



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

2 May 2018

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 9 May 2018 at 10:00am**.

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 Development Management Committee held on Wednesday 11 April 2018 (herewith).

Public Items for Decision

5. Application No.0121/FUL/18 - Installation of storage containers, generator and sub-station for the operation of business (in retrospect) at Ormiston Farm, Kirknewton (herewith)
6. Application No.0141/H/18 - Extension to house at 35 Rivaldsgreen Crescent, Linlithgow (herewith)
7. Application No.0142/H/18 - Extension to house at 33 Alder Walk, Calderwood, East Calder (herewith)

8. Application No.1065/FUL/17 - Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow (herewith)

Public Items for Information

9. Consider list of delegated decisions on planning applications and enforcement actions for 29 March 2018 - 27 April 2018 (herewith).
10. Standing Order 31 (Urgent Business) - To note the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a written statement in relation to a planning appeal PPA-400-2085 for Queens View B&B, Linlithgow (herewith)
11. Appeals -
- (a) Application No.0911/P/17 - Erection of house at 7 Parkley Craigs, Linlithgow - Appeal refused
 - (b) Application No.0496/P/16 - Residential development at Pumpherston Farm, Livingston - Appeal refused
 - (c) Application No.0981/FUL/17 - Conditions imposed on consent at Queens View B&B, 3b Parkhead Holdings, Linlithgow - appeal submitted

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 11 APRIL 2018.

Present – Councillors Charles Kennedy (Chair), Tom Kerr, Stuart Borrowman, William Boyle, Harry Cartmill, Pauline Clark, Lawrence Fitzpatrick, Dom McGuire, and David Tait

1. DECLARATIONS OF INTEREST

- a) Agenda Item 5 & Item 7 - Councillor Lawrence Fitzpatrick declared an interest in that he was an ex-officio member of Bellsquarry Community Council who had discussed the planning application but as he had not expressed an opinion would participate in the item of business and also that he was a council appointed member of WoSAS who were a statutory consultee on both applications;
- b) Agenda Item 6, 8 & 10 - Councillor Stuart Borrowman declared an interest in that he had been contacted by constituents in relation all three applications but had not expressed an opinion on any of them;
- c) Agenda Item 6, 8 & 10 - Councillor Charles Kennedy declared an interest in that he had been contacted by constituents in relation all three applications but had not expressed an opinion on any of them and he was also familiar with the agent for Agenda Item 10;
- d) Agenda Item 10 - Councillor Willie Boyle declared an interest in that he had carried out some work on the property about 10 years ago;
- e) Agenda Item 9 - Councillor Dom McGuire declared an interest in that he had received correspondence on the application;
- f) Agenda Item 9 - Councillor Tom Kerr declared an interest in that he had received correspondence on the application;
- g) Agenda Item 9 - Councillor Pauline Clark declared an interest in that he had received correspondence on the application;
- h) Agenda Item 9 - Councillor Harry Cartmill declared an interest in that he had received correspondence on the application; and
- i) Agenda Item 9 - Councillor David Tait declared an interest in that he had received correspondence on the application

2. ORDER OF BUSINESS

The committee agreed that Agenda Item 7 (App No.1065/FUL/17) be continued to a future meeting to allow representatives to be correctly notified of the item going to committee.

3. MINUTE

The committee approved the Minute of its meeting held on 14 February 2018. The Minute was thereafter signed by the Chair.

4. APPLICATION NO. 0900/MSC/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0900/MSC/17	Approval of Matters Specified in Conditions (MSC) of planning permission in principle 0648/P/14 (appeal ref PPA-400-2057) for the erection of 150 residential units and associated works at land at Brotherton Farm, Livingston	Grant Matters Specified in Condition (MSC) subject to conditions

The committee heard from Mr Peter Jeppesen, of Bellsquarry and Adambrae Community Council, spoke in support of their objections to the application.

The committee then heard Mr David Morgan and Mr Tom Cahill, both of Miller Homes, speak in support of the application. Committee also noted that Mr Robin Holder, Miller Homes, was also available to answer any questions.

Motion

To approve the Matters Specified in Conditions subject to an additional condition being included as part of the Road Construction Consent that the vegetation to the south west of the roundabout be cut back.

- Moved by the Chair and seconded by Councillor Willie Boyle

Amendment

To refuse the Matters Specified in Conditions

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor David Tait.

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

Motion

Stuart Borrowman

Willie Boyle

Charles Kennedy

Tom Kerr

Dom McGuire

Amendment

Harry Cartmill

Pauline Clark

Lawrence Fitzpatrick

David Tait

Decision

Following a vote the Motion was successful by 5 votes to 4 and it was agreed accordingly.

5. APPLICATION NO. 0902/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0902/FUL/17	Planning permission in principle for erection of 3 units comprising of a retail unit (class 1) and 2 hot food takeaway units including extract ducts	Grant conditional planning permission

The committee heard Mr Martin Elliot, a local resident, speak in support of his objections to the application.

The committee noted that whilst Mr Sneddon, a local resident, had requested to speak he had not attended the meeting.

Motion

To refuse planning permission as the proposal would create a cluster effect of similar businesses within the community, to the detriment of the residential amenity and contrary to policy HOU9 of the WLLP and the proposal was close to other sensitive uses including the funeral parlour and church and there would also be an increase in traffic congestion.

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

Amendment

To approve the terms of the report and grant planning permission subject

to conditions.

- Moved by Councillor Willie Boyle and seconded by Councillor David Tait

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Willie Boyle
Harry Cartmill	David Tait
Pauline Clark	
Lawrence Fitzpatrick	
Tom Kerr	
Charles Kennedy	
Dom McGuire	

Decision

Following a vote the Motion was successful by 7 votes to 2 and it was agreed accordingly.

6. APPLICATION NO. 0034/FUL/18

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0034/FUL/18	Erection of 72sqm bin and cycle store (in retrospect) at Panhandle, Deer Park Drive, Knightsridge, Livingston	Refuse planning permission and take enforcement action to relocation parking spaces and complete the building.

In introducing the item of the business the Head of Planning, Economic Development and Regeneration advised committee that since the report and been finalised and published as part of the on-line agenda pack further discussion had been undertaken with the applicant on the matter.

Therefore it was now being recommended to committee that the matter be delegated to the Development Management Manager to approve the application subject to an appropriate new location for 4 car parking spaces and to ensure that no parking could take place in front of the bin storage building and for the bin storage building to be completed within 3 months of permission being granted.

The committee then heard from Mrs Gloria Gibson of Deer Park Heights Residents Association, speak about her concerns for the manner in which the applicant had proceeded with the matter.

Decision

To agree to delegate authority to the Development Management Manager to approve the application subject to an appropriate new location for 4 parking bays to replace those spaces currently situated in front of the bin storage area and to ensure that parking could not take place on those existing parking bays. The new parking bays were to be implemented within 6 months. Additionally the bin storage building was to be complete within 3 months of the date of committee. If neither could be successfully concluded then the matter was to return to the Development Management Committee.

7. APPLICATION NO. 0041/FUL/18

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0041/FUL/18	Application under section 42 to vary condition 1 of 0161/FUL/15 to extend hours of use of pitch to 8.35am-6pm (Mon-Fri) and 9am-1pm (Sat) and permit other Education Services and local club users	Grant planning permission subject to conditions extending the hours of use and use of the pitch by other Education Services

In introducing the item of the business the Head of Planning, Economic Development and Regeneration advised committee that since the application had been submitted there had been a change to the recommendation in that use by local club users was no longer being sought as part of the grant of planning permission.

The committee then heard Mr Paul Hunter, Mrs Lisa Barrie, Mrs Lesley Spence, Mrs Sheila Denholm and Mr Graeme Barrie, all local residents, speak in support of their objections to the application.

The committee then heard from the applicant, Mrs Donna Adam, Education Services, West Lothian Council, speak in support of the application.

Motion

To grant planning permission to vary condition 1 of 0161/FUL/15 to extend hours of use of pitch to 8.35am - 6pm (Mon-Fri) and 9am-1pm

(Sat) and permit use by other Education Services subject to conditions and to include the additional conditions that refuse waste bins were to be installed at the site and shrubs and planting was also to take place at the site.

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To grant planning permission to vary condition 1 of 0161/FUL/15 to extend hours of use of pitch to 8.35am - 6pm (Mon-Fri) and 9am-1pm (Sat) and permit use by other Education Services subject to conditions and to include the additional conditions that refuse waste bins were to be installed at the site, shrubs and planting was also to take place at the site and to sound proof the existing fence.

- Moved by Councillor Willie Boyle and seconded by Councillor Pauline Clark

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Willie Boyle
Lawrence Fitzpatrick	Harry Cartmill
Charles Kennedy	Pauline Clark
Tom Kerr	Dom McGuire
	David Tait

Decision

Following a vote the Amendment was successful by 5 votes to 4 and it was agreed accordingly.

8. APPLICATION NO. 0044/H/18

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0044/H/18	Application for the erection of front porch, replacement roof including attic accommodation and two storey extension at	Refuse planning permission

1 Bridgeton Cottages,
Westfield, Bathgate.

The committee then heard the applicant's agent, Mr Colin Hardie, speak in support of the application.

Decision

To grant planning permission with conditions delegated to the Development Management Manager as the proposal did conform to policy HOU9 of the WLLP, the proposed extension was not out of keeping with the local street scene and there was no detrimental impact on the neighbouring property.

Councillor Charles Kennedy having moved an alternative positive which did not receive a seconder had his dissent to the decision recorded.

9. LIST OF DELEGATED DECISIONS

The Head of Planning, economic Development and Regeneration had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated decisions and enforcement action for the period 16 February to 29 March 2018 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

10. APPEALS -

- a) The committee noted that the following appeals which had been submitted to Scottish Ministers had been dismissed :-

<u>Application No.</u>	<u>Proposal</u>
0378/PO/17	Planning obligation modification for 7 Pardovan Holdings
0377/PO/17	Planning obligation modification for 7 Pardovan Holdings
0348/A/17	Advertisement consent, Sainsbury's, Winchburgh

- b) The committee noted that following appeal had been submitted to Scottish Ministers :-

<u>Application No.</u>	<u>Proposal</u>
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0235/FUL/17

Formation of a wind farm at Fauch
Hill, West Colzium and
Crosswoodburn, West Calder

- c) The committee noted that the following appeal against enforcement action had been submitted to Scottish Ministers :-

Application No.Proposal

ENF/0009/17

Change of use of open space to
garden ground at 8 Tarbet Drive,
Murieston

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect) at Ormiston Farm, Kirknewton.

2 DETAILS

Reference no.	0121/FUL/18	Owner of site	Mr Brian Simmers
Applicant	Mr Brian Simmers	Ward & local members	East Livingston and East Calder Cllr Damian Timson Cllr Frank Anderson Cllr Carl John Cllr Dave King
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred to committee by Councillor Timson.

3 RECOMMENDATION

Grant planning permission subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the retrospective siting of a diesel generator, two shipping containers used for the drying of biomass such as logs, timber pellets and straw and the siting of a substation. A Planning Contravention Notice was issued as a result of the unauthorised works on site and a planning application was subsequently submitted. This included supporting information and a noise assessment report.
- 4.2 The generator, dryer and substation are sited approximatively 10m, at the nearest point, to the north of the base of the wind turbine constructed at this site and within an earth bund which has been formed to the north and south of the turbine base. The generator is approximately 1.6m in height with a footprint of 2.25sqm. It is enclosed by the earth bund, the substation and the containers used as a biomass dryer and is not visible from the public road.

- 4.3 The substation and dryer unit are both dark green in colour and partially screened by the earth bund. The substation is 2.3m in height with a footprint of approximately 18sqm and the dryer unit is some 3m in height with a footprint of 61sqm. The nearest residential property is Cockmylane which lies approximately 330m to the north east of the site, Lawheads Farm is around 380m to the north west and Latch Farm Cottages are around 430m to the south east.
- 4.4 The diesel generator is required to provide power to the turbine electronics and computer systems when the rotation of the turbine blades falls below a minimum rotation. This is required until the turbine is connected to the National Grid which ensures compliance with a condition attached to the turbine in respect of Edinburgh Airport radar mitigation. Once a grid connection is made the generator is no longer required.
- 4.5 The dryer unit is intended to use some of the energy produced by the turbine until a grid connection is made. The dryer unit is not to be operated as a fee paying commercial business but for the applicant's own benefit over a temporary period until the turbine is connected to the grid. Once the turbine has a permanent connection to the grid the dryer unit will be removed from site.
- 4.6 The substation is required to regulate the energy produced by the turbine and will remain as part of the turbine installation.
- 4.7 There have been a number of applications and appeals in respect of the development of the turbine at this site, details of these applications are provided below.

Planning Applications/Appeals/Local Review			
Application Number	Description	Decision	Date
0090/FUL/12	Erection of a 86.5m high 'to blade tip' wind turbine	Withdrawn	29/03/12
0519/FUL/12	Erection of a 61 m high (to blade tip) wind turbine	Refused	11/01/13
Appeal - PPA/400/2033 for 0519/FUL/12	Erection of a 61 m high (to blade tip) wind turbine	Dismissed	21/06/13
	The above decision was challenged at the Court of Session and the decision quashed. A further appeal assessment was carried out.		
Appeal - PPA/400/2033/1 for 0519/FUL/12 following legal challenge	Erection of a 61 m high (to blade tip) wind turbine	Allowed	28/03/14
0670/FUL/14	Application under Section 42 for the variation of Condition 3 of planning permission 0519/FUL/12 to allow for an EWT direct wind turbine to be constructed in place of the approved Eneron E33 turbine	Refused	23/04/15
0820/FUL/15	Application under Section 42 for the variation of condition 3 of planning permission 0519/FUL/12 to allow for an EWT direct wind 52 turbine to be constructed in place of the approved	Non Determination	05/01/2016

	Enercon E33 turbine		
Local Review Body 24/02/16	Application under Section 42 for the variation of condition 3 of planning permission 0519/FUL/12 to allow for an EWT direct wind 52 turbine to be constructed in place of the approved Enercon E33 turbine	Non Determination	03/05/16
Appeal - PPA/400/2066 for 0820/FUL/15 and Local Review Body 24/02/16	Application under Section 42 for the variation of condition 3 of planning permission 0519/FUL/12 to allow for an EWT direct wind 52 turbine to be constructed in place of the approved Enercon E33 turbine	Allowed	27/07/16
0084/ENF/17	Siting of containers, creation of earth bunds and use of the turbine for a wood drying business.	Case closed	13/02/18

- 4.8 Planning application 0519/FUL/12 was refused by committee and the applicant appealed that decision. The reporter agreed with the council's decision and dismissed that appeal. The applicant disagreed with that decision and challenged it at the Court of Session. The court quashed the Reporter's decision and referred the case back to the Directorate of Planning and Environmental Appeals (DPEA). A second Reporter reconsidered the case and granted planning permission for a turbine at the site.
- 4.9 During this period the approved turbine went out of production and a Section 42 application was submitted to vary the turbine type. This application was ultimately determined at appeal and granted. The turbine at this site has been constructed in accordance with those approved plans determined by the DPEA.

5 PLANNING POLICY ASSESSMENT

- 5.1 The development plan comprises the Strategic Development Plan for Edinburgh South East Scotland (SESPlan), the West Lothian Local Plan (WLLP) and the West Lothian Local Development Plan (WLLDP)(proposed plan)
- 5.2 On 13 December 2017 the DPEA advised that the reporters appointed by Scottish Ministers to examine the unresolved representations to the West Lothian Local Development Plan had published the Report of Examination. This outlines the Reporters' conclusions for each of the issues arising from the unresolved representations and the Council has now agreed the modifications and has submitted its notice of intention to adopt the West Lothian Local Development Plan. In the meantime the Plan is not yet adopted and does not constitute part of the statutory Development Plan for West Lothian. It can however now be regarded as a significant 'material consideration' when determining planning applications. The relevant LDP policies largely reflect those in the WLLP.
- 5.3 The following development plan policies are relevant:

Plan	Policy	Assessment	Conform
West Lothian Local Plan (WLLP)	ENV31 – new development in the countryside	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	Yes

Plan	Policy	Assessment	Conform
		<p>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 75 Agreement.</p> <p>This policy in the main is directed towards the construction of new housing in the countryside. Criteria (vii) is relevant in that a small scale operation for the drying of farm or forestry produce can be viewed as an appropriate rural use. The scale of the operation is such that a delivery is expected to the site every 10 to 14 days meaning little additional traffic on the public roads. The size and location of the structures on the site are not visually obtrusive and are intended only as a temporary measure until the turbine is connected to the grid.</p>	
WLLP	ENV33 – new development in the countryside	<p>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:</p> <p>a. demonstrate there is a specific locational need and that there are no available, less sensitive alternative sites;</p> <p>b. avoid open fields, skylines and other exposed locations;</p> <p>c. avoid sites immediately adjacent to main roads and railway lines, or which constitute ribbon development on the edge of settlements;</p> <p>d. avoid disturbance or damage to trees, woodland and wildlife habitats and the site and setting of listed buildings, scheduled monuments and archaeological sites;</p> <p>e. respect and complement local vernacular building styles including ridge orientation, roof pitch, chimney, windows, door, and porch details and the use of materials;</p> <p>f. avoid the creation of excessive underbuilding;</p> <p>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;</p> <p>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;</p>	Yes

Plan	Policy	Assessment	Conform
		<p>i. incorporate significant enhancements to existing landscaping using native woodland species;</p> <p>j. be serviced to accepted standards, without excessive resource commitment by the council;</p> <p>k. be capable of being served by a safe vehicular access;</p> <p>l. avoid disruption of public rights of responsible access or to rights of way or core paths (where appropriate, opportunities should be taken to provide links to these routes);</p> <p>m. avoid sites adjoining or particularly visible from rights of way, core paths, the Union Canal, view points and other well frequented public areas; and</p> <p>n. in exceptional circumstances, innovative and contemporary designs, compatible with PAN 72, may be considered acceptable.</p> <p>The applicant's intention is to utilise for a temporary period some of the energy being produced by the wind turbine. In order to do that the dryer unit must be located beside the turbine therefore there is a locational need. The development complies with criterion b,c & d. The access is acceptable subject to a modification of the surface adjacent to the public road and does not impact on public rights of access. Other criterion are specifically for residential development and not relevant in this instance.</p>	
WLLP	IMP10 - Noise	<p>There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing.</p> <p>The development, when first installed, created noise which was unacceptable. Mitigation measures were carried out and the noise from the site was reduced. Environmental Health has visited the site on a number of occasions and found there to be no issue with noise from the site. The consultation response from Environmental Health is attached to this report.</p>	Yes
WLLP	HOU9 – residential and visual amenity	<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 significant degree will not be supported.</p> <p>The development lies around 330m to the south west of the nearest residential property and around 230m from the public road. The scale of the development, distance from the public road and residential properties is such that it is not visually intrusive. The structures are also partly screened by an earth bund. Whilst noise has been raised as an issue, this has been investigated by Environmental Health and noise is no longer considered to be of concern.</p>	Yes
West Lothian Local Development Plan (proposed plan) (WLLDP)	DES1 – design principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals,</p>	Yes

Plan	Policy	Assessment	Conform
		<p>the developer will be required to ensure that:</p> <ul style="list-style-type: none"> a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscape provision; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.</p> <p>Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p> <p>The scale of the development does not result in a visually intrusive development on working farm land. There is no impact on wildlife, bio diversity or water environment. The visual amenity of the area is not significantly affected and noise from the development has been addressed to the satisfaction of Environmental Health.</p>	
WLLDP	EMP4 – Employment development outwith settlement boundaries	<p>Proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to the following criteria being satisfied;</p> <ul style="list-style-type: none"> a. it can be demonstrated that there is no suitable alternative site available for the proposal within the settlement boundary; or b. a site specific business case/locational need justification can be successfully made; or c. the proposed development constitutes a legitimate farm diversification enterprise; or d. it can be satisfactorily demonstrated that the proposals would help sustain the rural economy or create significant social benefits. <p>Additionally;</p> <ul style="list-style-type: none"> e. the scale, layout and design of any proposed buildings shall 	Yes

Plan	Policy	Assessment	Conform
		<p>be appropriate to the character of the site and the surrounding area and shall not adversely impact on any special architectural, natural heritage designations or landscape interests;</p> <p>g. the proposal shall be compatible with neighbouring land uses;</p> <p>h. the proposal shall have no unacceptable traffic, amenity or environmental impact and the site is accessible, or could be made accessible by public transport and footway connections to the surrounding area; and</p> <p>i. any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.</p> <p>Proposals which rely on the construction of large or intrusive new buildings or structures, embrace elements of open air storage, constitute retail use or are likely to generate significant additional traffic on rural roads are not considered appropriate.</p> <p>There is no suitable alternative site for this development in that the applicant is seeking to utilise some energy from the wind turbine until the turbine is connected to the National Grid. The development could not be located within the Kirknewton settlement boundary. The applicant is not intending the development as a fee paying commercial enterprise but as a short term diversification of the operation of the turbine. The use is compatible with neighbouring farm land uses, Transportation has raised no objections to vehicles accessing the site and noise from the site has been mitigated to Environmental Health's satisfaction.</p>	
WLLDP	EMG5 - Noise	<p>There is a presumption against developments that are:</p> <p>a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or</p> <p>b. residential or other noise sensitive developments being close to noisy land use. The only exceptions will be where it can be demonstrated that:</p> <p>a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and</p> <p>b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity.</p> <p>The terms of the council's Supplementary Guidance on Noise will apply.</p> <p>Noise from the development which resulted in complaints has been mitigated to the satisfaction of Environmental Health.</p>	Yes

6 REPRESENTATIONS

- 6.1 No neighbour notification was required, however, the application was advertised in the local press. 14 objection letters have been received. The full content of the letters are attached to this report and summarised below.

Comments	Response
Diesel generator running 24/7. Burning of fossil fuels at green energy site.	The purpose of the generator is set out below. The applicant has confirmed that it is not possible for the generator to operate 24/7. There is insufficient capacity in the diesel tank to allow this. The diesel generator also does not

	power the dryer. The dryer is powered solely by the turbine.
Generator is used to power the turbine blades.	The supporting information initially submitted with the application was misleading. It intimated that the generator was used to 'kick start' the turbine in light winds and that it was used to rotate the blades if left stationary for some time. A revised supporting statement from the applicant's agent, Case Consulting, clarified that the generator cannot turn the turbine blades as there is no direct connection between the two. The generator is on site to provide power to the turbine's electronics and computer system when the blade rotation is insufficient to provide a continuous power supply to these electronics. Condition 1 of the Reporter's decision on application 0820/FUL/15 requires mitigation measures to be in place to the satisfaction of Edinburgh Airport. Should those mitigation measures not be available, the turbine operator is required to shut down the turbine. To ensure this ability is available 24/7, the turbine electronics and computer systems require a constant power supply. Once a grid connection is made, either temporary or permanent, the generator can be removed from site.
No indication of potential expansion of use.	The applicant has indicated that this is not a fee paying commercial service rather it is for the applicant's own use in respect of his own land holdings. The applicant has confirmed that this is purely temporary until the turbine has a grid connection.
Increase in vehicle movements.	The applicant has confirmed that there will be a delivery to the site once every 10 to 14 days. The increase of traffic on Leyden Road will therefore be minimal.
Concern of safety of site access.	Transportation has been consulted and has raised no objections to the development. A requirement for the access track is that the first 10m from the public road is to be of a bituminous material. This can be imposed by condition.
Grid connection for turbine should have been agreed before it was constructed.	This is not relevant to the current application. The Reporter, in determining the planning appeal for the construction of the turbine, did not require a grid connection to be in place prior to its construction.
Impact on visual amenity of area.	The surrounding area is not a designated area of special landscape control and forms part of working farm land. The adjacent land formerly contained large derelict pig sheds and whilst these have been removed, other farm buildings remain at Selms and Lawhead Farm. The scale of the structures on this site do not affect the visual amenity of the area.
Noise from the generator.	Whilst a number of complaints have been received regarding noise from the generator, the likelihood is that the loudest noise was emanating from an open fan inlet point on the north side of the dryer unit, as identified in the noise report. Mitigation measures have since been carried out and Environmental Health is satisfied that noise from the site as assessed at neighbouring properties has been reduced to an acceptable level.
Noise from the dryer.	It is acknowledged that noise from the dryer was raised as an issue when the installation was put in place. Visits from Environmental Health were carried out before and after mitigation was put in place. Following mitigation measures which included the increase in height of the earth bund on the north side of the development, the use of polyurethane insulation within the container and the formation of an enclosure over a fan inlet on the dryer, again on the north side of the containers, Environmental Health is satisfied that noise from the site at neighbouring properties has been reduced to an acceptable level.

Noise from the turbine blades.	This is not relevant to the current application and is controlled under conditions 8, 9 and 10 of the Reporter's decision on planning application 0820/FUL/15.
Visual impact of additional pylons for the turbine.	The method of connection to the grid is not a material planning consideration.
Wood drying facilities should have formed part of the turbine application.	At the time of the original application in 2012, it is likely that the applicant envisaged a grid connection being made much quicker than has occurred. Given that a grid connection has not been made, this temporary situation has arisen to utilise some of the energy from the turbine until a permanent connection is established.
Two year period for grid connection is speculative.	The applicant has intimated that a permanent grid connection will be possible within a 2 year period with a temporary connection much earlier. Should the wind turbine not have a permanent connection within 2 years, a further planning application will be required to further consider the operations on site.
Issues with grid connection and land owner's permission.	The Reporter's decision on planning application 0820/FUL/15 did not require a grid connection to be in place prior to the construction of the turbine and the potential connection to the grid did not form part of the appeal.
Turbine blade flicker.	This is not relevant to the current application and is controlled under condition 7 of the Reporter's decision on planning application 0820/FUL/15.

7 CONSULTATIONS

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

Consultee	Comments	Planning response
Transportation	No objections	The first 10m of the access shall be surfaced in a bituminous material with no water run off onto the public road.
Environmental Health	No objections.	Conditions requiring noise mitigation to remain in place and that any alterations are to be agreed. Full response attached to report.

8 ASSESSMENT

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

West Lothian Local Plan

8.2 Policies ENV31 and ENV33 are relevant in part as a number of criterion within these policies relate to new housing in the countryside. A number of the criterion in this policy are not directly relevant however, part (vii) of this policy is in relation to small scale farm diversification projects. The temporary proposals involve the drying of farm and forestry produce, utilising currently unused energy from the wind turbine granted on appeal. The applicant has confirmed that this is in relation to his own land holdings and not a commercial enterprise. The small number of vehicle movements indicates that this will be a small scale diversification and

appropriate for the location. The development therefore accords with policies ENV31 and ENV33 of the WLLP

- 8.3 Policies IMP10 and HOU9 seek to protect residential properties from noisy development. The nearest residential property is some 330m from the site and it is acknowledged that following the initial installation, noise from the dryer in the main, and the diesel generator were an issue. Mitigation measures were implemented and Environmental Health carried out on site assessments of the noise from the equipment. Following the installation of the mitigation measures, Environmental Health is satisfied that noise from the site does not result in a significant impact to nearby residential properties. In this respect, the development accords with policies IMP10 and HOU9 of the WLLP.

West Lothian Local Development Plan (WLLDP) (proposed plan)

- 8.4 Policies DES1, EMP4 and EMG5 of the WLLDP cover the points set out in the corresponding WLLP policies such as the scale of the development, its setting, farm diversification and impact on nearby residential properties. For each of these the development accords with the relevant policies in the WLLDP.

9 CONCLUSION AND RECOMMENDATION

- 9.1 There is a long history to this site in respect of the construction of the wind turbine. Both the council and residents opposed the development of the turbine but these decisions were challenged through the appeal process and through the Court of Session. There are clearly strong feelings from residents regarding the turbine development, however, this has been constructed as per the approved drawings and is not in itself relevant to this current application.
- 9.2 Neither of the appeal decisions for the turbine required that a National Grid connection be put in place prior to the start of works on site. The process of obtaining a grid connection is therefore not a material planning consideration. As a result of delays in obtaining a grid connection the applicant installed equipment on site to operate a biomass drying facility by utilising some of the power generated by the wind turbine. Separately, a diesel generator was also required to provide a constant power source to the turbine's electronic and computer systems in order to satisfy Edinburgh Airport radar mitigation measures.
- 9.3 The installation of this equipment resulted in noise nuisance and a lack of understanding with regards to the operations on site resulted in claims that the diesel generator was powering the turbine and was the main cause of the noise from the site. The diesel generator only operates at nil or low wind speeds and shuts down once the turbine's blade rotation exceeds 15rpm. As the speed of the turbine increases, heater elements in the dryer installation switch on and a large internal fan starts, drawing the warm air over the material to be dried. When the turbine stops rotating, the dryer shuts down and the generator switches on to power the turbine electronics. A supporting statement by Case Consulting is attached.
- 9.4 A planning contravention notice was issued and ultimately a retrospective application was received but only after the applicant had carried out mitigation measures on site. These measures included increasing the height of the earth bund on the north of the installation at the point of the diesel generator to mask its noise, installing internal insulation and the construction of a shroud over the dryer's fan inlet. It would have been preferable if the planning application had been submitted prior to any mitigation measures being carried out to allow Environmental Health an input into these measures. In any case, Environmental

Health's onsite inspections and assessment of noise levels at nearby properties indicate that the mitigation employed had been successful.

- 9.5 The substation on site does not generate any noise and will remain on site as part of the turbine installation.
- 9.6 Recommendation is to grant permanent permission for the substation but limit the use of the diesel generator and biomass drying facility to no more than 2 years.
- 9.7 It is further recommended that conditions be attached to the permission requiring updates on the grid connection process, the removal of the diesel generator following either permanent or temporary grid connection and that on the receipt of valid noise complaints, the applicant shall review the mitigation measures and agree remediation with the planning authority.

10 ATTACHMENTS

- Location plan
- Aerial
- Site plan
- Local Member Referral Form
- Letters of objection
- Consultation response from Environmental health
- Supporting statement
- Site visit photographs
- Draft conditions

Craig McCorriston
Head of Planning, Economic Development & Regeneration

Date: 9 May 2018



0121/FUL/18

Planning, Economic Development & Regeneration,
West Lothian Civic Centre, Livingston, EH54 6FF

1:7,000



2018-05-01T10:44:05

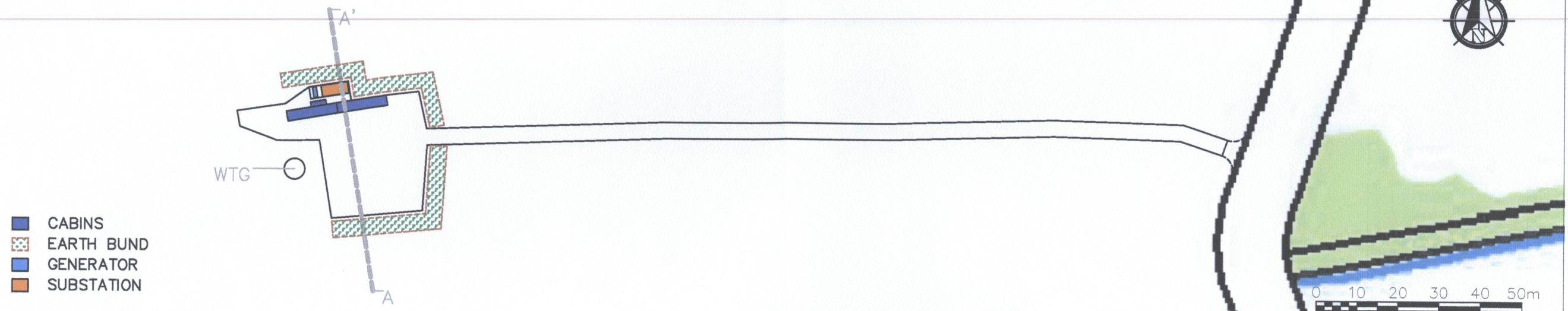
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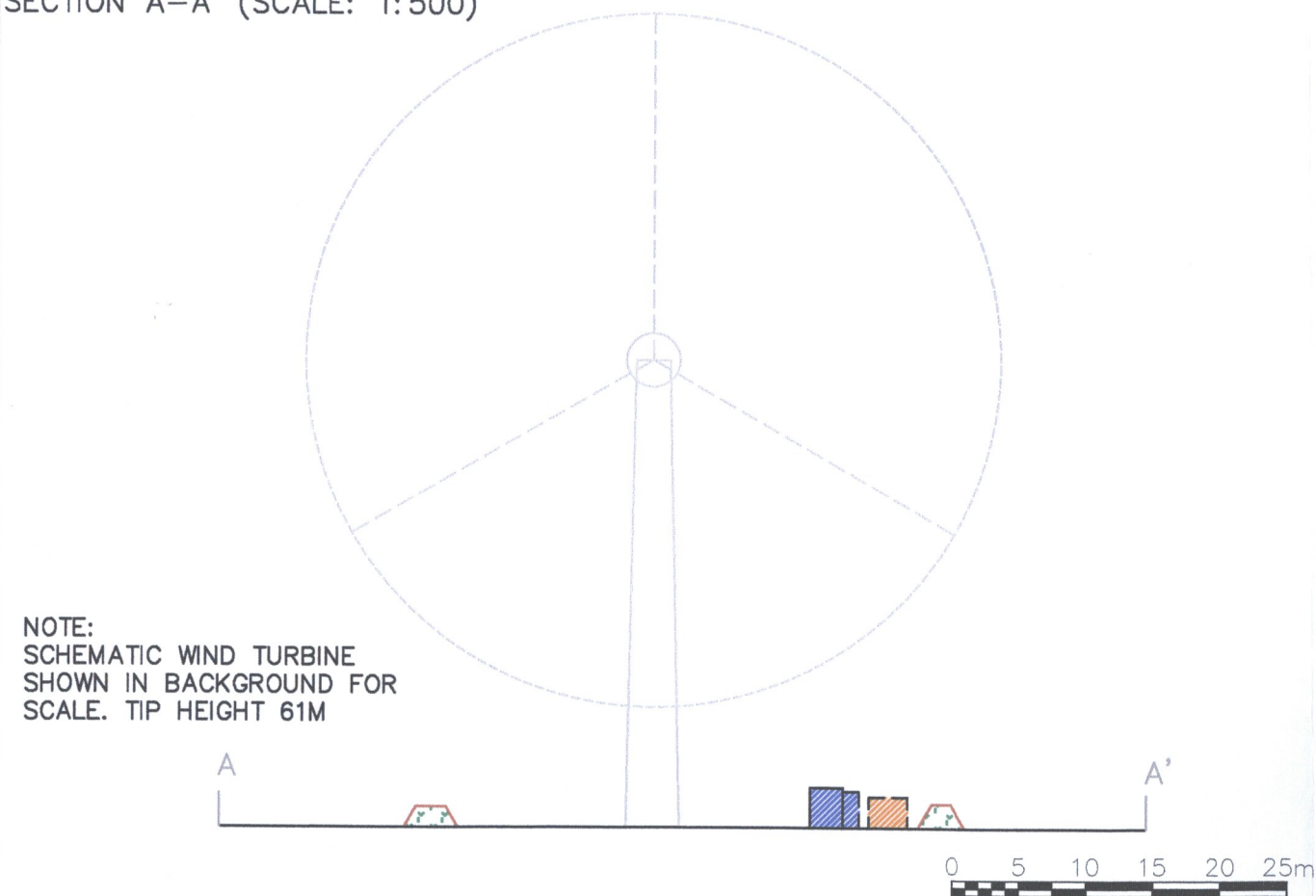
Disclaimer Notice: The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.

	<p>0121/FUL/18</p> <p>Planning, Economic Development & Regeneration, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>1:2,500</p>	
		<p>2018-05-01T15:03:17</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2017</p>

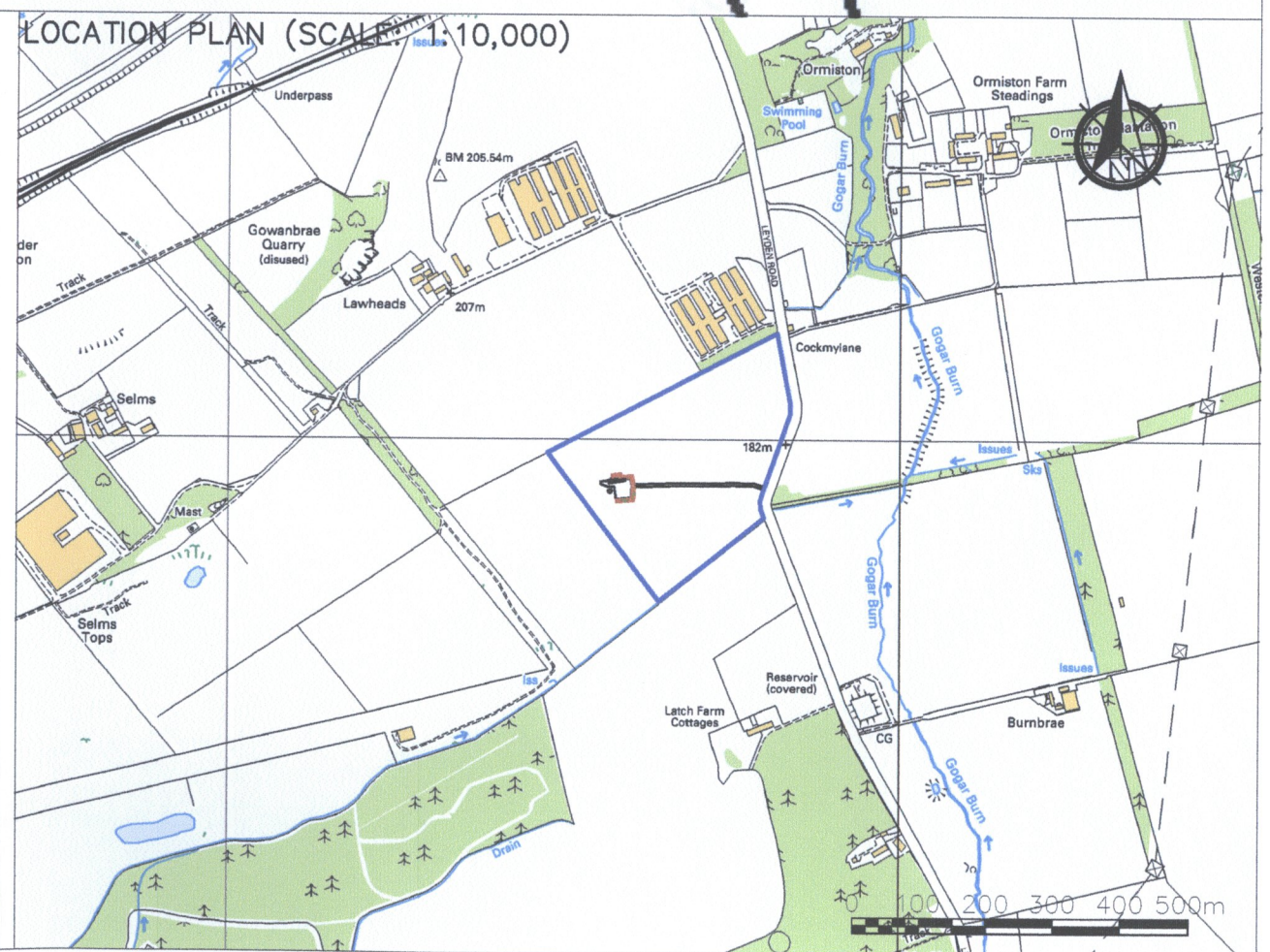
PLAN VIEW (SCALE: 1:1,000)



SECTION A-A' (SCALE: 1:500)



LOCATION PLAN (SCALE: 1:10,000)



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ALL SIZES TO BE SITE VERIFIED
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NOTES/REVISIONS

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EMAIL INFO@LOCOGEN.COM

ORMISTON WIND TURBINE

DRAWING TITLE
SITE PLAN & SECTION

SCALE	AS SHOWN	APPROVED	JP
DATE	26/01/2018	DRAWN BY	MW
DRAWING NO.			



West Lothian Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performanceOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0121/FUL/18.....	Applicant Request <input type="checkbox"/>
Site Address Ormiston Farm, Kirknewton, West Lothian,.....	Constituent Request ✓
Title of Application Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect).....	Other (please specify) <input type="checkbox"/>
Member's Name CllrDamian Timson.....	
Date 17 Apr 18.....	

From: Andrew Coutts
Sent: 26 February 2018 21:14
To: Planning
Cc:
Subject: Comment on Application 121/FUL/18

I object to having a generator on site. I have no real issues with the green storage containers – they are quite pretty compared to the monstrosity of a turbine foisted on us by the Scottish Government. Neither do I have an issue in principle with a drying business provided that the drying equipment cannot be heard from more than 150 metres from the site.

Planning permission was wrongly given for a wind turbine on the site by the Scottish Government. However, no permission was given for a generator nor was any mention made of a generator in the original application for a turbine nor in the application to change the specification of the turbine. A wind turbine should not need a generator. Given that much research must have gone into siting the turbine for maximum usage of the wind, there should be enough power generated over the piece to power the dryer. Again, therefore, no generator is necessary.

I note that this application is for a temporary period of 2 years. The cynic in me says that this is merely a ploy to make it easier to gain permission. I shall be surprised if this turbine is ever hitched up to the grid. However, if it is and then the generator and the dryer are actually removed, that would be great. That begs a question. If, when hitched to the grid, no generator is necessary, why does the applicant say it is required currently? Very confusing.

The applicants Supporting Statement is interesting. He seems to be trying to prove that there is no noise at all from the site. And if there is, then it will be masked by the background noise of the A71, the railway and planes. If some noise does sneak through, it will only be 30 decibels in a bedroom at night. In any case, he states that we residents will find it acceptable – what a cheek. As somebody whose hearing is poor, I only hear the ‘whoosh, whoosh’ (bit like a dishwasher) of the turbine blades unlike those around me who have issues with the noise from both the dryer and the generator. We don’t have background noise here from road, rail or plane. The most background noise in this rural environment is from the birds. And 30 decibels in a bedroom at night is far too loud despite what the WHO find acceptable.

Parts of the Supporting Statement are nonsense. In Section 2 it is stated that the generator will power the dryer when there is no wind. The noise consultant’s report (after soundproofing) at the bottom of page 2 says that the generator and the dryer will never operate together. Most confusing.

Andrew Coutts,

1 Latch Farm Cottages,

KIRKNEWTON. EH27 8DQ.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mrs Bonnie Nicolson

Address: 58 Broomhouse Crescent Uddingston Glasgow

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I previously objected to the wind turbine and object even more strongly to this proposal. It is a travesty for the neighbouring community if this goes ahead. The noise from the turbine and particularly the diesel generator and flicker from the turbine blades is already unbearable.

Our three year old child is cared for on a weekly basis in this area and this never ending saga has caused a negative impact on his health and well-being with the dark shadows cast throughout the house from the blades and the lack of sleep from the unbearable noise (despite what this so called expert believes, have they actually visited the area?) This has already caused so much stress and worry to my entire family and I cannot believe this further application is even being entertained.

Of what benefit this is to the environment I would be very interested to see, let alone the carbon footprint from the continuous supply of diesel lorries to and from the site which in itself goes against the Scottish Government's priorities to reduce carbon emissions. It is absolutely heart breaking for such a beautiful area to be ruined like this.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr David Blain

Address: Coxydene Farm Wilkieston KIRKNEWTON

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam

I am objecting to this application for the wood drying. I don't normally complain but on this occasion I feel the wool has been pulled over so many peoples eyes including the Council and the Scottish Government. Before planning permission was granted they should have had proof where the connection was going to be in writing and permission from all landowners in writing for this connection.

The wind turbine has been up and running on and off for the last 17 months. We farm the land right round the turbine and in that time we have only seen one lot of wood going into the plant in boxes and that was right at the start when the turbine went into operation, other than that the only other visits have been diesel tankers. As far as I am lead to believe the more electricity the turbine produces the greater the payment. For it to be working all that time I am concerned that all it is doing is blowing hot air into the atmosphere and Mr Simmers is receiving payments for this purpose and not for the purpose of wood drying. What contract is Mr Simmers going to have for the wood drying because the power and heat this turbine is producing it should be quite a high output of tonnage so can we have justification for this operation? Regarding the carbon footprint it is designed to generate carbon free electricity but it is not meeting its goal due to the fact that it is operated by a diesel generator. At the moment we are not currently living on the farm but working on it on a daily basis and we can still hear the noise coming from the turbine blades whooshing over and above the noise of the tractor and feel sorry for the nearby residents living in close proximity having to put up with this constantly. Regarding the temporary connection to the grid we would like to see proof where it is going to be connected too because the local landowners have refused permission to go over or under their ground and that includes myself David Blain who owns the land at the westside of the turbine and the northside of the turbine and will not be

allowing any access to connect to the power. There is a 33,000 volt line on the southside of the turbine which runs into my land and if the connection goes into that I will then be giving Scottish Power notice to remove all poles and lines from my land.

Yours faithfully

David Blain

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr Derek O'Connor

Address: 2 Latch Farm Cottages Leyden Road Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the retrospective proposed planning of the biomass drier and its generator.

I understand that the site was given permission for a green energy project, how does this diesel powered industrial addition fit in with this.

The additional large ships containers were put on site and a diesel generator installed to generate power by turning the turbine blades to run the heater that could dry wood - well over a year ago without any permission.

Over the past year, despite complaints of the site not operating within agreed planning we have experienced and therefore object to the following :

1. Generator required to turn the turbine blades
2. Noise from the generator and blades - 24/7
3. Pollution - diesel delivered to the site
4. Risk to the environment
5. Large ship containers

When was it agreed that the land usage could change to allow industrial works on this site?

The way the clandestine operation has operated in the last 12 months leaves me with no confidence and I feel that if this is given permission to operate the operators will just ignore the local authorities constraints and controls.

I would ask the planning permission team to reject this application as it is not benefitting to the local people or the environment and doesn't match the original planning for a green energy source connected to and benefitting the grid.

Thanks for your consideration,
Derek

NOTE OF OBJECTION BY GAIL WHEALING, COCKMYLANE, KIRKNEWTON

TO PLANNING APPLICATION FOR ERECTION AND RETENTION OF PLANT, EARTHWORKS AND MACHINERY AT ORMISTON WIND TURBINE (REF 0121/FUL/18)

PRELIMINARIES

1. I have looked over all of the correspondence and documentation provided by the Applicant's professional advisers, and object to any retrospective planning permission being granted for the wood dryer, diesel generator, isolation containers and additional groundworks on site.
2. The application and supporting documents show a lack of a proper assessment of the site, and provide no real basis for any wood drying facility being allowed on the site.
3. Cockmylane suffers from flicker from the wind turbine, but that issue is irrelevant for the purposes of this application.
4. Cockmylane suffers from noise from the wind turbine site, and that is relevant for the purposes of this application. The dull vague thrum of the turbine is not the issue: the noise from the generator and heater fan is, and without proper assessment of the site, the application should be refused.
5. The *ad hominem*s provided by Core about the residents should be redacted from the application and Core Consulting's supporting statements.
6. I see no reason why my sleep should be affected by the running of a blast heater or generator in a rural setting overnight.
7. The wind turbine is in, and of itself for noise purposes, is not intrusive. The proposed ancillary industry being undertaken on site is the problem. The application should be refused, as the site has already generated significant amounts of noise, and will continue to do so.

OBJECTIONS AND OBSERVATIONS ON CASE CONSULTING SUPPORTING STATEMENT (following report numbering)

1.01 *'following discussions with the planning service of West Lothian Council'*: a disingenuous point. Are these 'discussions' part of the enforcement process invoked by WLC?

2.02 *'When the wind turbine is not operational the diesel generator can be used to power the biomass unit drier'*: the report lacks candour (see later), and makes no reference to when the

generator and other works were first put in place, the records kept (if any) of power emission from the turbine, when the generator requires to work, over how many hours, and the number of hours worked by the heater, or any operational details of the site. Without that further information, Case Consulting's view is irrelevant.

2.03 'The diesel generator is also used to power up the turbine blades after the turbine blades have been stationary': where was that stated in the original turbine application? If it was not, why not? In any event, without the information requested above, it is impossible to assess impact on the residential houses close to the site, remembering always that the turbine has been built closer to residential housing than guidelines specify. Any resulting noise and other nuisance could be seen as emanating from that original siting decision by the applicant.

3.01 'It has always been the intention to connect the turbine directly to the national grid': the intention of the applicant is irrelevant. To be absolutely clear, when submitting an application for a ROOFIT tariff on the turbine site, the applicant would have had to confirm that the surrounding landowners had consented to the grid connection.

The applicant should provide confirmation of that consent, but he has not. There is no consent. And the turbine cannot be connected.

Ofgem do not check any consent document, and do not require sight of it. WLC, as part of the planning process for the turbine, did not have sight of the consent document, and take planning permission applicants on their word.

Any agreement that the applicant has with Scottish Power is predicated on that agreement with relevant landowners. If there is no agreement, there can be no connection.

Alternatively, if the applicant can provide evidence that a connection can take place, then that should be provided along with all relevant consents and documentation.

Without it, if this retrospective application were allowed, it would be on a false premise.

3.02 'In the interim, agreements are in place for a temporary grid connection...within the next couple of months': this statement lacks candour. If there are agreements with landowners in place, they should be provided. The applicant has provided no evidence of that. It would be a pity if the retrospective planning consent were granted on the applicant's word alone.

3.03 'agreements are in place': what are these agreements, and if in place, why have they not been produced for full consideration?

4.02 *'The noise limits imposed by the planning consents are absolute, objective limits'*: the point is this, that the applicant has provided no accurate objective assessment to substantiate his assertions on the application. The noise limits set are absolute, but the response from the applicant is a best-guess desktop report.

Any reference to *'subjective assessments of noise impact by neighbours who may have been opposed to the turbine proposal'* is irrelevant, and should not be excluded from any consideration by WLC.

4.04 Reference is made in support of the application to when the turbine is operational, and when not. *'These periods are clearly identifiable from the output provided by the half hour data meter'*: if the data meter holds the key to when the turbine is turning, and the only noise emanating from site is when the turbine is not turning (according to the applicant) then those objecting and WLC should have sight of the information provided by the half hour data meter.

4.05 The applicant makes reference to noise complaints received by WLC, and states that these cannot be reconciled with *'times when the turbine, biomass drier unit and generator were not operational...impossible to reconcile given that the properties in question were virtually the same distance from the turbine site'*.

The inference is that the residents have been lying or exaggerating their complaints, or that WLC has inaccurately noted the complaints. If the applicant has a data meter which accurately provides the information on which and how many operations were ongoing at any time on site, then that information must be produced. Otherwise, there is no equality of arms, and the residents and WLC have simply to take the applicant at his word.

There has been no account taken of wind direction, weather or cloud cover in the noise report (see later). Without that detail, the report is flawed, and should not be taken as being able to support the application.

'All environmental factors were checked and no credible explanation for such a huge disparity in the description of the noise generated from the site can be advanced': There is no basis in fact for this assertion. What are all of the environmental factors relied upon by Core? By whom and when? If it is the report from FEC, then there is no definition of terms, and no methodology set out, and no conclusions found in their report which would substantiate this assertion. Mr McGovern does not state that any environmental factors have been checked.

If Core is relying on the differences in description as a challenge to veracity of statements from the residents, or the residents' credibility, then Core has provided no basis for that assertion, there is no validity to it, and it should be ignored for the purposes of the application.

4.06 'The applicant was concerned that these inaccurate complaints might be given undue credibility by the planning service if left unchallenged': and yet no site visit arranged by FEC. Without that site visit, WLC and the residents should have sight of the instructing letter to FEC, and the basis for and extent of those instructions.

4.07 'It was rapidly agreed...encasing the generator': agreed on what basis, by whom and when?

4.08 'The potential source of the noise was identified as the fan in the biomass drier...and was not in direct sight of either of the properties that had been mentioned in the noise complaints': can Case or FEC confirm the relevance of being in a line of sight to noise emissions from the site? If not, then this point is irrelevant.

The mention of **'sophisticated noise modelling programme...noise levels were not excessive'** is irrelevant. There is no basis provided for the assessment, save that it was done without a visit to the turbine site, and that it is based on information provided by the applicant to FEC.

4.10 '...there are no unacceptable adverse noise impacts on the three adjacent residential properties arising from operations on the site of the turbine': even on the evidence from the applicant alone, this is inaccurate.

The applicant has provided no objective, quantifiable data or analysis which would support that statement.

The residents are clear: this is a noisy site, one which disturbs sleep, and full enjoyment of our properties. The issue with the turbine is flicker.

The issue with the ancillary works on the turbine site is noise.

Either way, WLC has failed and continues to fail to put first its residents, its business owners, and its electorate.

If planning permission is allowed on the basis of this application, then WLC must revisit its own planning procedures.

5.05 There has been no independent objective evidence submitted with this application, which must fail.

5.07 Core is praying in aid that ***‘Environmental Health Department has not initiated any enforcement action... for the simple reason that it has not established that a noise nuisance attributable to the biomass drier installation exists’***: that statement, as is, is disingenuous, and irrelevant for the purposes of WLC considering this planning application. If the applicant wishes to rely upon EHD’s lack of enforcement action, then he should supply the correspondence, documents and details of that.

Core states that ***‘it is worth mentioning in the passing that both properties where noise complaints have emanated from are exposed to air traffic noise’*** which is irrelevant.

The assertion that ***‘these higher levels of background noise serve to mask the relatively modest noise emissions from the biomass drier unit’*** should have no place in any professionally prepared report, without a clear basis being provided for that view, and a methodology provided for the assessment. As is, the remark is irrelevant.

5.08 Without the additional information requested, there is no guarantee that the biomass generator will be ***‘ancillary to the primary approved use’*** The primary approved use is generation of energy to attach and feed in to the national grid.

Without evidence to confirm that landowners have already agreed to the connection, connection to the grid will never happen.

If connection to the grid never happens, then the biomass drier cannot be considered to be ancillary use of the site.

OBJECTIONS AND OBSERVATIONS ON FEC ACOUSTICS REPORT (following report numbering)

PRELIMINARIES

The report is not an independent expert report

The report has been prepared without the engineer visiting the site

The report is therefore based solely on the information provided by the applicant to FEC (unseen)

All conclusions reached are dependent upon the information provided by Core

There is no clear basis for or methodology of the way in which the desktop report has been produced

Assumptions have been made about the site, but these assumptions have not been identified and accurately inputted into the proposed modelling

There is no mention or reference to the date referred to by Core in its supporting statement

There is no confirmation of the report writer's experience and expertise in acoustic reporting

1. ***'This study has been done as an early indication of the likely validity of a noise disturbance complaint. The modelling process depends on inputs used and assumptions made...'***: Mr

McGovern has not set out what information he has had to consider, the methodology or assumptions made. Given that FEC are relying on information only provided by the applicant, WLC and the residents should be allowed sight of the letter of instruction from the applicant to FEC, and confirmation of details and extent of the information provided to Mr McGovern for him to produce his report. Without that detail, FEC's report is fundamentally flawed, and cannot be relied upon for consideration of the application.

The report should be set aside as being irrelevant for the want of that information.

2. FEC has failed to provide the information upon which it relied to produce the description of site layout and plan.

FEC has failed to provide details of the ***'photographs provided'*** and the methodology in calculating the layout from those photographs, whilst stating that ***'whilst small changes are unlikely to greatly affect the calculated results, the layout could be confirmed by a site survey'***. Mr McGovern has not visited the site.

All his observations, calculations and views cannot be seen to be independent, as they are predicated solely on the information provided to him by the applicant. FEC provides no detail of ***'a fan'*** size, or power; he makes reference to the fan being ***'powered by the wind turbine'*** whilst Core concedes that for some of the time the fan is powered by a diesel generator; ***'the sound emissions of the fan are assumed to be that of a standard 22.5kW centrifugal drying fan'*** there is no basis for this assumption, and why Mr McGovern has taken that fan as a model; ***'the frequency spectrum is scaled to a sound power of 100 dB(a)'*** has no meaning without further explanation, and indication as to what Mr McGovern means by ***'frequency spectrum'***; ***'there is a gap of 0.25m in height that allows air, and sound, to travel from one container to another'*** makes no sense in the

absence of any further detail, and relies upon information not provided in his report; **'the generator kicks in...'** but yet no clarity given between generator times and turbine times for running the biomass heater; **'an embankment of 2m height...'** is mentioned, but distance from noise emitting parts of the site is not specified, nor is it stated whether or not these are the original heights of the embankments, or the revised recently modelled heights.

3. Mr McGovern makes reference to a sound model, which he has used to provide the report based upon the information, photographs and other documentation not seen by WLC or residents.

There is no reference made as to why **'SoundPlan v8.0 software'** was selected for use, details given as to its operative scope, nor confirmation given of its suitability for use on this site.

As Mr McGovern has not had the opportunity of visiting the site, viewing the diesel generator and fan, the buildings on site, and taking independent measurements, his report is no value.

None of the information contained in this section should be considered as part of the retrospective planning application.

FEC's report is irrelevant.

4. **'Predicted sound emission'** is nothing more than a simple result of random numbers being inserted into a model, with assumptions (unspecified and instated) being made about a site which has not been accurately assessed, nor visited by the assessor.

Nothing within the model can be taken into consideration in WLC's assessment of the application.

FEC's report is irrelevant.

FEC's report is not independent.

FEC's report should be disregarded for the purposes of this application.

5. As above, the **'results'** referred to by Mr McGovern are not results, but a projection based upon incomplete or other information provided by the applicant with a view to having the retrospective planning application decided in his favour.
FEC's report is neither expert nor independent.

Mr McGovern makes reference to **'nearby houses'** with no further specification as to their proximity and **'contour maps'**. That is insufficient. There is no mention of wind direction, weather and other considerations which would be expected in an acoustic expert report

Mr McGovern makes reference to **'the generator'** in his discussion, yet there has been no reference to the generator in the description of model at paragraph 3 of his report.

The modelling of the site, and the report are flawed. They cannot be relied upon and should be disregarded.

In support of his methodology, referencing BS4142 (2014) [not supplied by him] Mr McGovern makes reference to **'background sound levels'**. There was no mention of background sound levels in the methodology statement, nor how, if at all, it was taken into consideration.

There is no detail of what Mr McGovern means by **'For the drier it is considered that the fan is not tonal or impulsive'**.

There is no basis for his assertion that **'The generator might need an addition of 3 dB...this is only likely at the quietest times, when the resident is outdoors'**. The point is nonsensical and should form no part of any expert report. It alludes to information and inferences not provided, unclear and unsubstantiated.

Mr McGovern concedes that 'whilst the background levels have not been measured' it is **'likely that they are high enough to mask the sound of the drier when the wind is blowing'**.

Mr McGovern has clearly never been on site. The wind is usually blowing down wind to Cockmylane, carrying with it all of the sounds emanating from the drier and generator. All of Mr McGovern's views are irrelevant, his methodology flawed.

6. There is no basis in fact for the conclusions drawn by Mr McGovern in his report. Given that the report is unsigned, and with no confirmation of Mr McGovern's credentials, and professional qualifications to provide the report, and with no professional curriculum vitae attached, the report can only be seen as a thinly veiled re-statement of the applicant's position from someone dependent upon all information provided to him by the applicant.

APPLICATION FORM FROM CORE CONSULTING: unable to comment, as document unavailable on WLC website.

From: Genevieve Livingstone
Selms bungalow
Kirknewton
EH27 8DQ

To: Development Management Manager,
West Lothian Council,
Civic Centre,
Howden South Road,
Livingston,
EH54 6FF

9th March 2018

RE: 0121/FUL/18.Ormiston Farm Kirknewton West Lothian

I am objecting to this proposal as I cannot believe that potentially running a diesel generator 24/7 on a wind turbine site, to run the turbine or/and to dry logs, is a contribution towards the Governments renewable energy target.

I object also as there does not appear to be a clear indication of the amount that this site could extend in this two year period or if it is going to remain as it is. They do not say how many units are there presently. There is no clear indication of what is on the site presently within the planning application.

The applicant states its for agricultural supplies but does not state how far these will be transported to. If it is business use the road may be used more frequently. Is the entrance and exit safe enough? Its close to a bend in the road with no traffic signs to indicate works access.

I don't understand why the applicant says he entitled to an interim 'off grid' agreement until the turbine is powered. In my view this grid connection should have been agreed before the turbine was erected! Is the interim agreement the installation of units to dry logs or the supposed temporary grid connection?

There was never any indication in the original applications and assessments that a generator could be used and therefore in my view goes against the final reporters agreement with regards to noise and visual impact and I think with regards to a renewable energy scheme and regardless of this new noise assessment.

The final turbine which according to the applicant, requires a generator at times to start the turbine when it has been stationary did not have this information and was not included in the original noise assessment and appears to have been omitted from the turbine information.

The applicant keeps going on about his rights to generate electricity but surely this has to be within the bounds of a transparent agreement and cannot be manipulated to suit oneself when the going gets tough.

I am unsure of when the timescale for the planning permission of the turbine starts and where are they listing the information to clarify this and who is checking? I believe when they start producing power that this is when it starts but is this green power or diesel power or does this not matter once the structure is up? I

I used to walk my dog up that road but I find the noise from the turbine disturbing.

I am concerned that there could be 'development creep' if this were to proceed as the applicant is stating that Scottish Power have an obligation to connect the turbine to the grid and that this is probably going to happen within two years.

My objection also concerns the potential erection of many pylons to provide this connection for one turbine!

Is this really an efficient use of taxpayers money.

This could further influence development creep by allowing this and I wish it to be known now that I would object strongly to this.

I have always been a supporter of wind and wave technology and I object to the applicant inferring that I have no right to vocalise my concerns as a concerned citizen and taxpayer regarding any development or otherwise and insinuating that I am misinformed.

I find the applicants statement threatening and dismissive.

The applicant implies that road, rail and air noise is worse than a repetitively prolonged tone. I disagree and as the applicant is not present to witness this that his statement is irrelevant.

I hope that my points are considered.

G.C.Livingstone

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Dr Jane Redford

Address: 12 Ormiston Farm Steadings Kirknewton

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is not the function for which the turbine was apparently installed. the volume of lorries on Leyden road will increase significantly as will the noise from the turbine.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr John Thomas

Address: 12 Ormiston Farm Steadings Kirknewton

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This turbine was conditioned on the grounds it would input carbon-free electricity to the grid. It is now clear it will never be connected to the electricity grid.

The installations to be retrospectively permitted under this application are an attempt to salvage some revenue from the turbine. The drying operation may be powered up to half the time by a diesel generator and on other occasions, the generator appears to be used to power the turbine - both for startup of control equipment and for maintenance drying of the turbine mechanism.

The turbine causes distressing shadow flicker in a couple of neighbouring properties and neighbours have complained about intermittent noise from the diesel generator running overnight. The turbine has also caused disruption to a child-minders business, causing some concern to children and their parents.

Given this turbine is causing considerable local distress, and meeting none of the environmental goals it is supposed to have been permitted for, why is the council going out of its way to retrospectively permit activities on the site?

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mrs Joyce Nicolson

Address: Lawheads Farm Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live at Lawheads Farm and can confirm that there is substantial noise here and the shadow flicker is terrible which causes me to have headaches. It is a shame as it was so lovely here until the site appeared on the scene. It was a peaceful stunning place sitting out on a summers day and the noise has spoiled it for me. I object to this as it's ruined an absolutely beautiful area.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr Ralph Speed

Address: Selms Bungalow off Leyden Road Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Firstly, I am concerned that this planning application is in retrospect. It was blindingly apparent that during the application process for the wind turbine that there was no grid access within miles for it to contribute to the grid so this must have been planned well in advance so why was this application for wood drying facilities not submitted in conjunction with the turbine one? In order for the applicant to be entitled to ROOFIT subsidies it must be demonstrated that either all the power produced is either exported to the grid or used on site.

The supporting document also states that this wood drying operation will be temporary as Scottish Power are obliged to provide a grid connection within two years. Whether this will happen or not is purely speculative, as any power lines will have to cross neighbouring properties. I have no idea what this would entail legally, I'm assuming that extra pylons can be forced upon unwilling landowners if deemed necessary, if this isn't the case then the two year deadline for removing the containers is spurious.

As this retrospective application also pertains to the diesel generator which is apparently necessary to kick-start the turbine on slow wind days and is essential to its regular operation why was this kept quiet during the last stages of the application? The whole process seems underhand.

If, as the application states this part diesel powered wood drying facility is in fact temporary and approx. 2km of high power pylons are constructed at the expense of other parties I would have to question that whether this significant investment in power transfer lines will be justified by further wind development in the area, because under WLC's own landscape capacity study for wind generation this area is considered unsuitable and for good reason.

In sections 5.02 and 5.04 of the CASE consulting document they seem to take issue with the concept of local democracy, the views of the community and ask to disregard the long and fractious planning history of the turbine. To consider the prior negative comments unfounded is insulting in the extreme, the turbine structure was against WLCs planning policy for this area and now dominates the landscape. The lack of regard during the whole process for what was actually going to be done with the power produced was roundly ignored at all stages by all but the initial complainants and this should be taken into account as it has now resulted in this application and the issue of pylons being placed on neighbouring land, further affecting the local community and impacting on the landscape.

The turbine was initially permitted as it was supposed to contribute to the Scottish Government targets for renewable energy. If we are to take the fact that it is now being used to justify the presence of a wood drying facility which also uses fossil fuels to prepare substances which will ultimately be burnt and this will only stop after the manufacture of 2km of pylons it is has failed

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr Robin Whealing

Address: Cockmylane Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this retrospective application.

Our property, being some 350 meters from the installation, suffers from shadow flicker from the turbine and constant noise from the turbine blades. Our days and nights are blighted by activities on the site. We also have to put up with the eyesore that is the ground works around the turbine, the container used to dry the logs and the noise from the generator used to facilitate all operations carried out on site.

The applicant has clearly provided information to his "expert" with a view to obtaining a skewed response to ensure that planning permission is granted. The applicant, in my opinion, seeks to bypass proper processes as a result.

This is a cynical attempt to position an alternative business on site given that the turbine can never be connected. This is not as stated a temporary application, this is a back door attempt to further diversification on site submitted by the applicant purely to mitigate his losses to date and those to be incurred in future.

There is no supporting documentation from Scottish Power, neighbouring landowners or OFGEM. The application lacks transparency and veracity and the planning permission sought should be refused on that basis.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mrs Sandra O'Connor

Address: 2 Latch Farm Cottages Leyden Road Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the diesel generator on the turbine site.

You cannot look at a diesel generator planning application in isolation from the wind turbine it is powering. Any reference I make to the turbine is in regards to it being turned by the diesel generator.

The wind turbine was given planning permission to input carbon free electricity to the grid. It has never been connected to the electricity grid & obviously never will be.

The idea that a wind turbine requires a diesel generator to operate it is bizarre & fundamentally against the idea of green energy - the reason planning was permitted in the first place. The whole site has been operating for over a year now without planning permission. We have seen the turbine requires frequent visits from a diesel delivery tanker. We have seen pallets of wood moved on site only a couple of times.

We are well aware of the full detrimental effects it has had on local properties as a noisy and polluting un-green solution for turning a wind turbine to operate a private business. We see the turbine turning at full speed on windless days, watch it wind down then rapidly speed up again when the generator kicks in to fire it back up to top speed. This is happening all the time 24/7.

Even the young children I care for as a Childminder comment on 'why is the windmill turning when it isn't even windy!' Imagine having to explain to a child 'because a diesel generator is making it turn!' Even kids can see this is wrong.

At full speed the whoomp whoomp of the blades are unbearable at our home, like driving past a slatted fence at speed. The sound waves go right through you, it makes you feel physically sick. It is impossible to stay outside in the garden when the turbine is turning at full speed & due to the generator this can be constant & totally regardless of the weather or wind conditions. The speed of the wind turbine is not determined by the wind but by a diesel generator. Therefore this turbine cannot be referred to as a 'wind driven turbine' as it is notrather it is a 'diesel generator turbine' powered by diesel.

It means on a beautiful still & windless day we are still bombarded with the constant whoomp whoomp effects of the turbine turning at full speed because of the diesel generator turning the blades. Even without a breath of wind.

I object to the diesel generator being on site.

I object to the diesel generator being connected to a wind turbine.

I am hugely disappointed this has been allowed to operate for over a year with no planning in place despite complaints. I do not understand why the Council is actively encouraging a retrospective planning solution, this seems incredibly unfair.

As a wind turbine is a green energy how can it be acceptable for it to be powered in any way by a diesel generator?

A turbine should be turned by wind power alone. Please explain how this generator driven wind turbine is meeting any of its environmental goals promised in its original planning.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mr Stephen Galvin

Address: Lawheads Farm Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application.

The noise and shadow flicker has affected my life at home.

This should not be allowed.

Comments for Planning Application 0121/FUL/18

Application Summary

Application Number: 0121/FUL/18

Address: Ormiston Farm Kirknewton West Lothian

Proposal: Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)

Case Officer: Steven McLaren

Customer Details

Name: Mrs Tammie Nicolson

Address: Lawheads Farm Kirknewton

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application for several reasons.

The noise pollution I hear is real and despite what the 'assessment' says, it does not take a rocket scientist to hear the racket that comes from the site. I understand and appreciate the noise varies depending on wind speed and direction. But at times it is really noisy. I have continually reported my complaint about the noise to WLC about the sleepless nights I have had. The diesel generator runs 24/7. I am upset that the developer is insinuating I am making this up. Why would I bother getting up in the middle of the night and emailing WLC. Why would I bother keeping a diary and sending in my findings. I can assure you the noise is impacting my home and has affected my sleep. I am fed up now noting everything and am sleeping with ear plugs. It is so unfair.

Last year in the late summer the generator was replaced. This was after various complaints and yes the noise was like a tractor in my bedroom. The noise lessened after this generator was fitted but it is still too loud.

My home has been blasted by shadow flicker. This flicker is horrendous and makes me feel physically ill. I have emailed evidence of this to WLC. This is not acceptable. The turbine is directly in my main view and the flicker affects every room, even my bathroom, bedrooms and all living areas.

The site is allegedly a 'Drying unit for reducing the moisture content of logs, timber pellets, hay, straw and other appropriate agricultural produce? This is strange as the only time we saw a delivery of logs was when the turbine was commissioned. We have never seen any movement of logs, pellets, hay or straw but regularly there is a Diesel Tanker going in to fill up the generator. Unless it takes over a year to dry a container of logs? Would this be a viable business due to the

timescale of log drying and the cost of fuel to generate a turbine which is operating the drier. Not to mention the cost to the environment.

Also taking into consideration the negative impact to ALL the neighbouring properties.
100% of the neighbouring properties are opposed to this application and are suffering by its impact in various ways.

Please can I request an Environmental Impact Assessment of the Diesel Generator running 24/7?
What is the carbon footprint?

The report section 3 states that they are now in a position to get grid connection within a 2 year period. And a temporary connection within the next couple of months.

Please can you provide evidence of the envisaged grid connection?

Where and how will it be connected? As I understand the neighbouring land owners have refused permission for cables to go over or under their land and therefore where is the grid connection coming from?

If this does not go ahead, will the generator provide power for the life expectancy of the turbine?
Please clarify? This decision will impact on the neighbouring properties for lifespan of turbine.

Many thanks

Tammie Nicolson

Our Ref: BC/Prem/151676
Direct Dial: 01506 282372
Email: brian.carmichael@westlothian.gov.uk

8 March 2018

Mr McLaren
West Lothian Civic Centre
Howden South Road
Howden
Livingston
EH54 6FF

MEMO
Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
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Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

**Environmental Health &
Trading Standards Manager**
Andrew Blake

**PREMISES: Ormiston Farm, Kirknewton
Planning Consultation Response 0121/FUL/18**

I refer your consultation of 16/02/2018 regarding this application.

Environmental Health has no objections to make on the application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

The ancillary equipment for drying wood is powered by the wind turbine. The dominant noise source when operating is the large centrifugal fan contained within the metal containers. This fan generates significant noise at source.

The generator should operate when there is insufficient wind to rotate the turbine blades. The generator is of a silenced type and emits considerably less noise emissions than that of the fan.

Additional mitigation measures in the form of an earth bund around the locus of the generator and northern side of the container acts as an acoustic barrier. A dog leg enclosure has been constructed with the open side facing west away from noise sensitive receptors. These measures have made a significant difference to the noise emissions off site.

Recent visits to the site when the turbine was operating and consequently the centrifugal fan highlighted that the noise at sensitive receptors, Cockmylane and Lawheads was barely audible. At Cockmylane the wind was from a westerly direction from the site to the receptor. This would have given rise to the worst case noise propagation. At Cockmylane the fan was inaudible during what was a quiet background noise environment. Similarly at Lawheads the fan was barely audible.

During a visit when the generator was running in isolation from the fan, noise emissions were not audible at any receptor.

I have therefore no concerns over the noise emissions associated with the current operation.

I am aware there has been complaint in the past regarding noise emissions from the ancillary equipment. The service unit has offered night visits via the SNT team should the residents be disturbed by the noise. No requests for visits were made by the residents.

From my inspection of the site and assessment of the noise being emitted, I would not consider that there is a significant impact associated with the operation of ancillary equipment.

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

- Those noise mitigation measures as detailed in the noise report must remain in place for the duration of any permission granted
- Any proposed changes to the noise mitigation measures must be submitted for approval by the planning authority

Should you wish to discuss the matter further, please contact me at the above number.

Brian Carmichael
Environmental Health Officer

**PLANNING APPLICATION FOR THE ERECTION AND TEMPORARY RETENTION OF PLANT AND
MACHINERY ANCILLAR TO APPROVED WIND TURBINE
at
ORMISTON FARM, KIRKNEWTON, WEST LoTHIAN**

SUPPORTING STATEMENT

1.00 Introduction

1.01 Following discussions with the planning service of West Lothian Council a planning application for the erection and temporary retention of plant and machinery has been prepared and submitted to the Planning Authority for due consideration.

1.02 This paper in support of the application provides additional background information.

2.00 Purpose of the shipping containers and diesel powered generator unit

2.01 The two linked shipping containers together provide a biomass drying unit for reducing the moisture content of logs, timber pellets, hay, straw and other appropriate agricultural produce.

2.02 One container contains a bank of heater batteries and a fan powered, normally, by the adjacent wind turbine. When the wind turbine is not operational the diesel generator can be used to power the biomass drier unit but in practice it is not used for that purpose.

2.03 The turbine is the subject of a radar mitigation agreement with Edinburgh Airport Limited as required by the planning consent. Within the turbine tower itself there is a considerable amount of electrical equipment used for the safe operation of the turbine. All of this equipment is controlled by a computer which provides real time data to the turbine manufacturer. If the turbine manufacturer is advised that the radar mitigation solution is not available for any reason then the computer must be operational to shut down the turbine with minimum delay. That operational requirement is continuous and without interruption.

- 2.04 When the wind speed drops to a point where the blade rotation falls below 15 rpm the turbine is not providing sufficient power to maintain the operational systems and the computer. At that point in time the turbine sends a signal to the generator and the generator then provides power to the computer to maintain system safety standards. The generator will continue to operate until such time as the turbine blades rotate in excess of 15rpm. There will be times therefore that the generator is operational while the blades are turning. The turbine blades will rotate in almost no wind and at wind speeds of less than 5 metres/second. In these circumstances the generator will be operational but only to power the turbine's onboard computer.
- 2.05 For the avoidance of any doubt there is no direct connection between the generator and the turbine blades nor is there any motorised device in the turbine tower that could receive any external power supply to power the blades. The notion that such a scenario could occur is bizarre to say the least.
- 2.06 The generator, as noted in the conclusion at paragraph 5.08, is entirely ancillary to the approved turbine.

3.00 Temporary nature of consent being sought

- 3.01 It has always been the intention to connect the turbine directly to the national grid. In this regard and prior to the erection of the wind turbine a grid connection agreement was entered into by the applicant and Scottish Power. Scottish Power has a statutory duty to provide such a grid connection if requested to do so. However, the considerable uncertainty and substantial delay surrounding the satisfactory determination of the planning application for the change of turbine model precluded any firm date being given for the required connection. In such circumstances an interim 'off grid' arrangement had to be provided.
- 3.02 The applicant is now in a position to move forward with the grid connection procedure and a connection capable of transmitting the full output of the turbine may be envisaged within approximately a two year period. Once in position, the shipping containers and the diesel generator will become redundant and shall be removed from the site. On that basis a temporary planning consent extending for a two year period is being sought.

3.03 In the interim, agreements are in place for a temporary grid connection albeit sufficient only to accommodate a percentage of the full output of the turbine. It is anticipated that this temporary connection will become operation within the next couple of months. Once operational and depending on the pace of progress regarding the long term grid connection the applicant may decide that the earlier removal of the shipping containers and generator is feasible.

4.00 Allegations of noise nuisance

4.01 The extant planning consent imposes limits on the noise emissions from the turbine when measured at neighbouring properties. The purpose of the condition is to determine the balance between the rights of the applicant to generate electricity from the operation of the turbine and the rights of nearby residents to an acceptable level of amenity.

4.02 The noise limits imposed by the planning consent are absolute, objective limits which, if adhered to, present an acceptable level of amenity as far as neighbouring residents are concerned. An acceptable level of amenity is established by the imposition of nationally recognised noise limits. These do not accommodate subjective assessments of noise impacts by neighbours who may have been opposed to the turbine proposal.

4.03 The noise limits imposed by the planning consent apply to the operation of the turbine and not the biomass drier unit or to the diesel generator. Nonetheless it is entirely reasonable and acceptable that neighbours should not be exposed to excessive noise from other components associated with the operation of the turbine even on a temporary basis.

4.04 Within the turbine itself there is a meter which is known as the half hour data meter. It records the precise amount of energy the turbine produces in each half hour period from the date that the turbine was initially commissioned. During that period the turbine has frequently been non operational due to a series of electrical component failures within the turbine control system and in respect of the operational software associated with the heater battery in the biomass unit. These periods are clearly identifiable from the output provided by the half hour data meter.

- 4.05 During the course of the Summer of 2017 the planning service received a number of noise related complaints from two adjacent residential properties. Possibly due to inaccurate logging of the dates and times when an alleged noise nuisances had occurred some of these complaints relate to times when the turbine, the biomass drier unit and the generator were not operational. Two complaints in particular were impossible to reconcile given that the properties in question were virtually the same distance from the turbine site. One complaint from the garden of one property likened the noise from the site as being like a dishwasher while the other complaint likened the same noise as being like a tractor inside the house. All environmental factors were checked and no credible explanation for such a huge disparity in the description of the noise generated from the site can be advanced.
- 4.06 The applicant was concerned that these inaccurate complaints might be given undue credibility by the planning service if left unchallenged. A specialist acoustic consultant approved by the planning service was immediately appointed to advise on the issue in consultation with Brian Carmichael of West Lothian Council's Environmental Health Department.
- 4.07 It was rapidly agreed that the turbine was not the potential source of the problem. Similarly, the diesel generator was rapidly ruled out as the source of any genuine noise complaint because of the high level of acoustic attenuation encasing the generator.
- 4.08 The potential source of the noise was identified as the fan unit in the biomass drier. The intake for the fan faced onto the nearby turbine control cabin and was not in direct line of sight of either of the properties that had been mentioned in the noise complaints. A sophisticated noise modelling programme was used to provide an initial assessment of the noise levels that the fan might be capable of generating at these two neighbouring properties. That assessment indicated that noise levels were not excessive and, to date, the Environmental Health Department has raised no issue with regard to that assessment and has not concluded that noise generated on the site is an issue of concern that merits any action on the part of the Authority. The initial noise assessment is provided as Appendix 1.
- 4.09 The specialist acoustic consultant did, however, advise that the fan unit in the biomass drier was devoid of any acoustic attenuation measures. In consultation with the planning service it was decided that the submission of the planning application would be deferred pending the installation of a range of acoustic attenuation measures and that these measures would form part of the planning application together with a revised assessment of their efficacy. The revised assessment is provided as Appendix 2 and takes into account more accurate site survey data.

4.10 Having substantially mitigated noise levels by introducing significant acoustic attenuation, without being required to do so by the Authority's Environmental Health Officer, there are no unacceptable adverse noise impacts on the three adjacent residential properties arising from operations on the site of the turbine.

5.00 Summary and conclusions

5.01 Wind turbine developments by their very nature tend to generate very polarised and emotive public comment. Unfortunately, there is a considerable amount of misinformation regarding the actual impacts of turbines on neighbouring residential properties which are seized upon by those opposed to such developments. All manner of ills are frequently attributed to turbine developments without any credible justification and these are replicated time and time again in the representations that Planning Authorities receive in respect of virtually every turbine planning application.

5.02 The Ormiston turbine has attracted its fair share of ill founded and negative comments over a number of years. The initial planning application was withdrawn and replaced with an application for a smaller turbine. That application was refused consent by the Planning Authority. An appeal was lodged with Scottish Ministers which was initially dismissed. The Reporter's decision to dismiss the appeal was legally incompetent in that he had substantially misdirected himself. In such circumstances the appellant has a right to challenge the Reporter's decision in the Court of Session. In normal circumstances petitioning the Court of Session to set aside a Reporter's decision is seldom successful. Indeed, no other turbine appeal decision has been successfully challenged in the Court of Session.

5.03 In the case of the Ormiston turbine the decision to dismiss the appeal was unfounded in fact to an extent that Scottish Ministers declined to defend the action or support their Reporter's decision. Costs were awarded to the appellant. This was an unprecedented outcome in respect of a turbine appeal and serves to underscore how deficient the initial Reporter's decision was.

5.04 Beyond that point in time there never has been any doubt that the Ormiston turbine would be consented and would be erected on site despite the prolonged efforts of a few neighbours opposed to the development. Some of those opposed to the proposal have continued to make reference to the initial Reporter's decision to dismiss the appeal in subsequent representations as if it has some relevance. If that had been the case Scottish Ministers would have defended their Reporter's decision in the Court of Session. The historical context and lengthy planning history of this proposal is no longer relevant to the determination of the application under consideration. The principle of the turbine development is simply not capable of being competently revisited.

5.05 The planning system requires to approach the determination of all planning applications in an impartial and fair manner having due regard to the policies contained within the Local Development Plan. The West Lothian Local Development Plan has reached the post examination stage and its contents are therefore substantial material considerations. In this regard attention is drawn to Supplementary Guidance - Planning and Noise. Paragraph 1.4 advises that the assessment of noise from wind energy developments is not within the scope of the Supplementary Guidance. However, Policy EMG 5 advises that:

'There is a presumption against developments that are:

- a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or*
- b. residential or other noise sensitive developments being close to noisy land use.*

The only exceptions will be where it can be demonstrated that:

- a. through design or mitigation, satisfactory internal and external noise levels can be achieved at noise sensitive development;*
- and*
- b. through design and mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity.*

The terms of the council's Supplementary Guidance on Noise will apply.'

5.06 Paragraph 3.3.7 of the Supplementary Guidance advises that *'industrial / commercial noise falls under the statutory nuisance legislation which places a duty on the council to take enforcement action where a noise nuisance exists. This would include external noise affecting residential outdoor amenity areas.'*

5.07 In the case of the biomass drier installation at Ormiston it is a statement of fact that the Environmental Health Department has not initiated any enforcement action in response to the numerous complaints that the Planning Service has received for the simple reason that it has not been established that a noise nuisance attributable to the biomass drier installation exists. The mitigation measures undertaken by the applicant more recently to significantly attenuate the noise generated by the biomass drier fan have substantially reduced any noise impact on either of the two neighbouring residential properties where complaints have emanated to a level well below that which could be described as significant or which otherwise might warrant enforcement action. It is worth mentioning in the passing that both properties where noise complaints have emanated from are exposed to air traffic noise from the nearby Edinburgh Airport. One the properties is additionally exposed to road traffic noise from the nearby A71 dual carriageway and from the Edinburgh - Glasgow railway line. These higher levels of background noise serve to mask the relatively modest noise emissions from the biomass drier unit.

- 5.08 The biomass drier unit and the generator are considered to be ancillary to the primary approved use of the site as a wind energy development. It is temporary in nature and causes no significant adverse impacts in the locality or to any neighbouring residential proprietors. On that basis the proposal is not in conflict with Policy EMG 5 and in the absence of any over-riding material considerations the application warrants approval.

Ian A Downie, Dip Arch, (Abdn)
Planning and Development Consultant

case CONSULTING Limited

Agent for the Applicant

2nd March 2018









Draft Conditions

This permission is granted subject to the following conditions:-

- (1) Prior to the first delivery of material for the dryer, the first 10m of the access from the public road shall be surfaced in a bituminous material and shall include measures to prevent surface water run off.

Reason To ensure no stones or other loose material is dragged onto the public road and to ensure surface water does not cause a hazard on the public road.

- (2) The noise mitigation measures as detailed in the noise report must remain in place for the duration of the operation of the diesel generator and biomass dryer. Any proposed changes to the noise mitigation measures must be submitted for approval by the planning authority.

Reason In the interest of residential amenity.

- (3) Following any valid complaint regarding noise from the diesel generator of biomass dryer, as determined in consultation with Environmental Health, the operator shall review the mitigation measures in place and submit details to augment these measures. Once agreed, the operator shall implement the revised noise mitigation measures within 1 month of the agreement date.

Reason In the interest of residential amenity.

- (4) The diesel generator and biomass dryer hereby approved shall be removed from site within 2 years of the date of this decision notice unless a further planning application has been approved for an extension to this period. Should the turbine be connected to the National Grid within this 2 year period, the diesel generator shall be removed from site within 1 month of the grid connection being established.

Reason In order to define the terms of the planning permission and to ensure the removal of redundant plant from the site at the earliest opportunity.

- (5) Following a temporary connection to the National Grid, the effectiveness of the biomass dryer shall be reviewed and where the dryer is found to be ineffective/redundant, the plant shall be removed from site within a period agreed by the planning authority. Following a permanent connection to the national grid, the biomass dryer shall be removed from site within 2 months of the grid connection being established.

Reason To ensure the removal of redundant plant from the site at the earliest opportunity.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Extension to house at 35 Rivaldsgreen Crescent, Linlithgow, West Lothian, EH49 6BB

2 DETAILS

Reference no.	0141/H/18	Owner of site	Mr & Mrs Crawford
Applicant	Mr & Mrs Crawford	Ward & local members	Linlithgow Councillor Tom Kerr Councillor Tom Conn Councillor David Tait
Case officer	Tiwaah Antwi	Contact details	Tiwaah.antwi@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor David Tait

3 RECOMMENDATION

Grant planning permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for a single storey rear extension to enlarge the living and kitchen/dining areas, enlargement of the third bedroom and form a new bathroom on the upper floor within the plot of the established of 35 Rivaldsgreen Crescent. The property will have patio doors, roof lights and windows to the rear; a dormer window and a roof light will be installed to the front elevation of the property and the existing flat roof of the garage is proposed to be replaced with a pitched roof.
- 4.2 The proposed single storey rear extension would measure 2.3 and 3.5 metres in length to the south and north elevations respectively, 12.6 metres wide and 2.6 metres in height. The upper floor would be extended 2.5 metres wide southward above the existing utility room, 0.8 metre in length and would be 3.7 metres in height to the ridge to enlarge the third bedroom and form a bathroom.
- 4.3 This a revised plan following discussions with the agent to raise concerns over the scale of the proposed extension on the upper floor after consideration of the neighbour's objection comment, review of the initial proposed plans and a site visit.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform?
West Lothian Local Plan	<p>Policy HOU 9 Residential 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 significant degree will not be supported.</p>	The proposal will not be detrimental to residential and visual amenity to existing residents due to the scale, design and location of the proposed extension.	Yes

5.1 Also, of relevance is the council's House Extension and Alteration Design Guide 2015.

6. REPRESENTATIONS

There has been one letter of representation. Issues raised in the representation were;

Comments	Response
Scale of the development	The representation was received prior to revision and the en-suite to the third bedroom has been removed to reduce the scale of the development on the upper floor.
Loss of daylight and sunlight	The attached revised plan (1326/PL/04A) shows daylight assessment at 45° angle and sunlight assessments shows the development would not be affected by loss of daylight or sunlight to the bedroom window in question.
Proximity to boundary and access via neighbouring plot	Comments were raised regarding the proximity to the extension to the boundary and the chances of builders having to access the neighbouring plot to construct the extension; however, this is not a material consideration and would have to be resolved between the neighbours.
Accurate location/size of gable window	Again, the comment raised about the architect not visiting the neighbouring property for an accurate location and size of the existing window on the gable wall of the neighbouring property is not a material planning consideration.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 In assessing the application the impact of the proposed development on neighbouring residents and its degree of accordance with the House Extension and Alteration Design Guide, require to be assessed.
- 7.3 The proposal will not be detrimental to residential and visual amenity. The scale, design and location of the proposed extension is acceptable in that it would not result in any overbearing or overshadowing to the property itself or the nearest neighbouring property to the south boundary. The greater part of overshadowing caused by the extension would be to the applicant's garden ground, which therefore conforms to policy Hou9 and the House Extension and Alteration Design Guide.
- 7.4 The revision of the initial proposal following discussion saw a proposed en-suite to the bedroom, which would have been located above the existing garage, removed. This will ensure sunlight and daylight to the first floor bedroom window on the gable wall of the south neighbouring property is not compromised as a result of the development.
- 7.5 The proposed extension features a dormer window to the front, patio doors and windows to the rear looking unto the applicant's own garden ground and the street. The front dormer window would be located 1.3 metres beyond the existing building therefore would be 19.1 metres away from the neighbouring property across the street. The application therefore would not result in any privacy issues and conforms to policy HOU9 and the House Extension and Alteration Design Guide.
- 7.6 The House Extension and Alteration Design Guide states that materials should match that of the existing property and while the application does not make mention of this, a condition is proposed to ensure that the extension is finished materials to match the existing dwelling house in colour and texture.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The extension will not have a significant impact on the appearance of the existing property, and it will not be detrimental to the amenity enjoyed by the residents of the neighboring properties. It therefore complies with policy HOU 9 of the West Lothian Local Plan and supplementary guidance.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial photograph
- Elevation and Floor Plans (Existing and Proposed)
- Member Referral Form
- Sunlight Assessment (Ground and First floor)

Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 09/05/2018



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	<p>0141/H/18</p> <p>Planning, Economic Development & Regeneration, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>1:1,250</p>	
<p>2018-05-01T12:11:33</p>		<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2017</p>	



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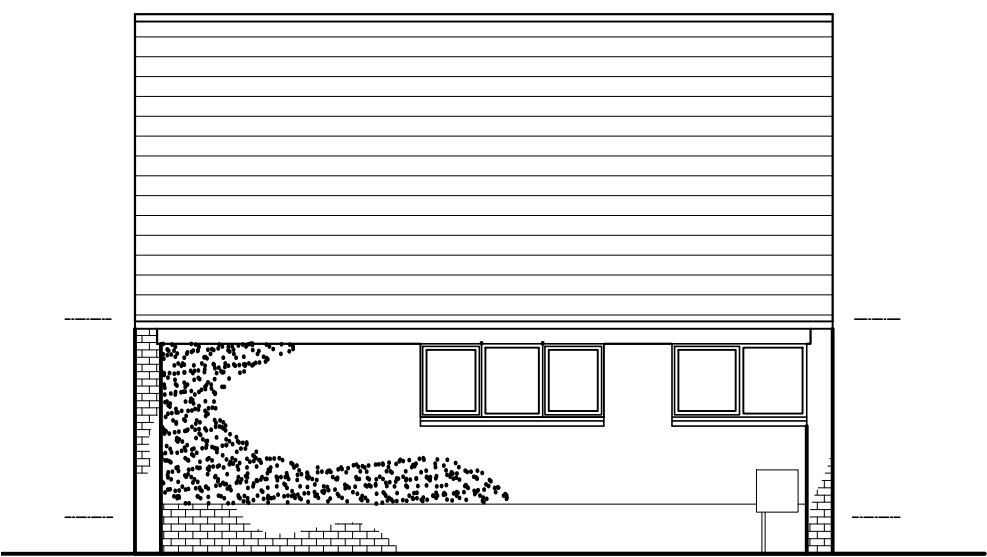
sterlea

LOCATION PLAN
1:1250



Three
Lairs

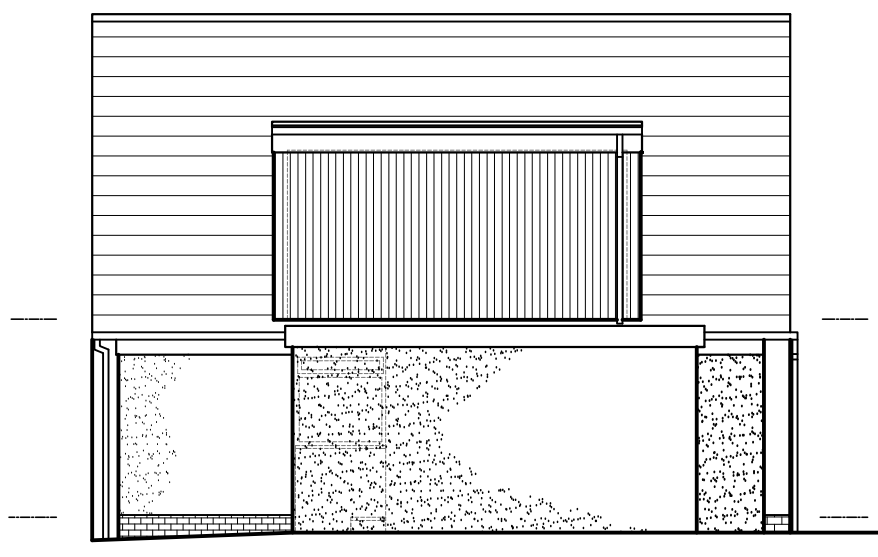
MANSE ROAD



EXISTING SOUTH ELEVATION
1:100



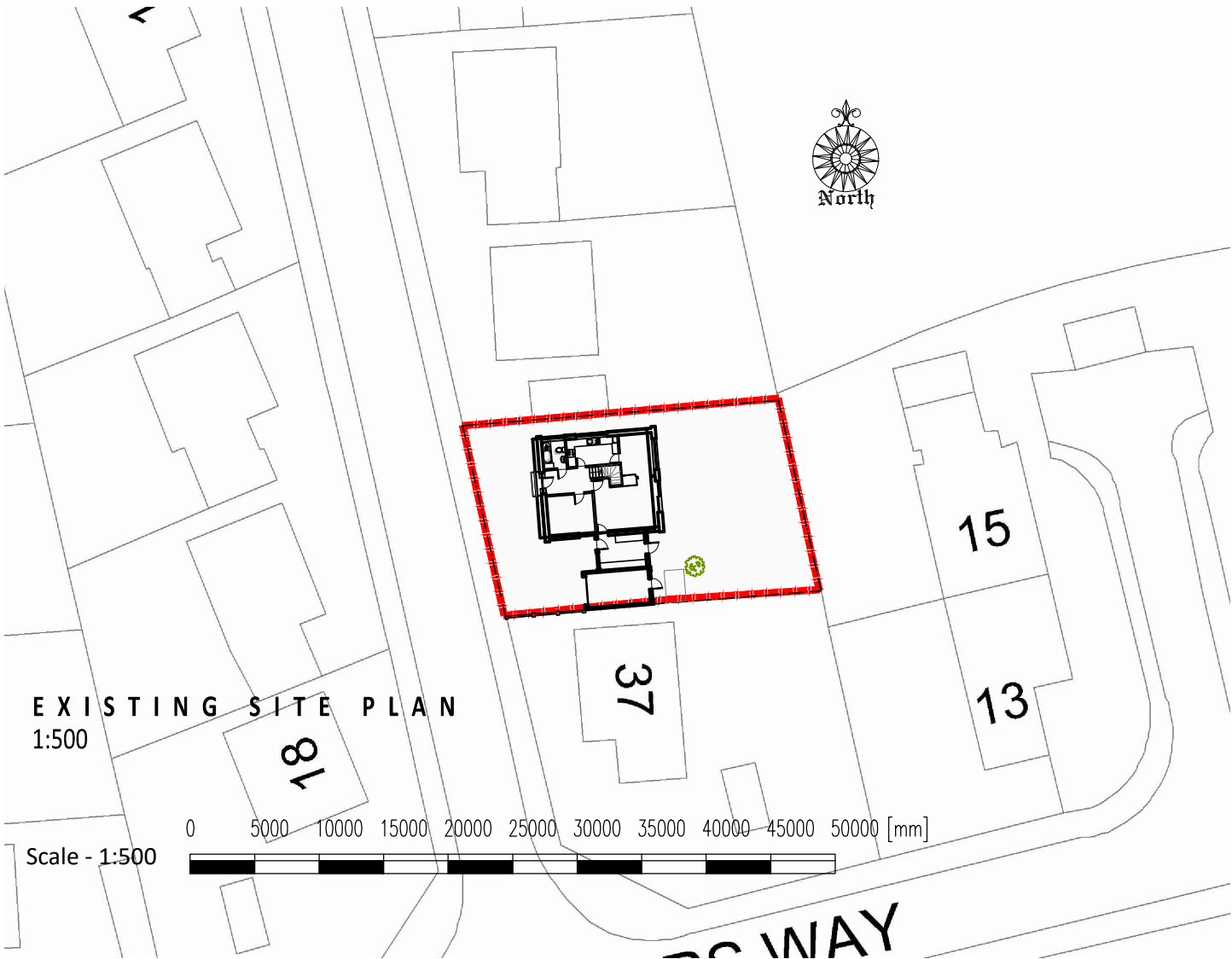
EXISTING WEST ELEVATION
1:100
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Scale - 1:100



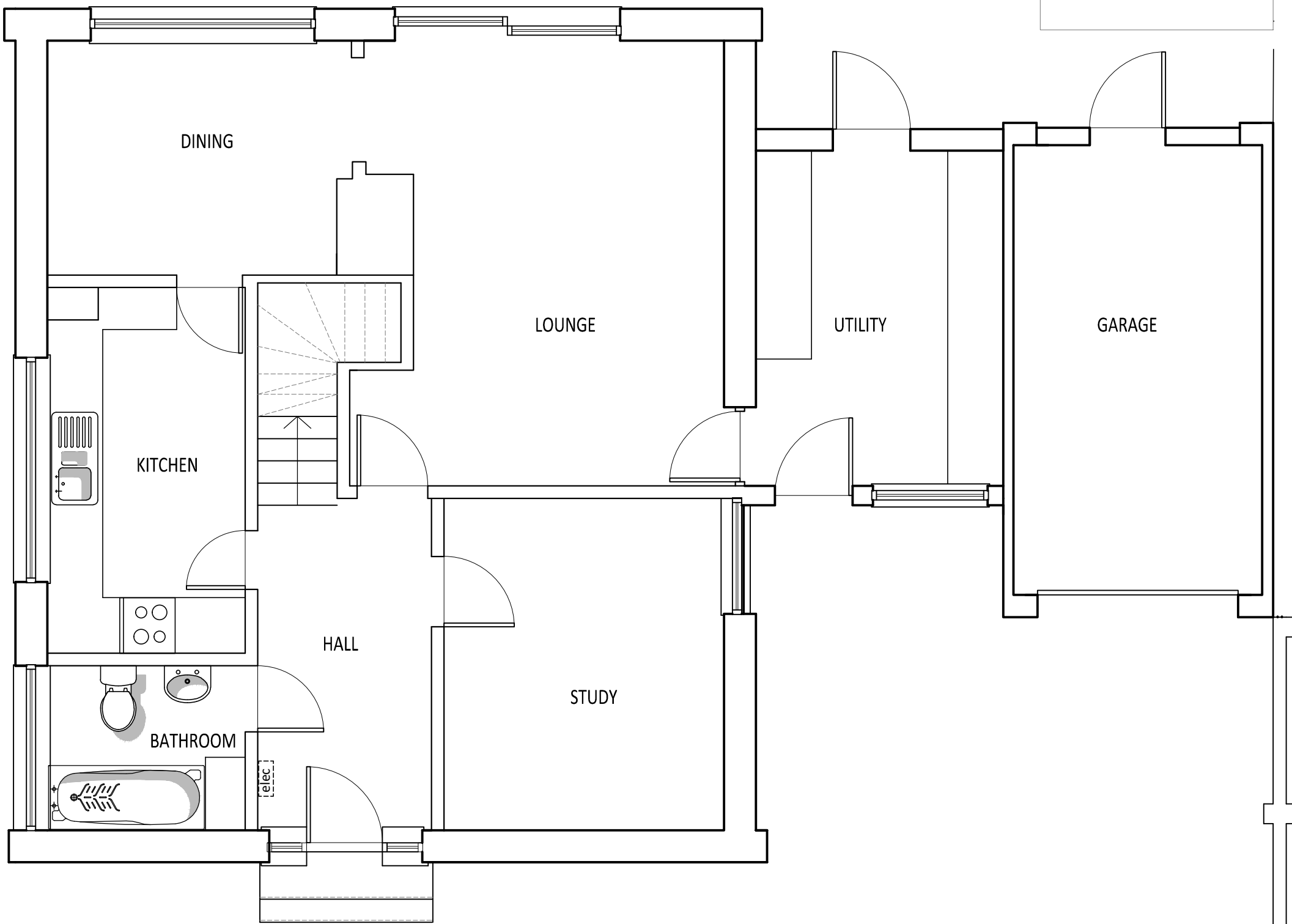
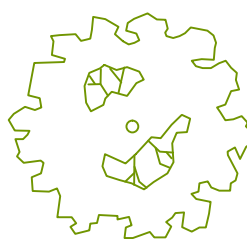
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1:100



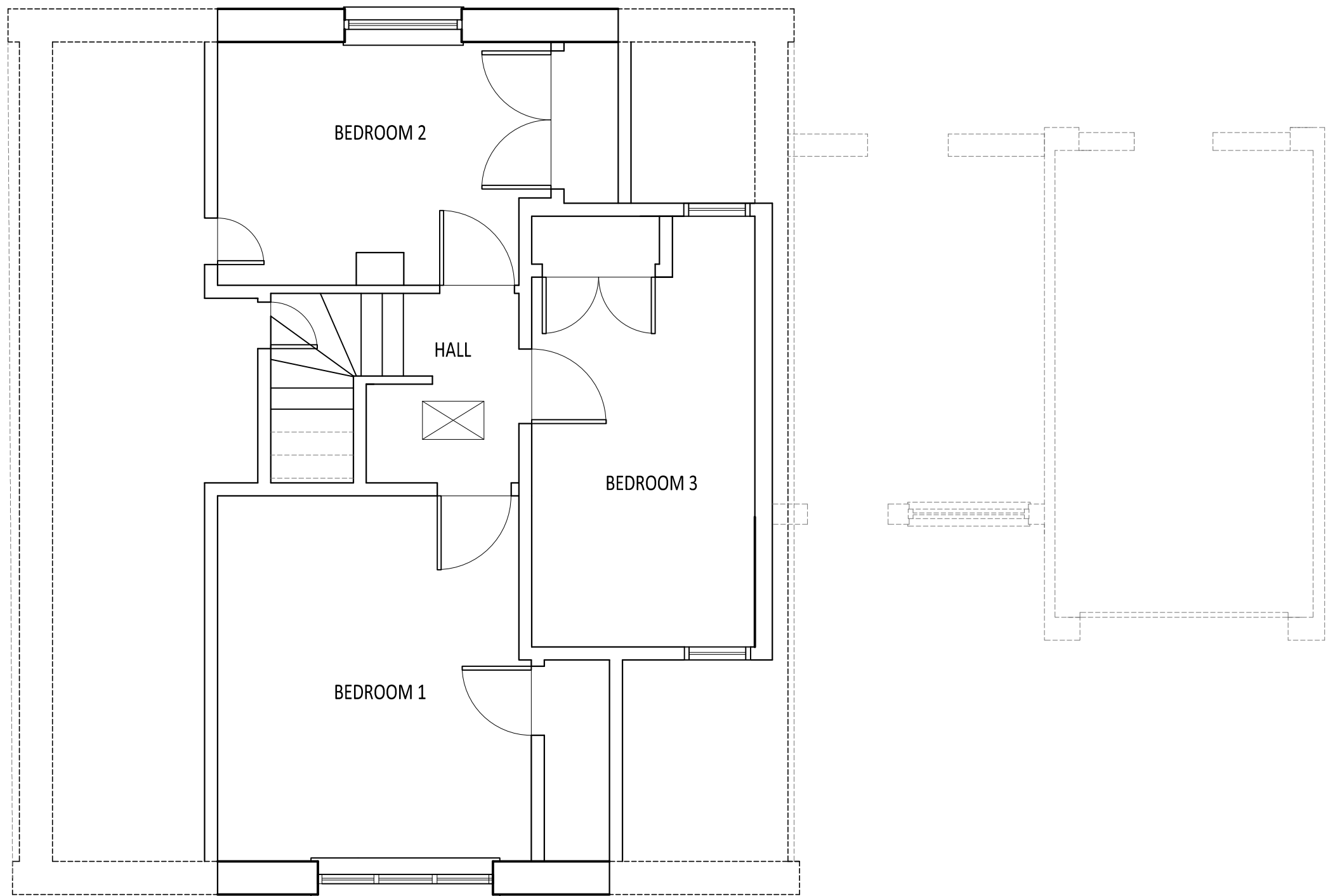
EXISTING EAST ELEVATION
1:100



EXISTING SITE PLAN
1:500
0 5000 10000 15000 20000 25000 30000 35000 40000 45000 50000 [mm]
Scale - 1:500



EXISTING GROUND FLOOR LAYOUT
1:50
0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 [mm]
Scale - 1:50



EXISTING FIRST FLOOR LAYOUT
1:50

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Do not scale from drawings

PLANNING

REV A -

REVISIONS



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Office 32, Alloa Business Ctr,
Whins Rd, Alloa FK10 3SA

PROJECT

Proposed Residential Extension
35 Rivaldsgreen Crescent, Linlithgow
EH49 6BB

DRAWING TITLE

EXISTING PLANS & ELEVATIONS

CLIENT

Mr & Mrs Crawford

SCALE Noted DATE January 2018

DRAWING NO. 1326 / PL / 01



PROPOSED WEST ELEVATION
1:100



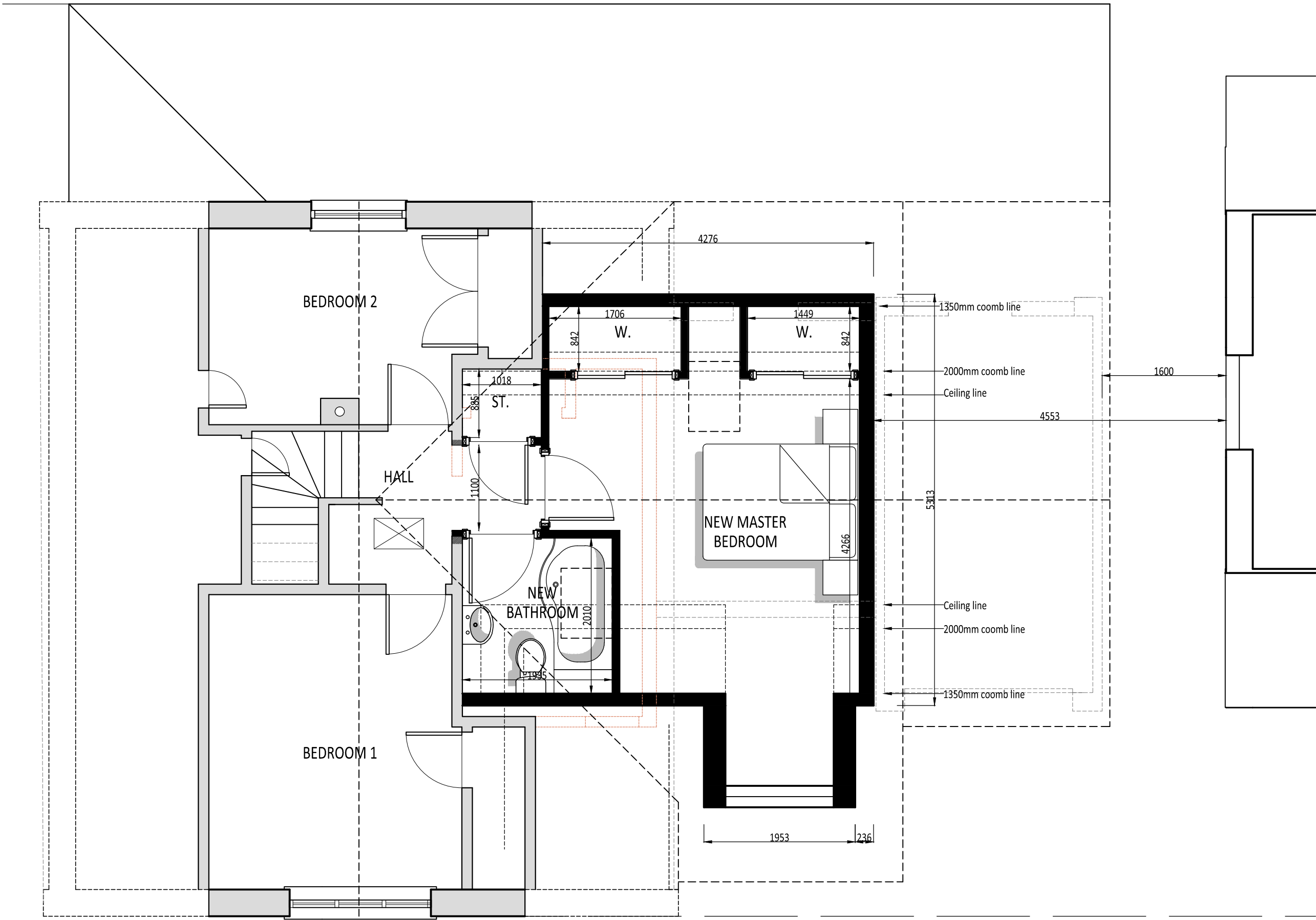
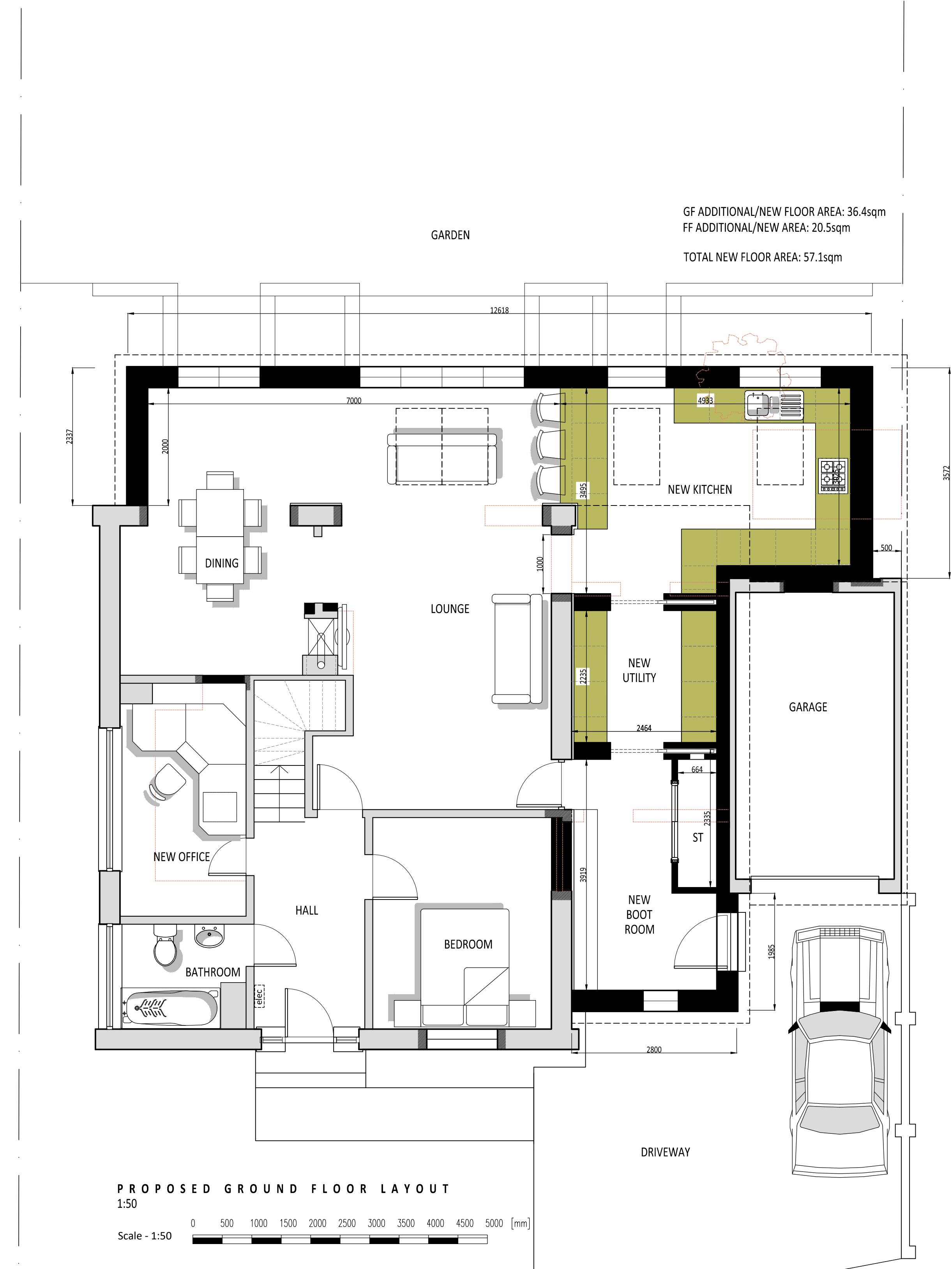
PROPOSED NORTH ELEVATION
1:100



PROPOSED EAST ELEVATION
1:100



PROPOSED SOUTH ELEVATION
1:100



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PLANNING

REV A - Scale and mass reduce, en-suite extension removed, ridge lines lowered - to address issues raised by Planning and neighbour. 10-4-18
REV B - Additional dimensions added to exterior as requested by Planning. 12-4-18

REVISIONS

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PROJECT

Proposed Residential Extension
35 Rivaldsgrreen Crescent, Linlithgow
EH49 6BB

DRAWING TITLE

PROPOSED PLANS & ELEVATIONS

CLIENT

Mr & Mrs Crawford

SCALE

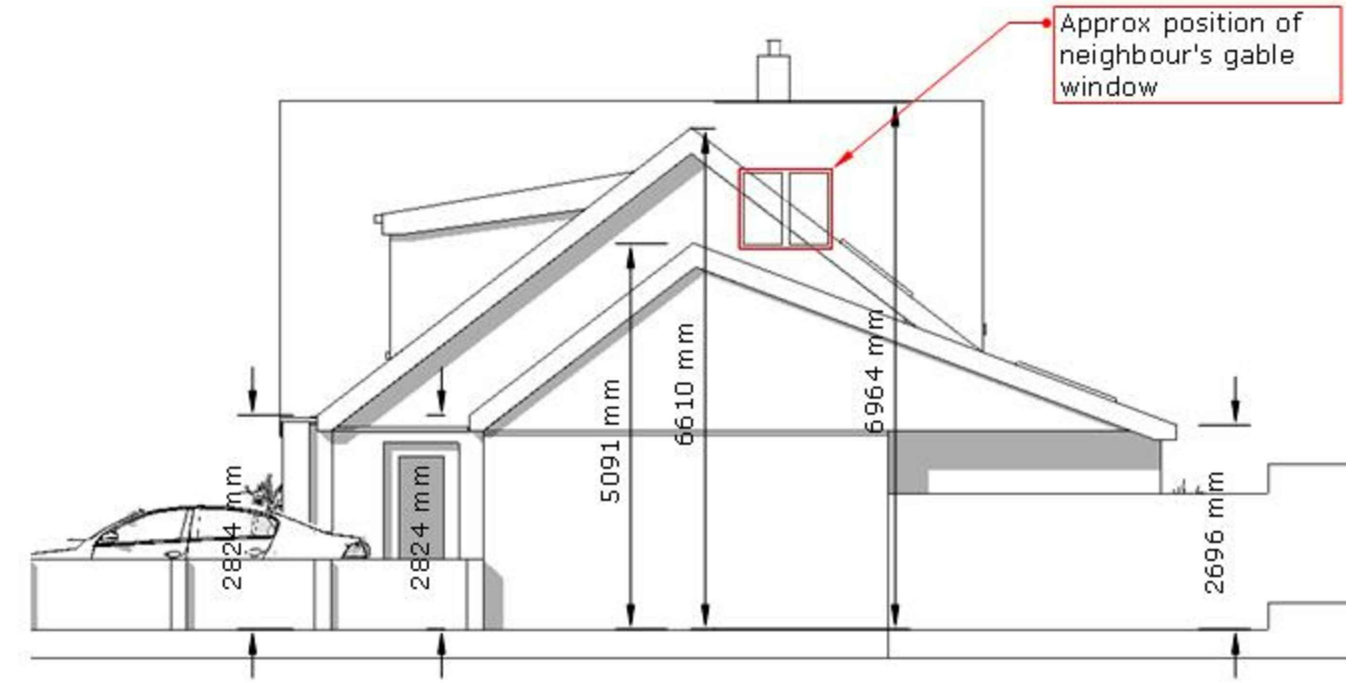
Noted

DATE

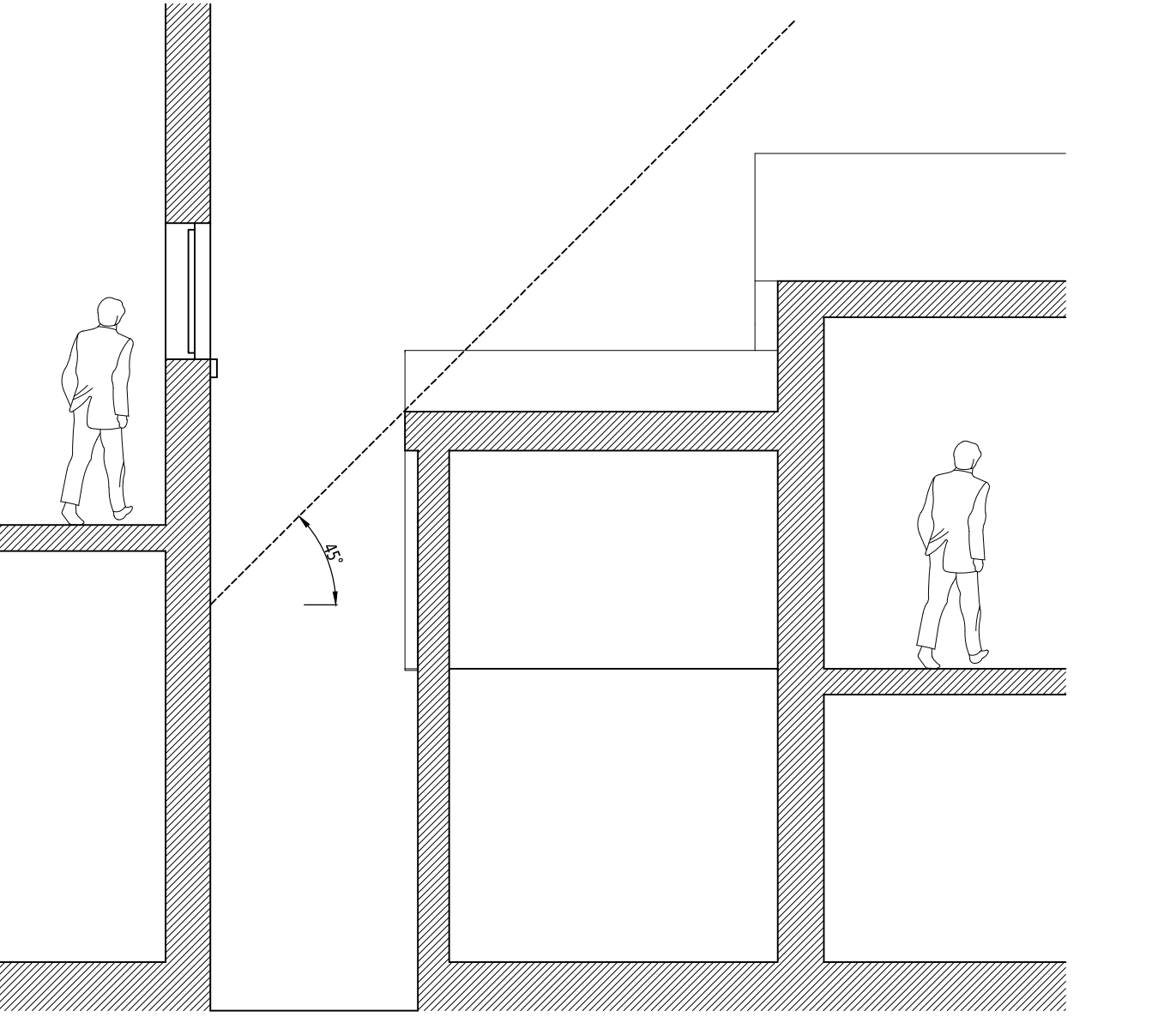
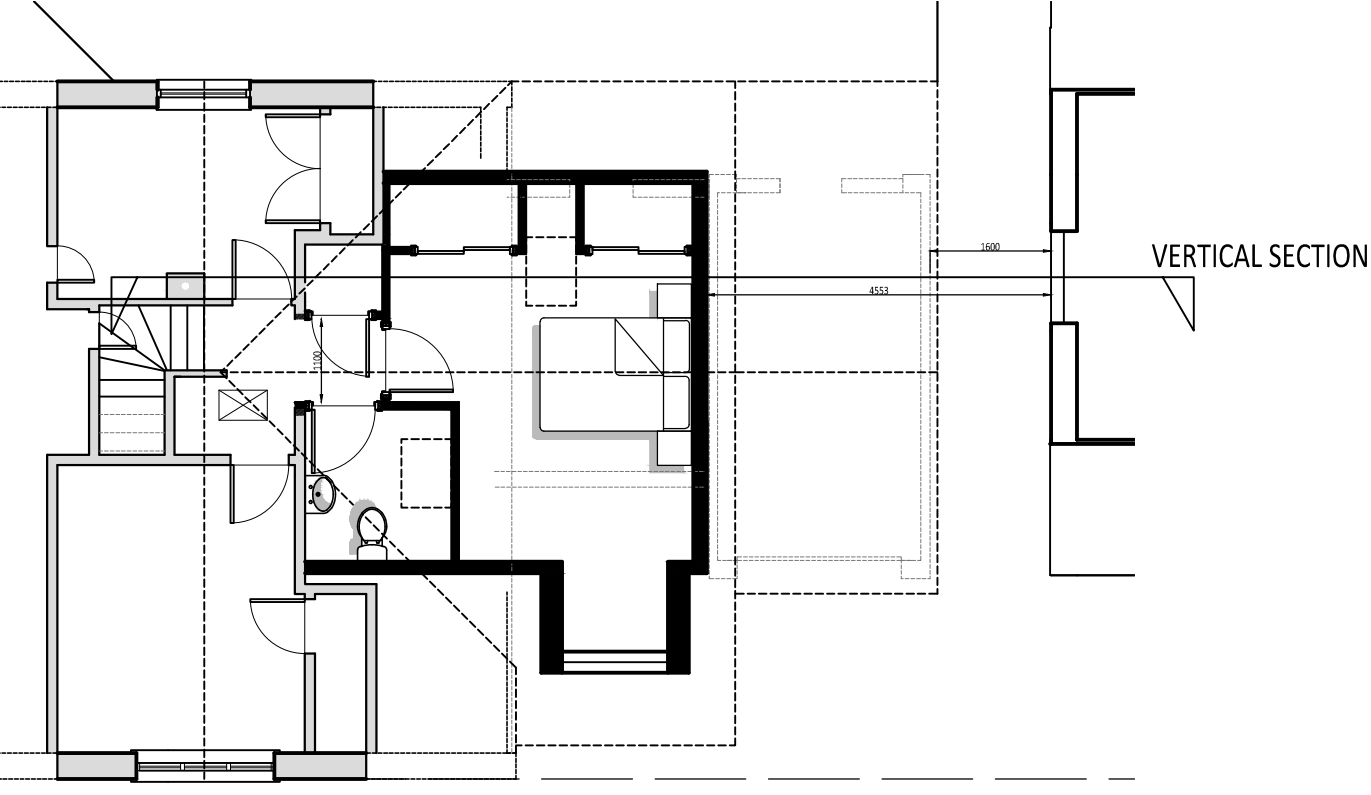
January 2018

DRAWING NO.

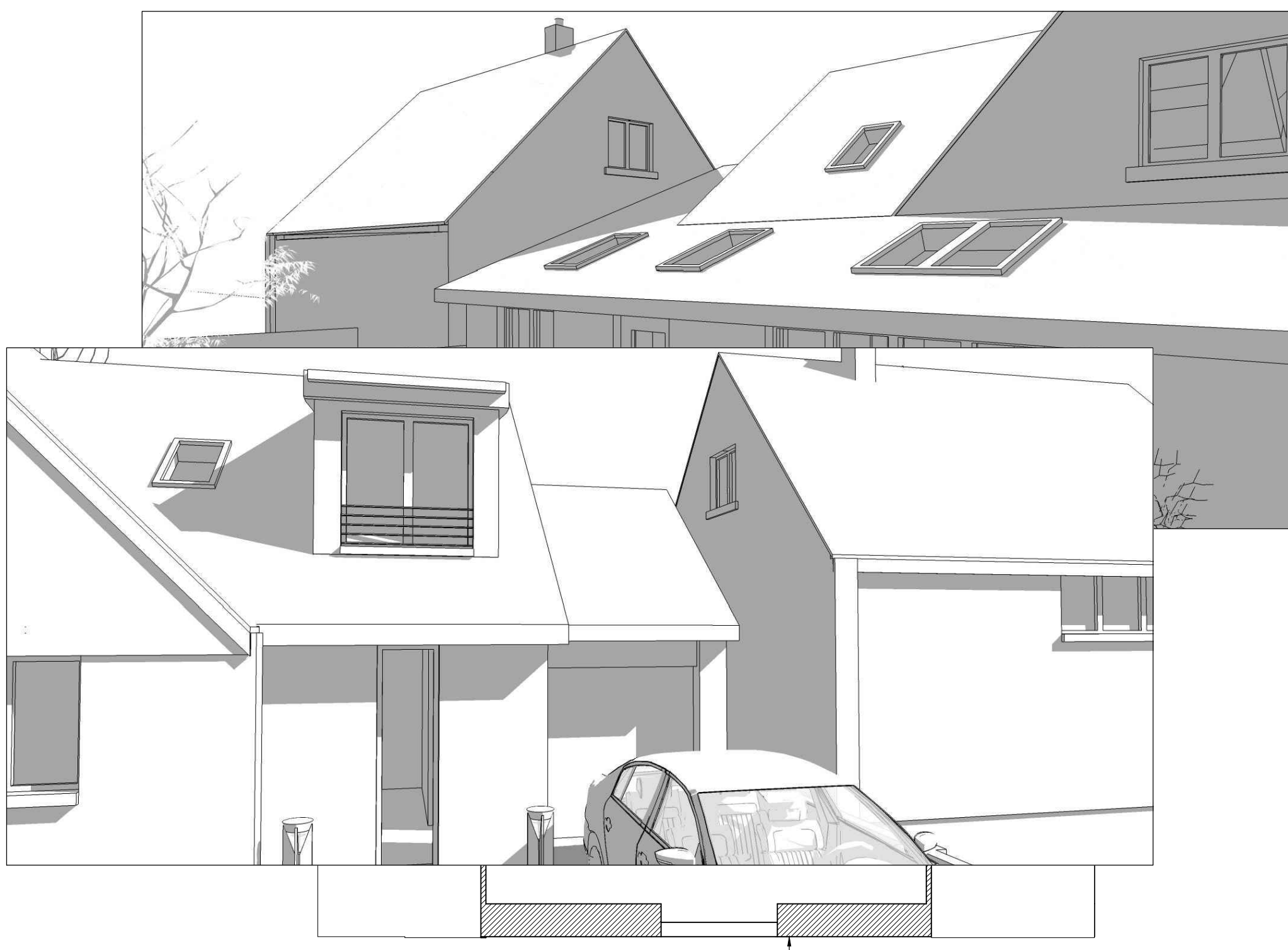
1326 / PL / 02 B



PROPOSED SOUTH ELEVATION
(DIMENSIONS)



INDICATIVE SECTION THRU CENTRE LINE OF NEIGHBOURING WINDOW
(VERTICAL)
1:50



INDICATIVE SECTION THRU CENTRE LINE OF NEIGHBOURING WINDOW
(HORIZONTAL)
1:50

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Do not scale from drawings

PLANNING

REV.A - Scale and mass reduce, en-suite extension removed, ridge lines lowered - to address issues raised by Planning and neighbour. 10-4-18

REVISIONS



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Whins Rd, Alloa FK10 3SA

PROJECT

Proposed Residential Extension
35 Rivaldsgreen Crescent, Linlithgow
EH49 6BB

DRAWING TITLE

NEIGHBOUR IMPACT ASSESSMENT

CLIENT

Mr & Mrs Crawford

SCALE Noted

DATE January 2018

DRAWING NO. 1326 / PL / 04 A



West Lothian Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.

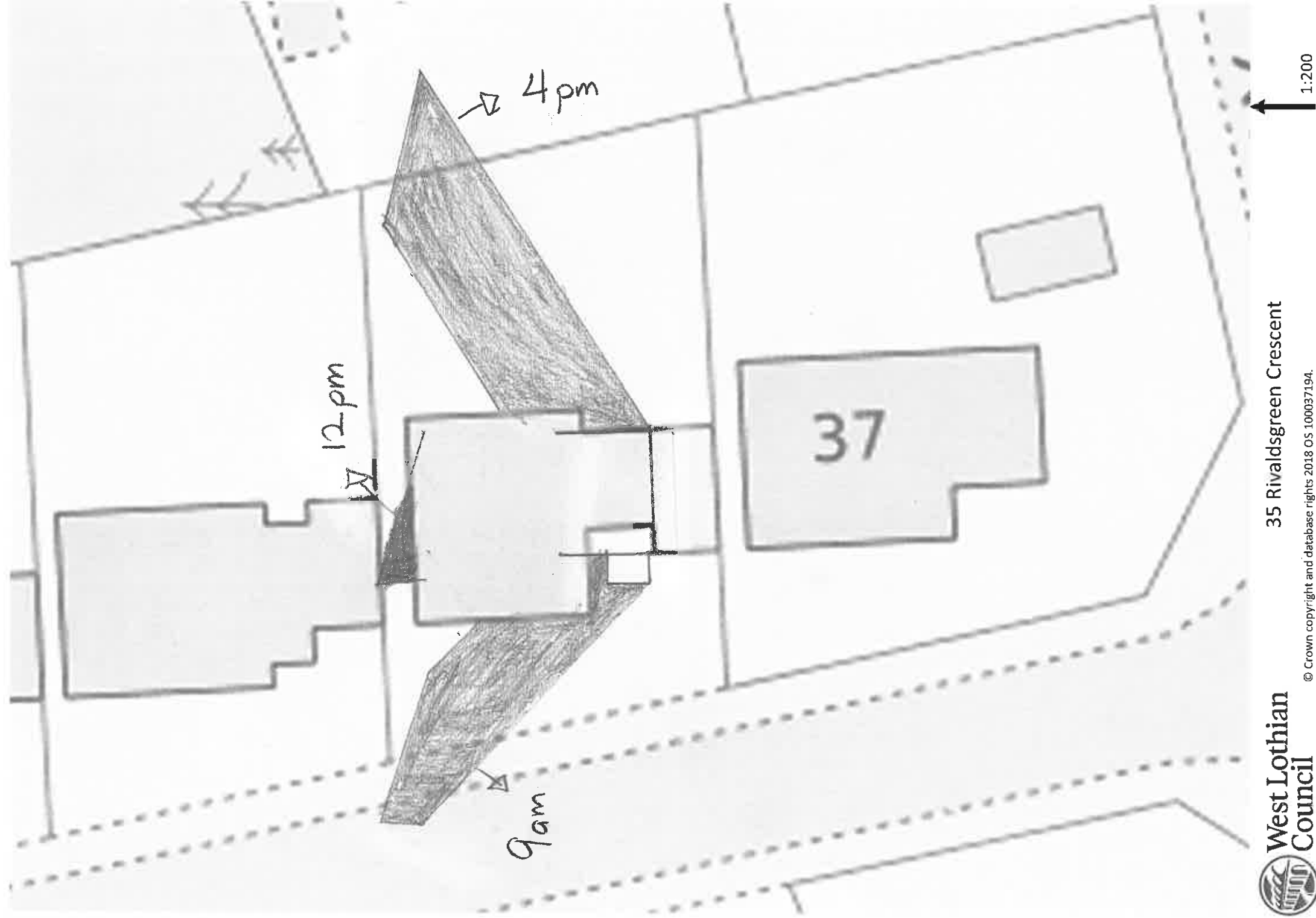
The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0141/H/18	Applicant Request <input type="checkbox"/>
Site Address 35 Rivaldsgrreen Crescent, Linlithgow, West Lothian, EH49 6BB	Constituent Request ✓
Title of Application Extension to house.....	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Tom Kerr	
Date 20/04/18	

PROPOSED GROUND FLOOR OVERSHADOWING



PROPOSED FIRST FLOOR OVERSHADOWING ASSESSMENT



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Extension to house at 33 Alder Walk, Calderwood, East Calder, Livingston, EH53 0FF

2 DETAILS

Reference no.	0142/H/18	Owner of site	Mr & Mrs Charles and Eve Wardman
Applicant	Mr & Mrs Charles and Eve Wardman	Ward & local members	East Livingston and East Calder Councillor Frank Anderson Councillor Carl John Councillor Dave King Councillor Damian Timson
Case officer	Tiwaah Antwi	Contact details	Tiwaah.antwi@westlothian.gov.uk

Reason for referral to Development Management Committee: Agent is an elected member.

3 RECOMMENDATION

Grant Planning Permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a single storey rear extension to a detached house at 33 Alder Walk, East Calder. The extension will have windows looking on to the applicant's garden and a pitched roof with roof lights. It is also proposed to convert half of the integral double garage into a habitable room, although this in itself does not require planning permission. The garage door will be removed and the frontage will be finished to match the rest of the house, with a new window formed to the front.
- 4.2 The proposed rear extension would measure 6.1 metres in length, 4.1 metres in width and 3.6 metres in height. It will not be visible from the street, as the garden is enclosed by a timber fence.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform?
West Lothian Local Plan	<p>Policy HOU 9 Residential 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 significant degree will not be supported.</p>	<p>The proposal will not be detrimental to residential and visual amenity.</p> <p>The extension will not be visible from the front street.</p> <p>Due to the single storey nature of the extension and its south-east location, the alteration will not have any major impact on the amenity currently enjoyed by neighboring residents.</p>	Yes

Also of relevance is the council's House Extension and Alteration Design Guide 2015.

6. REPRESENTATIONS

There have been no letters of representation.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 In assessing the application the impact of the proposed development on neighbouring residents and its degree of accordance with the House Extension and Alteration Design Guide, require to be assessed.
- 7.3 The proposal will not be detrimental to residential and visual amenity. The scale, design and location of the property is acceptable in that due to its size and location it would not result in any loss of daylight or overshadowing to the nearest neighbouring property to the east boundary. The greater part of overshadowing caused by the extension would be to the applicant's garden. The extension would not overbear the existing property or any neighbouring property.
- 7.4 The proposed extension would have windows and roof lights to the front, side and rear looking unto the street and applicant's garden ground therefore would not result in any privacy failure to the residents of the neighbouring properties.
- 7.5 The House Extension and Alteration Design Guide states that materials should match that of the existing property and stone finish proposed for the garage conversion follows this guidance. A condition is proposed to ensure that the rear extension is finished with roof tiles and render to match the existing dwelling house in colour and texture.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The extension will not have a significant impact on the appearance of the existing property, and it will not be detrimental to the amenity enjoyed by the residents of the neighboring properties. It therefore complies with policy HOU 9 of the West Lothian Local Plan and supplementary guidance.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted.



9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial
- Elevations and Floor Plans (Existing and Proposed)

Craig McCorriston
Head of Planning, Economic Development and Regeneration


Date: 09/05/2018



 West Lothian Council	<p>0142/H/18</p> <p>Planning, Economic Development & Regeneration, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>1:1,250</p>	
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**SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 309016, 668317**



**33 Adler Walk
East Calder. EH53 0FF**

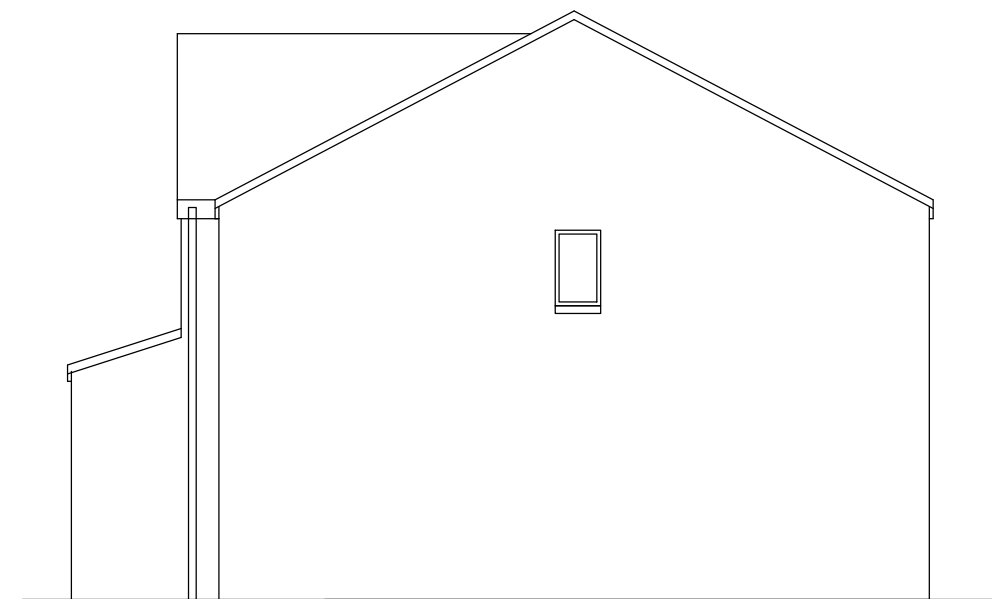
**Supplied by Streetwise Maps Ltd
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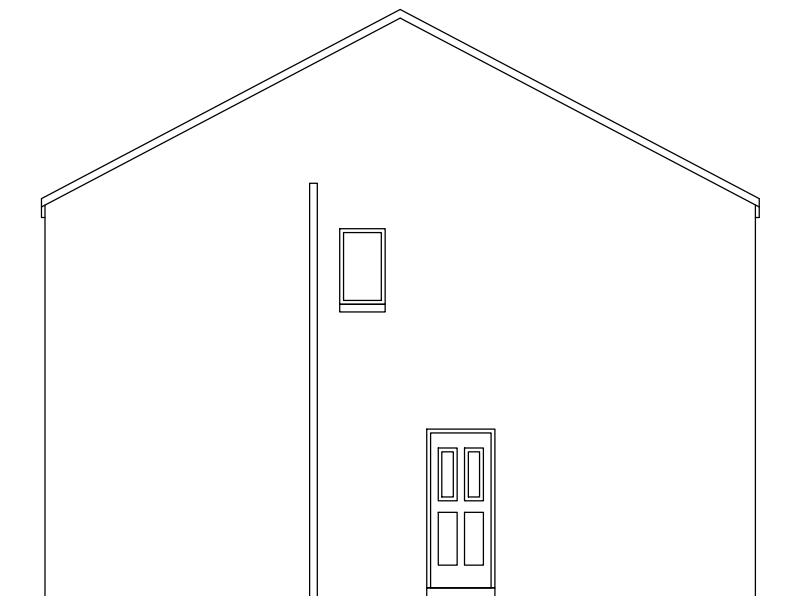
FRONT ELEVATION NE



REAR ELEVATION SW



SIDE ELEVATION NW



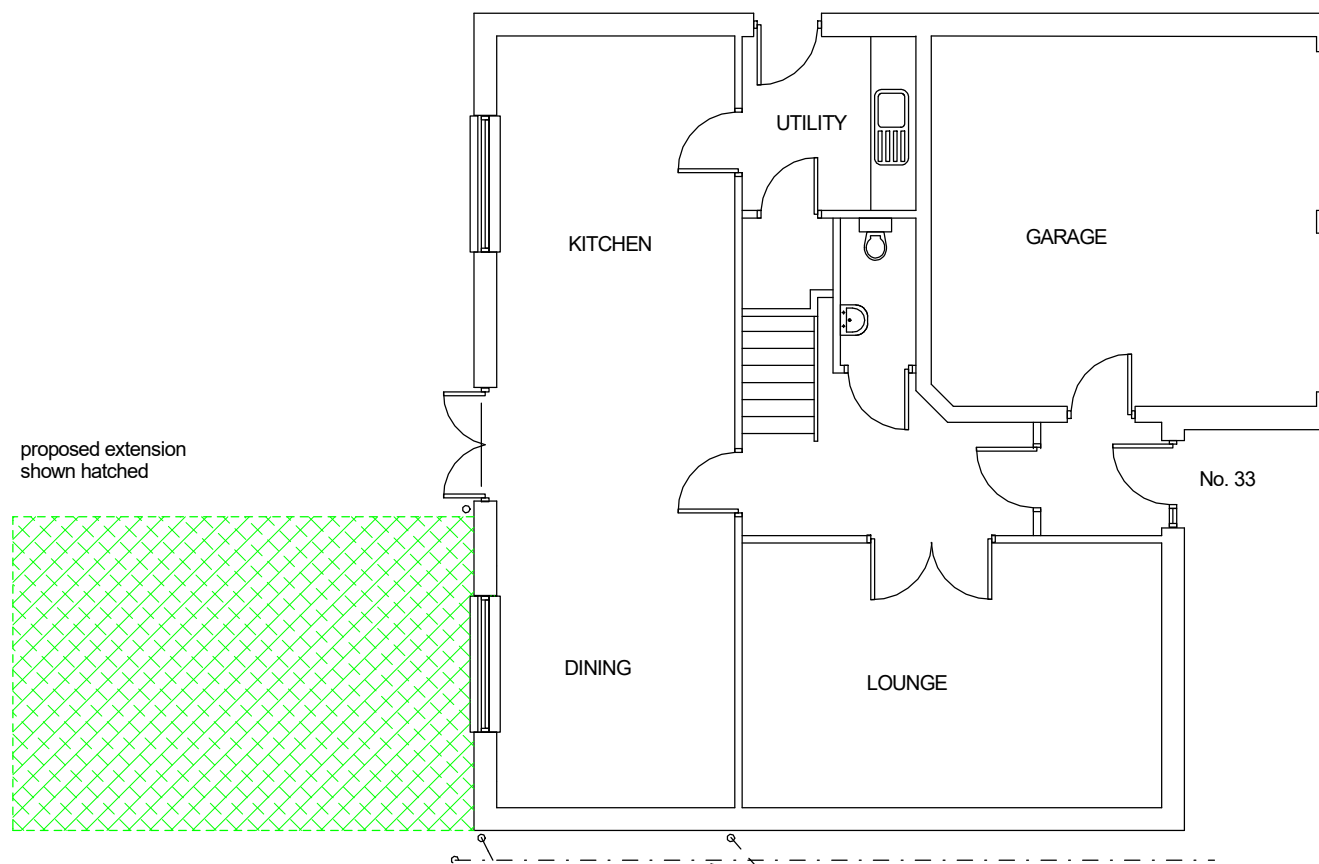
SIDE ELEVATION SE

- 87 -

line of boundary



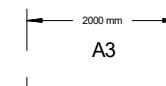
NORTH



proposed extension
shown hatched

EXISTING GROUND FLOOR PLAN AND SITE LAYOUT 1:100

PLANNING



Drawing Number

18/1261-01

proposed extension to ...

33 Alder Walk,
East Calder. EH53 0FF

for ...

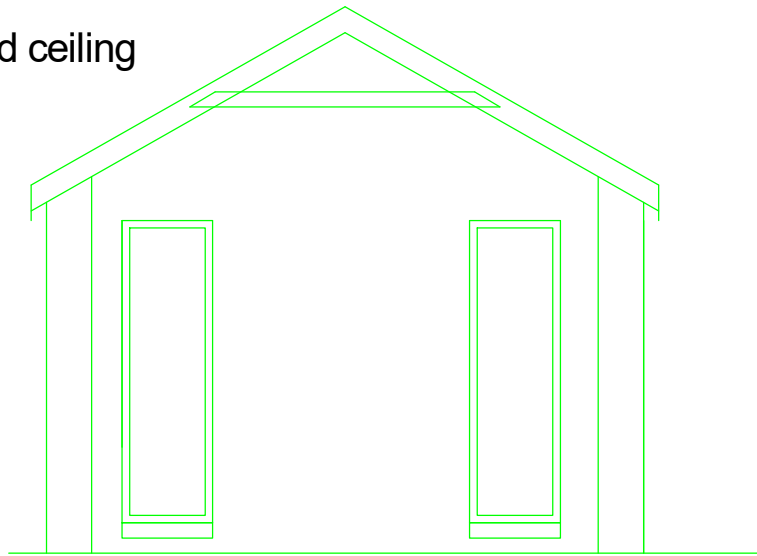
Mr. & Mrs. Wardman

February 2018

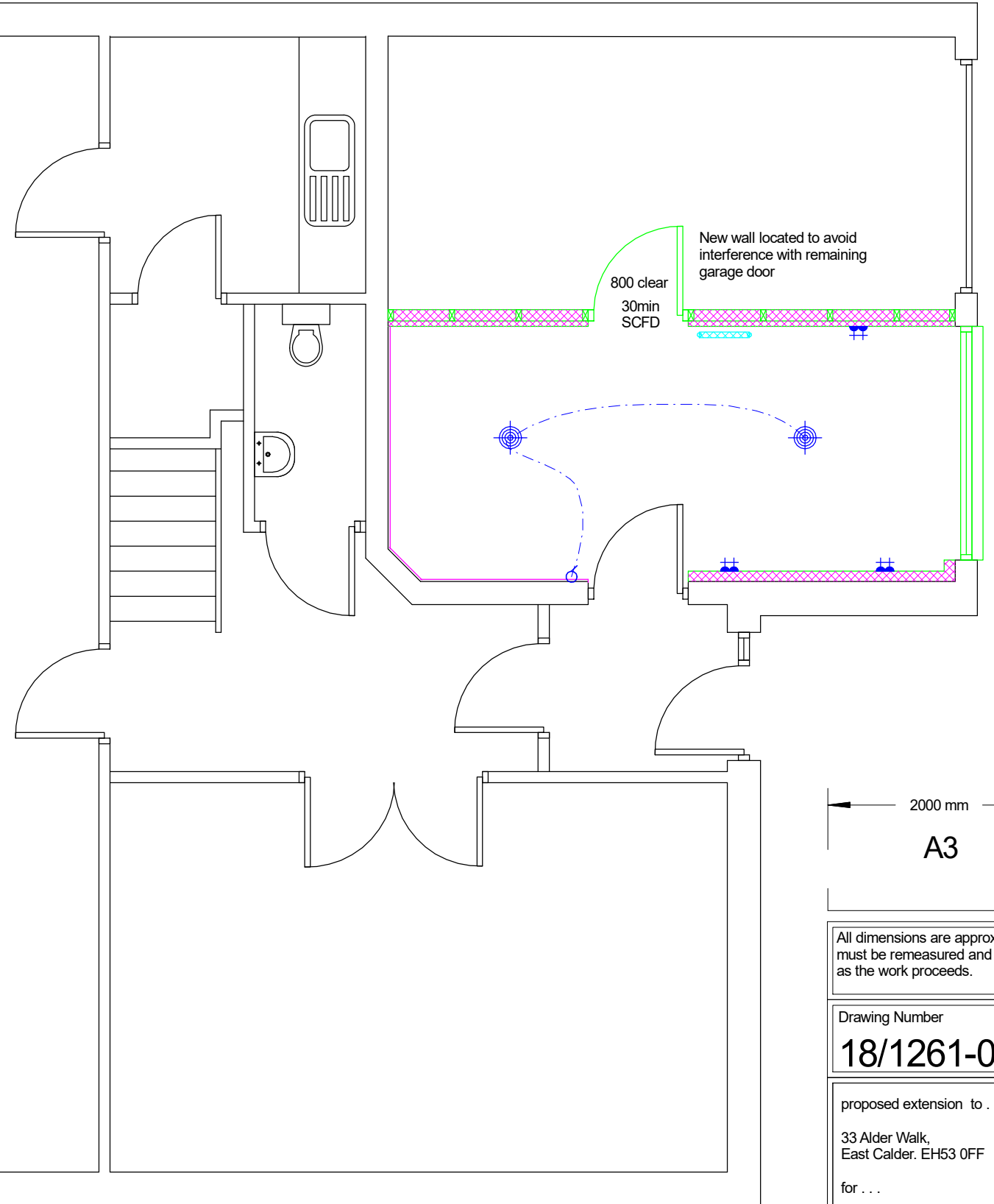
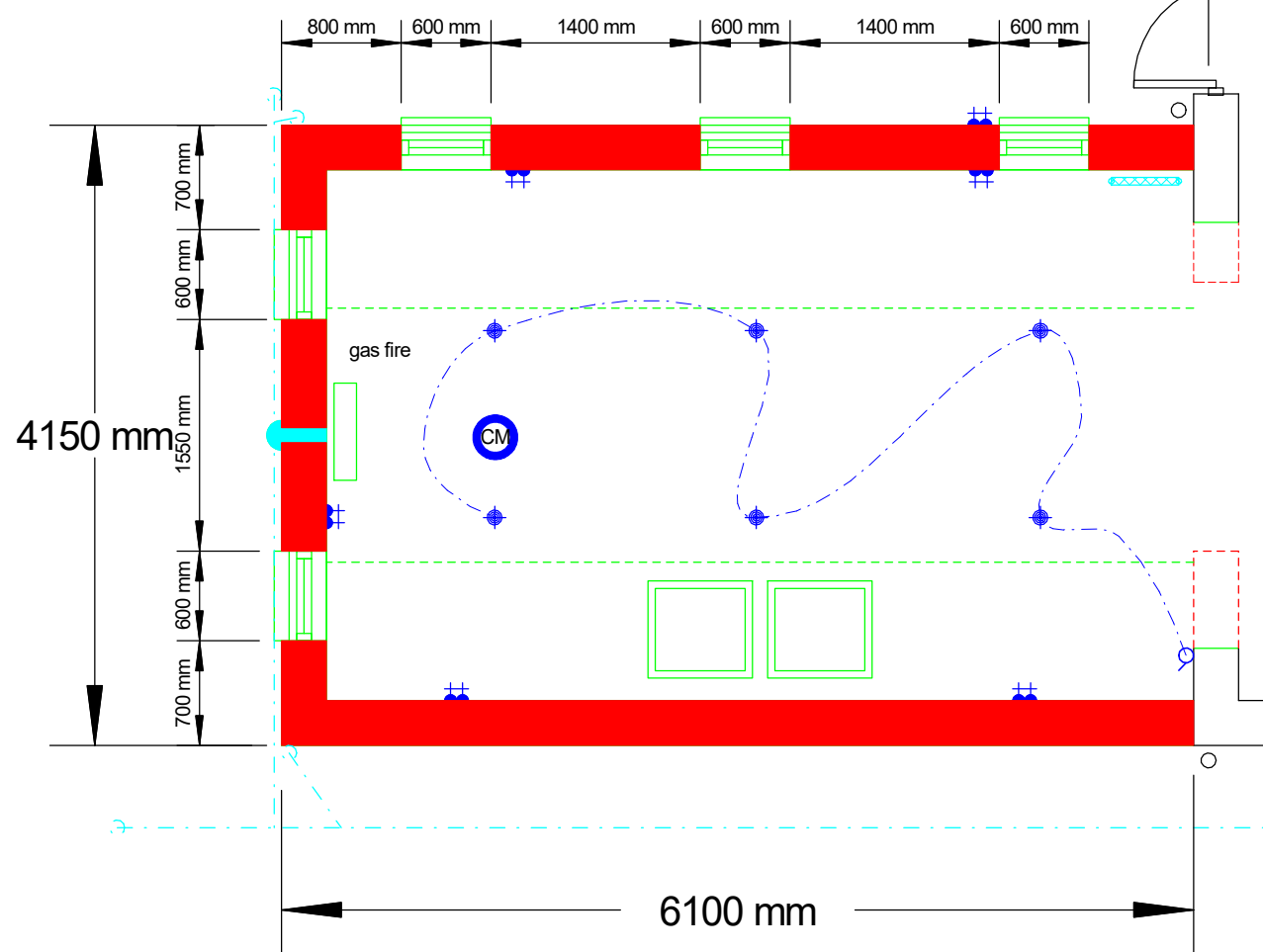
Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216

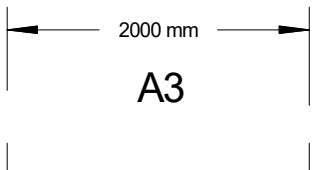
vaulted ceiling



SECTION THROUGH EXTENSION



PROPOSED
FLOOR PLAN



All dimensions are approximate and must be remeasured and checked as the work proceeds.

Drawing Number
18/1261-02

proposed extension to . . .
33 Alder Walk,
East Calder. EH53 0FF
for . . .
Mr. & Mrs. Wardman
February 2018

Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216

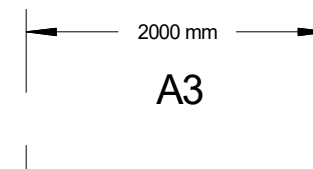
PLANNING



PROPOSED FRONT ELEVATION NORTH1:50

wall built in stone
to match existing

PLANNING



Drawing Number

18/1261-04

proposed extension to . . .

33 Alder Walk,
East Calder. EH53 0FF

for . . .

Mr. & Mrs. Wardman

February 2018

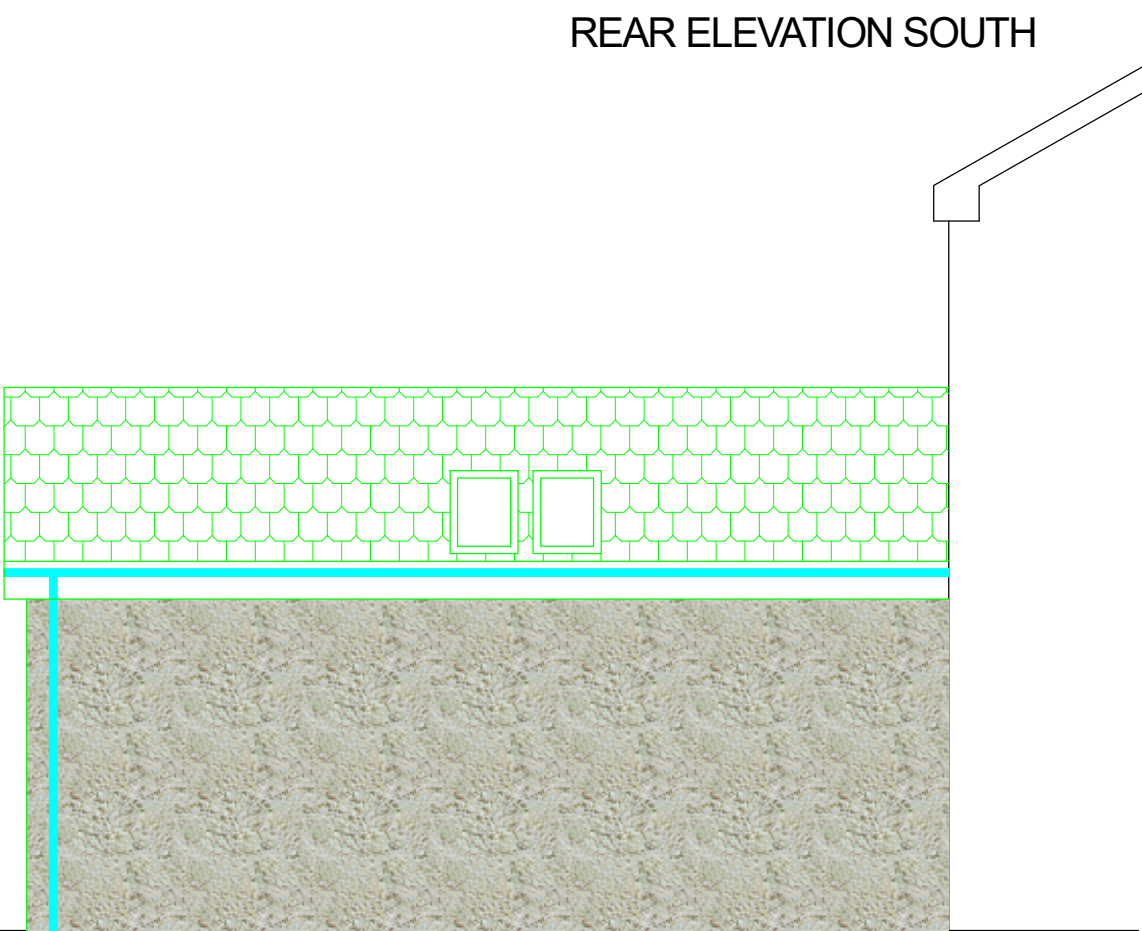
Plan-It

Chartered Building Surveyors

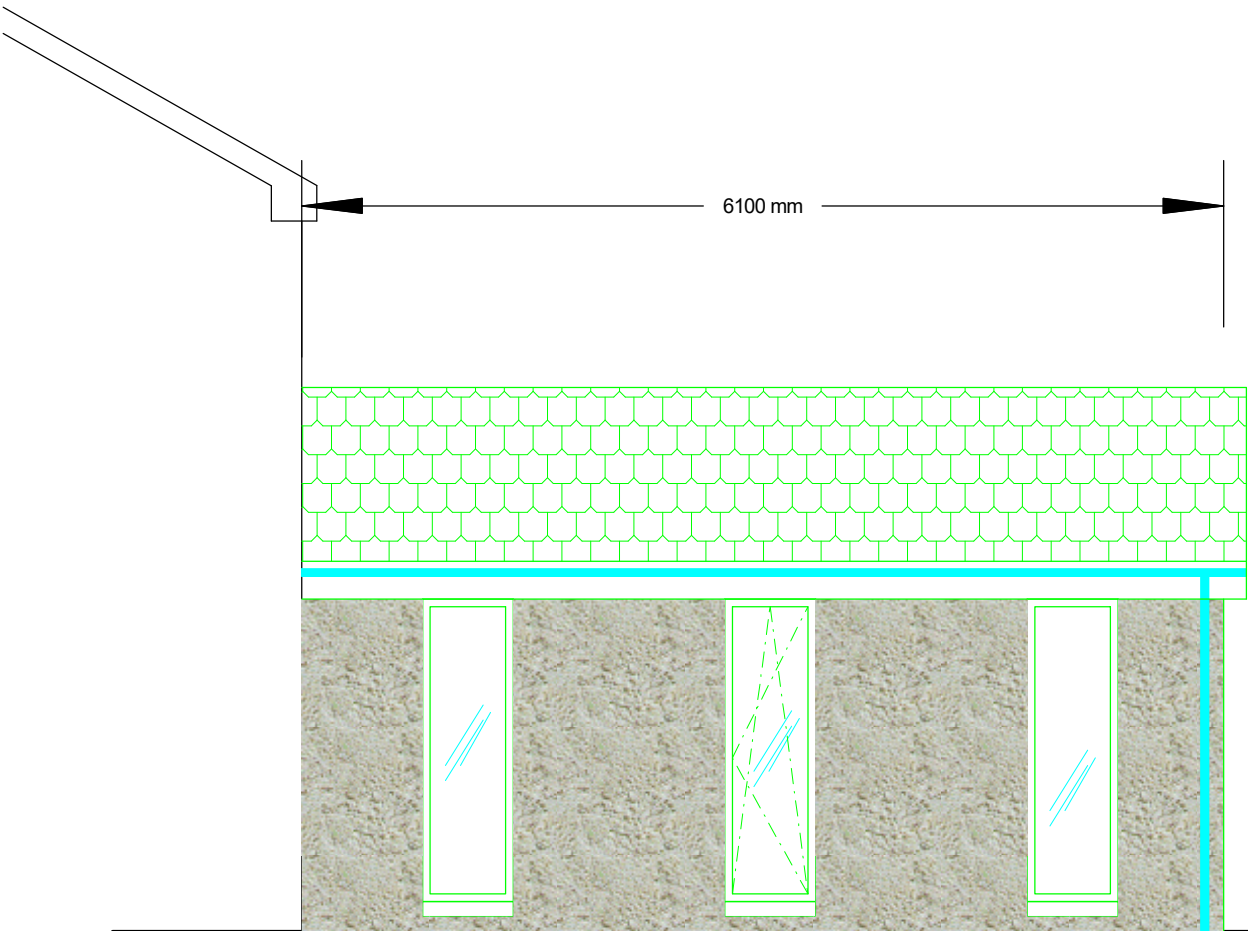
1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216



REAR ELEVATION SOUTH

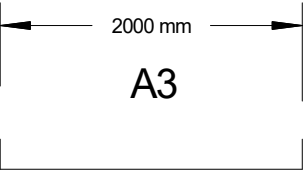


SIDE ELEVATION EAST



SIDE ELEVATION WEST

PLANNING



Drawing Number
18/1261-03
proposed extension to . . .
33 Alder Walk, East Calder. EH53 0FF
for . . .
Mr. & Mrs. Wardman
February 2018
Plan-It Chartered Building Surveyors
1 Broombank Birches tel/fax: Mid Calder. EH530EA 01506 884216

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1	DESCRIPTION
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Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

2	DETAILS
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Reference no.	1065/FUL/17	Owner of site	Scottish Canals
Applicant	Scottish Canals	Ward & local members	Linlithgow Councillor Tom Kerr Councillor Tom Conn Councillor David Tait
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: Objection from Linlithgow and Linlithgow Bridge Community Council

3	RECOMMENDATION
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Grant planning permission subject to conditions.

4.	DETAILS OF THE PROPOSAL AND BACKGROUND
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- 4.1 Planning permission is sought for the formation of four residential moorings to the south west of Preston Road on the north side of the Union Canal. Housing at Deanburn Park and Deanburn Road is located to the south of the site.
- 4.2 Two single storey, wooden storage huts are proposed to the east of the moorings measuring 6.3 sq m in footprint and 3.2 m in height. A waste and recycling station is proposed further east of the huts. This is proposed to be 1.4 m in height.
- 4.3 Electricity will be provided with a 16 amp supply at each mooring.
- 4.4 The proposal incorporates resurfacing of a section of the towpath with bitumen and stone setts.
- 4.5 All waste and recycling from the site will be removed by a private contractor.

History

- 4.5 No planning history at this site.

Related application

- 4.6 0103/FUL/13: Change of use from existing leisure moorings to 4 permanent residential moorings, installation of 4 storage huts and associated landscape works at Union Canal at Station Road, Granted, 17/09/2013

5. REPRESENTATIONS

6 individual representations have been received together with objections from the Linlithgow Civic Trust, Linlithgow Primary Parent Council, the Royal Yachting Association Scotland and the Lowlands Canal Association. Linlithgow and Linlithgow Bridge Community Council has also objected, as set out in Section 6 below.

Comments	Response
<ul style="list-style-type: none">• Air and noise pollution from boat engines• Lack of passing space for vessels of 3.3 metres or over• The site is very close to Preston Road Bridge which is awkward to navigate and vessels could collide here• The site is ill chosen because of proximity to schools• Lack of sewage disposal arrangements• Loss of privacy to residential properties• The proposal would exacerbate a lack of on-street capacity for parking on Preston Road• Impact on the scheduled monument• Potential impact on wildlife• Unclear whether there is to be vegetation clearance or removal of trees• Concerns raised over the stability of the canal bank and• What is the permitted size of boat?• Damage to historic infrastructure through potential damage to cobbles at water's edge• Location is very exposed and doesn't lend itself to safe mooring• Potential hazards to towpath users	<ul style="list-style-type: none">• Environmental health has raised no objections to the application on grounds of air pollution or noise. While moored boats would not be expected to have engines on. A condition prohibiting idling can be attached to any planning permission.• Scottish Canals is satisfied that the location of the proposed moorings is acceptable in terms of passing of boats at the moorings or at Preston Road Bridge.• Sewage disposal facilities are located along the Union Canal in association with the Linlithgow Union Canal Society.• The proposed moorings will not have an adverse impact on neighbouring privacy. See section below on 'Impact on Residential Amenity'.• There is adequate parking on Preston Road outside school opening and closing times. Transportation is satisfied that the proposal will not compromise on-street parking provision.• The towpath is proposed to be extended as part of the development and Transportation has raised no concerns over hazards to pedestrians and cyclists using the towpath

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
West Lothian Council - Education Planning	No	Site is defined as a windfall site but given the nature of the accommodation proposed the site would be exempt from all developer contributions for Education Infrastructure.	Noted. It is council policy that all non-permanent residential structure, such as canal boats and caravans, are exempt from developer contributions.
Flood Risk Management	No	<p>Evidence needs to be provided with regards to the structural stability of the canal bank at this stretch of the Union Canal and the medium to long term plans to ensure stability.</p> <p>Following submission of further information Flood Risk Management is satisfied that the structural stability of the canal will not be undermined and are satisfied with the proposed development.</p>	Noted.
Transportation	No	No objections to the application.	Noted.
Environmental Health	No	No objections to the application.	Noted.
Linlithgow and Linlithgow Bridge Community Council	Yes	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> There is no policy for residential moorings that provides guidance on education, environmental and other support implications. In the proposed location the boats will be moored hard to the towpath with the electric/water bollards on the towpath. This is not desirable from the perspective of the towpath user. Sewage and waste 	<p>Noted.</p> <p>The proposal is assessed against policies of the West Lothian Local Plan and West Lothian Local Development Plan, Proposed Plan.</p> <p>Transportation has not raised objections or concerns in terms of these elements of the proposal causing hazards for towpath users.</p>

		<p>water disposal is still a concern given an agreement in principle with the Linlithgow Union Canal Society.</p> <ul style="list-style-type: none"> • The application notes there is capacity for on-street parking on Preston Road which is contrary to advice given by police • The Community Council was assured that the tenancy agreement for the moorings at the basin would prohibit car parking through a condition of the lease • Concern about whether the educational impact becomes excessive with this proposal in addition to four boats already sited at Station Road. 	<p>The agreement with LUCS is viewed as a suitable arrangement and this was accepted in the application for residential moorings at Station Road (ref: 0103/FUL/13).</p> <p>Transportation has not raised objections on grounds of on-street parking capacity. Outside of school drop off and pick up hours there is sufficient on-street parking.</p> <p>Education planning has raised no objection to the application and has stated the house boats are exempt from education contributions. This is not considered to exacerbate infrastructure issues at primary and secondary level.</p>
West of Scotland Archaeology Service	No	All works are within the scheduled monument. Historic Environment Scotland should be consulted and any archaeological mitigation measures should be set by HES.	Noted and Historic Environment Scotland has been consulted (see below).
Historic Environment Scotland (HES)	No	Scheduled monument consent has been granted with no conditions. The comments in the handling report on the SMC state the proposal will not have an adverse impact on the setting of the scheduled monument.	Noted.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Plan

7.3 On 13 December 2017 the DPEA advised that the reporters appointed by Scottish Ministers to examine the unresolved representations to the West Lothian Local Development Plan had published the Report of Examination. This outlined the Reporters' conclusions for each of the issues arising from the unresolved representations. On 22 March 2018 the Council approved the modifications set out in the Report of Examination and agreed to notify Scottish Ministers of its intention to adopt the West Lothian Local Development Plan. In the meantime the Plan is not yet adopted and does not constitute part of the statutory Development Plan for West Lothian. It can however now be regarded as a significant 'material consideration' when determining planning applications. The relevant LDP policies largely reflect those in the WLLP.

7.4 The relevant development plan policies are listed below:

Plan	Policy	Assessment	Conform ?
SESplan	Policy 1B Spatial strategy	This policy looks to ensure there are no adverse impacts of international or national built or cultural heritage sites, including scheduled monuments. HES is satisfied there will not be an adverse impact on the scheduled monument and its setting.	Yes
West Lothian Local Plan (WLLP)	ENV 17 Union Canal	This policy supports economic proposals along the Union Canal at Linlithgow provided they sustain and enhances the setting of the Canal. The proposal is an economic proposal that will sustain and enhance the setting of the Canal. See assessment below.	Yes
WLLP	HER Scheduled monuments 12	This policy states development which would adversely affect the historic interest, character and setting of scheduled monuments will not be approved. HES is satisfied there will not be an adverse impact on the scheduled monument and its setting.	Yes
WLLP	HOU Development within settlement boundaries 2	This policy states residential development is acceptable in principle within settlement boundaries.	Yes

		The proposal is within the Linlithgow settlement boundary and is acceptable in principle.	
WLLP	HOU 9 Residential and visual amenity	<p>This policy requires the amenity of adjacent, residential occupiers to be protected.</p> <p>The proposal will not result in an adverse impact on residential amenity. See assessment below.</p>	Yes
WLLP	COM 9a Cemeteries	<p>This policy requires financial contributions towards cemetery provision</p> <p>The proposal does not require contributions towards cemetery provision due to being a non-permanent residential unit.</p>	Yes
WLLP	IMP 3 Education Constraints	<p>This policy states that in considering proposals for housing development legal agreements will be used to secure appropriate developer contributions.</p> <p>The proposed development is for non-permanent residential dwellings and therefore does not require contributions towards education infrastructure.</p>	Yes
WLLP	IMP 7 Flooding	<p>This policy requires developers to address flood risk as part of developments.</p> <p>Flood Risk Management is satisfied the development will not cause flood risk issues and is also satisfied with what is proposed in terms of structural integrity of the canal.</p>	Yes
WLLP	IMP 14 Supplementary planning guidance	<p>The following SPG apply:</p> <ul style="list-style-type: none"> Flooding and drainage 	Yes
WLLP	IMP 15 Design Considerations	<p>Criterion (a) of this policy requires development to be of a high standard of design.</p> <p>The proposal is of a high standard of design. See assessment below.</p>	Yes
West Lothian Local Development Plan –	Policy ENV 12 – Union Canal	This policy supports economic proposals along the Union	Yes

Proposed (WLLDP)	Plan		Canal at Linlithgow provided they sustain and enhance the setting of the Canal. The proposal is an economic proposal that will sustain and enhance the setting of the Canal. See assessment below.	
WLLDP	Policy ENV 33 Scheduled monuments		This policy states there is a presumption against development which could have an adverse impact on a scheduled monument, or the integrity of its setting. HES is satisfied there will not be an adverse impact on the scheduled monument and its setting.	Yes
WLLDP	Policy HOU 3 Infill/Windfall Development within settlements		This policy states residential development is acceptable in principle within settlement boundaries. The proposal is within the Linlithgow settlement boundary and is acceptable in principle.	Yes
WLLDP	Policy DES 1 Design Principles		This policy stipulates that development shall not have an adverse impact on amenity. The proposal will not result in an adverse impact on residential amenity. See assessment below.	Yes
WLLDP	Policy EMG 2 Flooding		This policy requires developers to address flood risk as part of developments. Flood Risk Management is satisfied the development will not cause flood risk issues and is satisfied with what is proposed in terms of structural integrity of the canal.	Yes

Principle of Development

- 7.4 The application site is located within the scheduled ancient monument of the Union Canal and within the Linlithgow settlement boundary.
- 7.5 Policy ENV 17 of the WLLP states

“Conservation, recreational and economic proposals associated with the Union Canal will be supported, especially at Linlithgow, Broxburn and Winchburgh, provided they sustain and enhance the natural and built heritage of the canal in its setting...”

Development will not be permitted that impedes the unrestricted continuity of navigation of the canal at any point over its length through West Lothian.”

- 7.6 Policy HOU 2 of the WLLP states housing development is generally acceptable within settlement boundaries where proposals do not adversely impact adjacent uses, cause excessive resource commitment and where the site is not allocated for another use or is of important open space value.
- 7.7 The above policies are replicated in policies ENV 12 and HOU 3 of the WLLDP.
- 7.8 The proposed use of the moorings for residential use will not adversely impact adjacent residential uses. Education planning is satisfied that there will not be an undue burden on education infrastructure as a result of the four, additional house boats. As stated above, non-permanent residential units are not charged education contributions.
- 7.9 The proposal will help to sustain and enhance the setting of the Union Canal by the addition of residential moorings that will bring added vitality to this section of the canal. A landscape plan will be required via a planning condition to ensure that soft landscaping will help further enhance the setting and be maintained over time.
- 7.10 As part of the proposal the towpath at this section of the Union Canal where the moorings are proposed to be located is to be widened. Transportation has raised no objections to the application on grounds that the proposed moorings will result in an impediment to towpath users.
- 7.11 In view of the above, the proposed development complies with relevant policies of the development plan and the West Lothian Local Development Plan, Proposed Plan.

Impact on the Scheduled Monument

- 7.12 Policy HER 12 of the WLLP and ENV 33 of the WLLDP state that proposals which have an adverse impact on scheduled ancient monuments and undermine the integrity of their setting will not be supported.
- 7.13 The applicant has applied for scheduled monument consent from Historic Environment Scotland. This has been granted with no conditions. The handling report on the application for scheduled monument consent states that the proposed development will not have an adverse impact on the cultural significance of the scheduled monument and its setting at this location.
- 7.14 In summary, the impact on the scheduled monument is acceptable and the proposal complies with policy HER 12 of the WLLP and ENV 33 of the WLLDP.

Residential Amenity

- 7.15 Policy HOU9 of the WLLP states that development should not have an adverse impact on residential amenity. This is replicated in policy DES 1 of the WLLDP.

- 7.16 The issue of privacy has been raised in a number of representations. The proposed moorings are located 33.5 metres from the rear windows of the nearest residential property at 61 Deanburn Park with the middle of the canal located 28 metres from these windows. The distance from windows of the closest residential properties on Deanburn Road to the middle of the Canal is 23 metres with the canal narrowing slightly. The minimum acceptable distance between windows of residential properties in the Residential Development Guide is 18 metres. Taking this as a rule of thumb the house boats using the moorings will be beyond 18 metres from the windows of surrounding residential properties. The windows on the proposed house boats are small scale which limits overlooking from them. The residential properties on Deanburn Park and Deanburn Road will overlook the boats more than the boats will overlook residential properties due to the elevated position of these areas of housing above the Union Canal. There will be a degree of mutual overlooking but, for the reasons above, this will not cause unreasonable harm to residential amenity through loss of privacy.
- 7.17 As such, the proposed development complies with policy HOU 9 of the WLLP and policy DES 1 of the WLLDP.

Flood Risk

- 7.18 Policy IMP 7 of the WLLP and policy EMG 2 of the WLLDP state that issues regarding the impact of flooding should be resolved in all developments.
- 7.19 Flood Risk Management recommended that the applicant demonstrate the structural integrity of this section of the canal and the additional engineering works necessary over the medium to long term to preserve such integrity. Officers also recommend the installation of a water supply that is protected from freezing and armoured to protect from vermin.
- 7.20 The applicant has submitted information to address the issues raised by Flood Risk Management. Flood Risk Management is satisfied that the structural stability of the canal will not be undermined and with the proposed development as a whole.
- 7.21 In summary, the proposed development will not have an adverse impact on the structural stability of the Union Canal and thus will not increase any potential flood risk. The proposal complies with policy IMP 7 of the WLLP and policy EMG 2 of the WLLDP.

8. CONCLUSION AND RECOMMENDATION

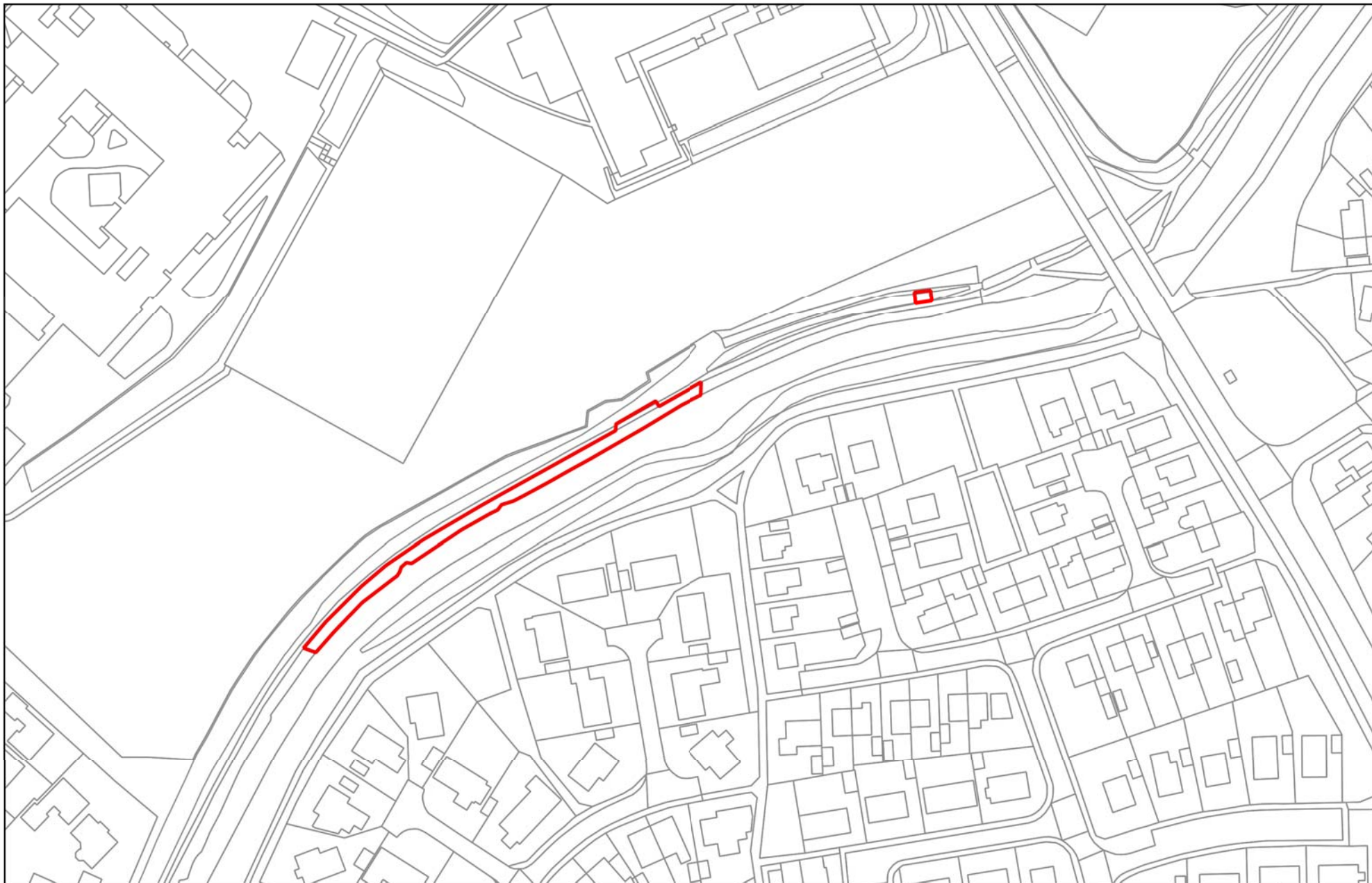
- 8.1 The proposed development is acceptable in principle and will not have an adverse impact on residential amenity, the structural stability of the canal embankment and the scheduled ancient monument and its setting.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

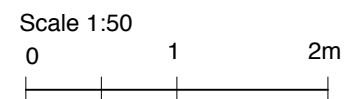
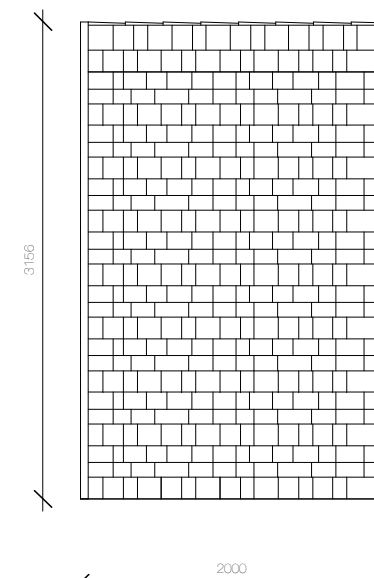
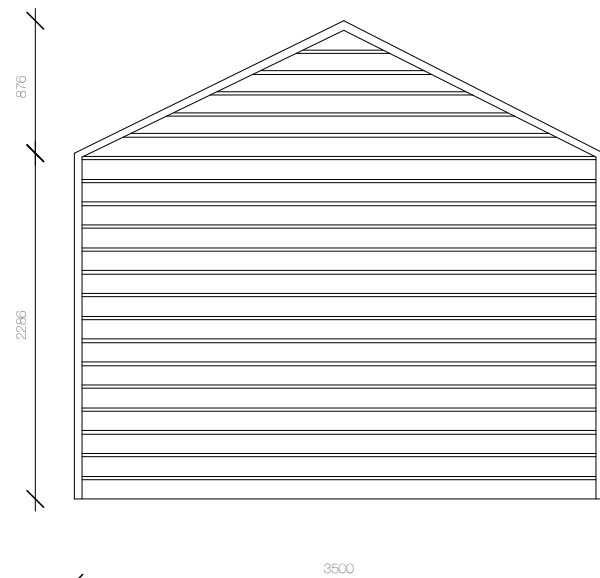
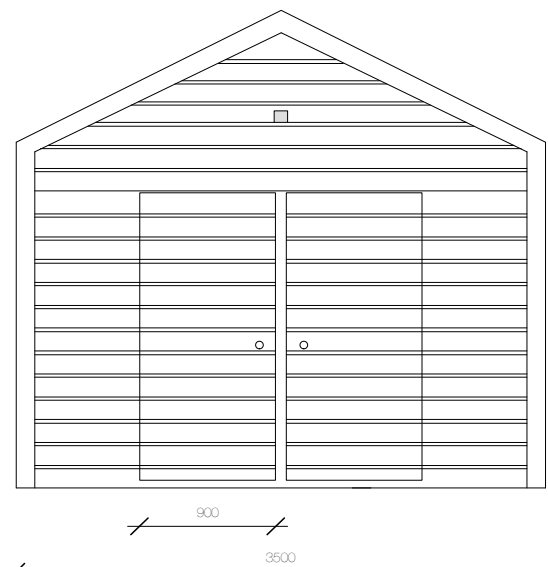
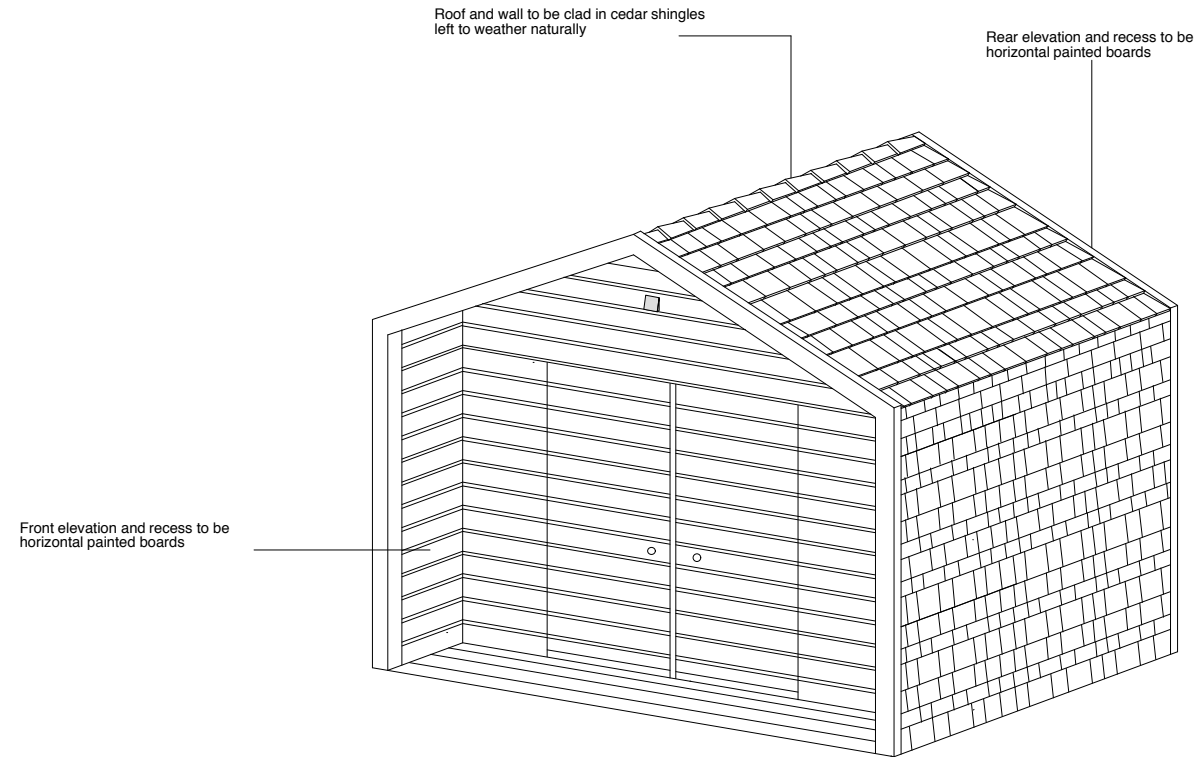
- Location Plan
- Aerial Plan
- Site Plan
- Elevations of Storage Huts
- Elevations of Waste and Recycling Box
- Design Statement
- Representations
- Draft conditions

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 9 May 2018







notes

issue
information
planning
billing
tender
construction
as built

project
Living on Water
client
Scottish Canals
project nr
1211

scale 1:50 @ A3
date 06.02.2013
rev -

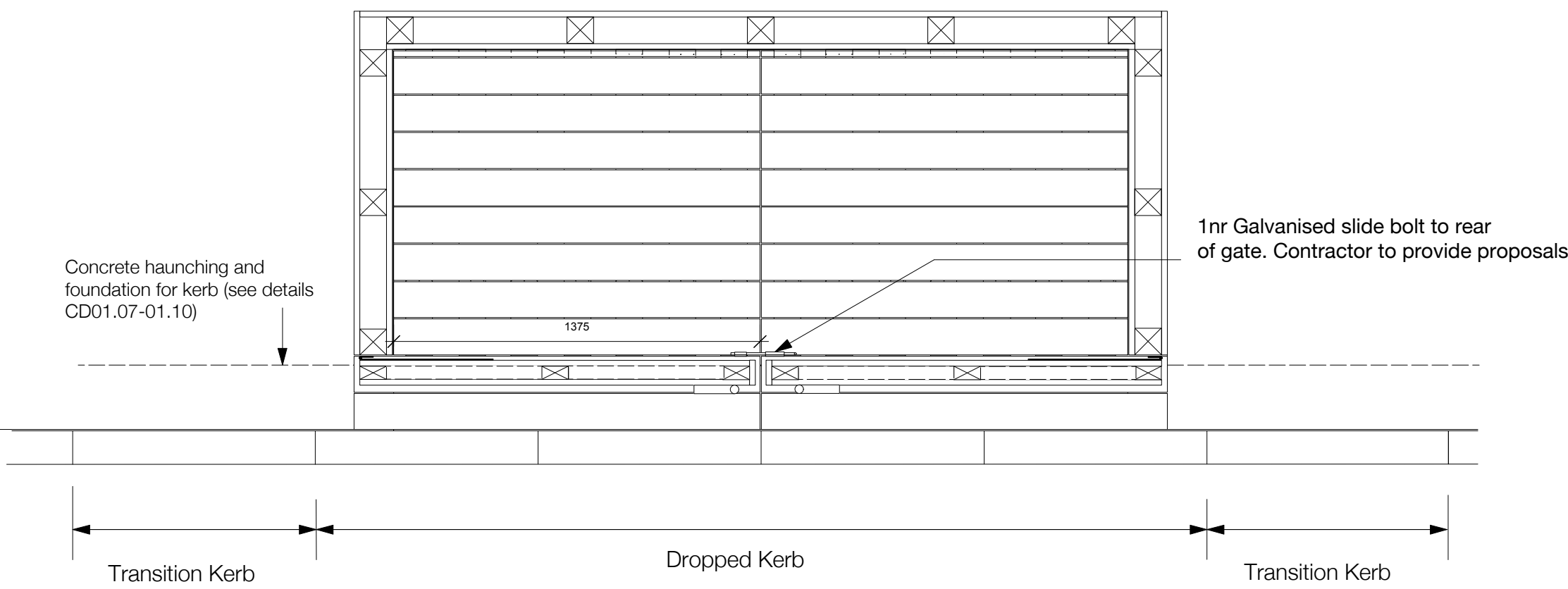
drawing
Cedar Shingle Huts - Linlithgow

drawing nr
1211. LD (94) 005

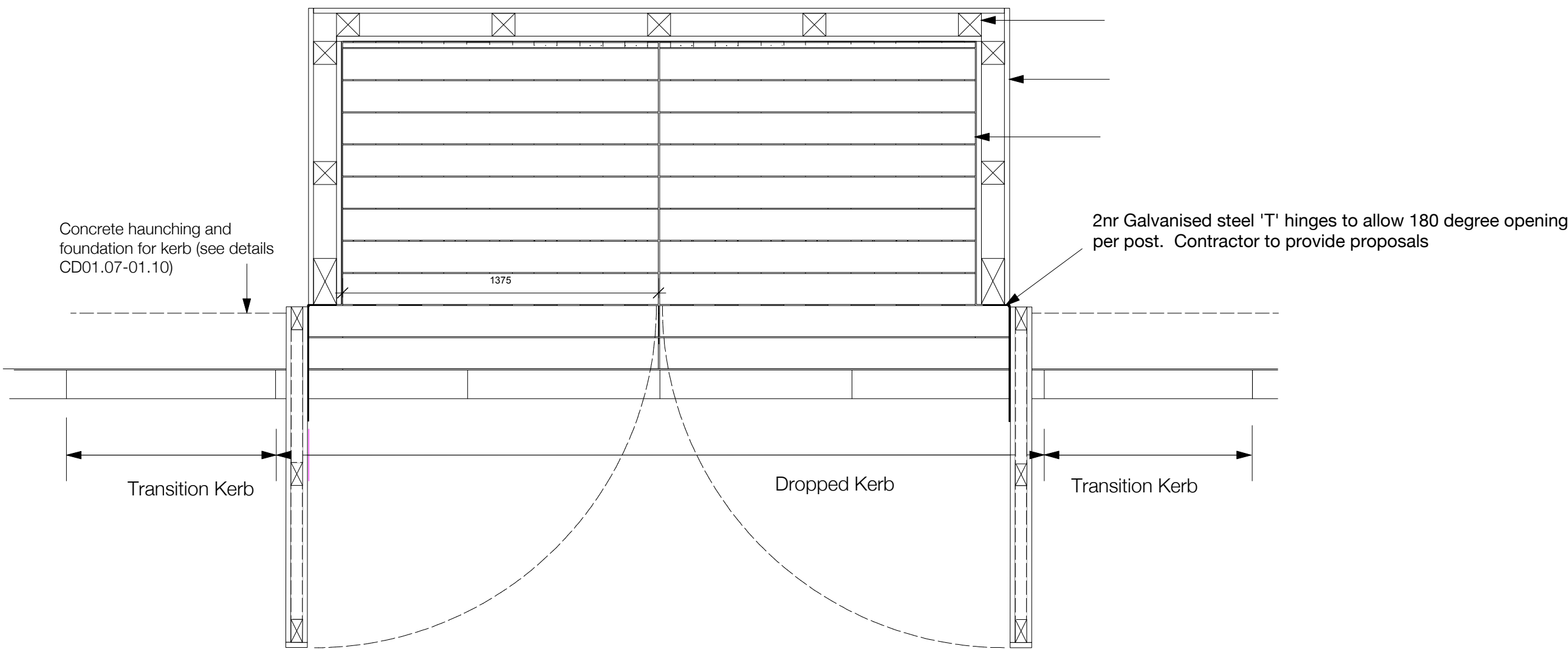
6 Darnaway Street Edinburgh EH3 6BG
0131 226 7071
mail@rankinfraser.com www.rankinfraser.com

rankinfraser
landscape architecture

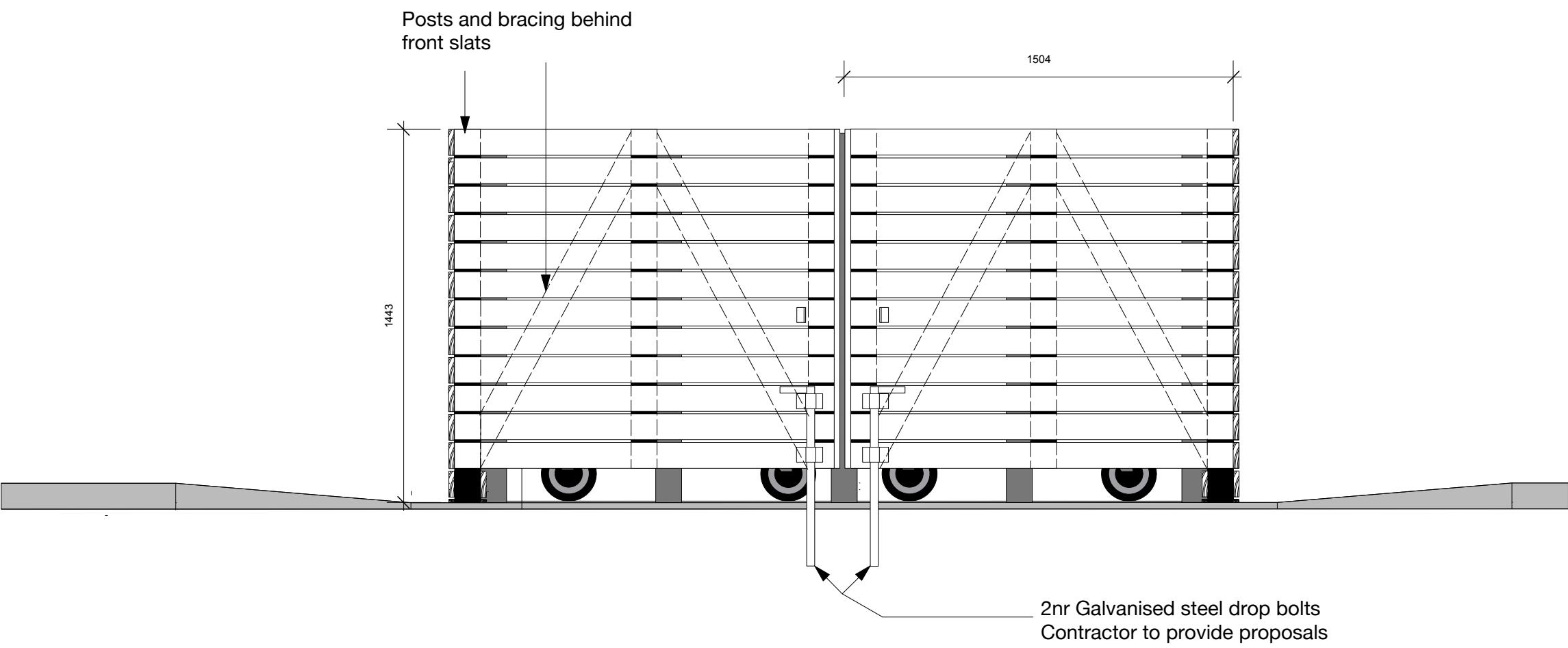
Notes
Work to written dimensions only
All dimensions to be checked on site
Do not scale from this drawing
Any drawing errors or inconsistencies should be brought to the attention of rankinfraser landscape architecture as soon as they become apparent.



Plan with doors closed



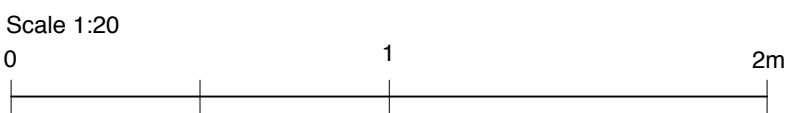
Plan with doors open



Front Elevation with doors closed



Front Elevation with doors open



rankinfraser
landscape architecture

project project nr 1211

Living on water

drawing title

Bin Store

client

Scottish Canals

drawing nr 1211 LD (94) 006

rev

date

05 Feb 2013

scale

1:20 @ A1

issue

information

planning

tender

construction

as built

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Fig.1 - Existing residential moorings at Back Station Road

Design Statement

Proposal for 4 no. Residential Moorings at the Union Canal/Preston Road, Linlithgow
Application made on behalf of Scottish Canals

Residential moorings

Following on from the conversion of four visitor moorings at Back Station Road to residential moorings (fig.1), Scottish Canals are proposing to expand their Living on Water programme in Linlithgow by establishing a further four residential moorings to the west of Preston Road.

The opportunity to provide these moorings is a result of the planned engineering works to stabilise the north bank of the canal, which will create a hard edge to the canal suitable for mooring boats.

Waste/Recycling & Boaters' Storage

- 1 no. waste/recycling collection point at existing drop kerb to Preston Road with bin store on towpath (fig.3)
- 2 no. huts providing boaters' storage (1 hut per 2 moorings), set back from towpath (fig.2)

Transport

- The canal towpath provides a direct pedestrian/cycle link to Linlithgow Station.
- Public bus services run along Preston Road
- There is capacity for on-street parking on Preston Road

Visual Amenity

Scottish Canals have a robust tenancy agreement for residential moorings that ensures boaters' keep their boats well maintained, so that they contribute to a high quality of visual amenity for the Union Canal.



Fig.2 - Siting of proposed storage huts



Fig.3 - Siting of proposed waste/recycling bin store, seen from Preston Road



Linlithgow & Linlithgow Bridge Community Council

Please reply to:
Dr John Kelly
8 Pilgrims Hill
Linlithgow
EH49 7LN
[Redacted]

12th February 2018

For the attention of:
Mathew Watson
Development Control
West Lothian Council
West Lothian Civic Centre
Howden South Road, Livingston, EH54 6FF

Dear Sirs,

1065/FUL/17 Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow.

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of a debate at the Community Council meeting on 23rd January 2018 and the subsequent Linlithgow Planning Forum meeting on 1st February 2018.

This is the third in a series of planning applications by Scottish Canals for residential moorings in Linlithgow the previous being 0595/FUL/11 and 0103/FUL/13. At the time of the 2013 application a representative of the Community Council met with Chris Breslin of Scottish Canals to discuss several issues, many of which remain unresolved. We are supportive of a wide mix of tenancy in Linlithgow and residential canal boats will add to that diversity. However, there is a more suitable and more spacious site than the site being proposed on the "off side" to the North of St Michaels Hospital. This was discussed with Chris Breslin, but Scottish Canals believe that this is too expensive to develop. Our objection to this application is the same as our objection to the previous applications as follows:

- **Policy:** West Lothian Council has no policy relating to residential moorings. This policy should include the maximum capacity of Linlithgow to support such accommodation as well as guidance on the environmental, educational and other support implications.
- **Location:** Linlithgow has the first residential moorings on the Scottish Canal system to be on the tow path. All other residential moorings are on the "off side" or within a basin. The current residential moorings adjacent to the canal basin, work because the boats are secured to a pontoon which accommodates the water and electricity

bollards. The pontoon gives a measure of defensible space between the towpath and the moored boats. In the proposed location the boats will be moored hard to the towpath with the electric/water bollards on the towpath. This is not desirable from the perspective of the towpath user.

- **Environment:** Sewage and waste water disposal remains a primary concern. Only an agreement in principle exists with LUCS for pump out arrangements with the residents of the existing residential moorings adjacent to the canal basin. We have contacted LUCS to ascertain the working of the current arrangement but have not to date received a reply. Clearly there is a limit to the extent to which volunteers can support an informal arrangement. Chris Breslin stated previously that in the event of difficulty the boats will be emptied by tanker. The only place to park is on Preston Road with a long pipe run across the Preston Road pavement and along the towpath presumably necessitating the closure of the pavement and towpath during this operation. Depending on the number of occupants and the size of the boat's holding tank this could be a regular, perhaps weekly, occurrence. There are no suitable canal user toilets or shower facilities in Linlithgow, as exist on other Scottish Canals, therefore the residents will be entirely self-contained.
- **Car Parking:** We were assured that the tenancy agreement for the moorings at the basin would prohibit car parking through a condition of the lease and therefore further parking congestion in the area of the rail station would not be increased. We note this application states "there is capacity for on-street parking on Preston Road". This advice is contrary to that given by the Police who have stated this month that "dropping children off [at Linlithgow Primary, St Josephs, the Academy] with dozens of others on roads which cannot possibly cope with the volume of cars resulting in 3 point turns and children crossing between vehicles [must be avoided]". More parking in this location on Preston Road will only exacerbate this situation.
- **Education:** Related to the absence of a policy on capacity is the educational product of the residential canal boats. Four boats were considered to not be a problem but this application will increase that number to 8. At what point will the educational product be excessive. It appears that a different policy exists for residential canal boats than exists for future family housing.
- **Windfall site:** This application should be treated in the same manner as a windfall site. It is not included in the current 2009 Local Development Plan nor in the current draft Local Development Plan. The site should not take precedence over planned for housing development.

For the reasons above the Community Council remain opposed to this type of unplanned for development along that part of the towpath of the Union Canal which is within the Linlithgow settlement boundary.

Yours faithfully,

John R Kelly.
Planning Secretary.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mrs Claire Rice

Address: 18 Priory Road Linlithgow

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing on behalf of the Linlithgow Primary School Parent Council. The proposed location for the permanent residency moorings borders the LPS school pitch. Concerns about possible noise and air pollution have been brought to our attention. The engines are likely to be diesel and giving out fumes which may be harmful. In addition we understand that boaters often burn coal in winter because the boats tend to be poorly insulated and there is no room to store wood. In terms of noise pollution, teachers coordinating activities on the school pitch may find that they cannot make their voices heard over the noise of the engines. This would be disruptive to the teaching of our children and would have a negative impact on their enjoyment of the outdoor learning space.

We would like to know whether any plans to have an impact study done at the pitch to understand the implications of the permanent residency in this location and its close proximity to the school. We would also be keen to understand what arrangements would be put in place for sewage disposal.

We understand that the proposed plans include installation of storage huts and a waste/recycling station immediately behind school grounds. The school has a former wildlife garden close to the proposed moorings and whilst not presently in use this remains school property and there are plans underway to develop the grounds adjacent to this. We point this out so that cognisance can be taken of this when planning locations for waste stations etc.

We look forward to receiving details of any impact studies which are carried out to alleviate the concerns that parents at the school have over this.

1065/FUL/17

Matthew Watson



LINLITHGOW CIVIC TRUST

28 Bailielands
Linlithgow
West Lothian EH49 7SU
tel. [REDACTED]
mob. [REDACTED]
e-mail [REDACTED]

date: 14 February 2018

Development Management Manager
Planning Services
West Lothian Council
Civic Centre
Howden South Road
Livingston
West Lothian EH54 6FF

W.L.C.

15 FEB 2018

P&ED Support Services

Dear Sirs,

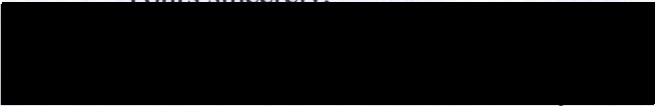
Planning Application 1065/FUL/17 Formation of 4 residential moorings on the Union Canal near Preston Road Linlithgow.

Linlithgow Civic Trust objects to the above planning application for the following reasons: -

1. The canal tow path would be obstructed by the installation of water and electricity service bollards to the detriment of the free and safe passage of tow path users.
2. There is inadequate access to and provision of utilities and services particularly water, sewage and refuse collection which would be detrimental to health and the environment.
3. There is inadequate access to emergency services particularly Fire and Ambulance to the detriment of public safety.
4. There is no dedicated car parking provision which would generate additional kerb side parking on Preston Road to the severe detriment of road safety especially in the proximity of primary schools.
5. There would be an adverse effect on school capacity especially for secondary schools prior to the provision of a new school at Winchburgh.

6. The sporadic nature of the location of these residential narrow boats is contrary to a requirement to strategically plan such a location so that the services, access and accommodation within the settlement area can be properly provided for.

Yours sincerely



David Timperley
Planning Spokesperson
Linlithgow Civic Trust

Watson, Matthew

To: Planning
Subject: RE: Planning Application 1065/FUL/17

-----Original Message-----

From: Alison Robertson [REDACTED]
Sent: 03 February 2018 20:54
To: Planning
Subject: Planning Application 1065/FUL/17

To whom it may concern.

With reference to the comments made regarding this application by Mr Graeme Harvey, I wish to inform you that I fully support all his comments.

I am not adverse to residential moorings, but wish to raise the following concerns.

1. The proposed site is ill chosen due to its proximity to 3 schools, which may cause parental concern, and houses in Deanburn Road.
2. The matter of sewage disposal is a primary concern.
3. The provision of services to the proposed houseboats is likely to cause hazard to the many users of the towpath.
4. The parking of houseboat vehicles would exacerbate an already overcrowded and at times dangerous situation on Preston Road.
5. Lastly my property would be within very close proximity to these houseboats, thus causing an invasion of privacy to both parties.

I hope you will take my concerns as seriously as I do.

Yours sincerely
Mrs C. Shaw
49 Deanburn Road
Linlithgow
West Lothian
EH49 6EY

Sent from my iPad

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mrs Cynthia Shaw

Address: 49 Deanburn Road Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To whom it may concern.

With reference to the comments made regarding this application by Mr Graeme Harvey, I wish to inform you that I fully support all his comments.

I am not adverse to residential moorings, but wish to raise the following concerns.

1. The proposed site is ill chosen due to its proximity to 3 schools, which may cause parental concern, and houses in Deanburn Road.
2. The matter of sewage disposal is a primary concern.
3. The provision of services to the proposed houseboats is likely to cause hazard to the many users of the towpath.
4. The parking of houseboat vehicles would exacerbate an already overcrowded and at times dangerous situation on Preston Road.
5. Lastly my property would be within very close proximity to these houseboats, thus causing an invasion of privacy to both parties.

I hope you will take my concerns as seriously as I do.

Yours sincerely

Mrs C. Shaw

49 Deanburn Road

Linlithgow

West Lothian

EH49 6EY

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr Darren Hughes

Address: 70 Deanburn Park Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a local resident that stays in close proximity to the suggested mooring site I would like to object.

I use the canal path every single day, either walking, or cycling.

It is the quiet, relative isolation that you get going along the canal that is part of its charm.

Placing permanent residential barges outwith wharfs or canal basins is nothing but a money making exercise for Scottish Canals.

I would like to raise the following points:

1.

Permanent residential moorings would be better situated in a location with existing infrastructure and greater passing space for other canal water users.

2.

The suggested location for the wheelie bins is foolish.

Even though these substantial bins will be screened they will inevitably end up being pushed into the canal.

This is different from the bin stores at the Linlithgow Canal Basin as they have a platoon then barges in the way.

Any large bins required should be located next to the moorings, not 60 metres away.

I also would like to note that the existing bin stores at Linlithgow Canal Basin are covered in a very large printed sign

advertising 'Living On The Water'. I will certainly object to any large signs on the bin stores.

3.

Barges moored at the proposed site would undoubtedly be of interest to passers by.

There are a large number of children that go by this location due to the proximity to schools.

Many are quite boisterous as they leave after a days schooling.

I am concerned at the possible danger of a child falling between a moored barge and the hard edge.

4.

The application suggests that 'there is capacity for on-street parking on Preston Road'.

I entirely disagree with that statement and would urge a greater investigation into this, as this location can become

extremely crowded with cars due to parents dropping off or picking up children from the schools.

To introduce an anticipated 4 vehicles (1 per mooring), or perhaps more, introduces the very real prospect that parking would

extend so far up Preston Road that it would start becoming a hazard at the junction with Priory Road.

Their obvious location to park would be next to the canal bridge on Preston Road, a spot where many people including children cross the road.

I am surprised that the Transport Department assessment has not considered this impact.

Another scenario that could occur is that a mooring resident with a vehicle might consider the grass verges that start on the west side of Preston Road and south of the canal

as fair game for permanent parking. This would undoubtedly leave the verges as a muddy quagmire.

I have some further comments that I need to make in a separate comment form due to the character limitation of this form.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr Darren Hughes

Address: 70 Deanburn Park Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In addition to my previous comments in a separate submission, please also note:

5.

Linlithgow Primary has a raised wall that runs along the edge of the school football field which ends just next to the sloped path that runs between

the schools. This is where the proposed hard edging of the mooring location starts.

Scottish Canals should note that this area is a popular hangout\drinking den with young adults, especially during summer months.

Potential mooring residents would undoubtedly have to deal with this.

The existing fence along the perimeter of the canal to Linlithgow Primary is also in a very sorry state, with fence wire snapped and posts broken.

6.

If the proposal is for 4 permanent moorings, then why does the hard edging work proposed continue for a much greater distance than needed?

Are there further plans for this site in the future?

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr Donald Lamb

Address: 47 Deanburn Road Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With reference to the comments made regarding this application by Mr Graeme Harvey, I wish to inform you that I fully support all his comments.

Please note that I also feel that the information provided on the website around the site plan

https://planning.westlothian.gov.uk/publicaccess/files/571167941DC61F270698F9ACD6ED17F4/pdf/1065_FUL_17-SITE_PLAN-2641166.pdf is inconsistent with what was provided to impacted residents as it seems to underplay the size of the boats within the plan when in fact, the boats will stretch much further along the canal.

In addition, the following aspects render the site unsuitable for this application:

- The site is very exposed and is overlooking school playing fields. There is a concern that the proposed development will impact access for children going to and from school as well as impacting public access to the canal path.
- No provision has been made for dealing with effluent from the boats.
- Smoke pollution from the boats using heating stoves will affect school children and properties within the vicinity. Further pollution will occur from engines running to provide power.
- Additional noise will be generated from the permanent occupation of the boat which will impact local households.
- This section of Preston Road is extremely busy during school pick up and drop off times, additional pressure on parking caused by boat residents will further impact this existing issue.

- Wildlife will also be impacted. Every year, a pair of swans build a nest at the proposed spot.
- Finally, I believe the proposals will have a negative impact on householders on the other side of the canal from the development. As the houses facing the canal are on a slope, they have been designed to benefit from the view across the canal and having boats directly opposite will lead to a loss of privacy for both the householders and the boat residents as they will be in direct line of sight, especially for the boat residents as the householders will be looking down into their living spaces.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr Graeme Harvey

Address: 22 Westgate Mid Calder Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Firstly may I point out that this is the second application that Scottish Canals have submitted to planning departments just a couple of days before the Christmas/ New Year break. The First was to Glasgow City Council and they have agreed to extend the statutory consultation period would you kindly consider doing the same?

As Chairman of the Lowland Canals Association which represents the interests of all boaters and anyone else with interests in the canal and it's environs (commercial/residential or voluntary groups). Our initial concerns are listed below.

1. The location was identified during last winters draining of the canal as having several bank weaknesses which were requiring urgent attention. The proposed piling along this section, we were informed by SC, was designed to strengthen the bank, preventing breaches and flooding of the schools and housing on the north/towpath side of the canal.
2. The proposed moorings are in an extremely exposed position which is not conducive to safe and comfortable mooring of craft.
3. While storage huts and waste depositories are indicated in the plans there are no provisions for sewage disposal. Narrow boats either use chemical toilets or storage tanks which require regular pump out and for residential craft this averages out at once every two weeks. SC advertise pump out facilities available but those facilities are owned and operated by the Linlithgow Union Canal Society at the Canal Basin in Linlithgow. Scottish canals have never organised any agreement with LUCS to provide this facility and it is only available when volunteers are working at the basin.
4. The location will require the widening of the towpath to provide hard standing to the edge of the piling. Mooring bollards/rings/cleats will require to be provided. Coupled with the water/electricity towers and the resultant extension cables and hoses which will connect the boats to the supplies all of which will be potential hazards to towpath users pedestrian or cyclist.
5. This increase in hard standing width will also damage part of the historical infrastructure viz the clicking stones which run close to the waters edge and were installed to warn horses that they

were getting close to the water's edge. This canal is a working historical monument and may result in action by Historic Scotland or whatever they call themselves these days.

6. Parking is also an issue as vehicles would have to be parked on Preston Road and this site is very close to the entrance to two schools and on quite a steep gradient. There may be more to add in the next few days.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Dr Graham Russell

Address: Royal Yachting Association Scotland Caledonia House, 1 Redheughs Rigg, South Gyle
Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam,

Planning Application 1065/FUL/17 regarding installation of 4 residential moorings on the Union Canal west of Preston Road Bridge in Linlithgow.

The Royal Yachting Association Scotland (RYA Scotland), is the governing body in Scotland for all forms of dinghy and yacht racing, motor and sail cruising, RIBs and sports boats, windsurfing, canal boats, and personal watercraft. We refer to these disciplines collectively as 'boating'. Boating takes place wherever people take to the water in boats. This can be on purpose built facilities and reservoirs, inland waterways or canals, natural fresh water lochs, rivers, estuaries, coastal areas and on the open sea.

Our purpose is to promote and protect safe, successful and rewarding boating in Scotland. We represent a community of about 70,000 people actively engaged in boating activity in Scotland, over 20,000 of whom are members of our affiliated clubs. We support nearly 300 local clubs and training centres, the majority of which are within Scotland's coastal communities and inland waterways and work with a diverse range of partners to achieve the outcomes described in our Strategic Plan.

RYA Scotland is volunteer-led with up to 60 volunteers engaged in our committee structure at any one time.

While welcoming every effort by Scottish Canals to increase the use of the canal, RYAS objects to this plan on the following grounds.

1. Vessels of 3.3M beam (width) moored in this location will hamper navigation for 3.3M beam vessels trying to proceed along the canal - if two such vessels meet here there will not be room for them to pass each other. In addition the site is extremely exposed to the prevailing wind and in strong winds it would be almost impossible for one or other of such vessels to stop to let the other through without going aground.

2. The site is very close to Preston Road Bridge which is very awkward to navigate through, being completely blind going in either direction. A vessel passing under the bridge is committed to passing through this section and if another vessel is going in the opposite direction it will have nowhere to stop to allow for safe passing, giving a real danger of collision between the moving vessels and also with the moored ones.

RYA Scotland would be happy to discuss how additional moorings might be developed in this area without compromising navigational safety.

Yours sincerely,

Graham Russell
Planning and Environment Officer
Royal Yachting Association Scotland

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr James Bruce

Address: 51 Deanburn road Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objections on the application are as noted.

The site is very exposed to the prevailing winds and is overlooking school playing fields and is located adjacent to a very busy access to leading to schools.

No provision has been made for dealing with effluent from the boats.

Smoke pollution from four boats using heating stoves will affect school children and adjoining properties.

Further pollution will occur from engines running to provide power.

Addition noise will be generated from the permanent occupation of the boats.

Parking in Preston Road is exceptionally busy twice a day serving the two primary schools without additional space being taken by boat residents.

Pavement crossings at the canal bridge will be blocked by cars permanently parked by boat owners thus denying the public access for bikes prams etc.

Application is unclear as to whether mature trees are to be removed to allow erection of shingle storage sheds.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mr Robert Dixon

Address: 33 Deanburn Road Linlithgow

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed development on the following grounds:

- 1 The close proximity of the residential boats to a route to three schools. The footpath is extensively used by children going to school. The Council has a Duty of Care to ensure that these children have a safe passage and are not exposed to danger and this proposal increases that risk. no matter how small that increase in risk may be.
- 2 Preston Road is already dangerously over congested in the mornings and afternoons with children being delivered to or uplifted from school. Any parked vehicles associated with this proposed development would exacerbate the problems, especially for emergency vehicles which I have already witnessed having difficulty getting through badly parked vehicles.
- 3 The need for the boats to dispose of their waste products, for which no provision appears to be made, may well give rise to pollution of the canal and be a health hazard.

Comments for Planning Application 1065/FUL/17

Application Summary

Application Number: 1065/FUL/17

Address: Union Canal Linlithgow

Proposal: Formation of 4 residential moorings at the Union Canal near Preston Road, Linlithgow

Case Officer: Matthew Watson

Customer Details

Name: Mrs Therese Stewart

Address: 61 Deanburn Park Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Boats would have a view into the long windows on the west elevation of my house. Internally, they go down almost to the floor. Boat occupants could clearly see us down to the ankles. Likewise, we'd be looking down on boaters so they wouldn't have privacy either. As my house is on a slope, mitigating measures are not possible.

2. The proposed moorings is at the back entrance to two schools, one a High. This is not marked by signage, but every school day, scores of pupils enter their school grounds by the path approx. a foot from the proposed moorings. Pupils frequently linger there.

3. The canal is a scheduled monument. It may suffer creep, i.e. piecemeal removal/interference with original engineering features, leading to a reduction in value as a historical asset. I have read 200-year-old accounts of construction of this stretch written by the contractor. The canal is a physical record of Scotland's industrial history, not fully explored. Once the original features are gone, they can't be replaced. I'm not sure that any official body is monitoring this.

4. More info. is needed than the applicant gives. Is vegetation to be removed? Which original engineering features will be removed? How often will the waste station be emptied? What is the maximum permitted height/size for a resident boat?

5. An area of school ground very close to the proposed site is used every day by hundreds of school pupils (left blank on the applicant's map). Everything up to the towpath is, I believe, school ground, including the overgrown area. The school pitch immediately below is a daily playground in term time and used by clubs in the holidays. Improvement work is under discussion.

6. The environment here has already suffered. To the rear of the High School formerly had an unspoiled aspect. But canal embankment work in 2016 saw the uprooting of trees, installation of tarmac and unsympathetic metal railings. The trees were not replaced and a tangle of broom planted. Perhaps this was in anticipation of these moorings? The addition of sheds and hard landscaping would mean further visual & environmental deterioration. Scottish Canals' Living on the Water website, on 6.2.2018 calls Linlithgow one of Scotland's prettiest villages. It's a town, and

won't stay pretty with unchecked uprooting of natural features as part of canal works.

7. Scottish Canals mention 'capacity for parking on Preston Road'. In the Linlithgow Arrow, Feb 2018, Police Scotland say they are aware of major congestion problems outside all the schools in Linlithgow, at the beginning and the end of the day. Three schools are very close by. I would suggest a planning visit at 3.30pm on a school day, to make the situation clear.

8. Canal boat engines can be noisy and carrying. Wind direction and valley contours mean most noise would drift to the LPS school playground/pitch below. A potential challenge for teachers.

9. Air pollution is a threat from idling diesel engines. School pitch would be affected.

Draft conditions and reasons – 1065/FUL/17

1. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all huts, structures and hardstanding areas shall be submitted to and approved by the planning authority. Thereafter, the development shall be carried out strictly using those approved materials.

Reason: In the interests of preserving the setting of the scheduled monument.

2. Prior to the commencement of development, a landscape plan shall be submitted for the consideration and written approval of the planning authority. It shall include details plant species, sizes, planting distances and methods of protection. Thereafter the landscaping as approved shall be implemented in the first planting season following any boat being occupied, or completion of the development, whichever is sooner.

The landscaping as approved shall be maintained to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

Reason: To ensure proper implementation of planting proposals that integrate with the character of the area, in the interests of visual and environmental amenity.

3. The proposals for protection of the water supply bollards from freezing weather and vermin shall be implemented prior to the occupation of the first boat.

Reason: To ensure there are no adverse impacts on the water environment as a result of the proposed development.

4. While moored, boats shall not idle at the site with the engine switched on.

Reason: To ensure the development does not cause excessive noise, in the interests of protecting residential amenity.

5. Any construction work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on site vehicles and equipment.

Reason: In the interests of residential amenity.

Development Management

List of Delegated Decisions - 29th March 2018

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0139/H/18	Recommendation:	Refuse Permission
Proposal:	Demolition of existing side and rear extension and erection of two storey rear extension		
Address:	67 Blackness Road, Linlithgow, West Lothian, EH49 7JD, (Grid Ref: 300634,677387)		
Applicant:	Mrs Brenda Green	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Tiwaah Antwi
<u>Summary of Representations</u> One representation - - Scale of the extension - Proposed materials - Design			
<u>Officers report</u> The application is for a two storey rear and side extension to increase the existing 2 bedroom property to a 4 bedroom house. The application property, a single storey stone cottage, is not listed but is recognised by the council and Historic Environment Scotland as having importance to the conservation area generally and to the approach to the centre of Linlithgow in particular. The extension would see the demolition of a small existing rear extension and its replacement with an extension which would measure 16.4 metres in width, 6 metres in height, and 7 and 9.4 metres in length at the east and west elevations respectively. The extension would have a larger footprint than the existing house, and would be higher, resulting in the extension overdominating and overbearing the existing property. Following an unsuccessful application to demolish the cottage (0676/LBC/16) an application for a modern extension to the rear of the building was submitted and approved (0451/H/17). That application was approved following protracted discussions with the applicant, and represents a modern addition which respects the form and setting of the existing cottage while attaining a significant increase in floorspace. This proposal, however, would be detrimental to the appearance of the property and the conservation area, resulting in a loss of residential and visual amenity and harm to the character and appearance of the conservation area at an important and visually prominent entrance to the town centre.			

The proposal is therefore contrary to Policies HOU9 and HER 19 (development affecting conservation areas) of the WLLP, DES1 of the LDP and the terms of the House Extensions and Alterations Design Guide.

The application is therefore recommended for refusal.

Ref. No.:	0150/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 7.9m high canopy over existing sales area		
Address:	Knowepark Caravans Ltd, Hardie Road, Deans, Livingston, West Lothian (Grid Ref: 301857,669205)		
Applicant:	Knowepark Caravans & Motorhomes Ltd	Type:	Local Application
Ward:	Livingston North	Case Officer:	Lewis Young

Summary of Representations

Five objections:

- Loss of daylight/sunlight
- Noise
- Loss of views
- Impact on property values

Officers report

The application seeks permission for the erection of a 7.9m high canopy over an existing sales area at the Knowepark Caravans site at Hardie Road. The canopy is to be located at the rear of the application site, adjacent to the boundary with a tree belt which separates the site from the rear gardens of the nearest houses, at Chuckethall Road.

Edinburgh Airport was consulted on the application and raised no objection.

The objections relating to loss of daylight/sunlight and noise are material planning considerations in relation to the assessment of this application. The other points raised are not material planning considerations.

The applicant's agent has advised that the location for the canopy is the lowest part of the caravan and motorhomes sales area, thereby reducing any impact on the adjacent residential properties. These properties are separated from the site by a 10m wide tree belt. The agent advises that the proposed location is the most practical for the applicant as it is the only area adjacent to the sales office which would not obscure the main building from Hardie Road. The canopy will allow for this part of the sales area to be used in all weathers allowing for increased customer access.

The proposed canopy will be in keeping with the appearance of the commercial sales area for the caravans and motorhomes and is separated from residential properties by a tree belt. The canopy is covered with a translucent membrane which permits light through it. There will be no overshadowing of these properties or loss of daylight/sunlight and no negative impact in design terms at this location. Taking into account the depth of the tree belt and the rear gardens of the properties, any noise generated from rain falling on the proposed canopy will not have a detrimental impact on residential amenity. The application therefore complies with local plan policies IMP 15 (design) and HOU9 (residential and visual amenity).

The application is therefore acceptable and is recommended for approval.

Development Management

List of Delegated Decisions - 6th April 2018

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0111/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 423sqm mixed use development comprising shop (class 1), offices (class 2) and cafe/restaurant (class 3) with associated car park and landscaping		
Address:	Hamilton Square, Alderstone Road, Livingston, West Lothian, EH54 9JZ (Grid Ref: 305768,665126)		
Applicant:	Dr Edward Russell-Smith	Type:	
Ward:	Livingston South	Case Officer:	Matthew Watson

Summary of Representations

- Traffic impact of the proposed development

Officers report

The application seeks planning permission for 423 sqm mixed use development comprising shop (class 1), offices (class 2) and cafe/restaurant (class 3) with associated car park and landscaping. The development proposed is a single storey building, with the exception of a raised parapet roof at the eastern end of the site, and is finished with render and elements of timber cladding.

With regards to principle of development, the application is located within the Murieston South Local Neighbourhood Centre and is a specific proposal for community and health services uses under policy COM 7 of the West Lothian Local Plan (WLLP) and proposal P-48 in the West Lothian Local Development Plan, Proposed Plan (Proposed LDP). Policy TC 13 states "The existing and proposed local neighbourhood centres, as shown on the proposals maps, will be safeguarded for business, retail, community, leisure and recreation, and small-scale housing uses." The uses proposed fall within retail, leisure and community uses and comply with policies of both the WLLP and Proposed LDP.

In design terms, the proposed development is of a scale and form that integrates with its context and maintains the building line of the existing Murieston Medical Centre. The materials proposed are acceptable and will not appear out of context. The scale, form and proposed materials come together to create a high quality design that will enhance the appearance of the site and surrounding area. The proposal complies with policies HOU9 and IMP15 of the WLLP and policy DES1 of the Proposed LDP.

In respect of the impact on amenity, environmental health has recommended a condition limiting hours of use of plant equipment. With this condition in

place, the proposal complies with policy HOU9 of the WLLP and policy DES1 of the Proposed LDP in this respect.

Transportation has raised no objections to the application on grounds of traffic impact and has stated there is sufficient levels of parking proposed.

Overall, the proposal complies with the relevant provisions of the development plan and it is thus recommended that planning permission is granted.

Ref. No.:	0184/FUL/18	Recommendation:	Refuse Permission
Proposal:	Change of use of building last used for dog grooming to a house		
Address:	City Farm, West Calder, West Lothian, EH55 8PP, (Grid Ref: 301567,664410)		
Applicant:	Mrs Tricia Elms	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	David Allan
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>The application site is a former farm located in the designated countryside belt between Livingston and West Calder. Current operations associated with the site include caravan storage and dog agility training. An associated residential property already exists at this location and is occupied by the applicant. The building proposed for conversion is a modern single storey structure which forms the northern part of a group of farm outbuildings. It has no architectural or historical merit in itself.</p> <p>No justification has been provided to demonstrate the need for an additional residential property, either in support of the current business, or on other grounds. Whilst the building proposed for change of use may be structurally suitable for conversion, the current proposal is contrary to the development plan and it is therefore recommended that planning permission be refused.</p>			

Development Management

List of Delegated Decisions - 13th April 2018

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0121/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Installation of storage containers, generator and sub station for the operation of a biomass drier (in retrospect)		
Address:	Ormiston Farm, Kirknewton, West Lothian, , (Grid Ref: 310053,666384)		
Applicant:	Mr Brian Simmer	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Steven McLaren

Summary of Representations

There have been 14 objections on this application which include the following comments:

1. Diesel generator running 24/7. Burning of fossil fuels at green energy site.
2. Generator is used to power the turbine blades.
3. No indication of potential expansion of use.
4. Increase in vehicle movements.
5. Concern of safety of site access.
6. Grid connection for turbine should have been agreed before it was constructed.
7. Impact on visual amenity of area.
8. Noise from the generator.
9. Noise from the dryer.
10. Noise from the turbine blades.
11. Visual impact of additional pylons for the turbine.
12. Wood drying facilities should have formed part of the turbine application.
13. Two year period for grid connection is speculative. Issues with grid connection and land owner's permission.
14. Turbine blade flicker.
15. No environmental benefit.
16. No benefit to local people.

Officers report

This is a retrospective application for the siting of two shipping containers, diesel generator and substation at the base of the wind turbine constructed at Ormiston Farm. The containers house heating elements and an internal fan for drying biomass material such as logs, timber pellets, straw etc. A Planning Contravention Notice was issued in respect of the development.

In principle, a facility for drying farm and forestry produce within the countryside is compatible with the development plan. This installation resulted in significant noise from the site initially which was affirmed by Environmental Health. Prior to the submission of the planning application, there was an increase in height of the earth bund adjacent to the generator and a shroud constructed over the fan outlet on the dryer unit. Environmental Health re-visited the site and surrounding area and concluded that these works made a significant difference to the noise emissions off site. Environmental Health therefore has no concerns over the noise emissions associated with the current operation following these mitigation measures.

Contrary to information provided at the outset, the generator is used only to provide energy to the turbine's electronic and computer systems when there is insufficient wind energy, and until a grid connection is made. It cannot power the turbine blades. There is insufficient diesel capacity for it to run 24/7 and once a grid connection is made the generator can be removed. As wind speed increases the turbine powers the heater elements and fan within the dryer unit.

The dryer installation is for the applicant's benefit and is not intended as a commercial operation. It will utilise some energy from the turbine until a grid connection is made. The applicant has also made a commitment to the removal of the installation at the earliest opportunity and certainly following a full grid connection. The applicant has confirmed deliveries to the site will be every 10 days or so. Transportation has been consulted and raised no objections.

The containers and ancillary equipment are no more obtrusive than an agricultural shed which could be constructed on this land without the benefit of planning permission.

Other objections have been made on a range of issues such as turbine noise, shadow flicker and grid connection. These objections are not material to this application and are covered by conditions relating to the turbine approval. There is no condition requiring a grid connection be in place prior to the construction of the turbine.

Recommendation therefore is to grant planning permission for the continued use for a maximum period of two years but conditioned that following a temporary grid connection the generator is removed from site and the viability of the dryer unit is re-assessed with a view to early removal if possible. A further condition should also be applied that should valid complaints continue regarding noise from the installation then the applicant shall improve the mitigation measures in consultation with Environmental Health.

Ref. No.:	0141/H/18	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	35 Rivaldsgreen Crescent, Linlithgow, West Lothian, EH49 6BB, (Grid Ref: 300249,676453)		
Applicant:	Mr & Mrs D Crawford	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Tiwaah Antwi

Summary of Representations

A representation has been received for the application.

-Loss of daylight

Officers report

The proposal is for a rear and first floor extension to house to extend the lounge, form a new kitchen, untility room bathroom and a master bedroom on the upper floor. The extension would measure 3.5 metres deep, 12.6 metres wide and 6.9 metres in height. The scale design and location of the proposal is acceptable and would not result in any overbearing or overshadowing to any neighbouring property and greater overshadowing will be to the applicants own garden ground.

The proposal will not be detrimental to the appearance of the existing property or the wider street scene.

The application has been revised following discussion with the agent to ensure sunlight and daylight to the upper bedroom window of the south neighbouring property is not compromised as a result of teh development.

The proposed extesnsion features a dormer, windows and patio doors to the front and rear looking unto the applicant's own garden ground and the street therefore would not result in any privacy issues. The extension has been conditioned to be finished with materials to match the existing dwelling house.

The proposal is therefore recommended for approval.

Ref. No.:	0144/H/18	Recommendation:	Refuse Permission
Proposal:	Extension to house and erection of dormer		
Address:	37 St Ninian's Road, Linlithgow, West Lothian, EH49 7BN, (Grid Ref: 299499,677365)		
Applicant:	Mr & Mrs Thomson	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Tiwaah Antwi

Summary of Representations

No representation was received for the application.

Officers report

The extension is proposed to form one dormer to the front and one to the side of the existing property where they will be visible from the street. Although the proposed dormers will not give rise to overshadowing, loss of daylight or privacy issues, they will over dominate the roofs and visually detrimental to the property itself and the wider area. The proposed front dormer would be 2.5 metres wide, 2.7 metres high and the side dormer would measure 3.6 metres high, 2.6 metres wide and 1.9 metres in length.

The scale and location of the proposed side dormer dominates the existing roof to the detriment of visual amenity. The dormer would be extended to the eaves of the existing roof; contrary to policy HOU9 and the Householder Extension and Alteration Design Guide 2015, which states that dormers should be of a size and scale which does not over dominate the existing roof and should be drawn well back from the eaves. The negotiations with the agent to reduce the scale of the dormer to comply with the council's policy and supplementary guide has been unsuccessful.

The proposal does not comply with policy HOU9 of the West Lothian Local Plan (WLLP), DES1 of the LDP and the Council's house extension and alteration design guide 2015 and is considered to be detrimental to the building itself and the amenity of the surrounding area.

The application is therefore recommended for refusal.

Ref. No.:	0160/H/18	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	2 Kirknewton Court, Kirknewton, West Lothian, EH27 8BT, (Grid Ref: 310113,667145)		
Applicant:	Mrs Sara Shaw	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Tiwaah Antwi

Summary of Representations

A representation has been received for the application.

- Privacy
- Flue height insufficient

Officers report

The proposal is for a part conversion of the garage to a utility room and an extension to extend the kitchen/dining, living room and to form a garden room with a 495mm decking above the ground. The proposal garden room measures 3.6 metres deep, 3.2 metres wide and 4.4 metres high. The extension measures 1.6 metres deep, 5.6 metres wide and 3.2 metres high. The scale, design and location of the proposal is acceptable and would be established at the rear where the will not be visible from the street or cul-de-sac.

The flue has been conditioned to be extended to the ridge height of the existing dwelling house and there is approximately 2.2 metres wall established on the west boundary which is considered adequate to screen off the section of window objected to and due the west neighbouring property higher positioning to the application site, any loss of privacy concerns will be to the applicants.

The proposal will therefore not be detrimental to the appearance of the existing building or any neighbouring property.

The proposal features windows and patio doors to the rear and side looking unto the applicant's garden ground therefore would not result in any privacy failure. The proposed finishing material will be to match the existing dwelling house.

The proposal is therefore recommended for approval.

Ref. No.:	0164/H/18	Recommendation:	Grant Planning Permission
Proposal:	Two storey extension to house		
Address:	51 Bridgend Park,Bathgate, West Lothian, EH48 2AD, (Grid Ref: 296654,668555)		
Applicant:	Mr D Timmins	Type:	Local Application
Ward:	Bathgate	Case Officer:	Tiwaah Antwi

Summary of Representations

A representation was received for the application.

- Road safety and access to/fro the footpath during development

Officers report

The proposal is to erect a two storey extension to extend the kitchen and sitting room, store and a third en-suite bedroom on the upper floor. The proposed extension is of an acceptable scale and will be established at the side of the side of the existing house where it is visible from the street and path at the side of the dwelling house. The proposed extension would not result in significant overshadowing, overbearing or loss of daylight due to its scale, location and relation to the nearest neighbouring property.

The proposal will not be detrimental to the appearance of the property or the overall street scene.

The extension features doors and windows to the front and rear of the property looking directly onto the applicant's own garden ground and the street, therefore should not result in any privacy issues. The extension will be finished with concrete roof tiles and brick panning to match the existing house in colour.

Ref. No.:	0172/H/18	Recommendation:	Grant Planning Permission
Proposal:	Two storey and single storey extensions and first floor balcony to rear of house		
Address:	11 Priors Grange, Torphichen, Bathgate, West Lothian, EH48 4QN (Grid Ref: 296630,672437)		
Applicant:	Mr David Ireland	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Tiwaah Antwi

Summary of Representations

A representation has been received for the application.

- Privacy
- Overshadowing
- Design

Officers report

The proposal is to remove the existing conservatory and erect a two storey extension with a first floor balcony to the rear of the house where it will not be visible from the street. The two storey extension would measure 4 metres deep, 4 metres wide and 8.9 metres high with a 1.6 metres deep and 2.5 metres wide first floor balcony. The design, scale, and location of the proposal is acceptable and would not result in any overshadowing or overbearing to the existing property or any neighbouring property due to its location, distance to the nearest boundary(9 metres) and the approximately 4 metres high fence established on the boundary.

The proposal has been revised to include a 1.8 metres opaque screening on the north elevation to result the privacy concerns to the north neighbouring property. The proposal will not result in additional overshadowing due to its scale in relation to the existing dwelling house.

The proposal will not be visually or residentially detrimental to the existing property or the wider street scene.

The proposal features patio doors and windows to the rear looking unto applicant's garden ground and the field therefore should not result in any privacy failure. The finishing material has been conditioned to match the existing house.

The application is therefore recommended for approval.

Ref. No.:	0208/FUL/18	Recommendation:	Refuse Permission
Proposal:	Sub division of garden and erection of house		
Address:	71 Mill Road, Armadale, Bathgate, West Lothian, EH48 3QL (Grid Ref: 293121,668890)		
Applicant:	Mr Scott McMahon	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Mahlon Fautua
<p><u>Summary of Representations</u></p> <ul style="list-style-type: none"> - Obstructing views - Site shall be retained as open space - Adverse impact on privacy and sunlight (policy HOU 9) - Unacceptable materials, - Contrary to 0245/P/11, - Cramming impact - Contrary to West Lothian Local Plan as it is not allocated for housing. 			
<p><u>Officers report</u></p> <p>The proposal would create a cramming impact on the existing built environment.</p> <p>The arrangement of the vehicular access is awkward and would overall harm the residential environment.</p> <p>The acceptability of the current house was on the basis that the land was subject to one house. This would retain the open nature.</p> <p>Overall, the proposal would result in unacceptable residential environment.</p> <p>Note - Roads and Transport object to the proposed access from a layby</p>			

Development Management

List of Delegated Decisions - 20th April 2018

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0205/LBC/18	Recommendation:	Refuse Listed Building Consent
Proposal:	Listed building consent for the removal of chimney		
Address:	The Bath House, Gowanbank, Avonbridge, Falkirk, West Lothian (Grid Ref: 291641,671110)		
Applicant:	Miss Debbie Neal	Type:	Other
Ward:	Armada & Blackridge	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Listed building consent is sought to remove a chimney stack from a category A listed cottage, part of Gowanbank farm steading, attributed to Sir James Gowans, and dating back to 1862. The chimney is centred on the roof of the cottage and Historic Environment Scotland take the view, in their response to the application, that its removal would have an adverse visual impact on the historic character and appearance of the building.</p> <p>It is considered that the removal of the chimney would have a detrimental impact on the appearance of the cottage, which is otherwise intact and unaffected by alterations.</p> <p>Therefore, it is recommended that the application for Listed Building Consent is refused.</p>			

Development Management

List of Delegated Decisions - 27th April 2018

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0810/FUL/17	Recommendation:	Refuse Permission
Proposal:	Erection of a mixed use development comprising of 6 units for class 1 shops, class 2 financial professional & other services, class 3 food & drink, class 4 business, class 5 general industry, class 6 storage or distribution and hot food takeaway use on the ground floor and 20 (1-bedroom) flats on the upper floors with associated works		
Address:	The Firs, Langside Gardens, Polbeth, West Calder, West Lothian (Grid Ref: 303348,664439)		
Applicant:	Mr Franco Cortellessa	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Mahlon Fautua

Summary of Representations

28 objections, including one from Polbeth Community Council.

- loss of community facility
- It will make the place look untidy and the flats are just a target for anti social behaviour
- The public house on the site should remain
- The village does not need more shops
- Impact on the landscape
- Increase in traffic
- Noise and loss of privacy
- The proposed development would be overbearing and out of character in terms of its appearance compared with the existing housing.
- Attraction of undesirables and creation of litter
- Loss of natural light especially in the winter months.
- Pressure on local services

Officers report

Planning permission is sought for a three storey building with shops and offices on the ground floor and twenty one-bedroom flats above, in an area

characterised by two storey housing. The site is currently occupied by the Firs public house, and is in a prominent location close to the A71, between the road and the established housing area of Langside Gardens.

The mixed use nature of the development accords with planning policy in as much as the site is within an established residential area. However, the size, scale and massing of the proposed building is unacceptable in relation to the site, the adjacent properties at 14 to 18 Langside Gardens, the closest buildings, which are two storey houses, and the wider area. It is considered that the proposed building would have an overbearing visual impact on the adjacent properties and the surrounding area, and would be detrimental to visual amenity, contrary to Policy HOU 9 of the West Lothian Local Plan.

It is therefore recommended that planning permission is refused.

Ref. No.:	0139/H/18	Recommendation:	Grant Planning Permission
Proposal:	Demolition of existing side and rear extension and erection of two storey rear extension		
Address:	67 Blackness Road, Linlithgow, West Lothian, EH49 7JD, (Grid Ref: 300634,677387)		
Applicant:	Mrs Brenda Green	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Tiwaah Antwi

Summary of Representations

One representation -
- Scale of the extension
- Proposed materials
- Design

Officers report

The application is for a two storey rear and single storey side extension to increase the existing 2 bedroom property to a 4 bedroom house. The application property, a single storey stone cottage, is not listed but is recognised by the council and Historic Environment Scotland as having importance to the conservation area generally and to the approach to the centre of Linlithgow in particular.

The extension would see the demolition of the existing side and rear extension. The proposed extension would measure 8.1 metres and 11.5 metres in length at the east and west elevations; 11.2 metres and 18.9 metres in width at the south and north elevations; and 3.1 metres and 6.1 metres in height at the side and rear respectively. The scale, design and location of the extension is acceptable in that due to the vast garden ground, the extension would not cover more than fifty percent of the garden ground and would not overbear or overshadow the existing cottage or any neighbouring property.

The proposal features a ground level window on the west elevation, patio doors and windows to the rear and side where the two upper bedroom side windows would be 16.3 metres away from the gable of the neighbouring property to the east which is not visible from the application site due to the overgrown hedges established on the boundary, hence the development should not result in a loss of privacy. The application has been conditioned to provide adequate off street parking to the front of the property with one month of completion.

Following an unsuccessful application to demolish the cottage (0676/LBC/16) an application for a modern extension to the rear of the building was submitted and approved (0451/H/17). That application was approved following protracted discussions with the applicant, and represents a modern addition which respects the form and setting of the existing cottage.

This application was recently placed on the delegated list with a recommendation to refuse permission; however the applicant has since agreed to major revisions which have reduced the scale of the extension to the extent that it is similar in scale and massing to the approved extension. In addition, it leaves the original cottage intact and without additions, an improvement on the previously approved scheme which added dormers and increased the pitch of the roof. The amended proposal therefore complies with Policies HOU9 and HER 19 (development affecting conservation areas) of the WLLP, DES1 of the LDP and the terms of the House Extensions and Alterations Design Guide.

The application is therefore recommended for approval.

Ref. No.:	0297/A/18	Recommendation:	Refuse Advertisement Consent
Proposal:	Display of a wall mounted hoarding / banner (in retrospect)		
Address:	54 West Main Street, Uphall, Broxburn, West Lothian, EH52 5DW (Grid Ref: 305868,671739)		
Applicant:	Mr Ian McArthur EKCO (Livingston) Ltd	Type:	Other
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Lewis Young
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Advertisement consent is sought, retrospectively, for the display of a fabric wall mounted banner displayed on the western gable of a two storey building in use as a bathroom showroom at 54 West Main Street, Uphall, Broxburn. The application site is not a listed building however the property is located within Uphall Conservation Area. This application is a result of an approach by the planning enforcement team.</p> <p>The advertisement is considered to be overbearing in its scale in relation to the building and the surrounding area. Further to this, the design and materials are not considered to be in keeping with the overall streetscene in the surrounding conservation area. The banner has a detrimental impact on the character and appearance of the surrounding streetscene and wider conservation area and is therefore unacceptable, and is contrary to policy HER 19 of the West Lothian Local Plan, which seeks to preserve and enhance the appearance and character of West Lothian's conservation areas.</p> <p>In view of the above it is recommended that advertisement consent is refused.+</p>			

Proposed Enforcement Actions - 29/03/2018

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0273/17	Owner/ Occupier	26 Polbeth Road, Polbeth, EH55 8SR Display of large illuminated fascia sign to front of building	Fauldhouse & Breich Valley	Serve Advertisement Notice	The fascia sign has no consent and is detrimental to the appearance of the building and streetscene <u>Steps to comply</u> <ul style="list-style-type: none"> • Submit advertisement consent in retrospect, or • Remove the sign
ENF/0172/16	Owner/ Occupier	10b The Mall, Adelaide Street, Craigshill, Livingston, EH54 5ED Change of use from post office to café	East Livingston & East Calder	Serve Section 33 Notice	The change of use is unauthorised, and if opening hours are not controlled it has the potential to cause a loss of residential amenity <u>Steps to comply</u> <ul style="list-style-type: none"> • Submit a planning application

Proposed Enforcement Actions - 6/4/2018

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
0098/17	Mr F Coutts	Former Breich Inn, Breich, Fauldhouse Site is untidy and having a detrimental effect on local amenity	Fauldhouse & Breich Valley	Serve Amenity Notice	The site contains a disused caravan and other deleterious materials, and is in a prominent location <u>Steps to comply</u> . Remove the caravan/shed and other materials . General tidy of site
ENF/0002/18	The Owner/Occu pier	10 Chapelton Gardens, Polbeth, EH55 8SP Garden is untidy and is having a detrimental effect on local amenity	Fauldhouse & Breich Valley	Serve Amenity Notice	The garden contains disused vehicles and other materials <u>Steps to comply</u> . Remove all vehicles and materials from the site
ENF/0188/16	The Owner/Occu pier	14 Humbie Holdings, Kirknewton, EH27 8DS Formation of horse arena, car park and installation of floodlighting	East Livingston & East Calder	Serve Enforcement Notice	The development requires planning permission <u>Steps to comply</u> . Submit a planning application in retrospect
ENF/0200/16	Mr D McLaughlan	The Black Bull, 6 Market Street, Mid Calder, EH53 0AA The display of banner signs	East Livingston & East Calder	Serve Advertisement Notice	The property is within a conservation area and the banners are detrimental to the appearance of the building and conservation area. <u>Steps to comply</u> . Remove the banners

Proposed Enforcement Actions - 13/4/2018

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0226/15	The Owner/Occu pier	48 Lovells Glen, Linlithgow Bridge, EH49 7TD Change of use from open space to private garden ground and erection of a boundary fence	Linlithgow	Serve Enforcement Notice	Owner of the property has extended the garden ground and erected a boundary fence without permission <u>Steps to comply</u> . Remove the fence and make good the land to its original condition
ENF/0287/17	The Owner/Occu pier	22 Braeside Park, Mid Calder, EH53 0SN	East Livingston & East Calder	Serve Enforcement Notice	Decking has been constructed to the rear of the property which is higher than 0.5 m in height. <u>Steps to comply</u> . Remove the decking



DEVELOPMENT MANAGEMENT COMMITTEE

PLANNING APPEAL PPA-400-2085: PLANNING CONDITIONS ATTACHED TO GRANT OF PLANNING PERMISSION, QUEENS VIEW BED & BREAKFAST, LINLITHGOW

REPORT BY CHIEF SOLICITOR

A. PURPOSE OF REPORT

To advise the Development Management Committee that a response has been submitted to the procedure notice issued by The Scottish Government's Planning and Environmental Appeals Division (the DPEA) in relation to Planning Appeal PPA-400-2085 for the Queens View Bed & Breakfast, Linlithgow.

B. RECOMMENDATION

To note the approval provided using SO31 (Urgent Business) to approve the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2085 by the deadline of 2 May 2018.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable;
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed response will ensure that the council's position with regard to the original planning application in question and the appeal is taken into consideration by the DPEA in deciding the appeal.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	N/A
VIII Other consultations	Legal Services; Chair of Development Management Committee (DMC); Ward Members: Councillors Pauline Clark,

D. TERMS OF REPORT

Planning Application reference number 0981/H/17 in respect of the erection of a boundary wall and car park (in retrospect) at the Queen View Bed & Breakfast, Linlithgow was determined at Development Management Committee on 14 February 2018.

The Planning Officer's recommendation was to grant planning permission subject to conditions. The committee decided to grant planning subject to conditions but also imposed an additional condition that concerned the height of the boundary wall and the gated feature entrance to the establishment.

The additional condition imposed by the Development Management Committee is now subject to an appeal by the DPEA.

A response to the appeal has been prepared by the Chief Solicitor and in accordance with agreed procedures, the Chair of the Development Management Committee and relevant ward members were consulted on the response before it was finalised for approval and lodging with the DPEA.

E. CONCLUSION

The attached response sets out the council's position in relation to the decking at 42 Northfield Cottages, West Calder which was subject to an appeal through the DPEA.

F. BACKGROUND REFERENCES

Report to Development Management Committee dated 14 February 2018

Planning Appeal DPEA reference PPA-400-2085

Appendices/Attachments:

Appendix 1: Response of West Lothian Council to procedure notice in relation to Planning Appeal DPEA reference PPA-400-2082 including draft conditions

Contact Person: Wendy Richardson, Solicitor, 01506 283524, wendy.richardson@westlothian.gov.uk

Carol Johnston, Chief Solicitor

Date of meeting: 9 May 2018



Planning and Economic Development

Planning Appeal: PPA-400-2085

**PLANNING PERMISSION APPEAL: QUEENS VIEW, 3B PARKHEAD
HOLDINGS PARKHEAD ROAD LINLITHGOW EH49 7RF**

Observations of West Lothian Council

24 April 2018

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2. Determination of the Application
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1. Introduction and Background

The description of the site, its planning history and details of the proposal is set out in the report prepared by the Head of Planning, Economic Development and Regeneration and dated 14 February 2018.

2. Determination of the Application

It is acknowledged that the planning application which was submitted by the appellant included a number of distinct elements. Of those elements, only one is the subject of this appeal. In considering the merits of the case and reaching its decision to grant planning permission subject to an additional condition, Committee members took into consideration the concerns of the objectors to the application. The objections related to the erection of a boundary wall and gates, particularly in relation to the height of the wall and gates, the impact on sightlines and road safety issues.

The council's report identified partial conformity with policy HOU9. It did, however, identify potential concerns about the impact on residential and visual amenity and road safety issues.

In assessing this aspect of the application, Committee assessed the impact of the proposed development on neighbouring residents. Committee considered that the proposal would be detrimental to residential and visual amenity and in particular vehicle and pedestrian safety but considered that the impact of this could be reduced to an acceptable level by the imposition of planning condition 2.

It is noted that the appellant has employed Andrew Carrie, Traffic and Transportation Ltd to carry out an assessment of the impact of the boundary wall on the safety of the private access road at Parkhead Holdings. It is noted that as part of this assessment he has considered the council's Transportation assessment method based on the national policy of "Designing Streets" published by the Scottish Government in February 2010 which resulted in a suggested visibility splay of 25m. Mr Carrie has also carried out an audit of traffic speeds on the road, showing vehicles travelling at around 12mph past the access for 3B

Parkhead Holdings which result in a visibility distance of 14m being recommended by him, rather than the 25m suggested by the council.

When visiting the site prior to the committee meeting, committee members were concerned that there is no clear view to the left or right when exiting the driveway onto the private road. Taking the individual character of the access into consideration Committee considered that that a bespoke approach was required to ensure both vehicle and pedestrian safety on this narrow section of road.

The proposals detailed in Mr Carrie's report have been considered by the council's Transportation team. Their opinion is that while road markings may go some way towards addressing the road safety issues, because the road is privately owned, there is no guarantee that the road markings will be maintained. In addition, because of the particular nature of the site, they consider that the national policy used in the assessment does not go far enough to address the road safety issues.

The overall feel of the access is one which is very tight with little latitude for errors if meeting oncoming vehicles. The council considers that the safety of pedestrians and vehicle users is of paramount importance and believes that this can best be protected by the reduction in height of the wall and gates to ensure improved visibility at the access to the appellant's property.

3. Conclusion

It is acknowledged that if the boundary walls and gates were reduced to 1m in height, it could be considered Permitted Development. However, the council is concerned that the current height of the boundary wall and gates is inappropriate for the location and will have a detrimental impact on the safety and amenity of the surrounding area, contrary to policy HOU9 of the West Lothian Local Plan.

The council considers that condition 2 is necessary to protect vehicle and pedestrian safety and the amenity of the surrounding area in general.

The council, therefore, respectfully requests that the reporter dismisses the appeal.