

DATA LABEL: PUBLIC



DEVELOPMENT MANAGEMENT COMMITTEE

PLANNING APPEAL PPA-400-2127: LAND TO WEST OF HARTWOOD ROAD, WEST CALDER

REPORT BY CHIEF SOLICITOR

A. PURPOSE OF REPORT

To advise the Development Management Committee that a response has been submitted to the procedure notice issued by The Scottish Government's Planning and Environmental Appeals Division (the DPEA) in relation to Planning Appeal PPA-400-2127 for land to west of Hartwood Road, West Calder.

B. RECOMMENDATION

To note the approval provided using SO31 (Urgent Business) procedures to approve the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2127

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable;
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed response will ensure that the council's position with regard to the original planning application is taken into consideration by the DPEA in deciding the appeal.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	N/A
VIII Other consultations	Legal Services; Planning Services; Chair of Development Management Committee; and Local Ward Members: Councillors Pauline Clark,

David Dodds and Cathy Muldoon

D. TERMS OF REPORT

Planning Application reference number 0501/FUL/21 in respect of an application under Section 42 without complying with Condition 10 of planning permission 0848/FUL/19, Hartwood Road, West Calder was considered by the Development Management Committee at its meeting on 14 July 2021

The Planning Officer's recommendation was to grant planning permission subject to conditions. The committee decided against this recommendation as they considered that the proposal would impact on residential amenity and pedestrian safety.

The applicant appealed the refusal to The Scottish Government's Planning and Environmental Appeals Division (the DPEA). Legal Services have prepared a statement in relation to the procedure notice issued by the DPEA, a copy of which is attached to this report at Appendix 1.

In accordance with agreed procedures, the Chair of the Development Management Committee and relevant ward members were consulted on the response before it was finalised for approval and lodging with the DPEA by the deadline of 3 November 2021.

E. CONCLUSION

The attached response sets out the council's position in respect of an application under Section 42 without complying with Condition 10 of planning permission 0848/FUL/19, Hartwood Road, West Calder

F. BACKGROUND REFERENCES

Report to Development Management Committee dated 14 July 2021

Planning Appeal Statement DPEA reference PPA-400-2127

Appendices/Attachments:

Appendix 1: Response of West Lothian Council to procedure notice in relation to Planning Appeal DPEA reference PPA-400-2127

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Date of Meeting: 17 November 2021