



West Lothian
Council

Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

8 August 2017

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 16 August 2017** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 28 June 2017 (herewith)

Public Items for Decision

5. Notice of Review Application No.0190/P/17 - Planning Permission in Principle for the Erection of a Dwelling at Ormiston Hill, Kirknewton (herewith)
6. Notice of Review Application No.0315/H/17 - Variation to Planning Application 0446/H/16 to increase house extension by 1 metre in length at 21 Parkhead Crescent, West Calder (herewith)

DATA LABEL: Public

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 28 JUNE 2017.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Stuart Borrowman, Charles Kennedy and Tom Kerr

Apologies – Councillors William Boyle and Dom McGuire

1. DECLARATIONS OF INTEREST

No declarations of interest were made

2. MINUTE

The committee confirmed the Minute of its meeting held on 22 February 2017. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW - APPLICATION NO.0020/FUL/17

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review for the refusal of planning permission for the siting of a timber clad container to be used as a catering unit at former Bathgate Road, Boghead Roundabout, Bathgate.

Attached to the report were the Notice of Review and other relevant documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents.

Committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

The Local Review Body also took into account the views expressed in the Notice of Review documents.

Motion

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

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To uphold the review application and grant planning permission subject to conditions and was to include the additional condition that the operating hours of the new unit were to mirror the existing operating hours of the catering unit.

- Moved by Councillor Stuart Borrowman and seconded by Councillor Tom Kerr

A Roll Call Vote was taken which resulted as follows :-

Motion

Lawrence Fitzpatrick

George Paul

Amendment

Stuart Borrowman

Charles Kennedy

Tom Kerr

Decision

Following a vote the amendment was successful by three votes to two and it was agreed accordingly.



LOCAL REVIEW BODY

**APPLICATION NO. 0190/P/17 – PLANNING PERMISSION IN PRINCIPLE FOR THE
ERECTION OF A DWELLING AT ORMISTON HILL, KIRKNEWTON**

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission in principle for the erection of a dwelling at Ormiston Hill, Kirknewton.

B REVIEW DOCUMENTS

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Decision Notice, dated 8 May 2017;
2. The Handling Report, not dated;
3. Photographs of site;
4. The Notice of Review, submitted by the applicant, dated 14 June 2017 including a supporting statement and three drawings.

Two representations were received to the application; one from Mr John Thomas of 12 Ormiston Farm Steadings, Kirknewton and the other from Mr Stuart Jackson of 14 Ormiston Farm Steadings, Kirknewton.

Both were contacted to advise that the Notice of Review had been received and that they had fourteen days in which to submit any further comments. Further comments were received from the Mr John Thomas. The applicant chose not to comment on these further representations. All documentation referred to is attached to the report.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case either by site inspection or a review of the documents only.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed house, by virtue of its countryside location, was unacceptable in principle as it would result in sporadic development and the expansion of an existing cluster where there was no identified locational need. The Appointed Person therefore considered that the application was contrary to ENV31 (Development in the Countryside) of the West Lothian Local Plan and ENV2 (Housing Development in the Countryside) of the West Lothian Plan Proposed Plan and also the council's SPG on New Development in the Countryside.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, Wendy.Richarson@westlothian.gov.uk

Date: 16 August 2017

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use **BLOCK CAPITALS** if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name	MR JOHN MACDONALD
		Address	[REDACTED]
		Postcode	[REDACTED]
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	[REDACTED]
		E-mail :	[REDACTED]
	REPRESENTATIVE (if any)	Name	EVAN ROBERTSON
		Address	ROBERTSON ARCHITECTURE + DESIGN FIELD HOUSE, 17 CLIFTON RD, EAST CALDER
		Postcode	EH33 0HT
		Telephone No.	[REDACTED]
		Telephone No. (2)	
		Fax :	[REDACTED]
		E-mail :	[REDACTED]
Please tick this box if you wish all contact to be through your representative.			<input checked="" type="checkbox"/>

Do you agree to correspondence regarding your review being sent by e-mail? *
YES/NO

PART B	APPLICANT REF. NO.	0190/P/17
	SITE ADDRESS	ORMISTON Hill KIRNEWTON EH27 8DQ
	DESCRIPTION OF PROPOSED DEVELOPMENT	PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLING
	DATE OF APPLICATION	16 TH MARCH 2017
	DATE OF DECISION NOTICE (IF ANY)	08 TH MAY 2017

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	
Application for planning permission in principle	<input checked="" type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
Application for approval of matters specified in conditions	

PART C	TYPE OF REVIEW CASE
Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed	
Conditions imposed on consent by appointed officer	

Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form of which ten copies must be provided.

PLEASE REFER TO ATTACHED STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* YES/NO

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. Ten (10) copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	PL01
2.	PL02
3.	PL03
4.	SUPPORTING STATEMENT
5.	STATEMENT OF MATTERS TO BE RAISED
6.	E-MAIL FROM PLANNING OFFICER, MATTHEW WATSON
7.	
8.	
9.	
10.	
11.	
12.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

Please indicate what procedure (or combination of procedures) you think is most appropriate. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓
✓

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* YES/NO

Is it possible for the site to be accessed safely, and without barriers to entry?

* YES/NO

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

PART E CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form

Statement of your reasons for requiring a review and matters to be raised

Statement of your preferred procedure

All documents, materials and evidence which you intend to rely on. Copies must accompany this notice.

Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

*****DECLARATION*****

I, ~~the applicant/agent~~*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed



Date

14/06/17

* Delete as appropriate

Please return this completed form to :-

Val Johnston
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF



14th June 2017

Ref: S/0087/5.00/ER

Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Ewan T.J. Robertson
B.Arch

Field House
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ

PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A SINGLE DWELLING HOUSE AT ORMISTON HILL, KIRKNEWTON REF: 0190/P/17

This statement has been produced in relation to an application to the local review body in the matter of the planning permission in principle noted above and in addition to the main body of documents forming the planning package, where we hereby set out terms for review.

Mobile: 07793 5461300
Email: robertson-
architecture@live.co.uk

The land in question to which this application relates is currently ancillary ground associated with the adjacent Ormiston Cottage, this had previously been used as garden space however due to the relative size of the applicant's residual garden space this area has not been maintained.

The application had been prepared and submitted within the context of infill development, whereby, we still consider the site which is within a settlement boundary to be considered as such, contrary to the interpretation of the planning officer. We would seek to further clarify our interpretation of the SPG on small scale and infill developments produced by West Lothian council to ensure that the application is determined on this basis and on its own merit.

There is a presumption in favour of new development within settlement envelopes, principally in order to minimise the development of 'greenfield' sites, but increasingly to make the most sustainable use of resources. Furthermore, this application does not adversely impact on adjacent uses, nor does it affect the character of the settlement, exacerbate problems of infrastructure or traffic congestion to an unacceptable level, the garden ground at present is not considered as an area of important open space value.

The interpretation of the planning officer regarding the SPG on infill development as being non-applicable is in our opinion incorrect, with the SPG on new development in the countryside being used instead. Although this is a development in the countryside we feel that by virtue of its location within an existing settlement as describe above the more appropriate guidance would be that of infill. It is wholly acceptable to take cues from other applicable countryside policies to ensure that the proposed dwelling adheres to its countryside context, albeit within an existing area of housing.

The SPG on development in the countryside itself highlights areas of exception in the presumption against development, which have not been included in the case officer's handling report, these being when a development is:

- Infill
- Houses that make an exceptional contribution to the countryside

We consider the application to be infill and although this application is in principle we feel that should the proposals be granted the resultant application for reserved matters would produce a house that makes an exceptional contribution to the countryside. The site itself is spectacular in nature and lends itself wholeheartedly to a contextualised architectural solution encompassing the countryside and prevalent views.

The guidelines within the single plot and infill SPG state that where it is proposed to develop a small gap site in an existing street frontage, develop land which is situated

behind existing properties or *sub divide and develop the curtilage of an existing house, either by infilling along a frontage or within areas of rear gardens*. This guidance is intended to apply to single plot and small-scale infill residential development in urban areas, not exceeding 10 units.

Infill development sites range from small sites suitable for only a single house to larger areas with a capacity for several houses and are predominantly within residential areas. They comprise land, often garden ground, but sometimes private open space or redundant commercial premises. Where sites do not have a direct main street frontage they invariably have an independent vehicular access from the side or rear in the form of an un-adopted private driveway or road.

The development is within the existing settlement boundary on previous garden land, there is a very definitive and prohibitive boundary to the East, Ormiston tree plantation, this provides a physical barrier to any ongoing or piecemeal development of the area and any possible expansion out with that of the current settlement boundary.

Within the SPG on single plot and infill developments we are compliant with all aspects of the physical relationship and layout section some of the more prescient points are detailed below:

- *for detached and semi-detached houses, the optimum proportion of garden to building should be 70 : 30*
- *Sites must be sufficiently wide enough to accommodate buildings of an appropriate frontage width and provide adequate visual separation between houses. The width of the building plot and the width of the proposed house should be similar to that prevailing in the immediate street frontage.*
- *The distance between buildings is an important factor that has consequences for overshadowing, privacy, daylighting and functionality. Please refer to supporting planning statement for distances table.*
- *New development should not cause an unacceptable loss of privacy or daylight to habitable rooms of existing neighbouring properties and all new dwellings must also receive an adequate amount of daylight. For the purpose of this guidance, habitable rooms are defined as a living room, bedroom and dining room. Non-habitable rooms include bathrooms, utility rooms, staircases, halls, landings, etc.*
- *The back gardens of single and two storey houses shall be a minimum length of 9m, and in the case of three storey houses 11m. These dimensions should be increased where levels change and may only be reduced where it can be demonstrated that residential and environmental amenity will not suffer for either the new or existing buildings.*
- *Gardens are an essential part of the amenities of any residential development and it is important that all detached, semi-detached and terraced houses are provided with an enclosed private garden. Gardens should satisfactorily reflect the size and type of dwelling proposed, the size of plot and the general character of the area in which the development is located. They should be functional and capable of providing adequate private space, reasonably level (not having a gradient exceeding 25 degrees), not overlooked by others, suitable for sitting out, children's play, the drying of laundry, the storage of household refuse and also have some capacity for facilitating an extension of the property at a future date. For the purpose of this guidance, usable private garden ground is defined as being land that is under the exclusive control of the applicant and within the curtilage of the dwelling. It should only include ground that has been adequately screened, usually to the rear and side of the property, and driveways and vehicle hard standings should be excluded from the calculation. The council will not require developers to apply uniform standard garden sizes across an entire residential development since it is recognised that a degree of flexibility is necessary in order to facilitate varied and more interesting layouts. Nevertheless, the following guidelines are provided as indicators of average minimum standards and these will be used by the council when assessing the general appropriateness of garden provision within a development.*
Garden ground not less than 100m² in this instance.

The remainder of the SPG details form and materials, parking, access, refuse disposal, services, boundary treatments, landscaping, sustainability and biodiversity all of which we are compliant with or can be through the preparation of more detailed plans and the submission of an application for reserved matters application.

During our period of consultation with the planning officer reference was made to a series of diagrammatic infill plot situations at the end of the SPG on single plot and infill developments. The case officer had stated that as the development did not fit into one of the situations shown then it could not be considered as infill development. Upon further inspection of the diagrams and within the context of the overall policy there is no significant weight given to this illustration and it should not be used as a single justifiable reason for assessing the application otherwise. This illustration does not appear to cover all possible aspects or situations and is not exhaustive, therefore we consider its use in discounting this application as not being infill in nature as severely flawed. The policy context, specifically those relating to development to sub divide and develop the curtilage of an existing house, either by infilling along a frontage or within areas of rear gardens is not prevalent or accounted for in the illustration, nor is a situation whereby a potential 10 plot development could be carried out. I therefore find it unacceptable that the entirety of the SPG as a whole has been disregarded on the strength of what is a flawed and not fully realised advisory diagram, the application should be considered on its own merit. The above notwithstanding the diagram show some development at the edge of settlements with a X against them, the policy context at the beginning of the SPG does caution towards this however only in circumstances where it would prejudice the further development of surrounding land and effective conurbation. The site is constrained by the Ormiston plantation woodland, which effectively renders any subsequent development infeasible.

We had been advised by the case officer that the single plot & infill development SPG could not be utilised in this instance also due to the fact that it was more suited to 'Urban' developments. This is difficult to accept, considering that the definition of urban, strictly speaking, relates to Towns and Cities, where the majority of West Lothian consists of villages and hamlets, areas of lower density and occupation. Looking at Policy ENV31 development in the countryside has its exceptions where there is a presumption against development, one of these being infill, I would therefore find it wholly reasonable to then look at the relevant SPG for infill development in this instance.

We consider the application for planning permission in principle for the erection of a single dwelling house in this instance as compliant with policy, specifically through the ENV31 into the SPG on infill development rather than the SPG on *development in the countryside* which in itself refers back to infill development as being an acceptable exception for granting planning permission in a county location. We are compliant with as many of the relevant policies within the SPG on infill development as we can be at a planning permission in principle stage, with any further reserved matters application meeting those that remain.

The proposals do not detract from the landscape, they do not reduce neighbouring amenity or daylight, nor would they be out of keeping with the scale and type of development recently carried out around our client's home in the years gone by.

There is an historic badger set on site, however this is no longer occupied and we would fully expect to carry out any required surveys in the future to ensure that this remains to be the case.

The proposed single dwelling house albeit individual will nonetheless provide an attractive and well sought after home to the wider context of the area making an exceptional contribution to both the housing market and the countryside.

From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
Sent: 12 April 2017 14:55
To: [REDACTED]
Subject: Ormiston Hill - 0190/P/17

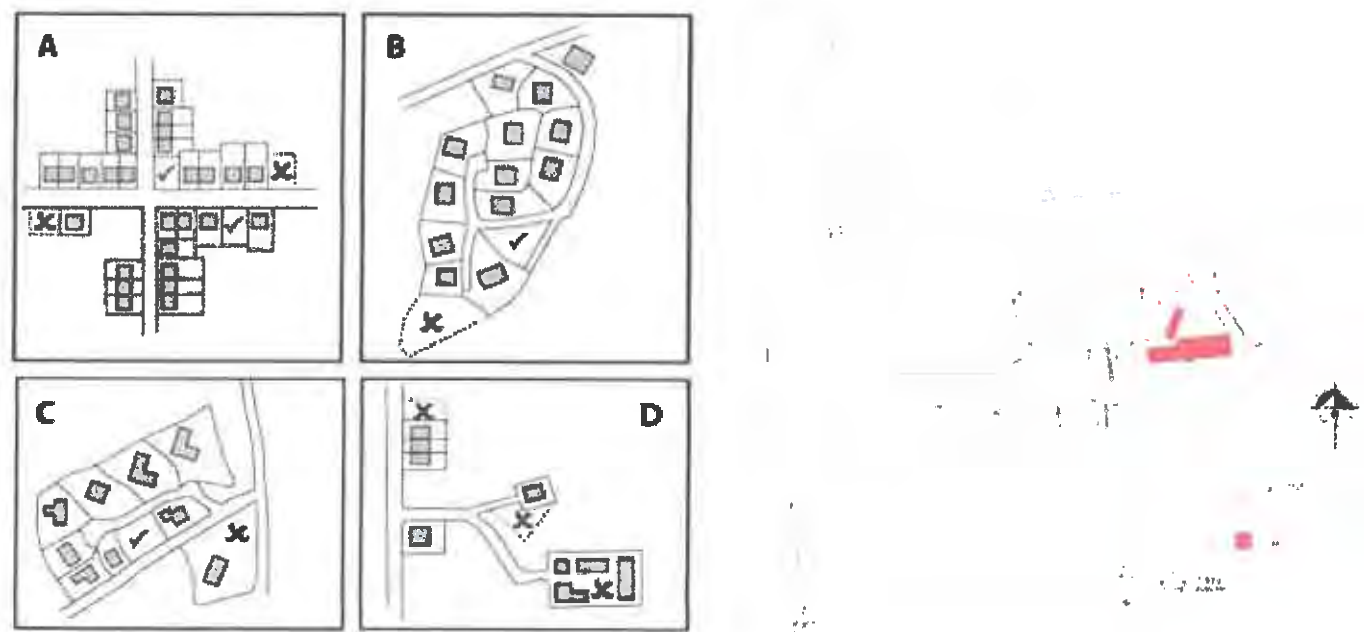
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Euan

Got your voicemail and our position is set out below.

The proposed house is not considered to be infill development as per policy ENV31 of the West Lothian Local Plan and the SPG on Development in the countryside. The SPG defines infill development as sensitive development within small groups of houses or minor extensions to groups, including single plots width gaps between existing houses in an otherwise built-up residential frontage.

However, the Ormiston Hill site is on the edge of the building group, is not infilling any gaps between existing properties and is not part of a built up residential frontage. It is the development of a piece of garden ground that is within the countryside. The below is lifted from the SPG showing what might be considered infill development. The Ormiston Hill site is akin to the situation in the example labelled 'B' in the SPG drawing where development would not be acceptable.



As such, the proposed house would not meet the infill exception within policy ENV31 and the SPG and would not meet any of the other exceptions within policy ENV31.

My view is that the application should be withdrawn or it will be refused. Can you let me know which route your client wants to go down by close of play on Wednesday 26 April.

Kind regards

Matthew

Matthew Watson | Planning Officer | Planning, Economic Development & Regeneration | West Lothian Council | West Lothian Civic Centre, Howden South Road, EH54 6FF | matthew.watson@westlothian.gov.uk | 01506 283536 |

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2. It does not constitute a representation which is legally binding on the Council or which is capable of constituting a contract and may not be founded upon in any proceedings following hereon unless specifically indicated otherwise.

<http://www.westlothian.gov.uk>

PLANNING PERMISSION IN PRINCIPLE

APPLICATION

ERECTION OF SINGLE DWELLING HOUSE

Ormiston Hill
Leyden Road
Kirknewton
West Lothian
EH27 8DQ

PREPARED BY:

ROBERTSON ARCHITECTURE & DESIGN

FIELD HOUSE

17 CLIFTON ROAD

EAST CALDER

WEST LOTHIAN

EH53 0HJ

MOB: 07793486709

E-MAIL: robertson-architecture@live.co.uk



ON BEHALF OF MR JOHN MACDONALD

SUMMARY NOTE

ERECTION OF SINGLE DWELLING HOUSE, ORMISTON HILL, LEYDEN ROAD, KIRKNEWTON, WEST LoTHIAN, EH27 8DQ

Our Client Mr John MacDonald hereby seeks planning permission in principle to erect a single dwelling house on land under his ownership to the North East of his current home.

The application site which measures 927 sq. metres is accessed via the existing access road which runs in front of the existing dwelling whereby a standalone access will be formed as shown on plans into new access driveway to proposed dwelling.

The site has previously been used as an extensive garden ground incidental to the enjoyment of the existing property, with a pond, small green house and planted areas, this area in addition to the front garden and rear driveway amount to a total land area of some 2531 sq. m or thereby.

The location of the rear garden, subject of this application, by virtue of its location, benefits from spectacular view over the Firth of Forth to the North and also an unobstructed view towards the Pentland Hills to the South, the site is currently part of the existing and established settlement boundary given the current use.

The application seeks planning permission in principle for the erection of a dwelling house on the site. The Indicative Layout submitted with the application demonstrates that a five bedroom one and three quarter storey dual gable dwelling house and double garage with a footprint of around 200 sq. m can be comfortably accommodated.

We hereby set out in this statement how the proposals are, in association with an accompanying Indicative layout, that the proposed dwelling house can meet the standards outlined in the Council's Supplementary Guidance entitled '*Single plot and small scale infill residential development in urban areas how to avoid town cramming*'

Within this guidance, we can demonstrate compliance on specific reference to plot ratio, distances between buildings, distances between windows, garden space and parking space. It must also be noted that the erection of this dwelling house on site will not adversely impact upon neighbouring amenity levels or loss of any natural daylight.

We consider these proposals for a single dwelling house at Ormiston Hill House on existing garden ground superfluous to the current use and occupation of the existing dwelling house as a significant benefit to the area. The dwelling will be a mix of contemporary and traditional building with an emphasis on engaging with the surrounding countryside and terrific view. We would consider this dwelling to provide a high amenity levels and due to current market demand would anticipate this new home to be highly sought after and a welcome worthy addition to housing land supply within West Lothian.

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APPENDIX 1

PL01 – LOCATION PLAN

PL02 – PROPOSED SITE PLAN

PL03 – PROPOSED CONTEXTUAL SITE LAYOUT

PLANNING APPLICATION FORMS & OWNERSHIP CERTIFICATE.



INTRODUCTION

1

1.1

This statement has been prepared by Robertson Architecture & Design and is in support of a planning permission in principle application, submitted on behalf of Mr. John MacDonald, for the erection of a dwelling house on a parcel of land incidental to the enjoyment of existing dwelling house at Ormiston Hill, Leyden Road, Kirknewton, West Lothian, EH27 8DQ.

SITE AERIAL



SITE LOCATION AND DESCRIPTION

2

2.1

The application site which measures 927 sq. metres is, as noted above, located to the North East of the existing dwelling house Ormiston house and is owned by Mr John MacDonald who currently resides within Ormiston Hill cottage.

The application site is currently used as an extensive garden area in use for purposes incidental to the enjoyment of said above dwelling house.

The site currently contains a small pond, greenhouse, vegetable patch and gas tank, it is considered that there have been no previous building activities undertaken within the curtilage of the application site.

The general condition of the site is good, however, there are areas that require maintenance and in some instances scrub has overwhelmed part of the site periphery. The site is abounded by a small forest to the Eastern edge called Ormiston Plantation with some small trees and scrub to the south. The current access road also provides access to further farm lands, where it splits from the access into Ormiston Hill cottage and down a tree lined avenue.

The area in general is of historic significance with the listed buildings at Ormiston hill house and Ormiston Farm coach house located to the west of the site and forming part of the overall settlement in this area. In addition to this there are views from the site to the listed buildings Ormiston and Highfield, North West and North East respectively, this further contributes to the overall appeal to living in such an historic and scenic area of West Lothian.

The area in general out with the existing settlement boundary at Ormiston Hill is generally agricultural in nature

SITE LOCATION





Looking at Site from South West



Looking North from within site

DESCRIPTION OF PROPOSED DEVELOPMENT

3

3.1

The application seeks permission to erect a 1 & ½ storey detached dwelling house within the existing settlement boundary around Ormiston House accessed via Cockmylane road. The existing site context is a mix of vernacular Scottish styles and materials with a focus on steadying type dwellings. The proposal seeks to introduce a more contemporary style whilst utilising traditional materials and building form, with a strong emphasis on engaging with the countryside.



3.2

Site access to the proposed dwelling will be via the current access arrangements to Ormiston Cottage where the route runs parallel to the south of the existing cottage and turns through 90 degrees up the Eastern side to access the rear parking area. It is proposed that the new dwelling utilise the existing access arrangements and at the point it turns through 90 degrees form a new access driveway to the property with a sweeping driveway leading to an integral double garage. Site proposals afford a turning head and sufficient parking for 3 cars in addition to the 2 within the garage, by virtue of site topography the levels will be relatively flat. An existing gas storage tank which is no longer required for the property will need to be removed to facilitate the new access point, this is not seen as problematic.



Proposed Site Plan

3.3

The Indicative layout as shown results in a plot ratio of 22:78 and provides a private rear garden area of some 315 sq. metres. Privacy considerations and neighbouring amenity are protected through the introduction of 1.8-metre-high fences along the length of mutual boundaries to the West. Scale and proportion of the proposed house will ensure that neighbouring property owners/occupiers will not be adversely affected as a result of overshadowing or loss of daylight.



PLANNING POLICY

4

4.1

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that: *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'*

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and

- assess whether these considerations warrant a departure from the development plan.

4.3

The relevant development plan for the area comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the West Lothian Local Plan 2009. Other material considerations which should be considered in the determination of the application include Scottish Planning Policy; the emerging West Lothian Local Development Plan; and the Council's Supplementary Planning Guidance on 'Single plot and small scale infill residential development in urban areas (how to avoid town cramming).'

Strategic Development Plan for Edinburgh and South East Scotland

4.4 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. Whilst this plan provides the strategic framework for the determination of planning applications and the preparation of local plans it contains no specific policies or proposals of direct relevance to either the site or the proposed development.

West Lothian Local Plan 2009

4.5

The West Lothian Local Plan was adopted by the council and became operative on 13 January 2009. The application site lies out with the main map areas covered by the WLLP specifically Map 5 Kirknewton under villages, however, the Policies considered to be of relevance to the application proposal include:

- Policy ENV 31 - Proposals for new build development in the countryside
- Policy ENV 33 – Development within the countryside
- Policy HOU2 – Development within Settlements
- Policy HOU4 – Town Cramming
- Policy HOU9 – Residential and Visual Amenity
- Policy IMP14 – Supplementary Planning Guidance
- Policy IMP15 – Design

4.6

Policy ENV 31 'Proposals for new build development in the countryside will not normally be approved. Exceptions to this policy are:'

- (i) a house for a full-time worker in agriculture or other rural business;
- (ii) a house for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor;
- (iii) development of a visually intrusive brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition;
- (iv) replacement of an existing house in the countryside which is of a poor design or in a poor structural condition;
- (v) infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width;

- (vi) *a very small number of proposals for a house which by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside; and*
- (vii) *small scale farm diversification projects or other business proposals appropriate to a rural area which would help sustain the rural economy or create significant social benefits.*

4.7

The proposed new dwelling is a development of existing garden ground ancillary to the existing dwelling house where we consider the introduction of said new house to be a justified and sensible infilling or the remaining site curtilage on what is at present land superfluous to the existing. The proposals will be of the highest standard in design, location and material which a site like this demands, with the above in mind and in reference to the exceptions noted we would conclude that we are compliant with two of the exceptions noted in the current WLLP in relation to new build developments in the countryside.

4.8

Policy ENV 33 'Any new development in the countryside acceptable in terms of policies ENV 31 and ENV 32 must conform to the design and development control policy guidelines issued by the council and contained in Planning Advice Notes issued by the Scottish Executive and the Scottish Government. In particular, new developments should:

- a. demonstrate there is a specific locational need and that there are no available, less sensitive alternative sites;*
- b. avoid open fields, skylines and other exposed locations;*
- c. avoid sites immediately adjacent to main roads and railway lines, or which constitute ribbon development on the edge of settlements;*
- d. avoid disturbance or damage to trees, woodland and wildlife habitats and the site and setting of listed buildings, scheduled monuments and archaeological sites;*
- e. respect and complement local vernacular building styles including ridge orientation, roof pitch, chimney, windows, door, and porch details and the use of materials;*
- f. avoid the creation of excessive underbuilding;*
- g. ensure outbuildings, garages and fuel storage tanks are designed or appropriately located, or screened, so as not to have a significant visual impact on the landscape and not to detract from the overall appearance of the development;*
- h. incorporate boundary treatments, with preference given to stone walling, and use of locally characteristic hedging plants (e.g. hawthorn or beech), and the avoidance of ranch or palisade fencing, concrete block walls and fast-growing conifers;*
- i. incorporate significant enhancements to existing landscaping using native woodland species;*
- j. be serviced to accepted standards, without excessive resource commitment by the council;*

k. be capable of being served by a safe vehicular access;

4.9

The proposals when viewed in the context of the above policy make sense and to a large degree are compliant with the pre-requisites detailed. We would note that the development is not particularly exposed and actually sits well within the adjacent landscape and that of Ormiston wood. There is no real disturbance to these existing trees, as the site is currently garden ground there is a presumption that there should be no significant impact on woodland and wildlife habitats. We aim to maintain the vernacular style and combine it with highly attractive and relative modernity so as to attain a high standard of design. We would propose to landscape the development site utilising where possible species native to the area to actively contribute and integrate into the surrounding landscape. The proposals will be adequately serviced and can be easily and safely accessed by vehicles, this in conjunction with the above would demonstrate compliance with this policy.

4.10

Policy HOU2 on 'Development within Settlements' states the following:

'Within the settlement envelopes shown on the proposals map:

a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM2 would apply);

b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of Policy HOU9;

c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting;

d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and,

e. development briefs will be prepared where appropriate.'

4.11

The application site is located in the countryside within the boundaries of the existing Settlement envelope at Ormiston Hill. The indicative layout submitted with the application has conclusively demonstrated that the site is capable of accommodating a dwelling house which provides not only high levels of amenity for occupiers of that proposed dwelling house but which does not impact adversely on amenity of adjoining dwelling houses. The proposal is consequently considered to be in complete accordance with the provision of Policy H2 on 'Development within Settlements.'

4.12

Policy HOU 4 on 'Town Cramming' states the following:

'Developments, which result in town cramming as defined in Supplementary Planning Guidance, Single plot and small scale infill residential development – how to avoid town cramming, will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.'

4.13

We have demonstrated In Paragraphs 4.26 - 4.31 below and with reference to the indicative layout submitted as part of the application that a residential scheme can be accommodated on the site in accordance with the Council's Supplementary Planning Guidance on *'Single plot and small scale infill residential development in urban areas (how to avoid town cramming).'*

4.14

Policy HOU 9 on *'Residential and Visual Amenity'* states the following: *'Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.'*

4.15

The indicative layout submitted with the application demonstrates that a dwelling house can be accommodated on the site with adequate levels of private garden space, acceptable plot ratios and without adversely impacting on existing residential properties by virtue of loss of light, overshadowing or loss of privacy.

4.16

Policy IMP 14 on *'Supplementary Planning Guidance'* states the following:
'Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance and planning briefs provided by the Council, including the guidance referred to in Appendix 12.1.'

4.17

We have demonstrated in Paragraphs 4.26 – 4.31 below that the intended development of the site for a dwelling house complies with the Council's Supplementary Planning Guidance on *'Single plot and small scale infill residential development in urban areas (how to avoid town cramming).'*

4.18

Policy IMP 15 on *'Design'* states the following:

'The Council will:

- a) through the development control process, ensure that high standards of design are achieved;*
- b) identify design requirements in planning briefs, outline planning permissions and through preparation of supplementary planning guidance; and*
- c) where appropriate, require developers to produce masterplans, design statements and design guides.*

Development proposals which are poorly designed will not be supported.'

4.19

The indicative layout submitted with the application demonstrates that a high quality of residential accommodation in keeping with the established character of the area can be developed on the site.

4.20

In reference to the above considerations we are firmly of the opinion that the proposed residential development does not materially conflict with any policies in the Council's Local Plan.

Other Material Considerations

4.21

As noted previously in addition to the development plan due cognisance must also be given in the determination of planning applications to other material considerations which in this particular case includes Scottish Planning Policy; the emerging Local Development Plan and Supplementary Planning Guidance produced by the Council.

Scottish Planning Policy

4.22

The Scottish Planning Policy Document (SPP) was published by the Scottish Government in June 2014, the purpose of which was 'to set out national planning policies which reflect Scottish Ministers priorities for operation of the planning system and for the development and use of land.' The SPP introduces a presumption in favour of development that contributes to sustainable development and advises that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.'

4.23

The application proposal which involves the development of a dwelling house on existing garden ground within a settlement boundary site is considered to exhibit a number of the sustainability principles outlined in Scottish Planning Policy.

Proposed West Lothian Local Development Plan

4.24

The Proposed West Lothian Local Development Plan was published by West Lothian Council on 12th October 2015. Unresolved objections to that Plan were submitted to the Directorate for Planning and Environmental Appeals of the Scottish Government on 28th October 2016 who will now review those objections and make recommendations on them at some stage during the course of 2017. The application site lies within the wider Kirknewton Settlement Envelope but is considered countryside and is not allocated for any specific purpose within the plan (i.e. white land). Proposed Policy HOU3 on 'Infill/Windfall Housing Developments within Settlements' states the following:

In addition to sites already identified in Policy HOU 1 of the LDP, new housing

development will also be supported on sites within settlement boundaries provided:

- a. the development will be in keeping with the character of the settlement and local area;*
- b. the site is not identified for an alternative use in the LDP;*
- c. the site does not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 – Protection of formal and informal Open Space and is acceptable in landscape and townscape terms;*
- d. the proposed housing use is compatible with nearby uses, there is no adverse effect on the character of the local area and a satisfactory residential environment can be achieved;*
- e. the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities;*
- f. existing physical infrastructure, including roads, drainage, sewage capacity, and education have the capacity to accommodate the proposed development;*
- g. any additional infrastructure required as a result of the development is either committed or to be funded by the developer as required by policies INF 1 – Infrastructure Provision and Developer Obligations and TRAN 2 - Transportation contributions and associated works;*
- h. the site is not at significant risk of flooding in the terms of policy EMG 2 - Flooding; and*
- i. the proposal complies with other LDP policies and relevant Supplementary Guidance. Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations. Proposals for the change of use, conversion and reuse of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.'*

4.25

For the reasons mentioned in our responses to the relevant policies of the adopted local plan it is considered that the proposal will also with the emerging local development plan.

Supplementary Planning Guidance

4.26

The Council approved its Supplementary Planning Guidance on 'Single plot and small scale infill residential development in urban areas' on 25th June 2013. The Guidance intends to amplify policies HOU2 and HOU4 in the adopted local plan which although supporting the principle infill development, advise that developments which result in town cramming will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.

4.27

The Guidance outlines specific standards which are required to be met with new infill development. Those of particular relevance to the current application are summarised below:

- (i) For detached and semi-detached houses, the optimum proportion of garden to building should be 70:30.
- (ii) There should be a minimum distance of 18 metres between existing and proposed dwelling houses when there is a front to front, rear to rear, or rear to front situation; and a minimum of 12 metres where there is a rear to side situation.
- (iii) Back gardens should be a minimum of 9 metres in length for single and two storey dwelling houses.
- (iv) There should be a minimum distance of 18 metres between windows of habitable rooms that directly face each other.

- (v) Three and four bedroom detached and semi-detached houses should have useable private garden space of not less than 80 sq metres.
- (vi) A minimum of one parking space is required to serve each dwelling house.

4.28

Whilst there is other guidance provided in relation to design, services, boundary treatments, landscaping, etc. it is not necessary to address these in detail within the context of an application for planning permission in principle. In the event of planning permission in principle being granted these would be addressed through an application for 'Approval of Matters Specified in Conditions.' We have outlined in the Table below how the standards outlined in 4.27 above have been met in the indicative layout supporting the application:

4.29

	Plot Ratio	Distance between buildings	Back Garden Length	Window to Window distance	Useable private garden	Parking Space
Minimum Requirements	70:30	12.0m (rear to side)	9.0m	18m	80sqm	One space
Proposed Dwelling	78:22	16.0m	10.5m	N/A	315sqm	5 (2 in garage)

4.30

The above table conclusively demonstrates, on the basis of the indicative layout prepared in support of the application, that the minimum requirements specified in the Council's Supplementary Planning Guidance can be comfortably complied with and that 'town cramming' will not arise as a consequence of the proposed development.

4.31

Having assessed the planning application against the terms of both the development plan and other material considerations we are very firmly of the opinion that there are no compelling reasons for it to be refused.

Summary & Conclusion

5

5.1

The development albeit within the countryside has been proven through the explanations contained within this supporting statement to be in the main compliant with the relevant environmental policies contained within the WLLP 2009 which directly relate to the erection of a single dwelling house.

5.2

It has been demonstrated within this statement, in association with the accompanying indicative layout, that the proposed dwelling house can meet the standards outlined in the Council's Supplementary Guidance entitled 'Single plot and small scale infill residential development in urban areas how to avoid town cramming)' with specific reference to plot ratio, distances between buildings, distances between windows, garden space and parking space. It has also been

demonstrated that a house on the site will not impact adversely on amenity levels enjoyed by neighbouring houses as a result of over shadowing or loss of light.

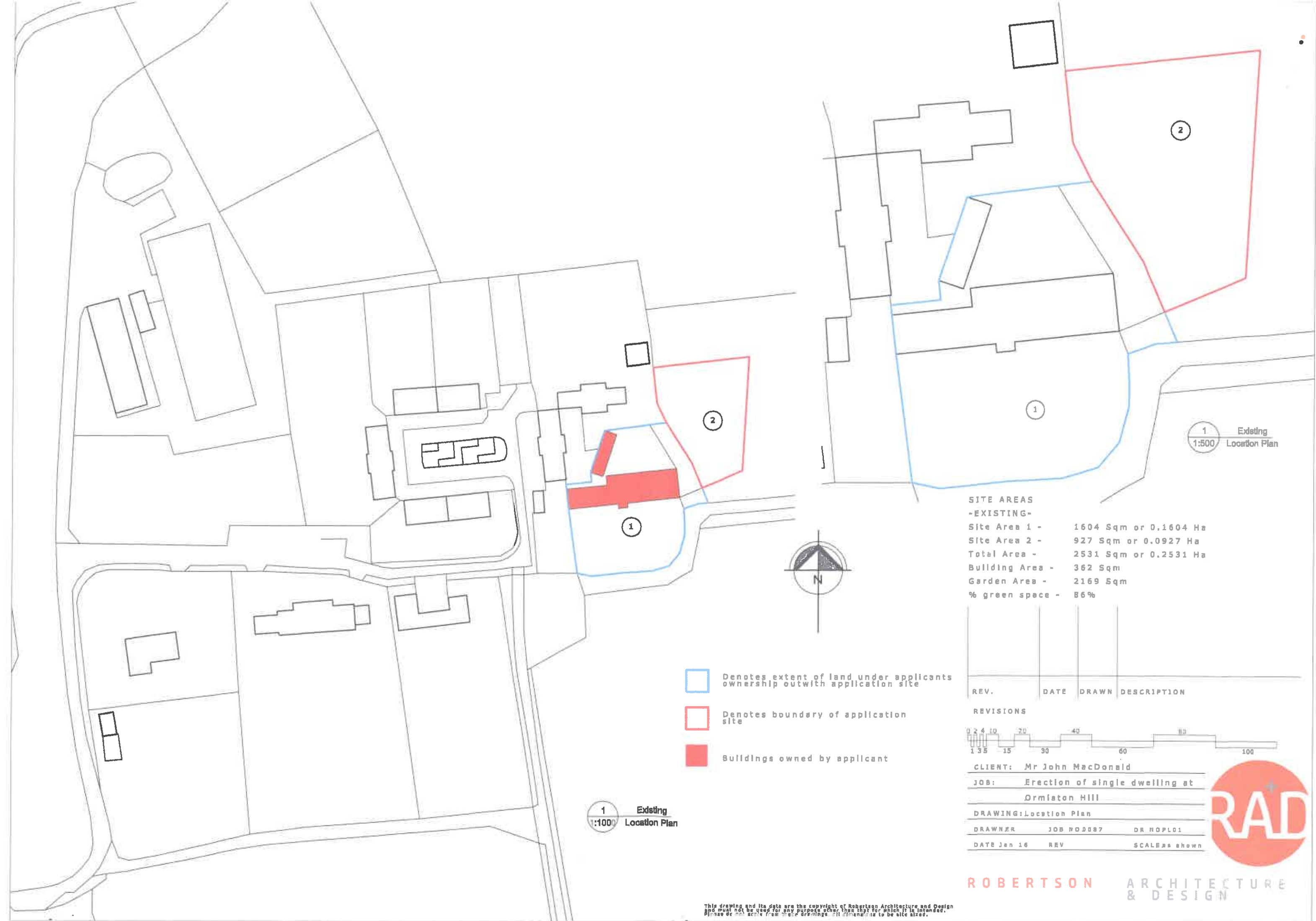
5.3

In short it is considered that the dwelling house, which is proposed on this ancillary garden ground, will provide a unit of accommodation with high amenity levels and is of a type for which there is a significant market demand in the area. It will make a small but nonetheless important contribution to the areas housing land supply.

Euan Robertson

B.Arch





- Denotes extent of land under applicants ownership outwith application site
- Denotes boundary of application site
- Buildings owned by applicant

1 Existing Location Plan 1:100

SITE AREAS	
-EXISTING-	
Site Area 1 -	1604 Sqm or 0.1604 Ha
Site Area 2 -	927 Sqm or 0.0927 Ha
Total Area -	2531 Sqm or 0.2531 Ha
Building Area -	362 Sqm
Garden Area -	2169 Sqm
% green space -	86%

REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
CLIENT: Mr John MacDonald			
JOB: Erection of single dwelling at Ormiston Hill			
DRAWING: Location Plan			
DRAWN	JOB NO0087	DR NOPL01	
DATE Jan 16	REV	SCALE as shown	



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REVISIONS

CLIENT: Mr John MacDonald
 JOB: Erection of single dwelling at Ormiston Hill

DRAWING: Proposed figure ground
 DRAWN: JOB NO: 00007
 DATE: Jan 17 REV SCALE: 1:100



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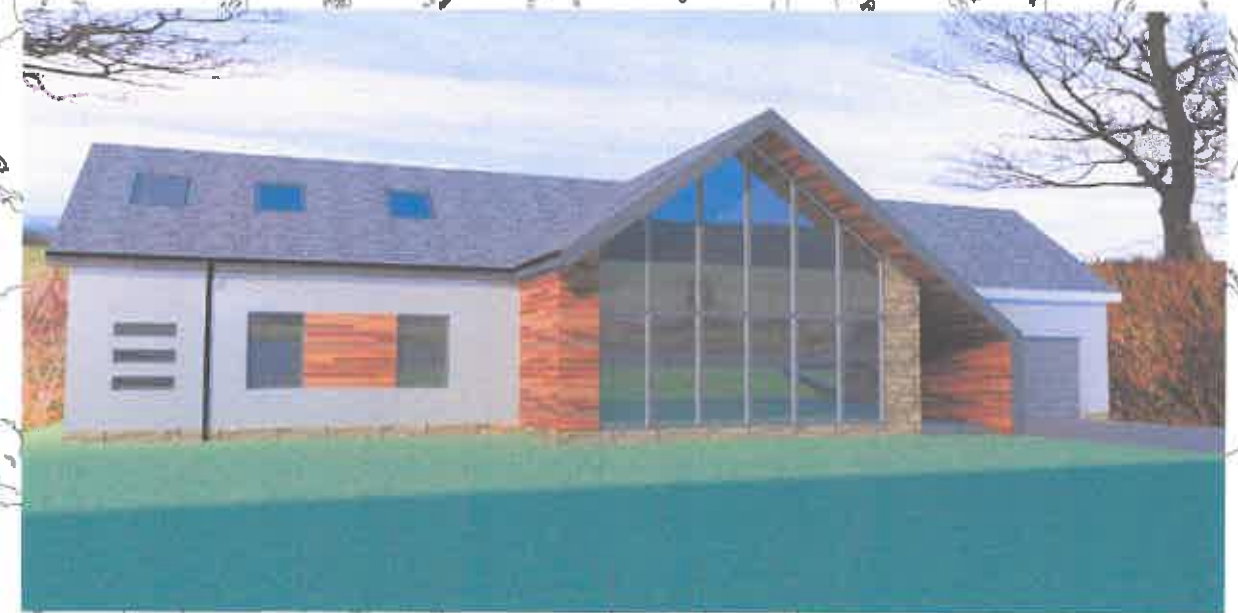
**SITE AREAS
-PROPOSED-**
Site Area 2 - 927 Sqm or 0.0927 Ha
Building Area - 200 Sqm
Garden Area - 727 Sqm
% green space - 78%

2



1

-  Denotes extent of land under applicants ownership outwith application site
-  Denotes boundary of application site



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CLIENT: Mr John MacDonald			
JOB: Erection of single dwelling at Ormiston Hill			
DRAWING: Proposed Site Plan			
DRAWN: JOB NO 0087 DR NO PL02			
DATE: 17 REV SCALE: 1:200			



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West Lothian
Council

DECISION NOTICE REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses planning permission in principle for the development described below**, and in the planning application and docquetted plan(s). The reasons are provided on the following pages.

APPLICATION REFERENCE: 0190/P/17

PROPOSAL AND LOCATION: Planning permission in principle for the erection of a dwelling (Grid Ref: 310179, 666446) at Ormiston Hill, Kirknewton, EH27 8DQ

APPLICANT: Mr MacDonald
Ormiston Hill
Leyden Road
Kirknewton
Livingston
EH27 8DQ

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of the decision.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 08/05/2017

Craig McCorrison
Head of Planning, Economic Development and Regeneration
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0190/P/17, for the reason(s) set out as follows:

- 1 The proposed house, by virtue of its countryside location, is unacceptable in principle as it will result in sporadic development and the expansion of an existing cluster where there is no identified locational need. There is no rural justification for the proposal and it cannot be justified as an exception to the presumption against new development in the countryside. In particular, it is not a visually intrusive brownfield site; it is not a house for a full time worker in a rural business; and is not infill development.

The proposal is therefore contrary to the following planning policies and guidance: policy ENV31 (Development in the Countryside) of the West Lothian Local Plan; policy ENV2 (Housing Development in the Countryside) of the West Lothian Local Development Plan Proposed Plan; and the council's SPG on New development in the countryside.

ADVISORY NOTE

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0190/P/17

Docquetted Number	Drawing Description	Drawing Number
1 of 3	Location Plan	NOPL01
2 of 3	Proposed Site Plan	NOPL02
3 of 3	Proposed Figure Ground	NOPL03



West Lothian
Council

HANDLING REPORT

Ref. No.: 0190P17 **Email:** matthew.watson@westlothian.gov.uk
Case Officer: Matthew Watson **Tel No.:** 01106 283136
Ward: East Livingston and East Calder **Member:** Frank Anderson
 Carl John
 Dave King
 Damian Timson

Title Planning permission in principle for the erection of a dwelling (Grid Ref: 310179, 666446) at Ormiston Hill, Kirknewton, EH27 8DQ
Application Type Local Application
Decision Level LIST 28/04/2017
Site Visit [07/04/2017](#)
Recommendation refuse permission
Decision Refuse planning permission in principle
Neighbour Notification Neighbour notification procedures have been carried out correctly case officer verification MW

Description of Proposals

The application proposes the erection of a new house to the east of an existing residential property at Ormiston Hill.

The application site is currently in use as garden ground and scrub land.

Site History

No relevant planning history.

Representations

The application was advertised in the local press and the period for receipt of representations has expired. 2 letters of objection have been received which are summarised below; This is a summary of the representations received. The full documents are contained in the application file.

Comments	Response
<ul style="list-style-type: none"> There have been previous applications for new build housing in the area that were refused and no reason to suggest this case 	<ul style="list-style-type: none"> Each application is determined on its own planning merits but the planning authority find no

<p>will be different</p> <ul style="list-style-type: none"> • The proposed house will reduce light to our property and add traffic to a private road which would require negotiation for access • The site has a badgers set in the driveway area • The proposed building will put a two storey blank wall in front of the patio and master bedroom windows of our house • The proposal will add nothing to the original farm buildings and is not a replacement of an existing house. Instead it is replacing beneficial garden ground 	<p>planning justification for the development</p> <ul style="list-style-type: none"> • Transport have raised no objections on traffic impact. Access rights are a civil matter. • Noted. • The siting of the house is not considered to have an overbearing impact on nearby properties • Noted. The planning authority have found no planning justification for the development
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Consultations

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

Consultee	Objection	Comments	Planning Response
Contaminated Land Officer	No	No objections to the application subject to a Phase 1 site investigation report being submitted prior to determination.	Noted. This has not been requested due to the application not being acceptable in principle.
West Lothian Council Education Planning	No	No objections subject to the securing of developer contributions towards education infrastructure.	Noted.
Transportation	No	No objections to the application.	Noted.
Flood Prevention	No	No objections subject to a condition being attached requiring a drainage summary of full drainage details to be submitted as part of a full or matters specified application.	Noted.
Environmental Health	No	No objections to the application.	Noted.

Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>HOU9 Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a</p>	<p>The siting of the house is unlikely to cause harm to visual amenity.</p> <p>The siting of the proposed house will not have an overbearing impact on neighbouring properties as it is</p>	<p>Yes</p>

	<p>significant degree will not be supported.</p>	<p>not located in close proximity to doors and window of neighbouring properties. Likewise there will not be impact on daylight for this reason.</p> <p>Given the proposal, at this stage, is in principle, the impact on overshadowing cannot be assessed.</p> <p>The applicant has proposed introducing 1.8 metre high boundary fences. This would negate the privacy impact of the development, particularly with the window to the master bedroom on the west elevation located 4 metres from the boundary.</p>	
West Lothian Local Plan	<p>IMP14 □Supplementary Planning Guidance</p> <p>Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance.</p>	<p>The applicant has stated that the proposal is infill development under clause (v) of ENV 31.</p> <p>The SPG on New development in the countryside provides further detail for interpretation of this policy.</p> <p>The SPG defines infill development as sensitive development within small groups of houses or minor extensions to groups, including single plots width gaps between existing houses in an otherwise built-up residential frontage.</p> <p>However, the site is on the edge of the building group, is not infilling any gaps between existing properties and is not part of a built up residential frontage. The application, in essence, proposes the development of a piece of garden ground that is within the countryside.</p> <p>For the reason above, the proposal is contrary to the SPG</p>	No

		on New development in the countryside.	
West Lothian Local Plan	<p>ENV31 □Development in the Countryside</p> <p>Proposals for new build development in the countryside will not normally be approved. Exceptions to this policy are:</p> <p>(i) a house for a full-time worker in agriculture or other rural business;</p> <p>(ii) a house for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor;</p> <p>(iii) development of a visually intrusive brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition;</p> <p>(iv) replacement of an existing house in the countryside which is of a poor design or in a poor structural condition;</p> <p>(v) infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width;</p> <p>(vi) a very small number of proposals for a house which by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside; and</p> <p>(vii) small scale farm diversification projects or other business proposals appropriate to a rural area which would help sustain the rural economy or create significant social benefits.</p> <p>In the case of the first and second policy exceptions above, approval of any new house must be linked to the business by a Section 7□ Agreement.</p>	<p>The applicant has stated that the proposal is infill development under criterion (v) of ENV 31.</p> <p>However, the site is on the edge of the building group, is not infilling any gaps between existing properties and is not part of a built up residential frontage. The application, in essence, proposes the development of a piece of garden ground that is within the countryside.</p> <p>Criteria (i), (ii), (iii), (iv) and (vii) do not apply to the assessment as the house is not for a full time worker in agriculture, a retired farmer, the development of a visually intrusive brownfield site, the replacement of an existing house or a small scale farm diversification project.</p> <p>The application cannot be assessed against criterion (vi) as it is an application for planning permission in principle that does not give details of the design of the house proposed other than the indicative footprint and a graphic showing the likely appearance of the house.</p> <p>Overall, the proposal does not comply with any of the exceptions to development in the countryside. The proposal is contrary to policy ENV31 and not acceptable in principle.</p>	No
West Lothian Local Development Plan Proposed Plan	<p>ENV 2 □Housing development in the countryside</p> <p>Housing development in the countryside will only be permitted where:</p> <p>a. the house is required for a full-time worker in agriculture, horticulture, forestry, countryside recreation or tourism or other</p>	<p>The applicant has stated that the proposal is infill development, which would fall under criterion (e) of ENV 2.</p> <p>The site is on the edge of the building group, is not infilling any gaps between existing properties and is not part of a</p>	No

<p>rural business; or b. the house is required for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; or c. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or d. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or e. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or f. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or g. the proposal is supported by the council's lowland crofting policy.</p> <p>Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.</p> <p>Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.</p> <p>The detailed of Supplementary Guidance on "<i>Development in the Countryside</i>" and "<i>Lowland Crofting</i>" will apply.</p>	<p>built up residential frontage. The application, in essence, proposes the development of a piece of garden ground that is within the countryside.</p> <p>Criteria (a), (b), (c), (d), (f) and (g) do not apply to the assessment as the house is not for a full time worker in agriculture, a retired farmer, the development of a visually intrusive brownfield site, the replacement of an existing house or a small scale farm diversification project and is not a lowland crofting development.</p> <p>Overall, the proposal does not comply with any of the exceptions to development in the countryside. The proposal is contrary to policy ENV2.</p>	
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Assessment

The proposed house does not comply with the development plan, supplementary planning guidance and the emerging Proposed Plan as a material consideration. This is due to the house not being for a full time worker; not developing a visually intrusive brownfield site; causing sporadic development in the context of the application site; and there being no locational justification for the development.

Other Considerations

Conclusions and Reason for Decision

The proposed house, by virtue of its countryside location, is unacceptable in principle as it will result in sporadic development and the expansion of an existing cluster where there is no identified locational need. There is no rural justification for the proposal and it cannot be justified as an exception to the presumption against new development in the countryside. In particular, it is not a visually intrusive brownfield site; it is not a house for a full time worker in a rural business; and is not infill development.

The proposal is therefore contrary to the following planning policies and guidance: policy ENV31 (Development in the Countryside) of the West Lothian Local Plan; policy ENV2 (Housing Development in the Countryside) of the West Lothian Local Development Plan Proposed Plan; and the council's SPG on New development in the countryside.

List of Review Documents

Approved drawings schedule:

Annex 1, Schedule of Plans - 0190/P/17

Docquetted Number	Drawing Description	Drawing Number
1 of 3	Location Plan	NOPL01
2 of 3	Proposed Site Plan	NOPL02
3 of 3	Proposed Figure Ground	NOPL03

Other relevant documents: West Lothian Local Plan and West Lothian Local Development (proposed plan)

Case Officer

Date.....

Ormiston Hill – 0190/P/17









Comments for Planning Application LIVE/0190/P/17

Application Summary

Application Number: LIVE/0190/P/17

Address: Ormiston Hill, Kirknewton, EH27 8DQ

Proposal: Planning permission in principle for the erection of a dwelling (Grid Ref: 310179, 666446)

Case Officer: Matthew Watson

Customer Details

Name: Mr John Thomas

Address: 12 Ormiston Farm Steadings Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to submit a full objection at a later date but to avoid missing the tight deadline for comment, here is my draft objection.

This proposed building will put a two-storey blank wall in front of the patio door and master bedroom windows of our home, just a couple of metres from the fence between the properties. We will suffer experience a

In Supplementary Planning Guidance on new development in the countryside, this is not "infill development". It adds nothing essential to the original homes/farm buildings established in William Cullen's time. It is not a replacement of an existing house (4.4), instead it is the replacement of a beneficial garden space with raised beds, with a new building creating a higher density of occupation than existed previously.

Comments for Planning Application LIVE/0190/P/17

Application Summary

Application Number: LIVE/0190/P/17

Address: Ormiston Hill, Kirknewton, EH27 8DQ

Proposal: Planning permission in principle for the erection of a dwelling (Grid Ref: 310179, 666446)

Case Officer: Matthew Watson

Customer Details

Name: Mr Stuart Jackson

Address: 14 Ormiston Farm Steadings Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application as a direct neighbor.

I understand the opportunity to extend current dwellings is acceptable but this is to build a new purpose built home in a 'green' space.

There have been applications in the area for new builds in the recent past and these have been rejected so I see no plausible reason why this should be different. It's essentially a request to build a new house on a green site and apart from the fact it will reduce light to our property it will add traffic to the road which is private and would need negotiation to access. The site also has a badgers set in the area of the driveway.

Further comments from John Thomas

This is inappropriate in the countryside house that if permitted would dominate the view from our bedroom window.

Regards

John Thomas

Draft conditions: Ormiston Hill – 0190/P/17

1. No development granted under the terms of this planning permission in principle shall commence until plans and particulars of the under-noted matters have been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be carried out in accordance with that approval.

Application for approval of any such matters (approval of matters specified in a condition or "MSC application") shall be made in accordance with the additional provisions and requirements of the further conditions set out in this permission in principle.

Matters for Approval:

- a) Plans of all existing and proposed buildings, roads, parking provision, walls and fences.
- b) Plans, sections and elevations of all buildings indicating the type and colour of external materials and the design of all boundary enclosures (fences, walls, gates etc) including heights and materials.
- c) A landscaping plan to include full details of hard and soft landscaping, the location, species, size and crown spread of all existing trees and hedges within and adjacent to the site, any proposed new planting, methods of protection and the body that will maintain the landscaping together with a schedule of maintenance works. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces).
- d) Sections through the site showing the relationship between the height of the proposed houses in relation to the existing houses to the west.
- e) A phase 1 desktop study report incorporating an initial conceptual model of the site. This report must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11 and British Standard 10175:2011+A1:2013 Investigation of potentially contaminated sites – code of practice.

In the event that the Phase 1 report identifies a risk of contamination on the site, a phase 2 intrusive site investigation report shall be included that incorporates a survey of the extent, scale and nature of contamination, an updated conceptual model of the site and if necessary an appraisal of remedial options, and proposal of the preferred options(s) as well as an assessment of the potential risks to:

- human health,
- property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- the water environment,
- ecological systems,
- archaeological sites and ancient monuments
- flora and fauna associated with the new development;

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. If it is concluded by the written report that remediation of the site is not required, and this is

approved in writing by the planning authority then the following part of this condition on remediation can be disregarded.

If the phase 2 report identifies any contamination on site, a detailed remediation statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors shall also be submitted to and approved in writing by the planning authority prior to works starting on site. This statement is required to cover all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation statement shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works. Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the planning authority prior to commencement of the new use of the land.

f) A drainage summary report or full drainage details (that cover surface water and foul drainage) to be approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

Reason: To enable full consideration to be given to these details which have yet to be submitted.

2. The following restrictions shall apply during the construction of the dwellinghouse :-

Construction Traffic

Construction vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays. No heavy goods vehicles shall arrive or leave the site on Sundays.

Hours of Operation

Construction works which cause noise that is audible in any noise sensitive premises beyond the boundary of the site shall take place between the hours of 0800 and 1800 Monday – Friday and 0900 and 1300 on Saturdays only. No work that is audible in any noise sensitive premises beyond the site boundary shall occur on a Sunday.

Wheel Cleaning

All construction vehicles leaving the site shall do so in a manner that does not cause the deposition of mud or other deleterious material on the adjacent public highway. Such steps shall include the cleaning of the wheels and undercarriage of each vehicle where necessary and the provision of road sweeping equipment.

Site Compound

The location and dimensions of any site compound shall be agreed in writing with the planning authority prior to works commencing. All material not required for the construction of any building shall be immediately stored within this compound within sealed skips prior to its removal from site.

Soil Dumps

The location and height of soil dumps shall be agreed in writing with the planning authority prior to works commencing.

Reason: In the interests of visual and environmental amenity and in order to protect the residential amenity of neighbours.

Note: if members are minded to grant the application then the application will need to be delegated back to officers to conclude either a Section 69 or 75 agreement to secure appropriate developer contributions towards education infrastructure and cemeteries, as set out below:

ND Primary in Kirknewton

To support the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan new works are required at Kirknewton Primary. Developers gaining consent are being asked to contribute £14,667 per residential unit towards this provision. This contribution to be indexed to the RICS Building Cost Information Service Tender Price Index 4th quarter of 2008.

RC Primary in East Calder

West Lothian Council approved an SPG for developer contributions in June 2006 towards the provision of additional primary school capacity for the denominational sectors in Broxburn, East Calder and Winchburgh. This supports the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan. Developers gaining consent within St Paul's RC Primary catchment are being asked to contribute £1,643 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2009.

RC Secondary

£1,983 per residential unit. This is in line with para 12.17 policy IMP2 of the WLLP and the issuance of the SPG "Developer contributions to the provision of a new denominational secondary" PP&R Committee May 2005 which was subsequently updated on 29th of June 2010 by Council Executive. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2010 forming the base date.

Cemeteries

At £35 per residential unit. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2006 forming the base date.



LOCAL REVIEW BODY

APPLICATION NO. 0315/H/17 VARIATION TO PLANNING APPLICATION 0446/H/16 TO INCREASE HOUSE EXTENSION BY 1M IN LENGTH AT 21 PARKHEAD CRESCENT, WEST CALDER

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of a variation to planning permission 0446/H/16 to increase house extension by 1 metre in length at 21 Parkhead Crescent, West Calder

B REVIEW DOCUMENTS

The following documents form the Review Documents for consideration by the Local Review Body and are circulated to members with this report:-

1. The Decision Notice, dated 25 July 2017;
2. The Handling Report;
3. The Notice of Review, submitted by the applicant, dated 28 July 2017 including a supporting statement, an email from the Planning Case Officer and two drawings.

No representations have been received in relation to the planning application

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by conducting a site visit only.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed scale and design of the proposed extension was out of keeping with that of the existing property and would be detrimental to the visual amenity and would be a significant addition to the rear garden area. Additionally the extension would not be in keeping with the style, scale or design to the existing form and appearance of the property. The Appointed Person therefore concluded that the proposal was contrary to policy HOU9 of the West Lothian Local Plan and contrary to the council's House Extension and Alteration Design Guide 2015.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, Wendy.Richarson@westlothian.gov.uk

Date: 16 August 2017

- 1 AUG 2017

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use BLOCK CAPITALS if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name	MR + MRS MACKIE
		Address	21 PARKHEAD CRESCENT WEST CALDER
		Postcode	EH55 8AU
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
	E-mail :	[REDACTED]	
	REPRESENTATIVE (If any)	Name	EUAN ROBERTSON
		Address	ROBERTSON ARCHITECTURE + DESIGN 17 CLIFTON ROAD, EAST CALDER
		Postcode	EH53 0HT
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
	E-mail :	robertson-architecture@live.co.uk	
Please tick this box if you wish all contact to be through your representative.			

Do you agree to correspondence regarding your review being sent by e-mail? *
YES ☒

PART B	APPLICANT REF. NO.	LIVE/0315/H/17
	SITE ADDRESS	21 PARKHEAD CRESCENT WEST CALDER EH55 8AU
	DESCRIPTION OF PROPOSED DEVELOPMENT	VARIATION TO PLANNING LIVE/0446/H/16 TO INCREASE HOUSE EXTENSION BY 1 M IN LENGTH
	DATE OF APPLICATION	17 TH APRIL 2017
	DATE OF DECISION NOTICE (IF ANY)	26 TH JULY 2017

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (Including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (Including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

PART C	TYPE OF REVIEW CASE
Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form of which ten copies must be provided.

- APPLICATION NECESSARY DUE TO LOCATION OF SCOTTISH WATER Foul LINE
- CONSTRUCTION / FABRICATION OF EXTENSION HAD ALREADY COMMENCED WHEN PIPE LOCATION WAS FOUND TO BE DIFFERENT.
- THE LENGTHENING OF THE EXTENSION WAS PURELY TO AVOID PIPE, IF THE FORM WERE TO BE CHANGED THIS WOULD ACTUALLY INCREASE THE DEVELOPED AREA
- THE CASE OFFICER IN CHARGE GAVE NO INDICATION THAT THERE WAS A PROBLEM WITH THE PROPOSED VARIATION, NOR THAT PREVIOUS CONSENT WAS TOUCH + GO.
- WE WERE GIVEN NO OPPORTUNITY TO DISCUSS PROJECT AND POSSIBLY PRESENT TO DMC AS DECISION WAS MADE WITHOUT OUR KNOWLEDGE FOLLOWING NUMEROUS PHONE CALLS IN PURSUIT.
- AFTER BEING TOLD THE APPLICATION WOULD BE REFUSED IT TOOK 3½ WEEKS TO GET THE DECISION NOTICE.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* ~~YES~~/NO

STATEMENT OF REASONS CONTINUED - LINE/0315/H/17

- THERE WERE NO OBJECTIONS RECEIVED FROM NEIGHBOURS
- WHEN THE CASE OFFICER WAS ASKED TO COMMENT ON THE PROPOSED CHANGES IN MARCH, THERE WERE NO CONCERNS RAISED AT THAT POINT, SUBSEQUENTLY WE WERE INFORMED BY HER LINE MANAGER THAT THE PREVIOUS CONSENT WAS THOUGHT TO BE 'TOUCH + GO'.
- COMPLETE LACK OF COMMUNICATION OR CONSIDERATION IN THIS CASE AS THE CASE OFFICER KNEW THAT WORK HAD COMMENCED.

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. Ten (10) copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	Pl01 - EXISTING PLANS + ELEVATIONS
2.	Pl02 B- PROPOSED PLANS + ELEVATIONS
3.	D-01 - EMAIL FROM CASE OFFICER.
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

PART D REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

Please indicate what procedure (or combination of procedures) you think is most appropriate. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* YES/NO

Is it possible for the site to be accessed safely, and without barriers to entry?

* YES/NO

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

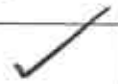
PART E CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form



Statement of your reasons for requiring a review and matters to be raised



Statement of your preferred procedure



All documents, materials and evidence which you intend to rely on.
Copies must accompany this notice.



Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed



Date

28/07/17

* Delete as appropriate

Please return this completed form to :-

Val Johnston
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

robertson-architecture@live.co.uk

From: Stewart-Leslie, Arabella <Arabella.Leslie@westlothian.gov.uk>
Sent: 27 March 2017 15:55
To: Euan Robertson
Subject: RE: Planning Amendment - 21 Parkhead Crescent - West Calder - LIVE/0446/H/16 - [OFFICIAL]

DATA LABEL: OFFICIAL

Hi Euan,

As your extending the proposal and it's on the boundary it would be suitable to submit another householder application rather than a non-material variation as it would be appropriate to consult with the neighbouring properties.

I do believe the application was approved less than a year ago? Which means you wouldn't need to pay another fee to apply and once the 21 day period for public comment has passed a decision could be issued if this is a time sensitive matter.

Kind regards
Arabella

www.westlothian.gov.uk

From: Euan Robertson [mailto:robertson-architecture@live.co.uk]
Sent: 27 March 2017 10:33
To: Stewart-Leslie, Arabella
Subject: Planning Amendment - 21 Parkhead Crescent - West Calder - LIVE/0446/H/16
Importance: High

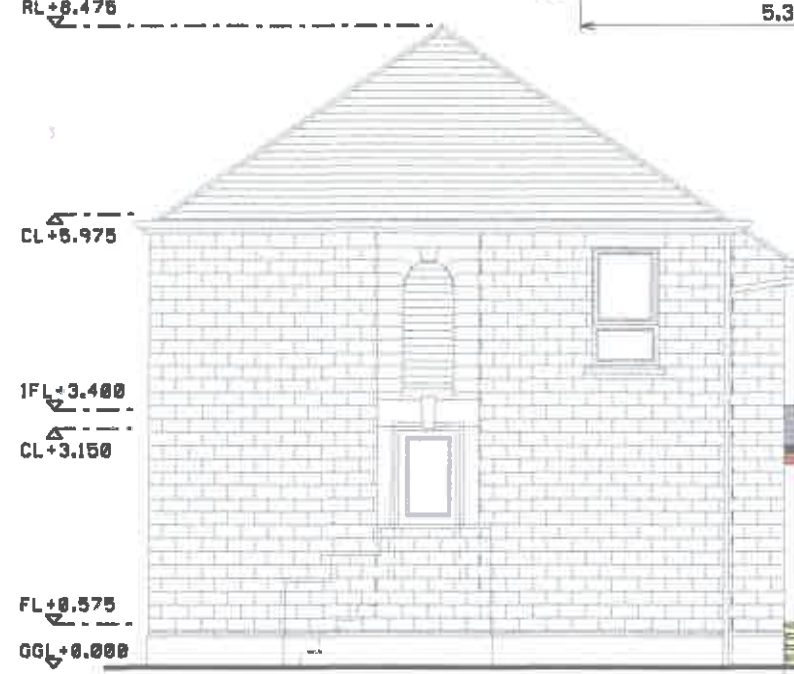
Good morning Arabella,

Please find enclosed a quick overmark sketch of proposed alterations required to the above planning permission.

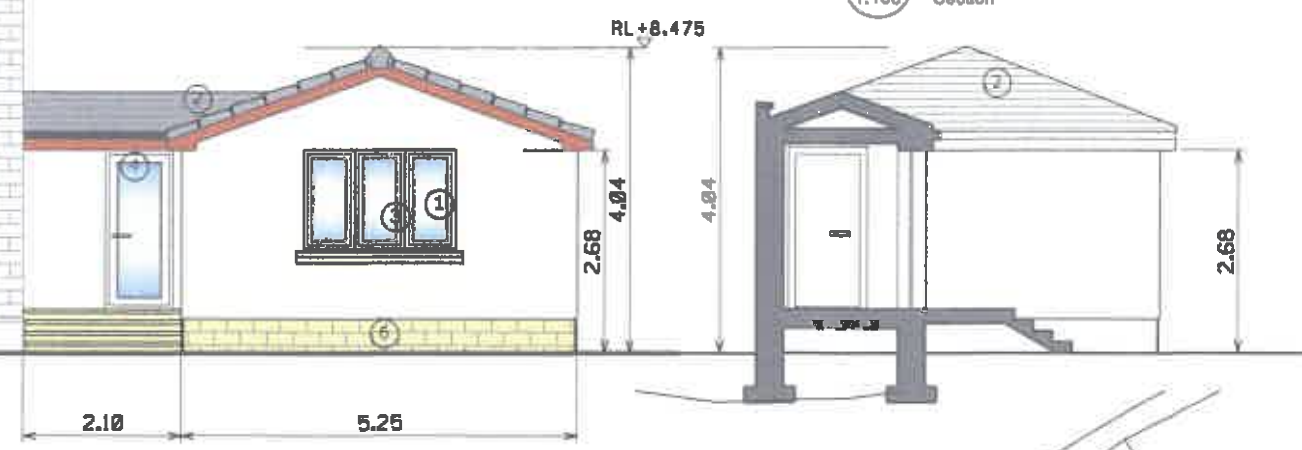
Essentially the Scottish water combined sewer running through the back garden which we have build over consent for is in the wrong location. Unfortunately the pipe is pretty much under one of the walls forming the new living room, the best method of avoiding this pipe and minimising



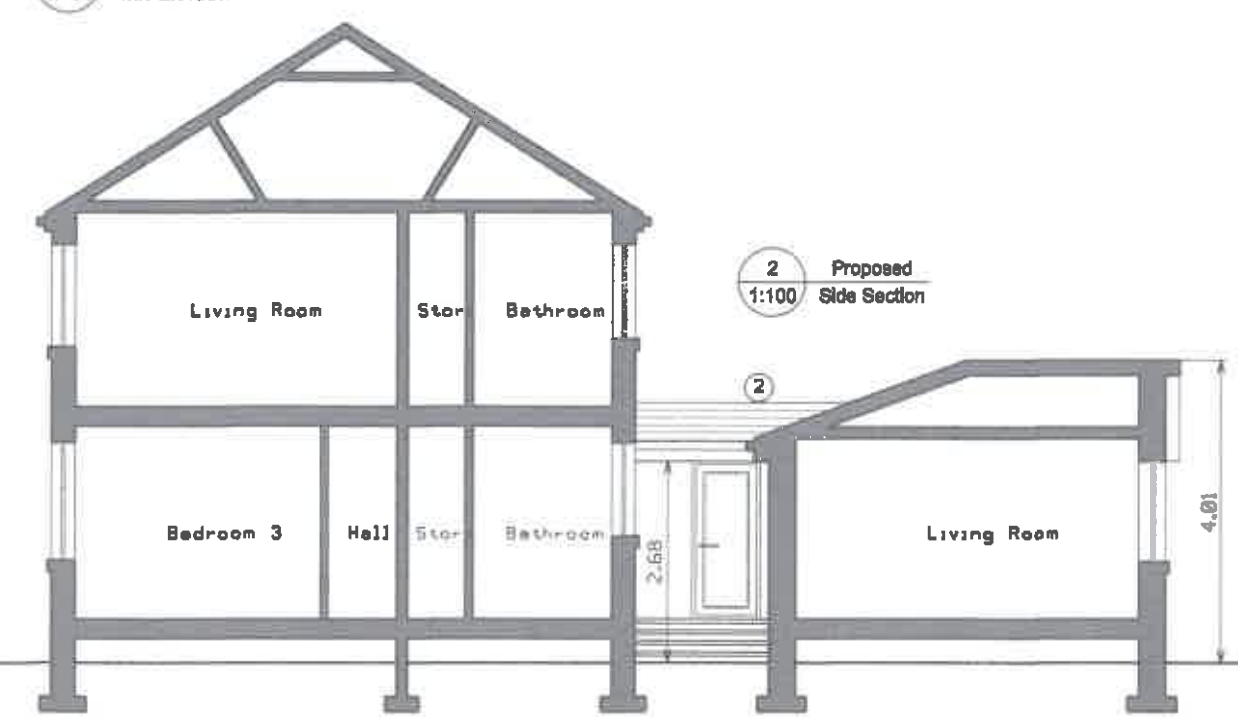
5 Proposed
1:100 Rear Elevation



3 Proposed
1:100 Side Elevation



4 Proposed
1:100 Section



2 Proposed
1:100 Side Section

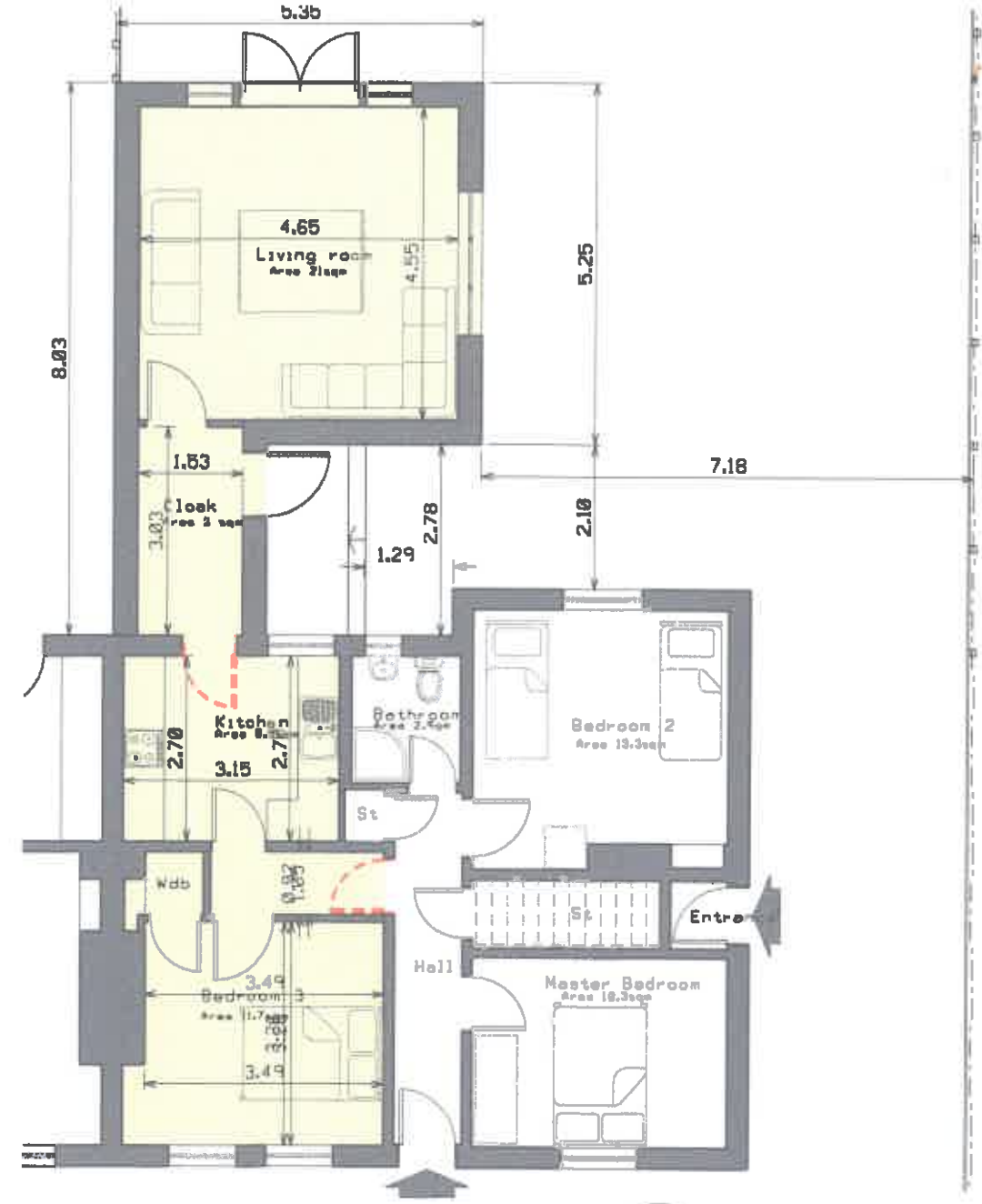


1 Existing
1:500 Rear Elevation



- Materials key
- ① White through colored rough cast
 - ② Concrete tile roof to match existing
 - ③ white UPVC windows to match existing
 - ④ Treated sw soffit / barge boards painted brown to match existing
 - ⑤ Rainwater goods to be black UPVC
 - ⑥ Pre-cast stone base course

SITE AREAS
-PROPOSED-
 Site Area - 3985sqm or 0.0398Ha
 Building Area - 109.5 Sqm
 Garden Area - 288.5 Sqm
 % green space - 72%

Denotes boundary of application site



6 Proposed
1:100 Ground floor plan

REV B	Apr 17	ER	Side elevation dimension amended as per planning comments Extension moved 1m further out to miss SW combined drainage pipe
REV A	Apr 17	ER	
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
			
CLIENT: Mr & Mrs Mackle			
JOB: Proposed Rear Extension			
21 Parkhead Crescent			
DRAWING: Proposed Plan, Elevs & Sections			
DRAWN	JOB NO 1520	DR NO PL02	
DATE May 16	REV B	SCALE As shown	



4 Existing
1:100 Ground floor plan

SITE AREAS

-EXISTING-

Site Area - 398Sqm or 0.0398Ha
 Building Area - 75 Sqm
 Garden Area - 323 Sqm
 % green space - 81%

Denotes Dwelling for which planning permission is sought

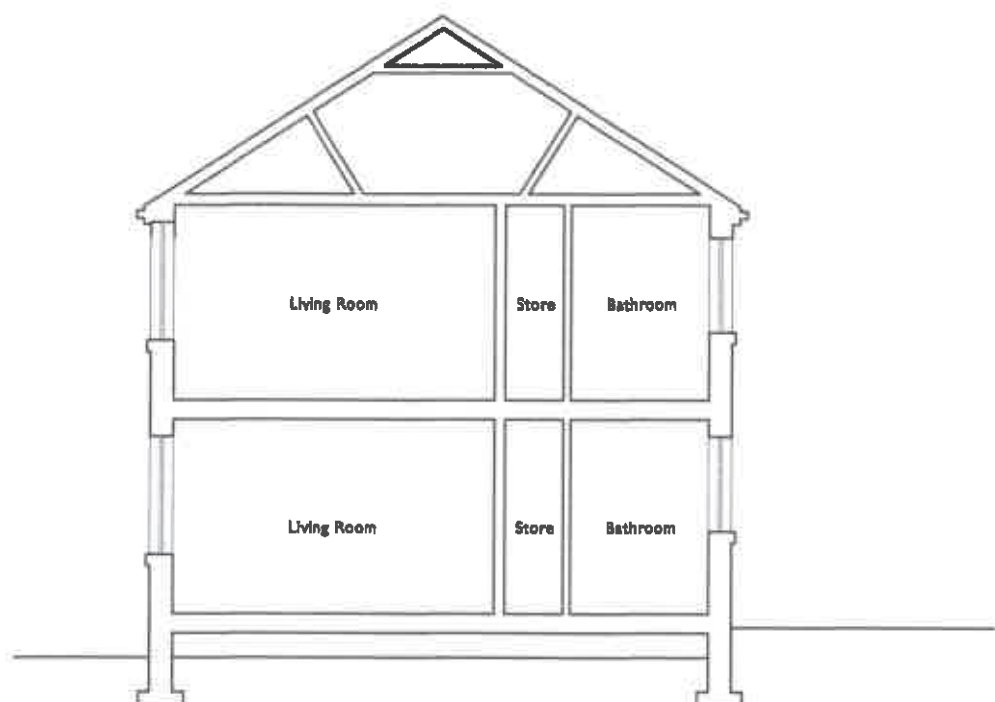
Denotes boundary of application site



5 Existing
1:1000 Location Plan



6 Existing
1:500 Site Plan



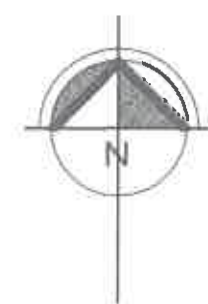
3 Existing
1:100 Section



2 Existing
1:100 Side Elevation



1 Existing
1:100 Rear Elevation



CLIENT: Mr & Mrs Mackie
 JOB: Proposed Rear Extension
 21 Parkhead Crescent
 DRAWING: Existing plans/elevs & location
 DRAWNER JOB NO.1520 DR NO.101
 DATE May 16 REV SCALE As shown



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& DESIGN

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DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE LIVE/0315/H/17

PROPOSAL Variation to planning permission LIVE/0446/H/16 to increase house extension by 1m in length (Grid Ref: 302141, 663013) (GRID REF: ,)

LOCATION 21 Parkhead Crescent, West Calder, EH55 8AU

APPLICANT Scott Mackie, 21 Parkhead Crescent, West Calder, Livingston, EH55 8AU

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 25.07.2017

Craig McCorriston
Head of Planning, Economic Development and Regeneration

West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Signature:

DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0209/FUL/16, for the reason(s) set out as follows:

- 1 The proposed scale and design of the proposed side extension is out of keeping with that of the existing property. The proposed length of the extension will be detrimental to visual amenity and will be a significant addition to the rear garden area. The proposal is therefore contrary to policy HOU9 in the Finalised West Lothian Local Plan
- 2 The extension will not be in keeping in either style, scale or design to the existing form and appearance of the property. The proposal is therefore contrary to the provisions of the councils House Extension and Alteration Design Guide 2015.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is

suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - LIVE/0315/H/17

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan and Existing Plans	PL01
2	Proposed Plans	PL02



West Lothian
Council

HANDLING REPORT

Ref. No.: 031046H17 **Email:** arabella.leslie@westlothian.gov.uk

Case Officer: Arabella Stewart-Leslie **Tel No.:** 0106 283440

Ward: Fauldhouse and the Breich Valley **Member:** Pauline Clark
David Dodds
Cathy Muldoon

Title Variation to planning permission LIVE0446H16 to increase house extension by 1m in length (Grid Ref: 302141, 663013) at 21 PARKHEAD CRESCENT, WEST CALDER, EH8 8AU

Application Type Local Application

Decision Level LIST 23/06/2017

Site visit 02/07/2017

Recommendation refuse permission

Decision REFUSAL OF FULL PLANNING PERMISSION

Neighbour Notification Neighbour notification procedures have been carried out correctly case officer verification ASL

Description of Property Two storey semi-detached property

Description of Proposals Single storey rear extension

Site History Previous application 0446H16 refused

Representations None

Advertisement None

Consultations None

Policy and Guidance

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>HOU9 Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely</p>	<p>The proposal would be visually detrimental to residential and visual amenity.</p> <p>A previous application was granted for the erection of an extension 7 metres along the boundary with the neighbouring property. The proposal was substantial in terms of overall length into the garden space.</p> <p>Whilst being single storey the proposal would see an increase of 1</p>	<p>Yes</p>

	<p>impact on amenity to a significant degree will not be supported.</p>	<p>metre along the boundary with the adjoining neighbour's property which would have a significant detrimental impact on neighbouring amenity, in terms of overshadowing of that property's garden.</p> <p>An extension of the overall length would be overdevelopment of the garden ground and would not be subsidiary to the main form of the house. Due to its location it would also be an overbearing addition to neighbouring properties.</p>	
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Supplementary Planning Guidance	Assessment	Conform
House Extension and Alteration Design Guide 2016	<p>Extensions and other alterations to dwellings should generally be designed as an integral part of the property and should reflect its character. They should not dominate the existing building or be designed in isolation solely to fit in a required amount of additional accommodation.</p> <p>The extension should be of a scale that does not dominate the existing property or your neighbours' houses. It should be subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings. External walling and roofing materials should normally match those of the existing building. Where other materials are proposed, they should complement the existing dwelling.</p> <p>The windows and doors should be of a similar style, appearance, material and proportion to those in the existing house.</p> <p>Rear extensions have much less impact on the streetscene than extensions to the front or side. Particular attention should be paid to issues of privacy, overlooking, and sunlight/daylight and overshadowing.</p>	Yes

Conclusions and Reason for Decision

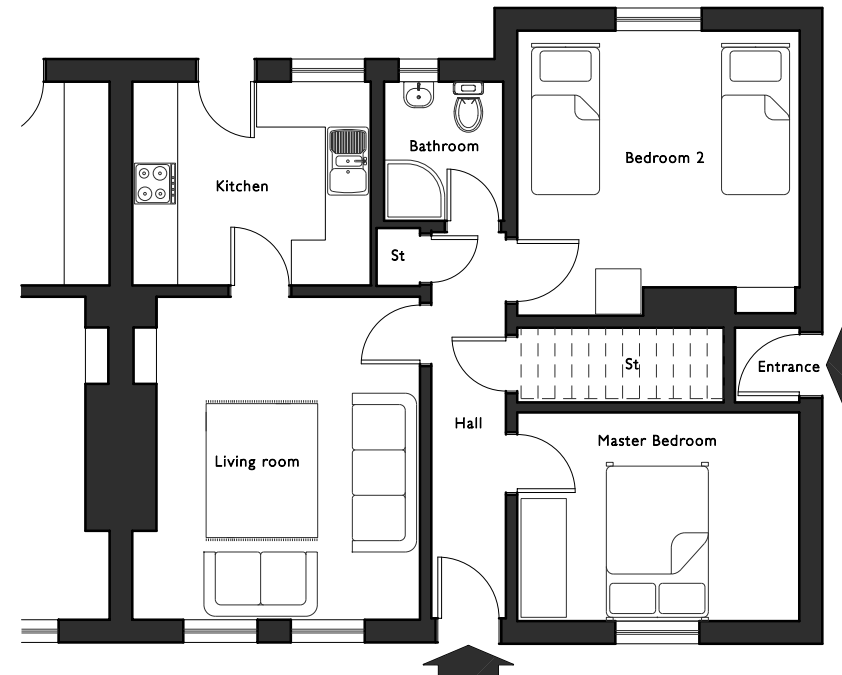
The proposal would be visually detrimental to residential and visual amenity and for this reason fails to comply with Policy HOU 9 of the West Lothian Local Plan and supplementary guidance.

List of Review Documents

Approved/refused drawings schedule:

Annex 1, Schedule of Plans - 0□15/H/17

Docquetted Number	Drawing Description	Drawing Number
1 of 2	Location Plan and Existing Plans	PL01
2 of 2	Proposed Plans and Elevations	PL02



SITE AREAS

-EXISTING-

Site Area - 398Sqm or 0.0398Ha

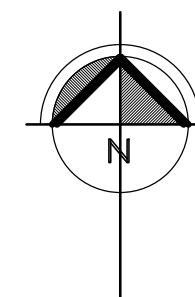
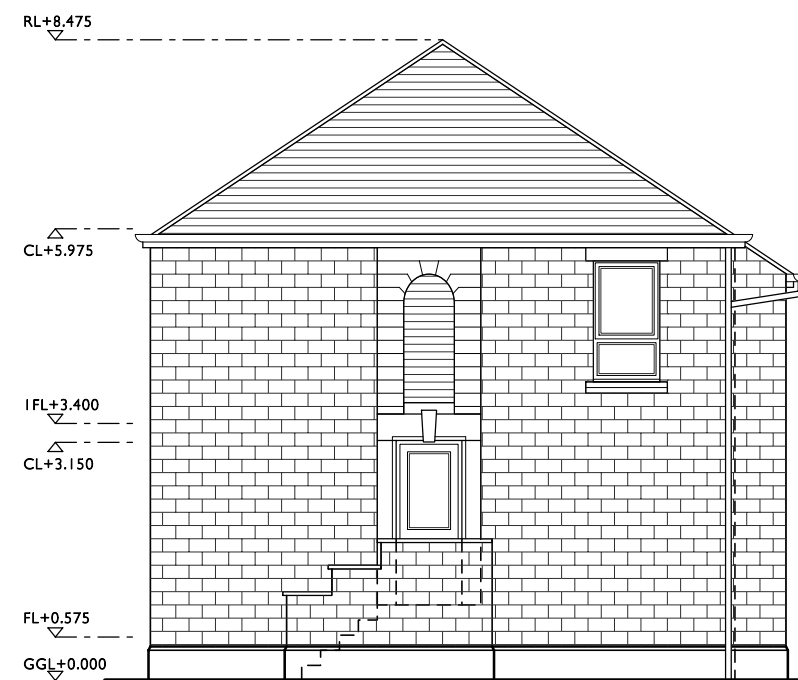
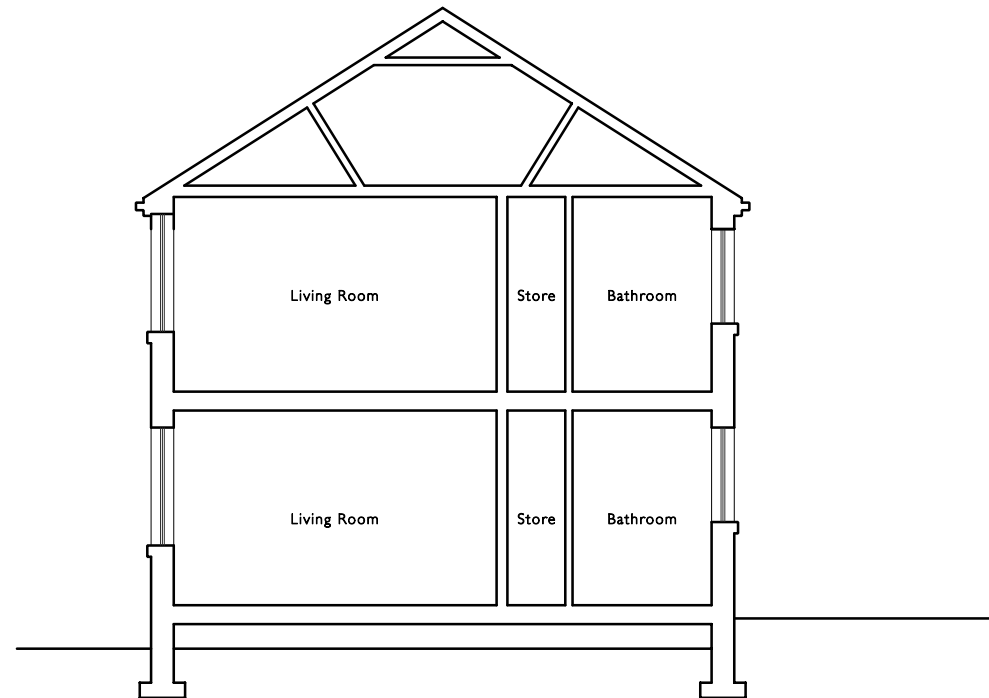
Building Area - 75 Sqm

Garden Area - 323 Sqm

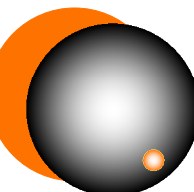
% green space - 81%

 Denotes Dwelling for which planning permission is sought

 Denotes boundary of application site



CLIENT: Mr & Mrs Mackie
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