



MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

**THURSDAY 22 JANUARY 2026
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM**

Committee Members Present:

Councillor A Forrest
Councillor N Hampshire (Chair)
Councillor J McMillan

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr L Taylor, Planning Adviser to the LRB

Clerk:

Ms M Scott, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

Councillor C Cassini
Councillor D Collins

Declarations of Interest

N/A

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention and a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

Introductory Statement by the Legal Adviser

The Legal Adviser asked Members to confirm that they had had access to all the information. Confirm reviewed applicant's submission He outlined the procedure for the LRB to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application at this meeting.

On this occasion it was agreed that Councillor Hampshire would chair the LRB.

1. PLANNING APPLICATION NO. 25/00768/P: SECTION 42 APPLICATION TO REMOVE CONDITION 2 OF PLANNING PERMISSION 18/00104/P, SETON MAINS, LONGNIDDRY, EH32 0PG – Review of Decision (Refusal)

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also confirmed that one representation had been received in relation to the appeal.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties.

The Planning Adviser then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also highlighted that one further representation had been received in relation to the request for review.

The Planning Advisor answered questions from Members, confirming the applicant had not yet provided land ownership documentation to the Planning Officer and that the red line of the plot was very clear on the 2007 planning application. He also confirmed the work within the condition should have been completed prior to the development starting as it was originally a pre-commencement condition and that as far as he understood, the stabilisation works had not been completed.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McMillan stated that if structure and flooding officers were not going to insist on the permeable covering then he would be happy to consider the removal of that part of the condition however, he had real concerns over the handrail not being fitted and was in support of the other conditions.

Councillor Forrest shared his colleagues concern regarding the lack of handrail on the stairs and noted the damage to the side of the bank as well as visible debris that has gone through the pipe making it clear the guard was required. He felt the conditions were required, not just for flood risk but also from a health and safety perspective.

The Chair shared the view of other Members and was surprised the applicant wished to remove the conditions as it was in their interest to protect their property and the burn.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously to uphold the original decision of the planning officer. Councillor McMillan proposed to omit the permeable block surfacing to the culvert bridge crossing from the conditions, which was seconded by Councillor Forrest. All Members agreed with this decision.

Decision

The ELLRB agreed, unanimously to uphold the decision of the Planning Officer but to omit the permeable block surfacing to the culvert bridge from the condition.

2. PLANNING APPLICATION NO. 25/00745/P: CHANGE OF USE OF FLAT TO SHORT TERM HOLIDAY LET, 12D BUSH TERRACE, MUSSELBURGH, EH21 6DF – Review of Decision (Refusal)

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that no representations had been received in relation to the appeal.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees.

The Planning Adviser then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments.

The Planning Advisor answered questions from Members confirming that due to an administrative error an incorrect decision letter had been sent to the applicant.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Forrest noted that if people are only staying within the property, it was unlikely neighbours would report any antisocial behaviour so he did not think no reports on this behaviour could be taken into consideration.

Councillor McMillan noted the security of the property as the stair door was open. He also commented that there were no objections received, this was for a limited time of the year and the use of the flat was limited to one bedroom therefore reducing the amount of people who could stay within the property. Councillor McMillan stated the special circumstances of the applicant living in Australia and wanting to keep the flat for when he returned, meaning it would be let out as housing stock and the owner would be responsible for the costs of maintaining the flat. He also noted that the property would only be let out over the holiday period, where some residents may be on holiday and due to the comments from economic development

about the need for short term lets particularly around the suggest time of year, he would be minded to uphold the appeal.

The Chair stated this accommodation would be used for people who wished to stay for a longer period of time therefore could be here for employment opportunities, so he did not view it the same as other holiday lets and was something that was required within the area. He noted he would be going against the officers recommendation due to the way the business would be operated.

The LRB members confirmed their decision via roll call vote. They agreed, my majority to uphold the applicants appeal.

Decision

The ELLRB agreed, by majority to uphold the applicants appeal.

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)