

REVIEW DECISION NOTICE

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

Application for Review by McLaren Murdoch & Hamilton on behalf of The Livingroom Church of 30 Salters Road, Wallyford for refusal of Planning Permission for extension to building and associated works.

Site Address: The Livingroom, 30 Salters Road, Wallyford EH21 8AA

Application Ref: 19/00886/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 7 October 2020

Decision

The ELLRB unanimously agreed that the Review should be upheld and to grant planning permission subject to conditions for the reasons set out below.

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

The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 10 September 2020. The Review Body was constituted by Councillor N Gilbert (Chair), Councillor K Mackie, and Councillor F O'Donnell. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr P Zochowski, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms F. Currie, Clerk.

2. Proposal

- 2.1. The planning application is for review of decision for refusal of Planning Permission for extension to building and associated works at The Livingroom, 30 Salters Road, Wallyford.
- 2.2. The planning application was registered on 5 September 2019 and the decision notice refusing the application is dated 6 May 2020.
- 2.3. The reason for refusal of the Planning application is more particularly set out in full in the said Decision Notice dated 6 May 2020. The reason for refusal is summarised as follows:

2.3.1. As there is insufficient space within the curtilage of the application site to provide the 10 parking spaces required by East Lothian Council's Road Services to meet East Lothian Transportation Standards, and without any means of securing the consistent provision of the required parking spaces in any nearby car parks including the Wallyford Miners Welfare and Social Club the proposal would cause parking and congestion problems on Salters Road and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

2.4. The notice for review is dated 15 June 2020.

3. **Preliminaries**

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

i.	The drawings prepared by Allan Corfield Architects and accompanying this application are numbered as follows: - 2791PLA00 - 2791PLA01 - 2791PLA02 - 2791PLA04 - 2791PLA05 - 2791PLA06 - 2791PLA03 Rev A
ii.	The Application for planning permission registered on 5 September 2019
iii.	The Appointed Officer's Submission
iv.	Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application: - DP5: Extensions and Alterations to Existing Buildings - T2: General Transport Impact
v.	Notice of Review dated 15 June 2020 together with Applicant's Submission with supporting statement and associated documents.

4. **Findings and Conclusions**

4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They 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 grant planning permission subject to the condition, 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 advised that the proposed extension was considered acceptable by the planning case officer subject to a minor landscape condition. However, the determining issue in respect of the application was the matter of parking. He advised Members that information on the parking usage of the church was given both in the submitted Traffic Management Plan and in the applicant's supporting statement for the

review. At busy periods for the church, on Sunday mornings, it was reported that around 28 cars could be expected but it was also used for community activities during the week. While the church had very few parking places on its site, there were locations nearby where it was possible to park a car and these included the Wallyford Miners' Club (28 spaces); the Wallyford Community Centre; Wallyford Station; and the Wallyford Park and Ride facility approximately 400m away (300 spaces). The church was also very well served by public transport. The Planning Adviser indicated that the Council's Road Services department had asked for a legal agreement for the church to use a nearby car park to ensure that it would always be available in future for the church to use. This was not forthcoming. Accordingly, the application was refused for the reason that there was insufficient space to provide the 10 parking spaces required by Road Services to meet parking standards and without any means of securing the consistent provision of the required parking spaces in any nearby car parks the proposal would cause parking and congestion problems on Salters Road and elsewhere in the locality contrary to policy T2 of the LDP.

The Planning Adviser then summarised the applicant's case and drew attention to a statement submitted by the agent indicating that the Miners' Welfare Club could not provide the required legal agreement as it would place an unacceptable constraint on the club in perpetuity. The agent also advised that the Church had begun to use the new primary school as a base on a Sunday morning and that, in practical terms, it was considered that there was little or no risk of the parking and congestion problems envisaged by Road Services.

- 4.3. The Members then raised a questions pertinent to the application which the planning advisor responded to in relation to parking restrictions on Salters Road, the number of parking spaces currently available on site, the informal agreement in place for use of the Miners' Welfare Club car park and the availability of other parking facilities nearby.
- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor O'Donnell commented that from the site visit it was clear there were a number of parking options available near the church. She also noted the longstanding, informal agreement with the Miners' Welfare Club to use their car park and that there was no reason to expect this to change in the future. She observed that both these organisations were committed to the local community and to improving lives and that numerous large events had been held with no issues or concerns raised about parking. Having considered the case, she said she did not share officers' concerns about parking and could not support the planning case officer's recommendation. She would be voting to approve the application.
- 4.6. Councillor Mackie agreed with her colleague. She noted that the church had been operating for several years with a successful, albeit informal, agreement in place regarding parking. She also noted the availability of an additional 300+ spaces nearby and that Sundays, the peak times for the church, would be the time when the Miners' Welfare Club and station car parks would be at their quietest. She would not be supporting the planning case officer's recommendation.

4.7. The Chair also agreed with his colleagues. He commented on the success of the informal arrangement with the Miners' Welfare Club and that there was no reason to expect this to change. He also referred to the numerous additional spaces available nearby and the support for the proposals expressed by the local community council. For these reasons, he was minded to uphold the appeal.

Accordingly, the ELLRB unanimously decided that the Review should be upheld and Planning Permission granted subject to the following conditions:

1. Parking

Parking shall be provided in the form of 2 spaces in the position shown on the docketed drawing '2791 PLA 01' Proposed Site Plan. Such areas of land shall not thereafter be used other than for those specific purposes.

Reason:

In the interests of road safety.

2. Construction and Tree Protection

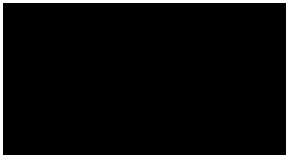
No development shall take place on site until temporary ground protection and a construction methodology has been agreed and confirmed in writing by the Planning Authority.

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason:

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage, in the interests of the landscape character and appearance of the area.

Planning Permission is accordingly granted.



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.