

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Persimmon Homes (East Scotland) against decision by an appointed officer of East Lothian Council

Site Address: Former Gateside Commerce Park, Haddington

Application Ref: 17/00644/P

Application Drawing: HM-PS-01-01; HM-PB-02-01; 143.112.01; V5-TF-0799t(10)505; V5-TF-0613t(10)505

Date of Review Decision Notice: 12 July 2018

Decision

The ELLRB unanimously upholds the decision to refuse planning permission for the reasons given below and refuses the review.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 21 June 2018. The Review Body was constituted by Councillor N Hampshire (Chair); Councillor F. O'Donnell, Councillor J. McMillan and Councillor L. Bruce. All four members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

1.2. The following persons were also present at the meeting of the ELLRB:-

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The application before the Local Review Body for consideration is for a review against refusal of planning permission for the erection of sixteen (16) houses and associated works at the Land at the former Gateside Commerce Park, West Road, Haddington.
- 2.2. Planning permission (reference number 17/00644/P was refused under delegated powers on 11 April 2018. The notice of review is dated 27 April 2018.
- 2.3. The reasons for refusal are set out in full in the Decision Notice and are, in summary, the proposed housing development would result in the loss of available employment land that is part of the employment land supply of Haddington, to the detriment of East Lothian's economy and would be contrary to the delivery of the East Lothian Economic Development Strategy 2012-22. The proposal, if approved, would set an undesirable precedent whereby it would be difficult for the Council, as Planning Authority, to refuse to grant planning permission for housing and other non-employment generating uses on employment land elsewhere in East Lothian, the cumulative effect of which would be the depletion of the Council's supply of sites for employment generating uses to the detriment of the economy of East Lothian. The proposed housing development would, by virtue of its size, scale and positioning, appear as a prominent and visually intrusive feature within its gateway location whereby the houses on the western part of the site would turn their backs to the access road to the west and thus would integrate poorly with their surroundings. As such, it would be harmful to the character and appearance of the area, contrary to Policies DP1 and DP2 of the adopted Local Plan 2008, Planning Advice Note 67: Housing Quality, and the Council's approved Design Standards for New Housing Areas.

3. Preliminaries

- 3.1. The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The Application for planning permission registered on 18 July 2017
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 11 April 2018
5	Copies of Policy 1B (The Spatial Strategy: Development Principles), Policy 6 (Housing Land Flexibility) and Policy 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SES Plan), Policies BUS1, DP1, DP2, DP14, DP22, INF3, H1, H4, T1 and T2 of the adopted East Lothian Local Plan 2008, and Proposal HN5 of the proposed East Lothian Local Development Plan.
6	Notice of Review dated 27 April 2018 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

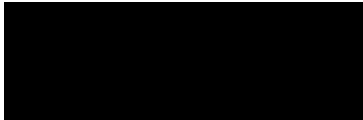
- 4.1. The ELLRB confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that a planning application was submitted seeking consent for the erection of 16

houses and associated access, landscaping and open space. The area of land is approximately 0.40 hectares located to the west of Haddington on part of the former Gateside Commerce Park, between the A199 to the north and the B6471 to the south. Within the adopted Local Plan 2008, the site is within an area designated under Policy BUS1 meaning that in principle, the development of land for use classes 4, 5 and 6 will be supported. Other classes of development will not normally be permitted. Also relevant to this proposal is the proposed Local Development Plan that has recently been submitted to Scottish Ministers stating the Council's intention to adopt the LDP as the plan for the area. The site falls within part of the proposed HN5 land allocation, which reflects existing planning permissions and states that the land will be developed for mixed-use including housing and employment generating uses. This position is supported by Ministers through the examination of the LDP. The proposed development would have involved the erection of 16 terraced dwellings in groups of either 3, 4 or 5, together with parking and landscaping to the north/north east. Of relevance to this application, is application 14/00219/P that sought permission for the erection of 112 houses, business units and a public house. This was recommended for refusal but granted at planning committee. The proposed dwellings in the application being reviewed today would be built on land previously proposed for building the public house under this 2014 permission. In considering the application, Officers determined that the proposal would result in the loss of land for employment purposes in Haddington and impacting upon the East Lothian economy. The principle of housing development is not supported here under policy BUS1. Also of relevance is the Local Development Plan that proposed to allocate land including this site under Proposal HN5. Under the LDP and as per the recently agreed Housing Land Audit 2017, the houses proposed under this application are not required in order to maintain a 5 year effective housing land supply. The proposal was considered by Officers to be contrary to the proposed LDP. Furthermore, the Council has adopted Design Standards for New Housing Areas SPG providing detailed guidance on the design principles and layouts of new housing in East Lothian. The proposal was considered by Officers to be contrary to this SPG as houses would face away from the street and not provide active frontages or natural surveillance. Planning permission was subsequently refused for the reasons given in the decision notice issued on 15th January 2018.

- 4.3. Councillor Hampshire asked whether there was a time frame as to how long the area would require to be marketed to determine whether there was a viability issue. The Planning Advisor responded by stating that the marketing had only been for limited business use. There were no further questions.
- 4.4. Councillor Hampshire then asked if the Members had sufficient information to make their decision and the Members confirmed they did.
- 4.5. Councillor McMillian stated that during the planning application in 2014 there was concern about retaining land for economic development and business use. It is clear that the area is still required and therefore he was minded to support the officer's decision in the report and refuses the appeal.
- 4.6. Councillor O'Donnell agreed with Councillor McMillian.
- 4.7. Councillor Bruce supported the comments of colleagues and was also minded to support the officers decision.
- 4.8. Councillor Hampshire commented that the land used to be known as the Mitsubishi Site with substantial employment and there was a requirement to ensure the area was protected

for employment purposes. He acknowledged that there have been attempts to sell this part of the site for pub/restaurant use but was of the view that this had not been marketed for long enough or wide enough and was minded to support the Officer's decision to refuse the application.

Accordingly, the ELLRB unanimously agreed to refuse the appeal for the reasons set out in the Planning Officer's Decision Notice dated 11 April 2018.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.