

PLANNING COMMITTEE

TUESDAY 1 MAY 2018

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

**TUESDAY 27 MARCH 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor S Currie
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor S Kempson
Councillor C McGinn
Councillor K McLeod
Councillor F O'Donnell
Councillor B Small

Other Councillors Present:

Councillor S Akhtar
Councillor J Goodfellow
Councillor J Henderson

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr K Dingwall, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Legal and Procurement
Mr D Irving, Senior Planner
Ms E Taylor, Planner
Ms M Haddow, Transportation Planning Officer
Mr J Allan, Planning Technician

Clerk:

Ms A Smith

Visitors Present:

Mr S Henderson, Mr P White, Mr P Averbuch, Mr H Dalrymple

Apologies:

Councillor J McMillan

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 6 MARCH 2018

The minutes of the meeting of the Planning Committee of 6 March 2018 were approved.

2. PLANNING APPLICATION NO. 17/00815/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1(a-n), 7, 8 AND 9 OF PLANNING PERMISSION IN PRINCIPLE 14/00732/PPM – ERECTION OF 96 HOUSES, 24 FLATS AND ASSOCIATED WORKS AT LAND AT LEMPOCKWELLS ROAD, PENCAITLAND

A report was submitted in relation to Planning Application No. 17/00815/AMM. Daryth Irving, Senior Planner presented the report, summarising the key points. He informed Members that the principals of the means of access had already been granted in the previous grant of planning permission in principle. The Scottish Government Reporter had deemed access via the local road network acceptable. The report recommendation was to grant consent.

Mr Irving, Iain McFarlane, Service Manager – Planning and Morag Haddow, Transportation Planning Officer, responded to questions from Members. Regarding residents' concerns about general traffic use on Lempockwells Road and any possible longer-term measures, Mr Irving stated that the Council could exercise control over construction vehicles but not over vehicles using this road generally. Mr McFarlane added that if Members had concerns about HGVs using this road, this was a separate issue, to be raised with Road Services.

Regarding safe routes to school and crossing controls, Ms Haddow gave details of measures to be provided. As regards installing a signalised crossing she said this would be difficult given the location; Councillor Small asked nonetheless that this be looked at.

In relation to questions about the previous application, Mr McFarlane stated that the Reporter had taken into account all the information submitted regarding road issues and, subject to the conditions applied, thought there would be no detrimental impact. If Members took the view to refuse the application on road safety issues this would not be a competent decision. This application only concerned the detailed design of the development.

Responding to queries about the traffic surveys, Ms Haddow clarified that these took place in February 2014, one during term time and one during school holidays and had looked at the flow of traffic on Lempockwells Road.

Regarding affordable housing, specifically why these units were all in one area and not dispersed throughout the development, Mr McFarlane advised that Housing Services had been consulted; they took a view on location and mix of units and felt the proposal was acceptable. If Members felt the distribution of these units should be different then this would be a material change and would have to be the subject of a fresh application. He added that if Members wanted to take a different approach to the general policy of Housing Services as regards affordable housing then this would be a separate discussion with that service area; it would not be a competent reason for continuation.

Stuart Henderson of Stewart Milne Homes (SMH), the applicant, informed Members that SMH delivered high quality homes. This development would form a successful extension to the village. He outlined the details. There would be a single point of vehicular access to the development. There would be a mix of house types, including bungalows. An appropriate landscape buffer would be provided between the development and existing houses in the village. SMH had met with the community council to discuss their concerns. SMH would provide the Council with the Traffic Management Plan. Construction traffic would access the site from the south. As part of the Road Safety Audit, the 30mph zone would be extended.

Mr Henderson and Paul White, Mr Henderson's Transport Consultant, responded to questions on several issues including affordable housing, traffic, road safety, footpath provision and the Section 75 Agreement. Regarding affordable housing Mr Henderson said these units tended to be grouped together due to Registered Social Landlord preference, dispersing these throughout a development was not practical in terms of management. He advised that in the design, these units would share the spine access road and private roads with private housing. He clarified that Places for People would be building the affordable housing units.

Mr Henderson stated that during the construction phase a Construction Management Statement would be in place; traffic to the site would be controlled, the site would be accessed from the south, not through the village. Mr White advised that an independent Road Safety Audit of the junction had been carried out two weeks ago. There was no significant difference between this and the survey carried out four years earlier.

Regarding footpath provision and a potential pedestrian crossing Mr Henderson said that SMH were working within the terms of the Section 75 Agreement. Mr McFarlane added, for clarity, that the Section 75 contribution and requirements had been based on the Council's report at the time and the appeal submission; the Reporter had deemed this reasonable.

Ralph Averbuch, representing Pencaitland Community Council (PCC), said there had been no communication from the Planning Service until earlier this month, despite repeated requests. He outlined PCC's requests. Transport: a condition of planning consent that no site traffic goes through the Lempockwells Road junction. Road Services reviews the impact on the road post development. Traffic calming: assurance that the money allocated would provide reinstatement of a lollipop person or other appropriate measure. Affordable housing: third party builder adopts same style as SMH. Landscaping: significant area of tree planting to ensure good separation between existing houses and the new development. Amenity Services to consult with PCC on final design. Assurance that the funds committed under the original consent would be used for the PCC area.

Responding to questions Mr Averbuch said that as he understood it there were no plans by NHS Lothian to have a surgery in Pencaitland; residents had to travel to Haddington, Ormiston or Tranent to access GP facilities.

Mr McFarlane responded to questions about Mr Averbuch's comments about lack of consultation and the statutory obligations. He stated that it was a statutory duty to consult with a community council where the Community Council had a particular concern regarding impact on amenity. A weekly list of applications was published and community councils were advised of this, fulfilling the statutory requirement to consult. The Planning Service took comments on all applications. Responding further, he said it was not feasible, given the resources, to do anything additional; he reiterated that statutory obligations were being met.

Local Member Councillor Akhtar, not a member of the Planning Committee, referred to the 2014 application, which had been refused by this Committee and to concerns raised then by Members regarding traffic on Lempockwells Road. It was disappointing that the Reporter had overturned the Committee's decision. This development would have an impact, there had to be mitigating measures to ensure that traffic management was done safely. Regarding the traffic survey, this should have been done on the whole road, not just on the junction. Referring to the applicant's Road Safety Audit, she remarked that it would have been useful for Members to have seen this before this meeting.

Local Member Councillor Small agreed with Councillor Akhtar. On a positive note, he welcomed that bungalows would be built on this site. Regarding affordable housing, he tended to agree with officers. He noted this was a policy issue taken outside from this application but felt enough concerns had been expressed to suggest this needed revisited.

Regarding road safety and the survey carried out two weeks ago, he stressed that Members should have had this information. He proposed a continuation so that this information could be considered before a decision was made. Councillor Findlay seconded this proposal.

Councillor Currie indicated he had two areas of concern. In relation to affordable housing grouping these units together may be convenient for management but was overriding the building of communities. He would like Housing Services to look at changing their policy. As regards transport, this was a very difficult road; he appreciated that both the Council's Roads Services and the Reporter had said it was acceptable but he disagreed. He felt that a continuation would be appropriate in this instance.

Councillor McLeod noted the developer's comments about the affordable housing. He did have some concerns about the flow of traffic but would be supporting the recommendation.

The Convener ended the discussion. He noted Members' concerns about traffic on Lempockwells Road, however this road had been deemed acceptable. If there were safety issues on this road, it would be up to the Council to deal with this. He cautioned Members about continuing this application as the Scottish Government had already granted planning permission in principle. He would be supporting the report recommendation.

Mr McFarlane restated, for clarity, that this application was for the detailed design of the development, not for any road issues. There was a condition in the planning permission in principle consent requiring a further Road Safety Audit, the developer had done this and would submit it in due course. Any decision other than granting consent, including continuation, would not be competent and would leave the Council open to appeal.

The Convener asked Members to vote on the amendment for a continuation (*proposed by Councillor Small, seconded by Councillor Findlay*):

For: 3
Against: 8
Abstentions: 0

The amendment therefore fell.

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

For: 8
Against: 3
Abstentions: 0

Decision

The Committee agreed that approval of matters specified in conditions 1(a-n), 7, 8 and 9 of planning permission in principle 14/00732/PPM 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 shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 The finished ground floor levels of the houses and of the flats to be formed at ground floor level in the flatted buildings all as hereby approved shall be set at no lower than 600 millimetres above the top of the banks of the watercourse which flows along the southern and eastern boundaries of the site.

Reason:

In order to mitigate against flooding.

- 3 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 and flats 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 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.

- 4 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 flats 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.

- 5 Prior to the commencement of development, the construction detail of the footpath link from the application site to Bruce Grove, as well as a timetable for its provision, shall be submitted to and approved in advance by the Planning Authority. The footpath link shall be formed in accordance with the detail and timetable so approved and shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for pedestrian access in the interests of pedestrian safety.

- 6 A timetable for the provision of the erection of the 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.

- 7 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of all the open space recreation areas indicated on the docketed development layout plan shall be submitted to and approved in advance by the Planning Authority and the open space recreation areas shall be formed and made available for use in accordance with the timetable so approved.

The open space recreation areas shall thereafter be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

3. PLANNING APPLICATION NO. 17/01120/PM: ERECTION OF 118 HOUSES, 32 FLATS AND ASSOCIATED WORKS AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 14/00089/PM AT LETHAM MAINS, HADDINGTON

A report was submitted in relation to Planning Application No. 17/01120/PM. Emma Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to questions from Members, Ms Taylor stated there was no allocated affordable housing on this particular site. Regarding the positioning of the flatted blocks she indicated there were a number of these throughout the development. Mr McFarlane added that part of the design of the development was to have strong corner blocks to give a sense of entrance to the development. In relation to questions about factoring for the communal landscaped areas, Mr McFarlane advised that the practice tended to be for the property owners to choose the Factor.

Stuart Henderson, of Stewart Milne Homes, the applicant, outlined the changes to the approved layout. There would be an improved east/west pedestrian route through the site to the primary school. There would be a number of bespoke focal buildings at street corners. Work had been undertaken with Road Services to create roads that were more informal. He informed Members that the overall aim was to create good quality street scenes.

In relation to questions about the options for appointing a Factor, Mr Henderson advised that residents would be tied into five year maintenance agreement with whichever Factor was appointed by the developer; after that period the Factor could be changed. He confirmed that if the Council submitted a bid to become the Factor this would be considered along with the other bids.

The Convener welcomed that work had now started on this site. He moved to the vote on the report recommendation (to grant consent):

For: 11
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 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 The external finishes of the houses and the flatted blocks are not hereby approved. Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all

external finishes of the houses and flatted blocks 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 and flatted blocks 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 flatted blocks 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. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of timber or reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses and flatted blocks and respectful of their design integrity. All such materials used in the construction of the houses and flatted blocks 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 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.

- 4 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM and 14/00089/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1- 05 residential units
Year 2- 60 residential units
Year 3- 75 residential units
Year 4- 74 residential units
Year 5- 75 residential units
Year 6- 75 residential units
Year 7- 69 residential units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 6 Prior to the commencement of development, a timetable for the erection of the natural stone wall along the northern part of the site shall be submitted to and approved by the Planning Authority.

Prior to its erection a sample of the natural stone to be used for the stone wall shall be submitted to and approved by the Planning Authority.

The natural stone wall shall thereafter be erected in accordance with the details so approved.

Reason:

To ensure the natural stone wall is of a satisfactory appearance in the interest of the amenity of the locality.

- 7 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 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of

planting. Non thorn shrub species should be located adjacent to pedestrian areas. 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.

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 or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

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.

- 8 The maintenance of all communal landscape areas, and hedges to private front gardens, as defined on the 'Proposed Site Layout' with drawing number PL 002 rev P shall be adopted and maintained 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.

Reason:

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

- 9 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.

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

The Travel Plan 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.

- 11 A Construction Management Plan to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Management Plan shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work and delivery routes. It shall confirm that construction access to the site shall not be permitted via the Knox Place junction via West Road. All construction access shall instead be taken directly from West Road. The Management Plan shall also include the phasing of the development and restrictions that may be required, particularly for those travelling to existing and/or proposed schools. It shall also include details of how the habitat of the Letham Burn will be protected during the construction phase of the development.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 12 Prior to the commencement of development, a programme for monitoring the condition of the section of the public road of West Road (the B6471) between the Oak Tree roundabout and the application site, prior to and immediately following the completion of the housing development, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final

monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the construction of the housing development is rectified.

- 13 A play area with equipment suitable for children aged 0 - 15 years shall be provided on the area of open space of the application site which is to the south of plot 42 and to the south of the flatted block containing flats 43-49 and its associated parking area as shown on docketed site layout drawing no. PL002 Revision P. Prior to the commencement of the development hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment shall thereafter be installed in accordance with the details so approved.

The equipped play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all play areas in the interest of the amenity of the future occupants of the residential units hereby approved.

- 14 The east elevation wall of flatted block A which will be positioned on the corner of West Road with the new distributor road shall be articulated with either additional windows and/ or with architectural detailing, the details of which shall be submitted to and approved by the Planning Authority prior to the commencement of development. When completed that east gable elevation wall shall accord with the details so approved unless otherwise approved by the Planning Authority.

Reason:

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

- 15 The six visitor parking spaces shown on the most southernly road of site plan PL 002 revision P - to the south of plots 82, 87 & 88 and 89 & 90 - are not hereby approved and a continuous grass verge shall instead be formed along the south side of that road.

Reason:

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

4. PLANNING APPLICATION NO. 18/00012/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT GARDEN GROUND TO THE REAR OF 7, 9 AND 11 NUNGATE ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 18/00012/P. Keith Dingwall, Team Manager – Planning Delivery, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Responding to questions, Mr Dingwall clarified that the amount of garden ground would be reduced but there would still be 9 metres left to the rear of number 7. He advised that each property had individual gardens, but that these could be accessed communally. He answered questions about the previous refusal, including the reason about the link between the cottages and gardens. He stated that each case was determined on its merits; the proposed building would have traditional features, it would not harm the Conservation Area. Through this redesign the view would be retained as the building would be pulled to the east; in this set back position it would not be prominent or incongruous.

Hew Dalrymple, the applicant, informed Members that the proposal had been carefully sited and designed. The existing gardens were disproportionate to the cottages; tenants had requested a reduction in size as maintenance was too difficult. This house would be for long-term rent; there were few rental properties available in the town. Referring to his previous application, he said considerable time had been spent trying to address many of those

objections for this application. In relation to the streetscape, the house would have minimal impact as it would be set far back. Residents would have private space but the communal garden would stay. Tenants would still be able to access the cottages from both sides.

Mr Dalrymple responded to questions. Regarding the gardens, he confirmed that the tenants would be given support to get their new gardens to a desired level. He clarified that two of the gardens would lose about 35% of their existing garden. He said that two of the three tenants had asked for a reduction in garden size. In relation to parking, Mr Dalrymple confirmed there was sufficient parking space. He detailed the tenants' length of tenure.

Local Member Councillor Henderson, not a member of the Planning Committee, said she was not against infill development. Her concerns were protection of the site, houses and gardens. The key consideration was the link between the houses and the gardens. She appreciated that the proposal had been slightly downsized but felt that the previous reasons for refusal were almost as valid for this application.

Local Member Councillor Findlay stated he was not against infill development per se but felt that it could go too far on occasion. In this case he agreed with his colleague. This was an overdevelopment. He proposed an amendment to the conditions, if the Committee approved the application, that the building be finished in natural stone, not wet dash render. He added however that he would not be supporting the report recommendation. Councillor Small seconded this amendment.

Councillor Small remarked that these cottages had a charm that needed protected. He felt the existing gardens were the right size. Moving the house from one end of the garden to another did not make it more acceptable. He would not be supporting the application.

Councillor Currie felt that this was an overdevelopment; erecting a 3-bedroom house in the garden ground was not appropriate. He would not be supporting the report recommendation.

The Convener stated that in his opinion this application was acceptable. It was for a single house for rent, which was very difficult to find in North Berwick. The Committee had approved many similar infill developments. He accepted the type of finish put forward by officers. He would be supporting the recommendation to grant planning permission.

He asked Members to vote on the amendment that the building be finished in natural stone not wet dash render (*proposed by Councillor Findlay, seconded by Councillor Small*):

For: 5

Against: 6

Abstentions: 0

The amendment therefore fell.

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

For: 6

Against: 5

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 adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Samples of the materials to be used as external finishes of the house, for the areas of hardstanding and the fencing all hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the house, for the areas of hardstanding and boundary wall.

Reason:

To secure a standard of development that is appropriate to its location and in keeping with its surroundings in the interests of safeguarding the character and appearance of the North Berwick Conservation Area.

- 3 Prior to the house hereby approved being brought into use the proposed vehicle access and parking arrangements shall be laid out as shown in docketed drawing no. 09 (Proposed Plans & Elevations) and thereafter the access and parking areas shall be retained for such uses.

Reason:

In the interests of road safety.

- 4 During the construction phase of the development, the application site shall be fenced off from the neighbouring garden ground. Details of the proposed fencing shall be submitted to and approved by the Planning Authority in advance, and development shall thereafter be carried out in accordance with the details so approved.

Reason:

To protect these gardens and existing landscaping within them, in the interest of the character and appearance of the area.

- 5 Prior to the commencement of development, details of all boundary treatments, including a timescale for their installation, shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the residential amenity of the area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 1 May 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reason: there is a considerable amount of community opposition to this application and concerns for access if the change of use goes ahead. I consider this warrants discussion by Committee.

Application No. **18/00145/P**

Proposal Alterations, extension and change of use of stable block and extension to house for short term hospitality, support and training for leaders in church ministry and for the use for occasional small scale retreats (class 8 use)

Location **Mansefield
Humbie
East Lothian
EH36 5PA**

Applicant Reverend Karl Martin

Per Blueprint Design (Dunbar) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a large detached house, its garden ground, and to an adjacent stable block/garage that is located to the west side of the house, all of which are located in the countryside some 1.5km to the northeast of Humbie.

At present the house is occupied by a minister of the Church and his family and is in use as a church manse. Therefore its use is for domestic use and the stable block and garage are used in association with that house.

In October 2017 planning application 17/00751/P was submitted which proposed an extension to the house of Mansefield. Also in October 2017 planning application 17/00755/P was submitted for alterations and extensions to the stable block to form bunkrooms/church counselling service and recreation space. As the extension to the house was also to be used as part of the church counselling use the applicant was advised that the two applications should be withdrawn and one new application

submitted including both elements within that one application. Applications 17/00751/P & 17/00755/P were subsequently withdrawn.

Planning permission is sought now for (i) the change of use of the stable block and garage from domestic use to use as a centre for short term residential training courses and occasional small scale retreats (Class 8) of the Town and Country Planning (Use Classes)(Scotland) Order 1997, (ii) extensions and alterations to the stable block and garage to facilitate that proposed change of use; and (iii) for a single storey extension to be attached to the rear elevation of the house. The use of the extension will also be for use for the proposed short term residential training courses and for occasional small scale retreats.

It is proposed to add a single storey extension to the southwest (side) elevation of the stable block and which would also attach to the front (southeast) elevation of the stable block. As the gable of the front elevation of the proposed extension to be added to the west side elevation of the stable would protrude some 3.7m forward of the part of the extension to be attached to the front elevation of the stable block, this would give the whole block an L shaped footprint. The proposed extension would be 4.4m in height to the top of the ridge of its pitched roof. The walls of the proposed extension would be of red cedar timber cladding, and its roof would be of grey coloured slate. Its windows and doors would be of a grey powder coated grey finish.

The proposed alterations to the stable block building comprise (i) the formation of new window openings in its rear (northwest) elevation, (ii) the blocking up part of the large opening on the front elevation of the garage, to form a smaller opening and an adjacent door and (iii) the re roofing of the existing stable block with grey slate to match the proposed extension.

The extension to be added to the rear elevation of the house would be a single storey flat roofed extension that would in part replace an existing extension. It would have a largely rectangular footprint which a curved west (side) elevation wall. The proposed extension would be some 16.4m in length, some 5m in width and some 3.06m in height to the top of its flat roof. There would be 2 glazed cupolas positioned on the flat roof of the extension which would protrude some 0.35m above the flat roof, a glazed skylight on the western end of the flat roof that would protrude some 0.8m above the flat roof and a flue that would protrude some 1.2m above the flat roof. The north (rear), sides (east and west) elevation of the proposed extension would be rendered to match the walls of the existing house. Its south (front) elevation would be glazed with white powder coated frames to match the existing conservatory on the front elevation of the house.

The applicant advises that the centre will be aimed at church leaders, for retreat, training and development. It will be used as an extension of the service offered by a traditional Manse. It will be for occasional use. The accommodation will enable the centre to house 8 -10 people for overnight accommodation. It is anticipated that typical stays would be of between 1-2 nights on a maximum of 10 retreats in any given year although it is likely to be less than this. The gathering space will also enable the centre to run 1 day long events for church leadership teams (anticipated maximum 15 people) once again this will be infrequent (approximately 10 days per year).

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design), DP6 (Extensions and Alterations to buildings), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

The proposed East Lothian Local Development Plan (PELLDP) was submitted to Scottish Ministers for examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The PELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Relevant policies DC1: Rural Diversification, DP5: Extensions and Alterations to Existing Buildings, T1: Development Location and Accessibility and T2: General Transport Impact of the PELLDP do not represent any significant alteration to the current relevant policies.

One letter of support has been received to the application. In addition the Kirk Session of Humbie Church has stated that whilst not objecting to the proposed use of the buildings as a retreat, they have concerns over the traffic it may generate and the use of their car park by the centre.

Fourteen objections to the application have been received. The main grounds of objection are:

- (i) The rural location is inappropriate for the business and the secret nature of the application is a concern which can cause friction in the local community;
- (ii) Concern that the wording of the description does not accurately describing the actual intention of the applicant – this is a commercial endeavour and will be used for business/commercial purposes and therefore should be for a change of use to class 7 (Hotels and hostels);
- (iii) What might occur in the future if the current owners were to leave?
- (iv) The proposal would lead to traffic problems as the access road is not of sufficient width to cope with the additional traffic generated by staff and visitors – a Transport Assessment should be required;
- (v) Noise and light pollution;
- (vi) The plans show 12 bunks but the space could easily accommodated double that number without any planning restriction;
- (vii) The design is of poor quality;
- (viii) The number of visitors will generate waste which must not be allowed to discharge in the river which hold important habitats;
- ix) the proposal will impact on the peaceful and tranquil environment of Humbie;
- x) inaccuracies in the application form;
- xi) If planning permission granted then how would the centre be policed?
- xii) Will the premises be licensed?

Humbie, East & West Saltoun and Bolton Community Council have also objected to the application. The grounds of objection are: i) the Humbie Manse was sold by the Church of Scotland in the 1970s and that records in the Land Registry of Scotland state that the property should never be used by any religious denomination nor for religious purposes; ii) there is no practical basis for enforcing any restrictions on the number, scale or frequency of events hosted at Mansefield if this application was granted (iii) The single track road leading to the property from the junction with the B6368 has blind corners and no passing places other than as created by the recently constructed upper car park of the Church; (iv) the proposed activities at Mansefield will not be inspected by an public agency which causes public concern given the previous conduct of the religious organisation which provided care at the former Humbie Children's village; (v) no details have been provided regarding sewage disposal; (vi) informal events at Mansefield have

already brought significant numbers of cars to the site, no details of onsite parking have been provided; (vii) Contrary to the statement on the Land Ownership Certificate submitted the property is owned by Mansefield Estates LLC, registered in Delaware. The local community would have no say over what the future use, within the Class 8 consent, to which the property could be put to in the even the property was sold.

Any restrictions on the use of a property within its title deeds and the regulation and enforcement of activities carried out within the proposed centre are not a material planning consideration in the determination of a planning application.

The applicant's agent has stated that a new septic tank is proposed to cater for additional waste created by the proposed development. Details of the septic tank will be specified at building warrant stage and if necessary a planning application for that new/replacement septic tank will be submitted.

A residential training facility falls within Class 8(Residential Institutions) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. The wording of the description of the application was agreed with the applicant and reflects the development they propose. There is nothing within the application that indicates that the applicant is intending to sell food or drink, including licensed alcoholic drinks. However, the licensing of premises is controlled through other regulatory regimes. If in the future, the activities taking place within the centre do not reflect this planning permission then a further planning application would be required, which would be determined on its merits.

Policy DC1 states 'Development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation. Other business use will also be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts'.

The use of the property as a centre for short term residential training courses and occasional small scale retreats is not one which is directly related to agriculture, horticulture, forestry or countryside recreation.

However, the applicant has stated that it is their desire to make use of the tranquility of the land and the beautiful setting of Humbie to offer hospitality rest and re-envisioning to leaders in our communities who give of themselves to serve. As proposed the use of the centre will be small scale in terms of numbers of people attending – approximately up to 15 people at any one time – and in terms of the number of retreats or 1 day long events that are proposed.

Although the proposed use does not have a locational requirement to be within the countryside, the development would be of a scale and character which is acceptable for this location. The proposed development would be largely contained within the existing buildings and all of the proposed development would be contained within the existing curtilages of the existing properties. The development would not result in the loss of any agricultural land.

On the basis of the information submitted, the Council's Environmental Health Service advises they have no comment to make on the application. There are no immediate neighbouring residential properties which would be affected by the proposed development.

The existing access, driveway and parking spaces within the site would be used to serve the proposed development. The Council's Road Service advise that the capacity of the single track road to Humble Church is likely to be far higher than the traffic generated by the proposed development at Mansefield. The use of the retreat as proposed (up to 10 people for 20 nights a year and up to 15 people for 1 x day visits up to 10 times a year) is not excessive. They advise that there is the potential for road management issues if an event at Mansefield coincided with events at the Humble Church. However, these issues could be managed through the submission of a Travel Plan which could ensure that departure and arrival times for events at Mansefield are staggered so they do not coincide with those for the church. The Travel Plan should also encourage visitors to Mansefield to car share. The submission of the Travel Plan can be made a condition of a grant of planning permission. Subject to this planning control, Roads Services raise no objection to the proposals being satisfied that it complies with Policies DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008. It would also be consistent with Policies T1 and T2 of the proposed East Lothian Local Development Plan.

Provided the proposed retreat centre was operated in the manner stated by the applicant, the proposed retreat centre would neither by its nature nor through its scale of operation be harmful to the amenity of any neighbouring residential property or any other land use associated with its location. The proposed use is one which falls within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Other uses within that Class (e.g. a hospital or nursing home or a residential school, college or training centre) might be likely to have a different impact on neighbouring land uses and the wider locality. Therefore, it would be prudent to restrict the Class 8 use of the site specifically to the retreat centre use applied for. This can reasonably and competently be controlled by a condition on the grant of planning permission.

To safeguard the residential amenity of the occupants of the house of Mansefield it would also be prudent to attach a condition to any grant of planning permission to ensure that the retreat centre only be operated by a person(s) who also occupies the house of Mansefield.

Therefore, subject to those planning controls the use of the stable block and the extension to the house as a centre for short term residential training courses and occasional small scale retreats (Class 8) is not contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DC1 of the proposed East Lothian Local Development Plan.

The proposed extension to the existing house would in part replace an existing extension located there. However, it would have a larger footprint and therefore would protrude beyond the building line of the west side elevation of the house by some 5m.

The existing house is a large detached house that is located on the outskirts of Humble. The nearest neighbouring residential property is some 70m away to the south at the bottom of a slope. The proposed extension by being single storey in height and by having a glazed frontage would be a lightweight and modern addition to the house. Although larger than the existing extension the proposed extension would still be a subservient addition to the large detached house and would not by its form, size, scale or positioning appear as a dominating or incongruous addition to it. It would not cause the house to appear unacceptably harmful or dominating in its landscape setting.

The existing stable block and garage building is located to the southwest side of the house. It is a relatively modern building with grey dry dash rendered walls and with a roof covered in mineral felt tiles.

The proposed extension to the front (south) and west (side) elevations of the stable building would be visibly different to the existing stable block. However, it would be of a lightweight timber form and of a size and scale in keeping with the existing stable block. Although appearing different to the existing stable block and garage neither the proposed extension nor the re-roofing of the whole building with grey slate would cause the stable block and garage building to appear harmfully intrusive, incongruous or exposed and would not harm the character or appearance of the landscape setting. The proposed extensions are therefore consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DP5 of the proposed East Lothian Local Development Plan.

Due to the distance of the property from neighbouring residential properties the proposals would not give rise to a loss of amenity to the occupants of any neighbouring residential properties through overlooking or overshadowing. Thus the proposal is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DP5 of the proposed East Lothian Local Development Plan.

CONDITIONS:

- 1 The Class 8 use of the site hereby approved shall only be that as a centre for short term hospitality, support and training and occasional small scale retreat and of no other use of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason:

In the interests of safeguarding the amenity of the area.

- 2 Prior to the commencement of development details of the external finishes of the extensions hereby approved shall be submitted to and approved by the Planning Authority. The external finishes used shall accord with the details so approved unless agreed in writing by the Planning Authority..

Reason:

To safeguard the character and appearance of the buildings and the landscape character of the area.

- 3 Prior to the operation of the property as a centre for short term hospitality, support and training and occasional small scale retreat a Travel Plan shall be submitted to and approved by the Planning Authority. The Travel Plan shall include details of (i) measures to encourage visitors to car share and (ii) outline how vehicles arriving and leaving events at Mansefield shall be managed to avoid coinciding with traffic generated by events at Humble Church. Once the short term hospitality, support and training centre and occasional small scale retreats centre is operational the measures within the Travel Plan shall be implemented unless otherwise approved by the Planning Authority

Reason:

In the interests of road safety.

- 4 The short term hospitality, support, training and retreat centre hereby approved shall only be operated by a person or persons who also occupy the residential property of Mansefield unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the residential amenity of the occupants of Mansefield.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

