



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 27 JANUARY 2022
VIA THE DIGITAL MEETINGS SYSTEM**

Committee Members Present:

Councillor L Bruce (Chair)
Councillor N Gilbert
Councillor J McMillan

Advisers to the Local Review Body:

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

Other attendees:

Ms F Haque, Solicitor

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the meeting and the options available to the Local Review Body in reaching a decision on the planning applications before it.

The Legal Adviser then invited nominations to chair the meeting. Councillors Gilbert and McMillan indicated that they would be content for Councillor Bruce to chair the Local Review Body (LRB) on this occasion.

1. PLANNING APPLICATION NO. 21/00654/P: CONVERSION AND EXTENSION TO DOMESTIC OUTBUILDING TO FORM 1 HOUSE, ERECTION OF 2 SHEDS, FORMATION OF 2 VEHICLE PARKING SPACES AND ASSOCIATED WORKS, REAR GARDEN OF 23 EDINBURGH ROAD, COCKENZIE, EAST LoTHIAN

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined in detail the proposals contained in planning application no. 21/00654/P at 23 Edinburgh Road, Cockenzie for the conversion and extension of a domestic outbuilding to form 1 house and associated works.

He reminded Members that applications should be determined in accordance with the development plan for the area unless material considerations indicate otherwise: in this case the South East Scotland Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (LDP). While none of the policies approved by SESplan were relevant to this application, the most relevant policies of the LDP were: RCA1 (residential character and amenity); CH2 (development affecting Conservation Areas); DP2 (design); DP5 (extensions and alterations to existing buildings); DP7 (infill, backland and garden ground development); T1 (development location and accessibility); and T2 (general transport impact). Also relevant were section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy (June 2014) and Supplementary Planning Guidance on 'Cultural Heritage and the Built Environment'.

The Planning Adviser summarised the case officer's assessment of the application which noted that no public objections had been received and which confirmed that all relevant Council services had been consulted. The response from Roads Services highlighted that no off-street parking was to be provided for the proposed house and that the existing driveway was to provide access to 2 new parking spaces to be created for the existing house on the site. As there was not space to provide parking for the new house and as any parking demand would have to be accommodated on the street, Roads Services could not support the application and recommended its refusal.

The case officer had considered all of the relevant LDP policies, legislation and guidance and his assessment of the application was summarised by the Planning Adviser. The case officer had concluded that the application would be contrary to LDP policies DP5, DP7, T1 and T2 and that there were no material planning considerations that outweighed these facts.

The Planning Adviser then summarised the applicant's appeal submission which stated that the case officer's assessment contained an inaccuracy, that available parking

spaces on New Street were shared with neighbours, that there would be no issues with overlooking due to the position of the proposed new house and other mitigations, that the new garden area would have a good degree of privacy and that within the context of the close knit urban streetscape the new house would not constitute crammed, infill housing.

At the request of Members, the Planning Adviser concluded his presentation by summarising the proposed conditions provided by the case officer, should the Local Review Body (ELLRB) be minded to grant permission for the application.

The Planning Adviser also responded to questions from Members on designated and on-street parking and the potential impact on access and parking capacity in the adjacent street; concerns about potential overlooking of neighbouring properties; and the present condition and appearance of the outbuilding.

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

The Chair then invited Members to give their opinions and, with their permission, he was the first to offer his views.

The Chair said that he had found the site visit enlightening and he understood why Roads Services had taken the view expressed about parking. However, he noted that there were parking issues elsewhere in New Street and the 2 additional spaces to be provided would off-set any demand for on-street parking. Similarly, he had observed that due to the nature of the streets and properties, overlooking was a common occurrence in the area and he noted that no neighbouring properties had objected to the proposals. In his view as a Local Member, and considering only this application, he did not believe that it would set a precedent and he was minded to overturn the officer's decision and to grant planning permission.

Councillor Gilbert said he was in general agreement with the Chair. Referring to the absence of objections to the proposals, he observed that the refusal of planning permission seemed to be predicated solely on parking issues. He also noted the concerns about 'cramming' expressed in the officer report but he could not see that this site would be any more 'crammed' than the rest of New Street and he agreed with his colleague that overlooking already existed. He argued that the new house would add to the surrounding community and be an improvement on the existing building which was, in his view, incongruous, in a poor state and likely to deteriorate further. He was therefore minded to uphold the appeal.

Councillor McMillan said that the site visit had been instrumental and while they had visited at a quiet time there were still a number of cars on the street. He had noted that there were other houses close to No.23 but that this area of ground was unused. He believed that the new house would add to the quaintness and sense of place in New Street and there would be no harmful overlooking by the Business Hub building. He concluded that it would be important to discuss the potential conditions drawn up by the case officer with the applicants to ensure they were appropriate but he was minded to uphold the appeal.

Decision

The ELLRB agreed unanimously to uphold the appeal and to grant planning permission for this application, subject to the conditions set out by the case officer.

2. PLANNING APPLICATION NO. 21/00879/P: EXTENSION TO HOUSE, INSTALLATION OF SEPTIC TANK AND ASSOCIATED WORKS, PRESSMENNAN LAKE HOUSE, STENTON, DUNBAR EH42 1TF

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background, location and detailed proposals contained in planning application no. 21/00879/P at Pressmennan Lake House, Stenton for an extension to a house and installation of a septic tank and associated works. He also provided details of the planning history for the house dating from 2002 to 2021 including past planning permissions both lapsed and extant.

The Planning Adviser reminded Members that planning applications should be determined in accordance with the development plans for the area unless material considerations indicate otherwise. While the SESplan was not relevant to the determination of this application, the most relevant policies of the LDP were CH1 (listed buildings), CH6 (gardens and designed landscapes), NH3 (protection of local sites and areas), DC9 (special landscape areas), DP2 (design) and DP5 (extensions and alterations to existing buildings). Also relevant were section 594 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (April 2019) and Scottish Planning Policy (June 2014).

The Planning Adviser summarised the case officer's assessment of the application which had confirmed that there had been no objections to the proposals but one representation relating to site noise and hours of working which had been considered in the case officer's assessment. Comments had also been received from the Council's Biodiversity Officer which had included a number of recommendations regarding bats, breeding birds and a nearby badger sett which could be addressed through planning conditions. No objections had been raised by Council services. The Planning Adviser summarised the case officer's assessment of the application against relevant planning policies which had concluded that proposals would be contrary to policies CH1 and DP5 and SPP 2014. That the extension would not be of a character, appearance or architectural form that would preserve or enhance the listed building but rather it would be an addition that would be harmful to the listed building's special architectural and historic character, integrity and appearance.

The Planning Adviser then summarised the applicant's appeal submission which made a number of points relating to the history and character of the existing extension and the intended character and impact of the new proposal. It referred to the secluded nature of the site and argued that the proposed extension would be compliant with policies CH1 and DP5 and would be compatible and subservient in that it would maintain its residential use while being visually smaller and distinct from the original. It concluded that the renovation and extension of the existing building would bring about a significant design benefit, significant restoration and investment in the building and ensure that it was fit for purpose as a substantial family home and place of recreation.

The Planning Adviser concluded his presentation reminding Members that the case officer had provided suggested conditions, should they be minded to grant permission for the application.

The Planning Adviser replied to a question from Councillor Gilbert on the increase in floor area resulting from this and previously proposed extensions.

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

The Chair then invited Members to give their opinions.

Councillor Gilbert commented that the location was discreet and the house was not visible from public land. The proposed extension was at basement level and would be largely hidden and therefore not detrimental to the character and landscape of the area. While larger than the current extension, it was smaller than previous proposals which had been granted planning permission. It would also be in keeping with the character and existing look of the listed building. He said that the decision could not rely solely on appearance as the proposals would adapt and improve the whole building for its occupants and make it fit for purpose. On this occasion, and for these reasons, he was minded to uphold the appeal.

Councillor McMillan also commented on the location of the site and the fact that it was isolated and not overlooked. While he had some concerns that upholding the appeal would result in the demolition of the existing extension, he accepted that it did not fit the current family's needs and it was a modern pastiche which was not in keeping with the original building. He referred to the changing needs of the family and the impact of COVID on the need for additional space and working from home. He believed that the new proposals would address these needs and that the design would add value and would be a modern and impressive addition to a unique site. Accordingly, he was minded to uphold the appeal.

The Chair agreed with his colleagues and had noted in particular the surrounding landscape and topography. He noted that site was not overlooked and that the proposed extension would not harm the listed building. For these reasons, he was minded to uphold the appeal.

The Members discussed the suggested conditions and the possible addition of a movement/construction method statement and a condition taking account of the local biodiversity.

The Legal Adviser noted that Members had given their unanimous approval of planning permission, subject to conditions as set out in the case officer's submission and with the addition of further conditions to be finalised by the planning authority.

Decision

The ELLRB agreed unanimously to uphold the appeal and to grant planning permission subject to conditions to be finalised by the planning authority.

Signed

Councillor Lachlan Bruce
Chair of Local Review Body (Planning)