



**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 19 FEBRUARY 2015  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor T Day (Chair)  
Councillor J Gillies  
Councillor J Goodfellow

**Advisers to the Local Review Body:**

Mr P McLean, Planning Adviser to the LRB  
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

**Others Present**

Ms S Greaves, Planner  
Mr R Stirrat (Agent, Item 2)

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

Councillor T Trotter  
Councillor J McMillan

Prior to the commencement of the meeting the East Lothian Local Review Body (ELLRB) elected a Member to Chair the meeting. Councillor Goodfellow nominated Councillor Day and Councillor Gillies seconded this nomination. Duly elected, Councillor Day welcomed everyone to the meeting and introduced the Members of the ELLRB and Council Officers present.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 14/00713/P – REPLACE EXISTING  
PANTILE ROOF WITH PROFILED METAL SHEET ROOFING AT 32-38  
MILLHILL, MUSSELBURGH**

The Legal Adviser stated that the ELLRB was meeting today to review the above application which had been refused by the Appointed Officer. A site visit had been carried out prior to the meeting and Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser explained that this property had previously been used as the plant room for the adjacent Loretto School swimming pool and was now being converted into an indoor golf academy. The application was seeking permission to replace the pantile roof with a new profiled metal sheet roof and Members had observed on the site visit that works were already underway to remove the pantiles. As Members were aware, the Planning Act required decisions on planning applications to be taken in accordance with development plan policy, consisting of the approved Strategic Development Plan for Edinburgh and South East Scotland and the adopted East Lothian Plan 2008, unless material considerations indicated otherwise.

The Planning Adviser stated that the site was within a residential area of Musselburgh, designated under local plan policy ENV1, and within the Musselburgh Conservation Area, although the building was not listed. The site was also within the nationally designated area of the Battle of Pinkie. The main policy considerations relevant to the application were design and impacts on the Conservation Area, as the development plan seeks to preserve or enhance the character of Conservation Areas. The key policies in relation to these matters were Strategic Development Plan policy 1B and Local Plan policy ENV4. In addition, Local Plan policy DP6 states that alterations and extensions should be well integrated to their surroundings and in keeping with the original building. Textures and colours of materials should complement the original building. Also relevant to the application were national policy documents, including Scottish Planning Policy and the Scottish Historic Environment Policy.

The Planning Adviser advised the application had been refused by the Appointed Officer on the basis that the proposed profiled metal sheeting would radically alter the character and appearance of the building, and that this change would be harmful to the character and appearance of the Conservation Area. The application was therefore considered to be contrary to the relevant development plan policies.

The Planning Adviser stated that the request for a review had argued that the building was not listed and consent had been granted for other alterations to the building, including removal of timber louvers at first floor level and rendering of the walls, which would alter the character and appearance of the building. It was stated that while removing the existing pantiles would alter the character of the building, there would be no requirement for planning permission for a like-for-like replacement with new pantiles and this would also alter the appearance of the building. It was also argued that new pantiles would not look significantly different from a profiled metal sheet roof and various photos were supplied in support of this argument. No consultations had been carried out on the application by the Case Officer. Objections had been received from the Architectural Heritage Society of Scotland and the Musselburgh Conservation Society.

The Chair invited questions for the Planning Adviser and there were none. The Chair then asked his fellow Members if they wished to proceed to determine this application today and they unanimously agreed to proceed.

Councillor Goodfellow stated that the key factor for him had been the statement made by the applicant that there was no significant difference between a new pantile roof and new profiled metal sheeting. He was unable to accept that claim. He considered there was a considerable difference between the two materials and the difference was sufficient to merit a refusal of planning permission. He was also of the view that the proposal to replace the roof with profiled metal sheeting did not comply with Conservation Area policy and was disturbed to discover on the site visit that the roof had already been removed. Accordingly, he was minded to uphold the original decision to refuse planning permission. Councillor Gillies shared Councillor Goodfellow's view and would also be supporting the decision of the Case Officer.

Councillor Day, having visited the site, considered that a profiled metal sheet roof would fundamentally change the character of the building. While he accepted that a new pantile roof would also change the appearance of the building, he considered that this would weather over time and that the proposed metal sheet roof would change the character of the building to a greater extent. Pantiles would also weather differently. He would therefore be upholding the decision of the Case Officer.

### **Decision**

The ELLRB unanimously agreed to uphold the original decision to refuse the application for the reason given in the Decision Notice dated 24 October 2014:

1. The loss of the existing pantiles from the roof of the building and their replacement with the profiled metal sheeting would radically alter the character and appearance of the building. Such a change would neither preserve nor enhance but would be harmful to the character and appearance of the building and harmful to the character and appearance of the Conservation Area contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP6 of the adopted East Lothian Local Plan and Scottish Planning Policy: June 2014.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.

**2. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 14/00390/P – CHANGE OF USE OF  
VACANT LAND (FORMER MARKET GARDEN) TO USED CAR SALES  
AREA WITH SALES CABIN AND ASSOCIATED WORKS ON LAND AT  
MEADOWMILL, U109 PUBLIC ROAD, MEADOWMILL, TRANENT.**

The Legal Adviser introduced the above application which had been refused by the Appointed Officer. She advised that a site visit had been carried out prior to the meeting and Members had received written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application site was an area of vacant ground at Meadowmill near Prestonpans and the application was seeking permission for a change of use to a used car sales area, with associated works including siting of a sales cabin, the formation of an access and hardstanding, and the erection of fencing and gates.

The Planning Adviser stated that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise; the development plan is the approved Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the adopted East Lothian Local Plan 2008.

He advised that the site is located in an area outwith an existing settlement and designated as countryside in the adopted Local Plan under policy DC1, which generally seeks to restrict development to protect countryside character, while allowing some limited forms of appropriate development. Business use may be acceptable where it is of an appropriate scale and character for its location. A number of other development plan policies were also relevant to the application, including in relation to design, transport and road safety. The site is also within the designated area of the Battle of Prestonpans.

The Planning Adviser stated that the application was refused by the Appointed Officer for two reasons; firstly, on the basis that the proposed development would be an unjustified and inappropriate form of development in the countryside, and secondly, that the size, scale and physical appearance of the development would be harmful to the landscape character and appearance of the area. On both counts the application was considered by the Case Officer to be contrary to relevant development plan policies controlling development in the countryside.

The applicant's request for a review argued that the site does not have a 'countryside' character and that it is brownfield land with a derelict appearance. It was also argued that the impact of the proposed development would be less than that of a previous garden nursery business, which operated successfully on the site without adverse impact. It was further argued that other planning permissions at Meadowmill for business uses had set a precedent for this particular proposal. The visual impact of the development was stated to be minimal and it was claimed that the proposal represented an appropriate business that would maintain the character of the countryside and comply with relevant development plan policies.

In respect of the consultation responses, the Council's Roads Services had raised no objections but recommended conditions regarding access and parking. The Environmental Protection Manager had raised no objection subject to a condition controlling noise levels. Both Historic Scotland and the Council's Archaeology Officer had raised no objections in relation to the designated battlefield and archaeological interests and no objections had been received from the other Consultees.

Public objections received related mainly to the impact on residents at Meadowmill in terms of privacy, amenity, parking, road safety and infrastructure and were included in the papers. There were no further representations received in response to the notice of review.

The Chair invited questions for the Planning Adviser and there were none. The Chair then asked his fellow Members if they wished to proceed to determine this application today and they unanimously agreed to proceed.

Councillor Goodfellow stated that the key issue for him was the scale of the operation proposed. He was aware that there was a business located to the east of the application site, but he considered that that business was small and did not have a negative impact on the area. However, in his view, a used car business would be a much larger business and would not meet the criteria stated in policy DC1 as it would be harmful to the character and appearance of the area. He did not accept the claim by the applicant that the site was '*a small piece of residual brownfield land*', and he was concerned that it would create a dangerous precedent to grant planning permission to this application. He would therefore vote to uphold the original decision.

Councillor Gillies, having considered the submissions of both the applicant and the Appointed Officer and having visited the site, stated that he too would be supporting the decision of the Case Officer.

Councillor Day stated that, while he had some sympathy with the applicant, the terms of Policy DC1 made it clear that the proposed development was not appropriate for this site. He stated that the integrity of policy DC1 must be preserved and that the Local Development Plan process would be the correct way to change the site's policy designation.

### **Decision**

The ELLRB unanimously agreed to uphold the original decision to refuse planning permission for the reasons set out in the Decision Notice dated 5 September 2014.

1. The proposed used car sales business would be an unjustified and inappropriate form of development within the East Lothian countryside, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008.
  
2. The used car sales business, by virtue of its size, scale and physical appearance would be harmful to the landscape character and appearance of the area, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.