



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

**TUESDAY 9 AUGUST 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor K McLeod
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
Mr N Millar, Planner

Clerk:

Ms A Smith

Visitors Present:

Mr R Dodd, Mrs A Greenwood

Apologies:

Councillor D Berry
Councillor S Currie
Councillor W Innes

Declarations of Interest:

Councillor McLeod declared an interest in relation to item 2 – the agent was a recent previous employer; he would leave the Chamber for this item.

1. MINUTES FOR APPROVAL

The minutes of the meetings of the Planning Committees held on 7 June 2016 and 15 June 2016 were approved.

Iain McFarlane, Service Manager for Planning, updated Members on the Anaerobic Digester Plant application at Standalane, the subject of the 15 June Planning Committee. Following the Committee's decision to refuse the application the applicant had submitted an appeal to the DPEA (the Planning and Environmental Appeals Division of the Scottish Government) regarding non-determination. He advised that the DPEA had confirmed that the legislation required a formal decision notice to be issued otherwise it was deemed as non-determination. The decision notice must state the reasons for the decision and those reasons were contained within the minute, approved today, hence the reason for the appeal being deemed as non-determination rather than refusal. He added that the Council had submitted its case to the DPEA and would now submit the ratified minute containing the reasons for the Committee's decision to refuse the application.

Sederunt: Councillor McLeod left the Chamber

2. PLANNING APPLICATION NO. 16/00334/P: 3 MAY TERRACE, NORTH BERWICK

A report was submitted in relation to Planning Application No. 16/00334/P. Neil Millar, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to questions from Members, Mr Millar confirmed that the measurement of the area of land behind the garages was accurate; the area in question was 16.8 square metres. He also clarified details in relation to the application of the sunlight test.

Ross Dodd, agent for the applicant, informed Members that the applicant's proposal was to extend the family home. He stated that the application was in compliance with all relevant planning legislation.

Agnes Greenwood of 21 Abbey Court, immediately to the rear of the proposed extension, spoke against the application. She was also speaking on behalf of other neighbours who had objected to the application. She outlined concerns regarding the size and scale of the proposal, the proximity to her boundary wall and the loss of daylight and sunlight to neighbours. The proposed oversized extension, 2 storeys high, would dominate surrounding homes and would have a negative impact on all nearby residential properties.

Local Member Councillor Goodfellow made reference to the main objections detailed in the report stating that point (iii) – *the proposed extension would result in the loss of daylight and sunlight to neighbouring residential properties* – was the reason he had brought this application to the Committee. He noted the result of the application of the sunlight test but remarked that the neighbour's enjoyment of their garden in the evening would be effected as the building would shade their garden to a significant extent. He would be opposing the report recommendation.

Local Member Councillor Day appreciated the concerns of neighbours regarding the impact of the proposed extension but stated that this had to be set against the applicant's right to extend his property; the proposal met all the criteria. Regarding overshadowing, the proposal also met the relevant guidelines. There were no material planning reasons to refuse the application; he would be supporting the report recommendation to grant consent.

Councillor Grant agreed with Councillor Day. The officer's report stated that the application conformed to all relevant policies; he would be supporting the recommendation.

Councillor MacKenzie, referring to Mrs Greenwood's comments, agreed that the size and scale of the proposed extension would have a negative impact on her garden aspect and amenity. He would be going against the report recommendation.

Provost Broun-Lindsay stressed that planning guidance provided Members with a stable parameter against which to judge applications. He agreed with Councillor Day's position and would be supporting the officer's recommendation.

Councillor Trotter reiterated that there was no material planning reason to refuse the application therefore he would be supporting the recommendation in the report.

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

For: 12
Against: 2
Abstentions: 0

Decision

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

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed at first floor level within the rear (northeast) elevation wall of the extension hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the northeast.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee