

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 18 MAY 2016.

Present – Councillors Alexander Davidson (Chair), Tom Kerr, Stuart Borrowman, Lawrence Fitzpatrick, Greg McCarra, David Tait

Apologies – Councillors William Boyle, Harry Cartmill and Barry Robertson

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 5 (App No.0083/FUL/16) – Councillor L Fitzpatrick declared a non-financial interest in that he was a council appointed member of West of Scotland Archaeology Service, who were a statutory consultee on the application, but would take part in the item of business;
- 2) Agenda Item 7 (App No.0153/H/15) – Councillor L Fitzpatrick declared a non-financial interest in that he was acquainted with one of the objectors to the application and therefore would not participate in the item of business;
- 3) Agenda Item 8 (Jarvey Street, Bathgate – Appeal Statement) – Councillor L Fitzpatrick declared a non-financial interest in that until recently he was a member of the West Lothian Housing Partnership and therefore would not take part in the item of business; and
- 4) Agenda Item 5 (App No.0083/FUL/16) – Councillor G McCarra declared a non-financial interest in that he was familiar with the application and the concerns of the community, being a local ward member, but as he had not stated a position on the application he would take part in the item of business.

2. MINUTE

The committee confirmed the Minute of the meeting held on 13 April 2016 as a correct record. However Councillor Fitzpatrick wished to record that with regards to Minute Item 3 (pages 235/236) this was not his recollection of the events that took place.

Councillor Fitzpatrick also advised committee that he had declared an interest at the last meeting in relation to Minute Item 7 (Jarvey Street Appeal Statement) but this had not been recorded in the Minute.

The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0083/FUL/16

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

by the Development Management Manager concerning an application as follows :-

<u>Application</u>	<u>Proposal</u>	<u>Recommendation</u>
0083/FUL/16	Erection of secondary school to replace the existing West Calder High School with swimming pool, floodlit multi-use games area and grass pitch for school and community use at land at east of Parkhead Primary School, Harburn Road, West Calder	Grant planning permission subject to conditions

The Development Management Manager also advised committee that SEPA were no longer objecting to the application.

The committee then heard local residents Mr John Robertson and Mrs Lee Innes both speak in support of their objections to the application.

The committee also noted that whilst Mr Peter Vincent of West Calder and Harburn Community Council had requested to speak he was not in attendance at the meeting.

The committee then heard Paul Kettrick, the council's Asset Manager and Kevin Cooper of Norr Architects both speak in support of the application. The committee noted that Neil McIntyre, from the council's construction service was also available to answer questions from the committee.

Decision

To approve the terms of the report and grant planning permission subject to conditions including two additional conditions which were 1) to set up of a Community Liaison Group that would be facilitated by the Head of Education (Development) and was to remain in-situ for one year following the opening of the school and would consider matters such as noise, light pollution from the MUGA, traffic congestion and community use of school facilities; and 2) for a bi-annual Compliance Report to be submitted by the Developer to the council and for consideration by the Liaison Group.

4. APPLICATION NO.0153/H/16

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0153/H/16	Single storey extension	Grant planning

and erection of a 1.8 metre boundary wall to front of house at 43 Bankton Way, Livingston

The committee then heard Mr I Brown, a local resident, speak in support of his objections to the application.

The committee then heard Mr G Nicol, the applicant speak in support of the application

The committee also noted that whilst Mr Nicol's agent, Mr A Dryden, had requested to speak he no longer wished to address committee.

Decision

To approve the terms of the report and granted planning permission

5. APPLICATION NO.0106/FUL/16

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0106/FUL/16	Erection of house at Selms and Lawhead Farms, Kirknewton.	Refuse planning permission

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

Decision

To approve the terms of the report and refuse planning permission.

6. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The committee was asked to note the action taken in terms of Standing Order 31 (urgent business) for the submission of a further written statement in relation to a planning appeal lodged following refusal of planning permission for the erection of up to 42 flats with associated car parking and landscaping at land at Jarvey Street and Main Street, Bathgate.

In noting the action taken committee expressed concern at the choice of wording in Section A (Purpose of Report) where committee was being asked to approve a response to the planning appeal when in fact this action had already been taken in terms of Standing Order 31.

Therefore the Clerk undertook to review the wording for such similar reports in the future, particularly in relation to Section A (Purpose of Report).

Decision

1. To note the action taken in terms of Standing Order 31 (urgent business); and
2. To agree that officers revise the wording in Section A (Purpose of Report) in all future similar reports so it was clear what was being asked of committee.

7. LIST OF DELEGATED DECISIONS

The Head of Planning and Economic Development had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated decisions and enforcement actions for the period 8 April to 16 May 2016 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

8. APPEAL

The committee noted that the following appeal had been submitted to the Scottish Government following non-determination by the council's Local Review Body :-

Application No.

Proposal

0820/FUL/15

Application under Section 42 for the variation of condition 3 of planning permission 0519/FUL/12 for an EWT Direct Wind Turbine to be constructed in place of the approved Enercon E33 turbine at Ormiston Farm, Kirknewton

In noting the appeal submission committee sought clarification from the Development Management Manager on the course of events that had led up to this point in time.

In providing context and background the Development Management Manager advised committee that the Scottish Government had allowed the appeal to proceed as it considered that the council's Local Review Body had not issued a decision letter within the three month timescale in which to determine a Notice of Review application.

