



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

**THURSDAY 19 APRIL 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor K McLeod
Councillor J Findlay

Advisers to the Local Review Body:

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms M Haddow, Transportation Planning Officer

Others Present

None

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor McMillan

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 the one planning application on the agenda prior to the meeting.

1. PLANNING APPLICATION 17/01091/P – REVIEW AGAINST CONDITION REMOVAL OF CONDITION 1 OF PLANNING PERMISSION 17/01091/P FOR ALTERATIONS AND CHANGE OF USE OF FORMER BANK (CLASS 2) USE TO FORM RESTAURANT (CLASS 3) USE AND HOT FOOD TAKEAWAY (SUI GENERIS) AT 100 HIGH STREET, TRANENT TO ALLOW THE USE OF THE SITE AS A HOT FOOD TAKEAWAY.

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.

The Planning Adviser stated that today's review related to a condition that was applied to planning permission 17/01091/P granted by East Lothian Council on the 8 February 2018. The premises was located close to the busy junction of Tranent High Street and Ormiston Road with a bus stop immediately outside the front. It was also situated within the Tranent Conservation Area. Applicable to the determination of the application was Scottish Planning Policy, Strategic Development Plan Policy 1B, and Local Plan 2008 policies ENV2, ENV4, DP6 and T2.

The Planning Adviser advised that, when considering the application, the Case Officer had consulted the Council's Transportation Service and Environmental Health Service. Transportation had raised an objection to the takeaway aspect of the proposal based on potential for illegal parking on the footway and dangerous manoeuvring of vehicles, particularly during peak travel times. No objection had been raised by Transportation Officers to the restaurant use as they accepted that there would be parking available either at the rear of the premises or in other car parks in the town centre. Environmental Health had raised concerns over the takeaway use and requested conditions to protect neighbour amenity, specifically conditions relating to restricting noise levels from plant and equipment, and for details of extraction systems. No representations had been received from members of the public or external agencies.

The Planning Adviser stated that, whilst the applicant stated arrangements were in place to make two parking spaces available at the rear of the premises for take-away customers, the Case Officer considered that the applicant had not demonstrated to the satisfaction of the Planning Authority that the parking and access issues could be resolved. Policy T2 of the adopted Local Plan 2008 requires new development to have no adverse impact upon road safety and the amenity of other neighbouring properties or land uses. The takeaway use was considered contrary to Policy T2. Consequently planning permission had been granted for restaurant use only with a condition applied preventing the use of the premises as a takeaway.

The Chair invited questions for the Planning Adviser.

Councillor Findlay noted that Road Services stated that peak demand for takeaway use was expected to start at around 5pm when road and pedestrian traffic was still high. The applicant in his supporting statement disputed this, stating that the peak time for takeaways was from 6.30pm when pedestrian and traffic volumes were lower. He asked the Planning Adviser for his view and the Planning Adviser stated that the Case Officer would have based her decision on evidence from other takeaway businesses in East Lothian. It had been established that many customers visit takeaways on finishing work, which would occur during the period 5-6.30pm.

The Chair noted that the applicant was critical of Road Services for submitting a list of events which could happen without offering evidence to verify the claims made. He asked the Planning Adviser if it was normal practice for the Council to highlight potential issues and the Planning Adviser replied that, as traffic flow and parking was already under pressure in Tranent, the Transport Department had deemed that removing Condition 1 would create significant problems.

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

Councillor McLeod was pleased that the premises would operate as a restaurant but had concerns about a takeaway operation due to traffic and parking issues. He was therefore minded to uphold the decision of the Case Officer to include Condition 1 which was attached to the consent given to this planning application.

Councillor Findlay noted that policy T2 of the adopted Local Plan requires that new development must have no significant adverse consequences for road safety. In his view, the proposed takeaway was located close to a set of traffic lights and a busy junction. He too would therefore vote to uphold the decision of the Case Officer.

The Chair was similarly minded. He stated that there were bus stops and restricted parking on both sides of the road and inconsiderate parking could pose a threat to public safety.

Decision

The ELLRB unanimously agreed to uphold the decision of the Case Officer to include Condition 1 in the planning consent granted as per the Decision Notice dated 8 February 2018.

Signed

Councillor N Hampshire
Convener of Local Review Body (Planning)