



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

**TUESDAY 7 JANUARY 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal Services
Mr I McFarlane, Service Manager – Development Management
Ms C Molloy, Senior Solicitor
Ms K Slater, Planner
Mr M Greenshields, Transportation Planning Officer
Ms F Currie, Committees Assistant

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr S Stewart

Apologies:

Provost L Broun-Lindsay
Councillor S Brown
Councillor A Forrest

Declarations of Interest:

Councillor Caldwell declared an interest in Item 3 as Chair of the Musselburgh Joint Racing Committee; he would, under advisement, leave the Chamber for this item.

Councillors McMillan and McNeil, members of Musselburgh Joint Racing Committee, also indicated they would leave the Chamber for item 3.

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

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

2. PLANNING APPLICATION NO. 13/00546/P: ERECTION OF BUILDING FOR USE AS 2 UNITS OF HOLIDAY LETTING ACCOMMODATION AND THE FORMATION OF HARDSTANDING AREA AT 12 QUALITY STREET, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00546/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Slater and Iain McFarlane, Service Manager-Development Management, responded to questions. Ms Slater clarified that it was a material consideration that Members had granted permission for the earlier identical application in 2009. Mr McFarlane confirmed that as a general principle each application was considered on its own merits but, in this case, it would be unwise not to take account of the previous decision, especially given that there had been such a full consideration of matters by Members at that time and that there had been almost unanimous support for the previous application. The officers responded to further questions regarding the applicant's supporting statement, the Council's car parking standard, the number of off street car parking spaces required for the building, merits of the objections, Transportation service comments and the report on car park sites in North Berwick approved by Cabinet in April 2013.

Mr Stewart, the applicant, referred to his earlier application and to the decision of the Planning Committee in May 2009 to grant consent. Members had overwhelmingly voted in favour of that application for economic reasons; the objective then had been to add to the bedroom stock in North Berwick/East Lothian, the objective was the same now. There were problems regarding parking in North Berwick at certain times but this was the case in many towns and an issue outwith the control of local businesses. He stressed that he was trying to improve the tourist infrastructure in North Berwick. The benefits outweighed any negative impacts and he asked Members for their support.

In response to questions Mr Stewart outlined how his business plan would help to improve the North Berwick tourist infrastructure; he also gave details in relation to bedroom stock and the changing accommodation market.

Local Member Councillor Goodfellow stated that the applicant was a North Berwick entrepreneur with an excellent business record however this was a planning application and the potential transfer of the business in future had to be considered. In relation to the economic benefit argument, it was an economic fact that reducing parking spaces would have an effect on the economy of the town. He drew attention to the report approved by Cabinet in April 2013, quoting from the external consultant's appraisal. This approved report had to be considered. In 2009 Members did not have the benefit of a report that laid out the parking requirement for the town.

He took issue with the number of off street parking spaces detailed in the report before Committee. He could not support the officer's recommendation.

Local Member Councillor Berry outlined the number of car parking spaces required for the building, taking issue with the figures in the report. The objections were the same as those for the earlier application, the recommendation for consent was therefore inappropriate in his view. Of more concern was the lack of a Section 75 Agreement prohibiting the future use of these properties as permanent accommodation. North Berwick was not short of self catering accommodation; the demand for this type of accommodation was not such that required parking requirements to be waived. He referred to the vote on the earlier application, 13-1; he had voted against the application and held the same opinion. He could not support the recommendation.

Local Member Councillor Day respected the views of his fellow ward councillors but had to consider his own view. He referred to the minutes of the 2009 Planning Committee; the application had been fully debated and determined. His predecessor, Councillor Rankin, had felt that the benefits of that application outweighed any negative aspects. There was clearly an issue regarding parking but there was also a need for accommodation as outlined. He made reference to the significant amount of finance this Administration had put forward to address parking issues in the town. He referred to the applicant's very successful business record in North Berwick. He would be supporting the report recommendation.

Councillor Currie drew attention to condition 9, which would ensure ongoing restriction of use to holiday letting accommodation; this condition addressed concerns expressed by colleagues. It was a question of balance and judgement. Self catering accommodation was key and brought people to the town. He appreciated the issues regarding parking but refusing this application would not resolve these issues. He would be supporting the application.

Councillor Grant indicated he would be supporting the application. He referred to the debate on the earlier 2009 application and to the overwhelming vote then from Members of support. He felt that the economic benefits outweighed other issues.

Councillor Innes agreed; he would be supporting this application. He also referred to the earlier application. Members had supported this, after serious consideration, for economic reasons. He added that the Council had to look separately at the issue of parking provision in North Berwick.

Councillor McMillan noted that this application came from a local businessman who had contributed greatly to the economic development in North Berwick. In relation to sustainability, whilst he agreed with Councillor Innes about parking provision, he welcomed the commitment by the applicant to a Green Travel Plan and felt that this, along with the economic benefit, outweighed other aspects. He would be supporting the application.

The Convener asked Members to move to the vote on the report recommendation:

For:	13
Against:	2
Abstentions:	0

Decision

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 Samples of: (i) the natural slate to be used to clad the roof of the building, (ii) the reconstituted stone to be used on the external walls of the building and, (iii) the paint colour for the timber components of the timber doors of the building shall be provided for the prior inspection and approval of the Planning Authority prior to their use on the building and the natural slate, reconstituted stone and paint finish used on the applicable parts of the building shall accord with the samples so approved.

Reason:

To safeguard the character and appearance of the building, the character and appearance of the Conservation Area and the backland setting of the Category C listed building 10-12 Quality Street.

- 3 The render to be applied to the walls of the building of holiday letting accommodation hereby approved shall be a painted wet dash render. A sample of the paint colour of the wet dash render shall be provided for the prior inspection and approval of the Planning Authority prior to its use on the wet dash rendered walls of the building and the paint colour used shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the Conservation Area and the backland setting of the Category C listed building 10-12 Quality Street.

- 4 All of the roof windows of the building hereby approved shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which it will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the Conservation Area and the backland setting of the Category C listed building 10-12 Quality Street.

- 5 The window frames of the windows of the building of holiday letting accommodation shall, within 1 month of their installation be externally painted white.

Reason:

To safeguard the character and appearance of the Conservation Area and the backland setting of the Category C listed building 10-12 Quality Street.

- 6 The building of holiday letting accommodation hereby approved shall not be occupied unless the three car parking spaces shown on docketed drawing no. PL01A are laid out and available for use. Thereafter the car parking spaces shall be retained in place unless otherwise approved by the Planning Authority.

Reason:
In the interests of road safety.

- 7 The existing vehicular access from the Imperial Car Park to the east shall be retained in place.

Reason:
In the interests of allowing vehicular access to the site.

- 8 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as buses, cycling and car sharing shall be submitted to and approved by the Planning Authority prior to any use being made of the building of holiday letting accommodation as hereby approved. The Green Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan for customers, and a timescale for implementation. Measures could include car sharing schemes or to offer a pick up/drop off service for customers.

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

Reason:
In the interests of ensuring sustainable travel patterns and in the interest of road safety.

- 9 The operational use of the building of holiday letting accommodation and the accommodation therein, all hereby approved shall in all time to come be restricted to short term lets of no more than six consecutive weeks, with no re-let to the party/ parties who last occupied them anytime within a period of two months following the date on which the previous occupancy ends. The building of holiday letting accommodation shall not ever be used as a house(s) as defined by Class 9 (Houses) of the Town and Country Planning (Use Classes)(Scotland) Order 1997 or as residential accommodation in the forms of flats for sale or for renting.

Reason:
To ensure that the holiday letting accommodation use applied for is restricted to that use.

Sederunt – Councillors Caldwell, McMillan and McNeil left the Chamber.

The Convener expressed concern that Members of this Council were unable to take part in this democratic process; these 3 Members had no financial interest in MJRC but due to the terms of the Councillors' Code of Conduct, they could not take part in the debate or determination on this application.

3. PLANNING APPLICATION NO. 13/00718/P: ERECTION OF MARQUEE FOR A TEMPORARY PERIOD OF 10 YEARS, REPLACE EXISTING WHIN DUST ACCESS ROAD WITH A TARMAC OVERLAY AND ASSOCIATED GROUND WORKS (PART RETROSPECTIVE) AT MUSSELBURGH RACECOURSE, LINKFIELD ROAD, MUSSELBURGH

A report was submitted in relation to Planning Application No. 13/00718/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr McFarlane responded to questions from Members about the proposed alterations in relation to the legal position of Musselburgh Joint Racing Committee (MJRC) given that MJRC did not own the land. He answered queries about the marquee as regards the Conservation Area, the length of the temporary period and action that could be taken if it became unstable or fell into disrepair. He confirmed that Musselburgh Old Course Golf Club had been notified as a neighbour and had not made an objection.

Local Member Councillor Currie remarked that this application was the sixth retrospective, or part retrospective, application from MJRC; this had to be addressed. The application had some merit but fell short on two aspects: the length of time for erection of the marquee – 10 years was too long for a temporary structure and the tarmac overlay of the access road – this was for the benefit of the racecourse not the golf course. He proposed an amendment to the report recommendation: 1) the marquee should be granted consent for a period of no more than 5 years and 2) a tarmac overlay of the track on the internal part of the golf course should not be allowed. He hoped the Committee would look favourably on these amendments, which would allow the marquee to be in place as well as preserving the historic nature of the golf course.

Councillor Innes indicated he would be supporting the application. Musselburgh Racecourse was an excellent facility and important in terms of tourism. The internal track was used by medics to access the racecourse to provide prompt medical attention as and when required. He agreed that retrospective applications were not ideal and that this should be conveyed to MJRC.

Councillor Day agreed with Councillor Innes, he would be supporting the application. To allay concerns expressed about the marquee, he stated that MJRC was a very professional organisation and he was sure the marquee would be well maintained. In relation to the internal track, he indicated that he had used this, and did not share Councillor Currie's concerns.

Councillor Williamson remarked that the reason for the tarmac overlay on the access road seemed to be for health and safety requirements; it was unfortunate that this had not been stated in the report.

In response to queries from Councillor Currie, Morag Ferguson, Service Manager-Legal Services, informed Members that the land in question was owned and managed by the Council on behalf of Musselburgh Common Good. With regard to the Minute of Agreement for MJRC the Council had passed control of the land to MJRC for management of the racecourse. All common good land in East Lothian was owned by the Council and subject to normal ownership rights.

The Convener brought the discussion to a close. He referred to concerns expressed about the tarmac overlay of the access road, stating that he would have expected, if there were major concerns, for the golf club to have made comment; it had not. There had in the past been complaints about dust from this track and in concern for the safety of drivers using this track it would be irresponsible of this Committee to refuse the application. In relation to the marquee, he felt, given how well the racecourse was maintained, that MJRC would not allow a marquee to deteriorate and be harmful. He would be supporting the officer's recommendation.

The Convener moved that the amendment proposed by Councillor Currie, seconded by Councillor MacKenzie, be put to the vote.

For: 6
Against: 6
Abstentions: 0

Due to the equal number of votes, and in accordance with the Council's Standing Orders, the Convener used his casting vote – against the amendment. The amendment therefore fell.

The Convener then moved to the vote on the report recommendation:

For: 7
Against: 5
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 Use of the marquee hereby approved shall cease and it shall be removed in its entirety from the application site and the area of land occupied by it returned to its former condition no later than 10 years from the date of the decision notice of this grant of planning permission.

Reason:

To limit the period of existence of the marquee to that for which planning permission is applied for and in the interests of safeguarding the character and appearance of the Conservation Area.

- 2 There shall be no amplified music or amplified vocals played in the marquee hereby approved.

Reason:

To ensure that the use of the marquee does not cause nuisance to neighbouring residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee