



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

**TUESDAY 5 NOVEMBER 2019
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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
Councillor J Williamson

Other Councillors Present:

Councillor J Goodfellow
Councillor C Hoy

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Mr K Graham, Solicitor
Ms M Haddow, Transportation Planning Officer
Ms S McQueen, Planner
Ms J McLair, Planner
Mr C Kiely, Planner
Mr D Taylor, Planner
Ms L Hunter, Transportation Planner
Mr E Lamont, Roads Officer
Ms J Allen, Communications Adviser

Clerk:

Ms F Currie

Visitors Present/Addressing the Committee:

Item 2 – Mr N Sutherland, Mr P Dibsedale, Ms W Chan, Mr D Warren, Mr J Swift
Item 3 – Mr P Allan, Mr K Macdonald, Mrs E Mostyn, Ms K Campbell
Item 4 – Ms J Waddell, Mr A Swan
Item 5 – Mr L Cairney, Mr I Hamilton, Mrs P Swan

Apologies:

Councillor W Innes

Declarations of Interest:

Item 4 – Councillor Mackie declared an interest and indicated her intention to leave the Chamber during this item.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 1 OCTOBER 2019

The minutes of the meeting of the Planning Committee of 1 October 2019 were approved.

2. PLANNING APPLICATION NO. 19/00781/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS AT LAND EAST OF WHITEKIRK VILLAGE HALL, WHITEKIRK

A report was submitted in relation to Planning Application No. 19/00781/P. Julie McLair, Planner, presented the report, summarising the key points. She added that at the request of Councillor Goodfellow, Members had been provided with a map of the local area. This showed that the application site was located adjacent to, not within or sharing a boundary with, a special landscape area. The proposed decision set out in the report was to grant consent.

Ms McLair responded to a number of questions from Members regarding the objections received, the elevation of surrounding properties, the location of the site in relation to the special landscape area, the potential impact on the Tithe Barn and the village hall, provision for parking and protection of the trees surrounding the site. Ms McLair also confirmed that Historic Environment Scotland had responded as a consultee but had made no comment on the application; either for or against. She also confirmed that discussions had taken place with the agent on safeguarding of some of the landscape features on the site.

Neil Sutherland of Wardell Armstrong, agent for the applicant, outlined the proposals and confirmed that the rock outcrop would remain with only slight shaving required and the ridge would remain in its entirety. He said that the previous proposals for a 2 storey house had been reduced to 1.5 storeys and that the trees and backdrop would further mitigate the impact of the development. The house itself had been designed specifically for the site, working with the surrounding landform and would be constructed of quality materials. He pointed out that the detailed heritage assessment report concluded there would be no adverse impact on the Tithe Barn. Referring to concerns about damage to trees, he said the applicant did not own the land where the trees were located but he would be happy to accept a condition safeguarding the trees during construction work. He also confirmed that conditions in relation to the elevation of the building and landscape/garden ground would be acceptable to his client.

Mr Sutherland responded to questions from Members. He stated that he had only just become aware of the issues surrounding the septic tank which served the village hall. However it was his understanding that these were legal rather than planning matters. On the proximity to the village hall, he maintained that his client was not concerned about noise or other encroachment. He also suggested that mitigating features could be included as part of the design and build process. He clarified the reasons for submitting a revised design for the house which included a lowered elevation. In relation to the rock outcrop on the site, he explained that a small cut of less than 1 metre would be required to help the house bed down into its setting. There would be no danger to the remaining outcrop and the work would not cause any stability issues.

Philip Dibsedale spoke against the application. He disagreed with the planning officer's assessment and with his interpretation of planning policies. He suggested that rather than 1.5 storeys, as stated in the plans, the proposed building would in fact constitute a 2 storey

dwelling house. The area of the village where the site was located included 18th century stone built cottages, the church and the Tithe Barn; it had been undisturbed by any new development since the village hall was erected in the 1920s. He said the proposed house would be crammed onto a small site and would be completely inappropriate in that setting. He disagreed with the planning officer's assessment of policy DP7 arguing that the proposal could only comply if the whole development, including car parking, turning space, etc., could be accommodated on the site; this was not the case. He also noted that the plans for the garden ground were unsatisfactory due to the rock escarpment and that the development as a whole was inappropriate in height, scale and mass and would be harmful to the area.

Mr Dibsedale responded to questions from Members regarding the positioning of the windows, the distance from the site to the Tithe Barn and its visibility, the lack of objections from Historic Environment Scotland and the interpretation of policy DP7 as it related to turning space and access.

Mr Dingwall commented that there was nothing in policy DP7 that prevented access and turning space being served off a private track; in this case the track to the Tithe Barn. The Convener noted that access was a legal issue rather than a planning consideration.

Wendy Chan spoke against the application. She advised Members that Whitekirk was part of a conservation area and that the site was situated close to important landscape features such as the Whitekirk and Balgownie outcrops and the historic Tithe Barn. Referring to planning policies DC1 and DC9 she stated that development should only be permitted where it did not harm the character of an area and where it was well integrated into its surroundings. In her view the proposals did not comply with either of these requirements and the development would result in damage to landscape features and severe overlooking of neighbouring properties.

At this point Ms Chan attempted to circulate a photograph which had not formed part of her original representation. She was advised that no new materials could be circulated during the meeting.

Ms Chan concluded her presentation by outlining the severity of overlooking that would result from the proposed development and the loss of amenity and privacy to her property. She also pointed out that children regularly used the old quarry site as a safe place to play and that this opportunity for outdoor play would be lost should the site be developed.

David Warren, chair of the Whitekirk Community Company, spoke against the application. He said his main objection was the detrimental impact on the village hall – the hub of the community – and the historic Tithe Barn. He stated that the village hall hosted a range of events throughout the year and there was concern that this use could be curtailed by a house being built in such close proximity and there was also concern over the location of the hall's septic tank. Referring to planning policies CH1 and CH2 he said that the house would be clearly visible to those walking to or from the Tithe Barn and would alter the landscape architectural character of the historic site. He dismissed the applicant's assessments as being of little value and he urged the Committee to refuse the application.

Mr Warren responded to questions from Members regarding the number and frequency of events held in the village hall and provided additional background on the Whitekirk Community Company.

Jon Swift, of Dunpender Community Council, spoke against the application. He said that the Community Council agreed with the objections raised by local individuals and groups and that the proposals would have a detrimental effect on the village. He noted the strength of local objections and that there did not appear to be a similar level of support for the proposals. He concluded that the Community Council was mindful of the need to represent

local concerns and he urged the Committee to take account of these when making their decision.

Local Member Councillor Findlay said that the objections received on this application appeared to represent almost 70% of the village's population and he had never before come across such a high level of objections from one community. Referring to the proposals, he said the house would be an overdevelopment of a site which was close to a special landscape area and a historic listed building and would not be in keeping with the surrounding dwellings. He had concerns about the septic tank and the impact on the village hall and he did not believe that the proposals met the requirements of the relevant planning policies. He would not be supporting the officer's recommendations.

Local Member Councillor Goodfellow, not a member of the Planning Committee, commented that the site was adjacent to a special landscape area, the proposals would have an adverse effect on a historic listed building and that they would be incongruous within the wider Whitekirk conservation area. He urged the Committee to overturn the officer's recommendation.

Councillor Kempson considered that the problem of noise from the village hall had been dismissed too lightly and should have been given more serious consideration. She would not be supporting the officer's recommendations.

Councillor McMillan thanked the planning officer for a thorough and balanced report. He had listened closely to the views expressed during the meeting and was not convinced that building one house would destroy such a vibrant community. However, he noted that the representations received amounted to 70% of the village inhabitants and with the evidence presented of the potential impact on village life he was minded not to grant planning permission.

Councillor McGinn said that with regret he would not be supporting the officer's recommendation. He agreed with Ms Chan's comment that children needed a place to play and he was also concerned about the site's proximity to the village hall. He said it would be foolish to assume that living so close would not result in concerns about noise, and it was important to preserve the community's use of the hall.

Councillor Bruce agreed with his colleagues and said that, in his view, the application did not comply with planning policies DP7 and CH2. He referred to the loss of amenity for recreation and greenfield land and that the proposals did not preserve or enhance the appearance of the conservation area. He would not be supporting the officer's recommendation.

The Convener brought the discussion to a close. He considered that the development would be detrimental to the character of the village and would result in an unacceptable loss of trees, rock and landscape. He also noted the proximity to the village hall and the potential impact on village life. He was in agreement with the majority of Members; he would not be supporting this application. In light of the comments made during the debate, the Convener asked Mr Dingwall to outline suggested grounds should the Committee vote to refuse the application. Mr Dingwall outlined suggested reasons for refusal based on Members' comments.

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

For: 1
Against: 9
Abstentions: 1

Decision

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

1. *The proposed house would detrimentally harm the character and appearance of the Whitekirk Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014;*
2. *The proposed house would adversely affect the special character of the Whitekirk and Balgone Outcrops Special Landscape Area, contrary to Policy DC9 of the adopted East Lothian Local Development Plan 2018;*
3. *The proposed house would adversely affect the setting of the listed building of Tithe Barn, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018 and to Scottish Planning Policy: June 2014 and Scottish Historic Environment Policy with respect to the affect of it on the setting of a listed building;*
4. *The proposed house could prejudice the ongoing use of the Whitekirk Village Hall, as noise emanating from it may impact on the amenity of the occupants of the new house; and*
5. *The proposal would result in the material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.*

Councillor Goodfellow asked that, in the event of an appeal by the applicant, that his statement regarding the shaving of the rock face be included in the summary of discussions. The Convener confirmed that this would be included in the minutes.

Councillor McLeod observed that it was not always possible to identify whether the representations received were from local people. He asked if in future all representations could include address details. The Convener agreed to ask officers to consider this.

3A. PLANNING APPLICATION NO. 19/00543/P: ERECTION OF 1 HOUSE, GARAGE/WORKSHOP AND ASSOCIATED WORKS AT GOOD FORTUNE, ATHELSTANEFORD

A report was submitted in relation to Planning Application No. 19/00543/P and Planning Application No. 19/00545/CAC (Item 3b on the agenda). Ciaran Kiely, Planner, presented both reports, summarising the key points. The proposed decisions set out in the reports were for refusal of the planning application and refusal of the conservation area consent.

Responding to questions Mr Kiely advised that as the building was in a conservation area consent was required for demolition and that in assessing the existing structure they would expect to see walls intact to at least head height and that the building was habitable. He also confirmed that planning officers had previously approved proposals for alterations and extension of the existing house.

Mr Dingwall referred to the structural engineering report which concluded that the existing building was suitable for alteration/extension. He said there was no clear justification for demolition and that building methods had changed so much that it would impossible to replicate the existing building form.

Peter Allan, the applicant, and Keith Macdonald of Somner Macdonald, agent for the applicant, gave brief presentations to the Committee. Mr Allan said that when he bought the property it was in a poor state of repair. He had engaged with the planning department throughout the process and had come up with sympathetic proposals which had been approved last year. However, the contractors had subsequently indicated that the original walls were not suitable for development and recommended they be taken down. He said he was committed to a high quality, environmentally sensitive rebuild to the existing footprint

and appearance. He also pointed out that the building could not be seen from the main street.

Mr Macdonald referred members to images of the existing structure and pointed out those elements which had previously been replaced. He said the intention was to take down the walls and rebuild with the original materials. Currently, there was a risk to the integrity of the building as well as associated health and safety risks. In his view the proposals complied with planning policy and he urged the Committee to grant planning permission.

Mr Allan and Mr Macdonald responded to questions from members on the percentage of material to be recycled, the type of windows to be fitted, the methods used to replicate the existing look of the building and whether it would be possible to retain any of the existing walls.

Mr Dingwall added that it was not simply about reusing materials but retaining features which could not easily be replicated with modern methods. He reiterated his officer's view that it was perfectly possible to retain the existing structure as part of the build.

Elaine Mostyn spoke in favour of the application. As a resident of the village she supported the proposals and commended the applicant's commitment to preserving as much of the building as possible, while undertaking an environmentally friendly development of the site. She did not consider that the proposals would harm the character of the building or the wider village; she felt that they would provide a sound structure and safeguard the building for the future. She expressed surprise that the application had not found favour with planning officials.

Krystyna Campbell, on behalf of the Architectural History Society of Scotland, spoke against the application. She said the main concern with the application was the use of the original fabric; by getting rid of the walls the new building would not retain the original form of the cottage. She said it was difficult to replicate traditional building methods and she noted that the engineering report had assessed the cottage as in generally good condition and suitable for development or extension. She added that giving approval to demolish and build would set a precedent for the village and elsewhere.

Ms Campbell responded to questions from members confirming that the application had been discussed by the Society's local members and clarifying comments the Society made in relation to the previous application.

Local Member Councillor Hoy, not a member of the Planning Committee, said he had nothing to add to his original statement of reasons for calling in this application.

Local Member Councillor McMillan noted that while Good Fortune was not visible from the main street, it was an important building within a marvellous village setting. He did not wish to see the property altered beyond recognition and to lose the outside of the building would be unfortunate. For those reasons he would be supporting the officer's recommendations.

Councillor Gilbert said that in his view the importance of retaining what already existed outweighed the need for demolition so he would be supporting the officer's recommendation.

Councillor Bruce thanked the applicant for his presentation and his commitment to the project. Referring to planning policy CH3, he said this only applied where a building could not be adapted or extended which was not the case with Good Fortune. Reluctantly, he would be supporting the officer's recommendation.

Councillor O'Donnell commented on the need to be consistent when making decisions which may affect conservation areas. She said that the right thing to do was to preserve a

significant piece of history within the village. She would be supporting the officer's recommendation.

Councillor McLeod said he had listened to colleagues and was persuaded by the comments made. While he noted that the house was not directly visible from the road it was in need of repair. He would be supporting the officer's recommendation.

Councillor Gilbert referred to the letters of representation submitted regarding these applications and that of 15 received only 2 could be identified as local. The Convener agreed to ask officers to look into this.

The Convener brought the discussion to a close. He said it was clear from the site visit that the building was in poor condition and that the previous renovation had not provided a very good standard of accommodation. But while he had sympathy for the applicant, he noted from the discussion that there were things which could be done to retain the existing walls. He would therefore be supporting the recommendation as set out in the report.

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

For: 11
Against: 0
Abstentions: 0

Decision

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

- 1 The replacement of the existing house with the new house would detrimentally harm the character and appearance of the Athelstaneford Conservation Area, contrary to policies RCA1, DP7, CH2 and CH3 of the East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.

3B. PLANNING APPLICATION NO. 19/00545/CAC: DEMOLITION OF BUILDING, WALL AND GATE AT GOOD FORTUNE, ATHELSTANEFORD

A report was submitted in relation to Planning Application No. 19/00545/CAC. The proposed decision set out in the report was for refusal of the conservation area consent for the demolition of the existing house, garage, wall and gate.

For: 11
Against: 0
Abstentions: 0

Decision

The Committee agreed to refuse the conservation area consent for the following reason:

- 1 The demolition of the existing house would in itself neither preserve nor enhance the character and appearance of the Athelstaneford Conservation Area. Accordingly the proposal is contrary to Policy CH3 of the East Lothian Local Development Plan 2018, Scottish Historic Environment Policy and with Scottish Planning Policy: June 2014 with respect to the effect of it on the Conservation Area.

Sederunt: Councillor Mackie left the Chamber.

4. PLANNING APPLICATION NO. 19/00596/P: ALTERATIONS, EXTENSIONS TO BUILDING AND CHANGE OF USE OF GROUND FLOOR PUBLIC HOUSE TO HOSTEL (CLASS 7), WITH ASSOCIATED LOUNGE, RECEPTION/CAFÉ,

MANAGER'S SELF-CONTAINED FLAT, INSTALLATION OF EXTERNAL SPIRAL ESCAPE STAIR AND ASSOCIATED WORKS AT THE DOLPHIN HOTEL, 2 QUEENS ROAD, DUNBAR

A report was submitted in relation to Planning Application No. 19/00596/P. Stephanie McQueen, Planner, presented the report, summarising the key points including the concerns surrounding the installation of solar panels. She explained the reasons for refusing the installation of solar panels adding that any environmental benefits which may be accrued would not, in her view, outweigh the material considerations and would set an unhelpful precedent. The proposed decision set out in the report was to grant consent.

Ms McQueen responded to questions regarding other buildings in the area, alternative renewable energy options and the weighing of material considerations against planning policy.

The applicant, Jo Waddell, provided a detailed summary of the proposals outlining the background to the development, the footprint for the site, the facilities to be provided and the measures which would be put in place to make the development as environmentally sensitive and as sustainable as possible. She said she had taken advice from planning officers about the exterior of the building and how to make it sit positively within its surroundings. She felt that the roof was high enough that the solar panels would not automatically draw the eye or detract from the rest of the building. She added that there were not many alternatives available at the moment and that some options were ruled out due to the size and nature of the building.

Alasdair Swan, of Dunbar Community Council, spoke in support of the application. He expressed his extreme gratitude to Ms Waddell for investing in the Dolphin Hotel but he also acknowledged the dilemma relating to solar panels outlined in the planning officer's report: how to balance the preservation of the conservation area against dealing with the pressures of climate change. He said the Community Council was concerned about the number of new houses being built without solar panels or other renewable energy sources and about the message which the Council would be sending if this development were approved without solar panels. He urged the Committee to allow the solar panels.

In response to further questions from Members, Ms McQueen proposed an amended condition no. 1 regarding the installation of solar panels:

"The solar panels hereby approved shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which they would be installed and with minimal flashing, in accordance with 1:10 or 1:20 scale section drawings showing the size, appearance and flush positioning of the solar panels to be submitted to and approved in advance in writing by the Planning Authority prior to their installation. Thereafter the solar panels shall be installed in accordance with the details so approved."

Mr Swan confirmed that the Community Council would be content with this proposed condition and with the precedent that such a development would set.

Councillor McLeod advised the meeting that his daughter worked for Warmworks UK. He did not think that this constituted a conflict of interest but he wished to make the point clear.

The Convener and Local Member Councillor Hampshire said he had called in this application as the proposed development would deliver a fantastic facility for Dunbar. On the issue of solar panels, he reminded Members that the Council had recently declared a climate emergency and it needed to do whatever it could to reduce the county's carbon footprint. He said that the Committee needed to support and encourage the use of renewables in all new developments. He said he would be voting against the officer's recommendation as set out in the report and would instead be supporting approval subject to amended conditions, as outlined by Ms McQueen.

Councillor Williamson said that this project would bring a once loved building back to life. He had no objection to solar panels being installed if they were embedded in the roof and did not think they would adversely affect the visual amenity of the area.

Local Member Councillor Kempson welcomed the application adding that the owners clearly had the energy and enthusiasm to create a brilliant development for Dunbar. She considered that the impact of solar panels would be minimal and she would be voting against the officer's recommendations as set out in the report.

Councillor McMillan pointed to the application as an example of the economic development and tourism strategy in action and developing high quality facilities for Dunbar. He acknowledged the concerns about the impact on visual amenity, however he felt that public attitudes were changing and that the proposals would not look out of place. He said he would support the application with the addition of solar panels.

Councillor McGinn said he had sympathy with officers but he was supportive of this type of accommodation and of the proposals regarding solar panels. He did not think it set a precedent as each planning application was considered on its merits. He welcomed an application that supported the environment, tourism and the local community.

Councillor O'Donnell said that while she understood the reasons for refusal, she felt that coastal erosion and flooding were more important than preserving a roof in the conservation area within Dunbar. She would not be supporting the officer's recommendations.

Councillor Gilbert hoped that this moment would be looked on as a watershed where the Committee considered environmental matters as important as other factors in determining applications. He would be voting against the recommendations as set out in the report.

The Convener brought the discussion to a close. He would be supporting the recommendation to grant planning permission but with an amended condition in relation to solar panels. This motion was seconded by Councillor McMillan

The Convener moved to the vote on the proposal to amend condition 1 of the planning permission, as set out by Ms McQueen. This was unanimously supported by the Members. The Convener then moved to the vote on the report recommendation (to grant consent), as amended:

For: 10
Against: 0
Abstentions: 0

Decision

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

- 1 The solar panels hereby approved shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which they would be installed and with minimal flashing, in accordance with 1:10 or 1:20 scale section drawings showing the size, appearance and flush positioning of the solar panels to be submitted to and approved in advance in writing by the Planning Authority prior to their installation. Thereafter the solar panels shall be installed in accordance with the details so approved.

Reason:

In the interests of safeguarding the visual amenity of the area and the character and appearance of the Conservation Area

- 2 A Construction Traffic Method Statement designed to minimise the impact of the movements of construction traffic to and from the application site shall be submitted to and approved by the Planning

Authority prior to the commencement of development on the site and shall include hours of construction work and any recommended mitigation measures for the control of construction traffic, which shall, as may be applicable, be implemented prior to the commencement of development and during the period of development works being carried out on the application site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 3 Prior to the commencement of development on the site, a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. Additionally, the Travel Plan shall be very clear on how active travel and public transport information will be promoted to employees and visitors of the hostel and shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green 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 hostel hereby approved.

- 4 Details, including a sample of the replacement natural slates to be used in the re-cladding of the roof shall be submitted to and approved in advance by the Planning Authority prior to their use in the development hereby approved, and thereafter the natural slates used shall accord with the details and sample so approved.

Those replacement natural slates shall match as closely as possible the existing natural slates on the roof of the building.

The existing natural Scottish slates of the roof of the building shall, where possible, be carefully removed and set aside for re-use / salvage.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area, the character and appearance of the building, and the character and appearance of the Conservation Area.

- 5 Details and a sample of the paint colours to be applied to the rendered finish of the external walls of the building, the window cills of the building, the castellated up-stand of the existing single storey part of the building, and to the external walls of the extension hereby approved shall be submitted to and approved in writing by the Planning Authority prior to its use within the development and thereafter the paint colours used shall accord with the samples so approved.

The window cills of the building and the castellated up-stand of the existing single storey part of the building shall be painted a contrasting colour to the colour applied to the render of the walls of the building, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure a satisfactory standard of external finish to the walls of the building in the interests of preserving the character and appearance of the building and the character and appearance of the Conservation Area.

- 6 The frames of the new and replacement windows of the southeast (front) and northeast and southwest (side) elevations of the building shall be of timber construction and shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

- 7 A schedule and samples of the external finishing materials to be used for the external walls and roof of the alterations to the building and the new extension hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details and samples approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area, the character and appearance of the building, and the character and appearance of the Conservation Area.

- 8 The frames of the new external doors shall be of timber construction and the new external doors shall also be of timber or timber and glazed construction, unless otherwise approved in writing by the Planning Authority and the outer surface of the framing and timber of the new external doors shall be painted, stained or treated with a timber preservative, in accordance with details of that paint, stain or timber preservative to be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development. Thereafter, the paint, stain or timber preservative applied to the outer surface of the framing and timber of the new external doors shall accord with the details so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 9 The roof windows hereby approved shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which it would be installed and with minimal flashing, in accordance with 1:10 or 1:20 scale section drawings showing the size, appearance and flush positioning of the roof windows to be submitted to and approved in advance in writing by the Planning Authority prior to their installation.

Reason:

In the interests of safeguarding the visual amenity of the area and the character and appearance of the Conservation Area.

- 10 Details of any new wall or roof mounted vents and flues to be installed on the existing building shall be submitted to and approved in advance by the Planning Authority. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall or roof mounted vents and flues to be concealed as much as possible and for visible parts to match as closely as possible the colour and materials for the part of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

- 11 Details and a sample of the rendered finish, including its colour, to be used for the external finish of the new boundary wall to be erected along the southwest boundary of the site, and the concrete cope of that wall shall be submitted to and approved in writing by the Planning Authority prior to its use in the development, and thereafter the rendered finish, including its colour, of the new boundary wall and its concrete cope shall accord with the details so approved.

Reason:

To ensure a satisfactory standard of external finish for the boundary wall in the interests of preserving the character and appearance of the building and the character and appearance of the Conservation Area.

- 12 If the metal framework, steps and balustrade handrail of the escape staircase hereby approved to be attached to the northwest (rear) elevation wall of the building are to be painted or finished in a colour, a sample of that paint or colour finish shall be submitted to and approved in advance in writing by the Planning Authority, and the colour of the paint or finish applied to the metal framework, steps and balustrade handrail of the escape staircase shall accord with the sample so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the building and of the Conservation Area.

- 13 A sample(s) of the materials to be used to surface the hardstanding areas hereby approved shall be provided for the inspection and approval of the Planning Authority prior to the use of such ground surfacing within the development, and thereafter the surface materials used shall accord with the samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the character and appearance of the Conservation Area.

- 14 Prior to the commencement of use of the hostel hereby approved, the upper glazed halves of the new external doors hereby approved for the first and second floors of the northwest (rear) elevation of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the development. The obscure glazing

of the upper halves of the two external doors shall accord with the sample so approved. Thereafter the two external doors of the northwest (rear) elevation of the building shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties of 5A High Street and 4 and 6 Church Street to the northwest and northeast respectively.

- 15 The replacement ground floor window of the northwest (rear) elevation of the eastern part of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the window shall accord with the sample so approved. Thereafter the ground floor window on the northwest (rear) elevation of the eastern part of the building shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property to the northwest.

- 16 The lower sashes of each of the replacement first floor and second floor windows of the northwest (rear) elevation of the eastern part of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the lower sashes of each of the replacement first floor and second floor windows shall accord with the sample so approved. Thereafter the lower sashes of each of the replacement first floor and second floor windows of the northwest (rear) elevation of the eastern part of the building shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property to the northwest.

- 17 Other than to access the laundry, bicycle storage, and waste storage, the outdoor space to the northwest and southwest sides of the building shall only be used between 0700 hours and 2300 hours on any day of the week for a period not exceeding one calendar year from the date of the grant of planning permission and thereafter other than to access the laundry, bicycle storage and waste storage, the outdoor space shall only be used between 0900 hours and 2000 on any day of the week unless otherwise approved in writing by the Planning Authority.

Reason:

To restrict use of the outdoor space in the interests of safeguard the amenity of the neighbouring residential properties to the northeast and northwest.

- 18 The residential flat on the attic (third) floor of the building of 2 Queens Road shall be occupied only by a person or persons engaged in the operation of the hostel, including its reception, cafe and guest lounge, use hereby approved and any dependent of such person or persons, and at no time shall it be occupied as an independent dwelling.

Reason:

To ensure the compatibility of use of all parts of the building.

Sederunt: Councillor Mackie returned to the Chamber.

5. PLANNING APPLICATION NO. 19/00744/P: SITING OF MOBILE SNACK BAR AT SHORE ROAD CAR PARK, BACK ROAD, BELHAVEN, DUNBAR

A report was submitted in relation to Planning Application No. 19/00744/P. David Taylor, Planning Officer, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Mr Taylor responded to questions from Members on alternative locations for the snack bar within the car park, signage, potential damage to the grass verges, restricting any permission to a maximum of 12 months and whether there had been consultation with the Health & Social Care Partnership on this application.

Lawrence Cairney, spoke on behalf of the applicant. He said his wife had many years' experience in the catering industry and that the proposed site was ideal as the snack bar would be catering mostly to surfers. He confirmed that there would be a litter patrol at the end of each day and that the business would use biodegradable resources. He confirmed that he and his wife were happy with the proposed hours and having their permission reviewed after 12 months.

Ian Hamilton spoke against the application. He said he lived in the house opposite the proposed site of the snack bar and was also speaking on behalf of his neighbour. Their objections related mainly to potential odours and noise as the snack bar would be located less than 10 metres from their homes. He disagreed that the road offered any kind of buffer and he noted that there was no information provided on the type of generator to be used. He disagreed with the assessment that there would be no adverse impact on amenity and he said he knew of no other example of a snack bar in such close proximity to residential properties.

Pippa Swan, on behalf of Dunbar Community Council, spoke against the application. She said that while the Community Council objected to the application that was not to say they were against appropriate proposals to improve facilities in and around Dunbar. However, they did not consider it appropriate that this type of snack bar should be located on the edge of a conservation area and in such close proximity to a quiet residential area. She said they also objected to the proposed look of the unit and had concerns about odours and litter. She concluded that the Community Council objected to the application in its entirety; it was not appropriate and would have an adverse impact on the amenity of the residents and wider area.

In response to further questions from Members, the applicant explained that the photo of the unit in the application papers was an example of the type rather than an image of the actual unit.

Mrs Swan objected to this saying that the application should have included a picture of the actual unit otherwise it was not clear what was being proposed. She also asked why it had been pulled from the Council's website. Mr Dingwall explained that it had not been removed from the website it was simply that while applications were being considered at Committee not all supporting documents were viewable online. Mr Dingwall also confirmed that any planning permission could include conditions relating to the look and size of the snack bar.

Local Member Councillor Kempson said she had called in this application as the car park was situated in an exceptionally beautiful location on the coastline and she was concerned that the application may set a precedent for commercialisation of coastal car parks. She noted that the potential numbers using the car park may affect the viability of the proposals; that it may take business away from the High Street in Dunbar; that it could encourage antisocial behaviour in the area which would impact on the peace and amenity of local residents; and that there may be damage to the grass. She suggested that if planning permission were to be granted the opening hours should be changed to 5pm rather than 6pm. She concluded by questioning whether this proposal supported East Lothian's desire to be seen as a food and drinks tourism destination.

The Convener and Local Member Councillor Hampshire commented that landscape and countryside officers had not properly considered the proposals and there had been no consultation with the wider community. While he acknowledged that a facility of this type in a better location could become an asset, he did not think the site proposed was appropriate and he did not support the application.

Councillor McLeod said he would have been happier if the van were to be sited elsewhere in the car park as he had concerns about the location proposed in the application.

Councillor Findlay said he had no problem with a snack bar in that general area but he felt that the propose site was wrong. He added that if the application had been for a different site he might come to a different view but, in this case, he did not agree with the officer's recommendation.

Councillor McMillan acknowledged that while East Lothian wanted to be seen as a food and drinks tourism destination it also wanted to be a county that encouraged the growth of small businesses. He was aware that students and other young people visited Dunbar to surf and that this proposal provided the type of food outlet they might prefer. However, he was not convinced that the location was appropriate given its proximity to local residences. He also noted the community council's point about considering which proposals would add value to the area. He would not be supporting the officer's recommendation.

Councillor O'Donnell said she understood the concerns expressed by local residents but most of the objections were not material planning considerations. She was satisfied by the report from Environmental Health and the proposal to review the planning permission after one year.

Councillor Williamson referred to comments made about the type of food and the look and size of the van. He noted that conditions would be put in place to address some of these issues and that any permission would only be for one year and that there would be an opportunity to review matters and perhaps consider alternative locations within the car park at the end of that period. On balance, he would be supporting the officer's recommendation.

The Convener brought the discussion to a close. He said he was not against the idea of a snack bar in principle but that this was the wrong location. He was in agreement with the local member and he would not be supporting this application.

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

For: 5
Against: 6
Abstentions: 0

Decision

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

1. In its prominent roadside location, the proposed mobile snack bar would harm the character and appearance of this part of the John Muir Countryside Park; and
2. The operation of the proposed mobile snack bar in such close proximity to residential properties would be likely to harm the privacy and amenity of those nearby properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee