



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

**TUESDAY 9 APRIL 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost 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 J McNeil  
Councillor T Trotter  
Councillor J Williamson

**Council Officials Present:**

Mr R Jennings, Head of Housing and Environment  
Mr I McFarlane, Acting Development Management Manager  
Ms M Ferguson, Corporate Legal Adviser  
Mr P Forsyth, Senior Area Officer East  
Ms C Molloy, Senior Solicitor  
Mr K Dingwall, Principal Planner  
Mr G Talac, Transportation Planning Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 1 – Mr D Morgan, Mr E McIntyre, Ms S Sinclair, Mr R Dempster, Mr D Holloway  
Item 2 – Mr J Handley, Mr A Young  
Item 3 – Mr A Brown, Mr H Miller

**Apologies:**

Councillor P McLennan  
Councillor M Veitch

**Declarations of Interest:**

None

### **Valedictory**

The Convener informed Members that Brian Stalker would be retiring from the Council later this month. He stated that Mr Stalker had been a dedicated officer who had delivered a great planning service to East Lothian.

Councillor Innes wished to record his appreciation of the work carried out by Mr Stalker. He had the greatest respect for the professionalism demonstrated by him, his integrity had never been called into question and he had done an excellent job for East Lothian. He wished him well in his retirement.

Provost Broun-Lindsay stated that Mr Stalker had been a tower of strength in relation to the planning system and he wished to be associated with all comments made.

Councillor Trotter echoed the sentiments expressed by his fellow councillors on behalf of the SNP Group.

### **Pre-determination Hearings**

The Corporate Legal Adviser, Morag Ferguson, outlined the process for Pre-determination Hearings, as introduced by regulations made by the Scottish Government. This first stage was an information gathering exercise. The report to Committee contained a description of the development proposal, but no planning assessment or recommendation. Members would hear from the applicant, agent and people that had submitted representation. The speakers could be questioned but Members must not debate the merits of the application. The next stage of the process would be dealt with at Council on 23 April 2013; the full planning assessment report would be provided for this meeting, along with a note of presentations made today. At Council, Members would be able to debate the issue and make a decision.

Councillor Innes remarked that the new regulations over-complicated the issue. With regard to this first stage today, not every Member who would make a decision was present. The system in place previously was more transparent.

Councillor Berry agreed; this new procedure had not added anything to the planning process, it had detracted from it.

### **1. PRE-DETERMINATION HEARING: PLANNING APPLICATION NO. 12/00680/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AT FERRYGATE FARM, DIRLETON ROAD, NORTH BERWICK**

A report had been submitted in relation to the Pre-determination Hearing for Planning Application No. 12/00680/PPM.

The Acting Development Management Manager, Iain McFarlane, presented the report. He advised that a Pre-determination Hearing was mandatory where a planning application was made for a major development significantly contrary to the development plan. The report gave a description of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations. A full report on the application would be presented to Council on 23 April 2013.

Mr McFarlane answered a number of questions from Members, clarified aspects of Policy DC1 and advised which objections were material. He also provided clarification on the letter from the Chief Planner. He confirmed that the report to Council would contain the full planning assessment.

Mr McIntyre of EMA Architects, who had carried out the indicative design for this development for Miller Homes, addressed the Committee. He informed Members that he would focus on design matters. The development would be of a good quality urban design and provide a natural infill to the existing environment. There would be no adverse impact on the character of North Berwick; there would be less impact on the town than from the sites to the south, Gilsland, Newhouse and Mains Farm. A community engagement process had been undertaken and a relatively small number of objections submitted. The proposal would provide much needed family housing, 35 affordable homes and a new public park. The scale of development was modest; it would be phased in over a 7 year period. It would assist the housing shortfall. The development would be of a high design quality. The site would be effective in terms of transport and utility infrastructure and would be a sustainable location in an urban infill site.

Mr Morgan of Miller Homes, the applicant, addressed the Committee. This development would provide much needed family housing in East Lothian. There were no technical constraints relating to the site. It was unfortunate that the report before Members did not provide a full planning assessment; this undermined the hearing process and meant that an informed response to the only significant objection could not be provided. He assumed, perhaps wrongly, that the recommendation in the report to Council would be for refusal as the site was not currently allocated for housing in the development plan. It was the view of Miller Homes that this was not an adequate reason in itself to refuse the application. Members would be aware of the very significant housing shortfall in East Lothian; this application would help rectify that. He gave further details in relation to the housing shortfall. He stated that to continue this way was not tenable; permission for new housing needed to be granted, the depth of the housing crisis in East Lothian had to be addressed. The proposal would be an asset to the town and was deliverable.

Members questioned Mr Morgan on various aspects of his presentation including housing land shortfall percentages, demand and location of housing and his definition of a family home.

Ms Sinclair spoke against the application on behalf of North Berwick Community Council. She outlined the Community Council's main grounds of objection: this site was prime agricultural land, it was not in an area identified for development in the Development Plan, the development would encourage the coalescence of Dirleton and North Berwick, North Berwick's housing needs would be met at Mains Farm, Gilsland and Newhouse, there was strong community feeling that any more development would be seriously detrimental to the town, there were grave concerns about the existing infrastructure and the ability to cope with further developments and the development would only increase existing traffic/parking problems. She concluded that the Community Council appreciated that growth was necessary but felt enough was enough.

Mr Dempster spoke against the application. He stated that in 2003 this site had been deemed not to be a suitable site for development; he queried what had changed. This application, allied with the Mains Farm and Gilsland applications, would result in potentially almost 700 new houses. He outlined his main objections. Infrastructure: the secondary school was at 98% capacity, primary school at 100% capacity, GP surgery at 110% capacity, the road network currently coped with around 2,500 cars. He stated there was no common sense to this application, the drive for higher profit led to increasing pressure on amenities, there was no evidence that this would increase the quality of life for North Berwick residents. Houses should be built closer

to Edinburgh where the jobs were located, brownfield sites should be built on first and the valuable arable land around North Berwick should be left for food production.

Mr Holloway spoke against the application on behalf of the Dirleton Village Association. He outlined the Association's reasons for objection. The character and beauty of Dirleton was its discrete nature, it was an isolated community, this application started the process of development along the A198, the petrol filling station currently stood as an effective end to the urban zone and this application was contrary to the Local Plan. He made reference to the Urban Waste Water Treatment Directive, advising Members that 20 years ago the North Berwick Treatment Works had met the requirements for the population, however once the population reached 10,000 a new level of treatment needed to be provided. This was a material consideration and, given this, the application was premature.

The Convener confirmed that the application would be determined by Council on 23 April and prior to this a site visit would be arranged. Members agreed that the site visit should be held on Monday 22 April. The Convener brought this Pre-determination Hearing to a close.

**2. PRE-DETERMINATION HEARING: PLANNING APPLICATION NO. 12/00199/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE, LANDSCAPING, TREE PLANTING, SUDS POND, DEVELOPMENT ACCESS ROAD, JUNCTION IMPROVEMENTS, ENHANCEMENT OF PEDESTRIAN ROUTES AND ANCILLARY WORKS AT LAND WEST OF ABERLADY ROAD, HADDINGTON**

A report had been submitted in relation to the Pre-determination Hearing for Planning Application No. 12/00199/PPM.

Mr McFarlane presented the report. He confirmed that a full report on the application would be presented to Council on 23 April 2013.

Mr McFarlane and Grant Talac, the Transportation Planning Officer, clarified a number of matters for Members in relation to the transport assessment, impact of the development on the infrastructure, pre-application consultation events and the process following consultation responses.

Mr Handley, of John Handley Associates, agent for Gladedale Estates, addressed the Committee. He stated he had been promoting this site for housing for 15 years and that this site had been considered in last 2 Local Plan Public Inquiries. He outlined the lengthy planning history of this site, highlighting the conclusions reached by the Reporter at each of the 2 Inquiries. He advised that in response to the Reporter's comments from these earlier Inquiries, landscaping at the northern end of the site would now be provided and traffic related matters had also been addressed. He made reference to the public pre-application consultation events. He stated that only 9 objections had been submitted and he responded to these in turn. He referred to the responses by consultees and answered the community council's comments. He concluded that all points raised in the report had been addressed. This application could meet all relevant planning policies. It was supported by all technical consultees, apart from the Council's Policy & Projects Manager. Policy HOU10 had been identified by the Reporter as the key policy in relation to meeting shortfall in housing land supply. This application would provide 65 family homes, 24 affordable houses, a new road, 2 new play parks, a new gateway entrance to Haddington, new

landscaping and a significant financial contribution to the expansion of the secondary school.

Mr Handley responded to questions from Members in relation to his comments regarding the educational financial contribution and the Letham development and also issues regarding enclosing the amenity of the northern periphery.

Mr Young, a resident of Haldane Avenue for 23 years, spoke against the application. He stated that this site was a rural setting and was prime agricultural land. The boundary of Haddington was Haldane Avenue. He outlined his main concerns. Location – flood risk and privacy issues: this area was already prone to flooding, tar roads and monoblock would exacerbate these issues. Due to the land slope Haldane Avenue residents would see the whole range of these houses, privacy would be reduced considerably. Road/traffic matters: Aberlady Road was a very dangerous road with fast traffic, there had been a fatal accident some years ago. The development would be out of the town, residents would not walk into the town centre, so there would be additional traffic and associated noise. He expressed concerns about the loss of greenbelt areas and wildlife habitats. He stated that it would be irresponsible to make a decision on this application until the impact of the Letham development on the town was experienced.

The Convener confirmed that this site visit for this application would also be held on Monday 22 April. He brought this Pre-determination Hearing to a close.

### **3A. PLANNING APPLICATION NO.12/00905/P: ALTERATIONS AND EXTENSION TO HOUSE, ERECTION OF CARPORT WITH STORE AND ASSOCIATED WORKS AT ENGINE COTTAGE, ABBOTSFORD ROAD, NORTH BERWICK**

A report had been submitted in relation to Planning Application No.12/00905/P. Mr McFarlane presented the report, summarising the key points.

Members questioned Mr McFarlane on issues in relation to refusal of the previous applications and the nearby Category A listed building and surroundings.

Mr Brown, the applicant, addressed the Committee. He had bought Engine Cottage 3½ years ago and had spent significant time carrying out improvement works to both the interior and exterior of the property. The only problem with Engine Cottage now was that it was too small to accommodate his family; he would like to extend the property to provide a proper family home. In terms of the size of the footprint of the extension the vast majority of this would be underground. He advised Members that a lot of work had been done with Historic Scotland and the Council's Planners. He referred to the objections, which he refuted. He stated there would be no overlooking or overshadowing, the proposal was not an overdevelopment. There was only 1 neighbour likely to be affected and he had worked with this neighbour. He asked Members to support the application and allow him to extend his family home.

Mr Miller spoke against the application. He informed Members that he had been a neighbour to the application site for 35 years. He referred to a montage showing the building in its current state and with an overview showing the proposed extension. He stated this application was an overdevelopment of the site in relation to the setting of the listed building and boundary wall. This was a lovely Tudor style building, of a beautiful architectural design. The footprint of the extension would be much larger than the building itself; it would be quite a considerable development, essentially 2 glazed wings attached to either side of Engine Cottage. He also raised concerns

regarding the glazed gables and the effect of sunlight and blinds to reduce glare. He referred to previous planning applications and also to comments by the Reporter regarding listed buildings and developments. He hoped the building would stay in its present form.

Local Member Councillor Goodfellow stated this was a very sensitive issue which had raised a number of objections. He outlined his main concerns. Engine Cottage was a small cottage family home, contrary to Historic Scotland's view this building would not fall into disrepair if the extension did not go ahead. If the extension was built it would become a very large property. He made reference to the need to stop the gradual disappearance of smaller family homes. He also expressed concern about the effect of the proposal on the beautiful Category B listed building. He referred to several statements in the officer's report which he disagreed with, outlining his reasons. He noted that Historic Scotland had raised no objection to this application, but remarked that they did not always make the best decisions for the people of East Lothian – for this latter reason he would not be supporting this application.

Local Member Councillor Day agreed this was a difficult application. The key element concerned the west elevation. On balance he agreed with the officer's recommendation; the architect had clearly thought about style and scale and, providing appropriate materials were used, he felt the proposal was acceptable. He disagreed with his colleague's comment regarding domination; it would create an interesting building, mixing old and new. He referred to the representation by North Berwick Golf Club, stating this was not relevant. He noted that Historic Scotland had raised no objections to the proposal. He would be supporting the recommendation.

Local Member Councillor Berry concurred that this was a very complex application; it was also a question of taste. He stated that if the site had been more prominent then a decision would have been clear cut however, the site was quite hidden. He agreed that a key issue was the view from the west. The proposal was a creative piece of architecture; however he did not care for it, he did not consider it an appropriate development. He also disagreed with the stance taken by Historic Scotland. He felt that Carlekemp had been spoilt by the earlier building of 6 houses. He would not support this application.

Provost Broun-Lindsay referred to earlier comments and stated that from Engine Cottage, looking through the trees, Carlekemp was barely visible. The site visit had been particularly helpful; it was a very secluded site. The principal view was from the west/the golf course, people passing may comment on the contrast between the 2 wings and Engine Cottage itself, by their form the wings would draw attention to the cottage in the centre. He indicated it was a matter of taste; it was finely balanced. He would be supporting the officer's recommendation.

Councillor Innes indicated that he did not have the same concerns as Councillor Goodfellow regarding the glazed element of the proposal. He thought the architect had put forward an acceptable design solution. He agreed with the Provost that if the design drew the eye to the building then this was good; people would appreciate the architecture. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He stated that listed building applications were always controversial. There would be cases, such as this, where a change was needed by the owner to meet their living needs. Members had to decide whether the proposal would enhance or detract from the listed building. He thought it would be an improvement to the building; he did not see it detracting from the beauty

of the listed building. 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 **12 votes for** and **2 votes against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 No development shall be carried out unless and until samples of materials to be used on the extension hereby approved have been submitted to and approved by the Planning Authority. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 2 The roof windows hereby approved shall be installed in a manner that ensures their upper surfaces are as near flush as possible with the upper surfaces of the roof slopes into which they will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 3 Samples of the materials to be used to form the hardsurfaces hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the setting of the listed building and the character and appearance of the Conservation Area.

- 4 Within 1 month of the carport with store having been erected its walls shall be painted or stained a colour to be submitted to and approved by the Planning Authority.

Reason:

To safeguard the setting of the listed building and the character and appearance of the Conservation Area.

- 5 Only the trees detailed to be removed in the "Tree Survey, Management Proposals & Arboricultural Impact Assessment": January 2013 docketed to this planning permission shall be felled and removed from site. None of the other trees shall be felled and the works to them shall be carried out in accordance with the details in that docketed report, unless otherwise approved by the Planning Authority.

Reason:

To ensure the retention and maintenance of trees and vegetation in the interests of safeguarding the landscape setting of the listed building and the character and appearance of the Conservation Area.

- 6 No development shall take place on the site until all existing trees to be retained on the site have been protected by temporary protective fencing and by the laying of the cellular web with gravel surfacing all in accordance with the "Tree Survey, Management Proposals & Arboricultural Impact Assessment": January 2013 docketed to this planning permission. The protective fencing and cellular web with gravel surfacing shall remain in place until construction works are completed.

Reason:

To ensure the retention and maintenance of trees and vegetation in the interests of safeguarding the landscape setting of the listed building and the character and appearance of the Conservation Area.

- 7 New trees of the number, type and positioning as detailed in "Tree Survey, Management Proposals & Arboricultural Impact Assessment": January 2013 docketed to this planning permission shall be planted in the first planting season following the commencement of development or within such longer period as may be agreed, in writing, with the Planning

Authority. Any trees dying within the first 5 years following planting shall be replaced and thereafter maintained to the satisfaction of the Planning Authority

Reason:

In the interests of safeguarding the landscape character of the area, the setting of the listed building and the character and appearance of the Conservation Area.

- 8 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 (Archive Assessment and Monitored Strip) 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.

**3B. PLANNING APPLICATION NO.12/00905/LBC: ALTERATIONS AND EXTENSION TO BUILDING, FORMATION OF HARDSTANDING AREA, STEPS AND PART DEMOLITION OF WALL AT ENGINE COTTAGE, ABBOTSFORD ROAD, NORTH BERWICK**

A report had been submitted on Planning Application No.12/00905/LBC.

**Decision**

In light of the decision taken at Item 3A the Committee agreed to grant listed building consent subject to the following conditions:

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

Reason:

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

- 2 No development shall be carried out unless and until samples of materials to be used on the extension hereby approved have been submitted to and approved by the Planning Authority. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building.

- 3 The roof windows hereby approved shall be installed in a manner that ensures their upper surfaces are as near flush as possible with the upper surfaces of the roof slopes into which they will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the special architectural or historic interest of the listed building.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee