



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

**TUESDAY 4 MARCH 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor A Forrest
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 J Williamson

Other Councillors Present:

Councillor M Veitch

Council Officials Present:

Ms M Ferguson, Service Manager – Legal Services
Mr I McFarlane, Acting Service Manager – Development Management
Ms C Molloy, Senior Solicitor
Mr D Irving, Acting Senior Planner
Mr G Talac, Transportation Planning Officer
Ms F Currie, Committees Assistant

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr N Ross, Mr A Hackland, Mrs L Dickinson, Ms K Gilhooly
Item 3 – Mr N Ross, Mr A Hackland, Mr C Hay, Rev G Stevenson

Apologies:

Councillor T Trotter

Declarations of Interest:

Councillor Goodfellow declared an interest in item 2. He had submitted representation as a neighbour objecting to this application and would be addressing the Committee as one of the registered speakers. Therefore in accordance with Section 7.15 of the Councillors Code of Conduct he would leave the Chamber after making his statement on this application.

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 4 FEBRUARY 2014

The minute of the Planning Committee of 4 February 2014 was approved.

2. PLANNING APPLICATION NO. 13/00945/P: ERECTION OF 7 HOUSES AND ASSOCIATED WORKS AT DIRLETON COURT, NORTH BERWICK

A report was submitted in relation to Planning Application No. 13/00945/P. Daryth Irving, Acting Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Irving responded to questions regarding site measurements and number of houses in relation to plot size. Iain McFarlane, Acting Service Manager-Development Management, added that the minimum density, as specified in the adopted East Lothian Local Plan 2008 (ELLP), was 30 units per hectare, so the minimum would be 20/25 units for 0.7 hectares.

Mr Ross, of Places for People, agent for the applicant Castle Rock Edinvar Housing Association, informed Members that the existing sheltered housing complex had been completed in 1984. The proposal before Committee was for 7 houses within the existing complex and included 4 houses comprising specialised wheelchair user accommodation. The proposal was supported by the Scottish Government's planning policies.

Mr Hackland, of Hackland and Dore, architects and agent outlined further details of the proposal. He indicated that although there would be the loss of a number of trees most of these were diseased or dying and significant planting of new trees would be carried out. He confirmed there would be 1,000 square metres of open space remaining for use as garden ground. Meetings had taken place with residents and a revised site layout to address access issues had been put forward.

In response to questions from Members Mr McFarlane explained that the housing association was a registered social landlord and there was no right to buy entitlement for these types of properties. Mr Hackland confirmed there was a legal agreement between Castle Rock Edinvar Housing Association and the Scottish Government that restricted the site to affordable housing.

Mrs Dickinson, the elected Dirleton Court tenant representative, spoke against the application. The beautiful gardens at Dirleton Court were one of the reasons many people chose to live here. The gardens were greatly used; many residents enjoyed working in the gardens, which had won awards. Three garden areas in the neighbourhood had already built on; this erosion of green space had to stop. On behalf of the tenants of Dirleton Court she asked Members to refuse the application.

Ms Gilhooly, also a Dirleton Court resident, spoke against the application. Residents currently enjoyed tranquillity and serenity in a beautiful setting. Wildlife was a huge part of residents' life and this proposal would destroy a large part of the garden. The emotional and psychological wellbeing of residents would be affected. The construction works would bring noise and disturbance. Tenants had approached North Berwick Community Council to lodge objection on the basis of destruction of the environment and also lack of maintenance and upgrading of the building. The Community Council then also submitted their objection to this application.

Mr Goodfellow spoke against the application. He made reference to a couple of current planning applications in East Lothian which incorporated green space as required by the design master plans. This area of North Berwick used to have a number of green spaces however, due to subsequent haphazard development, without any master planning, the area had now been totally developed. At the west of the town the only green space left was the back garden of Dirleton Court. He drew attention to the open space requirements as stipulated in the ELLP and stated that as the proposal did not satisfy these requirements it should be rejected.

Mr McFarlane informed the Committee that the open space standards referred to were general needs housing standards; there was no minimum standard for open space for sheltered housing in the ELLP.

Sederunt - Councillor Goodfellow left the Chamber

Local Member Councillor Berry stated he had brought this application to Committee as there were a number of issues of concern. The east side of North Berwick was well furnished with green space; the west side was not, it was far denser. There had been considerable infill development in this area, green spaces had disappeared. He commended Dirleton Court; it was an admirable example of a sheltered housing complex. However this proposal for another 7 houses would remove half of the green open space, an amenity that became more important during retirement. This proposal was an overdevelopment and detrimental to the local community. He would not be supporting the recommendation.

Local Member Councillor Day respected the Planning Officers but indicated on this occasion he could not support their recommendation. The development would have a serious impact on the quality of life for Dirleton Court residents, which was enhanced by the landscape, wildlife and green open space. In relation to open space standards he felt the bar should be higher, not lower, for this type of housing. He would not be supporting this application; it was an overdevelopment.

Councillor Currie made reference to the open space standards. He also referred to the views expressed by local members. He reflected on the likely outcome at appeal if Members voted against this development. Although he appreciated the arguments put forward by the objectors there were no reasonable planning grounds to refuse the application. He would be supporting the officer's recommendation to grant consent

Councillor Innes agreed with Councillor Currie. The Committee had heard the arguments from objectors and local members but it was important to distinguish between public open space and private garden ground. This proposal was not an overdevelopment; it was a sensitive way of using the ground and 7 more residents would be able to enjoy the facilities at Dirleton Court. He would be supporting the officer's recommendation to grant consent.

Councillor Grant agreed. To deny this application would also deny 7 new residents the chance to enjoy these surroundings. East Lothian had a rising elderly population, this development would be beneficial. It was not an overdevelopment; it was an infill development. He supported the application.

Provost Broun-Lindsay, whilst commending the objectors for the way they presented their case, stressed that Members could not set aside logic for emotion. There was a need for this kind of housing. He particularly welcomed the accommodation designed for wheelchair users. Referring to earlier comments, he reiterated that this was private green space not public open space. He would, on balance, be supporting the application. Conditions would be put in place to limit the noise/disturbance; he regretted the upset but could see the long term benefits of this proposal.

The Convener brought the discussion to a close. Dirleton Court was a beautiful location and the residents were fortunate to live in such a setting. He felt the addition of 7 more properties was acceptable and would give new residents the opportunity to also enjoy these surroundings. He would be supporting the officer's recommendation.

The Convener moved to the vote on the report recommendation:

For: 13

Against: 3

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 the materials to be used as external finishes of the houses hereby approved and for the hardstanding areas shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the houses and for the hardstanding areas.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 3 Prior to the occupation of any of the houses hereby approved the widened access into the site and the extended car parking area and car parking spaces all as delineated on drawing no. HD895(PL)002 docketed to this planning permission shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety.

- 4 Dropped kerbs shall be provided at either side of the access junction of the site with Dirleton Avenue to provide an adequate pedestrian crossing. Details of the dropped kerbs to be provided shall be submitted to and approved in advance of their provision by the Planning Authority;

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the occupation of any of the houses hereby approved the bin storage facilities as shown on docketed drawing no. HD895(PL)002 hereby approved shall have been formed and made available for use. Thereafter, the bin storage facilities shall be retained in use as bin storage areas.

Reason:

To ensure the provision of adequate bin storage in the interest of the visual amenity of the locality.

- 6 The houses comprising of 'Block A' and 'Block C' as shown on docketed drawing no. HD895(PL)002 hereby approved shall be occupied only by over 55 years old tenants and any partner or dependent of such a tenant.

Reason:

To control the development of the site to the use proposed and in the interests of the good planning of the area.

- 7 The 7 houses hereby approved shall include all of the following features:

- a. The housing should be provided at ground or first floor level, or in blocks over 2 storeys high served by at least one lift;
- b. Handrails should be provided on both sides of all common access stairs, and on at least one side of all common access areas and passages;
- c. Bathroom doors should be either sliding or capable of opening outwards, and fitted with locks operable from the outside;
- d. Bathroom floors should have a non-slip finish;
- e. Handrails should be fitted beside the WC and bath/shower;
- f. A space heating system must be provided which is capable of maintaining a temperature of 21C when the outside temperature is -1C in the following parts of the house: living area, sleeping area, kitchen, bathroom, hallway;
- g. Light switches arranged to line horizontally with door handles;
- h. Socket outlets fixed at a height of at least 500mm above the floor;
- i. A warden service should be provided;
- j. An emergency call service should be provided connecting each house to a warden system.

Reason:

To control the development of the site to the uses proposed and in the interests of the good planning of the area.

- 8 The westernmost house within Block C the subject of this planning permission shall not be occupied unless and until the window to be installed in its west elevation wall has been fitted with obscure glazing and thereafter that window shall continue to have such glazing.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the west.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed within the west elevation of the westernmost house within Block C other than the window shown on the docketed drawings to be formed within that elevation wall, all unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the west.

- 10 No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the prior written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of the trees on the eastern part of the site which are an important landscape feature of the area.

- 11 No development shall take place on site until protective fencing is erected in a position to be agreed in advance by the Planning Authority to protect the sycamore tree to be retained at the site vehicular entrance with Dirleton Avenue. The fencing shall comprise 2.3 metres high standard scaffold poles as uprights driven into the ground avoiding tree roots, with 3 standard scaffold poles as horizontal rails (top, middle and bottom), all with weld mesh wired to uprights and rails, all in accordance with Figure 2 of British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'. All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - keep out" and the fencing shall remain in place through to completion of the development.

Within the fenced off area the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no herbicides shall be used, no fires shall be lit and no trenches dug or services laid unless with the prior approval of the Planning Authority and subject to them being excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more left unsevered.

Reason:

To ensure the retention and maintenance of the trees on the eastern part of the site which are an important landscape feature of the area.

- 12 In the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner, the new tree planting indicated on drawing no. HD895(PL)002 docketed to this planning permission, with the exception of the whitebeam, shall have been completed.

Notwithstanding that which is stated on drawing no. HD895(PL)002 the copper beech tree to be removed centrally within the site shall be compensated for by the replacement planting of another beech tree, not a whitebeam, to be planted in a position to be agreed in advance with the Planning Authority and thereafter that beech tree shall be planted in the first planting and seeding season following the last occupation of the 7 houses hereby approved or the completion of the development, whichever is the sooner.

If any of the new trees within a period of five years from the occupation of the last of the 7 new houses or the completion of the development, whichever is the sooner, die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of the same species and of a similar size, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the provision of replacement tree planting in the interests of the landscape character of the area.

Sederunt - Councillor Goodfellow returned to the Chamber

3a. PLANNING APPLICATION NO. 13/00394/P: ERECTION OF 18 FLATS, PART DEMOLITION OF WALL AND ASSOCIATED WORKS AT ST ANDREWS CENTRE, 9 BAYSWELL ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 13/00394/P. Mr McFarlane presented the report, summarising the key points. In response to a query raised at the site visit he clarified that the front pitched roof of the north most building faced into the development site, not Bayswell Road. The proposed decision set out in the report was to grant consent.

In response to questions from Members, Mr McFarlane confirmed that planning permission did not override legal property rights.

Mr Ross read a statement on behalf of East Lothian Housing Association. ELHA had purchased the site in 2010 with the sole intention of providing much needed affordable housing in Dunbar. The site had previous planning consents. This proposal was fully supported by the Scottish Government. It met the Council's planning policies. ELHA understood there was an existing legal agreement regarding the access.

Mr Hackland outlined details of the proposal for the 18 flats, comprising 1 and 2 bedroom units. He also gave details of the changes to the application since registration. He referred to the community consultation and to support from Dunbar Community Council for development of this social housing. There would be no loss of daylight or amenity to Parsonspool residents from this development. He reiterated that the existing access from Bayswell Road was the subject of a legal agreement and was the same access point specified in the previously granted application.

In response to queries from Members, Mr McFarlane explained why in this case there was a requirement for a legal agreement restricting the use to affordable housing rather than general needs housing. Mr Ross and Mr Hackland gave details of tree removal/replanting and plot screening and confirmed there would be no access to the flat roof part of the development.

Mr Hay, resident of Bayswell Road, spoke against the application, stating that he was not against development as such but did object to this particular development. This site was within the Dunbar Conservation Area, any development should therefore enhance the area, not cause detriment. Properties in this road were single or 2 storey; this proposal would set a precedent. He raised concerns about the impact on neighbours, loss of daylight, scale and mass and removal of trees. He asked Members to reject the proposal and request the applicant to consider submitting a new application more sympathetic to its setting and the neighbouring properties.

Reverend Stevenson, representing the Trustees of Dunbar Parish Church, spoke against the application. He informed Members that the Trustees were agreeable to the provision of affordable housing on this site however the application before Committee was seriously flawed, particularly in relation to the access arrangements. He outlined the details. He stated that the access road land belonged to Dunbar Parish Church. He raised concerns about unacceptable traffic noise, disruption and potential vehicular danger issues. He asked the Committee to defer this application until all parties had agreed to the access arrangements.

Local Member Councillor Veitch outlined his reasons for bringing this application to Committee. This site was within the Dunbar Conservation Area and therefore required careful consideration. He drew attention to Scottish Planning Policy in relation to development in a Conservation Area. He stated that this development would not preserve the historic nature and scenic area of Dunbar Parish Church. He referred to the strength of opposition from the local community and read out several statements from Bayswell Road residents. This proposal was an overdevelopment, overbearing and out of character for the area. He was not opposed to development on this site but this particular proposal was not the right development. He hoped that Members of the Committee would consider this application very carefully.

Councillor Currie noted that objectors seemed to be in favour of development on this site but not this particular development. The access issue was, as indicated, a legal matter between the developer and the church and not a matter for this Committee. He welcomed this proposal, the provision of 1 and 2 bedroom flats was crucial for East Lothian. He would be supporting the application.

Councillor Innes referred to the site's long planning history. He expressed concerns about Members approving the application and then, for legal reasons, the development not being delivered so he had sympathy with the request for continuation to try and address the access issue. He intended moving an amendment to continue this application to the next Planning Committee.

Morag Ferguson, Service Manager-Legal Services advised Members that the applicant had stated they had the legal rights to take this forward; the objector had stated the opposite view. She further advised that as this issue was not a planning consideration, continuing the application was beyond the Committee's authority.

Provost Broun-Lindsay stated that the Committee had to determine the application today; Members had been advised that the legal issues were not material to the decision. He referred to the planning history of this site, stressing that the principle for housing had already been agreed. There were no planning grounds to refuse this application. He did not think the proposal constituted an overdevelopment or would cause undue overshadowing. He would be supporting this application.

Councillor Goodfellow stated that the number of dwellings proposed in the previous planning applications had been reasonable; he felt this proposal for 18 flats was an overdevelopment of the site and for this reason he could not support the application.

Councillor Grant also referred to the site's planning history and the fact that the principle of development had already been established. This proposal was acceptable and he would be supporting the application.

The Convener brought the discussion to a close. He stressed that the proposed development would create desperately needed affordable housing in Dunbar. As advised, the legal issues had to be dealt with outwith the Committee process. This proposal met all relevant planning policies; it was a good development, in a good location in Dunbar. He would be supporting the application.

The Convener asked for a seconder for Councillor Innes's motion that the matter be continued; Councillor McMillan seconded this. The Convener asked Members to vote on the motion.

For: 5
Against: 11
Abstention: 0

The motion therefore fell. The Convener moved to the vote on the report recommendation:

For: 16
Against: 1
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 buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 No development shall take place on site until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, to include tree planting along the southern and eastern boundaries of the site.

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 No development shall take place until there has been submitted to and approved in writing by the Planning Authority details of tree protection measures during construction works for all trees to be retained on the land of the application site and adjacent on the southern boundary. The tree protection measures shall accord with BS 5837: 2012 Barriers and Ground Protection and 6.3 Site Monitoring, including the use of protective fencing and a method statement for construction works within tree root protection zones and use of cellular confinement systems where required.

Reason:

In the interests of protecting trees which contribute to the character and amenity of the area and the Conservation Area.

- 4 Prior to the occupation of any of the flats hereby approved the vehicular and pedestrian access and parking arrangements as shown on drawing no. HD935(PL)002 Revision C docketed to this planning permission shall have been formed and made available for use and thereafter shall be maintained as such unless otherwise approved by the Planning Authority.

If the gates at the pedestrian access are to be retained they shall be adjusted to ensure that they are capable of opening only into the site to ensure no obstruction to the public footway on the south side of Bayswell Road.

Reason: In the interests of road and pedestrian safety.

- 5 The repositioned gate pier denoted in drawing no. HD935(PL)002 Revision C docketed to this planning permission shall be reconstructed in its new position using the existing stone of the gate pier, which shall be laid and pointed to match that existing gate pier, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of preserving the character and visual amenity of the Conservation Area.

- 6 Prior to their use on the development hereby approved, details and samples of all external materials and finishes to be used on the development shall be submitted to and approved in writing by the Planning Authority and thereafter the external materials and samples used shall accord with the details and samples so approved. These shall include the render, slates, timber

window framing, brick, grey cladding panels, rainwater goods, boundary treatments and all hard surfaces.

Reason:

In the interests of the final appearance of the development and of the character and appearance of the Conservation Area.

- 7 The windows to be formed in the east and west elevations of the southernmost flatted building and in the east elevation of the northernmost flatted building hereby approved shall be fitted with obscure glazing prior to any occupation of the buildings hereby approved and thereafter these windows shall continue to be fitted with obscure glazing unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring properties to the east and west.

- 8 Prior to the occupation of any of the houses and flats hereby approved the bin storage facilities hereby approved shall have been formed and made available for use. Thereafter, the bin storage facilities shall be retained in use as bin storage areas.

Reason:

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

- 9 Prior to the commencement of development of any of the flats hereby approved details of cycle storage facilities and their siting within the site shall be submitted to and approved by the Planning Authority. Thereafter the cycle storage facilities approved shall have been formed and made available for use prior to the occupation of any of the flats hereby approved. Thereafter, the cycle storage facilities shall be retained in use as cycle storage facilities.

Reason:

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

- 10 Prior to the occupation of any of the flats hereby approved the new boundary treatments for the west boundary of the site hereby approved shall be erected in their entirety.

Reason:

To protect the privacy and amenity of the future occupants of the flats.

3b. PLANNING APPLICATION NO. 13/00394/CAC: DEMOLITION OF GATES AT ST ANDREWS CENTRE, 9 BAYSWELL ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 13/00394/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 condition:

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

Reason:

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

Signed

Councillor Norman Hampshire
Convener of the Planning Committee