

MINUTE of MEETING of the LOCAL REVIEW BODY held within WEBEX VIRTUAL MEETING ROOM, on 19 AUGUST 2020.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Stuart Borrowman, William Boyle, Pauline Clark, David Dodds, Charles Kennedy, Tom Kerr and David Tait

1. DECLARATIONS OF INTEREST

Agenda Item 7 (App No.0433/FUL/19) – All nine members of the Local Review Body declared an interest in that they had all received an email from the applicant prior to the meeting, but none of them had responded to the email.

Agenda Item 7 (App No.0433/FUL/19) – Councillor Willie Boyle declared an interest in that prior to becoming an elected member he had conducted business with the family/applicant and therefore would not take any part in the item of business and would leave the meeting; and

Agenda Item 7 (App No.0433/FUL/19) – Councillor Stuart Borrowman declared an interest in that one of the objectors had contacted him about the application and whilst he had advised on the process he had not commented on the merits of the case so would participate in the item of business. He also declared that the agent for the application was a former elected member/colleague of West Lothian council.

2. MINUTE

The committee confirmed the minute of its meeting held on 26 February 2020. The minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0003/FUL/20 – CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND, FORMATION OF DRIVEWAY AND ERECTION OF GARAGE AT 12 HARDHILL TERRACE, BATHGATE

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the change of use from public open space to private garden ground, formation of driveway and erection of garage at 12 Hardhill Terrace, Bathgate.

Attached to the report were the Notice of Review and other relevant documents. The documents 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 a site visit, conducted in advance of the meeting, and the advice of the Planning Adviser provided sufficient information to enable the review to be

determined without any further procedure.

The committee then determined the review application in terms of the statutory test to have regards to the development plan unless material consideration indicated otherwise.

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

Motion

To uphold the review application and grant planning permission subject to conditions, as the loss of amenity was negligible, Transportation had not raised any concerns with regards to sightlines and the timings and costs associated with the moving of the speed limit pole were not material considerations to the review application.

- Moved by Councillor Willie Boyle and seconded by Councillor Pauline Clark

Amendment

To refuse the review application and uphold the position of the Appointed Person

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Tom Kerr

A roll call vote was taken. The result was as follows :-

Motion

Willie Boyle
Pauline Clark
David Tait

Amendment

Stuart Borrowman
David Dodds
Lawrence Fitzpatrick
Charles Kennedy
Tom Kerr
George Paul

Decision

Following a vote the amendment was successful by six votes to three and was agree accordingly.

4. NOTICE OF REVIEW APPLICATION NO.0131/H/20 - TWO STOREY EXTENSION TO HOUSE AT 43 BROOMYHILL PLACE, LINLITHGOW

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to exclude the balcony from the grant of planning permission for a two-storey extension to house at 43 Broomyhill Place, Linlithgow

Attached to the report were the Notice of Review and other relevant

documents. The documents 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 a site visit, conducted in advance of the meeting, and the advice of the Planning Adviser provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test to have regards to the development plan unless material consideration indicated otherwise.

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

Decision

To unanimously approve the review application and to grant planning permission for both the extension and balcony subject to the draft conditions.

5. NOTICE OF REVIEW APPLICATION NO.0433/FUL/19 - TARRAREOCH OLD FARMHOUSE, 1 TARRAREOCH, STATION ROAD, BATHVILLE, ARMADALE

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the siting of a mobile home at Tarrareoch Old Farmhouse, Station Road, Armadale (in retrospect)

Attached to the report were the Notice of Review and other relevant documents. The documents 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 a site visit, conducted in advance of the meeting, and the advice of the Planning Adviser provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test to have regards to the development plan unless material consideration indicated otherwise.

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

Decision

To refuse the review application and uphold the position of the Appointed Person.

