

MINUTE of MEETING of the LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 23 NOVEMBER 2022.

Present – Councillors Danny Logue (Chair), Tom Conn, Alison Adamson, Stuart Borrowman, William Boyle, Pauline Clark and Tony Pearson

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 26 October 2022. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0568/FUL/22 - CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND, 12 OGILVIE WAY, LIVINGSTON

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 garden ground, 12 Ogilvie Way, Livingston

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 conducted prior to the meeting 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.

Prior to reaching a determination on the review application clarity was sought from the Legal Adviser whether the Local Review Body required to determine the application in respect of the development that was originally applied for, or whether the Local Review Body could grant permission for the reduced area.

The Legal Adviser explained that contained within the application for review there was information in regard to the reduced area which was new information and which had been before the planning officer at the time of determination of the planning application but had not been taken

into account. Members would therefore require to determine if the information regarding the reduced area was new information, or further information pertaining a matter that was already before the planning officer. If the former, members would require to determine the application on the basis of the original extent applied for. If the later it would be open to members to determine the application for review by granting permission for the reduced area should it be considered necessary to render the development acceptable, and that this could be achieved by the imposition of a planning condition, should members determine that it was not a derogation from the planning permission originally applied for.

Motion

To uphold the review application and grant planning permission subject to the draft conditions annexed to the Committee report and a further condition that the permission issued would be in respect of that area of ground with a maximum dimension of 5 metres by 16 metres, as shown on the reduced area plan annexed to the application for review, as committee agreed by a majority that the proposal would conform to policy DES1 of the WLLDP, in that no built form would be effected, and also conform to policy ENV21 of the WLLDP as there would be no significant adverse effect on the overall recreational amenity of the local area having taken into account the council's Open Space Strategy.

- Moved by Councillor Boyle and seconded by Councillor Clark

Amendment

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

- Moved by Councillor Adamson and seconded by Councillor Borrowman

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
William Boyle	Alison Adamson	Tom Conn
Pauline Clark	Stuart Borrowman	Danny Logue
Tony Pearson		

Decision

Following a vote the motion was successful by 3 votes to 3, with 2 abstentions and it was agreed accordingly.