

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 27 SEPTEMBER 2017.

Present – Councillors Charles Kennedy (Chair), Stuart Borrowman, William Boyle, Harry Cartmill, Lawrence Fitzpatrick, Dom McGuire and David Tait

Apologies – Councillor Tom Kerr

1. DECLARATIONS OF INTEREST

Agenda Item 5 (App No.0427/FUL/17) – Councillor Dom McGuire declared a non-financial interest in that the applicant had attended his surgery but he had not discussed the merits of the application. Additionally the application had been discussed at a meeting of Elburn Community Council but he had not taken part in that discussion therefore he would participate in the item of business;

Agenda Items 7, 9 and 10 (App Nos 0536/FUL/17, 0592/P/17, and 0593/P/17) – Councillor Dom McGuire declared a non-financial interest in that the applicant had attended his surgery and he had also received documents from the applicant on the applications. Therefore he felt he had prejudged the application(s) and that he would remove himself from Chambers and not take part in the discussion or voting on the three applications;

Agenda Items 7, 9 and 10 (App Nos 0536/FUL/17, 0592/P/17, and 0593/P/17) – Councillor Willie Boyle declared a non-financial interest in that he had received documents from the applicant on the application(s) but would participate in the items of business;

Agenda Item 6 (App No.0458/FUL/17) – Councillor Stuart Borrowman declared a non-financial interest in that he had taken a call from the agent for the application but would participate in the item of business;

Agenda Items 7, 9 and 10 (App Nos 0536/FUL/17, 0592/P/17, and 0593/P/17) – Councillor David Tait declared a non-financial interest in that he had received documents from the applicant on the application(s) but would participate in the items of business;

Agenda Item 8 (App No.0586/FUL/17) – Councillor David Tait declared a non-financial interest in that he knew the objectors and was familiar with the proposal but would participate in the items of business;

Agenda Item 6 (App No.0458/FUL/17) – Councillor David Tait declared a non-financial interest in that he had taken a call from the agent for the application but would participate in the item of business;

Agenda Items 7, 9 and 10 (App Nos 0536/FUL/17, 0592/P/17, and 0593/P/17) – Councillor Harry Cartmill declared a non-financial interest in that he had received documents from the applicant on the application(s) but would participate in the items of business;

Agenda Items 7, 9 and 10 (App Nos 0536/FUL/17, 0592/P/17, and 0593/P/17) – Councillor Charles Kennedy declared a non-financial interest in that he had received documents from the applicant on the application(s) but would participate in the items of business; and

Agenda Item 6 (App No.0458/FUL/17) – Councillor Charles Kennedy declared a non-financial interest in that he had taken a call from the agent for the application but would participate in the item of business.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that the agenda would be dealt with in the following order:- 6, 7, 9, 10, 5 and 8.

The Chair also advised committee that he was in receipt of a request to continue Agenda Item 8 (App No.0567/FUL/17) by one of the objectors as they had been unable to attend the meeting. Committee agreed to hear the item of business.

3. MINUTE

The committee confirmed the Minute of its meeting held on 30 August 2017. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0458/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0458/FUL/17	Erection of two dwelling houses with garages at Drovers Bank, Pardovan Farm Steading, Philipstoun	Refuse planning permission

The committee then heard the applicants agent, Mr Robin Holder, speak in support of the application.

Decision

To approve the terms of the report and refused planning permission.

Councillor Tait having moved an alternative position which did not receive a seconder had his dissent to the decision recorded.

5. APPLICATION NO.0536/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0536/FUL/17	Change of use from a nursery (class 10) to a house (class 9) at 5 Pardovan Holdings, Philipstoun	Refuse planning permission

The committee then heard Mrs Lesley Nock, the applicant, speak in support of the application.

Decision

To continue the application for two cycles to allow for planning officers to have further discussions with other council services and the applicant with regards to the economic business case surrounding the application and the applicant's personal circumstances.

6. APPLICATION NO.0592/P/17

The committee unanimously agreed to continue Application No.0592/P/17 for two cycles as it was for the same application site as Application No.0536/FUL/17 which had previously been continued for two cycles by committee.

7. APPLICATION NO.0593/P/17

The committee unanimously agreed to continue Application No.0593/P/17 for two cycles as it was for the same application site as Application No.0536/FUL/17 which had previously been continued for two cycles by committee.

8. APPLICATION NO.0427/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0427/FUL/17	Change of use of public space to private garden ground (in retrospect) and relocation of boundary fence at 84 Oldwood	Grant retrospective planning permission

Place, Elburn,
Livingston

Decision

To approve the terms of the report and granted planning permission.

9. APPLICATION NO.0586/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0586/FUL/17	Application under S42 for the variation of condition 28 of planning permission 0463/FUL/07 to extend the use of the external terrace from 21:00 to 01:00 hours at the Burgh Halls, The Cross, Linlithgow	Grant temporary planning permission subject to conditions

The committee noted that Thirza Hockaday, West Lothian Council, whilst not listed on the speakers list was available to answer questions.

Motion

To approve the terms of the report and grant temporary planning permission subject to conditions.

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To refuse the application as the proposal did not comply with HOU9 of the West Lothian Local Plan and that a dedicated smoking shelter to the front of the building should instead be encouraged.

- Moved by Councillor Willie Boyle and seconded by Councillor Stuart Borrowman

A roll call vote was taken which resulted as follows :-

Motion

Harry Cartmill

Lawrence Fitzpatrick

Amendment

Stuart Borrowman

Willie Boyle

Charles Kennedy

Dom McGuire

David Tait

Decision

Following a roll call vote the motion was successful by 5 votes to 2 and it was agreed accordingly.

10. DELEGATED DECISIONS

The Head of Planning, Economic Development and Regeneration had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated decisions and enforcement action for the period 25 August to 15 September 2017 was submitted for the information of the committee.

Decision

To note the list of delegated decisions