



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

**TUESDAY 5 MARCH 2024
VIA A DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Allan
Councillor C Cassini
Councillor D Collins
Councillor J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor C McGinn
Councillor S McIntosh
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

Councillor L Jardine

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr B Nicolson, Planner
Mr D Irving, Senior Planner
Mr C Grilli, Service Manager – Governance
Ms J Lothian, Team Manager – Strategy, Policy & Development
Mr E Hendrikson, Team Manager – Active Business Unit
Jon Canty, Transportation Planning Officer
Mr R Yates, Transportation Planning Officer
Ms M Haddow, Transportation Planning Officer

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 3: Mr S Allan and Ms J Bell
Item 4: Mr R Holder, Mr J Brindle, Mr J Aitken, and Mr R Henderson

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL: PLANNING COMMITTEE, 6 FEBRUARY 2024

The minutes were agreed as an accurate record of the meeting.

2. MINUTES FOR NOTING: LOCAL REVIEW BODY (PLANNING), 16 NOVEMBER 2023

The Committee agreed to note the minutes.

3. PLANNING APPLICATION NO. 23/01439/P: ALTERNATIONS AND HEIGHTENING OF ROOF OF BUILDING TO FORM ONE FLAT AND ASSOCIATED WORKS, 50 SCHOOL BRAE, WEST BARNES

A report had been submitted in relation to Planning Application No. 23/01439/P. Bruce Nicolson, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers answered questions from Members. Responding to a question from Councillor McMillan, Mr Nicolson advised that when judging against East Lothian's Local Development Plan (LDP), officers would have to conclude that the development did not offer an adequate level of parking, however, the National Planning Framework 4 (NPF4) supports low and no parking solutions proposals, particularly when there were good public transport links available. He pointed out that the development was on a main bus route and was well located for amenities and the railway station. He advised that NPF4 supported a reduction of car dominance and officers felt the site could support this principle.

Responding to further questions from Councillors Collins, Cassini, and Findlay, Mr Nicolson advised that a bathroom window did not cause overlooking as the applicant had proposed opaque glazing. He advised that safe access to the nearby substation would be retained during the construction period. He reported that the architect had advised that the shop would need to briefly close to protect health and safety while the existing roof was removed. He advised that construction deliveries would have to park on the street as this was the only place they could stop. He also advised that permits to carry out the work may have to be obtained from road services. Environmental health would enforce hours of operation, but had made no objections. He advised that the resident of the flat could decide to park in the street and use the parking area for other uses; a specific condition required the laying out of a parking space and maintaining it, but conditions could not force someone to park their car in the space.

Jacquie Bell made representation on behalf of West Barnes Community Council. She said that the village shop was a valued community resource, and the development had been proposed because the shop owner wished to build accommodation above the shop. She raised various concerns from the Community Council, which included: whether the current structure was strong enough to withstand the weight of the extension; road safety during the construction period, and a desire for hours of operation to be controlled due to proximity to the school; where construction workers would park; the lack of parking for a residential property; and whether the site was sufficient for the proposed drying green.

Councillor Hampshire pointed out that there was no objection from the community, and Ms Bell responded that some people had said they would object and then had not done so. She confirmed that the Community Council objected to the grant of the application.

Councillor Collins, Local Member, advised that she had called the application in after receiving four representations relating to the parking space and road safety during construction. She felt these points had been clarified for those who had raised concerns.

The Convener, also a Local Member, said the proposal represented an improvement to the shop building, which he felt did not look attractive in its current state. He welcomed the application, which would improve the look of the building and help the viability of the village shop. He felt the parking proposals were adequate and he would support the officer recommendation to grant consent.

Councillor McIntosh supported the application, and commended officers for applying NPF4's policy to reduce car dominance. She pointed out that the current owner would probably park the same car used to travel to work as when they were living there, so felt there would be no material change to the current setup.

Councillor McMillan was glad the Community Council had made Members aware of concerns relating to parking and access. He thought the shop owner had done a great deal in the community and he hoped the community would continue to support the shop. He said builders had to think about the safety of the community. He thought the proposals would be welcomed, and thought that the recommendation to grant consent on such a development was an opportunity to encourage use of public transport.

The Convener then moved to a roll call on the officer recommendation to grant consent, and Members unanimously supported the officer recommendation.

Decision

The Planning Committee agreed to grant the application, subject to the following:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 No development shall be carried out until a schedule of materials and finishes has been submitted to and approved in writing by the Planning Authority.

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.

- 3 Prior to the occupation of the flat hereby approved the parking area, drying green and bin store shall be laid out and available for use by the occupants of the flat and thereafter retained as such unless otherwise approved by the Planning Authority.

Reason:

In the interests of the amenity of the occupants of the flat.

- 4 Prior to the commencement of development, a report on the actions to be taken to reduce the carbon emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

4. PLANNING APPLICATION NO. 23/01266/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, PUBLIC PARK, AND ASSOCIATED INFRASTRUCTURE, DOLPHINGSTONE, WALLYFORD

A report had been submitted in relation to Planning Application No. 23/01266/PPM. Daryth Irving, Senior Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Officers answered questions from Members. Councillor McLeod asked for clarification that the site had never been intended for housing on the original masterplan, and had just been marked as green space and a play area. Mr Irving confirmed that the original masterplan marked the area as green space to serve the Dolphingstone site.

Jonathan Brindle spoke to the application. He advised that the proposals represented the final Phase 6 at Dolphingstone following a long-term masterplan site which had now seen considerable progress, including £25 million spent on site preparation alone, works by six different housebuilders, and at this point, 700 occupied new homes. He highlighted educational and community resources also coming forward, with the new Wallyford Primary, new secondary school, and floodlit pitches. He pointed out that there had never been any sustained local objection to any part of the developments. He said there had always been a strategy to make open space, and said the proposals were not about cramming in as many houses as possible. He said that Phase 6 land had always been intended to deliver houses, and residents would still have opportunity to use green spaces, playparks, and other proposed community facilities.

Robin Holder also spoke to the application. He added that the recommendation for refusal on the basis of a lack of open space was based on a flawed calculation by the planning officer. He stated that the proposals did provide enough open space, and argued that there were areas of open space which had not been counted. He pointed out that there were large areas of extensive open space immediately adjacent to the boundary of the site. He said there was significant overprovision of functional open space, and said the calculation did not include two grass pitches now being built to the north of the astro pitches, and there would also be a public park and a play area. He said that the areas of open space were superb community resources due to the proposed landscaping. He advised that the current permissions for the site did not secure permissions for the public park, and said these proposals would provide significant benefit to this corner of East Lothian. He shared a drawing of the site and highlighted sections which would be residential areas. He also highlighted areas of open space which the planning officer was not proposing to count as part of the calculation, including a community woodland, various sports pitches, and various play areas. He said the proposals would complete the overall development and provide a much-needed open space by bringing forward a public park. He also advised that matters relating to developer contributions had now been resolved.

Responding to questions from Councillor Gilbert, Mr Holder reiterated that the planning officer had taken an arbitrary boundary and excluded areas from the calculation. He advised that up to 150 houses would be built on the area, but expected that when detail was provided, the number would be closer to 100-130 houses.

Councillor Cassini asked about provision of housing which was in short supply in the area, such as those suitable for people with disabilities, and one- and two-bedroom properties. She also asked about the possibility of providing allotments. Mr Brindle and Mr Holder explained that the developer would have a detailed discussion with the Council to ascertain what was needed, and the variety of homes would have to accord with Council policies. They advised that there was provision for allotments at St. Clement's Wells, but felt allotments may be worth consideration when there was such significant demand.

Councillor McLeod asked why the site had not been included as housing in the masterplan. Mr Holder explained that there had been a previous educational constraint within Wallyford, but this was no longer an issue. He said it was felt that this development was required to complete the overall development.

Councillor McGinn asked about the junction where traffic would join the A199. Russell Henderson, representative of Ardent, stated that there would be no new junction developed. He advised that the junction had been tested to ensure traffic generated by the small additional area could be readily accommodated, and said transport officers had agreed that the impact on the A1 would be minimal.

Responding to questions from Councillor Collins, Mr Brindle advised that two new community grass pitches would be accessible at all times, and it was not yet clear whether two other pitches would be open at all times.

Responding to questions from Councillor McMillan, Mr Holder said that a wide variety of functional open space was needed. He said that the open space in question currently only had permission for a grassed area without provision for paths, seating, or other communal facilities. He said this had potential to become a large empty space which was unused. He advised that the application under discussion included a public park which was smaller than that space, but which included a play area, pathways, and landscaping. He argued that the proposal was for a better facility than was provided for currently. Mr Brindle added that when areas of open space did not have a clear purpose, they could end up being used to the detriment of the community. He asserted that by providing a clear purpose for the area, a much better facility could be brought forward for everyone.

Mr Dingwall provided clarity to a response provided by Mr Holder on the provision of open space. He read Condition 25, and confirmed that the Council's planning authority had control to secure the details and the implementation of that large area of open space (including provision of bins, benches, and a recreational path network, including a circular route), and that details of how the space would thereafter be maintained also had to be submitted.

Councillor McGinn asked about the proportion of car journeys coming from the new development, and Mr Holder provided some research data. He said that a lot of journeys would be internalised within the wider Dolphingstone site, and noted there would be a morning peak period associated with education. He advised that assessment indicated that the junction would be more than able to cope with the additional number of trips, and said this had been reflected in the Transport Scotland response to the proposals. He advised that a developer contribution to transport would also go towards mitigating any residual impact.

Councillor McGinn was concerned about the siting of the development, and would support the officer recommendation to refuse consent. He felt that there had been fantastic collaboration and communication between stakeholders until this point, and the wider site had seen new school provision and new opportunities for the growing community. He felt that the site had provision for open space and walking, and felt these proposals pushed what was acceptable. He also had concerns about road safety and capacity at the A199. He said he had been impressed by the work across the wider site.

Councillor McLeod said that he would welcome affordable housing, but was not convinced this proposal was needed; he could not support the application due to the loss of open space.

Councillor Collins compared the size of the park to Winterfield Park in Dunbar, and said that such an open space was essential for community health and wellbeing. She noted that the site had originally been designated as an open space such as would allow community gatherings and events. She would support the officer recommendation to refuse consent. She noted that approval of another 150 houses would put further pressure on the medical practice

in Musselburgh. She also felt that potential issues could be caused by the additional traffic. She felt that the open space would be of benefit to wildlife, children, and would enhance the whole area; and said that to lose the open space to housing would spoil the overall site.

Councillor Cassini said she could see the benefits of the proposed plans for the open space by the developers, but felt that, on balance, there were too many risks associated with building more houses on this site.

Councillor McMillan agreed with comments made by Councillor Collins. He felt that the current green space allowed the community to look after the site, and provided possibility to plan for other community spaces in the future. He would vote to retain this space. He said that proposals for the wider site had never been about cramming houses in, and he felt that these proposals would do just this. He felt that in granting the application, there would be a danger of losing a site which could become very precious to the community.

Councillor Gilbert stated that he would support the officer recommendation to refuse consent. He felt it was inappropriate to fill this site with houses when it had always been earmarked as green space throughout the wider planning process.

The Convener thought that East Lothian Developments Ltd. and the developers had done a great job in creating a fantastic extension to Wallyford, which he said had become one of the nicest towns in East Lothian. He felt that a park of the size previously proposed was needed to create a sense of community, and felt the original proposal was the right one for the site. He felt that building 150 houses on this area was the wrong proposal, and he would support the officer recommendation to refuse consent.

The Convener then moved to a roll call on the officer recommendation to refuse consent, and Members unanimously supported the officer recommendation.

Decision

The Planning Committee refused planning permission in principle for the following reason:

- 1 Due to the lack of provision of sufficient quality, useable, multifunctional open space for formal and informal recreation and amenity value for the development proposed in this application and the wider Dolphingstone site the subject of planning permission in principle 15/00537/PPM which would arise as a direct result of the proposed residential development of the application site, the proposed development is contrary to Policy 21 of NPF4, Policy OS3 of the adopted East Lothian Local Development Plan 2018, the Council's Design Standards for New Housing Areas Supplementary Planning Guidance and the Council's approved East Lothian Open Space Strategy 2018.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee