



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

**THURSDAY 21 APRIL 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McMillan (Chair)
Councillor W Innes
Councillor J Gillies
Councillor P MacKenzie

Advisers to the Local Review Body:

Ms E Taylor, Planning Adviser to the LRB
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

Others Present

Mr and Mrs Higgins, Applicants

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor D Berry

Councillor McMillan was elected to chair today's meeting by Councillors Innes, Gillies and MacKenzie. Duly elected, Councillor McMillan welcomed everyone to the meeting and introduced the Members of the East Lothian Local Review Body (ELLRB) and Council Officers present. He also outlined the procedure for the meeting and advised that a site visit had been carried out prior to the meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 15/00580/P – ERECTION OF ONE HOUSE
AND ASSOCIATED WORKS AT MILLERS COURT, ELPHINSTONE ROAD,
TRANENT**

The Legal Adviser advised that Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. She advised that the Planning Adviser would summarise the planning policy issues in relation to the application and 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 and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, they would proceed to discuss the application and a vote would be taken on whether to uphold or overturn the decision of the Appointed Officer.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Emma Taylor, Planning Adviser, stated that the site was within a residential area of Tranent designated under Local Plan policy ENV1 and that the application site was an area of public open space forming part of the landscaping scheme of the adjacent housing developments. She therefore advised that the main policy consideration for the ELLRB was the impact of the loss of this public open space. Other policy considerations relevant to the application related to design, amenity and road safety, and the key development plan policies in this regard were Strategic Development Plan policy 1B and Local Plan policies ENV1, C5, DP7, DP22 and T2.

The Planning Advisor outlined the Consultation responses received in connection with this application and advised that eighteen representations to the application had been received. Five further representations had been received and copies of all representations were included in the Review Papers. She also summarised the reasons for refusal of this application which were that the proposed house would be an intrusive and inharmonious form of infill development and would significantly alter the character of the area. The applicant had argued that the proposed house would be appropriate to its location and did not accept that the proposed house would be intrusive or harmful to the character of the adjacent houses.

The Chair thanked the Planning Adviser for her presentation and there was now an opportunity for questions. The Chair asked the Planning Adviser if, at any point, the land which was the subject of the planning application had been considered suitable for a housing project. The Planning Adviser replied that the land had always been landscaped and had never been considered as a possible site for a house. There were no further questions.

The Chair then asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed. Comments from Members followed.

Councillor MacKenzie stated that he had found the site visit very helpful. He described the land as a piece of natural habitat; a public space used as a separating element between existing homes. Having also read the submissions of both the Case Officer and the Applicant, he considered that there were not sufficient grounds to overturn the Appointed Officer's decision. He would therefore vote to uphold the original decision to refuse this application.

Councillor Innes stated that he felt sympathetic towards the circumstances of the applicant and commented that the area in question had clearly not been managed properly. However, in his view, the site had been designed to serve as a buffer between areas of existing homes in the development and he considered it significant that the developer had chosen not to build on this strip of land. Councillor Innes had also noted the objections to the application which clearly showed that local residents valued retaining this strip of land in its present form. Therefore, after due consideration, he indicated that he would vote to reject the appeal.

Councillor Gillies shared the view of Councillor Innes and agreed that the proposals would result in a loss of amenity for neighbouring residents.

The Chair considered that the land in its present form added to the character and nature of the development in which it was located. He had also been persuaded by the terms of policy DP7 which stated that the principle of development within infill locations could be supported only where the site can accommodate an appropriate amount of open space, satisfactory vehicle and pedestrian access and car parking spaces. This policy also stated that residents in neighbouring properties should experience no significant loss of privacy and amenity. The Chair was therefore minded to uphold the original decision of the Appointed Officer.

Decision

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer and rejected the appeal.

The Legal Adviser stated that the Decision Notice would be issued within 21 days.