

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 14 JANUARY 2015.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Harry Cartmill, Tom Conn, Greg McCarra, Angela Moohan and John Muir

Apologies – Councillor Tom Kerr

Absent – Councillor William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of the meeting held on 26 November 2014. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW - APPLICATION NO.0446/P/14 - PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLING HOUSE AND GARAGE AT 94 PUMPHERSTON ROAD, UPHALL STATION

The Local Review Body 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 for the erection of a dwelling house and garage at 94 Pumpherston Road, Uphall Station.

Attached to the report were the Notice of Review and other relevant review documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents. The report advised that the decision to refuse planning permission was because the Appointed Person deemed that the development would constitute tandem development and town cramming and would be contrary to the relevant policies in the local plan and the council's supplementary planning guidance..

The Local Review Body then considered and took into account all of the review documents placed before it and in doing so noted that it was necessary in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 that the Local Review Body had regard to the Development Plan and to determine the review in accordance with the Development Plan unless material circumstances indicated otherwise.

The Local Review Body then considered whether the review documents provided sufficient information to enable the review to be determined and whether further representation or further information was needed. It also took account of the views expressed in the Notice of Review and it agreed

that no further written representation was required.

It was also noted that the review had been subject to an unaccompanied site visit which had taken place on the morning of 14 January 2015.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies and decided that the development was contrary to the West Lothian Local Development Plan.

It then went on to consider whether there were material considerations that meant the application for review should be granted nonetheless. It identified a number of material considerations including the objections lodged, the impact on residential amenity, precedent and tandem development.

After assessing and balancing the relevant considerations the Local Review Body decided that the relevant material considerations were not sufficient to mean that the application should be decided contrary to the development plan and on balance supported the refusal of planning permission.

#### Decision

To uphold the decision of the Appointed Person and refuse the application as the development did not accord with the development plan and the material considerations identified did not merit the review being granted.

4. NOTICE OF REVIEW - APPLICATION NO.0595/FUL/14 - CONDITIONS ATTACHED TO THE GRANT OF PLANNING PERMISSION AT MACKINNON HALL, LINLITHGOW BRIDGE

The Local Review Body 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 of the conditions attached to a grant planning permission for Mackinnon Hall, Linlithgow Bridge.

Attached to the report were the Notice of Review and other relevant review documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents. The report advised that the applicant was requesting a review of the two conditions attached to the planning permission in relation to landscaping and the installation of motorised shutters.

The Local Review Body then considered and took into account all of the review documents placed before it and in doing so noted that it was necessary in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 that the Local Review Body had regard to the Development Plan and to determine the review in accordance with the Development Plan unless material circumstances indicated otherwise.

The Local Review Body then considered whether the review documents

provided sufficient information to enable the review to be determined and whether further representation or further information was needed. It also took account of the views expressed in the Notice of Review and it agreed that no further written representation was required.

It was also noted that the review had been subject to an unaccompanied site visit which had taken place on the morning of 14 January 2015.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies and decided that the development was in accordance with the West Lothian Local Development Plan. However it had to determine if the conditions attached to the planning permission were appropriate and necessary.

The Local Review Body did not consider that either condition attached to the grant of planning permission was necessary in the interests of residential amenity. It noted that there was already unplanned planting and landscaping in place and decided that there was no need for any more formal or further landscaping and planting. It is also considered that the frequency and extent of any noise from roller shutters on the new store site did not justify a requirement of the installation of motorised shutters.

#### Decision

To grant the review and so to grant planning permission subject to the deletion of the two conditions attached to the original grant of planning permission.