



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

**TUESDAY 1 OCTOBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor W Innes
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson
Councillor M Veitch

Council Officials Present:

Mr R Jennings, Head of Housing and Environment
Ms M Ferguson, Corporate Legal Adviser
Mr I McFarlane, Service Manager, Development Management
Mr K Dingwall, Principal Planner
Ms C Molloy, Senior Solicitor
Mr D Irving, Planner
Mr M Greenshields, Transportation Planning Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr Matthew, Mr White, Mr Holloway, Mr Drysdale, Mr Campbell
Item 4 – Mr Morris, Mr Hield
Item 5 – Mr Fraser, Mr Young

Apologies:

Councillor D Berry
Councillor D Grant
Councillor P MacKenzie

Declarations of Interest:

Item 3 – Councillor Goodfellow indicated he was the Council's appointed representative on the North Berwick Trust; he would make a statement then leave the Chamber in relation to this item

Item 4 – Councillor Veitch stated that his view in relation to this application was already on record; for this item he would make a statement then leave the Chamber

Item 4 – Provost Broun-Lindsay indicated he would leave the Chamber for this item due to a perceived conflict of interest

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 3 SEPTEMBER 2013

The minute of the Planning Committee of 3 September 2013 was approved.

2. PRE-DETERMINATION HEARING: PLANNING APPLICATION NO. 11/01109/PPM: PLANNING PERMISSION IN PRINCIPLE FOR EMPLOYMENT LAND, DRAINAGE WORKS AND ENABLING RESIDENTIAL DEVELOPMENT AT FENTON BARNES, NORTH BERWICK

The Service Manager, Development Management, Iain McFarlane, outlined the criteria and process for a Pre-determination hearing. This application was brought before the Planning Committee for a Pre-determination hearing prior to the consideration of the merits and determination of the application by Council on 22 October 2013. The report before Members today provided a description of the development proposal and summaries of the development plan policies and other material considerations, consultation responses and public representations. Registered speakers would address the Committee today. The full planning assessment report would be provided for the Council meeting on 22 October 2013. Mr McFarlane then presented the report, summarising the key points.

Mr Matthew of PPCA Ltd, agents for the applicant, informed Members that the enabling housing development was essential to cover primary costs of the drainage upgrade which could only be met by the sale of the land proposed for housing development. The new drainage works would protect the 500 jobs provided by local businesses. New employment land could be passed over to the Council if required in recognition of the shortfall of employment land in this area. This proposal was materially different to the earlier application; this application promoted new employment land as well as drainage works for the new and existing employment land. The development scale proposed was the minimum required to fund the new sewage treatment works. He highlighted a number of matters in relation to these works. The consequence of refusal of this application would have serious repercussions for the sewage treatment works and the existing businesses on the site. The application was not contrary to Policy DCI. This was a unique circumstance that would not set a precedent. This application had to be looked at as a solution for Fenton Barnes and on that basis planning permission in principle should be granted.

Members questioned Mr Matthew on a number of aspects of the application, primarily in relation to the current and proposed sewage system, but also with queries regarding affordable housing and new businesses at Fenton Barnes.

Mr White, resident of West Fenton, spoke against the application. He drew attention to the background to this application. In 2007 the applicant had signed a joint marketing agreement with Edinmore, property speculators. In 2008 URS, one of the

world's leading energy companies came on board, not to look at the sewage issue but to assist in enabling new development. In 2009 the first planning application was lodged. Businesses would have to pay full Scottish Water charges if the new sewage system was adopted. He indicated if URS had been given an open brief other options may have been available. This proposal was the wrong answer for the area and was at odds with planning policies. The area was rural and agricultural.

Mr Holloway, representing Dirleton Village Association (DVA), spoke against the application. DVA objected to this proposal on the grounds that it contravened the development plan and the development, if granted, had no local infrastructure to support it. He informed Members he had previously been employed by both SEPA and the Forth River Purification Board and would be focussing on the sewage proposal. He outlined a number of issues in relation to the Drainage Strategy report and other aspects of the sewage proposal. DVA felt this application was inappropriate; it was the wrong scale, wrong place, unnecessary, a significant change to development plan and a threat to employment.

Mr Drysdale spoke against the application on behalf of Gullane Area Community Council. This application represented inappropriate use of the planning system. The applicant had failed to invest appropriately in the drainage system, the consequence of which was its repeated failure. He raised a number of concerns in relation to employment land, the residential element of the application, transport and education issues. The main economic drivers in the coastal ward were agriculture, culture and tourism. This application could strike at the heart of this; to allow this application would be a serious mistake. The Council's Policy and Projects Manager recommended refusal of this application; the Community Council agreed.

Mr Campbell, on behalf of the Architectural Heritage Society of Scotland (AHSS), East Lothian Cases Panel, spoke against the application, with focus on the heritage aspect. The 3 conservation villages of Dirleton, Drem and Athelstaneford would be compromised by this proposal. It would change the character of this very sensitive area and would in effect create a new village. The AHSS sympathised with the pressure the Council was under from the Scottish Government and others to bring forward employment and housing land but the Council had policies in place regarding future development and should adhere to these. AHSS objected to this application and urged the Council to refuse it.

The Convener confirmed that the application would be determined by Council on 22 October and that prior to this a site visit would be arranged for Members. He Convener brought the Pre-determination Hearing to a close.

3. PLANNING APPLICATION NO. 13/00227/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT OF 420 HOUSES, COMMUNITY FACILITIES, OPEN SPACE, EMPLOYMENT USES AND ASSOCIATED INFRASTRUCTURE AT LAND AT MAINS FARM, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00277/PPM. Mr McFarlane presented the report, summarising the key points. He informed Members that in relation to the Masterplan the school expansion land did not form part of the land of the application site. The report recommendation was to grant consent.

Local Member Councillor Goodfellow indicated he was pleased to see this application before the Planning Committee as it had been ongoing for 10 years. The site had

been chosen by the North Berwick community as the best site available. The community had reluctantly agreed to the allocation of 500 houses within the Local Plan. This application was for 420 houses; adding this number to other developments already approved was, in his view, significantly more than the town's infrastructure could sustain. He stressed that 500 houses as originally stipulated should mean 500, not 540.

Sederunt – Councillor Goodfellow left the Chamber

Local Member Councillor Day indicated this was a difficult application. It highlighted real issues for the infrastructure of North Berwick. Another 420 houses, in addition to the 100+ already approved, would result in more pressure on transport links, the town centre and also the health centre. As mentioned earlier building houses 25 miles away from where jobs were was not the right way to achieve cohesion and a sustainable community. This application site was however in the Local Plan; it was the best site and should therefore be progressed. He would strongly argue however that if this application was approved then North Berwick had done its fair share to meet the county's housing needs. The only serious issue was the buffer zone for future school expansion; this was a real issue for the community, but not material to this application. He hoped that North Berwick Trust, who administered the land in question, could come to an agreement with the Council. He would be supporting the application.

Councillor Currie agreed with Councillor Day that the community was in the hands of the North Berwick Trust regarding securing the land to the northeast of the application site for future educational provision and he hoped this would be addressed. He appreciated Councillor Goodfellow's point about the number of units in a development being adhered to. This specific development however would ensure a sizeable financial contribution towards extending the primary and secondary school provision in North Berwick. He would be supporting the application.

Councillor Innes stated that this land had been earmarked for housing in the Local Plan. If this application was approved it would give some protection against those applications on sites not allocated within the Local Plan. He shared Councillor Day's concern about the land for educational use and found it strange that this had not already been addressed by the North Berwick Trust. He would be supporting the application and urged other Members to do so.

The Convener supported the statements made by colleagues. This was a good application site. With regard to the education land this, as already stated, a matter for the North Berwick Trust. 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 **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to:

1. The undernoted conditions.
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 the transfer to the Council, at no cost, of ownership of the land indicatively shown for the town park, including the land indicatively shown in

the docketed Masterplan for the sports pitch, sports changing facility and parking, recycling facility and NEAP (Neighbourhood Area Equipped for Play).

(ii) Secure from the applicant a financial contribution to the Council of £631,098.80 to fund the delivery, adoption and maintenance of the town park and towards the provision of the new sports pitch and related changing facility and parking.

(iii) Secure from the applicant the transfer to the Council, at no cost, of ownership of the 0.46 hectares of land allocated as part of an expansion to the campus of North Berwick High School, which is shown hatched in green on docketed drawing no. AL(01)04.

(iv) Secure from the applicant a financial contribution to the Council of £5,600,002.00 (£13,333.00 per residential unit) towards the provision of additional capacity at Law Primary School and at North Berwick High School.

(v) Secure from the applicant the provision of 105 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 insufficient provision of a town park, 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 INF3 and H4 of the adopted East Lothian Local Plan 2008.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan and Masterplan Document docketed to this planning permission in principle, and shall address the following requirements:

a. The houses shall be predominantly two storeys in height, and shall in no case be higher than three storeys in height;

b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street;

c. Notwithstanding that shown in the Masterplan Document docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage, or where the careful use of boundary enclosures such as hedging or walling would serve to reduce the visual dominance of the car in the streetscape to an acceptable degree;

d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units;

e. Details of the two play areas, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority and each play area shall be installed in accordance with the details so approved;

f. The buildings indicatively shown on the docketed Masterplan immediately to the north and south of the community hub shall be restricted in use to Class 1 (Shops), Class 2 (Financial,

Professional and Other Services) or Class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

g. The buildings within the employment area indicatively shown on the docketed Masterplan shall be restricted in use to Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

h. Parking for the housing development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

i. A detailed swept path assessment shall be undertaken for all of the access roads within each successive phase of the housing development hereby approved. The Design Vehicle to be used in the detailed swept path assessment shall be 2.5 metres wide, and shall have a 6.1 metre wheelbase within an overall vehicle length of 10 metres;

j. The provision of at least two pairs of bus stops (i.e. stop on either side of the road), including bus shelters within the site;

k. All footpath connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

l. The proposed path through the Linear Park that is indicatively shown on the Indicative Site Layout Plan shall be a shared cycle pedestrian route with a minimum width of 2.5 metres and shall be built to adoptable standards, including lighting. It shall be constructed and made available for use prior to the completion of Phase 3 of the development;

m. A shared footway and cycleway shall be formed along the southern edge of Grange Road to provide a continuous link from the application site up to the existing zebra crossing on Grange Road, to the east of the site. It shall be constructed and made available for use prior to the occupation of any houses;

n. The proposed spine road within Phase 1 of the development shall be completed in its entirety to Binder Course level prior to occupation of the 44th house;

o. A shared footway and cycleway shall be formed parallel to the proposed spine road to provide a continuous 3 metres wide link link from the application site up to the new entrance to the School from the realigned Haddington Road. It shall be constructed and made available for use prior to Phase 2 of the development; and

p. The site shall be accessed from the southeast by the realigned Haddington Road, approved by planning permission 13/00505/P. Haddington Road shall be realigned and the new junction to Mains Farm (also approved by planning permission 13/00505/P) shall be completed in accordance with planning permission 13/00505/P, and made available for use prior to occupancy of the 44th house.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 2 The phasing of the development of the site shall be carried out in strict accordance with the phasing plans that are in the Masterplan Document docketed to this planning permission in principle, 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.

- 3 No more than 420 residential units are approved by this grant of planning permission in principle.

Reason:

To ensure that the number of houses erected on the site accords with the strategic housing land supply for the North Berwick area and to ensure that there is sufficient education capacity.

- 4 Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 1- 44 houses
Year 2- 62 houses
Year 3- 48 houses
Year 4- 50 houses
Year 5- 72 houses
Year 6- 73 houses
Year 7- 61 houses
Year 8- 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 9 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 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 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. It shall also show species trees to the south of the residential properties proposed to the north of the countryside park illustratively shown on the Masterplan docketed to this planning permission in principle. It shall further show forest trees within the blocks of tree planting on the south and southeast boundaries of the countryside park.

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 ten 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.

- 6 Prior to the commencement of development, details of the traffic calming to be carried out to Grange Road, including a timetable for implementation, shall be submitted to and approved by the Planning Authority. The details shall include the provision of speed table junctions at the proposed cross road at Green Apron Park, at the existing junction of Marly Rise with Grange Road, and at the eastern site access road junction with Grange Road The traffic calming works shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 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.

- 8 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 9 A Construction Method Statement to minimise the impact of construction activity on the 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 and shall include hours of construction work. It shall confirm that construction access to the site shall be solely taken from Haddington Road.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 10 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.

- 11 Prior to the commencement of development, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, following consultation with SEPA. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 12 A noise consultants report to include (i) an assessment of noise from the use of the recycling facility and the use of the employment area, both to be formed within the site, and of any impact of such noise on the housing development of the site; and (ii) any mitigation measures considered necessary to achieve satisfactory internal and external noise levels for the occupiers of a residential development of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development. Any identified mitigation measures shall be fully undertaken prior to the occupation of any residential unit built on the site.

Reason:

To ensure that the future occupants of any of the residential units benefit from a satisfactory level of amenity.

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

Reason:

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

Sederunt – The Provost left the Chamber, Councillor Goodfellow returned

4. PLANNING APPLICATION NO. 13/00568/P: ERECTION OF 2 WIND TURBINES AND ASSOCIATED WORKS AT LIMEKILNS, PHANTASSIE FARM, TRAPRAIN, EAST LINTON

A report was submitted in relation to Planning Application No. 13/00568/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Morris, of Life Long Energy, agents for the applicant, addressed the Committee. He informed Members that following advice from the Council's Planning Officers the proposed location of the wind turbines had been altered. The turbines would now be positioned at the foot of a hill and in relatively close proximity to the existing large agricultural buildings of Phantassie Farm. It was proposed to excavate the land of the site of each wind turbine by 1.5 metres so that they would both sit on a lower ground level than the farmland around them, giving each of them a perceived height of 20 metres to blade tip. This would reduce the visual impact. There were mature trees on all sides of the proposed location which would also provide screening.

Mr Hield, representing Sustain a Beautiful East Lothian (SABEL) spoke against the application. SABEL was in favour of wind turbines but only in the right location and in sympathy with the location. He made reference to the Council's East Lothian Supplementary Landscape Capacity Study (SLCS), which was an excellent document. Members had 3 options: to refuse the application as it did not comply with the SLCS; to clarify their views to the officials; or to grant the application, which would encourage applicants to bring forward proposals that did not conform to the SLCS. He gave details of the outcome of wind turbine applications in 2012 and 2013; stating this year, of 9 applications, only 1 had complied with the SLCS. He stressed that the integrity and usefulness of the SLCS was being seriously eroded. SABEL urged Members to refuse this application as it did not comply with the SLCS.

Local Member Councillor Veitch referred to the 20 objections to this application; many objectors referred to the proposal being contrary to the Council's own guidance. The Council's SLCS stated that the land on which the turbines were to be located could not accommodate any turbines of this height. He understood that the applicant had sought to mitigate this by putting the turbines in holes, and therefore, as the report stated, reduced the "perceived" height. However, the turbines were still, according to his reading, outside the scope of the study. At a time when there was significant pressure from the Scottish Government to substantially increase the number of wind turbines, it could be argued that it was deeply unwise for a local authority to be arguing against itself when it came to its own policy on wind turbines. He referred to the AHSS objection, which stated that the proposed wind turbines would harm the setting of the Category B listed Phantassie limekiln. He remarked that the historical character of the East Lothian landscape was one of our greatest assets. He urged Members to reject the report recommendation.

Sederunt – Councillor Veitch left the Chamber

Councillor Innes understood the concerns expressed by the local member however he did not agree and could not support his position to refuse this application. The guidance had been introduced to provide clarity. 20 metres was the accepted public visibility height and in relation to this application that would be the height seen. This application would be supporting farming jobs in East Lothian; it was important to support existing local businesses. The applicant had worked with officers to comply with the policy by reducing the visible height of the turbines. He would be supporting the recommendation and urged other Members to also support.

Councillor Currie stated that any application had the right to be determined on its merits and not to be seen as a measure to test policies. The purpose of this application was to mitigate energy costs for this local business. Regarding arguments about the height/perceived height he remarked that officers would have recommended refusal if the application was not appropriate. He would be supporting the officer's recommendation.

Councillor Goodfellow indicated that burying the wind turbines by 1.5 metres effectively reclassified them from Typology C to Typology D, thereby adhering to the Council's guidelines. He commended the applicant for working with the Council and finding an alternative solution. He agreed with SABEL that the Council was in a difficult position but for a different reason – if Members refused the application the Scottish Government would probably approve it at appeal.

The Convener, and local member, understood the concerns expressed by Councillor Veitch about going against policy. He stressed that each application had to be looked at on its own merits. In this case there had been considerable negotiation between the applicant and officers and a compromise had been reached. The perceived height of these turbines would be 20 metres, which was within the policy. The applicant was trying to reduce energy costs. He would be supporting the report recommendation to grant planning permission and recommended this to all Members; he moved that the report recommendation be put to the vote.

Decision

The recommendation that planning permission should be granted was put to the vote and received **11 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 The external free-field noise levels associated with the operation of the wind turbines hereby approved shall not exceed 35dBLA90 10min at any wind speed up to 10m/s at any residential property.

Reason:

In the interests of the residential amenity of the wider locality and to protect noise sensitive properties.

- 2 No symbols, logos or any other markings shall be displayed on any part of the wind turbines hereby approved without the written consent of the Planning Authority, except for over-riding reasons of health and safety.

Reason:

In the interests of the visual amenity of the area.

- 3 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.

- 4 In the event that any wind turbine installed on the application site fails to produce electricity for a continuous period of 6 months, then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required the wind turbine shall be dismantled and removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous 6 months period, and the ground fully reinstated to the specification and approval of the Planning Authority.

Reason:

To prevent a redundant turbine remaining on the application site, in the interests of the landscape amenity of the area.

Sederunt – The Provost and Councillor Veitch returned to the Chamber

5. PLANNING APPLICATION NO. 11/00363/P: ERECTION OF NURSING HOME AND ASSOCIATED WORKS AT COCKENZIE HOUSE, COCKENZIE

A report was submitted in relation to Planning Application No. 11/00363/P. Mr McFarlane presented the report, summarising the key points. He outlined the planning history. He informed Members that Historic Scotland objected to the application, advising that the proposed nursing home would have a major negative impact on the integrity of the Cockenzie House Designed Landscape. Historic Scotland had also stated that if the application was approved they may have to revise their listing designation. The proposed decision set out in the report was for refusal.

Mr Fraser of Gilberts Ltd., agents for the applicant, addressed the Committee. He outlined the community benefits of the development, in social, economic and cultural terms. The proposed 66 bed nursing home would be fully compliant with the Care Inspectorate's regulations. Up to 70 permanent jobs would be directly linked to the nursing home. Funding for the development would also help to restore and repair the existing walled east garden and future management of the grounds. He refuted statements in the report regarding the "fallback" position and the lack of intent to build the sheltered housing development. If the Committee refused this application, and any subsequent appeal was also rejected, then the only option remaining was sheltered housing. This application would provide significant benefits for the community as outlined; he asked Members to support the proposal.

Mr Young representing AHSS, East Lothian Cases Panel, spoke against the application. He stated that the AHSS agreed with the planning assessment in the report before Members and with the reasons outlined for refusal. The AHSS urged the Committee to refuse this application.

Local Member Councillor Innes accepted the importance of Cockenzie House; it was greatly valued by the community. It was important that fine buildings were accessible to the public and he was delighted that local organisations were using it for a range of activities. In relation to the site he could not envisage a finer environment for a home for elderly people. This proposal was acceptable; it would serve a community need, it would allow the community to have access to a wonderful setting. His view differed from the officers; he did not see the difference between the previous application for this site which had been approved and this application. With regard to the design this was subjective, but he did not think it would detract from the current building. He would be supporting the application and urged other Members to also support.

Councillor McNeil outlined examples of new buildings in proximity to historical buildings/areas in other towns in East Lothian. He could see no reason why this new building within the grounds of Cockenzie House would not be appropriate. He agreed with Councillor Innes and would be supporting the application.

In response to a request from Councillor Williamson, Mr McFarlane displayed the plans. He clarified that the setting of the listed building and the integrity of the designed landscape were key considerations. He advised that the design of the proposed building itself was secondary; the key was where it was and he referred again to the advice from Historic Scotland.

Councillor Currie referred to the report, stating that the material considerations had been defined. The major issue was the effect of the proposal on the Category A listed building. He referred to the objection by Historic Scotland, remarking that it was quite unusual for this consultee to lodge an objection and also to state that they may have to revise their categorisation if the application was approved. The new building would

undoubtedly dominate. Officers had considered the proposal and recommended refusal; he agreed with the reasons for refusal given in the report. He would be supporting the officer's recommendation.

Provost Broun-Lindsay made reference to the planning history of this site. In relation to this application the size, juxtaposition and design were of such dis-benefit to the setting of Cockenzie House that he could not support the proposal. This did not mean that a modern interpretation could not sit alongside a listed building; it sometimes could, but not in this case. He supported refusal and urged other Members to do so.

Councillor Veitch indicated this was a difficult decision. This was a very beautiful area of the county. He had considerable sympathy with the view expressed by Councillor Innes but he also respected the officer's view. He would, on balance, be supporting the report recommendation to refuse this application.

The Convener stated that Cockenzie House was an important, Category A listed, building. However, it was in need of investment. Members had already given permission for building on this site previously; of the 2 options the second, before Committee today, was superior. Regarding the recommendation for refusal and the impact on the listed building these issues were always difficult but throughout Scotland there were many high quality new buildings beside listed buildings. He did not feel this proposed building would have a huge impact, he felt it would be acceptable and he would be supporting the application. He recommended that Members went against the officer's recommendation to refuse and voted to support this application. He asked that the report recommendation be put to the vote.

Decision

The recommendation that planning permission should be refused was put to the vote and received **7 votes for** and **6 votes against**; there were no abstentions. The Committee agreed to refuse to grant planning permission for the following reasons:

- 1 The proposed nursing home by virtue of its size, scale and positioning would dominate and compete with the listed building within the site such that the listed building of Cockenzie House would no longer be the focus of its setting. Moreover, the open setting of the listed building would be significantly harmed by the presence of the nursing home buildings and its associated infrastructure. As it would harm the setting of the listed Cockenzie House, the proposed development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010 on development affecting a listed building or its setting.
- 2 The proposed development would significantly harm the conservation objectives of the Cockenzie House Designed Landscape, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV8 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010 on development affecting a designed landscape.
- 3 The visual impact of the proposed nursing home would result in the loss of the open character of part of the tripartite gardens of Cockenzie House, to the detriment of the character, appearance and amenity of the Conservation Area. On this consideration the proposed development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010 on development affecting a conservation area.

Signed

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Councillor Norman Hampshire
Convener of the Planning Committee