



West Lothian
Council

Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 November 2015

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 25 November 2015 at 11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 28 October 2015 (herewith).

Public Items for Decision

5. Notice of Review - Application No.0566/FUL/15 - Change of use of existing cafe (class 3) to hot food takeaway at 61 Margaret Avenue, Bathgate (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

DATA LABEL: Public

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on WEDNESDAY 28 OCTOBER 2015

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

Apologies – Councillor Willie Boyle

Absent – Councillor Angela Moohan

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The Local Review confirmed the Minute of its meeting held on 23 September 2015. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW - APPLICATION NO.0445/H/15 - CONDITIONS ATTACHED TO GRANT OF PLANNING PERMISSIN FOR THE INSTALLATION OF REPLACEMENT WINDOWS AT GREEN COTTAAGE, 6 THE LOAN, TORPHICHEN

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 for the installation of replacement windows at Green Cottage, 8 The Loan, Torphichen.

Attached to the report were the Notice of Review and other relevant 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 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 regard to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise. It noted that the council had supplementary planning guidance which was relevant, but which had not been mentioned in the handling report or the decision notice.

The committee did not agree with the assessment by the Appointed Person of the development against the relevant development plan policies. It considered that the imposition of the condition that the replacement windows were to be painted green was unnecessary in relation to residential and visual amenity and the impact on the

appearance of the conservation area, and in light of the terms of the supplementary planning guidance.

Decision

To uphold the review application and delete the condition imposed concerning the colour of the window frames.



LOCAL REVIEW BODY

APPLICATION NO.0566/FUL/15 – CHANGE OF USE OF EXISTING CAFÉ TO HOT FOOD TAKEAWAY AT 61 MARGARET AVENUE, BATHGATE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is for the review of one of the conditions attached to the grant of planning permission for a change of use of existing café to hot food takeaway at 61 Margaret Avenue, Bathgate

B REVIEW DOCUMENTS

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Decision Notice, dated 30 September 2015.
2. The Handling Report by the Appointed Person not dated.
3. The Notice of Review, submitted by the Applicant, dated 23 October 2015.
4. The following documents were also lodged with the Notice of Review:-
 - Colour photographs;
 - A Supporting statement;
 - A copy of the supporting statement included in the original planning application
 - A series of location plans and side elevations;
 - A copy of the "Development Control Policy for Considering Proposals for Class 3 Uses and Hot Food Takeaways";
 - A copy of the Decision Notice; and
 - A copy of the Handling Report

One representation was received, from the owner of the Elizabethan Fish & Chip Shop at 29 Elizabeth Drive, in relation to the application and they were contacted to advise that the Notice of Review had been received and that they had fourteen days in which to submit any further comments. No further comments were received. All documentation referred to is attached to the report.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by using the documentation only.

In consultation with the Chair, the Clerk and Legal Adviser determined that as the review was in relation to the hours of operation, and clear plans and drawings have been submitted, it would be unnecessary to undertake a site visit to the application site. The committee may still decide to do so during its consideration of the review.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was granted by the council's Appointed Person but subject to conditions. The applicant was now seeking a review of Condition 5 which stated *"the hot food takeaway hereby approved shall only operate between the hours of 09.00 and 22.00. Out with these hours the premises shall be closed and quiet"*.

The applicant had advised that they wish Condition 5 to be varied to the following *"the hot food takeaway hereby approved shall only operate between the hours of 11.00 and 23.00 on Sunday – Thursday and 24.00 on Friday and Saturday. Out with these hours the premises shall be closed and quiet"*.

The other conditions are not subject to the review application.

The policies relied on by the Appointed Person were as follows:-

-
- TC14 (West Lothian Local Plan) – Entertainment and Hot Food Premises
-
- HOU9 (West Lothian Local Plan) – Residential and Visual Amenity

Other policies and guidance are referred to in the review application, as follows:-

-
- TC12 (West Lothian Local Plan) – Retail and Other own Centre Uses
-
- TC13 – (West Lothian Local Plan) - Small-scale retail developments
-
- Supplementary Planning Guidance – Development Control Policy for Considering proposals for Class 3 Uses and Hot Food Takeaways

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

As the application is for a review of conditions for a granted planning permission no draft conditions are attached to this report.

James Millar, Solicitor/Committee Services Manager, West Lothian Civic Centre
01506 281613, James.Millar@westlothian.gov.uk

Date: 25 November 2015



West Lothian
Council

DECISION NOTICE
GRANT PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission for the development described below**, and in the planning application and attached docquetted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advisory notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0566/FUL/15

PROPOSAL AND LOCATION: Change of use of existing cafe (class 3) to hot food takeaway (grid ref. 299456 668610) at 61 MARGARET AVENUE, BATHGATE, EH48 1SN

APPLICANT: Mr M Atique
2 Stewart Way
Livingston
EH48 1HD

The above local application was determined by an officer appointed by the council in accordance with its scheme of delegation. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 30/09/2015

Chris Norman
Development Management Manager
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Signature

The reason(s) why the council made this decision is (are) as follows:

The proposal accords with the terms of the development plan and there are no material reasons to indicate that the application should not be granted.

This permission is granted subject to the following conditions:-

- 1 Prior to development starting on site, details of an extraction system for cooking odours from the premises shall be submitted for the written approval of the planning authority. The system shall incorporate canopies over all cooking appliances with suitable air flow, grease filters and odour control facilities. Any external flue or extractor shall be designed to minimise visual impact.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 2 The approved extraction system will be installed prior to the premises being brought into use. Thereafter the approved extraction system shall operate at all times when the premises are in use and shall be maintained to the satisfaction of the planning authority.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 3 Prior to commencement of cooking dependent on the extraction system, the applicant shall submit to the Planning Authority certification from a member of the Heating and Ventilation Contractors' Association or other suitably qualified person confirming that the system as designed will provide a suitable rate of extraction above all cooking appliances, that the system can be easily maintained and that it will sufficiently reduce or eliminate odours, taking into account the nature of the business.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 4 Any mechanical plant or equipment on or associated with development must be suitably isolated to the satisfaction of the planning authority from the structure of the building. Fan units positioned in a ducting system must be isolated from the ducting by means of flexible connections.

Reason To limit the potential for vibration which could cause nuisance for nearby sensitive receptors.

- 5 The hot food takeaway hereby approved shall only operate between the hours of 09.00 and 22.00. Out with these hours the premises shall be closed and quiet.

Reason In the interest of residential amenity

Notes to developer

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the planning permission which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

Other Consents, Licenses etc.

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

How to challenge the council's Decision

If your application was determined under delegated powers and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee then you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here:

<http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

Advertisement Consent

A separate application, in accordance with the Advertisement Regulations, is required for the display of the advertisements, which cannot be approved as part of this application.

Annex 1, Schedule of Plans - 0566/FUL/15

	Description	Drawing Number	Docquetted Number
1	Location Plan/Block Plan	001	1 of 6
2	Existing Layout and West Elevation	002	2 of 6
3	Existing Elevations	003	3 of 6
4	Proposed Layout 1: Roof Extract	004a	4 of 6
5	Proposed Layout 2: Roof Extract	005a	5 of 6
6	Extract Ventilation System	006	6 of 6

Chris Norman



West Lothian
Council

DATA LABEL: PUBLIC

SCANNED

HANDLING REPORT

Ref. No.: 0566/FUL/15 **Email:** mahlon.fautua@westlothian.gov.uk
Case Officer: Mahlon Fautua **Tel No.:** 01506 282426
Ward: Bathgate **Member:** William Boyle
Harry Cartmill
John McGinty
James Walker

Title Change of use of existing cafe (class 3) to hot food takeaway (grid ref. 299456 668610) at 61 MARGARET AVENUE, BATHGATE, EH48 1SN
Application Type Local Application
Decision Level LIST 11/09/2015
Site Visit
Recommendation grant permission
Decision
Neighbour Notification Neighbour notification procedures have been have been carried out correctly - case officer verification _____

Description of Proposals

Planning permission is sought for a change of use from a cafe (class 3) to hot food takeaway (sui generis) at 61 Margaret Street in Boghall.

The proposal includes the erection of a flue on the western side of the building.

Site History

1257/NID/02 - Change of use and conversion of former shop units to form community café - Granted temporary permission for 5 years from 23/01/03.

Representations

The application was advertised in the local press and the period for receipt of representations has expired. 1 letter of objection has been received and is summarised below; This is a summary of the representations received. The full documents are contained in the application file.

Comments	Response
The shop will sell similar foods and be in close proximity to my shop and sales will inevitably suffer.	The issues raised are not material to planning and therefore cannot be taken into account.

Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Transportation	No	None	Noted
Environmental Health	No	Conditions	Noted

Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>TC14 - Entertainment and Hot Food Premises</p> <p>Planning applications for most forms of commercial entertainment, including hot food premises, in town or village centres or in areas of predominantly non-residential use will be looked upon favourably, subject to appropriate conditions where the premises are located close to residential property in separate ownership. Mixed use developments will be encouraged. Such uses will be refused where they raise issues of noise and traffic, or any other form of disturbance considered relevant by the council, particularly where it is deemed to affect nearby residential areas. In appropriate cases, an applicant will be required to demonstrate that these concerns were either not raised, and/or to show how they would be mitigated, to the satisfaction of the council.</p>	<p>The location of a hot food takeaway within this small cluster of shops is accepted in principle. Appropriate measures can be implemented to ensure any adverse effects can be avoided and/or mitigated. It is considered that the application accords with this policy.</p>	
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>The site is adjacent to residential properties. The proposed flue is sited away from this property so there would be visual impact on the neighbouring properties. Any potential odour and noise effects could be controlled through conditions if application is</p>	

		approved.	
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Assessment

See above

Other Considerations

None

Conclusions and Reason for Decision

The proposed hot food takeaway is within an existing group of shops and suitable measures can be implemented to ensure that any adverse impact on the nearby residential uses would be avoided.

Conditions should be imposed, in terms of operating hours, ventilation systems and noise.

It is therefore recommended that planning permission is granted subject to conditions.

Case Officer

Date.....

Senior Officer.....

Date.....

Development Management Manager.....

Date.....



West Lothian
Council

West Lothian Civic Centre, Howden South Road Howden Livingston EH54 6FF

Tel: 01506 280000

Email: planning@westlothian.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000134865-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Bryan McAlister Architect

Ref. Number:

First Name: *

Bryan

Last Name: *

McAlister

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: * Mr

Other Title:

First Name: *

Muhammed

Last Name: *

Atique

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

2

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

61 Margaret Avenue

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Bathgate

EH48 1SN

Please identify/describe the location of the site or sites.

Northing

668612

Easting

299456

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Condition 5: - ?The hot food takeaway hereby approved shall only operate between the hours of 09.00 and 22.00. Out with these hours the premises shall be closed and quiet.?

It is requested that this Condition be amended as follows

?The hot food takeaway hereby approved shall only operate between the hours of 11.00 and 23.00 on Sunday- Thursday and 24.00 on Friday and Saturday. Out with these hours the premises shall be closed and quiet.?

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Separate Document

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Supporting statement for this Review
2. Copy supporting statement of original application
3. Copy Council Development Control Policy
4. Copy Site location plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

0566/FUL/15

What date was the application submitted to the planning authority? *

30/07/15

What date was the decision issued by the planning authority? *

30/09/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Bryan McAllister

Declaration Date: 23/10/2015

Submission Date: 23/10/2015

61/63 Margaret Avenue, Boghall, Bathgate EH48 1SN: Application for Change of Use to Hot Food Premises

Supporting Statement

1.0 Property

The Property is located at 61/63 Margaret Avenue, Boghall, Bathgate and comprises double shop premises at ground level situated within and accessed from within the Boghall Neighbourhood Centre located at the junction of Margaret Avenue and Elizabeth Drive. Adjacent Businesses within the precinct include a Butcher, Convenience Store and, on Elizabeth Drive a Chip shop and Nursery business.



**View from NW
Subject of
Application is
indicated by Red
Rectangle**



**View from Elizabeth
drive looking
through Centre**



**View of proposed
main access (behind
roller shutter)
Pedestrian ramped
access, Bike stands
and Ventilation
installation can also
be seen.**

61/63 Margaret Avenue, Boghall, Bathgate EH48 1SN: Application for Change of Use to Hot Food Premises

2.0 Recent Planning and Operational History

This property was originally purposed as two shops for which a Consent for a Community Café use was granted in 2002 (LIVE/1257/NID/02) It is currently listed on the Regional Assessors Valuation Roll as a Community Centre.

An earlier unsuccessful application for a Hot Food Consent was made in 1998 however it is argued that a number of circumstances have changed in favour of the current application

- With the development of additional houses at Marina Avenue and Alexandra Avenue the local customer base has significantly increased.
- The Premises have been fitted out with a Extract ventilation system as part of the café operation.
- Premises (several) have lain vacant in spite of the population increase.

3.0 Tenant Interest

The Property is owned by West Lothian Council and has lain vacant since 1st March 2014. An adjacent Clinic Building is also empty.

4.0 Planning Context

Property is not listed, lies outwith any Conservation Area and is within the Boghall Neighbourhood Centre.

It is self-contained and has no residential property above or directly attached to it. The residential building to the east is not immediately adjacent to the mutual boundary.

Local Plan CI 9.41 states " *Increasing mobility and consumer choice has reduced the traditional importance of local centres. In some cases, there is now an overprovision of small retail units, and changes of use which lead to consolidation around viable shopping cores will be supported and promoted....*"

Applicable Policies

TC12- retail and other Town Centre uses will be supported within Town Centre boundaries...

TC13-small scale retail developments, serving local needs, will be supported...

TC14- Planning applications for most forms of commercial entertainment, including hot food premises, in town or village centres or in areas of predominantly non-residential use will be looked upon favourably,...Mixed use developments will be encouraged"

5.0 Other Policies

WLC Supplementary Guidance " Development Control Policy for considering proposals for Class 3 uses and Hot Food Takeaways". States a presumption in favour of granting Planning Permission where there would be minimal conflict with residential properties. (See Section 7)

6.0. Competing business operations.

Only one such takeaway business (a Chip Shop on Elizabeth Drive) exists within the area.

7.0. Measures to alleviate possible nuisance.

Supplementary guidance highlights the following areas of potential nuisance.

7.1 Ventilation:

There is an existing Extract and Air replacement system within the premises, currently configured to operate via a number of ceiling mounted fittings and exhausting on the west side of the property. The ceiling fittings will be replaced with an extract canopy with integrated cleanable

61/63 Margaret Avenue, Boghall, Bathgate EH48 1SN: Application for Change of Use to Hot Food Premises

filter capability positioned over the cooking range. Intake and extract grilles are positioned to minimise impact on adjacent residential property.

The existing system has been inspected and assessed as suitable for purpose by Messrs Commercial Kitchen Fabricators of Armadale.

7.2 Litter/Refuse:

The operation is accessed from the existing pedestrian footpath running through the Neighbourhood centre providing a buffer zone. It is envisaged the majority of takeaway meals will be consumed elsewhere (in purchasers homes).

Bin storage can be relatively discretely accommodated adjacent to the existing Door to 63

7.3 Noise:

The operation is accessed from the existing pedestrian footpath running through the Neighbourhood centre providing a buffer zone.

The existing extract equipment, assessed on an empirical basis does not appear to cause noise nuisance. It is not anticipated that amplified music will be played on the premises.

7.4 Hours of operation:

Premises will operate within any Guidelines conserved applicable by the Council.

Operation as a Community Facility will have accustomed local residents to out of hours traffic etc.

7.5 Traffic and Road safety:

Both Margaret Avenue and Elizabeth Drive are "through routes" with layby parking provision for the Neighbourhood Centre and bicycle stands within the pedestrian area. The busiest periods of operation are considered likely to lie outwith the busy periods for the remainder of the Neighbouring businesses and therefore unlikely to cause significant conflict.

8.0 Massing and Appearance

The existing premises are considered suitable with minor external changes limited to provision of a main Entrance Door (a re-instatement of the original door) and provision of a suitable sign. Existing security shutters will be retained.

9.0 Accessibility

The Premises can be accessed by existing ramped footpaths from both Elizabeth Drive and Margaret Ave. New door will have low threshold provision.

BJM 28/07/15

61/63 Margaret Avenue, Boghall, Bathgate EH48 1SN: Request for Review of Condition 5 in respect of Hours of operation

Supporting Statement

1.0 Background

Conditional Planning Consent for "Change of use of existing cafe (class 3) to hot food takeaway (grid ref. 299456 668610) at 61 MARGARET AVENUE, BATHGATE, EH48 1SN" was granted 30th September 2015 under the Council's Scheme for Delegation.

2.0 Condition 5: - *"The hot food takeaway hereby approved shall only operate between the hours of 09.00 and 22.00. Out with these hours the premises shall be closed and quiet."*

It is requested that this Condition be amended as follows

"The hot food takeaway hereby approved shall only operate between the hours of 11.00 and 23.00 on Sunday- Thursday and 24.00 on Friday and Saturday. Out with these hours the premises shall be closed and quiet."

Note it is not proposed to operate the premises as early as 09.00 hrs.

3.0 Justification for Amendment

1. It is the applicants view that Demand exists in the locality for the commercial operation of a Hot Food Takeaway service and That a significant portion of that demand will be exercised after 22.00 hrs, restriction of opening hours to 22.00 will make the business commercially unviable.
2. It is argued that a Hot Food Takeaway Business provides, as with any food shop, a two way transaction offering a valuable service to the residents within the locality. It requires significant initial "at risk" investment on the part of the Applicant. Continuation of the Business will only result if the balance of demand and supply is achieved within both the commercial and the social context.
3. The Council Handling Report states that the location of the Development is acceptable in principle with respect to Policy TC14 - Entertainment and Hot Food Premises. While the intention of Condition 5 was to control impact of noise on adjacent properties, no objections were received from local residents on these grounds despite Notification of the Application and Advertisement of the Application in the Local Press having taken place.
4. The Department of Environmental Health were also consulted and made no objections on Grounds of Noise.
5. The Department of Transport were consulted and made no objections.
6. The Relevant Council Guideline in force (Appendix 12.1 of Local Plan) "A Development Control Policy for considering Proposals for Class 3 Uses and Hot Food Takeaways" (Page 3:- Hours of Operation) supports operation up to 01.00 Hours. It is for this reason that the original application did not state actual proposed hours and it is therefore suggested that the Guidance could be construed as misleading.
7. The premises are located within and accessed from the pedestrian footpath running through the Local Shopping Centre. The Entrance doorway faces into the shopping Centre. In view of this physical dissociation, it is suggested that it is inappropriate to enforce the most onerous time constraints.

4.0 Recommendation

Given the location within a local shopping centre is acceptable, it's our recommendation that Condition 5 be amended to permit extended opening hours of 11.00 and 23.00 on Sunday- Thursday and 24.00 on Friday and Saturday.

61/63 Margaret Avenue, Boghall, Bathgate EH48 1SN: Request for Review of Condition 5 in respect of Hours of operation

	<p>View from NW Subject of Application is indicated by Red Rectangle. Prominent building is part of local centre</p>
	<p>View from Elizabeth Drive looking through Centre Premises are accessed from this footpath</p>
	<p>View of proposed main access (behind roller shutter) Pedestrian ramped access, Bike stands and Ventilation installation can also be seen. Entrance faces away from and is on opposite elevation to nearest dwellings</p>

BJM 22/10/15



Block Plan Scale 1:200

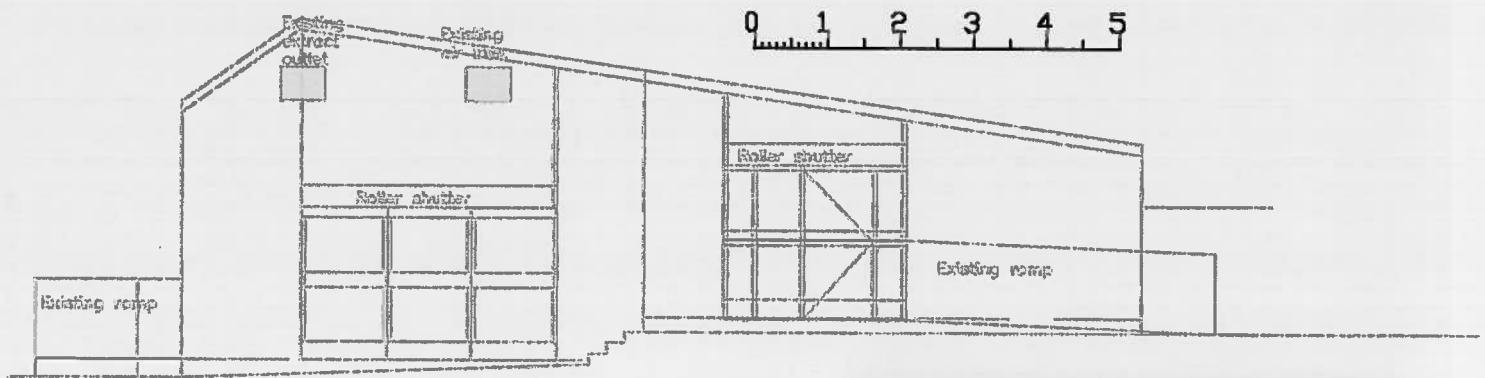
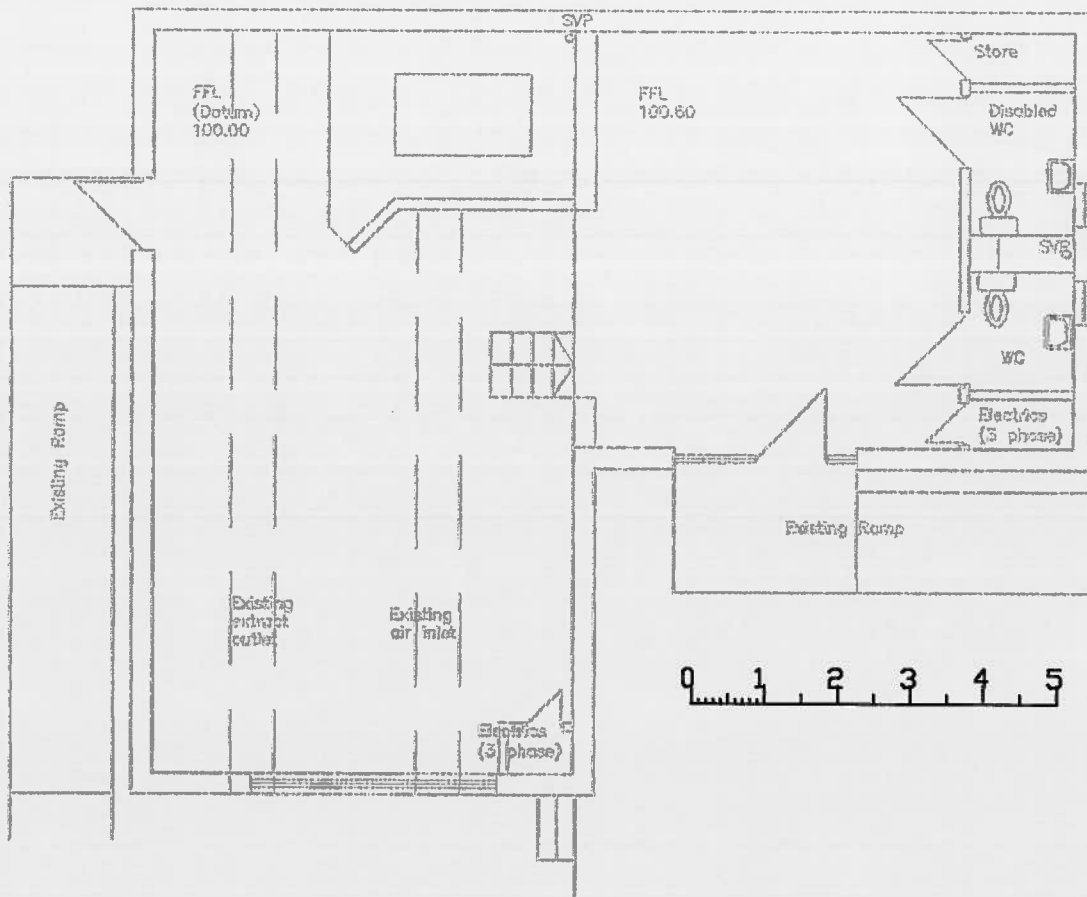


Location Plan Scale 1:1250, 1:200

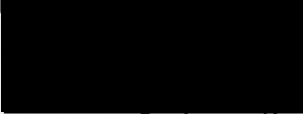

- Pedestrian route through Boghall Neighbourhood Centre
- Site

APPROVED	
 Development Management Manager	
App No	0566-ful-15 1of6.p
Date	30 Sep 2015
West Lothian Council	

Proposed Takeaway at 61/63 Margaret Avenue,
Bathgate
001
Scale 1:1250, 1:200

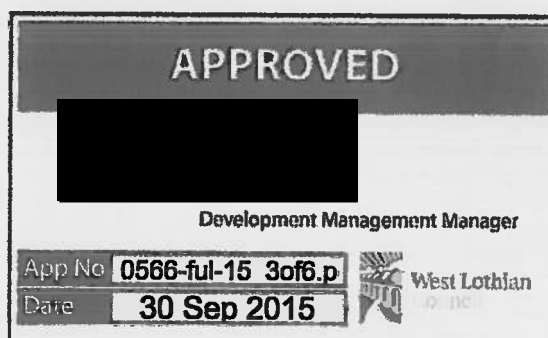
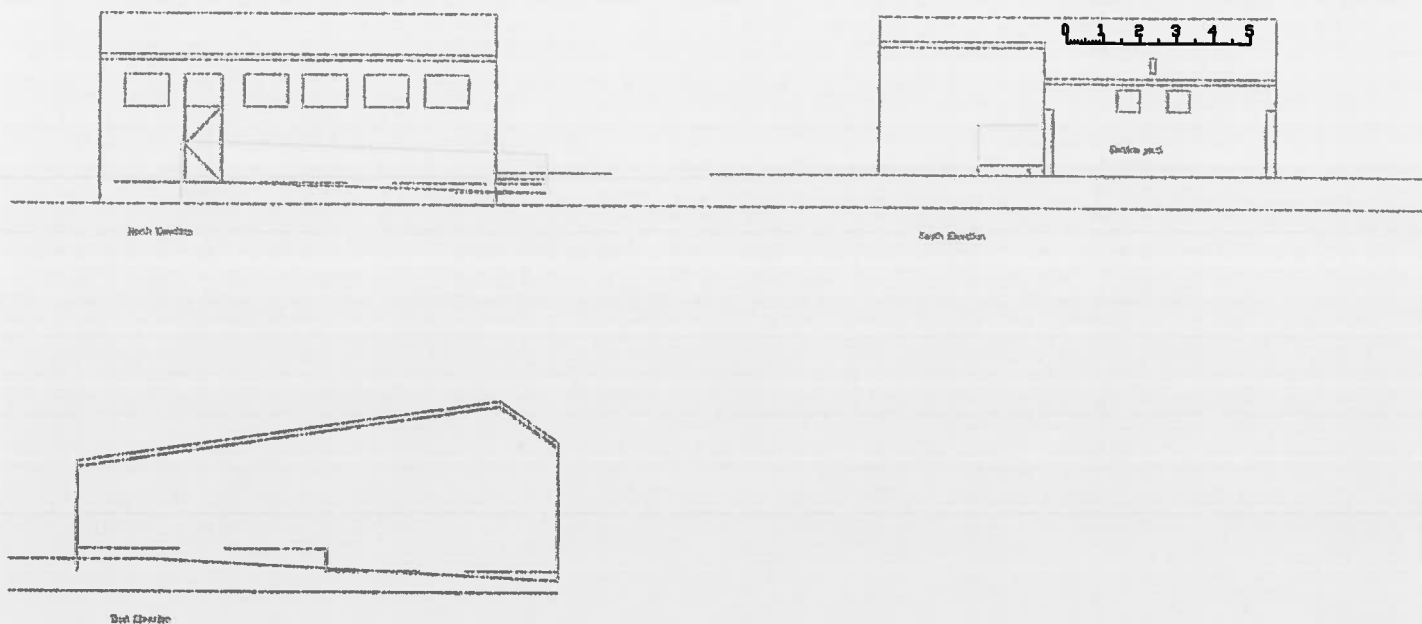


West Elevation

APPROVED	
 Development Management Manager	
App No	0566-ful-15 2of6.p
Date	30 Sep 2015
 West Lothian Council	

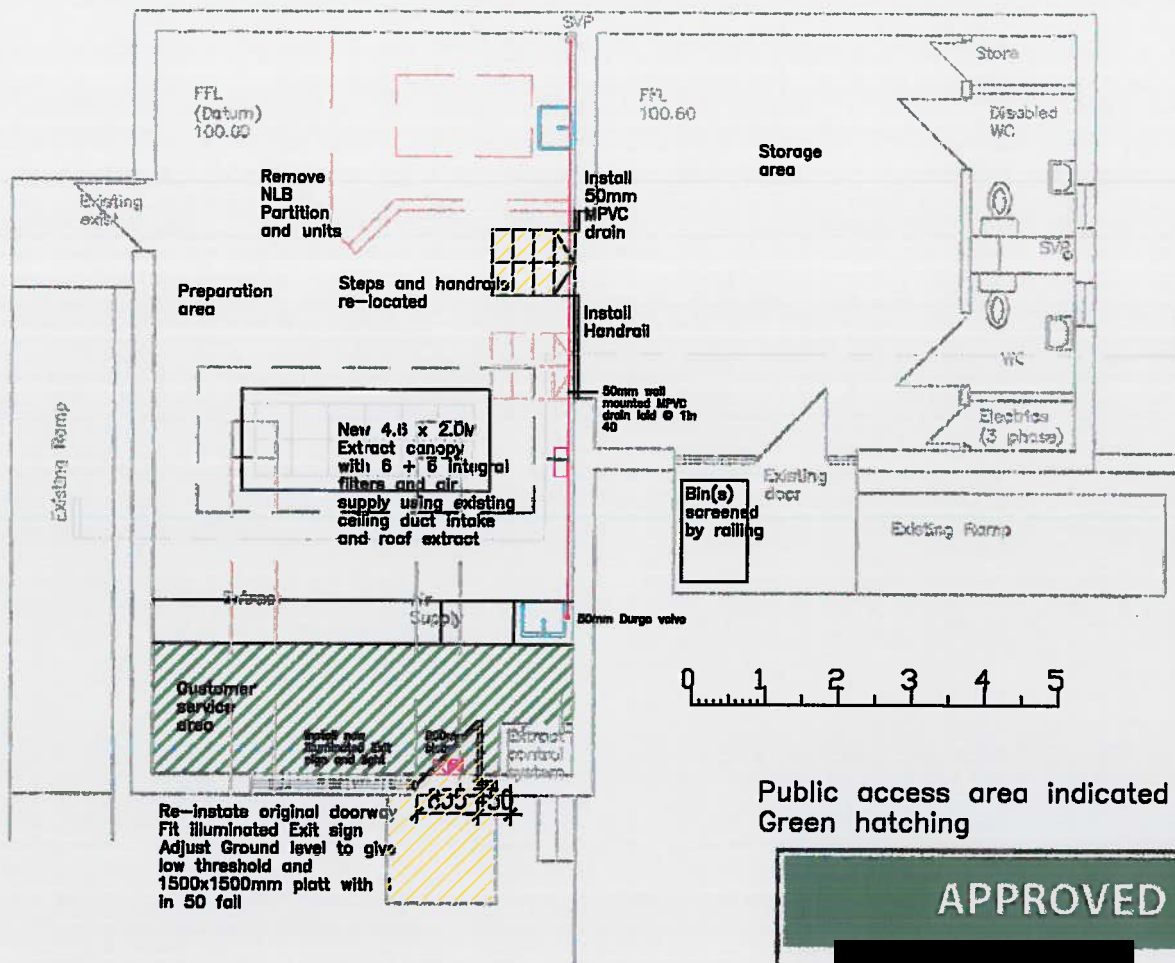
61/63 Margaret Avenue, Boghall Bathgate EH
 Existing Layout and West elevation
 Scale 1:100
 002

Bryan McAlister B Arch, RIBA, ARIAS, + 



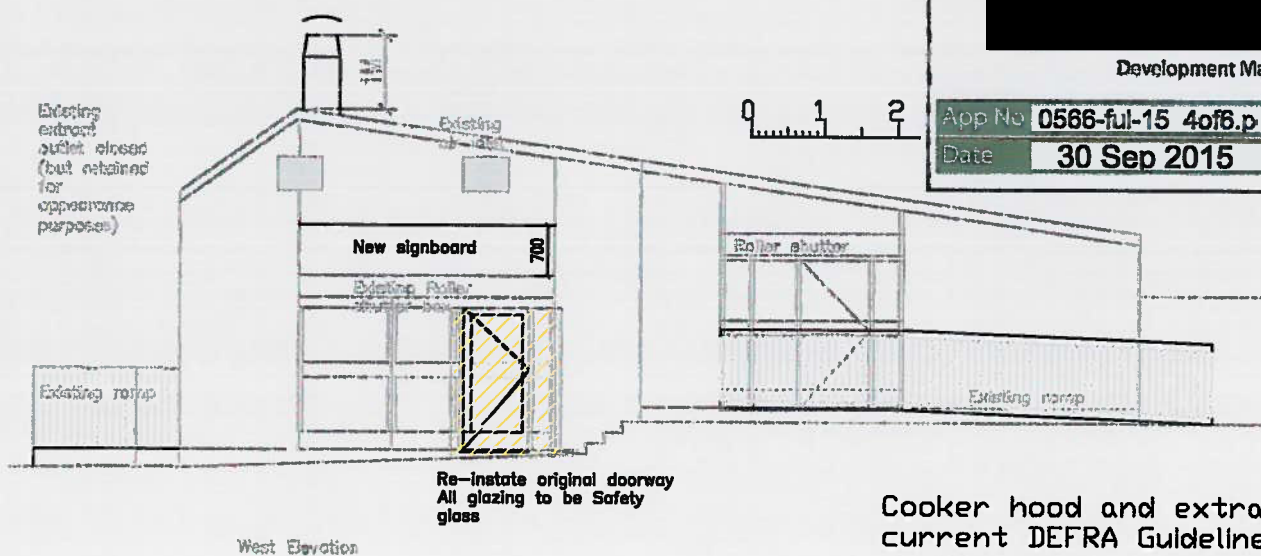
61/63 Margaret Avenue, Boghall Bathgate EH
 Existing Elevations
 Scale 1:100, 1@200
 003

Bryan McAlister B Arch, RIBA, ARIAS, + [Redacted]



Public access area indicated in Green hatching

APPROVED	
[Redacted Signature]	
Development Management Manager	
App No	0566-ful-15 4of6.p
Date	30 Sep 2015
West Lothian Council	



Cooker hood and extract to comply current DEFRA Guidelines: Control of Odour and Noise from Commercial Kitchen Exhaust Systems

Noise to NR25

air change 30ac/Hr min

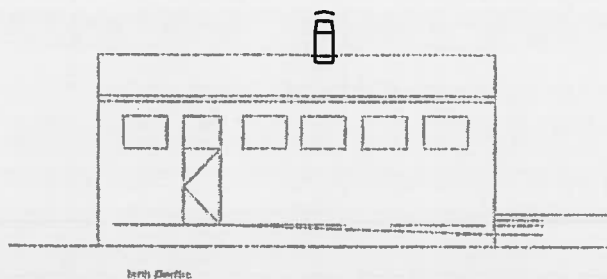
61/63 Margaret Avenue, Boghall Bathgate EH

Proposed Layout 1 : Roof extract

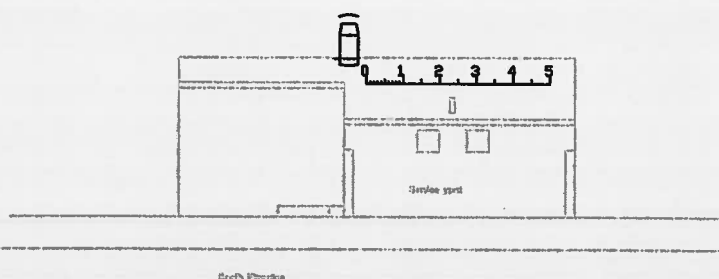
Scale 1:100

004a

Bryan McAlister B Arch, RIBA, ARIAS,



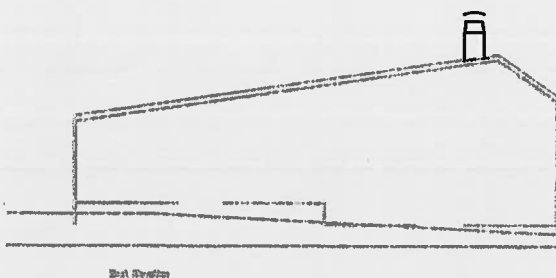
North Elevation



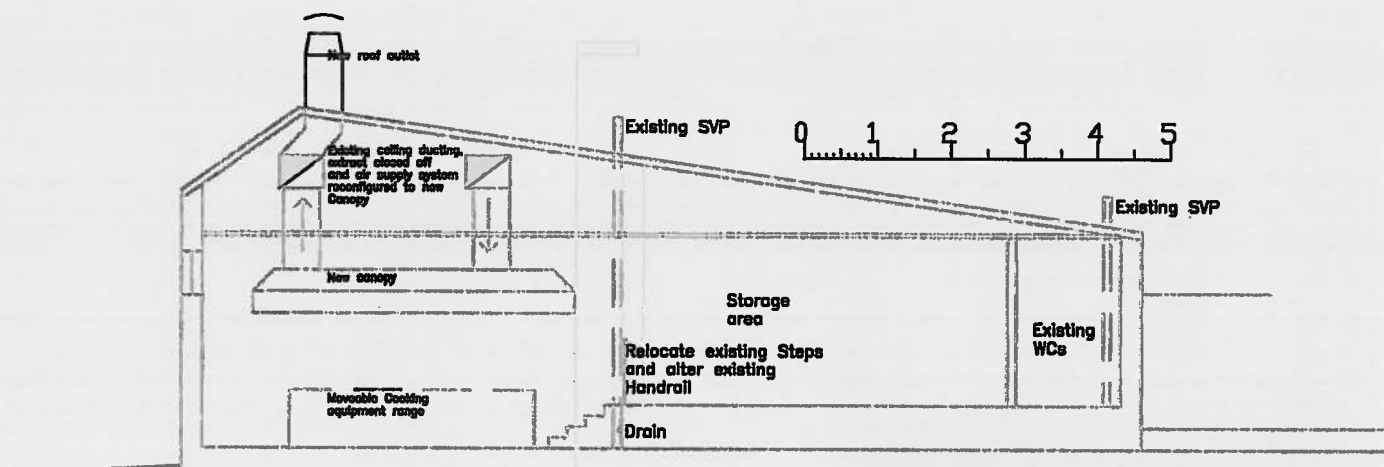
South Elevation

Existing external Steps, Ramps and Railings retained

Altered Cooker hood and extract to provide 30 air changes per hour and comply current DEFRA Guidelines Control of Odour and Noise from Commercial Kitchen Exhaust Systems



East Elevation



Diagrammatic Section
1:100

Section line

APPROVED	
[Redacted Signature]	
Development Management Manager	
App No	0566-ful-15 5of6.p
Date	30 Sep 2015
West Lothian Council	

61/63 Margaret Avenue, Boghall Bathgate EH
Proposed Layout 2 : Roof extract
Scale 1:100, 1@200
005a

Bryan McAlister B Arch, RIBA, ARIAS, + [Redacted]



APPROVED

[Redacted Signature]

Development Management Manager

App No **0566-ful-15 6of6.p**

Date **30 Sep 2015**

 West Lothian Council

1

Proposed Takeaway at 61/63 Margaret Avenue,
Bathgate
Plan indication discharge of Extract ventilation system
006
Scale 1:100



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A DEVELOPMENT CONTROL POLICY FOR CONSIDERING PROPOSALS FOR CLASS 3 USES AND HOT FOOD TAKEAWAYS

INTRODUCTION

Class 3 uses and hot food takeaways can give rise to a number of problems for residential neighbours and other occupiers in the immediate vicinity as well as the surrounding area in general. These problems include cooking smells, noise and disturbance, litter and traffic generation, particularly outwith normal shopping hours. Nevertheless, these businesses provide a valuable contribution to the life of a town or village and there is obviously a great demand for them, particularly in the evenings.

This policy document has been designed to identify areas or circumstances where Class 3 uses and hot food takeaways may or may not be acceptable. It explains that the first element to be considered is the predominant use of the area where the Class 3 use or hot food takeaway is to be located. The document also covers the types of issue which need to be covered by planning conditions should the principle of a Class 3 or hot food takeaway use be acceptable. Traffic and Road Safety issues are briefly examined. Finally, there is a brief look at other similar uses.

THE PREDOMINANT USE OF AN AREA

Presumption in Favour of Class 3 Uses or Hot Food Takeaways

There is a presumption in favour of granting planning permission for Class 3 uses or hot food takeaways in existing shopping centres where there would be minimal conflict with residential properties. However, even if a proposal is situated within a town centre, if it is either below or immediately adjacent to residential property in separate ownership or occupation and it is for an unrestricted hot food shop use, it is unlikely to be considered favourably since there will inevitably be conflict between the two uses.

Presumption Against Class 3 Uses

There is a presumption against granting planning permission for change of use to Class 3 uses in quiet housing areas or in side streets in town centres where the predominant existing use is residential. Proposals for restricted Class 3 uses such as tea rooms where the method of cooking is microwave only and the hours of operation are restricted to daytime, may be acceptable in predominantly residential areas or when there is residential property above, depending on the individual circumstances.



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PLANNING CONDITIONS FOR CLASS 3 USES AND HOT FOOD TAKEAWAYS

Even where Class 3 uses and hot food takeaways are acceptable, it is usually necessary to impose planning conditions to ensure the uses do not cause any avoidable problems. This section outlines the types of issues which may be covered by planning conditions. Alternatively, some of these issues will need to be clarified by the applicant at the time of his or her application (e.g. whether the premises can be adequately ventilated).

Ventilation Systems

An effective system for the extraction and disposal of cooking odours will be provided for all Class 3 uses and hot food takeaways where the method of cooking is likely to cause smell or fumes.

Details of this ventilation system shall be submitted with any planning application and the application will not be determined by the Council until the feasibility of the proposed system has been established to the satisfaction of the Development and Building Control Manager in consultation with the Environmental Health and Trading Standards Manager.

Conditions will be applied to a planning permission for a Class 3 and hot food takeaway uses to ensure the effective ventilation system described above is installed before any business opens and that it is operational at any time thereafter when the premises are in use. Alternatively, if no effective ventilation system can be provided, a condition will be imposed to restrict the form and means of cooking so that no fumes are created.

Any proposed ventilation system will be designed to accord with the following points:

- The ventilation system for the kitchen shall be capable of achieving 30 air changes per hour and the cooking odours will be ducted to an exhaust point agreed with the Development and Building Control Manager in consultation with the Environmental Health and Trading Standards Manager to ensure no cooking odours escape or are extracted into any neighbouring premises.
- The ventilation system will be tested for the escape of odours prior to the commencement of operations.
- In those cases where it is necessary to provide a duct up the back of the property, the applicant will confirm that the agreement of all the owners to which the duct is to be fixed, has been obtained.
- The provision of any external flue will not adversely affect the character or visual amenity of the building to which it is attached.

Litter/Refuse

- An area shall be formed within the premises for the storage of refuse. A litter bin shall be provided immediately outwith the premises.
- The location and type of refuse storage facilities and litter bins will be provided to the satisfaction of the Development and Building Control Manager in consultation with the Environmental Health and Trading Standards Manager and maintained to their satisfaction thereafter.



West Lothian Council

Noise

- Any amplified music or sound attributable to the premises shall be so controlled as to be inaudible in nearby residential or commercial property.
- The design and installation of any plant and equipment shall be such that any associated noise complies with NR25 when measured within any neighbouring house and no structure borne vibration is perceptible within any neighbouring house.
- The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the commercial catering premises is audible in any neighbouring house.

Hours of Operation

Hot food shops or restaurants will be allowed to open to 1.00am any day of the week in line with Licensing Committee guidelines unless there are specific circumstances where to allow such late hours would be detrimental to the amenity of nearby residents. Each proposal will be examined on its merits to see if an earlier closing time would be justified. Factors examined in each case will include the following:-

- The proximity of the premises to residential property.
- The volume and type of activity at late hours already existing in the area (this will include other late opening premises such as public houses, other hot food shops and restaurants, social clubs and the existence of bus stops or taxi-ranks nearby).

TRAFFIC AND ROAD SAFETY

Each proposal for a Class 3 or hot food takeaway use will be treated on its merits as far as its effect on traffic and road safety is concerned. It is likely that in the town centre areas where there is a presumption in favour of such uses, there will be sufficient on and off-street car parking nearby, particularly since the busiest times for such uses tend to be in the evenings when other businesses are closed. Proposals will not be allowed if they would have a detrimental effect on road safety in an area.

OTHER SIMILAR USES

The Council occasionally deals with applications for other uses town centre uses such as amusement arcades, snooker halls, discotheques which also generate noise, disturbance and require late hours opening. These are and other licensed or late hours opening premises will be subject to similar considerations as Class 3 uses or hot food takeaways although some of their impacts will be greater (e.g. noise from discos). For this reason, planning approval for a Class 3 or hot food takeaway does not necessarily mean that planning permission will automatically be granted for a discotheque or public house or other similar uses.



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**DECISION NOTICE
GRANT PLANNING PERMISSION**

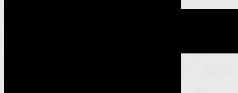
Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission for the development described below**, and in the planning application and attached docquetted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advisory notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0566/FUL/15

PROPOSAL AND LOCATION: Change of use of existing cafe (class 3) to hot food takeaway (grid ref. 299456 668610) at 61 MARGARET AVENUE, BATHGATE, EH48 1SN

APPLICANT: Mr M Atique



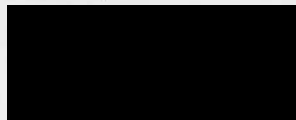
The above local application was determined by an officer appointed by the council in accordance with its scheme of delegation. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 30/09/2015

Chris Norman
Development Management Manager
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Signature



The reason(s) why the council made this decision is (are) as follows:

The proposal accords with the terms of the development plan and there are no material reasons to indicate that the application should not be granted.

This permission is granted subject to the following conditions:-

- 1 Prior to development starting on site, details of an extraction system for cooking odours from the premises shall be submitted for the written approval of the planning authority. The system shall incorporate canopies over all cooking appliances with suitable air flow, grease filters and odour control facilities. Any external flue or extractor shall be designed to minimise visual impact.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 2 The approved extraction system will be installed prior to the premises being brought into use. Thereafter the approved extraction system shall operate at all times when the premises are in use and shall be maintained to the satisfaction of the planning authority.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 3 Prior to commencement of cooking dependent on the extraction system, the applicant shall submit to the Planning Authority certification from a member of the Heating and Ventilation Contractors' Association or other suitably qualified person confirming that the system as designed will provide a suitable rate of extraction above all cooking appliances, that the system can be easily maintained and that it will sufficiently reduce or eliminate odours, taking into account the nature of the business.

Reason To ensure that an appropriate extraction system is installed that will protect the amenity of nearby sensitive receptors.

- 4 Any mechanical plant or equipment on or associated with development must be suitably isolated to the satisfaction of the planning authority from the structure of the building. Fan units positioned in a ducting system must be isolated from the ducting by means of flexible connections.

Reason To limit the potential for vibration which could cause nuisance for nearby sensitive receptors.

- 5 The hot food takeaway hereby approved shall only operate between the hours of 09.00 and 22.00. Out with these hours the premises shall be closed and quiet.

Reason In the interest of residential amenity

Notes to developer

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the planning permission which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

Other Consents, Licenses etc.

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

How to challenge the council's Decision

If your application was determined under delegated powers and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee then you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here:

<http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

Advertisement Consent

A separate application, in accordance with the Advertisement Regulations, is required for the display of the advertisements, which cannot be approved as part of this application.

Annex 1, Schedule of Plans - 0566/FUL/15

	Description	Drawing Number	Docquetted Number
1	Location Plan/Block Plan	001	1 of 6
2	Existing Layout and West Elevation	002	2 of 6
3	Existing Elevations	003	3 of 6
4	Proposed Layout 1: Roof Extract	004a	4 of 6
5	Proposed Layout 2: Roof Extract	005a	5 of 6
6	Extract Ventilation System	006	6 of 6



West Lothian
Council

DATA LABEL: PUBLIC

SCANNED

HANDLING REPORT

Ref. No.: 0566/FUL/15 **Email:** mahlon.fautua@westlothian.gov.uk
Case Officer: Mahlon Fautua **Tel No.:** 01506 282426
Ward: Bathgate **Member:** William Boyle
Harry Cartmill
John McGinty
James Walker

Title Change of use of existing cafe (class 3) to hot food takeaway (grid ref. 299456 668610) at 61 MARGARET AVENUE, BATHGATE, EH48 1SN
Application Type Local Application
Decision Level LIST 11/09/2015
Site Visit
Recommendation grant permission
Decision
Neighbour Notification Neighbour notification procedures have been have been carried out correctly - case officer verification _____

Description of Proposals

Planning permission is sought for a change of use from a cafe (class 3) to hot food takeaway (sui generis) at 61 Margaret Street in Boghall.

The proposal includes the erection of a flue on the western side of the building.

Site History

1257/NID/02 - Change of use and conversion of former shop units to form community café - Granted temporary permission for 5 years from 23/01/03.

Representations

The application was advertised in the local press and the period for receipt of representations has expired. 1 letter of objection has been received and is summarised below; This is a summary of the representations received. The full documents are contained in the application file.

Comments	Response
The shop will sell similar foods and be in close proximity to my shop and sales will inevitably suffer.	The issues raised are not material to planning and therefore cannot be taken into account.

Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Transportation	No	None	Noted
Environmental Health	No	Conditions	Noted

Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>TC14 - Entertainment and Hot Food Premises</p> <p>Planning applications for most forms of commercial entertainment, including hot food premises, in town or village centres or in areas of predominantly non-residential use will be looked upon favourably, subject to appropriate conditions where the premises are located close to residential property in separate ownership. Mixed use developments will be encouraged. Such uses will be refused where they raise issues of noise and traffic, or any other form of disturbance considered relevant by the council, particularly where it is deemed to affect nearby residential areas. In appropriate cases, an applicant will be required to demonstrate that these concerns were either not raised, and/or to show how they would be mitigated, to the satisfaction of the council.</p>	<p>The location of a hot food takeaway within this small cluster of shops is accepted in principle. Appropriate measures can be implemented to ensure any adverse effects can be avoided and/or mitigated. It is considered that the application accords with this policy.</p>	
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>The site is adjacent to residential properties. The proposed flue is sited away from this property so there would be visual impact on the neighbouring properties. Any potential odour and noise effects could be controlled through conditions if application is</p>	

		approved.	
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Assessment

See above

Other Considerations

None

Conclusions and Reason for Decision

The proposed hot food takeaway is within an existing group of shops and suitable measures can be implemented to ensure that any adverse impact on the nearby residential uses would be avoided.

Conditions should be imposed, in terms of operating hours, ventilation systems and noise.

It is therefore recommended that planning permission is granted subject to conditions.

Case Officer

Date.....

Senior Officer.....

Date.....

Development Management Manager.....

Date.....

Ack. 31/08/15

West Lothian Council
Planning Services – Development Management
West Lothian Civic Centre
Howden South Road
Howden
Livingston EH54 6FF

Elizabethan Fish & Chip Shop
29 Elizabeth Drive
Boghall
Bathgate

For the attention of Chris Northan

West Lothian Council
Development Management
23 AUG 2015
Date: M.F.
Ref No: 0566/FUL/15
Ref To:
Ack'd:
Replied:

26th August 2015

Dear Sir / Madam,

Notice of an Application for Planning Permission
Application 0566/FUL/15 – 61 Margaret Drive Bathgate

I am in receipt of the above notice and plan requiring a change of existing café (class 3) to a hot food takeaway which I presume to be kebab and pizza sales.

This address is around 50 metres by foot from my premises which is the Elizabethan Fish and Chip Shop. As well as fish and chips etc I supply pizza and kebabs and the fact that a shop selling similar foods will be in close proximity to my shop, sales will inevitably suffer and it may result in redundancies. The argument of course is that if Mr Atique's application is successful then he could absorb my redundancies, this causing no hardship to local employees. It doesn't of course work like that since staff of one shop may not suit that of another.

I have already suffered hardship with a reduction in juice and small confectionery sales due to the new Co-operative store some 15 metres from my shop and now a Kebab Shop further threatens my sales and staffing levels.

I therefore object strongly to the Application and trust that my situation will be taken into account when the Application is considered.

Yours faithfully,

Owner

Elizabethan Fish and Chip Shop

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – IDENTIFICATION OF RELEVANT DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of decision being reviewed	
2	Procedural issues from the processing of the Review	
3	New matters not before the Appointed Person when the decision was made	
4	Development Plan policies	
5	Relevant material considerations	
	Emerging development plan (date, stage reached, consultations, provisions)	Other statutory plans and policies (date, provisions, consultations)
	WLC Supplementary Planning Guidance (date, provisions, consultations)	National Government Planning Policy and Guidance
	Views of consultees (statutory, non-statutory)	Objections and other representations
	Planning history	Visual and spatial amenity
	Residential amenity	Public fears/concerns (with a demonstrable and rational basis)
	Others	
6	Considerations <u>not</u> to be taken into account	
7	Factual disputes to be resolved	
8	Conditions required or not, available or not	
9	Requirement for develop contributions, and for what	
10	Requirement for legal agreement for other reasons	

PART 2 – FIRST MEETING PROCEDURAL DECISIONS

1	The legal and other factors to consider	
	National guidance	Preference expressed in the application
2	Need for site visit required, and for what reason	
3	Need for written submissions, and for what reason	
4	Need for a Hearing Session, and for what reason	

5	Pre-examination meeting, and for what reason
6	Other reasons for adjourned first meeting
7	Is there sufficient information to allow the LRB to determine the application, or is an adjourned First Meeting require?

PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS

1	Procedures decided on at first meeting and have they been completed
2	New matters raised or new evidence arising
3	Is the LRB now able to determine the review?
4	If not, what further information is needed and how will it be obtained

PART 4 – DETERMINATION OF THE REVIEW

1	Is the development in accordance with the development plan or is it contrary to the plan?	
	The policies it complies with	The policies it breaches
2	Does the development accord with national planning guidance?	
	The guidance it complies with	The guidance it breaches
3	Does the development accord with local planning guidance?	
	The guidance it complies with	The guidance it breaches
4	Relevant material considerations	
	What relevant considerations exist	The weight to give them and how to balance them
5	In applying the statutory test, what is the LRB's decision?	
	Uphold AP's decision, refuse the review application and so refuse planning permission	
	Reverse AP's decision, grant the review application and so grant planning permission	
	Uphold AP's decision in part, vary that decision and so grant planning permission	
	If planning permission to be granted, for what development?	
	If planning permission to be granted, on what conditions, if any	
	Planning reasons for decision	