



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

**TUESDAY 4 NOVEMBER 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 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 J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr K Dingwall, Principal Planner
Ms C Molloy, Senior Solicitor
Mr D Irving, Acting Senior Planner
Mr G Talac, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr A Duthie
Item 3 – Mr M Andrews

Apologies:

Councillor A Forrest
Councillor T Trotter

Declarations of Interest:

None

1. MINUTES OF THE MEETINGS OF THE PLANNING COMMITTEE OF 19 AUGUST 2014 AND 2 SEPTEMBER 2014

The minutes of the meetings of the Planning Committee of 19 August 2014 and 2 September 2014 were approved.

2. PLANNING APPLICATION 14/00431/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT LAND AT LIMEYLANDS ROAD, ORMISTON

A report was submitted in relation to Planning Application No. 14/00431/PPM. Daryth Irving, Acting Senior Planner, presented the report. He indicated that since the Depute Chief Executive's response regarding education capacity and finalisation of the report, the applicant's agent had put forward several suggestions to address the issue of lack of education capacity – a) phasing could be carried out over 5 years; b) school pupils could be bussed to nearby schools and c) the development could be restricted to 70 units. He informed Members that these suggestions were incompetent, unsustainable or unreasonable. The application had been assessed against the Council's approved Interim Planning Guidance with the conclusion that the new build proposal was contrary to part 5 of this guidance. The report recommendation was for refusal of the application.

Grant Talac, Transportation Planning Officer, responded to questions from Councillor Berry about the green travel plan recommended by Road Services and several other traffic matters including issues regarding the Ormiston/Tranent junction.

The Convener indicated that the agent was present if Members had any questions.

In response to a question from Councillor Currie, Antony Duthie of Clarendon Planning and Development Limited advised that the idea for a bowling green had come from the public consultation exercise.

Local Member Councillor Grant referred to the Interim Planning Guidance, approved in December 2013, specifically to the 5 criteria that had to be met as detailed in the report. He noted that this application appeared to meet the first 4 criteria but not the 5th. In relation to the eastern part of the site it was clear that this was not contained within a robust or defensible boundary. Regarding the educational issue he agreed with the statement in the report that the Ormiston Primary School site was constrained. He also agreed that granting this application would set a precedent for the north side of Ormiston. He would be supporting the report recommendation to refuse the application.

Local Member Councillor McLeod supported his colleague's comments. He agreed with the officer's recommendation to refuse the application.

Local Member Councillor Gillies agreed with both colleagues, he would be supporting the report recommendation.

Councillor Day agreed with the local members. He stated that to retain the public's confidence in the planning system Members had to adhere to the Interim Planning Guidance. He made reference to the lack of education capacity and absence of a

robust, defensible boundary at the eastern end of the site. He supported the officer's recommendation.

Councillor Currie also referred to the criteria within the Interim Planning Guidance, querying whether there was a slight risk in refusing the application given that the first 4 criteria seemed acceptable and only criteria 5 was not. However the educational capacity was the crucial point and for this reason he would be supporting the report recommendation.

Councillor Berry agreed with his colleagues' comments. Referring to previous applications and to infrastructure issues in general, he stated that the Council had to think more strategically and not view developments in isolation. He would be supporting the officer's recommendation.

The Convener brought the discussion to a close, expressing agreement with colleagues. He moved to the vote on the report recommendation:

For: 16

Against: 0

Abstentions: 0

Decision

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

- 1 There is not, and there would not be, sufficient capacity at Ormiston Primary School to accommodate children that could arise from the occupancy of the proposed new build housing development, contrary to the requirements of Policy INF3 of the adopted East Lothian Local Plan 2008.
- 2 The new build residential development proposed in principle in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance on the following considerations:
 - (i) the eastern boundary of the application site is not contained within a robust, defensible boundary and as such the residential development of the application site would set a real precedent for subsequent future expansion to the east and thus along the whole north side of Ormiston, the principle of which should be considered through the Local Development Plan process;
 - (ii) in respect of lack of education capacity the application site is not immediately effective or capable of being so, is not demonstrably able to deliver early house completions and therefore cannot support the effective housing land supply in the short term; and
 - (iii) in respect of lack of education capacity it is contrary to other development plan policies.
3. **PLANNING APPLICATION 14/00757/PM: VARIATION OF CONDITION 1C OF PLANNING PERMISSION IN PRINCIPLE 06/00770/OUT TO EXTEND THE TIME PERIOD FOR A FURTHER 3 YEARS AT TESCO STORES LIMITED, MALL AVENUE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 14/00757/PM. Keith Dingwall, Principal Planner, presented the report. The report recommendation was to grant consent.

Mr Dingwall responded to questions from Councillor Currie in relation to ownership of the undeveloped part of the site and related queries regarding the care home development application. With regard to further questions about the affordable housing element he advised this would be clarified post meeting.

The Convener advised that the applicant was present if there were any questions.

In response to a question from Councillor Currie, Mike Andrews, of Dundas Estates and Development Company, confirmed that the expectation, if approval was granted, would be for the reserved matters application to be brought forward next year.

Local Member Councillor Currie indicated that a care home development was desperately needed in Musselburgh. He would be supporting the recommendation to grant consent and hoped that the facility would be built soon.

Local Member Councillor Caldwell supported his colleague's comments. The site was in a very poor state at present so he welcomed the application.

Councillor Grant also supported comments made by colleagues. Musselburgh was in urgent need of a day care centre and care home, as referenced by the Shadow Health and Social Care Partnership Board. He supported the report recommendation.

The Convener moved to the vote on the report recommendation:

For: 16
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission for a variation to Condition 1 of planning permission in principle 06/00770/OUT to extend the time period given in part (c) by a further 3 years to 9 years:

- 1 Condition 1
 - (a) Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), means of access and the landscaping (collectively these are termed "reserved matters").
 - (b) Plans and particulars of the reserved matters referred to in (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.
 - (c) Application for the approval of reserved matters shall be made to the planning authority within 9 years from the date of this permission.
 - (d) The development hereby permitted shall commence within 5 years from the date of this permission, or within 2 years from the date of approval by the planning authority of the last of the reserved matters to be approved.

Reason:
Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

Signed
Councillor Norman Hampshire
Convener of the Planning Committee