



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

**TUESDAY 31 MARCH 2015
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Ms M Ferguson, Service Manager – Legal and Procurement
Mr D Irving, Acting Senior Planner

Clerk:

Ms F Currie, Committees Assistant

Visitors Present:

Mr S Robb, GVA James Barr
Mr P Hamilton

Apologies:

Councillor T Day
Councillor A Forrest
Councillor J Williamson

Declarations of Interest:

None

1. MINUTE OF THE MEETING OF THE PLANNING COMMITTEE OF 3 MARCH 2015

The minute of the Planning Committee of 3 March 2015 was approved.

2. PLANNING APPLICATION NO. 14/00968/P: VARIATION IN CONDITION 7 OF PLANNING PERMISSION P/00696/92 TO CHANGE THE OPENING HOURS FROM 08.00 TO 20.00 MONDAY TO FRIDAY AND 08.00 TO 18.00 SATURDAY/SUNDAY TO 08.00 TO 22.00 MONDAY TO SATURDAY AND 09.00 TO 19.00 SUNDAYS AND REMOVAL OF DELIVERY/SERVICING RESTRICTIONS AT 48 - 52 DUNBAR ROAD, NORTH BERWICK

A report was submitted in relation to Planning Application No. 14/00968/P Daryth Irving, Acting Senior Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr Irving confirmed that the proposed opening hours were 0800 to 2200 hours (Mon – Sat) and 0800 to 2100 hours (Sun). The references to 0700 to 2300 hours related to standard daytime hours.

Mr Steven Robb of GVA James Barr, agent for the applicant, addressed the Committee. He advised that the proposed changes were being sought to bring the store into line with Aldi's standard operating hours. A special loading dock and acoustic insulation had been installed and a noise survey had concluded that there would be no negative impact on surrounding homes. He pointed out that many Aldi stores with similar residential locations had no restrictions on delivery times.

Responding to questions from Members, Mr Robb advised that delivery times varied from site to site and it was important that Aldi had as much flexibility as possible to operate effectively. He confirmed that there would be no overnight parking of goods vehicles and the only delivery not controlled by Aldi was a small vehicle which brought milk in the early mornings.

Mr Peter Hamilton, representing the residents of Glenburn Road, spoke against the application. He argued that it was not appropriate to remove the restrictions on delivery times due to the potential for noise disturbance. While he was content with the delivery times as recommended in the report, he objected to the extended opening hours. He said that the noise survey had not taken account of traffic disturbance late at night which would affect residents' quality of life.

Local Member Councillor Goodfellow welcomed the creation of an Aldi store in North Berwick but expressed concern about the proposed delivery times. He suggested that deliveries be restricted to between 2100 – 0700 hours to safeguard the amenity of local residents and that there should be no overnight parking of goods vehicles at the site. Subject to these amendments, he would be supporting the application.

Local Member Councillor Berry concurred with Councillor Goodfellow. Although he welcomed the measures Aldi had taken to minimise noise, he agreed that 2300 hours was too late at night for deliveries. He would be supporting the proposed amendments to the application.

Councillor Currie acknowledged the views of his colleagues, however, he cautioned against additional restrictions which may prevent Aldi from operating effectively.

While he was not minded to further restrict delivery or opening times, he agreed with the restriction on parking overnight.

Councillor Gillies was content with the proposed changes to both delivery and opening hours. He would be supporting the report recommendation.

Councillor Grant also supported the proposed opening and delivery hours. He considered them to be a fair compromise and pointed out that residents could raise any issues regarding enforcement with Environmental Health officers.

The Convener brought the discussion to a close. He noted that the original Aldi application had sought 24 hour deliveries but that officers had recommended a compromise of 0700 – 2300 hours. He would be supporting the recommendation to grant planning permission as set out in the report.

Councillor Goodfellow proposed, and Councillor Berry seconded, the following amendments to the conditions set out in the report:

1. No goods delivery vehicles to remain parked within the site between 2300 – 0700 hours.
2. Delivery hours to be between 0700 – 2100 hours Monday to Sunday.

The Convener moved to vote on amendment 1 and this was unanimously approved.

The Convener moved to vote on amendment 2:

For: 2
Against: 13
Abstentions: 0

This amendment was not approved.

Lastly, the Convener moved to vote on the report recommendations and these were unanimously approved.

Decision

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

- 1 Condition 7

The supermarket will not be open to trading outwith the hours of 0800 to 2200 Monday to Saturday and 0800 to 1900 hours on Sundays.

No goods delivery vehicles will enter or leave the site or remain parked within the site between 2300 to 0700 hours Mondays to Sundays. No offloading or loading of goods or refuse to or from vehicles or containers will take place to or from the premises during those hours.

Reason:
To safeguard the amenity of the occupants of nearby residential properties.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee