



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

**TUESDAY 7 FEBRUARY 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor D Berry  
Provost L Broun-Lindsay  
Councillor S Brown  
Councillor J Caldwell  
Councillor T Day  
Councillor A Forrest  
Councillor J Gillies  
Councillor J Goodfellow  
Councillor W Innes  
Councillor P MacKenzie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J McNeil  
Councillor T Trotter  
Councillor J Williamson

**Other Councillors Present:**

Councillor M Veitch (Item 2)

**Council Officials Present:**

Ms M Ferguson, Service Manager – Legal and Procurement  
Mr I McFarlane, Service Manager – Planning  
Ms E Wilson, Service Manager – Economic Development and Strategic Investment  
Ms A Stewart, Housing Enabler  
Ms S McQueen, Planner  
Ms E Clelland, Planner  
Mr G Talac, Transportation Planning Officer  
Ms C McMonagle, Graduate Planner  
Ms P Bristow, Communications Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr C Main, Mr C Lynes, Ms G Tait, Mr W Hume, Ms J Bell  
Item 3 – Mr M Atton, Mr R Evans, Mr D Hill, Ms L Rae, Mr E Clark  
Items 4 and 5 – Mr S Stewart

**Apologies:**

Councillor S Currie  
Councillor D Grant

**Declarations of Interest:**

None

**Valedictory**

Councillor Day led Members' thanks to Morag Ferguson, who would shortly be leaving the Council, for her invaluable service to the Planning Committee over many years.

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 10 JANUARY 2017**

The minutes of the meeting of the Planning Committee of 10 January 2017 were approved.

**2. PLANNING APPLICATION NO. 16/00633/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 12/00553/PPM – ERECTION OF 78 HOUSES, 12 FLATS AND ASSOCIATED WORKS AT LAND ADJACENT TO BEVERIDGE ROW, BELHAVEN, DUNBAR**

A report was submitted in relation to Planning Application No. 16/00633/AMM. Iain McFarlane, Service Manager – Planning, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Members Mr McFarlane clarified matters regarding the pumping station, advising that this was required in association with the SUDS system. Regarding questions about the additional affordable housing information he stated that the applicant had prepared this for the assistance of Members. In relation to queries about total acreage allocated for this purpose he indicated that the Council's required percentage of 25% of units did not necessarily relate to the same percentage of land.

Craig Main of EMA Architects, agent for the applicant, outlined the proposal, stating it would provide a new and more appropriate gateway to the village and protect against coalescence. SEPA had withdrawn their previous objection to the development subject to appropriate conditions. There would be 90 new homes, 23 of which would be affordable housing. A significant educational contribution would provide expanded school accommodation with safer routes to school and a new footpath connection. The open space would be 2,000 square metres in excess of the requirement. The application satisfied all the requirements of the planning permission in principle.

Mr Main and colleagues responded to questions from Members. Regarding the SUDS system Mr Main stated that the design of the SUDS basin was more than adequate; it met all the usual standards required. Further details regarding the drainage process were also provided. Details of the mix of housing units was provided as requested. Members were advised that CALA had assessed this site and its marketability and decided on this mix. The planning permission in principle had capped the number of units at 90. Regarding the footway and existing verge wall, Mr Main indicated that it was the intention to create a footpath at their side of the development and rebuild the stone wall. He indicated that if permission were to be granted work would commence imminently.

Jacque Bell, speaking against the application on behalf of Dunbar Community Council and West Barns Community Council, raised numerous concerns. She referred to the planning process regarding this development. This was a historic site of prime agricultural land separating Belhaven and West Barns. The Main Issues report stated that this land should

not be developed. She referred to the loss of wildlife habitats. She drew attention to flooding and drainage concerns. She highlighted traffic concerns. The development would add to pressures on the health service and other services. She urged rejection of this application.

Local Member Councillor Veitch stated that he could not recall a planning application that had generated such widespread opposition in the community. The Scottish Government's decision to grant the appeal against non-determination was a rebuke to local democracy. The two distinct communities of Belhaven and West Barns would be merged. He accepted that planning permission in principle had, regrettably, been granted but there were many unresolved issues. Flooding: SEPA's comments, far from being reassuring, outlined a troubling narrative. Traffic: the inability of local roads to cope. The number of conditions: there were 18 detailed conditions, this was of serious concern. In addition the wildlife habitat should be investigated; he made reference to the sighting of rare birds in the area. He urged the Committee to reject this application as there were still too many unresolved concerns.

The Convener, speaking as a Local Member, agreed this was a controversial application and had met with local opposition. The decision however to grant consent had been made by the Reporter, the principle of development had been accepted and the Committee could not object to this; the site was now in the Local Development Plan and would be delivered. He cautioned that unless Members had strong evidence to go against this application any decision against would be appealed. There were a large number of conditions attached to the grant of permission but this was to ensure that the application was delivered as it should be. There were traffic concerns, this development would create more traffic; he would like an extra condition added regarding the road at the extreme south end, the emergency road, to make this a through route and also for Beveridge Row to be restricted to a one-way street.

Grant Talac, Transportation Planning Officer, was asked to comment. He advised that Road Services had standards to adhere to when looking at a development; this development had a singular access point as 90 units did not merit the need for more than one access to the development. If there was an additional condition Road Services would not necessarily have issues but it was currently deemed an emergency route and would be safeguarded through the Roads Construction Consent process.

Mr McFarlane advised there were two issues to consider, practicality then process and principle. Regarding the first issue the key question was whether there would be further significant development in the area where traffic was congested at traffic lights. Secondly, as outlined in the report, the principles of access had been determined by the planning permission in principle application, accordingly in the detail of this application it was not appropriate or competent to use a condition to change the access to the development. Morag Ferguson, Service Manager – Legal and Procurement, agreed with Mr McFarlane; a change to the access was a fundamental change to the application from that approved at the earlier stage.

The Convener remarked that he was not proposing to change the current access but rather to insert an additional condition to reduce the traffic on Beveridge Row by changing an emergency access into a permanent route into the development.

Councillor Day asked for a comment from the agent; Mr Main stated that in principle this was accepted provided the 10 metre stipulation regarding parking areas was safeguarded.

Ms Ferguson advised that the second part of the Convener's proposal, to make Beveridge Row a one-way street, was not competent as part of a planning condition, it would require a Traffic Regulation Order. The Convener indicated he would set aside this aspect.

The Convener asked the Committee to accept this extra condition and requested a seconder for his amendment; Councillor Williamson seconded the amendment. Mr McFarlane added

that if the amendment was accepted by the Committee he would suggest replacing condition 18 with an appropriately reworded condition rather than inserting an extra condition:

Notwithstanding that which is shown in the drawings hereby approved, the emergency access as shown in the southeast corner of the site shall be formed as a full road access to the road running from that corner to the northwest corner of the site, all to details, including the trigger point for the completion and bringing into use of the road, to be submitted and approved in advance by the Planning Authority in consultation with the Roads Authority.

Thereafter the access so approved shall be completed and brought into use in accordance with the details so approved.

Reason:

In the interests of road safety and the good planning of the area.

The Convener stated that the vote on the amendment would be taken at the end of the debate.

Councillor MacKenzie made reference to the drainage aspect of the site but noted that following revision the assessment provided indicated no threat of flooding. He made comments regarding the Design Standards for New Housing Areas. He was sympathetic to Councillor Veitch's comments on wildlife habitats. With the conditions proposed however he was confident that the application could go forward.

Councillor Goodfellow expressed discomfort with this application. He referred to the gateway nature of the site into Belhaven and to the type of proposed properties at this point. The gateway aspect of all new developments in East Lothian needed to be looked at very carefully. He commented that the decision to grant consent for planning permission in principle had been taken away from the Committee, by the Reporter. He made reference to the percentage of land allocated for affordable housing as against the percentage unit allocation, stating that the Council's Affordable Housing Policy needed reviewed.

Councillor Innes appreciated Members' concern regarding this application and the strength of local feeling. The site had however been granted consent by the Scottish Government, against local opinion. It was clear that there were still many local concerns about this application. Looking at the number of conditions there were many issues to be resolved. He could however find no concrete reason to oppose the application. He supported the Convener's amendment and with this, he would be supporting this application.

The Convener moved to the vote on his amendment, seconded by Councillor Williamson.

For: 16

Against: 0

Abstentions: 0

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

For: 14

Against: 0

Abstentions: 2

### **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 buildings shown in relation to the finished ground and floor levels on the site.

The above mentioned details shall show the finished floor levels of the houses, flats and garages to be erected on the site to be set at a minimum of 4.74mAOD and such levels shall be maintained unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area and in the interest of the prevention of flood risk.

- 2 No development shall take place on the site unless and until the following details have been submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency:

- o Details of an investigation into the existing 300mm culvert located under the site to be included within an updated Flood Risk Assessment.
- o Details of replacement of the existing 300 mm drain, which shall include for it being replaced on a like for like basis and rerouted if required so that it is located to the west of the proposed housing and is outwith all house plots
- o Provision of a new drain to be installed to the south of the proposed built development which will link to a replacement drain along the western edge of the application site as indicated on drawing FIELD01 "Existing and proposed field drain layout" docketed to this approval of matters specified in conditions.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the prevention of flood risk.

- 3 No development shall take place on the site unless and until details of the play equipment, the surfacing and the enclosures of the play area to be provided on the site and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved

Reason:

To ensure the provision of adequate play provision within the development.

- 4 The external finishes of the houses and flats 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 and flats, 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 and flats 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.

- 5 Notwithstanding the drawings docketed to this approval, the first floor windows/glazed doors to be installed in the east side elevation and in the southernmost elevation of the house to be erected on plot 16 of the development hereby approved and the first floor windows/glazed doors to be installed in the west side elevation and in the southernmost elevation of the house to be erected on plot 12 of the development hereby approved shall all be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on these

houses. The obscure glazing of those windows/glazed doors shall accord with the sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of adjoining residential properties.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than those hereby approved which are to be obscurely glazed in accordance with the condition above shall be formed at first floor level within the east side elevation or the southernmost elevation of the house to be erected on plot 16 of the development hereby approved or at first floor level within the west side elevation or the southernmost elevation of the house to be erected on plot 12 of the development hereby approved unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the adjoining residential properties.

- 7 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.

- 8 No development shall take place on the pumping station unless and until details of all structures, equipment and enclosures to be erected in and around it have been submitted to and approved by the Planning Authority. Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

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

- 9 Notwithstanding that shown on the drawings docketed to this approval, the boundary enclosures for the front garden areas of the houses and flats hereby approved and for the enclosure of communal area shall be as detailed on drawing no. 12-01d 'Landscape Proposals' and the rear gardens of the houses shall be enclosed by 1.8 metre high enclosures in accordance with details, including timescales for their provision, which 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 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.

- 10 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.

- 11 Prior to the commencement of development a construction method statement shall be submitted to and approved in writing by the planning authority. This shall recommend mitigation measures to control construction traffic and shall include hours of construction work.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the method of construction is designed to take account the interests of road safety.

- 12 Prior to the occupation of any residential unit a Green Travel Plan (GTP) shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority. The GTP shall have

particular regard to provision for walking, cycling and public transport access to the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The GTP shall thereafter be implemented in accordance with the details so approved.

Reason:

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

13 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 proposed accesses junction onto the A1087 shall be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6. Details to be submitted for approval;

(ii) An independent road safety audit shall be undertaken for the proposed access junction onto the A1087. Details to be submitted for approval;

(iii) Raised tables shall be constructed at all road junctions within the site as Illustrated on Drawing No: 16104(PL)001D;

(iv) Vehicle access's 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.

(v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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.

(vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

(vii) 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.

14 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in West Barns.

(ii) A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in Dunbar. This shall include the site frontage and also along the Southern verge of the A1087 between Beveridge Row and Brewery Lane.

(iii) The emergency access / pedestrian cycle link should be extended to tie into the existing footway that leads under the East Coast Mainline on Beveridge Row.

(iv) Pedestrian safety barriers shall be installed at the Beveridge Row end of the footpath between the 2 existing houses as indicated on drawings docketed to this approval of matters specified in conditions to stop pedestrians walking or cycling directly onto a live carriageway.

(v) The Bus stop to the west of the new access road on the A1087 shall be relocated to allow the new footway to West Barns to be constructed. If a relocation is not possible then the bus stop shall be changed to a cantilever style stop with details to be submitted for approval;

(vi) A dropped kerb crossing shall be required over the A1087 so that pedestrians using buggies etc can cross the road to get access to bus stops and walking to beach. There is an existing hole in the wall on the North Side of the A1087 and it could be placed in close proximity to this.

Reason:

In the interests of road and pedestrian safety.

- 15 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a comprehensive scheme of landscaping which shall 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 shall be submitted. The scheme shall 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, proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large scale landscape trees planted at approximately 10 metre intervals along the western boundary of the site.

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 five 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.

- 16 The maintenance of all communal landscape areas shall be adopted by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved. The following details shall also be submitted to and approved by the Planning Authority prior to the occupation of any residential unit hereby approved:

A detailed landscape specification and a revised communal landscape plan clearly detailing all communal areas to be maintained by a Factor or Residents Association.

Thereafter, all landscaping approved for the communal areas shall be retained and shall not be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of communal landscaping on the site in the interest of amenity.

- 17 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 in a revised Tree Protection Plan to be submitted to and approved in advance by the Planning Authority 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.

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.



- 18 Notwithstanding that which is shown in the drawings hereby approved, the emergency access as shown in the southeast corner of the site shall be formed as a full road access to the road running from that corner to the northwest corner of the site, all to details, including the trigger point for the completion and bringing into use of the road, to be submitted and approved in advance by the Planning Authority in consultation with the Roads Authority.

Thereafter the access so approved shall be completed and brought into use in accordance with the details so approved.

Reason:

In the interests of road safety and the good planning of the area.

*Sederunt: Councillor Veitch left the Chamber*

**3A. PLANNING APPLICATION NO. 16/00832/P: ALTERATIONS, EXTENSIONS AND CHANGE OF USE FROM A HOTEL (CLASS 7) TO FORM 4 FLATS (SUI GENERIS) AND ERECTION OF GARAGES AND ASSOCIATED WORKS AT THE FORMER BLENHEIM HOUSE HOTEL, 14 WESTGATE, NORTH BERWICK**

A report was submitted in relation to Planning Application No.16/00832/P. Esme Clelland, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Ms Clelland responded to questions from Members. Councillor Day referred to the narrow focus of the District Valuer's report on accommodation only and queried why other ancillary aspects had not been looked at. Ms Clelland replied that consent existed for a guest house; she clarified that the Council had not asked the District Valuer to explore any other areas.

In respect of a follow-on question from Councillor Berry Ms Clelland advised that the financial predictions in relation to the sale of food and drink were taken into account, not just the accommodation use. She clarified that 8 rooms was the number of rooms assumed in the assessment which was less than the existing number but considered reasonable for a hotel meeting current standards. In relation to the District Valuer study Ms Clelland indicated she was not aware of any such assessment carried out prior to the 2013 grant of consent. Mr McFarlane concurred; he added that it was not a change of use then so there had been no requirement for this to be done; now it was a change of use so this assessment had been required. With regard to questions about work done over the past 3 years since the hotel had closed Ms Clelland clarified that the main change was that the residential bungalow to the rear had been demolished and some internal work, removing fittings, had been done. Councillor Berry asked why a suggestion had not been made to add an extension to the west side of the building. Ms Clelland stated that officers had to consider the application put forward by the applicant. She added that the use of contrasting the old building with a modern design was supported by Historic Environment Scotland's national guidance and by conservation Design Standards.

Ms Clelland clarified Policy TOUR4 at the request of Councillor Goodfellow.

Matthew Atton, the applicant, outlined the history of the application stating that when he acquired the property in 2012 the sole aim was to refurbish it aimed at the golf market and also provide a family home. Post purchase however this intention could no longer be supported and options had been reviewed. He referred to the building condition report which had said that full refurbishment was required, stating that there had been a lack of investment over many decades. He made reference to the number of guest accommodation spaces available in North Berwick and the surrounding area. Viability as a hotel had been carefully considered, this was however not possible, as supported by the District Valuer.

Robert Evans of Muir Smith Evans, agent for the applicant, referred to Policy TOUR4 stating that this policy did not prohibit change of use but required evidence that the current use was not viable. The property had been marketed extensively and advertised widely. He drew attention to the cost of refurbishment and to the District Valuer's decision. With regards to viability a leading hotel market specialist had stated that it was not viable as a hotel.

Mr Atton responded to a number of questions from Members in relation to viability. He gave further details about the decision not to proceed with the proposal for a family home and guest accommodation, referring to advice from the Planning Service at pre-application discussion and application stages. Responding to more questions about the building condition reports and due diligence he replied that research had been carried out, experts had looked at the site, the key issue was the business model of house and guest beds, quite different to the previous use of the building.

Mr McFarlane advised that it was his understanding that there had been an issue with the extent of the property which would be a single house and the extent of the other guest accommodation. Ms Clelland gave details of the 2013 application stating that this had not involved any change of use so the house and hotel proposal had never been tested to the application stage. In response to Councillor Goodfellow's questions she clarified that in the District Valuer's opinion the cost to refurbish as a 4 star hotel was approximately £1.7 million.

*Sederunt: Councillor Goodfellow left the Chamber*

Lyn Rae, neighbouring resident, spoke against the application. She was supportive of the renovation of the building but unhappy with the design and scale of the 2 storey extension, stating it contravened the Council's Policies ENV 3 and 4. The proposed extension was too large; it would make Westgate more built up and was out of keeping with the character and appearance of the Conservation Area. The modern design would have an adverse effect on the area. She also commented on the materials proposed, stating these were not appropriate to the setting of a listed building. This building should be developed but not along the lines proposed.

Edward Clark spoke against the application as a local resident and representative of North Berwick Environmental Trust. Regarding the extensions to this listed building the proposal was out of character and alignment with the Conservation Area, much of Westgate's attractiveness was due to the type of architecture; this proposal would be detrimental to the area and consent should be withheld. In respect of change of use, given the town and county's attractions, he was surprised that a modest hotel was considered not viable. He also referred to the lack of supporting infrastructure for new residential developments. Consent for change of use from a hotel to flats should be withheld.

Local Member Councillor Berry stated this was a unique site but the application was also a symbol of what was happening in local communities. He drew parallels to the Templar Lodge, Gullane development. He expressed serious concerns about the initial intentions and viability checks. The listed building could have been extended on the west side, to make it more attractive and viable. The proposal put forward was wholly inappropriate. The key point was that this should have, and could have, been a hotel. This application should not be allowed; he would not be supporting it.

Local Member Councillor Day stated this was a difficult and contentious application. There were two separate issues, the change of use and the proposed changes to the building. Regarding the latter, relevant planning policies all sought to ensure the preservation and enhancement of the Conservation Area. He generally supported modern architectural extensions to listed buildings; in his opinion this proposal was of sufficiently high quality to be an enhancement. In relation to the change of use he felt that with some forethought the

building could have been viable as a hotel; this was a missed opportunity. On balance however, and reluctantly, he would be supporting the officer's recommendation.

Provost Broun-Lindsay commented, regarding the change of use, that legislation and building standards requirements had changed, as had guests' expectations. He did consider it a return to the original use rather than change of use and he supported this part of the application. With regard to the extensions he referred to Historic Scotland's comments, stating that it could be argued that the contrast between the existing building and the extensions did not contribute to, nor enhance, the Conservation Area but were actually detrimental to its character. He urged Members to refuse this part of the application.

Councillor McMillan remarked that he was convinced about the case put forward regarding viability and accepted that efforts had been made to market it as a hotel. Regarding the design plans he felt, on reflection, that the contrast argument held and the design was appropriate and would add interest and value to the area. He supported the application.

Councillor Innes also made reference to the original use of this site, stating there was a basis for reverting back to a residential property. Regarding the design, Historic Scotland supported the concept and design. He would be supporting both recommendations.

Councillor Trotter stated that the building was not viable as a hotel. He would be supporting both report recommendations.

The Convener brought the discussion to a close. He remarked that the policy of retaining hotel accommodation was complex as regards this type of application; the building was in a dilapidated state, there were viability issues. This proposal would meet the demand for new housing in the town centre. As Members had said the building was being returned to its original use. He felt the design proposal was acceptable. He would be supporting the recommendations to grant planning permission.

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

For: 13  
Against: 2  
Abstentions: 0

### **Decision**

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

- 1 Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be felled, and measures for the protection during the course of development of the trees and hedgerows that are to be retained.

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 first flat.

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.

- 2 A Construction Method Statement (CMS) 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 noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work.

Thereafter, the approved CMS shall be complied with as approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure controls are in place to minimise the impact of construction activity on the safety and amenity of the area.

- 3 Prior to the commencement of development, a schedule and samples of the materials to be used to externally clad the proposed extensions, bin store, bicycle store and garage shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interest of visual amenity, the character of the conservation area and the listed building.

- 4 Prior to the occupation of any of the flats hereby approved the parking as shown on approved plan 16040(PL)200 Rev.B shall be constructed and made available for use by residents.

Reason:

To ensure that there is sufficient parking provided onsite for residents in the interests of the safety and amenity of the area.

- 5 When measured from a point 2 metres back from the footway on the centreline of the vehicular access from Westgate to a point 2 metres to the east and 2 metres to the west on the rear of the footway there shall be no obstruction to visibility greater than the height of the existing southern boundary wall. For the avoidance of doubt, hedging and soft landscaping above the height of the wall in this area is not permitted.

Reason:

To ensure that there is sufficient visibility for drivers of vehicles exiting the site onto Westgate and crossing the public footpath, in the interests of road safety.

- 6 Prior to the commencement of development full details of the materials to be used to form external hard surfacing, including the steps to the west of the proposed garage and the permeable paving, shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of the setting of the listed buildings and the North Berwick Conservation Area.

- 7 Prior to the commencement of development on site a written scheme of investigation shall be submitted to and approved in writing by the Planning Authority.

Thereafter, a programme of archaeological work (Historic Building Recording) shall be undertaken and reported upon in accordance the approved written scheme of investigation.

Reason:

To ensure that features of potential archaeological interest that may be disturbed by the development of a building of this age and regional importance are investigated and appropriately recorded.

**3B. PLANNING APPLICATION NO. 16/00832/LBC: ALTERATIONS, EXTENSIONS TO BUILDING, ERECTION OF OUTBUILDINGS, RAILINGS, GATES, FORMATION OF STEPS, HARDSTANDING AREAS AND DEMOLITION OF OUTBUILDINGS AT THE FORMER BLENHEIM HOUSE HOTEL, 14 WESTGATE, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 16/00832/LBC. The proposed decision set out in the report was to grant consent.

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

For: 13  
Against: 2  
Abstentions: 0

### Decision

The Committee agreed to grant listed building consent subject to the following conditions:

- 1 The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 2 Prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all existing internal door openings which are to be blocked up as shown on approved plans 16040(PL)201A and 16040(PL)200A. This shall include sections and details of the material to be used.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of protecting the character of the listed building.

- 3 Prior to their use in the development, a schedule and samples of the materials to be used to externally clad the proposed extensions shall be submitted to and approved in writing by the Planning Authority. Thereafter, development shall be carried out in accordance with the details so approved.

Reason:

To allow the consideration of details yet to be submitted and in the interest of the architectural and historic interest of the listed building.

- 4 Prior to the commencement of development full details of the materials to be used to form external hard surfacing, including the steps to the west of the proposed garage and the permeable paving, shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of the setting of the listed buildings and the conservation area.

#### **4A. PLANNING APPLICATION NO. 16/00962/P: ERECTION OF FREESTANDING REMOVABLE CANOPY AT THE HARBOUR, VICTORIA ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 19/00962/P. Stephanie McQueen, Planner, presented the report, summarising the key points. She informed Members that at the site visit the applicant had indicated that the plastic sheeting would not be rigid but would be capable of being rolled up at the sides of the structure. The proposed decision set out in the report was for refusal of the application.

In response to a question from Councillor Berry Ms McQueen clarified that the galvanised structure and plastic sheeting would be removed over the winter months.

Stirling Stewart, the applicant, stated that the Lobster Shack had been operating now for 6 years. It had gained an excellent, international, reputation. It served the tourism industry and was a direct link for local fishermen. He informed Members however that it had only traded for 61 days last year due to the vagaries of the weather. If the proposal was approved then the business would be able to open for many more days which would help the local

economy. Referring to the report, he remarked that the harbour was an historic landmark but it was also a working harbour. He asked the Committee to approve the application.

Mr Stewart responded to questions. He clarified that the safety barrier dividing the tables/chairs in the outdoor seating area from the footpath would remain in place during the winter months. He confirmed that if planning permission was granted he would be able recruit more people.

Local Member Councillor Day stated that this was a destination business; it attracted visitors from far beyond North Berwick and added to the vibrancy of the town and should be encouraged. He disagreed with the officer's comments in the report regarding the visual effect on the harbour, this was a working harbour. This proposal, which would benefit the business, should be endorsed. He would be supporting the application.

Local Member Councillor Berry remarked that this enterprise had added considerably to the footfall in the harbour area, it had character, it attracted many people; it was an enhancement to both the town and the harbour area. He agreed that anything that could be done to increase the number of operational days should be done. He would be supporting the application.

Councillor McMillan reiterated that the Lobster Shack was a huge attraction and contributed to East Lothian's aim of being Scotland's leading coastal destination as set out in the Council's Economic Development Strategy. He would be supporting this application.

Councillor MacKenzie expressed surprise that the business had only traded for 61 days last year; he also agreed that anything that could be done to make this business more viable should be done. He supported for the application.

The Convener noted that all comments were in favour of the application; he also praised the facility and expressed support for the application.

He moved to the vote on the report recommendation (for refusal):

For: 0  
Against: 15  
Abstentions: 0

### **Decision**

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

### Post Meeting

The following conditions were determined:

- 1 Planning permission for the siting of the freestanding removable canopy and its supporting framework is granted for a temporary period until the 28<sup>th</sup> February 2022 after which time no parts of them shall be located within the application site.  
  
Reason:  
To enable the Planning Authority to review the use of the site in the interests of safeguarding the character and appearance of the Conservation Area and the setting of the listed building of North Berwick Harbour.
- 2 The freestanding removable canopy and its supporting framework shall be sited on the application site for the months of April to October, inclusive, each calendar year of the duration of the temporary period of the planning permission granted for them by the terms of Condition 1 of this planning permission.

During the months of November to March (inclusive) each calendar year of the duration of the temporary period of the planning permission granted for them no parts of the retractable canopy and its supporting posts shall be sited on the application site.

Reason:

In the interests of safeguarding the character and appearance of the Conservation Area and of the listed building of North Berwick Harbour.

- 3 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, details and a sample of the plastic material to be used to clad the external walls and roof of the canopy hereby approved and the means of attachment of that material to the framework of the canopy shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the plastic material used to clad the external walls and roof of the canopy and the means of attachment of it to the framework shall accord with the details and sample(s) so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of protecting the amenity of the area, the character and appearance of the Conservation Area, and the setting of the Category B listed North Berwick Harbour.

- 4 Details and a sample of the final finish of the metal framework of the canopy hereby approved shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the finish of the framework of the canopy shall accord with the details and sample so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of protecting the amenity of the area, the character and appearance of the Conservation Area, and the setting of the Category B listed North Berwick Harbour.

#### **4B. PLANNING APPLICATION NO. 16/00963/LBC: ERECTION OF FREESTANDING REMOVABLE CANOPY AT THE HARBOUR, VICTORIA ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 16/00963/LBC. The proposed decision set out in the report was for refusal of the application.

The Convener moved to the vote on the report recommendation (for refusal):

For: 0

Against: 15

Abstentions: 0

#### **Decision**

The Committee agreed to grant listed building consent subject to conditions to be determined by the Convener, Local Members and officers.

#### **Post Meeting**

The following conditions were determined:

- 1 Listed building consent for the siting of the freestanding removable canopy and its supporting framework is granted for a temporary period until the 28<sup>th</sup> February 2022 after which time no parts of them shall be located within the application site.

Reason:

To enable the Planning Authority to review the siting of the retractable canopy and its posts in the interests of safeguarding the special architectural or historic interest of the listed harbour.

- 2 The freestanding removable canopy and its supporting framework shall be sited on the application site for the months of April to October, inclusive, each calendar year of the duration of the temporary period of the listed building consent granted for them by the terms of Condition 1 of this listed building consent.

During the months of November to March (inclusive) each calendar year of the duration of the temporary period of the planning permission granted for them no parts of the retractable canopy and its supporting posts shall be sited on the application site.

Reason:

In the interests of safeguarding the special architectural or historic interest of the listed harbour.

- 3 Notwithstanding that which is shown on the drawings docketed to this grant of listed building consent, details and a sample of the plastic material to be used to clad the external walls and roof of the canopy hereby approved and the means of attachment of that material to the framework of the canopy shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the plastic material used to clad the external walls and roof of the canopy and the means of attachment of it to the framework shall accord with the details and sample(s) so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of safeguarding the special architectural or historic interest of the listed harbour.

- 4 Details and a sample of the final finish of the metal framework of the canopy hereby approved shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the finish of the framework of the canopy shall accord with the details and sample so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of safeguarding the special architectural or historic interest of the listed harbour.

## **5. PLANNING APPLICATION NO. 16/00860/P: ERECTION OF ADDITIONAL CANOPIES AT 26 VICTORIA ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 16/00860/P. Stephanie McQueen presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Councillor Day queried, if the Committee was inclined to grant permission, about the possibility of inserting a condition regarding removal of the fittings. Mr McFarlane clarified the position, explaining that if there was not such a condition attached to the previous permission then it would be difficult to justify doing so now. The new structures proposed were different; to change the consideration from permanent to temporary was complicated, it would depend on the views of the applicant and architect. The Convener sought the applicant's view. Mr Stirling Stewart confirmed that he would be willing to remove the canopies over the winter months. Councillor Berry remarked that he would be willing to second Councillor Day's suggestion; he felt this would also deal with concerns expressed by local residents. Mr McFarlane reiterated that such a condition would only apply to what was currently under consideration. He added that the concern of the Planning Service in respect of Mr Stewart's operations was not what he looked to do but the quality with which he and his architect implemented it.

Mr Stewart informed Members that The Rocketeer had been trading now for 5 years, it was popular with both tourists and locals and injected finance into the local economy. The suppliers and workforce were local. The shelter, approved last year, had made a huge difference to the number of customers using the facility. The additional canopies now proposed would provide extra shelter from the weather for customers.

Local Member Councillor Day stated that in considering the application he felt the benefits outweighed any potential issues; he would be supporting the proposal.



Local Member Councillor Berry concurred.

The Convener agreed with the local members.

He moved to the vote on the report recommendation (for refusal):

For: 0

Against: 15

Abstentions: 0

**Decision**

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

Post Meeting

The following conditions were determined:

- 1 Notwithstanding that which is shown on the drawings docketed to this grant of planning permission, details and a sample of the plastic material to be used to clad the roof of the canopies hereby approved and the means of attachment of that material to the framework of the canopy shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the plastic material used to clad the roof of the canopies and the means of attachment of it to the framework shall accord with the details and sample(s) so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of protecting the amenity of the area, the character and appearance of the Conservation Area, and the setting of the scheduled monument of St Andrews Church.

- 2 Details and a sample of the final finish of the metal framework of the canopies hereby approved shall be submitted for the written approval of the Planning Authority prior to its use in the development and thereafter the finish of the framework of the canopies shall accord with the details and sample so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the external finishes are appropriate in the interests of protecting the amenity of the area, the character and appearance of the Conservation Area, and the setting of the scheduled monument of St Andrews Church.

- 3 The canopies and their supporting framework shall be sited on the application site for the months of April to October, inclusive, each calendar year.

During the months of November to March (inclusive) each calendar year no parts of the canopies and their supporting framework shall be sited on the application site.

Reason:

In the interests of protecting the amenity of the area, the character and appearance of the Conservation Area, and the setting of the scheduled monument of St Andrews Church.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee