



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

**TUESDAY 3 DECEMBER 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 C McGinn
Councillor S McIntosh
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

None

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr S Robertson, Assistant Planner
Mr D Taylor, Planner
Mr C Grilli, Service Manager – Governance
Ms F Haque, Solicitor
Ms P Grey, Communications Adviser

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr H Harper and Mr M Lindsay
Item 3: Mr S McIntosh, Ms A Adams, and Dr S Bruce
Item 4: Mr K Scott and Ms F Drysdale
Item 5: Mr J Morrice and Mr M Chapman

Apologies:

Councillor N Gilbert

Declarations of Interest:

Item 5: Keith Dingwall, due to being a friend of the objector.
Item 5: Councillor Yorkston, due to his contact with the objector in relation to this application.

The clerk advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

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

1. MINUTES FOR APPROVAL
a. PLANNING COMMITTEE, 3 SEPTEMBER 2024

The Committee agreed that the minutes were an accurate record of the meeting.

b. PLANNING COMMITTEE, 5 NOVEMBER 2024

The Committee agreed that the minutes were an accurate record of the meeting.

2. UPDATE ON CONTINUED PLANNING APPLICATION NO. 23/01333/PM (ERECTION OF 103 HOUSES, EIGHT FLATS AND ASSOCIATED WORKS, LAND TO THE NORTH OF CASTLEHILL, ELPHINSTONE) AND CONTINUED PLANNING APPLICATION NO. 24/00699/P (FORMATION OF PATHWAY AND INSTALLATION OF LIGHTING, WOODLAND AND AMENITY GRASS AREA TO THE WEST OF WATERLOO PLACE, MAIN STREET, ELPHINSTONE)

This item was heard following the decision of Planning Committee on 5 November 2024 to continue planning applications 23/01333/PM and 24/00699/P to the following meeting to allow time for concerns about the Bellway housing development at Elphinstone to be investigated.

Keith Dingwall, Service Manager – Planning, provided a verbal update on the status of the two applications. He reported that a meeting had been held between Council officers, Scottish Water, and Bellway to discuss the concerns raised about the Bellway development in Elphinstone. Since this time, there had been further communication between the parties, and Mr Dingwall reported that Bellway was working with the Council to try to resolve issues. It was hoped that the applications would be reported back to the Planning Committee on the meeting of 14 January 2025. Mr Dingwall also advised that the case officer had requested that Bellway agree to extend the determination period to 15 January, but they had not yet responded; if this was not agreed, then it would be possible for Bellway to submit a non-determination appeal to Scottish ministers.

A representative of Bellway, Henry Harper, responded to questions from Committee members, and confirmed that tankers continued to transport sewage for disposal further up the site on Mondays, Wednesdays, and Fridays.

Councillor McGinn thanked those who had attended meetings about the housing development situation, and agreed that work was progressing. He advised that a residents' group still had concerns, and Councillor McGinn said he would take these concerns forward so that Bellway would be better in Elphinstone in the future. He gave reassurance that he was mindful of his role within the Planning Committee while undertaking this work. He highlighted that

communication with Elphinstone's residents must improve; although work must press on, it must do so in a manner that did not cause disruption to their lives.

Responding to a question from Councillor Cassini, Mr Dingwall explained the process followed should a developer decide to submit a non-determination appeal to the DPEA. He explained that the determination date had been extended to the day after the November meeting of the Planning Committee, but as the matter had been continued, a further extension had been sought by Ms Ritchie. Mr Dingwall noted that discussions with Bellway had been fairly positive, but he still wanted to make Committee members aware of the possibility that Bellway could submit a non-determination appeal.

Decision

Planning Committee agreed to note the verbal update.

3. PLANNING APPLICATION NO. 24/01092/P: INSTALLATION OF CCTV CAMERA (RETROSPECTIVE), EAST GATE, HUMMEL ROAD, GULLANE

A report had been submitted in relation to Planning Application No. 24/01092/P. Scott Robertson, Assistant Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members. Mr Robertson advised that the camera which Committee members had been concerned about looking in the neighbours' bathroom was now facing away from the window. The camera's specification stated that it had a 140-degree range of view, so it would be impossible to look behind the wall. He confirmed that the camera specification had been submitted, including the range of view and lights.

Councillors Findlay and Hampshire asked questions about the period of time to remove the CCTV camera located above the rear access door on the south elevation of the house, which was refused by a condition of planning permission 24/00114/P. Mr Dingwall advised that a balanced judgement should be taken, and recommended that one month following the issue of the decision notice was probably the shortest period within which removal could be required.

Arlene Adams spoke to her application. She asserted that this application followed recommendations made by Committee members when they had heard application 24/00114/P; the camera in question was now a fixed camera, making it impossible to see into the neighbouring property or windows. She described further features of the camera, and pointed out that privacy would no longer be an issue or reason for refusal. She also pointed out that the unit was the same Ring camera as used by a neighbour, which had received planning permission, but pointed out that the position of her neighbour's camera allowed the camera to look into three of Ms Adams' and Mr McIntosh's windows to the rear of their property; thus, a common-sense approach had been taken and full-height window blinds had been installed for privacy. Ms Adams explained that this area of the property was vulnerable and had to be protected, particularly in light of a break in at a neighbouring property. She reported two instances of men entering the garden in the area where the camera was located while they were on holiday, under the instruction of their neighbour. She advised that her lawyer had communicated the legal position to the Council to correct her neighbour's false allegation that she had 24/7 access to the East Gate property. Ms Adams advised that the camera had unintrusive low-level LED lighting, which was not triggered by the movement of trees. She felt that the camera was also required as protection from false allegations being made by their neighbour. As they had followed the instructions from the previous meetings, she asserted that there was no reason the application should be refused.

Responding to a question from Councillor Findlay, Ms Adams reassured Committee members that the old camera would be removed as soon as an electrician could attend, and certainly within one month.

Dr Bruce spoke against the application. She discussed the impact the situation had had on her life, health, and ability to live privately, following publication in the national media of the refusal of planning permission for the camera outside her bathroom window and the applicant's subsequent refusal to remove the camera. She felt the two subsequent applications to place a camera outside her bathroom window were not materially different from the camera which was refused by condition. She pointed out that there was no guarantee of final placement, and that the Ring cameras installed could not have their viewing angles policed. She also pointed out that the cameras would be subject to upgrades, with increased floodlight capacity, audio components, and filming range. Dr Bruce stated that the proposed position was on her wall and within her legal boundary, and she had provided a digital title deed survey to prove this; thus, the camera, if approved, would only be required to be removed in the future. Dr Bruce said she could not comprehend how a camera could be approved which sat on her property's wall, even closer to her bathroom window than the existing camera, when Committee members had previously decided that no camera should be placed outside the bathroom. She reported that the room could not be used since the camera had been placed there 14 months previously. She was also concerned that she and her property had been named in the most recent applications, and said that false accusations had been made. She highlighted disputes with her neighbours which had led to police telling the applicants only to communicate through Dr Bruce's solicitor or property manager. She reported that Police Scotland had advised her to block all areas where neighbours could see inside her house, but that the applicants had placed a camera higher than those screens; she asserted that it was unreasonable for her to have to block all of her light to facilitate the cameras. She highlighted the nine objections to the camera outside the bathroom, and felt the applicants had exploited planning loopholes to keep the camera in place following refusal of planning permission for this camera. Dr Bruce advised that the applicants' false claim of unauthorised access had been redacted by the Council, as the matter in question had been a case of licensed professionals enacting her legal deed of servitude access, accessible only through the East Gate property; thus, she felt there was no justification for a camera on this basis. Dr Bruce said she could not be held responsible for anyone who may have entered the applicant's property following installation of their gate. She also disputed the applicants' statement about placement of her own CCTV cameras. Dr Bruce said she respected the right of the applicants to place CCTV cameras on their property, but pointed out that their actions had not shown respect for the decision of the Planning Committee or her own right to privacy and amenity. She maintained her objection to the camera on her wall, now even closer to her bathroom window than the camera which had still not been removed.

Councillor Findlay acknowledged that it was not the job of the Planning Committee to resolve differences between the property owners, and they could not consider to whom the wall belonged. When he had suggested refusal of the first camera, it had been because it could look into the bathroom of the neighbouring property, but, having visited the site, he felt the replacement camera satisfied the objections raised at the previous meeting. He still had concerns that the camera could be changed, but if it was changed, the neighbour could make Planning Enforcement aware. He hoped that the applicants would take less than a month to remove the first camera.

Responding to one of Councillor Findlay's points, Mr Dingwall agreed that land ownership was a private and civil matter to a degree, however, the Planning Authority had to be satisfied that declarations made on the application were correct. He advised that the case officer had viewed the title deeds and had been satisfied.

Councillor McMillan asked about the course of action should the camera be updated. Mr Dingwall noted that an existing camera could become redundant; a new camera which was

the same in every specification would not require a fresh planning application, but a materially different camera would require a new planning permission.

Councillor Allan asked about recourse to the applicant should the existing camera not be removed within one month. Mr Dingwall gave an account as to why enforcement action had not been appropriate in this instance, because a new planning application had been made for another camera in this area soon after the first permission. This had been withdrawn by the applicant to avoid being heard at Planning Committee while they were on holiday, but they had resubmitted soon after. This resubmitted application could be processed quickly and a condition could be added to require the existing camera to be removed in a timely manner; if after this time, the applicant did not comply, then a range of formal enforcement powers would be available, such as serving a breach of condition notice, but it was hoped that this would not be necessary. Mr Dingwall advised that Planning Enforcement would work with someone who had breached planning control, but prosecution could be sought as a final power available if someone failed to comply.

Councillor McLeod felt that it had been clear on the site visit that the camera had been placed on a wall which belonged to the applicant, and this had been one of the reasons he was willing to support the officer recommendation.

Following questions from Councillor Findlay about features of a possible new camera which would be considered materially different, Mr Dingwall agreed that a change in audio capacity would weigh in favour of a new planning application being required. He suggested that it would be possible to impose a second condition that planning permission be granted solely for the CCTV camera shown in the drawings docketed to this planning permission. This additional condition was proposed by Councillor Findlay and seconded by Councillor McMillan.

The Convener then moved to a roll call vote on the officer recommendation to grant consent, with the addition of the condition proposed by Councillor Findlay. Members unanimously voted in support of the officer recommendation and the additional condition.

Decision

Planning Committee members agreed to grant the application, subject to the following conditions:

- 1 Within one month of the date of this decision notice the CCTV camera located above the rear access door in the south elevation of the house and which was refused by a condition of planning permission 24/00114/P shall be removed.

Reason:

To safeguard the residential amenity of the occupiers of the neighbouring residential property.

- 2 Planning permission is granted solely for the CCTV camera that is shown in the drawings docketed to this planning permission

Reason:

To safeguard the residential amenity of the occupiers of the neighbouring residential property.

4. **PLANNING APPLICATION NO. 24/00632/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1A TO F, 1H, 1I, 1K & 1P, 2(III) AND 7 OF PLANNING PERMISSION IN PRINCIPLE 14/00903/PPM - ERECTION OF 40 HOUSES, 20 FLATS AND ASSOCIATED WORKS, LAND TO SOUTH, EAST AND WEST WALLYFORD**

A report had been submitted in relation to Planning Application No. 24/00632/AMM. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Mr Taylor responded to questions from Councillors McGinn and McIntosh. Mr Taylor advised that the main surface water and drainage strategy for the wider site had been approved by the planning permission in principle, and a condition required that the arrangements for this specific site would have to tie in with the wider development. Regarding amenity space, he pointed to the community woodland, the sports pitches, and sports pavilion. He confirmed that the playparks had been approved for the wider site, but the delivery was still under discussion.

Responding to questions from Councillor McIntosh, Mr Dingwall explained that infrastructure was tied to completion of the last unit because it was not reasonable to require roads to be completely finished when construction traffic would continue to use them regularly. Councillor McIntosh asked whether the condition could be reworded so that footpaths were required to be completed earlier. Mr Dingwall said that this could be considered, and Councillor McIntosh could be included in such discussions. He noted that Road Services may not be happy for some paths and roads to be adopted at different times, but said the matter could be taken offline.

Officers responded to further questions from Councillor McLeod and the Convener. Mr Dingwall advised that a recently approved planning application would not be counted towards the 2050 houses of the planning permission in principle site; this disappointing decision from Scottish ministers had been for a separate planning permission. Mr Taylor advised that 1407 houses had so far been approved; this application would bring the number over 1500 houses, so there would still be more than 500 houses in the permission in principle site.

Councillor McGinn expressed that it would be extremely important for all services to be in place, such as connections to sewers, and wanted this question to be clarified by developers. He commented that the affordable housing was much needed in the area and would be welcomed by families.

Councillor McMillan welcomed the applications, and particularly Conditions 15-17, asking for travel information and requiring the developer to look at safe access. He hoped the developer would cooperate with the Council and pay attention to the needs of residents in terms of access to infrastructure and amenity space.

Councillor McLeod agreed with Councillor McGinn's comments regarding connection to services, following lessons learned in Elphinstone. He welcomed the mix of properties, and looked forward to the development coming forward quickly.

The Convener welcomed the application, and commented that work was moving forward quickly within the overall site. He felt the development looked to be well laid out. He noted that East Lothian's growth was putting significant pressure on the Council's budget, and said it was becoming unaffordable to allow continued development; however, he welcomed this application coming forward.

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

Decision

Planning Committee granted approval of matters specified in conditions, 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 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

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

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

- 3 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street Notwithstanding that shown on the docketed site plan where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

Reason:

In the interests of ensuring active frontages and to enhance character and appearance of the area.

- 5 Prior to the occupation of the last residential unit 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 and bicycle parking in the interests of road safety

- 6 Notwithstanding that shown on the drawings docketed to this approval of matters, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the

commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority.

Those details shall show the form and appearance of all boundary treatments, including those enclosing the rear gardens of the houses. The details shall also show all semi-private and defensible spaces in front of or to the side of the houses hereby approved and to the side of parking courtyards to be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space. All semi-private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Thereafter the boundary treatments erected shall accord with the details so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 7 No development shall be commenced on site unless and until written evidence that an affordable housing agreement has been entered into for the provision as affordable housing of all of the 60 residential units hereby approved and has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 8 Prior to the commencement of development details of the bin storage facilities for the flatted buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Prior to the occupation of any of the flats the bin storage facilities shall have been formed in accordance with the approved details and made available for use. Thereafter, the storage facilities shall be retained in use solely as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the residential amenity of the future occupants of the flats hereby approved and the visual amenity of the locality.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping on the drawing titled 'Landscape Proposal (Sheet 1 of 3)' with drawing number 393.22.01 rev B, 'Landscape Proposal (Sheet 2 of 3)' with drawing number 393.22.02 rev B, 'Landscape Proposal (Sheet 3 of 3)' with drawing number 393.22.03 rev B shall be carried out in the first planting and seeding season following the occupation or completion of any part of the development hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the above drawings.

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

No trees detailed in the approved landscaping plans to be retained on the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All landscaping shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

- 10 To ensure that the site is clear of contamination, the following requirements shall be complied with:

Following completion of the measures identified in Remediation Statements produced for the site, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to the use of the new builds.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the approved development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new build.

Reason

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

- 11 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.

Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

- 12 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 13 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.

- 14 Notwithstanding drawings docketed to this grant of planning permission, details of a Scheme of Drainage and a Surface Water Management Plan for the site shall be submitted to and approved by the Planning Authority prior to commencement of any part of the development

hereby approved. The Scheme of Drainage and the Surface Water Management Plan shall thereafter be fully implemented in accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

15 The development shall comply with the following transportation requirements:

i) a Travel Information 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 prior to construction commencing. The Travel Information 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;

ii) prior to commencement of development, a Quality Audit shall be submitted to and approved by the Planning Authority. This should detail the accessibility of the site for all modes of transport, including walking and the needs of users who are mobility impaired. An important element of the Quality Audit will be recommending signage to ensure that vehicular and active travel routes through the development are clear and legible; and

iii) prior to the commencement of development details of the provision of new car charging points and infrastructure for them are submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

The housing development shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

16 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

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.

Reason:

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

17 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.

Sederunt: *Mr Dingwall and Councillor Yorkston left the meeting.*

5. PLANNING APPLICATION NO. 24/00730/P: CHANGE OF LEVELS IN REAR GARDEN, FORMATION RAISED HARDSTANDING AREA AND ERECTION OF FENCE (PART RETROSPECTIVE), 10 SUTHREN YETT, PRESTONPANS

A report had been submitted in relation to Planning Application No. 24/00730/P. Mr Robertson presented the report, highlighting the salient points. The report recommendation was to grant consent.

Responding to a question from Councillor Findlay, Mr Robertson advised that the height of the fence had been assessed against Local Development Plan Policy D2, and would not, in the view of officers, have an overbearing effect on neighbouring properties; this assessment had also taken in the extension to the applicant's house.

Jonathan Morrice spoke to his application. He explained that he had been upgrading his garden for use by his children. Following complaints from his neighbour, they had agreed to raise the fence height, and Mr Morrice had instructed his architect to apply for planning permission. He noted that heightening the fence would stop his son's ball being kicked into his neighbour's garden. He felt that issues with his neighbour had become personal, and he was keen for the matter now to be dealt with through official channels. He reported that his neighbour would not answer the door for further discussion on the matter. Mr Morrice did not wish for his neighbour to feel as though his garden was being overlooked, and thought his neighbour had wanted the fence at the proposed height.

Mark Chapman spoke against the application. He explained that he had been working when the applicant had tried to speak with him, and reported that Councillor Yorkston had advised that he did not engage with the applicant regarding this planning application. Mr Chapman gave an account of other conversations with the applicant, and said no reason had been given for the platform having been brought forward significantly. He also raised issue with the method used to measure the walls surrounding the platform, and felt the height should be measured from the lowest point immediately from the platform. He pointed out that the platform had been rebuilt with permanent materials, and thus the applicant's household could see into several of Mr Chapman's rooms. He advised that he had not been formally consulted on the solution of erecting a fence at a height of 2.5 metres, and questioned why a fence at this height was a privacy solution. He reported that two changes had already been made to the existing fence without his consent, and said that any proposed alterations would have to fall in line with his household's expectations.

Councillor McLeod spoke about a similar situation with one of his neighbours. He could sympathise with the point of view of both the applicant and objector, and agreed with the officer recommendation. He suggested that it might also have been possible to use plastic hedging for privacy.

Councillor Hampshire described what he had seen on the site visit, and felt that the fence would provide privacy for both the applicant and neighbour when the higher garden area was in use. As he found this solution acceptable, he would support the officer recommendation.

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

Decision

Planning Committee members granted planning permission, subject to the following condition:

- 1 Within one month of the date of this decision notice the fence enclosing the east boundary of the rear garden shall be heightened in accordance with the details shown on the docketed

drawings. Thereafter, the fencing as so approved shall be retained in situ and maintained in that position and at that height unless otherwise approved in writing by the Planning Authority.

Reason:

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

Signed

Councillor Norman Hampshire
Convener of the Planning Committee