



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

**TUESDAY 1 DECEMBER 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr D Irving, Senior Planner
Ms J Holland, Senior Solicitor
Ms K Slater, Planner
Mr M Greenshields, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Visitors Present:

Item 2 – Mr S Slater, Mrs J Clarke, Mr S Wright, Mr G Barton
Item 3 – Mr K Power

Apologies:

Councillor D Berry
Councillor S Brown
Councillor J Goodfellow

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the meeting of the Planning Committee of 3 November 2015 were approved.

2. PLANNING APPLICATION NO. 15/00581/PPM: PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND ENGINEERING WORKS AT DOVECOT FARM, HADDINGTON

A report was submitted in relation to Planning Application No. 15/00581/PPM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

In response to a query from Councillor McMillan about the Clerkington lands, Mr Irving clarified that it was for the land owner to approach Historic Scotland regarding inclusion in the national Inventory of Gardens and Designed Landscapes.

The Convener, stating that as this site was included in the now approved draft Proposed Local Development Plan, queried the outcome if the Committee approved the application but the subsequent technical assessment indicated that the site was not suitable for housing. Iain McFarlane, Service Manager for Planning, advised that the site had been assessed in relation to the Main Issues Report and further assessed as part of the draft Proposed Plan. It was confirmed in the report that while further technical work needed to be carried out regarding the cumulative effect there was no reasonable case not to bring the application forward to Committee at this stage.

Councillor McMillan, referring to the comprehensive masterplan for Dovecot in the draft Proposed Plan, asked what all would be taken into account. Mr McFarlane clarified that masterplanning was consideration of all relevant technical matters. There was existing approval for the first part of the Dovecot development so this application linked in and could therefore be considered as part of that, rather than the wider Letham Mains site.

Councillor Trotter, referring to the recommendations from Road Services, queried the possibility of extending both the 30mph and 40mph zones. Marshall Greenshields, Transportation Planning Officer, outlined the potential issues, adding that there were also street lighting implications, a requirement in a 40mph zone.

Stuart Salter of Geddes Consulting, agent for the applicant, informed Members that this application formed phase 2 of the Dovecot Farm development. He referred to the shortfall in housing land supply in East Lothian; this application would bring a further 80 homes, including around 20 affordable homes. The site was identified in the draft Proposed Plan. The infrastructure was, or could be made, available. The applicant agreed to all the proposed conditions attached to the grant of planning permission set out in the report. All matters raised by consultees had been addressed.

Janet Clarke spoke against the application. She had 3 main areas of concern. The impact on Haddington: hundreds of houses were already planned which would have

a massive impact on the town and its residents. Work had already begun on site. Dovecot phase 2 was a field too far. If it had to go ahead then it should be delayed until completion of Letham Mains. Road safety: if this development was built beforehand, then children would be crossing this dangerous road to attend school, there would be no path on the south side. There had already been accidents. Consistency: Members had expressed their reluctance regarding approval for Dovecot phase 1; she hoped they would agree that this application was not justified.

Stephen Wright spoke against the application. He referred to the phase 1 application and to comments made by Members against applications on this site. This proposal was not acceptable. His objections were the same as for the earlier application; primarily road traffic and safety concerns, especially on Clerkington Road, and the impact on local schools. A major development was already approved at Letham Mains; more building was not needed at the west side of the town. He added that the Committee was not bound by the Reporter now, so could delay consent.

George Barton spoke against the application on behalf of Haddington and District Amenity Society. HADAS had objected to the first application at Dovecot Farm and the society's view had not changed. He referred to recent decisions regarding planning applications in Haddington and the effect on the town. HADAS believed that the scale of Dovecot Farm developments and the proximity to Letham Mains made it inappropriate in principle. This development was relying on infrastructure of the adjoining Letham Mains site which was not yet in place. It should only be considered in the light of a masterplan assessment for this area. He also raised several other concerns. This application should be refused.

Councillor Forrest asked, in relation to comments from objectors, if work had started on site. Mr McFarlane clarified that work had started on Dovecot Farm phase 1. There had been tree planting at the western boundary of this site, which was not regarded as development. He added that Enforcement and Landscape officers were monitoring the Dovecot sites.

Local Member Provost Broun-Lindsay referred to the planning history of this area. He also referred to the now approved draft Proposed Plan and the housing build requirements facing East Lothian Council. He understood the concerns put forward by the objectors about the impact of the additional housing on the town but he did not see how the Committee could hold this development back at this time. There were no logical reasons for refusal. He would be supporting the report recommendation.

Local Member Councillor Trotter echoed his colleague's comments. This was a difficult application. A number of valid concerns had been raised however he felt these were mostly taken care of in the conditions attached to the grant of planning permission. He would be supporting the report recommendation.

Local Member Councillor McMillan stated that this was a hugely difficult application to determine. He reiterated his earlier reference to the draft Proposed Plan and the commentary regarding cumulative impacts and the need for a comprehensive masterplan. He took the concerns raised by the objectors very seriously. However, he also recognised that the Council had a requirement to allocate land for houses. There needed to be a robust examination of the total impact of this site. Planning, Landscape and Road Services officers must make sure matters were addressed. He also reminded the applicant of their responsibility as regards this development.

The Convener agreed with Councillor Trotter; there should be a 40mph zone then a 30mph zone, both zones should be extended. He would recommend changing the

appropriate condition and moved an amendment to this effect. Councillor Trotter seconded this. Mr Greenshields advised that this would be contrary to the Council's Speed Limit Policy. He clarified that the current 40mph zone stopped at the western access. He added that a 40mph zone had to be within a lit area so if this was to be extended then the area of street lighting would also have to be extended.

Councillor Day remarked that the key point was that this site was now in the approved draft Proposed Plan. He expressed concern that there was no mention of a contribution to sport and leisure facilities at the Aubigny Sports Centre, which was probably already at capacity. He referred to an earlier application for Letham Mains where the conditions had been amended to allow a financial contribution to sporting provision prior to occupation of a specified number of houses. He felt this was a significant concern and may abstain from voting. Mr McFarlane clarified that no request had been made from the Sport, Countryside and Leisure Service for a contribution from the developer in relation to this site.

Councillor McMillan queried reference in the conditions to the masterplan referred to in the draft Proposed Plan for this site. Mr McFarlane advised that condition 1 set out the principles of development for the site in a series of requirements. Responding to further queries, Mr McFarlane stated that when Road Services assessed a development other developments coming forward in the area were taken into account; so whilst there may not be a presumptive masterplan all the other factors were assessed.

The Convener brought the discussion to a close. He would be supporting the recommendation to grant planning permission as set out in the report, with the amendment to condition 6. He moved to the vote on the report recommendation (to grant consent) subject to the appropriate rewording of condition 6 to be agreed between the Convener, Local Members, Roads and Planning Officers:

For: 13
Against: 0
Abstentions: 2

Post meeting

As decided, Local Members, the Convener and Officers of the Planning and Roads Services met but concluded that, on reflection, the existing wording of condition 6 was appropriate. It was agreed that Roads Services would undertake future monitoring of traffic speeds and road safety on the Pencaitland Road once houses of the development were occupied, to inform any future recommendations or speed limits on that road.

Decision

The Committee agreed to grant planning permission in principle subject to:

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to:

(i) Secure from the applicant a financial contribution to the Council of £367,651 (£4,595.64 per residential unit) towards the provision of additional capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy.

(ii) Secure from the applicant the provision of 25% of the final approved number of residential units within the application site as affordable residential units or if it can be demonstrated to the Council that this, or the off-site provision of 25% of the final approved number of residential units as affordable units is not practicable, to secure from the applicant a commuted sum payment to the Council in lieu of such an on or off-site provision.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Haddington Infant School, King's Meadow Primary School and Knox Academy and the lack of provision of affordable housing, contrary to, as applicable, Policies INF3 and H4 of the adopted East Lothian Local Plan 2008.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Development Framework plan docketed to this planning permission in principle, but additionally shall comply with the following requirements:

a. The residential dwellings shall be no higher than two storeys which can include for accommodation in the roof space and the external finish to their walls shall be predominantly rendered and coloured in accordance with a co-ordinated colour scheme that respects the layout of the development;

b. Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street;

c. There shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall otherwise accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. there shall be at least a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing or proposed neighbouring residential properties;

f. the priority junction onto the A6093 Pencaitland Road shall be laid out as shown on docketed drawing number J2701-sk13 "Proposed Junction Alterations" and shall include corner radii at the junction of 10.5 metres on either side. This shall include the movement of the road drainage gully to the new kerb line channel;

g. an independent road safety audit shall be undertaken which shall include identification of pedestrian safeguards and locations for bus stops needed to ensure safe movement of persons and vehicles within, to and from the site and an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development;

h. a visibility splay of 4.5m by 215m in both directions shall be provided and maintained at the proposed site access junction with the A6093 Pencaitland Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;

i. a scheme for updating and improving operation of the existing traffic signals at the junction of Knox Place, Station Road, Hope Park and Court Street within Haddington shall be submitted for the prior approval of the Planning Authority and the scheme so approved shall be implemented prior to the occupation of any residential unit;

j. a detailed vehicle tracking (swept path) assessment shall be provided using the large design rigid vehicle for the application site showing all turning manoeuvres. For the avoidance of doubt the Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - this will permit access by the occasional refuse/recycle collection vehicle, deliveries, social care buses and emergency & fire fighting appliances. From the text outlined in the document the vehicle is 2.5m wide and has a 6.1m wheelbase within an overall vehicle length of 10m;

k. any access roads which form short cul-de-sacs shall include turning areas to enable all vehicles to turn or alternatively road ends shall be linked;

l. with regard to the trees on the northern boundary of the site the proposed development shall be carried out in strict accordance with British Standard BS5837_2012 "Trees in relation to design, demolition and construction ~ Recommendations' and an arboricultural survey demonstrating this shall be submitted with application(s) for approval of matters specified in conditions;

m. parking for the residential development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards;

n. all access roads shall conform to East Lothian Council Standards for Development Roads and Design Standards for New Housing Areas in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures;

o. driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 metres length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

p. within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5.0 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

q. vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

r. cycle parking be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

s. a play area shall be provided as shown on the docketed Indicative Development Framework. Details of the play area, including the equipment to be provided within it and a timetable for its implementation shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved;

t. a pedestrian/cycle route shall be provided at the southeastern side of the site to connect to the adjacent site to the east as shown on the docketed Indicative Development Framework;

u. the proposed "formal footpath" at the northern part of the site shall be provided as shown on the docketed Indicative Development Framework;

v. notwithstanding that which is shown in the Indicative Development Framework docketed to this planning permission in principle, there shall be no pedestrian connections formed from the application site to the land to the west.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

- 2 No more than 80 residential units are approved by this grant of planning permission in principle. Unless otherwise agreed in writing with the Planning Authority: the annual completion rates shall be those set out by the applicant i.e. 24 in year 2018/2019, 24 in year 2019/2020 and 32 in year 2020/2021; and any slippage in any single year shall revert to year 2021/2022 or beyond, and not be added to the subsequent year.

Reason:

To ensure sufficient education capacity can be provided for the pupil product of the development.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall be generally based on the landscape proposals shown in principle on the docketed Indicative Development Framework and the docketed tree survey drawings nos. 09025-MPSK-P001-A and 09025-STSU-P003 and shall otherwise fully accord with requirements of Conditions 11 above.

It shall also provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall also include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 4 A Green Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 5 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 6 No development shall commence unless and until a 40 miles per hour (mph) speed limit on the A6093 Pencaitland Road has been brought into effect in a location from the existing 30 miles per hour (mph) speed limit on the A6093 Pencaitland Road westwards to the site access junction. Details of the new 40 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 40mph speed limit on Pencaitland Road from the existing lighting at the junction with Clerkington Road to a point beyond the proposed site access.

Thereafter the new 40 miles per hour speed limit and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety.

7 Prior to the occupation of any of the residential units hereby approved:

a. a continuous 2.5 metre wide shared pedestrian/cycle link shall be provided on the south side of the A6093 Pencaitland Road from the site access to Dobson's Well;

b. two bus stops with shelters shall be provided on the A6093 Pencaitland Road, one on either side of the road for east and west bound traffic;

c. a 2 metre wide footway shall be provided on the north side of Pencaitland Road (A6093) which shall provide a continuous connection from the northern (east bound) bus stop shelter required by b. above to the existing footway network to the east.

Details of the new 2.5 metre wide shared pedestrian/cycle link, two bus stops with shelters and 2 metre wide footway shall be submitted to and approved in advance by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

8 The discharge of surface water from the application site shall be treated in accordance with the principles of the SUDS Manual (C697), which was published by CIRIA in March 2007.

Details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

9 A Construction Method Statement to specify the measures to be adopted to protect the amenity of neighbouring residential properties from the effects of noise and dust arising as a result of the construction phase of the proposed development shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reason:

In the interests of the amenity of the area.

10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

3. PLANNING APPLICATION NO. 15/00576/P: ALTERATIONS, EXTENSION AND HEIGHTENING ROOF OF JOINERS WORKSHOP TO FORM 1 HOUSE, ERECTION OF GARAGE, ALTERATIONS TO VEHICULAR ACCESS AND ASSOCIATED WORKS AT OLD YESTER SCHOOL, DUNS ROAD, GIFFORD

A report was submitted in relation to Planning Application No. 15/00576/P. Kirsty Slater, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Kenneth Power, the applicant, informed Members he had bought the property in 2014. Since then the options regarding future use had altered and the only viable option now was as a family home. The terms of sale did allow a change of use provided that a payment was made to the Council's Estates section. He did not agree that approval would set a precedent; it was not a strategic business use site. Regarding removal of the wall, this would be very difficult due to ground levels. The wall had been in place for around 2 centuries and was a key part of the historic gateway to the village. He wanted to retain this building and convert it sympathetically. He had met with neighbours who were all supportive.

Responded to questions from Councillor Currie, Mr Power clarified that prior to purchase he had not spoken with Planning Officers regarding the change of use but had spoken with Estates Officers. In reply to further questions, he stated that initially he had planned on operating his business from the property but due to the economic situation this was not now viable.

Local Member Councillor McMillan outlined his reasons for bringing this application to Committee. This building was an integral part of the Gifford village. There seemed to be little demand for the building for business use. It was falling into disrepair. The neighbours unanimously supported a change to residential use. On balance, taking into account the economic situation and the state of the building, he would be going against the officer's recommendation and supporting the application.

Local Member Provost Broun-Lindsay agreed that it would be unfortunate if this fine old building fell into dereliction. He noted that the previous use had ended in 2008 and since then it had not been marketed for use for several years, which was disappointing. The building had stood empty for many years. Whilst he would always wish to protect business use, there had to be a cut off point. He would, regretfully, be going against the officer's recommendation and supporting the application.

Local Member Councillor Trotter agreed with his fellow local members. He understood the need to keep buildings for business use but agreed there had to be a limit to how long this could apply. He would be supporting the application.

Councillor MacKenzie remarked that this 1843 building was quite special and of an interesting design. He supported the application, which proposed imaginative reconstruction of the building.

Councillor Currie stated that the building had been marketed for business use, 4 offers had been received to retain this use; it should continue as such. He understood the issues around the condition of the building; he appreciated the amount of investment required for conversion; these were however issues for the applicant. He would be supporting the report recommendation. He also agreed that approval would set a precedent; the case had not been made for residential use.

Councillor Grant understood Councillor Currie's rationale in supporting the officer's recommendation; however, looking at the planning history, parts of the site had been sold off previously for garden use. This was a difficult application to determine but given the condition of the building he would be supporting the application.

The Convener also referred to the poor condition of the building and that the applicant was willing to carry out necessary renovation. This was a residential area. He disagreed with the proposal by Road Services to re-align the wall; this would destroy the front of the building. He felt that the change of use to residential use should be allowed and would be supporting the application.

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

For: 2
Against: 13
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Convener/local members and officers.

Post meeting

The conditions were subsequently confirmed as follows:

1. Prior to the commencement of development a site layout plan detailing arrangements for the parking of three vehicles within the site shall be submitted for the prior approval of the Planning Authority. The site layout plan shall include details of a bollard to be erected on the edge of the private access road, opposite the access to the site. Those arrangements for in-curtilage parking and bollard provision shall accord with the site layout plan so approved.

Reason:
To ensure an adequate provision of in-curtilage parking to serve the development and in the interests of pedestrian and road safety.

2. A schedule of materials and finishes, including a sample of them, shall be submitted for the prior inspection and approval in writing by the Planning Authority for the heightened roof, west boundary wall and garage. All such materials used in the construction of the development hereby approved shall conform to the details and samples so approved.

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

3. The roof windows to be installed in the new roof of the building hereby approved shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they will be installed and with minimum flashing.

Reason:
To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee