

MINUTE of MEETING of LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, LIVINGSTON, on WEDNESDAY 4 MARCH 2015

Present – Councillor George Paul (Chair), Lawrence Fitzpatrick, William Boyle, Harry Cartmill, Tom Conn, Greg McCarra, and John Muir

Apologies – Councillor Tom Kerr and Angela Moohan

Absent – Councillor Willie Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 14 January 2015. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW – APPLICATION NO.0619/FUL/14 – CONDITIONS ATTACHED TO GRANT OF PLANNING PERMISSION FOR THE PART CHANGE OF USE FROM STORAGE AND DISTRIBUTION TO GENERAL INDUSTRIAL AND ERECTION OF A READY-MIX CONCRETE BATCHING PLANT AND SILOS AT UNIT 9, GREENDYKES INDUSTRIAL ESTATE, BROXBURN

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 a review of the conditions attached to a grant of planning permission at a concrete batching plant and silos at Unit 9, Greendykes Industrial Estate, Broxburn.

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 by the Appointed Person had been to grant planning permission but subject to conditions, which were now the subject of the Notice of Review.

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 decided that further information was required from the council's Appointed Person in relation to two technical reports submitted by the applicant and

any bearing these would have had on the conditions attached to the grant of planning permission, and in relation to an apparent discrepancy in the distance from the proposed mixing plant to sensitive noise receptors. All information required from the Appointed Person would be outlined in a Procedure Note.

Additionally the Local Review Body considered that a site visit would be beneficial to the committee's understanding of potential noise issues and impact on the amenity of the area, and that this should take place on 29 April 2015.

Decision

Agreed to continue the application to the next meeting to allow for the Appointed Person to provide additional information and for an unaccompanied site visit to take place on 29 April 2015.

4. NOTICE OF REVIEW – APPLICATION NO.0639/H/14 – CONDITIONS ATTACHED TO GRANT OF PLANNING PERMISSION FOR THE INSTALLATION OF DORMER WINDOWS AT 38 CHURCH STREET, BROXBURN

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 a review of the conditions attached to a grant of planning permission for the installation of dormer windows at 38 Church Street, Broxburn.

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 by the Appointed Person had been to grant planning permission but subject to conditions, which were now the subject of the Notice of Review.

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 review had been subject to an unaccompanied site visit which had taken place on the morning of 4 March 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 HOU9 of the West Lothian Local Development Plan in relation to its detrimental impact on visual and residential amenity.

It then went on to consider whether there were material considerations that meant the application for review should be granted nonetheless. The

Local Review Body identified a number of material considerations including the absence of any objections, the present uniformity of the appearance of the houses in the street, and the precedent that may be set if permission were to be granted.

After assessing and balancing all relevant matters 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 position of the Appointed Person and that the condition regarding the deletion of the front dormer window should remain.

Decision

To uphold the position of the Appointed Person and refuse the application for review and that the grant of planning permission remained with those conditions imposed including the condition concerning the deletion of the front dormer window remained in place.

5. NOTICE OF REVIEW – APPLICATION NO.0770/FUL/14 – CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN GROUND AT 29 SOUTH MIDDLETON, UPHALL

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 a change of use from open space to private garden ground at 29 South Middleton, Uphall.

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 review was being sought following refusal of planning permission by the Appointed Person.

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 review had been subject to an unaccompanied site visit which had taken place on the morning of 4 March 2015

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.

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 in relation to its impact on residential amenity and loss of open space.

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 absence of any objections, the importance of providing areas of open space in residential developments, and the precedent that may have been set were permission to be granted.

Therefore 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.