



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

**TUESDAY 15 JANUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor W Innes  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell

**Other Councillors Present:**

Councillor A Forrest

**Council Officials Present:**

Mr I McFarlane, Service Manager – Planning  
Mr K Dingwall, Team Manager – Planning Delivery  
Mr M Greenshields, Senior Roads Officer  
Mr R Yates, Transportation Planning Officer  
Mr C Kiely, Planner  
Ms P Bristow, Communications Adviser  
Mr J Allan, Planning Technician

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Mr W Dickson

**Apologies:**

Councillor S Kempson  
Councillor B Small  
Councillor J Williamson

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 DECEMBER 2018**

The minutes of the meeting of the Planning Committee of 4 December 2018 were approved.

**2. PLANNING APPLICATION NO. 18/01119/P: EXTENSION TO HOUSE AND FORMATION OF ROOF TERRACE WITH BALUSTRADE AT 29 PROMENDAE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 18/01119/P. Ciaran Kiely, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Iain McFarlane, Service Manager – Planning, drew attention to the reasons for refusal, advising that the last reason concerned flood risk; the other reasons were mainly due to design issues in relation to the two-storey extension. He added that the applicant and agent had ignored advice from officers that a single storey extension could be more appropriate subject to its design.

Mr McFarlane and Mr Kiely responded to questions. Regarding flood risk/evidence, Mr McFarlane stated that SEPA's flood risk advice was geared towards no additional risk of flooding, also that vulnerable groups were not put at further risk, either to their property or person. Anyone seeking to develop in a flood risk area had to consult with SEPA and the Council's flood risk officers. In relation to whether a single storey extension would provide leeway for a larger footprint, Mr McFarlane indicated it was difficult to say, any plans put forward would need assessed. He stated that the impact on the streetscape was a key factor. He informed Members that there was some degree of flexibility and officers were willing to discuss options with the applicant. Mr Kiely, responding to a query about the site boundary, advised that this was a civil matter and not a material planning consideration. Regarding development at the rear, Mr McFarlane stated this was problematic due to the interaction of various properties. Neither he nor Mr Kiely knew who owned the outbuildings. Responding to further points about flooding, Mr McFarlane advised that SEPA's guidance and guidance from the Scottish Government stated that development should not take place in a 1:200 flood plain; he referred to standards expected for assessing flood risk.

Walter Dickson, an immediate neighbour, spoke against the application. He clarified several points raised by Members regarding ownership and boundaries. This proposed development would almost double the footprint of the building. It was a modern development not in keeping with the style of the existing buildings. He informed Members there had been flood events; he had specific flood defences across his gate. He expressed concerns about overlooking and privacy issues. This extension was not suitable and should not be approved.

Local Member Councillor Forrest, not a member of the Planning Committee, referred to the applicant's circumstances stating that the family had considered all options. He disagreed with the officer's assessment; he did not think the extension would be particularly prominent, as the nearby block of flats would partially hide it. He did not feel this proposal would look out of place; there were many different styles of properties along the Promenade.

Councillor McLeod agreed with the officer's recommendation for refusal of this application.

Councillor Findlay referred to the duty of care to the neighbours, highlighting loss of privacy and daylight issues. He would be supporting the officer's recommendation for refusal.

Councillor Bruce expressed support for the recommendation to refuse the application.

Councillor Gilbert stated that he felt a single storey extension could provide the necessary ground level accommodation. He would be supporting the recommendation for refusal.

The Convener ended the discussion. He agreed with comments expressed by other Members. He would be supporting the recommendation for refusal as set out in the report.

The Convener moved to the vote on the report recommendation (for refusal):

For: 9  
Against 0:  
Abstentions: 0

**Decision**

The Committee agreed to refuse planning permission for the following reasons:

- 1 The proposed extension would not by its prominence, size and scale and of its modern form and finish be in keeping with the character and appearance of the existing house. It would instead appear as an incongruous and alien feature within the street scene that would not be well integrated into its surroundings. Consequently the proposed extension is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP5 of the adopted East Lothian Local Development Plan 2018.
- 2 By virtue of its position in relation to neighbouring residential properties, and of its design and height, the proposed extension would result in a loss of amenity through loss of daylight to the ground floor window on the front elevation of No 27 Promenade and to the window in the ground floor of the rear elevation of the adjacent ground floor flat at No 30 Promenade. This loss of daylight to these rooms would have a detrimental impact on the residential amenity of those neighbouring properties contrary to Policies DP5 (Extension and Alterations to Existing Properties) of the East Lothian Local Development Plan 2018.
- 3 By virtue of the height of the first floor terrace and of its close proximity to the first floor window in the west elevation of the flatted property at No. 30 Promenade there would be a loss of privacy through overlooking from the proposed first floor terrace into that adjacent window contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposed development would double the amount of habitable rooms to this property where no off street parking provision would be provided. As such, the proposal does not meet the Council's Parking Standards as set out in East Lothian Council's Standards for Development Roads 2008, nor can on-street parking be provided as an alternative. The proposal is therefore contrary to Policies T1 (Development Location and Accessibility) and T2 (General Traffic Impact) of the adopted East Lothian Local Development Plan 2018.
- 5 The application site is within an area identified as being at risk of flooding. No evidence has been submitted in support of the application that demonstrates that the proposed extension would not be at risk of flooding. As such the proposal fails to comply with Policy NH11 of the adopted East Lothian Local Development Plan 2018.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee