



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

29 August 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 5 September 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 08 August 2018 (herewith).

#### **Public Items for Decision**

5. Application No.0303/FUL/18 - Building Works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow (herewith)
6. Application No.0304/LBC/18 - Listed Building Consent for the removal of external shoring; installation of internal steel restraints and external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow (herewith)

DATA LABEL: Public

7. Application No.0320/FUL/18 - Change of use from estate agents (class 2) to shop (class 7) hot food take away at 3 Hopetoun Street, Bathgate (herewith)
8. Application No.0398/H/18 - Formation of dormers at 59 Church View, Winchburgh (herewith)
9. Application No.0713/H/18 - Single Storey Extension to rear plus alterations to existing bungalow at 96a Lower Bathville, Armadale (herewith)

**Public Items for Information**

10. Consider list of delegated decisions on planning applications and enforcement actions for 3 to 24 August 2018 (herewith).
11. Appeals - Plot 23, Blinkbonny Gardens, Breich - Appeals against refusal of Planning Permission and issuing of Enforcement Notice

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto: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 8 AUGUST 2018.

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

Apologies – Councillor William Boyle

## 1. DECLARATIONS OF INTEREST

### 1.1 Councillor Pauline Clark

Agenda item 10 (App No.0445/FUL/18, House on Plot 23, Blinkbonny Gardens, Breich) – declared an interest in that both the applicant and the objector were her neighbours therefore would not participate in the item of business; and

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that she was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As she expressed her views as part of the decision-making on that case for today's application she had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor Clark decided she would not be taking part in this item of business today and would withdraw from the meeting.

### 1.2 Councillor Lawrence Fitzpatrick

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that he was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As he expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor Fitzpatrick decided he would not be taking part in this item of business today and would withdraw from the meeting;

Agenda item 10 (App No.0445/FUL/18, House on Plot 23, Blinkbonny Gardens, Breich) – declared an interest in that as he had submitted his apologies for the previous meeting when the case had begun he was not in full possession of all the facts so would therefore not participate in the item of business;

Agenda Item 8 (App No.0415/FUL/18, Formation of Peace Garden, Burgh Halls, Linlithgow) – declared an interest in that he was a council appointee

to the West of Scotland Archaeology Service who were a statutory consultee on the application, but would participate in the item of business; and

Agenda Item 9 (App No.0427/H/18, House extension at 67 Philip Avenue, Linlithgow) – declared that the objector was known to him as he was a former employee of the council, but would participate in the item of business.

### 1.3 Councillor Stuart Borrowman

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that he was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As he expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor Borrowman decided he would not be taking part in this item of business today and would withdraw from the meeting; and

Agenda Item 8 (App No.0415/FUL/18, Formation of Peace Garden, Burgh Halls, Linlithgow) – declared an interest in that one of the objectors was known to him but he would participate in the item of business.

Agenda Item 9 (App No.0427/H/18, House extension at 67 Philip Avenue, Linlithgow) – declared that the objector was known to him as he was a former employee of the council, but would participate in the item of business.

### 1.4 Councillor Tom Kerr

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that he was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As he expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor Kerr decided he would not be taking part in this item of business today and would withdraw from the meeting;

Agenda item 10 (App No.0445/FUL/18, House on Plot 23, Blinkbonny Gardens, Breich) – declared an interest in that as he had submitted his apologies for the previous meeting when the case had begun he was not in full possession of all the facts so would therefore not participate in the item of business;

Agenda Item 9 (App No.0427/H/18, House extension at 67 Philip Avenue, Linlithgow) – declared that the objector was known to him as he was a

former employee of the council, but would participate in the item of business; and

Agenda Item 8 (App No.0415/FUL/18, Formation of Peace Garden, Burgh Halls, Linlithgow) – declared an interest in that he was a member of the Linlithgow Peace Garden Steering Group that was leading on the application and therefore would not participate in the item of business.

#### 1.5 Councillor David Tait

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that he was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As he expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor Tait decided he would not be taking part in this item of business today and would withdraw from the meeting; and

Agenda Item 8 (App No.0415/FUL/18, Formation of Peace Garden, Burgh Halls, Linlithgow) – declared an interest in that he was a member of the Linlithgow Peace Garden Steering Group that was leading on the application and therefore would not participate in the item of business.

#### 1.6 Councillor Harry Cartmill

Agenda Item 9 (App No.0427/H/18, House extension at 67 Philip Avenue, Linlithgow) – declared that both the objector and the applicant's agent were known to him but would participate in the item of business.

#### 1.7 Councillor Dom McGuire

Agenda Item 7 (App No.0398/H/18, dormer windows at 59 Church View, Winchburgh) – declared an interest that he was involved in an LRB decision on 7 March 2018 in an application which was identical to the one before committee; that is stated in the officers' report. As he expressed his views as part of the decision-making on that case for today's application he had considered the objective test contained in the Code of Conduct. In applying the objective test when dealing with this committee's business members have to err on the side of caution when deciding to take part or not. Therefore Councillor McGuire decided he would not be taking part in this item of business today and would withdraw from the meeting.

## 2. ORDER OF BUSINESS

The Chair ruled that due to six members having declared an interest in Agenda Item 7 (App No.0398/H/18, Dormers at 59 Church View, Winchburgh) and having received one apology there would not be enough committee members present to determine the application therefore it

would be continued to the next meeting.

The Chair also ruled that having been made aware of representations from the Linlithgow Civic Trust and Linlithgow Community Council in relation to Agenda Item 5 (App No.0303/FUL/18, 77-79 High Street, Linlithgow) and Agenda Item 6 (0304/LBC/18, 77-79 High Street, Linlithgow) and which had not been included in the committee reports the two items of business would be continued to the next meeting.

### 3. MINUTE

The committee approved the Minute of its meeting held on 4 July 2018. The Minute was thereafter signed by the Chair.

### 4. APPLICATION NO.0415/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>
0415/FUL/18	Formation of a peace garden including hard and soft landscaping, seating, sculptures and entrance portal at Rose Garden Burgh Halls, The Cross, Linlithgow	Grant planning permission subject to conditions

The committee then heard from Valerie Donaldson, Ken McDonald, Roger Livermore, Helen Livermore and Paula Stokes, all speak in support of their objections to the application.

The committee then heard from Marilyn McLaren, the applicant for the Linlithgow Peace Garden Steering Group, speak in support of the application.

### Decision

To continue the application for two cycles to allow for further dialogue between the Linlithgow Peace Garden Steering Group and members of the community.

### 5. APPLICATION NO.0427/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>
0427/H/18	Extension to house at 67 Philip Avenue, Linlithgow	Grant planning permission

The committee then heard from Mr Alan Logan, speaking on behalf of his father, in support of his objections to the application.

The committee then heard from Mr Walter Wood, the applicant's agent and Mrs Paton, the applicant, both speak in support of the application.

#### Motion

To refuse planning permission as the proposal did not conform to policy HOU9 of the West Lothian Local Plan in that it would significantly affect the residential and visual amenity of existing residents due to its scale and size, was of an inappropriate size and design in the existing streetscape and the proposed timber clad finish was also inappropriate for the location.

- Moved by the Chair and seconded by Councillor Tom Kerr

#### Amendment

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

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Harry Cartmill

A roll call was taken which resulted as follows :-

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

#### Decision

Following a roll call vote the Motion was successful 5 votes to 3 and it was agreed accordingly.

#### 6. APPLICATION NO.0445/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>
0445/FUL/18	Erection of a house (variation to house position approved under planning permission 0227/FUL/18) on Plot 23, Blinkbonny Gardens, Breich	Grant planning permission subject to condition

The committee then heard from Dan Henderson, the agent for a local neighbour and from the neighbour Mrs Nicola Somerville, both speak in support of their objections to the application.

The committee then heard from the applicant's agent, Mr Derek Blair, speak in support of the application.

### Decision

To refuse planning permission as the proposal did not conform to policy HOU9 and DES1 of the West Lothian Local Plan in that it would be detrimental to residential and visual amenity and that the design was not in keeping with the original planning consent. It was also agreed that officers pursue enforcement action to ensure that the development conformed to approved planning consent 0227/FUL/16

## 7. APPLICATION NO.0511/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>
0511/H/18	Application for a retrospective extension to house at 53 Meadowbank, Ladywell, Livingston	Refuse planning permission

The committee then heard from the applicant's agent, Mr Bruce Fairbairn, who took the opportunity to explain that he was also an elected member of West Lothian Council. Mr Fairbairn then spoke in support of the application.

### Decision

To approve the terms of the report and refuse planning permission. Committee also agreed to pursue enforcement action in relation to unauthorised development.

8. APPLICATION NO.0590/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>
0621/FUL/18	Erection of a house and associated works at land at 15 Milrig Holdings, Kirknewton	Refuse planning permission

The committee then heard the applicant, Ms Jenni Doonan, speak in support of the application.

The committee then heard Mr Vic Garrad, Kirknewton Community Council, speak in support of the application.

The committee then heard Councillor Carl John, a local ward member, speak in support of the application.

Motion

To approve the terms of the report and refuse planning permission.

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To grant planning permission as the proposal did conform to Section 6 of policy ENV31 and also to policies ENV2 and ENV33 of the West Lothian Local Plan.

- Moved by Councillor David Tait and seconded by Councillor Pauline Clark

A roll call vote was taken which resulted as follows :-

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

Decision

Following a vote the Motion was successful by 5 votes to 3 and it was agreed accordingly.

9. APPLICATION NO.0621/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</u>	<u>Proposal</u>	<u>Recommendation</u>
0590/H/18	Extension to house at 37 Rowan Place, Calderwood, East Calder	Grant planning permission

Decision

To approve the terms of the report and grant planning permission

10. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 29 June to 27 July 2018 was submitted for the information of the committee.

Decision

To note the list of delegated decisions

11. APPEALS :-

- 11.1 The committee noted that the following appeal had been submitted following refusal of planning permission :-

<u>Application No.</u>	<u>Proposal</u>
0258/H/18	Extension to house at 35 Birniehill Avenue, Bathgate

- 11.2 The committee noted that the following appeal had been submitted following refusal of advertising consent :-

<u>Application No.</u>	<u>Proposal</u>
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0417/A/18

Advert at 14 East Main Street,  
Whitburn

12. STANDING ORDER 31 (URGENT BUSINESS)

The committee noted the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a statement in relation to planning appeal PPA-400-2087 for 35 Birniehill Avenue, Bathgate.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business)



## DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### 1 DESCRIPTION

Building works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow, EH49 7ED.

### 2 DETAILS

<b>Reference no.</b>	<a href="#">0303/FUL/18</a>	<b>Owner of site</b>	McCarthy & Stone
<b>Applicant</b>	McCarthy & Stone	<b>Ward &amp; local members</b>	<b>Linlithgow</b>  Councillor Tom Kerr  Councillor Tom Conn  Councillor David Tait
<b>Case officer</b>	Matthew Watson	<b>Contact details</b>	01506 283536 matthew.watson@westlothian.gov.uk

**Reason for referral to Development Management Committee: Referred by the Development Management Manager**

### 3 RECOMMENDATION

Grant planning permission for the removal of the external shoring, installation of steel bracing to the gables and repairs to stonework.

### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application seeks planning permission for the removal of the external wooden shoring that is positioned against the gable of 77-79 High Street, a category C listed building. The application also includes the installation of steel beams at first, second, third and attic levels; the installation of a lightweight render board and repairs to the rear elevation stone work and lintels; and repainting of the front elevation of the building.
- 4.2 Five steel braces are proposed from ground to roof floor level with a depth of 200 mm each and the bracing having a maximum protrusion of 90 mm. Both of these measurements include the brackets. The bracing will be fixed in place with 42 tie rods. The render board is proposed to sit in front of the bracing, protruding a maximum of 140 mm from the gable wall and fixed in place using rods.

- 4.3 It is proposed to render the gable with a Polar White finish and repaint the front elevation with RAL 9003 signal white, which is a close match to the existing paintwork.
- 4.4 It should be noted that the red line boundary of what is being applied only bounds the tenement of 77-79 High Street and not the wider McCarthy and Stone site.
- 4.5 The site is located within the Linlithgow Palace and High Street Conservation Area.

### History

- 4.6 0304/LBC/18: Listed Building Consent for the removal of external shoring; installation of internal steel restraints and external steel bracing; repairs to stonework and installation of render system to gable, Pending decision and reported on this agenda.
- 4.7 0249/FUL/11: Erection of 41 flats, Granted, 08/05/2013
- 4.8 0248/LBC/11: Conservation Area consent for the demolition of buildings, Granted, 04/03/2013

## 5. REPRESENTATIONS

- 5.1 Following neighbour notification of the development one letter of representation was received from the Linlithgow Civic Trust, which objected to the proposal. The comments received are summarised below.

Comments	Response
<ul style="list-style-type: none"> <li>The proposed unbroken and featureless rendered surface is not visually acceptable nor typical of other buildings in the High Street</li> <li>The applications should show how the completion of the existing permission can be achieved.</li> <li>No evidence to show the timber joists can take the load transferred by the tie rods to the steel channels supporting the gable.</li> <li>The board constitutes a fire hazard as it creates a flu between the rendered surface and gable that will intensify and direct any fire to the roof members.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed.</li> <li>The red line boundary of the application only applies to 77-79 High Street and not the wider site. The render board can also be removed if necessary.</li> <li>This is a matter for building standards.</li> <li>This is a matter for building standards.</li> </ul>

- 5.2 To note, an out of time objection was received from Linlithgow and Linlithgow Bridge Community Council. The current procedure is that late comments can be accepted from community councils as long as the planning authority is informed that such comments will be submitted beyond the end of the representation period. Generally, the extension is to allow consideration at a scheduled meeting of the community council. In this case, no such communication was received and the Community Council objection is deemed as being out

of time. This objection only related to this planning application and not the parallel listed building consent application.

## **6. CONSULTATIONS**

6.1 No consultations undertaken.

## **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:

<b>Plan</b>	<b>Policy</b>	<b>Assessment</b>	<b>Conform ?</b>
West Lothian Local Plan (WLLP)	HER 2 Listed Buildings	<p>This policy states regard shall be had to the special architectural and historic features of listed buildings when assessing alterations. The impact on the setting of listed buildings also needs to be considered.</p> <p>The proposed alterations are acceptable except for the proposed render board, which will detract from the appearance of the listed building and its setting.</p>	In part
WLLP	HER Conservation areas 19	<p>This policy requires development in conservation areas to preserve and enhance the appearance of the area.</p> <p>The proposed alterations are acceptable except for the</p>	In part

		proposed render board, which will have an adverse impact on the character and appearance of the conservation area at this part of the High Street.	
WLLP	HOU 9 Residential and visual amenity	<p>This policy requires development not to have an adverse impact on visual amenity.</p> <p>The proposed render board will have an adverse impact on visual amenity at this point of the High Street. The other alterations proposed are acceptable.</p>	In part
West Lothian Local Development Plan – Proposed Plan (Proposed LDP)	DES 1 Design Principles	<p>This policy requires development to integrate with and take account of its surroundings not have an adverse impact on amenity.</p> <p>The proposed render board will have an adverse impact on visual amenity at this point of the High Street and fail to integrate with its surroundings. The other alterations proposed are acceptable.</p>	In part
Proposed LDP	ENV 24 Conservation Areas	<p>This policy requires development in conservation areas to preserve and enhance the appearance of the area.</p> <p>The proposed alterations are acceptable except for the proposed render board, which will have an adverse impact on the character and appearance of the conservation area at this part of the High Street.</p>	In part
Proposed LDP	ENV 28 Listed Buildings	<p>This policy states regard shall be had to the special architectural and historic features of listed buildings when assessing alterations. The impact on the setting of listed buildings also needs to be considered.</p> <p>The proposed alterations are acceptable except for the proposed render board, which will detract from the appearance of the listed building and its setting.</p>	In part

## **Impact on the Character and Appearance of the Conservation Area**

- 7.5 Policies HER 19 of the WLLP and ENV 24 of the Proposed LDP seek to preserve and enhance the character and appearance of conservation areas and ensure development does not have an adverse impact on their character and appearance.
- 7.6 The part of the High Street the site is situated in is characterised by a townscape that is predominately two to three storey buildings with additional accommodation in the roof space that are constructed with sandstone walls and grey slate roofs. The concrete finish of The Vennel and west side of the Cross are notable exceptions to this.
- 7.7 The removal of the wooden shoring will make a positive contribution to the appearance of the conservation area, as will the external repairs to the stonework on the rear elevation and the painting of the front elevation. It is proposed to attach a condition that requires a detailed scheme of works to ensure that any pointing or re-pointing of stonework will integrate with the rest of this elevation.
- 7.8 The proposed render board, however, will have a detrimental impact on the special character of the listed building and its setting. Although the consented scheme for the wider site (reference 0249/FUL/11) had a rendered gable finish, the proposed render board would be sited in a more prominent location than the gable on the consented scheme, which sits further back behind the former local history library as the site is approached from the west. This gable was also broken up with windows and a passageway at ground floor level.
- 7.9 The proposed render board will result in a blank, rendered gable that will not integrate with the townscape of the High Street at this point. It is acknowledged that there are other rendered gables within the High Street and the proportion of stone versus render gables was looked at in the assessment of the application. The applicant has submitted a list of buildings that have rendered elements within the High Street/wider Linlithgow Palace and High Street Conservation Area. However, the High Street and the wider conservation area are characterised by stone gables and frontages more than rendered gables and frontages.
- 7.10 As the proposed render board is not visually acceptable, it is proposed to attach a condition that would require the applicant to paint the steel bracing a stone colour. This will help to integrate this feature with the conservation area, the listed building and its setting and the wider townscape of the High Street at this point, until such time the consented development is fully built out.
- 7.11 In summary, the proposed alterations will preserve the character and appearance of the Linlithgow Palace and High Street Conservation Area except for the render board. Subject to a condition that ensures the render board is not approved, the proposal complies with Policy HER 19 and HOU 9 of the WLLP and Policies ENV 24 and DES 1 of the Proposed LDP.

## **Impact on the Special Character and Setting of the Listed Building**

- 7.12 Both policies HER 2 of the WLLP and ENV 28 of the Proposed LDP states that regard will be had to special architectural and historic features in the assessment of alterations to listed buildings. The setting of listed buildings also needs to be considered in assessing alterations to listed buildings under these policies.
- 7.13 The proposed alterations to remove the wooden shoring currently attached to 77-79 High Street will be a positive enhancement to the listed building. The installation of steel bracing is also acceptable as this measure will ensure the long term structural stability of the tenement.
- 7.14 The proposed repair works to the stonework, cills and lintels on the rear elevation are acceptable and will enhance the appearance of the listed building on this elevation.
- 7.15 The proposed render board, however, will have a detrimental impact on the special character of the listed building and its setting. Although the consented scheme for the wider site (reference 0249/FUL/11) had a rendered gable finish, the proposed render board would be sited in a more prominent location than the gable on the consented scheme, which sits further back behind the former local history library as the site is approached from the west. This gable was also broken up with windows and a passageway at ground floor level.
- 7.16 The proposed render board will result in a blank, rendered gable that will not integrate with the listed building and its setting at this point of the High Street.
- 7.17 As stated above, it is proposed to attach a condition that would require the applicant to paint the steel bracing a stone colour to help integrate this feature with the setting of the listed building, the conservation area and the wider townscape of the High Street at this point.
- 7.18 In summary, the proposed alterations to the listed building are acceptable except for the proposed render board, which will be detrimental to the special character of the listed building and its setting. With a condition in place that ensures the render board is not approved, the proposal complies with Policy HER 2 of the WLLP and Policy ENV 28 of the Proposed LDP.

<b>8. CONCLUSION AND RECOMMENDATION</b>
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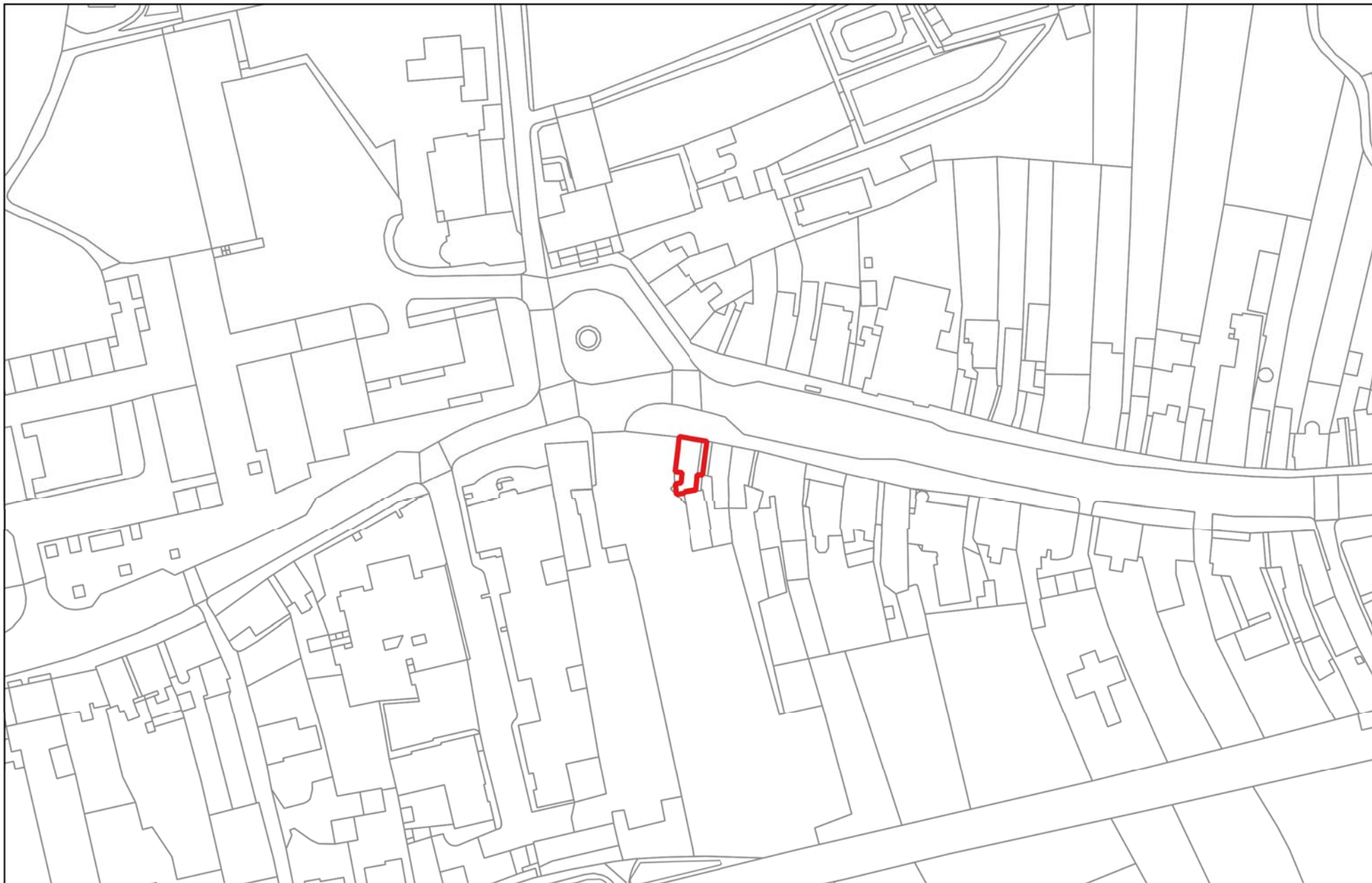
- 8.1 Overall, the proposed alterations to the listed building in the form of the removal of the shoring and installation of steel bracing to the gable, repairs to the stonework on the rear elevation and internal alterations are acceptable. The proposed render board is not acceptable in terms of the detrimental impact it will have on the character and appearance of the conservation area and the special character of the listed building and its setting.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions. One of these conditions will state that notwithstanding any approved drawings, the proposed rendered board is not approved.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

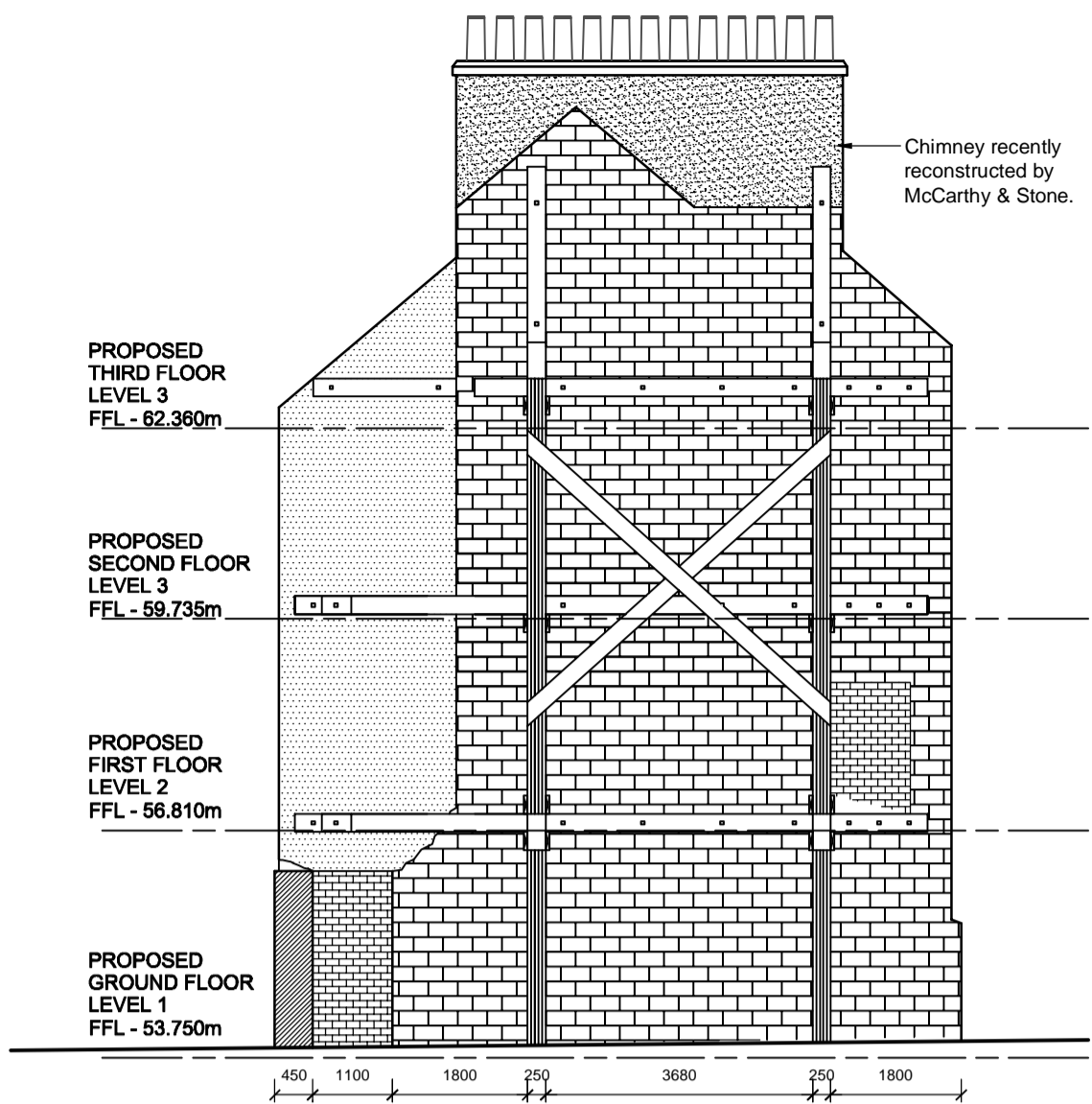
- Location Plan
- Aerial Plan
- Existing Plans
- Elevation Plans and Sections
- Elevations and Details
- Method Statement
- Supporting Statement
- Representation
- Draft conditions and reasons

Craig McCorriston

**Head of Planning, Economic Development and Regeneration**      **Date: 5 September 2018**

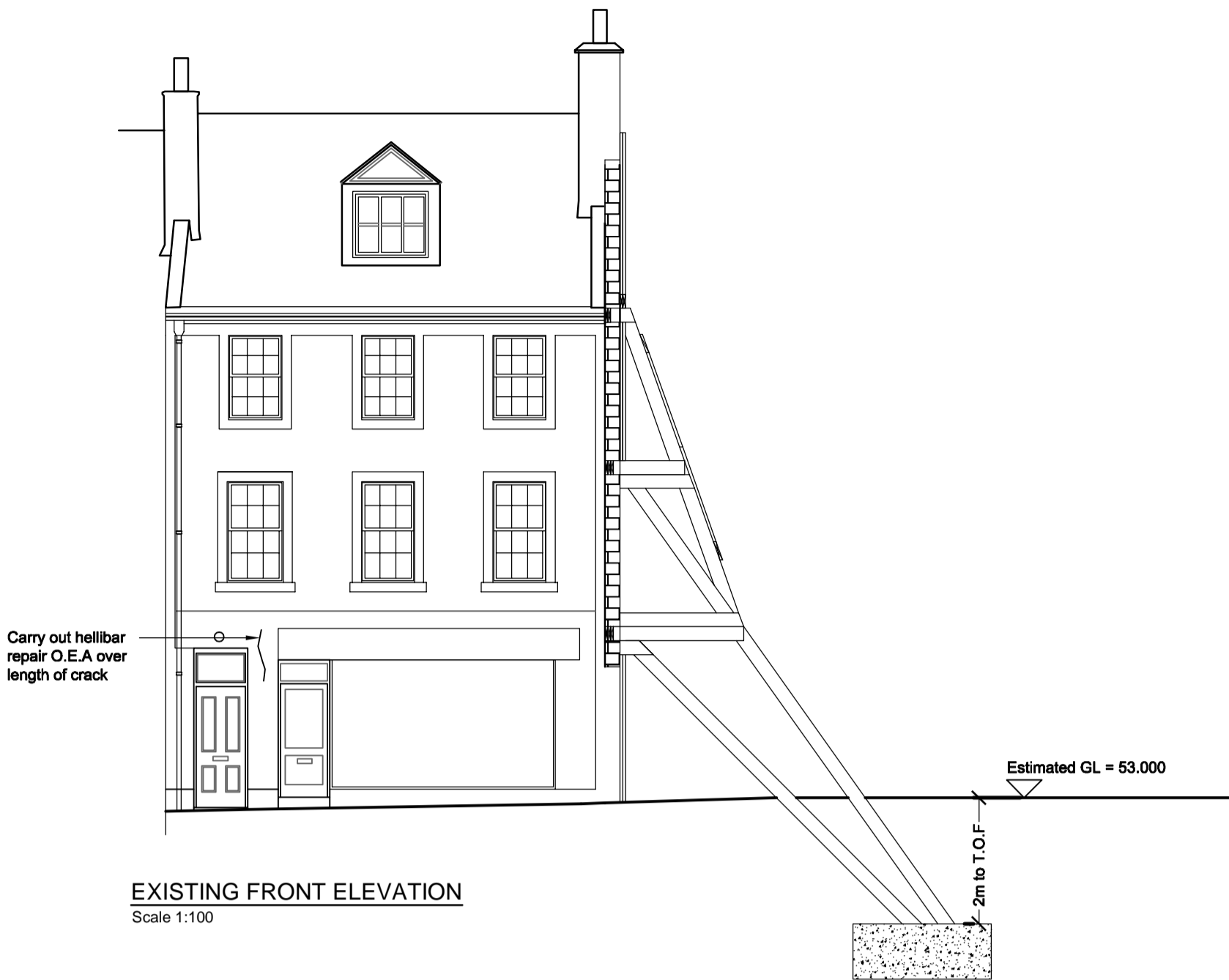






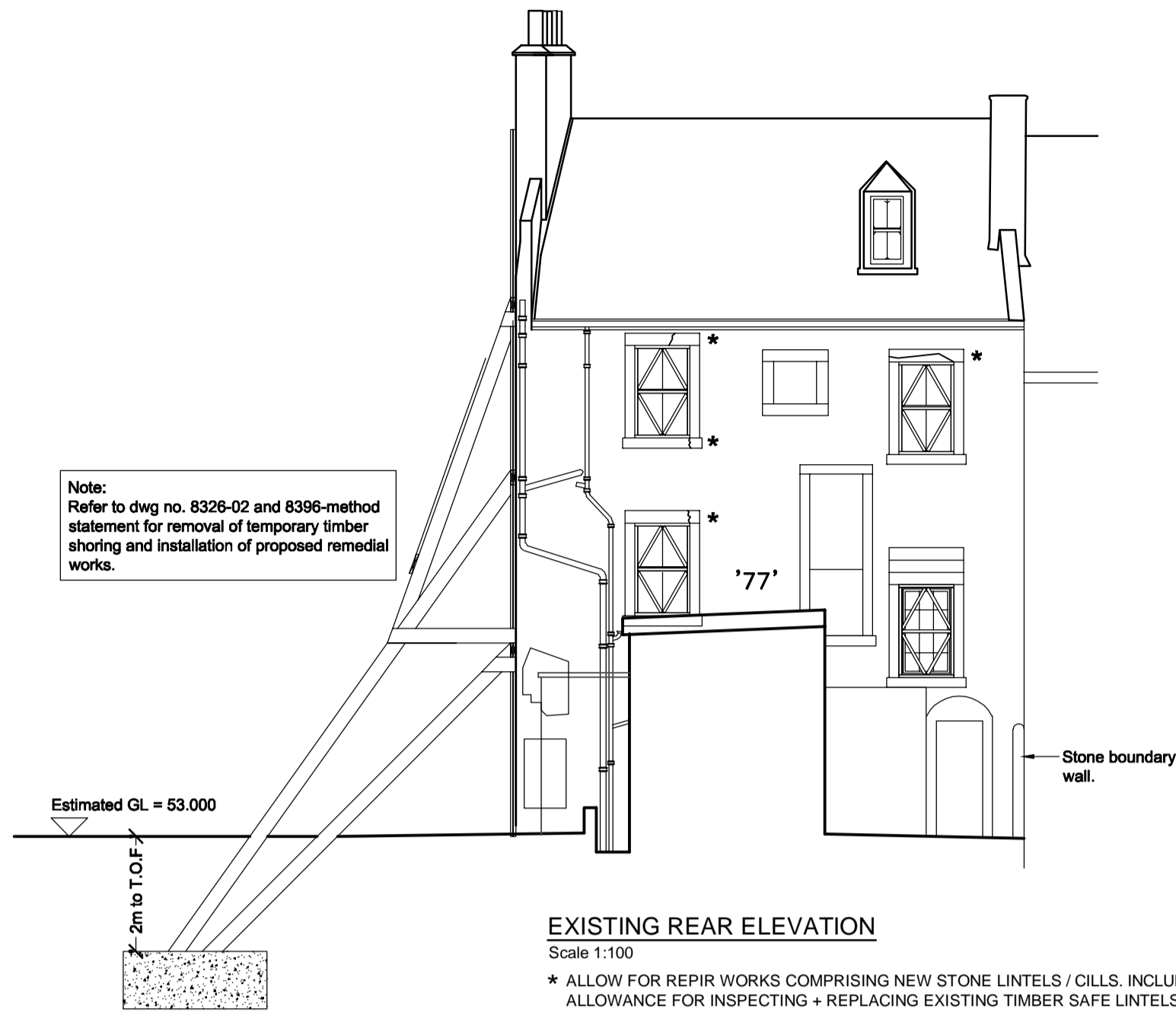
EXISTING GABLE ELEVATION SHOWING TEMPORARY SHORING

Scale 1:100  
DENOTES EXTENT OF WALL RECESSED = 300mm  
DENOTES WALL PROTRUDING = 240mm



EXISTING FRONT ELEVATION

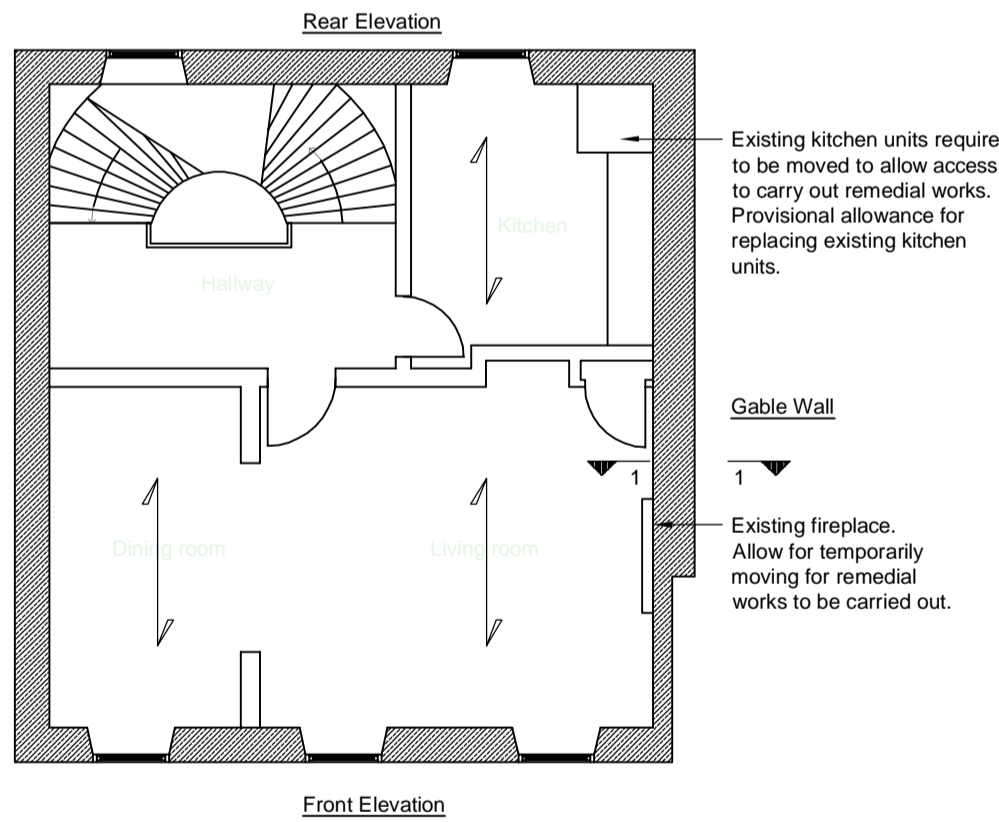
Scale 1:100



EXISTING REAR ELEVATION

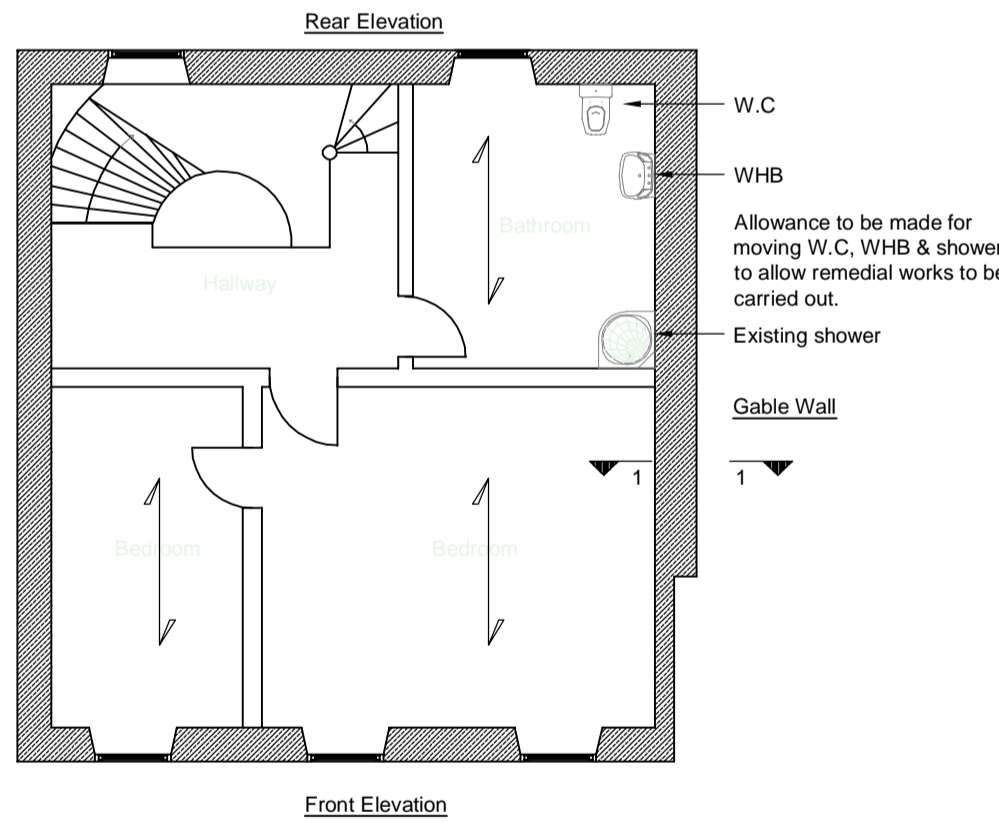
Scale 1:100

\* ALLOW FOR REPIR WORKS COMPRISING NEW STONE LINTELS / CILLS. INCLUDE ALLOWANCE FOR INSPECTING + REPLACING EXISTING TIMBER SAFE LINTELS.



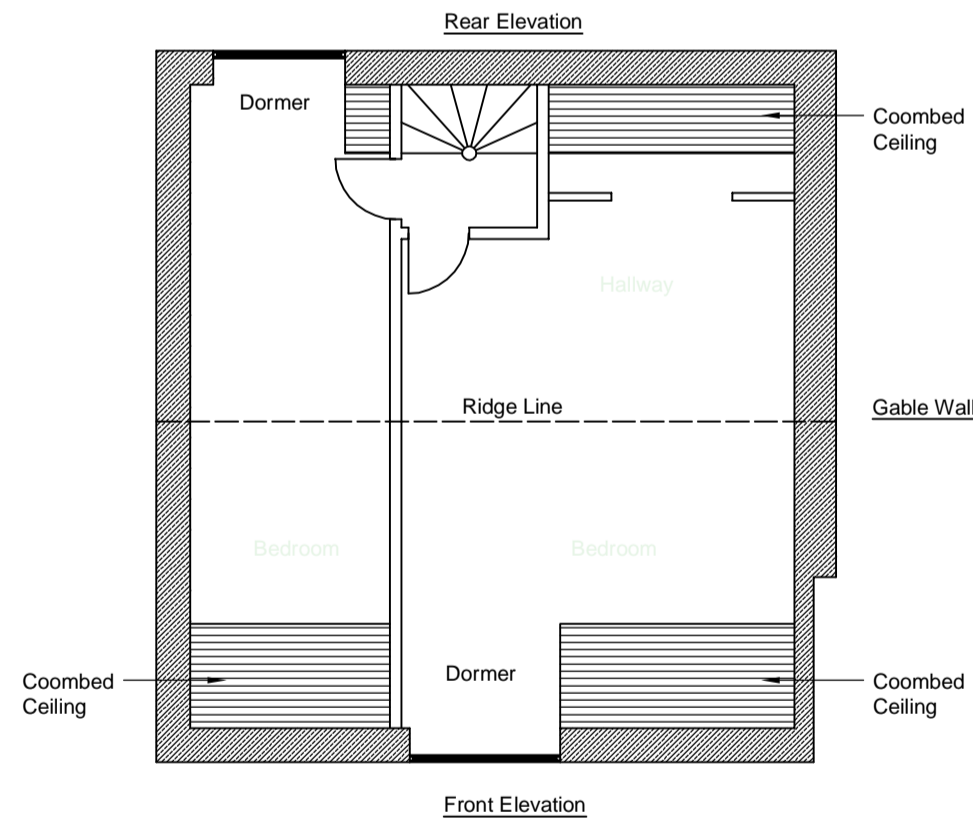
EXISTING/PROPOSED 1st FLOOR PLAN

INDICATIVE LAYOUT T.B.C  
SPAN OF EXISTING FLOOR JOISTS SHOWN THUS: ->



EXISTING/PROPOSED 2nd FLOOR PLAN

INDICATIVE LAYOUT T.B.C  
SPAN OF EXISTING FLOOR JOISTS SHOWN THUS: ->



EXISTING/PROPOSED 3rd FLOOR PLAN (ATTIC CONVERSION)

INDICATIVE LAYOUT T.B.C

NOTES

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FOR REMEDIAL SECTIONS AND DETAILS REFER TO DRAWING No 8326-02

B	Amended following comments from Campbell Purves.	16.03.18	D.R.	B.H.
A	Amended following comments from client.	27.02.18	D.R.	B.H.

Rev	Description	Date	Initials	Chkd
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Client



Project

REMEDIAL WORKS AT 77 HIGH STREET, LINLITHGOW EH49 7ED

Drawing Title

EXISTING PLANS, ELEVATIONS

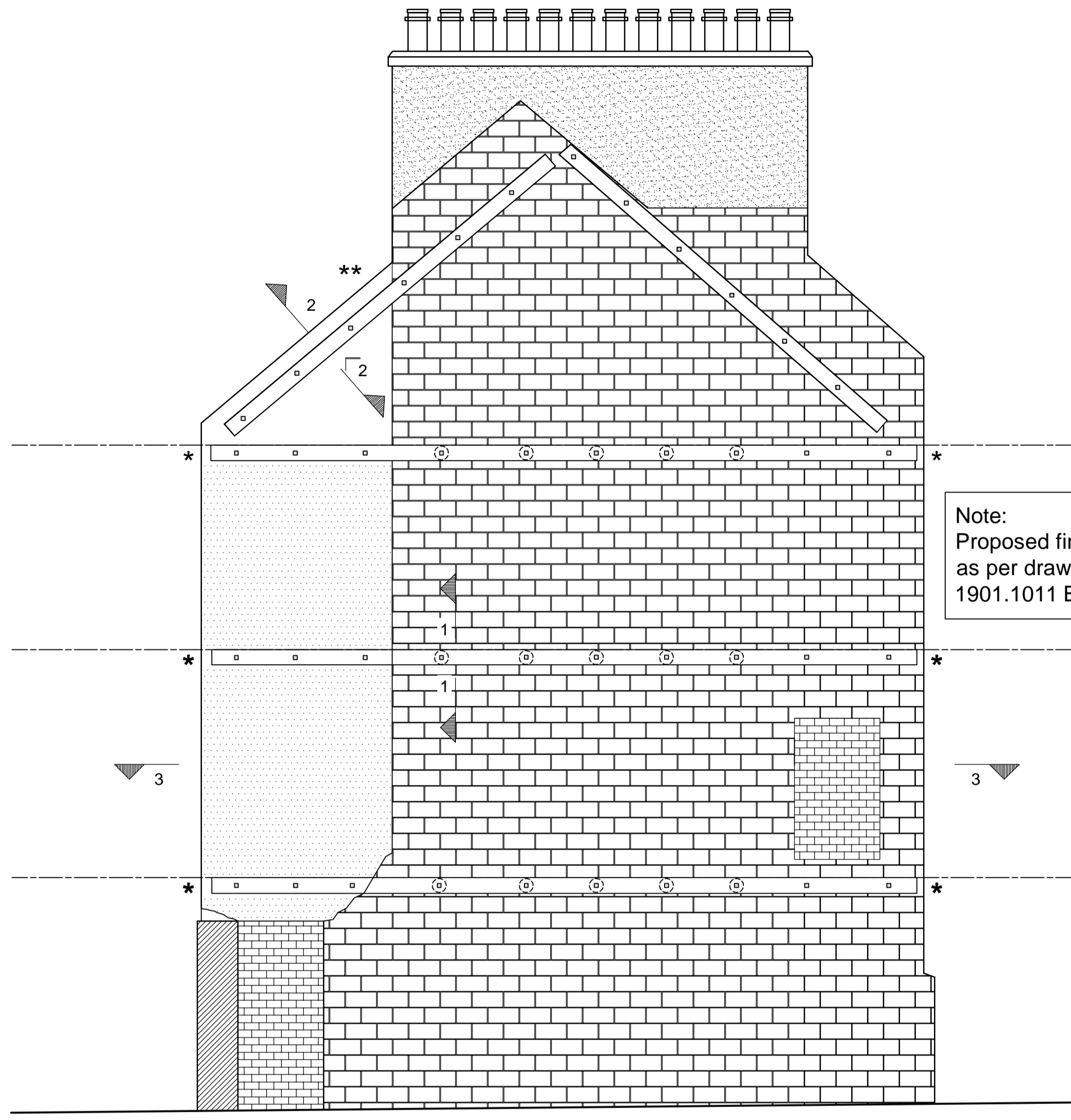


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Nasmyth Avenue- East Kilbride G75 0QR  
t 01355 272611 f 01355 272909 e admin@grossarts.co.uk

Scale **AS SHOWN@A1** Date **JUNE 2015**

Drawn **PJM** Checked

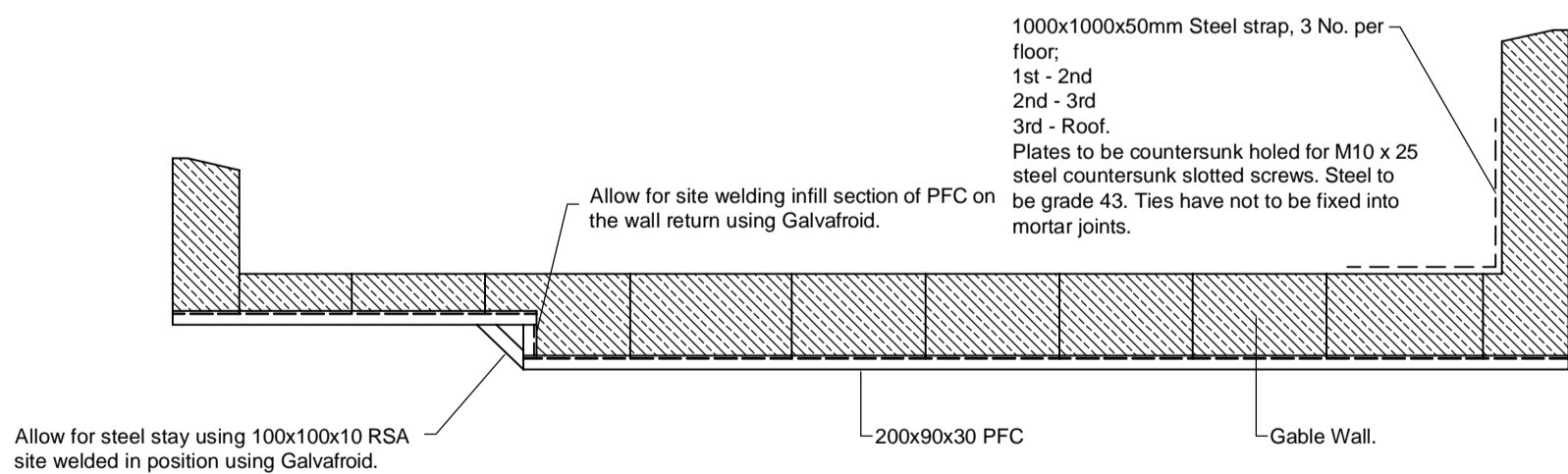
Drawing no. **8326-01** Revision **B**



#### GABLE ELEVATION SHOWING PROPOSED REMEDIAL WORKS

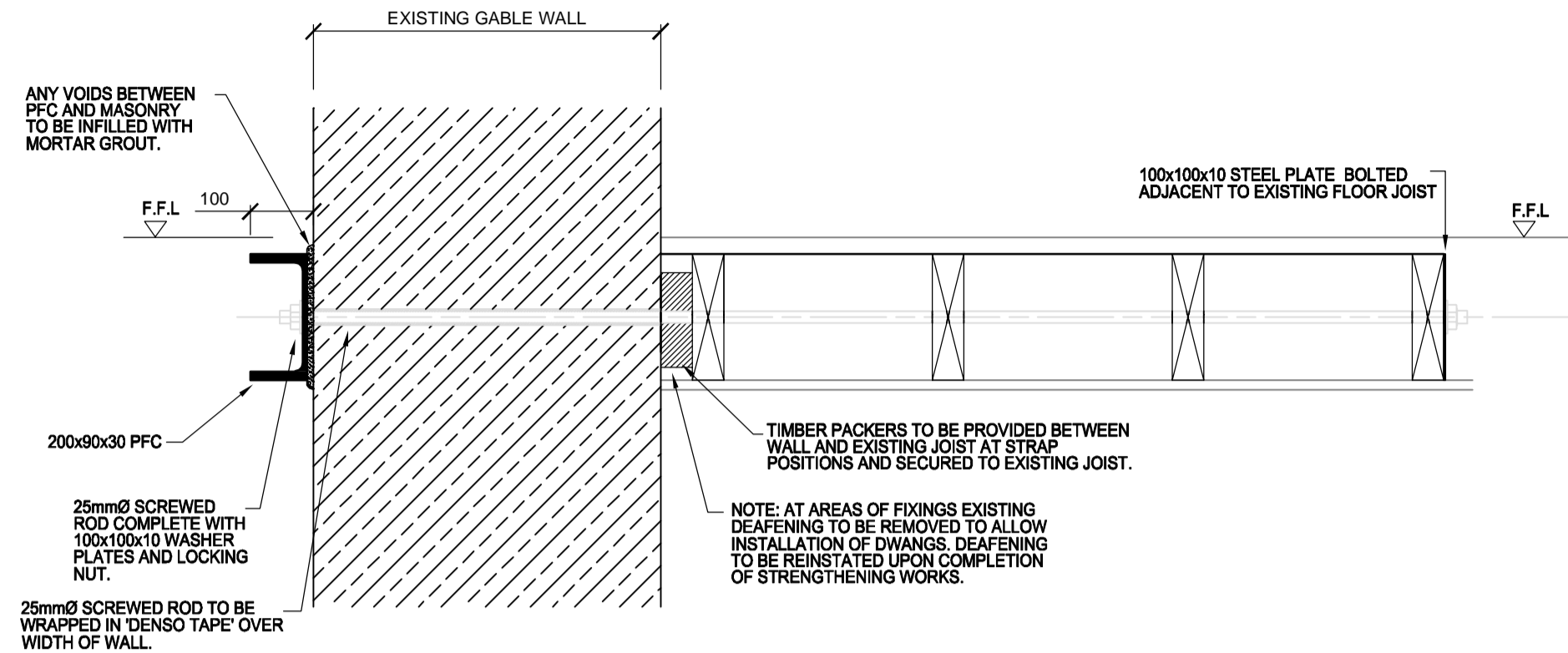
Scale 1:50

- \* ELEVATION ON 200x90x30 PFC's LOCATED AT EACH FLOOR LEVEL. CENTRES OF 25mm Ø RODS NOT TO EXCEED 900mm.
- \*\* ELEVATION ON 200x12mm STEEL PLATE AT EAVES LEVEL CENTRES NOT EXCEEDING 900mm. ALL STEELWORK TO BE GALVANISED.
- ALLOWANCE FOR ADDITIONAL TIE RODS WHERE THESE MAY PASS THROUGH EXISTING CHIMNEY FLUES. CONTRACTOR TO ALLOW FOR A MINIMUM OF 1 No. PULL OUT TEST PER LEVEL, WHERE THE RODS PASS THROUGH THE CHIMNEY ZONE.



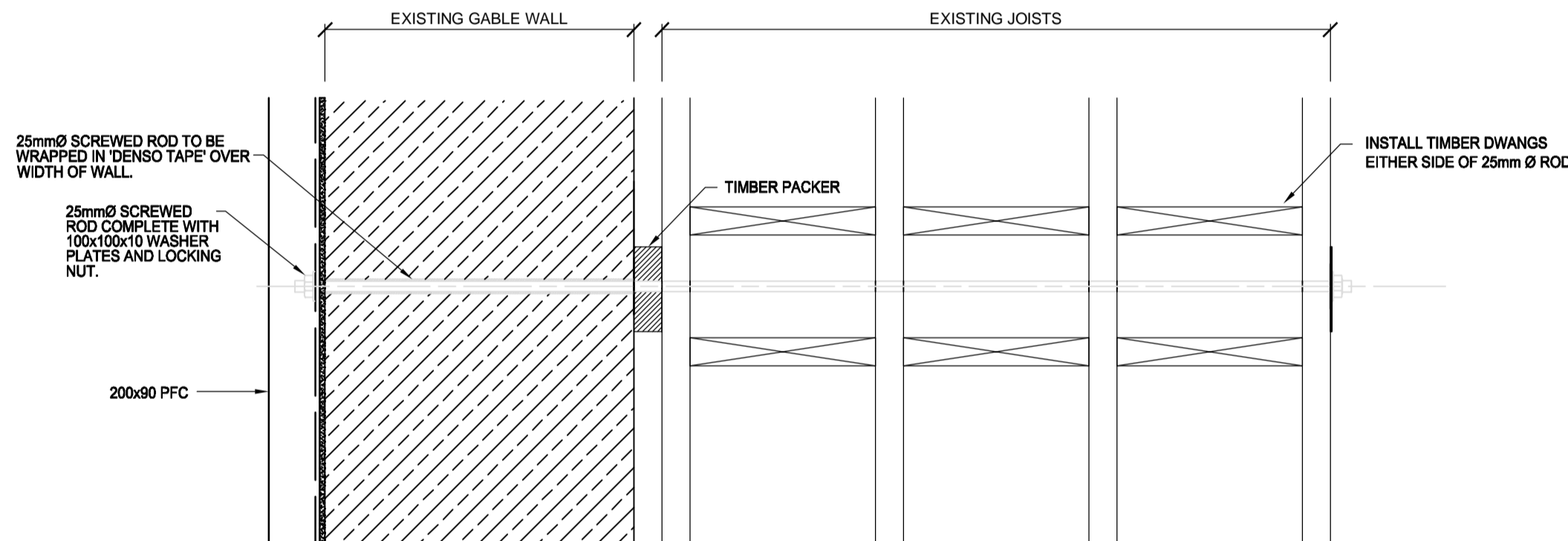
#### SECTION 3-3

Scale 1:50



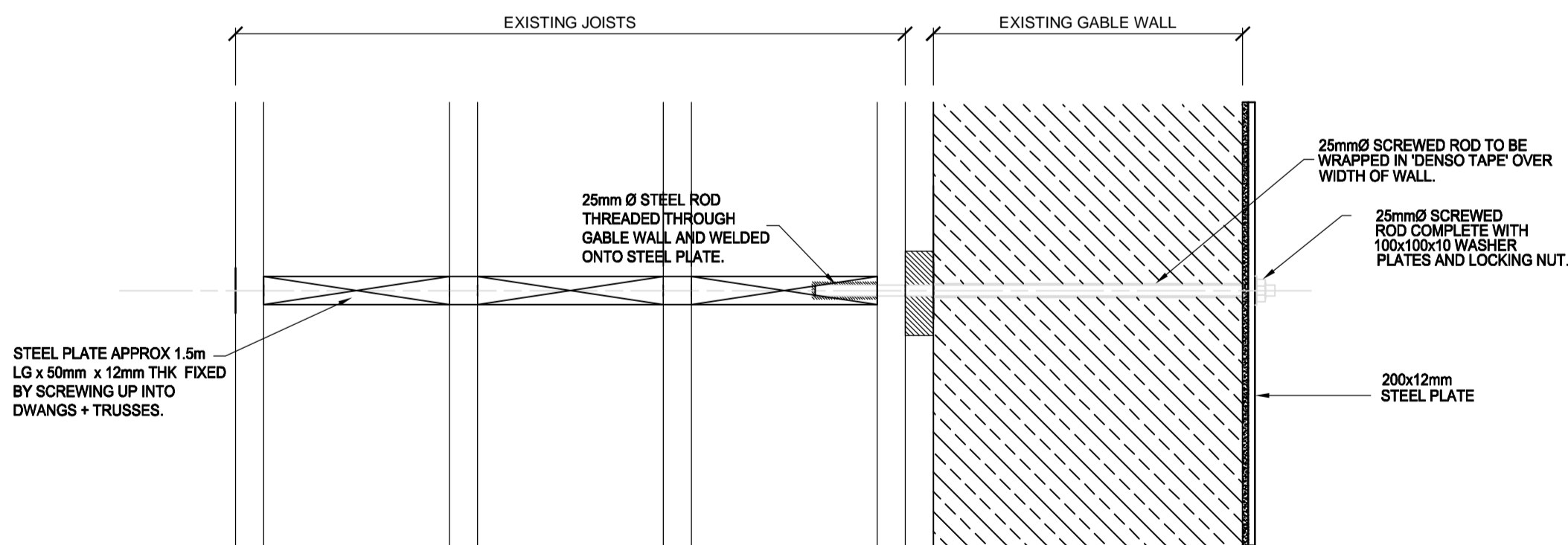
#### SECTION 1-1

Scale 1:10



#### PLAN ON SECTION 1-1

Scale 1:10



#### SECTION 2-2

Scale 1:10

#### NOTES

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#### SEQUENCE OF WORKS

1. CRACK REPAIRS AND LINTEL REPLACEMENT REPAIRS TO BE CARRIED OUT ON FRONT & REAR ELEVATIONS, PRIOR TO THE INSTALLATION OF ANY PERMANENT REMEDIAL WORKS OR TRIMMING OF EXISTING TIMBER SHORING.
2. CARRY OUT INTERNAL STRIPPING OUT WITHIN THE RESIDENTIAL PROPERTY, INCLUDING EXPOSING EXISTING TIMBER ROOF STRUCTURE AND FLOOR JOISTS.
3. TRIM TIMBER SHORING AT HIGH LEVEL TO ALLOW GALVANISED STEEL PLATE TO BE INSTALLED AT RAFTER LEVEL, AS SHOWN ON SECTION 2-2.
4. TRIM EXISTING TIMBER SHORING TO ALLOW SAFE INSTALLATION OF PARALLEL FLANGE CHANNELS (PFC) AROUND THIRD FLOOR LEVEL. IT IS ACCEPTABLE TO STOP AND START PFC LOCALLY.
5. INSTALL GALVANISED PFC AT THIRD FLOOR LEVEL, INCLUDING INSTALLATION OF WELDED STEELWORK ON RETURN WALL AND STEEL STAY.
6. REPEAT STEPS 4&5 FOR PFC INSTALLATION TO SECOND AND FIRST FLOOR LEVELS.
7. FINISH OF GABLE TO BE AS SHOWN ON DRG.No. 1901.1011 rev. B
8. LEVELS DO NOT PRECLUDE DEVELOPMENT OF FRONT BUILDING UNDER CONSENT 0249/FUL/11

E	Amended following comments from Campbell Purves.	22.03.18	B.D.	B.H.
D	Amended following comments from Campbell Purves.	16.03.18	D.R.	B.H.
C	Chimney pots added. Internal L-shaped straps as shown and notes for pull out tests at chimney added.	01.12.17	DR	BH
B	PFC location revised at new slope	09.08.16	DR	BH
A	Sequence of works revised	05.07.16	BH	HJM

Rev	Description	Date	Initials	Chkd
Client				

Project  
**REMEDIAL WORKS AT  
77 HIGH STREET,  
LINLITHGOW EH49 7ED**

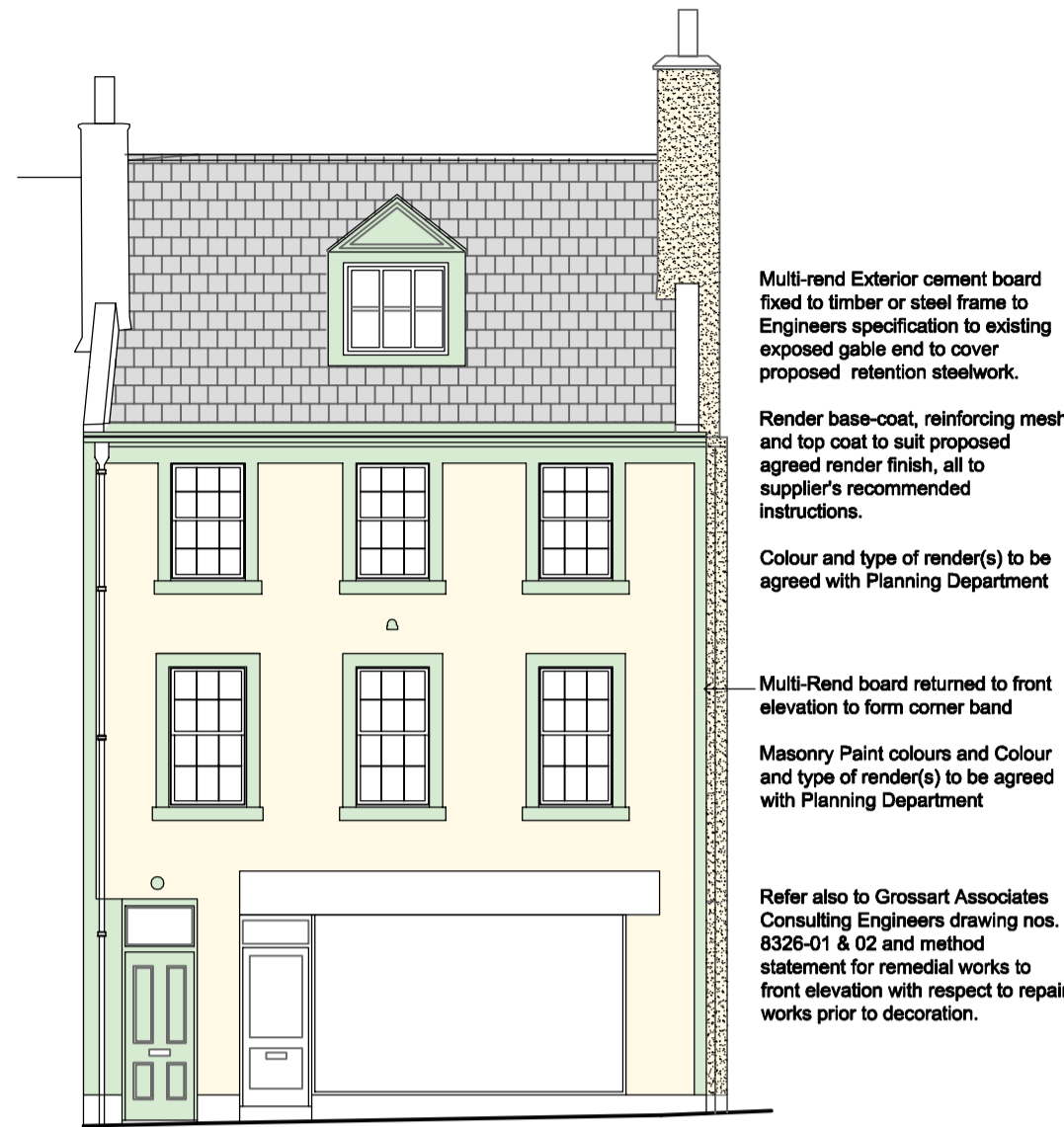
Drawing Title  
**ELEVATION, PLANS & SECTIONS  
SHOWING PROPOSED REMEDIAL WORKS**

**GROSSART ASSOCIATES**  
CONSULTING CIVIL AND STRUCTURAL ENGINEERS

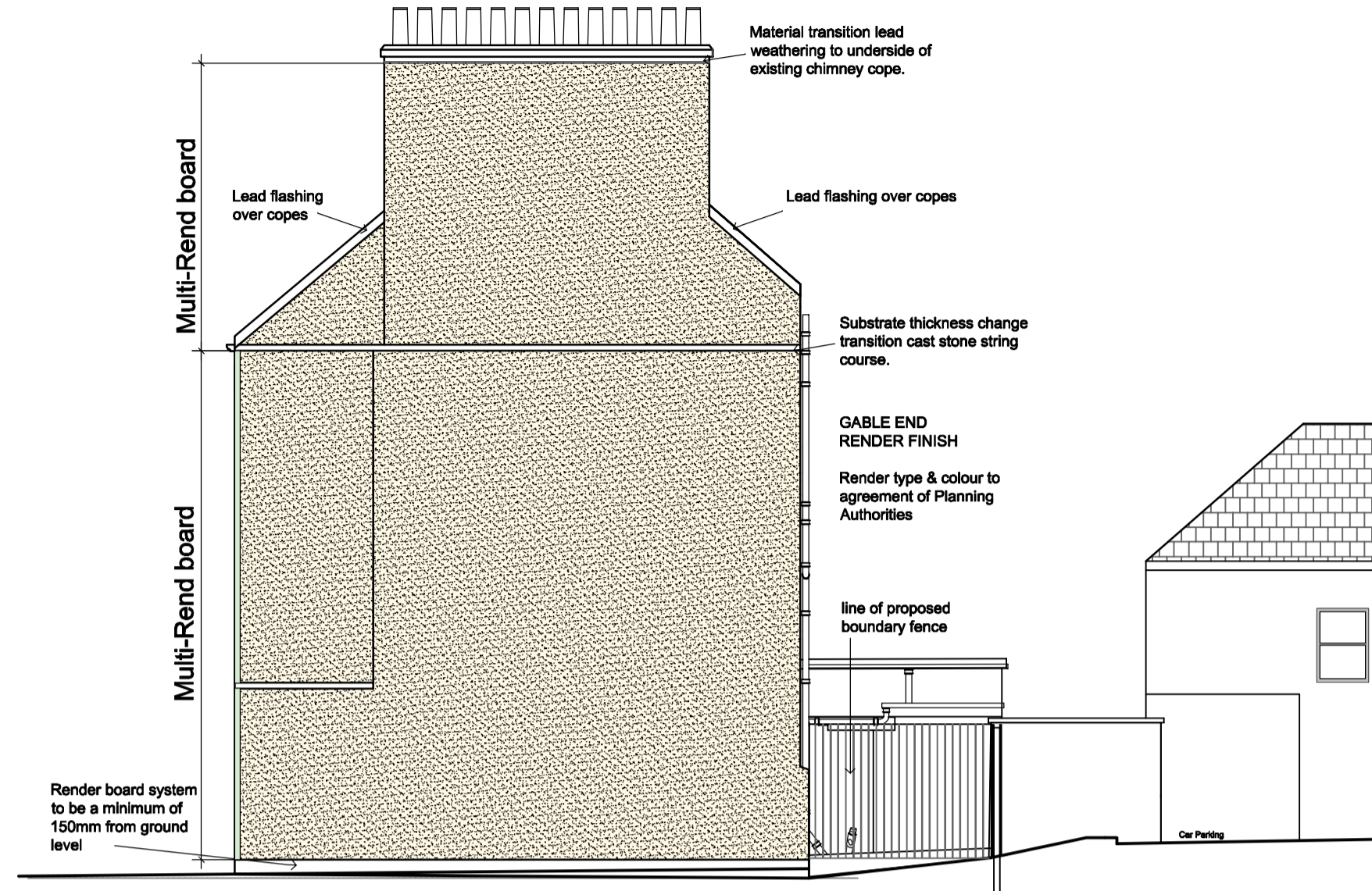
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Nasmyth Avenue · East Kilbride · G75 0QR  
t 01355 272611 f 01355 272909 e admin@grossarts.co.uk

Scale	<b>AS SHOWN@A1</b>	Date	<b>JUNE 2015</b>
Drawn	<b>PJM</b>	Checked	
Drawing no.	<b>8326-02</b>	Revision	<b>E</b>

Repaint Frontage  
Repair cills where necessary



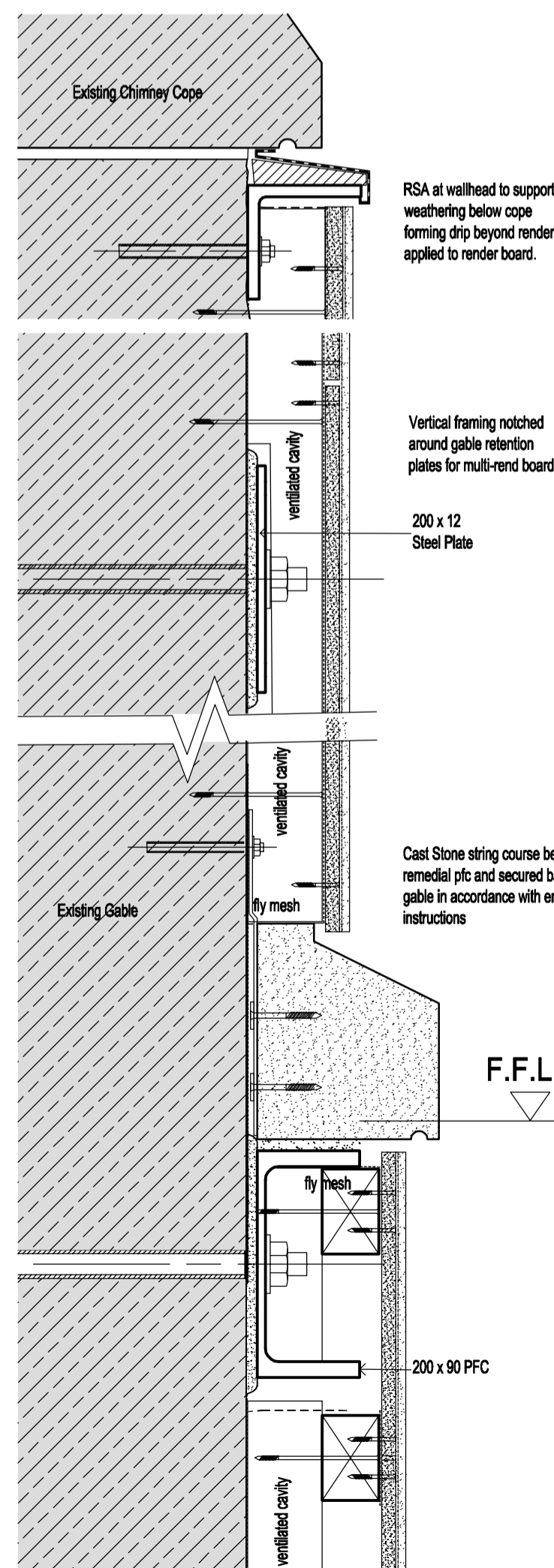
Proposed Front North Elevation



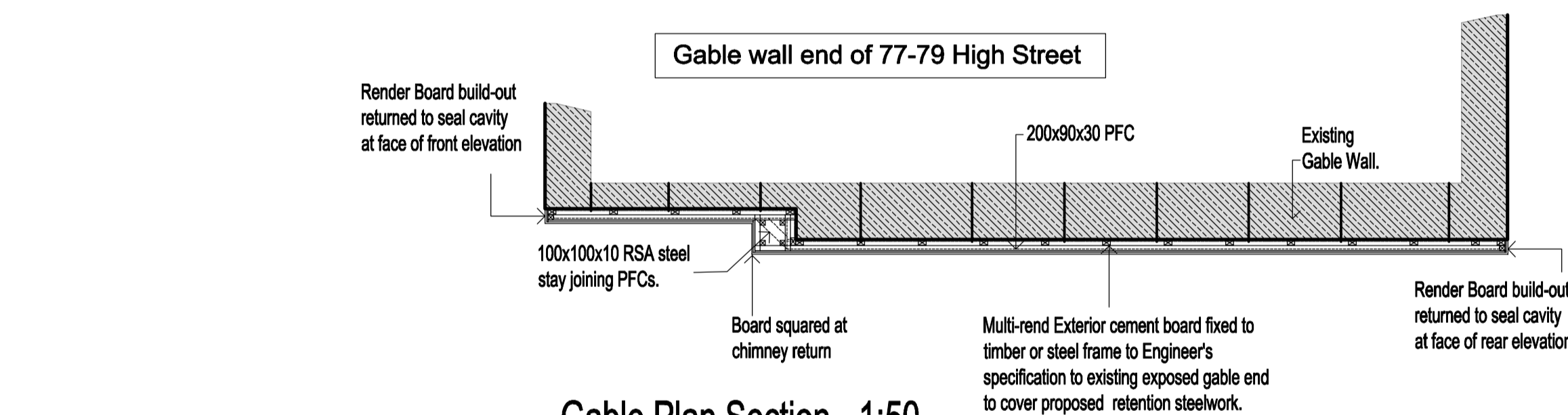
Proposed Rendered Gable End



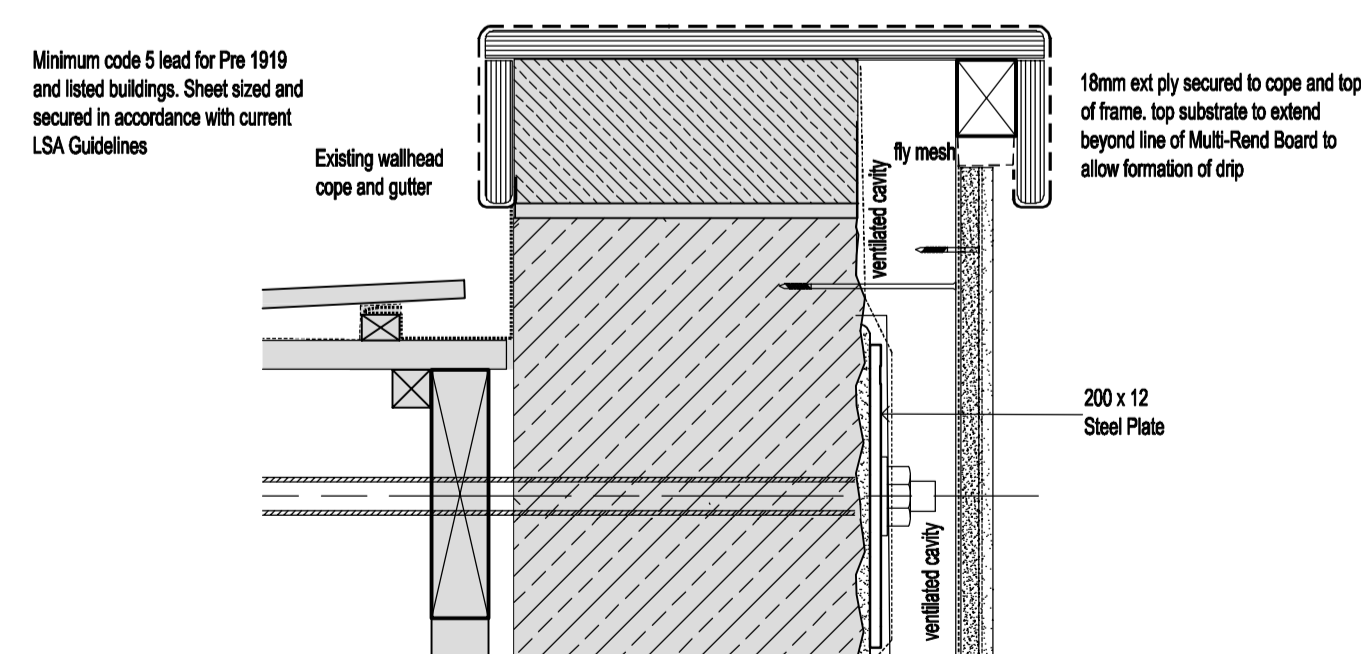
Proposed Rear South Elevation



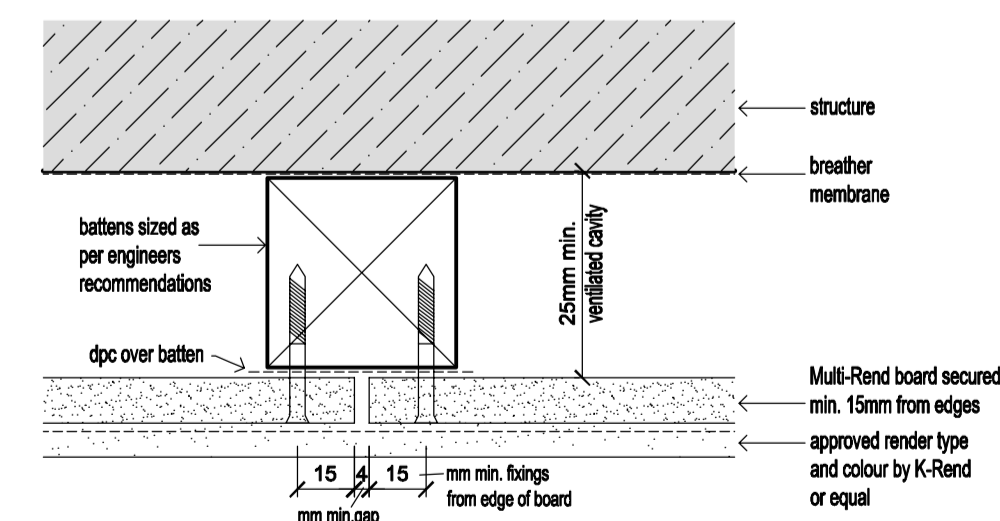
Gable Transition and Head Detail - 1:5



Gable Plan Section - 1:50



Parapet Cope Lead Capping - 1:5



Typical Fixing plan section - 1:2

PROPOSED WORKS

1. CARRY OUT REMEDIAL WORKS AS PER GROSSART ASSOCIATES Drg No 8326-02
2. INSTALL RENDER SYSTEM TO ENCLOSE STRUCTURAL BEAMS
3. CARRY OUT REPAIRS TO FRONT AND REAR ELEVATIONS
4. WORKS DO NOT PREVENT IMPLEMENTATION OF PLANNING CONSENT REF: 0249/FUL/11 FOR FRONT BLOCK ON ADJACENT SITE.

ALL DIMENSIONS TO BE CHECKED ON SITE WORK TO FIGURED DIMENSIONS ONLY REPORT DISCREPANCIES TO THE ARCHITECT AT ONCE BEFORE PROCEEDING

**McCarthy & Stone**

R.J.Stewart, B.Sc., M.Sc., MRICS  
Development Director  
11000 Academy Park, Gower Street  
Pollokshields, Glasgow, G51 1PR  
Telephone: (0141) 420 8300

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Project Title  
HIGH STREET  
LINLITHGOW

Drawing Title  
Proposed Gable Works to  
77-79 High Street, Linlithgow  
Render Board Option  
Elevations and Details

Scale 1:100 - A1 - uno Date 16.10.17  
Drawn bd Checked  
Drawing No. Rev.  
1901. 1011

CAD plot date: 06 Apr 2018 - 11:52am

## **8326 - Method Statement for Proposed works to Gable at**

### **77 - 79 High Street, Linlithgow**

1. Carry out repairs to the existing cracking and defective lintels, noted on the rear elevation.
2. Carry out internal strip out of residential property, located between first floor and attic floor. This will include for lifting the flooring to expose timber floor joists over a width of 1.5m from the internal face of the gable wall and exposing the existing trussed rafters over the same width.
3. We consider that the Hairdressers occupying the ground floor, commercial unit, may remain in place for the duration of the works but should be notified of the construction programme and details and the anticipated date of commencement.
4. Install bolted 200 x 90 x 30 PFC (steel channel), at rafter level, along either slope of the gable, as shown on Grossart Associates' Drawing No. 8325-02A. Existing vertical timber shoring members should be trimmed at the head as required.
5. Install bolted 200 x 90 x 30 PFC at upper (third/attic) floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating the steel.
6. The timber shoring above this level can now be removed.
7. Install bolted 200 x 90 x 30 PFC at second floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating steel.
8. Install bolted 200 x 90 x 30 PFC at first floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating steel.
9. At this stage, all repairs to the rear elevation and all permanent steel restraint channels have been installed and therefore the temporary timber shoring system can be removed.

SUPPORTING STATEMENT

REMEDIAL WORKS

77 – 79 HIGH ST

LINLITHGOW



## **Background**

It should be noted that the works encompassing this application for both planning permission and listed building consent do not prejudice the completion of Planning Consent 0249/FUL/11 for the residential development of the adjacent site. The works comprising this new submissions seek to undertake essential remedial works to No.77-79 High Street.

McCarthy & Stone (MCS - the Applicant) obtained planning consent in May 2013, for the development of retirement flats which were to be accommodated within a separated rear and front block on the site of the former First Bus Depot at 81- 87 High Street Linlithgow.

Works to clear the site commenced in the summer of 2013. To enable the implementation of the planning consent, the offices of First Bus which occupied the front section of the site were partly demolished first followed by the larger warehouse buildings to the rear. Following further demolition work, it was alleged that there was movement within the adjacent property at 77-79 High Street.

To prevent any potential further movement and to allay concerns of adjoining residents, McCarthy & Stone, through agreement with their appointed structural engineers removed the remaining brick internal skin which was attached to the gable and installed emergency temporary shoring to add structural support the gable of No.77 to 79 High Street.

The temporary shoring was installed in June 2015 and has remained in situ since. However, this was always intended to be a temporary solution.

A building warrant was granted consent in October 2016 for permanent structural remedial works to restrain the gable of No. 77 to 79 High Street to allow the temporary shoring to be removed.

Regrettably the owners of the first and second floor flats at No.77 to 79, at the time, refused to allow these works to be carried out and MCS were unable to proceed thus the temporary shoring had to remain in place.

At substantial expense and after protracted negotiations, MCS were eventually able to acquire the two flatted properties at 77-79 High Street to enable the permanent structural works to be carried out.

The proposed works which form the basis of the applications for both Listed Building Consent and Planning Permission comprise these identified structural works, as approved under warrant, with the exception of the proposed gable finish, which is required to provide a visually acceptable solution. The proposed works are explained in the following sections.

## Proposed Works

The proposed structural works are explained in detail through the included methodology statement and on the included drawings, but essentially comprise the following:-

- Repairs to existing stone defects and stone lintels on the rear elevation.
- Removal of Timber shoring
- Install steel channels (beams) at first, second, third and attic level as well as after rafter level
- Install lightweight render cladding system to exposed internal gable tying in with front elevation
- Render finish to be agreed with the Council

I would emphasise that these works are essential to ensure the structural stability of the existing building.

## Assessment of Proposed Alterations

Historic Environment Scotland (HES) provides the following description of the subject building at No. 77-79 High Street:-

*“Early 19th century. 3-storey and attic, 3-bay tenement with modern shop at ground. **Rendered and lined to N elevation (my emphasis).** Raised ashlar margins to windows, lintel course. N (ENTRANCE) ELEVATION: large modern shopfront at ground, pend to outer left. Regular fenestration to 1st and end floors, smaller window at 2nd floor. 12-pane sash and case windows. Grey slate roof, slate hung gabled dormer, ashlar coped skew, **rendered stacks to gables” (my emphasis).***

HES also provides the following reference regarding the special interest of the building:-

*“SUN FIRE INSURANCE COMPANY PLAQUE (NO773948) OVER 1<sup>ST</sup> FLOOR WINDOWS”*

It can therefore be accepted that a render material has always been part of this building and the proposed rendered gable finish now considered, would be entirely compatible with the character of this property and preserve its listed status.

There are no proposed alterations to the existing plaques and the structural works will not affect its identified special interest.

The property has been assessed internally and there is no evidence of any original features of note. There is no reference within the listing to any special internal features. Nevertheless, the works will ensure that any internal alterations are undertaken in the least intrusive manner possible and reinstated once the work is complete.

The structural reinforcement works will necessitate the tie back of an expanse of steel beams fixed to the gable and positioned along the respective upper floors of the building. These will hold the gable in place and provide additional support. The beams will project some 10cm from the gable. This is the minimal level of structural support required to protect the gable and represents a very small projection from the building line.

While these beams will undoubtedly be more visually acceptable than the existing temporary shoring nevertheless, in order to suitably weatherproof the now exposed gable and to enclose the steel beams, a lightweight render system is proposed. This will allow an appropriate visual finish to the gable (as noted in the original listing above) but importantly will not require foundations which could undermine the stability of the building such as a stone cladding system. The applicant is happy to discuss and agree the final colour and finish of the render with the Council to ensure this is compatible with the both the listed building and the wider conservation area.

A render finish to the gable and rear elevations is a common finish to traditional stone buildings and such a finish would be compatible within the conservation status of the high street. The above listing also describes the use of render in the existing building.

For information the following buildings within Linlithgow have rendered elements:-

- Westport Hotel – Smooth Render
- 12 – 14 High Street – The Black Bull Inn – Render
- The Cross House – Harled White Render
- 66 – 68 High Street – painted render
- 96 – 98 High Street – Painted render
- 88-94 High Street (Victoria Halls) Demolition of former Halls and erection of new build. Render finish shown on the approved plans to the High Street Elevation
- The approved development for the adjacent site by McCarthy & Stone was approved with a render frontage and gable which was deemed to be acceptable by the Council.

The test to be applied in assessing applications for developments within Conservation Areas is whether the proposed works would enhance or preserve the character of the conservation area. For the reasons outlined above it is considered that these necessary works would benefit the appearance of the area given the visual impact of the temporary shoring and the condition of the exposed internal gable.

It's important to note that the render system would project out some 20cm to enclose the steel beams and therefore would not preclude the development of the adjacent site.

### **Summary**

The fundamental factor is that these works are required irrespective of what happens to the front of the adjacent former First Bus Depot and McCarthy & Stone wish to carryout these essential structural works as soon as possible to remove the unsightly shoring from view of the High Street and ensure the long term safety of the property.

MW  
0303/FUL/18  
+ 0308/LBC/18

(2)

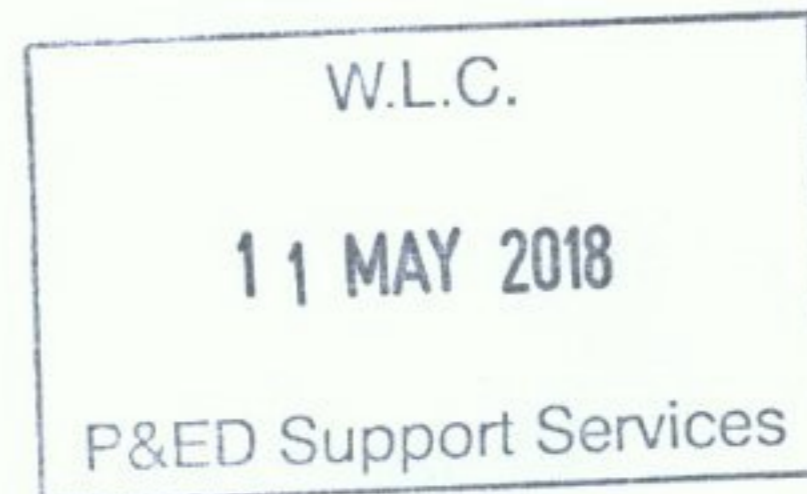


LINLITHGOW CIVIC TRUST

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

date: 09 May 2018

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



Dear Sirs,

**Planning Applications 0303/FUL/18 and 0304/LBC/18 Remedial Works to gable of 77-79 High Street Linlithgow**

Linlithgow Civic Trust **object** to these applications for the following reasons: -

1. If this application is not to prejudice the planning permission granted for application 0249/FUL/11, which included the construction of shops and flats on the frontage of the High Street, then the application 0303/FUL/18 should show how the completion of the existing permission (0249/FUL/11) can be achieved, including any works necessary to prevent the structural instability of the adjacent buildings, it does not do this.
2. The application 0303/FUL/18 does not include any calculations providing evidence which shows that the timber joists of Nos. 77-79 High Street can take the load transferred by the tie-rods to the steel channels supporting the gable end. These calculations should be submitted as part of the application and subjected to scrutiny and verified by an independent Chartered Civil or Structural Engineer.
3. The boarding which is to mask the steel channels would constitute a fire hazard since it creates a flu between the rendered surface and the gable intensifying and directing any fire to

the roof members.

4. The use of boarding to mask the steel channels can only be considered a temporary measure. This type of material would very soon need maintenance.

5. The appearance of the proposed unbroken and featureless rendered surface of the gable end would not be visually acceptable and is not typical of other buildings in the High Street as claimed. It is unacceptable in a Conservation Area.

Yours sincerely,



David Timperley  
Planning Spokesperson  
Linlithgow Civic Trust



## 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  0303/FUL/18 & 0304/LBC/18	Applicant Request..... <input type="checkbox"/>
Site Address  77-79 HIGH ST  LINLITHGOW	Constituent Request..... <input checked="" type="checkbox"/>
Title of Application  REMEDIAL WORKS TO GIABLE OF 77-79 HIGH ST, LINLITHGOW	Other (please specify)..... <input type="checkbox"/>
Member's Name  Cllr DAVID TAIT	
Date  5 July 2018	

## **Draft conditions and reasons – 0303/FUL/18**

1. Notwithstanding the approved plans, the proposed render board, as shown on drawing no. 1901. 1011 is not approved

*Reason: To clarify the scope of the works to be permitted as part of this planning permission, in the interests of preserving the character and appearance of the Linlithgow Palace and High Street Conservation Area and the special character of the listed building and its setting.*

2. Prior to the commencement of development on site, a schedule of works detailing stonework repairs, including any pointing and repointing, to the west facing gable elevation and rear elevation shall be submitted to and approved in writing by the planning authority. Thereafter, the repairs shall be carried out in accordance with the approved schedule of works.

*Reason: To ensure the proposed repairs provide a satisfactory finish, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

3. The front elevation of the building shall be painted with colour RAL 9003 signal white and the masonry paint for the window and dormer surrounds, as well as the border of the front elevation, shall be painted to match the existing colour unless otherwise agreed in writing with the planning authority.

*Reason: To ensure the proposed painting provides a satisfactory finish to the front elevation, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

4. The proposed steel bracing to be installed on the west facing gable of the building shall be painted a stone colour. The exact finish shall be submitted to and approved in writing by the planning authority prior to the commencement of development. Thereafter, the steel bracing shall be painted in the colour as agreed with the planning authority.

*Reason: To ensure the proposed painting provides a satisfactory finish to the steel bracing, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

5. The following restrictions shall apply to the construction of the development:

### Noise (Construction)

- Any 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. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800 and all generators shall be fitted with appropriate noise suppression measures.

### Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.

- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

#### Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

#### Site Compound

- The development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

#### Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

#### Wheel Cleaning

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

*Reason: In the interests of residential, visual and environmental amenity.*

## DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### 1 DESCRIPTION

Listed Building Consent for the removal of external shoring; installation of internal steel restraints and external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow, EH49 7ED.

### 2 DETAILS

<b>Reference no.</b>	<a href="#">0304/LBC/18</a>	<b>Owner of site</b>	McCarthy & Stone
<b>Applicant</b>	McCarthy & Stone	<b>Ward &amp; local members</b>	<b>Linlithgow</b>  Councillor Tom Kerr  Councillor Tom Conn  Councillor David Tait
<b>Case officer</b>	Matthew Watson	<b>Contact details</b>	01506 283536 matthew.watson@westlothian.gov.uk

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

### 3 RECOMMENDATION

Approve listed building consent for the removal of the external shoring, installation of steel bracing to the gable, internal alterations and repairs to stonework.

### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application seeks listed building consent for the removal of the external wooden shoring that is positioned against the gable of 77-79 High Street, a category C listed building. The application also includes the installation of steel beams at first, second, third and attic levels; the installation of a lightweight render board and repairs to the rear elevation stone work and lintels; and repainting of the front elevation of the building.
- 4.2 Five steel braces are proposed from ground to roof floor level with a depth of 200 mm each and the bracing having a maximum protrusion of 90 mm. Both of these measurements include the brackets. The bracing will be fixed in place with 42 tie rods. The render board is proposed to sit in front of the bracing, protruding a maximum of 140 mm from the gable wall and fixed in place using rods.

- 4.3 It is proposed to render the gable with a Polar White finish and repaint the front elevation with RAL 9003 signal white, which is a close match to the existing paintwork.
- 4.4 An internal fit out of the property is also proposed.
- 4.5 It should be noted that the red line boundary of what is being applied only bounds the tenement of 77-79 High Street and not the wider McCarthy and Stone site.
- 4.6 The building is located within the Linlithgow Palace and High Street Conservation Area.

### History

- 4.7 0303/FUL/18: Building works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable, Pending decision and also reported on this agenda.
- 4.8 0249/FUL/11: Erection of 41 flats, Granted, 08/05/2013
- 4.9 0248/LBC/11: Conservation Area consent for the demolition of buildings, Granted, 04/03/2013

## 5. REPRESENTATIONS

- 5.1 Following neighbour notification of the development two letters of representation were received, which both objected to the proposal. One of these was from an individual and the other from the Linlithgow Civic Trust. The comments received are summarised below.

Comments	Response
<ul style="list-style-type: none"> <li>The proposal to render the exposed gable wall lends credence to the belief that the developer has no intention of ever completing the street-frontage part of their original proposal.</li> <li>We should resist applications like this one which seem designed to incrementally validate the gap site so that it might remain in perpetuity.</li> <li>The proposed unbroken and featureless rendered surface is not visually acceptable nor typical of other buildings in the High Street</li> <li>The applications should show how the completion of the existing permission can be achieved.</li> <li>No evidence to show the timber joists can take the load transferred by the tie rods to</li> </ul>	<ul style="list-style-type: none"> <li>The supporting statement submitted with the application states the proposal will not prejudice completion of the site.</li> <li>The red line boundary of the application only applies to 77-79 High Street and not the wider site.</li> <li>Agreed.</li> <li>The red line boundary of the application only applies to 77-79 High Street and not the wider site. The render board can also be removed if necessary.</li> </ul>

<p>the steel channels supporting the gable.</p> <ul style="list-style-type: none"> <li>• The board constitutes a fire hazard as it creates a flu between the rendered surface and gable that will intensify and direct any fire to the roof members.</li> </ul>	<ul style="list-style-type: none"> <li>• This is a matter for building standards.</li> <li>• This is a matter for building standards.</li> </ul>
---	--

## 6. CONSULTATIONS

6.1 No consultations undertaken.

## 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 ?
West Lothian Local Plan (WLLP)	HER 2 Listed Buildings	<p>This policy states regard shall be had to the special architectural and historic features of listed buildings when assessing alterations. The impact on the setting of listed buildings also needs to be considered.</p> <p>The proposed alterations are acceptable except for the proposed render board, which will detract from the appearance of the listed building and its setting.</p>	In part

West Lothian Local Development Plan – Proposed Plan (Proposed LDP)	ENV 28 Listed Buildings	<p>This policy states regard shall be had to the special architectural and historic features of listed buildings when assessing alterations. The impact on the setting of listed buildings also needs to be considered.</p> <p>The proposed alterations are acceptable except for the proposed render board, which will detract from the appearance of the listed building and its setting.</p>	In part
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### Impact on the Special Character and Setting of the Listed Building

- 7.5 Both policies HER 2 of the WLLP and ENV 28 of the Proposed LDP states that regard will be had to special architectural and historic features in the assessment of alterations to listed buildings. The setting of listed buildings also needs to be considered in assessing alterations to listed buildings under these policies.
- 7.6 The proposed alterations to remove the wooden shoring currently attached to 77-79 High Street will be a positive enhancement to the listed building. The installation of steel bracing is also acceptable as this measure will ensure the long term structural stability of the tenement.
- 7.7 The proposed repair works to the stonework, cills and lintels on the rear elevation are acceptable and will enhance the appearance of the listed building on this elevation. It is proposed to attach a condition that requires a detailed scheme of works to ensure that any pointing or re-pointing of stonework will integrate with the rest of this elevation.
- 7.8 The internal works from first to attic floor are acceptable subject to a condition that will seek to preserve the fire places on the first and second floor levels.
- 7.9 The proposed render board, however, will have a detrimental impact on the special character of the listed building and its setting. Although the consented scheme for the wider site (reference 0249/FUL/11) had a rendered gable finish, the proposed render board would be sited in a more prominent location than the gable on the consented scheme, which sits further back behind the former local history library as the site is approached from the west. This gable was also broken up with windows and a passageway at ground floor level.
- 7.10 The proposed render board will result in a blank, rendered gable that will not integrate with the listed building and its setting at this point of the High Street. It is acknowledged that there are other rendered gables within the High Street and the proportion of stone versus render gables was looked at in the assessment of the application. As the site is approached from the west and the curve of the street is followed passed The Vennel and

the former local history library building the townscape is made up predominately of stone at this point of the High Street with a small number of exceptions.

- 7.11 As the proposed render board is not visually acceptable, it is proposed to attach a condition that would require the applicant to paint the steel bracing a stone colour. This will help to integrate this feature with the setting of the listed building in the form of the wider townscape of the High Street at this point, until such time the consented development is fully built out.
- 7.12 In summary, the proposed alterations to the listed building are acceptable except for the proposed render board, which will be detrimental to the special character of the listed building and its setting. With a condition in place that ensures the render board is not approved, the proposal complies with Policy HER 2 of the WLLP and Policy ENV 28 of the Proposed LDP.

## **8. CONCLUSION AND RECOMMENDATION**

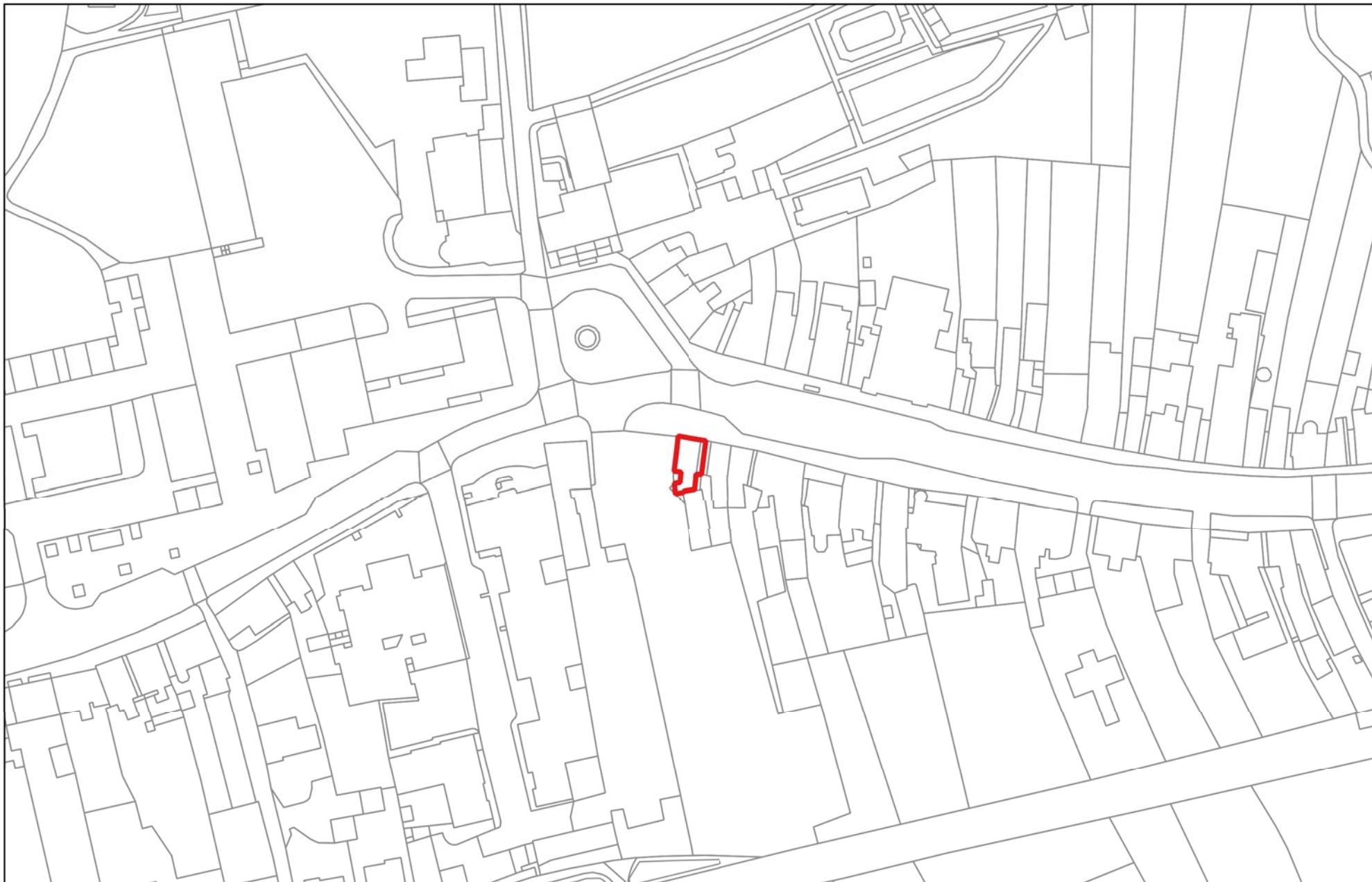
- 8.1 Overall, the proposed alterations to the listed building in the form of the removal of the shoring and installation of steel bracing to the gable, repairs to the stonework on the rear elevation and internal alterations are acceptable. The proposed render board is not acceptable in terms of the detrimental impact it will have on the listed building and its setting.
- 8.2 Consequently, and in view of the above, it is recommended that listed building consent is approved, subject to conditions. One of these conditions will state that notwithstanding any approved drawings, the proposed rendered board is not approved.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

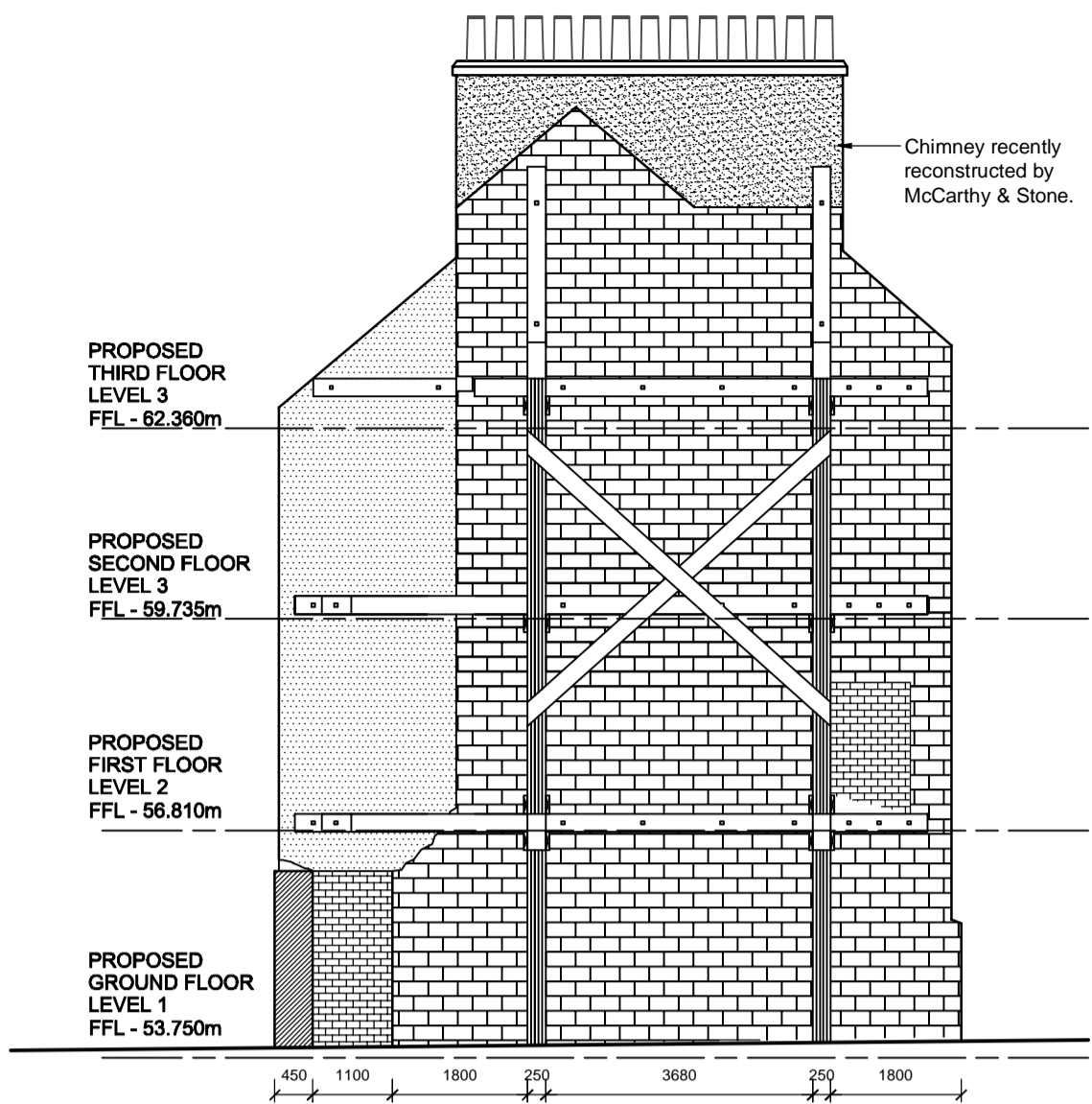
- Location Plan
- Aerial Plan
- Existing Plans
- Elevation Plans and Sections
- Elevations and Details
- Method Statement
- Supporting Statement
- Representations
- Member referral form
- Draft conditions and reasons

Craig McCorriston

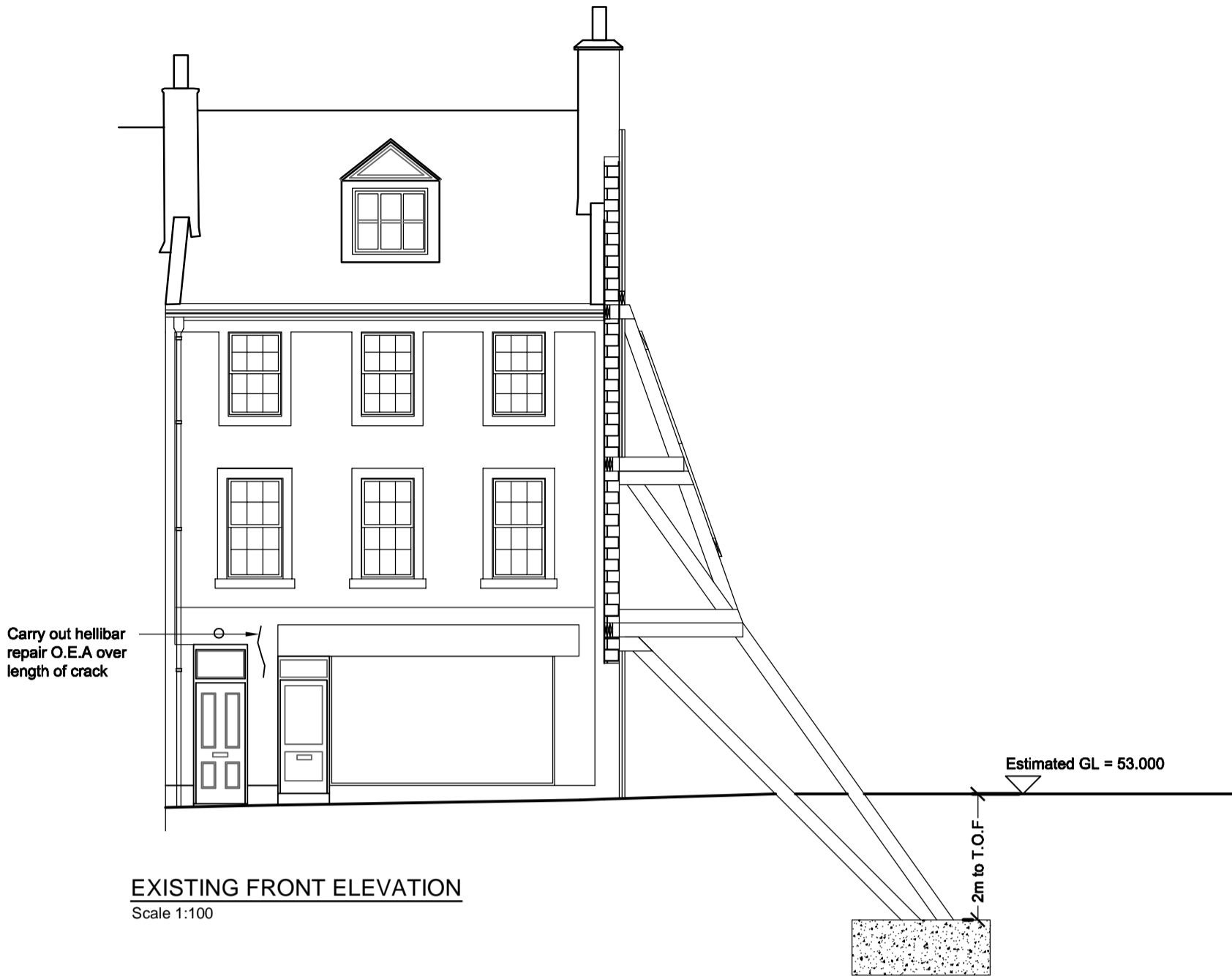
**Head of Planning, Economic Development and Regeneration**      **Date: 5 September 2018**



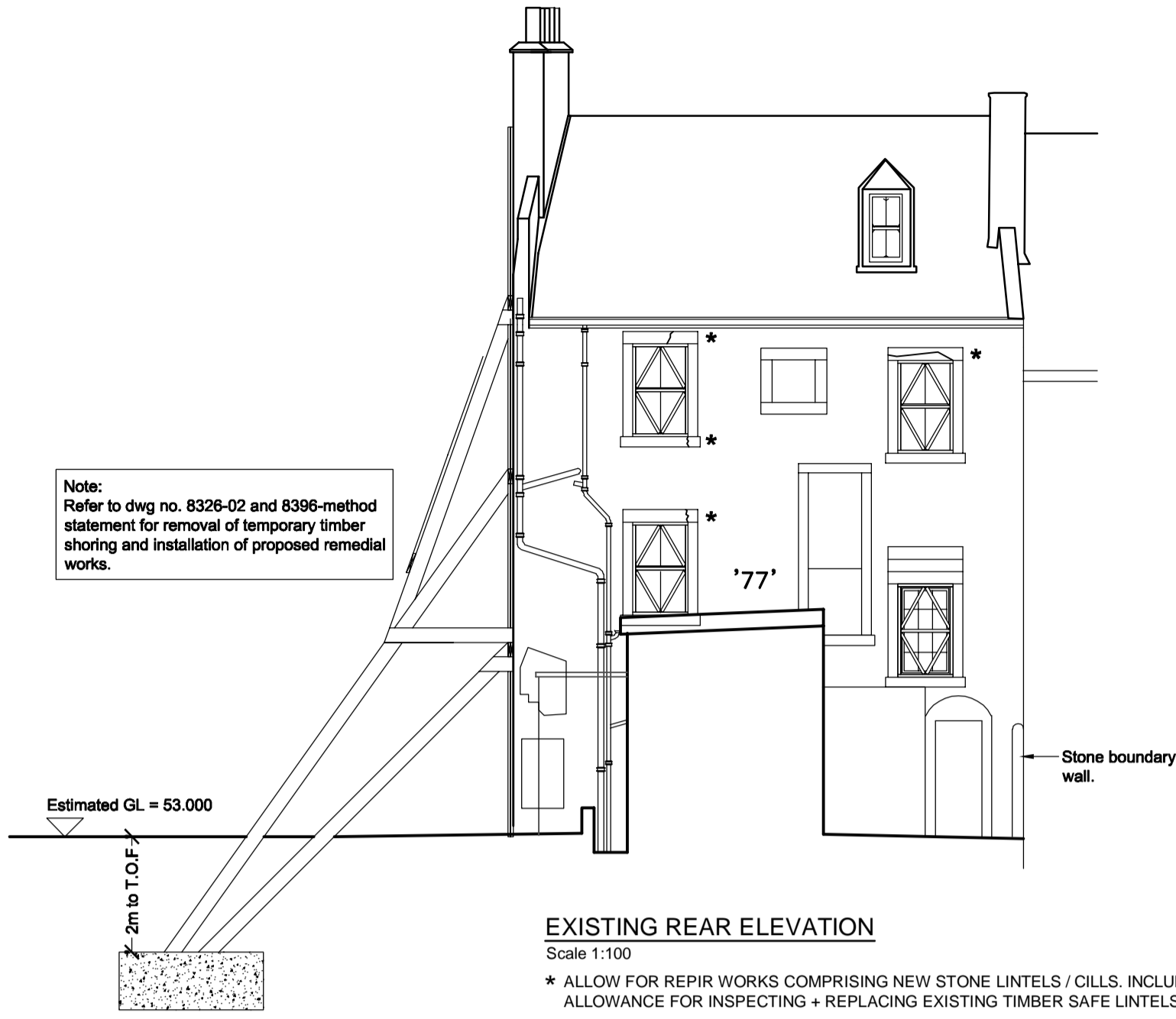




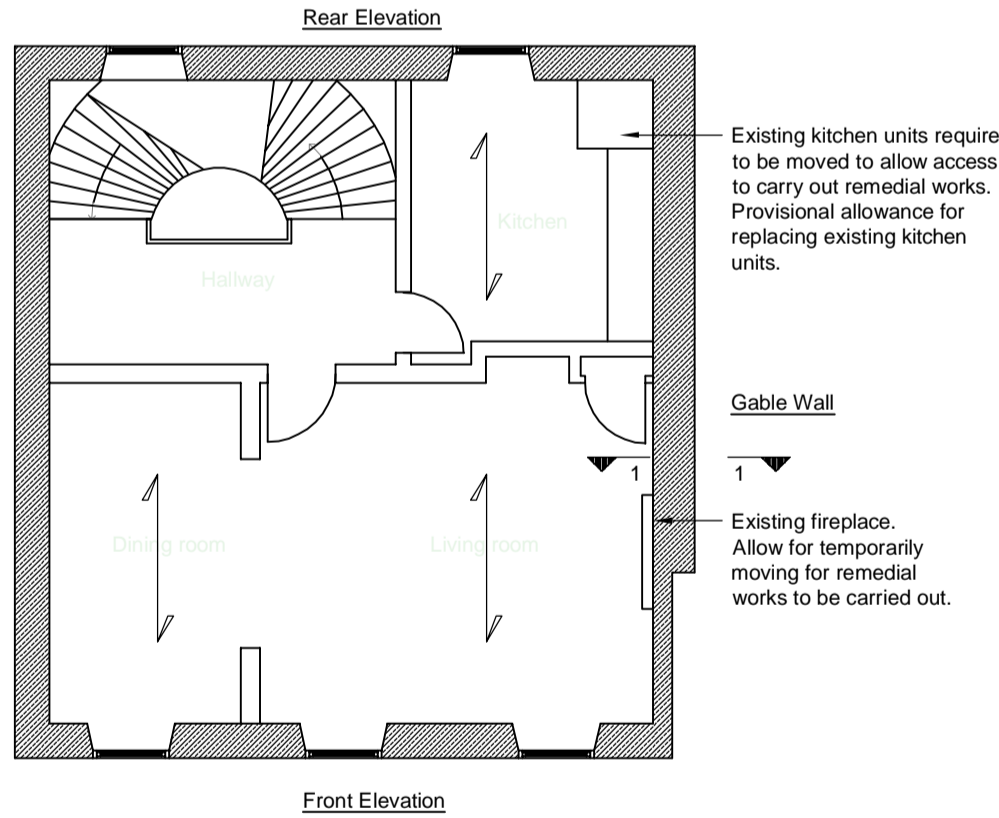
EXISTING GABLE ELEVATION SHOWING TEMPORARY SHORING  
Scale 1:100  
DENOTES EXTENT OF WALL RECESSED = 300mm  
DENOTES WALL PROTRUDING = 240mm



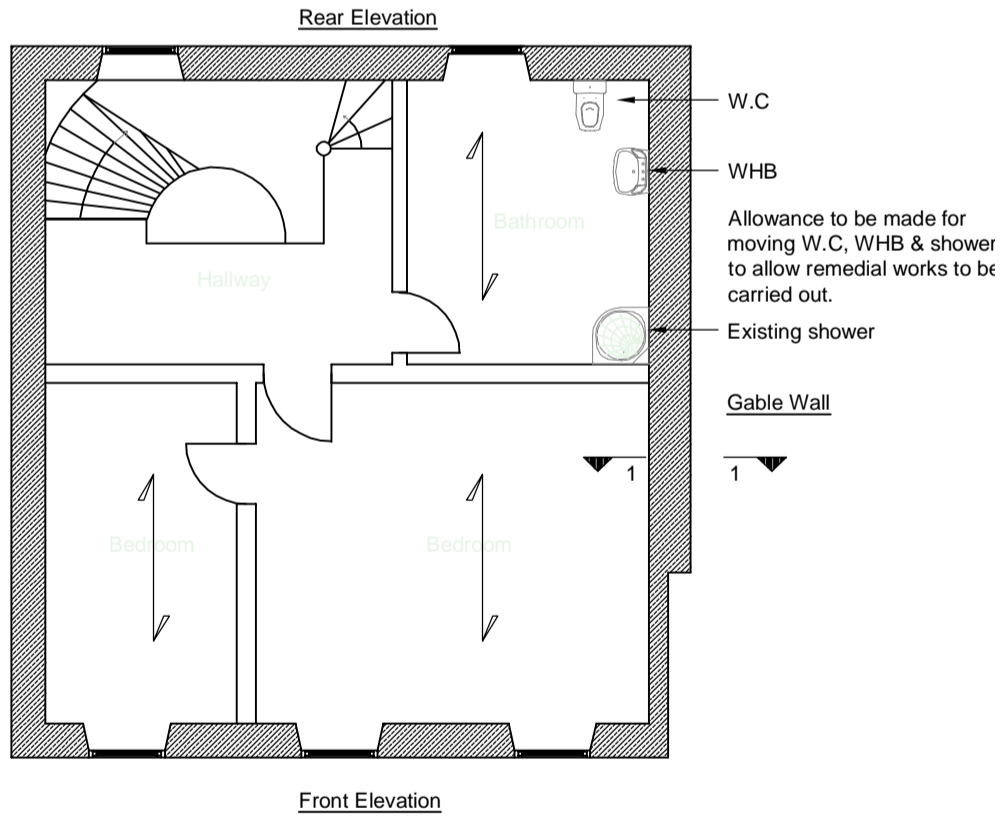
EXISTING FRONT ELEVATION  
Scale 1:100



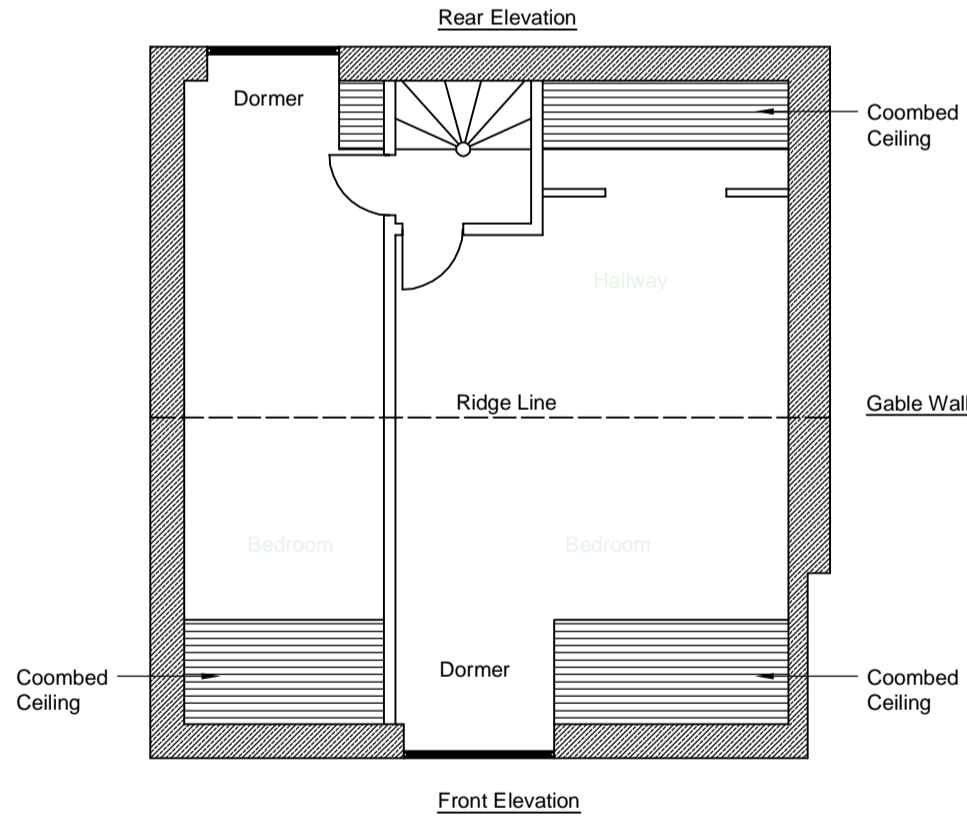
EXISTING REAR ELEVATION  
Scale 1:100  
\* ALLOW FOR REPAIR WORKS COMPRISING NEW STONE LINTELS / CILLS. INCLUDE ALLOWANCE FOR INSPECTING + REPLACING EXISTING TIMBER SAFE LINTELS.



EXISTING/PROPOSED 1st FLOOR PLAN  
INDICATIVE LAYOUT T.B.C  
SPAN OF EXISTING FLOOR JOISTS SHOWN THUS:-



EXISTING/PROPOSED 2nd FLOOR PLAN  
INDICATIVE LAYOUT T.B.C  
SPAN OF EXISTING FLOOR JOISTS SHOWN THUS:-



EXISTING/PROPOSED 3rd FLOOR PLAN (ATTIC CONVERSION)  
INDICATIVE LAYOUT T.B.C

NOTES

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FOR REMEDIAL SECTIONS AND DETAILS  
REFER TO DRAWING No 8326-02

B	Amended following comments from Campbell Purves.	16.03.18	D.R.	B.H.
A	Amended following comments from client.	27.02.18	D.R.	B.H.

Rev	Description	Date	Initials	Chkd
Client				

Project

**REMEDIAL WORKS AT  
77 HIGH STREET,  
LINLITHGOW EH49 7ED**

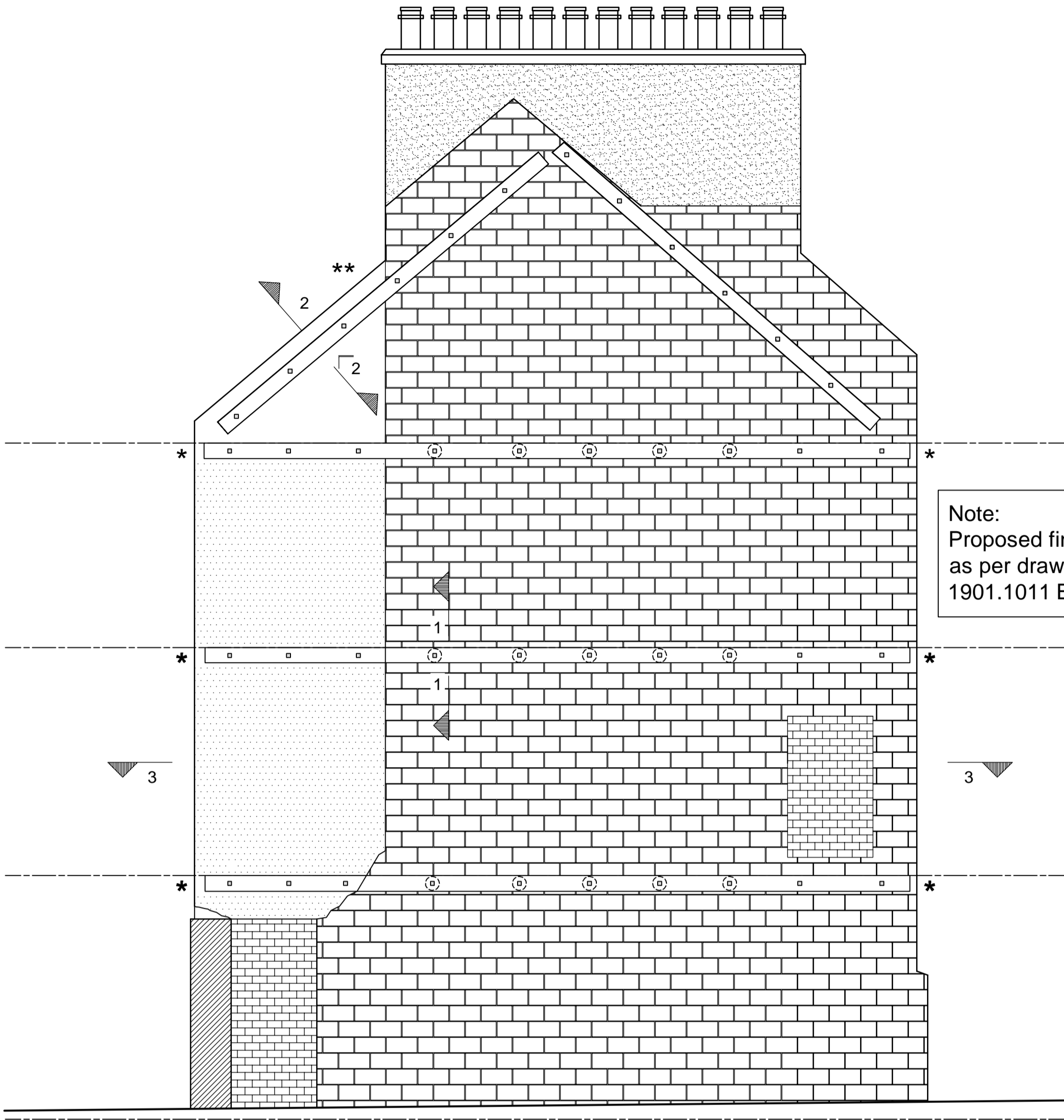
Drawing Title

**EXISTING PLANS, ELEVATIONS**

**GROSSART ASSOCIATES**  
CONSULTING CIVIL AND STRUCTURAL ENGINEERS

Nasmyth Building· Scottish Enterprise Technology Park  
Nasmyth Avenue· East Kilbride · G75 0QR  
t 01355 272611 f 01355 272909 e admin@grossart.co.uk

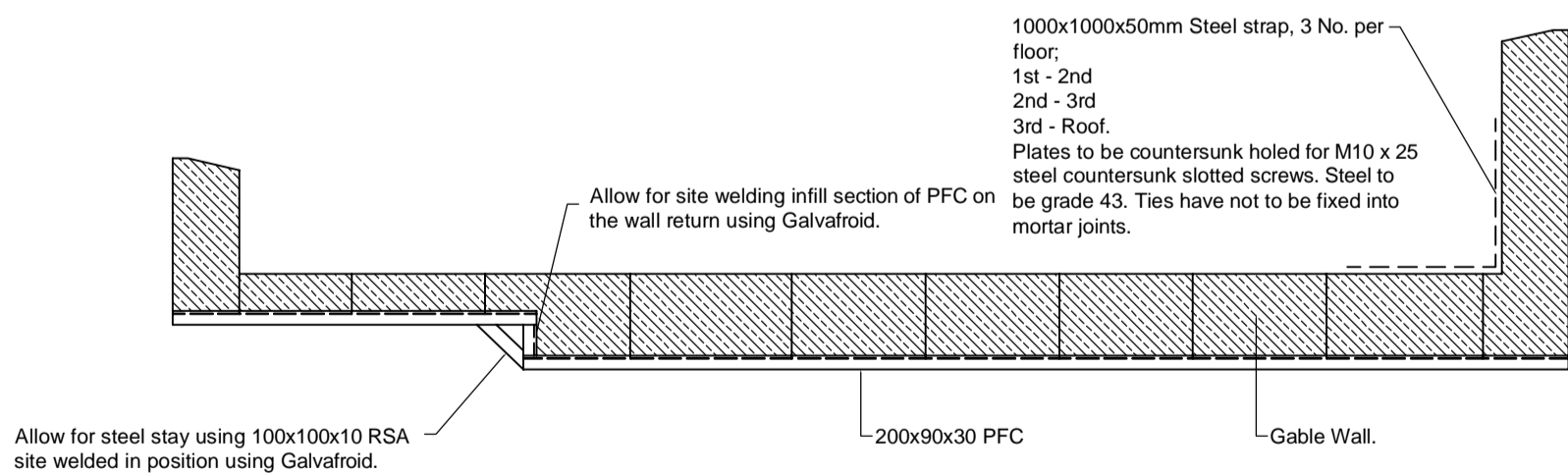
Scale	<b>AS SHOWN@A1</b>	Date	<b>JUNE 2015</b>
Drawn	PJM	Checked	
Drawing no.	<b>8326-01</b>	Revision	<b>B</b>



#### GABLE ELEVATION SHOWING PROPOSED REMEDIAL WORKS

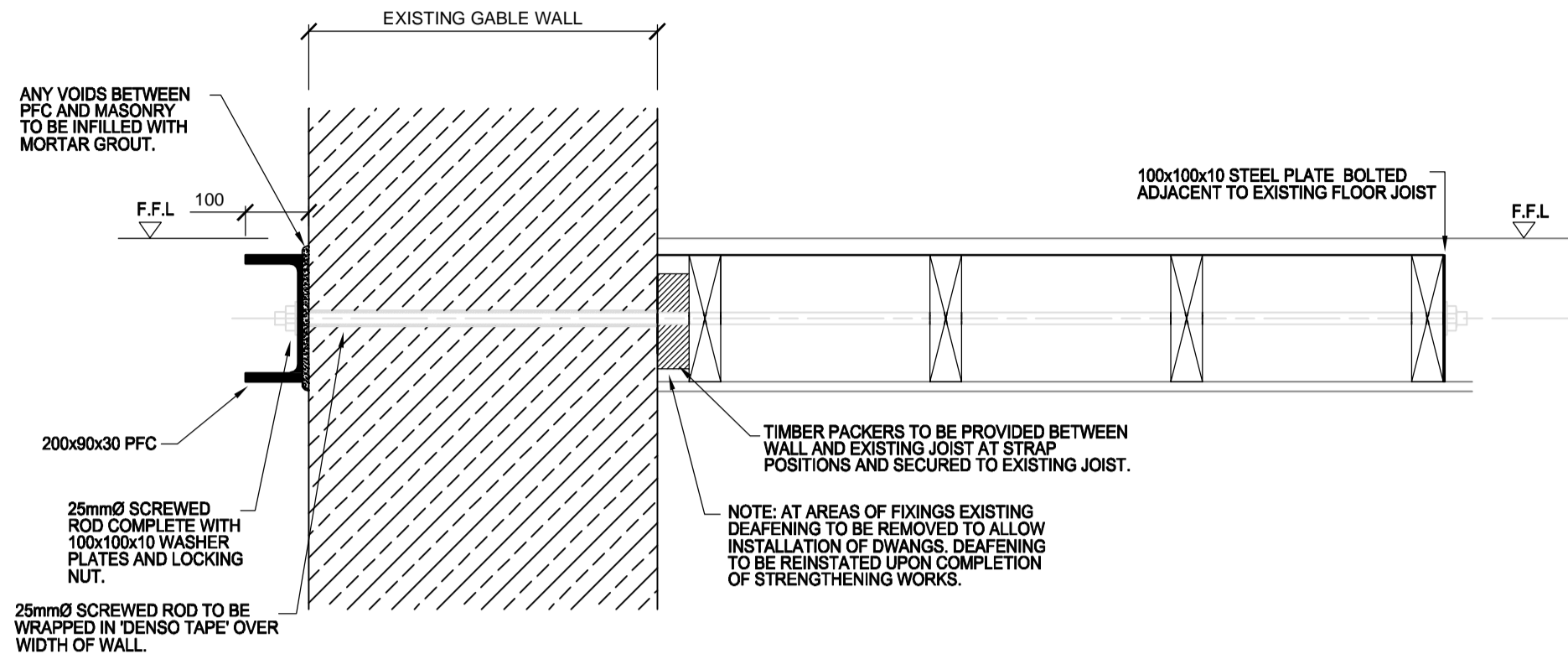
Scale 1:50

- \* ELEVATION ON 200x90x30 PFC's LOCATED AT EACH FLOOR LEVEL. CENTRES OF 25mm Ø RODS NOT TO EXCEED 900mm.
- \*\* ELEVATION ON 200x12mm STEEL PLATE AT EAVES LEVEL CENTRES NOT EXCEEDING 900mm. ALL STEELWORK TO BE GALVANISED.
- ALLOWANCE FOR ADDITIONAL TIE RODS WHERE THESE MAY PASS THROUGH EXISTING CHIMNEY FLUES. CONTRACTOR TO ALLOW FOR A MINIMUM OF 1 No. PULL OUT TEST PER LEVEL, WHERE THE RODS PASS THROUGH THE CHIMNEY ZONE.



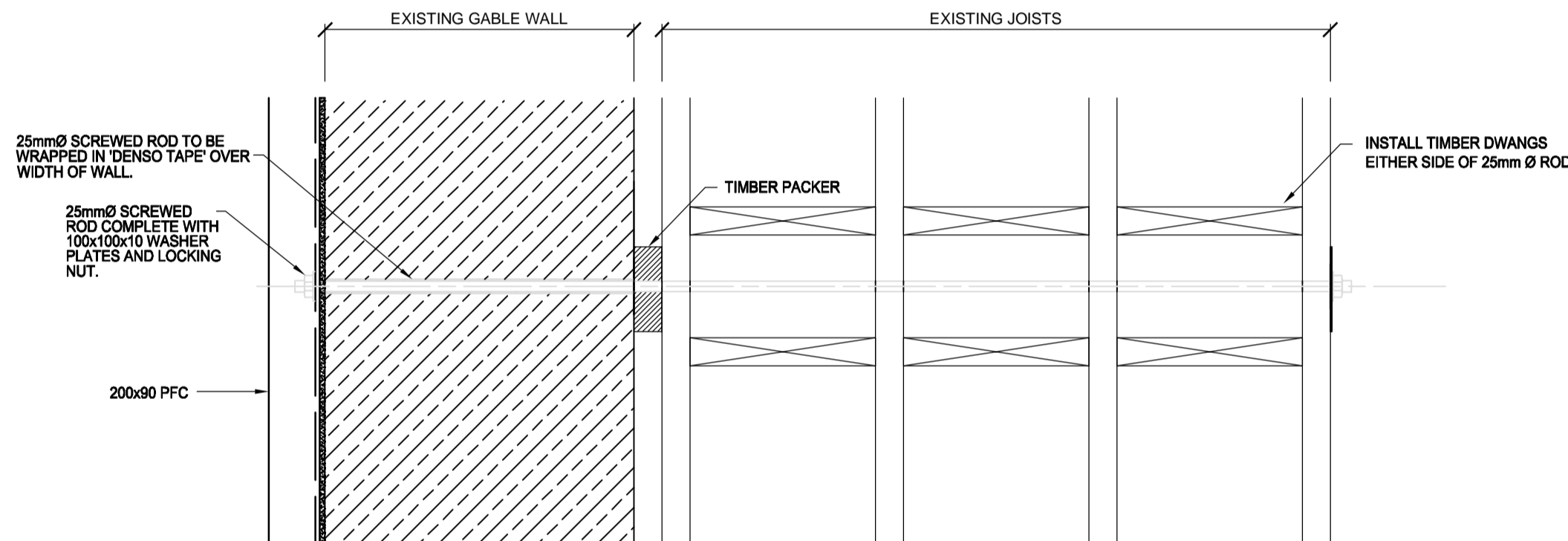
#### SECTION 3-3

Scale 1:50



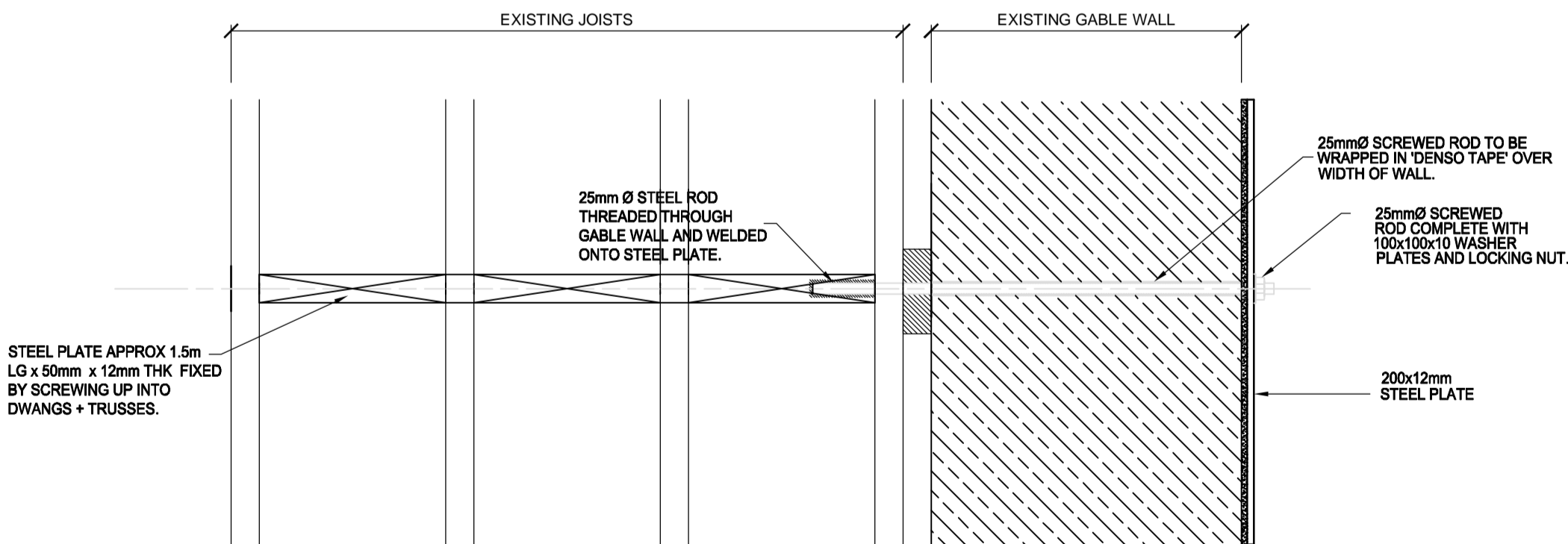
#### SECTION 1-1

Scale 1:10



#### PLAN ON SECTION 1-1

Scale 1:10



#### SECTION 2-2

Scale 1:10

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#### SEQUENCE OF WORKS

1. CRACK REPAIRS AND LINTEL REPLACEMENT REPAIRS TO BE CARRIED OUT ON FRONT & REAR ELEVATIONS, PRIOR TO THE INSTALLATION OF ANY PERMANENT REMEDIAL WORKS OR TRIMMING OF EXISTING TIMBER SHORING.
2. CARRY OUT INTERNAL STRIPPING OUT WITHIN THE RESIDENTIAL PROPERTY, INCLUDING EXPOSING EXISTING TIMBER ROOF STRUCTURE AND FLOOR JOISTS.
3. TRIM TIMBER SHORING AT HIGH LEVEL TO ALLOW GALVANISED STEEL PLATE TO BE INSTALLED AT RAFTER LEVEL, AS SHOWN ON SECTION 2-2.
4. TRIM EXISTING TIMBER SHORING TO ALLOW SAFE INSTALLATION OF PARALLEL FLANGE CHANNELS (PFC) AROUND THIRD FLOOR LEVEL. IT IS ACCEPTABLE TO STOP AND START PFC LOCALLY.
5. INSTALL GALVANISED PFC AT THIRD FLOOR LEVEL, INCLUDING INSTALLATION OF WELDED STEELWORK ON RETURN WALL AND STEEL STAY.
6. REPEAT STEPS 4&5 FOR PFC INSTALLATION TO SECOND AND FIRST FLOOR LEVELS.
7. FINISH OF GABLE TO BE AS SHOWN ON DRG.No. 1901.1011 rev. B
8. LEVELS DO NOT PRECLUDE DEVELOPMENT OF FRONT BUILDING UNDER CONSENT 0249/FUL/11

E	Amended following comments from Campbell Purves.	22.03.18	B.D.	B.H.
D	Amended following comments from Campbell Purves.	16.03.18	D.R.	B.H.
C	Chimney pots added. Internal L-shaped straps as shown and notes for pull out tests at chimney added.	01.12.17	DR	BH
B	PFC location revised at new slope	09.08.16	DR	BH
A	Sequence of works revised	05.07.16	BH	HJM

Rev	Description	Date	Initials	Chkd
Client				

Project  
**REMEDIAL WORKS AT  
77 HIGH STREET,  
LINLITHGOW EH49 7ED**

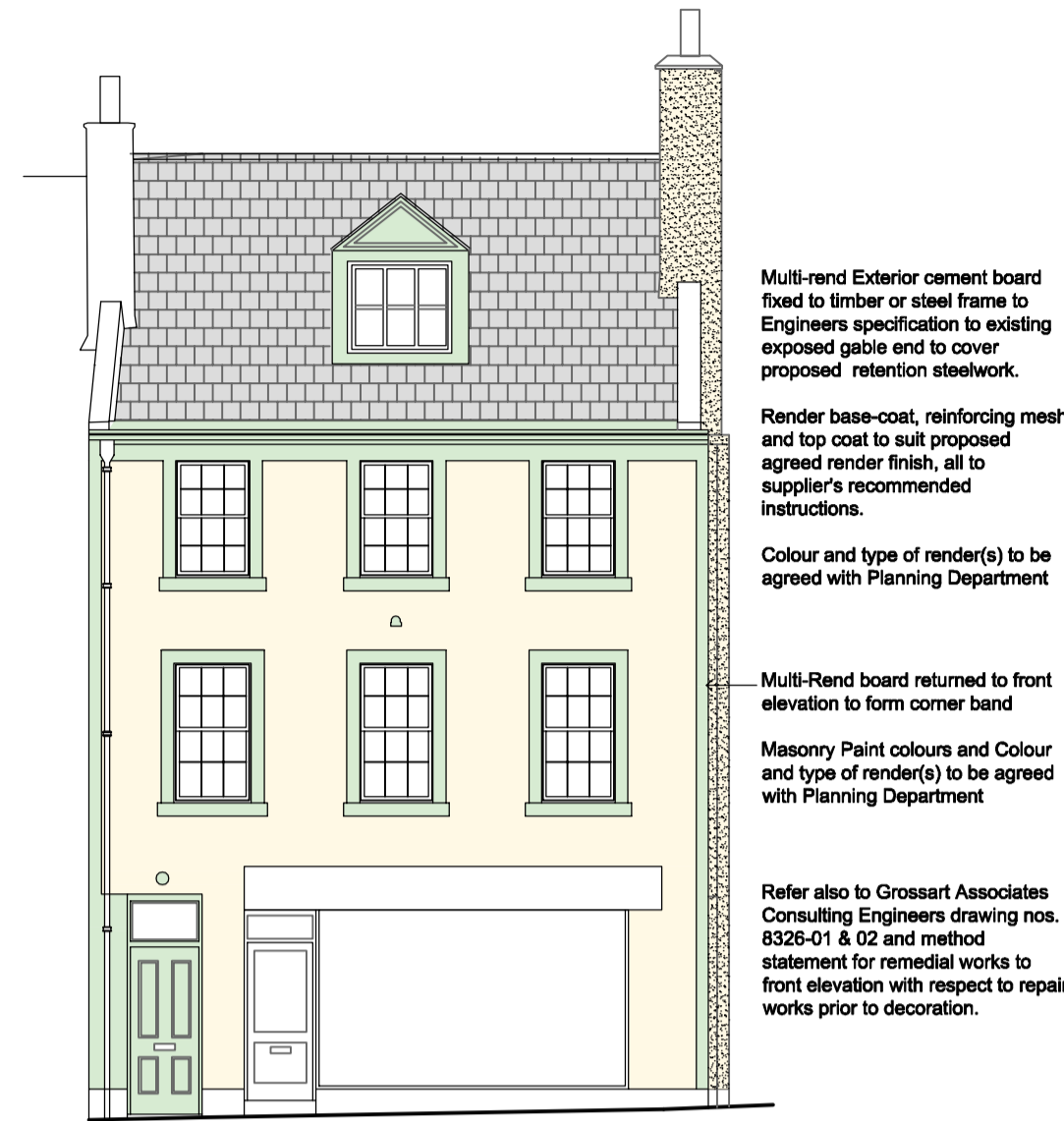
Drawing Title  
**ELEVATION, PLANS & SECTIONS  
SHOWING PROPOSED REMEDIAL WORKS**

**GROSSART ASSOCIATES**  
CONSULTING CIVIL AND STRUCTURAL ENGINEERS

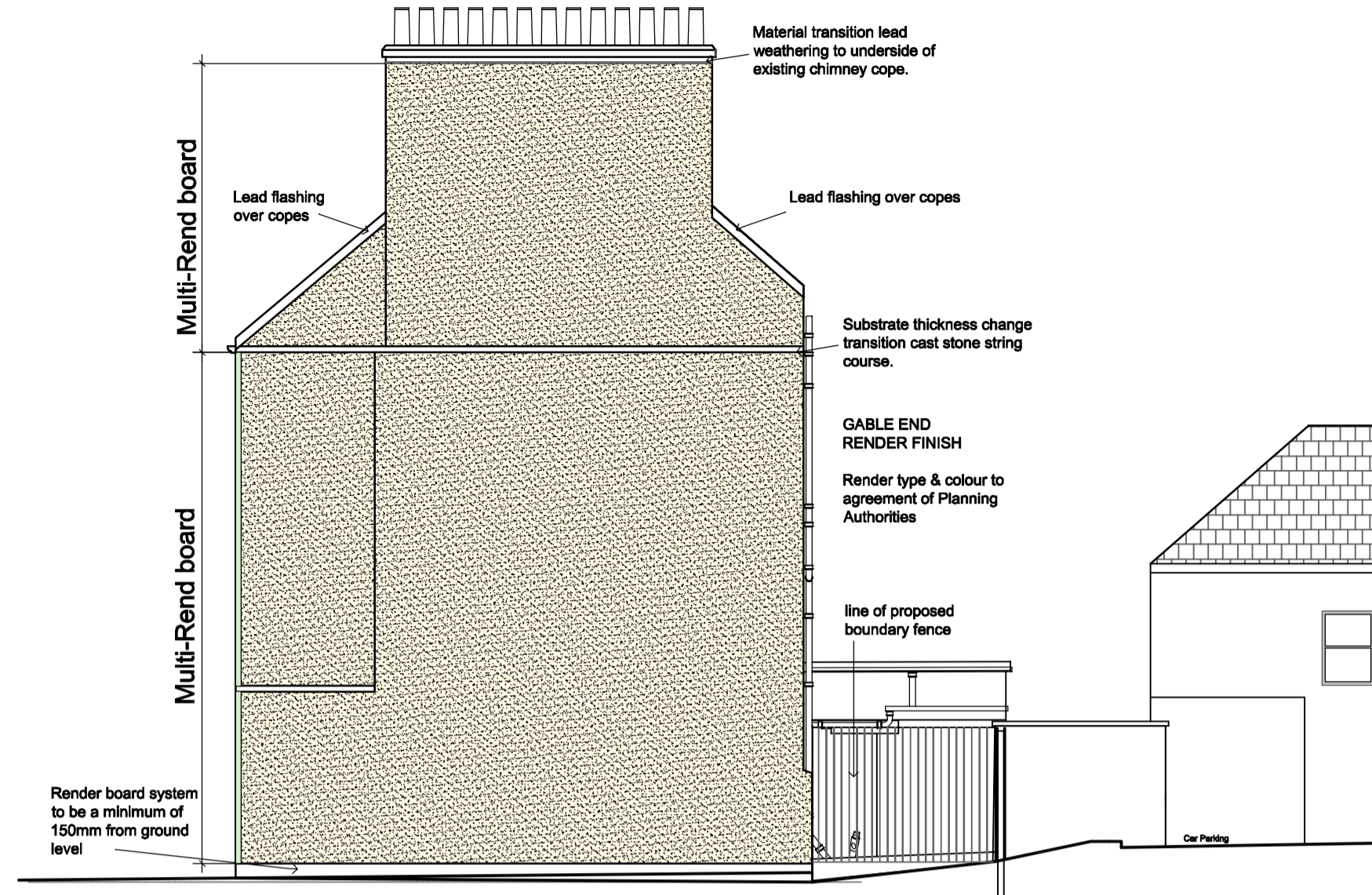
Nasmyth Building · Scottish Enterprise Technology Park  
Nasmyth Avenue · East Kilbride · G75 0QR  
t 01355 272611 f 01355 272909 e admin@grossarts.co.uk

Scale	<b>AS SHOWN@A1</b>	Date	<b>JUNE 2015</b>
Drawn	<b>PJM</b>	Checked	
Drawing no.	<b>8326-02</b>	Revision	<b>E</b>

Repaint Frontage  
Repair cills where necessary



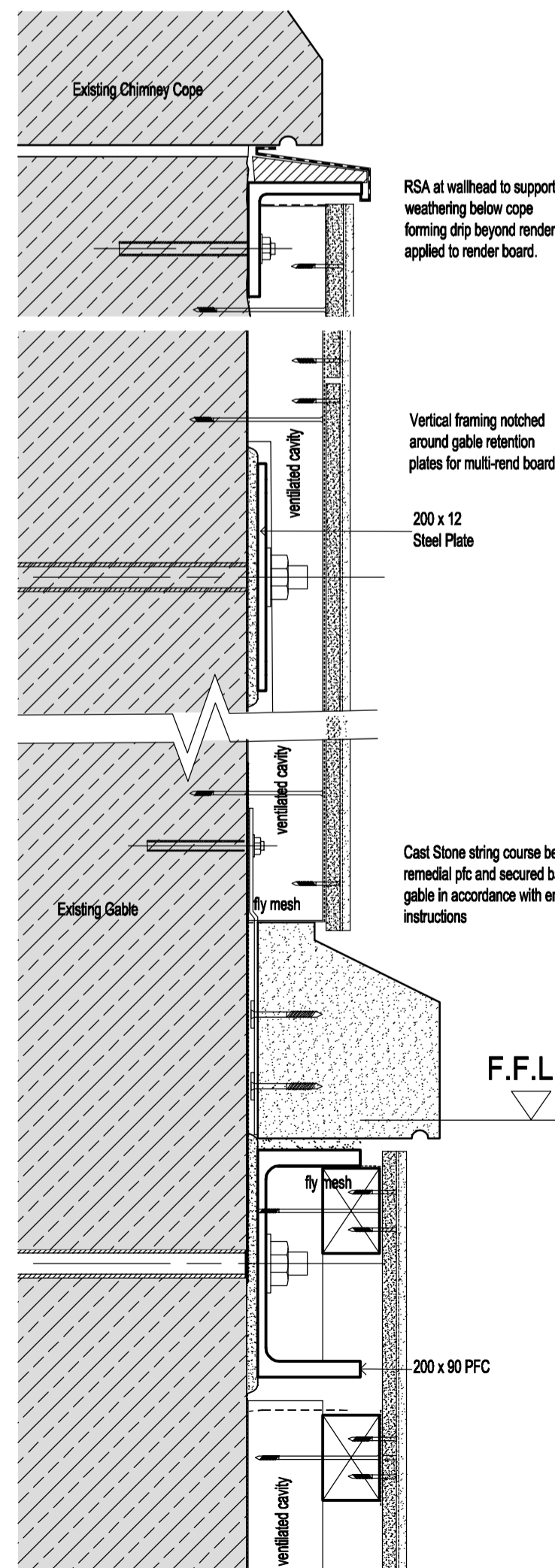
Proposed Front North Elevation



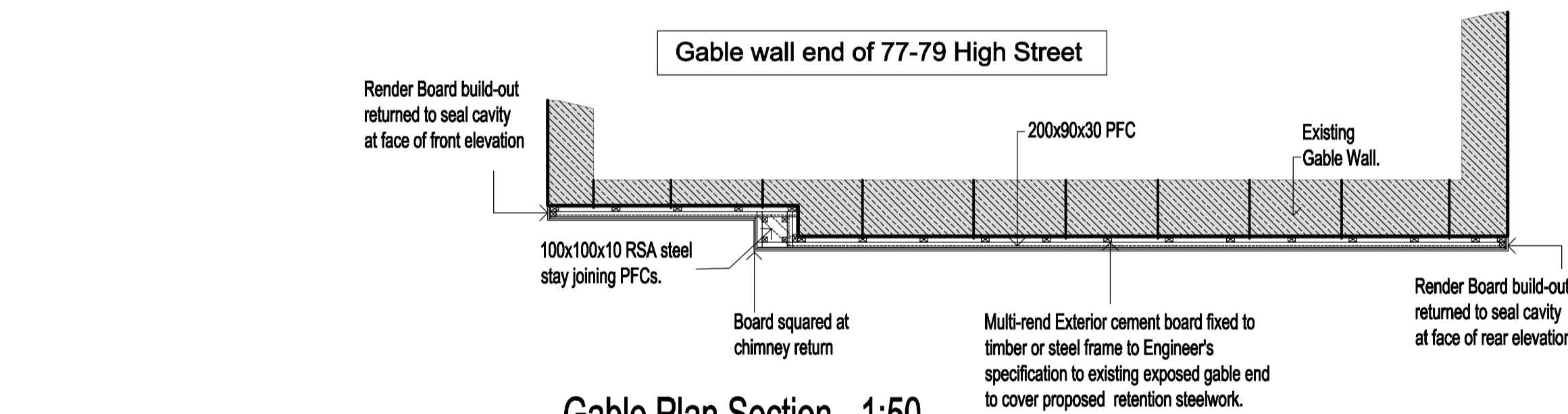
Proposed Rendered Gable End



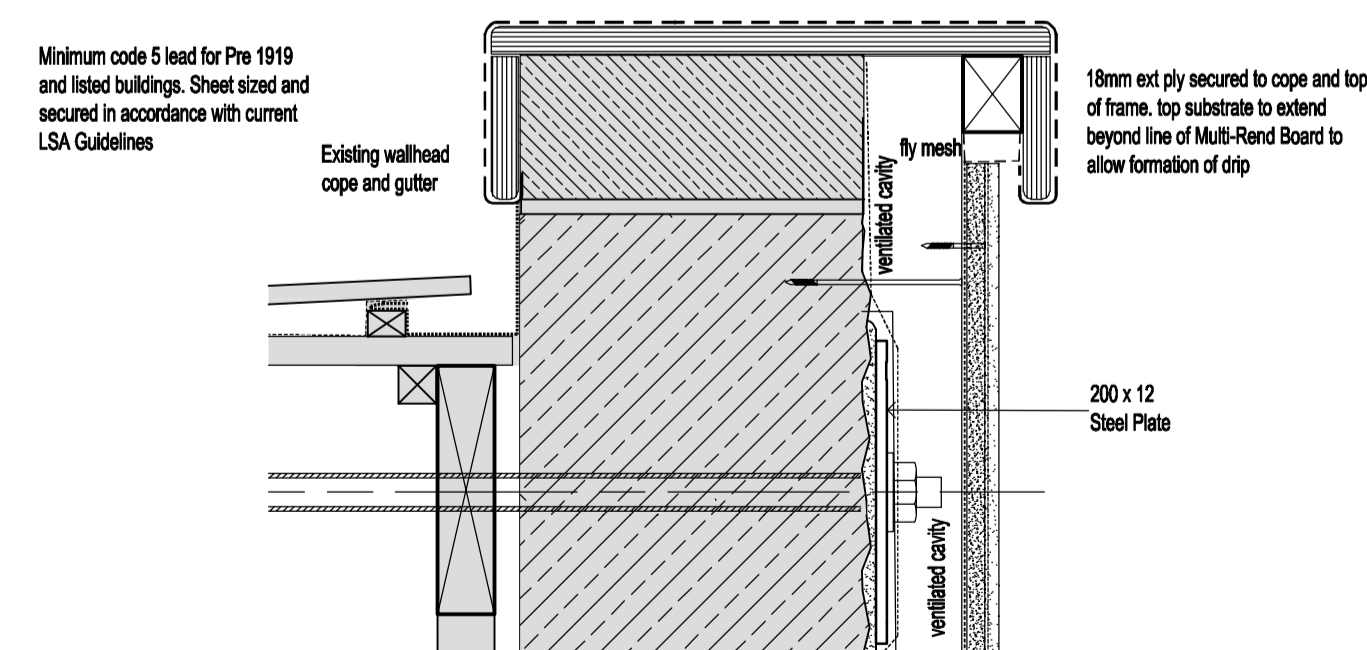
Proposed Rear South Elevation



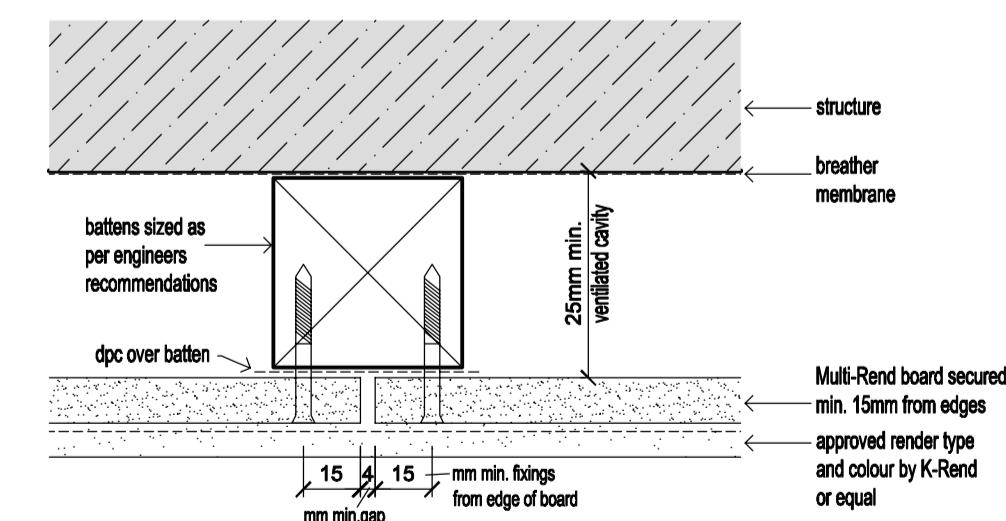
Gable Transition and Head Detail - 1:5



Gable Plan Section - 1:50



Parapet Cope Lead Capping - 1:5



Typical Fixing plan section - 1:2

PROPOSED WORKS

1. CARRY OUT REMEDIAL WORKS AS PER CROSSART ASSOCIATES Drg No 8326-02
2. INSTALL RENDER SYSTEM TO ENCLOSE STRUCTURAL BEAMS
3. CARRY OUT REPAIRS TO FRONT AND REAR ELEVATIONS
4. WORKS DO NOT PREVENT IMPLEMENTATION OF PLANNING CONSENT REF: 0249/FUL/11 FOR FRONT BLOCK ON ADJACENT SITE.

ALL DIMENSIONS TO BE CHECKED ON SITE WORK TO FIGURED DIMENSIONS ONLY REPORT DISCREPANCIES TO THE ARCHITECT AT ONCE BEFORE PROCEEDING

**McCarthy & Stone**

R.J.Stewart, B.Sc., M.Sc., MRICS  
Development Director  
11000 Academy Park, Gower Street  
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Telephone: (0141) 420 8300

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Project Title  
HIGH STREET  
LINLITHGOW

Drawing Title  
Proposed Gable Works to  
77-79 High Street, Linlithgow  
Render Board Option  
Elevations and Details

Scale 1:100 - A1 - uno Date 16.10.17  
Drawn bd Checked  
Drawing No. Rev.  
1901. 1011

CAD plot date: 06 Apr 2018 - 11:52am

## **8326 - Method Statement for Proposed works to Gable at**

### **77 - 79 High Street, Linlithgow**

1. Carry out repairs to the existing cracking and defective lintels, noted on the rear elevation.
2. Carry out internal strip out of residential property, located between first floor and attic floor. This will include for lifting the flooring to expose timber floor joists over a width of 1.5m from the internal face of the gable wall and exposing the existing trussed rafters over the same width.
3. We consider that the Hairdressers occupying the ground floor, commercial unit, may remain in place for the duration of the works but should be notified of the construction programme and details and the anticipated date of commencement.
4. Install bolted 200 x 90 x 30 PFC (steel channel), at rafter level, along either slope of the gable, as shown on Grossart Associates' Drawing No. 8325-02A. Existing vertical timber shoring members should be trimmed at the head as required.
5. Install bolted 200 x 90 x 30 PFC at upper (third/attic) floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating the steel.
6. The timber shoring above this level can now be removed.
7. Install bolted 200 x 90 x 30 PFC at second floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating steel.
8. Install bolted 200 x 90 x 30 PFC at first floor level in accordance with Grossart Associates' Drawing No. 8325-02A. The existing vertical members of the temporary timber shoring system can be cut locally to allow the channel to be safely installed. It is not critical that the channel is installed in one whole section over the width of the gable. Safe installation and manhandling of member should be considered prior to fabricating steel.
9. At this stage, all repairs to the rear elevation and all permanent steel restraint channels have been installed and therefore the temporary timber shoring system can be removed.

SUPPORTING STATEMENT

REMEDIAL WORKS

77 – 79 HIGH ST

LINLITHGOW



## **Background**

It should be noted that the works encompassing this application for both planning permission and listed building consent do not prejudice the completion of Planning Consent 0249/FUL/11 for the residential development of the adjacent site. The works comprising this new submissions seek to undertake essential remedial works to No.77-79 High Street.

McCarthy & Stone (MCS - the Applicant) obtained planning consent in May 2013, for the development of retirement flats which were to be accommodated within a separated rear and front block on the site of the former First Bus Depot at 81- 87 High Street Linlithgow.

Works to clear the site commenced in the summer of 2013. To enable the implementation of the planning consent, the offices of First Bus which occupied the front section of the site were partly demolished first followed by the larger warehouse buildings to the rear. Following further demolition work, it was alleged that there was movement within the adjacent property at 77-79 High Street.

To prevent any potential further movement and to allay concerns of adjoining residents, McCarthy & Stone, through agreement with their appointed structural engineers removed the remaining brick internal skin which was attached to the gable and installed emergency temporary shoring to add structural support the gable of No.77 to 79 High Street.

The temporary shoring was installed in June 2015 and has remained in situ since. However, this was always intended to be a temporary solution.

A building warrant was granted consent in October 2016 for permanent structural remedial works to restrain the gable of No. 77 to 79 High Street to allow the temporary shoring to be removed.

Regrettably the owners of the first and second floor flats at No.77 to 79, at the time, refused to allow these works to be carried out and MCS were unable to proceed thus the temporary shoring had to remain in place.

At substantial expense and after protracted negotiations, MCS were eventually able to acquire the two flatted properties at 77-79 High Street to enable the permanent structural works to be carried out.

The proposed works which form the basis of the applications for both Listed Building Consent and Planning Permission comprise these identified structural works, as approved under warrant, with the exception of the proposed gable finish, which is required to provide a visually acceptable solution. The proposed works are explained in the following sections.

## Proposed Works

The proposed structural works are explained in detail through the included methodology statement and on the included drawings, but essentially comprise the following:-

- Repairs to existing stone defects and stone lintels on the rear elevation.
- Removal of Timber shoring
- Install steel channels (beams) at first, second, third and attic level as well as after rafter level
- Install lightweight render cladding system to exposed internal gable tying in with front elevation
- Render finish to be agreed with the Council

I would emphasise that these works are essential to ensure the structural stability of the existing building.

## Assessment of Proposed Alterations

Historic Environment Scotland (HES) provides the following description of the subject building at No. 77-79 High Street:-

*“Early 19th century. 3-storey and attic, 3-bay tenement with modern shop at ground.  
**Rendered and lined to N elevation (my emphasis).** Raised ashlar margins to windows, lintel course.  
N (ENTRANCE) ELEVATION: large modern shopfront at ground, pend to outer left.  
Regular fenestration to 1st and end floors, smaller window at 2nd floor. 12-pane sash and case windows. Grey slate roof, slate hung gabled dormer, ashlar coped skew, **rendered stacks to gables” (my emphasis).***

HES also provides the following reference regarding the special interest of the building:-

*“SUN FIRE INSURANCE COMPANY PLAQUE (NO773948) OVER 1<sup>ST</sup> FLOOR WINDOWS”*

It can therefore be accepted that a render material has always been part of this building and the proposed rendered gable finish now considered, would be entirely compatible with the character of this property and preserve its listed status.

There are no proposed alterations to the existing plaques and the structural works will not affect its identified special interest.

The property has been assessed internally and there is no evidence of any original features of note. There is no reference within the listing to any special internal features. Nevertheless, the works will ensure that any internal alterations are undertaken in the least intrusive manner possible and reinstated once the work is complete.

The structural reinforcement works will necessitate the tie back of an expanse of steel beams fixed to the gable and positioned along the respective upper floors of the building. These will hold the gable in place and provide additional support. The beams will project some 10cm from the gable. This is the minimal level of structural support required to protect the gable and represents a very small projection from the building line.

While these beams will undoubtedly be more visually acceptable than the existing temporary shoring nevertheless, in order to suitably weatherproof the now exposed gable and to enclose the steel beams, a lightweight render system is proposed. This will allow an appropriate visual finish to the gable (as noted in the original listing above) but importantly will not require foundations which could undermine the stability of the building such as a stone cladding system. The applicant is happy to discuss and agree the final colour and finish of the render with the Council to ensure this is compatible with the both the listed building and the wider conservation area.

A render finish to the gable and rear elevations is a common finish to traditional stone buildings and such a finish would be compatible within the conservation status of the high street. The above listing also describes the use of render in the existing building.

For information the following buildings within Linlithgow have rendered elements:-

- Westport Hotel – Smooth Render
- 12 – 14 High Street – The Black Bull Inn – Render
- The Cross House – Harled White Render
- 66 – 68 High Street – painted render
- 96 – 98 High Street – Painted render
- 88-94 High Street (Victoria Halls) Demolition of former Halls and erection of new build. Render finish shown on the approved plans to the High Street Elevation
- The approved development for the adjacent site by McCarthy & Stone was approved with a render frontage and gable which was deemed to be acceptable by the Council.

The test to be applied in assessing applications for developments within Conservation Areas is whether the proposed works would enhance or preserve the character of the conservation area. For the reasons outlined above it is considered that these necessary works would benefit the appearance of the area given the visual impact of the temporary shoring and the condition of the exposed internal gable.

It's important to note that the render system would project out some 20cm to enclose the steel beams and therefore would not preclude the development of the adjacent site.

### **Summary**

The fundamental factor is that these works are required irrespective of what happens to the front of the adjacent former First Bus Depot and McCarthy & Stone wish to carryout these essential structural works as soon as possible to remove the unsightly shoring from view of the High Street and ensure the long term safety of the property.

# Comments for Planning Application 0304/LBC/18

## Application Summary

Application Number: 0304/LBC/18

Address: 77-79 High Street Linlithgow West Lothian EH49 7ED

Proposal: Listed Building Consent for the removal of external shoring; installation of internal steel restraints and external steel bracing; repairs to stonework and installation of render system to gable

Case Officer: Matthew Watson

## Customer Details

Name: Mr Jon Newey

Address: 9 Friars Way Linlithgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst the removal of the unsightly timber bracing on this long-standing gap site is welcomed, the proposal to render the exposed gable wall lends credence to the belief that developer has no intention of ever completing the street-frontage part of their original proposal, as it was originally granted consent.

The gap site and permanent hoardings at the very heart of our beautiful town are an appalling act of vandalism. We should resist applications like this one which seem designed to incrementally validate the gap site so that it might remain in perpetuity.

For this reason I oppose the proposal. The developer must be encouraged to complete the original development and reconstruct the street frontage that forms the south side of our historic marketplace, as originally intended. No hint should be given that any other approach is acceptable.

MW  
0303/FUL/18  
+ 0308/LBC/18

(2)

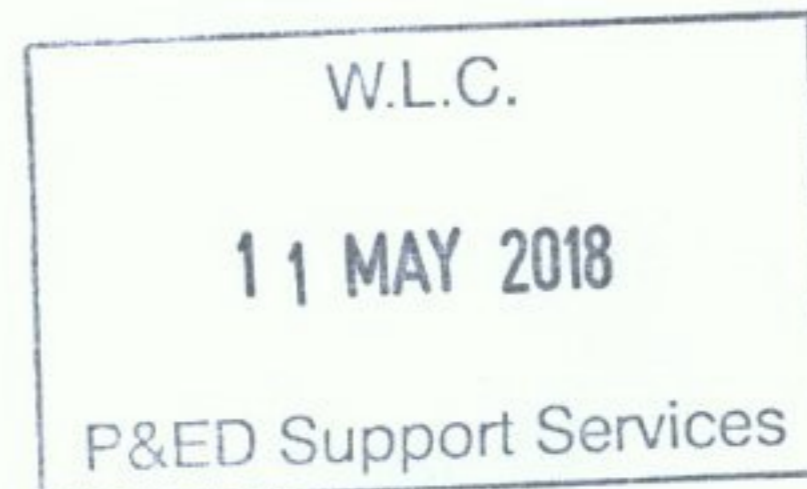


LINLITHGOW CIVIC TRUST

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

date: 09 May 2018

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



Dear Sirs,

**Planning Applications 0303/FUL/18 and 0304/LBC/18 Remedial Works to gable of 77-79 High Street Linlithgow**

Linlithgow Civic Trust **object** to these applications for the following reasons: -

1. If this application is not to prejudice the planning permission granted for application 0249/FUL/11, which included the construction of shops and flats on the frontage of the High Street, then the application 0303/FUL/18 should show how the completion of the existing permission (0249/FUL/11) can be achieved, including any works necessary to prevent the structural instability of the adjacent buildings, it does not do this.
2. The application 0303/FUL/18 does not include any calculations providing evidence which shows that the timber joists of Nos. 77-79 High Street can take the load transferred by the tie-rods to the steel channels supporting the gable end. These calculations should be submitted as part of the application and subjected to scrutiny and verified by an independent Chartered Civil or Structural Engineer.
3. The boarding which is to mask the steel channels would constitute a fire hazard since it creates a flu between the rendered surface and the gable intensifying and directing any fire to

the roof members.

4. The use of boarding to mask the steel channels can only be considered a temporary measure. This type of material would very soon need maintenance.

5. The appearance of the proposed unbroken and featureless rendered surface of the gable end would not be visually acceptable and is not typical of other buildings in the High Street as claimed. It is unacceptable in a Conservation Area.

Yours sincerely,



David Timperley  
Planning Spokesperson  
Linlithgow Civic Trust



# 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  0303/FUL/18 & 0304/LBC/18	Applicant Request..... <input type="checkbox"/>
Site Address  77-79 HIGH ST  LINLITHGOW	Constituent Request..... <input checked="" type="checkbox"/>
Title of Application  REMEDIAL WORKS TO GIABLE OF 77-79 HIGH ST, LINLITHGOW	Other (please specify)..... <input type="checkbox"/>
Member's Name  Cllr DAVID TAIT	
Date  5 July 2018	

## **Draft conditions and reasons – 0304/LBC/18**

1. Notwithstanding the approved plans, the proposed render board, as shown on drawing no. 1901. 1011 is not approved

*Reason: To clarify the scope of the works to be permitted as part of this planning permission, in the interests of preserving the special character of the listed building and its setting.*

2. Prior to the commencement of development and any internal works on site, a schedule of works detailing stonework repairs, including any pointing and repointing, to the west facing gable elevation and rear elevation shall be submitted to and approved in writing by the planning authority. Thereafter, the repairs shall be carried out in accordance with the approved schedule of works.

*Reason: To ensure the proposed repairs provide a satisfactory finish, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

3. The front elevation of the building shall be painted with colour RAL 9003 signal white and the masonry paint for the window and dormer surrounds, as well as the border of the front elevation, shall be painted to match the existing colour unless otherwise agreed in writing with the planning authority.

*Reason: To ensure the proposed painting provides a satisfactory finish to the front elevation, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

4. The proposed steel bracing to be installed on the west facing gable of the building shall be painted a stone colour. The exact finish shall be submitted to and approved in writing by the planning authority prior to the commencement of development and any internal works on site. Thereafter, the steel bracing shall be painted in the colour as agreed with the planning authority.

*Reason: To ensure the proposed painting provides a satisfactory finish to the steel bracing, in the interests of preserving the character and appearance of the conservation area and the special character of the listed building.*

5. The fireplaces on the first and second floors of the property shall not be removed during the internal renovation of the property.

*Reason: To ensure these features are preserved as part of the internal renovation, in the interests of preserving the special character of the listed building.*

6. The following restrictions shall apply to the construction of the development:

### Noise (Construction)

- Any 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. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800 and all generators shall be fitted with appropriate noise suppression measures.

#### Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

#### Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

#### Site Compound

- The development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

#### Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

#### Wheel Cleaning

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

*Reason: In the interests of residential, visual and environmental amenity.*





## DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### 1 DESCRIPTION

Change of use from estate agents (Class 2) to shop (Class 1)/hot food take away (Sui Generis) at 3 Hopetoun Street, Bathgate

### 2 DETAILS

Reference no.	<a href="#">0320/FUL/18</a>	Owner of site	Ms Karen Tweedie
Applicant	Ms Karen Tweedie	Ward & local members	<b>Bathgate</b>  Councillor William Boyle  Councillor Harry Cartmill  Councillor Charles Kennedy  Councillor John McGinty
Case officer	Lewis Young	Contact details	01506 282413 Lewis.Young@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Boyle

### 3 RECOMMENDATION

Approve planning permission.

### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application seeks full planning permission for the change of use from an estate agents (Class 2) to a hot food take away (Sui Generis). The application site refers to a ground floor premises at 3 Hopetoun Street, Bathgate. The proposed opening hours of the hot food take away are Monday - Saturday 7am - 3pm. The premises will be closed on Sundays.
- 4.2 The proposal does not include any external alterations to the building.
- 4.3 A Supporting Statement outlining the business plan was provided as part of the application and is available to view online.

#### History

4.4 0972/FUL/17: Change of use from estate agent to hot food takeaway with existing chimney used for extractor fan duct, withdrawn, 26/01/2018.

## 5. REPRESENTATIONS

Two letters of representation has been received from local residents and is summarised below.

Comments	Response
<ul style="list-style-type: none"> <li>The proposal would have a negative impact on residential amenity and parking in the surrounding area.</li> <li>The application would form a fire safety risk</li> <li>The proposed change of use would result in an overprovision of similar businesses within the town</li> <li>The description of the development is incorrect.</li> </ul>	<p>Every application is judged on its own merits. The application is considered acceptable for the reasons set out in the assessment section of the report.</p> <p>The issues raised relating to fire safety and overprovision of similar businesses are not material planning considerations.</p> <p>The description of the development is considered to be accurate and correct in this case.</p>

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	Recommend application is approved with no conditions.	Noted.
Environmental Health	No	Recommend application is approved with conditions relating to opening hours and a restriction on hot food activities.	Noted.
Town Centre Management	No	No comments to make on the application.	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 The relevant policies of the proposed West Lothian Local Development Plan (2015) must also be taken into consideration in the assessment of the application.
- 7.4 The relevant development plan policies are listed below:

<b>Plan</b>	<b>Policy</b>	<b>Assessment</b>	<b>Conform ?</b>
West Lothian Local Plan	TC 7 Town and Centres Retailing	<p>This policy encourages retail, commercial leisure, offices and higher density housing in, and on the edge of Bathgate town centre.</p> <p>The proposal would therefore meet the requirements of policy TC 7. See assessment below.</p>	Yes
Proposed West Lothian Local Development Plan	TCR 1 Town Centres	<p>This policy supports retail, office, business, community, leisure and recreation, visitor locations and higher density residential uses in identified town centres.</p> <p>The proposal would therefore meet the requirements of policy TCR 1. See assessment below.</p>	Yes
West Lothian Local Plan	HOU 9 Residential and Visual Amenity	<p>This policy requires the amenity of adjacent, residential occupiers to be protected, as well as the general visual amenity of the area.</p> <p>The proposal would meet the requirements of policy HOU 9. See assessment below.</p>	Yes
West Lothian Local Plan	TC 14 Entertainment and Hot Food Premises	<p>This policy supports hot food premises in town or village centres or in areas of predominantly non-residential use.</p> <p>The proposal would meet the requirements of policy TC 14. See assessment below.</p>	Yes
Proposed West Lothian Local Development Plan	TCR 3 Commercial Entertainment and Hot Food Premises	<p>This policy supports hot food shops in town or village centres, or in areas of predominantly non-residential use provided there is no adverse impact on the amenity of adjacent residential properties, or the surrounding area in general.</p> <p>The proposal would meet the requirements of policy TCR 3.</p>	Yes

		See assessment below.	
West Lothian Council Supplementary Planning Guidance	A Development Control Policy for Considering Proposals for Class 3 Uses and Hot Food Takeaways	<p>The SPG states that there is a presumption against planning permission for change of use to Class 3 uses in quiet housing areas or in side streets in town centres where the predominant existing use is residential.</p> <p>The proposal would meet the requirements of the SPG. See assessment below.</p>	Yes

## Principle of Development

- 7.4 The application site is located in a town centre location within Bathgate. Policy TC 7 of the West Lothian Local Plan (WLLP) sets out the criteria for acceptable developments in Bathgate town centre. Policy TC 14 of WLLP sets out the criteria for entertainment and hot food premises in town centres. Policies TCR 1 (Town Centres) and TCR 3 (Commercial Entertainment and Hot Food Premises) of the proposed West Lothian Local Development Plan (LDP) is also a material consideration in assessing town centre developments.
- 7.5 Policy TC 7 of the WLLP states that *'Retail, commercial leisure, offices and higher density housing will be encouraged in, and on the edge of, Bathgate town centre. Retail and leisure proposals outwith the town centre, that would prejudice its status as a district centre, will be resisted'*.
- 7.6 Policy TCR 1 of the LDP states that *'Proposals for retail, offices, business, community, leisure and recreation, visitor locations and higher density residential uses will be supported in the sub-regional centre and identified town centres'*.
- 7.7 Policy TC 14 of WLLP states that *'Planning applications for most forms of commercial entertainment, including hot food premises, in town or village centres or in areas of predominantly non-residential use will be looked upon favourably'*.
- 7.8 Policy TCR 3 of the LDP states that *'Proposals for most forms of commercial entertainment developments, including hot food shops, amusement arcades, public houses, discotheques and other licensed premises in town or village centres, or in areas of predominantly nonresidential use, will be supported in principle'*.
- 7.9 The SPG: A Development Control Policy for Considering Proposals for Class 3 Uses and Hot Food Takeaways states that *'There is a presumption in favour of granting planning permission for Class 3 uses or hot food takeaways in existing shopping centres where there would be minimal conflict with residential properties'*.
- 7.10 The application site is located within Bathgate town centre and the proposed change of use is considered to be in keeping with its surrounds at this location. The proposal is therefore acceptable in land use terms in this case.

- 7.12 Given the town centre location and the nature of the business the proposal is acceptable at this site within a mixed use area of the town.
- 7.13 The application would therefore generally comply with WLLP policies TC 7 and TC 14 in this case as an acceptable town centre use. Further to this, the proposal would also comply with policies TCR 1 and TCR 3 of the LDP. The proposal would also comply with the guidance set out in the SPG: A Development Control Policy for Considering Proposals for Class 3 Uses and Hot Food Takeaways.

## **Residential Amenity**

- 7.14 Policy HOU 9 of the WLLP states *'Developments shown to adversely impact on amenity to a significant degree will not be supported.'*
- 7.15 The proposed hot food takeaway in this case would not include any deep or shallow fried food with the only foods on sale being soup, toasties and paninis. Given the limited menu it is considered that there would be no requirement for mechanical ventilation in this case. In light of this and the opening hours of the proposed hot food take away (*sui generis*) there would not be any detrimental impact on residential amenity in the surrounding area.
- 7.16 West Lothian council Environmental Health department was consulted on the application and were satisfied given the limited menu and opening hours of the development that there would be no detrimental impact on residential amenity.
- 7.17 The application therefore complies with policy HOU 9 of the WLLP

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The application is acceptable in meeting the terms of the West Lothian Local Plan (2009).
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is approved subject to conditions.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Location Plan
- Existing Front Elevation
- Existing Ground Floor Plan
- Block Plan
- Proposed Front Elevation
- Proposed Ground Floor Plan
- Supporting Statement
- Representations
- Draft reasons for refusal

Craig McCorriston  
**Head of Planning, Economic Development and Regeneration**  
**2018**

**Date: 05 September**

Our Ref: 0320/FUL/18  
Direct Dial No:  
Email: lewis.young@westlothian.gov.uk  
29 August 2018

Tel: 01506 280000

## **Draft Justification and conditions/reasons**

### **The reason(s) why the council made this decision is (are) as follows:**

The proposals accord with the terms of the development plan and there are no material considerations to indicate that the application should not be granted.

### **This permission is granted subject to the following conditions:-**

- ( 1 ) The opening hours of the hereby approved development shall be restricted to 07:00 - 15:00 Monday - Saturday.

Reason: In the interests of residential amenity.

- ( 2 ) Cooking equipment on the premises shall be restricted to the use of an soup urn, hot water urn, panini/toastie maker, oven/hob, microwave, unless otherwise agreed in writing with the planning authority. No deep or shallow fried foods shall be prepared on the premises.

Reason: To ensure there is not a negative impact on nearby residential properties in terms of odour, in the interests of residential amenity.

- ( 3 ) Any work 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. This includes deliveries and opertatoin of on site vehicles and equipment.

Reason: To limit adverse impacts from noise in the interests of residential amenity.

### **Standard Notes:-**

Please read the following notes carefully as they contain additional information which is of relevance to your development.

Statutory time period for the commencement of development:

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Notification of the start of development:

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. Failure to provide the above information may lead to enforcement action being taken.

A form which can be used for this purpose can be found using the following link:

<http://www.westlothian.gov.uk/media/2572/Form-Notice-of-initiation-to-development/pdf/FormNotificationInitiationofDevelopment-Feb2015.pdf>

Notification of completion of development:

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form which can be used for this purpose can be found using the following link:

<http://www.westlothian.gov.uk/media/2579/Form-Notice-of-completion-of-development/pdf/FormNotificationcompletionDevelopment-Feb2015.pdf> .

Contaminated land procedures:

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

<http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

Liaison with the Coal Authority:

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

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is

concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

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

Advisory note to developer - General:

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

How to challenge the council's Decision:

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

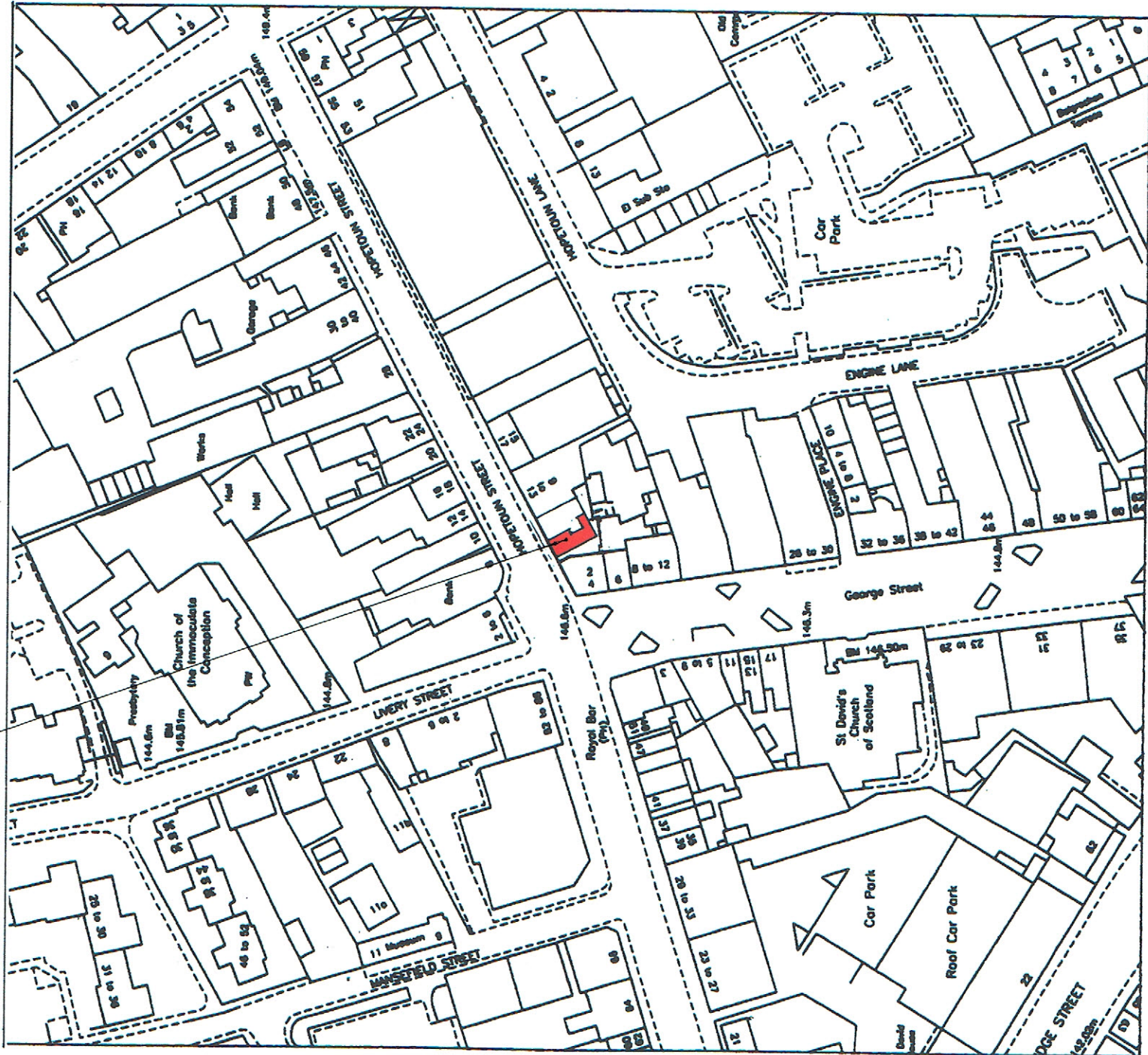
**OR**

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

PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.

P1

APPLICATION SITE



LOCATION PLAN.  
SCALE 1:1250.



0m 10m 20m 25m  
5m 15m

1:500 SCALE BAR

PROPOSED BLOCK PLAN.  
SCALE 1:500.

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tel - 01555 840807 · email - nevilledesign@btinternet.com  
www.nevilledesign.co.uk



# Comments for Planning Application 0320/FUL/18

## Application Summary

Application Number: 0320/FUL/18

Address: 3 Hopetoun Street Bathgate West Lothian EH48 4PA

Proposal: Change of use from estate agents (Class 2) to hot food take away (Sui Generis)

Case Officer: Lewis Young

## Customer Details

Name: Mr Douglas Baird

Address:

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

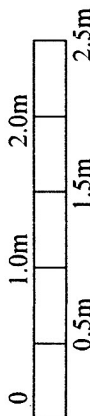
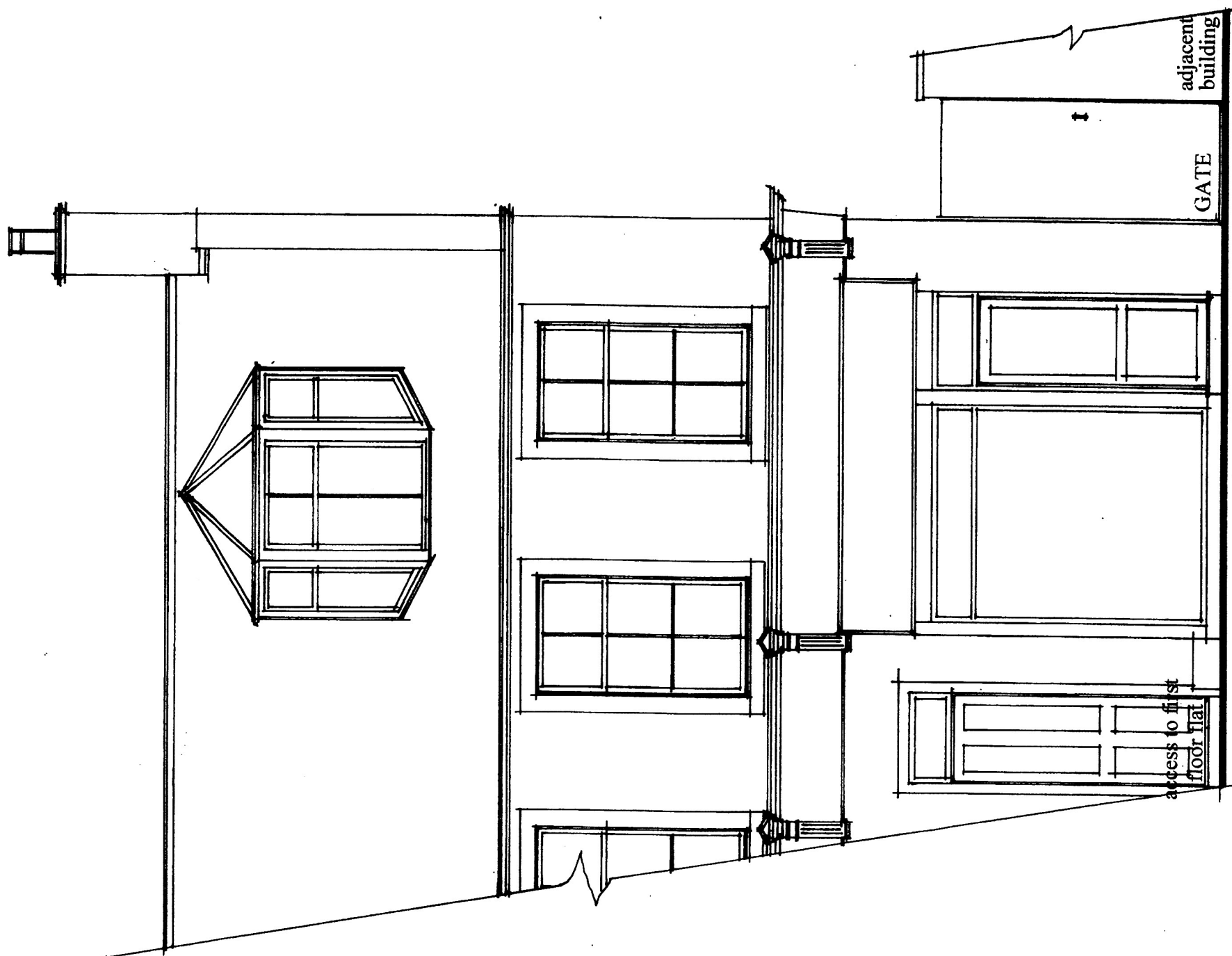
Comment: Our opinion it's not sui generis. It's class 3 hot and food consent! Please clarify.

It would also be helpful, if the planning permission submitted, submits plans as there is none for us to comment on, so.

Awaiting information thanks

PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.

P3



1:50 SCALE BAR

EXISTING FRONT ELEVATION  
SCALE 1:50.

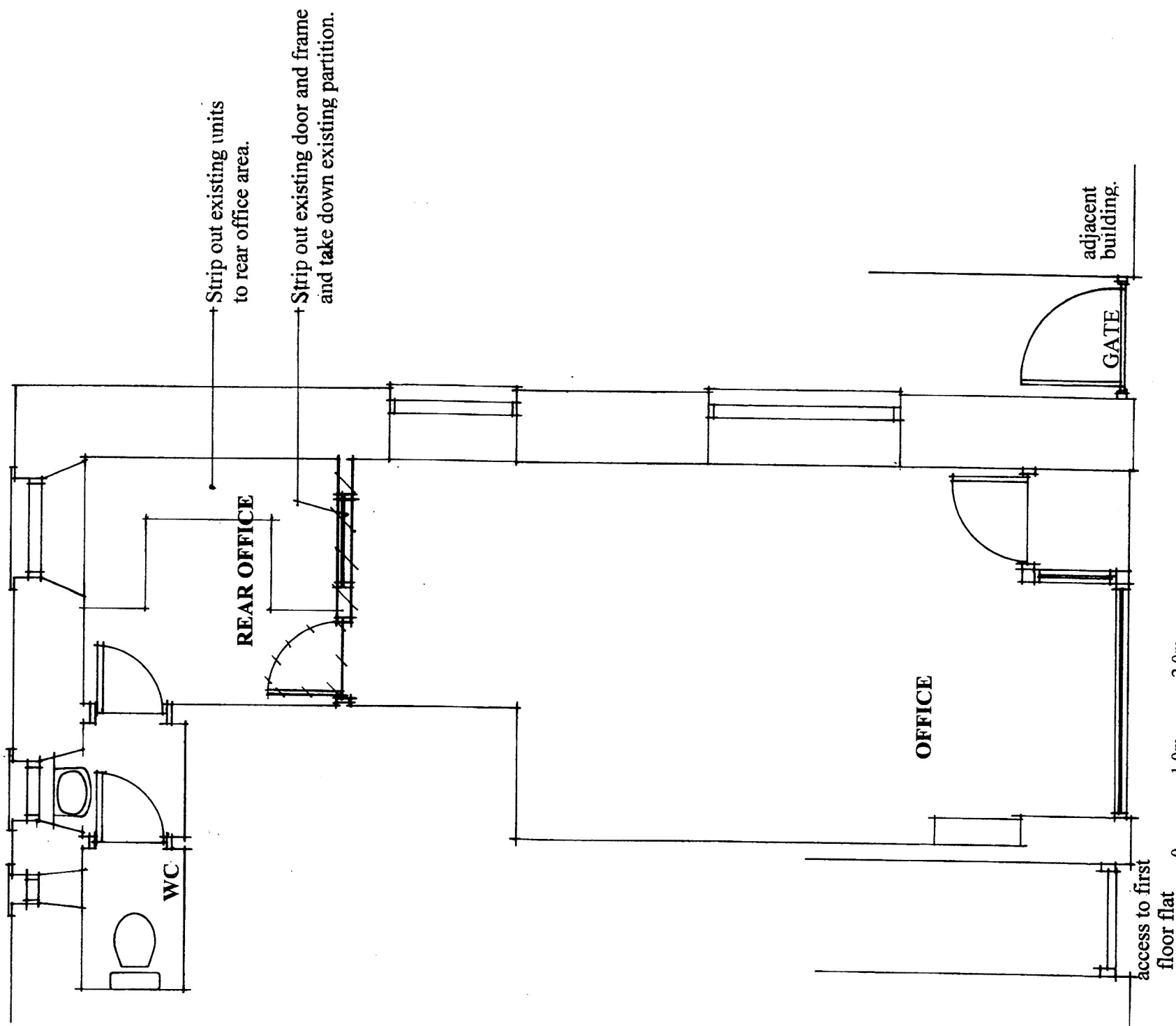
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PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.

P2A



EXISTING GROUND FLOOR PLAN  
SCALE 1:50.

**nevilledesign**.LTD

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tel - 01555 840807 · email - nevilledesign@btinternet.com  
[www.nevilledesign.co.uk](http://www.nevilledesign.co.uk)

**From:** [Planning](#)  
**To:** [Young, Lewis](#)  
**Cc:** [Irving, Tony](#)  
**Subject:** FW: 0320/FUL/18 - FAO Lewis Young - [OFFICIAL]  
**Date:** 26 June 2018 09:00:45

---

**DATA LABEL: OFFICIAL**

Shannon Fairley  
Information Assistant  
West Lothian Council  
Howden South  
Livingston  
EH54 6FF  
[REDACTED]

The security and correct use of your personal information is important to us. We do not sell personal data to external organisations. Our [privacy statement](#) explains what information we hold, how we manage it, who we may share it with and how we manage its disposal.

**From:** Fiona McEwan [REDACTED]  
**Sent:** 25 June 2018 22:25  
**To:** Planning  
**Subject:** 0320/FUL/18 - FAO Lewis Young

Dear Lewis,

I am sending this email to let you know of my real concerns regarding the proposed cafe under my property. This proposed cafe/hot food takeaway does not appear to have sufficient safeguards against the spread of fire. The ceiling currently only has one sheet of plaster board up.

The creation of traveling noise and the travel of food odours. There are gaps between the light fittings, gaps between the floor and floorboards, gaps between the roller shutter door and gaps in the stone staircase. These are significant areas for concern.

In addition, I have concerns about condensation from the hot water urn and the soup urn being switched on all day, to keep the contents hot.

I am not in support of this becoming a takeaway as a new Costa Coffee shop has opened, the new Luna Café has not long opened it's doors and apparently another cafe is now taking over the vacated Aulds premises. There are only so many cafes, coffee shops and takeaways one town can support and I believe that the opening of yet another one of these places may have a detrimental effect on the other established businesses.

Regards

Douglas Baird  
[REDACTED]



## **West Lothian Council - Data Labels:**

**OFFICIAL - Sensitive:** Contains Personal or Business Sensitive Information for authorised personnel only

**OFFICIAL:** Contains information for council staff only

**PUBLIC:** All information has been approved for public disclosure

**NON-COUNCIL BUSINESS:** Contains no business related or sensitive information

Link to **Information Handling Procedure:** <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

🔄 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

**From:** [Planning](#)  
**To:** [Young, Lewis](#)  
**Subject:** FW: Ref. No: 0320/FUL/18 | FAO Lewis Young - [OFFICIAL]  
**Date:** 23 May 2018 08:58:51

---

**DATA LABEL: OFFICIAL**

Shannon Fairley  
Information Assistant  
West Lothian Council  
Howden South  
Livingston  
EH54 6FF  
01506283383  
[REDACTED]

[REDACTED] Fiona McEwan [REDACTED]  
**Sent:** 22 May 2018 22:38  
**To:** Planning  
**Subject:** Ref. No: 0320/FUL/18 | FAO Lewis Young

Good evening,

I wish to lodge my objection re this hot food takeaway.

Hot food is class 3, irrespective of whether it is sui generis or not, and, exactly does the sui generis refer to? Hot food is hot food.

There is no contingency for extraction, this means that the steam from the soup tureen and kettle will have nowhere to go. This will rise and permeate through the ceiling into the room above.

There will still be food odours permeating through my bedroom, the room directly above the takeaway.

There does not seem to be any contingency for fireproofing.

I am concerned about the noise early in the morning. And there are enough issues with people parking on the crossing to visit the bank so there is a severe lack of parking without putting more pressure on this limited resource.

I do not think that there is a need for another takeaway. There are two cafe/takeaways around the corner, on George Street, a cafe/takeaway up the road (Cafe Yum Yum) the Bridge Cafe is just down the road and a Subway in the Steel Yard. All of these provide HOT and cold food to take away.

Now that I have a chance to have a look at the plans, I've noticed that the planning still

advises that the cooker is to remain in situ, that does not make sense for a "restrictive menu" unless there are plans to expand the menu once they have received their hot food class consent.

My back garden smells like a cafe already, it is not pleasant to sit out in and I am unable to dry clothes outside in the summer, this is due to one cafe already, I certainly do not want food odours expedited by another place selling hot food.

Regards

Fiona McEwan

[Sent from Yahoo Mail on Android](#)

**West Lothian Council - Data Labels:**

**OFFICIAL - Sensitive:** Contains Personal or Business Sensitive Information for authorised personnel only

**OFFICIAL:** Contains information for council staff only

**PUBLIC:** All information has been approved for public disclosure

**NON-COUNCIL BUSINESS:** Contains no business related or sensitive information

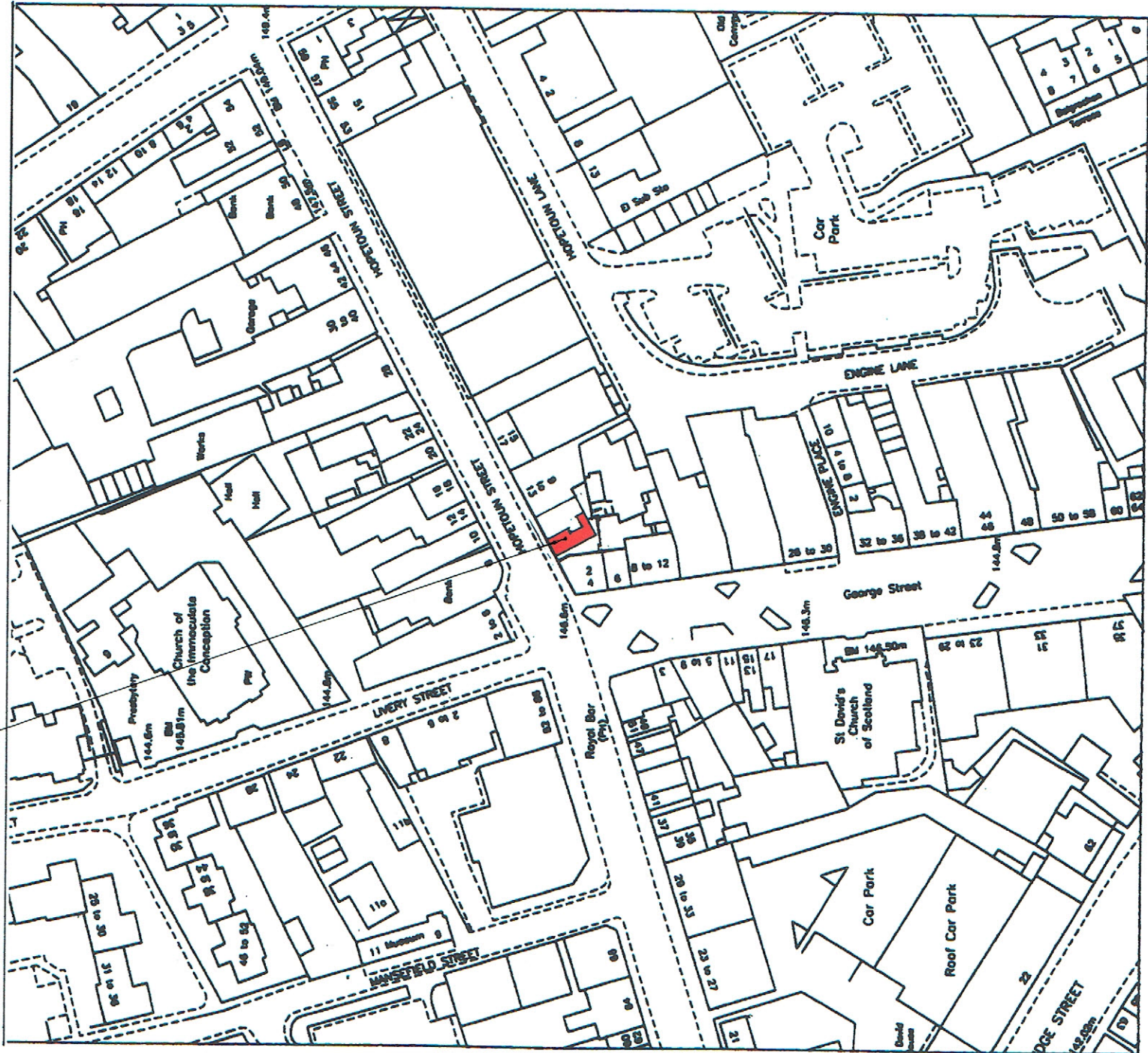
Link to **Information Handling Procedure:** <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

🔄 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

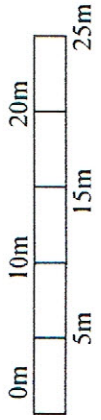
PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.

P1

APPLICATION SITE



LOCATION PLAN.  
SCALE 1:1250.



1:500 SCALE BAR

PROPOSED BLOCK PLAN.  
SCALE 1:500.

neville design.LTD

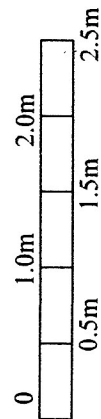
103 Main Street · Carnwath · Lanarkshire · ML11 8HP  
tel - 01555 840807 · email - neville.design@btinternet.com  
www.neville.design.co.uk



**PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.**

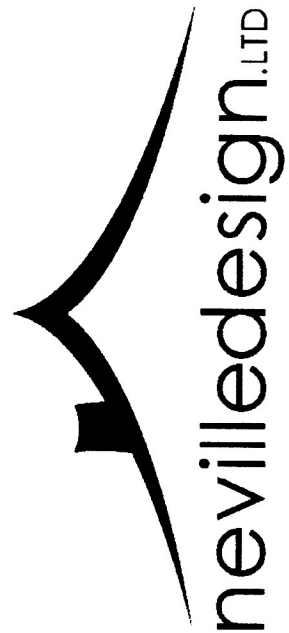
**P5A**

No change to front elevation except new lettering on signboard (or new signboard dimensions same as existing)



**1:50 SCALE BAR**

**PROPOSED FRONT ELEVATION  
SCALE 1:50.**



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**PROPOSED CHANGE OF USE  
3 HOPETOUN STREET, BATHGATE  
FOR MS. K. TWEEDIE.**

**P4A**

**PROPOSED SANDWICH SHOP**

**OPENING HOURS**

MONDAY – SATURDAY	:	7am – 3pm
SUNDAY	:	CLOSED

**TYPE OF FOOD TO BE SOLD**

Hot and cold foods including the following ;

- Cold Filled Rolls
- Paninis & Toasties
- Soups, Teas & Coffees
- Cakes, scones, etc.
- Soft Drinks
- Salads

**EQUIPMENT**

Equipment to be installed include the following ;

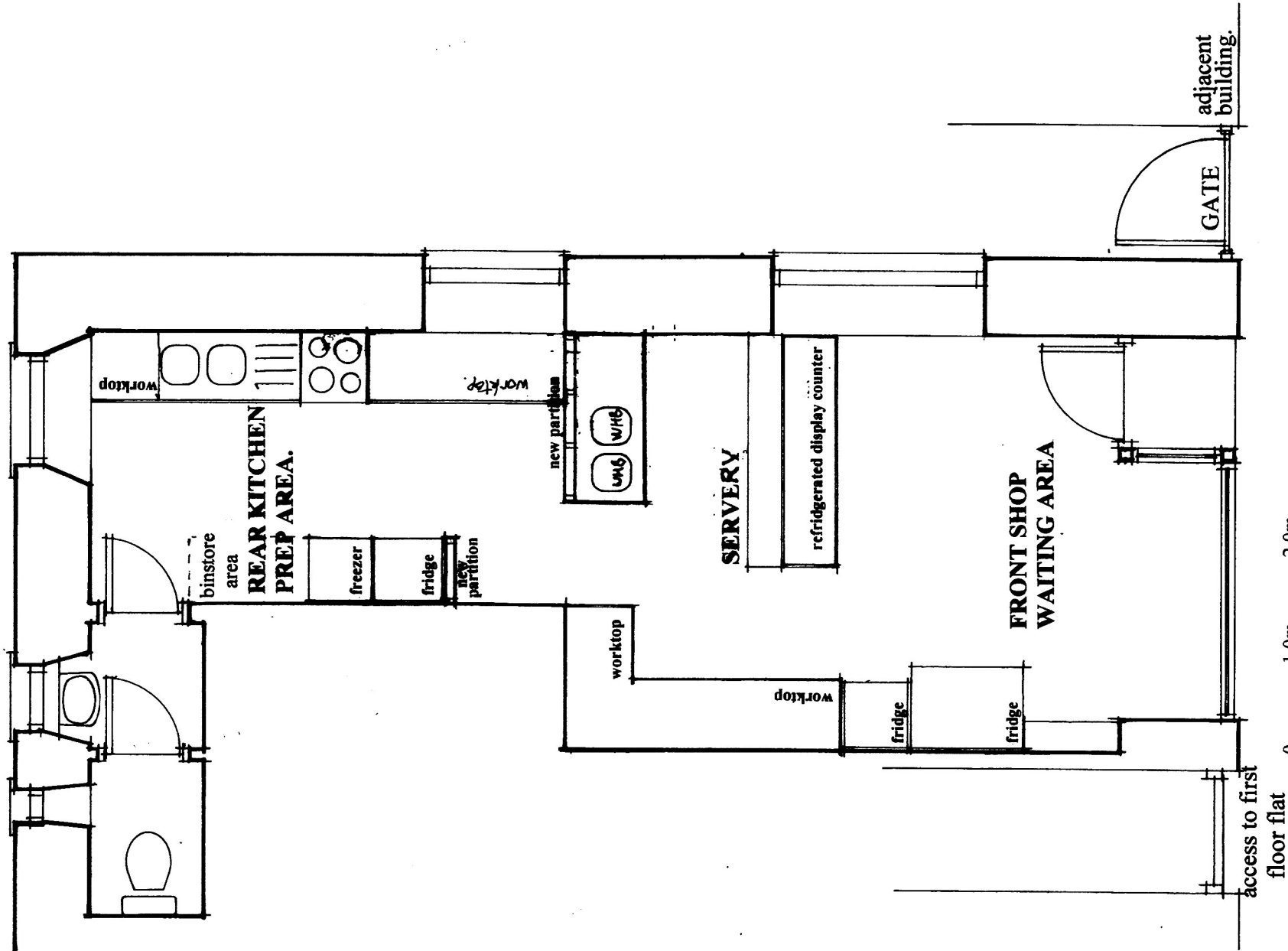
- Panini Grill/Toastie Maker
- Oven & Hob or cooker
- Fridges & Freezers
- Microwave
- Hot water urn
- Soup urn

**STAFF**

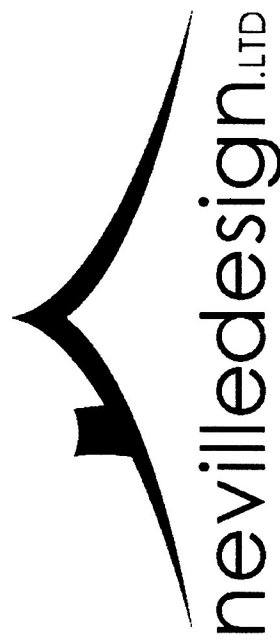
It is anticipated that the takeaway will employ 2 full time staff and 2 occasional part-time staff

**WASTE STORAGE**

Internal waste storage area for bins is to be provided and waste to be removed every day.



**PROPOSED GROUND FLOOR PLAN  
SCALE 1:50.**



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[www.neville design.co.uk](http://www.neville design.co.uk)



telephone – [REDACTED] · email – [REDACTED]

Planning Department  
West Lothian Council  
Howden South Road  
Livingston  
EH54 6FF.

10<sup>th</sup> April 2018.

Dear Sir/Madam,

**Change of Use, 3 Hopetoun Street, Bathgate, EH48 4PA.**

I am writing to provide additional information in support of this planning application.

**APPLICATION SITE**

The application site is an existing ground floor estate agency that is currently unoccupied, it was purchased by the applicant in the last couple of months.

The premises are located within Bathgate town centre and the adjacent premises are mostly retail shops and commercial premises. The application site has previously been used as a bakers. There is a residential flat (in separate ownership) above the application site.

We submitted an application in November 2017, however this application was withdrawn after consultation with the Council as the Council were concerned with the proposal to re-line the existing flue to provide mechanical ventilation. The council have now advised that the limited menu now proposed will not require mechanical ventilation.

**APPLICANT**

The applicant, Ms. Tweedie, has a record of establishing and operating small carry out food premises similar to the proposal for the application site, including shops in Bathgate, Kircudbright & Biggar.

**PROPOSAL**

The proposal is to convert a currently disused premises to a food carry out premises. The majority of the carry out food sold will be cold filled rolls, sandwiches, baguettes, salads, cakes, traybakes, etc. There will be no deep fried or shallow fried food on sale (i.e. no chips or sausage, bacon rolls or sandwiches will be on the menu). The only hot food will be soup served from a soup urn and toasties and paninis which will be heated up on a panini/toastie grill.

**SUMMARY**

The proposal to establish a small food takeaway will allow a currently disused building to be converted and re-used and will provide local employment.

The limited opening hours, limited menu and exclusion of any fried food from the premises will reduce the risk of any nuisance to any neighbouring residential property.

Mark Neville  
Neville Design Ltd. 10/4/2018  
[REDACTED]

Registered in Scotland · No. 259808 · Director · M Neville · Company Secretary · IC Neville

[www.nevilledesign.co.uk](http://www.nevilledesign.co.uk)





## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

Formation of two dormer windows at 59 Church View, Winchburgh, Broxburn, West Lothian, EH52 6SZ

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0398/H/18</a>	<b>Owner of site</b>	Mr & Mrs Monaghan
<b>Applicant</b>	Mr & Mrs Monaghan	<b>Ward &amp; local members</b>	<b>Broxburn, Uphall and Winchburgh</b>  <b>Councillor Angela Doran</b> <b>Councillor Chris Horne</b> <b>Councillor Diane Calder</b> <b>Councillor Janet Campbell</b>
<b>Case officer</b>	Thomas Cochrane	<b>Contact details</b>	<a href="mailto:thomas.cochrane@westlothian.gov.uk">thomas.cochrane@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** Referred by Councillor Calder

#### 3 RECOMMENDATION

Refuse Planning Permission.

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for an alteration to the front elevation and the formation of two dormer windows to the front (with an enclosed balcony) and rear of a dwelling house at 59 Church View. The application property is detached and located on a corner plot facing south-east.
- 4.2 The proposed development would add an en-suite bedroom to the existing dwelling in the attic and will be visible from the street. The proposed front dormer will measure 3.8 metres in length, 2.2 metres in width and 2.9 metres in height. The rear dormer will measure 3.2 metres in length, 2.4 metres in width and 2.6 metres in height.
- 4.3 The proposed front dormer is proposed to incorporate a balcony area 1.99 metres deep and 1.87m in width covered by a pitched roof, which would sit 1.9 metres above the existing pitched roof at first floor level which is located above the front door. The new roof over the balcony would be noticeably lower than that over the pitched roof of this existing feature. The rear dormer, which would be required to give headroom above the

stairs to the third floor of the house, is proposed to be a box dormer with a window designed to match the existing windows.

- 4.4 The application (0932/H/17) was previously refused and a subsequent review at LRB was dismissed. The proposal before members is the same plans that were dismissed by the council's Local Review Body.

## 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 be detrimental to visual and residential amenity.</p> <p>Due to the scale, design and location of the dormers, the proposal will alter the front elevation of the existing property.</p>	No

Also of relevance is the council's House Extension and Alteration Design Guide 2015, which has specific guidance on dormer extensions (section 8) and balconies (section 14). Section 8 states that dormers should:

- (i) be well below the ridgeline of the existing roof;
- (ii) be drawn well back from the eaves;
- (iii) not extend the full width of the roof
- (iv) not extend right up to the gable end;
- (v) relate to windows and doors below in terms of character, proportion and alignment;
- (vi) match the materials of the existing roof; and
- (vii) have a front face which is predominantly glazed.

The proposed balcony does not comply with parts (i), (ii), (v) or (vii), in the following respects:

- (i) It is not well below the ridgeline – it would be 200mm below the ridge, and when viewed from the street would appear to be at a similar height
- (ii) The front of the structure of the front dormer would sit on the eaves of the projecting front element of the house, and the side walls of the dormer would project to the front wall of the main house
- (v) The dormer makes no attempt to relate to the windows or door below it in terms of character or proportion
- (vii) The front of the dormer would not have a front face which is predominantly glazed; the glazed screen proposed would sit back 1.9 metres from the front of the dormer structure.

Section 14 of the guidance deals with balconies, raised patios and decking. It is aimed at ensuring that neighbours are not overlooked; the proposed front dormer balcony does not overlook any neighbouring properties.

## 6. REPRESENTATIONS

There has been 18 letters of representation, from the agent, neighbours and 4 other members of the public. All representations are in support of the application. 13 of the comments received were from neighbours within Winchburgh and 4 from members of the public from Whitburn, Glasgow, North Lanarkshire and Falkirk.

All the 18 comments received including the agents' read as the comments quoted on the left below apart from one which continued with the statement "Ergo, conditional planning permission should be granted in this case."

Comments	Response
The dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.	Part 8 of the guidance (dormer extensions) contains specific guidance on dormers, with which, it is considered, the proposed front dormer does not comply.
Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.	This is not the case.
Residential and visual amenity is not significantly affected.	It is considered that visual amenity would be adversely affected by the proposed dormer
If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.	It is not considered that the proposal complies with the requirements of the development plan and approved council guidance.

## 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 be detrimental to residential and visual amenity. The design and location of the proposal are considered to be contrary to policy HOU9 of the West Lothian Local Plan (residential amenity) and the requirements set out in the council's approved guidance on house extensions. While the proposed dormers will not give rise to overshadowing, the front dormer would extend to the eaves of the house and would be 200mm below the ridge. It would, it is considered, constitute a significant change to the appearance of the existing house and the overall street scene, to the detriment of the appearance of the house itself and to the street scene.

- 7.4 The assessment of the front dormer (with balcony) against the council's approved guidance is set out in section 5 above. The rear dormer, it is considered, would also have an adverse visual impact on the street scene in view of the fact that the application property is located on a corner plot adjacent to the public road, making the rear elevation of the house unusually prominent. There would also be a loss of privacy to the rear gardens of the existing properties on Church Avenue, behind the application property.

## **8. CONCLUSION AND RECOMMENDATION**

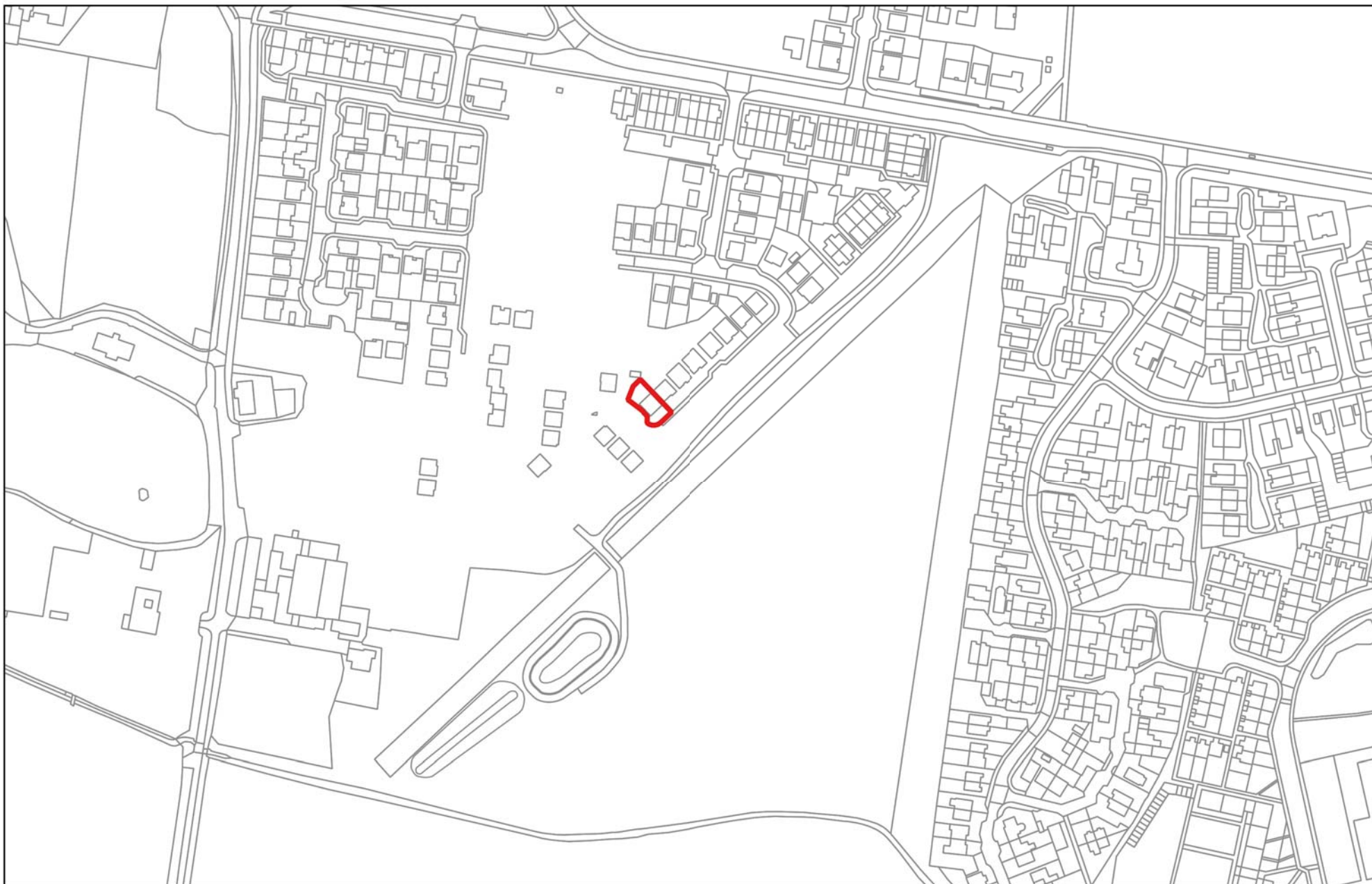
- 8.1 The scale, design, location and difference in roof heights of the two dormers contradict policy HOU9 of the West Lothian Local Plan and the Council's Design guidance for dormer extensions.
- 8.2 The extensions would have a significant impact on the appearance of the existing property and would be detrimental to the visual amenity of the wider neighbourhood. The rear dormer would, in addition, give rise to a loss of privacy to neighbouring residents. The proposal therefore does not conform to policy HOU 9 of the West Lothian Local Plan and House Extension and Alteration Design Guide 2015.
- 8.3 Consequently, and in view of the above, it is recommended that planning permission is refused.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Location Plan
- Aerial photograph
- Elevations and Floor Plans (Existing and Proposed)
- IMP 14
- Members referral form
- Representation comments

Craig McCorriston  
**Head of Planning, Economic Development and Regeneration**

**Date:** 05/09/2018







Location Plan. 1:1250.



Proposed Attic Conversion,  
59 Church View,  
Winchburgh.

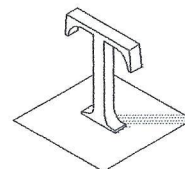
Mr & Mrs S. Monaghan.

Location Plan.

Scale: 1:1250 @ A4. Date: Jan '17.

Drawing No: LP

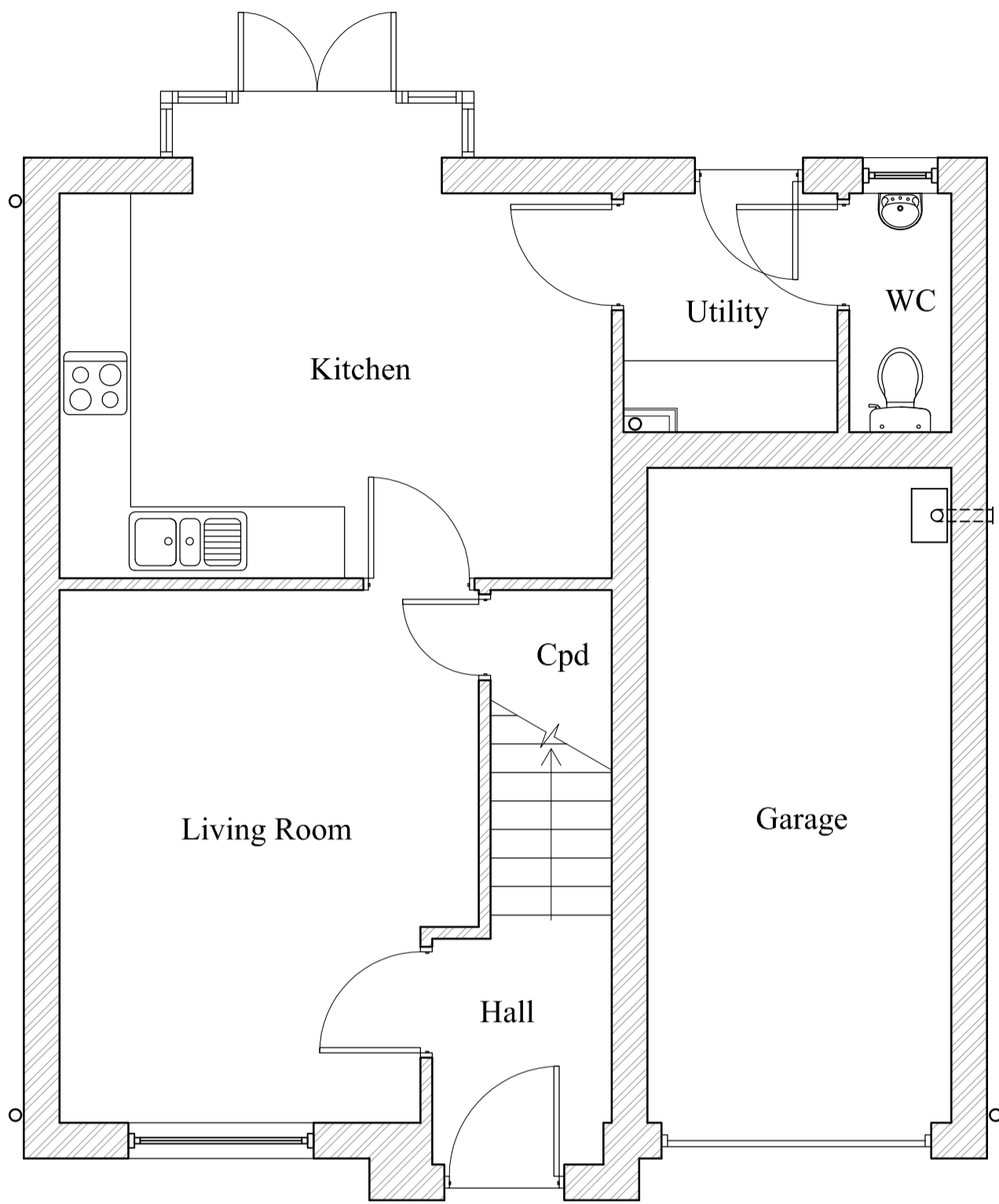
Rev:



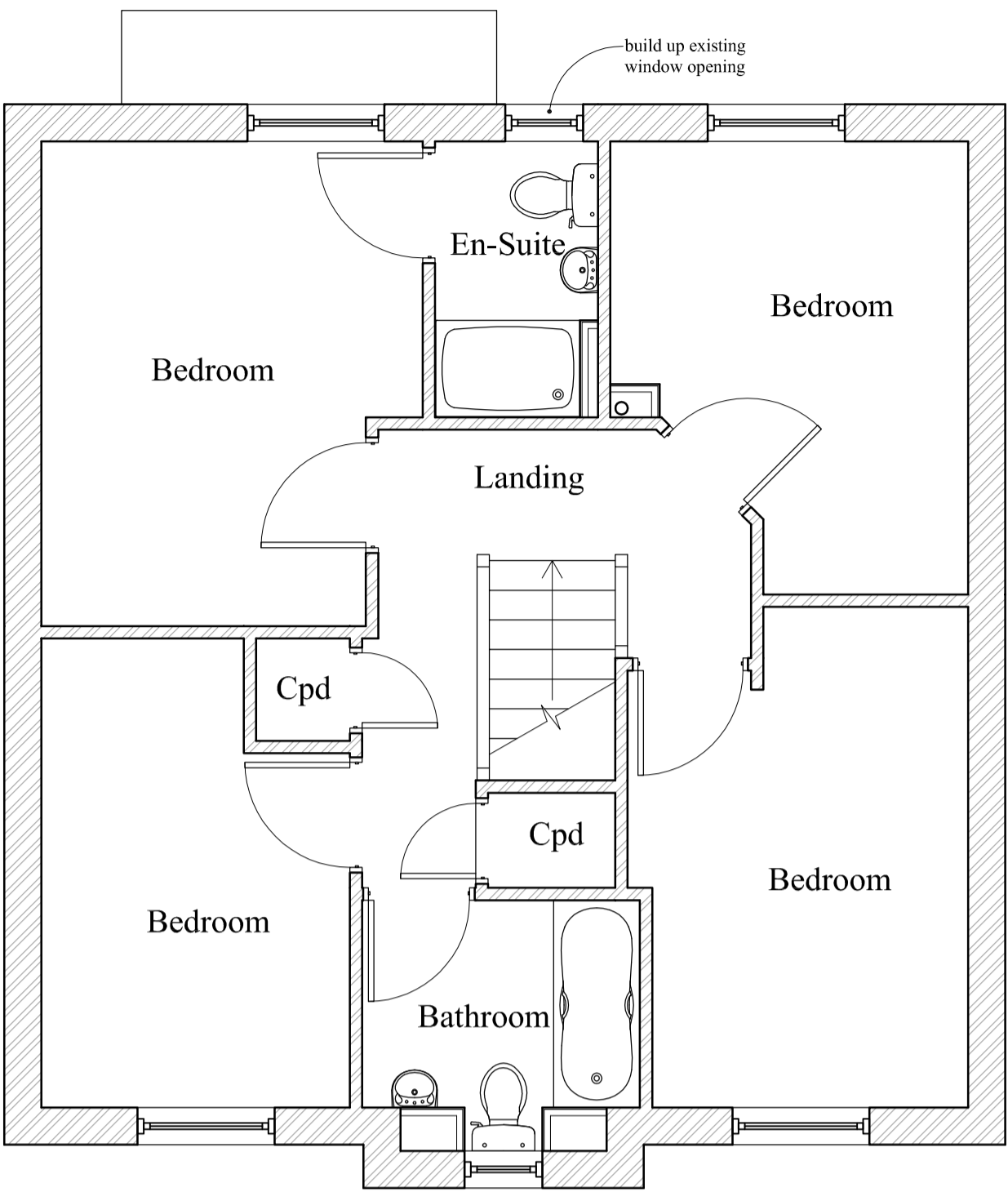
**T-Square**

70, Bellsburn Avenue,  
Linlithgow,  
West Lothian.  
EH49 7LB.

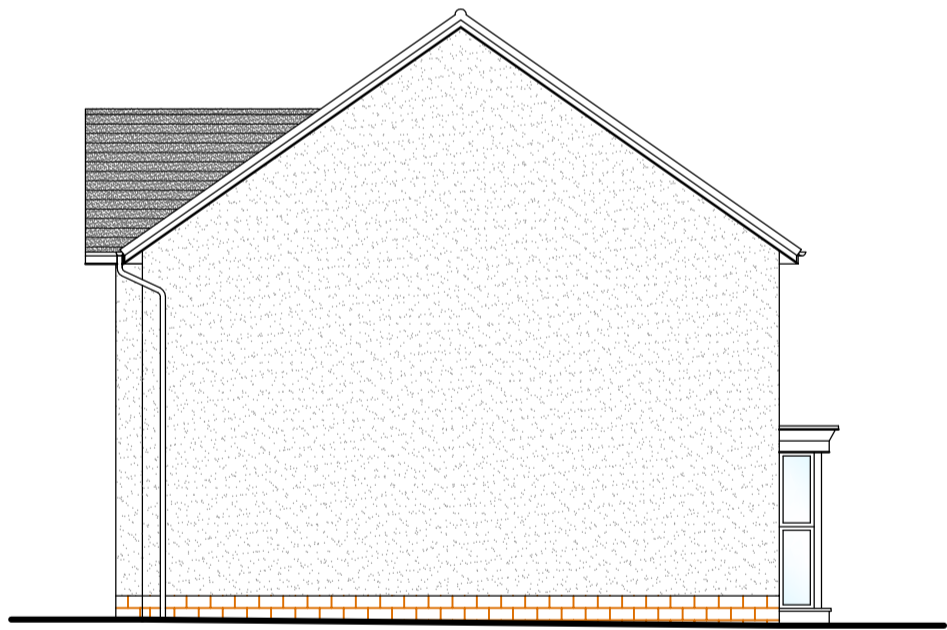
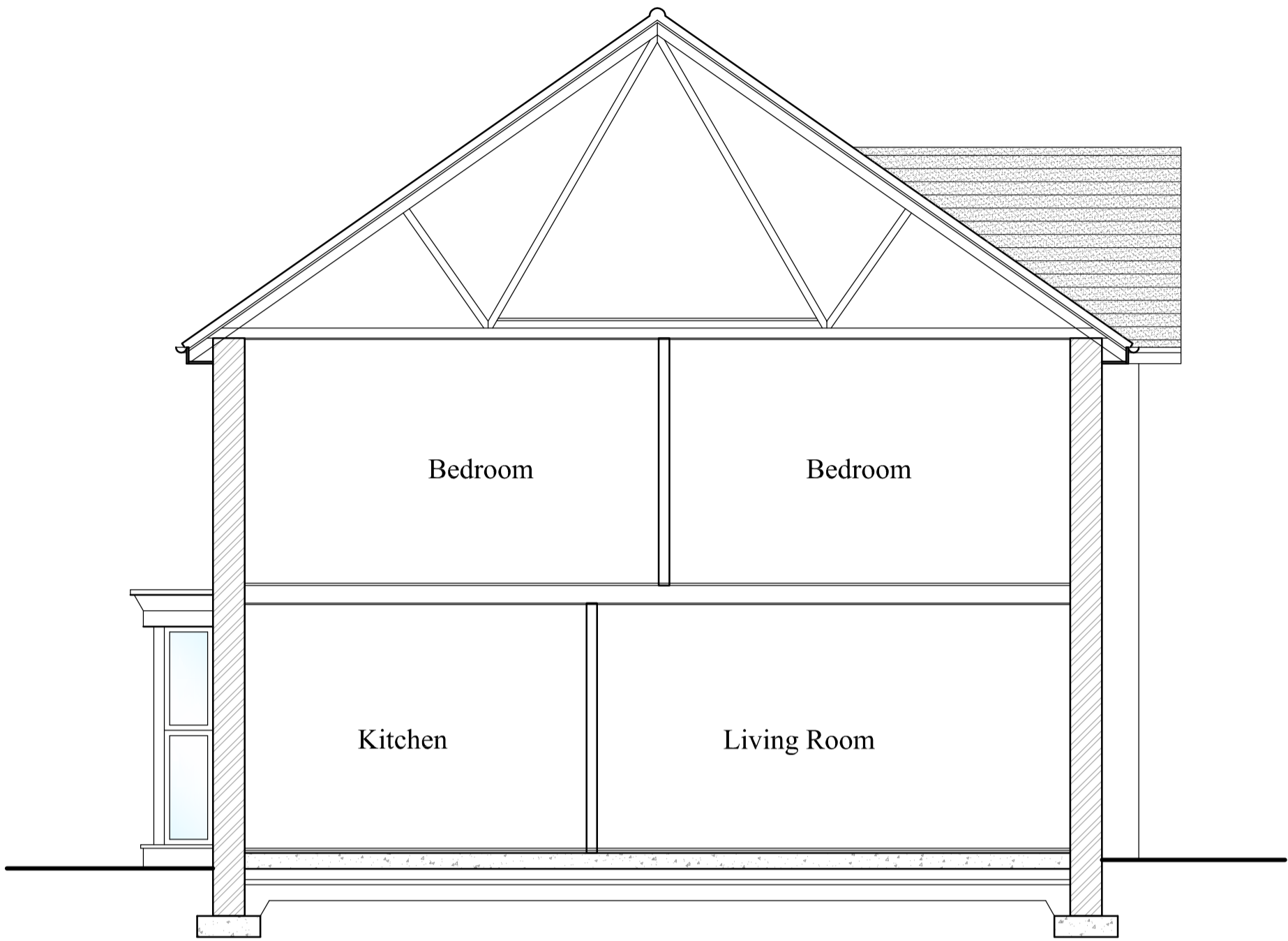
tel 01506 844744



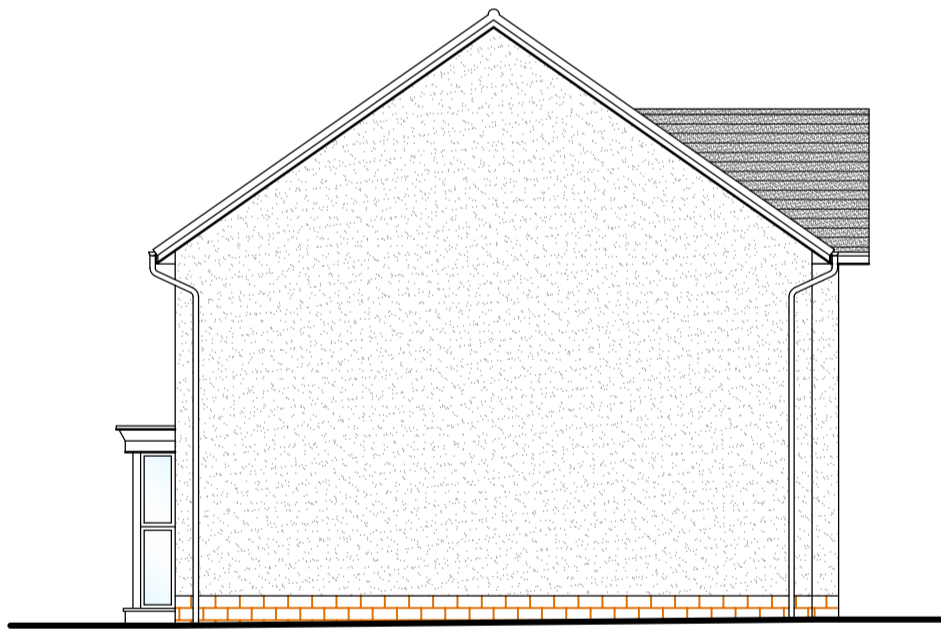
Proposed Ground Floor Plan. 1:50.



Proposed First Floor Plan. 1:50.



Existing Side Elevation. 1:100.



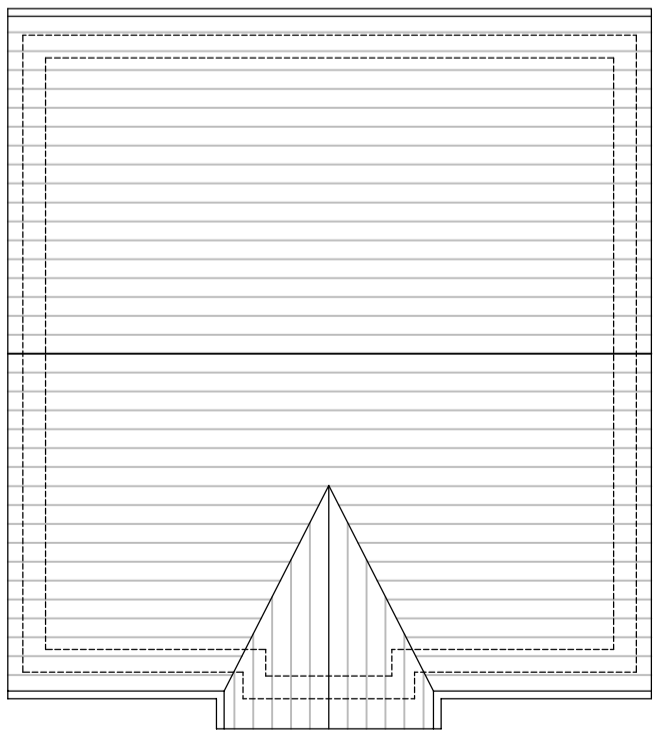
Existing Side Elevation. 1:100.



Existing Front Elevation. 1:100.



Existing Rear Elevation. 1:100.



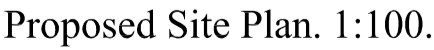
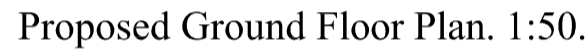
Existing Roof Plan. 1:100.

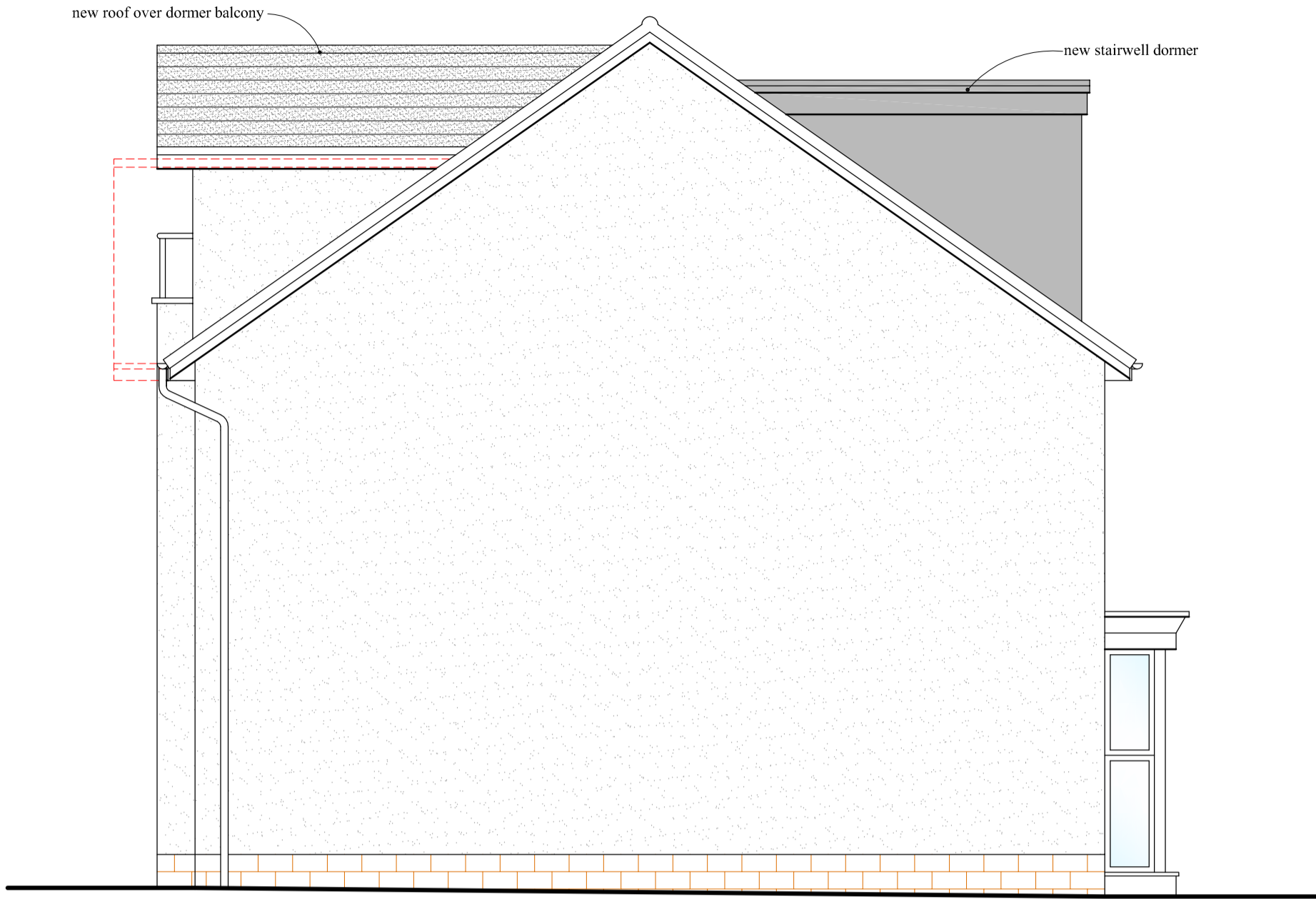
Proposed Attic Conversion,  
59 Church View,  
Winchburgh.

Mr & Mrs S. Monaghan.

Existing.

Scale: varies @ A1. | Date: Apr '17.  
Drawing No: EX01 | Rev:

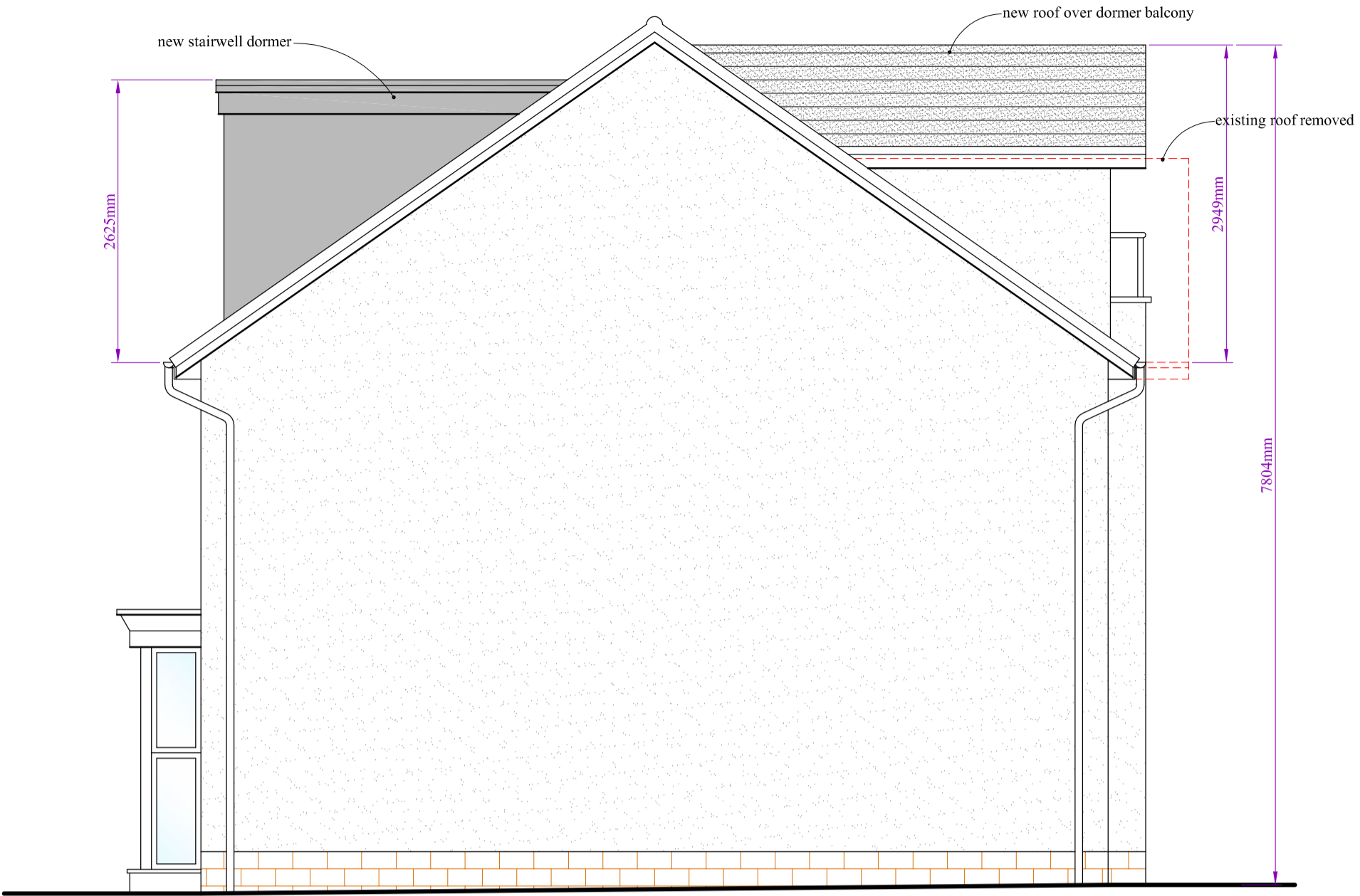




Proposed Side Elevation. 1:50.



Proposed Front Elevation. 1:50.

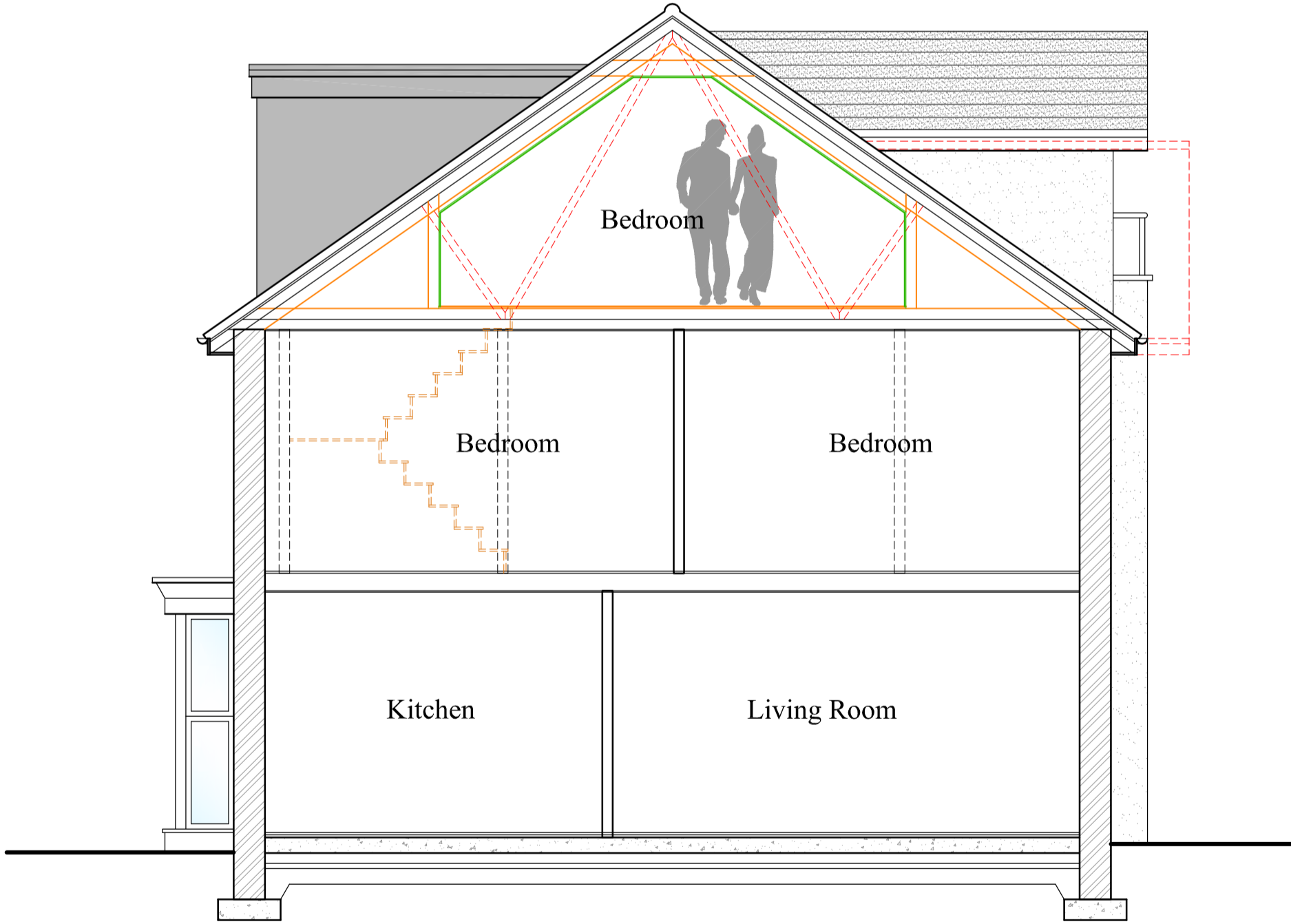


Proposed Side Elevation. 1:50.

**Dormer finishes:**  
Front: Roughcast and roof tiles to match existing.  
Rear: Zinc cladding to dormer walls to match neighbouring properties, with single ply membrane (grey) to roof.



Proposed Rear Elevation. 1:50.



Proposed Cross Section. 1:50.

Rev C: Planning alterations. 1/11/17.  
Rev B: Planning alterations. 25/9/17.  
Rev A: Dimensions added. 25/5/17.

Proposed Attic Conversion,  
59 Church View,  
Winchburgh.  
Mr & Mrs S. Monaghan.

Proposed Elevations.

Scale: 1:50 @ A1. Date: Apr '17.  
Drawing No: 02 Rev: C

## **Development Control**

### **Supplementary planning guidance**

12.67 A key function of the local plan is to provide a policy context for the determination of planning applications. In doing so, the plan contains both broad policy guidance, and more specific guidance which developers should adhere to in submitting planning applications. However, the local plan does not attempt to be a complete manual of development control practices or a detailed implementation guide. The council has, therefore, prepared supplementary planning guidance which it applies in determining planning applications. The list of guidance currently in force is set out in Appendix 12.1. These policy guidance notes are available from the council and developers are advised to consult with the council as early as possible in the preparation of a planning application.

Further supplementary planning guidance notes will be prepared by the council to support new policy initiatives. Appendix 12.2 contains a list of new supplementary planning guidance which the council is committed to preparing.

12.68 Developers must take cognisance of other good practice and guidance notes issued by other agencies, a number of which are referred to in this local plan. These include the National Planning Policy Guidelines (NPPGs), Scottish Planning Policies (SPPs) and Planning Advice Notes (PANs) issued by the former Scottish Executive and now Scottish Government. Developers must conform to the planning and development briefs issued by the council for sites, either in its ownership, or which require special attention for particular planning or environmental reasons. In this way, the council can seek to determine planning applications that conform to policy, implement best practices or conform to guidance notes, with the minimum of delay.

12.69 The council will actively encourage developers to engage in pre-application discussions so that key issues can be established at an early stage. The council is also committed to providing a 'customer focussed' approach to its development control service for both developers and third parties.

#### **Policy IMP 14**

Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance and planning briefs provided by the council, including the guidance referred to in Appendix 12.1.



## 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 ✓)
<b>Application Reference Number</b> 0398/H/18 .....	<b>Applicant Request</b> ..... <input type="checkbox"/>
<b>Site Address</b> 59 Church View .....	✓ <b>Constituent Request</b> ..... <input type="checkbox"/>
<b>Winchburgh</b> .....	
<b>Title of Application</b> ..... .....	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b> Diane Calder Cllr .....	
<b>Date</b> 25 June 2018 .....	

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mr Stuart Banks

Address: 70 Bells Burn Avenue Linlithgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this proposal.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, as residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

Ergo, conditional planning permission should be granted in this case.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Emma Irvine

Address: 37 Dunn Place Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mrs Steph Martin

Address: 66 Church View Winchburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A neighbour to the Monaghan's, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mr Stephen Simmons

Address: 15 Church Avenue Winchburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A resident in the Church Hill Development, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Lynsey Barrett

Address: 47 Millgate Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A resident of Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

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# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mrs Julie Barrett

Address: 46 Dunn Place Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Living in Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Laura Henck

Address: 78 Church View Winchburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A neighbour to the Monghan's, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mrs K Ba

Address: 74 Church View Winchburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A neighbour, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Linda Monaghan

Address: 37 Tippetknowes Road Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A resident of Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mrs Diane Cartwright

Address: 40 Avontoun Park Linlithgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mrs Tracy Gribble

Address: 185 Glendevon Park Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Living in Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

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If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Miss Jade Collins

Address: 13 Haining Wynd Muirhead North Lanarkshire

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mr Greg Cunningham

Address: 41 Tippetknowes Road Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A resident of Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Leanne Murray

Address: 11 Millgate Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A resident of Winchburgh, I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mr Alex Prasher

Address: 2 Hamilton Way East Whitburn

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Fiona Hanlon

Address: 9 Tippetknowes Road Winchburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Ms Janette Short

Address: Flat 0/1, Finlas Street Glasgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP.

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# Comments for Planning Application 0398/H/18

## Application Summary

Application Number: 0398/H/18

Address: 59 Church View Winchburgh Broxburn West Lothian EH52 6SZ

Proposal: Formation of dormers

Case Officer: Tiwaah Antwi

## Customer Details

Name: Mr Craig Gribble

Address: 3 Fowler Crescent Maddiston

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application.

The following comments are material in the determination of this application.

The two dormers have been designed to comply with the Council's non-statutory House Extensions & Alterations Design Guide. There is compliance with the guidance on both (10.) Dormers and (14.) Balconies.

Satisfying the Design Guide means accordance with Policy HOU9 of the West Lothian Local Development Plan, and Policy DES1 of the Intention to Adopt version of the LDP. This is because residential and visual amenity is not significantly affected.

If any proposal accords with the provisions of the Development Plan, and no material consideration suggests otherwise, then planning permission is required to be granted.

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Report by Head of Planning, Economic Development and Regeneration**

#### **1 Description**

- 1.1 This application is a single storey extension to rear plus alterations to existing bungalow at 96A Lower Bathville. Armadale, EH48 2JS.

#### **2 Details**

<b>Reference no.</b>	<a href="#">0713/H/18</a>	<b>Owner of site</b>	Mr Scott Paterson
<b>Applicant</b>	Mr Scott Paterson	<b>Ward &amp; local members</b>	<b>Armadale &amp; Blackridge</b> Stuart Borrowman Sarah King Andrew McGuire
<b>Case officer</b>	Thomas Cochrane	<b>Contact details</b>	01506 281110 <a href="mailto:thomas.cochrane@westlothian.gov.uk">thomas.cochrane@westlothian.gov.uk</a>

**Reason for referral to Committee: Local Member Request: Councillor Sarah King**

#### **3 Recommendation**

- 3.1 This application is recommend for refusal on the grounds that its massing on the boundary with the neighbour would cause loss of visual and residential amenity contrary to West Lothian Local Plan and the Housing Extension and Alteration Design Guide.

#### **4 Description of the Proposal and Planning History**

- 4.1 This is a proposal for a single storey rear extension to the dwelling house at 96A Lower Bathville, Armadale, EH48 2JS.
- 4.2 Length of the proposed extension is approximately 9.5metres in length added on to the existing property of approximately 12 metres. Giving an approximate length of the proposed extended property of 21.5 metres.
- 4.3 The height of the extension would be approximately 5.8 metres this is stepped down by 0.5metres from the current dwelling house due to changing ground level.
- 4.4 Another step in height is added in the final 1.7 metres where the roof height drops to 4.5 metres.
- 4.5 At its widest point the extension would be the same as the current dwelling house at 9.4 metres. This reduces to 4.25 metres for the final 1.6 metres.

## 5. REPRESENTATIONS

5.1 This application has attracted one representation from an immediate neighbour and is summarised below.

Comments (objection)	Response
Neighbouring property at a lower level	Noted.
Neighbouring property would be Permanently overshadowed	There will be some additional overshadowing of the neighbouring garden
Neighbour would be looking onto large concrete wall	Upheld
Loss of Daylight	Not upheld, calculations do not support this.
Detrimental effect on quality of life	Upheld
Effect on visual amenity	Upheld

## 6. CONSULTATIONS

6.1 No other consultations were required.

## 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.

Plan	Policy	Assessment	Conform
WLLP	<b>Hou 9 Residential and Visual amenity</b> 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.	This application would have a detrimental effect of the residential and visual amenity of the neighbouring property and is therefore contrary to this Policy	No
Supplementary Guidance Household extension and Alteration guide	Section 1 Extensions and other alterations to dwellings should generally be designed as an integral part of the property and should reflect its	This Application would appear to dominate the existing dwelling house, especially from the neighbours garden	NO

Plan	Policy	Assessment	Conform
	<i>character. They should not dominate the existing building or be designed in isolation solely to fit in a required amount of additional accommodation.</i>		

## 8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposal would not have a significant detrimental effect on light within the neighbouring property.
- 8.2 The proposed extension would cause some overshadowing from 4pm onwards within the curtilage of the neighbouring property. In addition the blank wall measuring 9.675m to the rear of this property within 855mm of the boundary, would result in the loss of residential and visual amenity for the neighbours.
- 8.3 It is therefore recommended that the application is refused as it is contrary to West Lothian local plan HOU 9 and it is also contrary to Council's Household Extension and Alterations Guide.

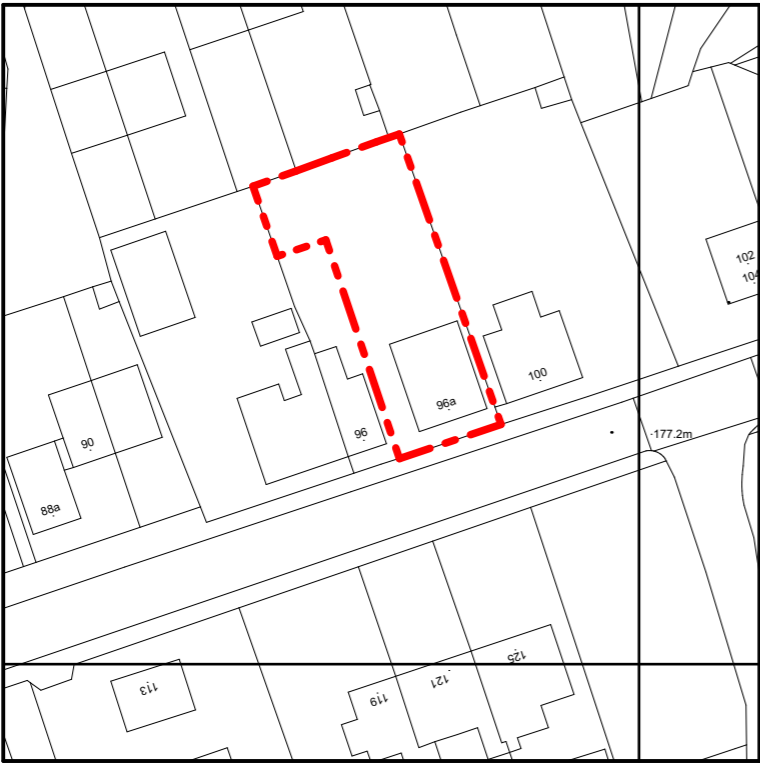
## 9. Appendices

- Location Plan
- Site Plan
- Proposed elevations
- Objections
- Daylight diagram
- Overshadowing 2pm (21<sup>st</sup> March)
- Overshadowing 4pm (21<sup>st</sup> March)
- Members request form
- Reasons for refusal

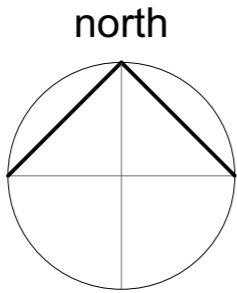
Craig McCorriston  
**Head of Planning, Economic Development and Regeneration      Date: 5 September 2018**





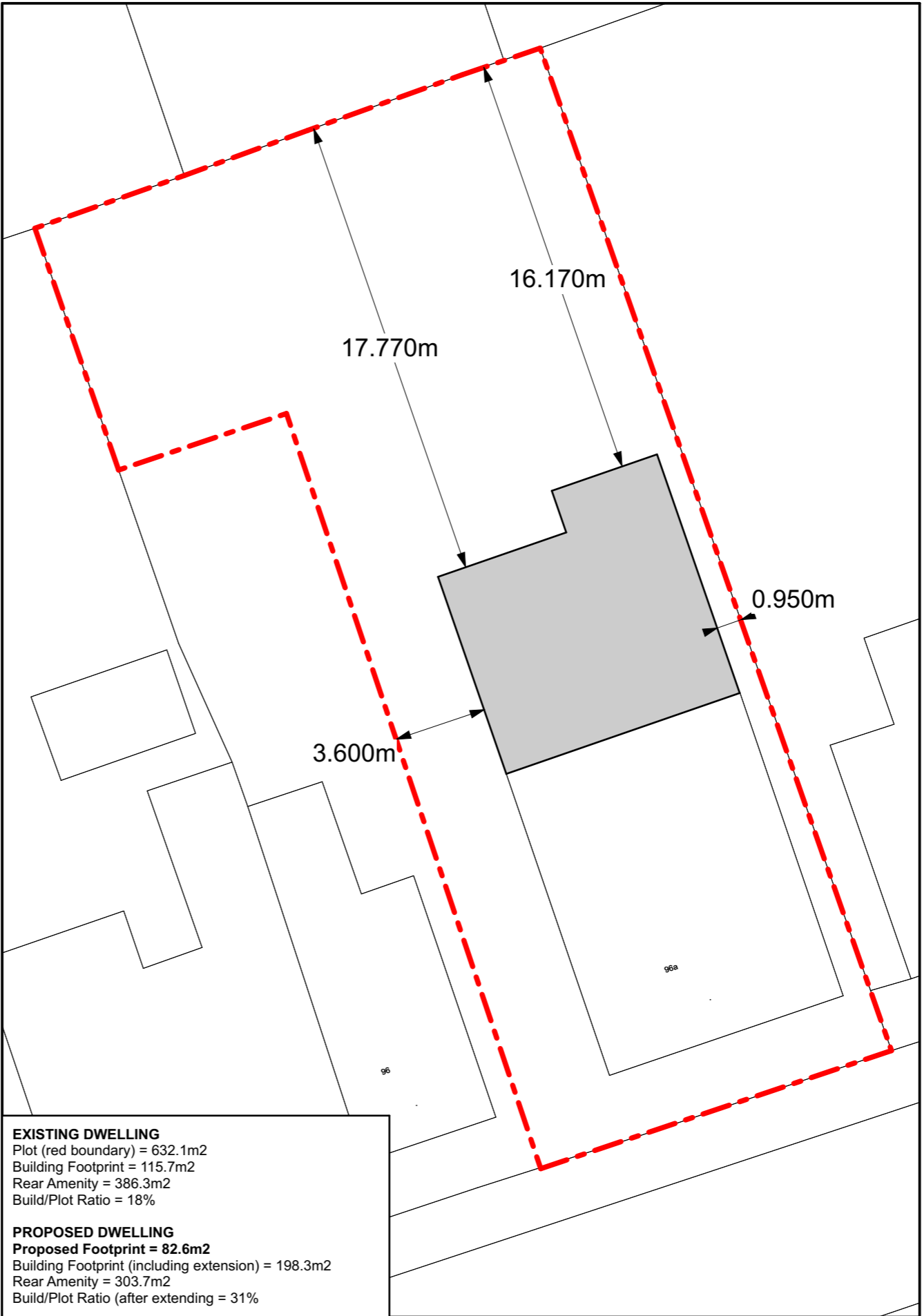


1 LOCATION PLAN  
1:1000



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2 SITE PLAN  
1:200



**EXISTING DWELLING**  
Plot (red boundary) = 632.1m<sup>2</sup>  
Building Footprint = 115.7m<sup>2</sup>  
Rear Amenity = 386.3m<sup>2</sup>  
Build/Plot Ratio = 18%

**PROPOSED DWELLING**  
**Proposed Footprint = 82.6m<sup>2</sup>**  
Building Footprint (including extension) = 198.3m<sup>2</sup>  
Rear Amenity = 303.7m<sup>2</sup>  
Build/Plot Ratio (after extending) = 31%

This drawing is for Planning/Building Warrant purposes ONLY.  
Further Architectural and/or Engineering details may be required for construction and site works.

These drawings are to be read strictly in accordance with the Structural Engineers' drawings and specifications

01	Rev	Ref.	Description	11/06/2018	Formal Issue
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**Status:**  
**APPROVALS**

**Client:**  
Mr & Mrs Paterson

**Project:**  
Extension @  
96A Lower Bathville  
Armadale  
EH48 2JS

**Drawing Title:**  
Location\_and\_Site\_Plan

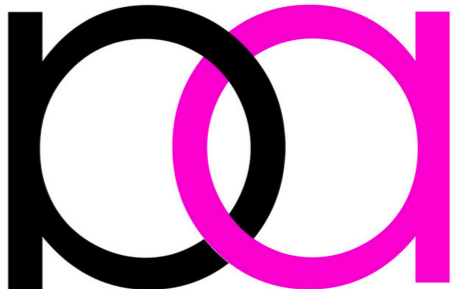
**Project Drawing No:**  
**18\_10\_01**

**Drawing Scale(s):**  
1:200, 1:1000 @A3

**Rev:**  
01

**Drawn By:**  
Mark Morrison

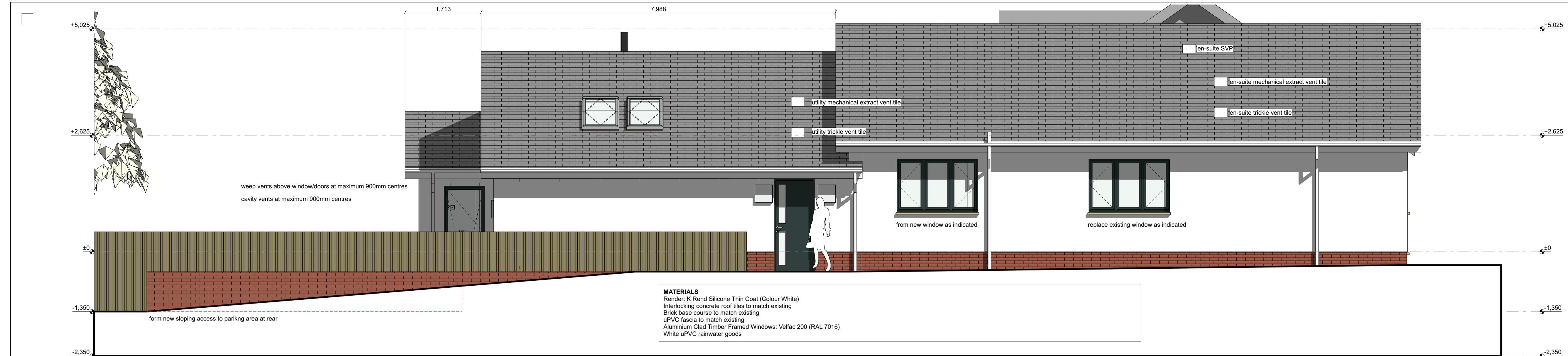
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24/07/2018



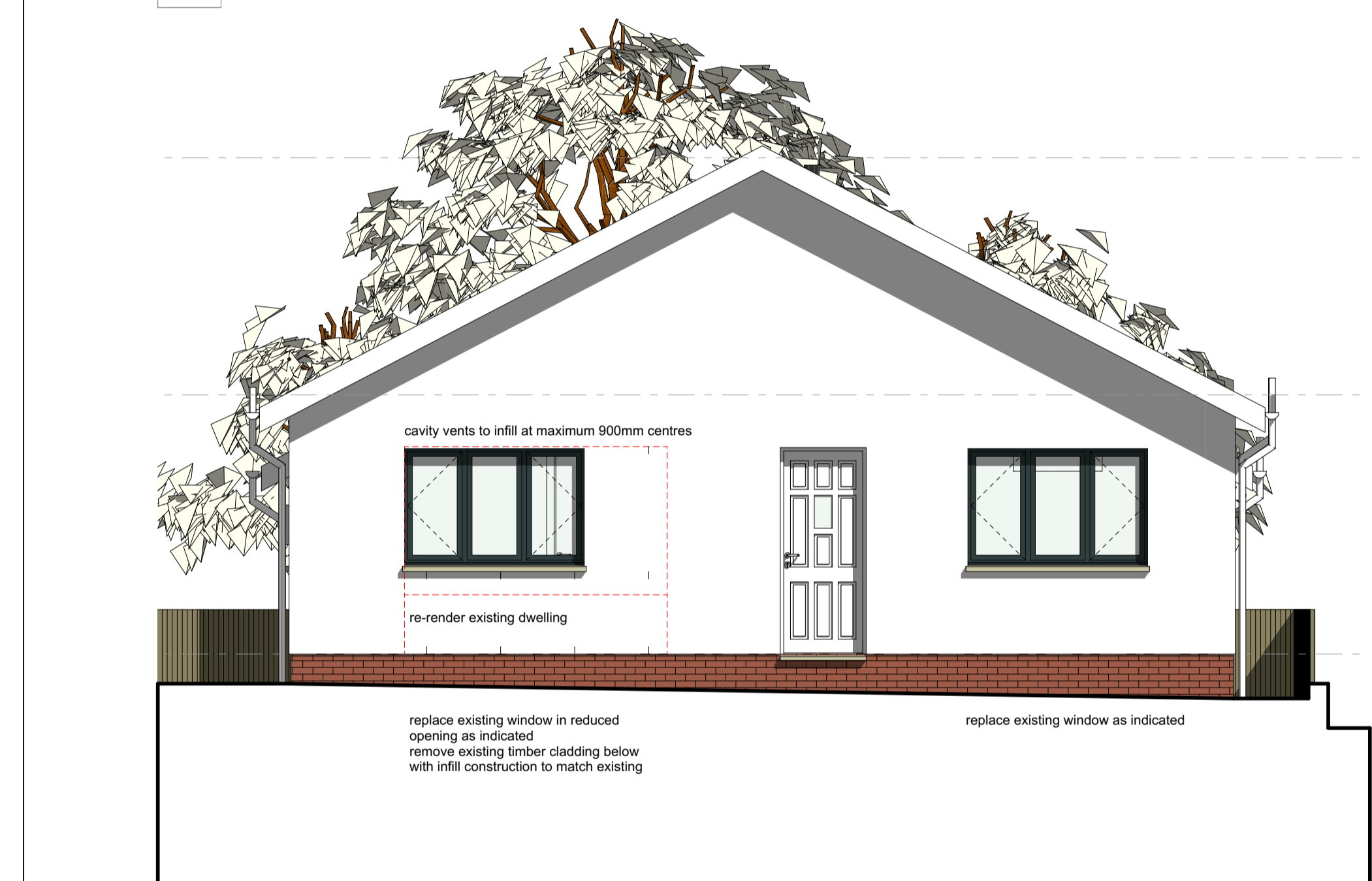
**pinkarchitects**

Rareview, 75 Station Road, Armadale EH48 3LJ  
t: 07890 997773  
e: pinkarchitects@gmail.com  
www.pinkarchitects.com

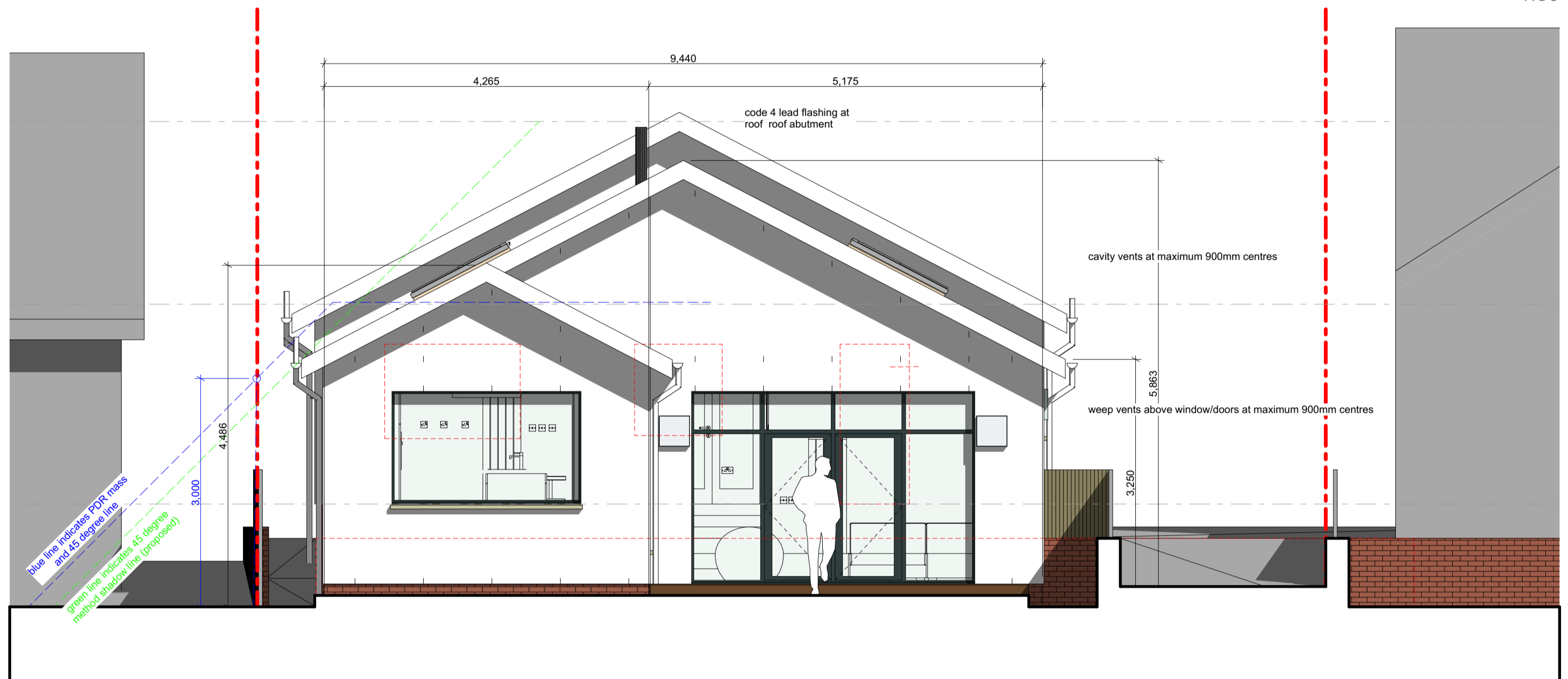
Pink Architects Ltd. Registered in Scotland SC410576



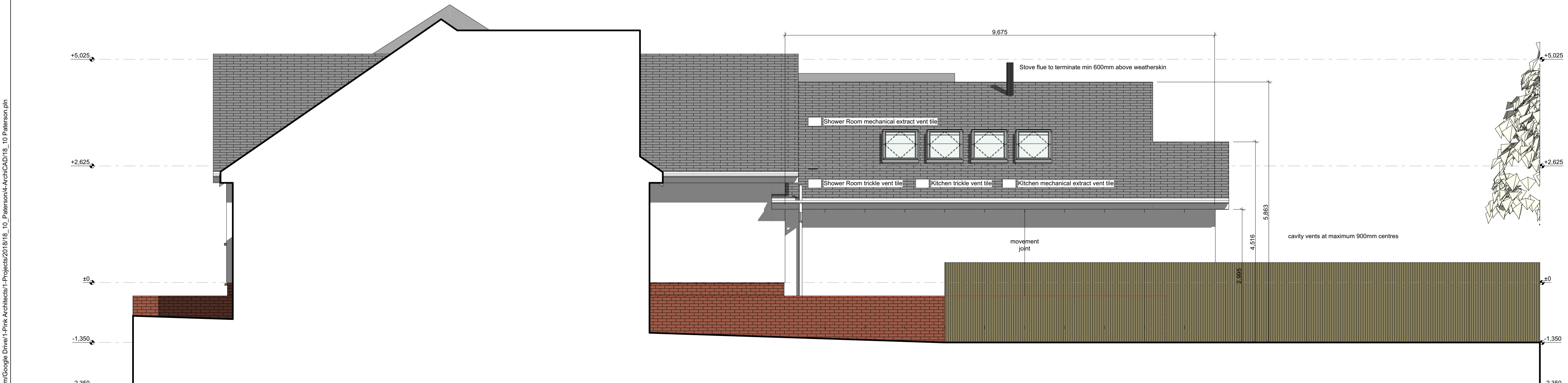
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EP-04 : SOUTH ELEVATION  
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EP-03 : NORTH ELEVATION  
1:50



EP-02 : EAST ELEVATION  
1:50

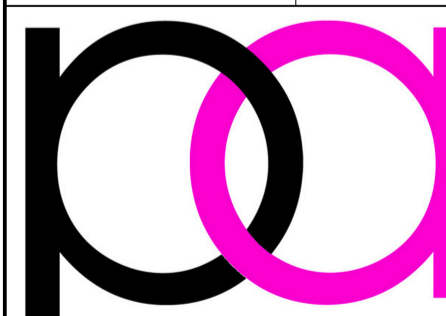
\\users\\mardom\\Google Drive\\1-Pink Architects\\1-Projects\\2018\\18\_10\_Paterson\\4-Arch\\CAD\\18\_10\_Paterson.pln

This drawing is for Planning/Building Warrant purposes ONLY.  
Further Architectural and/or Engineering details may be required for construction and site works.

These drawings are to be read strictly in accordance with the Structural Engineers' drawings and specifications

**General Notes:**

This drawing must be read in conjunction with all other drawings and specifications produced specifically for this project.  
Any discrepancies found are to be brought to the attention of the Architect and/or Engineer at the earliest possible moment.  
All dimensions given on this drawing are in millimeters unless stated otherwise. All levels are given in meters above the datum.  
The contractor must check all sizes on site before proceeding with the works. At no time should the drawing be scaled.  
All internal rooms sizes are given to the face of plasterboard finish.  
All external building sizes are given to the external face of brick/block (i.e. they do not allow for render).  
All works are to be completed in strict accordance with the Building Regulations for Scotland as per the approved drawings.  
If in doubt, stop and ask.

01				11/06/2018	Formal Issue
Rev	Ref.	Description	Date		Issue
<b>Status:</b>					
<b>APPROVALS</b>					
<b>Client:</b>					
Mr & Mrs Paterson					
<b>Project:</b>					
Extension @					
96A Lower Bathville					
Armadale					
EH48 2JS					
<b>Drawing Title:</b>					
Proposed_Elevations_Rendered					
<b>Project Drawing No:</b>					
18_10_05					
<b>Drawing Scale(s):</b>			<b>Rev:</b>		
1:50 @ A1			01		
<b>Drawn By:</b>			<b>Date:</b>		
Mark Morrison			24/07/2018		
					
pinkarchitects					
Rareview, 75 Station Road, Armadale EH48 3LJ					
t: 07890 997773					
e: pinkarchitects@gmail.com					
www.pinkarchitects.com					
Pink Architects Ltd. Registered in Scotland SC410576					

# Comments for Planning Application 0713/H/18

## Application Summary

Application Number: 0713/H/18

Address: 96A Lower Bathville Armadale Bathgate West Lothian EH48 2JS

Proposal: Extension to house

Case Officer: Thomas Cochrane

## Customer Details

Name: Mr Paul Rankin

Address: 98-100 Lower Bathville Armadale

## Comment Details

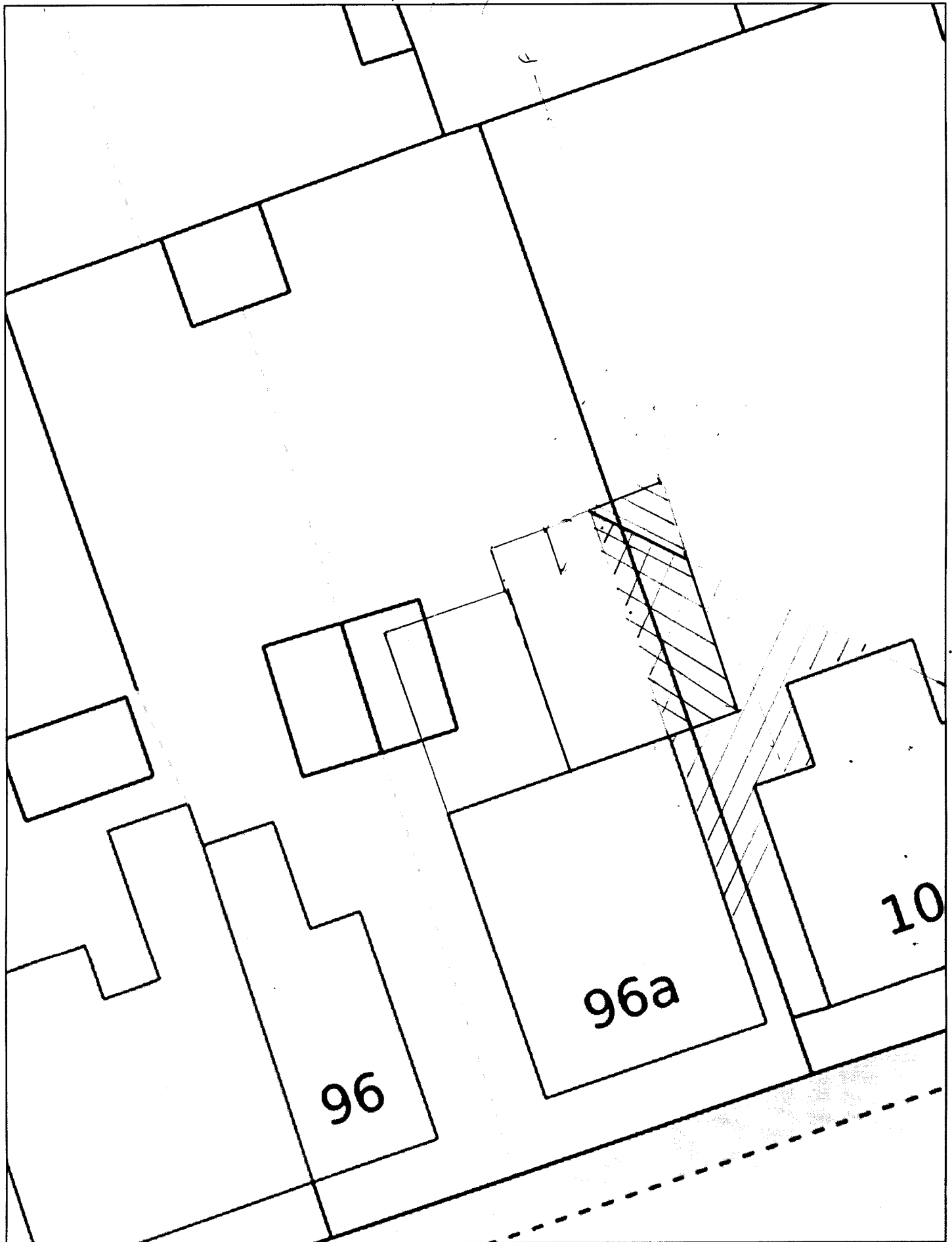
Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If the planned extension went ahead it would extend from the edge of the existing house to almost three quarters way down the whole length of my garden area. My garden area is already at a lower level than the property next door so the new extension would block out almost all of my daylight from that whole side of my property and my outside area would then permanently be overshadowed by the new proposed large concrete wall for quite some distance. This would have a detrimental effect on the quality of outside life which I currently enjoy in my back garden, as instead of currently seeing the sky and lots of daylight at the moment, I would be faced with a huge concrete construction blocking out most of the daylight from my rear garden area.

0-143/41/13 PART 2.17



West Lothian  
Council

**96a Lower Bathville, Armadale.**

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

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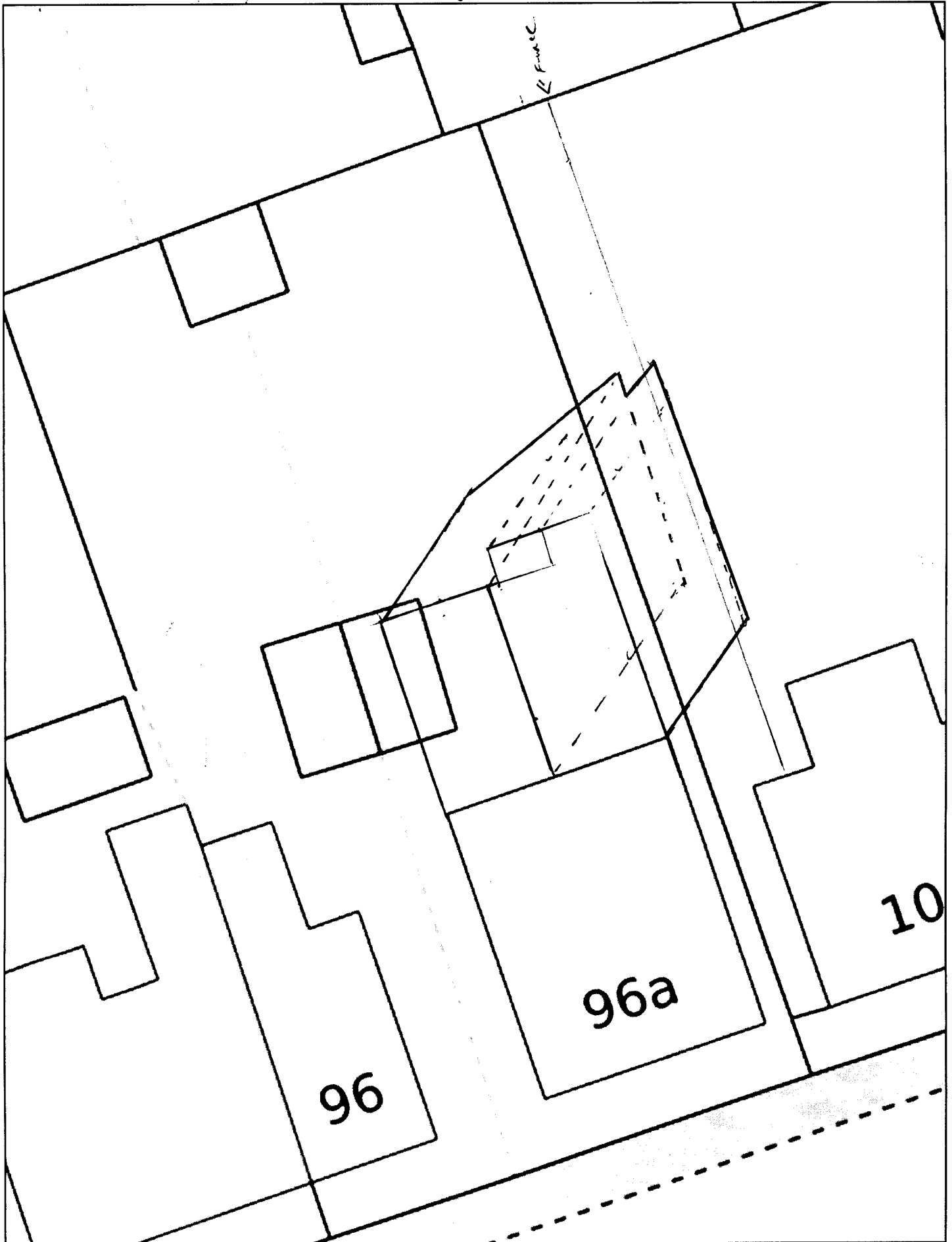


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0713/11/13

2pm



West Lothian  
Council

**96a Lower Bathville, Armadale.**

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

1:200

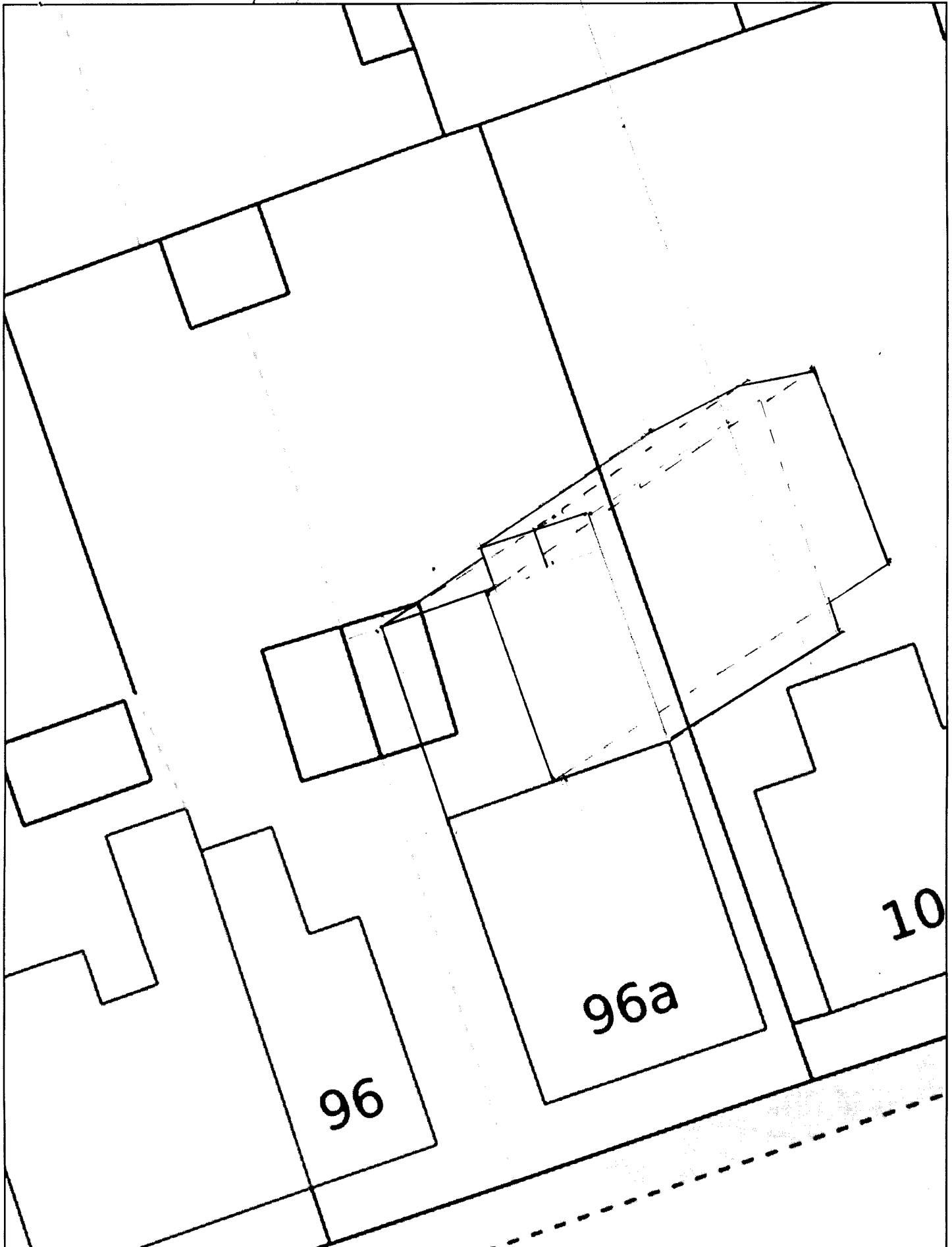




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0713/4/13

4PM



 <p>West Lothian Council</p>	<p><b>96a Lower Bathville, Armadale.</b></p> <p>Planning and Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>1:200</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.</p>
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# 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/performance.do?action=search>*

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number  0713/H/18	Applicant Request..... <input checked="" type="checkbox"/>
Site Address  96A Lower Bathville, Armadale EH48 2JS	Constituent Request..... <input type="checkbox"/>
Title of Application  Extension to house	Other (please specify)..... <input type="checkbox"/>
Member's Name  Cllr Sarah King	
Date  27/8/18	

Our Ref: 0713/H/18  
Direct Dial No: 01506 281110  
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29 August 2018

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## **Draft Justification and conditions/reasons**

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

- ( 1)      The proposed extension, by virtue of its scale and proximity to the boundary, would have a significant impact on the residential and visual amenity of the neighbouring property. As such the application is considered to be contrary to policy HOU9 in the West Lothian Local Plan and the council's 'House Extension and Alteration Design Guide'.



# Development Management

List of Delegated Decisions - 3rd August 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	1037/A/17	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of a free-standing sign (in retrospect)		
<b>Address:</b>	10 Caputhall Road, Deans Industrial Estate, Livingston, West Lothian, EH54 8AS (Grid Ref: 301112,668674)		
<b>Applicant:</b>	Advance Construction (Scotland) Ltd	<b>Type:</b>	Other
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Lewis Young

## Summary of Representations

### Officers report

The application seeks advertisement consent for the display of a free-standing sign. In this case the sign is already in place therefore the application is being applied for in retrospect. The application site refers to 10 Caputhall Road, Deans Industrial Estate, Livingston. The free-standing sign is located adjacent to the M8 motorway to the north of the site.

The application must be assessed against the appropriate policies of the West Lothian Local Plan (2009) as well as any other relevant guidance. The relevant policies of the proposed West Lothian Local Development Plan (2015) must also be taken into consideration in the assessment of this application.

West Lothian council planning records indicate there is no relevant planning history to the application site in this case.

No letters of representation have been received in relation to this application.

The proposed sign is unacceptable in this instance. The proposal is unacceptable in its design and scale and would not be in keeping with the surrounding pattern of development at this location. The application therefore would not comply with local plan policy IMP 15 in this case. Further to this, the proposed development would not meet the terms of policy DES 1 of the proposed West Lothian Local Development Plan.

In addition to this, given the proximity of the application site to the adjacent M8 motorway the proposal is unacceptable in location terms. Granted approval of a sign at this location would set an unwanted precedent for similar developments in the surrounding area which could potentially create a

corridor of large advertisements along this section of the motorway establishing an area of visual clutter.

The application is unacceptable and is accordingly recommended for refusal.

<b>Ref. No.:</b>	0320/FUL/18	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Change of use from estate agents (Class 2) to hot food take away (Sui Generis)		
<b>Address:</b>	3 Hopetoun Street, Bathgate, West Lothian, EH48 4PA, (Grid Ref: 297477,668924)		
<b>Applicant:</b>	Ms Karen Tweedie	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Lewis Young

### **Summary of Representations**

2 letters of representation have been received in relation to this application. The letters of objection raised the following points of concern:

- Parking
- Noise
- Odour
- Residential Amenity
- Overprovision of hot food take away/cafe in the surrounding area

The concerns raised relating to the overprovision of hot food take away/cafe in the surrounding area is not a material planning concern in this case and therefore has no bearing on the assessment of this application. This point is therefore null and void in the consideration of this application.

### **Officers report**

The application seeks full planning permission for the change of use from an estate agents (Class 2) to a hot food take away (Sui Generis). The application site refers to a ground floor premises at 3 Hopetoun Street, Bathgate. The proposed opening hours of the hot food take away are Monday - Saturday 7am - 3pm. The premises will be closed on Sundays.

The application must be assessed against the appropriate policies of the West Lothian Local Plan (2009) as well as any other relevant guidance.

West Lothian Council planning records show that application 0972/FUL/17 for the change of use from estate agent to hot food takeaway with existing chimney used for extractor fan duct at this site was withdrawn on 26.01.2018. Council records show there is no other relevant planning history to the application site in this instance.

2 letters of representation were received in relation to this application. In this case both were letters of objection. The letters of objection raised the following concerns relating to the proposed development:

- Residential Amenity/Noise
- Parking
- Fire Safety
- Over provision of similar business in town
- Incorrect description of development

The description of the development as sui generis and not class 3 is accurate in this case given the nature of the proposed business. Fire safety is not a planning matter and the perceived over provision of similar business within Bathgate is not a material planning consideration. The concerns over residential amenity and noise are discussed within this report. With regards to the parking concerns West Lothian council Roads and Transportation department were consulted on the application and raised no objection to the proposal.

The proposal is acceptable in meeting the terms of the West Lothian Local Plan (2009) in this case. The proposed change of use is considered to be in keeping with its surrounds within a town centre location. The proposal is therefore acceptable in land use terms in this case. The application would therefore generally comply with local plan policy TC 7 in this case as an acceptable town centre use. Further to this, the proposal would also comply with policy TCR 1 of the proposed West Lothian Local Development Plan.

The proposed hot food takeaway in this case would not include any deep or shallow fried food with the only foods on sale being soup, toasties and paninis. Given the limited menu it is considered that there would be no requirement for mechanical ventilation in this case. In light of this and the opening hours of the proposed hot food take away (sui generis) would not have any detrimental impact on residential amenity in the surrounding area. The application therefore complies with policy HOU 9 of the local plan.

The application is acceptable and is therefore recommended for approval.

<b>Ref. No.:</b>	0600/H/18	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Formation of dormer window		
<b>Address:</b>	21 Meadowpark Avenue, Bathgate, West Lothian, EH48 2ST, (Grid Ref: 296739,668286)		
<b>Applicant:</b>	Mr and Mrs McLaughlin	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Thomas Cochrane
<p><b><u>Summary of Representations</u></b></p> <p>One representation from 23 Medowpark Drive. Objection on grounds of privacy and the dormer affording the applicant uninterrupted view of their back garden, main bedroom and kitchen window.</p>			
<p><b><u>Officers report</u></b></p> <p>There is one objection for an immediate neighbour. The position and design of the dormer causes no harm to privacy or residential amenity and complies with the council's house extension and alteration design guide.</p>			

<b>Ref. No.:</b>	0639/H/18	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of extension (includes demolition of existing conservatory) and detached garage		
<b>Address:</b>	15 Gleneagles Court,Whitburn, Bathgate, West Lothian, EH47 8PG (Grid Ref: 295209,664236)		
<b>Applicant:</b>	Mr Kevan Marshall	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Thomas Cochrane

#### **Summary of Representations**

Two objections have been received raising concerns about the layout and design and impact on residential amenity.

#### **Officers report**

Following negotiation with the applicant, the proposed garage was reduced from a double garage to a large single garage. The garage and extension is of appropriate scale and design and meets the terms of the council's house extension and alteration design guide.



# Development Management

List of Delegated Decisions - 10th August 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0230/A/18	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of illuminated box sign		
<b>Address:</b>	7 High Street, Linlithgow, West Lothian, EH49 7AB, (Grid Ref: 300449,677111)		
<b>Applicant:</b>	Mr Steven Fotheringham Fotheringhams Ice cream	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Lewis Young
<b><u>Summary of Representations</u></b>			
None			
<b><u>Officers report</u></b>			
<p>Advertisement consent is sought for the display of an internally illuminated box fascia sign to be displayed on a shopfront at 7 High Street, Linlithgow. The application site is not a listed building however the property is located within Linlithgow Palace and High Street Conservation Area, at a sensitive location close to the station.</p> <p>The application must be assessed against the appropriate policies of the West Lothian Local Plan (2009) as well as any other relevant guidance. The policies of the proposed West Lothian Local Development Plan (2015) must also be taken into consideration in the assessment of this application.</p> <p>The sign is proposed to be aluminium, coloured pink, with raised white lettering. It is considered that the materials and colours proposed do not comply with the council's guidance document 'Supplementary Guidance: Shopfronts and Development in Linlithgow Palace and High Street, Mid Calder and Torphichen Conservation Areas'. It is considered, further, that the sign would have a detrimental impact on the character and appearance of the conservation area, and so would not comply with policies HER 14 of the West Lothian Local Plan and ENV 23 of the proposed West Lothian Local Development Plan.</p> <p>The application is unacceptable and is therefore recommended for refusal.</p>			

<b>Ref. No.:</b>	0638/FUL/18	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of house and detached triple garage with upper floor office		
<b>Address:</b>	Land 50M South Of,Cannop Crescent, Stoneyburn, West Lothian, (Grid Ref: 296677,662005)		
<b>Applicant:</b>	SJB Construction	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Mahlon Fautua

### **Summary of Representations**

16 objections

- Adverse effect on amenity
- reduce value of house
- affect bed and breakfast business
- traffic safety
- loss of views
- accepting this application would be contradicting the basis of application 0186/FUL/17 which should also be rejected.
- better alternatives on the farm
- large unfinished building to east of former steading

### **Officers report**

Permission is sought for the erection of a new house linked to Bents Farm, owned by the applicant. The original farmhouse stood on land adjacent to the application site; this has been demolished and the site is the subject of an application for 16 houses, which the council is minded to grant subject to a legal agreement. The justification for that proposal given by the applicant included a statement that a farmhouse was not required to run Bents Farm.

The applicant has submitted a fresh justification for the house which is the subject of this application; it is considered that this fails to demonstrate that the house is justified under policy ENV 31. In addition, the design and scale of the proposed house and its location - at the edge of the farm - are such that it does not satisfy policy ENV 33.

Therefore it is recommended that planning permission is refused.



# Development Management

List of Delegated Decisions - 24th August 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0281/FUL/18	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use from industrial (class 5) to shop (class 1) (in retrospect)		
<b>Address:</b>	Donnys Carpets, Whitburn Road, Bathgate, West Lothian, EH48 2HR (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Donnys Carpets	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Lewis Young

## Summary of Representations

No representations have been received in connection with this application.

## Officers report

Planning permission is sought for the change of use from industrial (class 5) to retail (class 1) at a storage warehouse with offices on Whitburn Road, Bathgate.

West Lothian Council planning records indicate there is no relevant planning history to the application site in this case. However, application 0282/A/18 for the display of 16 non-illuminated fascia signs is being considered in conjunction with this full planning application.

The Environmental Health service had no comments to make on the proposed development.

Roads and Transportation noted that a class 1 use should have 25 parking spaces however, give the nature of the business it would be unlikely that this demand on parking would materialise and they did not object to the application.

The application is unacceptable in that it does not meet the criteria of policies EM 6 of the West Lothian Local Plan and EMP 1 of the proposed West Lothian Local Development Plan. It has not been demonstrated or otherwise justified that there is a locational need for a Class 1 use at this location. The application is therefore recommended for refusal.

<b>Ref. No.:</b>	0282/A/18	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of 16 non-illuminated fascia signs		
<b>Address:</b>	Donnys Carpets,Whitburn Road, Bathgate, West Lothian, EH48 2HR (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Donnys Carpets	<b>Type:</b>	Other
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Lewis Young

#### **Summary of Representations**

No representations have been received in relation to this application.

#### **Officers report**

The application seeks advertisement consent for the display of 16 non-illuminated fascia signs. In this case the work has already been carried out so the application is being applied for in retrospect. The fascia signs are of various different sizes and designs from several small signs to a large banner sign above the entrance to the building.

West Lothian council planning records indicate there is no relevant planning history to the application site in this case. However, application 0281/FUL/18 for the change of use from industrial (class 5) to shop (class 1) (in retrospect) is being considered in conjunction with this application.

The application is unacceptable in this case and would not be in keeping with the general pattern of development in the surrounding area. The proposal would result in unnecessary clutter and would have a detrimental impact in design terms at this location.

The application is unacceptable and is accordingly recommended for refusal.

<b>Ref. No.:</b>	0327/LBC/18	<b>Recommendation:</b>	Refuse Listed Building Consent
<b>Proposal:</b>	Listed Building Consent for the replacement of sash and case windows		
<b>Address:</b>	18 St John's Avenue, Linlithgow, West Lothian, EH49 7DU, (Grid Ref: 299731,677040)		
<b>Applicant:</b>	Ms Linda Potter James Potter Properties	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Thomas Cochrane
<p><b><u>Summary of Representations</u></b></p> <p>One objection</p> <ul style="list-style-type: none"> <li>- Application is retrospective</li> <li>- Windows installed are inappropriate for a listed building and detract from its appearance and character</li> </ul>			
<p><b><u>Officers report</u></b></p> <p>This application is in retrospect, for the installation of replacement windows in a B listed flat in Linlithgow Palace &amp; High Street Conservation Area.</p> <p>The windows which have been installed are uPVC tilt and turn windows. The material and design of these windows are not appropriate for this Conservation Area or the listed building. It is considered that they detract from the appearance and character of the building itself and the conservation area.</p> <p>In view of the above it is recommended that the application for Listed Building consent is refused</p>			

<b>Ref. No.:</b>	0328/H/18	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Replacement of sash and case windows		
<b>Address:</b>	18 St John's Avenue, Linlithgow, West Lothian, EH49 7DU, (Grid Ref: 299731,677040)		
<b>Applicant:</b>	Ms Linda Potter James Potter Properties Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Thomas Cochrane
<p><b><u>Summary of Representations</u></b></p> <p>Two representations</p> <ul style="list-style-type: none"> <li>- Application is retrospective</li> <li>- The windows are inappropriate for the building and detract from its character and appearance</li> <li>- The windows are inappropriate in the conservation area.</li> </ul>			
<p><b><u>Officers report</u></b></p> <p>This application is in retrospect, for the installation of replacement windows in a B listed flat in Linlithgow Palace &amp; High Street Conservation Area.</p> <p>The windows which have been installed are uPVC tilt and turn windows. The material and design of these windows are not appropriate for this Conservation Area or the listed building. It is considered that they detract from the appearance and character of the building itself and the conservation area.</p> <p>In view of the above it is recommended that planning permission is refused</p>			

<b>Ref. No.:</b>	0471/FUL/18	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Siting of a snack van		
<b>Address:</b>	Land At Caputhall Road, Deans Industrial Estate, Livingston, West Lothian, EH54 8AS (Grid Ref: 301595,668990)		
<b>Applicant:</b>	Ms Vivian Glendining Food Station	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Steven McLaren

### **Summary of Representations**

One objection

- Road safety

### **Officers report**

Planning permission is sought to renew planning permission for the siting of a snack van on Caputhall Road, Deans Industrial Estate. A snack van has been operating from this location since 2006 with the consent being renewed in 2009 and 2012. The snack van is located on a section of public road within an industrial estate where there are no parking restrictions. The snack van operator can therefore site their snack van on any part of this road without permission providing they do not operate from the same site for any more than 28 days in any calendar year. Planning permission is required due to the operator seeking to use the same site on a permanent basis.

An objection has been received from the adjacent business, Bobby's Foods, which cites the snack van as a danger to road users and quotes a bad accident which was reported to the police. Transportation have commented and are satisfied with the location of the snack van. Transportation confirm that the police incident referred to was investigated. The snack van was not considered as the primary cause of the accident as any vehicle could have been parked on the road at that time.

Based on Transportation's assessment, recommendation is to grant for a further 3 year period.

<b>Ref. No.:</b>	0578/FUL/18	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a landscape bund (in retrospect) and post and wire fence		
<b>Address:</b>	Land Adjacent Muriehall,Winchburgh, Broxburn, West Lothian, EH52 6QN (Grid Ref: 309952,675271)		
<b>Applicant:</b>	Niddry Bing Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren

### **Summary of Representations**

Two objections

- Illegal dumping of material on public land.
- Bund is too high.
- Bund serves no purpose.
- Should be reduced in height.

### **Officers report**

The bund contains blaise and other inert material from Niddry Bing and has been seeded with grass. The applicant confirms that the material was deposited on land within the control of the applicant for the purpose of preventing unauthorised tipping which had been carried on at the site over a prolonged period. There is no public land affected by these works. Whilst an application should have been submitted prior to the works, during a site visit it was clear the grass is being maintained and the bund does not result in detriment to the visual or residential amenity of the nearest neighbour at Muirhall, which is set back from the main road and has a wall/fence and high hedge to the front of the property which obscures the bund from view.

The applicant confirms that the bund is not fully completed and requires an additional covering of top soil and re-seeding. The applicant does not wish to lower the height of the bund therefore the works are assessed on the basis of the existing works. The bund as constructed does not impact adversely on residential or visual amenity. It does not affect road safety and the grass appears to be properly maintained.

Recommendation is to grant retrospective permission for the bund subject to conditions that remediation is carried out including further grass seeding and that the grass is maintained to the satisfaction of the council.

<b>Ref. No.:</b>	0650/FUL/18	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a holiday cottage with ancillary laundry and reception		
<b>Address:</b>	The Horse Mill, Williamsraig, Linlithgow, West Lothian, EH49 6QF (Grid Ref: 298750,675350)		
<b>Applicant:</b>	Mr & Mrs F Erskine Williamsraig Holiday Cottages	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Matthew Watson

### **Summary of Representations**

One representation, neutral but raising the following concerns:

- Noise from the potential for the venue to host stag and hen do's
- Increases in traffic volume and road safety
- The proposed access point has limited visibility in both directions
- The development proposes construction of a road over sewage pipes for Williamsraig House

### **Officers report**

The application proposes the erection of a two storey building for holiday accommodation to the west of the existing Williamsraig holiday cottages and to the east of Williamsraig House.

With regards to the principle of holiday accommodation as a use, policy ENV 36 of the West Lothian Local Plan (WLLP) states that leisure and tourist developments in the countryside can be acceptable subject to meeting a number of criteria. Policy ENV 3 of the West Lothian Local Development Plan - Proposed Plan (Proposed LDP) states that development in the countryside may be permitted for tourism developments.

Although the information with the application has not gone through the sequential approach for leisure and tourism developments in policy ENV 36 (a), the wider site the application site lies within is an established business for holiday cottage lets. The use would not deviate from established uses on site.

Policy ENV 36 (e) states that the design of development is required to be of a "high standard". For the reasons set out below, the proposal is not considered to be of a high standard of design and fails to integrate with the context of the wider Williamsraig Holiday Cottages site.

Policy IMP 15 (a) states that the Council will ensure that "high standards of design" are achieved through the planning process.

Policy DES 1 states that "All development proposals will require to take account of and be integrated with the local context and built form."

In the wider Williamsraig Holiday Cottages site, the buildings are located in a cluster at the east end of the applicant's land ownership, and are set at a

lower level than the site that is the subject of the application. The buildings in this cluster are single storey to one and a half storey cottages with additional accommodation provided in the roof space through modest dormer windows and rooflights. The architectural form of the cottages is traditional, with materials providing a modern take on a vernacular countryside design. The site itself is screened from Williamsraig House to the west by trees. The proposed development will therefore be read in the context of its relationship with the existing holiday cottages on-site.

By contrast to the existing holiday cottages, the proposed development is located outwith the existing cluster of buildings at a much more elevated level. In addition, the proposed accommodation is two storeys in height with front, side and rear projections from its elevations and extensive glazing on the rear elevation. The scale of the proposed accommodation dwarfs that of the existing holiday cottages and this fact, combined with its siting away from the cluster of existing buildings, means the proposed development fails to integrate with the local context and built form. The proposal is not of a high standard of design due to its scale and massing being out of place within its context.

As stated above, there is screening on the west boundary of the application site from Williamsraig House. The setting of the listed building would not be adversely affected.

The issue of noise has been raised in the sole representation submitted. Environmental health has confirmed that this would be a management issue and do not object to the development on these grounds.

The issue of traffic impact and road safety was also raised. Transportation has raised no objections to the proposal on these grounds and the application is considered acceptable in these respects.

In conclusion, the proposal fails to integrate with the context of the Williamsraig holiday cottages site by virtue of its scale and isolated and elevated position in relation to the existing holiday cottages. The proposed development is therefore considered to be contrary to policies ENV 36 and IMP 15 of the West Lothian Local Plan and policy DES 1 of the West Lothian Local Development Plan - Proposed Plan.

<b>Ref. No.:</b>	0713/H/18	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	96A Lower Bathville, Armadale, Bathgate, West Lothian, EH48 2JS (Grid Ref: 294072,667938)		
<b>Applicant:</b>	Mr Scott Paterson	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Thomas Cochrane
<p><b><u>Summary of Representations</u></b></p> <p>One representation</p> <p>- loss of daylight</p>			
<p><b><u>Officers report</u></b></p> <p>This application is for a rear extension to a single storey house, which would project 9.7 metres from the rear of the property and would be the same width as the existing house. It would contain an open plan living room/kitchen/dining area, a bathroom and a utility room.</p> <p>The proposed extension would give rise to overshadowing of a neighbouring property in the late afternoon. Further, it is considered that the massing of the proposed extension will be overbearing and would be detrimental to the visual and residential amenity of neighbouring properties.</p> <p>It is therefore recommended that the application is refused.</p>			



# **Proposed Enforcement Actions - 10/08/2018**

<b>Ref. No.</b>	<b>Owner/ Developer</b>	<b>Location &amp; Alleged Breach of Planning Control</b>	<b>Ward</b>	<b>Proposed action</b>	<b>Reasons for decision and summary steps to comply if applicable</b>
ENF/0096/18	Mr P Garrard	Hawthorn Cottage, East Calder, EH53 0RQ  Unauthorised dumping of materials	East Livingston & East Calder	Serve Amenity Notice	The site is being used to store materials which are not relevant to the application on the site and is having a detrimental effect on the surrounding area.  Steps to comply: remove materials stored on the land.
ENF/0151/18	Clerwood Kitchens & Bathrooms	Unit 4, Inchcross Industrial Estate, Whitburn Road, Bathgate, EH48 2HR  Display of remote signage	Bathgate	Serve Advertisement Enforcement Notice	The signs are unauthorised, remote from the unit advertised and are detrimental to local amenity  Steps to comply: remove all signage

## Proposed Enforcement Actions - 24/8/2018

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0066/18	The Owner/Occu pier	30 Mallace Avenue, Armadale, EH48 2QE  Erection of aerial	Armadale & Blackridge	Serve Enforcement Notice	The aerial is above the permitted development height and is having a detrimental effect on the surrounding area and neighbours.  Steps to comply – reduce the height of the aerial
ENF/0213/18	Mr & Mrs McGroarty	105b Bankton Park West, Murieston, Livingston, EH48 2QE  Timber structure with pitched roof over 3.2 m in height and within 1 metre of side and rear boundary of the property	Livingston South	Take no Action	The owner has agreed to move the structure to over 1 m from the boundary with the neighbouring property, which would make the structure virtually permitted development – the breach would then be minimal and the harm caused would not be sufficient to merit taking enforcement action.