

MINUTE of MEETING of the LOCAL REVIEW BODY held within VIRTUAL MEETING ROOM, on 6 OCTOBER 2021.

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

Apologies – Councillors Charles Kennedy and David Tait

1. DECLARATIONS OF INTEREST

Agenda Item 5 (Application No.0145/FUL/21) – Councillor Willie Boyle advised committee that as he had been unable to attend the site visit that morning he would not take part in the item of business.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he would swap the two agenda items, so item 6 first followed by item 5, to facilitate attendance by Councillor Willie Boyle who was not able to take part in item 5 due to not having attended the site visit.

3. MINUTE

The committee confirmed the Minute of its meeting held on 29 September 2021.

4. NOTICE OF REVIEW APPLICATION NO.0130/FUL/21

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for siting of container for use as hot food takeaway, Unit 1, The Gateway, Avonmill Industrial Estate, Linlithgow

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit on 10 November 2021 and for a representative from the council's Transportation Service and Environmental Health to accompany members on the site visit

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Pauline Clark

Decision

To unanimously agree to continue the item of business for one cycle to allow the committee to participate in an unaccompanied site visit on 10 November and to for a representative from the council's Transport Service

and Environmental Health to accompany members on the site visit.

5. NOTICE OF REVIEW APPLICATION NO.0145/FUL/21

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for change from public open space to private garden ground at 1 Butlers Place, Eliburn.

It was noted that the review application had first been considered by the Local Review Body at its meeting on 29 September 2021 but had been continued to allow for a site visit; that had been conducted on the morning of 6 October 2021.

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 the site visit 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 and 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 grant the review application and therefore grant planning permission subject to the condition that the fence was to be no more than 1 metre in height and that the area surrounding the fence was to be planted to the satisfaction of the planning authority details of which were to be submitted to and approved in writing by the Development Management Manager.

- Moved by Councillor Pauline Clark and seconded by Councillor Lawrence Fitzpatrick

Amendment

To grant the review application and grant unconditional planning permission

- Moved by Councillor Tom Kerr and seconded by Councillor Stuart Borrowman

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

Motion

Amendment

Pauline Clark
Lawrence Fitzpatrick
George Paul

Stuart Borrowman
David Dodds
Tom Kerr

Decision

Following a vote, for which the motion and amendment received 3 votes each, the Chair used his casting vote in favour of the motion and it was agreed accordingly