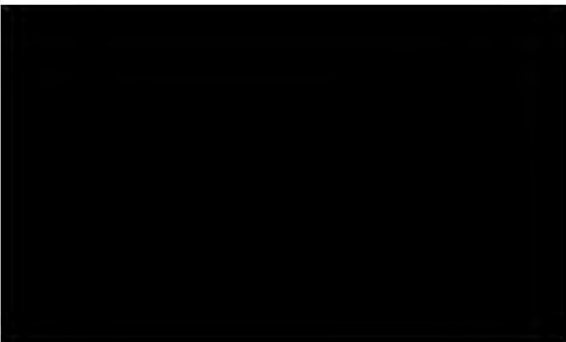
9:00 am



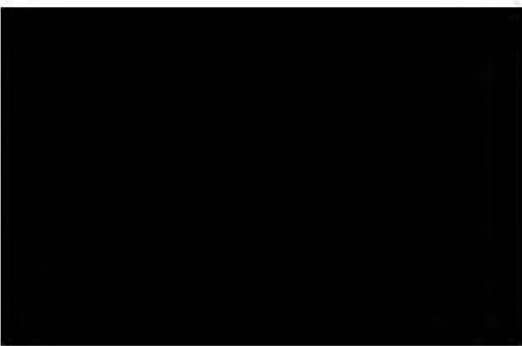
12:00 pm



15:00 pm



18:00 pm



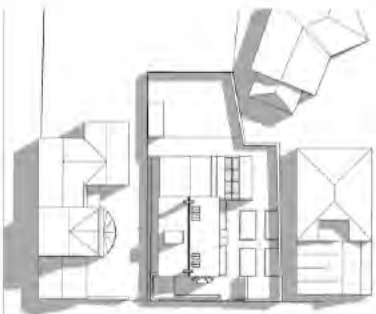
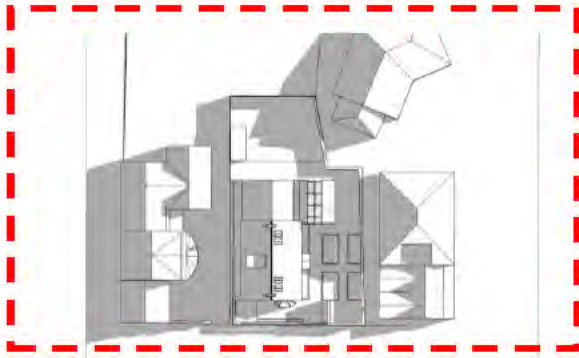
March

June

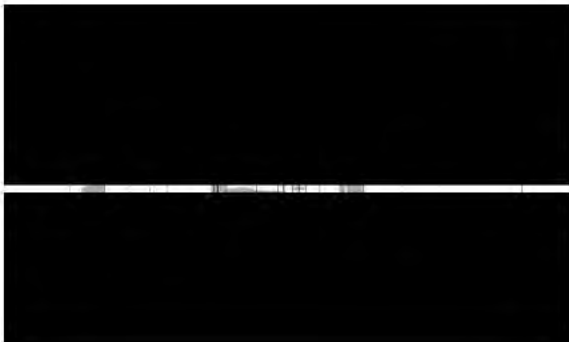
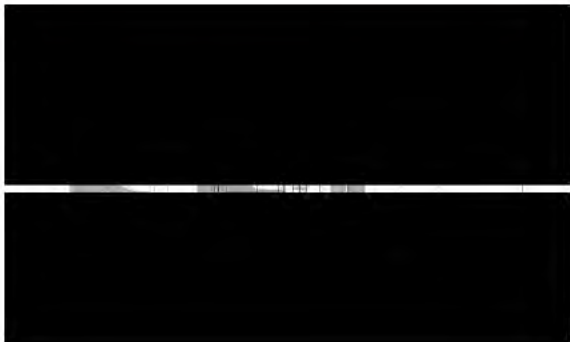
September

December

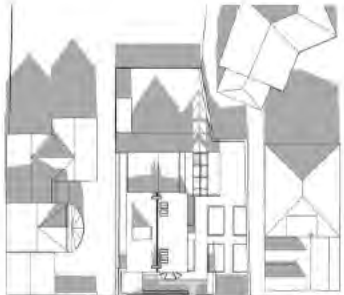
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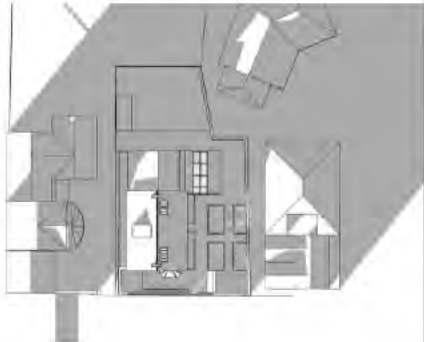
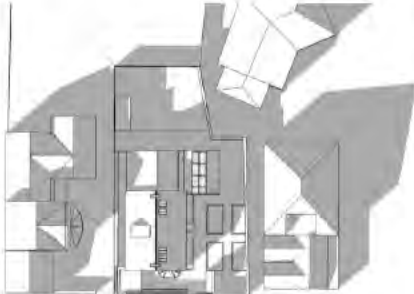
12:00 pm



15:00 pm



18:00 pm



From: [REDACTED]
To: environment@eastlothian.gov.uk
Subject: Planning The Studio, Goose Green Road EH31 2AT
Date: 28 January 2025 10:43:05

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Ref:No: 24/01373/CAC

Ref:No: 24/01372/P

I am writing to object to the above planning permission.

1. Goose Green is a very attractive conservation area and the proposed building would be out of proportion to the area especially the nearby houses.
2. Building Access. There is no space to store the building material and Goose Green Road is very narrow and in constant use and the green itself is totally unsuitable as a storage area.

Yours sincerely,

[REDACTED]

Sent from my iPad

From: [Clark, Colin - EHO](#)
To: [Environment Reception](#)
Cc: [Allan, James](#)
Subject: RE: 24/01372/P-James Allan - Planning Consultation
Date: 07 January 2025 11:12:00

No comment to make re this proposal

From: Environmental Protection
Sent: Friday, December 20, 2024 11:01 AM
To: Clark, Colin - EHO ; Callow, Scott
Subject: Fw: 24/01372/P-James Allan - Planning Consultation
Sent from [Outlook for iOS](#)

From: environment@eastlothian.gov.uk
Sent: Friday, December 20, 2024 10:18:38 AM
To: Environmental Protection
Subject: 24/01372/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house at The Studio

Goose Green Road
Gullane
EH31 2AT

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Cenvprot%40eastlothian.gov.uk%7Cf320d10d286d49c0c69608dd20dfab69%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638702867350037865%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWFPbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=MfIZC6i08PUTSG%2FyPoEq2BUARXgNw%2FWvd2JuGQSRUBA%3D&reserved=0]

From: [Riva, Andrew](#)
To: [Environment Reception](#); [Allan, James](#)
Cc: [Chalmers, Ian](#)
Subject: 24/01372/P Goosegreen Gullane
Date: 13 January 2025 11:19:12

Hi James,

In terms of information that this Council has concerning flood risk to this site, I would state that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years, plus climate change. That is the 0.5% annual risk of a flood occurring in any one year, with an allowance for climate change.

The Flood Hazard Mapping has been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

If the applicant wishes to view these maps, they are publicly available at

<https://map.sepa.org.uk/floodmaps>.

This development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. I have no objection on the grounds of flood risk.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Andy Riva

Technician/Flood Protection





Gullane Area Community Council
Serving the communities of Gullane, Aberlady,
Dirleton, Drem and surrounding rural areas



www.gaddabout.org.uk

28 January 2025

Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
EH41 3HA

Email environment@eastlothian.gov.uk

Dear Sirs

Erection of 1 house and formation of hardstanding areas

The Studio Goose Green Road Gullane EH3 12AT

Ref. No: 24/0 B72/P

We refer to the above applications for planning permission relating to the subjects referred to above, which lie within our community council area.

We note that the scale of this application is significantly bigger than that of the 2018 application that was approved. That seems likely to adversely affect the amenity of the immediate neighbours given their very close proximity. It is hard to conceive that a building of this scale could be constructed without causing an unreasonable level of disturbance to neighbours, given the need for access in the shared lane.

If it were intended to use the property for short term letting we would object to that, on the basis of the impact of parking. There will be no usable space in the lane, resulting in it either being blocked to traffic or adding to cars encroaching onto the green itself. If you are minded to approve the application, we ask that you impose a condition preventing the use for short term letting.

We ask that you reject the application.

Yours faithfully

Martin White
Community Councillor
For and on behalf of Gullane Area Community Council



From: [Allan, James](#)
To: [Environment Reception](#)
Subject: FW: 24/01372/P - The Studio, Gullane
Date: 13 February 2025 08:00:52
Attachments: [image001.png](#)

Hi

Can the below please be logged.

Thanks

James

From: Cheyne, Sarah
Sent: 12 February 2025 16:35
To: Allan, James
Subject: RE: 24/01372/P - The Studio, Gullane

Hi James

The cherry tree referred to is within the garden of Victoria Cottage to the north of the site. It was identified in planning application 16/00259/P as having a root protection area of 4.6m. The property at Victoria Cottage is at a raised level from the development site and is separated from the site by a stone retaining wall and 4m wide monoblock drive. These constraints are likely to prevent tree root growth in the direction of the site. Referring the BS5837:2012, these constraints together with the distance of the proposal from the cherry tree mean that the proposals are unlikely to impact on the cherry tree.

Regards

Sarah

Sarah Cheyne | [Senior Landscape Officer](#) | Landscape Team | Planning Service | East Lothian Council | John Muir House | Haddington | EH41 3HA | E-mail: landscape@eastlothian.gov.uk



Consider the environment. Please don't print this e-mail unless you really need to.

From: Allan, James
Sent: 11 February 2025 15:46
To: Cheyne, Sarah ; Wiseman, Christopher
Subject: 24/01372/P - The Studio, Gullane

Hi Sarah/Chris

I have just sent Landscape a consultation request for the above planning application which seeks the demolition and subsequent erection of 1 house on the site. The reason for the consultation is an objector has raised a concern that the proposed house may impact on their Cherry tree that is within the objectors' garden.

I was out on site last week so there are plenty of photos in Idox and a few showing the Cherry Tree, just for reference the property that contains the Cherry tree is known as Victoria Cottage and lies to the north of the application site.

Grateful for your thoughts on this when you get a moment, you'll see from the photos the Cherry tree very close to the stone wall boundary and on the other side of that wall is a large section of monobloc so I'm thinking the roots wouldn't reach the site of the proposed house but I'll leave that to the experts!

I'll be in the office tomorrow if its easier to chat or just give me a call whenever.

Thanks

James



Hi

Can the below please be logged.

Thanks

James

From: Canty, Jon <jcanty@eastlothian.gov.uk>
Sent: Friday, January 10, 2025 10:25 AM
To: Allan, James <jallan1@eastlothian.gov.uk>
Subject: RE: 24/01372/P-James Allan - Planning Consultation

Hi James,

I am dealing with this one and have been looking at the planning history and previous discussions. For the 18/00756/P application for a new/replacement house on the site it looks like Morag had requested that an off-street car parking space be provided to accord with our parking standards and there were subsequent discussions about the historic use of the edge of Goose Green by residents of properties without their own driveways and ultimately permission was granted even though Morag was not in agreement.

My starting point would be the same as Morag, but clearly a precedent has already been set in the previous permission so I realise that you may wish to take your own pragmatic view about the car parking issue.

Happy to discuss.

Regards,

Jon

Jon Canty

Transportation Planning Officer

East Lothian Council

01620 827285

jcanty@eastlothian.gov.uk

Monday, 24 February 2025



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

The Studio, Goose Green Road, Gullane, EH31 2AT
Planning Ref: 24/01372/P
Our Ref: DSCAS-0127447-5SG
Proposal: Erection of 1 house and formation of hardstanding areas

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

- There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- This proposed development is within the Gullane Waste Water Treatment Works catchment. Single house developments; unless utilising private drainage methods, are required to submit a Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - Site Investigation Services (UK) Ltd
 - Tel: 0333 123 1223
 - Email: sw@sisplan.co.uk
 - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

From: [Callow, Scott](#)
To: [Allan, James](#)
Cc: [Environment Reception](#); [Clark, Colin - EHO](#)
Subject: Planning Application : 24/01372/P (The Studio, Goose Green Road, Gullane)
Date: 06 January 2025 11:50:49

Hi James,

There is no direct evidence to suggest any previous (historic) contaminative use of the site, however, given the proposed demolition of the existing dwelling there is the possibility that localised 'hotspots' of contamination may exist (possible asbestos containing materials in the building fabric) as well as areas of made ground in the wider site area.

Given the above and due to the nature of the development (residential), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). In light of this I would recommend that the following conditions be attached to any grant of consent:

Land Contamination Condition (Investigation, Risk Assessment, Remediation and Validation) - Part 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);*
- *Following demolition of the building a Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:*
 - *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;*
 - *An appraisal of the remediation methods available and proposal of the preferred option(s).*

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

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows 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 should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. 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. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to

the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to occupation of the new development.

Part 4

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Cheers,

Scott

Scott Callow | Senior Environmental Compliance Officer | Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA

Tel. 01620 827256

Email. scallow@eastlothian.gov.uk

Visit our website at www.eastlothian.gov.uk



Good afternoon,

Waste Services would have no objection to this however residents would be required to present containers for waste and recycling collections at the nearest accessible point for HGVs.

Kind regards

Ross Largue

Team Manager – Waste

Kinwegar Transfer Station

A199 Haddington Road

Wallyford

East Lothian

EH21 8JU

-----Original Message-----

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>

Sent: 25 April 2025 13:39

To: Largue, Ross <rlargue@eastlothian.gov.uk>

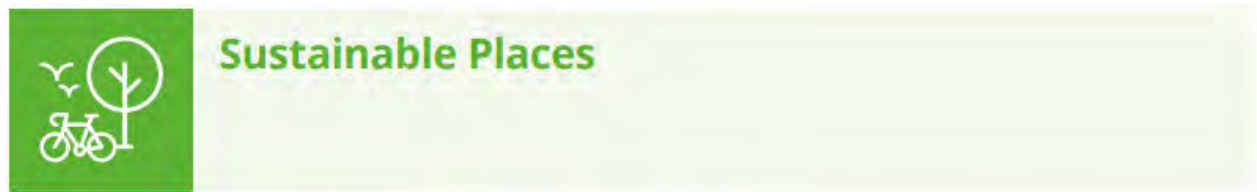
Subject: 24/01372/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and formation of hardstanding areas at The Studio Goose Green Road Gullane

EH31 2AT

National Planning Framework 4

Policy 1



Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Policy 2

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

All other policies.

Forestry, woodland and trees

Policy Principles

Policy Intent:

To protect and expand forests, woodland and trees.

Policy Outcomes:

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

Local Development Plans:

LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

Policy 6

- Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- Development proposals will not be supported where they will result in:
 - Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

- Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Tourism](#)

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

Policy 9

Brownfield, vacant and derelict land and empty buildings

Policy Principles

Policy Intent:

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy Outcomes:

- Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.
- The contribution of brownfield land to nature recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.
- Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.

Local Development Plans:

LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

Policy 9

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)
[Climate mitigation and adaptation](#)
[Historic assets and places](#)
[Zero waste](#)
[Design, quality and place](#)
[Local Living and 20 minute neighbourhoods](#)
[Infrastructure first](#)
[Quality homes](#)
[Rural homes](#)
[Blue and green infrastructure](#)
[Play, recreation and sport](#)
[Health and safety](#)
[Business and industry](#)
[City, town, local and commercial centres](#)
[Rural development](#)
[Culture and creativity](#)

Policy 11

Energy

Policy Principles

Policy Intent:

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

Policy Outcomes:

- Expansion of renewable, low-carbon and zero emissions technologies.

Local Development Plans:

LDPs should seek to realise their area's full potential for electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development.

Policy 11

- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - ii. enabling works, such as grid transmission and distribution infrastructure;
 - iii. energy storage, such as battery storage and pumped storage hydro;
 - iv. small scale renewable energy generation technology;
 - v. solar arrays;
 - vi. proposals associated with negative emissions technologies and carbon capture; and
 - vii. proposals including co-location of these technologies.
- b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
- c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
 - iii. public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv. impacts on aviation and defence interests including seismological recording;
 - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi. impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii. impacts on historic environment;
 - viii. effects on hydrology, the water environment and flood risk;
 - ix. biodiversity including impacts on birds;
 - x. impacts on trees, woods and forests;
 - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
 - xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Community wealth building](#)

Policy 12

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

Local Development Plans:

LDPs should identify appropriate locations for new waste management infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.

Policy 12

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- is consistent with climate change mitigation targets and in line with circular economy principles;
 - can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Compact urban growth

Key policy connections:

[Tackling the climate and nature crises](#)
[Climate mitigation and adaptation](#)
[Brownfield, vacant and derelict land and empty buildings](#)
[Energy](#)
[Infrastructure first](#)
[Heat and cooling](#)
[Community wealth building](#)
[Minerals](#)

Policy 13

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

Local Development Plans:

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

Policy 13

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\)](#) set out in Annex E.

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 22

Flood risk and water management

Policy Principles

Policy Intent:

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy Outcomes:

- Places are resilient to current and future flood risk.
- Water resources are used efficiently and sustainably.
- Wider use of natural flood risk management benefits people and nature.

Local Development Plans:

LDPs should strengthen community resilience to the current and future impacts of climate change, by avoiding development in areas at flood risk as a first principle. Resilience should also be supported by managing the need to bring previously used sites in built up areas into positive use; planning for adaptation measures; and identifying opportunities to implement improvements to the water environment through natural flood risk management and blue green infrastructure.

Plans should take into account the probability of flooding from all sources and make use of relevant flood risk and river basin management plans for the area. A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast. For areas where climate change is likely to result in increased flood exposure that becomes unmanageable, consideration should be given to alternative sustainable land use.

Policy 22

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Green belts](#)

[Coastal development](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Health and safety](#)

[Business and industry](#)

East Lothian Local Development Plan 2018

Policy CH2

Policy CH2: Development Affecting Conservation Areas

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

Policy DP2

Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy DP7

Policy DP7: Infill, Backland and Garden Ground Development

Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and
4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

Policy NH8

Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Government's Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

Policy NH11

Policy NH11: Flood Risk

Development that would be at unacceptable risk of flooding will not be permitted. New development within areas of medium to high risk of coastal or watercourse flooding (with greater than 0.5% annual probability of flooding) should generally be avoided in accordance with the provisions set out in Advice Box 8.

All relevant development proposals will be assessed based on the probability of a flood affecting the site and the nature and vulnerability of the proposed use, taking into account the following:

- a) the characteristics of the site and any existing or previous development on it;
- b) the design and use of the proposed development, including use of water resistant materials and construction;
- c) the size of the area likely to flood;
- d) depth of flood water, likely flow rate and path, and rate of rise and duration;
- e) the vulnerability and risk of wave action for coastal sites;
- f) committed and existing flood protection methods: extent, standard and maintenance regime;
- g) the effects of climate change, including an appropriate allowance for freeboard;
- h) surface water run-off from adjoining land;
- i) culverted watercourses, drains and field drainage;
- j) cumulative effects, especially the loss of storage capacity;
- k) cross-boundary effects and the need for consultation with adjacent authorities;
- l) effects of flood on access including by emergency services; and
- m) effects of flood on proposed open spaces including gardens.

Flood Risk Assessments will normally be required for proposals within the medium to high risk category of flood risk. They may also be required in the low to medium category in certain circumstances, for example at the upper end of the probability range or for essential infrastructure and the most vulnerable uses.

Development proposals will not be supported if they would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain will be resisted given the cumulative effects of reducing storage capacity.

Areas of land that contribute to sustainable flood management, or have the potential to do so, will also be safeguarded from inappropriate development by this policy. These areas will include locations where the Council will promote flood defences in Musselburgh and Haddington once solutions are identified through the outputs of its Local Flood Risk Management Plan.

Policy RCA1

Policy RCA1: Residential Character and Amenity

The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.

Policy SEH2

Policy SEH2: Low and Zero Carbon Generating Technologies

All new buildings must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, except for the following:

- Alterations and extensions to buildings;
- Changes of use or conversion of buildings;
- An ancillary building that is stand-alone, having an area less than 50 square metres;
- Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;
- Buildings which have an intended life of less than two years;
- Any other buildings exempt from Building Standards.

Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Policy T1

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

Policy W3

Policy W3: Waste Separation and Collection

All new development including residential, commercial and industrial properties should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations and address the waste hierarchy. This should include:

- a. For all scales of residential development, appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes;
- b. For all major residential, industrial or commercial developments, recycling facilities of an appropriate scale and at a suitable location;
- c. Appropriate access roads and sufficient space for servicing by collection vehicles.

Supplementary planning guidance will provide more detailed guidance on integrating sustainable waste management measures into new development.

24/01372/P Suggested Conditions:

1 – Time Condition

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 – Site Setting Out

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:

- the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- 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 Benchmark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- the ridge height of the proposed development 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 – Materials

Prior to their use on site, full details (including samples where requested) of materials and finishes to be used to externally clad the roof and walls of the house, for the windows, doors and any ground surfacing on the site shall be submitted to and approved in writing by the Planning Authority.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

To allow the consideration of details yet to be submitted and control the materials used on the site in the interest on visual amenity.

4 – 1.5-metre-high Privacy Screen

No use shall be made of the roof terrace hereby approved unless and until a 1.5-metre-high privacy screen has been installed along its front (southwest) and side (northwest and southeast) elevations. Details of the privacy screen shall be submitted to and approved by the Planning Authority prior to its installation. Thereafter, the privacy screen shall be retained in place unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

5 – Geo-Environmental Assessment

Part 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- Following demolition of the building a Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:
 - 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;
 - An appraisal of the remediation methods available and proposal of the preferred option(s).

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

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows 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 should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. 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. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to occupation of the new development.

Part 4

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the house approved.

6 – Carbon Emissions

Prior to the commencement of development, 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 advance 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, and new car charging points and infrastructure for them, 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.