



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

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**TUESDAY 3 FEBRUARY 2026  
VIA HYBRID MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor C Cassini  
Councillor D Collins (R)  
Councillor J Findlay (R)  
Councillor A Forrest  
Councillor N Gilbert (R)  
Councillor C McGinn  
Councillor S McIntosh  
Councillor K McLeod (R)  
Councillor C Yorkston

**Other Councillors Present:**

None

**Council Officials Present:**

Mr G Marsden, Service Manager – Planning  
Ms T Murray, Principal Solicitor – Commercial  
Ms E Taylor, Team Manager – Planning Delivery  
Mr S Robertson, Assistant Planner (R)  
Ms E Barclay, Democratic Services Assistant  
\* (R) = remote participant

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 3: Mr R Metcalfe

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

None

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained

in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for five years from the date of the meeting.

The committee clerk recorded the attendance of Planning Committee members by roll call.

**1. MINUTES FOR APPROVAL  
Planning Committee, 13 January 2026**

The minutes were agreed as an accurate record of the meeting.

**2. MINUTES FOR NOTING  
Local Review Body (Planning), 20 November 2025**

Members agreed to note the minutes, subject to the amendment of an error in the noting of a Chair.

**3. PLANNING APPLICATION NO. 25/00403/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 2, 8, 9, 11, 13, 14, 17, 18 OF PLANNING PERMISSION IN PRINCIPLE 25/00236/AMM FOR THE ERECTION OF 76 HOUSES AND ASSOCIATED WORKS, AREA F, LAND AT WINDYGOUL SOUTH, TRANENT**

A report had been submitted in relation to planning application no. 25/00403/AMM. Emma Taylor, Team Manager – Planning Delivery, noted an amendment to the officer's recommended Condition 7, noted below, to prevent any conflict between drainage routes in the implementation of the approved Scheme of Landscaping. She then presented the report, highlighting the salient points. The report recommendation was to grant consent.

Councillor McIntosh made remarks about Condition 11, and asked whether complaints had been received about the noise from air source heat pumps. Graeme Marsden, Service Manager – Planning, provided commentary on the purpose of the condition, which would ensure the models being installed met necessary requirements, and explained that a reasonable resolution would be sought should noise complaints be made. Councillor McIntosh raised doubt about the enforceability of the condition, and questioned whether information was available to ascertain whether imposed noise limits would be exceeded. Mr Marsden undertook to discuss the matter with Environmental Health and Building Standards colleagues, and to check that noise specifications could be obtained from manufacturers.

Councillor McGinn, local member, and Councillor Cassini asked questions about affordable housing, and Ms Taylor gave an account of the affordable housing units expected to be integrated across the overall site.

Councillors McGinn and McIntosh asked Rob Metcalfe, representative of Barratt Homes, questions about factoring arrangements and the phasing of houses in relation to the completion of amenities, such as footpaths and playparks.

Local members and the Convener welcomed the development, and made comment on: the development of the overall site having gone well so far; the need for the affordable housing coming forward on the wider site; the need to prioritise bringing the spine road up to standard; the intention to discuss open plan front gardens with the developer offline; welcoming the different types of houses and variety in features; and the site being of high quality, which was well laid out with a good deal of green open space. The Convener also hoped that the development could be sped up by the detail of the site being approved through the Scheme of Delegation List, unless Councillors wanted to raise issues with proposals.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to grant consent.

Following the roll call vote, the Convener gave assurance that officers would consider the matter of noise conditions for air source heat pumps.

### **Decision**

Planning Committee agreed to that approval of matters consent be granted, subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 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 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.

- 3 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire/car sharing, and shall include details of how it will be distributed to residents.

Reason:

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

- 4 The Construction Method Statement hereby approved shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 5 Prior to the occupation of the last residential unit hereby approved, all of the access roads, parking spaces and footpaths hereby approved shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the site and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 6 Prior to the occupation of the residential units numbered plots 81, 82, 83, 99 and 100 on the planning layout drawing hereby approved, vehicular accesses to serve them shall be fully formed from the spine road to the north of them in accordance with a planning permission for such vehicular accesses and the vehicular accesses shall have been fully constructed in accordance with the planning permission for them and available for use prior to the occupation of the houses they are designed to serve.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the site and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 7 All planting, seeding or turfing comprised in the approved details of landscaping on the drawings titled 'Landscape Proposal (Sheet 1 of 4)' numbered 67.49.02b, 'Landscape Proposal (Sheet 2 of 4)' numbered 67.49.03b, 'Landscape Proposal (Sheet 3 of 4)' numbered 67.49.04b and 'Landscape Proposal (Sheet 4 of 4)' numbered 67.49.05b shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. All planting comprised in the scheme of landscaping shall be retained and maintained to accord with the details of the approved details of landscaping unless the Planning Authority gives written consent to any variation.

Notwithstanding the information shown on drawings 'DRAINAGE LAYOUT - SHEET 1 OF 2' numbered J5834-BSA-P2-ZZ-DR-C-0300 rev H and 'DRAINAGE LAYOUT - SHEET 2 OF 2' numbered J5834-BSA-P2-ZZ-DR-C-0301 rev H, unless otherwise approved by the planning authority, underground services shall be located where they will not prevent the planting of trees in the locations shown on the approved landscape plans.

Reason:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 8 The maintenance of all communal landscape areas, and hedges to private front gardens, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of communal landscaping and hedges on the site in the interest of amenity.

- 9 All the open space areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house on the site. The open space areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

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

- 10 A timetable for the provision of all boundary treatments, including the erection of the 1.8-metre-high boundary enclosures for the rear gardens of the residential units hereby approved, shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 11 Noise associated with the operation of any air source heat pumps to be installed in the development hereby approved, including cumulative impacts of a number of air source heat pumps operating simultaneously, shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any residential property. All measurements to be made with windows open at least 50mm.

Reason:

To safeguard the amenity of the occupants of residential properties.

Signed .....

Councillor N Hampshire  
Convener of the Planning Committee

*The webcast for this meeting will be available at the link below for five years from the date of the meeting:*

[https://eastlothian.public-i.tv/core/portal/webcast\\_interactive/1063372](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1063372)



**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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Application no. **25/01386/AMM**  
Proposal Approval of Matters Specified in Condition 2 in respect of the 275kV Cable Works (Development Zones 1-3 and 4a) of Planning Permission 23/00162/PPM  
Location **Land Between Skateraw and Branxton**

Applicant Berwick Bank Wind Farm Limited / CO SSE

**RECOMMENDATION** Consent Granted

### REPORT OF HANDLING

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a national development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

### APPLICATION SITE

The application site has an area of some 598 hectares and stretches from the Innerwick junction of the A1 trunk road in the west to the Bilsdean/Dunglass junction of the A1 trunk road in the east, and from the coast to the north of Skateraw in the north to near Branxton in the south.

The northern part of the site is situated in the countryside on the north side of the A1 and the remainder of the site generally consists of more countryside on the southern side of the A1. The village of Innerwick is located to the south and west of the application site.

The area of land comprising the northernmost part of the application site where it meets the coast is within the Dunbar to Barns Ness Coast Special Landscape Area.

A small part of the southern end of the application site is within the Monynut to Blackcastle

Special Landscape Area.

Given the size of the application site there are numerous residential properties both within it and close to it.

## **RELEVANT PLANNING HISTORY**

The development proposed in this application is onshore electricity transmission infrastructure as part of the offshore Berwick Bank Wind Farm, which is required to facilitate connection to the national grid.

On 31 July 2025, Scottish Ministers, under Section 36 of the Electricity Act 1989, granted consent for the Berwick Bank Wind Farm, an off-shore wind farm which would be located approximately 37.8 km east of the Scottish Borders coastline (St. Abb's Head) and 47.6 km to the southeast of the East Lothian coastline. A maximum of 307 wind turbines have been granted to be installed within the project array area which would have an installed capacity of some 41GW, which would make Berwick Bank Wind Farm one of the largest offshore wind farms in the world capable of generating enough energy to power more than six million homes annually.

On 5 December 2023 planning permission in principle (ref: 23/00162/PPM) was granted for the construction and operation of onshore electricity transmission infrastructure in the form of either a substation or converter station, and for associated development including underground electricity cables and landfall at Skateraw. The proposal forms the onshore transmission infrastructure for the offshore Berwick Bank Wind Farm, and comprises the following key elements:

- o A new substation/converter station (a permanent compound comprising elements of electrical infrastructure including buildings) which would include:
  - (i) Substation/converter station buildings;
  - (ii) External plant and equipment;
  - (iii) Welfare facilities;
  - (iv) Parking and turning areas;
  - (v) Internal access roads; and
  - (vi) Security features including fences and gates;
- o A Landfall area where marine cables come ashore and will be joined onto the onshore underground cables;
- o Onshore underground electricity cables within a cable corridor between the landfall area and the new substation/converter station, and between the new substation/converter station and the Branxton substation the subject of separate application 23/00616/PM; and
- o Associated infrastructure, including:
  - (i) Permanent or temporary drainage infrastructure;
  - (ii) Landscaping;
  - (iii) New and upgraded access roads (permanent or temporary);
  - (iv) Re-profiled land; and
  - (v) Construction compounds, laydown areas and other temporary facilities and features required for construction purposes.

It was indicated in planning permission in principle 23/00162/PPM that the proposed site for landfall for the offshore export cables would be at Skateraw harbour, where they would be connected to the landfall cables via buried transition joint bays. Each transition joint bay would consist of an underground box-like structure that houses the cable joints.

Following the connection of the offshore export cables to the onshore cables at the transition joint bays, it was indicated in planning permission in principle 23/00162/PPM that

the onshore cables would be routed through predominantly agricultural land between the coast at Skateraw and the East Coast Main Line and A1 trunk road. The onshore cables would then cross beneath the East Coast Main Line and A1 trunk road and would then run to the proposed substation/converter station. Following connection to the onshore substation/converter station, the onshore cables would exit the south side of it, continue through agricultural land turning eastwards southwest of Innerwick Castle before crossing the Braidwood Burn via a cable bridge. From there, the onshore cables would connect to the Branxton substation the subject of planning permission 23/00616/PM.

Condition 2 of planning permission in principle 23/00162/PPM states:

The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the substation/converter station, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

- a) Details of the finished ground levels and finished floor levels of the buildings;
- b) The total height of any building (excluding any antenna/lighting rod or similar apparatus) shall not exceed 21 metres from the finished ground levels, as approved. The finished substation/converter station platform ground level shall be no higher than 44.3m AOD;
- c) Details of the proposed colour treatment of the substation/converter station and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
- d) Details of all external lighting proposed;
- e) Details of the area and positioning of the substation/converter station platform, which shall not exceed a footprint of 410 metres by 260 metres and which shall generally accord with that shown on the drawing no. LF000010-DEV-MAP-231 docketed to this planning permission in principle;
- f) Details of the final route of the onshore export cables (with proposed micro siting limits), and the locations of any underground joint bay(s); and
- g) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cables including the cable bridge and water crossings; the cable bridge and water crossings shall be designed to pass the 200 year plus climate change flow without constriction and with an appropriate allowance for freeboard.

In this condition, the substation/converter station means all the electrical equipment, buildings, ancillary equipment, internal roads and any perimeter security fence to be located on the substation/converter station platform, as indicatively described in Chapter 5 (Proposed Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning

Authority.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

A drawing docketed to planning permission in principle 23/00162/PPM shows the application site split into 'Development Zones', numbered 1, 2, 3, 4a, 4b, 5, 6, 7 and 8, identified for different areas of the development.

## **PROPOSAL**

Through this application, permission is sought for the approval of matters specified in condition 2 of planning permission in principle 23/00162/PPM in respect of the 275kV Cable Works (works within Development Zones 1-3 and 4a), so for the detail of the layout and siting of the electricity cables and the transition joint bays and the means of access to them.

In a supporting statement submitted with the application it is stated that the 275kV Cable Works consist of the most northerly part of the overall development to which planning permission in principle 23/00162/PPM relates, which forms the onshore transmission infrastructure for the Berwick Bank Wind Farm. The cables would be High Voltage Alternating Current (HVAC), and a total of six circuits would be required operating at 275kV. Each circuit would feature a trefoil cable arrangement utilising ducts to install the cables. The transition joint bays would be placed further inland to mitigate any risk of coastal erosion.

The supporting statement further informs that the landfall location of the cables would be within agricultural land located to the northwest of Skateraw Harbour. At landfall, six circuits (each circuit would include a trefoil cable arrangement within a duct) would come to shore using trenchless techniques. A Horizontal Direction Drill (HDD) would be used to install each duct and the cables would then be pulled through the ducts and would be connected to the onshore cable circuits via six buried transition joint bays. Two spare ducts would be installed in addition to the ducts required for the six cable circuits. Micro siting limits have also been provided.

Transition joint bays would be required to connect the offshore export cables and the onshore cables. Each transition joint bay would consist of an underground box-like structure that houses the cable joints and associated link boxes containing three of the six circuits. Joint bays would require temporary excavation around them and the installation of a concrete pad under the joint and construction of a link box required for access and maintenance before backfilling the joint bay.

A link box for each circuit would be required at each joint bay and this is the only element of the transition joint bay with a permanent above ground element. The link boxes would be either a double or a single arrangement (the double arrangement would include two boxes side by side and a third single link box). As a single arrangement a total of six link boxes with a concrete pad of some 3.3m by 3.1m would be required. As a double arrangement a total of four link boxes (two double and two single) boxes would be required with the larger double link boxes featuring a surface level concrete pad of some 4.38m by 3.3m. The link boxes will be either a double or a single arrangement (the double arrangement would include two boxes side by side and a third single link box). Each pad would have four bollards to mark the location and prevent damage to the link boxes from agricultural or other operations. These bollards would be steel bollards up to 1.5m in height. Each link box will feature a steel hatch for access and maintenance.

The cable route from the transition joint bay to the substation would be installed using an open cut technique for much of its length. In the 275kV cable works the open cut technique would be reserved for the installation within agricultural land. Trenchless crossings would be used to install the cables under the old A1 road, the East Coast Main Line and the A1.

For areas where the open trench technique is to be utilised, before installation works begin at each section, the topsoil across the construction area would be removed using mechanical excavators and stored along the cable corridor for utilisation in ground restoration when works are complete. Mechanical excavators would be used to dig the cable trench. Once complete, each section of the onshore cables (stored on a drum) would be lifted from the delivery truck and placed into position at the end of the trench. The onshore cables would then be winched through the open trench, to a joint bay at the end of the section. The onshore cables would be laid in ducts and buried to depths of up to 2.5m. The final burial depth within the open cut sections will depend on the ground conditions encountered.

Once the onshore cables are installed, the trench would be backfilled with stabilised backfill and granular/reinstated excavated material, protective covers (where appropriate) and warning tapes, to avoid damage during any future excavations. Following completion of trench backfill, native material (i.e. topsoil) would be reinstated. Previously excavated material would be used to backfill the cable trench wherever possible to minimise the amount of material to be disposed of off-site. Any stockpiling of excavated material along the onshore cable corridor would be sited within the site.

Following backfill of the onshore cable trench, the land would be reinstated to existing ground levels to allow a return to its former use. Any fences or walls that require removal during the works would be reinstated.

After the transition joint bay, the cables would be installed within the ground using the open cut technique to reach the Dry Burn tributary which is a tributary of the Dry Burn. A culvert currently supports the farm track that currently crosses the Dry Burn tributary. In order to install the cables across the Dry Burn tributary a wider installation corridor is required than can be accommodated by the existing culvert. The existing culvert would be removed, and a larger culvert would be installed. The cables would then be installed across the new culvert. During construction a construction haul road would be built over the culvert, post construction the existing track would be reinstated.

Beyond the culvert crossing another set of joint bays would be required. Link boxes would be installed as per the details noted for the transition joint bays. Following a short section of open cut installation the cables require to cross the old A1; three trenchless crossings are proposed to allow the cables to route under existing road and rail infrastructure.

It would be ensured that the old A1 would not require to be closed during the construction works. The cables would be installed under old A1 using a pipe ram technique which would ensure that the old A1 can remain open to motorised, bicycle and pedestrian traffic at all times during the works.

Temporary works will be required for the proposed development which were covered in the assessment of planning permission in principle 23/00162/PPM, these include:

- o Vegetation clearance;
- o A landfall compound and associated temporary works;
- o Temporary construction fencing around the perimeter of the site;
- o Temporary drainage works;
- o A site compound to the north of the old A1;

- o Temporary Haul Roads within the site boundaries;
- o Trenchless crossing compounds;
- o Cable Route excavation and temporary soil storage;
- o Construction Access and;
- o Cable installation and cable pulling.

Condition 2 of planning permission in principle 23/00162/PPM requires that details of the means of access are provided. No permanent access is required for the operational development although temporary access would be required using new and existing accesses. A total of four access points are required to construct the 275kV Cable Works, these accesses are numbered AP1-4:

AP1 - Access to the northern cable route and landfall would be via the existing farm access located on the old A1. Access to the landfall area would be via a haul road constructed within or close to the cable route. As the access is existing, the improved bellmouth junction would be retained post construction.

AP2 - Temporary access is required to the south of the old A1 to access the cable section of the route to the East Coast Main Line. The access would be reinstated post development.

AP3 - Temporary access is required to the area between the East Coast Main Line and the A1. Access would be taken via the old A1 then using an existing farm track that leads under the East Coast Main Line to a field. A temporary construction access would be constructed within the field to access the area between the East Coast Main Line and the old A1.

AP4 - Access is required to access the southern part of the cable route south of the A1. This access would also form the main construction access relating to the substation works. The bell-mouth access is an existing access but would be upgraded. The junction improvements would be retained although it is only proposed to use the access during construction.

Some informational, safety and directional signage is also to be placed at the access points.

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

NPF4 identifies 18 national developments that are significant developments of national importance. National development 3 of NPF4 (Strategic Renewable Electricity Generation and Transmission Infrastructure) supports renewable electricity generation, repowering, and expansion of the electricity grid. National development 3 informs that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Whilst National development 3 references a Scotland wide rather than a specific location, the south of Scotland (including East Lothian) is identified for delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors

including converter stations, switching stations and substations.

The development approved by planning permission in principle 23/00162/PPM would enable the transmission of renewable electricity and would contribute to the delivery of infrastructure of national importance. The infrastructure is a key element in the provision of renewable energy and will ensure progress towards achieving net zero and a decarbonised economy. As transmission infrastructure to support renewable energy technology, it is also part of National Development 3 and is thus supported by NPF4.

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grant of planning permission in principle 23/00162/PPM.

Therefore Policy 14 (Design, quality and place) of NPF4 is relevant to the determination of this application. Also relevant to the determination of the application are Policies DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the LDP.

## **REPRESENTATIONS**

One written objection has been received to the application. The main grounds of objection can be summarised as follows:

- \* the application is incomplete as all the conditions of planning permission in principle 23/00162/PPM have not been submitted;
- \* the proposals may impede the right to roam;
- \* issues of noise and vibration;
- \* potential damage to a Site of Special Scientific Interest (SSSI), and;
- \* matters of road safety, traffic impacts and planting.

It should be noted here that through this application, permission is only sought for the approval of matters specified in condition 2 of planning permission in principle 23/00162/PPM in respect of the 275kV Cable Works.

The requirements of other conditions attached to permission in principle 23/00162/PPM for these works and the wider proposals to which that planning permission relate remain in force and the approval of those separate matters are not sought through this application.

## **COMMUNITY COUNCIL COMMENTS**

East Lammermuir Community Council have been consulted on the application and advise that they do not wish to comment on the detailed technical content of the submitted documents and has faith in the expert approach of the other consultees and East Lothian Council itself to judge this content. They do make comment on the need for a Construction Traffic Management and Routing Plan (CTMRP), Public Access Management Plan, Construction Environment Management Plan and Noise.

As stated above, the requirements of other conditions attached to permission in principle 23/00162/PPM for these works and the wider proposals to which that planning permission relate remain in force and the approval of those separate matters are not sought through this application.

## **PLANNING ASSESSMENT**

The principle of the construction and operation of onshore electricity transmission infrastructure in the form of either a substation or converter station, and for associated development including underground electricity cables and landfall at Skateraw, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) are already decided by the grant of planning permission in principle 23/00162/PPM.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the layout and siting of the electricity cables and associated infrastructure and the means of access to them. In this regard the detailed proposals have to be considered against relevant development plan policy and the requirements of condition 2 attached to planning permission in principle 23/00162/PPM.

The layout proposed through this approval of matters application for the electricity cables and associated infrastructure and the means of access to them is broadly consistent with the indicative layout docketed to planning permission in principle 23/00162/PPM.

Amongst other matters policy DP1 of the East Lothian Local Development Plan 2018 requires that all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be well integrated into its surroundings by responding to and respecting landform.

Policy DP2 requires, amongst other matters, that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to its location.

The proposed cables and transition joint bays themselves would be located underground. By being located beneath the upper surface level of the land in which they would be located, once constructed and the land backfilled, they would not be visible in public views and thus would not be harmfully intrusive, incongruous or exposed in their landscape setting or be harmful to the character and appearance of the landscape of the area. Neither, as a result of their size, scale and positioning would the above ground components of the transition joint bays.

The requirement for a detailed scheme of landscaping and for tree protection measures is embodied in Conditions 21, 22 and 23 of planning permission in principle 23/00162/PPM and therefore remain in force. The approval of those matters as specified in Conditions 21, 22 and 23 is not sought through this application but remain in force. Thus, there is no requirement to also secure this again through conditions attached to this approval of matters specified in conditions application.

The proposed development would be located at a considerable distance away from residential properties in the area. It would not give rise to a harmful loss of privacy or amenity to any residential property.

The requirement for the submission of a Construction Environmental Management Plan (CEMP) and Noise Impact Assessment to identify and minimise any potential noise, vibration and dust impacts that may arise during construction of the proposed development is embodied in Conditions 8 and 9 of planning permission in principle 23/00162/PPM. The approval of these matters as specified in Conditions 8 and 9 are not sought through this application but remain in force. Thus, there is no requirement to also secure these again through conditions attached to this approval of matters specified in conditions application.

In all of the above the proposals are consistent with Policy 14 of NPF4 and Policies DP1

and DP2 of the East Lothian Local Development Plan 2018.

The requirement for an Ecological Construction Method Statement and a Habitat Management and Enhancement Plan is embodied in Conditions 27 and 28 of planning permission in principle 23/00162/PPM and therefore remain in force. The approval of these matters as specified in Conditions 27 and 28 are not sought through this application but remain in force. Thus, there is no requirement to also secure these again through conditions attached to this approval of matters specified in conditions application.

The **Council's Road Services** raise no objection to the proposed development, satisfied the arrangements for access are acceptable and would not result in a road or pedestrian safety hazard, consistent with Policies T1 and T2 of the East Lothian Local Development Plan 2018. They do however recommend that the over-run area at AP3 should not be formed of a loose material. This requirement can be imposed as a condition on a grant of approval of matters specified in conditions, were that to be the decision.

**Transport Scotland** also raise no objection to the application.

The requirement for a Construction Traffic Management and Routing Plan, Route Impact Report and Abnormal Load Transport Management Plan is embodied in Conditions 12, 13 and 14 of planning permission in principle 23/00162/PPM and therefore remain in force. The approval of the matters as specified in Conditions 12, 13 and 14 are not sought through this application but remain in force. Thus, there is no requirement to also secure these again through a condition attached to this approval of matters specified in conditions application.

**Network Rail** raise no objection to the application.

**Scottish Water** raise no objection to the application.

The **Council's Team Manager – Structures and Flooding** raises no objection to the application on the grounds of flooding or drainage. The Scottish Environment Protection Agency (SEPA) also raise no objection to the application.

Network Rail raise no objection to the application.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

#### **RECOMMENDATION:**

That approval of matters specified in conditions be granted subject to the following conditions:

- 1 The overrun area at access point 3 as shown on drawing no. BK-JON-000-CVL-TEM-0003-000 Rev R05 shall be hard formed and shall be formed such that it slopes down in a southeast direction to allow water run-off into the adjacent field. Thereafter, the overrun area will be retained as such unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety.

- 2 The development hereby approved shall be carried out in accordance with the recommendations as set out in Part 3 of the Berwick Bank Dry Burn Crossing Flood Modelling Report February 2026 (ref: BK-JON-000-CST-BOD-0006) that is docketed to this

planning permission.

Reason:

In the interests of flood protection.

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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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3

*Note: This application was called off the Scheme of Delegation List by Councillor McMillan for the following reason: To explore the tourism and economic development benefits in relation to DC1.*

Application no. **25/01055/P**

Proposal                   Erection of two houses, both for use as holiday let accommodation, and associated works

Location                   **Land at Liberty Hall  
Gladsmuir  
Haddington  
East Lothian**

Applicant                   M & C Fielding Developments Ltd

Per                                 Rem Associates

**RECOMMENDATION**           Application Refused

## **REPORT OF HANDLING**

### **CONTEXT**

This application relates to an area of land some 39m in length by some 21.3m in width, situated to the west of the residential dwelling of Barrel Cottage, Liberty Hall. The application site is located within a countryside location as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 ('ELLDP 2018').

The site is bounded to the north by an unnamed public road, inclusive of Core Path nos. 110 and 111. It's bounded to the east by two residential properties (Barrel Cottage and the Birks), beyond which is an access track leading to Nairns Mains Farm. The site is bounded

to the south by Liberty Hall South Wood and to the west by an area of land approved by planning permission Ref: 10/01078/P for the keeping of horses and further areas of woodland associated with Liberty Hall South Wood.

The application site is bounded on its eastern boundary by a number of trees and a high hedge. It's enclosed to the north by a post and wire fence and by a 1m high timber rail fence to the west. A row of trees bound the site to the south. There are two existing structures on-site, one appears to be a timber shelter and the other forms as a trailer of sorts. There is some evidence of historic foundations associated with a former building to the north of the site.

There is no existing vehicular access into the application site, though an informal path leads through an existing gate on the northern boundary through to the south of the site.

## **PLANNING HISTORY**

In November 1993, Outline Planning Permission was refused under ref: 93/00857/P for the erection of a dwelling.

In March 2006, Planning Permission was refused under ref: 05/00973/FUL for the erection of 1 house and a double garage, the change of use of vacant land for the keeping of horses, erection of a stable block and associated works. The application was refused for the following reasons:

- i) The proposal for a new house on the site represents sporadic countryside development in East Lothian without evidence of agricultural or rural diversification need. Therefore, it conflicts with Policy ENV3 of the Edinburgh and Lothians Structure Plan 2015, Part 2(a) of Policy DC1 of the East Lothian Local Plan 2000, and Scottish Planning Policy 3 on controlling new housing in rural areas.
- ii) The proposal would require the felling of a large number of mature trees that make a positive contribution to the countryside character of the area. The proposed development does not contribute more to the good planning of the area than would the retention of the trees and is therefore contrary to Policy ENV13 of the adopted East Lothian Local Plan 2000.
- iii) If approved, the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.

In November 2006, Planning Permission was again refused under ref: 06/00766/FUL for the erection of a house and garage. It was refused for the following reasons:

- i) The proposed house would be a new build in the East Lothian countryside without any proven need for agricultural or rural diversification purposes. As a result, it is contrary to Policy ENV3 of the Edinburgh and Lothians Structure Plan 2015, Part 2(a) of Policy DC1 of the East Lothian Local Plan 2000, and Scottish Planning Policy 3 on controlling new rural housing.
- ii) If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.
- iii) The proposed change of use would extend residential development into woodland, causing harmful urbanisation and loss of rural character. No special justification exists, so the proposal conflicts with Policy DC1 of the East Lothian Local Plan 2000.

This decision was later appealed to Scottish Minister's Directorate for Planning and Environmental Appeals ('DPEA') and was dismissed in July 2007. Whilst the Reporter found both the site and the design to be potentially acceptable. In their view, the restrictive approach embodied in both the structure plan and the local plan and in the absence of justification for this proposal on grounds of operational requirement or rural diversification, the reporter concluded that the proposal was contrary to the development plan.

In May 2022, planning permission was again refused under ref: 22/00135/P for the erection of one house and associated works. The application was refused for the following reasons:

- i. The principle of the building of a house on the application site is contrary to Policies DC1 and DC4 of the adopted ELLDP 2018 and Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality.
- ii. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian; and,
- iii. No information has been submitted to demonstrate that the proposed development would not detrimentally impact on trees within or directly adjacent to the application site to the detriment of the character and appearance of the area. Accordingly, as it has not been demonstrated that the erection of a house on the site would not result in harm to nearby trees the proposals are contrary to Policy NH8 of the adopted ELLDP 2018.

This decision was appealed to the Council's Local Review Body (LRB) which was held on 8th December 2022. The LRB Committee concluded by a majority to dismiss the appeal and uphold the decision to refuse planning permission for the house.

## **PROPOSAL**

Planning permission is now sought for the erection of 2 houses, both for use as holiday let accommodation and associated works on the site.

Two semi-detached houses with garden ground and parking are proposed to be located on the application site. Both of the houses would be used for holiday letting accommodation. Each of the two houses for holiday let accommodation would be situated within individual plots of some 29m in length by some 9.2m in width.

Each of the proposed houses would face onto the existing grass verge and unnamed road to the north, with their front (north) elevations being roughly in line with Barrel Cottage to the east. They would each have pitched roofs and would be one to one and a half storeys in height with accommodation proposed within the roof space of each. They would each measure some 8.7m in length by some 7m in width and they would have a total height of some 5.5m in height from their respective ridge heights and some 2.5m from the eaves to ground level.

Each of the houses would have a flat roofed 'extension style' component attached to their rear (south) elevations. These would be some 6.3m in length by some 5.9m in width. They would be single storey and would have a total height of some 2.8m.

Each of the proposed houses would also have a 'dormer style extension' attached to their rear (south) roof slopes. Each dormer would be some 7.4m in length by some 3.2m in width. They would each have a height of some 2m from the lowest part of the roof slope in which they are proposed to be attached.

The front (north) elevation of each house would be constructed with natural sandstone.

Walls of the rear (south) and side (east and west) elevations including the extension style components would be finished in render. The walls of the dormer cheeks and facing would be clad in composite cladding. Windows and doors would be of alu-clad framed construction with triple glazed units. The pitched roofs would be clad in terracotta pantiles and the roofs of both the dormer and extension style components would be clad in single ply membrane.

Each of the semi-detached houses would contain 2 sets of glazed window openings and a non-glazed door opening on their front (north) elevations. 1 glazed window opening and a set of fully glazed bi-fold (4 panel) doors would be contained on each of the rear (south) elevations. 3 fully glazed floor to ceiling windows and a set of glazed French style doors would be contained on one side elevation of each of the extension style components. A total of 5x roof lights would be contained on each of the front (north) roof slopes. Each of the dormer style extensions attached to the rear (south) roof slope would contain 2 glazed window openings on the rear (south) roof slope. Both the proposed dormer and flat roof extension style components would contain 1 skylight each.

The houses proposed would effectively mirror each other in terms of design and layout. They would both be marketed for holiday let as two, three-bedroom cottages. The ground floor layout would comprise: an open plan kitchen, living room and diner with a utility room, bedroom, separate bathroom and a lounge. The first floor / attic level of each property would contain 2x bedrooms, each with an en-suite.

Each of the houses would have an area of rear garden ground, some 18m in length by some 10m in width. An existing 1.2m fence would be retained along the western boundary and would be used to partially enclose the rear curtilage of the house furthest to the west. All other rear garden boundaries would be bounded by timber fencing at 1.8m in height.

Grass lawn would be laid in each garden, as well as areas of hardstanding comprising grey concrete paving slabs which would be laid directly adjacent to the rear (south) elevations of the holiday lets and would lead south to the car parking at the end of each garden. An area of deck would be formed to the side (east) of one holiday let and to the side (west) of the other holiday let. The decked areas would each be some 6.3m in length by some 2.7m in width.

A treatment plant and soak away would be contained within the rear garden of the proposed holiday let furthest to the west. This would serve both properties.

An Air Source Heat Pump ('ASHp') would also be positioned to the rear (south) elevations of each of the proposed holiday lets. Each ASHP would be 0.8m in length by some 0.3m in width.

A total of four parking spaces; two spaces per house would be positioned to the south of each garden. Each parking space would be some 5.1m in length by some 2.5m in width. The car parking areas would be constructed with concrete pavers. Cycle racks for a total of four bikes would be provided in each of the curtilages.

A new vehicular access would be formed to the north of the site. An access track would extend south from the access by some 39m before extending west by some 22m. The first 4.5m of the newly formed access would be hard surfaced. The remainder of the track would be laid in gravel.

In support of this application, the following reports have been submitted:

- i. Business Plan;
- ii. Supporting Statement;

- iii. Sustainability Report;
- iv. Tree Report; and,
- v. Design and Access Statement (as revised).

## **BUSINESS PLAN**

The Business Plan as submitted provides an overview of the business concept proposed by the applicant, their proposed key offerings, mission and target market. It also outlines the growing short term let market in Scotland and more specifically in East Lothian, before summarising the proposed marketing strategy and financial targets and projections for the business. The business plan outlines risk, plans for expansion and sets out a 5-year plan for the business.

## **SUPPORTING STATEMENT**

The Supporting Statement outlines why East Lothian is an ideal location for holiday let accommodation and makes reference to East Lothian beaches, coastal walks, castles, golf courses, gardens and day trips to Edinburgh. It also sets out that a regular bus service connects Haddington to Edinburgh City Centre within 30 - 40 minutes.

## **SUSTAINABILITY STATEMENT**

The Sustainability Statement outlines measures proposed to be adapted throughout the development to ensure compliance with Policy 1 of NPF4. Such measures would include use of insulated materials, using local distributors for materials and local contractors would also be engaged. The proposed cottages would also incorporate bee and bird nest bricks in various locations and rainwater butts may be considered in the garden of each.

## **TREE REPORT**

The Tree Report provides a description and assessment of all trees located on, or adjacent to the application site including 17 individual trees, one group of trees (comprising seven trees), one hedge, and one area of woodland. The tree report recommends a number of tree protection measures before, during and after construction. It also highlights that the trees on site are early mature trees with moderate to high landscape and ecological value. One tree was identified as being within the application site (as revised) as being of Category U, a tree which cannot realistically be retained as a living tree for longer than 10 years. This tree is located to the northeast of the site and is the only tree proposed to be felled to facilitate proposed works.

## **DESIGN AND ACCESS STATEMENT**

The Design and Access Statement is summarised below:

- i) Historic maps and photographs from 1853, 1857, 1907 and 1956 illustrate that the site once accommodated farm workers cottages.
- ii) The proposal has been designed to complement the existing properties to the east.
- iii) There will be minimal landscape impacts as landscape features will be retained as far as possible to reduce loss of amenity to existing residents.
- iv) This proposal does not represent inappropriate or unsympathetic development in the countryside.
- v) It is acknowledged throughout the Design and Access Statement that the application does not meet all of the provisions of the relevant planning policies, however, the applicant's agent highlights that planning policy cannot relate to every situation, and every application must be determined on its own merits.
- vi) Proposed construction design for the cottages will be the highest of standards,

highly insulated, highly efficient with inclusion of renewables, air source heat pumps and zoned heating.

- vii) The site does not have any service connections though electric and mains water are within close proximity. A private drainage system will be adopted.
- viii) Electric car charging will be provided for each property.
- ix) Check in would be at 2pm and check out would be at 11am.
- x) Proposals comply with Policies 1, 3, 6, 29 and 30 of NPF4.
- xi) This application is for two short term let units and should not be construed as rural housing under Policy 17 of NPF4 and Policy DC4 of the ELLDP 2018. The Supporting Statement and Business Plan clearly identify commercial viability /tourism within East Lothian which is supported by planning policy. The site is brownfield and has lain unused. There is no intention of rural housing being proposed by the back door and the applicant is willing to enter into a Section 75 Legal Agreement to ensure the use remains in short term holiday let use.

When this application was first registered it included for the siting of 2 shepherds huts in the woodland to the south of the site. However, subsequent to the registration of this application, revised plans were submitted taking account of consultation responses and comments from the case officer and the proposed shepherds huts and parking associated with them were removed from the application. Therefore, no development is now proposed within the woodland as clearly indicated on the updated proposed site plan.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 ELLDP 2018.

Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees), 13 (Sustainable Transport), 14 (Design, Quality and Place), 15 (Local Living and 20 Minute Neighbourhoods), 16 (Quality Homes), 17 (Rural Homes), 22 (Flood Risk and Water Management), 23 (Health and Safety - Noise) and 30 (Tourism) of NPF4 are relevant to the determination of this planning application.

Policies DC4 (New Build Housing in the Countryside), DP1 (Landscape Character), DP2 (Design), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH8 (Trees and Development), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), NH13 (Noise), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP 2018 are relevant to the determination of this application.

Also, material to the determination of this planning application is the Council's Supplementary Planning Guidance ('SPG') on 'Countryside and Coast' adopted on 29th October 2019.

Circular 4/2025: Planning Obligations and Good Neighbour Agreements is also relevant to the determination of this application.

## **REPRESENTATIONS**

A total of eight objections have been received in respect of this application for planning

permission. A summary of the main grounds of objections can be found below:

- i. The land is designated as agricultural land;
- ii. No more residential development is desired;
- iii. Increased traffic generation would suburbanise the area;
- iv. Potential road safety issues due to insufficient parking and HGV's passing regularly;
- v. The access junction to the proposed site, on Birkhedges Road at the Beechview property, is a dangerous 4-way junction with many 'near miss' road traffic accidents;
- vi. Planning history consists of a number of refusals;
- vii. There has been no building on-site for decades;
- viii. Proposals form as an overdevelopment of the plot;
- ix. Potential noise, disturbance and anti-social behaviour associated with the short term let use could arise;
- x. Any issues arising with anti-social behaviour won't be dealt with promptly owing to the applicant living in Haddington;
- xi. Loss of privacy and amenity to neighbouring residential properties;
- xii. Adverse impact on residential amenity through increased footfall, servicing, deliveries;
- xiii. The new design does not relate to the neighbouring Victorian cottages;
- xiv. Wood burning stoves could result in fire risk;
- xv. The population within a half mile radius of the site would more than double if the short term lets are at full capacity. This would change the character of the area;
- xvi. This rural location has been under pressure from opportunistic development. Approval would set precedent and would erode the rural character of the area;
- xvii. The Business Plan submitted is weak; is for a company which does not exist and there is no solid financial history for it. Figures quoted are inaccurate and not achievable. The proposal as a whole is regarded by some as speculative and subjective and objectors highlighted that it was generated by artificial intelligence ('AI') software.
- xviii. In design terms, the proposed 2x holiday lets are more intrusive than the earlier proposed single dwelling for this site.
- xix. Proposals are contrary to Policies 1, 3, 6, 14, 17 and 19 of NPF4, Policies DC1, DC2, DC3, DC4, NH3, T2 and DP5 of the ELLDP 2018, and to the Council's Design Standards for New Housing Areas SPG (2020). Proposals should be refused planning permission.
- xx. Siting shepherds' huts in or near ancient woodlands is incompatible with the adopted LDP's presumption in favour of protecting local woodlands.
- xxi. The shepherds' huts would require basic services such as waste/water if used separately from the houses.
- xxii. One objector questioned whether there would be sufficient space to the rear of the properties to allow for septic tanks to be emptied.
- xxiii. Fragmentation of the woodland through the introduction of fencing would disrupt existing wildlife corridors, would be harmful to local wildlife and would undermine the integrity of a wider green network.
- xxiv. Approval for fencing should not be granted without definitive clarification on land ownership.
- xxv. The scale and height of proposals is inappropriate for the plot.
- xxvi. Loss of trees and biodiversity.
- xxvii. The proposed development would not be a sustainable development. There is no public transport links within  $\frac{3}{4}$  mile of the site. The nearest train station is 3  $\frac{1}{2}$  miles away.
- xxviii. Additional demand for water supply would put pressure on existing flow and supply.
- xxix. If the business fails, there will likely be a change of use submission for residential use, a use which has no justification for a countryside location.
- xxx. The application is not for any rural related activity such as agriculture, horticulture or forestry, but for tourism.
- xxxi. The applicant declared within their application form that the area is not known for

flooding, nor would there be an inherent increase in flood risk. One objector advised that this is incorrect and there has been instances of surface water flooding within the area with a flooding event occurring in 2019.

xxxii. A Short Term Let License would be required and there is no guarantee the applicant would get the appropriate licences.

Matters considered material to the determination of this application will be addressed within the Planning Assessment section of this report.

Matters not considered material to the determination of the application will be addressed below:

With reference to points (xiv), (xx), (xxi), (xxiii) and (xxiv), proposals have been amended. All proposed development within the woodland has since been removed from the overall scheme of development. The red line boundary for the application has also been reduced in size to remove the woodland from the planning application. These matters are therefore no longer relevant.

Matters relating to water pressure and the supply and demand of water (xxviii) is not a material planning consideration, notwithstanding this, Scottish Water has been consulted as part of this application.

Matters relating to anti-social behaviour (ix) and (x) is legislated for under legislation separate to planning legislation and therefore need not be assessed as part of this application.

Proposals would have a shared treatment plant with a soak away, rather than a septic tank (xxii).

Whether or not the proposal if approved would be able to obtain a license for short term holiday let use would be a matter for the Council's Licensing Team to determine (xxxiii).

## **COMMUNITY COUNCIL**

No comments have been received.

## **PLANNING ASSESSMENT**

The application is for the erection of two houses not for use as principal residences but for holiday let accommodation use and associated works. However, Policy 17 of NPF4 and Policy DC4 of the adopted ELLDP 2018 make no distinction between the use of a house or houses for residential purposes and the use of a house or houses for short term holiday let purposes as they fall under the same use class, being Class 9 (Houses) of the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended). Therefore, any application for the houses, although to be used for holiday let has to be assessed under relevant housing policies of the development plan.

On the matter of design, Policy DP2 of the adopted ELLDP 2018 and Policy 17 of NPF4, amongst other matters, requires all new developments to be appropriate to their location in terms of their positioning, size, form, massing, proportion and scale and that their use of materials and colours complement their surroundings. Policy 14 of NPF4 requires that proposals are consistent with the six qualities of a successful place and are designed to improve the quality of an area whether urban or rural.

The application site is situated adjacent to a small cluster of houses within a wider rural

landscape which is generally characterised by woodland and open agricultural fields bound by hedging or low-lying boundary fences. There is also a number of agricultural buildings within the immediate area. The existing houses to the east (Barrel Cottage and The Birks) of the application site are both of traditional character and construction. They are rectangular in shape with stone walls and pitched pantile clad roofs, both of which appear to relate back to the terrace of cottages which once faced onto the road to the north. The terrace of cottages has however been subject to historic demolition works resulting in the terrace becoming two detached dwellings. The dwelling to the west (Southwood) and the dwelling to the east of Barrel Cottage and the Birks (Beachview) are set back from the roadside, single storey and are situated within slightly larger plots. Both of these dwellings have render clad walls and either pantiles, or slate clad roofs. There is therefore a mix of architectural styles within this cluster which characterises these houses. In addition, there is established building lines and heights which define the dwellings immediately to the east of the application site.

The proposed semi-detached houses would be positioned and orientated to face onto the road to the north and would therefore hold the same building line as the existing dwellings to the east. The proposed semi-detached houses would be rectangular in shape with pitched roofs clad in pantiles and would both have stone façades which would match the houses to the east and would relate back to the cottages previously located on-site. The eaves and ridge height of the proposed houses would be similar to dwellings to the east, and the proposed window and door openings would also be similar in terms of their scale and proportions. Whilst the side and rear elevations of the houses would be clad in render, this is not an uncommon finish for this location with dwellings to both the east and west being render clad as well as secondary elevations on the Birks being render clad.

The flat roof dormer components proposed to the rear (south) roof slope of each of the proposed semi-detached holiday lets would sit below the ridge height of their roofs and would be positioned some 0.8m from their respective side elevations. The extension style components attached to the rear (south) elevation of the holiday lets would each be single storey with a total height of some 2.8m in height. Whilst the dormer and extension style components would have more of a modern appearance in terms of their overall design, they would be situated on the rear (south) elevation which is a secondary elevation and would therefore only be visible in short duration glimpsed views from the public road to the north. Overall, therefore, the houses would not appear as harmfully dominant, intrusive or incongruous features within this rural setting and would by virtue of their architectural forms, sizes, scale, massing and materials would be complementary to the design and architectural variety of the existing houses within the immediate area.

The proposed houses as positioned on-site would not harmfully change the pattern or density of the built form and layout of the cluster of dwellings to which the proposed buildings would form part of. Accordingly, the proposed houses would sit comfortably in their positional relationships relative to one another and to other neighbouring residential properties to the east. Moreover, the application site is of a size sufficiently capable of accommodating two houses on the site in the manner proposed, including an adequate level of provision of garden ground, vehicular access and off-street parking to serve each of them without being an overdevelopment of the site. Therefore, the proposed two houses and their associated works would not be harmful to the character and appearance of the area.

The proposed vehicular access to be formed would lie adjacent to the vehicular access into that of Barrel Cottage. The proposed access and associated track would therefore be seen in relation to existing vehicular accesses in the locality and thus they would be in keeping with their surroundings.

It is proposed that the lengths of 1.8m high fencing would be erected within the site to separate the rear gardens of the 2 houses. Fencing and gates would also enclose the gardens to the south, separating them from the proposed car parking area further south.

As the fencing and gates would be positioned to the rear of the site, behind the proposed houses they would therefore be well contained from public views. Furthermore, by virtue of their size and form, the proposed fencing and gates would not be unlike other boundary treatments within the surrounding area. In the context of their surroundings, they would not appear as harmfully dominant or intrusive features. They would not therefore be harmful to the character and appearance of the area.

Areas of hardstanding, decking, air source heat pumps, cycle racks and the on-site waste treatment plant would all be low lying forms of development positioned within the rear curtilages of each house. They would therefore be well contained within the respective rear curtilages by proposed boundary treatments and thus would be in keeping with their surroundings and would not be harmful to the character and appearance of the area.

On the matter of design therefore proposals are compliant with Policy 14, 16 and 17 of NPF4, Policy DP2 of the ELLDP 2018 and the Council's SPG on 'Countryside and Coast' adopted by the Council on 29 October 2019.

Policy DP2 of the adopted ELLDP 2018 and Policy 14 (c) of NPF4 amongst other matters require that new development should ensure privacy and amenity for the occupants of any neighbouring residential properties as well as the occupants of any new development. Particular regard must be given to factors such as levels of sunlight, daylight and overlooking.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

Glazed openings proposed to be formed within the front (north) elevations and roof slopes of the houses would look out onto the road to the north and beyond onto a line of mature trees. Glazed openings proposed on this elevation would not therefore result in the harmful overlooking of any neighbouring residential properties.

Glazed openings to be formed within the rear (south) elevations and roof slopes of the proposed houses would look out onto the respective curtilages of each house and beyond onto a woodland. The formation of glazed openings on the rear (south) elevations and roof slopes would not result in the harmful overlooking of any neighbouring residential property.

The formation of glazed openings on the side (west) elevation of the house furthest to the west as proposed would look onto a stretch of garden ground associated with the house and beyond onto a paddock used for the keeping of horses. The formation of windows on the side (west) elevation of the house furthest to the west would not therefore result in the harmful overlooking of any neighbouring residential properties.

The formation of glazed openings on the side (east) elevation of the proposed extension style component of the house furthest to the east would look onto a stretch of garden ground associated with this unit measuring some 3.3m in width. The garden ground would be enclosed with a 1.8m high fence and hedging. The formation of glazed openings on the

side (east) elevation of the extension style component would not therefore result in the harmful overlooking of any neighbouring residential property given its enclosed nature within the rear curtilage.

Whilst no glazed openings are proposed on the side (east) elevation of the main component of the house furthest east, glazed openings could be formed on this elevation in the future through permitted development rights. The formation of any glazed openings on this elevation would be less than 9m from a glazed window opening on the side (west) elevation of Barrel Cottage which would result in the harmful overlooking of this property. It should therefore be made a condition of any such grant of planning permission that permitted development rights are removed for the formation of glazed openings on this elevation.

A decked area would be formed to the west of the side (west) elevation of the proposed westernmost holiday let. Users of the deck would have views to the south over garden ground associated with it and west over a field used for the keeping of horses. The formation of this deck would not therefore result in the harmful overlooking of any neighbouring residential property.

A decked area would also be formed to the east of the side (east) elevation of the proposed easternmost house. Users of the deck would have views to the south over garden ground associated with the house and east over the proposed access track and beyond onto the curtilage of Barrel Cottage. The eastern boundary of the rear curtilage of the easternmost house would however be lined with hedging, and the western boundary of Barrel Cottage is currently enclosed with high hedging and trees. Full specification of the decking including its finished floor level has not been provided as part of this application. However, due to the presence of existing high hedging and subject to full specification of the decking being submitted prior to its formation on-site, it would not result in the harmful overlooking of the residential property to the east.

Therefore, subject to conditions should planning permission be granted, proposals would not result in the harmful overlooking of any neighbouring residential property.

In assessing whether or not a proposed development would result in the harmful loss of sunlight or daylight from any neighbouring residential properties, the relevant daylight and sunlight test as contained within the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice by Paul Littlefair is applied to the closest glazed window opening of the neighbouring residential property to the development proposal. In this instance, the closest window to the proposed development would be the glazed window opening on the side (west) elevation of Barrel Cottage which serves a lounge. The lounge is also served by a glazed opening on the front (north) elevation and a set of glazed door openings on the rear (south) elevation. The glazed opening on the side (west) elevation would be some 8.2m away from the side (east) elevation of the proposed development. Application of the relevant test demonstrates that proposals would pass the 25-degree test. Consequently, the proposed development would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential property.

The occupants of the proposed houses would have sufficient amenity, and proposals would not result in the overdevelopment of the application site.

The **Council's Environmental Health Service** was consulted as part of this application and confirmed that in respect of proposals for the erection of two houses for holiday let use and associated works, a Noise Impact Assessment was not required. It would, however, have been required had the proposed glamping pods remained within the application proposal. On the basis of the application proposal as revised, the Council's

Environmental Health Officer raised no objections to either the proposed use, or development proposed, being satisfied that neither the use nor development proposed would be harmful to residential amenity.

On the matter of amenity therefore proposals would be compliant with Policy 14 and 23 of NPF4 and Policies DP2 and NH13 of the ELLDP 2018.

The **Council's Landscape Officer** was consulted as part of this application. They advised that the application site lies within the Mid Tyne Valley Plain Landscape Character Area and forms part of the north of Long-Established Nature Scot's Ancient Woodland (15) of plantation origin. On the matter of landscape setting and trees, they advised that they had no objection to proposals subject to the following conditions being appended to any such grant of planning permission to protect trees on-site and to establish a landscape scheme that improves the amenity of the area and assists in the integration of the development into its rural setting:

- i. Tree Protection Fencing - Tree protection fencing must be erected prior to the commencement of development and retained in place until completion of the proposed development.
- ii. Tree Retention - no tree identified as being retained within the Tree Survey shall be felled without prior written consent.
- iii. Scheme of Landscaping - A detailed scheme of landscaping should be submitted based upon Site Plan Layout drawing numbered REM9-464.
- iv. New Access Road - prior to the commencement of development, a full method statement should be submitted for the access road.

Therefore, subject to the attachment of these planning conditions on any such grant of planning permission, proposals would comply with Policy 6 of NPF4 and Policies DP1 and NH8 of the ELLDP 2018.

On the matter of biodiversity, the Council's Biodiversity Officer was consulted as part of this application. She advised that there are records of protected species of bats and badgers within 400m of the site. Whilst no development is now proposed within the woodland area to the south, as a precautionary measure a Construction Working Method Statement for bats and badgers should be submitted to ensure any protected species on-site, or within the surrounding area are not negatively affected by proposals. Such a report should cover but not be exclusive to the consideration of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist. The submission of the Construction Working Method Statement could reasonably be made a condition of any grant of planning permission.

In addition, the Biodiversity Officer advised that to facilitate proposed works, vegetation on-site would be required to be cleared. Due to nesting birds using this site, during bird breeding season, vegetation should be removed outwith the bird nesting season unless a species protection plan has been carried out in advance.

Subject to conditions protecting the biodiversity value of the site should planning permission be granted, the Biodiversity Officer raised no objections to this proposal, being satisfied that it complies with Policy NH5 of the ELLDP 2018.

As no details of biodiversity enhancements have been provided as part of this application, should planning permission be granted, a condition should be attached to any such grant of planning permission requiring for biodiversity enhancements to ensure compliance with Policy 3 of NPF4. Such a condition can reasonably be attached to any such grant of planning permission. Therefore, subject to this condition on any grant of planning permission, proposals would comply with Policy 3 of NPF4.

The **Council's Senior Environmental Compliance Officer** was consulted as part of this application and advised that whilst there is no direct evidence to suggest any historic contaminative uses, the site was formerly occupied by a row of worker's cottages and as such, there may be localised hotspots of contamination due to areas of 'made ground' associated with demolition works. Given the above and due to the sensitive nature of the proposed development (housing - Short Term Let Accommodation), further information would be required to determine the ground conditions and potential contamination issues impacting on the site. Accordingly, the Senior Environmental Compliance Officer recommends the attachment of a planning condition requiring a Phase 1 Geo-Environmental Assessment being carried out, should planning permission be granted.

The **Mining Remediation Authority (formerly the Coal Authority)** were consulted as part of this application and raised no objection.

The **Council's Flooding and Structures Team** was consulted as part of this application and advised that SEPA's Flood Hazard Mapping indicates that the wider site under the applicant's ownership may be 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 Officer does however note that the holiday lets proposed on land furthest to the north are not at risk from flooding. Subject to details pertaining to the proposed surface water management, SUDS, soak away or other being submitted prior to the commencement of development and subject to their being no increased surface water runoff from the housing proposed, noting that greenfield runoff rates should be capped to 5l/s/Ha or the existing rate, whichever is lower, proposals comply with Policy 22 of NPF4 and Policies NH10 (Sustainable Urban Drainage Systems) and NH11 (Flood Risk) of the ELLDP 2018.

**Scottish Water** were consulted as part of this application and advised that there is sufficient capacity at Castle Moffat Water Treatment for Water Treatment Works, however, there is no public waste infrastructure within the vicinity of the proposed development. They caveat their response by stating that they are not able to reserve water and /or wastewater treatment capacity and state that should planning permission be granted, Scottish Water would review capacity at the time of connection.

The **Council's Road Services** were consulted as part of this application and raised no objections on the matter of road safety. They did however request that provision of cycle parking and EV charging be provided on-site. The proposed site plan has since been updated to include these, along with a flat hard surfaced pedestrian access from the car parking area into the respective houses for short term holiday let use. Therefore, subject to a condition requiring these should planning permission be granted, proposals would comply with Policy T2 of the ELLDP 2018.

The **Council's Access Officer** was consulted as part of this application and raised no objection to proposals.

Notwithstanding all of the above, the application site is located in a countryside location within East Lothian. While there are both residential, agricultural and livery buildings within the vicinity of the application site, it is not identified in the ELLDP 2018 as being within a settlement, nor does the ELLDP 2018 allocate the application site for housing development. Consequently, the principle of the erection of two houses for short term holiday let use on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

Policy 16 of NPF4 supports proposals for new homes on land not allocated for housing

within the LDP in limited circumstances, including (inter alia...): where the house is consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods and where it is consistent with policy on rural homes. Policy 15 of NPF4 supports development proposals that will contribute to local living including, where relevant, 20-minute neighbourhood, where people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods.

As the proposed two houses would not be on land allocated for housing and would not be in an area that could be defined as a 20 minute neighbourhood the proposals are contrary to Policies 15 and 16 of NPF4.

Policy 17a of NPF4 supports new homes in rural areas where the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. Reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

Policy DC4 of the ELLDP 2018 supports new build housing in the countryside where the proposal is outwith the constrained coast, where there is no existing house, or no appropriate existing building suitable for conversion to a house available within the locality and (inter alia...):

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.

The application site is located within a countryside location. It is not allocated for housing within the ELLDP and whilst proposals are small scale, they do not form as proposals for affordable housing; they do not make use of redundant or unused buildings; don't form as a historic asset, nor do they form as the subdivision of an existing residential dwelling. Furthermore, the proposed houses are not required for the retirement succession of a viable farm holding, nor are they required for the sustainable management of a viable rural business.

Whilst the site is not in agricultural use, it is designated as prime agricultural land - category 3.1. However, due to its size and scale and of its location between a house and a paddock used for the keeping of horses, it does not lend itself to agricultural use. Therefore, the development of the site would not result in the loss of agricultural land.

Rather and within the supporting statements submitted as part of this application, the applicant rests their argument for new houses for short term let use in the countryside on the suggested brownfield nature of the application site. The applicant highlights that a terrace of farm worker cottages were located on the application site in circa 1950's with foundations relating to these dwellings still being visible on-site to this day.

Whilst the site previously had houses on it, those houses have been removed, and the site has naturalised. Therefore, the proposal is not for the reuse of brownfield land and Policy 9 of NPF4 does not apply.

As the proposed two houses would neither constitute as the sustainable reuse of a vacant brownfield site, nor would it form as the reinstatement of a former dwelling or dwellings the principle of the two proposed houses do not meet any of the criteria for new build housing within Policy 17a of NPF4 or Policy DC4 of the ELLDP 2018, the erection of two houses would not therefore comply with Policy 17A of NPF4, or Policy DC4 of the ELLDP 2018. Furthermore, the approval of such a development without a locational justification would set a harmful precedent.

Consequently, the erection of two houses on the application site would not accord with the policies of the development plan controlling the development of new build housing in the countryside being Policy 17A of NPF4, or Policy DC4 of the ELLDP 2018.

Policy 17B of NPF4 requires for proposals for new homes in rural areas to consider how the development will contribute towards local living, taking into account local housing needs, economic considerations and the transport needs of the development as appropriate for the rural area.

Policy 30 of NPF4 supports Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP.  
b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

The Council's Economic Development Team were consulted as part of this application. They advised that there are demonstrable local economic benefits delivered by all types of short-term holiday let accommodation within East Lothian and new applications for short term holiday lets should be supported and encouraged in order that East Lothian continues to expand its capacity to host overnight visitors, noting that on average, non-serviced short term holiday let accommodation bedspace in East Lothian generates up to £22,722 of annual economic impact and supports 0.5fte jobs. In this particular case, proposals for a maximum of 12 bed spaces would generate up £272,664 of annual economic impact and would support up to 6fte jobs. Accordingly, the Council's Economic Development Team is supportive of proposals given it accords with the strategic goals and objectives of the Local Economy Strategy 2024 - 2034 and thus they raise no objection to this application. It is not therefore unreasonable to assume that such development would likely, in turn, positively contribute towards the tourist industry of East Lothian.

The **Council's Planning Obligations Officer** was consulted on the application and advised that if planning permission were to be granted for the two houses it should be subject to the conclusion of and registration of a S75 agreement which would restrict the occupancy and duration of occupancy of the holiday letting cottages. This would ensure the two houses are used for the purpose applied for and would remain as one business unit, tied together in title as the applicant's business case suggests it requires the two houses to make the business sustainable.

Subject to the prior conclusion of the S75 legal agreement and as the building of two houses for holiday letting use would be of a nature and scale that could co-exist alongside the neighbouring residential properties the proposal would not conflict with Policy 30 of NPF4.

However, notwithstanding the proposal does not conflict with Policy 30 of NPF4 and the potential positive economic impact of the proposed two houses if used for holiday lets, the building of them would be new build housing in the countryside for which there is no operational justification. Therefore, if granted planning permission they would conflict with and would undermine the policies of the development plan controlling new build housing in the countryside. This could encourage the submission of other proposals for new build houses for holiday letting purposes in other parts of the countryside in East Lothian. Therefore, in conclusion the fact that the proposed two houses may accord with Policy 30 does not outweigh the fact that the proposed two houses are contrary to the policies of the development plan controlling new build housing in the countryside.

On the above considerations the proposal is contrary to development policies, 15, 16 and 17 of NPF4 and Policies DC4 of the ELLDP 2018. Further, proposals would set a harmful precedent. There are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with those development plan policies.

#### **REASONS FOR REFUSAL:**

- 1 As the two proposed houses do not meet any of the criteria for new build housing within the countryside required by Policy 17a of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018, the principle of the erection of two houses on this site is contrary to Policy 17A of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed new houses would not be located on land allocated for housing development within the LDP or within a 20-minute neighbourhood and would not therefore contribute to local living within an existing settlement contrary to Policies 15 and 16 of NPF4.

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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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*Note: This application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: Given the level of local objections over the demolition of an old building in a conservation area, I believe this should be looked at by the Committee.*

Application no.      **24/00811/P**

Proposal              Erection of one house and associated works

Location              **Briar Cottage  
Templar Place  
Gullane  
EH31 2AH**

Applicant                              Lady Alison Burt

Per    Pritchett Planning Consultancy

**RECOMMENDATION**              Granted Permission

## **REPORT OF HANDLING**

### **DESCRIPTION OF APPLICATION SITE**

The application relates to a detached single storey pitched roof house with attic accommodation in its roof space, on the north side of Templar Place, Gullane. Briar Cottage is a small natural stone and slate-roofed building dating from the 19th century, that has been later extended to the rear with a two-storey flat roofed extension and with a 20th century two-storey rendered bay window added on the front elevation and further single storey bay windows on its north (rear) and west side elevations. The house is not listed as being of special architectural or historic interest. It is however located within the Gullane Conservation Area.

With the exception of vehicular and pedestrian access gates, the site is enclosed along its south (roadside) boundary by a low stone wall, which in part has black metal railings on

top of it. Its east boundary is enclosed in part by natural rubble stone walls of varied heights and in part by the east side elevation of the existing house. The west boundary is enclosed in part by natural rubble stone walls of varied heights and in part by the east side elevation of the property of Fairways and The Turret to the west. The north boundary of the site is enclosed by a natural rubble stone wall. A further length of natural rubble stone wall is aligned with the south (front) elevation of the house and extends between the west side of the driveway of the property and the west boundary of the site.

The site is bounded to the north by a combination of the residential property of Winn Cottage and its garden ground and by a workshop building and associated land, to the east by the house of Aros House and its associated garden ground, and to the west by a combination of the flatted building of Fairways and The Turret and garden of Cob Cottage. To the south is the public road and footpath of Templar Place, on the opposite side of which is part of the Gullane Golf Club course. Further to the east, west and north are further residential properties, and further away again to the north are commercial properties of Main Street.

The application site is a roughly rectangular shaped area of land measuring some 800 square metres in area (some 0.08ha) and is part of a wider area that is characterised as being of residential character and amenity as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The application site is also part of a wider area that is defined as being part of the developed coast by Policy DC6 of the adopted East Lothian Local Development Plan 2018.

The North Berwick to Seton Sands Coast Special Landscape Area (SLA) is outwith the site to the south beyond the public road of Templar Place, and an area of land defined as being "Countryside Around Towns" also bounds the site to the south on the south side of Templar Place.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history for the application site.

## **PROPOSALS**

This application seeks planning permission for the redevelopment of the site for the erection of a replacement house and associated works on the site of the existing Briar Cottage.

The associated works comprise the erection of an outbuilding incorporating a study, store and garden store, the formation of hardstanding areas and the erection of boundary enclosures.

To facilitate this, the existing house of Briar Cottage is to be demolished and completely removed from the site.

The proposed house for which planning permission is sought would be positioned on the southern and eastern parts of the application site. The southern (front) part of the proposed house would be two storeys in height and would face towards the public road of Templar Place. It would have a predominantly dual pitch roofed form with a two-storey flat roofed component on its rear (north) side and a flat roof dormer on its rear roof slope. Roof windows would be installed on its rear (north) and front (south) roof slopes. The rear part of the proposed house, which would extend northwards on the plot and would be built along the eastern side of the site, would be in part single storey and in part one and a half

storey with accommodation in its roof space in height. The single storey component would be attached to the north elevation of the two-storey southern (front) component of the proposed house and would be aligned parallel with the east boundary of the site and would have a predominantly flat roofed form. The majority of the roof of this part of the proposed house would be finished with a 'green' sedum roof. The exception to this would be its northern end where a first-floor balcony/roof terrace would be formed at the juncture with the one and a half storey component of the proposed house. The one and a half storey component of the proposed house would be attached to the northern end of the single storey component. It would have a dual pitched roof form with roof windows over its roof ridge and ten solar photovoltaic panels installed on its west facing roof slope.

The external finishes of the walls of the proposed house would comprise a combination of natural rubble stone reclaimed from the down-taking of the existing house and boundary walls of Briar Cottage, a rendered finish with quoin stones and vertical larch timber cladding. The dual pitched roof would be clad with natural slates. No specification for the roof finish of the flat roofed areas of the proposed house has been provided. Dormer roofs and cheeks would be finished with zinc. The frames of the windows and external sliding doors would be of painted timber construction and the external doors and their frames would also be of timber construction with a natural finish.

A detached single storey outbuilding with a mono-pitch roof would be positioned to the north of the proposed house and would be positioned with its rear elevation abutting the east boundary wall of the site. This building would be designed to contain a small study, store and garden store. Its external walls would be finished with vertical larch timber cladding and its mono-pitch roof would be clad with powder coated corrugated steel roofing.

Off-street parking spaces would be provided on the northern (rear) part of the site. The existing vehicular access from Templar Place would be relocated further to the west and a proposed driveway would be formed along the western side of the site. The parking spaces on the northern part of the site would be access via the proposed driveway. New 1.8 metres high vertically boarded timber gates would be erected at the vehicular access in a position set back some 8.5 metres from the edge of the public footpath on the north side of Templar Place.

The existing lengths of roadside boundary wall of the plot would be taken down and a new length of 600mm high roadside boundary wall would be constructed using the existing reclaimed stone and copes from the removed lengths of wall. New 600mm high black painted metal railings would be erected on top of the new length of wall giving an overall height of some 1.2 metres. New pedestrian accesses would be taken through the new roadside boundary wall to the front door of the proposed house and black painted metal pedestrian gates would be installed at those accesses. Otherwise, existing stone boundary walls of the east, west, and north boundaries of the site would be retained.

The application is accompanied by the following reports:

- Supporting Planning Policy Statement - Update October 2025;
- Outline Cost for the repair and alteration of Briar Cottage - Update Nov 2024; and
- Bat and Breeding Bird Survey - July 2025.

In the Supporting Planning Policy Statement, the applicant's agent sets out the condition of the building and what in their opinion are the relevant Local Development Plan policies and other material considerations relevant to the proposed development and the Applicant's Agent's interpretation of those policies and considerations relative to the proposed development for the demolition of the existing house and the erection of a

replacement house on the site.

In accordance with Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) a design statement has been submitted with the application. In the Design Statement it is explained that the design principles for the new house are: (i) to replace the existing house with a new house of traditional form that is better suited to the size and its presentation onto Templar Place, whilst making best use of the land and aspect available to the plot; (ii) ridge and eaves heights tying into those of surrounding houses; (iii) use of vernacular forms and materials that connect it to the neighbouring properties; and (iv) vertical elements of the front elevation of the proposed house reflecting the vertical elements of neighbouring front elevations. The Statement further explains that the greater footprint of the new house is broken up into components and that this and the use of materials and window positioning is used to visually reduce its massing and impact on neighbouring properties, and that the design of the new house is a reflection of current day materials and technology.

Through separate application Ref. 24/00810/CAC conservation area consent is separately sought for the demolition of the existing house of Briar Cottage, an outbuilding and boundary walls. That application stands to be determined on its own merits and is reported through the Council's Committee Expedited List.

Since the application was registered the proposals have been amended to:

- i) reduce the height and footprint size of the proposed house;
- ii) make alterations to the architectural design and external finishes of the proposed house;
- iii) provide biodiversity enhancement and carbon emissions reduction statements and a bat roost survey;
- iv) address requests made by the Council's Road Services;
- v) clarify details of external finishes of the proposed development; and
- vi) provide scale drawings for the proposed bin store and boundary enclosures.

These changes and information are detailed on amended application drawings and in additional supporting reports.

Following the initial registration of the application, changes have been made to the design of the proposed development, and those changes were considered to be material. As a consequence, the application has been re-advertised and the neighbours re-notified.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this planning 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 (ELLDP).

NPF4 policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, woodland and trees), 7 (Historic assets and places), 9 (Brownfield, vacant and derelict land and empty buildings), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local living and 20 minute neighbourhoods), 16 (Quality homes), and 22 (Flood risk and water management) and ELLDP policies RCA1 (Residential Character and Amenity), CH2 (Development Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground

Development), T1 (Development Location and Accessibility), T2 (General Transport Impact), DC6 (Development in Coastal Areas), DC8 (Countryside Around Towns), DC9 (Special Landscape Areas), W3 (Waste Separation and Collection), NH8 (Trees and Development), NH10 (Sustainable Urban Drainage Systems), NH4 (European Protected Species) and NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species) 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 states 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. Proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

## **REPRESENTATIONS**

A total of 16 public representations to the application have been received.

In response to the initial notification and advertisement of the application, a total of eight representations were received to the application. Seven of those representations raise objection to the proposed development and the one remaining representation neither objects to nor supports the application.

In response to the second notification and advertisement of the application a further eight (8) representations have been received. Six of those representations raise objection to the proposed development. One of the two remaining representations is made in support of the application and the remaining representation neither objects to nor supports the application.

In total fourteen representations raise objection to the proposed development and the main grounds of objection as summarised are:

i) road and pedestrian safety concerns during construction due to the narrow width of Templar Place/Templar Lane from which the site would be accessed;

ii) the demolition of the existing house would be out of keeping and at odds with the character of this part of the conservation area, which has already been destroyed by the erection of the neighbouring Aros House;

iii) the owner of the property has left it to become rundown and dilapidated, and it is disappointing that they have not sought to maintain the property and modernise it, rather than replace it;

iv) there have been many unsuitable new builds in the conservation area that have been harmful to the conservation area and another one is not needed;

v) the proposed development will be an overdevelopment of the site that would be of a size and scale out of keeping with the majority of properties in this part of the village;

- vi) the demolition of the existing house and erection of a new house is likely to impact the golf club land during demolition and construction;
- vii) the proposed development would be out of character with the conservation area;
- viii) the proposals will be harmful to neighbouring amenity through overlooking and loss of sunlight;
- ix) the proposals appear to be more like two new houses than one new house and would be an overdevelopment of the site and not appropriate to the area;
- x) loss of views from neighbouring properties;
- xi) the preservation of the character of Templar Place, which comprises large and small houses sitting alongside each other in an uneven manner, is important to the character of this part of the conservation area and further modernisation in this area would erode this;
- xii) the existing house has been deliberately left empty;
- xiii) concerns about sewage problems in the area that would be exacerbated by the proposed large new development;
- xiv) concerns about road safety;
- xv) no traffic management plan submitted with the application; and
- xvi) Briar Cottage is a traditional golf villa within the conservation area and adds to the character of the village.

The neighbouring house of Aros House to the east does not set a precedent for development and the proposed development stands to be considered on its own merits.

A loss of a private view as a consequence of a proposed development is not a material planning consideration in the determination of an application for planning permission.

One of the two remaining representations is made in support of the application and as summarised the main supporting comments are:

- i) Briar Cottage, although old, is not a protected building, is smaller in height than the neighbouring buildings and appears to have little architectural merit; and
- ii) the proposals would be a tasteful, environmentally sustainable energy efficient house and would be appropriate to its location and a positive addition to Templar Place.

This representation refers to a social media campaign directed against the proposals and the applicant.

The remaining representation neither objects to nor supports the application and as summarised the main comments are:

- i) the construction work for the neighbouring house of Aros House to the east was extensively disruptive to the area over a long period, including frequent road blockages, delivery and refuse collection delays and construction traffic complications. Should similar problems arise they would be likely to be compounded by a new one-way road system on Templar Place/Templar Lane;

ii) a clear traffic management plan should be in place if demolition of the existing house and the erection of a replacement house is supported.

One further representation has been received out of time.

One of the representations comments that the proposals should be the subject of proper consultation with neighbours and the wider community.

The application has been the subject of neighbour notification and advertisement in accordance, respectively, with the requirements of Regulations 18 and 20 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

## **COMMUNITY COUNCIL**

Gullane Area Community Council (GACC) has been consulted on the application. GACC comment as follows:

(i) concerns that the overall scale of the proposed development is not appropriate on this narrow site and the proposals are for the equivalent of two houses on the site;

(ii) parking spaces are located at the northern end of the site, far distant from the front access and it is hard to imagine that the occupants would park anywhere other than on the street, potentially inconveniencing other residents, rather than using the parking on the northern part of the site. The parking layout makes more sense if the proposed house were divided into two houses; and

(iii) the proposals would add extra load on a sewerage system that is already overloaded.

The GACC therefore raise objection to the application and ask that the application be refused.

## **PLANNING ASSESSMENT**

The application site is already in established residential use by the presence on it of the property of Briar Cottage. It is part of a larger area that is covered by Policy RCA1 of the ELLDP and thus is designated as being of predominantly residential character and amenity. To the north, east and west of the application site are residential properties. The re-development of the site would amount to the erection on it of one replacement house. The proposed house would be infill housing development in a predominantly residential area. Accordingly, the erection of a replacement house on the application site does not, in principle, conflict with ELLDP Policy RCA1.

Policy RCA1 of the ELLDP does not actively promote the development of land for new build housing development. Policy RCA1 does however state that infill and backland development will be assessed against Policy DP7 of the ELLDP.

ELLDP Policy DP7 states that, amongst other principles of development, infill, backland and garden ground development must by its scale, design and density be sympathetic to its surroundings and should not be an overdevelopment of the site.

ELLDP Policies DP1 and DP2, amongst other matters, require that all new development must be well designed and integrated into its surroundings such that it would 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.

Policy 7 of NPF4 and ELLDP Policy CH2 state that 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.

Briar Cottage forms part of a row of buildings on the north side of Templar Place that front onto that road and face south towards the adjacent golf course land. The south elevations of the buildings are positioned a relatively uniform distance away from the back edge of the footpath on the north side of the road. The buildings of the row are of a loose fit with variable widths of gaps between them, and some of them filling the full width of their plot. They are also of variable size, height, massing and architectural style, including the relatively recent replacement house of Aros House to the east of the site. The external walls of the buildings are predominantly of natural stone, however the external walls of Aros House to the east and Templecroft further to the east at the eastern end of Templar Place and the properties of Linkfield Cottage and Links Cottage further to the west at the western end of Templar Place are finished with a painted render.

The principal considerations in the determination of this application is whether or not the proposed house as a replacement for Briar Cottage would be appropriate to its place and would preserve or enhance the special architectural or historic character or appearance of the Conservation Area.

Whether or not the demolition of the existing house of Briar Cottage is acceptable in terms of relevant development plan policies is assessed through the associated conservation area consent application Ref. 24/00810/CAC, which is at this time reported through the Council's Committee Expedited List.

Whilst it is not essential to replicate existing building styles to build successfully in a conservation area and indeed in other locations, new development should nevertheless reflect its setting and local forms of building and materials. The aim should be to have buildings looking different without detracting from any sense of unity and coherence for the development of the wider neighbourhood.

The Gullane Conservation Area Character Statement refers to the Gullane Conservation Area comprising two distinct character areas; the higher density development within and adjacent to the Town Centre and the lower density Gullane Hill area and states that 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 application site is located to the south of the Gullane Local Town Centre and as such is within the higher density segment of the Conservation Area, which is described as comprising Edwardian three-storey parades on the Main Street, giving it an urban feel and giving 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 course land to the south and southwest enhance the setting of the town and green areas extend to the Main Street in places, enhancing the amenity of the village centre.

The houses of the row on the north side of Templar Place are of variable size, height and architectural style, and there is no uniform architectural form or character to this part of Gullane. Aros House to the east is itself a replacement house, built some 10 years ago. It is a two storey house with one and half and single storey components that extends along the length of its plot from south to north. Its external walls are finished with render and its roof is clad with natural slates. Templecroft, further to the east, is a two-storey house with

wall-head dormers and its external finishes are render and natural red clay pantiles. To the west is the semi-detached pair of two-storey buildings comprising The Turret and Fairways, and Greenways and Yair. Each semi-detached building comprises an upper and a lower villa. The building of The Turret and Fairways includes a two-storey bay window and piended roof dormers on its front (south) elevation. The building of Greenways and Yair includes piended roof dormers on its front (south) elevation. The external finishes of The Turret and Fairways and of Greenways and Yair are natural stone with slated roofs. Further to the west on the opposite side of Templar Lane are the residential properties of Linkfield Cottage, Links Cottage and Strathview, all two storey houses that front towards the golf course land to the south of Templar Place. Linkfield Cottage and Links Cottage are a pair of semi-detached houses with rendered external walls and a plain clay tile roof and with a two-storey bay window on each of their front (south) elevations. Strathview has a predominantly natural rubble stone finish with a plain clay tile roof and two ground floor bay windows with canopy roof across its' front (south) elevation. Not forming part of the row of Templar Place but to the north of the application site is the residential property of Winn Cottage, which is single storey in height with accommodation in its roof space and has rendered external walls and a slated roof. Winn Cottage forms the eastern end of a row of three cottages (Winn Cottage, Cob Cottage and Templar Cottage) that are positioned to the rear of and parallel with the properties of Templar Place. In such position, these three cottages sit between the properties of Main Street and those of Templar Place.

The residential buildings to the west of the application site have two-storey additions added to their north (rear) elevations. Those additions are of different sizes and extend northwards between 3.8 metres and six metres. The rear part of Aros House to the east of the site extends for almost the full length of its plot, some 30 metres, and that rear part of that neighbouring house varies between single and one and a half storeys in height. The row of single storey with attic accommodation cottages to the north of the site have dormer windows on their south elevation roof slopes and Cob Cottage and Templar Cottage have been extended on their north side with a first-floor extension giving them a flat roofed two storey form on their north side. In all of this, it is apparent that the nearby and neighbouring properties have been subject to alteration and extension, and it is in this context that the proposed house must be considered.

To varying extents, the houses of the north side of Templar Place include some traditional architectural features, including quoins, window and door bands, traditional windows and chimneys, and they are all set back from the public footpath and road across small garden areas that are predominantly enclosed along their roadside boundaries by low natural rubble stone walls with either planting behind them or metal railings on top of them.

To the rear of the existing house, the land of the site slopes gently upwards in a northerly direction such that the northern end of the site is some 0.85 of a metre higher than the existing house and some 1.25 metres higher than the footpath on the north side of Templar Place. It is proposed that the main component of the proposed house would be positioned on the southern part of the site and that the land to the north of the proposed house would be excavated to create a shallower incline on the site and the rear components of the proposed house and the associated proposed outbuilding would be set down into the site.

The two-storey southern (front) component of the proposed house would have a roof ridge height of some 8.6 metres above ground level. At such height, it would be some 2.2 metres higher to its roof ridge than the existing house of Briar Cottage that it would replace and some 1.3 metres lower than the adjacent Aros House to the east and The Turret and Fairway to the west. The one and a half storey component of the proposed house that would be positioned further north on the plot would have a roof ridge height of some 7.2 metres above ground level and the intervening single storey component would

have a height of some three metres above ground level.

At its proposed 8.6 metres height above ground level, the two-storey southern (front) component of the proposed house would not be out of keeping with the varied heights of the houses and buildings fronting onto the streetscape of Templar Place within which context it would be viewed. Furthermore, in the context of the two storey rear components of neighbouring houses to the east and west, the 7.2 metres height of the one and a half storey component of the proposed house and the three metres height of the single storey component of the proposed house would not be out of keeping with the heights of the rear components of neighbouring houses. Furthermore, those rear components of the proposed house would not be readily visible in public views other than for short duration glimpsed views in the gaps between buildings. Accordingly, at the heights proposed for it, the proposed replacement detached house would sit comfortably in its relationship with the heights of the built form of Templar Place and neighbouring streets.

Although the southern (front) component of the proposed house would extend across more of the frontage of the site with Templar Place than does the south elevation of the existing house of Briar Cottage, that greater filling of the frontage of the site would still leave a gap of some 3.5 metres to the west side of the proposed house to an extent that would not significantly change the characteristic loose fit pattern of the streetscape of the north side of Templar Place.

The existing houses of Templar Place are positioned so that they face south towards Templar Place, and the two storey southern (front) component of the proposed house would also have its front (south) elevation positioned so that it would face towards Templar Place.

The row of houses on the north side of Templar Place are not positioned a uniform distance away from the edge of the public footpath and road. The properties of Templecroft, The Turret, Fairways, Yair and Greenways are all positioned a similar distance, some 7 metres, back from the edge of the public road. However, Briar Cottage and Aros House are positioned some 3 - 3.5 metres closer to the public road and footpath. In the position proposed for it and by the stepped form of its south (front) elevation with a forward projecting front gable element, the south (front) elevation of the proposed house would in part generally align with the south (front) elevation of the property of Fairways and The Turret to the west and its projecting front gable would project further southwards to a similar position to that of the south (front) elevation of Aros House to the east. In all of this the position of the south (front) elevation of the proposed house would generally be on an alignment with the south (front) elevations of the neighbouring houses of Templar Place and would be little different to the relationship of Briar Cottage with the road and the frontages of the houses on either side of the application site. Thus, the positioning of the proposed house would respect the general building line of the front elevations of the houses of the row of Templar Place and would not significantly alter that characteristic of the streetscape on the north side of Templar Place.

The southern (front) part of the proposed house would occupy a larger amount of the southern part of the site than does the existing house of Briar Cottage and the overall footprint of the proposed house would extend northwards on the plot, although not to the same extent as does Aros House to the east. Notwithstanding that the southern (front) part of the proposed house would occupy a larger amount of the southern part of the site than does Briar Cottage, and that the size, shape and positioning of its overall footprint would occupy a noticeably greater area of the site than does the footprint of Briar Cottage, the proposed house would nonetheless, in footprint size, occupy some 36% of its plot and thus would occupy a similar amount of its plot as do the nearby and neighbouring houses. Surrounding plot densities for ratios of built form to garden ground for nearby and

neighbouring properties vary from the existing Briar Cottage at some 12% of its plot, Templecroft, Rose Cottage, Fairways/The Turret, Winn Cottage at some 26% of their plots, Cob Cottage, Aros House, Greenways/Yair at some 31% to 34% of their plots, up to Templar Cottage at some 47% of its plot. Thus, at some 36% of its plot, although the proposed house would occupy a noticeably greater area of the plot than does the existing house of Briar Cottage, it would not be an overdevelopment of the site and would not harmfully distort the pattern and density of the built form of Templar Place and this part of Gullane. The proposed house would retain garden ground, driveway and parking areas on the site to the south, west and north of its position on the plot.

The proposed house would extend for a length of some 34 metres of the plot. Its main two-storey southern (front) component would be positioned on a general alignment with the neighbouring two-storey buildings to the east and west of the site and in such position the two storey component of the proposed house would not have a dominant or harmfully overbearing affect on the neighbouring houses to the east and west. In their positions to the rear of the two storey component of the proposed house, the single storey and one and a half storey rear components of the proposed house would not be readily visible in the streetscape, other than for in glimpsed views in the gaps between the buildings. The single storey component of the proposed house would extend for some 10 metres and the one and a half storey component would extend for a further 11 metres. Both the single storey and the one and a half storey components would be set away from the east boundary of the site by some 1 metre. The east boundary wall of the site is some 2 - 2.3 metres in height. At some 3 metres in height and positioned as it would be alongside the 2.0 - 2.3 metres high east boundary wall of the site, only the upper parts of the wall and the flat roof of the proposed single storey component of the proposed house would be visible from the neighbouring house and garden (Aros House) to the east. The proposed one and a half storey component of the proposed house, at some 7.2 metres in height to its roof ridge would be readily visible from the neighbouring property to the east. In the context of the heights of the rear components of the proposed house, the heights of the east boundary wall of the site and that the roof of the one and a half storey component would slope away from the garden and house to the east, consequently, these rear components of the proposed house would not have a dominant or harmfully overbearing affect on the neighbouring house and garden to the east. The single storey and one and a half storey rear components of the proposed house would be set some 6.5 - 9.8 metres away from the west boundary of the site and in such position relative to the west boundary of the site and the two storey rear component of the neighbouring residential property of Fairways and The Turret, the proposed house would not appear harmfully dominant or overbearing when viewed from the neighbouring house and garden to the west. The north elevation of the one and a half storey rear component of the proposed house would be positioned some 12 metres away from the north boundary of the plot with the garden of Winn Cottage. In such position, the proposed house would not appear harmfully dominant or overbearing when viewed from the neighbouring house and garden to the north.

The proposed house would be a modern interpretation of traditional form and architecture, reflecting the proportions, including window proportions, of the neighbouring and nearby houses and buildings. Its front projecting two storey gable would have similar proportions to two storey bay window features of neighbouring buildings and to the proportions of two storey front projecting gables of other buildings visible in views of this part of Gullane. The windows of buildings in the locality are predominantly sash and case or of a sash and case style, however there are also casement style windows visible in the locality and there is no uniformity of glazing pattern with plain glazed and multi-pane glazing evident in the area. The windows of the proposed house would be plain glazed. The majority of those of the south (front) elevation would have an internal opening method and would be fitted with a clear glazed balustrade, and by virtue of its height, the top edge of that balustrade would give the impression of a horizontal glazing bar bisecting the window in a similar manner to

the glazing patterns of the windows of nearby properties. Although it would be distinct in its own design and would not be a pastiche design, nevertheless the proposed house has in its design some elements of architectural form, proportions and detailing that would enable it to sit comfortably with the varied architecture of the buildings of Templar Place and with the greater character and appearance of this part of the Conservation Area.

Only its southern (front) component, which would be finished using natural stone and render for its walls finishes and natural slate and zinc for its roof finishes, would reflect external finishes of those neighbouring and nearby houses and buildings. Otherwise, it would have a contemporary timber boarded finish to the external walls of its rear components with natural slate, sedum and corrugated profile roof sheeting for its roofs. In this the proposed house would be different to the existing house of Briar Cottage that it would replace.

The application drawings propose the use of reclaimed natural stone from the down-taking of the existing house and boundary walls in the finishes of the south (front) elevation and the east and west side elevations of the projecting gable component of the proposed house. Otherwise, the side and rear elevation walls of the front two storey component of the proposed house would be finished with a white coloured stippled render. The use of such reclaimed natural stone and a white coloured stippled render would be in keeping with the external finishes of the area, and the specific details of these external finishes could be secured through a condition attached to a grant of planning permission.

The roofs of the houses and buildings in the locality are predominantly finished with either natural slates, natural clay pantiles or natural plain clay tiles (rosemary tiles). In this context the use of natural slates for the finish of the pitched roofs of the proposed house would be in keeping with the palette of external finishes of the locality. The details of the flat roof finish of the flat roofed two storey element of the south (front) component of the proposed house could be secured by a condition of a grant of planning permission.

The use of vertical board larch cladding with a natural finish for the external walls of the single storey and one and a half storey components of the proposed house is not a material commonly used within the conservation area. However, there are other instances elsewhere in the conservation area where vertical board timber cladding, either painted or left natural, is visible within the streetscape. As the external wall finish for the rear components of the proposed house, such vertical board timber cladding would only be visible in glimpsed views between the buildings. It would harmonise with and complement the render and natural stone finish of the two-storey front component of the proposed house and would not appear harmfully at odds with the existing palette of external finishes of the buildings of this part of Gullane.

The use of a sedum roof on the single-storey rear component of the proposed house would not be readily visible in public views but rather if visible would only be visible in glimpsed views between the buildings. Such roof finish would not have a harmful impact on the character and appearance of the area or of this part of the Conservation Area. It can also be concluded that the sedum roof would help to absorb surface water run-off and would contribute to biodiversity on the site.

The frames of the windows and external doors including sliding patio doors would be of timber construction and the frames and timber parts of the windows and external sliding patio doors would have a pebble grey (RAL 7032) painted finish. The frames of the windows of neighbouring houses in the locality are predominantly of white painted timber construction, however there are some which have a timber stain/varnish finish. External doors and their frames of existing neighbouring houses are of painted or stained timber construction. The windows and external sliding patio doors of the rear components of the

proposed house and of the north (rear) elevation of the proposed house would be well concealed from public view due to their positioning on the rear of the proposed house and thus would not be readily visible in public views, and as such the pebble grey (RAL 7032) painted finish of these timber framed windows and external sliding patio doors would not have an appreciable effect on the character and appearance of this part of the Conservation Area. However, such pebble grey painted finish of the frames of the windows of the south (front) elevation of the proposed house would be readily visible in public views from Templar Place. Although the frames of the windows of the houses and buildings of this part of Gullane predominantly have a white painted finish there are nonetheless some windows which have a timber stain/varnish finish and in this context the pebble grey finish of the proposed window frames would not be so out of keeping with the external finishes and colours of this part of Gullane so as to appear harmful to the character and appearance of the streetscape or of this part of the Conservation Area.

Subject to the proposed roof windows being installed as flush fitted as possible with the surface of the roof into which they would be installed and their frames being dark coloured or black, details that could be secured through conditions attached to a grant of planning permission, in the context of other roof windows that are visible in the area, the proposed roof windows would not appear as an overdevelopment of the roof slopes of the proposed house and would not cause the proposed house to appear harmfully intrusive within the streetscape and would not be harmful to the character of the area or of this part of the Conservation Area.

In all of this, the palette of external finishes of the proposed house would be suitably expressed relative to the architectural style of its different component parts and would be sufficiently in keeping with the palette of external finishes in this part of Gullane so as not to appear harmfully at odds with the character of the area, including this part of the Conservation Area.

The proposed solar panels would be positioned on the west elevation roof slope of the rear one and a half storey component of the proposed house. In such positioning they would not be readily visible in public views from Templar Place however they would be visible in part in long range views from Templar Lane to the west. In such views as there would be of them, the proposed solar panels would be seen against the backdrop of the greater scale and massing of the roof of the one and a half storey component of the proposed house and in the context of the surrounding houses and buildings, and furthermore they would be viewed against the dark grey colouring of the natural slate finish of the roof on which they would be positioned. Subject to the solar panels being fitted integrally with the roof finish of that part of the proposed house, they would not be an overdevelopment of the roof slope and would not appear as a dominant feature on the roof of the proposed house. They would not appear harmfully intrusive in public views of them or cause the proposed house to appear harmfully intrusive within the streetscape, and thus would not be harmful to the character of the area or of this part of the Conservation Area.

The southern (front) component of the proposed house would be readily visible in public views of the streetscape of Templar Place. However, the rear components of the proposed house would be largely contained by surrounding built form and would not therefore be readily visible in public views other than in short duration glimpsed views between buildings. In such views as there would be of the proposed house, it would be viewed in the context of the varied heights, scale, massing and architectural forms and finishes of the neighbouring and nearby buildings. On all of these foregoing design considerations, by virtue of its architectural form, height and external finishes, the proposed house would harmonise with and sit comfortably alongside the existing built form of the adjacent buildings. The proposed house would be an appropriate addition to the streetscape that would add architectural interest to the appearance of Templar Place and would be

acceptably designed for its proposed place. By virtue of its size, height, scale, massing, form and finishes, the proposed house would be appropriate to its place and would not harm the character and appearance of the streetscape or the character and appearance of this part of the Gullane Conservation Area.

It would not be a cramped or contrived form of infill development on the site. Rather it would sit comfortably in the streetscape of Templar Place, respectful of the characteristic density and pattern of development of this part of the Conservation Area and thus would be an acceptable replacement for Briar Cottage.

The proposed outbuilding would be single storey in height and positioned on the northern part of the site. It would abut the east boundary wall of the site and would have a simple rectangular footprint measuring some 7.0 metres by some 3.0 metres. Its external walls would have a vertical timber board cladding and its mono-pitch roofed would be finished with a corrugated roofing material. In its position on the northern part of the plot the proposed outbuilding would not be readily visible in public views within the streetscape or wider area. Subject to the colour of the corrugated profile roof sheeting being agreed in advance with the Planning Authority, a detail that could be secured through a condition on a grant of planning permission, by virtue of its size, scale, height, form and external finishes, the proposed outbuilding would be a subservient structure within the garden of the proposed house and by virtue of its positioning, it would not have an appreciable impact on the character and appearance of the area.

A proposed air source heat pump (ASHP) would be installed to serve the proposed house. It would be small in size and scale and would be positioned alongside the north elevation of the proposed outbuilding on the northern part of the site. In such position on the site and by virtue of the existing boundary walls that enclose the east, west and north boundaries of the site and its' positioning to the rear of the proposed house and outbuilding, the proposed ASHP unit would not be visible in public views within the streetscape or wider area. The proposed ASHP unit would not appear as overly dominant addition to the plot. It would be viewed in the context of its relationship with the proposed house it would serve and the greater scale and massing of the buildings on the plot and would not be an overdevelopment of the plot. They would not be harmful to the character and appearance of the proposed house or to the character and appearance of the area, including of this part of the Conservation Area.

A bin storage structure is proposed to be positioned to the south (front) of the proposed house. It would measure some 2.3 metres in length by some 0.7 of a metres in depth and would be some 1.2 metres in height and would be finished with vertical timber board cladding (natural finish) to its walls and roof. It would be positioned alongside the 1.25 metres high east boundary wall to the south (front) of the proposed house. By virtue of its dimensions the proposed bin storage structure would be small in size and scale. In its proposed position the proposed bin storage structure would be readily visible in public views from Templar Place. However, it would be seen against the backdrop of the 1.25 metres high east boundary wall of the southern part of the site and in the context of the greater massing of the proposed house and the neighbouring houses to the east and west. By virtue of its small size and scale it would not appear harmfully dominant within the streetscape. A similar bin storage structures is located to the south (front) of the neighbouring house of Aros House to the east. Subject to it being the natural finish proposed for it or a colour of paint, stain or timber preservative to be approved by the Planning Authority, a detail that could be secured through a condition attached to a grant of planning permission, the proposed bin storage structure, by virtue of its size, scale, proportions and external finish, would not be harmful to the character and appearance of the proposed house or the character and appearance of the streetscape, including this part of the Conservation Area.

It is proposed to form hardstanding areas to the south (front), west (side) and north (rear) sides of the proposed house in the form of a driveway, parking and turning area, footpaths and patio areas. The driveway, parking and turning area would be surfaced with a combination of natural stone sett cobbles and gravel and the footpaths and patio areas would be surfaced with natural stone paving. In their immediate relationship with the proposed house and by their ground level form and surface finishing materials, the proposed hardstanding areas would be appropriate within the garden of the proposed house and would not be harmful to the character and appearance of the streetscape or of this part of the Conservation Area.

The application drawings show that the existing natural stone boundary walls of the west, north and east boundaries of the site would be retained in situ unchanged, and that the existing natural stone boundary walls of the east and west boundaries of the southern part of the site (forward of the proposed house) would also be retained in situ unchanged.

The existing natural rubble stone south roadside boundary wall and black metal railings and gates of the site would be removed and a new length of low natural rubble stone roadside boundary wall with black painted metal railings and black metal pedestrian gates, all with an overall height of 1.2 metres would be erected. The new natural rubble stone wall would be constructed using the natural rubble stone taken from the down-taking of the existing length of wall and new curved cope stones would be added. With the exception of the new vehicular access, the new wall with railings would extend across the frontage of the site and would curve round along the east side of the proposed driveway towards the south (front) elevation of the proposed house.

New 1.8 metres high vertical boarded timber gates with a grey paint finish would be erected across the proposed driveway and would be positioned set back some 8.5 metres from the back edge of the public footpath on the north side of Templar Place and some 2.0 metres from the south (front) elevation of the proposed house.

In the context of the existing vehicular and pedestrian accesses of the north side of Templar Place, including of the application site, the blocking up of the existing vehicular and pedestrian accesses in the south (roadside) boundary of the site and the formation of new vehicular and pedestrian accesses in different positions on that boundary of the site would not be out of keeping with the character of the streetscape.

The proposed new length of roadside boundary wall, railings and gates and the proposed driveway gates would be readily visible in public views from Templar Place. Subject to the new length of roadside boundary wall being constructed using natural rubble stone from the down-taking of the existing length of roadside boundary wall, or natural rubble stone of similar colour and facing to the existing natural rubble stone walls of the site, the erection of the new length of roadside boundary wall and the erection of the black metal railings and pedestrian gates would not have an appreciable effect on the frontage of the site and would not be harmful impact on the character and appearance of the streetscape or of this part of the Conservation Area. In this part of Gullane there are a number of pairs of timber vehicular gates of similar height that are painted or stained a variety of colours. In this context the proposed 1.8 metres high timber boarded vehicular access gates and their finishing colour would be sufficiently in keeping with the variety of boundary enclosures including gates along the roadside frontages of Templar Place and the wider area. Accordingly, they would not be harmful to the character and appearance of the streetscape or of this part of the Conservation Area.

In that the proposed development would be an appropriate and sympathetic form of infill development of this part of Gullane that would not be harmful to the character and

appearance of this part of the Conservation Area, it would not be harmful to the setting of the adjacent North Berwick to Seton Sands Coast Special Landscape Area or the Gullane Area "Countryside Around Towns" area.

The application site is part of the developed coast as defined by Policy DC6 of the ELLDP. ELLDP Policy DC6 states that new development within the developed coast will be supported in principle if it complies with other relevant Plan policies.

In that the proposed development would be an appropriate and sympathetic form of infill development of this part of Gullane that would not be harmful to the character and appearance of this part of the Conservation Area and would otherwise not conflict with other relevant development plan policies, it would not detract from this part of the East Lothian developed coast area of which it is a part and thus would not conflict with ELLDP Policy DC6 on matters relating to development within the Developed Coast.

The **Council's Archaeology Officer** advises that, although of some age, the existing house is not listed as being of special architectural or historic interest and has seen significant alterations over the years, and the earlier remains are significantly obscured by later interventions. Therefore, on balance the Archaeology Officer has no comment to make regarding the proposals in relation to the historic environment.

There is sufficient land within the site to accommodate the proposed house and associated works with a sufficient sized garden and adequate parking provision and vehicular access without there being an overdevelopment of the site.

On all of these foregoing considerations of design, layout and density, the proposed house and associated works, by virtue of their sizes, heights and positioning and by their relationship with their surroundings, including the built forms and layouts of the neighbouring houses, would not, as a form of infill development, be harmful to the character and appearance of the area or of this part of the Conservation Area and does not conflict with Policies 4, 7, 14 and 16 of NPF4 or Policies DP7, DP2, DP1, CH2, CH4, DC6, DC8 and DC9 of the ELLDP.

ELLDP policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed development 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.

There are two windows on the west facing gable of Aros House to the east, one at ground floor level and one at first floor level. In its position and by virtue of its height and orientation, the proposed house would have an impact on the daylight received by these two windows of the neighbouring house to the east. However, those windows each serve a bathroom and, in accordance with the Guide, they serve rooms that do not have a special requirement for daylight.

Otherwise, by virtue of their height, positioning, orientation and distance away from the neighbouring houses to the east, north and west, the proposed house and outbuilding would not, in accordance with the Guide, give rise to a harmful loss of daylight to any neighbouring residential properties and therefore would not have a harmful effect on the residential amenity of them.

On application of the sunlight test, the proposed house, by virtue of its position would result

in some overshadowing of the rear gardens of the houses of Aros House to the east, Templecroft further to the east, The Turret and Fairways to the west, Greenways and Yair further to the west, Winn Cottage to the north, and Cob Cottage and Templar Cottage to the northwest. However, the resulting overshadowing to each of those gardens would not, in accordance with the Guide, be of an amount and for such an extended period of the day that it would result in a harmful loss of sunlight to those neighbouring gardens.

In turn, the proposed house would receive a sufficient amount of daylight and its garden a sufficient amount of sunlight.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

There are no neighbouring residential properties to the south of the application site.

The east side elevation of the proposed house would in part abut the east boundary of the site and would in part be set some 1 metre away from that boundary. Other than one ground floor kitchen window and a row of four roof windows, there would be no other windows or other glazed openings on the east elevation of the proposed house. This window and roof windows would be less than 9 metres away from the garden of the neighbouring house and less than 18 metres away from directly facing windows of that neighbouring house. The row of roof windows would be positioned along the roof ridge of the pitched roof of the one and a half storey rear component of the proposed house and their lower sills would be more than 1.8 metres above the finished floor level of the room they would serve and, in such position, the roof windows would not allow for harmful overlooking of the neighbouring house and garden to the east. The ground floor kitchen window would be positioned alongside the east boundary wall of the site, which at that location is some 2.0 metres high and would prevent overlooking of the neighbouring garden and house to the east from that window. Accordingly, the proposed development would not allow for any harmful overlooking of the neighbouring house and garden to the east.

The north elevation of the front two-storey component of the proposed house would be some 30 metres away from the north boundary of the site. At such distance the windows and other glazed openings of that elevation would not result in any harmful overlooking of the neighbouring house and garden to the north.

The north elevation of the rear one and a half storey component of the proposed house would be some 12 metres away from the north boundary of the site and some 18 metres away from the south elevation of the house of Winn Cottage to the north. At such distances, the proposed development would not result in any harmful overlooking of the neighbouring house and garden to the north.

The west elevation of the proposed house would at its closest be some three metres and at its furthest some 10 metres away from the west boundary of the site. The west elevation of the two storey front component of the proposed house would be some three metres away from the west boundary and there would be both ground floor and first floor windows on that elevation. This part of the proposed house would be positioned alongside the two-storey building of Fairways and The Turret and there are no windows on the east elevation of that neighbouring building. Notwithstanding this, the application drawings show vertical

'brise-soleil' covering the ground floor and first floor windows of this part of the proposed house with the angle of vision directed south along the proposed driveway of the proposed house and along the blank east gable of Fairways and The Turret. Accordingly, the windows of the west elevation of the main two storey front component of the proposed house would not allow for harmful overlooking of the neighbouring properties to the west.

There would be ground floor and first floor windows on the west elevation of the front projecting gable of the southern front component of the proposed house. Those windows would be less than 18 metres away from the east facing ground floor and first floor windows of the two storey projecting bay windows of the front elevation of the building of Fairways and The Turret to the west. In their position some five metres away from the public road and footpath of Templar Place, the ground floor windows of that neighbouring projecting bay window are already overlooked from the public road and footpath and the ground floor window of the west elevation of the front projecting gable of the southern front component of the proposed house would not result in any greater degree of overlooking. Due to their first-floor positioning, the east facing window of the two storey projecting bay window of the front elevation of the building of Fairways and The Turret does not have the same degree of overlooking from the public road and footpath. The application drawings show that the first floor west facing window of the projecting gable of the southern front component of the proposed house would be obscurely glazed. Subject to such obscure glazing, a detail that could be secured through a condition on a grant of planning permission, the first floor west facing window of the projecting gable of the southern front component of the proposed house would not allow for harmful overlooking between these windows.

The west facing windows of the single storey component of the proposed house would be some 10 metres away from the west boundary of the site and would be less than 18 metres away from the ground floor and first floor windows of the east elevation of Fairways (ground floor) and The Turret (first floor). The west boundary of the site is enclosed by a rubble stone wall some 1.4 metres in height and the ground level of the neighbouring properties to the west is slightly lower than that of the application site. The existing boundary wall would afford some screening between the ground floor windows of the existing residential property of Fairways and the proposed house. The windows of the west elevation of the single storey component of the proposed house would serve a corridor/hallway and thus do not serve a habitable room of the proposed house. Thus, although the windows would be less than 18 metres away from the east facing windows of Fairways and The Turret any such overlooking in being only from a circulation space/hallway would not be harmful to the privacy and residential amenity of the neighbouring properties of Fairways and The Turret. Furthermore, the application drawings show the provision of sliding privacy screens in the form of sliding vertical timber 'brise-soleil' for the length of the west facing windows of the single storey component of the proposed house. Accordingly, the west facing windows of the single storey component of the proposed house would not result in harmful overlooking of the neighbouring properties to the west.

The west elevation of the one and a half storey rear component of the proposed house would be some 6.5 metres away from the west boundary of the site with the garden of Fairways and The Turret. There would be ground floor windows and sliding doors in that elevation and roof windows along the ridge of the roof of that part of the proposed house. In their position along the roof ridge of this rear part of the proposed house, the lower sills of the roof windows would be more than 1.8 metres above the finished floor level of the room they would serve, and, in such position, they would not allow for harmful overlooking of the neighbouring garden to the west. The west boundary wall at the position of the one and a half storey rear component of the proposed house is some 1.3 metres in height and at such height is not sufficient to prevent harmful overlooking of the garden of the neighbouring house from the west facing windows of the one and a half storey rear

component of the proposed house. There is some landscape planting within the neighbouring garden however this is not constant along this part of the boundary. Thus, in order to prevent harmful overlooking of the neighbouring garden ground to the west from the west facing ground floor windows of the one and a half storey rear component of the proposed house it would be necessary to increase the height of the west boundary enclosure for the duration of the length of the west elevation of the one and a half storey rear component of the proposed house to a minimum height of some 1.8 metres. A boundary enclosure of such height would be sufficient to prevent harmful overlooking of the neighbouring garden from those windows of the proposed development. The requirement for the increase in height of this part of the west boundary enclosure could be secured through a condition attached to a grant of planning permission. Subject to such planning control, the west elevation windows of the proposed one and a half storey rear component of the proposed house would not result in harmful overlooking of any neighbouring house or garden to the west.

A balcony (roof terrace) is proposed to be formed on the northern end of the roof of the single storey component of the proposed house at the juncture of that part of the single storey component with the one and a half storey component of the proposed house. The balcony (roof terrace) would be some two metres away from the east boundary of the site and would be less than 18 metres away from west facing windows of Aros House to the east. It would be some nine metres away from the west boundary of the site and would not be within 18 metres of any directly facing windows of the residential properties to the west. The balcony would be enclosed on three sides by a glazed balustrade measuring some 1.1 metres in height. On its east side it is proposed to also be enclosed by a privacy screen comprising vertical timber blades that would be positioned at 220mm centres and angled at 30 degrees. Although such privacy screen would reduce the views towards the house and garden of the east, they would not prevent such views and therefore this form of privacy screen is not sufficient to prevent harmful overlooking. It could be made a condition of a grant of planning permission that details of a different form of privacy screen to a minimum height of 1.7 metres and of a sufficient solidity to prevent overlooking be submitted for the prior approval of the Planning Authority and be installed prior to the occupation of the proposed house. Subject to such conditional control, the proposed balcony (roof terrace) would not allow for harmful overlooking of the neighbouring houses to the east and west.

The proposed single storey outbuilding would be positioned to the north of the proposed house. It would abut the east boundary of the site, be some four metres away from the north boundary of the site and be some 12 metres away from the west boundary of the site. It would not have any windows or other glazed openings on its north and east elevations. There would be a door in its south elevation and two doors and a window in its west elevation. It would serve as a garden store, store and study. None of its windows or doors would be less than 9 metres away from a boundary of the site or within 18 metres of any directly facing windows of a neighbouring property. Thus, the proposed outbuilding would not allow for any harmful overlooking of any neighbouring residential property.

In that the application site is within the Gullane Conservation Area, further windows or other glazed openings, including roof windows, could not be formed in any of the elevations of the proposed house without the requirement for planning permission, and thus without the control of the Council as Planning Authority.

On these considerations of overlooking, the proposed house and associated works would not have a harmful effect on the residential amenity of any neighbouring property.

The occupiers of the proposed house would also have sufficient privacy and residential amenity.

On these forgoing considerations of overlooking, overshadowing, privacy and amenity, the proposed development is consistent with Policy 14 of NPF4 and Policies DP2 and DP7 of the ELLDP.

The **Council's Environmental Health** raises no objection to the proposed development.

On the matter of the air source heat pump, the Council's Environmental Health Officer advises that due to the proximity of neighbouring residential properties the operation of the air source heat pump has the potential to cause noise nuisance, and accordingly, he recommends that a condition be imposed on a grant of planning permission to ensure that the noise from the operation of the air source heat pump (ASHP) should not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 23:00 - 07:00 and Noise Rating curve NR25 at any octave band frequency between the hours of 07:00 - 23:00 within any existing residential property, with all measurements to be made with windows open at least 50mm.

The applicant's agent advises that the proposed air source heat pump (ASHP) would comply with 'MCS 020 Planning Standards for air source heat pumps (updated 2025)'.

In that the air source heat pump would comply with 'MCS 020 Planning Standards for air source heat pumps (updated 2025)', it would comply with the requirements of Class 6H of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). In this circumstance, the Environmental Health Officer advises that there would be no requirement to impose the planning control for NR20 and NR25 previously referred to above. The requirement for the air source heat pump to comply with 'MCS 020 Planning Standards for air source heat pumps (updated 2025)' could be secured by a condition of a grant of planning permission. Subject to such control, the proposed development would not have a harmful effect on the amenity of neighbouring properties from noise associated with the operation of the air source heat pump and would not therefore conflict with Policy 14 of NPF4 and Policies DP2 and DP7 of the ELLDP.

The **Council's Senior Environmental Compliance Officer** advises that there is the potential for localised unexpected ground contamination to exist on the site and given the residential nature of the proposed development he recommends that a condition be imposed on a grant of planning permission to ensure that if the presence of any previously unsuspected or unforeseen contamination becomes evident during the development of the site it shall be brought to the Council's attention. This requirement can be made conditional of a grant of planning permission.

Access and parking for the proposed house would be taken directly from the public road of Templar Place via a new vehicular access to be formed on the west side of the frontage of the plot with Templar Place. Off-street parking for at least two cars would be provided to the rear of the proposed house, at the northern end of the site.

The **Council's Road Services** advise that the proposed site layout shows sufficient provision on the site for sufficient on-site parking and a turning area to enable cars to enter and exit the site in a forward gear. Road Services advise that a visibility splay of 2.0 metres by 2.0 metres from the driver's eye height of 1.05 metres to an object height of 0.6 of a metre above the rear of the footpath (as detailed in ELC standards) should be provided at the east side of the new vehicular access of the driveway onto the public road.

Road Services recommend that the following matters be secured by conditions:

(i) Parking for minimum of 2 no. vehicles with associated turning area as shown on drawing

no. 24.02/L(PL)002 C 'Existing and Proposed Site Plans';

(ii) A pedestrian visibility splay to eastern side of the proposed access driveway shall be provided. The splay shall be 2.0 metres by 2.0 metres from the driver's eye height of 1.05 metres to an object height of 0.6 of a metre above the rear of the footway, as detailed in ELC standards;

(iii) The submission of a Construction Method Statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area; and

(iv) Provision of electric vehicle charging.

All of these requirements could be secured by conditions attached to a grant of planning permission.

Subject to the aforementioned planning controls, Road Services raise no objection to the proposed development and the proposed house would be safely accessed and provided with an adequate standard of off-street parking and turning. On these considerations, the proposed development is consistent with Policies T1 and T2 of the ELLDP.

NPF4 policies 13 (Sustainable transport) and 15 (Local living and 20-minute neighbourhoods) seek to encourage development in locations well-served by sustainable transport modes (e.g. public transport, walking, wheeling and cycling).

The proposed development would be located within the urban area of Gullane and would be located to the south of the Gullane Town Centre, less than 200 metres away from the Main Street. In such location, the proposed development would be within reasonable walking distance of local shops and services and of bus stops serving nearby towns and which provide connections to railway stations. In this context and locational circumstances, the proposed development would have reasonably good access to local shops, amenities and facilities and to local public transport services to ensure that its future occupants could meet the majority of their needs within a reasonable distance of their home by walking or wheeling or using public transport. The application site is of a sufficient size to be able to accommodate cycle storage provision. In such locational relationship with local shops, amenities and facilities, and local public transport services, the proposed development would contribute to local living and 20-minute neighbourhoods and accordingly, the proposals do not conflict with NPF4 Policies 13 and 15.

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

Policy 12 of NPF4 encourages sustainable waste management. As a residential use, the general collection and management of waste and recycling from the proposed development would be operated by the Council's Waste Services. The **Council's Waste Services Manager** raises no objection to the proposed development based on the application drawings. Accordingly, the proposal does not conflict with Policy 12 of NPF4 or Policy W3 of ELLDP.

The **Council's Structures and Flood Protection Team** advise that they raise no objection to the proposed development on the grounds of flood risk or drainage. The proposals do not therefore conflict with ELLDP Policy NH10 or NPF4 Policy 22.

The rear garden of the existing house on the site is somewhat overgrown and there are some small trees adjacent to the north boundary and a fruit tree adjacent to the west boundary. There are other small trees in the neighbouring gardens.

The application drawings proposed that the existing small trees would be removed from the site. Those existing trees are partially visible in short duration glimpsed views in the gaps between buildings but do not contribute significantly to the landscape character of the area or of this part of the Conservation Area. The Landscape Officer (Policy and Strategy) advises that the trees are not readily visible from outwith the site and are not significant within the Conservation Area. The Landscape Officer raises no objection to the removal of the cherry tree and other small trees subject to replacement tree planting being proposed and comments that the 'Biodiversity Proposal' submitted with the application indicates new fruit tree planting within the site, which would mitigate for the loss of the cherry tree and other small trees. Subject to the new tree planting, a detail that could be secured through a condition attached to a grant of planning permission, the Landscape Officer does not object to the removal of the existing small trees, including the cherry tree from the application site.

The Landscape advice is that, due to the stone boundary walls enclosing the site, the proposals would not have a detrimental impact on the existing trees that are on the adjacent gardens.

Subject to a condition requiring a scheme of landscaping for the site to be submitted for the prior approval of the Planning Authority, the loss of the trees on the site to facilitate the proposed development would not be harmful to the landscape character of the area or the trees on the adjacent gardens and is therefore consistent with NPF4 Policy 6 and Policy NH8 of the ELLDP.

The application site is an existing house and garden, albeit that at present the garden is somewhat overgrown. There are a few small trees adjacent to its north boundary and a cherry tree adjacent to its west boundary. It does not have any significant ecological status or designations. A Bat and Breeding Bird Survey and a Biodiversity Proposal have been submitted with the application.

The **Council's Biodiversity Officer** has reviewed the reports submitted with the application and recommends the following:

(i) although no bat roosts were identified in the survey, there is evidence of bats foraging and commuting on the site, and it would be prudent in this case for a non-licensed Precautionary Construction Working Method Statement for bats to be secured prior to the commencement of development. Such Statement should cover but not be exclusive to the consideration of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist;

(ii) if planning permission is granted and if construction does not commence by a year after the date of the submitted Bat and Breeding Bird Survey, the existing buildings may need to be re-surveyed to ensure that there is no use of the potential roosts;

(iii) there is the potential for the existing trees and scrub on the site to provide suitable nesting and foraging habitat for breeding birds, and any tree/scrub removal from the site should be undertaken outwith breeding bird season unless carried out in accordance with

a species protection plan for breeding birds, including pre-construction site checks; and  
(iv) best practice guidance should be followed in the establishment of the sedum roof.

The Biodiversity Officer further comments that the Biodiversity Proposal, including green roof, log piles for wildlife shelter, fruit trees and pollinator friendly planting, is welcomed. However, it is recommended that an alternative to the proposed woodland wildflower meadow mix is chosen due to the site's coastal location, in which it would be more suitable to choose a salt tolerant coastal mix that has been sourced locally to ensure that existing local pollinators are supported.

NPF4 Policy 3 states that proposals for local development types will include appropriate measures to conserve, restore and enhance biodiversity. This proposal is a local development. Some information on biodiversity enhancement is included on the 'Biodiversity Proposals' drawing. However, insufficient information has been provided on this matter and the Biodiversity Officer has recommended changes to it. A condition can be attached requiring the submission of such details for the approval of the Planning Authority.

Subject to planning conditions being imposed to secure a Precautionary Construction Working Method Statement, no trees, hedges or shrubs being removed during breeding bird season and an amended Biodiversity enhancement plan being submitted to take account of the Biodiversity Officer's comments, all details that could be secured through conditions attached to a grant of planning permission, the Council's Biodiversity Officer is satisfied that the proposed development would not be harmful to biodiversity and would secure biodiversity enhancement on the site and the proposals would not conflict with Policy 3 of NPF4 or with Policy NH4 and NH5 of the ELLDP.

Policies 1 (Tackling the climate and nature crises) and 2 (Climate mitigation and adaptation) of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be required on relevant applications for planning permission.

The applicant has submitted a report advising that the proposed new house would be ultra energy efficient with triple glazed windows and high levels of insulation to walls, roof and floors, that reclaimed materials from the down-taking of the existing house would be re-used in the external finishes of the proposed house (stone and slate) or for sub-base materials for the proposed development, timber cladding would be sustainably sourced and along with the zinc roofing is 100% recyclable, the use of sedum roof will help with water run-off, and renewable technologies, including an air source heat pump for hot water and underfloor heating and solar photovoltaic panels to minimise energy use, would be incorporated into the design of the proposed development. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant process. In order to further reduce carbon emissions, it would be prudent to require proposals for the provision of new electric vehicle charging point and infrastructure. This could be secured by a condition imposed on a grant of planning permission for the proposed development.

**Scottish Water** has been consulted on the application and raises no objection to the proposed development. A copy of Scottish Water's comments has been forwarded by

email to the applicant's agent.

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

**CONDITIONS:**

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

Reason:

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

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing in advance by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. A Remediation Strategy may also be required.

Before the house is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority and if required, a Verification Report shall be submitted confirming the satisfactory completion of the required 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 commencement of use of the development hereby approved.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the house.

- 3 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 4 Prior to the commencement of development hereby approved, a Construction Method Statement to minimise the impact of demolition and construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Demolition and Construction Method Statement shall recommend mitigation measures to control noise, dust, demolition and construction traffic (including parking, routes to/from site and delivery times) and shall include hours of demolition and construction work.

The Demolition and Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Demolition and Construction Method Statement shall be implemented and complied with in accordance with the details so approved for the period of demolition and construction of the development hereby approved

Reason:

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

- 5 No use shall be made of the vehicular access hereby approved unless and until a pedestrian visibility splay measuring 2.0 metres by 2.0 metres from the driver's eye height of 1.05 metres to an object height of 0.6 of a metre above the rear of the footway, as detailed in ELC standards, is formed to the eastern side of the access driveway hereby approved. Thereafter, the pedestrian visibility splay shall be retained and maintained in perpetuity unless otherwise approved by the Planning Authority.

Reason:

To ensure provision of an adequate pedestrian visibility splay in the interests of road and pedestrian safety.

- 6 Prior to the occupation of the house hereby approved the vehicular access, turning and parking arrangements shall be laid out as shown in docketed drawing nos. 24.02/L(PL)110 B and 24.02/L(PL)002 C, and thereafter the vehicular access, turning and parking areas shall be retained and maintained for such uses.

No use shall be made of the vehicular access hereby approved if any gates erected across it are installed so as to open outwards towards the adjacent public road.

Reason:

To ensure provision of adequate vehicular access, turning and on-site parking in the interests of road safety and in the interests of safeguarding the character and appearance of the Conservation area.

- 7 Prior to the commencement of development hereby approved, details of the provision of a new electric vehicle charging point(s) and infrastructure for it/them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Thereafter, and prior to the occupation of the house hereby approved, the electric vehicle charging point(s) and infrastructure for it/them shall be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development.

- 8 Prior to the commencement of site clearance works or construction of the development hereby approved, a Precautionary Construction Working Method Statement for bats incorporating the latest good practice guidelines and statutory advice to protect bats shall be submitted to and approved in writing in advance by the Planning Authority. The Precautionary Construction Working Method Statement for bats shall include, but not exclusively, the considerations of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist. Thereafter, the site clearance works and construction of the development shall be carried out strictly in accordance with the details

so approved.

Reason:

To protect the ecological interest in accordance with Local Development Plan policies NH4 and NH5.

- 9 No site clearance or other works, including the removal of hedgerows, trees or shrubs, in connection with the development hereby approved shall take place on the site between 1st March and 31st August inclusive in any calendar year, unless a detailed check of the site for active bird nests has been undertaken and the details of that check have been submitted to and approved in advance in writing by the Planning Authority. The site check shall be undertaken no later than 48 hours before the commencement of the development and shall confirm that no birds will be harmed and that appropriate measures are in place to protect nesting bird interest on the site. Thereafter, the development on the site shall be carried out in strict accordance with the approved protection measures for breeding birds.

Reason:

To ensure the protection of wildlife and biodiversity from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 10 Prior to commencement of development hereby approved, and notwithstanding the content of the Biodiversity Enhancement drawing no. 24.02/L(PL)007, details of the measures to be implemented to conserve, protect, restore and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The biodiversity enhancement measures shall be based on the details shown on drawing no. 24.02/L(PL)007 and shall include, but not exclusively, an alternative wildflower meadow seed mix to that shown on that drawing and landscaping proposals as required by Condition 11 of this grant of planning permission. The Biodiversity Enhancement Plan will include timescales for implementation and the measures as so approved shall be implemented, where relevant, in the first planting and seeding season following the occupation of the house or the completion of the development whichever is the sooner, and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

- 11 Prior to the commencement of development hereby approved, a detailed scheme of landscaping for the site to include but not exclusively the tree planting detailed on Biodiversity Proposal drawing no. 24.02/L(PL)007 docketed to this grant of planning permission shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the landscape planting scheme implemented on the site shall accord with the planting scheme so approved.

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

Reason:

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

- 12 In accordance with condition 3 of conservation area consent 24/00810/CAC, the reclaimed natural slates salvaged from the down-taking of the existing Briar Cottage on the site shall be used in the finish of the pitched roofs of the house hereby approved, unless otherwise

approved in writing by the Planning Authority and the details of such use of the reclaimed natural slates shall be submitted to and approved in advance in writing by the Planning Authority.

Otherwise, the pitched roofs of the house hereby approved shall be clad with natural slate in accordance with the details and a sample of such natural slates to be submitted to and approved in advance in writing by the Planning Authority.

Thereafter, the natural reclaim and new slate finish of the pitched roofs of the house hereby approved shall accord with the details and sample so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 13 The south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall be finished externally with reclaimed natural rubble stone salvaged from the down-taking of the existing Briar Cottage and its boundary walls, unless otherwise approved in writing by the Planning Authority.

If additional natural rubble stone is needed, such natural rubble stone, whether new or reclaimed, shall match as closely as possible the colour, texture, facing and sizes of the existing reclaimed natural rubble stone and details of and a sample of any such new or additional reclaimed natural rubble stone shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved.

A sample panel of the natural stone finish of the south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall be provided prior to the construction of that part of the development hereby approved and the sample panel shall detail the size, coursing, colour, texture, and facing of the natural stone and the pointing of the wall and shall match as closely as possible the size, coursing, colour, texture, and facing of the natural stone of neighbouring buildings to the west and their pointing. The details of the sample panel shall be approved in advance in writing by the Planning Authority.

Thereafter, the natural rubble stone finish of the south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall accord with the natural rubble stone details and sample panel so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 14 Prior to their use in the development hereby approved, details and a schedule of the materials and external finishes and samples of such finishes, including where relevant colours, shall be submitted to and approved in advance in writing by the Planning Authority for the following:

- i. the rendered finish of parts of the external walls of the house shall be a wet dash or stippled/textured render;
- ii. the flat roof finishing material of two storey flat roofed rear element of the two storey front component of the proposed house;
- ii. the corrugated profile roof sheeting of outbuilding;
- iii. the zinc roof finish;
- iv. paint, stain or timber preservative finish of the vertical board timber cladding, if relevant;
- v. the paint, stain or timber preservative finish of the vehicular gates.

Thereafter, the materials used shall accord with the samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 15 The frames of the windows and external sliding doors shall be of painted timber construction and the external doors and their frames shall be of timber construction.

The frames of the windows and external sliding doors shall be painted pebble grey RAL7032 or another colour to be agreed in advance in writing by the Planning Authority prior to its use in the development hereby approved, unless otherwise approved by the Planning Authority.

If the timber parts of the external doors are to have a paint, stain or timber preservative finish, details of the colour of that paint, stain or timber preservative finish shall be submitted to and approved in advance in writing by the Planning Authority, prior to its use in the development hereby approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 16 The roof windows hereby approved shall be fitted as flush as possible with the upper surface of the roof slope of the house into which they are to be fitted and their frames and any flashings of them shall be black or dark grey in colour, unless otherwise approved by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 17 The solar photovoltaic panels hereby approved to be installed on the roof of the house hereby approved shall be integrated into the surface finish of the roof and shall not sit proud of the upper surface of the roofing material of the roof and shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which they would be installed and with minimal flashing, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the visual amenity of the area and the character and appearance of the Conservation Area.

- 18 Any roof and wall mounted vents to be installed on the house hereby approved shall be concealed as much as possible, shall be as small as possible and any visible parts of them shall match as closely as possible the colour and materials for the part of the roof or wall of the building to which they would adjoin.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 19 Details and a sample of the materials to be used to surface the hardstanding areas to be used as driveway, vehicle parking and turning areas, patios and footpaths shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details and samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 20 If the vertical timber cladding of the external walls of the bin store hereby approved are to be painted, stained or treated, details of the colour of any such paint, stain or treatment shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter the colour of the paint, stain or timber preservative applied to the bin store shall accord with the details so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 21 The natural rubble stone to be used in the construction and external finish of the new length of roadside (south) boundary wall hereby approved shall be reclaimed natural rubble stone salvaged from the down-taking of the existing Briar Cottage and associated roadside boundary walls unless otherwise approved by the Planning Authority.

If additional natural rubble stone is needed, such natural rubble stone, whether new or reclaimed, shall match as closely as possible the colour, texture, facing and sizes of the existing reclaimed natural rubble stone and details of and a sample of any such new or additional reclaimed natural rubble stone shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved.

A sample panel of the natural stone finish of the new length of roadside (south) boundary wall shall be provided prior to the construction of that part of the development hereby approved and the sample panel shall detail the size, coursing, colour, texture, and facing of the natural stone and the pointing of the wall and shall match as closely as possible the size, coursing, colour, texture, and facing of the natural stone of neighbouring roadside boundary walls and their pointing. The details of the sample panel shall be approved in advance in writing by the Planning Authority.

The metal railings to be installed on the top of the new length of roadside (south) boundary wall shall have a black painted finish, unless otherwise approved by the Planning Authority.

Thereafter, the natural rubble stone finish of the new length of roadside (south) boundary wall shall accord with the natural rubble stone details and sample panel so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and roadside boundary walls and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 22 Prior to the occupation of the house hereby approved the first floor window on the west elevation of the projecting front gable of the house shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house. The obscure glazing of the window shall accord with the sample so approved. Thereafter the first floor window on the west elevation of the projecting front gable of the house shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

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

- 23 Prior to the occupation of the house hereby approved a length of the west boundary enclosure of the site commensurate with the length of the west elevation of the one and a half storey rear component of the house hereby approved, shall be increase in height to a minimum of 1.8 metres high above ground level in accordance with details of the position and design of such means of increasing the height of the boundary enclosure to be submitted to and approved in writing in advance by the Planning Authority prior to its use in the development hereby approved. Thereafter, the increased height of boundary

enclosure of this part of the west boundary of the site shall accord with the details so approved, and shall thereafter be retained in situ at that height in perpetuity, unless replaced with an alternative means of boundary enclosure (i.e. fence, wall, hedge) that would be of equal height, length and as solid or dense in form as the means of enclosures it has replaced. Such alternative boundary enclosure shall be erected or maintained in place in accordance with details of it to be submitted for the prior inspection and approval in writing of the Planning Authority. That alternative means of enclosure shall thereafter remain in place in accordance with such details approved unless otherwise approved in writing by the Planning Authority. If the alternative means of enclosure is hedging, then in the event that such hedging dies, is removed, or becomes seriously damaged or diseased within a period of 10 years following its approval it shall be replaced in the next planting season with new hedging of similar size and species unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring garden to the west.

- 24 Notwithstanding the detail shown for the privacy screen of the east side of the first floor balcony/roof terrace on docketed drawing nos. 24.02/L(PL)004 and 24.02/L(PL)120C, prior to the occupation of the house hereby approved, the east side of the balcony/roof terrace shall be fully enclosed by a 1.7 metres high privacy screen, the details of which shall be submitted to and approved in advance in writing by the Planning Authority prior to its installation. The privacy screen shall be of a minimum height of 1.7 metres above the level of the balcony/roof terrace and shall be of a sufficient solidity to prevent overlooking. Thereafter, the privacy screen as approved shall be installed and retained in place in perpetuity unless otherwise approved by the Planning Authority.

Reason:

To prevent harmful overlooking of the neighbouring residential property to the east in the interests of safeguarding the privacy and amenity of that property.

- 25 The air source heat pump (ASHP) hereby approved shall comply with 'MCS 020 Planning Standards for air source heat pumps (updated 2025).

Reason:

To safeguard the amenity of the neighbouring residential properties.

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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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*Note: This application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: Given the level of local objections over the demolition of an old building in a conservation area, I believe this should be looked at by the Committee.*

Application no. **24/00810/CAC**  
Proposal Demolition of house, outbuildings and walls  
Location **Briar Cottage  
Templar Place  
Gullane  
EH31 2AH**

Applicant Lady Alison Burt  
Per Pritchett Planning Consultancy

**RECOMMENDATION** Consent Granted

## REPORT OF HANDLING

### PROPOSAL

The application relates to a detached, single storey, pitched roof house with attic accommodation in its roof space that is located on the north side of Templar Place, Gullane. Briar Cottage is a small stone and slate-roofed building dating from the 19th century, that has been later extended to the rear with a two-storey flat roofed extension and with a 20th century two-storey rendered bay window added on the south (front) elevation and a further single storey bay window added on its west (side) elevation and on its north (rear) elevation. The house is not listed as being of special architectural or historic interest. It is, however, located within the Gullane Conservation Area.

Through this application Conservation Area Consent is sought for the demolition of the

existing house of Briar Cottage and for the demolition of an outbuilding on the site and lengths of natural rubble walling located along the south roadside boundary of the site and between the west boundary of the site and the west side of the driveway and parallel to the roadside boundary.

Through separate application Ref. 24/00811/P planning permission is sought for the erection of a replacement house and associated works on the application site. That application stands to be determined on its own merits and at this time is reported through the Council's Scheme of Delegation List.

## **LEGISLATION AND GUIDANCE**

Under the duty imposed by section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Planning Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Therefore, the determining issue in this application is the effect of the proposed demolition works on the character and appearance of the Gullane Conservation Area.

Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) sets out considerations to take into account when assessing proposals for the demolition of an unlisted building within a conservation area. These include establishing the importance of the building to the character or appearance of any part of the conservation area and proposals for the future of the cleared site. Where demolition is to be followed by redevelopment, the guidance advises that consent to demolish should generally only be given where there are acceptable proposals for the redevelopment of the site.

## **DEVELOPMENT PLAN**

National Planning Framework 4 (NPF4) Policy 7 (Historic assets and places) and Policy CH3 (Demolition of an unlisted building in a conservation area) of the adopted East Lothian Local Development Plan 2018 (ELLDP), whilst not part of the statutory test for conservation area consent, are relevant considerations in the determination of this application.

In respect of the demolition of buildings in a conservation area, which make a positive contribution to its character, Policy 7(f) of NPF4 states that such demolition will only be supported where it has been demonstrated that:

- i. Reasonable efforts have been made to retain, repair and re-use 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 re-use extremely difficult.

Policy 7(g) of NPF4 requires that 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.

Policy CH3 (Demolition of an Unlisted Building in a Conservation Area) of the ELLDP states that support will be given for the demolition of buildings within Conservation Areas provided 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.

## **REPRESENTATIONS**

A total of eight representations have been received to this application. Six of those representations raise objection to the application and the main grounds of objection as summarised are:

i) the demolition of the existing house is at odds with its location in the conservation area;

ii) the existing house is a familiar part of the village landscape and has historic links to golf club making (Robert Fisher, 1905), and this tie to the history of golf is important to Gullane;

iii) the demolition of the existing house and the erection of the replacement house would not be in keeping with this part of the village, and would erode the heritage of this part of the village and set a precedent for the area;

iv) the demolition of the house would further erode the conservation status of the village;

iv) disappointing that the owner has not sought to maintain the property and modernise it rather than replace it;

v) the proposal is seeking to maximise profits for the owner at the expense of the preservation of the character of the area;

vi) the proposed new house would be an overdevelopment of the site that would be detrimental and harmful to the character of the historic conservation area;

vii) the garden is a haven for wildlife;

viii) costs attributed to refurbishing the existing house appear excessive and perhaps inflated in order to provide the argument for demolition; and

ix) Gullane Conservation Area is characterful including a mix of larger and smaller buildings with varying gaps between buildings, and these are not arguments for demolition.

The remaining two representations are neutral and neither support nor object to the application. As summarised, the main comments raised in these two representations are:

i) the property has been allowed to become dilapidated and run-down since the owner purchased it in 2021 in order to make a case for demolition and this is the same as the owner did in respect of the adjacent property of Aros House;

ii) during the demolition and construction phases of the neighbouring Aros House there

was extensive disruption over a long period for the occupiers of surrounding properties including frequent road blockages, delivery and refuse collection delays and construction traffic complications;

iii) Templar Place, which is accessed from Templar Lane, is a one-way road and cannot accommodate heavy demolition and construction traffic;

iv) further degeneration of the house and grounds should be considered on environmental health, safety and general amenity grounds, including consideration of whether the owner should be required to make the entire site safe, secure and in acceptable order given its location in the Conservation Area; and

v) a clear traffic management plan should be in place if demolition of the existing house and the erection of a replacement house is supported.

Comments relating to the proposal to build a house on the site do not directly relate to the demolition of the existing house and are a matter to be assessed through the associated planning application Ref. 24/00811/P.

The comments received in relation to a lack of details on the process of the demolition of the existing house, the restrictions of the existing public road network and the ability to demolish the existing house without affecting neighbouring land are all not material considerations in the determination of this application.

There is no requirement for a traffic management plan to be submitted in order to assess this application for conservation area consent.

One further representation raising objection to the proposed development was received out of time.

## **APPLICATION ASSESSMENT**

The submitted information is deemed sufficient to allow for the determination of this application for conservation area consent.

In accordance with Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) the first consideration in the determination of this application is to establish whether the building makes a positive contribution to the character or appearance of the Gullane Conservation Area.

The application site comprises an existing detached, single storey, pitched roof house with attic accommodation in its roof space that is located on the north side of Templar Place, Gullane. The site is bounded to the north, east and west by residential properties. To the south is the public road of Templar Place and beyond that is a practice area of the Gullane Golf Club Course. The existing house has historically been extended and altered with the additions of a two storey bay window to its front (south) elevation, a single storey bay window added to its side (west) elevation and a two storey flat roof extension added across the full width of its rear (north) elevation and a further single storey bay window added to that rear extension.

**Historic Environment Scotland** (HES) have been consulted on this application. HES advise that the proposals do not raise historic environment issues of national significance and therefore they do not object to the application. However, they comment that Briar Cottage makes a contribution to Gullane Conservation Area, but not a significant one, as

the oversized two-storey cement-rendered bay window and the flat roof extension to the rear detract from the cottage's traditional character. HES go on to comment that the cottage's form, age and use of traditional materials contributes to the townscape, which is still largely characterised by traditional masonry built and slate/tile roofed buildings seen across the golf course. They comment that the submission of the assessment of the costs of repair and alteration to the existing house is useful, but that the submission of a structural survey to explain why the condition of the building prevents its retention at a reasonable cost would be helpful.

HES further comment that in their opinion insufficient information has been provided to justify the demolition of the house however this is for the Planning Authority to assess and they remain of the opinion that the existing building does not make a significant contribution to the conservation area.

HES also comment that they do not consider that the development on the neighbouring site of Aros House sets a precedent for the assessment of this current application.

HES also comment that if demolition is approved, the design of a replacement house on the site should incorporate as much of the existing cottage's salvaged stonework (and slates) as possible in the new dwelling.

Subsequent to the registration of the application the agent submitted a condition report for the existing house. This report sets out estimated costs for repair and alteration of the existing house including removal of poor quality bay window extensions and their reconstruction, stonework repairs, roof repairs, anticipated underpinning works, new ground floor structure to remedy floor level differences, repairs to existing staircase, installation of a lift for accessibility, replacement of kitchen and bathroom fittings and redecoration. The report finds that costs of repair and retention of the existing house would be prohibitive. No structural survey has been submitted with the application.

A Supporting Planning Policy Statement submitted by the applicant's agent also accompanies the application. That Statement has also been updated since the registration of the application to include further content on the matter of the structural condition and overall integrity of the existing house.

The Supporting Planning Policy Statement explains that the existing house is not fit for purpose and is not viable to convert for modern family living, having been extended poorly in the past with low quality materials. The Statement purports that the existing house sits uncomfortably in the streetscape and that in its positioning it does not relate well to the street. The Statement further purports that due to the age of the existing house it is likely to have no or only shallow foundations and that rectifying historic poor quality extensions and delivering adequate insulation, ceiling heights and staircase are all potentially likely to undermine existing foundations and exacerbate existing stonework deficiencies in the exterior of the building. The Statement goes on to explain that first floor construction of the building is uneven indicating shifts in the external wall construction due to lack of sufficient foundations, and that given the age of the property and levels of damp, all timbers would need to be checked for rot or woodworm. The Statement further explains that due to the historic alterations and additions, little of the original house remains visible and that the existing house has little architectural merit beyond its external finishes being natural stone and slate, and that it is not of architectural or historic significance in the wider conservation area. The Statement concludes that the existing house has reached the end of its useful life and the costs of refurbishment to achieve modern family living would be unreasonable and unviable and thus prohibit its re-use. The author of the Statement is of the opinion that the development of the adjacent Aros House to the east sets a precedent for the development of the current application site.

The Statement goes on to explain that the proposed redevelopment of the site for one larger house would make a more efficient use of the available land of the plot and that the proposed replacement house would be a positive addition to the streetscape, respecting the scale and rhythm of the streetscape, creating a more uniform and coherent frontage onto Templar Place and re-using, where possible, salvaged/reclaimed natural stone from the down-taking of the existing house, outbuilding and boundary wall in its external finishes.

The redevelopment of the neighbouring site to the east, Aros House, including the demolition of the two former houses on that plot, is not considered to set a precedent for the proposed demolition the subject of this application for conservation area consent. All relevant applications relating to that redevelopment of Aros House were assessed under the relevant planning policy and legislation at that time and such relevant planning policy and legislation has subsequently changed since that determination, including the requirement to consult with Historic Environment Scotland (HES) on such matters.

The existing house has been empty and un-used for a number of years, at least since the current owner purchased it in 2021. Its origins date from the 19th century however it has been later extended and altered, more recently in the 20th century. These later additions to the building have resulted in uneven and mis-matched floor levels, ceiling heights and door heights between what would have been the original house and the later additions. Some cornicing and a possible original door remain in the living room but otherwise original features have been removed and fireplaces have been replaced. First floor levels are uneven into the rear part of the house. Thus, in its current state the existing house retains few features of interest.

The existing house is part of the Gullane Conservation Area and in its position on the north side of Templar Place, it is readily visible in public views within the Conservation Area, including from Templar Place to the south and from the golf course land further to the south. The oversized two-storey cement-rendered bay window of its front (south) elevation and the large flat roof extension to its rear (north) elevation, along with the single storey bay windows of its side (west) and rear (north) elevations detract from the cottage's traditional character and as a result, although it does make a contribution to the Conservation Area, it is not a significant one. HES comment that the cottage's "form, age and use of traditional materials contribute to the townscape, which is still largely characterised by traditional masonry built and slate/tile roofed buildings seen across the golf course". In light of HES's comments relating to the oversized two-storey cement-rendered bay window of its front (south) elevation and the large flat roof extension to its rear (north) elevation detracting from the cottage's traditional character, it is not unreasonable to conclude that any contribution made by the existing house to the townscape primarily relates to its age and the traditional external finishes of the natural stone and natural slate of its external walls and roof. HES recommend that if demolition is approved, a replacement house should incorporate as much of the existing cottage's salvaged stonework and slates as possible. It could be made a condition of a grant of conservation area consent that these external finishing materials are salvaged, where possible.

HES's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) includes that in some cases, demolition may be thought appropriate if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost or if its form or location makes its re-use extremely difficult. These criteria are also referenced in NPF4 Policy 7 and ELLDP Policy CH3. Only one of these criteria requires to be demonstrated.

In that it is readily visible in the streetscape and thus within the Conservation Area, by its presence, the existing house makes a contribution to the Conservation Area. However, although the existing house is of a generally traditional design and is finished in traditional materials, the over-sized front bay window and the two storey rear extension detract from its traditional character and as a result, on balance, the building has limited architectural merit and little townscape value and thus it is not in itself of special architectural or historic interest and it does not make any special or significant contribution to the character and appearance of the Conservation Area and does not positively contribute to the character and appearance of the Conservation Area. Its removal or replacement would not adversely affect the character of the Conservation Area.

As the existing house has limited architectural merit and little townscape value and is not considered to contribute positively to the conservation area it is not therefore necessary to establish whether any of the other considerations set out in the HES guidance have been met.

Accordingly, the demolition of the existing house is justified on the basis that it is of limited townscape value and does not make a significant contribution to the character of the Conservation Area.

There are no listed buildings in close proximity to the existing house and works to demolish it would not therefore directly affect any listed building. There are no visual or historic connections between the existing house and any nearby listed buildings. The nearest listed buildings, of the Queens Hotel, Main Street (now St Andrews Court) The Smithy, Main Street and Belmore, East Links Road are, respectively, some 65 metres away (as the crow flies) to the north with intervening buildings and land, some 78 metres away to the northeast of the application site with intervening buildings and land and some 220 metres away to the southeast across intervening land. Therefore, the setting of listed buildings in the vicinity would be preserved and would not be impacted by the demolition of the house, associated outbuilding and boundary walls.

The outbuilding is located to the north of a length of high wall that is proposed to be removed and in its position is not readily visible within the streetscape and Conservation Area. Its' removal would not have an appreciable impact on the character and appearance of the Conservation Area.

The lengths of roadside boundary wall and the wall between the west boundary and the west side of the driveway of the house are visible in the Conservation Area. Although rubble stone boundary walls are a feature of this part of the Conservation Area, the removal of these lengths of wall would not be harmful to the character and appearance of the Conservation Area.

Consequently, the proposed demolition of the house is not contrary to the criteria set out in Policy 7(f) of NPF4, ELLDP Policy CH3 and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), as noted above in this report and therefore retention of the existing house is not warranted.

However, Policy 7(g) of NPF4, Policy CH3 of the ELLDP and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) all require that demolition of a building in a conservation area should be followed by an acceptable form of redevelopment. Therefore, conservation area consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

In relation to the above, through separate planning application Ref. 24/00811/P planning

permission is sought for the erection of a house and associated works on the application site as a replacement for the existing house. The Report of Handling for that application has been placed on the Council's weekly Scheme of Delegation List. The Report of Handling concludes that the proposed replacement house would be an appropriate form of development on the site that would not harm the character and appearance of the Conservation Area. In such circumstances, the proposed demolition of the existing house from the site, including the outbuilding and lengths of wall are justified and would not harm the character and appearance of the Conservation Area. It can be made a condition of a grant of conservation area consent that demolition will not be allowed to proceed until a contract for the replacement development has been agreed. It can also be made a condition of a grant of conservation area consent that the natural stone and natural slates of the existing house be salvaged for re-use on the site or elsewhere.

Accordingly, as there is an acceptable scheme of development approved for the site subsequent to any demolition then the proposal to demolish the existing house, outbuilding, roadside boundary walls and wall between the west boundary of the site and the west side of the driveway and parallel to the roadside boundary meets the requirements of and is not contrary to Policy 7 of NPF4 and Policy CH3 of the ELLDP and HES Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019). Therefore, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

#### **RECOMMENDATION:**

That conservation area consent be granted subject to the following conditions:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 2 No works for the demolition of the existing building, the outbuilding and the lengths of stone walls located along the south roadside boundary and the length of stone wall to the west side of the existing house and parallel to the south road side boundary in front shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 24/00811/P or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the Gullane Conservation Area.

- 3 The natural rubble stone of the external walls of the house and of the roadside boundary walls and the wall between the west boundary and the west side of the driveway, and the natural slates of the roof of the house, all hereby approved to be demolished from the site, shall be taken down and set aside and safely stored for future re-use on the site or elsewhere, where possible, in accordance with a statement to be submitted to and approved in advance in writing by the Planning Authority.

Reason:

To salvage and re-use existing materials of the existing house and boundary walls.

- 4 Prior to the commencement of the demolition hereby approved, a Demolition Method Statement to minimise the impact of demolition activity on the safety and amenity of the

area shall be submitted to and approved in writing in advance by the Planning Authority. The Demolition Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site) and shall include hours of demolition work. The Demolition Method Statement shall also make recommendations in respect of how materials and waste will be safely stored and managed on site.

The recommendations of the Demolition Method Statement shall be implemented prior to the commencement of demolition on the site and shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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



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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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6

*Note: This application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: Given the planning history of the site and its position within the community, I feel that this should be examined by the Planning Committee.*

Application no.      **25/00388/P**

Proposal              Erection of one house and associated works

Location              **Land North of Speedwell House  
Main Road  
Dirleton  
East Lothian**

Applicant                              Mr Donald Skinner

Per    APT Planning & Development

**RECOMMENDATION**              Application Refused

## REPORT OF HANDLING

The application site is an area of grassed land with tall Leylandii hedging planted around its boundaries. It is a flat area of land of some 0.4 hectares and is roughly rectangular in shape, tapering gradually towards its northern end. It is bounded to the north, east and west by agricultural land, and to the south by the garden of the residential property of Speedwell House. To the south of Speedwell House are a number of other houses and to the south of them is the B1345 public, which, as it passes through the village of Dirleton is known as Main Road. The site is accessed via an access road to the east of these dwellings running northward from the B1345 to the wider site. The neighbouring houses are a mix of one and one and a half storeys with either stone or render wall finishes and slated, pantiled or concrete tiled roofs. The site was formerly used for a market gardening enterprise. Previous applications for housing development on the site were refused due to the land then being designated as countryside, outwith the predominantly residential area

of Dirleton village and because those proposals at those times constituted inappropriate development in the countryside.

The application site is within an area defined by Policy RCA1: Residential Character and Amenity of the adopted East Lothian Local Development Plan 2018 and is within the Dirleton Conservation Area.

## **PLANNING HISTORY**

In 2009 planning application Ref: 06/00945/FUL was refused by Planning Committee, against officer recommendation, for the erection of two detached houses, two detached garages and associated works on the application site. The proposed houses were proposed to be positioned roughly centrally within the site and were to be single storey in height with accommodation in their roof space and would be traditional in their design. The pitched and gabled roof of each house would include two pitched roofed dormer windows to their front and rear elevations serving accommodation in the roof space. The proposed house would be served by an access road running from the existing private access road which serves the house which lies between the site and the main road. The reason for refusal of planning application 06/00945/FUL was;

"The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area."

That decision to refuse planning permission was appealed to the DPEA ref: 09/00028/P/1 and that appeal was subsequently dismissed in 2010. The for the dismissal of that appeal was:

"Since the site is surrounded on three sides by agricultural land it is self-evident that development of the site would be out of keeping with these agricultural surroundings. In view of the forgoing the site cannot be properly described as an infill site. Therefore, there is no support for the proposal in DP7; and

The proposed development would not integrate well into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would conflict with the important objective of preserving or enhancing the character and appearance of the conservation area. The development would represent an intrusion out of character with the surrounding agricultural land."

Subsequent to the refusal of that planning permission, planning applications Ref's 14/00696/P, 15/00208/P and 19/00564/P, were submitted seeking planning permission for the erection of one house on the application site. Each of those planning applications was subsequently withdrawn before being determined.

In April 2022 planning application Ref: 21/01364/P was refused under delegated powers, for the erection of one house with integral garage and associated works on the application site. The house was proposed to be positioned towards the northern end of the site and was to be single storey in height, formed from two pitched roofed components each some 6.3m in height and connected by a lower link element. The two main components would largely have white rendered walls and slate clad roofs. The proposed house would have been served by an access road running from the existing private access road which serves the house which lies between the site and the main road. The reason for refusal of planning application 21/01364/P was;

"The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area contrary to Policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018 and to Scottish Planning Policy: June 2014."

That decision to refuse planning permission was appealed to the East Lothian Local Review Body (ELLRB) in October 2022 and was subsequently dismissed. The ELLRB agreed unanimously to dismiss the appeal and to refuse planning permission for this application, for the reasons set out by the Planning Officer in the original decision notice.

In October 2024 application 24/00003/HHN approved the service of a High Hedge Notice on the application site which required the hedge owner to:

a. Initial Actions:

The first 23m of Hedge A from the southwest corner should be reduced incrementally over a phased period of time to no higher than 3.2m in height from ground level.

Period for Compliance: two-year period (from the date in which the notice takes effect).

b. Preventative Action:

o The first 23m of Hedge A from the southwest corner shall not exceed 3.2m in height and shall be maintained such that it does not exceed this height in perpetuity.

## **PROPOSAL**

Planning permission is again sought for the erection of one house on the same application site as the previously refused applications Ref: 21/01364/P and 06/00945/FUL, and for associated works.

The house proposed through this application would be positioned towards the southern end of the site and would have a roughly 'L' shaped footprint. The proposed house would again be single storey in height - some 6.3m to the ridge of its roof - with some accommodation within part of its roof space. The pitched roof would feature gabled and hipped forms. The walls of the proposed house would be finished in a traditional Scottish wet render and would be finished in an off-white colour. The roof would be finished in interlocking concrete tiles in a terracotta colour and would be fitted with roof lights to serve the accommodation within the roof space. Windows would have timber frames that would be painted in a brown/dark brown colour while doors would be timber composite and finished in a conservation green colour.

The proposed house would be served by an access road running from the existing private access road which serves the house which lies between the site and the main road. The access road would run into the site at the southeast corner and from there it would meet a turning area to the east of the proposed dwelling. The existing Leylandii hedge surrounding the site would be retained.

A supporting statement has been submitted by the applicant as well as a further supplementary supporting statement. These documents state that the site is located within the settlement boundary of Dirleton conservation village. It is also stated that the site can be safely accessed and being within the defined settlement boundary, it will not set a damaging precedent to encourage the further northward spread of Dirleton. It is noted that other buildings already extend further northwards and are closer to the village core whilst Orchard Cottage to the east provides an almost identical example of what is being proposed in this instance. It is also stated that there are other examples of the village extending to the north in narrow fingers of development (and reflected in the settlement boundary). It is argued therefore that this would simply be a further example of such

development and far less visible than other examples at The Glebe and Orchard Cottage. It is also argued that site is practically invisible from any public place.

## **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.

Relevant to the determination of the application are Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 6 (Forestry, Woodland and Trees), 7 (Heritage Assets), 13 (Sustainable Transport), 14 (Design Quality and Place), 16 (Quality Homes) and Policies RCA1 (Residential Character), CH2 (Development Affecting Conservation Areas), Policy DP7: Infill, Backland and Garden Ground Development and T2 (General Transport Impact) of the 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 requires that a planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area in which the building is located.

Also, material to the determination of the application is the planning history of the site and the decisions to

- i) refuse planning application 06/00945/FUL for the erection of two houses on the site and the subsequent decision by the DPEA to dismiss an appeal ref: 09/00028/P01 for those two houses, and
- ii) refuse planning application Ref: 21/01364/P and the subsequent decision of the East Lothian Local Review Body to uphold the refusal of the planning application for the house.

## **REPRESENTATIONS**

Four letters of objection to the application have been received. The main grounds of objections are summarised as follows;

- i) Traffic generation from the development itself;
- ii) Road access - concerns about access for emergency vehicles and increase in demand for parking at access to the site impacts on safe access;
- iii) Obstructions of driveways;
- iv) Disabled persons' access - ongoing issues with cars parking on pavements causing hazards to children, pushchairs, wheelchairs and people with impaired vision;
- v) Noise and disturbance resulting from use and impact on privacy of adjacent dwellings;
- vi) Design, appearance and materials - are the proposed homes built from materials that are sympathetic to the local landscape and area and other houses in the area;

- vii) Planning history and previous unsuccessful applications on the site;
- viii) Proposed development directly and negatively impacts the layout of the conservational aspect of the village and listed buildings;
- ix) Protection of rural setting is more beneficial to environment than provision of a dwelling;
- x) Placement of the proposed dwelling allows for further development to north of the site;
- xi) Market garden not viable for commercial use;
- xii) Site is greenfield and not brownfield and is opportunity to preserve a greenfield area within the village;
- xiii) Impact on wildlife such as badgers, owls, bats, birds, deer foxes and insects and need to remove Japanese knotweed;
- xiv) Impact on trees and their importance in the village;
- xv) Ongoing upkeep of the gravelled drive and impact on services such as gas, water and electricity beneath the drive. These services are also insufficient to support additional dwelling;
- xvi) Site not zoned for housing and its siting within RCA1 policy area in the LDP does not imply that a proposed new residential development will be acceptable on the site.
- xvii) View of Landscape Policy Officer should be sought on reduction of height of Leyland Cypress hedge and if approved, controls should be imposed on any grant of planning permission on timings of tree works, replacement planting and maintaining the height of the hedge;
- xviii) Design of dwelling should be in keeping with Dirleton Community Associations, Dirleton Design Guide; and
- xix) Use of hipped roof feature, fenestration, doors and guttering not in keeping with local vernacular.

With regards to impacts upon wildlife, the site is not located within any area of local or national importance.

The **Council's Landscape Policy Officer** has been consulted on this planning application with regards to the impact on trees and the Leyland Cypress hedge. As such, this shall be addressed further in the report below.

With regards to site access and parking, no objection has been raised by the **Council's Road Services** and no concerns were raised about access for emergency vehicle.

The matter of the use of the private road to serve the proposed development is a legal matter for those parties who have an ownership or right of access interest in the road. As such this is not a material planning consideration relevant to the determination of a planning application.

The potential for future development on the site is not a planning consideration and officers can only consider the application as currently set out before them. Any future planning

application submitted would be determined on its merits.

The matter of impact on demand for services and utilities of the proposal is not a material planning consideration relevant to the determination of this planning application.

## **COMMUNITY COUNCIL COMMENTS**

None

## **PLANNING ASSESSMENT**

With regards the vehicular access to the proposed house, the gravel drive is an existing drive that already gives access to several properties. The **Council's Road Services** has been consulted on the application and are satisfied with the proposed access arrangements shown on the proposed site plan for the house which shows a double driveway and turning space within its grounds, with access via a shared access private drive that, in turn, takes access from the B1345 Main Road. They confirm that the access has satisfactory visibility at its junction for such limited residential use and on this basis, the parking and access arrangements are acceptable in the context of the Council's adopted car parking standards and access design criteria as set out in our Transport Infrastructure in New Developments guidance.

The Council's Road Services also acknowledge the provision of an electric vehicle charging point on the site. Overall, they confirm that in general terms, the proposal is therefore considered to be acceptable from a roads and transportation impact perspective and they would not have any objections to the planning application.

It can therefore be reasonably concluded that pending compliance with such a condition with regards to the provision of an electric vehicle charging point, the proposal would not be a road safety hazard consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Given the positioning of the house and its a distance away from Speedwell House and other houses to the south of the application site it would not result in harmful overlooking or overshadowing of any neighbouring residential properties. The future occupants of the proposed house would also benefit from a sufficient level of privacy and amenity.

The **Council's Senior Environmental Protection Officer** has been consulted on the application. They have responded to confirm that they have no comments to make on the application. Accordingly, no objection has been raised.

Notwithstanding all of the above, it is now necessary to consider whether or not, with regard to national, strategic and local planning policy and other material considerations, the erection of the house and associated development on the application site is acceptable, with due regard to its impact on the character and appearance of the Dirleton Conservation Area and, if not, whether there are any other material planning considerations that outweigh this conflict with the development plan.

The application site is within the settlement of Dirleton as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. However, Policy RCA1 does not actively promote the development of land for new build residential development and proposals for new development need to be assessed against appropriate development plan policies. As the site is located within the Dirleton Conservation Area then in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 any new development must preserve or enhance the character or

appearance of a conservation area and therefore the proposal has to be assessed against Policy 7 (Heritage Assets) and 14 (Design Quality and Place) of NPF4 and Policies CH2: Development Affecting a Conservation Area and DP7: Infill and Ground Development of the East Lothian Local Development Plan 2018.

Like the most recently refused application REF: 21/01364/P, this proposal is for one house to be erected on the site with vehicular access similar to the previously refused proposal. The difference between this application and the previously refused planning application Ref: 21/01364/P is that the proposed house would be sited towards the southern part of the site and it would be of a different design, with an L shaped footprint. The Leylandii trees around the site are also proposed to be lowered to a height of 3.2 metres.

On the matter of trees, the **Council's Landscape Policy Officer** has been consulted on this proposal. They have responded to state that the provision of the house on the south area of the site may be possible without significantly impacting on existing trees. But they state that the tree survey for the site does not include the trees adjacent to the shared driveway access and while the categories and condition of the trees are mentioned and root protection areas identified, an arboricultural impact assessment has not been submitted. Also, trees proposed to be removed have not been mitigated for.

The Council's Landscape Policy Officer also advises that the site plan states that the existing leylandii hedge to the west and east sides of the site is to be cut to 3.2m in height and retained at that height. They previously advised that the removal of the Leylandii hedge and replacement with a native hedge and trees would be more in keeping with the character of the Conservation Area. Retaining the trees as a lower managed hedge would be less incongruous in the Conservation Area. However, they also have concerns that topping the hedges to any height would leave an unattractive open top to the hedge. Therefore, they have suggested that should the application be granted conditions are attached that requires the management of the hedge at a height of no greater than 3.2m (and should any tree within the hedgerow fail it should be replaced with native planting. They have also requested that mitigation should be included for any trees to be removed as well as tree protection measures to be carried out.

Notwithstanding the above, the potential resolution of the trees and landscaping issues on the site does not provide sufficient weight to take a different decision on this application.

This application is similar in character to the two houses proposed through application Ref: 06/00945/FUL and the single house proposed through application Ref: 21/01364/P. Therefore the primary material consideration in the determination of this planning application is whether the fundamental reasons for the refusal of those planning applications have been addressed.

The Planning Committee refused planning application 06/00945/FUL in November 2009 for the reasons that, "The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area."

The Reporter in his decision on appeal ref: 09/00028/P01 agreed with the Council that the proposal would not integrate well into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner. They stated that the development would represent an intrusion out of character with the surrounding agricultural land and would conflict with the important objective of preserving or enhancing the character and appearance of the conservation area. He also stated that since the site is surrounded on 3 sides by agricultural land and it is self-evident that development of the site would be out of keeping

with these agricultural surroundings. In view of the forgoing the site cannot be properly described as an infill site. Therefore, there is no support for the proposal in DP7.

The refusal of planning application Ref: 21/01364/P further concluded that the proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation Area. This view was furthermore unanimously supported by member at the subsequent appeal to the East Lothian Local Review Body.

Since the decision to refuse planning application Ref: 06/00945/FUL in 2009 and Ref 21/01364/P in 2022, other than the Leylandii trees around the site growing taller, there has been no significant change to the application site or to the part of the Dirleton Conservation Area in which the site is located.

However, since the decision to refuse planning application Ref: 21/01364/P was taken, NPF4 has become part of the Development Plan. Policy 7 of NPF4 echoes the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and requires that any new development must preserve or enhance the character or appearance of a conservation area. This requirement is also required by Policy CH2 of the adopted East Lothian Local Development Plan. Therefore development plan policies on development in a conservation area have been strengthened.

Consequently, as the proposal is so similar in character to the previously refused planning applications - Ref: 06/00945/FUL and 21/01364/P - and as the Development Plan Policy on development in the conservation area has been strengthened by the introduction of Policy 7 of NPF4 then the fundamental reasons for the refusal of those applications that "the proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area" have not been addressed.

Therefore, there is no good reason to take a different decision on this application to that of planning ref: 06/00945/FUL and planning application Ref: 21/01364/P. Accordingly, as the proposed development would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area it is contrary to Policies 7 and 14 of NPF4 and Policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material planning considerations with sufficient weight to outweigh the fact that the proposal is contrary to the Development Plan.

#### **REASONS FOR REFUSAL:**

- 1 The proposed development would be a conspicuous and incongruous outward extension of Dirleton, harmful to the form, character and appearance of the Village and of the Conservation Area and would not preserve or enhance the special architectural or historic character or appearance of the Dirleton Conservation area contrary to Policies 7 and 14 of NPF4 and Policies CH2 and DP7 of the adopted East Lothian Local Development Plan 2018.

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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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*Note: This application was called off the Scheme of Delegation List by Councillor Collins for the following reason: I believe it would be beneficial to reassess this application at Committee.*

Application no. **25/01358/LBC**  
Proposal Alterations to building  
Location **17 Hunter Steading  
Innerwick  
Dunbar  
EH42 1SR**

Applicant Mr Sandesh Pal

**RECOMMENDATION** Application Refused

### **PLANNING ASSESSMENT**

Thurston Home Farm, also known as Hunter Steading, is a Category A listed group of former farm buildings located in the countryside at Thurston, to the west of Innerwick.

As a group of Category A listed buildings, Thurston Home Farm is of national architectural and historic importance. It is one of the best surviving examples of a 19th Century agricultural improvement steading, retaining much of its original character.

### **APPLICATION HISTORY**

In January 1999 planning permission (97/00977/HIS\_P) and listed building consent (97/00977\_LBC) were granted for the conversion of Thurston Steading to form 17 dwellings and associated works, including the formation of a new access road and car parking facilities. The works approved through the grant of planning permission

(97/00977/HIS\_P) and listed building consent (97/00977/HIS\_L) are complete and the 17 dwellings are now occupied.

In May 2025, listed building consent (25/00309/LBC) was refused for the (i) installation of a roof window in the west facing inner pitched roof slope, (ii) installation of a roof window in the east facing inner pitched roof slope, (iii) enlargement of the existing single door opening in the rear (southeast) elevation of the building and in this space, the installation of a set of fully glazed patio doors, and (iv) the removal of the existing full length glazed opening in the rear (southeast) elevation and installation of fixed full length glazed opening positioned in line with the elevation wall of the building. The proposed alterations were refused as they would not preserve or enhance the character and appearance of the listed building but would detract from it.

This listed building consent was subsequently appealed to the Planning and Environmental Appeals Division, but the appeal was dismissed with the Reporter stating that the proposed alterations to form double doors at the location proposed would harm the special interest of the listed building. The desire for improved accessibility was considered not to outweigh the significant adverse impact of the proposed works, particularly when alternative accessible routes could be explored for adaptation. Therefore, the enlargement of an original door opening was deemed to have an adverse impact on the special architectural or historic interest features of the Category A listed Hunter Steading.

## **PROPOSAL**

This application relates to the dwelling of 17 Hunter Steading, which is part of the east range of the steading

Listed building consent is again sought for the enlargement of the existing single door opening in the rear (southeast) elevation of the building and in this space, the installation of a set of fully glazed patio doors, all as proposed through the previously refused application.

The proposed patio doors would be timber framed and painted in a black colour, to match the colour of the existing window and door frames. The enlarged opening created for the proposed doors would be dressed with a stone lintel at the top and stone quoins down each side, to match existing openings within the building. The existing timber shutter would be removed to facilitate this part of the proposal.

The applicant has submitted a supporting statement explaining that the proposed widening of the existing door opening is required to provide independent wheelchair access for family members. The statement demonstrates that alternative access routes are impractical, intrusive, and do not offer a reasonable or dignified solution for users with mobility impairments. It highlights that the proposed alteration represents the most practical and accessible option available. As the proposal involves modifying an existing opening rather than creating a new one, the established vertical proportions of the building would be retained. The supporting statement further notes that the proposal constitutes a minimum intervention approach, avoiding the greater cumulative harm that would result from more extensive internal alterations. A photographic survey, along with a drawing illustrating the alternative options considered, has also been provided in support of the statement.

## **DEVELOPMENT PLAN**

Material to the determination of the application is Section 14 of the Planning (Listed

Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.

HEPS and National Planning Framework 4 (NPF4) echoes the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Policy 7 (Historic Assets and Places) of NPF4 is relevant to the determination of this application. Policy CH1 (Listed Buildings) of the ELLDP is also relevant to the determination of this application.

## **REPRESENTATION**

One representation has been received in relation to the application, objecting to the proposal. The main concern outlined within the objection states that the proposed double doors on the east elevation would result in an imbalance and permanent removal of existing storm shutters, resulting in the loss of historic fabric. This would harm the special interest of the listed steading.

## **PLANNING ASSESSMENT**

**Historic Environment Scotland (HES)** have no comments to make on the proposals. However, it is stated that their decision not to provide comments should not be taken as their support for the proposals. They advise that the application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

The principal material consideration in the determination of this application is whether or not the proposed alterations would preserve or enhance the special architectural and historic interest of the listed building.

The opening that is proposed to be enlarged is positioned in the long east range of the former steading, which is seen and read as a whole. Through the scheme of conversion approved by planning permission and listed building consent (97/00977/FUL & 97/00977\_LBC) this elevation wall has six full height openings formed within it. Four of those openings are single door openings each of which has an associated external timber shutter. The other two openings which are at either end of the east range are double door openings with associated fixed flanking windows and timber cladding. Such alterations whilst facilitating the conversion of the former steading building to residential use, were and are sympathetic to the special architectural or historic interest of the listed building.

The enlargement of one of the single door openings to form a double doorway and the installation of a set of patio doors within it would be a modern intervention in the building that would create an opening that would not replicate the character or appearance of any other opening within the east range of the building. Consequently, such a modern intervention which would take no reference from the existing building, would not be sympathetic to the character of the former steading building, a category A listed building, or to the scheme of development approved by planning permission and listed building consent (97/00977/FUL & 97/00977/LBC) to facilitate its conversion to housing. Instead, by its modern form and appearance the enlarged opening with the set of patio doors installed within it would harmfully disrupt and imbalance the east range of the steading and the scheme of development approved for it previously. Consequently, the proposed

enlargement of the existing single door opening and the installation of a set of patio doors within this space would not preserve or enhance but would be harmful to the special architectural or historic interest of the listed building contrary to Policy 7 of NPF4 and Policy CH1 of the adopted ELLDP 2018.

The supporting information explaining the accessibility rationale has been considered; however, it is not regarded as sufficient to outweigh the significant adverse impact the proposed works would have on the special architectural or historic interest of this Category A listed building.

The proposed alterations would be contrary to Policy 7 of NPF4, Policy CH1 of the adopted ELLDP 2018 and with the HEPS: April 2019. There are no material considerations that outweigh the policies of the development plan.

**REASON FOR REFUSAL:**

- 1 The proposed enlargement of the door opening and installation of a set of patio doors in this space would harmfully disrupt and unbalance this elevation of the east range of the listed building. It would result in the introduction of large, modern patio doors within the centre of this elevation wall would be an alien and incongruous addition which would not be in keeping with this part of the listed building. Consequently, the proposed alteration would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the listed building, contrary to Policy 7 of NPF4, Policy CH1 of the adopted East Lothian Local Development Plan 2018 and with the Historic Environment Policy Statement: April 2019.

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**COMMITTEE:** Planning Committee  
**MEETING DATE:** 31 March 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** Application for Planning Permission for Consideration

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*Note: This application was called off the Scheme of Delegation List by Councillor McGinn for the following reasons:* Neighbours have raised concerns about the permanent siting of the snack van in an area where issues exist about vehicle movements; there are concerns about permanent snack vans sited around the outskirts of towns with no ready customer base; there are also concerns that permanent siting of snack vans will impact upon high street footfall.

Application no.      **25/01302/P**

Proposal              Siting of mobile snack bar

Location              **Within Car Park Of The Original Factory Shop  
Muirpark  
Tranent  
EH33 1DZ**

Applicant              Mr Lachezar Branchev

Per                      Neil Lambert Architect

**RECOMMENDATION**      Granted Permission

## REPORT OF HANDLING

The application site comprises a carparking space located to the south west corner of the car park associated with the former Factory Shop retail unit to the east of the town of Tranent. The site is located within a defined Local Centre Location as designated by Policy TC1 of the East Lothian Local Development Plan 2018. Surrounding uses are a mix of commercial and industrial properties including the Aldi supermarket to the west and a bus depot to the east. Residential properties are sited to the south on the opposite side of the road. The site is not located within a conservation area and is not listed as being of special architectural character. It is, however, sited within the Battle of Prestonpans Historic Battlefield.

## **PROPOSAL**

Planning permission is sought for the siting of a snack van within the car park. The proposed snack van comprises a Mercedes Sprinter van measuring 5.91 metres in overall length, 1.993 metres in width and with an overall height of 2.8 metres. It would have a serving hatch in one side and would be white in colour.

It is proposed to be parked within the south westernmost parking space of the wider car park site.

## **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 13 (Sustainable Transport), 14 (Design, quality and place) and 27 (City, town, local and commercial centres) of NPF4 and Policies TC2 (Town and Local Centres), TC4 (Hot Food Outlets), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

## **REPRESENTATIONS**

One letter of objection has been received to this application querying the operating times for this snack bar and asking whether they are the same as the original factory shop.

The applicant has confirmed that they have a licence to operate from 09.00 to 20.00 daily but they are only planning to work around 12.00 till 19.00 daily.

## **PLANNING ASSESSMENT**

Policy 27 of NPF4 states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

There are no specific policies relating to hot food outlets set out within NPF4. However, Policy TC4 of the East Lothian Local Development Plan 2018 states that the siting of hot food outlets (which includes mobile snack vans) will be supported in a designated employment site where it is intended to meet demand from employees of business within the site and not to attract customers from outwith the site, where they will not result in significant impacts on local amenity, including cumulatively with other existing or consented takeaways in the area. Siting of mobile snack bars may also be permitted on suitable car park or lay-by sites adjacent to main transport routes, subject to other Plan policies including consideration of visual and landscape impact.

The proposed snack van would be positioned within the south west corner of the existing car park at this retail unit which is within a designated Local Centre. Therefore, the principle of siting the snack bar in this location is not contrary to Policy TC4. Furthermore, as so positioned the proposed snack van would be seen in relation to other motor vehicles using the car park. When seen in the context of that car park the proposed snack van would not appear harmfully out of keeping with its surroundings and would not harm the landscape

character or visual amenity of the area. The proposal would also not result in more than one snack van operating in this car park.

The closest neighbouring residential properties to the application site are located to the south on the opposite side of Haddington Road some 19 metres away. By being located within the existing car park the proposed snack van would not cause overlooking of the gardens of neighbouring residential properties. Therefore, the siting of the snack van would not result in a loss of privacy to those neighbouring residential properties.

Due to its distance from neighbouring residential properties the siting of the snack van would not cause a loss of residential amenity through overshadowing.

Should the application be approved, it would however be prudent to limit the consent for a period of three years. This would allow the Council the opportunity to continue to review this use at that stage in the interests of safeguarding the character and amenity of the area. Making the planning permission personal to the applicant, controlling the operating of the snack van to the part of the car park on which it is positioned, would safeguard against an over-commercialisation of the area. This can all be achieved by attaching conditions to any grant of planning permission given for this snack van.

On the matters of parking, road safety and traffic, the **Council's Road Services** has been consulted on the proposal. They had initially raised concerns with regards to the loss of car parking as well as the impact on visibility plays and pedestrian safety. However, drawings have been amended to show the servery sited to the south of the van and contained via a rope barrier which would be outwith the visibility spay for vehicles leaving the site. Roads Services have confirmed that the revised drawings are acceptable and that they have no objection to the proposal. They are satisfied that the siting of the snack van in this location would not be a road safety hazard.

On the matters of noise and odour associated with the proposed snack van, the **Council's Environmental Protection Manager** has been consulted on the application. They sought clarification on how the vehicle would be powered for cooking of food as they would have had concerns about noise from generators on residential amenity. Given there are residential properties close by, they request that no generators shall be used to power the mobile snack bar.

In response the applicant has confirmed that the fridge/lighting/general power would be provided by a Solar PV array (roof-mounted) connected to on-board storage battery while the cooking grill would be powered by LPG. They have also confirmed that they would not be using generators to power the van.

**The Environmental Protection Officer** has confirmed that these power sources would be acceptable but has requested that a condition be attached to any planning consent issued prohibiting the use of generators to power the snack van. Such a condition can reasonably be imposed on any grant of planning permission. Given no generators would be used, they have also confirmed that they have no concerns with the hours of operation of the proposed snack van. As such, no objection is raised and subject to compliance with the above condition, the proposed snack van would not detrimentally impact on the amenity of any surrounding sensitive uses.

As the site is within the Battle of Prestonpans Inventory Historic Battlefield Site, **Historic Environment Scotland** has been consulted on the application and raise no objection to the proposed development on the impact of it on the battlefield site.

The proposed snack bar is consistent with Policies 13 (Sustainable Transport), 14 (Design,

quality and place) and 27 (City, town, local and commercial centres) of NPF4 and Policies TC2 (Town and Local Centres) TC4 (Hot Food Outlets), DP2 (Design) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

#### **CONDITIONS:**

- 1 Planning permission is granted for a temporary period of three years, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the area restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental and amenity impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

- 2 This permission is made personal to the applicant, Mr Lachezar Branchev and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the landscape character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

To prevent an over-commercialisation of the car park in the interests of safeguarding the landscape character and amenity of the area, and without detriment to the principle of the use of the car park for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

- 4 Two litter bins, each with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. Prior to any use being made of the snack van details of the two litter bins, as well as a general strategy to minimise the impact of waste, shall be submitted to and approved in advance by the Planning Authority. The details shall show that one bin shall be used solely for recyclable materials and one bin shall be for general waste. The two litter bins shall thereafter be provided in accordance with the details so approved. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bins and their contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 5 The snack bar hereby approved shall be provided with gas, solar or battery power and no generators shall be operated on site for the purposes of providing power to the proposed snack van.

Reason:

In the interests of the residential amenity of neighbouring residential properties.