



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

**TUESDAY 7 NOVEMBER 2023  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Allan  
Councillor C Cassini  
Councillor D Collins  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor C McGinn  
Councillor S McIntosh  
Councillor K McLeod  
Councillor J McMillan  
Councillor C Yorkston

**Other Councillors Present:**

None

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Mr J Allan, Planner  
Mr D Taylor, Planner  
Mr C Grilli, Service Manager – Governance  
Ms J Allan, Communications Adviser  
Ms P Gray, Communications Adviser  
Mr J Canty, Transportation Planning Officer  
Mr R Yates, Transportation Planning Officer  
Ms M Haddow, Transportation Planning Officer  
Mr A Hussain, Transportation Planning Officer  
Mr E John, Service Manager – Sport, Countryside, and Leisure  
Mr G Houston, Technical Projects Officer  
Mr N Walsh, Technical Projects Officer  
Mr E Hendrikson, Team Manager – Active Business Unit  
Ms N McDowell, Head of Education  
Ms C Cumming, Biodiversity Officer  
Ms S Cheyne, Projects Officer – Landscape  
Mr D Sillence, Projects Officer – Engineer  
Ms J Hargreaves, Team Manager – Countryside

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Ms A Clark, Ms K Towler, Mr F McIlwraith, and Mr D Nicholass-McKee

**Apologies:**

None

**Declarations of Interest:**

Item 2: Councillor McIntosh due to having close friends among the objectors.

**1. MINUTES OF PLANNING COMMITTEE MEETING, 3 OCTOBER 2023**

The minutes were agreed as an accurate record of the meeting.

*Sederunt: Councillor McIntosh left the meeting.*

**2. PLANNING APPLICATION NO. 23/00911/P – CHANGE OF USE OF AGRICULTURAL LAND OR THE FORMATION OF TWO SPORTS PITCHES AND ASSOCIATED WORKS, LAND SOUTH WEST OF NORTH BERWICK HIGH SCHOOL, GRANGE ROAD, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 23/00911/P. David Taylor, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Members. Councillor Findlay asked about alternative proposals put to parent councils which would have retained the hedgerow and included more land from the North Berwick Trust. Eamon John, Service Manager – Sport, Countryside, and Leisure, advised that four drawings had been shared with the faculty head and school management, who had determined that learning and teaching would be best served by the proposal in this planning application. He added that education requirements would likely not have been met if the hedgerows had remained because of safety, security, and sightlines.

Officers responded to further questions from Councillor Findlay. Mr Taylor advised that Scottish Water had been consulted on proposals; certain stipulations had to be met when connecting to a public sewer, and this could be agreed outwith the remit of the planning application. Mr John said that the school would decide how they wished to organise the pitches, with rugby seasons earlier in the year and athletics later in the year. Catherine Cumming, Biodiversity Officer, advised that new planting to replace the hedgerow would be smaller in type, including wildflower mixes to increase biodiversity. Plans were to try to retain as much of the hedgerow as possible. She said that it would take 3-5 years for the new trees to provide some kind of shelter for breeding birds and the loss of 140m of hedgerow would not be significant to the biodiversity on the site.

Councillor Allan asked about sightlines and why so many trees and hawthorns had to be lost. Nicola McDowell, Head of Education, said that removal of the hedgerow would allow members of staff to see the entire site for the supervision of PE lessons and to ensure safeguarding.

Councillor Yorkston asked about the educational considerations made in formulating the proposals, and Councillor McLeod asked about benefits to pupil wellbeing. Ms McDowell said that the education authority, school senior leadership, and health and wellbeing faculty had considered the PE curriculum and extracurricular activity offer and felt that the proposed option

allowed them to deliver quality learning and teaching, with safeguarding as a key consideration. Ed Hendrikson, Team Manager – Active Business Unit, reported that North Berwick High School had seen sporting success at national level. Provision of one synthetic and four grass pitches met requirements and guidance from Sport Scotland, and would provide the best spaces for delivery of the curriculum and extracurricular sport. He described a wider benefit to primary athletics through use of the 400m track. He summarised that the playing fields would support the full 3-18 campus in North Berwick and the surrounding area.

Councillor McGinn asked officers to expand on how the plans would mitigate the loss of hedgerow and balance priorities. Mr John referred to the range of duties placed on the council and balance to be sought. He said that the responsibility here was to the statutory duty to provide education for pupil requirements today and in the future. He said there was a compensated hierarchy of mitigation which met National Planning Framework 4 (NPF4) requirements within the application. Sarah Cheyne, Projects Officer – Landscape, added that the loss of a section of hedgerow provided an opportunity to improve and increase biodiversity, habitats, and nature networks of the site. There would be 87 native trees and 57 shrubs and climbers, and following establishment of the new planting, there would be an increase in carbon storage benefits and biodiversity. The connectivity of the site would be improved and a nature boundary would be provided on three sides of the site, with extensive planting of hedgerows to the north and south and woodland planting to the west. She said planting would provide a year-round environment for a diverse range of insects, birds, and wildlife, and would provide a visual barrier between the housing developments and pitches.

Councillor Gilbert asked officers to confirm whether it would be possible to install the two sports pitches without removal of the hedgerow. Mr Taylor said that the pitches could not be integrated in terms of ground level and staff would not have an overview of the space should the existing hedgerow remain. Mr John added that no matter how much land was taken, this would dissect a land boundary. He stated that the campus boundary was changing to provide the optimum levels of education, and this was endorsed by the Head of Education and the school management.

Responding to questions from Councillor McMillan on consultation, Mr John advised that no pre-application consultation had been required as this development was linked to the Local Development Plan (LDP). He said that consultation had taken place within education and with the faculty lead, where it was most needed. He highlighted that statutory consultees had not objected to the application.

Responding to further questions from Councillors McMillan and Cassini, Mr Taylor advised that all services had been content with safety on the cyclist and pedestrian shared-use path.

Mr John spoke to the application on behalf of East Lothian Council. He provided wider context on the application and said that it was linked to the council's LDP, whereby an application was being made for a change of use for the former agricultural land to benefit curricular and extended curriculum use at North Berwick High School. This required a boundary change and new landscape scheme and reflected an enhanced campus. He said the landscape scheme would address the loss of hedgerow; he said this provided opportunity to enhance biodiversity, habitats, connectivity, and nature networks around the site. He said North Berwick High School would receive optimum levels of outdoor sports provision and the proposals would deliver the facilities sought by the faculty. The application also delivered to Sport Scotland guidelines. He highlighted that the planning authority had considered the application against the statutory representations and had recommended approval.

Alison Clark spoke against the application on behalf of North Berwick High School Parent Council. She agreed that the school required more pitches, but felt the details were wrong, that there was not enough space, and the pitches were shoehorned in. She noted that the application sought to use just half of the land designated for educational use, and highlighted

North Berwick Trust's offer of more space if needed. She said the area for playing fields fell short, and quoted from the regulations to show that 3.6 hectares for playing fields, not external space, should be provided. She said that Law Primary had been encroached and the rugby pitch ripped up to make way for a new nursery, leaving an awkwardly shaped space, and meaning that far less than 3.6 hectares was available for playing fields. She said the two large rugby pitches would extend significantly into the existing playing fields, meaning there would not be enough room for a proper-sized football pitch, and East Lothian Council's specification for the creation of new pitches was not being adhered to. She said there was no access to the high school from the new safe route to school along Old Haddington Road. She highlighted various LDP and NPF4 policies she considered to be offended by removal of the hedgerow, and said that biodiversity hierarchy mitigation was not being followed. She asked why plans retaining the hedgerow had been discarded, and highlighted the merits of this option. She felt that sightlines were not sufficient reason to damage biodiversity and fracture the existing nature network. She said that new planting, although welcome, would take decades to replace the existing biodiversity and stored carbon. She described the hedgerow as an asset, providing shelter, a space for children to play, drainage, and a safety barrier between pitches. She considered the plans to show a bias towards rugby, despite far more children, including girls, playing football. She felt that decisions must be made that prioritised the council's nature emergency, and said children experienced anxiety about the climate crisis and needed evidence that decision-makers took concerns seriously.

The Convener asked whether the parent council had consulted with school pupils. Ms Clark said parents had been prevented from communicating with pupils. She highlighted that the Eco Group had started a petition but had been unable to advertise it on posters in the school. She reported that when plans for the school extension had been raised in 2016, the pupil voice had sought hard court areas; she said these would fit well on the area which had been a construction site for the new nursery due to having compacted ground.

Mr Hendrikson provided clarity on points raised. He said the internal building capacity was set at 1200 pupils. The current roll was 1057 and projections showed a drop to 923 by 2032. He advised the current playing field area was three hectares, and the new playing field area would be 4.59 hectares. He advised that a PE hall would be required should the roll be predicted to breach 1100, and delivery of the new PE hall would reduce the playing field area to 4.2 hectares. The proposals would allow for a roll of up to 1400 in terms of external space.

Ms McDowell said that Members would be aware of the importance she placed on pupil voice. She said that the head teacher had conducted an assembly with all pupils and made them aware of how to represent their voice in the process. She added that the school would decide how to use the pitches and they would not necessarily be used for rugby all the time.

Keith Dingwall, Service Manager – Planning, added that Scottish Water had no objection to the planning application, and this would be subject to further discussion. In his experience, Scottish Water would make clear if they had not been not satisfied with proposals.

Responding to questions from Councillor McMillan, Ms Clark said that the faculty head of health and wellbeing had to think about the bigger picture, including hedge being an asset to wellbeing. She reiterated that a nature emergency had been declared and urgent action must be taken to reverse the decline of nature. She felt the community was at a turning point and must consider whether a different vision of playing fields could include areas of nature to benefit the children.

Kirsty Towler spoke against the application. She was a planner herself, and said it was central to the determination of the application that proposals should be in the public interest. When the council was both applicant and planning authority, it was particularly important that work be carried out in a balanced and unbiased way, and she felt this had not happened. She felt that officers had been set a lower standard than a developer would have been required to

meet, and contrasted this with Scottish Water's engagement with the community over the development of its new wastewater plant. Ms Towler felt that the process had been evidently biased, and cited a lack of pre-application consultation, that information had been withheld about ecology, and the attempt to use delegated powers to make the determination. She felt that the public had been considered a nuisance and said the council should make transparent decisions automatically. She highlighted ways in which she felt Planning Advice Note (PAN) 82 had not been followed with minimal public consultation. She said that the report did not highlight to Members that they must consider deferral of the case to Scottish ministers where there was a substantial body of objection. She raised concern about the loss of the existing hedge, which she said was inherently contrary to NPF4, and said that the level of environmental damage had not been justified. She highlighted various policies to which she considered the proposals in contravention. She said that the planning authority had to make sure the development was of best possible quality, but felt the decision failed to undertake any form of balancing exercise. She asked Members to ensure the application was dealt with in accordance with statutory guidance. She said that the proposals must be referred to Scottish ministers, and asked Members to ensure there was a revised scheme that worked with the landscape to bring forward the best and most sustainable proposals.

Responding to questions from the Convener, Ms Towler advised that she was part of North Berwick Environment and Heritage Trust and had spoken with many people about the proposals. She said that there was a far greater burden of consultation when the local authority was the applicant as well as the determinant, and there must be a process to consider the harms of the various options available; she felt this had not been undertaken in the public domain and there had been no consultation on the alternatives. She also took issue that officers might have determined the application rather than it coming to the Planning Committee. Responding to a question from Councillor McGinn, she confirmed that she had objected on behalf of the North Berwick Environment and Heritage Trust.

Mr Dingwall clarified that as this was an LDP-type application, there was no statutory requirement for pre-application discussions; advised that, following challenge, the Ombudsman had made clear that there was no requirement for pre-application discussions. He challenged that information had been deliberately withheld from an ecology report and clarified that the redactions had been made to guard against wildlife crime. He confirmed that the planning application had been dealt with in accordance with standing orders.

Finlay McIlwraith spoke against the application as a North Berwick High School pupil who wanted new sports pitches, as a member of Sustaining North Berwick concerned about the impact on the town's ecosystems, and as a young person who cared about the planet's future and felt that environmental impact and mitigation must be a priority in planning decisions. He reported the Eco Committee had not been told about the removal of hedgerows or tree belts as part of the development of new sports pitches. He said that pupils had not been consulted or meaningfully engaged with as part of the planning process, and his petition to ask the council to consider 'option 2' had gained over 1000 signatures; he noted there was no equivalent consultation in favour of the current proposals. He highlighted the UN Convention on the Rights of the Child stipulation that young people must be encouraged to engage in planning processes, and he felt this opportunity had been missed. He said that objectors had engaged with the East Lothian Climate Change Institute, a biodiversity survey on the area, and the Woodland Carbon Code. He felt that NPF4 Policies 6 and 2 had not been met. He quoted from the East Lothian Council Trees and Woodland Strategy to raise that replacement planting took many years to perform the same function as established woodland. He said that carbon stored in the section of woodland to be removed could be estimated at 50-80 tonnes of carbon above ground and 50% more below ground, and said that replacement of the carbon value would take more than 30 years. He highlighted NPF4's presumption in favour of retaining existing areas of biodiversity. He said that the tree belt was not of limited biodiversity, and served as a crucial wildlife corridor for a range of endangered species. He said that difficult decisions had to be made to fulfil obligations to climate and nature emergencies. He felt that

even without the removal of the hedgerow the area could be observed throughout PE lessons, but he said it was not possible to keep track of all pupils at break and lunchtime in any case.

Don Nicholass-McKee spoke against the application on behalf of North Berwick Community Council. He was a chartered town planner, and said that in applications such as this one, the planning authority had to approach as if an external observer. He said NBCC did not object to the principal of new sports pitches, but only to the particular option the subject of the application and to the removal of hedgerow. He said an alternative option which had used all land available and retained the hedgerow had been discounted without explanation or consultation. He said the council had relentlessly pursued the current proposal, despite the North Berwick Trust making clear that the entire land marked for educational use was available. He felt that sightlines were a red herring since PE lessons were supervised and technology could be used outside of these times to supervise the area. He said that the council and school leadership team had refused to engage with the community, parent council, staff, or pupils. He said the council as planning authority had done the statutory minimum to advertise the application and had not displayed notices around the site, and felt that community involvement had been restricted to a minimum. He reminded Members that they must subject the application to the same level of scrutiny as if the council was not the applicant. He said the officer report had omissions and did not contain a detailed analysis against policy. He said that this was not a category of application to which NatureScot would object, but would expect Developing with Nature guidance to be followed. He noted that it was feasible to remove the impact on the hedgerow by choosing the option using all available land, and said that proposals were therefore contrary to the mitigation hierarchy. He noted omissions from the report including: protected species using the hedgerow; the petition; the impact of streetlighting on the path adjoining back gardens; and a carbon calculation. He quoted from various council documents which supported the avoidance of biodiversity loss. He felt that there was an alternative way to provide for the school's needs when the necessary land was available, and said the community was ready to work with the council to bring such an alternative forward. He requested that Members defer making a decision to allow for withdrawal of the application and resubmission of proposals which retained the hedgerow. He said the cumulative impact of such cases could contribute in a positive way to addressing the nature and climate crises, and felt approval of these proposals would undermine the council's ability to hold others to account. He requested that, should the proposals be approved, the council follow the notification process to Scottish ministers for independent scrutiny.

Responding to questions from Members, Mr Nicholass-McKee agreed that there would always be the need for development, but reiterated that nature should be integrated within development, and said he could see developments within North Berwick where greater nature benefits could have been achieved. He advised that Ordinance Survey maps showed a planted boundary in place since before 1850.

Regarding absence of advice on carbon calculations, Mr Dingwall highlighted clear advice from the Climate Officer who raised no objection to the application and advised the new planting would provide a net benefit in terms of carbon capture. He confirmed that all legislative requirements had been adhered to; there was no legislative requirement for a site notice, but there had been an advert taken out in the newspaper and proper neighbour notification had taken place. He said that the planning authority would propose to notify Scottish ministers of the decision on the basis that there had been a substantial body of objection.

Councillor Findlay said that no one denied that new sports pitches were required, but he questioned whether these were the right proposals. He felt the pitches were being squeezed into too small an area. He said proposals only addressed the current situation without planning ahead, despite it being likely that within 10-20 years the school roll would exceed 1200. He felt the proximity of pitches to private gardens was likely to cause disruption. He felt there had been issues in terms of consultation and he thought that the council ought to have gone above and beyond when plans had been likely to be controversial. Referring to the nature

emergency, he felt that destruction of the habitat was unnecessary and replacement of mature trees and hedgerows with new saplings went against woodland policy. He suggested the application be refused and officers consider 'option 2' again. He urged Members to get this decision right for the future.

Councillor Cassini disagreed with the chosen option following the declaration of an environmental emergency. She felt that the angst and concern over the proposals justified greater engagement with the public, despite there being no statutory requirement for pre-application discussions; this kind of public engagement should not be discouraged. She would not support the application.

Councillor Forrest had always found officers would work beyond what was required of them. He found it hard to believe people were being ignored, and thought officers were always able to justify choices made. He had been reassured by the response from statutory consultees, Sport Scotland, and NatureScot. He was also persuaded by the response from the education authority and North Berwick High School who had stated that these proposals would deliver the facilities needed by young people to succeed at school. The proposals would allow the council to deliver on their statutory responsibility to North Berwick High School, which he said was not currently being met.

Councillor Collins said that the proposals would result in loss of biodiversity and well-established habitat. She had investigated the area and commented on the length of time it had taken to re-establish an area of planting, meanwhile other sections were 30-80 years older. She said it would take 10-15 years to re-establish the planting observed on the site visit. She felt the North Berwick Trust should have been consulted fully and thought 'option 2' would have been the best option. She would not support the officer recommendation to grant consent.

Councillor McLeod felt the proposals came with both positives and negatives, but the proposed facility would give school pupils the chance to compete and win at national sporting level. He said schools and community groups must be given these opportunities, and he thought the plans looked impressive. He would support the officer recommendation to grant consent.

Councillor McMillan was pleased the proposals had come before the Planning Committee and had appreciated hearing from officers and objectors. He reflected that the application was part of the LDP, which had also provided for housing, place, 20-minute neighbourhoods, and good schools. Following on from Councillor Forrest's remarks on officers, he highlighted some of the positive work by officers which had received national recognition for the LDP's quality. He was mindful of the Planning Committee's quasi-judicial processes, had listened carefully to submissions, and said he would base his opinion on the evidence. He felt that due process had been followed and people had made their concerns heard through those processes. He felt that the proposals were for the long term and took future generations into account. He thought the effects of the enhanced educational offering and wellbeing and removing the hedgerow to increase the benefit to landscape and wildlife would become legacies of council officers. He would support the application based on: feedback from external bodies; the positive use of land and resources; the benefits to young people and to the community; and the benefits to landscape and countryside.

Councillor McGinn commented that it was clear from the scrutiny and governance underway at the meeting that such an application could not be dealt with 'under the radar'. He had always found officers to be diligent and their work to be of the highest order; he supported objectors in raising their opinions but felt it was not right to call officers' professional standards into question. He commented on the interrelationships between protecting nature and providing resources for the education of young people, and said the council would never satisfy all parties. He said he had made his decision based on reports from officers and his own research. He noted that compensatory planting would increase biodiversity and carbon storage over time. He said that North Berwick had been well represented at the Willie Innes

Games and the sports provisions would aid this and the wider education and health and wellbeing of young people. There were concerns over school attendances following the pandemic and he felt that increasing provision in areas such as PE would help to maintain health and wellbeing and provide opportunities for these young people. He would support the officer recommendation to grant consent.

Councillor Gilbert accepted that the proposals provided sports pitches and that these pitches were viable, however, he said there had been a better option available which would have maintained the hedgerow and so he would not support the proposals.

Councillor Yorkston commented that this was not an easy decision. He had a science background and was minded to take expert advice that the proposals would improve biodiversity in the medium to longer term. He knew that many schools would be desperate for the proposed resources and facilities, including a 400m running track. He said that the earlier people got involved in sport and exercise, the more likely they were to continue for life. From his own experience teaching lessons outside, he felt that it was important for teachers to have a clear view of the area. He would support the proposals because of the long-term benefits to North Berwick's young people.

Councillor Allan agreed with Councillor Gilbert's comments. She felt that if the council were serious about the nature emergency, then the additional trees and hedges should be planted in addition to the original hedgerow being kept. She could not support the officer recommendation to grant consent.

The Convener was surprised that people felt the nature emergency was about stopping development, and said it had been about recognising the emergency and having mitigating measures in place as part of developments. He said officers had made clear that development could take place because of the mitigation measures and in the best interests of the school's sporting activities. He was aware that applications would come before Planning Committee which required removal of planting to allow development, and it was the job of the local authority to ensure the mitigation measures outweighed the damage being done. He said there was huge pressure on the council to deliver housing, and the school required more outdoor space following housing increases in North Berwick. He said sport was important to the authority and quality facilities were needed for young people to achieve at the highest level.

The Convener then moved to a roll call on the officer recommendation to grant consent. Votes were cast as follows:

Grant: 6 (Councillors Hampshire, Forrest, McGinn, McLeod, McMillan, and Yorkston)

Refuse: 5 (Councillors Allan, Cassini, Collins, Findlay, and Gilbert)

Abstain: 0

The Convener confirmed that the Planning Committee's decision would be reported to Scottish ministers for clarification on the approval.

## **Decision**

The Planning Committee agreed to grant the application, subject to the following:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.



Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 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 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 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 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.

- 3 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of hedgerow, trees or clearance of vegetation within the site shall take place during bird breeding season (which is March- August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 4 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority. Thereafter those transportation requirements shall accord with the details so approved and remain in place unless otherwise approved by the Planning Authority:

- i) bollards to be located at access points to the shared footpath hereby approved to restrict its use to that of pedestrians and cyclists; and
- ii) way finding signage to be provided at access points to show shared active travel path.

Reason

In the interests of road and pedestrian safety.

***Sederunt:*** Councillor McIntosh re-joined the meeting.

**3. PLANNING APPLICATION NO. 23/00769/P – EXTENSION TO SHOP TO FORM ADDITIONAL FLOOR SPACE AND TO FORM ONE FLAT AND ASSOCIATED WORKS, 121 SALTERS ROAD, WALLYFORD**

A report was submitted in relation to Planning Application No. 23/00769/P. James Allan, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Councillor McGinn asked whether Mr Allan felt there was enough space for two parking bays. Mr Allan confirmed that there was currently an off-street parking bay used for the shop. He said that the shop intended to continue taking kerb-side deliveries on Albert Place. He said roads services had not raised concern over sightlines coming onto Salters Road for access to off-street parking.

The Convener had noticed a lot of illegal parking on double yellow lines at the junction, and asked whether anything could be done to enforce, or increase the length of, the yellow lines. Mr Allan said that this would be a matter for roads services to take up.

Councillor McIntosh highlighted that roads services had raised an objection on the basis that it would be difficult for someone in a wheelchair or with a buggy to access the dropped kerb, and highlighted that the planning recommendation was to discount the objection because it had not been raised under a previous application. Mr Allan confirmed that roads services had raised concern that someone in a wheelchair or with a buggy would not have sufficient room to access the ramp when the shop waste storage area was in use; it was the stance of the planning authority that it would be unreasonable to refuse planning permission for this reason when this had not been raised in response to the 2015 application. Councillor McIntosh responded that it was unreasonable for people in wheelchairs and with buggies to put up with this arrangement because it had not been raised previously; she asked whether the conditions could address this equalities issue.

Mr Dingwall suggested that Members could ask officers to take an action point to consider how access could be improved. He advised that a condition could only be imposed on the applicant if they had control of the land. After discussion with Mr Allan, it was established that this was only an issue when the store's bins were out, which Mr Dingwall noted was a common issue on kerbside collection days.

Councillor Findlay said the parked car nearest Albert Place would overhang onto the footway, and asked whether permission could be granted for one space. Mr Dingwall said that Members would have to judge whether there was need for two parking spaces; if there was not, then an additional condition could be imposed that parking arrangements were not approved and only one parking space would be formed. Councillor Findlay agreed that he would like to propose this.

Councillor McGinn raised that roads services had said that the application did not meet the new standard area for car parking, and asked whether all were content that an average family car would fit if there were only one space. He also had concerns about sightlines and access to the off-street parking. Robbie Yates, Transportation Planning Officer, advised that the size of the bays was smaller than the current requirements, which had been revised this year. Responding to questions from the Convener and Councillor McLeod, Mr Yates advised that both length and width were issues; a space of the appropriate size could not be achieved unless it was angled, but roads services did not support angled parking. He said two spaces were needed to adhere to parking standards; one space was allocated to the shop and the other to the new dwelling. He confirmed that it would not be acceptable to block a footway.

Councillor McGinn was confused about the application reiterated that sightlines were causing concern. Having heard discussion over parking, he said that approval of the current proposals would indicate that it was acceptable to park in detriment to the public's use of the footpath; he objected to the application on this basis.

Councillor McLeod said he did not have specific objections to the application because it had been approved several years ago, but he was concerned about irresponsible parking in the area. He was concerned about traffic management while work was ongoing. He was also concerned about the electric vehicle (EV) parking points and whether this would be changed to one if the number of spaces decreased. He would support the application, but would also look to support any further recommendations to improve parking. Councillor Findlay was also happy to support the application, subject to a condition allowing only one car parking space.

Councillor Forrest felt there were problems with deliveries to the shop due to the narrowness of the street. He did not want shops to shut down, but he felt that having shop and a house in

this area constituted overdevelopment. He had concerns about delivery vans and cars overhanging onto the pavement, and could not support the application as it stood.

Councillor McMillan was keen to support a busy shop. He said Members had witnessed problems with parking in the area. He was concerned about having two cars in the back area, particularly if deliveries would take place from there. He would support Councillor Findlay's condition for only one parking space, and wanted enforcement action to be taken to discourage parking on the bend up the hill to Albert Place.

Mr Grilli said that it would not be for the applicant to put in the double yellow lines, so this could not be conditioned as part of the determination.

Councillor McIntosh felt that the plans constituted overdevelopment of a small site. She felt that approving the application with the proposed parking would be at the expense of people trying to use the footway and could not support the application on this basis.

Councillor Forrest said that extending double yellow lines would move deliveries further up the street and encroach on residents' parking; he did not know how this could be addressed.

The Convener now understood that vehicles parked in the proposed spaces would force a pedestrian onto the roadway; he said this was not acceptable and meant he was not in position to support the application because it could not meet parking requirements. He thought the extension to the shop itself was fine, but the flat above the shop could not be allowed if two parking spaces would encroach onto a narrow footway; he said this had potential for accidents, and he would vote against the officer recommendation.

Mr Dingwall provided a proposed form of words for Councillor Findlay's suggested condition:

Notwithstanding the drawings docketed to this planning permission, the proposed car parking arrangements are not hereby approved. Instead, and prior to commencement of development, a revised site layout showing the provision of one car parking space shall be submitted to, and approved in writing by, the planning authority. Prior to the occupation of the flat, hereby approved, the one parking space shall be provided in accordance with the details so approved. The reason would be in the interests of road safety. Councillor Findlay formally proposed this condition with the suggested wording, and Councillor McMillan seconded the proposal.

Responding to a point made by Councillor Collins, the Convener reiterated that roads services did not support angled parking.

Responding to questions from Councillors McMillan and McLeod, Mr Dingwall advised that Members had to decide whether parking would be feasible in such a configuration, and advised that a condition should only be added if it was capable of being complied with. He also added that Members had heard that roads services could not support parking being reduced to one space. He said that Members had to balance this with Part E of NPF4 Policy 13, which said that development proposals which were ambitious in terms of low/no car parking would be supported, particularly in urban locations which were well served by sustainable transport modes where they do not create barriers to access by disabled people. He added that where there was a conflict between an LDP and NPF4 policies, NPF4 policy took precedence. He confirmed it would be possible to move in principle to accept one space.

Councillor McIntosh proposed an amendment to add a condition whereby no car parking spaces would be provided and to ask the applicant to rearrange the waste storage area so that the pavement was not blocked. Councillor Gilbert seconded this proposal.

Carlo Grilli, Service Manager – Governance, proposed a short adjournment to establish the voting procedures for the proposed amendments.

When the meeting resumed, the Convener moved to roll call vote on the conflicting amendments proposed by Councillors Findlay (one parking space) and Councillor McIntosh (no parking spaces). Votes were cast as follows:

One parking space: 6 (Councillors Allan, Cassini, Collins, Findlay, McLeod, and McMillan)  
No parking spaces: 4 (Councillors Gilbert, McGinn, McIntosh, and Yorkston)  
Abstain: 2 (Councillors Hampshire and Forrest)

Planning Committee Members then voted on the amendment for one parking space against the original officer recommendation for two parking spaces. Votes were cast as follows:

Grant (one parking space): 6 (Councillors Allan, Cassini, Collins, Findlay, McLeod, and McMillan)  
Grant (two parking spaces): 0  
Refuse: 6 (Councillors Hampshire, Forrest, Gilbert, McGinn, McIntosh, and Yorkston)  
Abstain: 0

The result was a tie, so the Convener re-confirmed his casting vote, which was to refuse.

Mr Dingwall sought to confirm the reasons for refusal, noted below, and these were agreed by Members.

**Decision**

Planning Committee refused the application for the following reasons:

1. The proposed parking by virtue of its narrow width and length is insufficient and would create a hazard to pedestrian road safety, contrary to Policy T2 of the adopted East Lothian Local Development plan 2018, and would create barriers to access by disabled people, contrary to Policy 13 Part E of National Planning Framework 4.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee