

MINUTE of MEETING of the LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 26 FEBRUARY 2020.

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

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of its meeting held on 6 November. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0742/H/19 - ERECTION OF FENCE AT 11 CLARENDON ROAD, LINLITHGOW

The committee considered a report (copies of which had been circulated) by the Clerk 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 fence at 11 Clarendon Road, Linlithgow.

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, and the advice of the Planning Adviser provided sufficient information to enable the review to be determined without any further procedure.

The committee were advised by the Legal Adviser that in assessing the review application only two out the three policies contained in the original determination applied; these being DES1 and ENV24 of the West Lothian Local Development Plan. The Legal Adviser continued by advising that although ENV25 (Conservation Area) had been quoted the proposal was not in a conservation area and therefore this policy was to be disregarded by the committee when considering the review application.

The committee then determined the review application in terms of the statutory test, 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.

Motion

To refuse the review application and uphold the position of the Appointed Person as the proposal did not comply with policies DES1 and ENV25 of the West Lothian Local Development Plan.

- Moved by the Chair and seconded by Councillor Tom Kerr

Amendment

To uphold the review application and grant planning permission subject to the condition contained in the paper and was to include the additional condition that the fence to the front of the property was to be 1 metre in height, with all the other fences to be 2 metres in height, as the proposal did conform with policy DES1 and ENV25 of the West Lothian Local Development Plan in that the design was similar in nature to others in the nearby vicinity and would not adversely impact on the amenity, outlook, character or setting of Linlithgow Palace.

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

Motion

Stuart Borrowman
David Dodds
Charles Kennedy
Tom Kerr
George Paul

Amendment

Willie Boyle
Pauline Clark
David Tait

Decision

The motion was successful by 5 votes to 3 and it was agreed accordingly.