



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

**TUESDAY 2 NOVEMBER 2021  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Councillor F O'Donnell

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Manager Planning Delivery  
Mr N Millar, Planner  
Mr G McLeod, Transportation Planning Officer  
Mr N Clark, Principal Countryside Officer  
Ms J Holland, Senior Solicitor  
Ms P Gray, Communications Adviser  
Ms F Currie, Committees Officer

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr A de Villiers, Ms H York

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 5 OCTOBER 2021**

The minutes of the meeting of the Planning Committee of 5 October 2021 were approved.

**2. PLANNING APPLICATION NO. 21/01125/P: SITING OF SNACK VAN AT CAR PARK NUMBER 1, LONGNIDDRY BENTS, LONGNIDDRY**

A report was submitted in relation to Planning Application No. 21/01225/P. Neil Millar, Planner, presented the report. He highlighted issues raised at the site visit regarding the number of litter bins and also the applicant's vehicle and trailer entering/exiting the car park. On the first issue he referred to condition 5 and clarified that the Committee could, if desired, amend this condition to specify provision of 3 bins during trading hours. He stressed however that following further consultation both the Estates Team and the Countryside Rangers strongly objected to the provision of 3 bins, he outlined their reasons; he also gave details of litter bin trials at other Bents areas. The report recommendation for 1 bin therefore remained the best scenario. On the second issue, an extra condition could be added to the grant of planning permission preventing a right turn into/out of the car park onto the B1348; he outlined the potential wording for such a condition. The applicant was willing to comply with this additional condition and Road Services also agreed it was acceptable. He then summarised the key points of the proposal. The proposed decision was to grant consent.

Officers responded to questions from Members. Mr Millar clarified that the rectangular vehicle site was the only actual footprint and that there was no proposal for tables/chairs. On potential damage to the grass from daily vehicle movements he said there may be some damage but through condition 1 the grass verge would be restored to its original state if any damage occurred. Regarding the length of permission and a possible review during the 3 year period, Mr Millar said the condition could be restricted to 1 year if desired.

Members asked several questions about litter bin provision. Mr Millar clarified that it was up to the applicant to ensure waste was removed each day and disposed of appropriately. He advised that the Council had no control over packaging or whether bio-degradable products were used. On provision of 2 bins, 1 for waste and 1 for recycling, he said that if Members felt this was preferable then condition 5 could be altered accordingly. On experience from the food operator at car park no. 3, Neil Clark, Principal Countryside Officer, clarified that this vendor usually had 1 bin but if busy would have 2 bins adjacent to the van. On further points raised he said that car park no. 3 was a more difficult site to manage; he gave examples. He stressed that having no general litter bins, for 15 years now, had proved a huge success. The introduction of the vending unit at car park no. 3 had given an opportunity to target litter; the same scenario would apply with car park no. 1. He added that Countryside Rangers would be onsite, monitoring and working with vendors as happened at other beaches.

On queries about potential signage on the B1348 coast road before reaching Longniddry Bents, Mr Millar said there was already directional signage to the car parks; no additional signage was proposed through this application as it was not deemed necessary. Graeme McLeod, Transportation Planning Officer, added that proposed condition 6 addressed Road Service's concerns regarding vehicle turning movements particularly associated with a right turn move; restricting movement to a left turn would be the only way of better managing access/egress. Regarding signage the Convener said that officers could assess this outwith this application; there were some issues on this coastal road. On the possibility of the van remaining overnight on site thereby saving on mileage and being more sustainable, Mr Millar said it was a mobile unit so generally not promoted for permanent siting.

Andre de Villiers of BBQ Street Food, the applicant, addressed issues raised. Litter bins: he confirmed he would keep the site as clean as possible on a daily basis and would adhere to all conditions. Packaging: bio-degradable products were used for all packaging and utensils.

Permanent siting: he had no issue leaving the van on site, this would be more environmentally friendly but he would remove it over the winter months as he did not think the site would be as busy then. His bespoke van would be a very good introduction to Longniddry Bents, it would provide high quality food; it was not a standard takeaway van.

Responding to a question about pop up signage for the litter bins he said he would ensure proper signage was in place. On the matter of minimising daily travel miles he said that at present the van was stored in Edinburgh but he would be looking for storage closer to the site in Longniddry and referred to his earlier comments.

Helen York, Chair of Longniddry Community Council (LCC), made representation on behalf of LCC and as a personal objector. She commented that LCC would have liked to have seen a sustainable tourism policy before the Council decided to implement food sales/provision. She queried other coastal areas where people did not want any facilities. She reference the Good Food Charter. She raised concerns about where people would eat the food; it would not be beside the van so this had issues around litter disposal. She also highlighted concerns regarding signage within the Longniddry Bents car parks and on the coast road.

The Convener, responding to some of those points, stated that as was evident from comments made Members were concerned about the coastal area. However there was a demand for food provision. This particular beach had a large number of visitors, something the Council could not control. It was important that any provision had minimal impact.

Local Member Councillor O'Donnell, not a member of the Planning Committee, raised several issues. There were concerns about safety and a trailer of this size entering/exiting the car park from/onto the coast road. Regarding provision of extra litter bins she accepted the response from officers, but queried whether Members were satisfied. She felt that granting permission for 3 years was too long; granting/reviewing after 1 year would be better and Mr Clark should have input into this review. She was not asking the Committee to reject the application but to give careful consideration to the points of concern raised.

Local Member Councillor Bruce agreed with his colleague's suggestion to grant permission for 1 year only. Regarding the rest of the application he felt that this proposal had strong potential to be good for Longniddry Bents, people would like the addition of this quality food outlet; it would be a welcome tourism facility. On the subject of bins he appreciated Mr Clark's comments and noted that this strategy seemed to be working. In relation to the coast road he was happy to leave this to Roads Officers. He would be supporting the application.

Local Member Councillor Gilbert generally agreed but felt it was important however that litter was controlled. He agreed that an additional condition should be imposed stating that the trailer/van should only turn left into/out of the site. He felt that permission could be granted for 3 years but reviewed after 1 year. If these were in place he would support the application.

Councillor Kempson indicated she would support granting permission for 1 year only. She did have some concerns about the impact of outlets like this on local cafes. Referring to the coast road, she noted that vehicles travelled along this at speed; turning off onto the application site was not easy. Otherwise she was happy to support the application.

Councillor Findlay felt that Ms York had raised a good point about where people would eat their food and the associated litter issues. He was in favour of a 1 year review, however this was done. He was also intending to support the application.

Councillor McMillan thanked Ms York for her contribution. He stressed that the Committee's decision would be based on evidence and advice. He felt there were a couple of key points. Firstly, choice; giving people a choice of where and what to eat but also respecting the county's coastline and countryside in line with green tourism and sustainability. He

commended all the work carried out by the Countryside Rangers. Secondly, if the applicant needed help in securing an East Lothian site for the van base he was sure Business Gateway or the Economic Development Team would be able to assist. He added that on balance, he favoured an annual review. He would be supporting the application.

Councillor Williamson, referring to the issue of granting permission for 1 year or 3 years, asked about the situation as regards the van at Longniddry Bents car park no. 3; remarking that there should be equality of treatment. Mr Clark said he was not sure about the review period for that vendor. He added that car park no. 1 was much more compact, less windy and therefore easier to control.

Keith Dingwall, Service Manager for Planning, stressed that it was important for Members to treat each application on its own merits. Regarding a review after 1 year he advised that once a 3 year period of consent was granted this could not then cease after a year for review so if Members wanted this reviewed after 1 year then this condition would need amended. He clarified the other suggested amendments to the various conditions. Condition 4 – if the preferred vehicle option was to permit it to stay on site then deletion of the sentence allowing for removal of the van would be required. Condition 5 – this could be amended to the provision of 2 litter bins, 1 for recyclable materials and 1 for general waste. In addition, there was also the extra condition as outlined earlier regarding restricting van entry/egress.

Councillor Forrest welcomed that the Roads Service would look at signage on the B1348. He was impressed by the applicant's attitude. He would be supporting this application.

Councillor McGinn stated he would also be supporting this application; he did have some concerns but it was key to keep improving facilities along the coastline.

The Convener referenced the good debate. Members' concern was understandable, it was important to protect our coastline. He agreed that the consent period should be reduced to 1 year. He felt that all changes suggested would strengthen the Council's position. He would be supporting the application, with the amendments to conditions and the additional condition 7 as outlined.

The Convener moved to the vote on the report recommendation, to grant consent, incorporating the amendments to conditions 1, 4 and 5 and the addition of condition 7 – the vote was taken by roll call:

For: 11  
Against: 0  
Abstentions: 0

### **Decision**

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

- 1 Planning permission is granted for a temporary period of one year, beginning from the date of this grant of planning permission, and after which time all trading from the site shall cease and the mobile snack van shall be removed from the site and the grass verge restored to its former condition to the satisfaction of the Planning Authority.

Reason:

To enable the Planning Authority to assess the environmental impact of the operation of this type of temporary use on the locality in the interests of safeguarding the landscape character and amenity of the area.

- 2 This permission is made personal to the applicant, Mr Andre De Villiers and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the landscape character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time.

Reason:

To prevent an over-commercialisation of the car park in the interests of safeguarding the landscape character and amenity of the area, and without detriment to the principle of the use of the car park for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

- 4 The mobile snack van hereby approved shall only operate during the hours of 0830 to 1630 November to February and from 0830 to 1930 March to October for the duration of its temporary siting, unless otherwise agreed by the Planning Authority.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 5 Two litter bins, each with a self-closing lid, shall be provided adjacent to the mobile snack van and shall be accessible to customers at all times whilst trading takes place. Prior to any use being made of the snack van details of the two litter bins, as well as a general strategy to minimise the impact of waste, shall be submitted to and approved in advance by the Planning Authority. The details shall show that one bin shall be used solely for recyclable materials and one bin shall be for general waste. The two litter bins shall thereafter be provided in accordance with the details so approved. The area around the snack van shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse. The bins and their contents shall thereafter be removed from the site and the site cleared from litter.

Reason:

In the interests of safeguarding the landscape character and amenity of the area.

- 6 No use of the existing car park access shall be used if the combined length of a vehicle and trailer exceeds 12.8 metres long.

Reason:

To ensure that there remains sufficient distance between the existing access gate serving the car park and the B1348 public road in the interests of road safety.

- 7 Prior to the siting of the snack van hereby approved, a management plan showing the route of entry and egress for the applicant's vehicle and trailer to and from the application site shall be submitted to and approved in advance by the Planning Authority. The submitted management plan shall show that the applicant's vehicle and trailer shall only turn left into, and left out of, the car park before joining the B1348 public road.

The applicant's vehicle and trailer shall thereafter only enter and egress the application site in strict accordance with the details so approved in the management plan.

Reason:

In the interests of road safety.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee