



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 25 OCTOBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor L Broun-Lindsay (Convener)
Councillor W Innes
Councillor D Grant
Councillor J McMillan
Councillor P MacKenzie

Advisers to the Local Review Body:

Mr P McLean, Planning Adviser to the LRB
Ms M Ferguson, Clerk/Legal Adviser to the LRB

Others Present:

Mr N Millar, Planner
Mr R Sinclair, Communications Officer
Ms F Currie, Committees Assistant

Committee Clerk:

Ms A Smith

The Clerk/Legal Adviser, Morag Ferguson, introduced Members of the Local Review Body (LRB) and the Planning Adviser, Phil McLean. She advised that Mr McLean would present a summary of the planning policy issues. Members would then decide if they had sufficient information, taking into account the submissions, site visit and Mr McLean's summary, to reach a decision. If they did not, the meeting would adjourn for further written representations or for a full hearing. Should Members decide they had sufficient information, the issue would be discussed and a decision reached on whether to uphold or overturn the decision of the Planning Officer.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION 12/00378/P: ERECTION OF ONE SINGLE
GARAGE AT 1 MARKET VIEW, TRANENT**

Mr McLean informed Members that the application was for the erection of a detached garage in front of the house, 1 Market View, Tranent. The application had been registered on 3 May 2012 and refused under delegated powers on 2 July 2012. The Notice of Review had been received on 23 August 2012.

The application site was within a predominantly residential area, designated under local plan policy ENV1. The main policy considerations were design and road safety; impacts on residential amenity were also a relevant consideration. Key development plan policies were Structure Plan policy ENV1G, and Local Plan policy DP2. Transport policies T1 and T2 were also relevant.

Mr McLean referred Members to the officer's report and to the reason for refusal. The applicant had requested a review as he understood that if the hedge grew to 2 metres in height then his proposal may be looked on more favourably. The applicant asked that his application be approved with a suspensive condition preventing work being carried out until the hedge was at the appropriate height. Mr McLean advised there had been no public representations on the application. One consultation response had been received from the Transportation Division, which raised no objections but recommended that the area of hard surfacing to be formed in front of the house be secured by planning condition.

He concluded that the key questions for the LRB to consider in reviewing the case were - did the proposed development comply with the policies of the development plan in respect of design and road safety, with or without any conditions and were there any other material considerations that should be taken into account.

Ms Ferguson advised that it was now for Members to decide if they had sufficient information before them to reach a decision today.

Members indicated that they had sufficient information to reach a decision.

Debate

Councillor MacKenzie stated that he would be upholding the officer's decision and agreed with the reasons for refusal. He made reference to the beauty of the landscape in this particular area, evident during the site visit.

Councillor McMillan indicated that he was of a similar opinion. He noted that there had been no objections from present neighbours and other residents. However, with regard to long term views and viability of the site he would be upholding the decision to refuse.

Councillor Innes stated he was of the contrary opinion. The view would be removed when the hedge reached a height of 2 metres, there was a contradiction; the view that Members were trying to protect would be gone. He stated that once the hedge had reached that height there would be no planning reasons to refuse. He felt the applicant's proposed course of action was reasonable and he would be upholding the appeal, subject to the imposition of a condition regarding the height of the hedge.

Councillor Grant remarked that the issue of the hedge complicated matters; if it was not there he would have upheld the Planning Officer's decision, however, the hedge altered his opinion. There was no doubt that the houses had been positioned south facing because of the aspect, as alluded to earlier. On balance, he would be supporting the appeal, on the basis of the hedge being in place and the erection of the garage not being carried out until the hedge had reached a height of 2 metres.

Councillor Broun-Lindsay indicated that despite the comments expressed by Councillors Innes and Grant the LRB was required to make a decision on the application as it existed at present. He had read the relevant planning policies and concurred with the decision in the Planning Officer's report. The building by itself would be detrimental to the design of the development and would breach the built edge. He remarked that if there was no hedge the LRB would not be divided. He added that the applicant could wait until the hedge reached a height of 2 metres and could then reapply.

Decision

The LRB agreed, by a majority of 3 to 2, to reject the review and uphold the decision of the Planning Officer to refuse this application for the reason set out in the original Decision Notice. The Clerk/Legal Adviser stated that a formal Decision Notice would be issued within 21 days.