

MINUTE of MEETING of the LOCAL REVIEW BODY held within VIRTUAL MEETING ROOM, on 29 SEPTEMBER 2021.

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

Apologies – Councillors Lawrence Fitzpatrick and Charles Kennedy

1. DECLARATIONS OF INTEREST

Agenda Item 8 (Application No.0083/FUL/21) – Councillor Tom Kerr declared an interest in that the applicant was known to him personally so would not participate in the item of business;

Agenda Item 6 (Application No.0149/MSC/21) – Councillor Pauline Clark declared an interest in that she had been contacted by the applicant but as she had only offered procedural advice would participate in the item of business.

Agenda Item 9 (Application No.0548/FUL/20) - Councillor Stuart Borrowman declared an interest in that the applicant had been his GP approximately three years ago but would participate in the item of business.

Agenda Item 8 (Application No.0083/FUL/21) – Councillor David Tait declared an interest in that a relative of the applicant had contacted him about the review application but as he had not offered an opinion on it he would participate in the item of business.

Agenda Items 8 (Application No.0083/FUL/21) and 9 (Application No.0548/FUL/20) – Councillor Willie Boyle and David Dodds declared that they would be unable to participate in these two items of business as they had been unable to attend the site visits conducted earlier in the day.

2. MINUTE

The committee approved the Minute of its meeting held on 25 August 2021.

3. NOTICE OF REVIEW APPLICATION NO.0145/FUL/21

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 for a change of use from public open space to private garden ground at 1 Butlers Place, Eliburn

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit on 6 October 2021

- Moved by Councillor Tom Kerr and seconded by Councillor George Paul

Decision

To unanimously agree to continue the item of business for one cycle to allow the committee to participate in an unaccompanied site visit on 6 October 2021

4. NOTICE OF REVIEW APPLICATION NO.0149/MS/21

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 of the Appointed Person to refuse approval of matters specified in conditions of planning permission 0432/P/17 for the erection of a new dwelling house and garage block with associated access and landscaping at Craighbank, Craighbinning, Dechmont.

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit on 10 November 2021.

- Moved by Councillor Tom Kerr and seconded by Councillor Willie Boyle

Amendment

To continue the item of business to allow committee to participate in an unaccompanied site visit on 10 November 2021 and to allow the applicant to comment on the application of policy ENV1 of the Local Development Plan to the proposal, details of which would be outlined in a Procedure Note.

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

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

Motion

Willie Boyle
Tom Kerr

Amendment

Stuart Borrowman
Pauline Clark
David Dodds
George Paul
David Tait

Decision

Following a roll call vote the amendment was successful by 5 votes to 2 and it was agreed accordingly.

5. NOTICE OF REVIEW APPLICATION NO.0240/FUL/21

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 for the erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park at site at Bankton Centre, Murieston, Livingston.

Decision

To continue the item of business to allow committee to participate in an unaccompanied site visit on 10 November 2021 and for a Procedure Note to be issued to the council's Arborist to seek clarity on the tree preservation order and its effect on the application site and for a late submission received from the applicant's agent to be circulated to committee members.

6. NOTICE OF REVIEW APPLICATION NO.0548/FUL/20

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 a change of use and extension to holiday chalet to form house, erection of a free-standing annex building (class 9), alterations to ground levels and construction of timber walkways, stairs and railings (in retrospect) at Hillwood House, 3 Craigs Lodges, Linlithgow.

It was noted that the review application had first been considered by the Local Review Body at its meeting on 25 August 2021 but had been continued to allow members to participate in a site visit; the site visit took place on 29 September 2021.

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.

Decision

To continue the review application until the 10 November 2021 meeting so a Procedure Note could be issued to obtain further information from the Appointed Person in respect of the status of the nine houses in the vicinity of the application site and for a clear definition of a Certificate of Lawfulness.

7. NOTICE OF REVIEW APPLICATION NO.0083/FUL/21

Councillor Tom Kerr, having previously declared an interest in the following application took no part in the decision on the review application.

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 the demolition of agricultural shed and erection of house with garage at The Granary, 3a Parkhead Holdings, Linlithgow

It was noted that the review application had first been considered by the Local Review Body at its meeting on 25 August 2021 but had been continued to allow members to participate in a site visit; the site visit took place on 29 September 2021.

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 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.

Motion

To grant the review application subject to the draft conditions contained the report as the proposal would not set a precedent in respect of the location and the surrounding area had already been subject to development

- Moved by Councillor David Tait and seconded by Pauline Clark

Amendment

To refuse the review application

- Moved by the Chair and seconded by Councillor Stuart Borrowman

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

Motion

Pauline Clark
David Tait

Amendment

George Paul
Stuart Borrowman

Decision

Following a roll call vote for which the motion and amendment received 2 votes each, the Chair used his casting vote in favour of the amendment and it was agreed accordingly.

