



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

**TUESDAY 4 OCTOBER 2016
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 A Forrest
Councillor J Goodfellow
Councillor W Innes
Councillor P MacKenzie
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Ms P Bristow, Communications Officer

Clerk:

Ms A Smith

Apologies:

Councillor T Day
Councillor J Gillies
Councillor D Grant
Councillor K McLeod

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 9 AUGUST 2016

The minutes of the meeting of the Planning Committee of 9 August 2016 were approved.

2. PLANNING APPLICATION NO. 16/00478/P: ROOFTOP CAFE EXTENSION, ERECTION OF FENCING, FORMATION OF DECKED SITTING AREA AND EXTERNAL ESCAPE STAIR AT 91 HIGH STREET, NORTH BERWICK

A report was submitted in relation to Planning Application No. 16/00478/P. Iain McFarlane, Service Manager – Planning presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

Councillor Berry raised several questions. Regarding the fence height of 1.8 metres Mr McFarlane confirmed that this was the standard used to protect the privacy of neighbouring residents in relation to overlooking. He also confirmed that this was sufficient along the east side of the development to prevent overlooking as the main open area was to the west and south of the dome. In relation to the process if the applicant decided to extend the opening hours, Mr McFarlane stated there was no planning control over the opening hours; the proprietor could extend the hours if desired without the requirement to come back to Committee. Morag Ferguson, Service Manager – Legal and Procurement, added for clarity that the premises were not licensed at present so licensing requirements did not apply.

In response to similar questions from Councillor Goodfellow, Mr McFarlane reiterated that if the cafe decided to open later in the evening that existing permissions had no planning control over opening hours; if Members thought that would be appropriate then it could be considered however the advice from Environmental Health was that this was not required. He also clarified that if there were noise issues the Council had the means to deal with this.

Local Member Councillor Berry stated this was an unusual development in the centre of the town. Several concerns had been expressed by local residents. The site visit had been useful particularly in relation to the question of overlooking. Referring to the points raised by the North Berwick Community Council, he felt they had not appreciated that there would be a 1.8 metre fence in place. WhyNot? had been of benefit to the town and the local economy. He supported the recommendation in the report.

Local Member Councillor Goodfellow echoed his colleague's comments. WhyNot? was beneficial to the town centre; the cafe was an essential part of the business. The 1.8 metre fence would allay some of the objectors' concerns regarding overlooking. If there were noise issues in the future the Council had the means to address these. He would be supporting the recommendation.

Councillor Currie welcomed the proposal. The applicant, WhyNot?, was helping micro businesses establish a foothold on the North Berwick High Street. He supported the report recommendation to grant consent.

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

For: 14
Against: 0
Abstentions: 0

Decision

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

- 1 The colour of the aluminium framing of the proposed extension hereby approved shall be submitted for the inspection and approval of the Planning Authority prior to the commencement of its construction. The colour used shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the building and the character and appearance of the Conservation Area.

- 2 Within 1 month of their erection the fencing and gate hereby approved shall be painted or stained a colour to be submitted and approved by the Planning Authority. The colour of the fencing and gate shall accord with the colour so approved.

Reason:

To safeguard the character and appearance of the building and the character and appearance of the Conservation Area.

- 3 Prior to any use being made of the extension or decked sitting area hereby approved the 1.8 metres high timber fencing and gate also hereby approved shall have been erected in their entirety in accordance with that which is detailed for them in the docketed drawings and thereafter all of that fencing and gate shall remain in place unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential properties.

- 4 The external staircase hereby approved shall not be used as a means of pedestrian access to and from the building. It shall only be used for emergency and/or escape purposes.

Reason:

In the interests of pedestrian and road safety.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee