

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 5 SEPTEMBER 2018.

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

Apologies – Councillor Tom Kerr

1. DECLARATIONS OF INTEREST

Councillor Pauline Clark - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that she was involved in an LRB decision on 7 March 2018 in an application which is identical to this one; that is stated in the officers' report. As she had expressed her views as part of the decision-making on that case for today's application she had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business she had to err on the side of caution when deciding if to can take part or not. Therefore she decided not to take part in the item of business today and would withdraw from the meeting;

Councillor Lawrence Fitzpatrick - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that he was involved in an LRB decision on 7 March 2018 in an application which was identical to this one; that was stated in the officers' report. As he had expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business he had to err on the side of caution when deciding if to can take part or not. Therefore he decided not to take part in the item of business today and would withdraw from the meeting;

Councillor Stuart Borrowman - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that he was involved in an LRB decision on 7 March 2018 in an application which was identical to this one; that was stated in the officers' report. As he had expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business he had to err on the side of caution when deciding if to can take part or not. Therefore he decided not to take part in the item of business today and would withdraw from the meeting;

Councillor David Tait - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that he was involved in an LRB decision on 7 March 2018 in an application which was identical to this one; that was stated in the officers' report. As he had expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business he had to err on the side of caution when deciding if

to can take part or not. Therefore he decided not to take part in the item of business today and would withdraw from the meeting;

Councillor Dom McGuire - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that he was involved in an LRB decision on 7 March 2018 in an application which was identical to this one; that was stated in the officers' report. As he had expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business he had to err on the side of caution when deciding if to can take part or not. Therefore he decided not to take part in the item of business today and would withdraw from the meeting; and

Councillor Harry Cartmill - Agenda Item 8 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest in that he was involved in an LRB decision on 7 March 2018 in an application which was identical to this one; that was stated in the officers' report. As he had expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business he had to err on the side of caution when deciding if to can take part or not. Therefore he decided not to take part in the item of business today and would withdraw from the meeting.

2. MINUTE

The committee confirmed the Minute of its meeting held on 8 August 2018. The Minute was thereafter signed by the Chair.

Matters arising were dealt with as follow :-

The Chair advised committee that an informal request had been received from the Linlithgow Peace Garden Steering Group seeking agreement for their application for a Peace Garden in Linlithgow to be continued to the November meeting of the committee; this was to allow them more time to carry out consultation in the local community on their proposals.

Committee unanimously agreed for the item to be brought to the November meeting.

3. APPLICATION NO.0713/H/18

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>
0713/H/18	Application for a single storey extension to rear plus alterations to	Refuse planning permission

existing bungalow at
96a Lower Bathville,
Armadale

The committee noted that the agent, Mr Mark Morrison, was detailed in the speakers list but was not in attendance at the meeting.

Decision

To approve the terms of the report and refuse planning permission

4. APPLICATION NO.0398/H/18

Having previously declared an interest in the following item of business, Councillors Stuart Borrowman, Pauline Clark, Lawrence Fitzpatrick, Dom McGuire and David Tait withdraw from the Council Chamber and took no part in the item of business.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0398/H/18	Formation of two dormer windows at 59 Church View, Winchburgh, Broxburn	Refuse planning permission

The committee then heard the applicant's agent, Mr Euan Pearson, speak in support of the application.

The committee then heard local ward member, Councillor Diane Calder, speak in support of the application.

Decision

To grant planning permission with conditions delegated to the Development Management Manager as committee felt that the proposal did comply with HOU9 of the West Local Development Plan as there was no significant loss of residential amenity, particularly in light of the letters of support from the neighbouring properties, the applicant had applied the House Extension and Design Guide 2015 to the best of their ability and the applicant had also attempted to incorporate the design into the existing building.

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

5. APPLICATION NO.0303/FUL/18

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</u>	<u>Proposal</u>	<u>Recommendation</u>
0303/FUL/18	Building works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow	Grant planning permission

Motion

To grant planning permission subject to conditions

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To refuse planning permission as the proposal was not a whole solution to the problem; and the proposal was not in keeping with the conservation area of Linlithgow and therefore was contrary to HER2, HOU9, ENV24 and ENV28.

- Moved by Councillor David Tait and seconded by Councillor Willie Boyle

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Willie Boyle
Harry Cartmill	Pauline Clark
Lawrence Fitzpatrick	David Tait
Charles Kennedy	
Dom McGuire	

Decision

Following a vote the motion was successful by 5 votes to 3 and it was agreed accordingly.

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</u>	<u>Proposal</u>	<u>Recommendation</u>
0304/LBC/18	Building works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow	Grant listed building consent

Motion

To grant listed building consent subject to conditions

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To refuse listed building consent as the proposal was not a whole solution to the problem; and the proposal was not in keeping with the conservation area of Linlithgow and therefore was contrary to HER2, HOU9, ENV24 and ENV28.

- Moved by Councillor David Tait and seconded by Councillor Willie Boyle

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Willie Boyle
Harry Cartmill	Pauline Clark
Lawrence Fitzpatrick	David Tait
Charles Kennedy	
Dom McGuire	

Decision

Following a vote the motion was successful by 5 votes to 3 and it was agreed accordingly.

7. APPLICATION NO.0320/FUL/18

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>
0320/FUL/187	Change of use from estate agents (class 2) to shop (class 1) hot food takeaway (sui generis) at 3 Hopetoun Street, Bathgate	Approve planning permission

Motion

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

- Moved by the Chair and seconded by Councillor Stuart Borrowman

Amendment

To refuse planning permission as the proposal would create a cluster effect and was close to other residential uses and was therefore contrary to policies HOU9 and TCR3 of the West Lothian Local Plan.

- Moved by Councillor Willie Boyle and seconded by Councillor Lawrence Fitzpatrick

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Willie Boyle
Harry Cartmill	Pauline Clark
Charles Kennedy	Lawrence Fitzpatrick
Dom McGuire	David Tait

Decision

The motion and amendment having received 4 votes each, the Chair used his casting vote in favour of the motion and it was agreed accordingly.

8. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 3 to 24 August 2018 was submitted for the information of the committee.

Decision

To note the list of delegated decisions

9. APPEALS

The committee noted that the following appeals had been submitted to Scottish Ministers following refusal of planning permission :-

Application No.

Proposal

0445/FUL/18

Plot 23, Blinkbonny Gardens,
Breich