

## HANDLING REPORT

<b>Ref. No.:</b>	0281/FUL/18	<b>Email:</b>	gillian.cyphus@westlothian.gov.uk
<b>Case Officer:</b>	Gillian Cyphus	<b>Tel No.:</b>	01506 282408
<b>Ward:</b>	Bathgate	<b>Member:</b>	Charles Kennedy Willie Boyle Harry Cartmill John McGinty

<b>Title</b>	Change of use from industrial (class 5) to shop (class 1) (in retrospect)(Grid Ref: 305280,667171) at Donnys Carpets,Whitburn Road,Bathgate,West Lothian,EH48 2HR
<b>Application Type</b>	Local Application
<b>Decision Level</b>	Delegated List
<b>Site Visit</b>	11.04.2018
<b>Recommendation</b>	Refuse Permission
<b>Decision</b>	Refuse Permission
<b>Neighbour Notification</b>	Neighbour notification procedures have been carried out correctly - case officer verification. YES/NO
<b>Advertisement</b>	12.04.2018

## Description of Proposals

Change of use from industrial (class 5) to shop (class 1) (in retrospect)

## Site History

None relevant.

## Representations

No representations have been received in connection with this application.

## Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

<b>Consultee</b>	<b>Objection?</b>	<b>Comments</b>	<b>Planning Response</b>
Environmental Health	No	No	Noted

Transportation	No	No	Noted
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## Policies Considered

Policy Title	Policy Text
EM6 - Development on Existing Employment	Planning permission for uses other than use classes 4, 5 and 6 within the areas shown on the proposals map, and on other established sites, will not be granted unless there is a clear demonstration of the direct benefits to those working in that employment area and where: a. the retention of the site or premises for use classes 4, 5, and 6 had been explored without success; b. the use would not restrict the range of uses which can be carried out by businesses and industry on nearby sites; and c. the proposed use would cause no traffic, amenity or environmental problems.
TCR2 - Town Centres First Sequential App	New retail, commercial leisure, visitor attractions, offices, community and cultural facilities and other developments appropriate to town centres should be located in accordance with the following sequential approach, depending on the availability of suitable opportunities: Town Centres: Within an identified town centre as defined on the proposals map and in accordance with the town centre policy. Local Neighbourhood Centres: New shopping facilities will be supported in local neighbourhood centres provided they do not undermine the vitality and viability of the sub-regional centre or any of the identified town centres. Further local neighbourhood centres will be supported in major new housing developments (strategic housing locations and previously identified CDAs) and identified in master plans provided there is no adverse impact on the amenity of surrounding residents. Proposals for retail development above 2,500m <sup>2</sup> outwith a town centre will require a Retail Impact Assessment to be submitted for assessment. Where proposals of less than 2,500m <sup>2</sup> are considered to affect the vitality and viability of existing town centres a Retail Impact Assessment may be required to be submitted for assessment. Edge of Centre: Proposals on sites which adjoin the boundary of a town centre or can form an effective extension to the centre may be supported where it can be demonstrated that all locations within existing town centres have been discounted; there will be no adverse effects on the vitality and viability of the sub-regional centre or any other town centre; the proposal is of an appropriate scale and type consistent with the function of the centre and that the proposal is accessible by a choice of transport modes. Commercial Centres: Proposals for additional retail floorspace at commercial centres will only be supported where it can be demonstrated that the proposal is appropriate in scale to meet

	<p>only a qualitative or quantitative deficiency; all other locations within the town centre or on the edge of an identified town centre have been discounted; the proposal will not have an adverse effect either individually or cumulatively on the sub-regional centre, town centres, commercial centre or local neighbourhood centres; the proposal is of an appropriate scale and type consistent with the function of the centre and that the proposal is accessible by a choice of sustainable transport modes.</p> <p>Out of Centre: Proposals for out of centre developments will only be supported where it can be demonstrated that the proposal is appropriate in scale to meet only a qualitative or quantitative deficiency; all other locations within the town centre or on the edge of an identified town centre have been discounted; the proposal will not have an adverse effect either individually or cumulatively on the sub-regional centre, town centres, commercial centre or local neighbourhood centres and that the proposal is accessible by a choice of sustainable transport modes. Proposals for a new public building or office with a gross floorspace over 2,500m<sup>2</sup> outwith a town centre and contrary to the development plan will require an assessment of the impact on the town centres.</p>
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## Officer Assessment

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Planning permission is sought for the change of use from industrial (class 5) to retail (class 1) at a storage warehouse with offices on Whitburn Road, Bathgate. West Lothian Council planning records indicate there is no relevant planning history to the application site in this case. However, application 0282/A/18 for the display of 16 non-illuminated fascia signs is being considered in conjunction with this full planning application. The Environmental Health service had no comments to make on the proposed development. Roads and Transportation noted that a class 1 use should have 25 parking spaces however, given the nature of the business it would be unlikely that this demand on parking would materialise and they did not object to the application.

Class 1 (retail) uses are generally not supported on employment land. Policy EM6 in the development plan seeks to protect employment land areas for uses 4, 5 and 6. The aim of this policy is to prevent the loss of employment land and to avoid conflict between uses. Any alternative use should only be accepted where it meets certain criteria as set out above. In this case the retail unit would not serve the needs of people employed in the surrounding area. It has not been demonstrated that there is a locational need for a Class 1 use at this location. The applicant has provided no evidence to show that the building has been marketed for class 4,5 and 6 uses. Furthermore, the provision of retail facilities should follow the sequential approach set out in policy TRC2, which guides retail uses to the most sustainable and appropriate locations. The applicant has offered no justification to depart from this approach and the application is therefore contrary to policies EMP1 and TCR2 in the adopted local development plan.

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## Conclusions and Reasons for Decision

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The application is contrary to policies EM6 and TCR2 in the adopted West Lothian Local Development Plan. There are no material planning reasons which outweigh the development plan position.

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**List of Review Documents**

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Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	JWAC A1 PP01/12/2018
2	Floor Plan	JWAC A1 PP02/12/2018

Other relevant documents:

- West Lothian Local Development Plan

Case Officer Gillian Cyphus