



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

5 September 2018

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 12 September 2018** at 11:00am.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 15 August 2018 (herewith).

Public Items for Decision

5. Notice of Review Application 0208/FUL/18 - Sub-Division of Garden and Erection of House at 71 Mill Road, Armadale (herewith)

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

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 15 AUGUST 2018.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Stuart Borrowman, William Boyle, Pauline Clark, Charles Kennedy, Dom McGuire and David Tait

Apologies – Councillor Tom Kerr

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 2 May 2018. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0488/H/18 - ERECTION OF 1.8 HIGH GATES AND FENCES (IN RETROSPECT) AT 9 BRIDGE PLACE, BROXBURN

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review of the conditions attached to the grant of planning permission at 9 Bridge Place, Broxburn.

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

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

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

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

Decision

To uphold the position of the Appointed Person and grant planning permission subject to conditions.



LOCAL REVIEW BODY

APPLICATION NO. 0208/FUL/18 – SUB-DIVISION OF GARDEN AND ERECTION OF HOUSE AT 71 MILL ROAD, ARMADALE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the sub-division of garden and erection of house at 71 Mill Road, Armadale.

B REVIEW DOCUMENTS

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

1. The Notice of Review, dated 16 July 2018. This also included the following documents:-
 - An Appeal Statement
 - A copy of the original planning application
 - A selection of location plans, side elevations and floor plans; and
 - Decision Notice dated 25 April 2018
2. Handling Report, dated 25 April 2018
3. A further copy of the Decision Notice dated 25 April 2018
4. Ten representations/objections from seven individuals

With regards to representations a total of ten were received from seven different individuals in relation to the planning application. All seven individuals were contacted to advise that the Notice of Review had been received and if they wished to make further comment they could do so within 14 days. Further representations were received from three individuals. In accordance with procedure the applicant then took the opportunity to respond to these further representations.

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

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposal would have an adverse impact on the character of the settlement and was in an awkward relationship given the ambiguous aspect of the house. Furthermore the proposed access was through the existing layby parking space which would result in the loss of available parking opportunities. Therefore the proposal was contrary to HOU2 of the West Lothian Local Plan.

Additionally the proposal was contrary to HOU4 and IMP14 of the West Local Plan as its size and location would have an unacceptable cramming impact on the built environment.

Finally the proposal would adversely affect the visual amenity of the existing residents given there would be a loss of open ground that had not been historically identified for housing therefore it was also contrary to HOU9 of the West Lothian Local Plan.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

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

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, heather.cox@westlothian.gov.uk

Date: 12 September 2018



The Scottish Government

Directorate for Planning and Environmental Appeals

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100087313-003

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details

Are you an appellant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this appeal)

☒ Appellant ☐ Agent

Appellant Details

Please enter Appellant details

Title:

Mr

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Scott

Building Number:

71

Last Name: *

McMahon

Address 1
(Street): *

Mill Road

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Armadale

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

EH48 3QL

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

71 MILL ROAD

Address 2:

ARMADALE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BATHGATE

Post Code:

EH48 3QL

Please identify/describe the location of the site or sites

Northing

668890

Easting

293121

Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Sub division of garden and erection of house(Grid Ref: 293121,668890) at 71 Mill Road, Armadale, West Lothian, EH48 3QL

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for Planning Permission (including householder application – excluding application to work minerals).
- ☐ Application for Certificate of Lawfulness.
- ☐ Application for Listed Building Consent.
- ☐ Application for Conservation Area Consent.
- ☐ Application for Advertisement Consent.
- ☐ Application for Prior Approval.
- ☐ Application for Tree Works Consent.
- ☐ Application for Certificate of Appropriate Alternative Development.
- ☐ Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- ☒ Application for Planning Permission.
- ☐ Application for Planning Permission in principle.
- ☐ A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- ☐ Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision – deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

Refer to attached Grounds of Appeal Document

Have you raised any matters which were not before the planning authority at the time the decision
You are appealing against was made? *

☐ Yes ☒ No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: * (Max 500 characters)

Refer to attached Grounds of Appeal Document

Are you providing a separate statement of your Grounds of Appeal? *

☒ Yes ☐ No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

0208/FUL/18

What date was the application submitted to the planning authority? *

13/03/2018

What date was the decision or certificate issued by the planning authority? *

25/04/2018

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A chance to air my answers to objections

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be clearly seen from a road or public land? * ☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site? ☐ Yes ☒ No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? * ☒ Yes ☐ No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. * ☐ Submitted ☒ Not Applicable

Copy of Plans/Drawing * ☒ Yes ☐ No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). * ☒ Yes ☐ No ☐ No decision

A copy of original application form and if applicable include certificates relating to land ownership. * ☒ Yes ☐ No

Other documents, materials and evidence which you intend to rely on. * ☐ Yes ☒ No

The Report of Handling prepared by the planning authority in respect of your application, where one exists. * ☒ Yes ☐ No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name:



Declaration Date: 16/07/2018

Planning statement following the refusal for planning permission to sub divide the garden grounds of the property at 71 Mill Road Bathgate to form new residential housing plot. Ref 0208/FUL/18

Firstly we would like to highlight that although 10 notes of objection were recorded they came for only 5 households

Conclusions and Reasons for Decision

The proposal would create a cramming impact on the existing built environment. The arrangement of the vehicular access is awkward and would overall harm the residential environment. The acceptability of the current house was on the basis that the land was subject to one house.

Overall, the proposal would result in unacceptable residential environment. The proposed amended application from the previous application does not adequately address the reasons why the application was refused.

The proposal is considered to be contrary to West Lothian local plan policies HOU 2, HOU 4 and HOU 9.

Therefore, taking into account the above assessment, it is recommended that planning permission be refused.

Comment:- to address the cramming impact, we are surprised that this is an issue given the generous proportion ratio of garden ground to house footprint. We have allowed for a minimum 10m between house and boundary fence in every direction. This is way more than any new residential development is required to achieve. The ratio of footprint to garden space is more than neighbouring properties.

Regarding the vehicular access. We have had talks with the estates department and the relocation of existing parking bay could be possible to the opposite side of the road allowing the access to be achieved. However a possible solution is to take the access straight off mill road to the front of new proposed house??

The acceptability of the current house was on the basis that the land was for one house. Respectful of that condition we feel the reality is the aesthetics of the whole area would be enhanced from a second house given the disproportion of rear garden of current house in relation to neighbouring properties. It would also break up the line of current screen fencing which was a point of objection

Scott McMahon
July 18



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100087313-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed sub division of rear garden to erect new dwellinghouse

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☒ Yes ☐ No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	JW Plans		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JOHN	Building Name:	
Last Name: *	WILSON	Building Number:	19
Telephone Number: *		Address 1 (Street): *	Meadowpark Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Bathgate
Fax Number:		Country: *	Scotland
		Postcode: *	EH48 2ST
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Scott	Building Number:	71
Last Name: *	McMahon	Address 1 (Street): *	Mill Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Armadale
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH48 3QL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

71 MILL ROAD

Address 2:

ARMADALE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BATHGATE

Post Code:

EH48 3QL

Please identify/describe the location of the site or sites

Northing

668890

Easting

293121

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1046.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Residential garden

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Bin stance indicated on plans

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed:



On behalf of: Mr Scott McMahon

Date: 13/03/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name:



Declaration Date: 13/03/2018

Payment Details

Online payment: 054044

Payment date: 13/03/2018 10:55:00

Created: 13/03/2018 10:55

Our Ref: 0208/FUL/18
Direct Dial No: 01506 282426
Email: mahlon.fautua@westlothian.gov.uk
25 April 2018

Tel: 01506 280000

FAO Addressee Only

John Wilson
JW Plans
19 Meadowpark Avenue
Bathgate
Scotland
EH48 2ST

Dear Sir/Madam

**Sub division of garden and erection of house (Grid Ref: 293121,668890) at 71 Mill
Road, Armadale, Bathgate, West Lothian, EH48 3QL**

Following your application to West Lothian Council, I can confirm that the council has refused planning permission. A copy of the decision notice and docquetted drawings can be obtained online at <https://planning.westlothian.gov.uk/publicaccess/> using the above reference number.

The decision notice is an important legal document and should be retained for future reference. If you wish to challenge the council's decision, you should do so within three months of the date of the decision notice. Details on how to do this are contained within the advisory notes at the end of the decision notice.

If you wish to discuss the terms of the council's decision, please contact the case officer at the above address.

Yours sincerely



Craig McCorriston
Head of Planning, Economic Development and Regeneration

DECISION NOTICE REFUSAL OF PLANNING PERMISSION

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

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

APPLICATION REFERENCE 0208/FUL/18

PROPOSAL Sub division of garden and erection of house

LOCATION 71 Mill Road, Armadale, Bathgate, West Lothian, EH48 3QL,
(GRID REF: 293121, 668890)

APPLICANT Mr Scott McMahon, 71 Mill Road, Armadale, Scotland, EH48 3QL

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

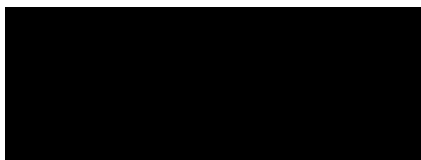
Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
25.04.2018

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0208/FUL/18, for the reason(s) set out as follows:

- 1 The proposed house would have an adverse impact on the character of the settlement in this location. Furthermore the proposed house is in an awkward relationship given the ambiguous aspect of the house. Additionally, the proposed access is through an existing layby parking space which results in the loss of available visitor parking opportunities. The proposal is therefore contrary to policy HOU 2 (Development within Settlement Envelopes) of the West Lothian Local Plan.
- 2 The proposed house due to its location and size would have an unacceptable cramming impact on the existing built environment. The proposal is therefore contrary to policy HOU 4 (Town Cramming) and IMP 14 (Supplementary Planning Guidance) of the West Lothian Local Plan.
- 3 The proposed house would adversely affect the visual amenity of the existing residents given there would be a loss of open ground that was not historically identified for housing. The proposal is therefore contrary to policy HOU 9 (Residential and Visual Amenity) of the West Lothian Local Plan.

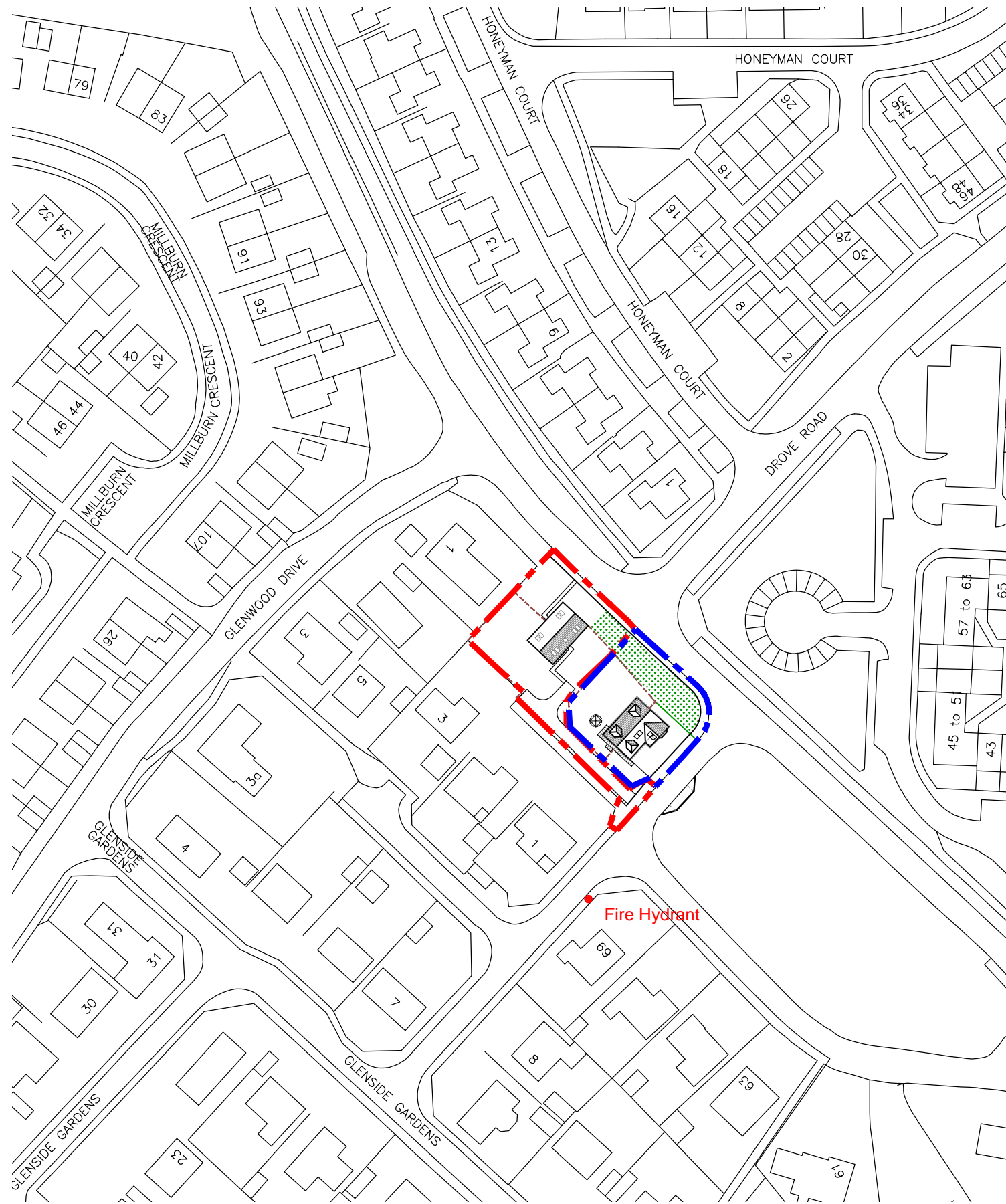
ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

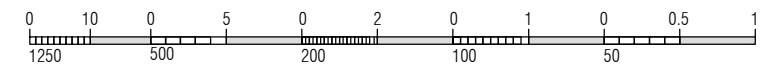
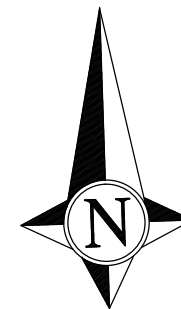
If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review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

Annex 1, Schedule of Plans - 0208/FUL/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	01
2	Site Plan	02
3	Block Plan	03
4	Ground Floor Plan	04
5	First Floor Plan	05
6	Proposed Elevations	06



Location Plan as proposed 1:1250



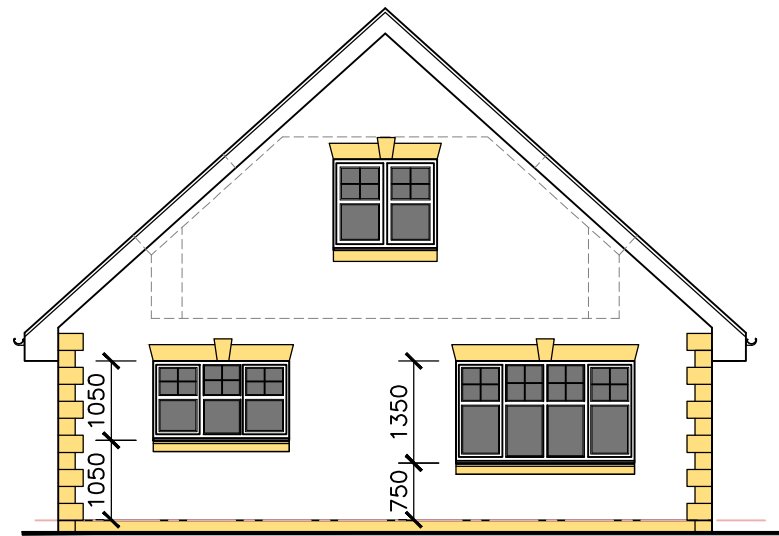
PLANNING

JW Plans
Architectural Services

Tel 01506 336459
Mob 07803 926400
johnwilsonplans@gmail.com
jwplans.co.uk



Client	Mr Scott McMahon		
Address	71 Mill Road, Armadale, Bathgate EH48 3QL		
Project	Proposed New Dwellinghouse Mill Road, Armadale, Bathgate EH48 3QL		
Drawing	Location Plan		
Date	Mar 18	Scale	noted
Drawn By	J. Wilson		
Job Ref.		Drawing No.	
17/084		01	



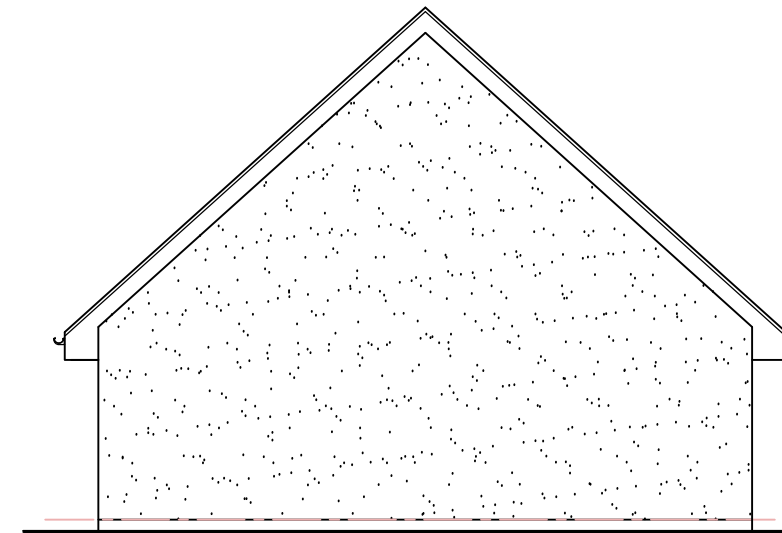
Front Elevation Scale 1:100



Side Elevation Scale 1:100

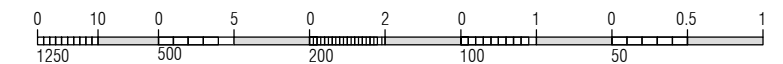


Side Elevation Scale 1:100



Rear Elevation Scale 1:100

- Grey concrete roof tiles
- White render and buff stone base/Quions
- White upvc doors and windows
- Black upvc rainwater goods to match existing,
- White upvc fascias, soffits and bargeboards dormers.



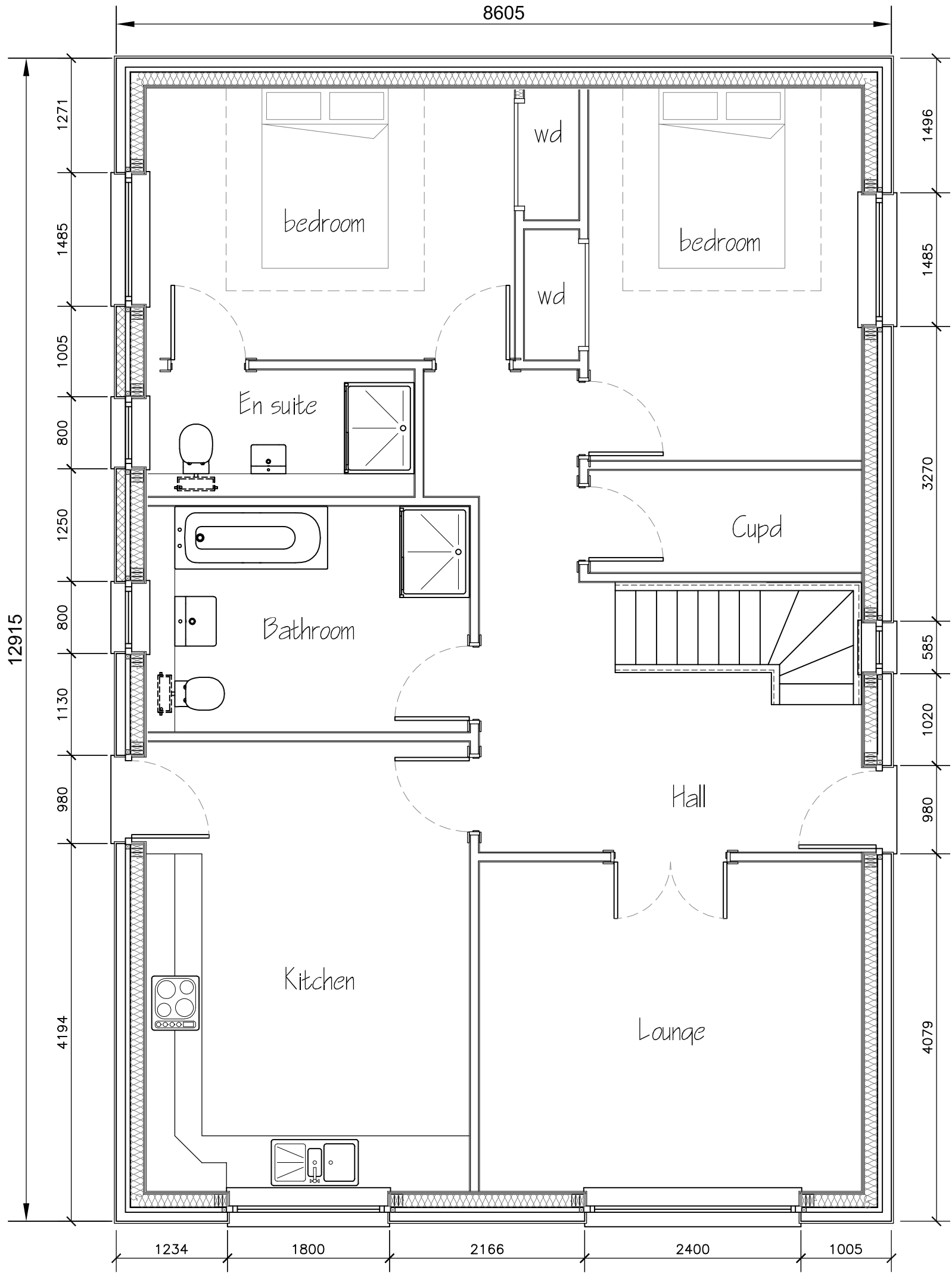
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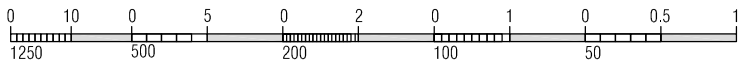
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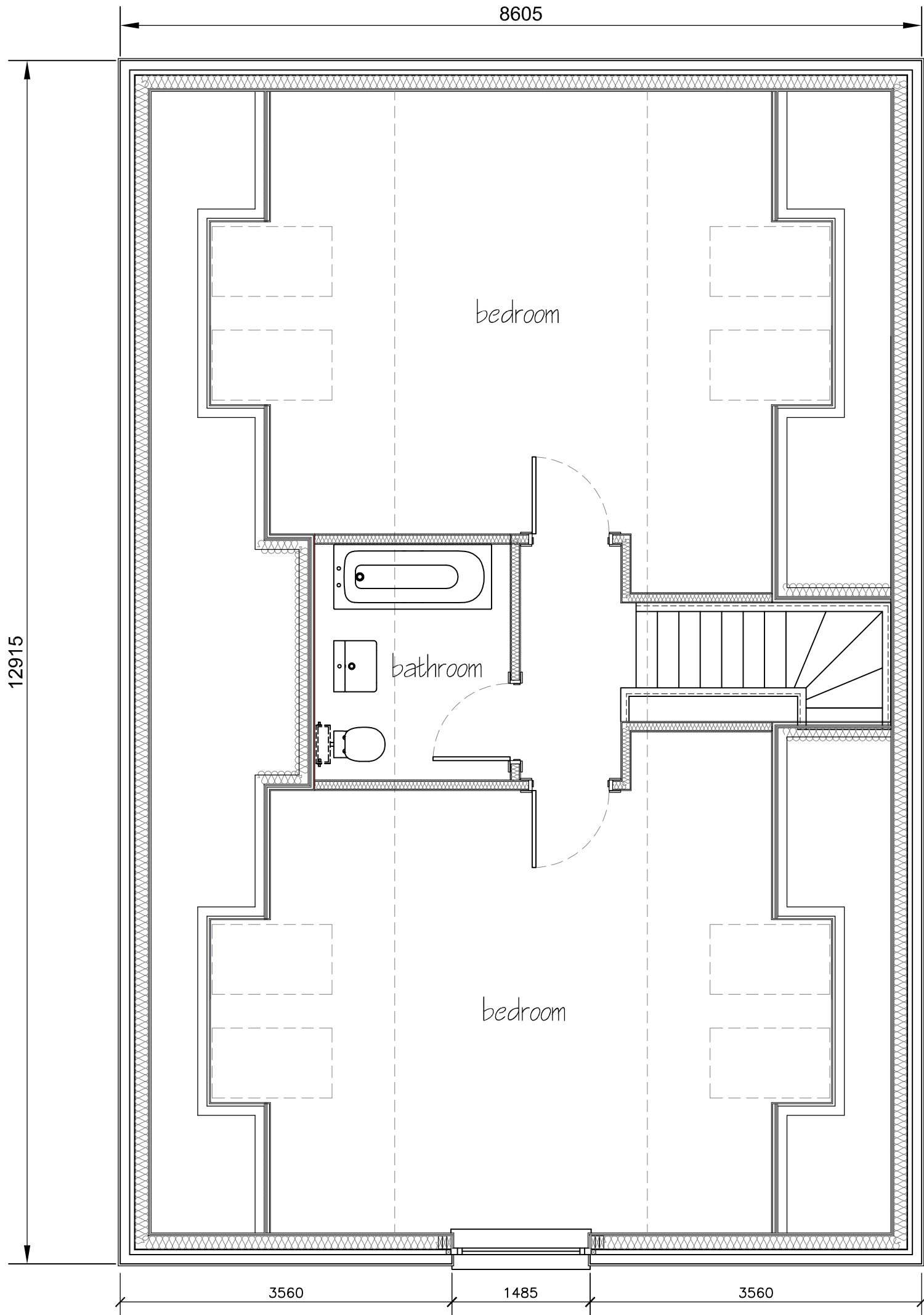
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Address	71 Mill Road, Armadale, Bathgate EH48 3QL		
Project	Proposed New Dwellinghouse Mill Road, Armadale, Bathgate EH48 3QL		
Drawing	Proposed Elevations		
Date	Mar 18	Scale	noted
Drawn By	J. Wilson		
Job Ref.		Drawing No.	
17/084		06	



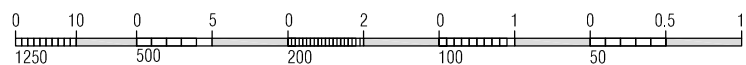
Ground Floor Plan as proposed 1:50




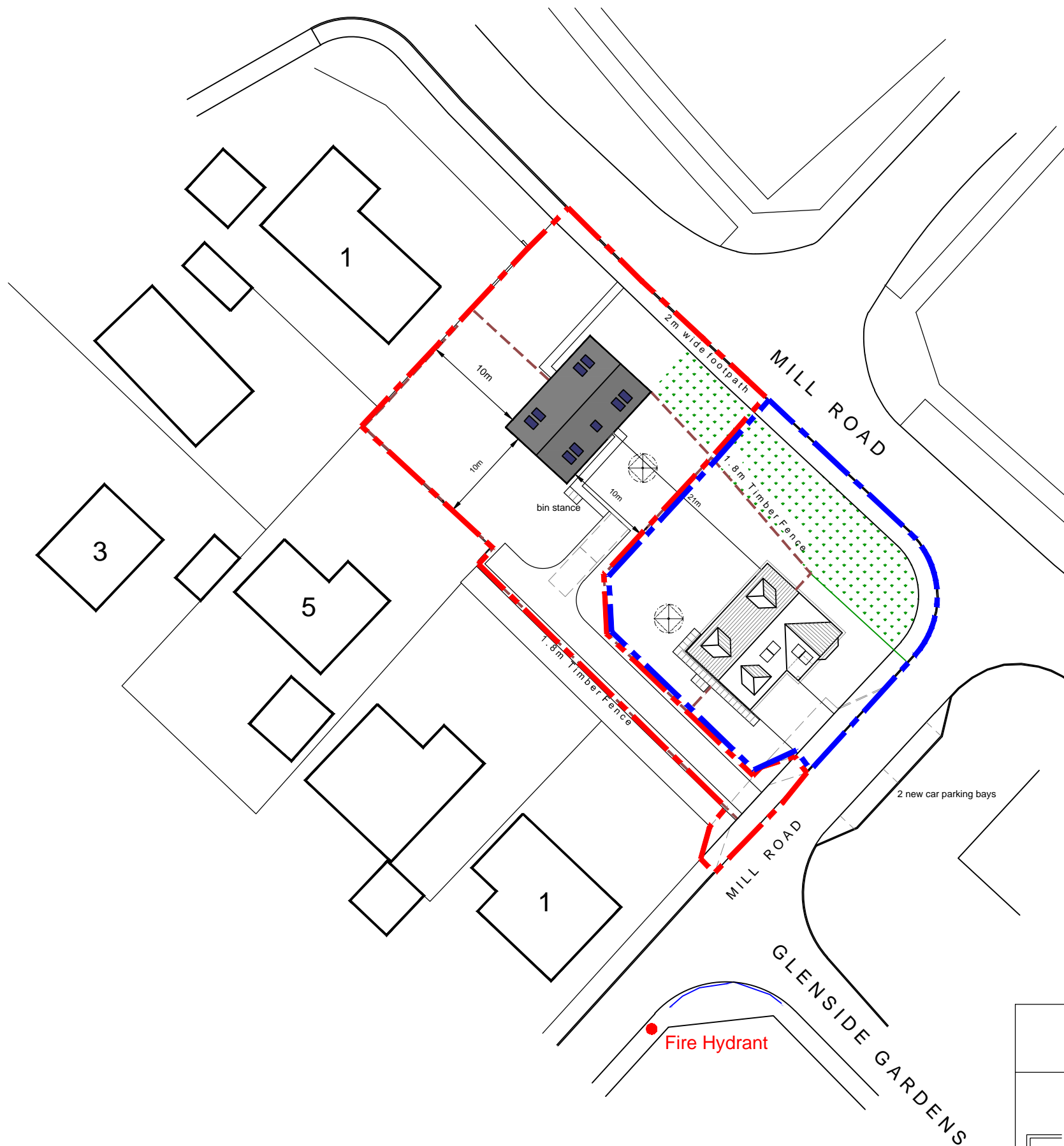
<div>PLANNING</div> <div><div>JW Plans</div><div>Architectural Services</div><div><div>Tel 01506 336459</div><div>Mob 07803 926400</div><div>johnwilsonplans@gmail.com</div><div>jwplans.co.uk</div></div><div></div></div>	Client		Mr Scott McMahon			
	Address		71 Mill Road, Armadale, Bathgate EH48 3QL			
	Project		Proposed New Dwellinghouse Mill Road, Armadale, Bathgate EH48 3QL			
	Drawing		Ground Floor Plan			
		Date	Mar 18	Scale	noted	
		Drawn By	J. Wilson			
		Job Ref.		Drawing No.		
		17/084		04		



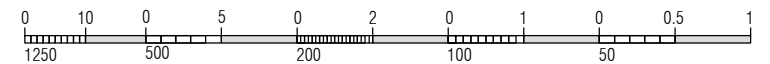
Upper Floor Plan as proposed 1:50



PLANNING		Client		Mr Scott McMahon	
<div>JW Plans</div> <div>Architectural Services</div> <div></div> <div>Tel 01506 336459 Mob 07803 926400 johnwilsonplans@gmail.com jwplans.co.uk</div>		Address		71 Mill Road, Armadale, Bathgate EH48 3QL	
		Project		Proposed New Dwellinghouse Mill Road, Armadale, Bathgate EH48 3QL	
		Drawing		Ground Floor Plan	
		Date		Mar 18	
		Drawn By		J. Wilson	
				Scale	
				noted	
		Job Ref.		Drawing No.	
		17/084		05	



Block Plan as proposed 1:500



PLANNING

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Client	Mr Scott McMahon		
Address	71 Mill Road, Armadale, Bathgate EH48 3QL		
Project	Proposed New Dwellinghouse Mill Road, Armadale, Bathgate EH48 3QL		
Drawing	Site Plan		
Date	March 18	Scale	noted
Drawn By	J. Wilson		
Job Ref.		Drawing No.	
17/084		02	

HANDLING REPORT

Ref. No.:	0208/FUL/18	Email:	mahlon.fautua@westlothian.gov.uk
Case Officer:	Mahlon Fautua	Tel No.:	01506 282426
Ward:	Armadales & Blackridge	Member:	Stuart Borrowman Sarah King Andrew McGuire

Title	Sub division of garden and erection of house(Grid Ref: 293121,668890) at 71 Mill Road, Armadale, West Lothian, EH48 3QL
Application Type	Local Application
Decision Level	Delegated List
Site Visit	29.03.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been have been carried out correctly - case officer verification. YES
Advertisement	29.03.2018

Description of Proposals

Planning permission is sought to subdivide the existing garden at 71 Mill Road, Armadale and to erect a house.

The site has no specific allocation in the development plan and lies within the settlement envelope of the town.

A house recently completed and lies to the south of the site. Beyond the house, on the other side of Glenside Gardens, lies an area of amenity open space. Similarly, on the opposite side of Mill Road are other areas of open space. To the west lie existing houses.

These well maintained areas of open space provide a high level of amenity for the residents of Mill Road and the surrounding area and compliment the attractive character and appearance of this part of Armadale.

The site fronts onto Mill Road between the new house to the south and No. 1 Glenwood Drive. Site access will lie between the new house and the row of existing houses on Glenside Gardens.

The proposed house is a one and a half storey with 4-bedrooms. Aspect will be onto Mill Road with the scale, materials and form similar to that of the existing houses to the west.

Site History

1444/P/04 - Outline planning permission for the erection of a house. Refused at Appeal 04/01/06

0245/P/11 - Planning permission in principle for the construction of a house at Mill Road. Granted 22/02/12

0183/MS/14 - Approval of matters specified in conditions of planning permission 0245/P/11 for the erection of a house. Granted 09/06/14

0726/FUL/15 - Erection of a house. Refused 10/11/2015

Representations

Eight (8) representations were received for this application. All eight objected to the application.

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

Issue	Comment
Obstructing views	The obstruction or right to views are not a material planning matter.
Site shall be retained as open space	Noted and assed below
Adverse impact on privacy and sunlight (policy HOU 9)	Noted and assed below
Unacceptable materials	Noted and assed below
Contrary to 0245/P/11	Noted.
Cramming impact	Noted and assed below
Contrary to West Lothian Local Plan as it is not allocated for housing	Noted and assed below

Consultations

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

Consultee	Objection	Comments	Planning Response
Mr Dominic Young (Contaminated Land Officer)	Not received	N/A	Noted.
Education Planning (Andrew Cotton)	No	Education would not register an objection to this application provided contributions are made. These contributions are	Noted. Should planning permission be granted, then the relevant developer contributions should

		targeted at relieving existing or forecast school capacity constraints and represent a proportionate contribution for the size of development suggested.	be secured, prior to the occupation of any house.
Coal Authority	No	The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report, and the professional opinions of the report authors set out therein, are sufficient for the purposes of the planning system.	Noted
Transportation	Yes	The access will be through an existing layby parking space which results in the loss of available visitor parking opportunities. The proposed solution of 2 parking spaces on the opposite side of the road cannot be implemented without third party land purchase.	Noted

Policies Considered

Policy Title	Policy Text
HOU2 - Development within Settlements	Within the settlement envelopes shown on the proposals map: a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM 2 would apply); b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of policy HOU 9;c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting;d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and,e. development briefs, will be prepared where appropriate.
HOU4 - Town Cramming	Developments, which result in town cramming, as defined in Supplementary Planning Guidance, Single plot and small scale

	infill residential development in urban areas how to avoid town cramming, will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.
HOU9 - Residential and Visual Amenity	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.
IMP14 - Supplementary Planning Guidance	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

Proposed Local Development Plan policies

HOU3 - Infill and Windfall Housing Development	In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries provided:a. the development will be in keeping with the character of the settlement and local area;b. the site is not identified for an alternative use in the LDP;c. the site does not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 - Protection of formal and informal Open Space and is acceptable in landscape and townscape terms;d. the proposed housing use is compatible with nearby uses, there is no adverse effect on the character of the local area and a satisfactory residential environment can be achieved;e. the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities;f. existing physical infrastructure, including roads, drainage, sewage capacity, and education have the capacity to accommodate the proposed development;g. any additional infrastructure required as a result of the development is either committed or to be funded by the developer as required by policies INF 1 - Infrastructure Provision and Developer Obligations and TRAN 2 - Transportation contributions and associated works;h. the site is not at significant risk of flooding in the terms of policy EMG 2 - Flooding; andi. the proposal complies with other LDP policies
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	<p>and relevant Supplementary Guidance. Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations. Proposals for the change of use, conversion and reuse of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.</p>
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none"> a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscape provision; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development</p>

	proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
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Policy Assessment

The development of the site would have an adverse impact on the character of the settlement in this location.

While the site may be seen as a gap site, any house on this site will have an awkward relationship with the existing houses and Mill Road. The houses to the west face towards this site while the aspect of the proposed house is not clear.

The existing development pattern appears to be deliberately designed for the houses on Glenside Gardens to have an outward aspect and therefore front onto this open ground and to Mill Road beyond.

The proposed loss of the existing lay-by parking is unacceptable in particular as third party approval is required to replace them.

The proposal would not satisfactorily meet the terms of the council's supplementary planning guidance on avoiding town cramming in view of the spatial relationship with existing properties.

The proposal would result in further erosion of the local character and environmental quality of the area.

The proposed layout is not compatible with the established building pattern as such the proposal does not comply with the policy HOU 4.

Other Considerations

While this application is considered independently from the previous application (0245/P/11) in relation to the house currently under construction, it is important to note that permission was granted on the basis that the original site, which includes the current application site, was for one house only and as such this should be considered as a material consideration.

In the event that planning permission is granted, the following developer contributions would require to be paid, before any house is occupied.

Cemetery Provision	An updated SPG was approved on 19 May 2009. Developers are required to make contributions towards new cemetery provision in West Lothian. A contribution of £35 per house/flat is required - indexation to RICS 1st Qtr 2006 754200-94108 Information updated MB 1/10/14
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Education Contributions Armada Academy	To support the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009) contributions are required towards Armada Academy.£1,653 per house and £620 per flat. This is in line with para 12.14 policy IMP1 of the FWLLP and the issuance of the SPG 'Developer contributions for a replacement Armada Academy' PP&R Committee December 2005. This payment to be index linked to the RPI index with the 1st quarter of 2005 forming the base date. (754200-94102) Information updated 1/10/14 MB
Education Contributions Denominational Secondary	£1,983 per residential unit. This is in line with para 12.17 policy IMP2 of the WLLP and the issuance of the SPG 'Developer contributions to the provision of a new denominational secondary' PP&R Committee May 2005 which was subsequently updated on 29th of June 2010 by Council Executive. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2010 forming the base date. (754200-94136) Information updated 1/10/14 MB
Roman Catholic St Anthony's Primary	West Lothian Council approved an SPG for developer contribution on 22 March 2011 towards the provision of additional RC Primary in Armada. This supports the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009) (See Policy IMP3 of the WLLP. Developments gaining consent are being asked to contribute £2,971 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2010. (754200-94201) Information updated 1/10/14 MB
Non Denominational Armada Eastertoun Primary	West Lothian Council approved an SPG for developer contribution on 22 March 2011 towards the provision of additional ND Primary in Armada both primary catchments. This supports the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009). Developments gaining consent are being asked to contribute £6,774 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2010.(754300-94202) Information updated 1/10/14 MB

Conclusions and Reasons for Decision

The proposal would create a cramming impact on the existing built environment. The arrangement of the vehicular access is awkward and would overall harm the residential environment. The acceptability of the current house was on the basis that the land was subject to one house.

Overall, the proposal would result in unacceptable residential environment. The proposed amended application from the previous application does not adequately address the reasons why the application was refused.

The proposal is considered to be contrary to West Lothian local plan policies HOU 2, HOU 4 and HOU 9.

Therefore, taking into account the above assessment, it is recommended that planning permission be refused.

List of Review Documents

Drawings schedule:

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Other relevant documents:

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

Case Officer – Mahlon Fautua

Date 25/4/18

DECISION NOTICE REFUSAL OF PLANNING PERMISSION

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

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

APPLICATION REFERENCE 0208/FUL/18

PROPOSAL Sub division of garden and erection of house

LOCATION 71 Mill Road, Armadale, Bathgate, West Lothian, EH48 3QL,
(GRID REF: 293121, 668890)

APPLICANT Mr Scott McMahon, 71 Mill Road, Armadale, Scotland, EH48 3QL

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

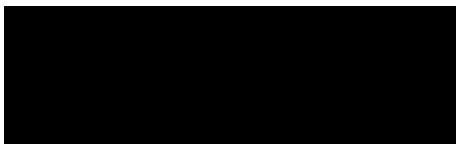
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Dated:
25.04.2018

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

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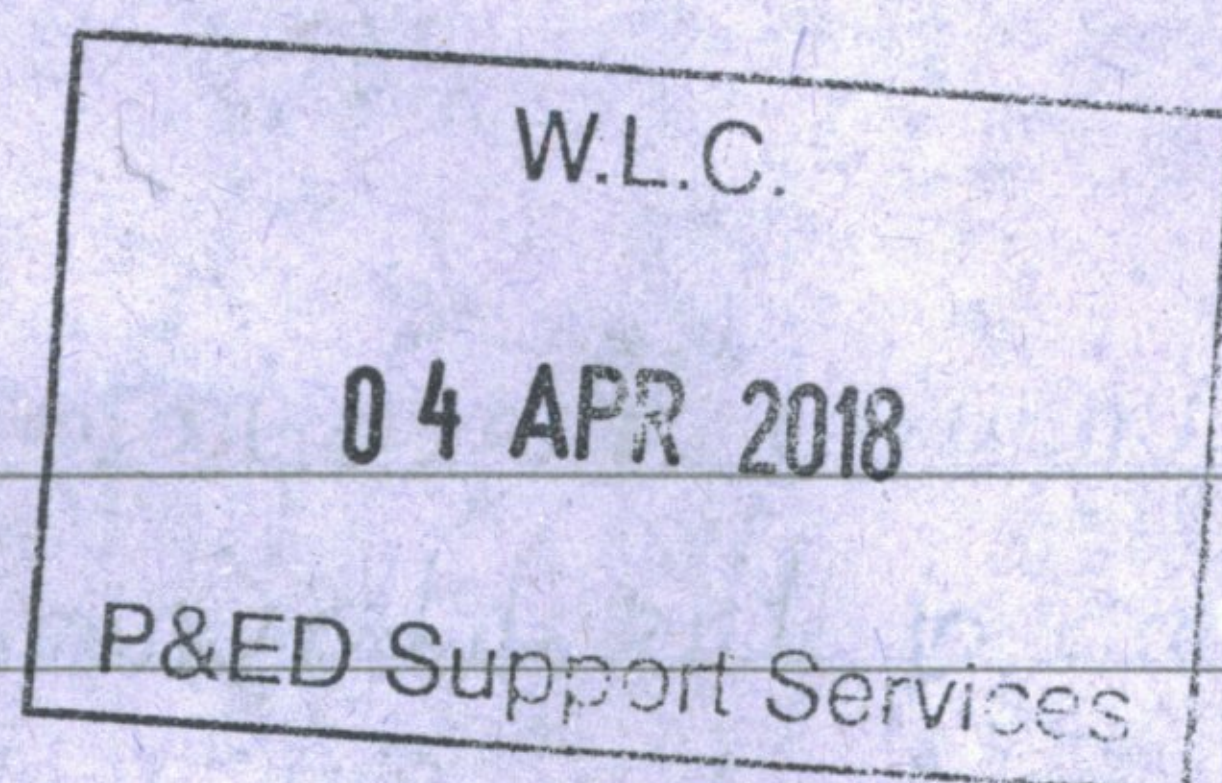
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0208/FUL/18



"Struan"

2, Glenwood Drive

Armadale

Bathgate

West Lothian

EH48 3TU

Re - Application for Planning Permission

23.3.18

Dear Sirs,

We received notice of an application for Planning permission for the erection of a dwelling House at the back of our plot at no 2, Glenwood Drive.

Already a dwelling House has been erected, even though people placed objections to the proposals of a house to be built there. Planning permission was granted by West Lothian Council for a price paid dearly by the residents living in this area and who's lives it severely affected. One of the residents has since passed away in January 2016, she had had a Heart attack, probably brought on with stress from all the goings on throughout the years of fighting to save the ground from its fate.

No more will we see a piece of lush green grass, or open spaces as we look out of our windows, only concrete shapes and different sizes of nothingness crammed into what was a lovely Green open space.

We have been reading through the comments of the new application and changing the orientation and design of the house is not going to change the situation we find ourselves in, it's still a house being built and looking on to a gable does not make it any easier for any of the residents.

Another of the comments you made refers to the loss of the open space that there is no open space, yes you are correct, there is none as the Planning permission at 71, Mill Road has stipulated that an open space be left and that four trees were to be

planted in the open space, instead the whole area was fenced off, disregarding the conditions of the planning permission

The surrounding houses have never benefitted from the alleged open space area, as a 6ft fence was erected around the perimeter of the plot (hence the garden and grounds of the property) making the whole matter a lot easier to get the permission to go ahead as it is a sub divided garden with the foundations already in place.

We have often wondered why the House at no 71, Mill Rd was granted permission when everyone objected in the past. Here we are again with house no 2, is this just a paper exercise? going through the motions for nothing and it seems to me, no matter what we say or feel, I wouldn't at all be surprised if it all went ahead regardless.

We will be objecting to the planning permission of a house in a sub Division of Garden GRIP Ref 293121 (668890) and would like to point out to the committee or whoever is going to decide our fate, everyone can walk away from this we can't and will be left with the aftermath and total devastation for the rest of our lives (Planning Application) 0208/FUL/18

Yours Sincerely



PS Going back to the conditions of the Planning permission they were never adhered too or enforced by West Lothian Council

Comments for Planning Application 0208/FUL/18

Application Summary

Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Angus MacRitchie

Address: 69 Mill Road Armadale

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection to this proposed development is the removal of the existing two car lay-by to allow vehicle access to the proposed development.

It is proposed to construct another lay-by on the opposite side of the Glenside Gardens Road on what is council owned land. This will infringe onto a green landscaped area that is well maintained by the council and is both a visual asset and a place of exercise for the local community, children play there and dog owners regularly exercise themselves and their pets.

I would not wish to see this current green space diminished to accommodate the wishes of a private housing development.

If the proposed two car lay-by were to go ahead two large mature trees that were planted by the council to enhance the area would be destroyed and the existing pavement would require to be relocated behind the proposed lay-by.

Comments for Planning Application 0208/FUL/18

Application Summary

Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Colin Reilly

Address: 1 Glenwood Drive Armadale

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am amazed that the Owner of No 71 Mill Road has seen fit to submit yet another planning application to build a second house.

It was made clear when permission was granted for the build of No 71 Mill Road that there would only be permission granted for 1 house. This was accepted to the proposer at the time.

I trust the West Lothian Council Planning Committee will once again refuse permission for a second build and that this will be the last time the local residents have to put up with the anguish and stress created by yet another Planning proposal for a new build.

A similar application was submitted in Sept 2015 and for the reasons detailed in the report the Planning application was correctly refused.

Nothing has changed since the last Application was refused but for the third time in the last 7 years the local residents of Mill Road, Glenside Gardens, Glenwood Drive and Honeyman Court are faced with the stress and uncertainty of yet another Planning application notification landing on their front door.

Before I state my objections to the latest proposal would like to point out that the owner of No 71 has still not met the conditions that were agreed by the Planning department and the occupier prior to building approval for No 71 being approved.

Application ref 0183/MS/14 - Decision Notice to Grant Matters specified in Conditions stated under Paragraph 3 that

"Four Birch Trees (Standard) shall be planted in the retained open space (Highlighted green on approved plan 2 of 5) in the first planting season following the occupation of the house. These trees shall be equally spaced along the length of the retained open space and shall be retained in perpetuity".

The owner has clearly ignored this requirement as it was always his intention to build a second

house and the planting of these trees would have hindered his plans.

I will appreciate if the Planning Department can look into this matter and contact the owner of No 71 Mill Road and enforce this requirement as currently he is not adhering to the conditions clearly set out as shown below.

Also in the original conditions for the Build of No 71 shown below it is clearly stated that a footpath should be in place within 3 months of No 71 Mill Road being occupied. This took over a year to be completed. There are many elderly residents living close to this area and my Partner has MS and on occasion has to use a wheelchair . Having to navigate a building site with no clear pathway has been extremely hazardous for everyone, a fact the owner seemed to care little about. It was more through luck than good management of this build that no one was physically injured from tripping over debris and uneven ground.

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Case Officer: Mahlon Fautua

Customer Details

Name: Mr Colin Reilly

Address: 1 Glenwood Drive Armadale

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This objection is split into 2 parts due to each objection being restricted to 3000 letters.

Objection Part 1

I have read with some confusing and disbelief the 3 statements made in the Planning statement by the applicant.

1. The proposed house would have an adverse impact on the character of the settlement in this location. In particular, the proposed house would have an awkward relationship with the houses to the west as they front toward the application site while the aspect of the proposed house will be towards Mill Road. This will result in a front to back relationship. The proposal is therefore contrary to policy HOU 2 (Development within Settlement Envelopes) of the West Lothian Local Plan.

Proposals Comment:- We have changed the orientation and design of the house to create a blank gable to the houses to the west which is no different to the relationship of the existing house at no 71 mill road.

Changing the orientation of a proposed dwelling house is not going to remove the adverse impact of the character in this area.

The current build at No 71 Mill Road has had an extremely negative impact on the area, Visually because the house is at odds to other developments in this area, and secondarily because of the removal of previously Open Space that was once enjoyed by all the local residents.

Allowing a build in the first place was against current Council planning law and a mistake in granted this application was clearly made by the previous committee. However this mistake should not be compounded by cramming in a second dwelling.

2. The proposed house due to its location and size would have an unacceptable cramming impact on the existing built environment. The proposal is therefore contrary to policy HOU 4 (Town Cramming) and IMP 14 (Supplementary Planning Guidance) of the West Lothian Local Plan.

Comment: - The footprint of the proposed new house has been reduced to be in a similar, or better, house/garden proportion to many of the surrounding properties. From the location plan it looks natural for the house to be there.

I am astonished the applicant has made the statement that the new housing will have similar or better house / garden proportions than what is currently in the area.

The 6ft fence completely enclosing what was previously an area of Open Space looks horrendous. All the other houses in the area have open gardens which are well maintained creating a lovely outlook for anyone walking through the area. The 6ft fence is reminiscent of a commercial building yard perimeter fence and does nothing to enhance the area. In fact it is nothing more than an eye sore and should be removed.

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Case Officer: Mahlon Fautua

Customer Details

Name: Mr Colin Reilly

Address: 1 Glenwood Drive Armadale

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection Part 2 of 2

3. The proposed house would adversely affect the visual amenity of the existing residents given there would be a loss of open ground that was not historically identified for housing. The proposal is therefore contrary to policy HOU 9 (Residential and Visual Amenity) of the West Lothian Local Plan.

Comment: - As the proposed ground is now residential garden there is no loss of open ground.

Enclosing the open ground with a 6ft fence is nothing more than a cynical attempt to circumnavigate the current planning law and should not be entertained. I have faith that the Planning committee will not be taking in by these attempts to get round Planning law. I believe the committee should instead look at the construction of this 6ft fence and the negative impact it has on a well-established housing area with a view to enforcing either a lowering off or complete removal of the fence that surrounds the open space.

It is an absolute travesty what has happened to the residents living in the 3 houses in Glenside Gardens that now face on to the area around No 71 Mill Road. Prior to the build of No 71 they had a lovely front outlook onto the area of grass that had remained open space for over 30 years. Now when they look out their front windows they are faced with a 6ft fence which blocks out any other outlook that they previously had. Whilst this in itself is unacceptable , to now add a second 1 ½ story house into the area would be nothing more than unbearable for the residents of those houses. The feelings and wellbeing of the residents, most of whom have lived in that area for over 25 years needs to be the major deciding factor that results in the refusal of planning permission for this New Development.

The impact to the local resident's health through disruption and worry and the negative impact on

the house valuations due to the build of No 71 cannot be allowed to be repeated with the building of a second house.

I would also like to see the Planning committee enforce the planting of the 4 Birch trees as specified in the previous planning conditions shown above.

I hope the West Lothian Council Planning committee take all these concerns seriously. The fact that many of the local residents as well as myself have taken the time to submit these objections should help to reinforce the strong feeling we all have against any more development being sanctioned in the local area.

Most of the people who live in this area have lived in Armadale for many years, many of them have been in the same house now for 25 - 30 years. We all take great pride in the area, our houses and gardens and enjoy the stability, friendship and security living in this type of community offers. All we want is to be able to enjoy living here without worry and uncertainty and be able to enjoy some peace and quiet to enjoy our houses and gardens.

None of us want to or will accept having to go through what was forced on us 3 years ago.

Comments for Planning Application 0208/FUL/18

Application Summary

Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Mr David Britain

Address: 80 Oxfords Road Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My strong objection to this application is as a member of the public, but also because my wife owns one of the affected Glenside Gardens houses. The original approval of the application to build 71 Mill Road specified that "at least 1/4 of the whole site was to be retained as residential land and maintained as such in perpetuity". The site plan does not suggest that such a proportion will be retained, particularly given the number of glaring errors on the plan, ie the incorrect naming of Mill Road and Glenside Gardens and wrong numbering of Glenside Gardens houses.

The access would be totally inappropriate, entering, as it would, through the existing lay-by and passing the front gardens of the Glenside Gardens houses fronting Mill Road. The resultant new lay-by to the south side of Glenside Gardens would involve further loss of public land and mature trees and adversely affect the amenity and aspect of other Mill Road residents.

Furthermore the building of another inappropriate 2 storey house, whether or not partially or wholly in existing garden ground, and despite orientation, would seriously affect the aspect of Glenwood Drive residents and contribute "unacceptable cramming", all totally contrary to the long documented views of decades of WLC Planning Committees.

All of these grounds for objection were taken on board at the time of a similar application by the same applicant in 2015 and were the reason for its refusal at that time. The circumstances have not changed one iota since then, and therefore another refusal would surely be the sensible and justifiable course of action.

(Incidentally it is a matter of record that the granting of approval to build 71 Mill Road, as a 2 storey house fronting 31 bungalows, took place in very strange circumstances, ie the conduct of the acting Chair at the Development Management Committee meeting on 1 June 2011, at which I was present and also spoke, and at which date the applicant's fees remained unpaid. That councillor actually suggested that the application be granted in the absence of payment as a lever

to exact payment from the applicant. The Development Management Manager was quick to offer his strong advice that this was both inappropriate and unethical. The Committee's acting Chair ignored this advice and even had the temerity to say that the granting of approval would act as a precedent to his own gaining approval for a piece of land in Whitburn for which he had been seeking planning permission for over 30 years! My wife and I (as well as several others present) were naturally horrified at this, especially when another councillor, absented himself, leaving the decisive casting vote for approval with the same acting Chair. The Provost (also present that day) wrote to the Council Chief Executive saying this meeting was one of the worst examples of planning business he had seen. If such chicanery were to be repeated I would not be so slow as I was then to bring the matter to CESPLS.)

Comments for Planning Application 0208/FUL/18

Application Summary

Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Gary MacRitchie

Address: Carl Thunbergs Vag 9 Solna

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a co-owner of a neighbouring property and a frequent visitor to the area in which I grew up and have many friends and family.

I object to this proposal for the following reasons:

- Obstruction of open views for the surrounding properties.
- Destruction of community/public land to allow for vehicle access.

Vehicle access is planned by removing the existing layby parking space which will result in the loss of much needed visitor parking. There are no other layby spaces in the immediate area.

The proposal to move the layby to the other side of the road results in public green space being removed, including 2 mature trees and what is currently an open area for children's play will be mixed with a car parking space.

In the initial planning for 71 Mill Road, it was made clear that this was a site for a single house and the current proposal seems to fly in the face of the original planning.

We should not allow the destruction of community public green space for the sole financial benefit of one developer and I hope that the department rejects the planned development in full.

Comments for Planning Application 0208/FUL/18

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Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Neil MacRitchie

Address: 37 South Road Peterhead

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: While I do not live nearby, I am a part owner of a house which is close to this site, and regularly visit family who live there. I would therefore like to object to this proposal on a number of grounds.

Firstly, this new house will obstruct views (already limited by the construction of number 71) of the countryside to the north of Armadale.

Secondly, this area was not identified for housing on the West Lothian Local Plan, and when permission was given for number 71 to be constructed, it was clear that it was for one house only on this wider site.

However thirdly, and most importantly, the block plan shows two new parking spaces opposite number 71. I note that these are on local authority land (currently open space apart from a peripheral pavement - only recently provided) and I would therefore object to this use of local authority land to facilitate a private development. Also the relevant land is currently the location of two substantial mature trees, and the loss of these trees would be a significant loss to the landscape and amenity of the area.

For these reasons, particularly the loss of public land and mature trees, I would like to formally object to this planned development. I am grateful for your consideration of this.

For accuracy I also note that the Mill Road, in front of numbers 67 and 69, is incorrectly labelled on the block plan as "Glenside Gardens".

From: [TOM SNEDDON](#)
To: [Fautua, Mahlon](#)
Subject: Fwd: Planning application 0208/FUL/18
Date: 08 April 2018 17:29:47

-----Original message-----

From : [REDACTED]
Date : 08/04/18 - 17:06 (GMTST)
To : Mahlon.Fautua@westlothian.gov.uk
Subject : Planning application 0208/FUL/18

Dear sir

I would like to register my objections to the above noted planning application.

Firstly when the applicant was granted permission to build at 71 Mill Road, the planning department stipulated conditions which do not appear to have been

carried out by the applicant:

There would only ever be one house built on this site!

Four birch trees were to be planted

At least 25% of the whole was to be retained as landscaped in perpetuity

That no walls,gates,fences should enclose the area.

According to the plan submitted by the applicant vehicular access would commence

from a layby on the entrance road to Glenside Gardens and then proceed along the front of the three existing houses in Glenside Gardens to the proposed site. This would be totally unacceptable to the residents of these houses.

yours

Thomas Sneddon

Comments for Planning Application 0208/FUL/18

Application Summary

Application Number: 0208/FUL/18

Address: 71 Mill Road Armadale Bathgate West Lothian EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details

Name: Ms Julie Robinson

Address: 1 Glenwood Drive, Armadale, Bathgate, West Lothian EH48 3RQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Comments for Planning Application 0208/FUL/18

Application Summary:

Application Number: 0208/FUL/18

Address: 71 Mill Road, Armadale, Bathgate, West Lothian, EH48 3QL

Proposal: Sub division of garden and erection of house

Case Officer: Mahlon Fautua

Customer Details:

Name: Ms Julie Robinson & Mr Colin Reilly

Address: 1 Glenwood Drive, Armadale, Bathgate, West Lothian, EH48 3RQ

Comment Details:

Commenter Type: Local Resident

Stance: Customer objects to the Planning Application

Comment Reasons: The house being proposed has two floors which is at odds with the rest of the residential area apart from number 71 Mill Road. It will greatly decrease our privacy and possibly our sunlight too. The house will overlook our bedroom. During the building process of number 71 Mill Road there was a significant lack of thought for current residents and noise was experienced 7 days a week for quite an extensive time (almost 1 year) and mess was left for long periods of time. It was particularly difficult during weekends. Although this was a while ago now I do not want to experience this again. This house would invade our privacy and make sitting in our garden very unpleasant.

There was an issue raised on a previous planning application with regards to the drive way and the proposed access road on Mill Road. This has not changed in this application so I would

assume this will remain an issue. There will be more loss of pavement and will cause local residents further issues.

There are many 5 bedroom houses already available in Armadale and Armadale will not benefit from this house. There are at least 2 major developments within Armadale at the moment and the only beneficiary are the landowners and it is a financial one. There has to be consideration to the negative impact any build like this would have on the residents and the general look of the area that has now been established for well over 30 years.

Allowing planning permission for No 71 Mill Road was against all current planning law and this mistake should not be compounded by a second mistake. I have yet to meet a single person who thinks this house should have been built so it will only cause local residents further grief if such a planning application was approved.

When permission was granted for 71 Mill Road it was very clear that this was for 1 house only and using the garden as an excuse to build another house is beyond stretching the rules - (As the proposed ground is now residential garden there is no loss of open ground). As a garden is very different from a house I still believe the following point applies even if they have put a fence round it:

The proposed house would adversely affect the visual amenity of the existing residents given there would be a loss of open ground that was not historically identified for housing. The proposal is therefore contrary to policy HOU 9 (Residential and Visual Amenity) of the West Lothian Local Plan.

Email from David Britain of 80 Oxbgangs Road, Edinburgh –
Received on 27th July 2018 at 14.35

Good afternoon Val,

Many thanks for notifying us of the Notice of Review against the decision on Application 0208/FUL/18.

My wife and I do indeed wish to object as forcefully as on all previous occasions and with the same valid reasoning (as best summarised in my letter of objection published on 5 April 2018 in the list of documents, and in conjunction with which this response should be read). My rebuttal, taking the sequence as made by Mr McMahon is :-

(1) The number of households represented by no less than 10 notes of objection is irrelevant, considering they represent long established residences on all sides of the affected site.

(2) Sadly Mr McMahon has missed the point as regards to "cramming", since decades of West Lothian Council Planning committees (at least until the irregularities engineered by Councillor Dickson of Whitburn on 1 June 2011) had regarded the building of **any** building on the site as constituting unacceptable cramming. The building of a second inappropriate two storey house (albeit described on the plans as a one and a half storey) on a long protected site would be totally out of accord with West Lothian Local Plan policies.

(3) The suggestion made by Mr McMahon regarding vehicular access smacks of desperation since, his original suggestion of access through the existing lay-by having been ruled out, the notion that this could somehow be achieved by resiting the existing lay-by to the opposite side of Glenside Gardens would directly impact on protected amenity land and a stand of mature trees. Likewise the Mill Road option is totally impractical, exiting as it would directly onto a busy road including bus traffic and only metres away from the junction with Drove Road!

(4) The suggestion that the aesthetics of the whole area would be enhanced by the addition of a second two story house directly in front of an almost 50 year old development of 31 single storey bungalows is, quite frankly, laughable. The "disproportionate garden ground" referred to fails to take account of the requirement that 25% of the site be retained without building, apart from the planting of trees which was a condition of the granting of planning permission in 2001 and which have still to materialise (and would of course have to have been removed again if a second house had ever been permitted). In fact it seems clear that Mr McMahon's positioning of his existing house where it stands was deliberately done with a view to making just such an application for a second inappropriate building in his back garden. (Would it be cynical to suggest that this would then be quickly sold on for his own financial gain and in order to offset the expenses to date of this whole sorry affair?).

In response to Mr McMahon's reference to "the line of current screen fencing", this would be on the **opposite side** of the site from where the fencing was causing most offence. In addition, should courtesy and aesthetics not require the posts & supports of a boundary fence be on the **inside** of a proprietor's ground rather than to the outside? Another example of Mr McMahon's cavalier regard for existing residents.

It is equally clear that Mr McMahon has no regard for "the aesthetics of the whole area", otherwise why would he have planted a two storey house on this site in the first place, directly in front of 31 long established bungalows, whose appearance in the Armadale streetscape was so glowingly and proudly praised by previous West Lothian Planning Committees.

I trust that this summarises our viewpoint sufficiently clearly.

Kind regards,

David Britain

**Email from Julie Robinson & Colin Reilly, 1 Glenwood Drive, Armadale,
Sunday 29th July 2018, at 18.53**

Hi,

I have listed below mine and Colin Reilly's previous objections and new ones based on Mr McMahon's comments plus more general objections.

The house being proposed has two floors which is at odds with the rest of this residential area apart from number [71 Mill Road](#). It will greatly decrease our privacy and possibly our sunlight too. The house will overlook our bedroom. During the building process of number [71 Mill Road](#) there was a significant lack of thought for current residents and noise was experienced 7 days a week for quite an extensive time (almost 1 year) and mess was left for long periods of time. It was particularly difficult during weekends. Although this was a while ago now I do not want to experience this again, it will take a very long time to forget about this. This house would invade our privacy and make sitting in our garden very unpleasant. Having to put up with this for a second time is a very unpleasant prospect and would seem a lack of thought was put into number 71 Mill Road as this could have all been avoided if both houses had been built at the same time although from our perspective we can cope with the first house but oppose the planning permission to build a second house greatly.

There are many new developments already available in Armadale and Armadale will not benefit from this house. There are more than a few major developments within Armadale at the moment and in the previous years so the only beneficiary will be the landowner of this planning application and it is a financial one. There has to be consideration to the negative impact any build like this would have on the residents and the general look of the area that has now been established for well over 30 years. 71 Mill Road and the second house would be better suited to a new housing estate.

Allowing planning permission for No [71 Mill Road](#) was against all current planning law and this mistake should not be compounded by a second mistake. I have yet to meet a single person who thinks this house should have been built where it has been although it is a pleasant enough house so it will only cause local residents further grief if such a planning application was approved for a second house. If a condition was made that only 1 house was to be built on this land why would this be changed now?

When permission was granted for [71 Mill Road](#) it was very clear that this was for 1 house only and using the garden as an excuse to build another house is stretching any rule - (As the proposed ground is now residential garden there is no loss of open ground). As a garden is very different from a house I still believe the following point applies even if they have put a fence round it. A second house would not make the issue of the fence better and only cause more of an issue to residents than the fence. Mr McMahon has been very intentional with the building of the fence and always intended to get planning permission for a second house since he got planning permission for 71 Mill Road. He has built the fence so close to my wall and my neighbours that we can't maintain our walls but he can't maintain his fence either such as paint it.

The proposed house would adversely affect the quality of lives for many residents as there also may be a driveway (it is in the current plans) on the ground so cars coming on and off the ground past people's living room windows also causing noise for the existing residents given there would be a loss of open ground that was not historically identified for housing. [The proposal](#) is therefore contrary to policy HOU 9 (Residential and Visual Amenity) of the West Lothian Local Plan.

Mr McMahon's comments are somewhat biased and not objective in any way. I've commented on these below:

This area was nice open green land so making the comment about a second house would not cause cramming is not objective. It will just make this area the same as many housing estates - something that is of detriment to this area. As Mr McMahon has never lived here prior to the build of 71 Mill Road he will not appreciate this.

I'm sure his discussions with the Estates Department has not been detailed as there are two junctions on to the Mill Road that face or run along the side of his land so a junction onto the Mill Road from his land would be very unsafe. One from Mill Road to Glenside Gardens and the other from Drove Road to Mill Road. There is a third from Mill Road to Glenwood Drive very close by. I'm no planning expert and even I can see this will cause problems. The residents are opposed to losing more land and trees to fulfil a planning application if he used the space as proposed in the plan. We've already lost a lot including part of a lay by with the building of 71 Mill Road. Mr McMahon should appreciate how lucky he has been to build 71 Mill Road.

Replacing the fence with a house would not make any residents better off. The residents feel we lost badly when 71 Mill Road was built and further planning would only make things worse. The new house would benefit none of the residents apart from Mr McMahon and his family financially.

Mr McMahon has not completed the planning conditions of 71 Mill Road. The tree's that were to be planted are still missing so I assume this is because it would make this planning application difficult.

If Mr Mahon feels his garden is too big he could reduce his garden. At the time 71 Mill Road's planning was approved he knew what size the garden would be. If he wanted to give some space back to the community so we could enjoy some of the space we once had this would be appreciated although I think this is unlikely. It would also make the area similar to what we once enjoyed. The way the land is configured just now makes this area look stupid but it doesn't mean a second house should be built.

I have lived in this area since I was born in 1975 and have loved this area. I have been saddened by the development of 71 Mill Road and the potential of a second house and I think many people feel the same.

I have never met Mr McMahon and he met my partner once when he wanted to use facilities from my house when he was building 71 Mill Road. I'm really unaware of how he has contributed to the community and he seems to have one goal at any expense - to build a second house in that plot of land.

Thank you.

Julie Robinson & Colin Reilly



'STRUAN'
2, GLENWOOD DR.
ARMADALE
BATHGATE
WEST LoTHIAN
EH48 3TU

DEAR SIRs - Ref 0308/FUL/18-

With REGARDS TO YOUR LETTER WHICH WE RECEIVED ON THE 21TH JULY 2018, WE STAND BY OUR DECISION TO OBJECT TO THE PROPOSED DWELLING HOUSE AND HOPEFULLY WITH THE REVIEW COMING UP, THE DECISION WILL THEREFORE REMAIN THE SAME TO THE APPLICATION OF SUB DIVISION OF GARDEN AND ERECTION OF HOUSE AT 71, MILL ROAD, ARMADALE.

CAN I JUST TAKE YOU BACK TO THE 9TH JUNE 2014, IT CLEARLY STATES THIS PERMISSION FOR MATTERS SPECIFIED IN CONDITION IS GRANTED SUBJECT, DUE TO THE FOLLOWING CONDITIONS, AND THESE WORDS WERE CONDITIONS FOR THE ORIGINAL DWELLING HOUSE BY DEVELOPMENT MANAGEMENT MANAGER (CHRIS NORMAN) THESE WERE THE CONDITIONS OF THE ERECTION OF THE SAID DWELLING HOUSE, THAT FOUR BIRCH TREES (STANDARD) BE PLANTED IN THE RETAINED OPEN SPACE, THESE TREES SHALL BE EQUALLY PLANTED AND SPACED ALONG, THE LENGTH OF THE OPEN SPACE

NOT ONLY HAS MR McMAHON TOTALLY IGNORED HIS CONDITIONS OF THE PERMISSION GRANTED, HE HAS BUILT A GFT FENCE, RIGHT UP AGAINST EVERYONES BOUNDARIES TOTALLY ENCLOSING THE SAID OPEN SPACE WITHOUT THE FOUR BIRCH TREES.

PAPERWORK WHICH WAS WRITTEN ON THE 22ND FEBRUARY 2012 STATES SECTION 3 - AT LEAST ONE QUARTER OF THE SITE HEREBY APPROVED SHALL BE RETAINED AS OPEN SPACE AND MAINTAINED AS SUCH IN PERPETUITY THE OPEN SPACE SHALL BE LOCATED AS INDICATED ON THE APPROVED PLAN IT SHALL BE MAINTAINED AS A GRASSED AREA, CUT EVERY TWO WEEKS DURING THE GROWING SEASON. ORDER 1992 (AS AMENDED) NO GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE SHALL BE ERECTED ON THIS OPEN SPACE WITHOUT PLANNING PERMISSION BEING GRANTED BY THE COUNCIL.

WE DO UNDERSTAND THAT ALL THE PREPARATION FOR THE GROUNDWORK FOR
THE SECOND DWELLING HOUSE HAS ALREADY BEEN DONE, DRAINS, FOUNDATIONS
ETC JUST AWAITING THE PLANNING PERMISSION FROM WEST LoTHIAN COUNCIL

YOURS SINCERELY
MR & MRS ALV. McGRATH

Email Received from Scott McMahon (the applicant) on 14th August 2018 at 16.00

Good afternoon, Val,

I would like to respond to some of the objections made in regard to my planning application, in order to put to rest any uncertainty about the current status of the land.

When the original planning application was granted, this area of land was white land and not public open space. It is not protected in the new plan. In any event, it has been private land since the 1970s. It could never be public.

Furthermore, on the frequently raised point that 25% of the land has not been retained for public use, this is entirely incorrect. This 25% consists of the strip of land that runs parallel to Mill Road which is maintained by me, at my cost, along with the public footpath, which was also constructed at my cost. It was agreed with the planning department that trees would, in fact, not be planted to allow maximum line of sight for the junction. The construction of this footpath has actually improved access for residents as there was previously no path on this site, requiring residents to cross the road in order to head in a southerly direction.

I maintain a good relationship with the planning department and have met all of their requirements. It is ludicrous that these objectors are suggesting that the planning department are not doing their job properly and are simply allowing me not to fulfil conditions.

The planning department are highly professional and not adhering to conditions would never be allowed to happen. I would hope that this puts a stop to any further debate about public open space and trees.

I find Mr Britain's comments ridiculous, not to mention odd, as he is one of two objectors who don't even live in Armadale. He lives in Edinburgh, I believe, and rents out the property to a couple who have been there for a number of years and who, in fact, have submitted no objections. Mr Britain has also raised concerns regarding the proposed house being two storey; however, I would like to reassure him that the house is, in fact, a one and a half storey house, therefore his concerns are not necessary. On that point, I would point out that there are many two storey extensions in the surrounding streets, which, as far as I'm aware, have never been refused planning. I'm most surprised that Mr Britain has never objected to any of these being built, as they have had the same impact on him as my application has, given that he lives in Edinburgh.

Another of Mr Britain's points is regarding driveway access onto Mill Road. I believe the policy is that as long as you enter and exit the driveway in a forward gear, it is perfectly acceptable that the access could be onto Mill Road. If Mr Britain took the time to look, when he next visits Armadale, he would see that, further up Mill Road, there are many houses with direct driveway access onto Mill Road.

Another point raised by Colin Riley was his concern over loss of sunlight. This would not be the case as Mr Riley's property sits directly north of the proposed house and the sun sets north west. In fact, if anybody was to lose sunlight, it would be me.

I believe that another house is required to redress the balance of the street scene and that it would sit nicely in the area.

Finally, I would add that within their objections to this application, a number of residents have made scathing personal comments, such as suggesting that my wife and I do not care about other people,

with one resident even claiming that we had contributed to the death of a neighbour. I personally find it shocking and highly inappropriate that someone would attempt to 'score points' in this manner. To our dismay, none of the objectors have made any attempt to get to know us in the two years we have lived here; however, we have met with many of the other residents in the area during this time and, thankfully, found them all to be friendly and welcoming.

Yours sincerely,

Scott McMahon

Developer obligations

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

Education Contributions Armadaale Academy	To support the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009) contributions are required towards Armadaale Academy.£1,653 per house and £620 per flat. This is in line with para 12.14 policy IMP1 of the FWLLP and the issuance of the SPG 'Developer contributions for a replacement Armadaale Academy' PP&R Committee December 2005. This payment to be index linked to the RPI index with the 1st quarter of 2005 forming the base date. (754200-94102) Information updated 1/10/14 MB
Education Contributions Denominational Secondary	£1,983 per residential unit. This is in line with para 12.17 policy IMP2 of the WLLP and the issuance of the SPG 'Developer contributions to the provision of a new denominational secondary' PP&R Committee May 2005 which was subsequently updated on 29th of June 2010 by Council Executive. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2010 forming the base date. (754200-94136) Information updated 1/10/14 MB
Roman Catholic St Anthony's Primary	West Lothian Council approved an SPG for developer contribution on 22 March 2011 towards the provision of additional RC Primary in Armadaale. This supports the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009) (See Policy IMP3 of the WLLP. Developments gaining consent are being asked to contribute £2,971 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2010. (754200-94201) Information updated 1/10/14 MB

Non Denominational Armadale Eastertoun Primary	West Lothian Council approved an SPG for developer contribution on 22 March 2011 towards the provision of additional ND Primary in Armadale both primary catchments. This supports the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009). Developments gaining consent are being asked to contribute £6,774 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2010.(754300-94202) Information updated 1/10/14 MB
Cemetery Provision	An updated SPG was approved on 19 May 2009. Developers are required to make contributions towards new cemetery provision in West Lothian. A contribution of £35 per house/flat is required - indexation to RICS 1st Qtr 2006 754200-94108 Information updated MB 1/10/14

Draft conditions –

1. No development shall commence until a scheme for the removal and the re-provision of the layby parking spaces adjacent to 71 Mill Road, has been submitted and approved by the planning authority. Such a scheme shall include the proposed timescales

Thereafter the details as approved shall be implemented

Reason: To ensure that dedicated visitor parking spaces are maintained.

2. No development shall commence until a contaminated land Phase 1 desktop assessment must be completed and a written report submitted to and approved in writing by the planning authority. The assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include an initial conceptual model of the site.

If the Phase 1 report identifies a risk of contamination a Phase 2 intrusive site investigation shall be submitted to and approved in writing by the planning authority prior to works starting on site. The Phase 2 report must incorporate a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site, as well as the following:

An assessment of the potential risks to:

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

An appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. If it is concluded by the written report that remediation of the site is not required, and this is approved in writing by the planning authority, then the below part of this Condition can be disregarded.

If contamination is discovered through the Phase 2 site investigation a detailed Remediation Statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors, must be submitted to and approved in writing by the planning authority prior to works starting on site. The Remediation Statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Statement must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Reason: To ensure there is no contamination on the site that could pose a risk to the health of future occupiers, in the interests of amenity.

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

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

4. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

5. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA). Prior to the commencement of development, a drainage assessment (also to include proposals for disposal of waste water) 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.

Reason: To minimise the effects of surface water and diffuse pollution on the water environment.

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.

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 visual and environmental amenity.

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of review, review documents, procedural problems, new matters raised, draft conditions and developer agreements
2	Development plan policies and national and local planning guidance
3	Relevant material considerations drawn from the review documents
4	Factual disputes to be resolved

PART 2 – FIRST MEETING

1	National guidance on review cases and applicant's preferences for procedures
2	Additional Information needed and why
3	How to get it – site visit, written submissions, Hearing Session
4	Sufficient information to determine the application?

PART 3 – ADJOURNED FIRST MEETING

1	Completion of procedures decided on at first meeting
2	Additional information needed and why
3	How to get it
4	Sufficient information to determine the application?

PART 4 – DETERMINATION

1	Assess against each development plan policy - conform or breach?
2	Decide as per development plan unless justified by material considerations
3	In applying the statutory test, what is the decision?
4	Provide planning reasons for decision letter and minute