



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

**WEDNESDAY 6 JUNE 2012  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor T Day  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor D Grant  
Councillor W Innes  
Councillor P MacKenzie  
Councillor P McLennan  
Councillor J McMillan  
Councillor J McNeil

**Other Councillors Present:**

Councillor M Libberton

**Council Officials Present:**

Mr P Collins, Executive Director of Environment  
Ms M Patterson, Executive Director (Services for Communities)  
Mr R Jennings, Head of Housing and Environment  
Mr B Stalker, Development Management Manager  
Ms M Ferguson, Corporate Legal Adviser  
Mr K Dingwall, Principal Planner  
Mr D Irving, Planner  
Mr M Greenshields, Transportation Planning Officer  
Mr G Talac, Transportation Planning Officer  
Ms C Molloy, Senior Solicitor  
Ms F Stewart, Committees Assistant

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 1 – Mr Sutherland, Mr Long, Mrs Robertson, Mr Smith  
Item 2 – Mr Rayner, Mr MacInnes, Mrs Wright, Mr Robertson, Mr Kennedy, Mr Boardman, Mr Macleod, Mr Downie, Mr Oliver, Mr Spaven, Mr Stodart, Mr MacIntosh  
Item 3 – Mr Fusco, Mr Hogg, Mr Gammell, Mr McGuinness

Item 4 – Mr Sutherland, Mr Gammell  
Item 5 – Mr Adams, Mr Simpson  
Item 6 – Mr Bratherton  
Item 7 – Mr Armstrong

**Apologies:**

Councillor T Trotter  
Councillor J Williamson  
Councillor M Veitch

**Declarations of Interest:**

The Provost stated that he would leave the Chamber for the two wind turbine applications, Items 3 and 4, due to a conflict of interest.

**1. PRE-DETERMINATION HEARING PLANNING APPLICATION NO. 11/00459/PPM: PLANNING PERMISSION IN PRINCIPLE FOR (I) 3 CHALETS AND (II) 7 HOUSES AS AN ENABLING DEVELOPMENT FOR THE EXTENSION OF THE EXISTING CLUBHOUSE AND CHALETS AT CASTLE PARK GOLF CLUB, GIFFORD**

The Executive Director (Services for Communities) had submitted a report on the pre-determination hearing for Planning Application No. 11/00459/PPM: Planning permission in principle for (i) 3 chalets and (ii) 7 houses as an enabling development for the extension of the existing clubhouse and chalets at Castle Park Golf Club, Gifford.

The Development Management Manager, Brian Stalker, informed Members that a Pre-determination Hearing was mandatory where a planning application had been made for a major development that was significantly contrary to the local development plan and had to be determined by a meeting of the full Council. He outlined the purpose of a Pre-determination Hearing, advising that Members could question the speakers, but there must be no debate on the planning merits of the application. The report provided the Committee with a description of the development proposal and summaries of the development plan policies and other material considerations, summary of the consultation responses and public representations. A full report on the application would be presented to Council on 26 June 2012.

In response to questions from Councillor Berry regarding the economic argument i.e. the business case, Mr Stalker clarified that this would be included in the merits of the development proposal which would be contained within the full planning assessment report brought to Council on 26 June.

Mr Sutherland, the agent, addressed the Committee. He informed Members that the existing clubhouse was formed from the original clubhouse built for the 9 hole course and temporary porta-cabins. The clubhouse did not have ladies changing room or shower facilities, nor adequate facilities for children and the kitchen was too small to cater efficiently. The aim of the improvements was to provide a clubhouse fit for purpose; ladies changing facilities with toilets and showers, a new meeting room, improved kitchen facilities and an enlarged driving range bay. Castle Park Golf Course was purchased by Mr Wilson in 2006. The course had been improved and had a good reputation with local and visiting golfers. The golf course operated as a leisure and tourism business in a competitive environment; golf based tourism formed an important part of the tourism mix in East Lothian.

He outlined the design element of the application. He quoted from Scottish Planning Policy and Policy DC1. He provided details of the financial case for the application. He stated that the wider public benefits included the ongoing and sustainable future for Castle Park Golf Course which in turn had direct benefits for employment and tourism revenue. The proposed housing would not remain within the ownership of the Wilsons and the capital generated would be spent on the approved clubhouse improvements. Without the enabling housing there was no realistic prospect of the temporary structures being removed and the future of the club would be in doubt. By offering the proposed facilities the sustainable future of the course could be assured.

In response to questions from Members Mr Sutherland stated that the application was for planning permission in principle; the indicative site layout plan showed where the houses would be grouped. The applicant, Mr Wilson, clarified the distinction between links and non links courses and gave an estimate of visitor numbers.

Mr Long spoke in support of the application on behalf of Castle Park Golf Club members, informing the Committee that he was a founder member of the club. He stated that the present facilities were not fit for purpose and the enabling development was essential to subsidise the alteration and extension of the existing clubhouse. East Lothian was marketed as the cradle of Scottish golf; he quoted from *Golfing in Scotland 2012*. In terms of visitor numbers there had been 70 visiting groups this year, with average of 30 golfers per group. Golfing at Castle Park was affordable; the subscription had been reduced from last year and membership numbers had increased. The minimum enabling housing development was proposed. He quoted from Scottish Planning Policy, Section 92, regarding the role of the planning system in supporting economic growth in rural areas. The development proposed was essential, the club had to progress; if permission was not granted there were concerns for the future of the golf club.

Mrs Robertson spoke against the application on behalf of Gifford Community Council. The community council wished to raise the following points: this was a major development in conflict with the local plan; it would have a significant visual impact; it would be intrusive to the landscape; they had concerns about the additional traffic and the proposed development would have little or no benefit to the wider community.

Mr Smith, resident of Castlemains for 20 years, spoke against the application. The proposal did not comply with the development plan, it was inconsistent with policies designed to protect open countryside. His main area of concern related to the significant urbanisation of the rural area. The enabling policy did not apply as the primary use, the golf course, already existed. If granted, a precedent could be set by encouraging other businesses to lodge similar applications for enabling housing to upgrade existing facilities. The golf club's main selling point was the parkland and unspoilt scenery, this development would devalue its main asset. In relation to funding issues the public had not been allowed to see the funding proposals; enabling development policy was not a substitute for normal development funding, the present owner could have factored in future improvement costs into the price.

Mrs Robertson spoke against the application, informing Members that she had lived in the area for 25 years. She was totally opposed to this excessive development in the beautiful landscape between Gifford and the Hopes Reservoir; a development of 10 new dwellings would be entirely out of character for this area. With regard to the proposal for 3 chalets she stated that there was no justification for this; there was suitable accommodation nearby, hotels in Gifford and Haddington and several quality guest houses in the area. She referred to the geographical location and to the effect

of adverse weather on the viability of golf course; there could potentially be significant periods of inactivity during the winter months.

Mr Stalker informed Members that the application would be determined by Council on 26 June 2012 and prior to this meeting a site visit would be arranged. The Convener brought the Pre-determination Hearing to a close.

## **2. PLANNING APPLICATION NO. 06/00328/FUL: CONSTRUCTION OF RUNWAYS, ROADS AND BUILDINGS TO FORM AIRFIELD AT EAST LOTHIAN AERO CLUB, STATION ROAD, DIRLETON**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

In response to questions about the East Fortune microlight operation Mr Stalker stated that he knew of no proposals to close this facility. With regard to the differences in the type of aircraft using the proposed airfield he advised that this application was not for microlights and the operation of the airfield had to be the subject of an appropriate assessment. He stated that the airfield at Archerfield only operated through the landowner's use. He clarified further aspects of the appropriate assessment study carried out by David Tyldesley and Associates. He reiterated that the findings of that were that it could not be certain that the operation of the airfield would not adversely affect the two special protection areas.

Mr Rayner, the agent, addressed the Committee. He informed Members that this application had been lodged in April 2006. The Planning Officers main areas of concern were the affect of the application on the two special protection areas. He referred to a study of Dundee airport which had shown that flights had minimal impact on pink footed geese numbers nesting. Scottish Natural Heritage (SNH) evidence from recent studies showed that birds were not affected by noise from airfields. SNH had withdrawn their objection in 2008; they now believed there would no adverse affect to wildlife in the area proposed for development. He referred to the appropriate assessment, stating that the conclusion was at odds with SNH's views. The findings had been based on the study of an airfield in London, which was hardly comparable. An RSPB study showed that 97.3% of all disturbances to birds were due to people and pets, aircraft was not cited. He referred to a submission to the Planning Authority by Professor Natalie Warren, which showed that the appropriate assessment was neither competent nor correct scientifically. There was a real risk that it had misled the planning process. There was scientific evidence that most species of birds in Scotland rapidly adapted their behaviour; he asked the Committee to set aside the appropriate assessment.

Mr Rayner responded to questions from Members on the potential dangers posed by geese and wind turbines to flight safety, gave details of the extent of the proposed development including number of daily flights, type and size of aircraft, the control tower operation and the training provision.

Mr Stalker clarified, in relation to SNH, that although they had withdrawn their original objection, a meeting had then taken place between Planning Officers, SNH and the applicant/agent, where it had been made clear by SNH that there was a need for an appropriate assessment and it was on this qualification that SNH had withdrawn their original objection.

Supporters of the application addressed the Committee.

Mr MacInnes stated that he was a Haddington resident and a private pilot; also director and secretary of the Kirknewton Flying Group. He referred to the Flying Order Book which contained guidance for pilots on noise procedures and areas to avoid. He stated that aviation in East Lothian had a great history, there used to be many airfields throughout this area. This development would boost tourism, especially golf tourism. It would give young people an experience of all aspects of flying; to become pilots of the future. He referred to the youth project, stating this would be of benefit to local businesses. He gave details of the number of aircraft based at Kirknewton and their movements, advising that these posed no disturbance. The noise from the Dirleton airfield would not be a problem; the aircraft would be much less intrusive than other aircraft, such as helicopters going to/from local hotels or typhoon jets flying from Leuchars.

Mrs Wright informed the Committee that she had close connections to East Lothian for 50 years and a family history in aviation. This application would give young people an opportunity to become involved in the work of the airfield, the chance to participate in an exciting and absorbing pastime. The aviation industry was desperate to recruit young people with enthusiasm. There were currently no opportunities or courses available. She commended this application to Members stating it would be a lost opportunity if not approved.

Mr Robertson stated that the proposal would reduce the number of bird disturbances, it would not be detrimental. He advised that there was nothing at present to stop aircraft flying low over Aberlay Bay, which did happen as it was on the RAF low flying route. He made reference to Civil Aviation Authority aviation rules. In terms of the operation of the airfield, the circuit would be to the south, away from Aberlady Bay. The airfield would be in contact with pilots in the area, which was currently outwith the Edinburgh airport flight plate and suggested routes to avoid areas of special protection would be provided. He had consulted the Civil Aviation Authority map department, who had agreed to add a blue duck symbol to Aberlady Bay. He stated that an airfield at Dirleton would greatly assist in regulating air traffic in this area.

Mr Kennedy indicated he was a private pilot involved with this application. This was a socially desirable development; the airfield was intended to be a not for profit organisation. He outlined the business model. He referred to concerns regarding noise and reiterated that aircraft would fly the circuit to the south, away from Aberlady Bay; aircraft would be 1,000 feet above, away from residential properties. He referred to the noise study, stating that the noise of aircraft at 1,000 feet was only 5% above the ambient noise of general life noise. With regard to the geese he commented that, as seen at the site visit, the airfield was located in a slight dip and geese were very rarely seen there for foraging. The disturbance to both people and birds would be minimal. The proposal for the airfield should be supported.

Mr Boardman spoke on behalf of Mr Gibson, who was the manager of a local Light Aircraft Association and he was Chair of the Scottish Aero Club in Perth. He referred to the tourism potential of this application. He stated that many large cities welcomed light aircraft into major airports; many others had satellite airports within close proximity. In the central belt of Scotland Edinburgh and Glasgow airports were not welcoming to light aircraft; Glasgow did have Cumbernauld within 14 miles, Edinburgh, by contrast, had nothing suitable. The nearest airport was Glenrothes, 30 miles away, not particularly suitable if a pilot wanted to visit East Lothian. As a result of this pilots from England and abroad travelled north and converged elsewhere. With

the proposed airfield pilots could avoid the air traffic areas of Edinburgh and Glasgow. He commended the airfield in East Lothian to the Committee.

Mr Macleod indicated that most of his points had been raised. He would like to add that with the closure of Turnhouse there was nowhere now that young people interested in aviation could get suitable instruction and gain valuable experience. Many of the people supporting this application wanted to put something back into the community and were keen to encourage local youth. This airfield would be a magnet; it would energise young people particularly, but also anyone with an interest in aviation. East Lothian would be delighted to have this facility.

Mr Downie spoke on behalf of Mrs Oliver, a member of staff with the Air Training Corps; he was a Flight Commander with the Training Corps Youth Organisation, which recruited for the air force. The Training Corps had three aims: the first was to promote to young people the practicalities of aviation - this airfield would provide a base for cadets for this purpose. The second was to provide training for the air force, including the educational element; the curriculum for excellence had been taken on by the Corps and the hope was to achieve a nationally recognised qualification - cadets would get a lot of the relevant training working at the airfield. The third aim concerned fostering the spirit of adventure, leadership and good citizenship with the involvement of schools, voluntary sector and businesses. The airfield would be good for the area and would reunite historic East Lothian links to flying.

Mr Oliver spoke on behalf of Mr Griggs. He informed Members that their main aim was for an air ambulance to be located at the airfield; Dirleton was the perfect location to service south east Scotland. He drew attention to a feasibility study on the benefits of an air ambulance; 20 lives would be saved a year and untold numbers of people would get to a hospital in time. An airfield was needed as a base, for provision of fuel, fire protection and other issues. Currently there were only air ambulances at Glasgow and Inverness. All the relevant local authorities could work together as a group to locate an air ambulance at the Dirleton airfield, which would cover the south east of Scotland. He urged Members to support this application.

Mr Spaven stated he was the Director of the Edinburgh Flying Club, one of the oldest flying clubs in Scotland, located for the past 50 years at Edinburgh airport. The club was the only flying club now located at Edinburgh airport, due to the reduction of facilities and increased costs for recreational aircraft. He gave more details of issues facing private pilots at Edinburgh airport, highlighting the economical situation. He advised that typically airfields like Glenrothes and Cumbernauld would charge around £15/£20 to land, park overnight and take off the next day; Edinburgh charged £250. As a result visiting pilots no longer came to this area and all that income generated went elsewhere. There was a need for a new light aircraft facility in south east Scotland, Dirleton was the perfect location and he urged support for this application.

Objectors to the application addressed the Committee.

Mr Stodart told Members he was the owner of Kingston Farm, adjacent to the application site. He referred to the length of time this application had taken to be presented and the assumption that it had been withdrawn or time barred. It would only have been right to have republished it due to its impact on people and on the environment, particularly the great wildlife habitats in East Lothian, including the protected nesting birds of prey and the pink footed geese that visited each year. The geese were on this site and its adjacent fields daily throughout the autumn and winter. He suggested that a decision on the application should be left until the geese were on site. He questioned whether the site would be limited to light aircraft, now

hearing about a hard surface runway, an air ambulance and recreational facilities; the application was a Trojan horse. Any benefit the airfield might have would be more than offset by negative effects on the environment of this area. He stated that noise from microlight flights was intrusive. He urged Members to support the report recommendation and refuse this application.

Mr MacIntosh spoke on behalf of Gullane Area Community Council. He stated that Mr Stodart had covered all the points the community council wished to raise. In 2006 the community council had conducted a straw poll and there had been unanimous objection to this application; another poll had recently been carried out and there was no change of opinion. He stressed that this development would be for the benefit of a few to the potential detriment of many. This airstrip was on the flight path of the pink footed geese, there were risks of potential bird strikes. He concluded that Gullane Area Community Council strongly urged refusal of this application.

Local Member Councillor Goodfellow commented that the report recommendation to refuse this application was based on double negatives, "it could not be ascertained that there would not be any detrimental effects on the pink footed geese". He stated that there were areas where these geese did land and feed but this was more to the south of Fenton Barns road. He referred to reasons for approving the application; giving young people an opportunity to learn about aviation, tourism, the provision of much needed facilities and the creation of new jobs, badly needed in East Lothian. He stated that he had been persuaded to support this application.

Local Member Councillor Day stated that he did not think there would be an adverse visual impact as the runway was ground based. With regard to noise he expressed concern about the impact of the airfield on neighbouring villages. As outlined in the report in relation to Policy DP13, it was clear that the application may have a detrimental effect. He questioned whether there would only be non-commercial unlicensed flights and also questioned the economic and tourism benefits. He considered that, as the proposal did not meet the very specific circumstances of public interest set out in the Habitats Directive, he could not support the application. He added that it was unfortunate that an agreement could not have been reached with the owners of East Fortune airfield.

Local Member Councillor Berry commented that the planning reasons given for refusal largely referred to policies DP13 and NH1a. He had been out on the Forth Islands many times and an airfield inland would have no effect on the sea birds on these islands, there would be more disturbance and adverse affect from the typhoon jets that currently fly over the area. The report had not looked at some of the Council's policies, tourism, particularly golf tourism, would benefit from this airfield. If the application was approved there would be a control tower to regulate air traffic, this would enhance conservation in the area. There was clearly a commercial interest however he could find no planning reason to refuse and would be supporting this application.

The Provost accepted that there could be benefits for East Lothian from this application and he agreed that the reasons for refusal were based on double negatives. He made reference to the position of the Council being subordinate to higher authorities, in this case European regulations and that the Committee had no choice but to heed these. David Tyldesley and Associates had presumably been commissioned by the Council because of their appropriate expertise. He added that despite information about Dundee and other airfields he was unable to conclude that there would be no negative impacts on nature conservation. He would be supporting the report recommendation to refuse this application.

Councillor McMillan commented on the professionalism of representations to Committee. He requested clarification on a number of issues including pilot training, number of flights, water logging of the site, training and development for young people and interest from businesses. Councillor McMillan then stated he had been persuaded to support the application.

Councillor Innes stated that this had been a difficult application to assess. Supporters and objectors had been articulate and passionate. Looking at the application purely in policy terms he was more likely to agree with the comments made by Councillors Goodfellow and Berry. He indicated that on balance he would be supporting the application.

Councillor Grant commented on the very thorough debate on this application. He agreed with views expressed by local members Councillors Goodfellow and Berry and would be supporting the application.

The Convener brought the discussion to a close. He also made reference to the very good representations to the Committee. He referred to the reasons for refusal detailed in the report by the Planning Officers but commented that he did not feel there was enough evidence to show that there would be an adverse affect as stated. He felt the benefits that this application would bring to East Lothian outweighed any disadvantages. He would be supporting the application. He asked that the report recommendation be put to the vote.

### **Decision**

The recommendation of the report that planning permission be refused was put to the vote and received **2 votes for** and **11 votes against**; there were no abstentions. The Committee therefore agreed to grant planning permission.

Mr Stalker stated that given the Committee's decision the application would have to be notified to Scottish Ministers because of the position taken on it by SNH. He suggested that the Committee may wish to attach conditions to the grant of planning permission and outlined heads of terms for these.

The Committee agreed to this. The application for planning permission was therefore granted subject to conditions reflective of the following heads of terms:

- 1 AB01- Standard 3 years expiration.
- 2 K01- Site setting out details.
- 3 Samples of materials.
- 4 Prevent airfield from being operated for the carrying of cargo and/or passengers for commercial gain.
- 5 Aircraft can only take off or land during daylight hours between the hours of 0700 to 1900, 7 days a week.
- 6 Bird scaring details to be submitted in advance.
- 7 Increase width of corner radii
- 8 First 10 metres of access road hard surfaced.
- 9 Warning signs to be displayed along the A198 and the B1345.



10 Wheel washing facility to be provided.

*Sederunt: The Provost left the meeting*

**3. PLANNING APPLICATION NO. 12/00028/P: ERECTION OF WIND TURBINE AND ASSOCIATED WORKS AT LAND AT WAUGHTON, EAST LINTON**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Mr Fusco, the agent, addressed the Committee. He outlined the background to the choice of this site location for the wind turbine. He commented that there were limited sites suitable for wind turbines in lowland East Lothian because of a number of landscape features, including North Berwick Law and Traprain Law. He stated that the wind turbine would have a height of 34.2 metres from ground to blade tip. He drew attention to a number of attributes for this particular site; he advised that the existing agricultural track would be used and would require only minimum upgrading. In relation to Waughton Castle and Waughton Dovecot, the site of the wind turbine would be at its lowest point so would not have a harmful impact. There were a number of existing industrial buildings already in the location. The wind turbine would not have a harmful noise impact on residential properties in the area. He informed Members that there had been no objections from consultees. He asked the Committee to approve the application.

Mr Hogg, the applicant, informed Members that he was the Site Manager for East Lothian Produce. He outlined the background and production of the company. The company had created 60 jobs and had a good customer base in local businesses. East Lothian Produce worked alongside TGC Renewables. The company offset a third of its energy needs which would provide critical energy. He advised that this wind turbine would result in a net saving of £21,000 per year. It would also meet the needs of consumers in relation to green credentials. He stated that loss of business would have an impact. He referred to the need to protect local businesses and local employment and urged support of this application.

Mr Gammell, representing SABEL, spoke against the application. He stated that the application raised a number of policy and material issues; he referred to Scottish Planning Policy and other policies. SABEL and its supporters had lodged detailed objections to this application. He informed Members that SABEL had commissioned Ian Kelly to carry out a study. He stated that the application failed the relevant policy tests. The application would have adverse impacts on key landscape features in East Lothian; it would not integrate into the landscape. He referred to the guidance on wind turbines produced by the Council in 2010 and to the supplementary study produced in 2011. He queried whether other methods of producing energy been considered by the applicant. He concluded that SABEL endorsed the report to Committee and the recommendation to refuse the application.

Mr McGuinness spoke against the application. He stated that the proposed development would run through the beautiful area of East Lothian, including North Berwick Law and Traprain Law. It would be a huge structure and would be seen for miles. He noted that there was another application for a wind turbine on the agenda. He referred to the noise and negative visual effects of the application. East Lothian

was a beautiful county, mainly due to the work of the Planners over many years and their ability to counter sporadic developments. He asked the Committee to reject this application.

Local Member Councillor Berry referred to the number of similar applications coming before Committee. He was sympathetic to the applicant however the site was still too prominent. The wind turbine would be highly visible from the east coast main rail line. He agreed with the report recommendation to refuse this application.

Councillor Day agreed; he could not support this application. The benefits did not outweigh the negatives. He referred to the detrimental impact on the views of North Berwick Law and Traprain Law. He also expressed concern about the cumulative impact of wind turbines in East Lothian. He agreed with the report recommendation.

Councillor Goodfellow commented that the Council had guidance on wind turbines and the Committee should adhere to it. He would therefore be supporting the report recommendation to refuse this application.

Councillor McMillan commented on economic development issues raised by this application. He asked if the applicant had considered other types of renewable energy. The applicant replied that he had looked at photovoltaic panels but that these would only provide a small part of his energy needs.

The Convener brought the discussion to a close. He expressed support for renewable energy and wind turbines in general. He referred to the need to consider how the Council could support local businesses in relation to renewable energy technology. However, the guidance produced on wind turbines was helpful and clear; it stated that turbines in this location should not be permitted so he would therefore be supporting the report recommendation to refuse the application and moved that this be put to the vote.

### **Decision**

The recommendation that planning permission should be refused was put to the vote and received **12 votes for** and **none against**; there were no abstentions. The Committee agreed to refuse planning permission for the following reason:

- 1 Due to the harmful impact it would have on the landscape of the 'Agricultural Plain – Sub Area 1, East' landscape character area and on the appearance in the wider landscape of the highly valued landmark natural features of North Berwick Law and Traprain Law the proposed wind turbine is contrary to Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the key considerations of landscape impact of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

### **4. PLANNING APPLICATION NO. 11/00467/P: ERECTION OF WIND TURBINE, FORMATION OF ACCESS ROAD, AND ASSOCIATED WORKS AT WEST FORTUNE FARM, DREM**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Mr Sutherland, the agent, addressed the Committee. He outlined the applicant's background. He stated that the applicant's business used more power than they got

from the grid and they had, through necessity, installed a diesel generator. Hamiltons were a major employer, with over 50 staff, and they also supported other local businesses. The farm was audited in terms of green energy. The applicant was working at expanding the business and additional energy requirements were crucial to the expansion. The wind turbine would generate the power required. The applicant had spoken to the local community and the site had been chosen out of all the sites proposed. The community council and SNH supported the application. He stated that the Council's landscape guidance had changed during the period that this application was being assessed. He disagreed that the 2005 Landscape Capacity Study was not relevant. Other energy alternatives had been looked at but were not feasible. The new Council guidance did not support any wind turbines in this area; this was however guidance, not law.

Mr Gammell, representing SABEL, spoke against the application. He referred again to the study carried out by Ian Kelly and stated that this application raised the same policy issues as the previous one. He referred to the guidance on wind turbines produced by the Council in 2010 and to the supplementary study produced in 2011. He stated that this application would have an adverse effect on the environment. The application did not comply with relevant policies and was clearly contrary to the Development Plan. He asked if other methods of producing energy been considered by the applicant. He informed Members that the wind turbine would be a third larger than anything in East Lothian at present and taller than the Scott Monument. SABEL and its supporters endorsed the officer's recommendation to refuse this application.

Local Member Councillor McMillan stated that he had considered issues around positioning, height and the impact of the application on the landscape of East Lothian. With reference to sustainable energy he expressed concern that local businesses were not being supplied properly from the grid, he was concerned to hear that a diesel generator had to be used. He concluded that, with reluctance, he would be supporting the report recommendation to refuse the application.

Councillor McLennan commented that he was familiar with the site and aware of the work carried out by the applicant in East Lothian. In this case he would be supporting the application as he felt that the economic benefits outweighed other issues.

The Convener referred to his comments in relation to the previous application. He stated that the Council had produced guidance regarding wind turbines and the Committee should not ignore this. He would therefore be supporting the recommendation to refuse the application as set out in the report, and moved that this be put to the vote.

### **Decision**

The recommendation that planning permission should be refused was put to the vote and received **11 votes for** and **1 vote against**; there were no abstentions. The Committee agreed to refuse planning permission for the following reason:

- 1 Due to the harmful impacts it would have on the landscape of this part of the East Lothian countryside and on the settings of the Drem and Athelstaneford Conservation Areas, the proposed wind turbine is contrary to Policy ENV1D of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1 (Part 5) and NRG3 of the adopted East Lothian Local Plan 2008, the key considerations of landscape impact and impact on a conservation area of Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian: December 2010 and the findings of the East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines (December 2011).

*Sederunt: Councillor Berry left the meeting*

**5A. PLANNING APPLICATION NO. 12/00294/P: ERECTION OF 26 FLATS AND ASSOCIATED WORKS AT COCKENZIE BOAT REPAIR YARD, WEST HARBOUR ROAD, COCKENZIE**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Mr Adams, the agent, addressed the Committee. He informed Members that the development proposed was for 26 flats. The development would be entirely residential, there would be no commercial element; the consultants, DTZ had recommended against this. This had also been the view of the Council's Economic Development Unit. He stated that the existing properties on the application site had been purchased 5 years ago. The boat repair yard was deteriorating in condition; this application was an excellent opportunity to address this and to provide a much needed social housing site.

Mr Simpson spoke against the application. He stated that the boat yard could be developed into facilities for the local community. The boat yard and harbour had a significant place in history; the first boats had been built there in 1880, the harbour dated back to 1591. The application was an example of a dense, high rise development. Recent housing developments and associated increased commuters meant that the village was in danger of becoming a dormitory town. He raised concerns regarding the pressure on local schools and the additional traffic, particularly at Edinburgh Road/East Lorimer Road. He commented that with some lateral thinking the boat yard area could flourish. He stressed the need to consider other options for redevelopment of this area; for sensitive consideration of its heritage and to retain the character of the working harbour and preserve its maritime history.

Local Member Councillor Innes indicated that the possibility of a mixed development would have been more positive – a mix of commercial/arts/small businesses. There could be support for housing but the current proposal turned its back on the harbour; any housing should complement the harbour not overshadow it. He could not support this application. He added that the Council had to get in touch with land owners regarding economic, tourism and housing options for sensitive areas like this.

Local Member Councillor MacKenzie sympathised with the views expressed by Mr Simpson and Councillor Innes, he agreed that there could be initiatives at a local level such as the 3 Harbour Arts Festival. The boat yard was currently not an attractive building however there was an opportunity for local development. He also had some reservations regarding the extension to the John Muir Way. He could not support the development.

Local Member Councillor Libberton agreed with the two other local councillors and, although not a member of the Planning Committee, urged members to refuse this application. She stressed the need to go back to the drawing board and, with the involvement of the community, consider appropriate developments for this area. The boat repair yard was a shed at present and did need developed. However, a mixed type of development, as mentioned by Councillor Innes, would be better and should be further investigated.

Councillor Grant expressed sympathy for the views expressed by the local members. He made reference to the lack of consultation with the community in relation to projects in a sensitive area of Tranent. However, with regard to this application he commented that he did not see a lot wrong with the proposed development.

The Convener brought the discussion to a close. He concurred with the local members and could not support this application. He asked that the report recommendation be put to the vote.

**Decision**

The recommendation of the report that planning permission should be granted was put to the vote and received **1 vote for** and **10 votes against**; there were no abstentions. The Committee therefore refused planning permission for the following reason:

- 1 The proposed residential development of the historic boat repair yard site would not in itself be an appropriate use of the site and would prejudice a greater community use of the Cockenzie Harbour area.

**5B. PLANNING APPLICATION NO. 12/00294/CAC: DEMOLITION OF BUILDING AT COCKENZIE BOAT REPAIR YARD, WEST HARBOUR ROAD, COCKENZIE**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission.

**Decision**

The Committee refused to grant conservation area consent for the following reason:

- 1 In the absence of an approved scheme of redevelopment of the site of the Cockenzie Boat Repair Yard there is no justification for the demolition of the existing buildings on the site.

*Sederunt: Councillors Gillies, Grant, Innes, McLennan and McNeil left the meeting, Councillor Berry returned to the Chamber*

**6. PLANNING APPLICATION NO. 11/00975/AMC APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 06/00754/OUT - EXPANSION OF HOLIDAY VILLAGE TO ACCOMMODATE ADDITIONAL 195 STATIC CARAVANS, A 9 HOLE GOLF COURSE AND ASSOCIATED WORKS (PART RETROSPECTIVE) AT SETON SANDS HOLIDAY VILLAGE, LONGNIDDRY**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Mr Bratherton, the agent, addressed the Committee. He informed Members that Bourne Leisure had listened carefully to the views expressed by neighbours to the Seton Sands Holiday Village and had adapted their plans accordingly and added significant landscape screening. He referred to the detailed design of the application including the water bodies, stating that SEPA was satisfied that flooding would not be an issue. He added that Bourne Leisure had a strong safety policy. He gave further

details of the application, clarifying that although 195 new static caravan stances were proposed there would be some associated reduction in the number of static caravan stances within the existing holiday village such that the total number would not exceed the limit of 780 previously imposed. He stated that Bourne Leisure intended to spend a significant amount on the park over the next few years, which demonstrated its importance to the local economy. He advised that £2.5million was brought into the local economy each year. He asked Members to support the application.

Local Member Councillor MacKenzie expressed support for the application. He welcomed the finance the Holiday Village brought into the local economy. His only concern related to Seton Collegiate Church, which was adjacent to the site. He referred to the flooding aspect but stated that he took reassurance from the advice from SEPA within the report; however people lived on the coast road and had concerns about erosion of the coastline.

Local Member Councillor Libberton agreed with the views expressed by her colleague, this was an excellent development project and she supported the application.

Councillor McMillan echoed comments made by his colleagues. He asked if there was a speed restriction in place on the site in relation to health and safety considerations. Mr Bratherton stated that health and safety was paramount and confirmed that a speed restriction was in force in the park. Bourne Leisure had a programme of works, including more footpaths, across all their parks; the company was committed to making improvements.

The Convener asked for further information on measures to address coastal erosion. Mr Bratherton advised that some Scottish Water equipment had been used to investigate the flooding, at Bourne Leisure's expense; £25,000 had been provided towards this investigation. Erosion was on the agenda and he would make sure that this was given higher priority.

The Convener brought the discussion to a close. He indicated that he would be supporting local members and the recommendation to grant planning permission as set out in the report and moved that this be put to the vote.

### **Decision**

The recommendation that planning permission should be granted was put to the vote and received **7 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

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

- 1 All planting, seeding or turfing comprised in the docketed landscaping drawings shall be carried out in the first planting and seeding season following the occupation of any of the additional 195 static caravans or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

#### 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.

- 2 A new 2 metres wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Holiday Village access junction to the Double D islands on the eastern part of the B1348 road (Links Road) and from the Double D islands on the western part of the B1348 road (Links Road) to the existing footpath at Sandy Walk.

Within two months from the date of grant of this approval of matters specified in conditions, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety.

- 3 Unless otherwise approved in writing by the Planning Authority, within one month from the date of grant of this approval of matters specified in conditions, a scheme to connect the development hereby approved to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water.

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

Reason:

To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

**7. PLANNING APPLICATION NO. 06/00839/FUL: ALTERATIONS AND EXTENSION TO AGRICULTURAL STEADING TO FORM 18 HOUSES, EXTENSIONS TO FARMHOUSE AND GRIEVES COTTAGE, ERECTION OF HOUSE, AGRICULTURAL BUILDINGS AND ASSOCIATED WORKS AT PLEASANCE FARM, DUNBAR**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Mr Armstrong spoke against the application. He informed Members that he and his wife lived at Hill Cottage on Pleasance Farm, the only cottage in the immediate proximity of the conversion. Spott was a very small village of 32 houses and some scattered rural properties; the proposed development would put 18 houses in the space of a farm steading. The farm access road, the U192, needed widened, the proposals were insufficient for the number of vehicles likely to be using this road. The blind bend on this road must be removed and work on this must be completed before construction work started. There would be loss of privacy and amenity. During the construction phase there would be noise, dirt and traffic – some screening should be erected, before commencement of the works, to protect their house from this. There should also be tree screening from the steading development.

The Convener, as a local member, referred to the proposed alterations to the access road, the U192, and asked if a condition could be inserted requiring alterations to that road and other proposed roadworks to be done before work started.

Mr Stalker stated that one of the difficulties in forming a new road to a development prior to commencement of development was the risk of the road subsequently being broken up by construction traffic; it was therefore not the Council's practice to insist that a new road be completed prior to the development taking place. The Convener suggested that the roadworks could be carried out but not completed to final surfacing prior to commencement of development. The Transportation Planning

Officer, Marshall Greenshields, advised that some temporary works could be carried out to the road but leaving off the final surface. The Convener requested that this be done; Mr Stalker confirmed that the relevant recommended conditions would be adjusted accordingly.

The Convener referred to the proximity of residential properties to the development and asked, during the construction phase, if there should be some form of barrier.

Mr Stalker indicated that this would be a health and safety requirement and therefore not a matter for the Planning Authority, rather, it was for the applicant. He also clarified issues regarding the 9 metre boundary privacy rule and vehicular access.

Councillor McMillan referred to former Councillor Bell's reasons for calling this application off the Scheme of Delegation specifically reason a) as detailed in the report to Committee and asked for the definition of overdevelopment.

Mr Stalker advised that there was not a definition of overdevelopment in Policy DC1 and that the policy did not set a restriction on the number of residential units that might be accommodated in a steading conversion. In each case of a proposed steading conversion the consideration had to be whether or not the steading would be capable of accommodating the number of units proposed.

The Convener brought the discussion to a close. He commented that the steading was in a poor state of repair and needed improved. He appreciated that the neighbours would lose some peace and quiet but he would be supporting the recommendation to approve the application as set out in the report but with the additional conditional requirement of the road and site access works being completed prior to commencement of development and moved that this be put to the vote.

### **Decision**

The recommendation that planning permission should be granted was put to the vote and received **7 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following recommended conditions but with adjustment to recommended conditions 17, 18 and 19 to require that the improvements to the U192 public road, the new site access road junction with that road and private access road to the steading be completed short of their surface finish prior to the commencement of the other elements of the development:

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

Reason:

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

- 2 There shall be no commencement of development of the new build house approved for Pleasance Farm by this grant of planning permission until it is demonstrated to the further approval of the Planning Authority that a fully diversified and expanded farm business, as set out in the Supporting Statement submitted with the application, is operational at Pleasance Farm.

Reason:

To ensure that the operational requirement for the proposed new build house is first in place so as to then make the development of the house consistent with Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.



- 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 new build elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the new build elements 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 new build elements of the proposal; 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 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include full details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, including planting to integrate the new farmhouse into its landscape setting; all existing trees and hedgerows on the site, details of any to be retained, and measures for their protection in the course of development; and all surfacing treatment within the site, including for the courtyards and gardens of the new houses, including the access road, car parking spaces and footpaths.

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 occupation of the new houses or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 5 No development shall take place until a scheme to deal with contamination on the site has been submitted to and approved in writing 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.

Before any of the houses are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason:

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

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 No development shall take place until details of the following have been submitted to and approved in writing by the Planning Authority:

Planning Committee – 6/06/12

- (i) the layout of and equipment for the play area to the southwest of the existing steading buildings;
- (ii) elevations and plans, including specification of materials and finishes, of the pavilion shown on the approved site layout plan drawing no. PF 12;
- (iii) the positioning, design and materials of bin storage facilities.

Thereafter the play area, the pavilion and the bin stores so approved shall be constructed and brought into use prior to the occupation of any of the 18 houses hereby approved by the conversion of the existing steading buildings.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 8 Notwithstanding what is stated on the materials schedule docketed to this planning permission, all new and replacement stone to be used on the walls of the buildings, including cills, lintels and window and door surrounds shall be natural stone to match as closely as possible the existing stonework of the existing buildings, in accordance with a sample to be submitted to and approved by the Planning Authority prior to its use in the development and the stone used shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 9 Notwithstanding what is stated on the materials schedule docketed to this planning permission, the roofs of the existing 'L' shaped ranges of buildings attached to the west ranges of the quadrangle of steading buildings shall be clad in natural slate, unless otherwise approved in writing by the Planning Authority where it can be demonstrated that they were previously clad with pantiles.

Samples of new and replacement natural slates and new and replacement pantiles to be used in the development shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 10 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors, walls and timber boarded infill panels;
2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;
3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 11 All roof windows shall be 'conservation type' roof windows and shall be installed as near to a flush fitting as possible with the roof surface and with minimum required flashing.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 12 The glazed doors and windows to be installed in the existing cart arch and other large openings of the steading buildings shown on drawings Nos. PF 16 and PF 17 docketed to this planning

Planning Committee – 6/06/12

permission shall be installed as far back within those openings as possible, to a detail to be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 13 Prior to their installation on the buildings, details of any flue and vent outlets shall be submitted to and approved by the Planning Authority. Details shall include scale 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed flue and vent outlets. The details shall show the flue and vent outlets concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the buildings to which they would adjoin.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 14 All new and replacement rainwater goods shall be cast iron and shall be painted a colour to be approved in advance by the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 15 No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the existing buildings using sarking straps.

Reason:

To safeguard the character and appearance of the buildings and the character and visual amenity of the area.

- 16 Prior to their use in the development a schedule and samples of the materials and finishes for the new build house and for the extensions to the existing Pleasance Farmhouse and Grieve's Cottage hereby approved shall be submitted to and approved in writing by the Planning Authority and the materials and finishes of the new build house and the extensions to Pleasance Farmhouse and Grieve's Cottage shall be in accordance with the schedule and samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 17 Prior to the occupation of any of the houses formed by the conversion of the existing existing buildings as hereby approved the U192 public road shall be widened to 5.5 metres over a length of 15 metres on either side of the new access and an adequate number of passing places shall be formed on the public road between the access and the turn off leading to Little Spott, to the west of the proposed access junction, over a distance of some 1.3 km, all to details, including the proposed location and formation of passing places, to be approved in writing in advance by the Planning Authority.

Reason

In the interests of road safety.

- 18 Prior to the occupation of any of the houses formed by the conversion of the existing existing buildings hereby approved the new access, parking and turning arrangements as shown on the drawings docketed to this planning permission shall have been formed and made available for use to the following specification, to details to be approved in writing in advance by the Planning Authority and thereafter shall remain available for use so formed unless otherwise approved in writing by the Planning Authority:

(i) 4.5 metre by 90 metres visibility splays shall be formed to the east and west sides of the site access junction with the U192 public road. No obstruction shall lie within the splay above a height of 1.05 metre measured from the adjacent carriageway surface;

- (ii) The junction of the access road with the U192 public road shall be a minimum width of 5.5 metres over the first 15 metres of its length from the public road into the site. Otherwise the internal access road shall be at least 3.5 metres wide over its length and have intervisible passing places of at least 15 metres in length;
- (iii) The first 15 metres of the access road from the junction of the U192 public road into the site shall be hard formed;
- (iv) a turning area for refuse vehicles shall be provided within the site; and
- (v) the 36 parking spaces proposed for the steading development shall have dimensions of at least 2.5 metres by 5 metres where accessed from a road of at least 5 metres width or 3 metres by 5 metres where accessed from narrower roads.

Reason:

In the interests of road safety and the residential amenity of the development.

- 19 Prior to the occupation of any of the houses hereby approved the private access road from the site to its junction with the U192 public road shall be upgraded to a pothole and water free condition, to the approval of the Planning Authority and thereafter the private access road shall be maintained in a pothole and water free condition.

Reason:

In the interests of road safety and the residential amenity of the development.

- 20 Notwithstanding that which is shown on the drawings docketed to this planning permission for the subdivision of the courtyard and garden areas of the existing steading buildings with timber fences there shall be no subdivision by enclosure of the courtyard and garden areas.

Reason:

In order to ensure the use of boundary treatments which enhance the appearance of the development in the interests of the amenity of the area.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order there shall be no development to alter or enlarge any of the 18 houses formed from the conversion of the existing steading buildings and there shall be no development within their curtilages unless with the prior approval of the Planning Authority.

Reason:

In the interests of safeguarding the character, integrity and appearance of the buildings and the visual amenity of the area.

- 22 None of the 18 houses to be created from the conversion of the group of steading buildings shall be occupied unless the two agricultural buildings positioned to the west of the group of steading buildings and which are stated to be demolished on the drawings docketed to this planning permission have been demolished and the materials of them completely removed from the site.

Reason:

To ensure that the 18 houses benefit from an acceptable amount of residential amenity and in the interests of the character and appearance of the area.

## **8. PLANNING APPLICATION NO. 12/00136/P: EXTENSIONS TO HOUSE AT 2 KNOCKENHAIR ROAD, DUNBAR**

The Executive Director (Services for Communities) had submitted a report on the application for planning permission. Mr Stalker summarised the key points of the report.

Councillor Goodfellow referred to the reasons former Councillor Bell had called this application off the Scheme of Delegation, specifically reason b) as detailed in the report to Committee, and asked if anything could be done to alleviate the possibility

of overlooking from any windows that could, in the future, be formed in the west elevation wall of the proposed rear extension.

Mr Stalker advised that if Members had concerns about this issue recommended condition 2 could be adjusted to include for the removal of permitted development rights to form, at some future date, windows or other glazed openings in the west elevation wall of the proposed rear extension.

The Convener asked that the recommendation to approve the application as set out in the report, with the said removal of permitted development rights, be put to the vote.

**Decision**

The recommendation that planning permission should be granted was put to the vote and received **7 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

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

Reason:

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed in the south side elevation wall of each of the front and rear extensions hereby approved, unless otherwise approved by the Planning Authority.

Reason:

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

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee