



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

**TUESDAY 19 APRIL 2016
CORN EXCHANGE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
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 J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Mr D Proudfoot, Head of Development
Mr I McFarlane, Service Manager - Planning
Ms M Ferguson, Service Manager – Legal and Procurement
Mr K Dingwall, Principal Planner
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Mr D Irving, Senior Planner
Ms T Barson, Management System & Admin Officer
Ms C Molloy, Legal Team Leader
Ms J Mackay, Media Manager

Clerk:

Ms F Currie (Items 1 – 4)
Mrs F Stewart (Items 5 – 9)

Visitors Present:

Item 3 – Mr C Main, Mr M Park, Mr N Laird
Item 4 – Mr A Fleming, Mrs D Main, Mr R Kay, Mr T Drysdale
Item 5 – Mr M Richardson
Item 9 – Mr K Macdonald

Apologies:

Councillor J Caldwell

Councillor K McLeod

Declarations of Interest:

None

The Convenor invited Iain McFarlane, Service Manager - Planning, to advise Members of a proposed change to the published agenda.

Mr McFarlane advised that a late representation, received 4 days before the Committee meeting, had raised a number of issues relating to the Appropriate Assessments for planning applications 15/01022/PCL and 16/00023/PCL (Items 6 and 7 on the agenda). While he did not consider the assessments to be necessarily deficient, it was important that officers have the opportunity to consider the representations in detail. Mr McFarlane sought Members' agreement to defer consideration of these applications.

Councillor Currie expressed his disappointment at this proposal but given the level of public concern he acknowledged the importance of ensuring that all relevant matters had been addressed. He also requested that officers provide further visualisations for both sites.

The Committee agreed unanimously to defer consideration of planning applications 15/01022/PCL and 16/00023/PCL to a future meeting.

1. MINUTES FOR APPROVAL

The minutes of the meeting of the Planning Committee of 1 March 2016 were approved.

2. PLANNING APPLICATION NO. 16/00068/P: CONSTRUCTION OF AN ANAEROBIC DIGESTER PLANT, COMBINED HEAT AND POWER PLANT, ERECTION OF BUILDINGS, FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS ON LAND AT STANDALANE, NEAR BALLENCRIEFF, EAST LOTHIAN

A report was submitted in relation to Planning Application 16/00068/P. Daryth Irving, Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application. Mr Irving then advised Members that the applicant's agent had submitted a letter requesting some changes to the recommended conditions 3 and 5 in the report. He outlined the substance of these proposed changes - an amendment to condition 3 and the removal of condition 5 - and confirmed that neither the Council's Environmental Health Service nor SEPA had raised any objection.

In response to questions from Members, Mr Irving advised on the revised landscape plan, water extraction from the site and arrangements for on-site deliveries. He confirmed that any proposals for a change to delivery times, as outlined in the Travel Management Plan required by recommended condition 9, would require a further planning application.

Several Members raised concerns about the late submission of these proposed changes to the conditions and argued that the Committee should be allowed additional time to consider the implications of these changes before reaching a decision.

Mr McFarlane pointed out that the Members had the authority to amend any of the proposed conditions as part of their consideration of an application and that this did not necessarily preclude them from making a decision that day.

Councillor Currie moved that the application be continued to a future meeting to allow Members, officers and those who have made representation time to consider the applicant's suggested amendments to the proposed conditions.

Councillor Day seconded the motion.

The Convener moved to the vote on the motion:

For: 14

Against: 0

Abstentions: 2

Decision

The Committee agreed to continue the application to a future meeting.

3. PLANNING APPLICATION NO. 15/01035/P: CHANGE OF USE FROM PUB/RESTAURANT/MANAGER'S FLAT AND PUB GROUNDS TO FORM 1 HOUSE AND DOMESTIC GARDEN GROUND AT 2 RAVENSHEUGH ROAD, MUSSELBURGH

A report was submitted in relation to Planning Application 15/01035/P. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

The Convener referred Members to a written statement submitted by Councillor Caldwell prior to the meeting. In it Councillor Caldwell raised concerns about the current application and referred to a second, pending application for this site. He proposed the withdrawal of this application to allow both applications to be brought together to the Committee for consideration at a later date.

Mr McFarlane advised that, in his view, there was nothing to prevent this application being considered individually on its merits and that such a decision would not prejudice the Committee's consideration of any subsequent application for this site. Referring to Councillor Caldwell's concerns about the historic nature of the building, he confirmed that there would be no change to the west gable and the window of the former pub that had historically been used to serve golfers as a result of this application.

The Convener sought support for Councillor Caldwell's motion and, none being forthcoming, the motion fell.

Mr Craig Main of EMA Architecture & Design Ltd, agent for the applicant, acknowledged the public interest in this site and its historic nature. He indicated that previous owners had been unable to make it a viable business and there had been no interest in its sale as a pub/restaurant. Part of the property was already used as a residence and private garden and the application would secure the future of the building. He added that the present application did not preclude a future request for a change of use back to a pub/restaurant.

Mr Mungo Park spoke against the application. He urged refusal of the application as, in his view, it would remove Mrs Foreman's link with the golf course and threaten the historic nature of the site. He said that the gable end and boundary wall were important historical features and that the proposed conditions needed to be robust enough to withstand legal

challenge should the applicant choose to seek their alteration or removal. He added that there had been significant interest from abroad in preserving Mrs Foreman's as a historic site for golf tourism but as they had only lately become aware of the proposals for the site no firm offer of purchase had been made.

Mr Neil Laird spoke against the application. He advised Members that Mrs Foreman's had been confirmed as the oldest golf pub in the world and that it should be protected as a site of historic golfing interest. He indicated that the change of use would place a private residence close to the course and, without the existing protection, the Council could face financial liability for any damage sustained as a result. He said that the pub could be viable if properly run and that there was money available to maintain the property for 'the public good'.

Mr McFarlane clarified the position in relation to the retention of the hedge and boundary wall indicating that this was provided for under the recommended condition 3.

Local Member Councillor Currie said that he had considered the matter carefully and could find no planning reasons for the refusal of this application. He pointed out that the property had been for sale for almost 2 years without sign of a buyer and that the proposed conditions would safeguard the site's historic features. He would be supporting the application.

Local Member Councillor Forrest said that, while it was unfortunate that Mrs Foreman's had closed, it was important that the property should not be left empty and allowed to deteriorate. This proposal would ensure that the building was maintained. He would be supporting the application.

Local Member Councillor McNeil acknowledged the local and historical interest in the site and concerns regarding the retention of its historic features. However, he accepted that if the business was no longer viable a change of use was appropriate. He would be supporting the application.

Councillor McMillan welcomed the speakers' enthusiasm and said it was unfortunate that a viable business proposal had not come forward in time to prevent this application. He hoped that it may still be possible to explore this option, regardless of the Committee's decision, and for that reason he would abstain from the vote.

The Convener brought the discussion to a close. He observed that as no one had come forward with any alternative proposal for the site it would be wrong not to approve an application which would safeguard the future of the building. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 15

Against: 0

Abstentions: 1

Decision

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

- 1 No development shall take place until the applicant has, through the employ of an archaeologist or historic buildings specialist, secured the implementation of a programme of archaeological work (historic building survey (basic)) on the building hereby approved to be converted to form 1 house in accordance with a written scheme of investigation which the applicant shall submit to and have approved in advance by the Planning Authority.

Reason:

To record upstanding historical archaeological remains and to determine any further areas for more detailed recording.

- 2 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 further windows or other openings shall be formed in the west gable elevation of the house hereby approved to be formed through the conversion of the existing building, other than those already formed in that elevation, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the amenity of the occupiers of the proposed house.

- 3 The west boundary wall of the site shall be retained in situ and maintained at its existing height of some 1.7 metres and the cypress hedge that is immediately to the east side of that boundary wall shall be retained in situ and maintained at a minimum height of 4 metres above the ground level of the site on which it is planted and the thickness of the hedge shall be maintained at a minimum of 4 metres.

In the event that the existing hedge, dies, becomes seriously damaged or diseased it shall be replaced in the next planting season with mature hedge plants of the same or similar species to establish a hedge of the same length, height and thickness as specified in this condition. Details of the replacement hedge plants shall be submitted to and approved in writing by the Planning Authority prior to their planting and thereafter the replacement hedge shall be maintained in accordance with the requirements set out above.

Reason:

In the interests of safeguarding the amenity of the occupiers of the proposed house.

4. PLANNING APPLICATION NO. 15/00760/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT THE FORMER FIRE SERVICE TRAINING SCHOOL, GULLANE

A report was submitted in relation to Planning Application 15/00760/PPM. Mr Irving presented the report, summarising the key points. The report recommendation was to grant consent for the application.

Mr Irving, Mr McFarlane and Grant Talac, Transportation Planning Officer, responded to questions from Members on a variety of issues including arrangements for site access, drainage/flooding prevention proposals, the inclusion of business units and contributions for education and health services.

Councillor Goodfellow asked whether it would be competent to propose an amendment to condition 2(ii) to ensure delivery of 25% affordable housing on site. The Convener stated that justification would be required for such a change in policy. Instead, he gave a commitment that any proposal to deliver affordable housing off site would be referred to Council for a decision.

Mr Andrew Fleming of Barton Willmore, agent for the applicant, outlined the details of the application including the public consultations and rationale for settling on the proposed residential development. He indicated that the applicant had considered the importance of retaining Hamilton House and to the issues surrounding access, and had agreed to the assessed education contribution and to the delivery of 25% affordable housing. He concluded that the site location and local facilities supported the proposed development.

In response to questions from Members Mr Fleming confirmed that the applicant had no issue with the provision of 25% affordable housing on the site. The inclusion of business units and opportunities for tourism had been looked into but were not considered viable. He added that very few local jobs were lost at the closure of the school as most employees came from out with East Lothian.

Mrs D Main spoke against the application. She was concerned that the proposed link path through Garleton Court would be used as a safe route to school. She said that the constant flow of traffic and parked cars on either side of the street would present significant dangers to children as well as them having to cross a main road. She also raised the issue of potential flooding and sought assurances that effective drainage would be in place to ensure that existing properties were not flooded as a result of this and other proposed developments in the area.

Mr R Kay spoke against the application. He stated that this development was one of four being proposed for Gullane and that it should be considered in relation to these other developments rather than in isolation. He referred to the potential impact on facilities such as the GP surgery and said that too much development too quickly would be detrimental to community life within the village.

Mr Tom Drysdale of Gullane Area Community Council spoke on the application. He said that while the Community Council did not object to the application they did have some concerns. These centred on three issues: the inclusion of a limited number of business units within the site, delivery of the 25% affordable housing on site and that due to significant safety concerns a condition be added to ensure that Muirfield Drive was not used for construction access to the site.

Local Member Councillor Day referred to the site's inclusion in the Main Issues Report (MIR) and Local Development Plan (LDP) but said that his colleagues were right to raise concerns about access, traffic management, drainage and affordable housing. He hoped that officers would take on board these comments and he would be supporting the application.

Local Member Councillor Goodfellow commented on the importance of resolving the drainage issues and said he was reassured by officers' advice. He welcomed the Convener's commitment on affordable housing and he would be prepared to support the application on that basis.

Local Member Councillor Berry commented that not enough consideration had been given to business opportunities and to other developments proposed for the village. He also expressed concern about the impact on the village should the developer fail to deliver 25% of affordable residential units on site. He indicated that he could only support the application if the proposed conditions were amended to ensure this point. He therefore moved that condition 2(ii) of the recommended Section 75 agreement be amended by deleting the remainder of the wording after "...affordable residential units..."

The Convener cautioned Members against amending the Section 75 agreement and changing the policy and practice of many years. He reminded them of his previously given commitment that any failure to deliver 25% affordable housing on site would be referred to Council.

Councillor Currie seconded the motion. He added that no Convener could give a commitment beyond their term of office and this site would be developed over a number of years. He noted that the developer appeared committed to delivering affordable housing on the site and he would be supporting the application subject to the amended condition.

Councillor Innes was concerned that Members were making too much of the issue. He said the policy was in place to provide for commuted sums in situations where developers did not consider the site attractive for affordable housing. However, he was confident it would be delivered on this site.

Councillor McMillan concurred with Councillor Berry's views on the lack of innovative and creative thinking around the business development opportunities within the site. Contrasting

this with a previous application, he said he would have welcomed further assessment of these matters.

Following further clarification from officers regarding link paths and drainage issues the Convener brought the discussion to a close. He added that any continuing concerns about transport or drainage issues could be addressed when considering the application for detailed planning permission. In the meantime, he would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the amendment to condition 2(ii) of the Section 75 agreement – deleting the remainder of the wording after “...affordable residential units...”

For: 16
Against: 0
Abstentions: 0

The Convener then moved to the vote on the report recommendation (to grant consent):

For: 16
Against: 0
Abstentions: 0

Decision

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

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:
 - (i) secure from the applicant a financial contribution to the Council of £1,843,229 (£14,745.83 per residential unit) towards the provision of additional capacity at Gullane Pre-School, Gullane Primary School and North Berwick High School;
 - (ii) secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units; and
 - (iii) secure from the applicant a financial contribution to the Council of £45,000 for the provision of additional play equipment and/or for some other enhancement of the play area at Recreation Park, Muirfield Terrace, Gullane.
3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Gullane Pre-School, Gullane Primary School and North Berwick High School, a lack of provision of affordable housing and a lack of formal play provision, contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Masterplan docketed to this planning permission in principle, but additionally shall comply with the following design requirements:
- a. The residential units shall be predominantly two storeys in height and no higher than three storeys in height and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;
 - b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;
 - c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
 - d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
 - e. Notwithstanding that shown in the Indicative Masterplan docketed to this planning permission in principle, there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;
 - f. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;
 - g. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;
 - h. driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
 - i. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
 - j. vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
 - k. cycle parking be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;
 - l. the proposed development shall be carried out in strict accordance with British Standard BS5837_2012 "Trees in relation to design, demolition and construction ~ Recommendations' sections 4, 5, 6, 7 and 8 and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 2 No more than 125 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority the annual completion rates shall be those set out by the applicant, i.e. 43 in year 2016/2017, 30 in year 2017/2018, 22 in year 2018/2019, and 30 in year 2019/2020 and any slippage in any single year shall revert to year 2020/2021 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall be generally based on the landscape proposals shown in principle on the docketed Indicative Masterplan and shall otherwise fully accord with requirements of Condition 11 above.

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

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 ten 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.

- 4 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 5 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 6 Prior to the occupation of any of the residential units hereby approved:

a. an uncontrolled pedestrian crossing point shall be formed on Muirfield Drive to provide a suitable safe pedestrian link to provide connectivity and access to Gullane Primary School from the proposed development;

b. a continuous 2 metre wide footway shall be provided on the east side of Muirfield Drive along the entire length of the site frontage;

c. a continuous 2 metre wide footway shall be provided on the west side of the C111 public road from its junction with the A198 (Main Street) to the pedestrian access link into West Fenton Gait; and

d. raised table junctions shall be formed at the vehicular access junctions from the site with Muirfield Drive;

Details of the new uncontrolled pedestrian crossing point, continuous 2 metre wide footways on the east side of Muirfield Drive and west side of the C111 public road and the raised table junctions shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 7 The discharge of surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall provide for two levels of treatment.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 8 The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required. Any such remedial measures shall be fully implemented prior to the occupation of any of the residential units, unless otherwise approved in writing by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the residential units.

- 9 Prior to the commencement of development the applicant, through the employ of a licensed bat worker or suitably experienced ecologist shall undertake a bat survey of all of the buildings the subject of this application in accordance with a survey plan to be submitted to and approved in advance by the Planning Authority. The survey should be carried out in accordance with recognised guidelines for example those produced by The Bat Conservation Trust: Bat Surveys - Good Practice Guidelines, 2007, or guidelines from another recognised ecological organisation.

A copy of the survey report shall be submitted to the Planning Authority within a period of one month following the date of completion of the survey, for approval by the Planning Authority.

The bat survey shall make recommendations about any existence or possibility of bats roosting on site, any measures that need to be implemented to mitigate against the loss of bat roosts and a timescale for the implementation of any mitigation measures. Within the approved timescales the measures to mitigate against the loss of bat roosts shall be fully implemented in accordance with the details so approved. Once implemented, those measures to mitigate against the loss of bat roosts shall be permanently retained unless with the prior approval of the Planning Authority. Mitigation may include installation of bat boxes, recommendations on landscaping and other measures.

Reason:

In the interests of nature conservation.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

5. PLANNING APPLICATION NO. 15/00127/PP: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, COVERED PARKING, FORMATION OF NEW VEHICULAR ACCESS AND EXTENSION TO CAR PARK ON LAND AT THE GLEBE, ST MARGARET'S ROAD/ST ANDREW'S STREET, NORTH BERWICK

The Chair advised that the applicant had indicated that he would like consideration of his application to be deferred to a future meeting of the Planning Committee.

The agent for the application, Mr Mark Richardson, confirmed that his client wished to withdraw his application from today's meeting and resubmit it to a future meeting. He advised that, following the site visit on Friday 15 April, further discussions on the application were taking place.

Decision

The Committee agreed to defer consideration of this application to a future date.

6. PLANNING APPLICATION NO. 15/01022/PCL: CHANGE OF USE OF BEACH AREA TO FORM EXTENSION TO EXISTING CAR PARK AT MARINE PARADE, NORTH BERWICK

The Committee had earlier agreed to defer consideration of planning applications 15/01022/PCL and 16/00023/PCL to a future meeting.

Decision

The Committee agreed to defer consideration of this application to a future date.

7. PLANNING APPLICATION 16/00023/PCL: CHANGE OF USE OF GRASSED AREA TO FORM CARPARKING AREA AT TANTALLON TERRACE, NORTH BERWICK

The Committee had earlier agreed to defer consideration of planning applications 15/01022/PCL and 16/00023/PCL to a future meeting.

Decision

The Committee agreed to defer consideration of this application to a future date.

8. PLANNING APPLICATION NO. 15/00966/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00632/PPM – ERECTION OF 120 HOUSES, 20 FLATS AND ASSOCIATED WORKS, FERRYGATE FARM, NORTH BERWICK

A report was submitted in relation to Planning Application No. 15/00966/AMM. Keith Dingwall, Principal Planner, presented the report and summarised the key points. He also advised that, in November 2015, following an appeal to the Scottish Government, planning permission in principle had been granted for this development. The report recommendation was to grant consent.

In response to questions from Councillor Berry, Mr Dingwall advised that there would be no vehicular access on Gas Works Road; vehicular access would be via Dirleton Road. He added that the need for traffic calming measures would have been considered as part of the application for planning permission in principle. The proposal today complied with the master plan for this development.

Councillor Goodfellow raised a number of points and Mr Dingwall provided a history of planning applications for the site and clarified the position in relation to the developer's education contribution and delivery of affordable housing.

Mr Dingwall also confirmed that a pedestrian access (past Williamson Farm) into North Berwick and a safe route to school would be provided.

Councillor Day enquired if the developer had control of land to the south of the site and a representative from Miller Homes advised that the company had an option on this site until April 2017 and that the boundary between the two areas of land consisted of a hedgerow.

Councillor Goodfellow asked if the development would consist of only 1 and 2 bedroom houses and was advised that there would be one and two bedroom houses and that some units may be increased to 3 bedrooms.

There were no speakers on behalf of the application or against the application.

Local Member Councillor Day stated that he would not be supporting the application. He was concerned that a development of this scale was being considered following planning consent being given to other developments in the area. He was also concerned that there was no defensible boundary to the development.

Councillor Goodfellow advised that the local community was not in favour of a development at Ferrygate Farm. He also considered that the need for 3 bedroom homes had not been addressed in the application, which did not reflect either the wishes or the needs of North Berwick. He would not be supporting the application.

Councillor Berry was in total accord with his colleagues, stating that Ferrygate Farm was the wrong place for this development.

Councillor Currie noted that 25% of the proposed homes would be affordable housing and that the ratio of different sized units had been discussed with Council Housing Officials. He acknowledged that there were Members who did not like the proposals, but pointed out that that was not sufficient grounds to refuse the application. He also pointed out that a number of applications refused by the Committee had been overturned by the Scottish Government. In his experience, applications for such large developments were generally not well received, but he asked how affordable housing could be delivered for East Lothian without these developments. He would be supporting the application.

Councillor Innes stated that he too would be supporting this application, but for a different reason. He stated that the Reporter had already taken a decision on the application and so the Committee was bound to support the application. However, in his view, there needed to be further discussions on the mix of houses proposed, in order to better serve the needs of the community.

Councillor Grant stated that he understood the concerns of Local Members. However, he considered that the Committee had no choice but to support the application and he too hoped that the mix of homes on the site could be reviewed.

The Convener moved to the vote on the report recommendation (to grant consent):

For: 13

Against: 3

Abstentions: 0

Decision

The Committee agreed to grant consent to the application 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 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 promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. 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 Notwithstanding that shown on the drawings docketed to this approval, the boundary enclosures shown on those drawings are not hereby approved. Instead, and prior to the commencement of development, revised details of all boundary enclosures to be erected on the application site, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

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 provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 4 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.

- 5 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) vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and shall have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles; and

(ii) cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

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

Reasons:

In the interests of road and pedestrian safety.

- 6 The discharge of surface water to the water environment shall be in accordance with the principles of the SUDS Manual (C753) published by CIRIA.

Reason:

In the interests of the local water environment.

- 7 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and as detailed on drawing 'Tree Protection Plan' numbered '1842/07' has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in situ, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Protection Plan' numbered '1842/07', shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on

sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

9. PLANNING APPLICATION NO. 15/00916/P: CHANGE OF USE OF SHOP (CLASS 1) AND AREA FOR PREPARATION OF FOOD FOR DISTRIBUTING OFF PREMISES TO HOT FOOD TAKEAWAY AND INSTALLATION OF EXTRACT DUCT AT 5 HIGH STREET, NORTH BERWICK.

A report had been submitted in relation to Planning Application No. 15/00916/P. Mr McFarlane presented the report and summarised the key points. The proposed decision set out in the report was for refusal of the application.

There were no questions from Members on this application.

Keith MacDonald, agent for the applicant, stated that the property met all stated criteria and no objection had been received from the Community Council. His client noted the parking concerns, but restrictions were enforceable. The Planning Officer had refused the application as it failed to comply with policy ENV2 which states that changes of use of retail units would only be acceptable where the Council was satisfied that a retail use was no longer viable. Mr MacDonald advised that the premises had been marketed for longer than the minimum 3 months normally required by the Council to evidence this and the previous owner confirmed that no offers had been made for the property prior to interest being expressed by his client. Mr MacDonald therefore considered that policy ENV2 had been complied with and added that the market for takeaway food in North Berwick was sufficiently buoyant to support his client's business.

Local Member Councillor Berry would be not supporting the report recommendation. He stated that he had no objection to the operation of a hot food takeaway business on these premises and that the shop had lain empty for two years. He had called the application off the Scheme of Delegation in order that the Committee could make an assessment of the application as the Council had received complaints about venting at such units in the past. He did not agree that the terms of policy ENV2 had not been complied with in respect of the marketing of the property as a retail unit.

Local Member Councillor Goodfellow also would not be supporting the report recommendation. He acknowledged that hot food takeaways can sometimes be known as bad neighbour developments, but only 4 objections had been received to this application, mainly concerned with the narrowness of the pavement. There had been no significant record of traffic problems outside this business and he had no reason to expect that this would change. He noted the Case Officer's reason for refusal but he had been aware that the premises had been for sale for considerably longer than 3 months and was content to accept that as evidence that the premises had been marketed.

Local Member Councillor Day agreed with his colleagues. He also pointed out that the previous business at these premises had operated for a number of years with no complaints.

Councillor Currie advised that this property had been marketed by Paris Steele for at least 18 months. It had been advertised on its website and had featured on its board on the High Street. He stated that the business would provide employment in the area and pointed out that the issue of the narrow pavement would apply equally to all businesses in the High Street. He would therefore not be supporting the report recommendation.

Councillor McMillan had observed that this was the only empty premises currently on the High Street. In his view, it added to the amenity of the area and would be particularly popular during the Fringe on the Sea festival. He too, therefore, would not be supporting the report recommendation.

The Convener brought the discussion to a close and moved to the vote on the report recommendation (to refuse consent):

For: 0
Against: 16
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Convener/local Members and officers.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee