



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

**TUESDAY 6 MARCH 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor S Currie  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell  
Councillor B Small

**Other Councillors Present:**

Councillor J Goodfellow

**Council Officials Present:**

Mr I McFarlane, Service Manager – Planning  
Mr K Dingwall, Team Manager – Planning Delivery  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr M Greenshields, Senior Roads Officer  
Mr C Clark, Senior Environmental Health Officer  
Ms J McLair, Planner  
Mr E Bean, Planner  
Mr J Allan, Planning Technician  
Ms P Bristow, Communications Officer

**Clerk:**

Ms A Smith

**Visitors Present:**

Item 2 – Mr N Sutherland, Ms L Morrison, Mr B Scott  
Item 3 – Ms N Woodward  
Item 4 – Mr E McIntyre  
Item 5 – Mr K Macdonald

**Apologies:**

Councillor C McGinn

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 6 FEBRUARY 2018**

The minutes of the meeting of the Planning Committee of 6 February 2018 were approved.

**2. PLANNING APPLICATION NO. 15/00192/PM: VARIATION OF CONDITION 8 (VI) AND (VII) AND CONDITION 12 OF PLANNING PERMISSION 09/00617/FUL TO ALLOW THE MOVEMENT OF VEHICLES AND THE UNDERTAKING OF SITE OPERATIONS OVER LONGER PERIODS OF TIME AND TO ALLOW THE OPERATION OVER A WIDER SITE AREA AT SMEATON BING, CARBERRY**

A report was submitted in relation to Planning Application No. 15/00192/PM. Iain McFarlane, Service Manager – Planning, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr McFarlane, Marshall Greenshields, Senior Roads Officer and Colin Clark, Senior Environmental Health Officer, responded to questions from Members. They provided clarification on alleged breaches of restrictions and outcomes, monitoring of HGV movements, speed limits on roads leading to the site and noise assessment results. Mr McFarlane stated that there was a Route Management Plan in place, part of the original planning permission, and HGVs were directed to the main road not Crossgatehall.

Neil Sutherland of Wardell Armstrong, agent for the applicant, Hamilton Waste and Recycling, informed Members that his client had transformed a derelict bing into Scotland's leading recycling centre. They were a local company, employing 118 staff on site. He detailed his client's investment into Smeaton Bing. The recycling rate was 98.5% of all waste, only 1.5% went to landfill. A variation was sought to allow the remainder of the site to be used and for trucks to get to the site earlier. The Scottish Environment Agency (SEPA) controlled the site. Regarding queries about noise, considerable noise assessments were done on site. He added that should planning permission be granted his client would continue to invest £2million over each of the next 5 years and would employ an additional 50 staff.

Mr Sutherland responded to questions on several issues including the reason for the increase in operating hours, days when the site would not be operating, potential new business, pre-loading HGVs and HGV movements in/out of the site. Regarding questions about the relationship with neighbours and reporting mechanisms, Mr Sutherland stated that the applicant did not have a formal process in place but would take complaints on board informally. Objections tended to be directed to SEPA or the Council not to the applicant.

Lindsay Morrison spoke against the application. She said that to date the applicant had addressed complaints as necessary but there was still a noise issue when the crushing machine was in operation. Residents had no course of action other than to contact SEPA. This application showed complete disregard for neighbours. She urged Members to take residents' views into account, this proposal would mean the loss of the only peaceful period; she spoke on behalf of all Carberry residents and the Carberry Residents Association.

Brian Scott spoke against the application. His property was 30 metres from the site. He outlined several issues including noise, dust and odour pollution stating that despite SEPA attending the site this was a regular occurrence. Waste frequently came over from the site into his garden. There was no reason to increase the hours of operation, if these were changed to include night and weekend working there would be more complaints to SEPA. It was unacceptable to have this operation taking place 7 days a week and into the night.

Local Member Councillor McLeod stated that the extension to 2100 hours on weekdays was of concern; he felt that 2000 hours would be a suitable compromise and would put this forward as an amendment. Referring to comments made by the objectors, he noted that

issues had to be reported to SEPA. He hoped that relations between the applicant and neighbours would improve. He would be supporting the recommendation. Councillor Bruce seconded the amendment.

Councillor Small referred to numerous ongoing issues. He noted the various agencies involved in monitoring these environmental issues; the Council had to accept their assurance. Members had to consider the economic benefits; this was a successful business. Regarding site operation on Sundays he felt this was unnecessary, the neighbours were entitled to a day of rest; he would be putting forward an amendment to remove this condition. Referring to the original conditions regarding the direction of travel in/out of the site, he asked if this could be more prescriptive, whether a variation could be applied. Councillor Findlay said he would second Councillor Small's amendment to remove Sunday working.

Mr McFarlane advised that any amendment to a condition on the hours of operation needed a reason for the change. He stressed that SEPA and the Council's Protective Services Manager both deemed the hours proposed by the applicant acceptable. He advised that the same applied to Sunday operation. Regarding traffic, condition 1 repeated the original condition, it was included as an update; he gave assurance regarding compliance with this. Responding to Councillor O'Donnell's query regarding competency of these amendments, Mr McFarlane clarified that in respect of both amendments the Council would be going beyond its powers, as SEPA was the regulatory body.

As a further point of clarification, Mr Clark informed Members that the noise assessment carried out regarding extending the weekday period did not take into account aggregate crushing according to the consultant responsible so condition 3 (vii) needed amended to add *or between 1800 hours to 2100 hours on weekdays*.

Councillor O'Donnell referred to the benefits to East Lothian and the return to the local economy due to this business operation. She would be supporting the report recommendation but would not support Councillor Small's amendment, as she did not feel that Sunday should be treated any differently to any other day.

Councillor Findlay concurred with Councillor Small's comments about Sunday working. He appreciated that the enterprise was good for the local economy but felt that residents should have one day free from the noise. If both amendments were approved then he would support the report recommendation.

Councillor Bruce, referring to the reporting mechanism, felt it was odd that the only recourse for residents was to go to SEPA. He asked if it would be possible for a formal process to be set up for residents to report issues direct to Hamilton Waste and Recycling. Mr McFarlane repeated that regulation of the site was carried out by SEPA. He advised that it would be for the applicant to implement a reporting process as mentioned.

Councillor Forrest expressed some reservation about the increase in hours and associated traffic. He acknowledged that Hamilton Waste and Recycling was a major employer in the area and their recycling rate was excellent. Whitecraig was the closest major settlement; there was a need to make sure that all questions were answered, as people would be subjected to a 24:7 site operation.

Councillor Currie said he had a number of concerns about this proposal, including the potential for an escalating effect resulting in an industrial site operating 24:7. A forum for the neighbouring community to raise issues with the applicant, before involving the regulatory body, should be set up. He felt that there was a case for conditions to be approved on a time-limited basis, for 12 months, to allow the Planning Authority to ensure the operator adhered to the conditions and to allow local residents to protect their amenity. He supported

Councillor Small's amendment but would also be putting forward his amendment as outlined. Councillor Gilbert seconded this amendment.

Mr McFarlane reiterated that SEPA was the regulatory body, the Council would be acting beyond its powers; licensing of the site was key to operation of the site. Responding to further points about previous applications where time limits had been put on conditions, Mr McFarlane clarified that this had been where the Council was the regulatory body.

Councillor McMillan referring to sustainability issues praised the 98.5% recycling rate. He shared some of the concerns expressed but SEPA, as the regulatory authority, would be actively evaluating and monitoring the site. There were also steps that could be taken by the applicant to improve relationships with the local community to mitigate risks. On balance, he would be supporting the recommendation but would not be supporting any amendments.

Councillor McLeod said that given Mr Clark's comment he would remove his amendment.

Councillor Kempson remarked that she had been impressed by the very significant level of recycling taking place at this site. She would be supporting the report recommendation.

The Convener brought the discussion to a close. He referred to the site visit, stating that the scale of the applicant's operation was remarkable. He stressed that SEPA was the regulatory authority and cautioned Members against trying to alter controls that were the responsibility of the regulator. He would be supporting the recommendation to grant planning permission as set out in the report. He asked Members to vote on the amendments.

Amendment 1 (proposed by Councillor Currie, seconded by Councillor Gilbert)

Condition 3 – remove *unless with the prior written approval of the Planning Authority and insert for a period of 12 months from the date of this planning permission*

For: 5  
Against: 6  
Abstentions: 0

The amendment therefore fell.

Amendment 2 (proposed by Councillor Small, seconded by Councillor Findlay)

Condition 3 (vi) – remove the reference to timings of Sunday operations and insert *there shall be no operations on Sundays*

For: 4  
Against: 7  
Abstentions: 0

The amendment therefore fell.

Amendment 3 (put forward by the Senior Environmental Health Officer)

Condition 3 (vii) – after *no aggregate crushing shall take place on Saturdays or Sundays* add *or between 1800 hours to 2100 hours on weekdays*

For: 11  
Against: 0  
Abstentions: 0

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

For: 8

Against: 3

Abstentions: 0

### Decision

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

- 1 Within two months of the date of the grant of this planning permission a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to planning permission 09/00617/FUL, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes shall be submitted to and approved by the Planning Authority. The waste recycling facility shall be operated in accordance with the Traffic Management Plan so approved.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 2 If any of the planting, seeding or turfing carried out in accordance with the details of landscaping approved by the grant of planning permission 12/00346/PM within a period of five years from the date of the grant of this planning permission die, are removed or become seriously damaged or diseased they 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. The landscaping, tree planting and hedging shall continue to be maintained in accordance with the landscape and woodland management plan for the site approved by the grant of planning permission 12/00346/PM.

Reason:

In order to ensure the implementation and long-term maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 Unless with the prior written approval of the Planning Authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time of 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip having already been attached to them during a previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries with skips during the period of time of 0530 to 0700 Monday to Friday inclusive. During the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload.

(vii) Other than for (vi) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive and 0700 to 1800 on Saturdays. No aggregate crushing shall take place on Saturdays or Sundays or between 1800 hours to 2100 hours on weekdays.

Reason:

In the interests of protecting the amenity of residential properties within the area.

- 4 The site access with the A6124 public road shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

- 5 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 6 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission and planning permission 09/00617/FUL, including the ancillary office, parking and storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. ED1149/003 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

- 7 Any fuel oil stored on the site shall be bunded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

- 8 Within two months of the date of the grant of this planning permission a litter control plan for the site shall be submitted to and approved by the Planning Authority. The litter control plan shall detail the measures necessary to prevent windblown litter within the site and from leaving the site. The waste recycling facility shall be operated in strict accordance with the litter control plan so approved.

Reason:

In the interest of the amenity of the area.

- 9 All loaded lorries which enter and leave the application site shall have their loads fully enclosed or fully sheeted.

Reason:

In the interest of the amenity of the area.

**3. PLANNING APPLICATION NO. 18/00055/PM: REMOVAL OF CONDITION 5F OF PLANNING PERMISSION 16/00552/PM TO REMOVE THE REQUIREMENT FOR A FOOTPATH ALONG THE SOUTHERN SIDE OF THE A198 TO LINK IN WITH THE EXISTING FOOTWAY NETWORK FROM THE A198 AT LAND TO THE WEST OF ABERLADY**

A report was submitted in relation to Planning Application No. 15/00192/PM. Keith Dingwall, Team Manager – Planning Delivery, presented the report, summarising the key points. He referred to an issue raised at the site visit in relation to the pedestrian crossing advising that Members could, if desired, vary condition 5(e) to read (after Dropped kerb crossing points) *and associated warning signage*. The report recommendation was to grant consent.

Mr Dingwall and Mr Greenshields responded to questions regarding the possibility of having a traffic island, or some other kind of physical structure, the current speed limit and the possibility of extending the 30mph zone.

Mr Dingwall, in response to points raised and referring to his earlier suggestion to vary condition 5(e), advised Members that this could read *Dropped kerbs crossing points, associated warning signage and other speed reducing measures*. Following further discussion Mr McFarlane confirmed that liaison would take place as requested between officers, the Convener and Local Members regarding speed reducing measures.

Ewan McIntyre of EMA Architecture + Design, agent for the applicant, indicated that the applicant was happy to go ahead on the basis outlined.

The Convener moved to the vote on the report recommendation (to grant consent) with the amendment as outlined to condition 5(e):

For: 11

Against: 0

Abstentions: 0

### Decision

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

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Prior to the commencement of development a further Tree Survey and Arboricultural Constraints Assessment, including details of protection and mitigation measures shall be carried out for the trees at the junction of the A198 and The Pleasance and the junction of Elcho Terrace and Kirk Road.

The development hereby approved shall be carried out in strict accordance with a tree protection and mitigation plan that shall set out the protection and mitigation measures for the site as set out in the Tree Survey and Arboricultural Constraints Assessment docketed to this planning permission and that approved in writing by the Planning Authority as part of this condition.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 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 include for:

Continuous hedge planting around the southwestern boundary of the site;

Hedge planting at the Kirk Road frontage;

Tree and hedge planting between the proposed houses to the south of existing houses at Elcho Terrace and The Pleasance;

Planting to the frontages of houses with integral garages to screen parking driveways;

Planting of native species trees of a variety of mixed species and with a sufficient number of large species;

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 accordance with a phasing plan to be submitted with the scheme of landscaping and any trees or plants which within a period of ten years from planting 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 and to improve the biodiversity value of the area.

- 4 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work (Trial Trench Evaluation (5%)) on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 5 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority and thereafter shall be completed and brought into use in accordance with a phasing plan approved in writing in advance by the Planning Authority:
- a) The proposed accesses onto both the A198 and Kirk Road shall be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
  - b) The existing footway along the A198 providing access to the bus stop on the western side of the A198 / The Pleasance junction shall be widened to 2metres;
  - c) The existing bus stop flag on the Edinburgh bound carriageway to the west of the A198 / The Pleasance junction shall be upgraded to include a shelter;
  - d) The existing bus stop flag on the North Berwick bound carriageway to the east of the A198 / The Pleasance junction shall be upgraded to include a shelter;
  - e) Dropped kerb crossing points, associated warning signage and other speed reducing measures shall be provided in close proximity to the A198 / The Pleasance junction to allow pedestrians to cross the road to the north side of the A198 to access walkways and bus stops;
  - g) Raised Table traffic calming shall be constructed at the 2 priority junctions with Kirk Road;
  - h) The Section of Kirk Road on the Southern boundary of the village linking the proposed site to the A6137 Haddington Road is narrow and not suitable for the increase in 2 way traffic that shall be generated by the site. 3 vehicle passing places shall therefore be required to allow vehicles to pass one another without having to drive on the road verge;
  - i) The internal carriageway through the site in front of plots 11, 12, 23, 24,57 and 58 shall have a 2 metre wide footway on either side of the carriageway;
  - j) The remote footpath through the park area adjacent to the SUDS pond shall be constructed to an adoptable standard including street lighting;
  - k) The new roads junctions within the site shall have traffic calming measures to reduce vehicle speeds along the route in order to promote road safety. This shall include raised tables at junctions and crossing points with appropriate speed bumps at other locations;
  - l) Parking for the proposed residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;
  - m) All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
  - n) 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;
  - o) Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m 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 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) No part of the development shall be occupied until a Residential Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with Road Services. The GTP shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

r) 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 noise, dust, construction traffic and shall include hours of construction work; and

s) A detailed condition survey of the construction access route from the The Pleasance shall be jointly undertaken by the developer and East Lothian Council Road Services prior to commencement of the development. During the period of construction of the site a similar joint inspection shall be carried out to assess the condition of the route on the first anniversary of the commencement of the development and each subsequent anniversary thereafter. Any damage identified during the inspections as a result of construction activities shall be repaired or resurfaced by the applicant in compliance with the Council's specifications and requirements at no cost to the council as roads authority.

Reason:

In the interests of road and pedestrian safety.

- 6 Prior to the commencement of development further details of the SUDS scheme shall be submitted for the approval of the Planning Authority:

demonstrating that the site has a neutral impact on runoff rates from the development site; and providing details of the SUDS Outfall Pipe Design and route.

Thereafter the SUDS system shall be constructed in accordance with the details so approved.

Reason:

In the interests of drainage and flood risk management.

- 7 Unless otherwise approved in writing by the Planning Authority, the external finishes of the development shall be as shown on the Materials Plan and elevation drawings docketed to planning permission 16/00552/PM. Prior to the use of them on the development samples of all materials and finishes shall be submitted for the approval of the Planning Authority and thereafter the materials and finishes used on the development shall be as so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 8 The number of residential units to be completed on the site each year shall be as follows unless otherwise approved in writing in advance by the Planning Authority:

Year 1 - 46 residential units

Year 2 - 34 residential units

Year 3 - 27 residential units

Should any completions be fewer per year than given above then the difference shall be added to the end of the 3 year phasing period and not to the year following on.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site and to ensure that there is sufficient education provision.

- 9 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 10 Prior to the occupation of the last house or flat hereby approved, the proposed access roads, parking spaces, and footpaths shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and flats and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and parking in the interests of road safety.

- 11 No residential unit shall be occupied unless and until details of artwork to be provided on the application site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork. The artwork shall thereafter be provided in accordance with the details so approved.

Reason:

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

**4. PLANNING APPLICATION NO. 17/01185/PM: VARIATION OF CONDITION 2 OF APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 11/00975/AMC – TO REMOVE REQUIREMENT FOR A FOOTPATH ON THE SOUTH SIDE OF THE B1348 ROAD (LINKS ROAD) TO THE EAST OF THE HOLIDAY VILLAGE ACCESS JUNCTION AT SETON SANDS HOLIDAY VILLAGE, PORT SETON**

A report was submitted in relation to Planning Application No. 15/00192/PM. Mr Dingwall presented the report, summarising the key points. The report recommendation was to grant consent.

Nicola Woodward, agent for the applicant, referred to a very constructive meeting with Planning Officers and hoped Members would support the report recommendation. She added that the stile and the footpath along the eastern boundary no longer existed.

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

For: 11

Against: 0

Abstentions: 0

**Decision**

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

- 1 All planting, seeding or turfing comprised in the landscaping drawings docketed to approval of matters specified in conditions 11/00975/AMC shall be carried out in the first planting and seeding season following the occupation of any of the additional 195 static caravans or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five 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.

- 2 A new 2 metre wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk.

Within two months from the date of grant of this planning permission, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety.

- 3 Unless otherwise approved in writing by the Planning Authority, within one month from the date of grant of this planning permission, a scheme to connect the development approved by approval of matters specified in conditions 11/00975/AMC to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

**5A. PLANNING APPLICATION NO. 17/00866/P: EXTENSION TO EXISTING SHOP (CLASS 1 USE) AND PROFESSIONAL SERVICES BUILDING (CLASS 2 USE) AT 2 LAW ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 17/00866/P. Edward Bean, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application. Listed building consent was sought separately, detailed in the next agenda item.

Keith Macdonald of Somner Macdonald Architects, agent for the applicant, said the report confirmed that class 1 and 2 use were suitable for North Berwick Town Centre, no statutory consultees had objected, there were no privacy or amenity issues for residents. The high quality design mirrored the pattern of buildings on the High Street. If they were taking down the boundary wall then they would be completely altering its character, however this was not proposed. Regarding making openings in the stone wall he pointed out that this wall had been altered previously. There were few opportunities for existing business space in North Berwick and a dearth of office space. He asked Members to approve the application.

Councillor McLeod asked who was responsible for the upkeep of the wall. The applicant stated it was mutual between him and the owners of the adjoining property.

Regarding points raised by Councillor Goodfellow about office space, Mr Macdonald reiterated that there was very little office space in the town centre.

Mr McFarlane, referring to a point raised by the agent about the setting of the listed building informed Members that the key question was the direct impact on the listed building to which the extension would be attached, rather than the impact on the setting per se. The determining issue was the significant effect on the building and the wall, Historic Environment Scotland's guidance was very clear on this.

Local Member Councillor Findlay felt there were significant issues regarding economic development and provision of office space in the town not addressed in the report. This proposal would provide the opportunity for the existing business to extend. The design was in keeping with other properties on the High Street. The old stone wall had already been altered previously. He would argue that the economic benefits outweighed the limited architectural loss. He would not be supporting the report recommendation.

Councillor Currie agreed with the officer's recommendation for refusal of the application.

Councillor McMillan remarked that the proposed development was interesting; it was modern yet would preserve many original aspects. The wall was an amazing piece of history. He would be supporting the application.

The Convener said he was aware that Planning Officers were very protective of conservation areas in East Lothian hence the report recommendation. However, on this occasion he felt that the proposal would enhance the area. It would also provide more economic development in the town centre, which would improve footfall and create more employment opportunities. He would be supporting this application.

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

For: 2  
Against: 9  
Abstentions: 0

**Decision**

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

**5B. PLANNING APPLICATION NO. 17/00867/LBC: ALTERATIONS AND EXTENSION TO BUILDING AT 2 LAW ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 17/00867/LBC. The proposed decision set out in the report was for refusal of the application.

For: 2  
Against: 9  
Abstentions: 0

**Decision**

The Committee agreed to grant listed building consent subject to conditions to be determined by the Convener/local members and officers.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee