

MINUTE of MEETING of the LOCAL REVIEW BODY held within MS TEAMS VIRTUAL MEETING ROOM, on 10 NOVEMBER 2021.

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

Apologies – Councillor Lawrence Fitzpatrick

1. DECLARATIONS OF INTEREST

Agenda Item 7, 8 & 9 - Councillor Charles Kennedy declared that as he had not attended the site visits in respect of these three review applications he would not participate in the items of business;

Agenda item 5 - Councillor Willie Boyle declared that the applicant had contacted him about the review application but as he had only provided procedural advice he would take part in the item of business;

Agenda Item 9 - Councillor David Dodds and Willie Boyle declared that as they had been unable to attend the site visit for the application they would not participate in the item of business;

Agenda Item 7 - Councillor Pauline Clark declared that the applicant had contacted her about the review application but as she had only provided procedural advice she would take part in the item of business; and

Agenda Item 9 - Councillor Stuart Borrowman declared an interest in that the applicant had been his GP some three years ago but would participate in the item of business.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he would take Agenda Item immediately following approval of the Minute to facilitate attendance by the officer presenting the report.

3. MINUTE

The committee approved the Minute of its meeting held on 6 October 2021.

4. LOCAL REVIEW BODY SITE VISITS

The committee considered a report (copies of which had been circulated) by the Chief Executive to agree a procedure for Local Review Body cases in relation to site visits.

It was recommended that the committee :-

1. Note that the Chief Solicitor has a delegated power to set the procedures

for Local Review Body cases, in consultation with the Chair

2. Agree that with effect from the Local Review Body meeting on 12 January 2022 the procedure set out in Appendix 1 will apply, whereby the Chief Solicitor, through the Clerk to the Local Review Body, shall decide, in consultation with the Chair, if a site visit should be arranged to take place prior to the first hearing of any review application and shall make appropriate arrangements where require
3. Agree that any site visit arranged under that procedure should be an unaccompanied site visit
4. Note that the Chief Solicitor and Clerk to the Local Review Body will apply the criteria detailed at paragraph 2 of Appendix 1 in determining, in consultation with the chair, if any such site visit is required
5. Agree that if any such site visit is required, that the site visit is a mandatory part of the further procedure for the Local Review Body in relation to the review application, and any Local Review Body member who has not participated in the site visit will be prohibited from taking part in the consideration, and determination, of the review application;
6. Note that the Local Review Body will otherwise retain the power to determine, in relation to any review application, whether a site visit should take place and whether it should be an accompanied or unaccompanied site visit

Motion

To agree that from 12 January 2022 the Local Review Body the Chief Solicitor, through the Clerk to the Local Review Body, shall decide, in consultation with the Chair, if a site visit should be arranged to take place prior to the first hearing of any review application and shall make appropriate arrangements where required and that if such a site visit was required it was a mandatory part of the further procedure for the Local Review Body.

- Moved by the Chair and seconded by Councillor Tom Kerr

Amendment

To agree that from 12 January 2022 the LRB will make unaccompanied inspections of the land to which review applications relate in advance of the first consideration of all review applications by the local review body, attendance at unaccompanied inspections being mandatory, and that any member not attending would be unable to take any further part in the determination of the review application.

- Moved by Councillor Charles Kennedy and seconded by Councillor David Tait

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

Motion

David Dodds
Tom Kerr

Amendment

Stuart Borrowman
Pauline Clark

Abstain

Willie Boyle

George Paul

Charles Kennedy

David Tait

Decision

Following a vote the amendment was successful by 4 votes to 3, with 1 abstention and 1 member absent and it was agreed accordingly.

5. NOTICE OF REVIEW APPLICATION NO.0401/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 a change of use from public open space to private driveway access and formation of hardstanding (in retrospect), 69 Westwood Park, Deans, Livingston

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit.

- Moved by Councillor David Tait and seconded by Councillor David Dodds

Decision

To unanimously agree to continue the item of business to allow the committee to participate in an unaccompanied site visit

6. NOTICE OF REVIEW APPLICATION NO.0461/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 a change of use from amenity open space to private garden ground and erection of 0.9m high fence (in retrospect), 66 Kilne Place, Eliburn, Livingston

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit.

- Moved by Councillor David Tait and seconded by Councillor David Dodds

Decision

To unanimously agree to continue the item of business to allow the committee to participate in an unaccompanied site visit

7. NOTICE OF REVIEW APPLICATION NO.0149/MSC/21

Having previously made a declaration of interest Councillor Charles Kennedy took no further part in the remaining items of business.

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 approval of matters specified in conditions of planning permission 0432/P/17 for the erection of a new dwelling house and garage block with associated access and landscaping at Craighbank, Craigbinning, Dechmont.

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 to be undertaken and further written submissions.

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.

Decision

To unanimously uphold the review application subject to draft conditions as committee determined that the principle of development on the site had already been established; the design was acceptable and that the proposal did conform with policies DES1 and ENV2 of the Local Development Plan.

8. NOTICE OF REVIEW APPLICATION NO.0240/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 the erection of a 284sqm restaurant/bar and café/hot food takeaway with balcony and terrace, external timber stair and extension to car park at site at Bankton Centre, Murieston, Livingston

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 to be undertaken and further written submissions.

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.

Decision

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

Councillor David Tait having moved an alternative position which did not receive a seconder had his dissent recorded to the decision.

9. NOTICE OF REVIEW APPLICATION NO.0548/FUL/20

Councillors Willie Boyle and David Dodds took no part in the following item of business.

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 a change of use and extension to holiday chalet to form house, erection of a free-standing annex building, alterations to ground levels and construction of timber walkways, stairs and railings (in retrospect) at Hillwood House, 3 Craigs Lodges, Linlithgow

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 to be undertaken and further written submissions.

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.

Decision

To uphold the review application and therefore grant planning permission subject to draft conditions as committee determined that the design was acceptable and that the proposal did conform with policies DES1 and ENV2 of the Local Development Plan.