

MINUTE of MEETING of the LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 6 NOVEMBER 2019.

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

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of its meeting held on 9 October 2019. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0775/FUL/19 - CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF FENCE AT 67 ROWAN DRIVE, BLACKBURN

The committee considered a report (copies of which had been circulated) by the Clerk to the Local Review Body regarding an application to review a decision by the Appointed Person to refuse planning permission for a change of use of public open space to private garden ground and erection of fence at 67 Rowan Drive, Blackburn.

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and the 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 before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee determined the review application in terms of the statutory test, to have regards to the development plan unless material considerations indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of review documents.

Motion

To refuse the review application and uphold the position of the Appointed Person to refuse planning permission.

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To uphold the review application and grant planning permission because the proposal would not detract from the residential and visual amenity of the area and was therefore not contrary to ENV21 and DES1 of the West Lothian Local Development Plan . The grant of planning would be subject to two conditions; these being (a) Unless otherwise agreed with the planning authority in writing, the fence shall be stained a dark brown within 2 weeks of it being erected; and (b) Notwithstanding the details on the approved plans, the fence shall be erected 2 metres back from the kerb edge.

- Moved by Councillor Pauline Clark and seconded by Councillor David Tait

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

Motion

Willie Boyle  
Lawrence Fitzpatrick  
Tom Kerr  
George Paul

Amendment

Stuart Borrowman  
Pauline Clark  
David Dodds  
Charles Kennedy  
David Tait

Decision

Following a roll call vote the amendment was successful by 5 votes to 4 and it was agreed accordingly.