

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 25 NOVEMBER 2020.

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

Apologies – Councillor George Paul

r1, DECLARATIONS OF INTEREST

Agenda Item 7 - Councillor Pauline Clark declared an interest in that she has visited the Levenseat site along with her fellow ward members last year but would participate in the item of business;

Agenda Item 5 - Councillor Willie Boyle declared an interest in that he had been contacted by a neighbour in relation to another planning permission for the same site but would participate in the item of business;

Agenda Item 9 - Councillor David Tait declared that he had called the application to committee but would participate in the item of business;

Agenda Item 7 - Councillor Tom Conn declared that he had visited the Levenseat site in his role as Executive Councillor for Environment as the council had contracts with the company therefore he would not participate in the item of business; and

Agenda Item 6 - Councillor Lawrence Fitzpatrick declared an interest in the that he was a council appointed member of the West of Scotland Archaeology Service who were a statutory consultee to the application but would participate in the item of business.

2. ORDER OF BUSINESS

The committee agreed, in accordance with Standing Order 8(3), that agenda items 10 and 11 were to be taken as read and their recommendations approved without further consideration.

3. MINUTE

The committee approved the minute of its meeting held on 28 October 2020 subject to the following correction: -

Minute item number 9 (page 220) to reflect that the vote was 5 votes to 2.

4. APPLICATION NO.0716/H/19

Councillor Fitzpatrick having arrived at the meeting after the following item of business has commenced took no part in the discussion or decision on the matter.

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>
0716/H/19	Erection of a retaining wall and fence (in retrospect) at Winnock, Burnside Road, Bathgate	Grant planning permission

The committee noted that whilst Mr Mark Flockhart had requested to address committee he was not in attendance at the meeting.

Decision

To approve the terms of the report and grant planning permission subject to conditions.

5. APPLICATION NO.1149/FUL/19 -

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>
1149/FUL/19	Erection of 54 houses and 56 flats with associated landscaping, draining and infrastructure (as amended) at land at Hunters Road, Kirkton Campus, Livingston	Grant planning permission subject to conditions and a legal agreement to secure developer contributions.

The committee then heard from Mr Brian Johnstone, Livingston Village Community Council, speak in support of the application.

Committee also noted that Mr Ross Martindale, the applicant, and Mr Iain Lamb, the applicant's agent, were both available to answer questions from committee members.

Motion

To approve the terms of the report and grant planning permission subject to conditions and a legal agreement to secure developer contributions.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Charles Kennedy.

Amendment

To approve the terms of the report and grant planning permission subject to conditions and a legal agreement to secure developer contributions and was to include two additional conditions; these being 1) for there to be a second access point to the development for use by the emergency services only and that any trees removed as a result of the second access road required to be replaced.

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

Motion

Stuart Borrowman
Tom Conn
Lawrence Fitzpatrick
Charles Kennedy
David Tait

Amendment

Willie Boyle
Pauline Clark

Decision

Following a vote, the motion was successful by 5 votes to 2, with 2 members absent and it was agreed accordingly.

6. APPLICATION NO.0322/FUL/20

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>
0322/FUL/20	Erection of phase 2 thermal treatment plant and extension to materials sorting building at Levensat Waste Management Facility, by Forth	Grant planning permission subject to conditions

The committee then heard from Mr Stewart Blair, speak in support of his objections to the application.

The committee also noted that whilst Mrs Samantha Crawford had requested to address committee she had been unable to attend the meeting.

The committee then heard from Mr Robert Evans, the applicant's agent and Mr Angus Hamilton, the applicant, both speak in support of the application.

Decision

To approve the terms of the report and grant planning permission subject to conditions.

7. APPLICATION NO.0761/FUL/20

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0761/FUL/20	Change of use from public open space to private garden ground and the erection of a boundary fence at 53 Meadowbank, Ladywell, Livingston	Refuse planning permission

The committee then heard from local ward member Councillor Moira Shemilt speak on behalf of the applicant in support of the application.

Motion

To continue the application for one cycle to allow for further dialogue between the applicant and the Planning Authority to consider a reduced size of area and layout to maintain the integrity of pedestrian safety and amenity of the area.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Willie Boyle.

Amendment

To approve the terms of the report and refuse planning permission

- Moved by Councillor Tom Kerr and seconded by the Chair.

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

<u>Motion</u>	<u>Amendment</u>
Willie Boyle	Stuart Borrowman
Pauline Clark	Tom Conn
Lawrence Fitzpatrick	Charles Kennedy
David Tait	Tom Kerr

Decision

Following a vote, for which the motion and amendment received 4 votes each, with 1 member absent, the Chair used his casting vote in favour of the amendment and it was agreed accordingly.

8. APPLICATION NO.0821/P/20

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>
0821/P/20	Planning permission in principle for a 0,6ha residential development of 6 houses on land at Clark Avenue, Linlithgow	Refuse planning permission in principle.

The committee then heard from Dr Karen Tait, Mr Angus Laing, Mr Alan Birse and Mrs Nancy Durant all speak in support of their objections to the application. It was also noted that Mrs Durant spoke on behalf of three of her neighbours who were also objecting to the application.

The committee then heard from Mr Tommy Cochran, the applicant's agent, who spoke in support of the application.

Decision

To approve the terms of the report and refuse planning permission in principle.

9. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 23 October to 13 November 2020 was submitted for the information of the committee.

Decision

To note the list of delegated decisions

10. APPEALS :-

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

<u>Application No.</u>	<u>Proposal</u>
0425/H/20	Formation of a dormer window at 3

Newpark Mews, Bellsquarry,
Livingston

0557/HHN/20

Appeal against High Hedge Notice
at 78 Harburn Road, West Calder

0333/FUL/20

Change of use from public open
space to private garden ground and
extension to house at 18 Leishman
Court, Blackridge