

MINUTE of MEETING of the LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 6 MARCH 2019.

Present – Councillors George Paul (Chair), Tom Conn, Dave King, Lawrence Fitzpatrick, Stuart Borrowman, William Boyle, David Dodds and David Tait

Apologies – Councillors Pauline Clark, Charles Kennedy and Tom Kerr

1 DECLARATIONS OF INTEREST

Councillor Stuart Borrowman declared an interest in agenda item 6 (Notice of Review for Application No. 0756/P/18) as he was known to one of those who had submitted an objection but he considered that this would not prejudice the decision and took part in the consideration of the item.

2 MINUTES

The Committee approved the minute of its meeting held on Wednesday 6 February 2019 as a correct record. The minute was thereafter signed by the Chair.

3 NOTICE OF REVIEW FOR APPLICATION NO. 0694/P/17 - PLANNING PERMISSION IN PRINCIPLE FOR THE FORMATION OF A PARK AND RIDE CAR PARK INCLUDING ACCESS ROAD AT LAND 250 METRES SOUTHEAST OF CHOTTA GHAR, STATION ROAD, UPHALL

The Committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission in principle for the formation of a park and ride car park including access road at land 250 metres southeast of Chotta Ghar, Station Road, Uphall.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and relevant guidance that had been referred to in the review document.

During consideration of whether the Committee had sufficient information before it to determine the review, a question was raised by Councillor Tait regarding the level of detail included in the review documents in comparison to another item on the agenda concerning the same type of application. In response, the Planning Adviser explained that the level of detail included in the submission of applications for planning permission in principle varied between applications. The Committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The Committee considered the review application in terms of the statutory test to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations

indicated otherwise.

The Local Review also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the position of the Appointed Person and refuse planning permission.

4 NOTICE OF REVIEW FOR APPLICATION NO. 0756/P/18 - PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF TWO HOUSES AT 17 NORTHWOOD PARK, DEANS

The Committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission in principle for the erection of two houses at 17 Northwood Park, Deans.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and the relevant guidance that had been referred to in the review documents.

The Committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure. Comments were made by Councillor Tait with regard to the level of detail included in the review documents as he considered that this was not appropriate for the type of application which had been submitted.

The Committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the position of the Appointed Person and refuse planning permission.

Councillor Tait, having moved an alternative position which did not attract a seconder, had his dissent recorded.

5 NOTICE OF REVIEW FOR APPLICATION NO. 1070/FUL/18 - CHANGE OF USE FROM WAREHOUSE/OFFICE (CLASS 4/6) TO FITNESS STUDIO (CLASS 11) AT FORTHVIEW COURT, 1, 23 OAKBANK PARK WAY, LIVINGSTON

The Committee considered a report (copies of which had been circulated)

by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission for the change of use from warehouse/office (class 4/6) to fitness studio (class 11) at Forthview Court, 1, 23 Oakbank Park Way, Livingston.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The Committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The Committee considered the review application in terms of the statutory test to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the review and grant planning permission subject to conditions as the Committee considered that the proposal complied sufficiently with LDP policy EMP1 as the proposed use was suitable for an industrial setting and there was no current demand for warehouse or office use in the area. The conditions imposed limited the use to a gymnasium only and the Committee were satisfied that concerns regarding accessibility of the premises had been adequately addressed.