



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

**TUESDAY 1 OCTOBER 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell

**Other Councillors Present:**

Councillor S Currie  
Councillor A Forrest  
Councillor C Hoy

**Council Officials Present:**

Mr K Dingwall, Team Manager – Planning Delivery  
Mr K Graham, Solicitor  
Mr G McLeod, Transportation Planning Officer  
Ms J McLair, Planner  
Ms S McQueen, Planner  
Ms J Allen, Communications Adviser

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr K Henderson  
Item 3 – Mrs J Jemmett

**Apologies:**

Councillor W Innes  
Councillor J Williamson

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 SEPTEMBER 019**

The minutes of the meeting of the Planning Committee of 3 September 2019 were approved.

**2. PLANNING APPLICATION NO. 18/00685/P: ALTERATIONS TO BUILDING TO FORM 1 HOUSE AND ASSOCIATED WORKS AT LAND TO REAR OF 17-18 CARLYLE PLACE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 18/00685/P. Stephanie McQueen, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Ms McQueen responded to questions from Members. She clarified the situation as regards overlooking, explaining that the proposed house would have privacy in terms of overlooking from other windows but the garden ground would be overlooked. She confirmed that the proposal was classed as alterations to the building as opposed to a new building. The footprint would not be larger than the existing building. Regarding the definition of *crammed*, as stated in the first refusal reason, she indicated there was no set criteria for this definition; each application was assessed on its merits. Ms McQueen clarified that pre-application correspondence had taken place with the applicant. Responding to further questions, she advised that at the time of the previous application, the applicant had been told that a proposal for a house would not be acceptable. The applicant wanted to retain the building and it had been a domestic storage unit since then.

Keith Henderson of Capital Draughting Consultants Ltd, agent for the applicant, informed the Committee that this proposal was the final piece in the re-development of this area. The house would be done to the same standard as the three flats. Regarding overlooking he said that all the gardens were overlooked as all the flats were accessed from the rear. If planning permission was refused, he was unsure what else could be done with the site. He acknowledged the lack of parking facilities but stated that as membership of the bowling club had decreased there would be less traffic using the road. He stressed that this proposal would enhance the area not detract from it.

Mr Henderson, responding to questions, clarified that the bowling green would be closed between October to April but the social club would remain open throughout the year.

Local Member Councillor Currie, not a member of the Planning Committee, stated he did not regard this as a cramped infill development. This proposal would add to the amenity of the area; if not converted to housing he queried what would happen to this site. Regarding the lack of parking provision he said that in any area without enough parking spaces access to public transport was crucial and this was readily accessible; promoting the use of public transport was key. He referred to previous applications in Musselburgh that had been granted where there had been issues around parking provision and stressed the need to apply a similar logic. This was a worthwhile development, he hoped it would be supported.

Local Member Councillor Forrest, also not a member of the Planning Committee, agreed with Councillor Currie. The developers had worked closely with the bowling club. He also did not think this was cramped infill development, he felt it was acceptable. He added that there should be a review as regards parking provision.

Local Member Councillor Mackie noted this was a densely populated area. She remarked that parking was quite an emotional issue for some people. She agreed with Councillor Forrest that a review on parking should be carried out.

Councillor McLeod agreed with Councillor Currie about promoting the use of public transport. He noted that the bowling club would be quieter over the winter period. If this proposal was not granted the building would just remain empty. He would be supporting the application.

Councillor McMillan remarked that he had been swayed by Councillor Currie's comments. Promoting the use of public transport and discouraging parking was important in terms of sustainability and for improving the amenity of town centres. On balance, he would be supporting the application.

Councillor Gilbert felt that the proposal to form a house was acceptable. Regarding parking spaces, he remarked that there were many residential properties in Musselburgh without parking spaces and those residents managed by either using public transport or parking elsewhere. He would be supporting the application.

The Convener closed the discussion. He stressed that if the Committee took the decision to go against the Council's policies this would make it difficult to deal with other applications in the future. He would be supporting the report recommendation.

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

For: 6

Against: 4

Abstentions: 0

### **Decision**

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

- 1 By its contained backland position, the proposed house would be a cramped form of infill housing development, not appropriate to its place and harmfully at odds with the characteristic pattern of the layout of the houses, flatted buildings and gardens of Hercus Loan and surrounding vicinity. As development harmful to the characteristic pattern of the layout of the houses and buildings of this part of Musselburgh, the proposals would be an overdevelopment of the site and would be harmful to the character of this part of the Musselburgh Conservation Area. Consequently, the proposed development would be contrary to Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Ministers' policy on development within a conservation area given in Scottish Planning Policy: June 2014.
- 2 As no on-site parking provision would be provided for the proposed house and nor is there any land on which such parking could be provided, and that due to the narrow constrained nature of the road of Carlyle Place, and the existing on-going use of the bowling green, there is no on-street capacity to accommodate the parking demand associated with the proposed house, the proposed development would be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.
3. **PLANNING APPLICATION NO. 19/00691/P: ERECTION OF 1 HOUSE, DOUBLE GARAGE AND ASSOCIATED WORKS AT GROUND TO THE WEST OF KILORAN, ORMISTON**

A report was submitted in relation to Planning Application No. 19/00691/P. Julie McLair, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Ms McLair responded to questions. She clarified what discussions had taken place with the applicant and agent following refusal of the previous application. She further clarified that the previous application had been assessed under the 2008 East Lothian Local Development Plan but added that there had been no change in the material planning considerations.

The applicant Janet Jemmett, informed Members that they had lived at the property for many years and her husband wished to stay in his home. She expanded on the reasons for the

application, providing details of her husband's medical conditions and his care requirements. She drew attention to the history of the area and the number of properties that used to be on site. She said they had complied with all the Council's recommendations following refusal of the earlier application. She hoped Members would support the application.

In response to questions, Mrs Jemmett outlined the practical difference it would make to have her daughter and son in law living beside them.

Local Member Councillor Hoy, not a member of the Planning Committee, noted that since the previous application some of the grounds of objection had been addressed. Referring to policies DC1 and DC4, he drew attention to Councillor Akhtar's reasons for bringing this application to Committee and her comment that there may be an issue as regards demographics, care and wellbeing, which may highlight a gap in policy. He appreciated the difficulties in asking Members to disregard these policies but felt that enabling someone to remain in their own home with the necessary care provision was a point of differentiation.

Local Member Councillor McMillan referred to the dilemma as regards need and wider issues regarding care provision in rural areas. He respected the need for Policy DC1; it protected against indiscriminate development in the countryside. However, considering Mrs Jemmett's comments, he felt there were occasions when a person's needs outweighed policy. He would be supporting the application.

Councillor McLeod agreed; he would also be supporting the application. He asked if a condition could be put on a grant of planning permission restricting the occupation of the new house to family members for a set time. Keith Dingwall, Team Manager – Planning Delivery, stated that this was not possible; the Scottish Government was not supportive of this type of condition.

Councillor Bruce appreciated the issue of precedence but felt that given the circumstances outlined it would be more compassionate to grant the application thereby allowing the care and support to be provided by family members. He would be supporting the application.

Councillor Currie noted that the application was contrary to Policy DC1. The Council had been quite resolute in adhering to this policy for good reasons. However, on this occasion individual circumstances may incline Members to view this application differently. Policies DC1 and DC4 were quite clear but may require a review in the future.

Councillor Gilbert supported comments expressed by his colleagues; there were occasions where people took priority over policy. He would be supporting the application.

The Convener closed the discussion. He stressed that Policy DC1 was the Council's most important policy. If the Committee went against this policy then the Council would have an influx of applications for development across the East Lothian countryside. He had every sympathy for the family but felt they had other options such as extending the current house. He would be supporting the recommendation as set out in the report.

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

For: 6  
Against: 4  
Abstentions: 0

### **Decision**

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

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee