



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

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

Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor T Trotter (Items 1 & 2)

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr M Greenshields, Transportation Planning Officer
Mr G Talac, Transportation Planning Officer
Mr P Forsyth, Team Manager – Assets & Regulatory
Ms C Molloy, Legal Team Leader

Clerk:

Ms F Currie

Visitors Present:

Item 2 – Mr M Richardson, Mrs J Allport, Mr E Clark, Mrs D Shinton, Ms K Towler,
Ms H Smith
Item 4 – Mrs V Muir, Mr N Imrie

Apologies:

Councillor D Berry
Councillor A Forrest
Councillor J McNeil
Councillor J Williamson

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 7 FEBRUARY 2017

The minutes of the meeting of the Planning Committee of 7 February 2017 were approved.

2. PLANNING APPLICATION NO. 15/00127/PP: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, COVERED PARKING, FORMATION OF A NEW VEHICULAR ACCESS AND EXTENSION TO CAR PARK AT THE GLEBE, NORTH BERWICK

A report was submitted in relation to Planning Application No. 15/00127/PP. Iain McFarlane, Service Manager for Planning presented the report, outlining in detail the key points relating to the history of the site, previous applications and discussions between the applicant's agent and the Council's Roads Services team on the sale of land required for the car park. He added that any agreement on the sale of land which may exist between the applicant and Roads Services was not, in his view, a material consideration in determining this application. He advised Members that the recommendation was for refusal of planning permission in principle and he summarised the reasons as set out in the report.

In response to questions from Members Mr McFarlane clarified the definition of 'enabling' in planning terms and advised that, in his view, this application was not about enabling development. He also explained the significance of the Reporter choosing to deal with an appeal on a previous application by way of a public inquiry.

Mr McFarlane confirmed that although there was a possibility of additional land being made available by the applicant that could provide additional access; this was not part of the application under consideration today.

Responding to further questions, Peter Forsyth, Team Manager – Assets & Regulatory, confirmed that an agreement had very recently been reached with the applicant on the purchase of land for car parking. However, this did not include the possibility of additional land to provide further spaces and street access. Mr McFarlane also reaffirmed his view that this issue was not a material consideration for Members in determining this application.

Mark Richardson of Ristol Consulting, agent for the applicant, provided details of the proposals. He confirmed that an agreement was in place for the sale of land for car parking and that more land was available to provide additional parking and access. He said that the applicant would work with the local community to ensure that the detail of the proposals minimised any impact on the amenity of the area. He concluded that this application would provide a positive change in the town centre with benefits for the whole community.

In response to questions from Members, Mr Richardson confirmed that all the planning requisites, including those in relation to affordable housing, would be delivered and that the car park proposals flowed from the Council's North Berwick Car Parking Strategy document prepared in 2015.

Janet Allport spoke in favour of the application. As a resident of North Berwick she was well aware of the issues around car parking. She referred to previous studies, public consultations and the forthcoming charrette. In her view, the application offered the chance to improve car parking in the town centre, as well supporting Government objectives to provide additional housing. She reminded Members that The Glebe was private land and not public green space but added that much of the existing amenity would be preserved.

Edward Clark spoke against the application, on behalf of North Berwick Environment Trust. He said the Trust had four main concerns: housing, location, car parking and the nature of

the application. In the Trust's view there was no need for housing on this site and the proposals would have a negative impact on the amenity of the area, the protected green space and traffic flow in the surrounding narrow streets. He added that the applicant was using this opportunity to force a decision on The Glebe in advance of the charrette and that approval by the Committee could undermine the public consultation.

Debbie Shinton spoke against the application. She said that, as a neighbour, her home would be overlooked by the proposed car park. In her view the site was inappropriate due to the steep gradient and she cited two examples of cars rolling out of the car park, one of which had struck a pedestrian. She also expressed concerns about drainage of the site and that overlooking of her garden and rooms to the rear of her house would result in a significant loss of privacy and amenity for her family.

Kirsty Towler spoke against the application. She stated that the proposals would give rise to serious harm to the heritage assets of the site and would be to the detriment of this important green space. She pointed out that previous, less intrusive developments had been refused by the Reporter and that the evidence to support a car park was unconvincing and should not be used to stymie the forthcoming charrette.

Hilary Smith spoke on behalf of North Berwick Community Council. She explained that the main change since April 2016 had been the work of the local Area Partnership which had undertaken a process of public engagement on issues including housing and car parking. Over 2000 comments had been logged to date. She said that the Area Partnership, with funding from the Council, was committed to the charrette and approval of this application could undermine that process.

Local Member Councillor Day said he had called in this application last year to allow detailed consideration by the Committee. He did not believe that the proposed housing development would have a negative effect on the area and that any issues relating to overlooking could be addressed through conditions. He reminded Members that The Glebe was privately owned and there was a larger public green space nearby at the Lodge Gardens. On car parking, he said that recent increases in demand required that solutions be found for businesses, residents and visitors, and that these proposals would provide additional capacity in the town centre. He appreciated that this was a difficult decision but he would be supporting the application.

Local Member Councillor Goodfellow made a statement on behalf of Councillor Berry who could not be present at the meeting. Councillor Berry's main concern related to the absence within the application of any option for exit onto Marmion Road. He maintained that this would compound existing access issues and, for this reason, he would advocate refusal of the application.

Councillor Goodfellow then gave his own views on the application. He considered the linking of the proposals within one application to be inappropriate and the use of the term 'enabling' to be misleading. He said that matters had moved on since the assessment of parking capacity in 2011 and that the proposed charrette and publication of the North Berwick Car Parking Strategy would make determination of the application at this date premature. He would be supporting the report recommendation.

Councillor Currie was concerned about the timing of the application in relation to the planned charrette on parking issues. Referring to the reasons for refusal of the application set out in the report, he said that the case seemed very clear. He would be supporting the report recommendation.

Councillor MacKenzie commented on the important historical character of The Glebe and the potential harm posed by the application. He said that the proposals were contrary to

common sense and the dignity of the building and failed to take account of the local community's affection for this green space.

Councillor Grant stated that the land in this application was protected green space and that this designation had been reinforced by the Reporter and within the Local Development Plan. While this application was better than previous options, he had some concerns about combining two elements within one proposal. He would be supporting the report recommendation.

Councillor Innes acknowledged the opposing views of local members which reflected the range and strength of opinions in the local community. He said that a resolution to the issue of car parking in North Berwick was long overdue and he hoped that the charrette would be successful. In the meantime, he would be supporting the report recommendation.

Councillor McMillan said he had been hugely impressed by the arguments put forward by some of the speakers. He accepted that this application proposed a controversial change for a green space but also agreed that additional car parking was required in the town. On balance, he said he would be supporting the report recommendation but he agreed with Councillor Innes that the wider issues needed to be addressed through local engagement.

The Convener brought the discussion to a close. While he acknowledged that the application was controversial, he observed that the issue of car parking in North Berwick would always generate some opposition. He considered the likely impact on the conservation area to be minimal and reminded Members that similar applications had been approved in other parts of the county. He was in agreement with Councillor Day; he would be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 11
Against: 2
Abstentions: 0

[Note: Councillor Trotter left the meeting before the vote.]

Decision

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

1. The principle of the car park development would result in the loss of the open and undeveloped character and appearance of this part of the Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the car park proposal is contrary to Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.
2. The principle of the residential development would result in the loss of the open and undeveloped character and appearance of this part of The Glebe Field and this would be to the detriment of the overall designated area of open space which makes a significant contribution to the amenity and landscape setting of this part of North Berwick. Accordingly the residential development proposal is contrary to Policy 7(a) of the approved South East Scotland Strategic Development Plan, Policy C3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development affecting green infrastructure.

3. The loss of this part of this overall prominent, distinctive and historic green space for the formation of a car park would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 Scottish Planning Policy on development within a conservation area.
4. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed car park is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
5. The loss of part of this prominent, distinctive and historic green space for the development of a residential development along with all of the associated parking, access and turning space which would be required in association would not preserve or enhance the special character and appearance of the Conservation Area rather it would be harmful to the historic character and the appearance of this part of the Conservation Area. Accordingly the proposal is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
6. By resulting in the loss of trees which have considerable amenity value to the Conservation Area, the principle of the proposed residential development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4, NH5 and DP14 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy on development within a conservation area.
7. The proposed car park use would, by its height above the residential properties to the north of it and its close proximity to them, result in significant harm to the privacy and amenity of those neighbouring properties to the north by virtue of overlooking. Accordingly the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008 which seeks to safeguard the residential amenity of those residential properties.

3. PLANNING APPLICATION NO. 16/00751/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 10/00341/PPM – ERECTION OF 94 HOUSES WITH CONSTRUCTION OF RELOCATED CARE PARKING FOR VICTORIA LANE STADIUM AND ASSOCIATED ENGINEERING AND LANDSCAPE WORKS AT BARBACHLAW FARM, WALLYFORD

A report was submitted in relation to Planning Application No. 16/00751/AMM. Mr McFarlane presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Councillor Caldwell Mr McFarlane confirmed that a number of the residential units would have to be built first to provide cash flow to complete the stadium.

Local Member Councillor Currie welcomed this application and expressed the hope that building work on both the housing units and the stadium would begin very soon. He said that

the development was important to the local community and would provide employment opportunities as well as housing. He would be supporting the report recommendation.

Local Member Councillor Caldwell concurred with his colleague. He referred to the length of time it had taken to get to this point and the desire within the local community to see this project reach its completion.

Councillor Goodfellow said his one concern was the mix of housing. He noted that the majority of properties would have 3 or more bedrooms, despite significant local demand for smaller houses. He hoped that this could be addressed in future planning applications.

Mr McFarlane advised that officers were working with developers to try to address this issue. However, this application had been granted on appeal by the Reporter as an enabling development and was predicated on a certain value per unit which meant that larger houses were necessary to ensure completion of the project as a whole.

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

For: 13

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission 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.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding the play equipment details provided, no development shall take place on the site unless and until further details of the play equipment, the surfacing and the enclosures of the equipped play area to be provided on the site and the enclosures of the ball games areas and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area and ball games areas shall be installed and enclosed in accordance with the details so approved

Reason:

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

- 3 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.

- 4 Notwithstanding the details provided with this application, the details of artwork to be provided are not hereby approved.

No residential unit shall be occupied unless and until further 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, as the details submitted with this application are not sufficient to enable the discharge of this condition.

- 5 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, 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.

- 6 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.

- 7 The greyhound stadium approved by the grant of planning permission 01/00892/FUL shall not operate unless and until the car park hereby approved has been formed and made available for use. The car park shall thereafter be kept available for parking use in association with the operation of the greyhound stadium, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 8 Prior to the occupation of any of the residential units hereby approved the acoustic barrier hereby approved shall be erected in its entirety along the northwest boundary of the site and in accordance with the details docketed to this approval. The acoustic barrier shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses hereby approved from noise from the greyhound stadium.

- 9 Prior to their occupation, the windows and other glazed openings of noise sensitive rooms (bedrooms and living rooms) of the houses to be erected on plots 1-30, plots 35-38 and plots 39 and 40 which face towards Victory Lane or towards the site of the greyhound stadium, (which elevations are highlighted by way of a green line on the 'Masterplan As Proposed' docketed to this approval) shall be fitted with glazing designed to have a glazing specification such as to provide a Sound Reduction Index equivalent to 30Db Rwa. Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from Victory Lane and the greyhound stadium.

- 10 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 right turn ghost island junction shall be formed at the junction between Salter's Road and Victory Lane;

(ii) Victory Lane shall be constructed with a 3m wide pedestrian / cycle track on the northern side and a 2.5m wide footpath on the southern side;

(iii) The existing footpath along the site frontage on Salter's Road shall be relayed and widened to 2m. Street lighting shall also be extended along this section of road;

- (iv) A signalised pedestrian crossing facility shall be introduced at the Double D Island on Salter's Road adjacent to 12 Fa'Side Buildings;
- (v) The pedestrian footway linking the proposed residential development with Salter's Road shall have staggered guard rail at the junction with Salters Road.;
- (vi) The on street parallel parking spaces shall have a minimum length of 6 metres per space.
- (vii) Dropped kerb crossing points shall be provided at all junctions within the development and at the junction between Salters Rd and Victory Lane;
- (viii) Driveways shall have a minimum length of 5 metres and a minimum width of 2.5 metres;
- (ix) Raised tables shall be constructed on the carriageway at the central footway road crossings;
- (x) The gates to the proposed Greyhound Stadium car park shall open inwards
- (xi) The first 20metres of the Greyhound Stadium car park shall be hard formed to stop loose materials entering the public road

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority

Reason:

In the interests of road and pedestrian safety.

4. PLANNING APPLICATION NO. 16/00784/P: PLANNING PERMISSION FOR ERECTION OF BUILDING AND ASSOCIATED WORKS AT HALFLANDBARN, NORTH BERWICK

A report was submitted in relation to Planning Application No. 16/00751/AMM. Mr McFarlane presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Goodfellow Mr McFarlane clarified the reasons for the proposed change in working times and how this related to the proposed restriction on delivery vehicles.

Vivienne Muir, applicant, addressed the Committee. She advised that her company manufactured and exported worldwide and had experienced significant growth since its creation in 2013. It urgently required increased space to meet increasing demand and to facilitate future expansion. She explained that the premises was bonded and regulated by HMRC which placed restrictions on the length of time orders could be stored on site. This and other regulatory requirements meant that 24 hour access was necessary. She added that the new premises would be used not only as a production site but also as a tourism venue providing up to 8 pre-booked public tours a week.

Nigel Imrie spoke against the application. He said that while he had no objection to the company, this was the wrong for its business. He claimed that other businesses located within the site had not complied with hours of working and conditions relating to outside storage resulting in traffic disturbance and large amounts of rubbish lying around the site. He said that despite repeated calls to the Council's enforcement officers, nothing had been done. He suggested that the commercial site being developed at Tantallon would be a more suitable option. Mr Imrie stated that the road leading to the site was too narrow to accommodate heavy traffic and may cause issues for the school bus service which already used the route.

In response to a request from the Convener Mr McFarlane addressed the points raised by Mr Imrie. He advised Members that the classification of the site for class 4 business use had

been agreed by the Committee in relation to a previous application and the current application was considered to meet the relevant policy criteria. The proposed site at Tantallon was not currently approved for this purpose and would be 1-2 years in development; not soon enough for the applicant's needs. In respect of the operating hours, these would apply to one part of the site and would not unduly impact on the amenity of neighbouring properties. Referring to matters of enforcement, Mr McFarlane stated that the Council currently had limited powers but that a review of these matters was ongoing. In the meantime, he agreed to raise Mr Imrie's concerns with the Council's enforcement team.

Local Member Councillor Goodfellow stated that he had called in the application due to the size of the site, the lack of screening and the proposed delivery hours. He said that while he accepted that this business must be able to operate 24 hours per day 7 days a week, he was concerned that the delivery hours did not fit with the intended working hours of 8am to 8pm. He was also concerned that the site could be viewed to the south from the John Muir Way and that the proposed planting was insufficient. He proposed two amendments to the conditions: screen planting to the south and east of the site to a minimum of 1 metre in height; and that the delivery hours be restricted to 8am to 8pm. Subject to these amendments, he would support the application.

Local Member Councillor Day noted that the proposed operations on site would be tightly controlled and that the building would fit in with the location. However, he supported Councillor Goodfellow's suggested amendment in regard to boundary planting. Referring to the assessments carried out by officers, he was of the view that this was an appropriate business for this site and that its impact on the surrounding area would be minimal. He did not support Councillor Goodfellow's amendment relating to delivery times.

Councillor Currie commented that the Committee should consider only the merits of this application and not the previous businesses on this site. He said that issues of enforcement were for officers and not material to this application and the Committee should avoid imposing additional conditions which could cause problems for the applicant's business. He would be supporting the application and he accepted the argument in relation to planting height. However, he did not support a change to the delivery times.

Councillor Innes observed that this was a straightforward application for a class 4 business on a class 4 site. He saw no reason for additional screening or a change to the delivery times set out in the conditions. He agreed that enforcement was necessary to avoid abuses of conditions but that this was a quality application from a quality business. He would be supporting the application.

Councillor Grant said he would support the application as it stood. He agreed that the issue of enforcement needed looking into but he did not see the need for amendments to this application.

Councillor McMillan commented on the importance of this brand to local economic development and tourism. He acknowledged the importance of enforcement but he believed that the applicant would act in a professional manner. He would be supporting the application but had yet to form a view on the proposed amendments.

Members discussed briefly the practical implications of the amendments.

The Convener brought the discussion to a close and moved to consideration of the amendments to the conditions relating to planting height and delivery times proposed by Councillor Goodfellow. He asked Members if they would be willing to second either of the proposed amendments; however they declined to do so. As a result, neither of the proposed amendments could proceed to a vote.

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

For: 12

Against: 0

Abstentions: 1

Decision

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

- 1 Working shall be permitted to take place within the application site 24 hours a day 7 days a week. No delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 0700 to 2300 on Mondays to Sundays inclusive.

Reason

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 2 Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property assuming windows open at least 50mm.

Reason:

To ensure the use of the proposed building does not harm the amenity of nearby residential properties.

- 3 No outside storage shall take place within the site without the prior written consent of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

- 4 Details of any external lighting, including any movement sensitive lighting, proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection or installation. The lighting shall be designed, positioned, oriented and shrouded to ensure that no light from within the site spills beyond the boundaries of the site area.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 5 All planting shown to be carried out on drawing no. 16-1202-02 D docketed to this planning permission shall be carried out in the first planting and seeding season following the completion of the development hereby approved, 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 landscape character of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee