



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 21 JUNE 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor L Bruce
Councillor F O'Donnell
Councillor J McMillan

Advisers to the Local Review Body:

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB

Others Present

Mr D Irving, Senior Planner
Mr B Weddell, Chair of Prestonpans Community Council (Item 1)
Mr R Tait, Agent (Item 1)
Mr R Brunton, Applicant (Item 1)
Mr D Mitchell, (Item 2)

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

None

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting of the East Lothian Local Review Body (ELLRB).

A site visit had been carried out for each of the two planning applications on the agenda prior to the meeting.

1. **PLANNING APPLICATION 17/01062/P – REVIEW AGAINST REFUSAL ALTERATIONS, EXTENSIONS AND CHANGE OF USE OF FORMER BANK (CLASS 2 USE) TO FORM ONE RESTAURANT (CLASS 3 USE) AND TWO FLATS AT 2 AYRES WYND, PRESTONPANS EH32 9AB.**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, stated that the property was a single storey mid-terraced stone clad structure located on the corner of Ayres Wynd and the High Street in Prestonpans town centre. It was previously occupied by the Royal Bank of Scotland with an entrance from Ayres Wynd. He advised that relevant to the determination of the application was Strategic Development Plan policy 1B (Spatial Strategy) and Local Plan 2008 policies ENV2, DP6, DP22 and T2. Also of relevance was the proposed Local Development Plan that had recently been submitted to Scottish Ministers.

The Planning Adviser advised that the proposal involved internal reconfiguration of the existing building to create a kitchen, toilets and space for approximately 36 restaurant covers and the existing Ayres Wynd entrance would lead to a shared staircase area. The applicant also proposed to extend the building vertically with two additional floors to form the residential flats above. No change to the footprint of the building was proposed. The extension was to be of contemporary style and materials, with large glazed windows, balconies above the High Street, and box dormers.

The Planning Adviser stated that the Case Officer had reported the town centre was characterised by buildings with ground floor retail/commercial premises and flats on the floors above, with only limited examples of 3-story buildings. In considering the application, the Case Officer determined that the proposed ground floor restaurant use would be acceptable in principle under Policy ENV2. However, in terms of visual impact, he considered that, by virtue of the scale and potential visual impact of the proposed alterations, the result would have appeared incongruous and alien to the existing buildings in the town centre. In addition, Policy DP22 requires that proposals ensure sufficient parking provision is available. ELC Roads Department required 20 parking spaces for the proposed use of the property and Officers had determined that there was insufficient parking available to meet this requirement.

The Chair invited questions for the Planning Adviser and Councillor Bruce enquired how many parking spaces had been allocated to the Bank. The Planning Adviser replied that the bank had been considered to generate a need for 2-4 parking spaces and that demand was met. Councillor Bruce also enquired if the view that the proposals were 'incongruous and unsympathetic with its surroundings' was based solely on the opinion of the Case Officer. The Planning Adviser replied that Officers make a judgement based on the design policy in the adopted Local Plan, one requirement of which is that a building should integrate well with its surroundings. The Case Officer considered that these proposals did not achieve that. Councillor

O'Donnell had noted the many different styles of building in the town centre and the Planning Adviser acknowledged that there was a variety of styles and stated that new buildings could be many different styles. However, the Case Officer had considered that the proposals had not respected the neighbouring buildings. Council O'Donnell asked if the Transportation Department had taken account of the excellent public transport services which would be available to patrons of the proposed restaurant and the Planning Adviser confirmed that it had, but the restaurant was considered to still generate a need for 20 parking spaces, and for longer stays than for banking use. Public safety also had to be managed, in accordance with the Local Plan.

The Chair stated that the Council wished to encourage new businesses and policy on the regeneration of town centres was included in the Local Plan.

The Chair asked his colleagues if they now had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor Bruce was supportive of the appeal. He stated that the Prestonpans High Street was in need of regeneration and, whilst he understood the Transportation Department's requirement on parking spaces, he was satisfied that excellent public transport links would ease the demand on parking spaces. He also considered that, as there was no one dominant style of building on Prestonpans High Street, the proposals would not be unsympathetic to its surroundings.

Councillor O'Donnell agreed that the availability of parking spaces was not a key issue in the determination of this application due to the excellent public transport services. She preferred to view the proposals as a great opportunity to encourage people to visit the town and would provide a much needed restaurant in the area. She also liked the design of the flats and considered that the site at 2 Ayres Wynd was a prime location for the proposed restaurant and flats. She was therefore minded to overturn the original decision of the Case Officer and grant planning permission.

Councillor McMillan stated that the proposals would add to the interest and vibrancy of the town centre and would become a focal point on the High Street. He too, therefore, would support the appeal.

The Chair stated that the decision of the Royal Bank of Scotland to close the Prestonpans branch was a major blow to the town. The Local Review Body today was being tasked with considering the long term future of this building. The proposals would involve a major alteration to the building, but in his view, would enhance rather than detract from the character of the area. In addition, a restaurant on this site would bring people into the town and improve the viability of the town centre. He also considered that there was adequate on and off street parking available for visitors to the restaurant. He was therefore minded to overturn the original decision of the Case Office and grant planning permission.

Decision

The ELLRB unanimously agreed to overturn the original decision of the Appointed Officer and grant planning permission.

Reasons

1. To provide a restaurant and additional housing at this location and encourage visitors to visit Prestonpans
2. To contribute to the regeneration of Prestonpans Town Centre

2. PLANNING APPLICATION 17/00644/P – REVIEW AGAINST REFUSAL ERECTION OF 16 HOUSES AND ASSOCIATED WORKS AT THE FORMER GATESIDE COMMERCE PARK, WEST ROAD, HADDINGTON.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, stated that the application site related to an area of land around 0.40 ha in size located on the western side of Haddington, forming part of the former Gateside Commerce Park, situated between the A199 to the north and the B6471 to the south. This site was designated under policy BUS1 of the adopted Local Plan 2008, meaning that, in principle, applications for business development of use classes 4, 5 and 6 would be supported. Uses that did not fall within these classes would not normally be permitted. Also of relevance was the proposed Local Development Plan that had recently been submitted to Scottish Ministers. The Planning Adviser also outlined a number of previously determined planning applications relevant to this application. Planning application 14/00219/P had sought permission for the erection of 112 houses, light industrial units and a public house on land west of Gateside Road, Haddington. Permission was granted and had been partially implemented. Planning application 15/0000686/PM sought permission for the erection of 97 houses and associated works on land to the north of Gateside Road, Haddington, the same site as the 2014 application although excluding the area of land where the light industrial units and public house were to be built. Permission was granted and had also been partially implemented.

The Planning Adviser stated that the application being reviewed today sought permission for the erection of 16 houses, access, landscaping and parking, on the land where the public house was to be built as part of the grant of planning permission 14/00219/P. The proposed site layout indicated a mixture of 2 and 3 bedroom terraced dwellings arranged in rows of 3, 4 or 5 properties with an area of parking to the north eastern corner of the site. Relevant to the determination of this application was Scottish Planning Policy, Planning Advice Note 67 (Housing Quality), Strategic Development Plan policies 1B, 6 and 7, and the relevant adopted Local Plan 2008 policies as detailed in the Case Officer's Report. In considering the proposal, Officers determined that the proposed development would result in the loss of potential land for employment purposes in Haddington and was deemed contrary to Local Plan 2008 policy BUS1. In terms of the proposed Local Development Plan, the site was partly within the area allocated for mixed-use development and the site allocation reflected existing planning permissions that the mix of land uses will include a pub/restaurant. The Planning Adviser also advised that the additional housing units proposed through this application were not required in order to maintain a 5-year effective housing land supply. The proposal was therefore considered by Officers to be contrary to the proposed Local Development Plan.

The Planning Adviser also stated that the proposals were considered to be inappropriate in terms of design, particularly due to the layout of houses that would see them face away from the street and not provide active frontages or natural surveillance, contrary to the Council's Design Standards for new housing. Officers also considered that the granting of this planning permission would set a precedent where it would be difficult for East Lothian Council to refuse applications for residential development on land allocated for employment use.

The Chair enquired how long the site had been marketed for business use and was advised by the Planning Adviser that the Council's Economic Development team had reviewed the evidence provided by the applicant and considered that the site had been marketed for limited purposes.

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.

Councillor McMillan, Ward Councillor and Cabinet Spokesperson for Economic Development, remembered the Mitsubishi factory and business park on this site. He stated that this land was needed for economic development and considered it was essential the site was marketed for business or leisure purposes to bring jobs to the area. He therefore supported the decision of the Case Officer to refuse the application.

Councillor O'Donnell shared the view of her colleague, stating it was important that this land was used to achieve economic growth. She also considered that it was important to be able to provide jobs for the expanding population in the area.

Councillor Bruce concurred with his colleagues.

The Chair stated it was a difficult decision to allow land allocated for employment use to be used for residential development. He noted that the landowner had tried to sell the land but understood from the review papers that the site could have been advertised more widely. With the many new families moving into Haddington, he hoped that a business or leisure purpose could still be found for the site.

Decision

The ELLRB agreed unanimously to uphold the decision of the Appointed Officer for the reasons given in the Decision Notice dated 11 April 2018.

Signed

Councillor N Hampshire
Convener of Local Review Body (Planning)