



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

**TUESDAY 7 MAY 2024
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON
& HYBRID MEETING FACILITY**

Committee Members Present:

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

Other Councillors Present:

Councillor L Jardine

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr S Robertson, Planner
Mr J Allan, Planner
Mr C Grilli, Service Manager – Governance
Mr J Canty, Transportation Planning Officer
Mr A Hussain, Transportation Planning Officer
Ms M Haddow, Transportation Planning Officer
Ms P Gray, Communications Adviser

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 3: Mrs A McIntosh, Dr S Bruce
Item 4: Mr G Lawson
Item 5: Mr T Hield

Apologies:

Councillor J McMillan

Declarations of Interest:

None

1. MINUTES FOR APPROVAL
a. Planning Committee, 5 March 2024

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

b. Special Meeting of the Planning Committee, 26 March 2024

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

2. MINUTES FOR NOTING
a. Local Review Body (Planning), 18 January 2024

The Committee agreed to note the minutes.

b. Local Review Body (Planning), 25 January 2025

The Committee agreed to note the minutes.

3. PLANNING APPLICATION NO. 24/00114/P: INSTALLATION OF CCTV CAMERAS AND LIGHTING (RETROSPECTIVE), EAST GATE, HUMMEL ROAD, GULLANE

A report had been submitted in relation to Planning Application No. 24/00114/P. Scott Robertson, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent retrospectively.

Arlene McIntosh spoke to the application. She explained that the Ring CCTV cameras had only been installed to protect the security of her property following a break in at nearby property a few months previously, and felt that the presence of the cameras were also of benefit to the wider community. She reported that legal and planning advice had stated that the objections related to legal and data protection issues. She said the application did not present a privacy issue from a planning perspective, and said legal and planning advice had been consistent that the objections related to legal and data protection issues. She explained that more could be heard in person than was picked up by the cameras, and said there was no impact on existing privacy because the system's curtain feature blocked any view or sound beyond their boundary. She reiterated that there was no privacy issue, so this should not be a reason to refuse the application. She advised that the camera light was only activated in the dark by people moving, and would stay on only momentarily. She noted that others in the area had received planning permission to install CCTV systems; a neighbour had a similar external camera which could point directly at Mrs McIntosh's garden, and Mrs McIntosh felt that it would be wrong to fail to apply a consistent policy across applications.

Mrs McIntosh responded to questions from Members. She felt that her cameras would provide a security benefit to her neighbour. She explained that the cameras only recorded if movement was captured, and could not record to the same extent as could be heard through a window. She stated that she was interested only in protecting her property and had no interest in her neighbour's property.

Dr Bruce spoke against the application. She recounted an incident from November 2023 when she had walked into her private rear garden and had heard a loud alarm which had repeated the words "you are being recorded". She reported that it had sounded each time she went outside, as it was installed on a wall immediately outside of her door. The light came on each

time she let her dog into the garden. She had also realised another illegal CCTV camera had been installed directly outside her bathroom when she had gone to use the shower. She talked about the significant emotional stress this had caused, and said she had not made use of this bathroom since the time it had become illuminated with light from the camera. She said she was not against the applicant protecting the security of their property, but felt there should be no audio component to record conversations, and could not understand why the cameras had been installed in such a way as could film over the boundary of her property. She felt that such cameras were more suitable for industrial estates or Airbnb lets. She said that the moveable and easily hacked cameras were denying her peaceful enjoyment and privacy of her home, and asked that the cameras stationed outside her bathroom and her rear door be removed.

Dr Bruce answered questions from Members. She was not reassured by the curtain feature, which could be switched on and off at will. She would prefer for there to be a fixed camera, as the current cameras could be moved at any time, and could not understand how a moveable camera could be allowed to remain in situ outside her bathroom. She felt there was no security benefit to her own home. She said that there had been no contact made by the applicant with an intermediary. She confirmed she had not made use of this bathroom since November 2023.

Responding to a question from Councillor Findlay, Mrs McIntosh agreed that the default feature had resulted in Dr Bruce hearing “you are being recorded”, but since this time, the curtain feature had been applied. She advised that police had suggested mediation, and she stated that the McIntosh’s lawyers had contacted Dr Bruce’s lawyers to attempt mediation and had received no response.

Councillor Findlay explained he had called in the application because of the issues of neighbour privacy, but now felt more reassured on the matter following the site visit’s demonstration of the modern applications of the CCTV system. He had concerns about the camera stationed outside Dr Bruce’s bathroom, and asked whether it would be possible to grant planning consent on all cameras with the exception of this one. Keith Dingwall, Service Manager – Planning, responded that it would be possible for Members to approve the majority of cameras but to refuse one by condition, but cautioned that there must be a sound planning reason for doing so. Because the capture of sound and images was covered by data protection legislation, he advised that this would not be considered a sound reason, however, a sound reason could be if Members felt that the actual physical presence of the camera was harmful to the privacy and amenity of the neighbour. Responding to a further question, he advised that he felt the whole proposal was acceptable, and it would be for Councillor Findlay to propose a condition he felt was competent having taken on officer advice. Councillor Findlay confirmed that he would wish to make such a proposal.

Councillor McIntosh suggested that the light on the camera triggered by movement may be detrimental to the amenity of the neighbour.

Councillor McLeod had been reassured by the demonstration, but still suggested that the camera in question could be moved into the corner so it was directed away from the windows.

Councillor McGinn also wanted the camera outside Dr Bruce’s bathroom to be moved. He had been struck by Dr Bruce’s comments about privacy. He also commented on the lack of mediation, with both parties reporting that the other party had failed to respond through lawyers. He supported installation of CCTV in general, but not when this would infringe on the privacy and amenity of a neighbour. He would support the officers’ recommendation but would also support Councillor Findlay’s suggestion that consent be withheld for the camera outside the bathroom.

Councillor Forrest felt that a fixed camera would be more appropriate outside the bathroom. He said that security and peace of mind were needed when the system controller could switch off the curtain feature at will. These points were later echoed by Councillor Cassini.

Councillor Collins commented on the benefits such a CCTV system provided to properties nearby her farm. She found the demonstration of the curtain feature useful, but was still concerned about the camera near the neighbouring bathroom; she thought this camera should be re-angled or moved. She thought that any such CCTV system would be of benefit to both properties.

Councillor Allan was extremely unhappy about an arrangement which meant that Dr Bruce could not move around her own home without alerting an external camera, and also noted that such systems could be hacked.

Councillor McIntosh echoed her fellow Councillors' comments, and added that, in addition to hacking, data mining from technology also presented a privacy concern. Despite appearing to work well, she felt the curtain feature still presented a trust issue. She felt that these considerations were relevant under the planning definition of privacy, as the cameras allowed for far more than could be observed from a window. She would support a condition regarding the camera in question.

Having ascertained the arrangement of the cameras at the site visit, the Convener only felt that the camera positioned by the rear door was problematic. He felt a condition should require for this to be replaced with a static camera which could not cover the neighbour's bathroom window. He also pointed out that East Gate may have other owners in the future.

Councillor Findlay said his initial idea had been to have no camera in this position, but thought that a camera in the corner which did not point to the bathroom window would be acceptable. He also thought the light of the camera must be taken into account.

Mr Dingwall said that Members' concern was clearly over privacy and amenity and not over image capture, which they acknowledged was a data protection issue. He suggested that Members could choose to refuse permission for this camera, but the Convener thought that a camera ought to cover the doorway. Mr Dingwall advised that the applicants would be able to resubmit another application for a camera covering this doorway. He suggested wording for a condition which refused permission for the camera in question. He also suggested that Members may choose to authorise enforcement action on this matter after four months. Councillors Findlay and McLeod formally proposed and seconded this condition, respectively.

The Convener then moved to a roll call vote on the officer recommendation to grant consent retrospectively, subject to the condition proposed by Councillor Findlay, and Members unanimously supported the officer recommendation.

The Planning Committee further agreed that enforcement action to secure the removal of the CCTV camera should be taken, with a compliance period of four months.

Decision

The Planning Committee agreed to grant permission retrospectively, subject to the following condition:

- 1 Planning permission is not hereby granted for the CCTV camera installed above the rear access door on the south elevation of the house.

Reason

The CCTV camera has a harmful impact on the privacy and amenity of the neighbouring residential property.

4. PLANNING APPLICATION NO. 23/01253/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1(A) TO 1(L), 11 AND 17 OF PLANNING PERMISSION IN PRINCIPLE 18/00937/PPM FOR THE ERECTION OF 92 HOUSES AND ASSOCIATED WORK, LAND AT WINDYGOUL SOUTH

A report had been submitted in relation to Planning Application No. 23/01253/AMM. Mr Dingwall presented the report, highlighting the salient points. The report recommendation was to grant consent.

Mr Dingwall answered questions from Members. He advised that all houses within this application would be privately owned, but confirmed that affordable houses were located elsewhere on the site. He advised that a non-material amendment could be made following submission of the application, such as changes to landscaping or drainage schemes. He advised that roads permits for utility companies to open up roads were not covered under the planning system, but utility and broadband companies had certain permitted development rights. He would ask the case officer, Linda Ritchie, to feedback to Councillor McIntosh on the requirements under National Planning Framework 4 (NPF4) for a biodiversity net gain on the site. He advised that a condition requiring the developer to submit a plan to detail how emissions would be minimised was now imposed on all developments of this nature; details of building insulation was an example of the kind of information provided in this report.

Continuing to answer Member questions, Mr Dingwall advised that opening of formal play areas was one of the key conditions in the phasing of the overall development. He pointed out that developers had to consider safety aspects of the wider site, but planners were keen for open space and play areas to be brought forward; he would remind officers of the importance of this timeline. He advised that the Local Development Plan (LDP) 2018 required a 25% proliferation of affordable housing, which equated to 141 units of the wider site; 72 of those units had already been approved. These units would be subject to detailed negotiation with housing colleagues. Mr Dingwall agreed that agreement on an acceptable travel plan was of great importance so that new residents could establish behaviours around the use of active travel and public transport. He advised that a roads services officer dealt with bus service provision and would also ensure the road infrastructure was adequate to allow buses to access the site. He advised that officers sought to negotiate a good mix and range of properties in terms of the number of bedrooms, flatted units, terrace units, etc. When taken as part of the wider site, with other parcels of land consented to bring forward a wider mix of smaller units of varying sizes, officers believed there was a good mix of properties.

Graham Lawson, representative of Avant, responded to some of the points raised by Members. He advised that the homes would be heated by gas; the wider masterplan offered houses with conventional gas boilers which were also fitted with solar panels. Avant would work with a sustainability consultant. He advised that a travel plan was in development as part of the masterplan. He advised that all relevant ducting for future utility work would be laid to avoid unnecessary digging up of completed roads. He advised that, following completion, the development would be taken onto a 12-month maintenance period before the Council adopted the roads. Thereafter, utility companies had statutory powers to notify the Council that they would carry out any relevant maintenance work, or to apply for the necessary permits. He would also forward information relating to landscaping to achieve a biodiversity net gain to Ms Ritchie.

Responding to further questions from Members, Mr Lawson advised that the service capacity of the existing electric network constrained which heating solution could be used; the cable sizing and substations had been designed and constructed on a conventional basis, and the gas network had been designed and sized for use of gas boilers. Thus, there was not capacity in the network for homes to be heated by air source heat pumps. He advised that homes with

conventional boilers consumed around 1.3kW per plot, but this was closer to 5kW per plot when an air source heat pump was in use. He offered to share literature with statistics which broke down conventional gas vs. air source heat pump solutions.

Councillor McLeod would support the application, and commented on the quality of the overall development, including the affordable housing, and the importance of bringing the housing forward as soon as possible.

Councillor McGinn responded to earlier comments from Councillor Cassini about the importance of bringing forward housing for people with disabilities, and advised of 20-30 adapted units coming forward in Tranent, which would meet accessibility needs. He sought to avoid argument over public transport links in the future, and was keen to be sighted on a draft travel plan. He wished for feedback on his points raised on progress with air source heat pumps and for the travel plan to be provided to Local Members. He welcomed the affordable housing coming forward elsewhere on the site and would support the officer recommendation to grant consent.

Councillor McIntosh was disappointed to be approving gas boiler use when these would have to be taken out in 20 years' time. She expressed that 'conventional' meant business as usual and burning the planet, and noted that the electricity system that had been designed did not have capacity for individual heat pumps. She acknowledged that these decisions had been made in line with policy and building standards, but felt frustrated about having to sign off on projects which did not provide appropriate heating solutions. She said this underlined the need for heat network solutions to work through that individual electricity supplies may not be adequate to provide individual heat pumps for every property. Regarding electric vehicle (EV) charging ports being installed, she noted that this was a drain on the electricity grid, and asserted that individuals all having their own electric car was not the answer to the climate crisis. She encouraged the use of car clubs, which could be situated centrally within large estates. She would support the application.

Councillor Findlay commented that when the next LDP was in development, there should be an emphasis on ensuring that there was greater electricity capacity so that new houses being built could be fitted with heat pumps rather to move away from the current emphasis on gas.

The Convener then moved to a roll call on the officer recommendation to grant consent, and Members unanimously supported the officer recommendation.

Decision

The Planning Committee granted approval of matters consent, subject to the following 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 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 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.
- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 4 Prior to the occupation of any of the residential units hereby approved a Residents Travel Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. The Residents Travel Pack will 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.

- 5 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

- * Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).
- * Hours of construction work
- * Routes for construction traffic
- * Wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

The 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 Construction Method Statement 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.

- 6 Private driveways for the houses hereby approved shall have minimum dimensions of 6 metres by 3.3 metres. Double driveways shall have minimum dimensions of 6 metres width by 6 metres length or 3.3 metres width by 11 m length.

Reason

In the interests of road and pedestrian safety.

- 7 Prior to the occupation of any of the houses hereby approved, 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 houses 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.

- 8 All the open space recreation areas detailed on the docketed drawings, including all of the benches proposed to be installed in them, shall be available for use prior to the occupation of the last house on the site. The open space recreation areas and benches, when provided, shall be used and retained 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.

- 9 Prior to the occupation of the last house hereby approved, the proposed access roads, parking spaces and footpaths 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 houses 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.

- 10 All planting, seeding or turfing comprised in the details of landscaping on docketed drawing nos. 53.88.01c; 53.88.02c; 53.88.03c and 53.88.04c shall be carried out in accordance with a timetable that shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Any trees or plants comprised in the details of landscaping which die, are removed or become seriously damaged or diseased 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.

The design of all landscaping must be carried out in conjunction with the design and positioning of all services, and sufficient space must be made available to accommodate the full establishment of all landscaping work without impacting on any services.

All the new planting shall be maintained in accordance with the maintenance and management programme as detailed in the docketed landscape drawings.

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.

Sederunt: Councillor McIntosh left the meeting.

5. PLANNING APPLICATION NO. 23/00484/P: ERECTION OF ONE HOUSE AND ASSOCIATED WORKS, GARDEN GROUND TO REAR OF 1A WEST BAY ROAD, NORTH BERWICK

A report had been submitted in relation to Planning Application No. 23/00484/P. James Allan, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Responding to questions from Members, Mr Allan advised there was no set policy which stated the acceptable garden area, so officers made a judgement based on the size of the house and plot. He further advised that the amenity space would comprise of a balcony on the first floor, a terrace area to the rear of the house, and a small section of garden, and only strips of planting of space would be available.

Keith Macdonald, agent, spoke to the application. He thought that the reasons for refusal in the officer's report were subjective judgements, and addressed each in turn. Responding to the reason for refusal that the proposals would be harmful to this part of the conservation area, he highlighted the mix of styles, heights, and ages of the existing properties on the street. He said the property size would have little visual impact; the height of the proposed property had been kept to a minimum and was similar to the old stone boundary wall at the rear of the site. He felt the description of the proposed property as a flat-roofed, boxed form of modern non-traditional materials was not a criticism, and said this description could also be applied to the flats at West Bay Court and other buildings in the conservation area. Despite the concern that there would be an overbearing impact, he advised that the proposals passed the daylight and sunlight tests, and highlighted that the conservatory in the neighbouring property failed the sunlight test due to the stone walls which existed when the conservatory was planned and built. He described the proposals as being subservient to the neighbouring property. He noted that the small two-bedroom house would take up only 40% of the area within the red line boundary; he described the property as not being a family-sized home and pointed out that flats of a similar size were often designed with no outdoor space. He described what he considered to be the adequate amenity space for the size of the property. He advised that the proposals were for a highly insulated property heated by an air source heat pump, with photovoltaic (PV) panels and an EV charger. He advised that the PV panels currently proposed at a 30-degree angle could be changed to being flat if this would result in a more favourable assessment.

Responding to questions from Members, Mr Macdonald said that, although not large, the terrace in the sun was a perfectly useable area, and the plot was large enough to contain a small two-bed dwelling. He advised that the property walls would be kept 1m away from all boundaries, and this would be enough to maintain the wall around the property.

Tim Hield spoke against the application. He occupied the adjacent property, and fully supported the report's recommendations. Regarding the harmful effect on the conservation area, he agreed that there were a mix of ages and architectural styles amongst the buildings on the street, but pointed out that these were confined to just one side of the street. On the side of the road of the proposals, the five properties were all comfortably situated within large plots, were all appropriate to their plots and to each other, and all bore the same relationship to the road and to their elevation above it. He argued that the proposed house met none of these shared qualities, would not be sympathetic to the setting, and would be harmful to the conservation area. He felt that the proposed house would have an overly dominant and overbearing nature when sat right next to their boundary wall and would tower over their home and garden. He pointed out that the proposed house would remove the majority of sun from

their conservatory and rear garden. He also highlighted the tight constraints of the site and that the property would take up the majority of the available space. He highlighted that sole access to the site was up a narrow path, which he asserted would be inadequate for the passage of heavy machinery required in housebuilding. He further pointed out that any of the three grounds for refusal would be enough to refuse the application.

Councillor Findlay said he had felt conflicted on this application, but had considered the reasons for refusal again following the site visit. Regarding reasons for refusal one and three, he commented that there was a mix of properties on that side of the road, that he saw nothing wrong with the modern design, and he pointed out that anyone would be aware of the constrained space when purchasing the property. However, he agreed with the objector in terms of the proximity of the proposed property to the neighbouring house, and felt it was too close, too high, and would have too much of an impact. He would support the officer's recommendation for refusal. These comments were later echoed by Councillor Allan, who agreed that the proposals would have a profound effect on the neighbouring property.

Councillor McLeod recognised the variety of houses in the area and felt that the large void in that area looked out of place. He felt this huge empty space could be utilised to build a home, and would vote against the officer recommendation.

Councillor Forrest agreed with the officer recommendation following the site visit. He felt that it was too tight to build the proposed property in the space available.

Councillor Gilbert had no concerns about the appearance of the proposed property, however, he felt it would be in a dominant position, somewhat overbearing, and would have virtually no garden ground. He would support the officer recommendation. Councillor Cassini echoed these comments, and supported the second and third reasons for refusal.

The Convener felt that a structure could sit within the location, but he agreed with the second reason for refusal in that the height of the property's overbearing effect on the neighbouring house was unacceptable.

The Convener moved to a roll call vote on the officer recommendation to refuse consent, and votes were cast as follows:

Support: 9 (Councillors Hampshire, Allan, Cassini, Collins, Findlay, Forrest, Gilbert, McGinn, and Yorkston)
Against: 1 (Councillor McLeod)
Abstain: 0

Decision

The Planning Committee refused consent for the following reasons:

- 1 The proposed house would in terms of its design and external finishes be of a contemporary form and finish that would be very different in character and appearance to the form and appearance of the other houses and buildings of West Bay Road. Its flat roofed boxed form and appearance and its use of modern non-traditional materials would be at odds with the built form of this part of West Bay Road. Consequently, the proposed house would not be of a design or appearance that would be sympathetic to its setting or well-integrated into its surroundings. Therefore, the proposed house would have an adverse effect on and would neither preserve nor enhance but would be harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to NPF4 Policies 7, 14 and 16 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.
- 2 Due to the difference in ground levels with, and of its proximity to the neighbouring house to the north of 3 West Bay Road, the proposed house would have an overly dominant and

overbearing impact on that neighbouring house and in particular on the conservatory attached to the side and rear elevations of that neighbouring house. This would harm the residential amenity of the occupants of that neighbouring house contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

- 3 The proposed house would be erected on a tightly constrained site and would occupy most of the plot. Consequently there would be little land on which to form any useable garden ground for the occupants of the proposed house. Therefore there would be no area of garden ground of sufficient size or positioning to afford the occupants of the house any private amenity space as useable garden ground. Consequently as the application site cannot accommodate the entire development of a suitably proportioned house with private garden space the proposal is contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee