

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 17 AUGUST 2022.

Present – Councillors Stuart Borrowman (Chair), George Paul, William Boyle, Pauline Clark, Tom Conn, Lawrence Fitzpatrick and Pauline Stafford

Apologies – Councillor Damian Doran-Timson

1. DECLARATIONS OF INTEREST

Agenda Item 6 (Application No.0151/P/21) – Councillor Lawrence Fitzpatrick stated a connection in that he was a council appointed member of West of Scotland Archaeology Service who were a statutory consultee to the application.

Agenda Item 5 (App No.0898/FUL/21) – all members of the committee stated a connection in that they had received correspondence from one of the objectors to the application

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he would consider agenda item 9 and then agenda item 8; and

Committee agreed, in accordance with Standing Order 8(3), that agenda items 11 and 12 were to taken as read and their recommendations noted without further consideration

3. MINUTE

The committee approved the Minute of its meeting held on 8 July 2022. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0898/FUL/21

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0898/FUL/21	Erection of a 60 bed care home with associated access, parking and landscaping works , GM Flooring, Falkirk Road, Linlithgow	Grant planning permission subject to conditions

The committee then heard from Mike Dunning (speaking on behalf of Linlithgow Civic Trust and Linlithgow & Linlithgow Bridge Community Council), Duncan Galley, Jean MacLeod, Allan Haining (speaking on behalf of Christopher Haining) and Duncan Wright all speak in support of their objections to the proposal

The committee then heard from Colin Rhodes, the applicant, and Stuart Dallas, the applicant's agent, speak in support of the application.

Decision

To continue the application for two cycles for further discussion between the Planning Authority and the applicant in respect of the following :-

- The re-positioning of two car parking spaces (marked 13 and 14 on the submitted plans) to protect residential amenity;
- The provision of signage to regulate the use of car parking spaces
- A change in the site layout to increase the overall number of parking spaces being proposed for the site
- Safety of the public regarding the ingress/egress of the site and the location of barriers as they relate thereto; and
- Ensure that the proposed use of the cycleway to be provided did not cause any conflict with local residents

5. APPLICATION NO.0151/P/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0151/P/22	Planning permission in principle for a mixed use development for business (class 4), industrial (class 5) and storage & distribution (class 6) with associated engineering, landscaping and drainage, land to north and south of A705, Cousland Farm, Livingston	To grant planning permission in principle subject to conditions

The committee then heard from Damian Byrne and Stephen Egan (Eilburn Community Council) both speak in support of their objections to the proposal

The committee then heard from Gillian Smith, the applicant, and Michael Westwater, the applicant's agent, both speak in support of the application.

Motion

To approve the recommendation of the report and grant planning permission in principle subject to conditions

- Moved by the Chair and seconded by Councillor Conn

Amendment

To refuse planning permission in principle as the proposal did not conform with policies ENV1, ENV4, ENV9, ENV20, DES1 and EMG5 of the West Lothian Local Development Plan for the following reasons :-

- 1) ENV1 - Character and Special Landscape Areas – the proposal does not comply with this policy simply by virtue of the allocation of the site for employment development within the LDP. The principle function of the LDP is to create coherence of development across the wider plan area. It is no longer appropriate to consider the proposal as a standalone development due to its relationship with the allocated Gavieside Development. Coherence would not be achieved between the proposal and the allocated Gavieside development. The proposal does not conform with ENV1 as the allocation of the site for employment development no longer conforms to the original intention of LDP. The proposal will affect the special character of the surrounding local landscape.
- 2) ENV4 – Loss of Prime Agricultural Land - as the proposal will result in the loss of prime agricultural land which is not justified as the proposal no longer conforms to the intended spatial strategy set out in the LDP, and as such the proposal does not form a key component of the spatial strategy set out in the LDP.
- 3) ENV9 - Woodland, Forestry, Trees and Hedgerows – as the proposal will adversely affect trees for which there is no justification when the proposal is considered against the provision of the wider LDP strategy in respect of the risk to trees
- 4) ENV20 - Species Protection and Enhancement – as the species protection report does not consider all species that may be affected by the proposal, or provide any information regarding species enhancement.
- 5) EMG5 – Noise – as until it is known what will occupy the buildings it cannot be known what noise will be generated
- 6) DES 1 – as the development will appear as a standalone industrial area visually separated from Livingston and Seafield and will have significant adverse effects on the amenity of the residents of Eliburn and Seafield

- Moved by Councillor Boyle and seconded by Councillor Clark

An electronic vote was conducted. The result was as follows :-

Motion

Stuart Borrowman
Tom Conn

Amendment

William Boyle
Pauline Clark
Lawrence Fitzpatrick
George Paul
Pauline Stafford

Decision

Following a vote, the amendment was successful by 5 votes to 2 and it was agreed accordingly.

6. APPLICATION NO.0295/FUL/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0295/FUL/22	Change of use from nursery (class 10) to house (class 9, 53 Whitburn Road, Bathgate	Refuse planning permission

The committee then heard from Gohar Khan, the applicant's agent, speak in support of the application.

Decision

To continue the application for one cycle to afford the applicant the opportunity to consider whether they wish to withdraw the planning application before committee and instead submit an application to the Planning Authority for a certificate of lawful use of development on the grounds that the development has never been used as a nursery and the use has therefore remained as a residential dwelling.

7. APPLICATION NO.0552/FUL/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0552/FUL/22	Change of use from open space to private garden ground and erection of decking	Refuse planning permission

across watercourse (in
retrospect), 13
Ballencrieff Mill,
Bathgate

The committee noted that the applicant's agent, Euan Pearson, had requested to address committee but was not in attendance at the meeting. The committee clerk confirm that Mr Pearson had been contacted during the course of the meeting and had suggested the item of business proceed in his absence.

Decision

To approve the recommendation of the report and refuse planning permission

8. APPLICATION NO.0470/FUL/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0470/FUL/22	Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect), 15 Ballencrieff Mill, Bathgate	Refuse planning permission

The committee noted that the applicant's agent, Euan Pearson, had requested to address committee but was not in attendance at the meeting. The committee clerk confirm that Mr Pearson had been contacted during the course of the meeting and had suggested the item of business proceed in his absence.

Decision

To approve the recommendation of the report and refuse planning permission

9. APPLICATION NO.0566/FUL/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
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0566/FUL/22

Demolition of an existing two-storey outbuilding and erection of two one-bedroom studio flats, 14 Market Street, Midcalder

Refuse planning permission

The committee then heard from the Antoni Carpico, the applicant, and David Boyle, the applicant's agent, both speak in support of the application.

Decision

To approve the recommendations of the report and refuse planning permission

10. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 1 July to 5 August 2022 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

11. APPEALS:

The committee noted that the following appeals had been submitted, following refusal of planning permission :-

Application No.

Proposal

ENF/0355/21

The alleged of :- 1) extension of garden ground by encroachment into the open space to the rear; and 2). erection of decking on land to the rear over the existing watercourse at land to rear of 13 Ballencrieff Mill, Bathgate,

ENF/0246/21

Unauthorised change of use from agriculture to Bus/HGV repairs, salvage, breaking, reclamation and storage of vehicles at Northfield Farm, Fauldhouse, Bathgate

0138/P/22	Residential development with associated infrastructure, landscaping and engineering works at land north Of B792, Mossend, West Calder
0216/A/22	The Display of 2 illuminated fascia signs and 1 illuminated free standing pylon sign at 21 Inchmuir Road, Blackburn, Bathgate
0244/FUL/22	Erection of a house with Associated works at Dechmont House, Woodlands Park, Deans, Livingston
0320/FUL/22	Erection of a 20Sqm extension to rear of public house at Green Tree Tavern, 45 East Main Street, Broxburn,

The committee noted that the following appeal which had been submitted following refusal of planning permission had been dismissed :-

<u>Application No.</u>	<u>Proposal</u>
ENF/0355/21	Change of use from open space to private garden ground and erection of decking (retrospective planning application refused, Ref: 0801/FUL/21) at 13 Ballencrieff Mill, Bath

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

The Committee noted the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the Department of Environmental Appeals (DPEA) in relation to planning appeal PPA-400-2144, formation of a 50 space park and ride facility with associated works, land to north of Station Road, Kirknewton.