



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

**THURSDAY 28 AUGUST 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor T Day (Chair)  
Councillor J McMillan  
Councillor J Williamson

**Advisers to the Local Review Body:**

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

**Clerk:**

Ms F Currie, Committees Assistant

**Declarations of Interest:**

None

Councillor Day, who had been elected to Chair today's meeting, welcomed all present and introduced the Members of the Local Review Body. He also introduced the Planning Adviser, who would advise on the matters of planning policy and the Legal Adviser, who would provide clarification on legal matters.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No. 14/00120/P: FORMULATION OF  
VEHICULAR ACCESS, HARDSTANDING AREA, ERECTION OF FENCE  
AND GATE AT 26 WESTGATE, NORTH BERWICK EH39 4AH**

The Legal Adviser stated that the LRB was meeting today to review the above application which had been refused by the Appointed Officer. A site visit had been carried out prior to the meeting and Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the independent Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application sought permission for alterations to the front boundary wall and removal of an existing pedestrian gate to allow formation of a 4m wide vehicular access, the relocation of an existing timber fence and gate within the garden, and the creation of a hard standing within the garden area for car parking and turning. A related application for Conservation Area Consent for the demolition works was also refused by the appointed officer but this was not before the LRB.

He reminded members that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The development plan consisted of the approved Strategic Development Plan for Edinburgh and South East Scotland and the adopted East Lothian Local Plan 2008. The Listed Buildings and Conservation Areas Act further required that special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.

The site is within the boundary of North Berwick town centre, designated under Local Plan policy ENV2, and within the North Berwick Conservation Area. The main policy considerations relevant to the application are design, impacts on the Conservation Area, and road safety. The key policies in relation to these matters are Strategic Development Plan policy 1B and Local Plan policies ENV4 and DP2. In relation to road safety, Local Plan policy T2 seeks to ensure new development has no adverse consequences for road safety. Also relevant to the application is national policy, in particular Scottish Planning Policy.

The Planning Adviser stated that the application was refused by the appointed officer for three reasons. Firstly, on the basis that the proposed access and hardstanding

would be intrusive and incongruous and would harm the character and appearance of the Conservation Area. Secondly, that, in the absence of an effective turning area, vehicles would reverse onto the road causing a road safety hazard. Thirdly, that the applicant had not demonstrated that the required visibility splay of 2 x 20m could be achieved, without which the use of the access would cause a road safety hazard. The proposed development was therefore considered by the appointed officer to be contrary to relevant development plan policies in relation to design, impacts on the Conservation Area, and road safety.

Consultation responses were received from the Council's Transportation Division, which recommended refusal on the basis that there would not be an acceptable turning arrangement within the site and also notes that on-street parking would be reduced by at least once space, and that a minimum 2 x 20m visibility splay would be required. Objections were also received from North Berwick Community Council and five other members of the public.

The Planning Adviser summarised the applicant's request for a review, which argues that there are no adverse road safety implications, as there is sufficient space in the garden for an effective turning area, and there would be no net loss of car parking spaces as the loss of an on-street space would be compensated for by the new space to be provided within the application site. In terms of impacts on the Conservation Area, it is argued that the work would be carried out to a high standard and would not appear out of place. It is therefore argued that the proposals comply with the relevant development plan policies. Other refused applications at 24 and 57 Westgate are argued by the applicant to be of limited relevance as the circumstances were different, whereas an approved application at the rear of 28 Westgate is argued to set a precedent for this proposal.

In conclusion, the Planning Adviser noted that further representations had been received from two interested parties in response to the notice of review. Both supported the original refusal on the ground of impacts on the Conservation Area and road safety. The issue of impacts on the amenity of 17 Beach Road was also raised, as was the potential to set a precedent for further applications for similar proposals on Westgate. The applicant had responded to these further representations.

The Chair invited questions from Members. Councillor McMillan asked whether the Transportation Division had changed its opinion regarding the turning space in response to the applicant's request for a review. The Planning Adviser indicated that they had not submitted any amendment to their original response.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application and the Members agreed unanimously that they had sufficient information to proceed with the application today.

Councillor McMillan noted the high standard of accommodation at the site and acknowledged the difficulties of limited parking in the area. However, he agreed with the views of the Appointed Officer that the proposals would be intrusive and incongruous in relation to neighbouring properties and would not match the streetscape of the surrounding area. He stated that, on balance, he supported the officer's decision.

Councillor Williamson also supported the decision of the Appointed Officer to refuse the application. He considered that the reasons for the original refusal remained valid. There would be a negative impact on the Conservation Area as there was at present nothing else to break the line of the wall in the street. He also took the view

that there would be insufficient turning space and limited visibility due to cars parking close to the proposed entrance, both of which had implications for road safety.

The Chair agreed the views of his colleagues and supported the decision of the Appointed Officer. He considered that the proposed entrance was situated at a point where vehicles often accelerate on leaving the High Street and that visibility would be restricted raising concerns about road safety. The loss of a public parking space was also an issue. In addition, he considered that the proposed changes would be obtrusive and harmful to the character of the Conservation Area, as well as setting an unwanted precedent.

### **Decision**

The ELLRB unanimously agreed to uphold the original decision to refuse the application for the reasons given in the Decision Notice dated 25 April 2014.