



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

**TUESDAY 3 DECEMBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Council Officials Present:

Ms M Ferguson, Service Manager-Legal Services
Mr I McFarlane, **Service Manager-Development Management**
Mr K Dingwall, Principal Planner
Ms F Currie, Committees Assistant
Ms C Molloy, Senior Solicitor
Mr D Irving, Planner

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr T Pyemont, Mr A Matthew
Item 3 – Mr N Groves-Raines, Mr J Walker, Mr B Currie
Item 4 – Mr F Ogilvy

Apologies:

Councillor Grant

Declarations of Interest:

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

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 1 OCTOBER 2013

The minute of the Planning Committee of 1 October 2013 was approved.

2A. PLANNING APPLICATION NO. 13/00726/P: ERECTION OF 1 HOUSE, GARAGE/STORAGE BUILDING AND ASSOCIATED WORKS AT LINKS LODGE, LINKS ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00726/P. The Service Manager, Development Management, Iain McFarlane, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Goodfellow, Mr McFarlane clarified that the height of the small rectangular component at the western end of the proposed replacement house would be 2.4m higher than the existing roof height, at the highest point.

Mr Pyemont of Pyemont Design, agent for the applicant, outlined the planning history of this project. He informed Members that he had extensive experience of designing in conservation areas, including the North Berwick Conservation Area and therefore had approached this project with considerable forethought. The site could easily accommodate the proposed development. He advised that a sensitive approach had been taken with regard to the selection of materials. The house had been sympathetically designed, it was site specific and carefully proportioned; it would complement this part of North Berwick.

Mr Matthew spoke in support of the application. This was an exciting project; the proposed replacement building, of modern design, would blend in well. The immediate environment contained a mix of properties, old and contemporary. He added that something new would always cause some concern.

Local Member Councillor Berry outlined his reasons for calling this application off the Scheme of Delegation List. This was a prominent site, visible from the harbour area and beach. The proposed replacement building was very modern, he queried if this was appropriate in this location. He questioned what constituted acceptable character and appearance in a Conservation Area. He did not care for the modern design proposed or for the nearby contemporary properties. The key question however was whether there were reasons under planning legislation to refuse this application; he thought not. He would, reluctantly, be supporting the report recommendation but wished to register his disappointment that design trend seemed to be moving in this direction.

Local Member Councillor Goodfellow welcomed the modern and very well designed building and congratulated the architect. He felt the design would blend in with the other 2 contemporary buildings alongside and would enhance the area. He had no issue with the footprint of the replacement building. His only issue concerned the small area he had made reference to earlier, which would be 2.4m higher than the existing roof height – in his view this was a step too far and would obscure the area behind the property. He would not be supporting the report recommendation.

Local Member Councillor Day remarked that opinions tended to differ in relation to contemporary architecture, it was a subjective issue. Regardless of individual views the proposal was a high quality piece of design and would enhance the Conservation

Area. The proposed building would work well with the properties of a contemporary design nearby. He accepted Councillor Goodfellow's point but noted that the proposed ridge height would, for the most part, be only 1.2m higher than the existing house. He would be supporting the report recommendation.

Councillor Currie agreed that design was subjective. He also agreed with comments made by Mr Matthew regarding anything new in this area bringing controversy. The key question was whether the proposed replacement building fitted into the area and met material planning considerations. In his opinion the proposed design was stunning. There were no grounds for the Committee not to grant consent. He supported the recommendation in the report.

Councillor Innes remarked that the proposed replacement building was a considerable improvement on the existing house and would enhance the area. Architects had to be given the opportunity to express themselves. He did not have the same concerns as Councillor Goodfellow regarding the ridge height. He would be supporting the report recommendation to grant consent.

Councillor MacKenzie agreed with Councillor Innes. The design of the proposed building would sit well in Links Road. The roof cladding of light grey zinc would interface with the land/sea/sky and would interpret the environment entirely. He supported the report recommendation.

The Convener brought the discussion to a close. The proposed building would be an asset to North Berwick and to East Lothian. He stated that in order to attract good architecture to the county, applications like this had to be supported. He supported the report recommendation to grant consent 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 **14 votes for, 1 vote against, with 1 abstention**. The Committee agreed to grant planning permission subject to the following conditions:

- 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 Notwithstanding that shown on docketed drawings parts of the walls of the house and of the garage hereby approved shall not be clad with sawn slate but shall instead be clad with natural stone. Prior to their use on the replacement house hereby approved, a schedule and samples of external materials and finishes shall be submitted to and approved in writing by the Planning Authority for the house and thereafter the materials and finishes used shall be in accordance with those so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the character and appearance of the Conservation Area.

- 3 Prior to the occupation of the replacement house hereby approved the access, parking and turning arrangements shall be laid out as shown in docketed drawing no. 724.02 revision F, and thereafter the access, parking and turning arrangements shall be retained for such uses.

Reason:

To ensure provision of adequate access, parking and turning in the interests of road safety.

2B. PLANNING APPLICATION NO. 13/00726/CAC: DEMOLITION OF HOUSE AT LINKS LODGE, LINKS ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00726/CAC. The proposed decision set out in the report was to grant consent.

Decision

The Committee 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

- 2 No works for the demolition of the existing house shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 13/00726/P or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the Conservation Area.

3A. PLANNING APPLICATION NO. 13/00730/P: EXTENSION TO FLAT AT WHITTINGEHAME COURTYARD FLAT, STENTON, HADDINGTON

A report was submitted in relation to Planning Application No. 13/00730/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to questions from Councillor Berry, Mr McFarlane confirmed that the courtyard area was private so the Council's Transportation Service had no locus in relation to traffic movement. With regard to the opening of doors into the central courtyard, he advised that in these particular circumstances, it would not be competent to try and use planning conditions to control this.

Mr Groves-Raines of Groves-Raines Architects, agent for the applicant, informed Members that the purpose of the proposal was to enable his client to have better access to the garage space. The porch would be placed under the existing roof, which would alleviate the problem of the front door opening onto steps. The replacement new door would allow easy access to the garage. He informed Members that the idea for the garage doors came from a building at Newhailes, owned by the National Trust for Scotland. He stressed that the existing listed building would look very similar. He asked the Committee to support the application.

Mr Walker, a resident of Whittingehame Courtyard, spoke against the application. This courtyard development was an architectural pearl; there were concerns that the proposal would destroy this. He raised traffic concerns, indicating that parking/vehicle movement was difficult, 9 cars used this courtyard. He also raised issues in relation to the large glass doors. He was not against change, but a more sympathetic approach was needed. Shuttered windows, in place at the other end of the site, would be more suitable. This was a unique building and should be saved.

Mr Currie, also a resident, spoke against the application. He echoed Mr Walker's comments. He added that there was no issue in altering the garage to a kitchen; however the end result would resemble a shop front. With regard to the large wooden doors, with a complete glass panel, these would be fixed open, which would look entirely inappropriate in this historic setting.

Local Member Councillor Veitch remarked that this may appear a relatively modest application however it was a significant building in a small courtyard development. Any alteration to any building in this type of development would have a significant impact on other residents of the development. Members had heard the concerns of those residents. He noted that the report recommendation was to grant consent and he was aware that solid planning reasons were required for refusal. He added that it was disappointing that the proposal could not have been designed in a way to meet approval of all residents.

Provost Broun-Lindsay indicated that he could not see any planning reason for refusal in the report. In relation to the porch, there was no contention. The issues causing contention seemed to be the doors being bolted open/angle of opening and the effect/look on the courtyard. He remarked that it was however a matter for the applicant to choose whether they opened these doors or not. He would be supporting the recommendation in the report.

The Convener, speaking also as a local member, agreed with comments expressed by the Provost. The porch was acceptable to the objectors, it was only the glazed doors which were not acceptable but the Committee had no control over this matter. He supported the report recommendation 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 **13 votes for, none against, with 2 abstentions**. The Committee agreed to grant planning permission.

3B. PLANNING APPLICATION NO. 13/00730/LBC: ALTERATIONS AND EXTENSION TO BUILDING AT WHITTINGEHAME COURTYARD FLAT, STENTON, HADDINGTON

A report was submitted in relation to Planning Application No. 13/00730/LBC. The proposed decision set out in the report was to grant consent.

Decision

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

Sederunt – Provost Broun-Lindsay left the Chamber

4. PLANNING APPLICATION NO. 13/00712/P: ERECTION OF 1 WIND TURBINE AND ASSOCIATED WORKS AT NISBET FARM, PENCAITLAND

A report was submitted in relation to Planning Application No. 13/00712/P. Daryth Irving, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Mr Irving responded to a number of questions from Members in relation to the visual impact, clarifying the reasons for the report recommendation.

Mr Ogilvy, the applicant, referred to the case against this wind turbine, stating that the sole reason given for refusal was the impact of the view from the War Memorial; all other 5 viewpoints were deemed acceptable. He displayed a photomontage showing hedgerow planting which would, through time, totally obscure the wind turbine. He queried if it was right to concentrate on one viewpoint. He referred to the history of this rural estate. He outlined the investment, achievements, and the key role of the estate in the local economy. He gave details of annual running costs. This was about land management issues, jobs, tourism and heritage; it was about the continuation of the estate. He hoped Members would support the application.

Councillor McMillan referred to his reasons for calling this application off the Scheme of Delegation List. He drew attention to a number of other wind turbine applications considered by the Committee. He made reference to the report, highlighting those sections which stated the proposal was consistent with certain policies and would not have an adverse effect. With regard to the question of visual impact, the Planning Officers had given their position however he did not think this wind turbine would appear incongruous or dominate the local landscape. On balance, also weighing up the economic issues and the viewpoint from the Pencaitland War Memorial, he would be supporting the application.

Councillor Berry understood the applicant's business dilemma. Winton House was very impressive; the whole operation there was an asset to the community and East Lothian, there were good economic reasons to support the application. The view from the War Memorial was a diversion; the turbine would be more prominent from the Pencaitland to Haddington road. He did have concerns; there were a few, very visible, wind turbines already in place across the county, which had set precedents. He had supported other turbines, Crystal Rig and Aikengall for example, which provided vast amounts of energy. This was not that kind of turbine. There was a financial reason for it however he felt the circumstances were not exceptional. The policy should be adhered to; he would be supporting the report recommendation.

Councillor Innes indicated that wind turbines were always a difficult issue that created division. He made reference to the relevant policy guidance, stating there were limited opportunities for this size of wind turbine in this area. He did not support the recommendation for refusal made by the Planning Officers. Members had to look at the need for this wind turbine in relation to the local economy. It would bring substantial economic benefits to the Winton Estate. He would be supporting the application and urged colleagues to do the same.

Councillor Currie stated that each application had to be dealt with on its own merits. Wind turbines were one of the most contentious issues. This Committee had an excellent record over the years in determining these kinds of applications. In relation to this application there was an issue regarding the visual impact of the wind turbine on the landscape. He agreed with the Planning Officers and would be supporting their recommendation to refuse the application, adding that if the Committee refused the application he hoped this would be the end of the matter.

Councillor Gillies indicated that he would be supporting the report recommendation to refuse this application.

The Convener brought the discussion to a close. He remarked that every wind turbine planning application brought controversy; the Committee had to consider each application carefully. In relation to this application, the Planning Officers, in line with the Council's policies, had stated that the only relevant viewpoint was from the Pencaitland War Memorial and the associated impact on the landscape feature of Traprain Law. He stressed that Members had to make a judgement. In his opinion, the wind turbine would not have the impact as stated by the Planning Officers. If this wind turbine was not acceptable then none were acceptable. He would be going against the report recommendation to refuse the application. The report recommendation was put to the vote.

Decision

The recommendation that planning permission should be refused was put to the vote and received **8 votes for** and **6 votes against**; there were no abstentions. The Committee agreed to refuse to grant planning permission for the following reason:

- 1 The proposed wind turbine due to its positioning, form, height and scale would in views of it from the southwest appear as a highly exposed and obtrusive skyline feature. It would also have a harmful visual impact on the appearance in the wider landscape of the highly valued landmark natural feature of Traprain Law. Such effects would harmfully detract from the landscape character of the 'Agricultural Plain - Sub Area 3, South' landscape character area. Accordingly, the proposed wind turbine is contrary to Policy NRG3 and of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010, the Scottish Government web based renewables advice entitled "Onshore Wind Turbines" and the key considerations of landscape impact of Planning Guidance for Lowland Wind Turbines: June 2013.

Sederunt – Provost Broun-Lindsay returned to the Chamber

5. PLANNING APPLICATION NO. 13/00756/PM: EXTENSION TO THE EXISTING 400KV SUBSTATION AND ASSOCIATED WORKS AT CRYSTAL RIG SUBSTATION, DUNBAR

A report was submitted in relation to Planning Application No. 13/00756/PM. Keith Dingwall, Principal Planner, presented the report, informing Members that this application was defined as a major development and had therefore to be brought to the Planning Committee for determination. The report recommendation was to grant consent.

Decision

The recommendation that planning permission should be granted was put to the vote and received **15 votes for** and **none against**; there were no abstentions. The Committee agreed to grant planning permission subject to the following conditions:

- 1 There shall be no commencement of the development until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Neart Na Gaoithe offshore wind farm.

Reason:

To ensure there is an operational requirement for the extension to the existing substation.

- 2 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.

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.

- 3 There shall be no lighting installed within the application site unless prior written approval is given for it by the Planning Authority.

Reason:

To safeguard the character and appearance of the area.

- 4 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.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 5 A detailed dilapidation/ condition survey of the access route, as shown in the docketed drawing entitled 'Figure 1- Construction Access/ Egress Route', from the Thurston Mains junction of the A1 trunk road to the private access road of the Crystal Rig wind farm, and a full/ non destructive assessment of its existing pavement (including a deflectograph analysis) shall be jointly undertaken by the applicant and East Lothian Council's Transportation Division; (i) no more than one month prior to the date of commencement of the development hereby approved, and (ii) no more than one month after the completion of the development hereby approved. Any damage identified during the joint inspections and agreed by the joint inspectors to be attributable to vehicles which are associated with the construction of the development hereby approved, shall be repaired and/or resurfaced by the applicant in compliance with specifications and requirements for that approved by the Council as Roads Authority and at no cost to the Council as Roads Authority. In each case any such repair and/or resurfacing shall be completed within 3 months from the date of the Council's approval of the specifications and requirements.

Reason:

In the interests of road safety.

- 6 Prior to the commencement of development hereby approved, a topographical survey of the existing application site, showing 1 metre contours with 5 metre contour intervals highlighted, shall be submitted to and approved in advance by the Planning Authority.

Within 24 months of the permanent cessation of generation at the offshore Neart Na Gaoithe offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) Details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

It shall also show the topography of the restored land being generally similar to the topography of the existing application site, as shown in the the approved topographical survey of the existing application site.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee