



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

**TUESDAY 3 JUNE 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan (Items 1 – 3)
Councillor T Trotter
Councillor J Williamson

Other Councillors Present:

Councillor F McAllister
Councillor M Veitch

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Development Management

Clerk:

Ms F Currie, Committees Assistant

Visitors Present:

Item 2 – Mr Jamie Wylie
Item 2 – Mr T Thomas, APT Planning & Development
Item 3 – Mr A Duthie, Clarendon Planning & Development Ltd
Item 3 – Ms E Edwardson, Old Craighall Residents & Tenants Association
Item 4 – Mr D Carnegie

Apologies:

Provost L Broun-Lindsay
Councillor A Forrest
Councillor W Innes
Councillor J McNeil

Declarations of Interest:

None

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 6 MAY 2014

The minute of the Planning Committee of 6 May 2014 was approved.

2. PLANNING APPLICATION NO. 14/00127/P: CHANGE OF USE OF TECHNICAL BUILDING FOR ANAEROBIC DIGESTER TO AGRICULTURAL BUILDING AND REMOVAL OF CONDITION 7 ALL AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 10/00660/P AT RUCHLAW MAINS, STENTON

A report was submitted in relation to Planning Application No. 14/00127/P. Iain McFarlane, the Service Manager-Development Management, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to questions from Members, Mr McFarlane advised that there had been no concerns expressed by SEPA and there was likely to be minimal impact on traffic to and from the site following the change of use.

The applicant, Mr Jamie Wylie, addressed the Committee. He explained that the anaerobic digester had originally been required to facilitate a food waste contract bid, supported by grant funding from the Scottish Government. Unfortunately, he had failed to win the contract and the digester was no longer needed. He now planned to erect a similar sized building on the same site but for use as a grain store. The new building would have less impact than the planned anaerobic digester and would be screened from the surrounding area by tree planting.

Mr Tony Thomas of APT Planning & Development, agent for Katherine Sigaroudinia, spoke against the application. He advised that his client owned Ruchlaw House; a category B listed building next to Mr Wylie's property. He pointed out that the original renewable energy aspects of the project no longer applied and the building was not required for its original purpose. He stated that the new building would be detrimental to the view from Ruchlaw House and the surrounding area and the application should be refused.

Local Member Councillor Veitch referred to the strength of the views expressed by local residents on these proposals. Although the original development would have compromised the landscape this would have been mitigated by the renewable energy aspects. He acknowledged that this was an important local business but urged the Committee to carefully consider the views of local residents.

The Convenor commented in his role as a local Member. He cited the importance of this business to the local rural economy and maintained that the objections were not sufficient to merit refusal. He would be supporting the report recommendation.

Councillor Berry indicated that, in his view, the objections were not justified. The site was screened by trees and a bund and the building would not impact on the surrounding area. There was no reason not to approve the application.

Councillor Currie noted that objections should be material and this did not appear to be the case here. He also pointed out the potential consequences of refusal for the business. He would be supporting the report recommendation.

Councillor MacKenzie concurred with the views of Councillor Currie. He noted that the new building would be lower than the previous proposals and there would be no flue or gas flare. He would be supporting the application.

Councillor McMillan echoed comments made by colleagues. He considered the proposals to be well balanced and he would be supporting the application.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission.

3. PLANNING APPLICATION NO. 13/01020/PPM: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 52 RESIDENTIAL UNITS AND ASSOCIATED WORKS ON LAND AT OLD CRAIGHALL ROAD, OLD CRAIGHALL

A report was submitted in relation to Planning Application No. 13/01020/PPM. Iain McFarlane, the Service Manager-Development Management, presented the report, summarising the key points. The report recommendation was for refusal of the application.

In response to a question from Councillor Berry, Mr McFarlane advised that there had been buildings on this site historically but the last of these was abandoned in the late 1800s.

Mr Antony Duthie of Clarendon Planning & Development Ltd, agent for the applicant, addressed the Committee. He stated that the application had been prepared in line with the Council's interim guidance and the layout would provide a range of units, including affordable housing stock. While it does include green belt land, one third of the site is brownfield and sits within an area designated for economic growth. He advised that the development would help facilitate the reintroduction of the bus service to the village and that appropriate contributions would be made to education, traffic-calming measures and provision of footpaths. He concluded that his client had worked with planning officers to address concerns and was willing to have further discussions if required.

Mr Duthie answered questions on the impact the development would have on the existing settlement in terms of size, local amenities, public consultation, site access and timescale for the build. He also confirmed that there had been interest from Barratt Homes who had indicated that the market conditions would support the sale of up to 25 units per year.

Ms Elaine Edwardson, Old Craighall Residents & Tenants Association, spoke against the application. She informed Members that the proposed development was not in

keeping with the character of the existing hamlet. It would result in its merger with the nearby area of Shawfair and would destroy its secluded nature; one of the attractions for many residents. She referred to the significant disruption to residents and danger to children during the construction phase, the lack of adequate public transport and the detrimental impact on catchment schools. She concluded that a survey of residents had indicated that the majority were against the proposals.

In response to questions from Members, Mr McFarlane confirmed that the school catchment for this development would be split between Campie and Whitecraig Primary Schools.

Local Member Councillor Williamson stated that this development would more than double the size of Old Craighall. He considered that the objections around transport, amenities and education were all well founded and he was particularly concerned about the proposals for a split school catchment. He would be supporting the report recommendation.

Local Member Councillor McAllister endorsed the views expressed by his colleague. He added that in light of the major Shawfair development, there was an argument for preserving this green belt land. He would be supporting the report recommendation.

Councillor Grant concurred with the local Members and the reasons for refusal stated in the report. He would not be supporting this application.

Councillor Currie agreed and pointed out that the loss of amenity from creating a through road in what was a cul de sac was also a significant concern. He would be supporting the report recommendation.

Councillor Caldwell acknowledged that there were some positives to the application; however these were outweighed by the negatives already stated by colleagues. He would be supporting the report recommendation.

Councillor Goodfellow considered that this application was inappropriate in scale and premature in terms of the wider Local Development Plan currently being prepared. He would be supporting the report recommendation.

Councillor Berry agreed that this development was premature. He could see the argument for additional houses in Old Craighall but not on this scale. He would not be supporting this application.

Councillor Day concurred with Members' comments. He would be supporting the report recommendation.

Councillor MacKenzie expressed concerns about the impact on the community, school catchments and the safety of children travelling to school. He would be supporting the report recommendation.

Councillor McMillan viewed the development as being inappropriate for this site. He would be supporting the report recommendation.

The Convener brought the discussion to a close. He advised Members that, in light of other major developments proposed in the area, this application needed careful consideration. It would represent another loss of green belt land. In his view, the proposals lacked coherence and would not benefit the community. He would be supporting the recommendation as set out in the report.

The Convener moved to the vote on the report recommendation:

For: 14

Against: 0

Abstentions: 0

Decision

The Committee agreed to refuse planning permission for the following reasons:

- 1 On the following considerations the new build residential development proposed in principle in this application is contrary to the Council's Housing Land Supply: Interim Planning Guidance:
 - (i) The proposed development is of a scale inappropriate to this small settlement;
 - (ii) By virtue of its nature and scale is inappropriate development in the Green Belt and conflicts with Development Plan policies relating to development within the Green Belt;
 - (iii) It would not be served by public transport or any other facilities and services, therefore the need to travel would not be minimised;
 - (iv) Given the lack of existing facilities or services within Old Craighall the proposed housing would not make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area;
 - (v) The south-eastern boundary of the application site is not contained within a robust, defensible boundary and the residential development of the application site would set a real precedent for subsequent future expansion to the southeast, the principle of which should be considered through the Local Development Plan process.
- 2 The type and scale of the proposed development would be inappropriate, highly visible development within the green belt which would undermine green belt objectives and as such is contrary to Scottish Planning Policy: February 2010, Policy 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (parts 5) (Development in the Countryside and Undeveloped Coast), and DC2 (Development in the Edinburgh Green Belt).

[Sederunt – Councillor McMillan left the meeting.]

4. PLANNING APPLICATION NO. 13/00650/P: ERECTION OF 2 HOUSES AND ASSOCIATED WORKS ON LAND ADJACENT TO THE STEADING, HIGH ROAD, SPOTT

A report was submitted in relation to Planning Application No. 13/00650/P. Iain McFarlane, the Service Manager-Development Management, 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 advised that education contributions were only required from developments of 5 houses or more.

Mr David Carnegie, the owner of Turner's House (also known as The Steading), a category C listed building, spoke against the application. He was firmly of the view that the proposals would have a negative impact on his home and the surrounding village which sits in a conservation area. He pointed out that the elevated nature of the site meant that there would be problems with overlooking and loss of daylight to his property. There were also concerns about proposals for access from the site to the road via a footpath.

Local Member Councillor Veitch commented that the character of the village was such that any development needed careful consideration. This proposal was not in keeping with the look or character of other buildings in the village and he urged Members to consider carefully the views of residents and objectors. He indicated that, if he had a vote, he would not support this application.

As a local Member, the Convenor was familiar with the village and the proposed site. In his view, the development would not detract from or impact upon the listed building. He would be supporting the report recommendation.

Councillor Berry pointed out that both the listed building and the proposed development site were screened from the road by trees. He acknowledged that the increased elevation of the site may lead to concerns about overlooking, however, on balance; he could find no justification for refusal. He would be supporting the application.

Councillor MacKenzie sympathised with concerns raised by objectors in relation to potential loss of daylight and the negative impact on the historical character of the area. He would not be supporting the report recommendation.

Councillor Goodfellow concurred with Councillor Berry's views. He would be supporting the application.

The Convenor brought the discussion to a close. As previously stated, he would be supporting the recommendation to grant planning permission as set out in the report.

The Convenor moved to the vote on the report recommendation:

For: 12

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 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 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.

Reason:

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

- 3 The house to be erected on the eastern part of the site (marked 'House 2' on the application drawings) as hereby approved shall not be occupied until the roof window to be installed in its east elevation roof slope is obscure glazed in accordance with a sample of such obscure glazing to be submitted to and approved in advance by the Planning Authority. Thereafter that roof window shall remain obscure glazed in accordance with the sample so approved unless otherwise approved by the Planning Authority.

Reason:

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

- 4 The house to be erected on the western part of the site (marked 'House 1' on the application drawings) as hereby approved shall not be occupied unless the beech hedging has been planted along the length of the north, east and south boundaries of its plot as shown on docketed drawing no.AL(0)101 Revision F. This beech hedging shall be planted as 90-150cm whips at 300mm centres in two rows and shall be protected by staked 'tubex' or similar until established. This beech hedging shall be allowed to grow to and thereafter be maintained at a minimum height of 1.8 metres above ground level where it is to be planted.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties and in the interest of the landscape character and appearance of the area.

- 5 The house to be erected on the eastern part of the site (marked 'House 2' on the application drawings) as hereby approved shall not be occupied unless the beech hedging has been planted along the length of the west, north, east and south boundaries of its plot as shown on docketed drawing no.AL(0)101 Revision F. This beech hedging shall be planted as 90-150cm whips at 300mm centres in two rows and shall be protected by staked 'tubex' or similar until established. This beech hedging shall be allowed to grow to and thereafter be maintained at a minimum height of 1.8 metres above ground level where it is to be planted.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties and in the interest of the landscape character and appearance of the area.

- 6 The occupation of each one of the two houses hereby approved shall not commence unless and until the proposed vehicle access, turning and parking arrangements for it has been laid out on site as shown on docketed drawing no.AL(0)101 Revision F and thereafter the vehicle access, turning and parking arrangements designated for each house respectively shall be retained for such uses for each house.

Reason:

In the interests of road safety.

- 7 Neither of the two houses hereby approved shall be occupied until the new pedestrian path on the western part of the application site connecting to High Road has been formed and been made available for use and thereafter the pedestrian path shall be retained for such use.

At the northern end of the pedestrian path a hard standing area shall be provided on the verge adjacent to the carriageway to enable pedestrians to cross the road from/to the existing

footway on the opposite side of High Road and a dropped kerb pedestrian crossing shall be provided over High Road by the provision of lowered kerbs on either side of High Road to enable level access for pedestrians crossing the road, all in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 8 The development hereby approved, the tree protection measures and the new tree planting shall all be carried out in strict accordance with Section 2 - TREES AND DEVELOPMENT, parts 3.1 and 3.2 of Section 3 - TREE AND HEDGE PLANTING and the Tree Proposals drawing no. 1347/1 of the Tree Protection, Management and Planting Proposals report by Donald Rodger Associates docketed to this planning permission, and also with the application drawings docketed to this planning permission.

In the first planting and seeding season following the last occupation of the two houses hereby approved or the completion of the development, whichever is the sooner the new tree planting indicated in the Tree Protection, Management and Planting Proposals report and shown on the Tree Proposals drawing no. 1347/1 of that report shall have been completed. If any of the new trees within a period of five years from the occupation of the last of the two 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 retention and maintenance of trees which are an important feature of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee