



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

**TUESDAY 3 OCTOBER 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor S Currie
Councillor J Findlay
Councillor S Kempson
Councillor C McGinn
Councillor J McMillan
Councillor F O'Donnell
Councillor B Small
Councillor T Trotter

Other Councillors Present:

Councillor J Goodfellow

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Legal and Procurement
Ms E Taylor, Planner
Mr N Millar, Planner
Mr G McLeod, Transportation Planning Officer
Ms M Haddow, Transportation Planning Officer
Ms S Cheyne, Projects Officer, Landscape
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 3 – Mr T Thomas, Mr S McNicol

Apologies:

Councillor L Bruce
Councillor A Forrest
Councillor K McLeod

Declarations of Interest:

Councillors McMillan and Findlay declared an interest in Item 4 – they had been involved in the Local Review Body held on 21 September 2017 when this matter had been discussed. They would leave the Chamber for this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 5 SEPTEMBER 2017

The minutes of the meeting of the Planning Committee of 5 September 2017 were approved.

2. PLANNING APPLICATION NO. 17/00384/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 14/00903/PPM – ERECTION OF 185 HOUSES AND ASSOCIATED WORKS AT LAND TO THE SOUTH, EAST AND WEST OF WALLYFORD

A report was submitted in relation to Planning Application No. 17/00384/AMM. Emma Taylor, Planner, presented the report summarising the key points. She informed Members that since the report had been issued further discussions had taken place with the applicant regarding landscaping of the site and in particular the enclosure of the front and side garden areas of the dwellings. Whilst these discussions went some way to addressing how these areas should be defined there was not yet an agreed scheme. Therefore, to ensure that the development met the requirements for the Design Guide for New Housing Areas, a further condition should be attached to any grant of approval of matters which would require the submission of the details of those enclosures prior to the commencement of development. She outlined the further condition. The report recommendation was to grant consent.

Ms Taylor, responding to Councillor Small's questions, gave details of the different house types and number of bedrooms. Councillor O'Donnell asked if there had been agreement regarding the use of the non-residential institution. Keith Dingwall, Team Manager, Planning Delivery, indicated that the proposal for this had still to come forward.

Local Member Councillor McGinn stated that this was a long awaited project; the new primary school would be of significant benefit to the community. There were some concerns in relation to transport systems and the impact on the rail and road network but overall he was looking forward to fruition of this development. He would be supporting the application.

Councillor Currie remarked that discussion about the possibility of class 10 use was important, the ability for some flexibility was crucial. He raised the question of which body would take forward the affordable housing element. He would be supporting the report recommendation to grant consent.

Councillor O'Donnell, referred to Wallyford Community Council's comments, which were well informed and helpful, particularly in relation to safe routes to school. She hoped this would be addressed during the process. She would be supporting the recommendation in the report. Mr Dingwall clarified that Roads Services had been consulted and were satisfied both in respect of the generality of the proposals and specifically the safe routes to school.

The Convener brought the discussion to a close. He made reference to the numerous times this site had come before the Committee and outlined the many benefits the development would bring to Wallyford. He noted that no bungalow type properties were proposed remarking that there was significant demand for this type of housing and he hoped this would be included in future applications. 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: 9
Against: 0
Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions for the proposed residential 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.

Reason:

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

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail 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 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 4 The residential scheme of development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) 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;

(iii) within 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;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

(vi) 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.

(vii) a swept path assessment shall be submitted to and approved by the Planning Authority to demonstrate that a 10.0 metre refuse collection vehicle can negotiate the bend of the road adjacent to plot 185 without overrun of footways or landscaped areas;

(viii) a continuous footway shall be provided on both sides of the section of road adjacent to plots 7 and 126;

(ix) where there is no footway provision and the road will act as a shared surface, road design shall be used to ensure the safety of pedestrians and other road users. This could include change of level and surface treatment and shall be augmented by traffic calming or signage as appropriate. This could also include differential surface treatment to indicate safe pedestrian routes. Prior to the commencement of development details of this shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved; and

(x) in order to improve access and egress, the visitor parking area to the rear of plots 81-84 shall be revised to include hard landscaping at either end of it, in accordance with details to be submitted to and approved by the Planning Authority. The detail shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 5 All new planting as shown on docketed drawings nos. 143.106.01b -143.106.05b shall be carried out in the first planting and seeding season following the occupation of the houses or the completion of the development, whichever is the sooner, and any trees or plants which 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 and to improve the biodiversity

- 6 Prior to the commencement of development a detailed maintenance and management plan for the new planting as required by Condition 4 above shall be submitted to and approved in writing by the Planning Authority. The maintenance and management plan shall include a scaled coloured plan with the plot numbers shown and a key that clearly shows all communal landscape areas, including; woodland, native mixed hedgerows, amenity hedgerows, street trees, shrubs, meadows and lawns. All tree tag numbers shall be shown on this plan. The new planting shall thereafter be maintained and managed in accordance with the detail so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

In order to ensure the maintenance and management of the landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 7 A timetable for the provision of the erection of the 1.8m high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable 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 privacy and amenity of future residents of the development.

- 8 No houses hereby approved shall be occupied unless and until the SUDS scheme that has been submitted to the Planning Authority has been approved by the planning authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme. The details to be submitted shall include the timescale for the delivery of the SUDS scheme. Unless otherwise approved in writing, the delivery of the SUDS scheme will accord with the timescale so approved.

Reason:

To ensure adequate protection of the water environment from surface water run-off.

- 9 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space. Details of those boundary treatments shall be submitted to and approved by the Planning Authority prior to the commencement of development. A timetable for the provision of those boundary enclosures shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable 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 housing development.

3. PLANNING APPLICATION NO. 17/00618/P: ERECTION OF BUILDING FOR CAFE (CLASS 3) USE AND ASSOCIATED WORKS AT LAND AT CASTLETON FARM, NORTH BERWICK

A report was submitted in relation to Planning Application No. 17/00618/P. Ms Taylor presented the report, summarising the key points. She referred to the site visit, informing Members that the area of decking to the west side would now be an outdoor seating area, not decking, the materials were yet to be clarified. The proposed decision set out in the report was for refusal of the application.

Ms Taylor and Mr Dingwall responded to questions from Members. Regarding precedent, Mr Dingwall clarified that precedent could be used as a reason for refusal, it depended on the circumstances; it was entirely reasonable to use precedent in this case.

Councillor McMillan asked about guidance regarding duration of storage containers. Mr Dingwall advised that there was a well established practice that by their nature storage containers were not suitable permanent structures so permission tended to be granted on a temporary basis, the period was dependent on the application.

In response to questions from Councillor O'Donnell about an alternative site, as mentioned in the presentation, Mr Dingwall outlined the engagement process. Responding to Councillor Currie, Ms Taylor confirmed it was the aesthetics not the practicality that was the issue in the

opinion of the Planning Authority. In response to further questions Mr Dingwall advised that this was a detailed planning application so Members were considering not just the principle of the application but also the details of the proposal, as outlined in the report.

Members noted that Road Services had not raised concerns and asked what level of detail had been considered. Mr Dingwall referred to discussions at the site visit and confirmed that this stretch of road had been appropriately assessed. Morag Haddow, Transportation Planning Officer, added that visibility conformed to the required standards. Traffic generation had not been looked at as the site was not of a size that required this to be done.

Tony Thomas of Apt Planning and Development, agent for the applicant, stated that this application was an innovative and high quality proposal which would provide an attractive visitor space and enhance the area. Local employment opportunities would be provided. Local produce would be used. This was a small farm and diversification was necessary for its survival. He refuted the reasons for refusal. The proposal was entirely appropriate and the design would sit comfortably in its surroundings. The development was not precluded by Council policies. It would not set a precedent. Neither Scottish Natural Heritage nor the Council's Roads Services had objected. The proposal met key areas of the Tourism Action Plan. He informed Members that it was the right proposal in the right location.

Mr Thomas and Stuart McNicol, the applicant, responded to questions. Mr McNicol stated that the Tyne Esk Leader funding was on a match funding basis. He confirmed that local suppliers/contractors would be used. As regards enhanced landscaping, Mr Thomas stated that the site was quite well hidden but if the Committee felt it would be appropriate to have further screening this could be considered. Regarding employment opportunities and use of zero hours contracts Mr McNicol indicated that the employment aspect had yet to be fully considered. In relation to questions about reinstatement of the area if required in future Mr Thomas said disturbance to the ground would be minimal so reinstatement would not be an issue. He clarified that the car park would not be restricted to cafe visitors only; the applicant was keen for it to be used also as a viewing point.

Local Member Councillor Findlay stated that the application addressed many aspects of the Council's Tourism Action Plan. Rural economies struggled and farmers needed to find ways to diversify. He made reference to the grant given to the applicant by Tyne Esk Leader. He said it was evident at the site visit that there was no interruption to the view of Tantallon Castle. He disagreed with the report statement about the wildness of the area, referring to the large modern house and other buildings in the vicinity. He felt this proposal met all the conditions under other business use of Policy DC1. He also disagreed with the precedent reason for refusal. He would not be supporting the officer's recommendation.

Local Member Councillor Goodfellow, not a member of the Planning Committee, commented that this development would have a positive economic impact and would also provide a safe viewing point. This was an excellent proposal which would provide necessary diversification for a local rural business.

Councillor Small stated it was significant that Scottish Natural Heritage had not opposed this application. Referring to the site visit he did not feel that the view of the Bass Rock and surrounding area would be particularly affected by this development. He made reference to the Council Plan and to East Lothian's aim to be Scotland's leading coastal, leisure and food and drink destination. He was supportive of the application.

Councillor Currie pointed out that there were a number of buildings within a reasonable distance from this site; rooftops were visible across the coastline. He liked the principle of this proposal but felt that more detail was required before a decision could be made; he would prefer therefore to continue the application.

Councillor McMillan agreed with the earlier comment about the Council's economic development goals; this proposal was important for tourism. The car park at the site would ensure safer parking for people to enjoy the stunning views. Road Services had no concerns. Local suppliers for food and drink would be used. He would, on balance, be going against the officer's recommendation. In relation to his prior query about storage containers he questioned if the grant of consent could be limited to a temporary period of 3 years.

Councillor Kempson expressed sympathy for small farmers in the current economic climate. She felt that diversification should be supported and would be going against the officer's recommendation in the report.

Councillor O'Donnell also remarked on the iconic scenery and the benefit of being able to view this from the safety of the car park. She agreed with the point put forward to grant consent for a temporary period but felt that 5 years would be more appropriate, to see how the finish materials weathered in the exposed site. The proposed development would be an exciting addition to this area; she would be supporting the application.

Councillor Trotter made reference to the economic situation and the need to encourage people to come to East Lothian; places like this proposed development were needed in the county. He would be going against the officer's recommendation.

Councillor McGinn also referred to the fact that Scottish Natural Heritage had not objected, he felt this was a key factor. He regretted going against the officer's recommendation but he would be supporting the application.

The Convener brought the discussion to a close. He disagreed with both reasons for refusal detailed in the report. He was in agreement with other Members and would be supporting this application. He felt the proposal was attractive and would encourage people to visit the area and use this facility. He noted the various comments from Members regarding continuing the application, or granting for a temporary period of either 3 or 5 years. In his view granting permission for a temporary period of 5 years would be more appropriate.

Councillor Currie indicated that he would not be pursuing his earlier request to seek a continuation. He agreed that granting permission for a 5 year temporary period made sense.

Mr Dingwall advised that if the Committee was minded to grant planning permission this should be subject to conditions to be determined by the Planning Service Manager, Convener and local members. Given Members' comments one of the conditions should specify that the consent for the development would be for a temporary period of 5 years for the reason that storage containers were not suitable as permanent structures.

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

For: 0
Against: 9
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Convener/local members and officers which would include the condition outlined above.

Sederunt: Councillors McMillan and Findlay left the Chamber.

4. TREE PRESERVATION ORDER AT THE HAWTHORNS TO BROADGAIT, GULLANE [T.P.O. NO 138 (2017)]

A report was submitted in relation to a Tree Preservation Order [T.P.O. no.138 (2017)] at The Hawthorns to Broadgait, Gullane.

Mr Dingwall presented the report, informing Members that East Lothian Council had placed a TPO on several trees on Broadgait, Erskine Road, The Hawthorns and land to the north of the Hawthorns in Gullane on 26 July 2017. This TPO would continue in force for six months (until 26 January 2018) or until the Order was confirmed, whichever happened first.

Decision

The Committee agreed to confirm T.P.O. no.138 (2017).

Signed

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Councillor Norman Hampshire
Convener of the Planning Committee