



## **LOCAL REVIEW BODY**

### **APPLICATION NO.0281/FUL/18 – CHANGE OF USE FROM INDUSTRIAL (CLASS 5) TO SHOP (CLASS 1) IN RETROSPECT AT DONNYS CARPET, WHITBURN ROAD, BATHGATE**

## **REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY**

### **A PURPOSE OF REPORT**

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the change of use from industrial to shop at Donny's Carpets, Whitburn Road, Bathgate

### **B REVIEW DOCUMENTS**

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Notice of Review (submitted by the Applicant/Agent), dated 20 December 2018. This also includes the following documents:-
  - Floor plans
  - Location plan
  - Correspondence from Planning Service re authorised change of use
  - Copy of Decision Note
  - Supporting statement
2. The Handling Report, prepared by the Planning Case Officer, not dated
3. The Decision Notice, issued by the Appointed Person, dated 9 October 2018
4. Photographs of the shop frontage

No representations to the application have been made.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by conducting a site visit, a hearing or by assessment of the review documents only.

**C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission was refused by the Appointed Person as they considered that the proposal was unacceptable as it introduced a Class 1 use into an employment area that was not an ancillary part of Class 4, 5 or 6 use. The proposed change of use had not been justified against Policy EMP1 (Safeguarding and Developing Existing Employment Land) and TCR2 (Town Centres First Sequential Approach) of the West Lothian Local Development Plan 2018.

**D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

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