



MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

THURSDAY 23 OCTOBER 2025
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM

2b

Committee Members Present:

Councillor D Collins (R)
Councillor A Forrest (Chair)
Councillor S McIntosh
Councillor K McLeod

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Clerk:

Ms M Scott, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

None

Declarations of Interest

N/A

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention and a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

Introductory Statement by the Legal Adviser

The Legal Adviser asked Members to confirm that they had had access to all the information. Confirm reviewed applicant's submission He outlined the procedure for the LRB to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application at this meeting.

On this occasion it was agreed that Councillor Forrest would chair the LRB.

1. PLANNING APPLICATION NO. 24/00845/P: CHANGE OF USE OF GRASS VERGE TO FORM ADDITIONAL GARDEN GROUND, ERECTION OF FENCE AND OUTBUILDINGS, FORMATION OF HARDSTANDING AND DECKED AREAS, INSTALLATION OF AIR SOURCE HEAT PUMP, FLUE AND SOLAR PANELS (PART RETROSPECTIVE), NO. 1 QUONDRUM COTTAGES, YESTER, GIFFORD, HADDINGTON, EH41 4JZ

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning history of the site and outlined the reasons for the conditions attached to the approval of the planning application.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties.

The Planning Adviser then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also highlighted that four further representations had been received in relation to the request for review.

The Legal Advisor confirmed that only the condition around the placement of the summer house was for discussion and any other issues were outside the scope of the Committee. The Planning Adviser responded to questions from Members providing further information on the exact position of the summer house from the case officers drawings.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod stated on the site visit he could not see anything wrong with the position of the summer house as it did not protrude beyond the cottage and would therefore be voting against the officers recommendation.

Councillor McIntosh agreed with Councillor McLeod, adding she was sympathetic with objectors but in terms of what the scope is for today then she would be voting against officers.

Councillor Collins also agreed with her colleagues and felt the summer house was within reason therefore would also be voting against the officer recommendation.

The Chair noted he found the site visit useful as the summer house was not jumping out at you. He was also in agreement with fellow Members that he would support the applicant on this occasion.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously to uphold the applicants appeal.

Decision

The ELLRB agreed unanimously to uphold the applicants appeal.

2. PLANNING APPLICATION NO. 24/01372/P: ERECTION OF 1 HOUSE AND FORMATION OF HARDSTANDING AREAS AND ASSOCIATED WORKS, THE STUDIO, GOOSE GREEN ROAD, GULLANE, EH31 2AT

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that 4 representations had been received in relation to the appeal.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod commented that the current house is in a bad state and something should be done, whether this particular application today was accepted or not. He highlighted the applicant would be looking for a construction management plan and that an application to build a new property had been approved on 2018 but the time had lapsed therefore would be voting against officers recommendations.

Councillor McIntosh stated the sunlight test was key and officers have clear tests with clear methodology and the proposed development failed the test. She added that that if a Members neighbour was planning something that would negatively affect their sunlight they would this Committee would uphold the rules consistently. Councillor McIntosh commented on the height of the proposal combined with the balcony and number of bedrooms made it an overdevelopment and noted the housing emergency referenced within the application did not apply as what East Lothian required were one and two bedroom homes, therefore she would be voting to uphold the officers recommendations. She also noted that a former Chief Planning Officer had made Members aware they should not take decisions to approve based on the state that a current plot was in as that could prove an incentive to developers to leave things negligent.

Councillor Collins explained the 0.8m mentioned within the papers was the difference between the lapsed building application and the new proposed building, not the difference between the proposed building and May Cottage. She noted the proposed building would be double the

height of May Cottage and would be an overwhelming development, affecting the sunlight to neighbours and therefore she would be voting to uphold the officers recommendations.

The Chair said he was of a similar opinion to Councillors McIntosh and Collins and he would be supporting the decision of the planning officer.

The LRB members confirmed their decision via roll call vote. They agreed, my majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

3. PLANNING APPLICATION NO. 25/00479/P: ERECTION OF FENCING AND GATE (RETROSPECTIVE), 15 DAVIDS WAY, HADDINGTON, EH41 3DY

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and outlined the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant and drew attention to 4 representations submitted in relation to the review.

The Planning Advisor confirmed the fence was originally in line with the front facing of the house.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McIntosh stated the fence did intrude on the street line as everything else was set back with open gardens. She added it acted to the detriment of the streetscape and she would be voting to uphold the officers recommendations.

Councillor Collins said she found the site visit helpful to see what the other buildings were like. She expressed her sympathies to the applicant as they had contacted Taylor Wimpey and Ross and Liddell with photographs of the fence and neither objected to it so there was no indication to them that they could be in breach of planning permission. She added that the way the fence was done made it look like part of the scheme as there is the same fencing all the way around the back of the properties in that section and has been tastefully done and therefore she would be supporting the applicant.

Councillor McLeod shared Councillor McIntosh's views on the application and therefore would be supporting officers recommendations.

The Chair said he was of a similar view to Councillor McIntosh and McLeod. He commented that the fence was tastefully done but he would be supporting the officers decision.

The LRB members confirmed their decision via roll call vote. They agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

4. PLANNING APPLICATION NO: 25/00618/P: ERECTION OF CONSERVATORY, 5 BOWMONT TERRACE, QUEENS ROAD, DUNBAR, EH42 1LF

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and outlined the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant and noted there were no representations submitted in relation to the review.

There were no questions from Members.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Collins expressed her frustration at Historic Scotland not making comment on applications of listed buildings as it made Members and planning officers jobs very difficult. She noted her struggle with coming to a decision on the application due to the fact the conservatory will be hit with weather from the North Sea but also due to the historic building significance she felt the conservatory should be a wooden structure and not UPVC as it would set a precedence for more UPVC structures which would be a concern due to the agricultural significance of the building. Councillor Collins confirmed she would be voting to support the officers recommendations.

Councillor McLeod stated the current conservatory had been left in a bad state from the weather and with the new technology and equipment that can be used, as well as the conservatory not being visible from the main road then UPVC would make sense but he was keen to hear from Councillor McIntosh on the environmental implications of using UPVC versus using wood before he made a decision.

Councillor McIntosh commented that she found the site visit helpful and the appeal interesting as they raised the issue of whether timber was sustainable and the rates that forests will sequester carbon if you don't cut them down in order to build conservatories. She added she had friends in sustainable construction and the debate on this issue was still live and not settled but said in general the climate benefits of PVC were quite often overstated as it was made out of fossil fuel products and was not really recyclable at the end of life. Councillor McIntosh explained to Members the whole life cycle of the product must be looked at but it was still unclear whether timber or PVC were better from a climate point of view however she

felt if you purchase a listed building then you have the responsibility to be a custodian of historic heritage and therefore she would be supporting the officers recommendations.

The Chair agreed with Councillor Collins that it is a historic building and the conservatory should be made of wooden frames therefore he would be supporting the officers recommendation.

The LRB members confirmed their decision via roll call vote. They agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed

Councillor Andrew Forrest
Chair of Local Review Body (Planning)