

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within WEBEX VIRTUAL MEETING, on 28 APRIL 2021.

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

Apologies – Councillor George Paul

1. ORDER OF BUSINESS

The Head of Planning, Economic Development and Regeneration provided committee with an update with regards to Application Number 0801/FUL/20. Deanburn Road, Linlithgow which was due to return to this committee. He advised committee that following a meeting with residents and a subsequent formal amendment to the application by the applicant, further process was required and it had not been possible to complete those processes in time to report the application back to committee as part of this agenda. In addition, there had been a material change in circumstances in that the Scottish Ministers had recently indicated that they required changes to the Council's draft Supplementary Guidance on Transport Infrastructure with respect to roads improvements, including at J3 on the M9, which in turn would have an impact on the application.

The Head of Planning, Economic Development and Regeneration confirmed he was in discussion about the implications of the changes to the guidance and as a result was unable to provide a timeline as to when the application would be ready to return to committee. He would however endeavour to keep DMC members up-to-date as those discussions progressed.

It was further noted that a dialogue would continue with the applicant with regards to the time in which the application required to be determined.

Committee also noted that Councillor Stuart Borrowman had questions in relation to agenda items 12b and 12d. Therefore it was agreed that agenda items 11, 12a and 12c were to be taken as read and their recommendations noted.

2. DECLARATIONS OF INTEREST

Application No.1195/FUL/20 & Application No.0205/H/21 - Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointed representative to the West of Scotland Archaeology Service who were a statutory consultee on both applications but would take part in both items of business;

Application No 0091/FUL/21 - Councillor Stuart Borrowman declared an interest in that he knew some of those involved in the application but would take part in the item of business; and

Application No.0205/H/21 - Councillor Stuart Borrowman declared an interest in that he had attended a meeting of Torphichen Community Council where the application was discussed but as he had not commented on the merits of the application he would take part in the item of business.

3. MINUTE

The committee approved the minute of its meeting held on 17 March 2021.

4. APPLICATION NO.0191/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>
0191/FUL/10	Installation of decking, formation of a beer garden and erection of a 2.3 m high fence (partly in retrospect) (as amended), Middleton Hall Bowling Club Stankards Road Uphall	Grant subject to conditions

Committee heard from local neighbours Mr John Nicolson, Mr Paul Veitch and Mr Arfan Kahliq all speak in support of their objections to the proposal.

Committee then heard the applicant Ms Ann Simpson speak in support of the application. Committee also noted that whilst Ms Julie Devaney (also the applicant) had asked to address committee she was available to answer questions.

Committee then heard from Councillor Diane Calder, a local ward member, who spoke in support of the proposal

Motion

To approve the terms of the report and grant planning permission subject to conditions including the erection of an acoustic fence, the details of which shall be agreed in consultation with Environmental Health.

- Moved by the Chair and seconded by Councillor Stuart Borrowman

Amendment

To continue the application for one cycle to allow for a further dialogue with the applicant with regards to a suitable and affordable solution to resolve any noise issues and to include further details of land ownership of the site and any reasons for why the site had not been developed by the owner.

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

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

Motion

Stuart Borrowman  
Willie Boyle  
Tom Conn  
Lawrence Fitzpatrick  
Charles Kennedy  
Tom Kerr

Amendment

Pauline Clark  
David Tait

Decision

Following a vote the motion was successful by 6 votes to 2, with 1 member absent and it was agreed accordingly.

.5. APPLICATION NO.1195/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>
1195/FUL/20	Change of use from car park to horticulture business for the supply of garden plants; erection of boundary fence and temporary shed, storage tent and polytunnel, Chalmers Hall, 25 Main Street, Linlithgow Bridge Linlithgow	Grant temporary planning permission subject to conditions

Motion

To approve the terms of the report and grant planning permission subject to conditions and was to include the additional condition that retail operations direct to members of the public were to be prohibited from the site.

- Moved by the Chair and seconded by Councillor Tom Kerr

#### Amendment

To refuse temporary planning permission due to a loss of amenity to those residing close by and along the main street.

- Moved by Councillor Willie Boyle and seconded by Councillor David Tait.

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

#### Motion

Stuart Borrowman  
Tom Conn  
Lawrence Fitzpatrick  
Charles Kennedy  
Tom Kerr

#### Amendment

Willie Boyle  
Pauline Clark  
David Tait

#### Decision

Following a vote the motion was successful by 5 votes to 3, with 1 member absent and it was agreed accordingly.

### 6. APPLICATION NO.0085/H/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>
0085/H/21	Extension to house and formation of juliette balcony at 2 Whiteside Farm Lane, Bathgate	Grant planning permission subject to conditions

The committee then heard the applicant, Mrs Jill Kernan, speak in support of the application.

#### Decision

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

### 7. APPLICATION NO.0091/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>
0091/FUL/21	Land Change of use of agricultural land to dog exercise area with erection of perimeter fencing and associated parking, land at Old Deans Road Bathgate	Grant planning permission subject to conditions

The committee then heard Mrs Catherine Magson speak in support of her objections to the application. Committee also noted that whilst Mrs Janet Hinton had asked to address committee she was not in attendance at the meeting.

The committee then heard from the applicant, Mrs Margaret Ritchie, who spoke in support of the application.

#### Motion

To refuse planning permission due to a loss of visual and residential amenity from dog barking and the erection of fencing and the potential for an increase in traffic movements in addition to the existing industrial estate.

- Moved by Councillor Willie Boyle and seconded by the Chair

#### Amendment

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

- Moved by Councillor David Tait and seconded by Councillor Stuart Borrowman

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

#### Motion

Willie Boyle  
Tom Conn  
Lawrence Fitzpatrick  
Charles Kennedy

#### Amendment

Stuart Borrowman  
Pauline Clark  
David Tait

#### Decision

Following a vote the motion was successful by 4 votes to 3, with 1 member absent and 1 member having not heard all the merits of the case so did take part in the vote and it was agreed accordingly.

### 8. APPLICATION NO.0181/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>
0181/FUL/21	Change of use from open space to form community garden and the erection of a shed, gazebo and fencing at 189A, West Main Street, Broxburn	Grant planning permission subject to conditions

The committee then heard from Mrs Irene Bishop of Strathbrock Community Centre Management Group, speak in support of the group's objections to the proposal.

The committee then heard the applicant, Mr Keith Macleod, speak in support of the application.

#### Decision

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

### 9. APPLICATION NO.0205/H/21

It was noted that Councillor Willie Boyle did not take part in the following item of business as having lost his connection to the meeting he had been unable to reconnect following a short adjournment.

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>
0205/H/21	Erection of a 120sqm outbuilding at Glebe House, 6 The Square, Torphichen	Grant planning permission subject to conditions

The committee then heard from the applicant's agent, Mr Colin Hardie, speak in support of the application.

#### Decision

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

### 10. LIST OF DELEGATION 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 12 March to 16 April 2021 was submitted for the information of committee.

### Decision

To note the list of delegated decisions.

## 11. APPEALS :-

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

<u>Application No.</u>	<u>Proposal</u>
0370/LBC/20	Listed Building Consent for Demolition of Former Nursery Building at Former Nursery, Academy Street, Armadale
1188/PO/20	Modification of Planning Obligation Relating to Planning Permission 1044/P/08 to Remove Town Centre Improvements Contribution at Land at Armadale Station (Southdale) Station Way, Armadale

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

<u>Application No.</u>	<u>Proposal</u>
1031/P/19	4.45 Ha Residential and mixed use development (Including Affordable Housing, 140 Units) and Ancillary Retail (Class 1) with Supporting Infrastructure, Landscaping, Access and Services at 1 Simpson Parkway, Kirkton Campus, Livingston

- 11.3 The committee noted that the following appeal had been withdrawn

<u>Application No.</u>	<u>Proposal</u>
ENF/0396/19	The alleged Siting of Mobile Home at Tarrareoch Guest House, Tarrareoch Farm, Station Way,

## Armadale

Committee noted the questions asked in relation to Application No.1188/PO/20 and Enforcement Notice ENF/0396/19 by Councillor Stuart Borrowman and the answers provided by the Head of Planning, Economic Development and Regeneration.