



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

**TUESDAY 4 DECEMBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Council Officials Present:

Mr R Jennings, Head of Housing and Environment
Mr B Stalker, Development Management Manager
Ms M Ferguson, Corporate Legal Adviser
Mr F Mackay, Environmental Protection Manager
Mr K Dingwall, Principal Planner
Ms K Molloy, Senior Solicitor
Mr P McLean, Planner
Mr M Greenshields, Transportation Planning Officer
Mr R Sinclair, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Items 1 and 2 – Mr Lawson, Mr Donald
Item 3 – Mr Moyes, Mr Beck, Ms Jamieson, Dr Greenhill, Mr Hardman, Mrs Hardman, Mr Wells, Ms Garrott
Item 4 – Mr Macdonald, Mr Young

Apologies:

Councillor P McLennan
Councillor J McNeil
Councillor M Veitch

Declarations of Interest:

None

1. **PLANNING APPLICATION NO. 12/00338/PM: ERECTION OF 67 HOUSES, 4 FLATS AND ASSOCIATED WORKS ON LAND AT NEWHOUSE FARM, NORTH BERWICK**
2. **PLANNING APPLICATION NO. 12/00339/PM: ERECTION OF 41 HOUSES, 8 FLATS AND ASSOCIATED WORKS ON LAND AT GILSLAND CARAVAN SITE, NORTH BERWICK**

Two reports on these applications for planning permission had been submitted. The Development Management Manager, Brian Stalker, advised Members that he would summarise the key points of the two reports together but they should consider these as two separate applications and reach a decision on each of them.

Mr Stalker briefed the Committee that since the application reports had been written a fuller appraisal had been done of the matter of construction traffic movement to and from each of the two application sites relative to when at lunch times pupils are not prevented from leaving the school grounds of Law Primary School and North Berwick High School. Accordingly, he now recommended to Committee that recommended condition 16 given at the end of the report for application 12/00338/PM (the Newhouse Farm site) and recommended condition 14 given at the end of the report for application 12/00339/PM (the Gilsland Caravan Park site) be amended to read: "Between the hours of 12:20 and 13:50 Monday to Thursday during the school terms of the Law Primary School and North Berwick High School, site deliveries shall only be made by vehicles having a maximum mass not exceeding 3.5 tonnes".

Mr Stalker and the Transportation Planning Officer, Marshall Greenshields, responded to questions from Members regarding the provision for restriction of construction traffic at different times on particular days, improvement of the road to Kingston, access into the site, requirements relating to the design of road improvements and evaluation and risk assessment of traffic movements.

Mr Lawson, the Strategic Land Director of Cala, the applicant, addressed the Committee. He informed Members that Cala had been involved with this site for 10 years as part of the Local Plan process. He appreciated that there were issues of concern. He made reference to the community consultation held at North Berwick Scout Hall in February 2011, when details of the site layout and type of houses had been provided. He stated that Cala had confidence in the North Berwick/East Lothian market. Representatives from Cala had met with the community council twice, a number of measures were agreed and the secretary had acknowledged that all of the issues raised had been dealt with. He outlined the details of the improvements planned to the single track road to Kingston. In relation to construction traffic, he advised that there would be an internal one way system leading to the site and in addition a construction traffic management plan would also be prepared and implemented.

Mr Lawson answered questions from Councillor Goodfellow in relation to the type of housing to be provided at both sites, access roads, the differences between the 2 sites, phasing and the independent traffic assessment.

Mr Donald spoke against the first application. He had lived in North Berwick for many years and, as Chair of the North Berwick Business Association, had been involved in

the Local Plan development process. The application before Committee exceeded the Local Plan in terms of the number of houses. He had no objection to the provision of housing in this area but did have objections to the increase in the number of units. He stated that the transport assessment was biased and flawed. The traffic impact on the town would be significant. He highlighted a number of concerns including the inappropriate access, number of potential vehicles, parking spaces, bottleneck points, Ware Road Bridge, major route to school, traffic flow and the suggested route. He reiterated that the development was beyond what was reasonable in terms of the Local Plan, the impact on the town would be significant and the traffic assessment was totally inadequate. This proposal should be refused.

Local Member Councillor Goodfellow stated that for many North Berwick residents these were very contentious applications; some felt the town had reached capacity however many also noted the commitment in the Development Plan for housing at these sites. The Development Plan had specified a maximum of 500 houses in total, but the current proposals showed an increased figure for these sites. North Berwick did not need more 4/5 bedroom detached houses. The largest housing shortage in East Lothian was for 1 bedroom properties. There was an imbalance in the North Berwick housing stock and these developments did little to address this problem. He welcomed the recognition that Law Primary School needed developer contributions but was disappointed that NHS Lothian had not produced a robust case regarding the health centre. He outlined his concerns regarding the traffic impact of the new housing development. He remarked that some of the statements on the independent traffic assessment were questionable and gave examples. He stated that the increase in the number of properties proposed was unjustified. The emphasis on 4/5 bedroom properties did not address the actual housing need in North Berwick; the planning of the development had been done to suit the developer. He would not be supporting this application.

Local Member Councillor Day made reference to the widespread and legitimate concerns of the North Berwick community. However, this site was a strategic site within the Local Plan; it would be a risk to not support these applications as it would weaken the Council's position in respect of other sites coming forward which were not within the Local Plan. In terms of the detail of the applications the numbers had increased but the housing density was comparable to other developments. His greatest concern was road safety however the substantive issues had been addressed. He welcomed the suggestion of traffic signals on the Ware Road Bridge and the construction traffic management plan. He did share Councillor Goodfellow's disappointment that NHS Lothian had not been able to make a case for a Section 75 contribution. He also welcomed the affordable housing element of the application. He would be supporting both applications.

Local Member Councillor Berry supported the comments made by Councillor Goodfellow. The proposals were an overdevelopment in both cases. He had concerns regarding traffic and felt that a dangerous precedent was being created. He was disappointed that Transportation had not thought of a solution; a footbridge to the west side of the Ware Road Bridge was the obvious long term solution. In relation to lack of access between the 2 sites he appreciated the reasons however, in the long term there would be 500 plus houses in that part of the town. The route residents would take to the High Street needed addressed; altering the emergency access to permit bus access and providing a shuttle bus was the obvious way. He had made this point during the consultation and it was disappointing, looking to the future, that this had not been taken on board. He added that being asked to make a decision today when Members had no idea what was to happen at Kingston regarding traffic was not acceptable. He would not be supporting either application.

Councillor Innes reiterated that this was a strategic site for East Lothian; there was a clear shortfall in housing land supply. It was important for this Committee and the Authority to control the location of housing sites in East Lothian, if the Authority did not control this then it would give developers a chance to decide. He felt that 20 additional units were quite modest and Councillor Day was correct, these could be accommodated in the overall site. He stated that even if the Committee refused these applications it would be extremely difficult to defend that decision at appeal. Members needed to support these report recommendations. He would be supporting both applications.

The Convener noted that the vast majority of objections related to traffic movement. He was confident that Transportation Officers would not have given approval without due consideration of the issues; improvements had been requested and he was confident that the recommendations by Transportation would allow safe traffic movement. With regard to the section of road to Kingston he agreed that the aim was to discourage use of this road and the improvements suggested should assist in this regard. He reminded Members that as previously stated these were allocated sites. He would be supporting the recommendation to grant planning permission as set out in both reports and encouraged all Members to do so; he moved that these recommendations be put to the vote.

Item 1 Planning Application No. 12/00338/PM Decision

The recommendation that planning permission should be granted was put to the vote and received **11 votes for** and **2 votes against**; there were no abstentions. The Committee agreed to grant planning permission subject to:

1. The undernoted conditions (including the amendment to Condition 16 as outlined by the Development Management Manager).
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:
 - (i) Secure from the applicant a financial contribution to the Council of £25,000 towards the provision of a scheme of road improvements in respect of the Ware Road Bridge, North Berwick under the terms set out in the transportation assessments given earlier in this report.
 - (ii) Secure from the applicant a financial contribution to the Council of £68,023.68 towards the provision on the Mains Farm land the subject of Proposal H5 of the adopted East Lothian Local Plan 2008 of a new community sports pitch and related changing accommodation.
 - (iii) Secure from the applicant a financial contribution to the Council of £1,048,528 towards the provision of additional accommodation at Law Primary School and at North Berwick High School.
 - (iv) Secure from the applicant the provision of 18 affordable housing units.
3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development

is unacceptable due to an unacceptable traffic impact on the Ware Road Bridge, an insufficient provision of a community sports pitch and related changing facilities, a lack of sufficient school capacity at Law Primary School and North Berwick High School, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies T2, INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 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 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.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The details shall include the provision of some large specimen trees at the site entrance and within the proposed area of open space. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

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

- 4 The phasing of the development, including the number of residential units to be completed on the site each year, shall be carried out in strict accordance with the phasing document (entitled "6.1 Phasing") docketed to this planning permission, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 5 The development hereby approved shall be carried out in strict accordance with the Statement of Sustainability in Design docketed to this planning permission.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.

- 6 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle 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 and cycle storage areas.

Reason:

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

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats 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 and flats 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 and flats, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats 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.

- 8 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development 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.

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan. 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 flats 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.

- 11 Prior to their use in the development, details of the acoustic glazing to be used for the north facing windows and, if applicable, north facing doors of the houses on plots 30-33 and 58-62 shall be submitted to and approved by the Planning Authority. The details shall show a glazing specification consisting of 4mm float glass - 12mm air cavity - 4mm float glass.

The houses on plots 30-33 and 58-62 shall not be occupied unless and until the north facing windows and, if applicable, north facing doors of those houses have been installed with acoustic glazing in accordance with the details so approved.

Reason:

To safeguard the privacy and amenity of the occupiers of the houses on plots 30-33 and 58-62 of the approved housing development.

- 12 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 13 Prior to the commencement of development details of dropped kerb pedestrian crossings to be provided at various locations at Highfield Road, Glenorchy Road, Ware Road, Lord President Road and May Terrace shall be submitted to and approved by the Planning Authority. Prior to the occupation of the first residential unit, all of the dropped kerb pedestrian crossings shall be provided in accordance with the details so approved.

Reason:

In the interests of road safety.

- 14 Prior to the commencement of development details of the site compound shall be submitted to and approved by the Planning Authority. Formation of the site compound shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the site compound is of a size sufficient to accommodate all of the construction worker's vehicles and other associated traffic.

- 15 Development of the site shall at all times be carried out in strict accordance with the Construction Traffic Management Plan docketed to this planning permission.

Reason:

In the interests of road safety.

- 16 Notwithstanding the requirements of condition 15 above, between the hours of 12:20 and 13:50 Monday to Thursday during the school terms of the Law Primary School and North Berwick High School, site deliveries shall only be made by vehicles having a maximum mass not exceeding 3.5 tonnes.

Reason:

In the interests of road and pedestrian safety.

- 17 Prior to the commencement of development i) full details of the temporary works to Nungate Road to facilitate access for construction vehicles shall be submitted to and approved in advance by the Planning Authority; and ii) the temporary works to Nungate Road be carried out in accordance with the details so approved.

Those temporary works shall be kept in place for the full duration of the development of the site.

Within 2 months from completion of development those temporary works to Nungate Road shall be removed and the existing traffic island restored.

Reason:

To facilitate access for construction vehicles in the interests of road safety.

- 18 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 interests of road safety.

- 19 Prior to the commencement of development, a programme for monitoring the condition of the public roads of Glenorchy Road and Nungate Road, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 20 The emergency access shown on the docketed site layout drawing shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and the housing development approved by the grant of planning permission 12/00339/PM.

Item 2 Planning Application No. 12/00339/PM Decision

The recommendation that planning permission should be granted was put to the vote and received **11 votes for, 1 vote against and one abstention**. The Committee agreed to grant planning permission subject to:

1. The undernoted conditions (including the amendment to Condition 14 as outlined by the Development Management Manager).

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant a financial contribution to the Council of £25,000 towards the provision of road improvements at, or in the vicinity of, Ware Road Bridge, North Berwick. The contribution would have to be made prior to occupancy of any of the residential units hereby approved;

(ii) Secure from the applicant a financial contribution to the Council of £10,000 towards the provision of road improvements/alterations on parts of the public road of Grange Road to the east of the junction with the public road of Green Apron Park;

(iii) Secure from the applicant a financial contribution to the Council of £46,945.92 towards the provision on the Mains Farm land the subject of Proposal H5 of the

adopted East Lothian Local Plan 2008 of a new community sports pitch and related changing accommodation;

(iv) Secure from the applicant a financial contribution to the Council of £723,632 towards the provision of additional accommodation at Law Primary School and at North Berwick High School;

(v) Secure from the applicant the provision of 12 affordable houses within the application site.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an unacceptable traffic impact on the Ware Road Bridge, an unacceptable traffic impact on Grange Road, an insufficient provision of a community sports pitch and related changing facilities, a lack of sufficient school capacity at Law Primary School and North Berwick High School, and the lack of provision of affordable housing, contrary to the Council's Development Framework for the development that is titled Mains Farm and Gilsland, North Berwick and, as applicable Policies T2, INF3 and H4 of the adopted East Lothian Local Plan 2008.

- 1 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 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.

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

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The details shall include the provision of some large specimen trees at the site entrance and within the proposed area of open space. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

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

- 4 The phasing of the development, including the number of residential units to be completed on the site each year, shall be carried out in strict accordance with the phasing document (entitled "6.1 Phasing") docketed to this planning permission, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 5 The development hereby approved shall be carried out in strict accordance with the Statement of Sustainability in Design docketed to this planning permission.

Reason:

To ensure this development complies with the on-site carbon emissions targets of the Climate Change (Scotland) Act 2009.

- 6 Prior to the commencement of development details of the bin and cycle storage facilities for the flatted properties shall be submitted to and approved in advance by the Planning Authority. The details shall show at least 1 cycle space per flat. Prior to the occupation of any of the flats the bin and cycle 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 and cycle storage areas.

Reason:

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

- 7 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses and flats 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 and flats 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 and flats, 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. However, some use of a contrasting wall finish (i.e. reconstituted stone or facing brick) would be acceptable providing it is limited to a distinctively complete feature of the houses and flats and respectful of their design integrity. All such materials used in the construction of the houses and flats 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.

- 8 Details of all boundary treatments and ground surfacings for the site shall be submitted to and approved by the Planning Authority prior to their use in the development. All such materials used in the development 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.

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 10 Prior to the occupation of the last of the residential units hereby approved, the proposed site access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with that which is shown on the docketed site plan. 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 flats 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.

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 12 Prior to the commencement of development details of the site compound shall be submitted to and approved by the Planning Authority. Formation of the site compound shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the site compound is of a size sufficient to accommodate all of the construction worker's vehicles and other associated traffic.

- 13 Development of the site shall at all times be carried out in strict accordance with the Construction Traffic Management Plan docketed to this planning permission.

Reason:

In the interests of road safety.

- 14 Notwithstanding the requirements of condition 13 above, between the hours of 12:20 and 13:50 Monday to Thursday during the school terms of the Law Primary School and North Berwick High School, site deliveries shall only be made by vehicles having a maximum mass not exceeding 3.5 tonnes.

Reason:

In the interests of road and pedestrian safety.

- 15 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 interests of road safety.

- 16 The emergency access shown on the docketed site layout drawing shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and

approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and the housing development approved by the grant of planning permission 12/00338/PM.

- 17 None of the houses to be erected on Plots 18, 19, 20, 21 and 30 shall be occupied unless the play equipment shown in docketed drawing number PO2 has been installed in its entirety on the play area shown in the docketed site layout drawing to be formed in the northeast corner of the application site.

Reason:

To ensure the satisfactory provision of play equipment in the play area of the housing development hereby approved.

- 18 Notwithstanding the drawings docketed to this planning permission, a speed table junction shall be provided at the site access with Grange Road so that ramps are formed onto Grange Road and the site access road to provide a traffic calming measure and allow an uncontrolled pedestrian crossing from the site to the land on the south side of Grange Road, which will form part of the Mains Farm land. Details of the speed table shall be submitted to and approved by the Planning Authority. Development of the speed table shall be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 19 Prior to the commencement of development, details of the road improvement works to be carried out to the narrowed section of Grange Road, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 20 Prior to the commencement of development, details of the road improvement works to be carried out to the road leading south-westwards to Kingston from the application site, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The road improvement works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

3. PLANNING APPLICATION NO. 11/00914/P: ERECTION OF 7 HOUSES, 10 FLATS AND ASSOCIATED WORKS AT UNDER BOLTON FARM, BOLTON

This application had been continued from the October Planning Committee. In response to the Committee's decision of the October meeting that the issues of bin storage and other storage provision which had been raised by local residents, amenity groups and some of the Elected Members be addressed, further details had been submitted of a now proposed provision of bin and other storage facilities within the part of the development site subject of this application.

Mr Moyes of Ogilvie Homes, the applicant, addressed the Committee. He felt it would be appropriate, as no decision had been taken at the October meeting, to make reference to some of the points in the original application. He advised there would be a net increase of 7 units on site, but there would be a reduction from 33 to 31 bedrooms overall; the population density numbers would reduce; the square footage would also reduce. The main point of the application was to reduce the size and price

of the houses. He referred to and quoted from the report to the October Planning Committee in relation to a number of planning policy matters. That report had stated that the application met all the relevant policies within the Structure Plan and the Development Plan. In relation to the continuation of this application he advised that he had met with officials and had submitted a revised site layout plan, which was before Members today. He urged the Committee to approve this application; it was not a material change and Ogilvie Homes wished to finish this development.

Mr Moyes and Mr Stalker answered questions from Members regarding parking provision and storage shed dimensions.

Mr Beck spoke against the application on behalf of Humble, East & West Saltoun and Bolton Community Council. He remarked that it was disappointing that the minute of the October meeting had not been published. The Community Council thought there had been a clear requirement that the applicant should consult with the community; there had been no consultation, the community had simply been presented with these proposals. Landscaping issues had also to be looked at but again there had been no consultation. In preparation for the 2008 Local Plan this Council had decided there was no requirement for housing in Bolton due to the lack of transport, hence the objections. As indicated previously this type of development was more suited to an urban location. He raised parking and storage issues. The main issue was increasing the number of units on site, without private garden space; the proposal was not suitable for this site; it did not enhance the development and would not assist in marketing the site. It was the view of the Community Council that this application should be refused.

Mr Stalker clarified matters. He advised that it had not been the decision of the Committee to require specific community consultation; the decision of the October Planning Committee had been for the applicant to seek to address the matter of bin stores and other storage provision. He stated that to have had specific community consultation would have been unique. He advised that the submitted details of bin stores and other storage provision were taken to be material hence all neighbours had been notified, as had all objectors to the original application, along with the Community Council and Bolton Community Association. These further details had also been re-advertised; so the community had been given every opportunity to comment on them. He added that this was all set out in the updated report. He advised that a further 9 objections had been received; these grounds of objection were also detailed within the report.

Morag Ferguson, Corporate Legal Adviser, indicated that the reason the minute of the October Planning Committee was not available publically was that it was in draft form and would be submitted to Council for approval on 18 December 2012.

Dr Greenhill spoke against the application. She informed Members that she had recently been elected Chair of Humble, East & West Saltoun and Bolton Community Council. She made reference to questions regarding planning policy that had been raised at the October Planning Committee, which the Community Council believed had still not been addressed. She referred to Scottish Planning Policy on rural developments and quoted the guidance on steading developments, character of development and access to amenities. She stated that despite modifications the creation of a development of flatted accommodation was akin to an urban development and not suitable for Bolton.

Ms Jamieson spoke against the application on behalf of Bolton Community Association. As Chair of the Association and long term resident she cared deeply

about Bolton. She referred to the Community Planning Partnership Single Outcome Agreement (SOA) which stated that community engagement was essential to create the best outcomes. After the October committee the community took this on board and held a meeting; both long standing residents and residents of the steading objected to this proposal, many concerns had been expressed. This amendment was of an urban design, not suitable to a village like Bolton, which had no facilities at all. She referred again to the SOA regarding empowering communities and residents. She urged rejection of this application.

Mr Hardman, a Bolton steading resident, spoke against the application in relation to car parking issues. He stated that the actual typography was not realistic. The parking was inadequate for the existing and proposed properties; he gave details of the dimensions of the parking spaces and examples of why these were not suitable. He stated that people would park on the main road, as currently happened. These space limitations made the suggested parking spaces not viable. There was no provision for disabled parking; however it would not be unreasonable for the applicant to take this into account. The proposal was totally flawed.

Mrs Hardman, a resident of the steading for 14 months, spoke against the application. She referred to the presumption, based on comments from the builder, that the development would be completed as per the original design. She indicated that due to a lack of private space some residents had issues which, at times, could lead to a degree of conflict. She referred to the high winds prevalent in Bolton and the associated problems in relation to bins and other storage items. She stated that the building of 1 bedroom units would significantly exacerbate the problems residents currently experienced.

Mr Wells, a steading resident for 3 years, spoke against the application focusing on storage provision. He remarked that one of the advantages to living in the countryside should be greater space however Ogilvie Homes had compromised this; residents needed a suitable place to store bicycles, lawnmowers, etc. Storage sheds: some were located a considerable distance from the properties they served, some would be visible from the main road. Storage under external staircase: no detail provided about how this could be achieved. Bin storage: there would be a huge concentration of bins in the quadrangle and the enclosed nature would result in considerable noise, the proposed bin store would be highly visible. There was also no provision for recycling boxes. These issues may not seem serious enough to stop the development going ahead but the cumulative effect would be considerable.

Ms Garrot, speaking for Mr Crossan, summarised the issues on behalf of all the speakers. There were 6 key points. 1. The community was in total agreement in opposing the building of flats. 2. Car parking was not adequate, would not work and there was no designated disabled parking provision. 3. There were concerns about storage, including bin storage. 4. This proposal was urban living rather than rural living and did not comply with Scottish Planning Policy on rural developments. 5. The economic situation was understood but how this proposal would help was unclear. 6. The community was united in its desire to keep Bolton a good place to live. She urged the Committee to reject this application.

Local Member Councillor McMillan indicated that Members had heard a very complex and analytical set of objections to the application. He made reference to and quoted from the SOA. He referred to the revised site layout plan and to the tunnel of bins, storage areas and huts. This was a small rural settlement into which a dense development was being proposed. He referred to the applicant's comment that the community should be given a chance to flourish; Members had heard from the

community that they had concerns that it would not flourish. As Mr Wells had stated the various problems may be small but the cumulative effect would be considerable. He would not be supporting this application.

Local Member Councillor Broun-Lindsay made reference to the original application in 2007 and to his comments at that time regarding this development. He had argued then against approving a housing development that would swamp a small community and he still agreed with that; however that argument had been lost. The current situation was that permission for the 10 units had already been granted; the Committee was now being asked to support a 70% increase on site. He would not be supporting this application.

Local Member Councillor Trotter indicated that along with Councillor McMillan he had called this application off the Scheme of Delegation List for consideration at the October Planning Committee. He referred to traffic issues and the unsuitability of the development for the area. He stated that there were many more issues of concern other than bin storage. He would not be supporting this application.

Councillor Grant also recalled the original application to Committee in 2007, which he had supported. He had observed developments since then and regretted that the developer saw the need to change the plans for the site. He had concerns about what would happen next if this application was refused. He would therefore be supporting the application.

Councillor Innes stated that the Committee had to deal with the situation as it stood currently. He referred to the application in 2007, noting that some of the people speaking today had benefited from the development going ahead. He stressed that if this application was refused it would leave permission for the same footprint but without the provision for storage. There had been an attempt to address the storage issues. This was a difficult situation but he felt what was proposed was not unreasonable. He would be supporting the application.

The Convener referred to concerns expressed about storage provision at the October meeting and to the decision to continue the application to try to address these issues. The application now had bin storage facilities which would provide protection from the winds and, in addition, other general storage facilities on the northern part of the site. In relation to converting the development to smaller units he remarked that he knew from his own area that many of his constituents could no longer afford to live in the area they grew up in; this development would give young people an opportunity to do so and at an affordable price. He stated that this was a high quality development that would be an asset to East Lothian and, through time, to Bolton. He would be supporting the recommendation to grant planning permission as set out in the report, and moved that this be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **8 votes for** and **5 votes against**; there were no abstentions.

Mr Stalker referred Members to the caveat, on page 48 of the report, requiring an alteration to Condition 10. The Committee agreed to grant planning permission subject to the following conditions and with the specified alteration to Condition 10.

1 Prior to the erection of the buildings hereby approved, final site setting out details shall be 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 buildings 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.

- 2 Prior to the erection of the buildings hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include full details of: the height and slopes of any mounding on or recontouring of the site, tree and shrub sizes, species, habitat, siting, planting distances, a programme of planting and details of all means of enclosure and all hard surfaces. The scheme shall include indications of all existing trees and hedgerows on the site, details of any to be retained, and measures for their protection in the course of development.

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

Reason:

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

- 3 Samples of the finishing materials and colours to be used for the external walls, roofs, windows and doors of the buildings hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the finishing materials used for the external walls of the new build terraces of houses shall accord with the samples so approved.

The sections of the external walls of the buildings that are to be rendered shall be rendered in a coloured wet dash render in accordance with a sample, including finishing colours, to be provided for the prior inspection and approval of the Planning Authority and the coloured wet dash render applied shall accord with the samples so approved. The colour of the wet dash render finish of each of the buildings shall be different from each other.

Reason:

To ensure the development is of a satisfactory appearance in the interests of safeguarding the character and visual amenity of the area.

- 4 All stonework shall match as closely as possible the existing stonework of the walls of the existing steading buildings and all the stonework pointing shall comprise a lime-based mortar, which shall match, as closely as possible, the existing lime pointing of the steading buildings

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime, aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialists analysis of and report on the building, and a copy of this analysis and report shall be included with the detailed submission for this condition.

Reason:

To safeguard the character and visual amenity of the area.

- 5 All roof windows shall be conservation style roof windows installed as near to a flush fitting as possible with the roof surface and with minimum required flashing. Scale 1:10 or 1:20 section drawings showing the size, appearance and flush positioning of the roof windows shall be submitted to and approved by the Planning Authority prior to their installation and once installed the new and replacement roof windows shall accord with the details so approved.

Reason:

To safeguard the character and visual amenity of the area.

- 6 Details of any vents and flues to be installed on the buildings hereby approved shall be submitted to and approved in advance by the Planning Authority. Details shall include scale 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall mounted vents and flues. The details shall show the vents and flues to be concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the building to which they would adjoin.

Reason:

To safeguard the character and visual amenity of the area.

- 7 Unless otherwise approved in writing by the planning authority all rainwater goods shall be cast iron and shall be painted a colour to be approved in advance by the Planning Authority and the colour of the paint applied to them shall accord with the detail so approved.

Reason:

To safeguard the character and visual amenity of the area.

- 8 The handrails and balustrades to be installed on the external stairs shall be painted black or some other colour to be approved in advance by the Planning Authority.

Reason:

To safeguard the character and visual amenity of the area.

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

Reason:

To safeguard the character and visual amenity of the area.

- 10 Prior to the occupation of any of the houses and flats hereby approved the bin stores and external stores shown on docketed drawing no.001RevC9A shall be fully formed and available for use.

Reason:

To ensure that acceptable bin storage facilities for the houses and flats are provided in the interests of safeguarding residential amenity and the character and visual amenity of the area.

- 11 Prior to the last of the houses or flats hereby approved being occupied repair and restoration work on the listed dovecote at the southeast corner of the original steading buildings shall be completed in its entirety to the satisfaction of the Planning Authority and in accordance with the detailed programme of work for the repair, restoration and maintenance of the dovecot as approved by the Planning Authority in terms of condition 22 of planning permission 06/00415/FUL. Thereafter it shall be subsequently maintained in accordance with that approved programme of work.

Reason:

To secure the timeous repair and restoration and the future maintenance of the dovecot which is a building listed as being of Special Architectural of Historic Interest.

- 12 The car parking areas hereby approved shall be constructed in accordance with the details shown for them on the docketed site layout drawing. None of the houses or flats hereby approved shall be occupied unless and until the car parking shown on the docketed site layout drawing have been constructed in their entirety and are made available for use.

Reason:

In the interests of pedestrian and road safety and in the interests of the amenity of the future occupants of the proposed houses and flats.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no development of the types specified in Part 1 and Part 2 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting those Parts of the Order shall be undertaken on the houses or flats hereby approved, or on any part of the application site, other than the development shown on the drawings docketed to this planning permission, unless with the prior approval of the Planning Authority.

Reason:

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

4A. PLANNING APPLICATION NO. 12/00701/P: ALTERATIONS, 1ST FLOOR EXTENSION, FORMATION OF DORMERS, BALCONY, VEHICULAR ACCESS, HARDSTANDING AREA, ERECTION OF WALLS AND ERECTION OF GATES AT 24 VICTORIA ROAD, NORTH BERWICK

A report on the application for planning permission had been submitted. Mr Stalker summarised the key points of the report.

Mr Macdonald of Somner Macdonald Architects, the agent, addressed the Committee. He referred to Councillor Berry's reasons for calling this application off the Scheme of Delegation List, in particular to the comment about this application being adjacent to an earlier controversial application. He remarked that his clients felt uncomfortable that their plans had been aligned with this; their application had attracted no adverse local comment. The only objection was from AHSS. He outlined the proposal to his client's property, stating it was modest and in keeping with the character of the surrounding area. He asked Members to approve the recommendation within the report.

Mr Young spoke against the application on behalf of The Architectural Heritage Society of Scotland (AHSS). He stated that the Society objected to the formation of the proposed dormers and roof light on the front (west) elevation roof slope of the house as this would be disruptive of the uniform frontage and generally clear front roof slope of the other houses of the terrace. The Society considered that the dormers should be confined to the rear elevation of the house and along with the proposed balcony and other alterations to the house related to the existing pattern of fenestration to the rear of the terrace of houses. The Society did not think this scheme complied with relevant planning policies and felt the proposals would harm the character and quality of this Conservation Area.

Local Member Councillor Berry indicated that he had called this application off the Scheme of Delegation List as it was a sensitive site and adjacent to a site where there had been considerable concerns. He understood the concerns of the AHSS. He remarked that he had wrongly estimated the level of concern locally to this application. He would not be going against the report recommendation.

Local Member Councillor Day stated that he would be supporting the officer's recommendation. He made reference to the site visit, where it had been evident that neighbouring properties had undergone similar alterations.

Local Member Councillor Goodfellow indicated that he would be supporting the report recommendation.

The Convener brought the discussion to a close and moved that the recommendation to grant planning permission as set out in the report be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **13 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 The roof lights hereby approved shall be installed in a manner which ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they are to be installed.

Reason:
To safeguard the character and appearance of the Conservation Area.

- 2 The stonework of the new wall hereby approved shall match in all respects the stonework of the wall to be demolished, including the laying, pointing and coping of it, all in accordance with a sample panel to be provided on site for the prior inspection and approval of the Planning Authority.

Reason:
To safeguard the character and appearance of the Conservation Area.

- 3 No use shall be made of the vehicular access hereby approved unless and until: (i) the new boundary wall, vehicular access and turning area within the site are erected and laid out and available for use as shown on drawing no. 1258-02-B and thereafter they shall be retained as such, and (ii) the area of ground between the east side of the new wall and the existing back edge of the footpath of Melbourne Road is formed and surfaced as an extension to the existing footpath.

Reason:
In the interests of road safety.

- 4 No use shall be made of the vehicular access hereby approved if the gates to be erected across it are installed so as to open outwards towards the adjacent public road and footpath.

Reason:
In the interests of road safety.

4B. PLANNING APPLICATION NO. 12/00701/CAC: DEMOLITION OF WALLS AT 24 VICTORIA ROAD, NORTH BERWICK

A report on the application for conservation area consent had been submitted.

Decision

The Committee unanimously agreed to grant conservation area consent subject to the following conditions.

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:
Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Signed

Councillor Norman Hampshire
Convener of the Planning Committee