

MINUTE of MEETING of the LOCAL REVIEW BODY held within MS TEAMS VIRTUAL MEETING, on 12 JANUARY 2022.

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

Apologies – Councillor William Boyle

1. DECLARATIONS OF INTEREST

Agenda Item 5 (App No.0130/FUL/21) – Councillor David Tait declared an interest in that he had a connection to the applicant. Therefore he would withdraw for the item of business.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he would move agenda item to the bottom of the agenda to facilitate attendance by the councillor who had declared an interest in the item of business.

3. MINUTE

The committee approved the Minute of its meeting held on 10 November 2021.

4. NOTICE OF REVIEW APPLICATION NO.0461/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 to refuse planning permission for a change of use from amenity open space to private garden ground and erection of fence (in retrospect) at 66 Kilne Place, Elilburn, Livingston.

It was noted that the review application had first been considered by the Local Review Body at its meeting on 10 November 2021 but had been continued to allow for a site visit to be undertaken. The site visit had taken place prior to the meeting.

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. It was noted that the applicant had raised new matters which were not before the Appointed Person at the time the planning application was determined and these related to the comments from objectors. Committee agreed to consider these when determining the application.

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.

#### Decision

To uphold the review application and grant planning permission as committee agreed that the proposal did comply with policies DES1 and ENV21 of the Local Development Plan and that in granting planning permission there would be no significant adverse impact on adjacent buildings in terms of amenity, the loss of open space would not have an adverse impact on people in the street, and there was a locational justification in respect of the loss of open space. Planning permission was granted subject to the condition that the erected fence shall be stained in a colour to be agreed in writing with the planning authority, and thereafter maintained to the satisfaction of the planning authority. Details of the stain/paint colour, and the timescale within which the staining shall be undertaken, shall be submitted to the planning authority for approval within 4 weeks of the date of the grant of planning permission.

#### 5. NOTICE OF REVIEW APPLICATION NO.0260/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 to refuse planning permission for the erection of summer house and machine store at land to south east of Hermand House, West Calder.

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 conducted prior to the meeting 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.

#### Decision

To uphold the review application and grant planning permission as committee agreed that the proposal did comply with policy ENV3 of the

Local Development Plan, as the development was located in a rural location and justified for agricultural purposes, having regard to condition 5 subject to which planning permission is to be granted there would be no impact on the trees adjacent to the west, and the proposal was sufficiently distant from the category B listed building that it would not impact on the setting of the category B listed building. Planning permission was granted subject to the four draft conditions attached to the committee report and a further condition that the applicant should submit a tree report to clearly show distance, crown spread and root protection areas of trees adjacent to the west

6. NOTICE OF REVIEW APPLICATION NO.0622/H/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 to refuse planning permission for the erection of 1.9m fence (in retrospect) at 78 Harburn Road, West Calder.

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 conducted prior to the meeting 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.

Decision

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

7. NOTICE OF REVIEW APPLICATION NO.0130/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 to refuse planning permission for the siting of container for use as hot food takeaway Unit 1, The Gateway, Avonmill Industrial Estate, Linlithgow.

It was noted that the review application had first been considered by the Local Review Body at its meeting on 6 October 2021 but had been continued to allow for a site visit to be undertaken. The site visit had taken place prior to the meeting.

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 conducted prior to the meeting 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.

### Decision

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