



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

**TUESDAY 2 DECEMBER 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 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 T Trotter
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
Ms K Slater, Planner
Mr C Meikle, Planner

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr A Riddle, Mr A Young
Item 3 – Mr R Holder, Dr C Doldon, Ms L Hall, Mr T Drysdale
Item 4 – Ms L Fraser, Mrs T Wallis, Dr K Smith

Apologies:

None

Declarations of Interest:

None

1. MINUTES OF THE MEETINGS OF THE PLANNING COMMITTEES OF 28 OCTOBER 2014 AND 4 NOVEMBER 2014

The minutes of the meetings of the Planning Committees of 28 October 2014 and 4 November 2014 were approved.

2. PLANNING APPLICATION NO. 14/00530/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 12/00199/PPM - ERECTION OF 89 HOUSES AND ASSOCIATED WORKS AT LAND TO THE WEST OF ABERLADY ROAD, HADDINGTON

A report was submitted in relation to Planning Application No. 14/00530/AMM. Keith Dingwall, Principal Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Members, Mr Dingwall provided further details regarding the number of footpaths and access points, and clarified issues relating to the northern site boundary and site drainage. Grant Talac, Transportation Planning Officer, responded to questions about access to the site from the A6137 road and traffic speed limits.

Andrew Riddle, Architectural Manager for Bett Homes, the applicant, addressed the Committee. This proposal would deliver quality and affordable housing, with a bespoke and diverse range of housing types unique to this development and to Bett Homes. The application fully addressed the concerns of the earlier application. He responded to points raised. Acoustic barrier: a different approach had been taken, it was proposed to lower levels of housing by 3.5 metres, which would enable use of the landscape as a backdrop, giving a better acoustic and visual barrier. Levels: 1.4 metres - actual finished floor levels, gardens would flow backwards, there would be no change in levels between the site and Haldane Avenue. Culvert/SUDS: SUDS would be located at the natural lowest point of the site, discharges would be into the existing culvert, surface water would not be increased therefore discharge post development would not increase. He stated that this development should go ahead.

Mr Riddle responded to questions regarding public footpaths and access, barriers to the A1, drainage matters, the potential number of cars in the development, housing styles and suitability for this gateway site. Mr Riddle added that an independent architectural practice had been commissioned to carry out a contextual study of house styles in the town and wider area which had influenced the designs.

Alistair Young, neighbouring resident, spoke against the application. He made adverse comments about the planning system process. His main concern regarding this application was the access to the development site, which was from a blind/dangerous corner, with fast travelling traffic. Reducing the speed limit to 30mph may be beneficial however this access point was not suitable and should be relocated. He also raised concerns about a number of drainage issues.

Local Member Councillor McMillan referred to the approval already granted for the principle of development and the consequences of this for the Committee. He was nonetheless going to vote against this application as he had done previously. He agreed with Mr Young's points regarding traffic and access; reducing the speed limit to 30mph may provide some mitigation. He added that even though he welcomed the applicant's comments about unique housing styles, the presence of approximately 250 cars did not make this a site easily integrated.

Local Member Councillor Trotter recalled that all local Members had voted against this application previously. He still had serious concerns about the access to this site. The decision regarding this development had unfortunately been taken from the Council and all Members could do now was to ensure the safest access/egress to the development site from the A6137. If this application had to proceed the speed limit on the A6137 must be reduced from 40mph to 30mph.

Local Member Provost Broun-Lindsay also expressed displeasure that this site was to be developed. The principle had however been lost and Members now had to ensure the most favourable option for this site. The access point was constrained and caused a great deal of concern. He also had concerns about drainage issues. He supported Councillor Trotter's proposal for a 30mph speed limit; with this amendment he would, reluctantly, support the report recommendation.

Councillor Berry accepted that the principle of development had been established but stated that to build 89 houses, mostly 2 storeys high, into this site was intrusive and excessive. He made reference to the likely volume of traffic generated by this development and stressed that access should be from the other end of the site, at Alderston. He also expressed concerns regarding footways and drainage.

Councillor MacKenzie echoed concerns about traffic and access issues. He welcomed that an independent architectural consultant had been engaged by the applicant and commended the style of houses proposed for this development.

Councillor Goodfellow also expressed concerns about traffic, access and the A6137. He took issue with the statement that a full range of housing would be provided, asserting that properties comprising 3 bedrooms or more could not be so described.

The Convener brought the discussion to a close. He made reference to the history of this site and the subsequent outcome, following appeal, of the earlier application. He stated that given this, the Committee had very little grounds to refuse this application. Referring to concerns about road safety at the A6137 junction and access to the site, he agreed that an additional condition should be inserted reducing the speed limit to 30mph from the point where street lighting would commence.

The Convener asked Members to vote on the proposed additional condition, to reduce the speed limit on the A6137 to 30mph as outlined:

For: 18
Against: 0
Abstentions: 0

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

For: 17
Against: 1
Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed housing development be granted 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 the drawings docketed to this Approval of Matters, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail respect the layout of the development and shall promote render as the predominant finish to the walls of the houses. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 Prior to the commencement of development details of the position and type of all boundary enclosures to be erected on the application site shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the fencing in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 Prior to the occupation of the last house approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site, in accordance with the docketed drawings and the transportation conditions specified below. Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 5 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 6 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) the "access footpath from western site boundary to Alderston Lane" shall be formed in accordance with details to be submitted to and approved by the Planning. The details shall include a timetable for implementation;

(ii) all access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures; and

(iii) Home Zone entry's shall have a minimum width of 3.5metres.

The housing development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 7 Notwithstanding the requirements of condition 11.a. of planning permission in principle 12/00199/PPM, no development shall commence unless and until a 30 miles per hour speed limit has been introduced on the A6137 road from the roundabout on the A199 to the northern edge of the bridge over the A1 trunk road.

Details of the proposed 30 miles per hour speed limit shall be submitted for approval by the Planning Authority. These measures shall be implemented in accordance with the details as approved by the Planning Authority.

Reason:

In the interests of road safety.

3. PLANNING APPLICATION NO.14/00632/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT FERRYGATE FARM, DIRLETON ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 14/00632/PPM. Mr Dingwall presented the report, summarising the key points. The report recommendation was for refusal of the application.

Responding to questions, Mr Dingwall clarified the extent of the previous application, modification of the application on appeal and traffic management considerations. In respect of Interim Planning Guidance queries, Mr McFarlane, Service Manager for Planning, advised that the guidance was approved by Council as a set of guidance; there was no particular weight to be given to individual parts. An application had to satisfy each and every test set out in the guidance.

Robin Holder of Holder Planning, agent for the applicant, addressed the Committee. He stated that the officer's report was very positive and highlighted several statements from the report. The scale, layout and density of the development were acceptable and suitable. The site would be visually contained within a woodland setting. Footpaths would be created linking the site to the town. The site was well served by transport facilities. There was no flood risk and no objection from SEPA. Loss of agricultural land would be minimised. In the applicant's view the proposal complied with SESplan Policy 7; it would not be prejudicial. He refuted the reasons for refusal. He urged the Committee to grant planning permission.

Mr Holder responded to questions from local Members regarding benefits to the town from development of this site and reference to objections from consultees.

Claire Doldon, a GP Partner at the North Berwick Health Centre and local resident, spoke against the application on behalf of the health centre. The increase in housing in North Berwick had started to rise exponentially and the effects were becoming evident. She drew attention to the situation at the health centre, informing Members that there was no capacity to continue to take additional patients. There was no stipulation in these types of applications for the provision of healthcare facilities. She raised concerns about access and gave details of the current road, rail and parking situation. The infrastructure of the town was not suitable for any further development.

Members raised several queries regarding health centre provision. Mr McFarlane advised that healthcare provision was funded by the NHS; the cost of this provision did not fall within the expectation of developer contributions. He added that the Planning Authority urged developers to use the Main Issues Report (MIR) and Local Development Plan (LDP) processes, as these allowed other bodies, including the NHS, to consider their needs in the context of proposed developments. The Convener, in response to comments about the impending integration of health and social care, remarked that the Council may be required at some point to give consideration to healthcare provision.

Linda Hall, representing North Berwick Community Council, spoke against the application. According to SESplan, development should be concentrated in strategic development areas, in East Lothian that was the A1 corridor and the east coast railway line; North Berwick was in neither. The local infrastructure was not suitable. The current infrastructure urgently needed attention. Three large housing developments had been granted in the last few years and another two were still outstanding. She echoed Dr Doldon's concerns. She also raised concerns about the rail service, roads, traffic and parking. This application was premature; it should not be considered outwith the MIR process. The Community Council supported the officer's recommendation for refusal.

Tom Drysdale, spoke against the application on behalf of Gullane Area Community Council and Dirleton Village Association. The main concerns were the consequences for these areas as a result of the western expansion of North Berwick. This application was premature; if it was granted it would compromise the objectives of the MIR. He stressed that as the choice of development sites was so fundamental, greater weight should be given to the MIR at this stage. The groups he represented supported the report recommendation for refusal of this application.

Local Member Councillor Day referred to the vote against the previous application by Council in April 2013. His view remained the same. Referring to the Interim Planning Guidance he noted that the application met all the criteria, with the exception of part (v) of criteria 5 - no robust and defensible boundary to the south part of the site. It was reasonable to adopt a cautious approach. With regard to the MIR, which as a consultation document had limited weight at present, he argued that it should be given more weight; the Council needed to send a clear message to developers. He agreed with the officer's reasons for refusal and consequently supported the recommendation in the report.

Local Member Councillor Goodfellow referred to the recent planning history. The North Berwick community, local community councils, this Council and the Scottish Government all regarded development on this site as unsuitable. This new application was no different; it was speculative. This development would be extremely detrimental for North Berwick. He referred to the aim of Scottish Planning Policy, to achieve the right development in the right place and not to allow

development at any cost; he supported this statement. He agreed with the officer's reasons for refusal and supported their recommendation.

Local Member Councillor Berry agreed with his colleagues. He also referred to the site's history and drew attention to the implications of this development for North Berwick. He made reference to the health centre situation. He referred to the number of cars likely to be generated by the development, claiming this would equal the total parking capacity of the town centre. The infrastructure to support this development was not available. If this development was built there would be no option available to alleviate the traffic situation in North Berwick, an issue that had to be addressed at some point. He would be supporting the officer's recommendation for refusal.

Councillor Currie stated that he did not agree that applications should be delayed until conclusion of the MIR process. He referred to the Interim Planning Guidance, querying the interpretation of the extent to which applications must comply with this. In respect of the criteria that had to be satisfied, the application largely met these; he felt therefore that there were grounds for approval. He would be supporting the application.

Provost Broun-Lindsay agreed with the views expressed by local members; he would be supporting the report recommendation for refusal of this application.

Councillor Innes referred to the planning history of this site. With regards to this new application nothing had changed in relation to this piece of land. He would be supporting the officer's recommendation for refusal.

Councillor McMillan drew attention to the Reporter's comments in relation to the appeal of the previous application. With regard to medical facilities, this was a serious problem; these types of facilities needed to be considered before development applications were submitted. He supported the report recommendation.

The Convener brought the discussion to a close. He stated that the Council was in this position because of housing land supply issues, hence the requirement for the Interim Planning Guidance. Major developments should be dealt with, and sites allocated, through the proper processes, the MIR and LDP. He agreed with the officer's recommendation and reasons for refusal.

The Convener moved to the vote on the report recommendation:

For: 16

Against: 2

Abstentions: 0

Decision

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

- 1 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 in that the southern 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 south, the principle of which should be considered through the Local Development Plan process.
- 2 The application site for the proposed development is a subdivision of a larger site as demonstrated by the planning history of the site and the land to which it relates as

demonstrated by the previous application submission (12/00860/PPM) and the applicant's submission to the Local Development Plan call for sites, contrary to Part 2 of the Council's Housing Land Supply: Interim Planning Guidance.

4. PLANNING APPLICATION NO. 14/00732/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT LAND AT LEMPOCKWELLS ROAD, PENCAITLAND

A report was submitted in relation to Planning Application No. 14/00732/PPM. Daryth Irving, Acting Senior Planner presented the report, summarising the key points. The report recommendation was for refusal of the application.

Lynsey Fraser, of Gladman Developments Limited, the applicant, addressed the Committee. The development was well designed for the area. It would generate economic benefits for Pencaitland. The officer's report outlined many positive reasons for this development. She rebutted the reasons for refusal. She added that the ancient monument site beyond the southern boundary was not within their ownership. In their view the application met all the terms of the Interim Planning Guidance and Scottish Planning Policy and as such this opportunity for Pencaitland should not be lost. The application site had preferred status in the MIR.

Ms Fraser responded to questions from Councillor Berry regarding economic investment and benefits to the village. In response to a question from the Convener, Mr McFarlane clarified the precise location of the Schedule A, Ancient Monument.

Taryn Wallis, neighbouring resident, spoke against the application. Pencaitland's attraction was its small rural aspect; this proposed development would change the character of the village, it would also encourage future sprawl. She raised several environmental and agricultural concerns. Referring to traffic matters she stated that the traffic for this site would have to use Lempockwells Road and then go through the centre of the village; this would only exacerbate the existing traffic situation.

Kenny Smith, also a neighbouring resident, spoke against the application. He raised concerns about commuting issues, public transport, volume of traffic currently using Lempockwells Road and the potential increase as a result of this development. He drew attention to traffic problems around the vicinity of the primary school and also the negative impact of this application on the character of this small village school. He outlined the detrimental effect of the application to Lamberton Court residents.

Local Member Councillor Grant agreed with the recommendation for refusal; as the report stated the application site was not contained within a robust, defensible boundary. He noted the suggestions from Road Services contained in the report however Lempockwells Road was a narrow, busy road and this proposed development would generate a huge amount of traffic through the village and also through Tranent. He referred to the MIR, now out for consultation and the new LDP, stating that radical solutions were required. This application was premature.

Local Member Councillor Gillies agreed with his colleague. He added that given some of the comments from local residents, Road Services should consider reviewing the traffic situation on Lempockwells Road.

Local Member Councillor McLeod expressed several concerns about this application; affordable housing, roads/traffic situation and health centre capacity. He noted the

comments from Pencaitland Community Council. This was a difficult application to determine, he would, reluctantly, be supporting the officer's recommendation.

Councillor Currie questioned whether the Interim Planning Guidance may need rescinded at some point. Referring to areas shown as preferred land for release in the MIR, he remarked that developers would not wait until conclusion of the MIR process. In relation to this application he had concerns about traffic and road safety issues; he would be supporting the officer's recommendation.

The Convener brought the discussion to a close. In relation to the Interim Planning Guidance he reiterated that this was essential; it had proved beneficial and gave the Council control. This application site was proposed as a preferred site for housing in the MIR but at present there was no protection regarding the boundary; the Committee had to defend this and support the officer's recommendation for refusal.

The Convener moved to the vote on the report recommendation:

For: 18

Against: 0

Abstentions: 0

Decision

The Committee agreed to refuse planning permission in principle for the following reason:

- 1 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 in that the southern 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 south, the principle of which should be considered through the Local Development Plan process.

5. PLANNING APPLICATION NO. 14/00615/P: CHANGE OF USE OF COURTYARD AREA TO FORM OUTDOOR DINING AREA AT THE PRESTOUNGRANGE GOTHENBURG, HIGH STREET, PRESTONPANS

A report was submitted in relation to Planning Application No. 14/00615/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Local Member Councillor Innes outlined his reasons for bringing this application to Committee. He referred to the balance required between business operation and neighbour considerations, particularly in relation to licensed premises. The applicant had proposed restricting use of the outdoor dining area to 6pm. Council officers had altered this to 9pm in their recommended conditions, beyond the applicant's requirements. He asked the Committee to agree to grant planning permission but to alter the conditions to specify 6pm rather than 9pm for use of the outdoor dining area.

Mr McFarlane clarified that the approach taken by Planning and Environmental services was to consider what was reasonable for the operation of this type of premises, rather than to be restricted by what a particular applicant sought.

Local Member Councillor MacKenzie supported Councillor Innes's proposed amendment. He felt that the community would be adversely affected if the outdoor dining area was open until 9pm every night.

Local Member Councillor Brown echoed colleagues' comments; he also supported a 6pm restriction for use of the outdoor dining area.

Provost Broun-Lindsay agreed with local Members; he welcomed the proposal from the licence holder to only open the outdoor dining area until 6pm.

The Convener brought the discussion to a close. He remarked that the applicant was aware of neighbours concerns and, as a goodwill gesture, had proposed restricting the opening hours of the outdoor dining area to 6pm; Members should support the applicant in this regard.

The Convener asked Members to vote on the proposed amendment to Condition 1, to restrict the opening of the outdoor dining area to 6pm:

For: 17
Against: 1
Abstentions: 0

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

For: 18
Against: 0
Abstentions: 0

Decision

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

- 1 The outdoor dining area use approved by this grant of planning permission shall only be used by patrons and staff of the licensed premises between the hours of 1100 and 1800 any day of the week.

Reason:
To ensure that the use of the outdoor dining area does not harm the residential amenity of neighbouring or nearby residential properties.

- 2 There shall be no public entertainment, amplified music, amplified vocals or live music played in the outdoor dining area hereby approved and no amplified music, amplified vocals or live music played inside the premises shall be audible in the outdoor dining area.

Reason:
To ensure that the use of the outdoor dining area does not cause noise breakout from it harmful to the amenity of the neighbouring residential properties.

- 3 The outdoor dining area hereby approved shall not be used unless the existing doors in re-entrant east elevation of the building that are to be used to access the outdoor dining area have been made self closing. These doors shall remain self closing thereafter unless otherwise approved by the Planning Authority.

Reason:
To protect the amenity of neighbouring residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee