

P66. Change of Use of Public Open Space to Garden Ground and Erection of Boundary Fence (Retrospective) at 32 Howieson Avenue, Bo'ness EH51 9JG for Mr David Stewart - P/16/0393/FUL (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 14 September 2016 (Paragraph P53 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the change of use of public open space to garden ground and the erection of a boundary fence (in retrospect) at 32 Howieson Avenue, Bo'ness.

Councillor Mahoney, seconded by Baillie Paterson, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that Committee refuse planning permission on the grounds of the loss of amenity and a vital area of open space and that the development proposal would be contrary to policy INF03 'Protection of Open Space'.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (5) - Baillie Paterson; and Councillors Mahoney, C Martin, Nimmo and McLuckie.

For the amendment (4) - Baillies Buchanan; and Councillors Carleschi, Oliver and Turner.

Councillor Garner abstained.

Decision

The Committee agreed that it was minded to grant planning permission subject to the satisfactory completion, within six months, of a Legal Agreement within the terms Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997 in terms satisfactory to the Director of Development Services in respect of the payment of a financial contribution towards qualitative improvements in other parts of the green network, to offset the loss of an area of open space, to the sum of £1,323.

And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following informative.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 - 03.**