



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

28 November 2018

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 5 December 2018 at 10:00am**.

For Chief Executive

BUSINESS

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

Public Session

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 07 November 2018 (herewith).

Public Items for Decision

5. Application No.0874/FUL/18 - Formation of car wash facility including storage containers on land at Breich Inn, Breich, West Calder (herewith)
6. Application No.0888/H/18 - Extension to house at 96a Lower Bathville, Armadale (herewith)
7. Application No.0894/H/18 - Extension to house at 16 Millcraig Mews, Winchburgh (herewith)

DATA LABEL: Public

8. Application No.0897/FUL/18 - Erection of 2 houses at Kippilaw, Longridge Road, Whitburn (herewith)

Public Items for Information

9. Consider list of delegated decisions on planning applications and enforcement actions for 26 October to 23 November 2018 (herewith)
10. Appeals :-
- (a) Application No. 0057/P/18 - Land at Clarendon Farm - Appeal submitted against the refusal of planning permission for a residential development
 - (b) Enforcement Action: ENF/O125/18 - 52 Lyarthill, Broxburn - Unauthorised erection of 1.8 metre high fence in front garden - Appeal submitted against enforcement notice.
 - (c) Advertisement Consent: 1037/A/17 - 10 Caputhall Road, Deans Industrial Estate, Livingston - Display of free-standing sign adjacent to M8 motorway Appeal decided and dismissed.

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 7 NOVEMBER 2018.

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

Apologies – Councillor Stuart Borrowman

1. DECLARATIONS OF INTEREST

Agenda item 8 (App No.0893/FUL/18, Erection of 15 houses on land to the north of Main Street, Westfield) – Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointed member to the West of Scotland Archaeology Service who were a statutory consultee on the application but would participate in the item of business.

2. MINUTE

The Committee approved the Minute of its meeting held on 3 October 2018. The Minute was thereafter signed by the Chair.

3. APPLICATION NO. 0810/FUL/17

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0810/FUL/17	Erection of a mixed use development comprising of 5 ground floor units for class 1 shops, class 2 financial, professional & other services and class 4 business and 10 (1-bedroom) flats on the first floor with associated works at the Firs, Polbeth	Grant planning permission subject to conditions and the securing of the relevant developer obligations

The Committee then heard from Louise Gallagher Dickson, who spoke in support of her objection to the application.

The Committee then heard the applicant, Franco Cortellesa, and his agent, Dan Henderson, who both spoke in support of the application.

Decision

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

to conditions and the securing of the relevant developer obligations.

4. APPLICATION NO: 0893/FUL/18

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0893/FUL/18	Erection of 15 houses on land to the north of Main Street, Westfield	Refuse planning permission

The Committee heard from Anne Cunningham, the applicant's agent. John Gheel, the architect, and Charlie Miller, the applicant, who all spoke in support of the application.

Motion

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

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To grant planning permission as the proposal did conform to policy DES1 of the West Lothian Local Development Plan, was not contrary to SESPlan Policy 1B, and the proposed development would contribute to the vitality of the local area.

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

A roll call was taken which resulted as follows :-

Motion

Harry Cartmill

Lawrence Fitzpatrick

Charles Kennedy

Tom Kerr

Dom McGuire

Amendment

William Boyle

Pauline Clark

David Tait

Decision

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

5. APPLICATION NO. 0808/H/18

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0808/H/18	Installation of dormer window at 12 Carse Knowe, Linlithgow	Grant planning permission

Decision

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

6. APPLICATION NO: 0869/H/18

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0869/H/18	Erection of a two storey side extension and single storey rear extension at 42 Maryfield Park, Mid Calder	Grant planning permission

Decision

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

7. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 28 September to 26 October 2018 was submitted for the information of the Committee.

Decision

To note the list of delegated decisions.

8. APPEALS

- 8.1 The Committee noted that the following appeals had been submitted against the imposition of conditions :-

<u>Application No.</u>	<u>Proposal</u>
0303/FUL/18	Building works including the removal of shoring and installation of external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow

<u>Application No.</u>	<u>Proposal</u>
0304/LBC/18	Listed Building Consent for the removal of external shoring; installation of internal steel restraints and external steel bracing; repairs to stonework and installation of render system to gable at 77-79 High Street, Linlithgow

- 8.2 The Committee noted that the following appeal had been submitted against the issue of an enforcement notice :-

<u>Enforcement Action No.</u>	<u>Location</u>
ENF/0229/18	Plot 23, Blinkbonny Gardens, Breich

- 8.3 The Committee noted that the following appeal had been submitted against the refusal of advertisement consent :-

<u>Advertisement Application No.</u>	<u>Proposal</u>
1047/A/17	Display of a free-standing sign (in retrospect) at 10 Caputhall Road, Deans Industrial Estate, Livingston

- 8.4 The Committee noted that the following appeal had been allowed :-

<u>Application No.</u>	<u>Proposal</u>
LIVE/0458/FUL/17	Erection of two dwelling houses at Land at Drovers Bank, Pardova Farm Steadings, Philipstoun

- 8.5 The Committee noted that the following appeal had been dismissed :-

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

Display of fascia sign (in retrospect)
at 14 East Main Street, Whitburn



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Formation of car wash facility including storage containers.

2 DETAILS

Reference no.	<u>0874/FUL/18</u>	Owner of site	Mr J Campbell
Applicant	Mr J Campbell	Ward & local members	Fauldhouse and the Breich Valley Pauline Clark David Dodds Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 <u>mahlon.fautua@westlothian.gov.uk</u>

Reason for referral to committee: Referred by Councillor Clark

3 RECOMMENDATION

- 3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the formation of car wash facility including storage containers by the junction of the A71 and the A706. The application site was the location of the former Breich Inn which lies between the A71 and the railway line
- 4.2 The site is allocated for housing in the West Lothian Local Development Plan 2018.
- 4.3 The proposed car wash will have a one-way system with vehicle entrance on the western side of the site with the exit further east along the site. The car washing area itself will be between screens. A storage container and office (steel container) will sit to the north of the car wash.
- 4.4 A revised site plan was submitted in response to the consultation response from Network Rail advising that the application site encroached onto Network Rail land. The revised site plan now follows the registered land title.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and two representations were received.
- 5.2 The representations are summarised below. Copies of the full representations are attached to this report.

Objecting Comments	Response
Traffic Safety	Noted. This is assessed further below.
Unsuitable location	Noted. This is assessed further below.
Work has started in advance of planning permission	Noted.
Incorrect information on plan	Noted. This has been corrected by the applicant with the submission of a revised site plan.
Impacts from spray and chemicals	Noted. This is assessed further below.
Drainage	Noted. This is assessed further below.
Applicant doesn't own the land	Noted. This has been corrected by the applicant with a submission of a revised site plan.

6 CONSULTATIONS

6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	Yes (Note: Holding objection only)	<ul style="list-style-type: none"> Due to the potential speed of vehicles passing the site on A71, Roads & Transportation are concerned about road safety of traffic if a queue formed back onto A71. A full height kerb island required between entry and exit points to the car wash. There are no contingency measures shown to accommodate or turn vehicles away if queue becomes a road safety hazard. 	Noted.
WLC Flood Risk Management	No	<p>Flood risk: The council holds no information which would suggest that the site is at a particular risk of flooding.</p> <p>Surface Water Drainage: It is essential, that all runoff from the site is successfully intercepted and that there is no prospect of runoff issuing onto the public road.</p> <p>Wastewater drainage: Further, intercepted runoff from the car washing activity will be contaminated with detergent and polluting sediment and constitutes trade effluent. The</p>	Noted.

Consultee	Objection	Comments	Planning Response
		<p>applicant's proposal shows this connected to the drainage system via an existing septic tank.</p> <p>It is recommended that the applicant be required to:</p> <ol style="list-style-type: none"> 1. demonstrate the structural integrity of the septic tank; 2. demonstrate that the septic tank is registered with SEPA or register it and demonstrate to the planning authority that it has since been registered and 3. That the applicant demonstrates that he has applied for and secured any necessary license(s) under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). <p>For the avoidance of doubt, the planning authority is recommended to expressly decline any proposal which relies on the discharge of trade effluent from the proposed car wash via septic tank to a nearby watercourse, unless it can be first satisfied that the septic tank is registered with SEPA, has the necessary CAR license and is deemed, by SEPA, to present an acceptable risk to the water environment.</p> <p>Storage of Chemicals:</p> <p>It is noted that the applicant proposes to install a store on site. Stored chemicals, used for the cleaning of vehicles, can contain chemicals like acids, alkaline, chloride and phosphates, which, if spilled, can present a serious risk to aquatic species, irrespective of whether a septic tank is present or not. It is recommended that the applicant be required as a condition of any planning permission that may follow, demonstrate that products used for the cleaning of vehicles are stored in a secure, bunded container and that the vehicle washing process uses only phosphate and chlorine-free, biodegradable detergents, safe to the aquatic environment.</p>	

Consultee	Objection	Comments	Planning Response
Network Rail	No	<p>Subject to conditions.</p> <p>Network Rail identified that part of the application site encroaches into Network Rail owned land.</p> <p>Network Rail would be unwilling to lease or sell this area of land to the developer as it would be a safety risk to our infrastructure, the developer must submit amended plans to the Local Authority removing all Network Rail land ownership from their application site.</p>	Noted. The applicant corrected the site plan to match the land ownership plan.

7 PLANNING POLICY ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.1 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (WLLDP).

Plan	Policy	Assessment	Conform
WLLDP	<p>DES 1 – Design principles</p> <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.</p>	<p>The proposal at this location is inappropriate due to the countryside setting.</p> <p>In addition, it is considered that given the location, there is a potential road safety risk on the A71 given the type of activity proposed.</p>	No
WLLDP	<p>EMP 3 - Employment Development outwith Settlement Boundaries</p> <p>a. it can be demonstrated that there is no suitable alternative site available for the proposal within the settlement boundary; or b. a site specific business</p>	<p>The proposal involves a small-scale business development outwith a settlement boundary.</p> <p>With respect to the criteria, the applicant has not demonstrated that there are no alternative suitable sites within a settlement boundary. In</p>	No

Plan	Policy	Assessment	Conform
	<p>case/location need justification can be successfully made; or</p> <p>c. the proposed development constitutes a legitimate farm diversification enterprise; or</p> <p>d. it can be satisfactorily demonstrated that the proposals would help sustain the rural economy or create significant social benefits.</p> <p>Additionally;</p> <p>e. the scale, layout and design of any proposed buildings shall be appropriate to the character of the site and the surrounding area and shall not adversely impact on any special historic environment assets, natural heritage designations or landscape interests;</p> <p>f. the proposal shall be compatible with neighbouring land uses;</p> <p>g. the proposal shall have no unacceptable traffic, amenity or environmental impact and the site is accessible, or could be made accessible by public transport and footway connections to the surrounding area; and</p> <p>h. any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.</p>	<p>addition. A business case has not been submitted to justify this business at this location.</p> <p>Furthermore, it has not been demonstrated that the proposals will help sustain the rural economy or create significant social and economic benefits.</p> <p>Therefore, it is considered that the proposed development does not satisfy Policy EMP 3.</p>	
WLLDP	<p>ENV 3 – Other Development in the Countryside</p> <p>Development in the countryside will only be permitted where the following guiding principles are taken into account:</p> <p>a. the development is justified for agriculture, horticulture, forestry, countryside recreation or tourism or other rural business use; or</p> <p>b. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or</p> <p>c. the proposal is for the replacement of a building in the countryside which is of a poor design or in a poor structural condition; or</p> <p>d. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps</p>	<p>The proposal involves development in the countryside. Assessment of the criteria below:</p> <p>a. The proposal is not for agriculture, horticulture, forestry, countryside recreation or tourism.</p> <p>b. Although the site is brownfield, it is not visually intrusive.</p> <p>c. The proposal does not replace any building.</p> <p>d. Not identified as infill development</p> <p>e. Not a conversion.</p>	No

Plan	Policy	Assessment	Conform
	between existing buildings in the countryside; or e. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit.		
WLLDP	<p>HOU 1 – Allocated housing sites</p> <p>To ensure that an effective 5 year supply of housing land is maintained at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:</p> <p>a. there is a constraint on the site and there is no reasonable prospect of it becoming available for housing development within the plan period;</p> <p>b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use; and</p> <p>c. for proposed employment uses, there are no suitable, available allocated employment sites which could accommodate the development.</p>	<p>The site is allocated for housing. (H-LW 3). Assessment of the criteria below:</p> <p>a. It has not been demonstrated that there is a constraint on the site and there is no reasonable prospect of it becoming available for housing development.</p> <p>b. There are no benefits to outweigh the need to maintain the intended housing use.</p> <p>c. It has not been demonstrated that there are no alternative sites that could accommodate the proposed development.</p>	No
WLLDP	<p>TRAN 1 – Transport Infrastructure</p> <p>Development will only be permitted where transport impacts are acceptable.</p>	The proposal could lead to vehicles queuing on the A71, which would potentially create an unacceptable road safety risk.	No
WLLDP	<p>EMG 3 – Sustainable Drainage</p> <p>Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development. DIAs, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise</p>	While drainage is shown on the plans, no supporting detail has been submitted in relation to address any treatment of chemicals and surface water run-off.	No Should Committee be minded to grant this application, an updated drainage assessment would be required to

Plan	Policy	Assessment	Conform
	problematic, or if there would be off-site effects. With the exception of single houses, SuDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates.		be submitted and agreed.

8 PLANNING POLICY ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.1 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (WLLDP).
- 8.2 As set out above in section 7, based on the relevant policies of the Development Plan, it is considered that proposal is in conflict with WLLDP policies DES 1, ENV3, EMP3, HOU1 and TRAN 1.
- 8.3 The site is allocated for housing and the proposed car wash has no locational justification as it has not been demonstrated that there is no reasonable prospect of the site becoming available for housing development. Furthermore, it has not been demonstrated that there are no alternative sites within a settlement that could accommodate the proposed development. The proposal would have an adverse impact on the amenity of the countryside.
- 8.4 The proposal could lead to vehicles queuing on the A71, which would potentially create an unacceptable road safety risk.
- 8.5 In addition, the applicant has failed to submit an acceptable drainage strategy to deal with contaminated and surface run-off as required in accordance with WLLDP policy EMG 3.

9 SUMMARY AND CONCLUSIONS

- 9.1 In summary, the proposal conflicts with the development plan and in considering the proposed development, supporting information, representations and consultations, there are no material considerations that outweigh the presumption against the proposed.
- 9.2 It is therefore recommended that planning permission be refused.

10 ATTACHMENTS

- Draft reasons for refusal
- Aerial photograph and OS Location Map

- Application Site Layout
- Representations
- Local member referral request

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 05 December 2018

DRAFT REASONS FOR REFUSAL - APPLICATION 0222/FUL/18

1. The site is allocated for housing and the proposed car wash has no locational justification given the countryside location.

The proposal is therefore contrary to policies DES 1 (Design principles), EMP 3 (Employment Development outwith Settlement Boundaries), ENV 3 (Other Development in the Countryside) and HOU 1 (Allocated Housing Sites) of the West Lothian Local Development Plan.

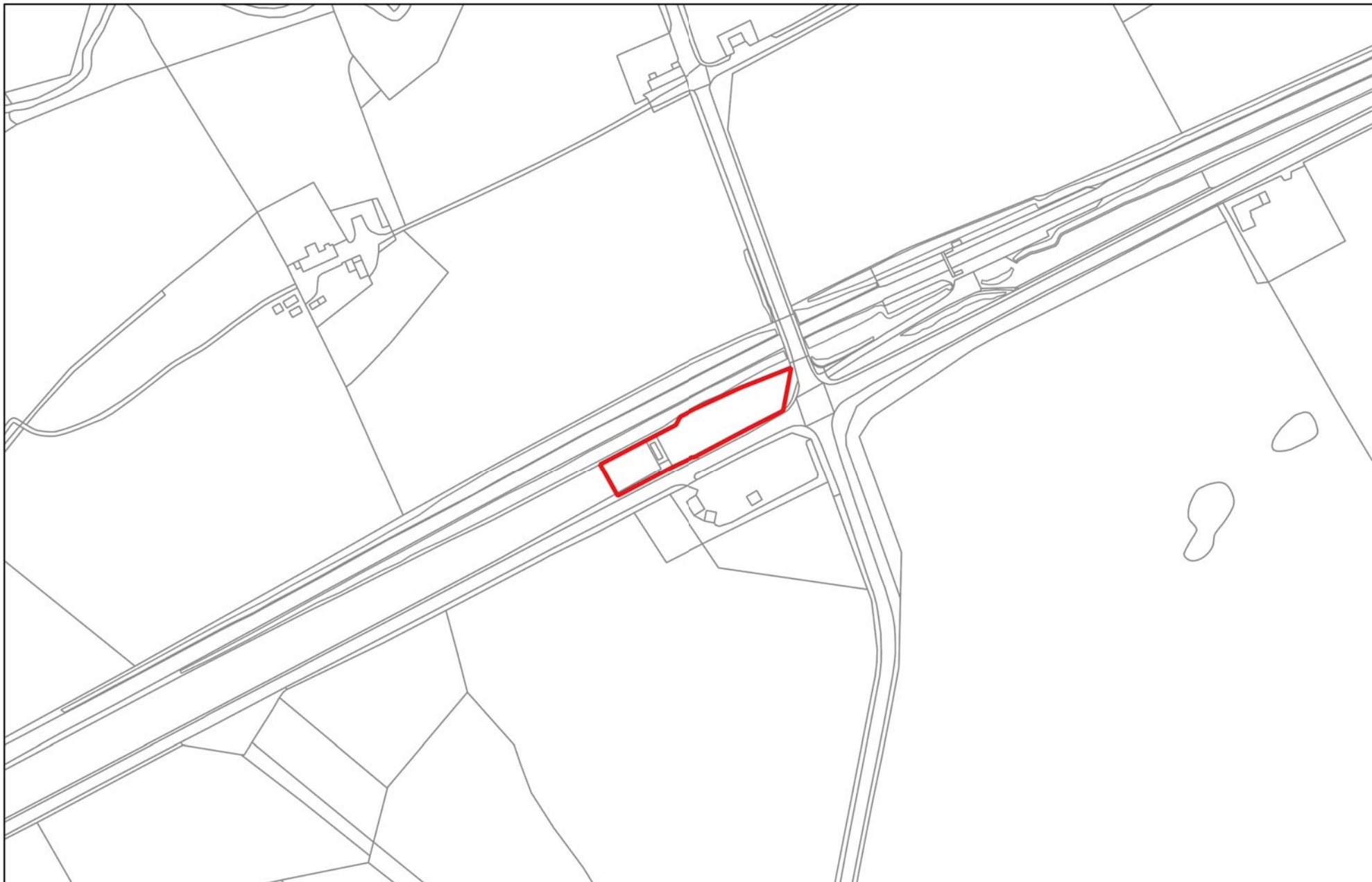
2. The proposal could lead to queuing on the A71, which would have adverse impacts on road safety.

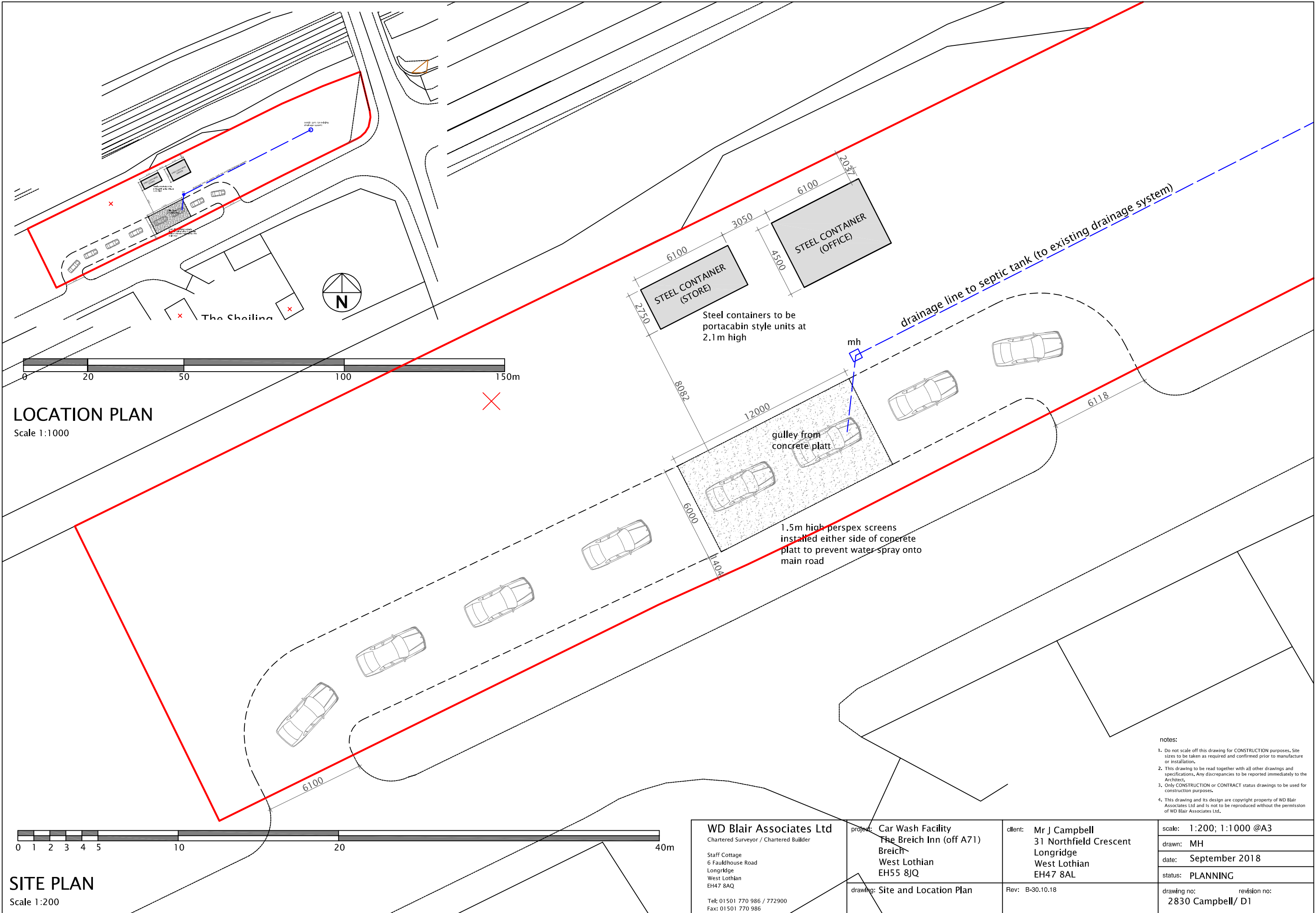
The proposal is therefore contrary to policy TRAN 1 (Transport Infrastructure) of the West Lothian Local Development Plan.

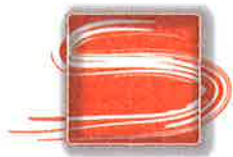
3. The applicant has failed to submit an acceptable drainage strategy to deal with contaminated and surface run-off.

The proposal is therefore contrary to policy EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan.









sneddons
solicitors & estate agents **S.S.C.**

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West Lothian EH48 3PZ

DX 556041 Armadale

Tel. 01501 733200 Fax. 01501 733155

Our Ref: WS/PS

Your Ref:

29th October, 2018

The Chief Planning Officer
West Lothian Council
Civic Centre
Howden South Road
LIVINGSTON
West Lothian
EH54 6FF

Email: walter@sneddons.com

Dear Sir,

W & J Allardyce (Commercials) Limited
Proposed Car Wash, Breich Crossroads, West Calder, EH55 8JQ
Planning Application: 0874/FUL/18

We act for W & J Allardyce (Commercials) Limited who for many years have operated a commercial vehicle site at Breich Crossroads, Breich. Our clients also own a detached bungalow lying immediately to the west of the commercial vehicle site. The cottage is occupied by a senior employee of the company and the cottage on site lies on the south side of the Newhouse/West Calder public road, directly opposite the site of the former Breich Inns. Mr J Campbell has submitted an Application to your Council for Planning Permission for the development of a car wash on the site of the former Breich Inns. Our clients have some well-founded concerns about the proposed development and have instructed us to submit these concerns to you for consideration in relation to the proposed use of the former Breich Inns site, which lies on the north side of the public road.

Our clients concerns are as follows:-

1. The east/west public road is very busy between approximately 7am and 9am with motorists travelling to work and again from 4pm until about 6pm with motorists returning from work. Breich Crossroads, which is adjacent to our clients' ground and is also adjacent to the Application Site, is controlled by traffic lights where it meets the Linlithgow/Lanark road. When the eastbound carriageway traffic encounters the traffic lights at red then stationary traffic will tail back to the entrance to the Application Site. Traffic travelling west wishing to enter the car wash would need to cross the oncoming (eastbound) lane to take access to the Application Site. Given that this is a very busy road at peak times, our clients are concerned that there will be a significant traffic hazard which might well lead to accidents and injury.

Apart from concerns about peak hour traffic, our clients consider that during a normal working day the traffic on the east/west road is relatively light. That has two consequences. Firstly traffic travelling east will obviously need to slow down to enter the Application Site, which could be hazardous to traffic following behind as this is not a dual carriageway.

Partners:

Walter Sneddon, S.S.C.
Claire V.F. Hooper, LL.B (Hons)
Brian D. Lawson, M.A., LL.B.
Laura E. Moore, LL.B (Hons) (*Associate*)

Practice Managers:

Linda Sneddon, S.L.A.
Caralyn Rowe, B.A., S.L.A.
Estate Agency Manager:
Sean Greenwood

Also at:

1/3 South Street Bo'ness
West Lothian EH51 0EA DX 541185 Bo'ness
Tel. 01506 826232 Fax. 01506 824810

Secondly traffic travelling west must cross the eastbound carriageway which might well constitute a further traffic hazard, depending on road and weather conditions.

2. Our clients' directors have been involved in the commercial motor vehicle business for very many years. It is their considered opinion, based on substantial experience, that there is likely to be minimal demand from motorists for a car wash facility at the location of the Application Site. The site is in an isolated area. The small village of Breich is a few hundred yards to the east, the small village of Longridge is perhaps a mile to the north and the town of Whitburn is perhaps 3 miles to the north. Apart from the village of Fauldhouse which is about 2 miles distant by road, there are no other neighbouring communities within a radius of 3 miles. North/South traffic at Breich Crossroads is unlikely to use the car wash facility as the relevant motorists would be obliged to turn off their north/south route to drive west to the car wash facility. Our clients therefore respectfully suggest that there cannot be adequate vehicular traffic to justify a car wash at this isolated location which is well away from any substantial community which might make a car wash a useful and viable proposition.
3. Our clients own a dwellinghouse immediately opposite the entrance to the Application Site. When the Breich Inns were operating our clients frequently had to endure considerable noise and disturbance from the activities then conducted on the present Application Site. They are therefore understandably concerned that the use of the site for a car wash again will generate significant noise and disturbance which will distract occupants of our clients' house and cause disturbance and a lack of privacy, resulting in the occupants of the house being unable to enjoy peaceful occupation of that property. Our clients are fully aware that they own the only dwellinghouse in close proximity to the Application Site but nevertheless consider that they are fully entitled to have the privacy of that house and the occupiers respected, hence their concern at a potentially disruptive, troublesome and noisy use directly on the other side of the road ex adverso our clients' property.
4. The nature of our clients' business from their commercial site requires little traffic movement to and from the public road and is therefore non-disruptive and has never caused any problem. Despite their concerns as to the absence of any need for a car wash facility, our clients are aware that a number of private motor cars entering and leaving the Application Site to use a car wash facility, especially adjoining a fairly major set of traffic lights, must inevitably result in a significant increased risk of road traffic accidents with consequential injuries. We therefore submit that the Application Site is simply the wrong location for a car wash facility – or indeed for any other traffic generating purpose.
5. While the matter is not of direct significance to our clients, they understandably are concerned that the outflow of water with chemicals from the proposed car wash could, in adverse weather conditions, create an additional and obvious hazard on the public roads at this location, thereby again increasing the risk of road traffic accidents, collisions and injury.

We would be obliged if you would kindly arrange for our clients' concerns about the proposed development to be submitted to the Committee for consideration. Should you require any further information then please do not hesitate to contact us. We confirm that we are sending a copy of this letter to Mr Campbell, the Applicant, for his information.

Yours faithfully



Sneddons SSC
Agents for W & J Allardyce (Commercials) Limited

DATE- 15TH OCTOBER 2018.

PLANNING APPLICATION 0874/FUL/18

DEAR SIR/MADAM

I HAVE RECENTLY RECEIVED A NEIGHBOUR NOTIFICATION FOR PLANNING APPLICATION NUMBER 0874/FUL/18 AND WISH TO FORMALLY OBJECT TO PLANNING PERMISSION BEING GRANTED FOR THIS APPLICATION ON THE FOLLOWING BASIS...

1, WORK HAS BEEN CARRIED OUT ON THIS SITE BY MR CAMPBELL SINCE END OF MAY 2018 EVEN THOUGH HE HAD NO PERMISSION TO CARRY OUT THOSE WORKS, I HAVE BEEN IN CONSTANT CONTACT WITH LINDA CHRISTIE FROM WEST LoTHIAN PLANNING DEPT REGARDING THIS, SUPPLYING HER WITH VARIOUS PHOTOS AND VIDEOS OF DIGGERS, ROLLERS NUMEROUS WORKMEN CARRYING OUT WORK ON THIS SITE WITHOUT PLANNING CONSENT

I RETURNED FROM HOLIDAY AT START OF AUGUST 2018 TO FIND THE CONTACTORS AND MR CAMPBELL LAYING A CONCRETE BAY DIRECTLY ACROSS FROM THE ENTRANCE TO MY HOUSE AGAIN WITHOUT PLANNING PERMISSION.

THERE HAS BEEN VARIOUS TIMES FROM MAY 2018 UP TO SEPTEMBER 2018 THAT WORK HAS BEEN CARRIED OUT ON THIS SITE, WITH MANY TIMES EITHER LATE AT NIGHT OR EARLY IN THE MORNING, ALL OF WHICH HAVE BEEN DOCUMENTED AND EMAILED TO LINDA CHRISTIE AT WEST LoTHIAN PLANNING DEPT.

I HAVE ALL COPIES OF EMAILS AND PICTURES OF WORKS BEING CARRIED OUT ILLEGALLY ON THIS SITE THAT I HAVE SENT TO LINDA CHRISTIE AT PLANNING

2, LOCATION PLAN

THE LOCATION PLAN SUBMITTED BY MR CAMPBELLS AGENT (WD BLAIR ASSOCIATES) TO WEST LoTHIAN COUNCIL SHOWS SOME FLAWS THAT ARE MOST DEFINATELY MISLEADING IN MY OPINION.

THE PLAN CLEARLY SHOWS THE CONCRETE BAY THAT WAS LAID ON SITE WITHOUT PLANNING PERMISSION IN MID AUGUST TO BE FURTHER EAST THAN MY ENTRANCE TO MY HOUSE, IT IS IN FACT DIRECTLY OPPOSITE MY ENTRANCE.

THE PLAN ALSO CLEARLY SHOWS THE NEW ENTRANCE TO THE WEST SIDE OF THE BREICH INNS SITE (THAT AGAIN WAS WORK THAT WAS DONE ON THIS SITE WITHOUT ANY PLANNING PERMISSION) IS DIRECTLY ACROSS FROM MY ENTRANCE TO MY HOUSE, THIS NEW ENTRANCE IS IN FACT FURTHER WEST THAN MY ENTRANCE TO MY HOUSE.

I HAVE GRAVE CONCERNS FOR THE EFFECT ON TRAFFIC IF VEHICLES ARE TURNING IN AND LEAVING THIS SITE FROM TWO SEPERATE AREAS ONTO WHAT IS AT PRESENT A VERY BUSY AND FAST ROAD WITHOUT ADDING FURTHER CONGESTION TO IT.

THE SITE PLAN SHOWS NO STYLE OR HEIGHT OF FENCING THAT I PRESUME WILL HAVE TO SURROUND THIS SITE TO KEEP PEOPLE OUT WHEN CLOSED.

THE SITE PLAN SHOWS NO STYLE OF WATER SPAY BARRIERS OR THE HEIGHT OF THEM, THESE ARE SURELY NEEDED FOR A CAR WASH FACILITY TO STOP WATER SPRAY ETC IMPEDING PASSING TRAFFIC ON THE MAIN A71 ROAD.

THE SITE PLAN SHOWS NO NATURAL BORDER SURROUNDING THE FULL SITE FOR COUNTRY PLANNING ISSUES ETC, I KNOW THIS WAS INDEED STIPULATED ON MY EMPLOYER WHEN THEY GOT PLANNING PASSED FOR THEIR SITE ACROSS THE ROAD FROM THE PROPOSED DEVELOPMENT AT BREICH INNS

THE SITE PLAN SHOWS NO REAL DETAIL FOR THE STORAGE CONTAINER OR THE SITE OFFICE THAT IS PROPOSED FOR THE SITE.

WHERE WILL THE ENTRANCES BE, WILL THERE BE PATHS BUILT AND IF SO WHAT WILL THE PATHS CONSIST OF ?

WILL THERE BE WINDOWS IN EITHER OF THESE CONTAINERS AND IF SO WHERE WILL THE WINDOWS BE ?

WILL THE CONTAINERS BE LEFT TO JUST SIT ON THE GROUND, WILL THERE BE SOME SORT OF WORK BEING DONE BEFORE THE CONTAINERS ARE SITED, WILL THEY BE RAISED UP ON CONCRETE FOR EXAMPLE ? WHERE WILL THE ENTRANCE DOORS BE ?

THERE ARE MORE QUESTIONS THAN ANSWERS WHEN IT COMES TO THE SITE PLAN THAT HAS BEEN SUBMITTED FOR THIS PLANNING APPLICATION.

3, APPLICATION TO WEST LOTHIAN COUNCIL

UNDER THE DESCRIPTION OF PROPOSAL IT CLEARLY ASKS " HAS WORK ALREADY STARTED AND/OR COMPLETED" ?
CLEARLY MARKED YES.....

THE APPLICATION THEN GOES ONTO ASK FOR DATE OF COMPLETION OF THESE WORKS OR IF NOT COMPLETED WHEN DID WORK START, THE APPLICATION CLEARLY SHOWS 03/08/18

THE BRAND NEW ENTRANCE WAS DUG OUT AND COMPLETED ON 9TH JULY WITH VARIOUS WORK BEING CARRIED OUT BEFORE 9TH JULY ON THIS SITE.

THE CONCRETE BAY WAS LAID ON THE 12TH AUGUST 2018 AND VARIOUS DRAINAGE WORKS WAS CARRIED OUT 20TH AND 21ST AUGUST 2018 AND AGAIN ON THE 25TH AUGUST 2018

FURTHER WORK WAS CARRIED OUT ON SITE ON THE 9TH SEPTEMBER 2018 WITH MORE TRENCHES DUG AND BACK FILLED.

ALL THE ABOVE WORK WAS CARRIED OUT WITHOUT PROPER PERMISSION FROM WEST LOTHIAN COUNCIL.

THE COUNCIL SERVED A STOP NOTICE ON THE SITE ON THE 22ND AUGUST 2018, AS YOU SEE FROM THE DATES ABOVE MR CAMPBELL AND HIS CONTRACTORS WERE AGAIN ON SITE VARIOUS TIMES AFTER THE STOP NOTICE WAS SERVED CARRYING OUT PIPE LAYING WORKS ETC, THIS IS AND CONTINUES TO BE A COMPLETE DISREGARD TO PLANNING LAWS WITHIN WEST LOTHIAN COUNCIL.

THE NEXT PART ON APPLICATION ASKS THE APPLICANT TO EXPLAIN WHY WORK HAS TAKEN PLACE IN ADVANCE OF MAKING THE APPLICATION
THE APPLICANTS ANSWER IS " ACCESS GATES AND CONCRETE PLATT INSTALLED"

I CAN UNDERSTAND THE NEED FOR ACCESS GATE ON THE ORIGINAL ENTRANCE TO THE SITE TO KEEP PEOPLE FROM DUMPING RUBBISH ETC BUT WHY DID THE APPLICANT CONTINUE ON WITH A BRAND NEW ENTRANCE TO THE WEST SIDE OF THE SITE AND THE CONCRETE PLATT/BAY ?

SURELY THIS IS SOMETHING THAT SHOULD HAVE BEEN APPLIED FOR WITHIN THIS APPLICATION WITH PLANS ETC FOR WHAT THEY WANTED TO DO AND NOT JUST DONE WITH COMPLETE DISREGARD TO PLANNING LAWS?

ACCESS AND PARKING.

UNDER THIS QUESTION THE APPLICANT IS ASKED " ARE YOU PROPOSING A NEW/ ALTERED VEHICLE ACCESS TO OR FROM A PUBLIC ROAD " ?

THEY CLEARLY ANSWERED NO

THAT IS BECAUSE THEY HAVE ALREADY MADE THE BRAND NEW ACCESS TO AND FROM A PUBLIC ROAD BEFORE THE APPLICATION WAS SUBMITTED
ANOTHER COMPLETE DISREGARD TO PLANNING LAWS

WATER SUPPLY AND DRAINAGE ARRANGEMENTS,

THE CONCRETE BAY HAS BEEN CONNECTED TO AN OLD SEPTIC TANK FROM WHEN THE HOTEL STOOD ON THE SITE BUT THIS SEPTIC TANK LEAKED WELL BEFORE THE HOTEL CLOSED AND HAS NEVER ONCE BEEN EMPTIED IN THE 22 YEARS THAT I HAVE LIVED THERE, IN COMPARISON MY OWN SEPTIC TANK IS EMPTIED EVERY 2 YEARS AT THE MOST.

I HAVE GRAVE CONCERNS THAT THERE WILL BE DRAINAGE PROBLEMS ON THIS SITE THAT WILL IMPEDE ONTO THE A71 GIVEN THE WASH BAY IS NO MORE THAN 2 METRES APPROX FROM THE EDGE OF THE MAIN A71 ROAD.

THIS PROBLEM IS EVIDENT JUST NOW WITH FLOODING ON THIS ROAD. WHENEVER WE EXPERIENCE HEAVY RAIN WITHOUT WATER BEING PUMPED OUT AND SPRAYED TO WASH VEHICLES ON A DAILY BASIS

CERTIFICATES AND NOTICES

MR CAMPBELL STATES HE IS THE SOLE OWNER OF THE SITE , HOWEVER LAND REGISTRY SHOWS IT TO BE A MR FRASER COUTTS FROM AN ADDRESS IN EDINBURGH. CAN WEST LOTHIAN COUNCIL CONFIRM THAT MR CAMPBELL IS INDEED THE TRUE OWNER OF THIS SITE PLEASE ?

AS FAR AS I CAN SEE FROM THE LAND REGISTER THERE IS A SLICE OF LAND TO THE EAST SIDE OF THE BREICH SITE THAT ACTUALLY BELONGS TO WEST LOTHIAN COUNCIL BORDERING THE TRAFFIC LIGHTS AND THE BREICH CROSSROADS BUT MR CAMPBELL SEEMS TO HAVE TAKEN THAT TO BE HIS LAND BY LOOK OF THE PLANS.

MR CAMPBELL HAS TAKEN A MUCH LARGER CHUNK OF LAND TO THE WEST OF THE BREICH INNS SITE AS HIS OWN ALSO, THIS LAND ACTUALLY BELONGS TO MR HAMILTON WHO IS THE FARMER THAT OWNS ALL THE LAND SURROUNDING BOTH MYSELF AND THE BREICH INNS SITE THIS AGAIN WOULD HAVE TO BE SORTED OUT BEFORE PLANNING PERMISSION COULD BE CONSIDERED AS I BELIEVE IT WILL IMPEDE ON WHERE THE NEW ENTRANCE HAS BEEN MADE TO THE WEST SIDE OF THE SITE.

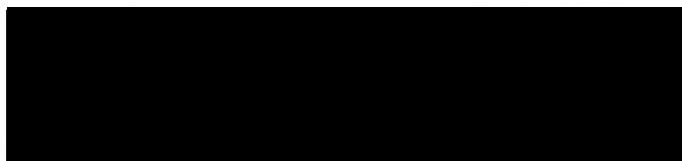
MY OBSERVATIONS TO THIS PLANNING APPLICATION ARE AS SET OUT IN THIS LETTER BUT I ALSO STRONGLY FEEL THERE IS NO REASON FOR A CAR WASH FACILITY ON THIS SITE OR INDEED THIS AREA THAT IS SO FAR AWAY FROM POTENTIAL CUSTOMERS AND CERTAINLY NOT BORDERING THE MAIN A71 TRUNK ROAD THAT WAS AN ACCIDENT BLACKSPOT UNTIL A FEW YEARS AGO. I CERTAINLY DO NOT WANT THAT REPUTATION TO RETURN TO THIS AREA ONCE MORE.

THE A71 IS A VERY FAST AND BUSY ROAD AND I FEEL IF THE CAR WASH FACILITY WERE ALLOWED TO GO AHEAD THIS WOULD ONLY ADD TO THE CONGESTION THAT IS ALREADY THERE AT PRESENT

I ALSO STRONGLY FEEL THAT IF THIS FACILITY WERE TO GO AHEAD MY OWN PERSONAL SPACE WOULD BE COMPROMISED WITH THE SPRAYING OF WATER AND CHEMICALS NEEDED TO CLEAN VEHICLES WITH SPRAY ETC BEING CARRIED IN THE WIND ETC ALSO THE NOISE FACTOR OF MACHINES RUNNING AND THE CONSTANT COMING AND GOING OF VEHICLES TO AND FROM THIS SITE.

MR CAMPBELL ALREADY HAS A CAR AND VAN FACILITY AT DAX INDUSTRIAL ESTATE AT POLBETH, WHY DOES HE NEED A CAR WASH FACILITY SO FAR FROM HIS BUSINESS JUST NOW ?

I FEEL THAT THIS APPLICATION IS JUST A SPRING BOARD TO FURTHER CHANGES DOWN THE LINE FROM MR CAMPBELL TO CHANGE AS HE SEES FIT AS I CANT SEE A CAR WASH FACILITY BEING OF ANY GOOD FOR THIS RURAL LOCATION.



MR ANDREW ALLARDYCE

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number 0874/ful/18</p> <p>Site Address Land at Breich Inn EH55 8JQ</p> <p>Title of Application Formation of car washing facility including storage containers.....</p> <p>Member's Name Cllr ...Pauline Clark.....</p> <p>Date 15.11.18</p>	<p>✓ Applicant Request..... <input checked="" type="checkbox"/></p> <p>Constituent Request..... <input type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 Description

- 1.1 **Single storey extension to rear plus alterations to an existing bungalow at 96A Lower Bathville. Armadale, EH48 2JS.**

2 Details

Reference no.	0888/H/18	Owner of site	Mr Scott Paterson
Applicant	Mr Scott Paterson	Ward & local members	Armadale & Blackridge Stuart Borrowman Sarah King Andrew McGuire
Case officer	Thomas Cochrane	Contact details	01506 281110 thomas.cochrane@westlothian.gov.uk

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

3 Recommendation

- 3.1 Refuse Planning permission.

4 Description of the Proposal and Planning History

- 4.1 This is a proposal for a single storey rear extension to the dwelling house at 96A Lower Bathville, Armadale, EH48 2JS which was previously presented to committee on 5th September 2018. with a recommendation to refuse permission, which was accepted. The applicant withdraw the application shortly after committee before the decision was issued.
- 4.2 The length of the proposed extension is approximately 9.5metres in length which will extend the length of the property to 21.5 metres. The height of the extension would be approximately 5.8 metres at its highest point. Because of a change in ground levels, the extension has two steps down in height, to the lowest point of 4.5 metres. The extension is the same with as the main house.

5. REPRESENTATIONS

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

Comments (objection)	Response
Neighbouring property at a lower level	Noted.
Neighbouring property would be Permanently overshadowed	Agreed-There will be some additional overshadowing of the neighbouring garden
Neighbour would be looking onto large concrete wall	Agreed
Loss of Daylight	It is considered that the proposed extension would not give rise to a loss of daylight
Detrimental effect on quality of life	Agreed
Effect on visual amenity	Agreed

6. CONSULTATIONS

6.1 No consultations were required.

7. ASSESSMENT

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

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

Plan	Policy	Assessment	Conform
WLLDP	DES 1 Design Principles When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;	This application would have a detrimental effect of the residential and visual amenity of the neighbouring property due to its scale and massing. and is therefore contrary to this policy	No
Supplementary Guidance Household extension and Alteration guide	Section 1 Extensions and other alterations to dwellings should generally be designed as an integral part of the property and should reflect its <i>character</i> . They should not dominate the existing building or be designed in isolation solely to fit in a required amount of additional	This application would appear to dominate the existing dwelling house, especially from the neighbours garden	No

Plan	Policy	Assessment	Conform
	accommodation.		

8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposal would not have a significant detrimental effect on daylight within the neighbouring property. However, the proposed extension would cause some overshadowing from 4 pm onwards within the neighbouring property's rear garden. The blank wall of the extension which measures 9.675m would be within 855mm of the boundary and would appear overbearing and dominant to the residents of the neighbouring property.
- 8.2 The proposed extension would give rise to a loss of residential and visual amenity for the neighbours due to overshadowing and the loss of evening sunlight, especially within the summer months, and the overbearing visual impact of the extension, given its proximity to the boundary.
- 8.3 The agent has supplied information showing an extension which, is claimed, could be built as permitted development. This is not regarded as relevant, as the extension proposed does not constitute permitted development.
- 8.4 It is therefore recommended that the application for householder development be refused as it is contrary to the West Lothian Local Development Plan Policy DES 1 and the Council's Household Extension and Alterations Guide.

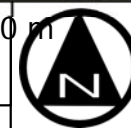
9. Appendices

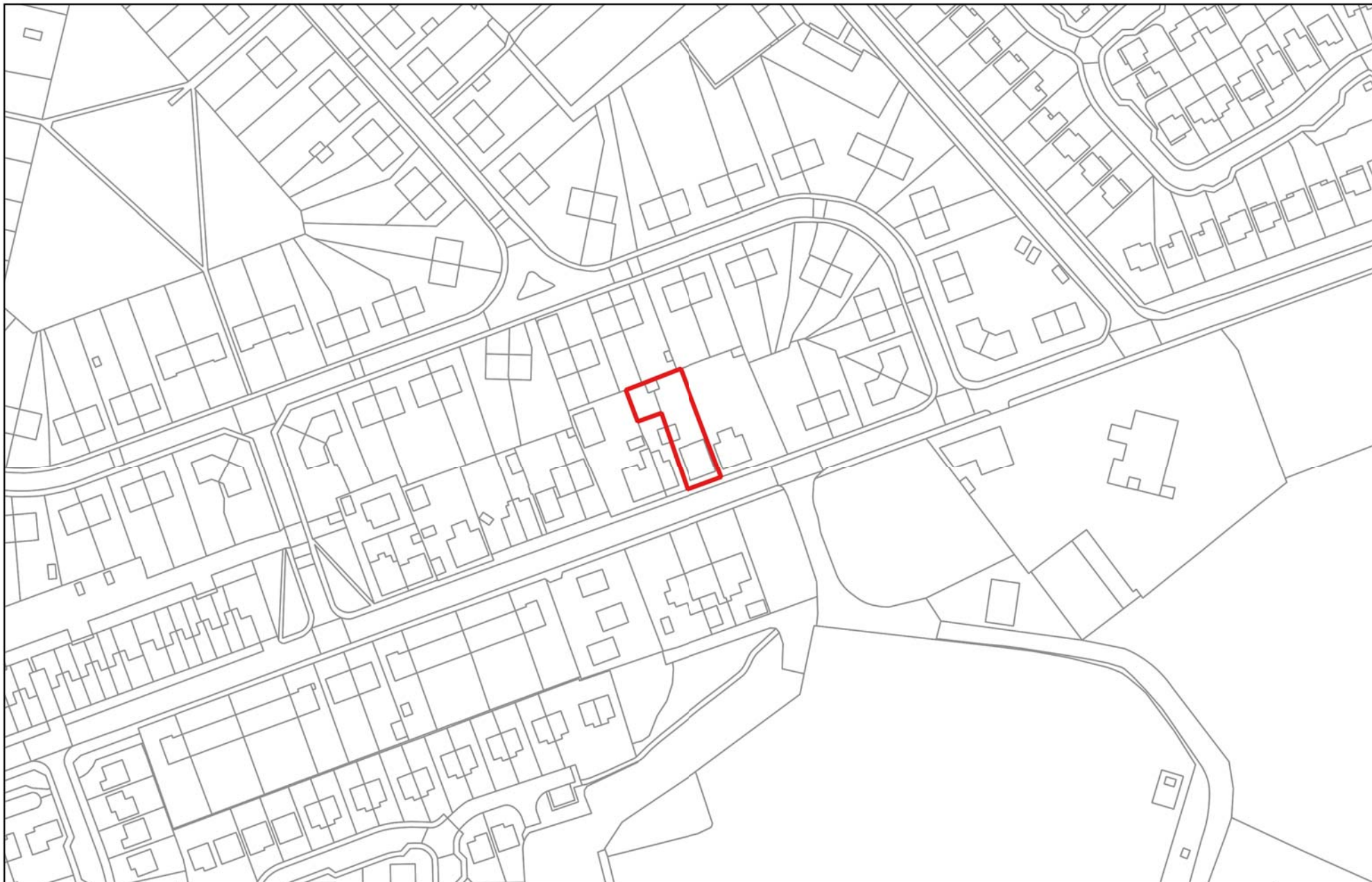
- Location Plan
- Aerial view
- Vector Image
- Proposed elevations
- Objections
- Daylight diagram
- Overshadowing 2 pm (21st March)
- Overshadowing 4 pm (21st March)
- Members request form

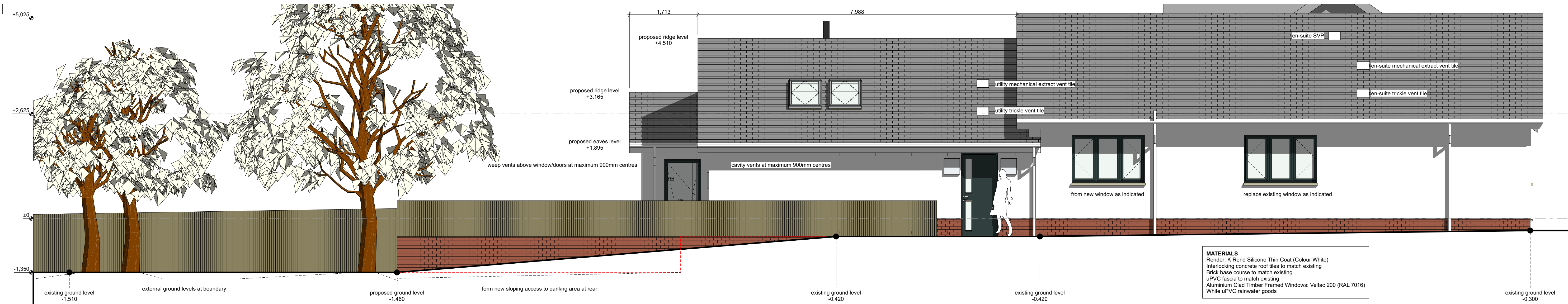
Craig McCorriston

Head of Planning, Economic Development and Regeneration

Date: 5 December 2018







EP-01 : WEST ELEVATION
1:50

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

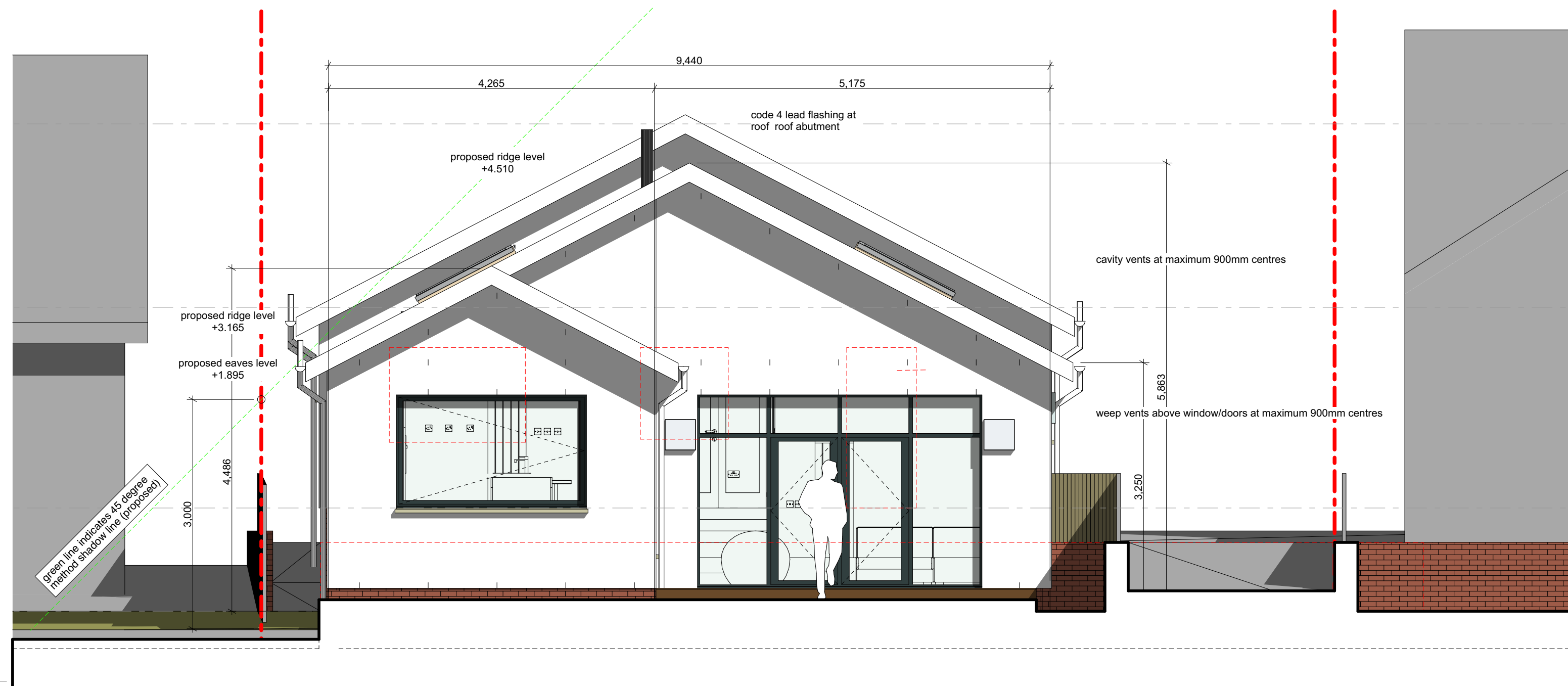
These drawings are to be read strictly in accordance with the Structural Engineers' drawings and specifications

General Notes:

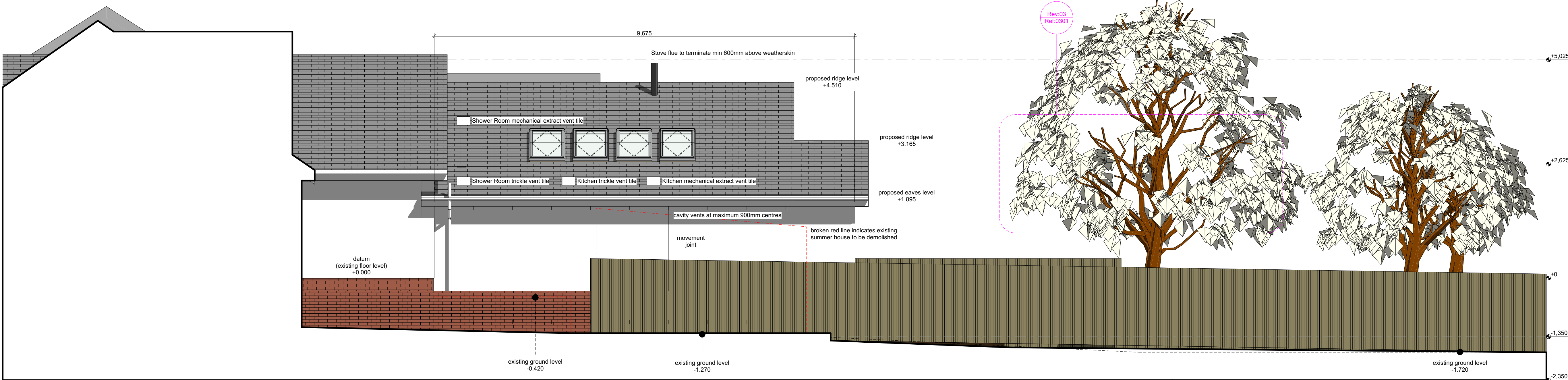
This drawing must be read in conjunction with all other drawings and specifications produced specifically for this project.
Any discrepancies found are to be brought to the attention of the Architect and/or Engineer at the earliest possible moment.
All dimensions given on this drawing are in millimeters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



EP-04 : SOUTH ELEVATION
1:50



EP-03 : NORTH ELEVATION
1:50



EP-02 : EAST ELEVATION
1:50

Rev	Ref	Description	Date	Planning Issue
03	0301	PDR reference deleted	02/10/2018	Planning Re-

Status:
APPROVALS

Client:
Mr & Mrs Paterson

Project:
Extension @
96A Lower Bathville
Armadae
EH48 2JS

Drawing Title:
Proposed_Elevations_Rendered

Project Drawing No:
18_10a_05

Drawing Scale(s):
1:50 @ A1

Rev:
03

Drawn By:
Mark Morrison

Date:
02/10/2018



Rareview, 75 Station Road, Armadae EH48 3LJ
t: 07890 997773
e: pinkarchitects@gmail.com
www.pinkarchitects.com
Pink Architects Ltd. Registered in Scotland SC410576

Comments for Planning Application 0888/H/18

Application Summary

Application Number: 0888/H/18

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

Proposal: Extension to house

Case Officer: Thomas Cochrane

Customer Details

Name: Mr Paul Rankin

Address: 98-100 Lower Bathville Armadale

Comment Details

Commenter Type: Neighbour

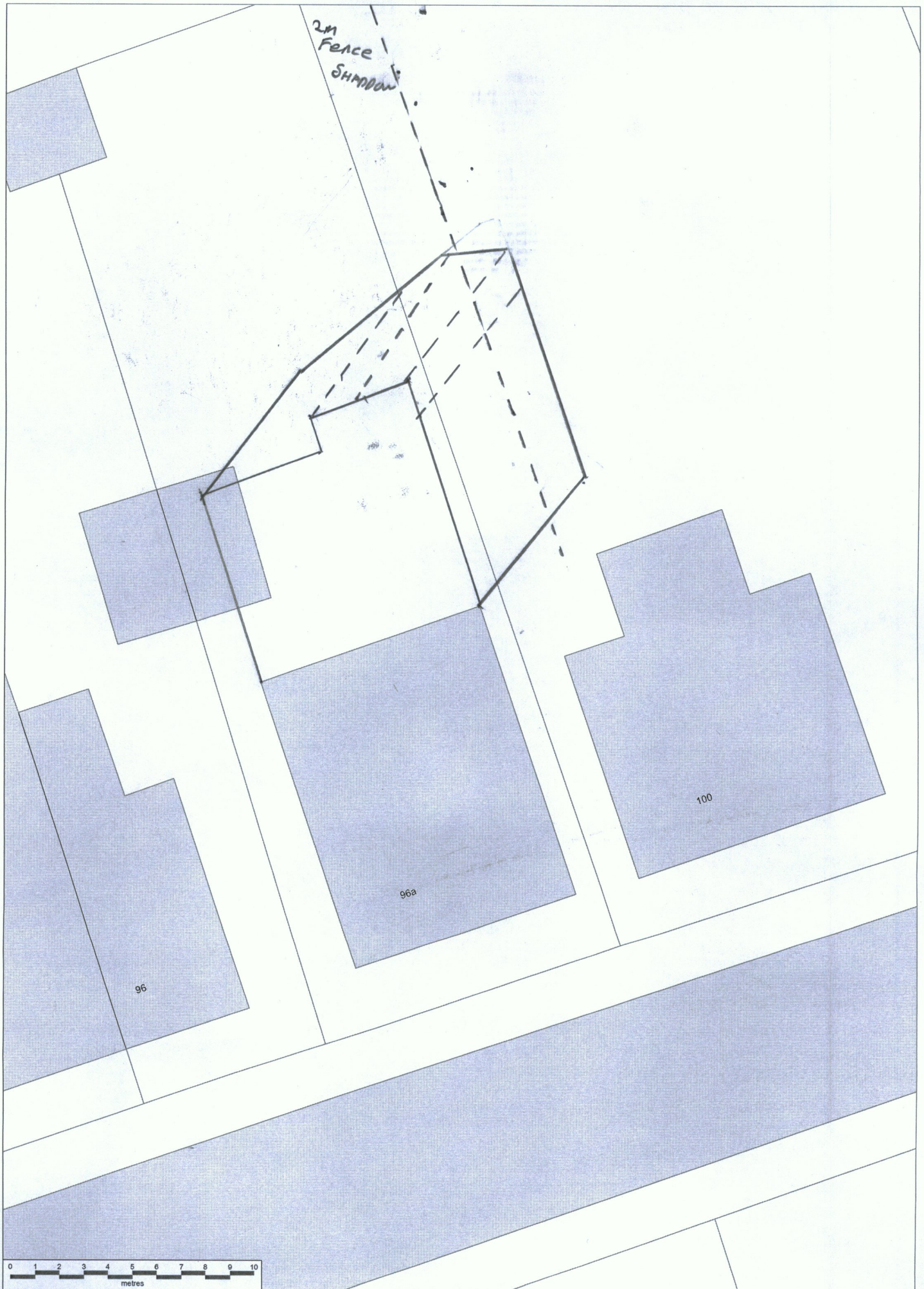
Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having viewed the plans attached, particularly regarding the area where the new building would cause a shadow, this information is incorrect. I have taken photographs which I will e-mail direct to the Planning Dept, which show that on a Friday at 1545hrs the shadow from the existing house in actual fact casts a shadow right over most of the patio area at my rear door. The shadow extends 9.5m from the dividing fence across my patio and not the small area which is suggested on the current Plans. If the new extension was build this shadow would extend all the way down my back grass. This would mean that from around 1530hrs each day most of my patio area, my rear grass and my summer house would be under shadow. This would affect the quality of life which I have with my family as this is right at the time when I am normally in the back garden spending quality time with my family after work. Having no daylight reaching the majority of my back garden from 1530hrs each day would also affect the value which I would get if I sold my property.

0888-H-18

2PM



West Lothian
Council

96 A Lower Batville

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West Lothian Civic Centre
Livingston
EH54 6FF

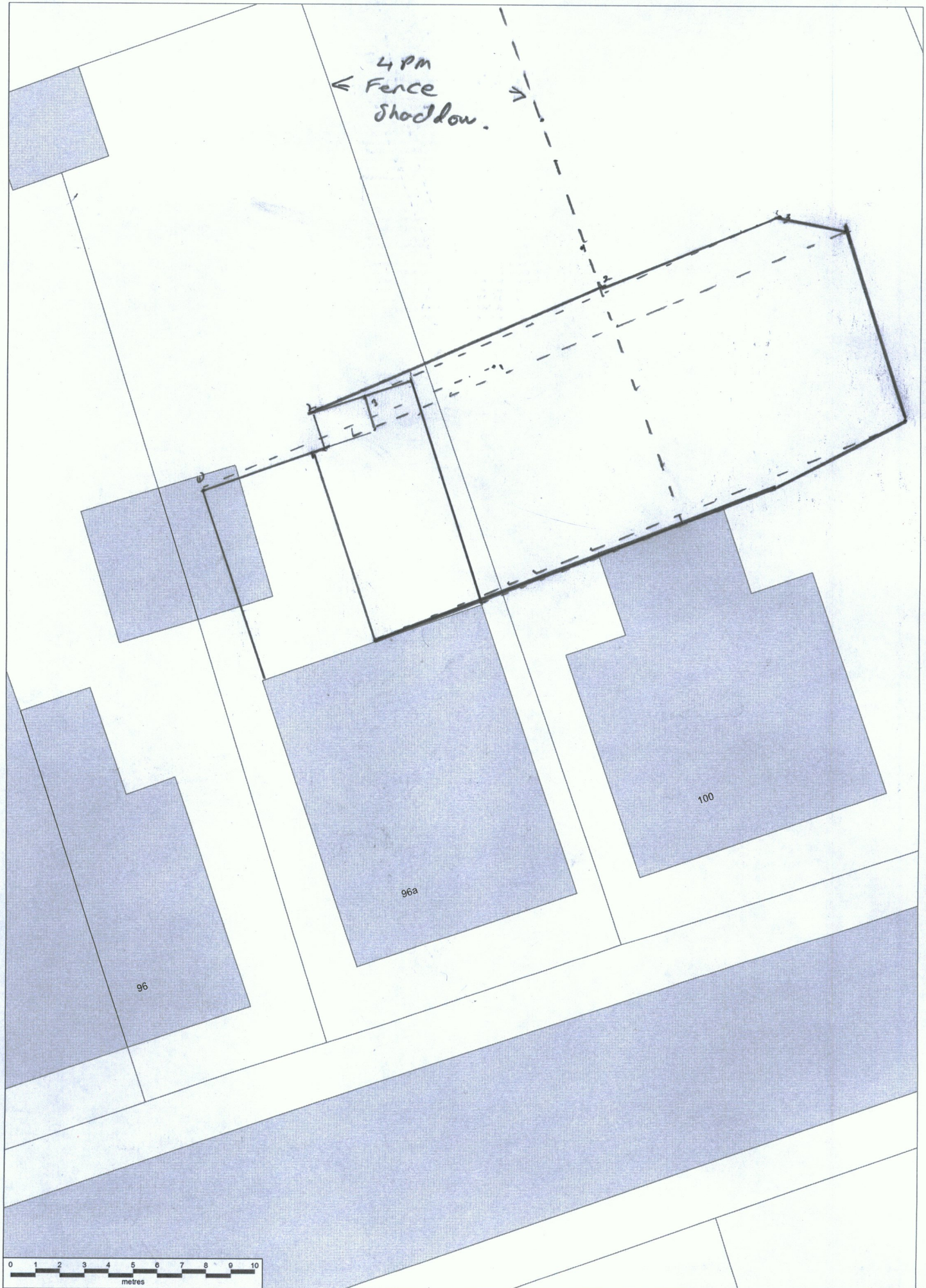
www.westlothian.gov.uk
01506 280000



0888-H-18

4 PM.

4 PM
← Fence
Shadow. →



West Lothian
Council

96 A Lower Batville

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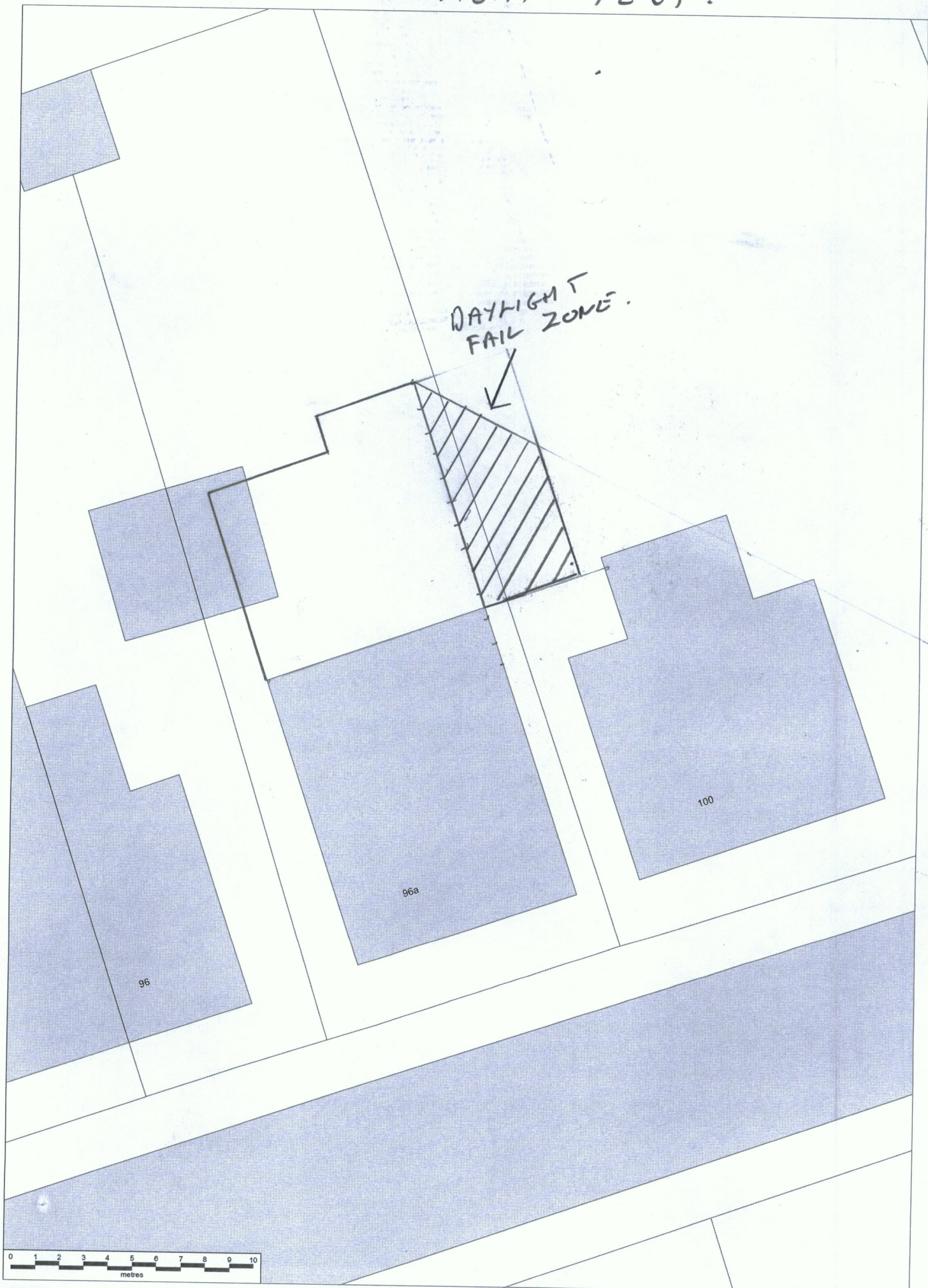
West Lothian Council
West Lothian Civic Centre
Livingston
EH54 6FF

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01506 280000



0888-H-18

DAYLIGHT TEST.





West Lothian Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number0888/H/18.....	Applicant Request <input checked="" type="checkbox"/>
Site Address96A Lower Bathville, Armadale.....	Constituent Request <input type="checkbox"/>
Title of ApplicationExtension to house.....	Other (please specify) <input type="checkbox"/>
Member's Name CllrSarah King.....	
Date29/10/18.....	

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 Description

- 1.1 **Two storey side extension to an existing 2 storey dwelling at 16 Millcraig Mews, Winchburgh, Broxburn, West Lothian, EH52 6WG.**

2 Details

Reference no.	0894/H/18	Owner of site	Mr Mark Stewart
Applicant	Mr Mark Stewart	Ward & local members	Broxburn, Uphall & Winchburgh Cllrs, Dianne Calder, Janet Campbell, Angela Doran, Chris Horne
Case officer	Thomas Cochrane	Contact details	01506 281110 thomas.cochrane@westlothian.gov.uk

Reason for referral to Committee: Local Member Request: Councillors Dianne Calder and Chris Hume.

3 Recommendation

- 3.1 Refuse planning permission

4 Description of the Proposal and Planning History

- 4.1 Planning permisison is sought for an extension above a double garage to create two bedrooms, and the conversion of part of the garage to create a dining room. The extension would have the same roof pitch and ridge level as the existing house

5. REPRESENTATIONS

- 5.1 No representations were received .

6. CONSULTATIONS

- 6.1 No consultations were required.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Plan.

Plan	Policy	Assessment	Conform
WLLDP	DES 1 Design Principles When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;	This application would have a detrimental effect of the residential and visual amenity of the neighbouring property due to its scale and massing. and is therefore contrary to this policy	No
Supplementary Guidance Household extension and Alteration guide	Section 1 Extensions and other alterations to dwellings should generally be designed as an integral part of the property and should reflect its <i>character</i> . They should not dominate the existing building or be designed in isolation solely to fit in a required amount of additional accommodation.	This application would appear to dominate the existing dwelling	No

8. CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposed extension would have an adverse impact on the street scene due to its massing and design.
- 8.2 The application has been considered and assessed against policy DES1 in the Local Development Plan as well as the council's approved house extension and alteration design guide. The guidance states that two storey side extensions should be designed to be subsidiary in appearance to the main house. It goes on to say that the ridge line of an extension should normally be lower than the ridge of the main house.
- 8.3 The proposed extension would effectively double the size of the roof at second floor level and would significantly increase the massing of the building. This would have a detrimental impact on the appearance of the building itself, and on the streetscene, which currently comprises a frontage of 18 two storey houses which have similar massing and appearance. The application property is located at the end of Millcraig Mews; the other end of the Mews is marked by a property which is its mirror image, forming a visual end

point. Changing the massing of the application property to the extent that is proposed would have a detrimental impact on the appearance of the streetscene as a whole.

- 8.3 It is therefore recommended that the application is refused as it is contrary to the West Lothian Local Development Plan Policy DES 1, and it is also contrary to the Council's SPG Household Extension and Alterations Guide.

9. Appendices

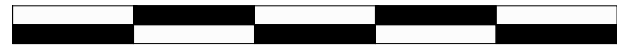
- Location plan
- Vector image
- Existing elevations
- Proposed elevations

Craig McCorriston

Head of Planning, Economic Development and Regeneration

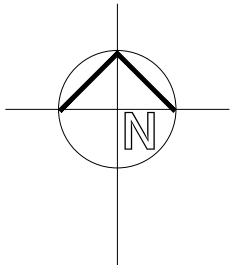
Date: 5 December 2018

SCALE 1:1250

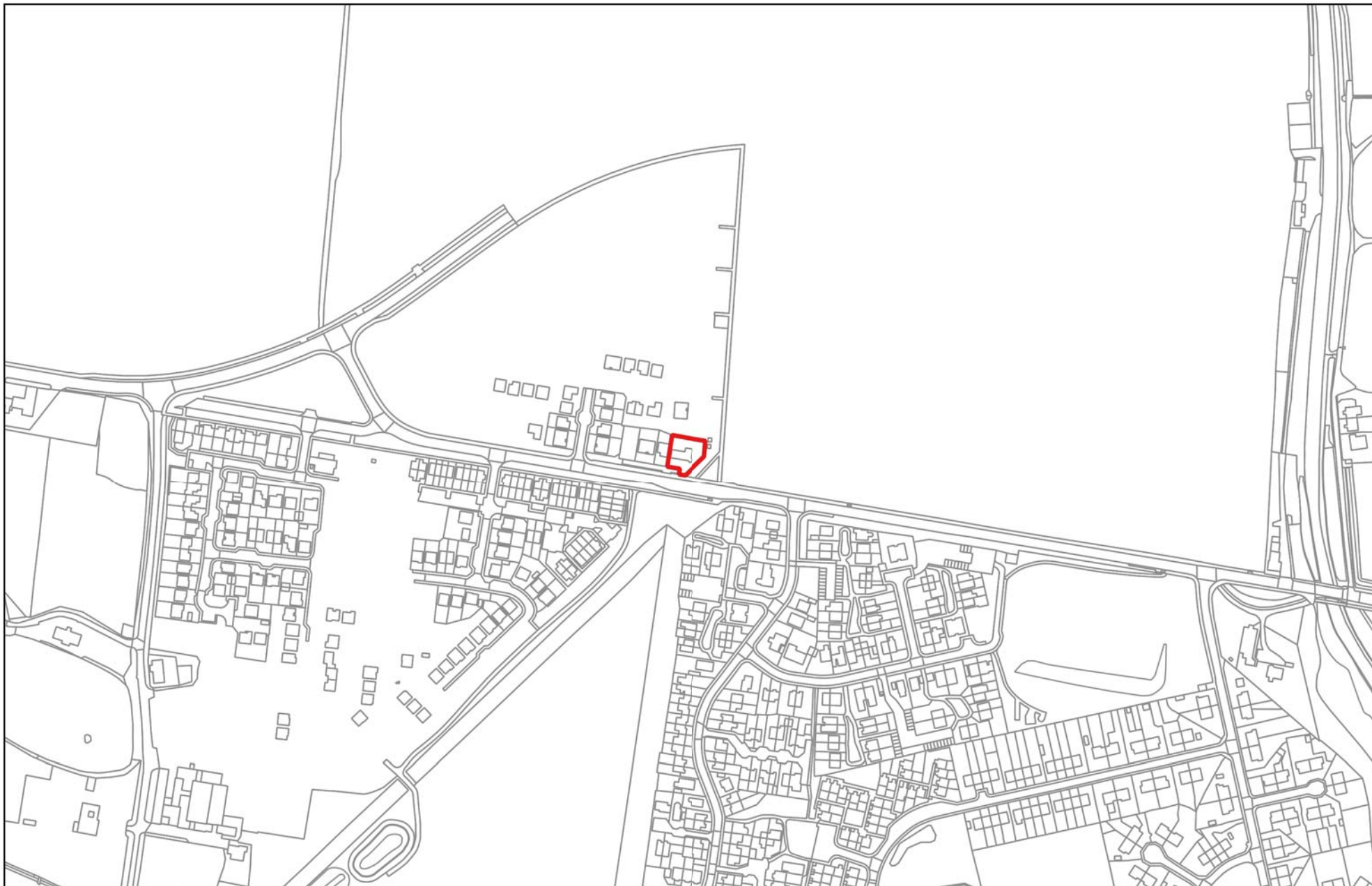


0

100m



REVISION / DESCRIPTION / DATE	NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. work to figured dimensions only.		CLIENT MR & MRS STEWART	PROJECT GARAGE CONVERSION 16 MILLCRAIG MEWS WINCHBURGH - WEST LOTHIAN EH52 6WG	SCALE @A3 1:1250		DRAWING LOCATION PLAN		
					DRAWN BY CAD	CHECKED CAD	PROJECT NUMBER 18-01	DRAWING NUMBER LOC1	REVISION -
					DATE 19.08.2018	STAGE			



LEGEND:

- (A)

Existing cast stone - Anstone Split Brown Old Weathered
- (B)

Existing dry dash roughcast - White
- (C)

Existing garage door - White
- (D)

Existing uPVC window / door - White
- (E)

Existing precast surrounds - Buff
- (F)

Existing concrete roof tile - Antracite
- (G)

Proposed cast stone - Anstone Split Brown old Weathered
- (H)

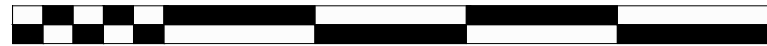
Proposed dry dash roughcast to match existing - White
- (I)

Proposed uPVC windows / door - White
- (J)

Proposed precast surrounds to match existing - Buff
- (K)

Proposed concrete roof tile - Antracite

SCALE 1:100

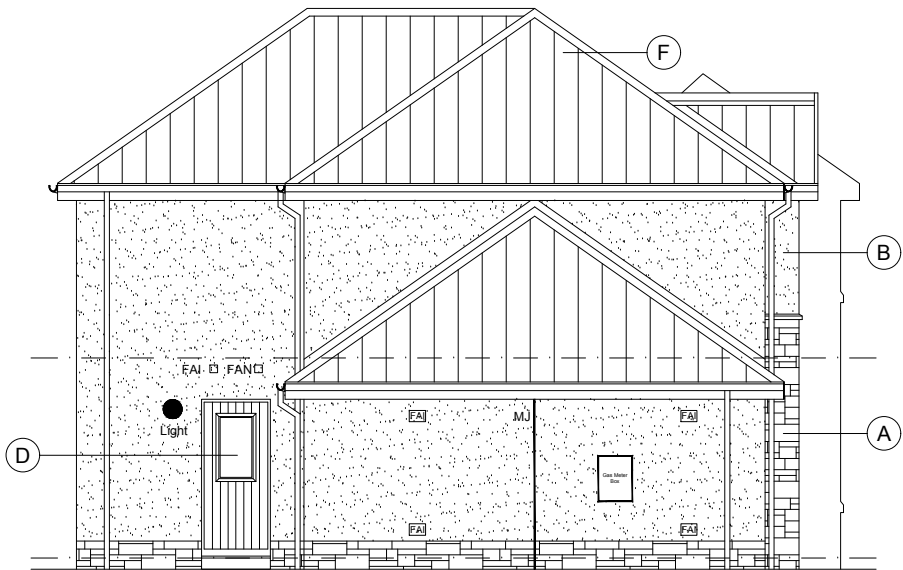


0

10m

All dimensions should be site checked prior to the ordering of any materials or undertaking of any works. Any variations must be identified to owners.

This drawing is to be read in conjunction with all structural engineers drawings, specifications and details.



REVISION / DESCRIPTION / DATE	NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. work to figured dimensions only.	CLIENT MR & MRS STEWART	PROJECT EXTENSION 16 MILLCRAIG MEWS WINCHBURGH - WEST LOTHIAN	SCALE @A3 1:100	DRAWING EXISTING ELEVATIONS
-				DRAWN BY CAD	CHECKED CAD
				DATE 19.08.2018	STAGE PLANNING
				PROJECT NUMBER 18-01	DRAWING NUMBER PL5
					REVISION -

LEGEND:

- (A)

Existing cast stone - Anstone Split Brown Old Weathered
- (B)

Existing dry dash roughcast - White
- (C)

Existing garage door - White
- (D)

Existing uPVC window / door - White
- (E)

Existing precast surrounds - Buff
- (F)

Existing concrete roof tile - Antracite
- (G)

Proposed cast stone - Anstone Split Brown old Weathered
- (H)

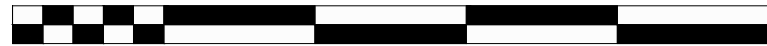
Proposed dry dash roughcast to match existing - White
- (I)

Proposed uPVC windows / door - White
- (J)

Proposed precast surrounds to match existing - Buff
- (K)

Proposed concrete roof tile - Antracite

SCALE 1:100

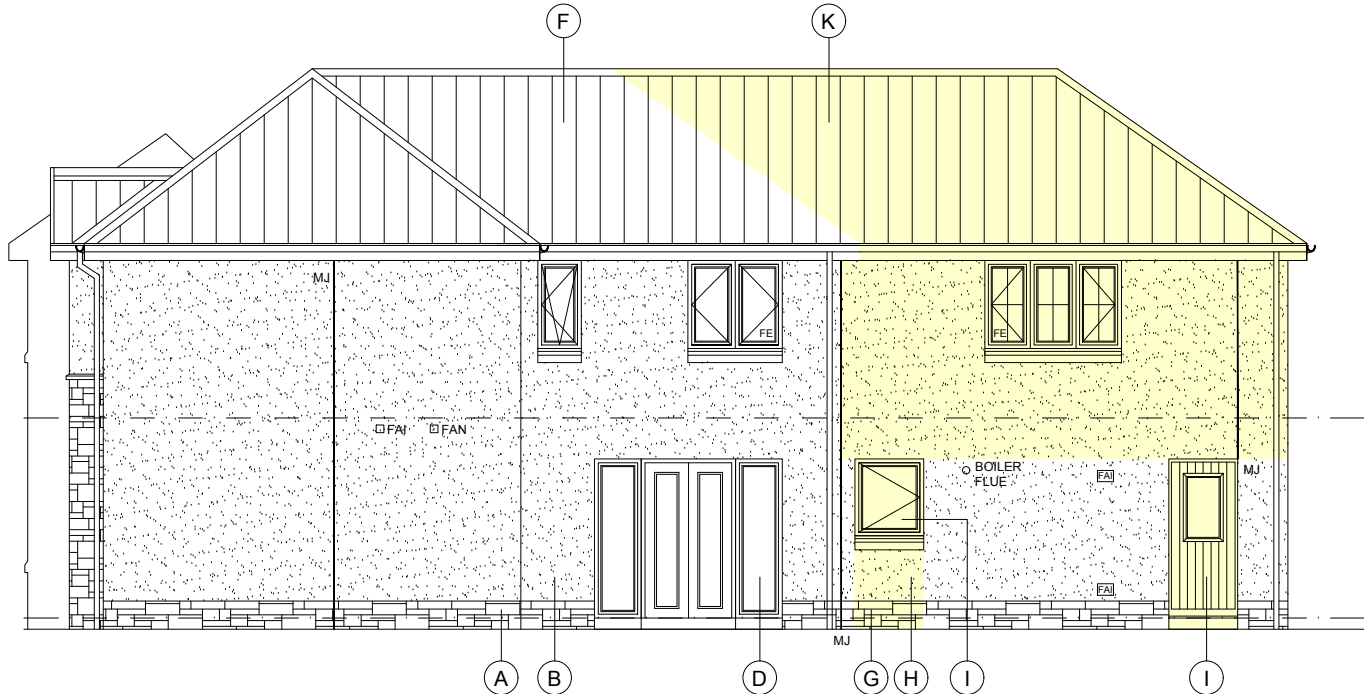
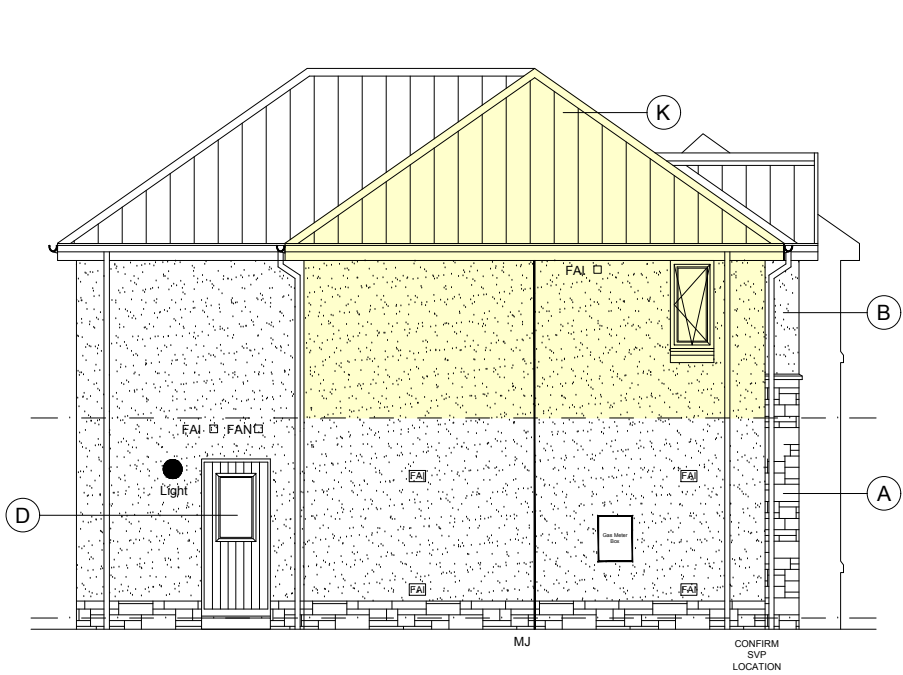


0

10m

All dimensions should be site checked prior to the ordering of any materials or undertaking of any works. Any variations must be identified to owners.

This drawing is to be read in conjunction with all structural engineers drawings, specifications and details.



REVISION / DESCRIPTION / DATE

-

NOTE:

All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. work to figured dimensions only.

CLIENT

MR & MRS STEWART

PROJECT

EXTENSION
16 MILLCRAIG MEWS
WINCHBURGH - WEST LOTHIAN

SCALE @A3

1:100

DRAWN BY
CAD

CHECKED
CAD

DATE
19.08.2018

STAGE
PLANNING

DRAWING

PROPOSED ELEVATIONS

PROJECT NUMBER

18-01

DRAWING NUMBER

PL6

REVISION

-



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Erection of 2 houses at Longridge Road, Whitburn.

2 DETAILS

Reference no.	<u>0897/FUL/18</u>	Owner of site	Mr E Browning
Applicant	Mr E Browning	Ward & local members	Whitburn and Blackburn Jim Dickson Bruce Fairbairn George Paul Kirsteen Sullivan
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Referred by Councillor Dickson

3 RECOMMENDATION

- 3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of 2 houses at Kippielaw, Longridge Road, Whitburn. The site is located opposite the recently opened Aldi supermarket.
- 4.2 The site is to the front (north) of the existing dwelling and has a frontage to Longridge Road. The proposed houses would utilise the existing vehicle access and would face toward the existing house and back on to Longridge Road.
- 4.3 The proposed houses are two storey dwellings containing 4 bedrooms.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity no representations were received.

6 CONSULTATIONS

- 6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	Acceptable without conditions	Noted.
WLC Education Planning	No	<p>The catchment schools are:</p> <ul style="list-style-type: none"> • Croftmalloch Primary • St Joseph's Whitburn • Whitburn Academy • St Kentigern's <p>Education Planning advise that this site will require to contribute to the following should it gain consent.</p> <ul style="list-style-type: none"> • Denominational secondary 	Noted. This contribution would need to be secured before any planning permission is issued.
WLC Flood Risk Management	No	<p>The council holds records, which suggest that the proposed development may be at a significant risk of flooding. If the council were otherwise minded to consider granting planning permission for the development it would need to be conditional upon the findings from a full flood risk assessment, which would need to be able to clearly demonstrate to the planning that the development can be successfully integrated with the risk that has been identified without compromise to new or existing properties and access to it. For the record, the risk that has been identified is not necessarily shown on SEPA's flood hazard maps but has been identified since as part of a recent study commissioned by the council and undertaken by specialist independent consultants under the Forth Estuary Local Flood Risk Management Plan 2016-22.</p>	<p>Noted. No flooding information has been submitted with the application</p> <p>Notwithstanding this, should Committee be minded to grant this application, a flood risk assessment would be required before any permission is issued.</p>

7 PLANNING POLICY ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan (WLLDP).

Plan	Policy	Assessment	Conform
WLLDP	<p>DES 1 – Design principles</p> <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.</p>	<p>The proposed development includes two two-storey detached houses and would constitute infill development.</p> <p>Taking into account the key design guidelines outlined in the Residential Development Guide, infill development should complement the local area in terms of design and scale, density and layout so the proposed development appears to belong and looks as though it had been planned as part of the original area.</p> <p>In this instance, the layout does not reflect the surrounding area where dwellings generally front onto Longridge Road.</p> <p>The existing site and the neighbouring residential property have a consistent building line and the proposed development would not respect this layout and have a significant detrimental visual impact from Longridge Road.</p> <p>The main aspect of the houses would face the existing house with the rear elevation of both houses facing onto Longridge Road.</p> <p>The submitted drawings do not show any fencing on the road boundary, if this development were to proceed, it would be anticipated that solid screen fencing higher than the existing wall would be required. As such this would also contribute to a detrimental visual impact onto Longridge Road.</p> <p>In terms of the internal layout, the proposed development fails the guidelines with regard to distance between buildings. A front to front distance of 18m is prescribed, where only 15m is provided for Plot 1 and 10m for Plot 2.</p>	No

Plan	Policy	Assessment	Conform
		<p>Based on the above assessment, the proposed development does not satisfy key guidelines in the Residential Development Guide.</p> <p>As such, it is considered that the proposed development does not take into account the local context and built form.</p> <p>Therefore, it is considered that the proposed development is contrary to this policy.</p>	
WLLDP	<p>HOU 3 - Infill/Windfall Housing Development within Settlements</p> <p>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:</p> <p>a. the development will be in keeping with the character of the settlement and local area;</p> <p>b. the site is not identified for an alternative use in the LDP or the proposal complies with Policy EMP 1 - Safeguarding and Developing Existing Employment Land;</p> <p>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;</p> <p>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;</p> <p>e. the site benefits from good</p>	<p>The proposed development site is within the Whitburn settlement. With respect to the proposed development the following assessment against the criteria outlined in policy HOU 3 is made below:</p> <ul style="list-style-type: none"> a. The proposed development is not in keeping with the character of the local area b. The site is not identified for an alternative use. c. The site is not identified as open space d. Proposed housing is compatible with nearby uses e. The site is accessible and close to shops and the Whitburn town centre f. There are no known infrastructural constraints. g. The proposal meets policy INF 1 and TRAN 2 h. The council holds records, which suggest that the proposed development may be at a significant risk of flooding. No flooding information has been submitted with the application. (see also EMG 2 below) i. The fails the fundamental design policy DES 1 (above) as it does not take into account the local context and built form. 	No

Plan	Policy	Assessment	Conform
	<p>accessibility by public transport and active travel to shopping, education, recreational and other community facilities;</p> <p>f. existing physical infrastructure, including roads, drainage, sewage, and education have the capacity to accommodate the proposed development;</p> <p>g. the proposal complies with Policy INF 1 and Policy TRAN 2, as applicable, where additional infrastructure would be required as a result of the development;</p> <p>h. the site is not at significant risk of flooding in the terms of policy EMG 2 (Flooding); and</p> <p>i. the proposal complies with other LDP policies and relevant Supplementary Guidance.</p>	<p>Overall, based on the above, it is considered that the proposed development does not criteria for infill housing development.</p>	
WLLDP	<p>INF 1 - Infrastructure Provision and Developer Obligations</p> <p>The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.</p>	<p>The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with guidance should permission be granted.</p> <p>Contributions would be necessary for:</p> <ul style="list-style-type: none"> • Denominational Secondary • Cemeteries 	Yes, subject to securing the contributions.
WLLDP	<p>EMG 2 – Flooding</p> <p>When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial),</p>	<p>The council holds records, which suggest that the proposed development may be at a significant risk of flooding. No flooding information has been submitted with the application.</p>	<p>No</p> <p>Should Committee be minded to grant this application,</p>

Plan	Policy	Assessment	Conform
	groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.	A full flood risk assessment is required to clearly demonstrate to the planning that the development can be successfully integrated with the risk that has been identified without compromise to new or existing properties and access to it.	this would have to be subject to a satisfactory flood risk assessment before any permission is issued.
WLLDP	<p>EMG 3 – Sustainable Drainage</p> <p>Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development. DIAs, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects. With the exception of single houses, SuDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates.</p>	No drainage information has been submitted with the application.	No
WLLDP	<p>EMG 6 – Vacant, Derelict and Contaminated Land</p> <p>Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.</p>	In consideration of application, the applicant has not demonstrated that the site is not contaminated. A phase 1 site investigation report is required to be submitted to, and approved by the council.	No
WLLDP	<p>NRG 1a – Low and Zero Carbon Generating Technology</p> <p>Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement.</p>	<p>No information submitted with the application to demonstrate compliance.</p> <p>Therefore, should planning permission be granted, then a condition should be included requiring information to demonstrate compliance should be submitted for approval prior to site start.</p>	Yes, subject to condition.

8 PLANNING POLICY ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan (WLLDP).
- 8.3 As set out above in section 7, based on the relevant policies of the Development Plan, it is considered that proposal is in conflict with the WLLDP policies DES 1 (Design Principles) and HOU3 (Infill/Windfall Housing Within Settlements) and the council's Residential Development Guide.
- 8.4 In addition, the applicant has failed to demonstrate that the site can be developed safely in terms of flooding and ground contamination and therefore is contrary to policies EMG 2 (Flooding) and policy EMG 6 (Vacant, Derelict and Contaminated Land).

9 SUMMARY AND CONCLUSIONS

- 9.1 In summary, the proposal conflicts with the development plan and there are no material considerations that outweigh the presumption against the proposal.
- 9.2 It is therefore recommended that planning permission is refused.

10 ATTACHMENTS

- Draft reasons for refusal
- Aerial & Location plans
- Site Layout
- Plot 1 Elevations
- Plot 2 Elevations
- Local member referral request

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 05 December 2018

DRAFT REASONS FOR REFUSAL - APPLICATION 0897/FUL/18

1. The proposed layout is unacceptable as it does not take into account the local context and built form.

The proposal is therefore contrary to policy DES 1 (Design principles) HOU 3 (Infill/Windfall Housing Within Settlements) and ENV 2 (Housing Development in the Countryside) of the West Lothian Local Development Plan.

2. The applicant has not demonstrated that site is not at risk from flooding.

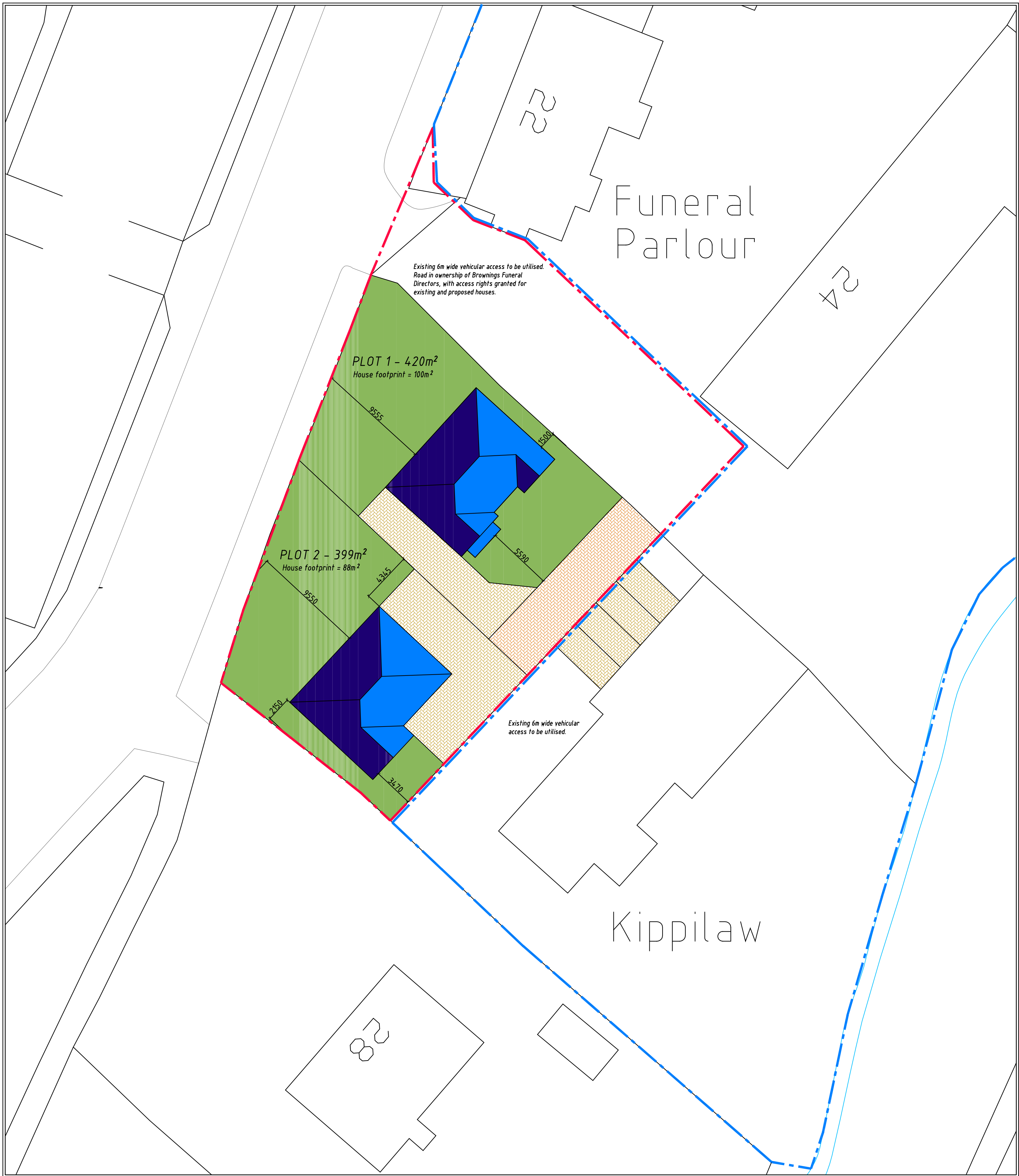
The proposal is therefore contrary to policy EMG 4 (Flood Risk)

3. The applicant has not demonstrated that site is not contaminated

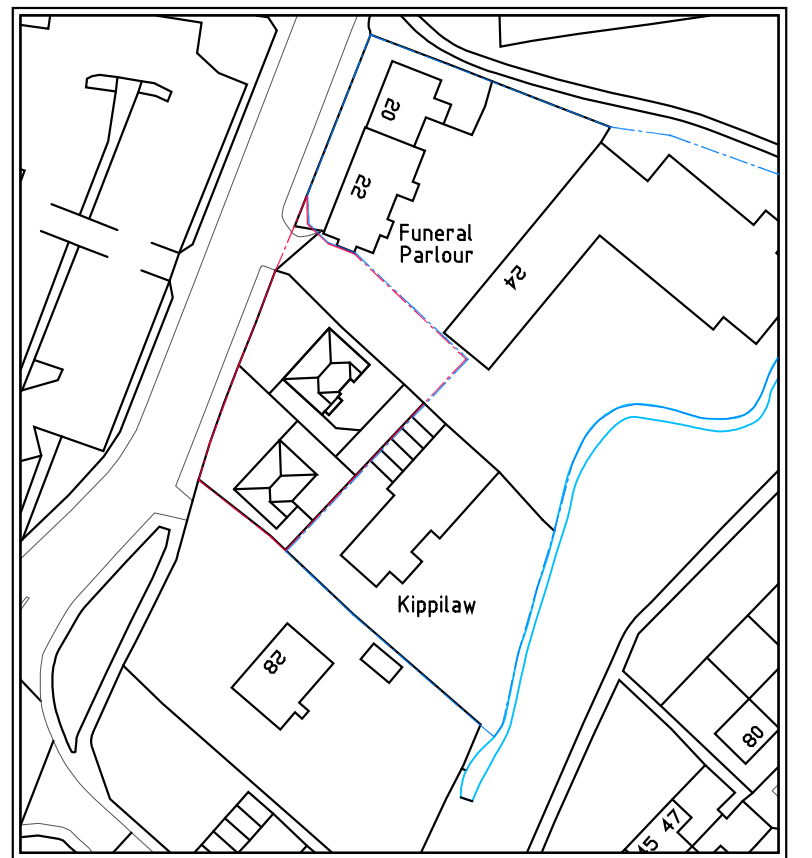
The proposal is therefore contrary to policy EMG 6 (Vacant, Derelict and Contaminated Land)



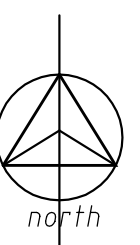




Block Plan 1:200



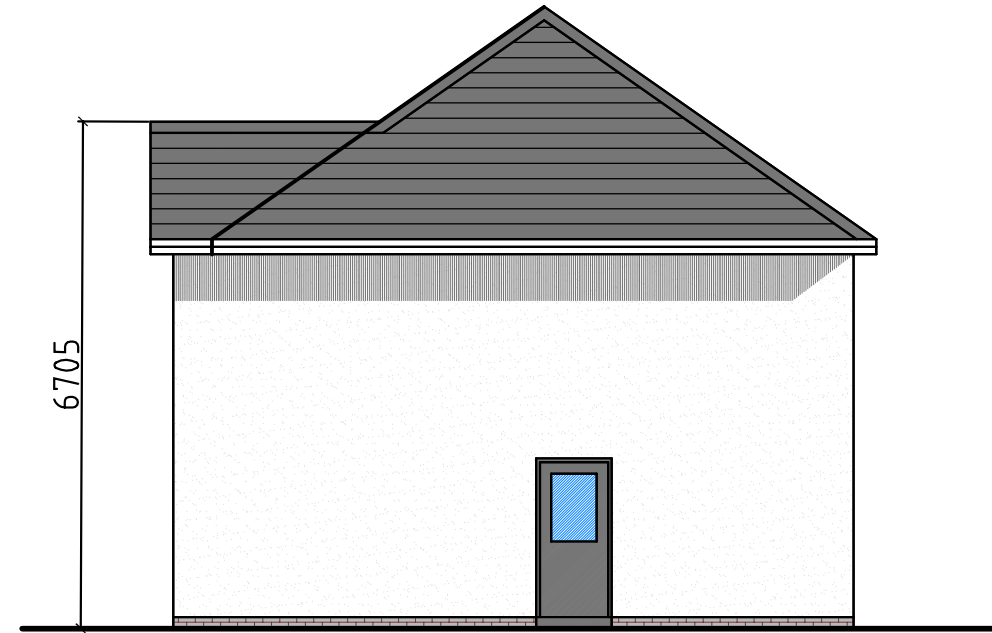
Location Plan Plan 1:1250



title: Block & Location Plan	
client: Mr E Browning	
project: Residential Development Longridge Road Whitburn	
scale: 1:200/1:1250@A1	date: Aug 18
drawing number: 18/001/PL01	
HARDIE ASSOCIATES LTD 78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD TEL: 01506 633979 FAX: 01506 634656	
© COPYRIGHT - HARDIE ASSOCIATES	



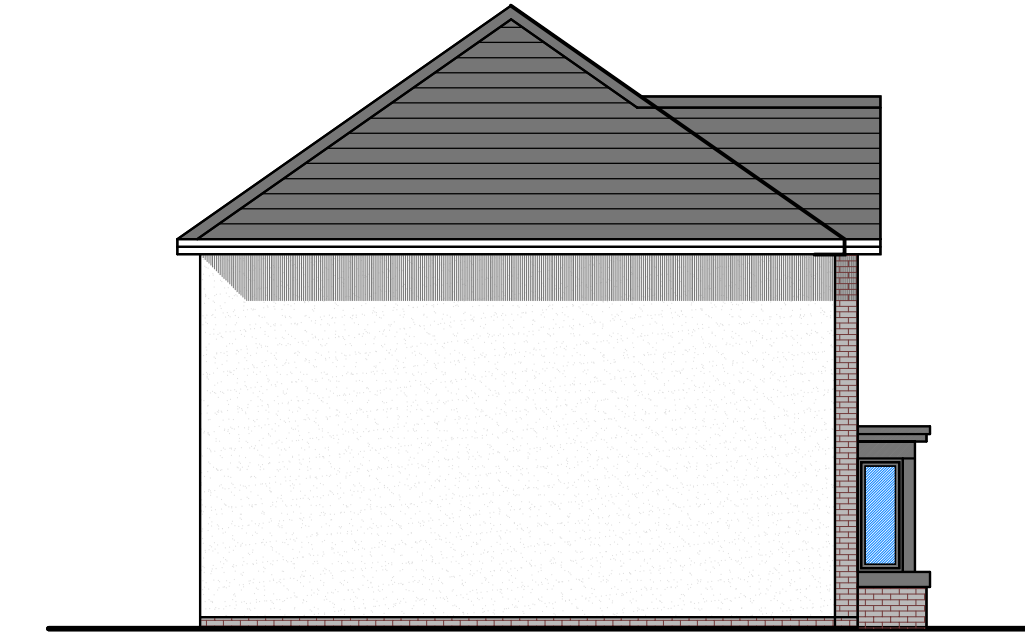
Front Elevation (1:100)



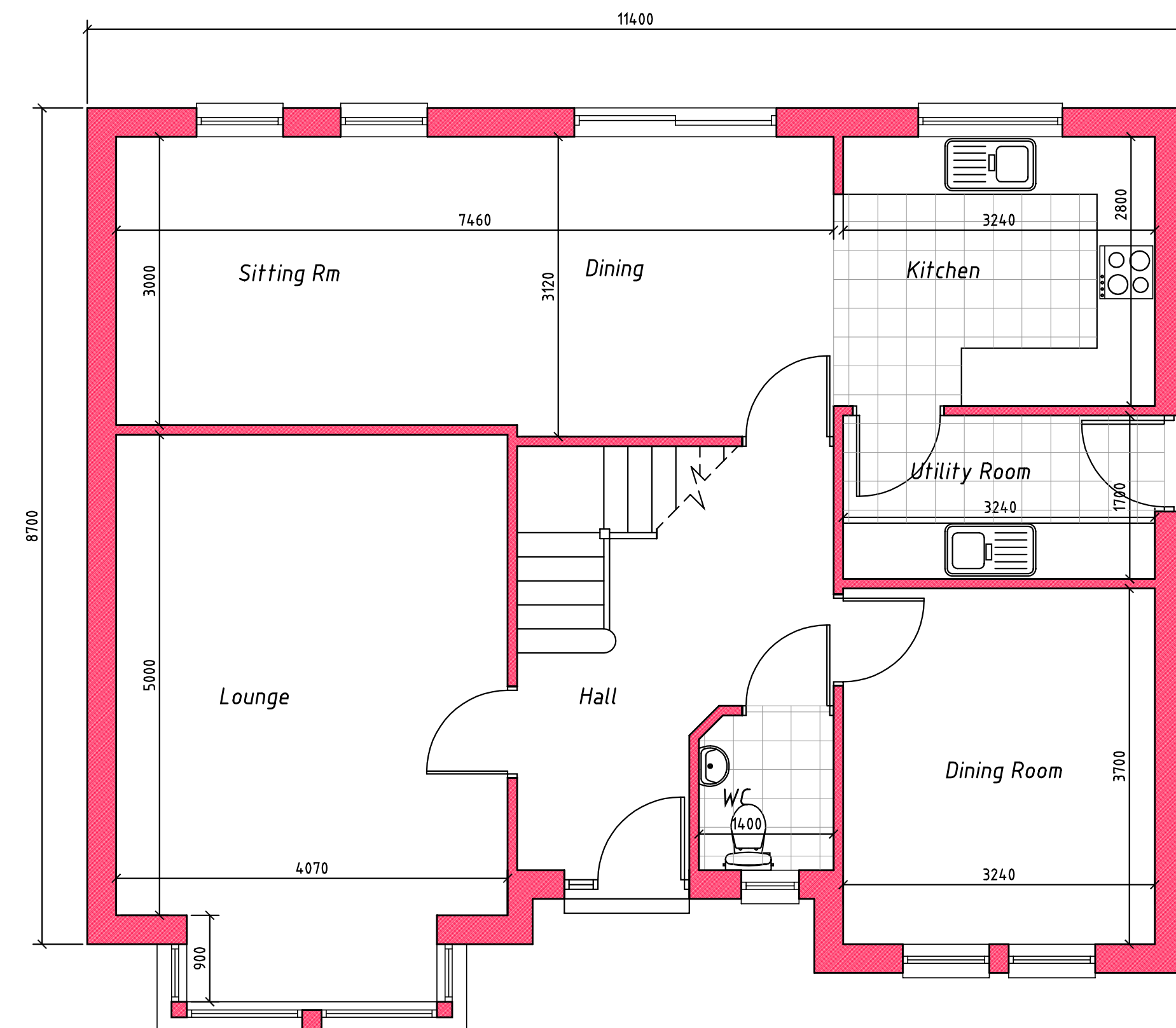
Side Elevation (1:100)



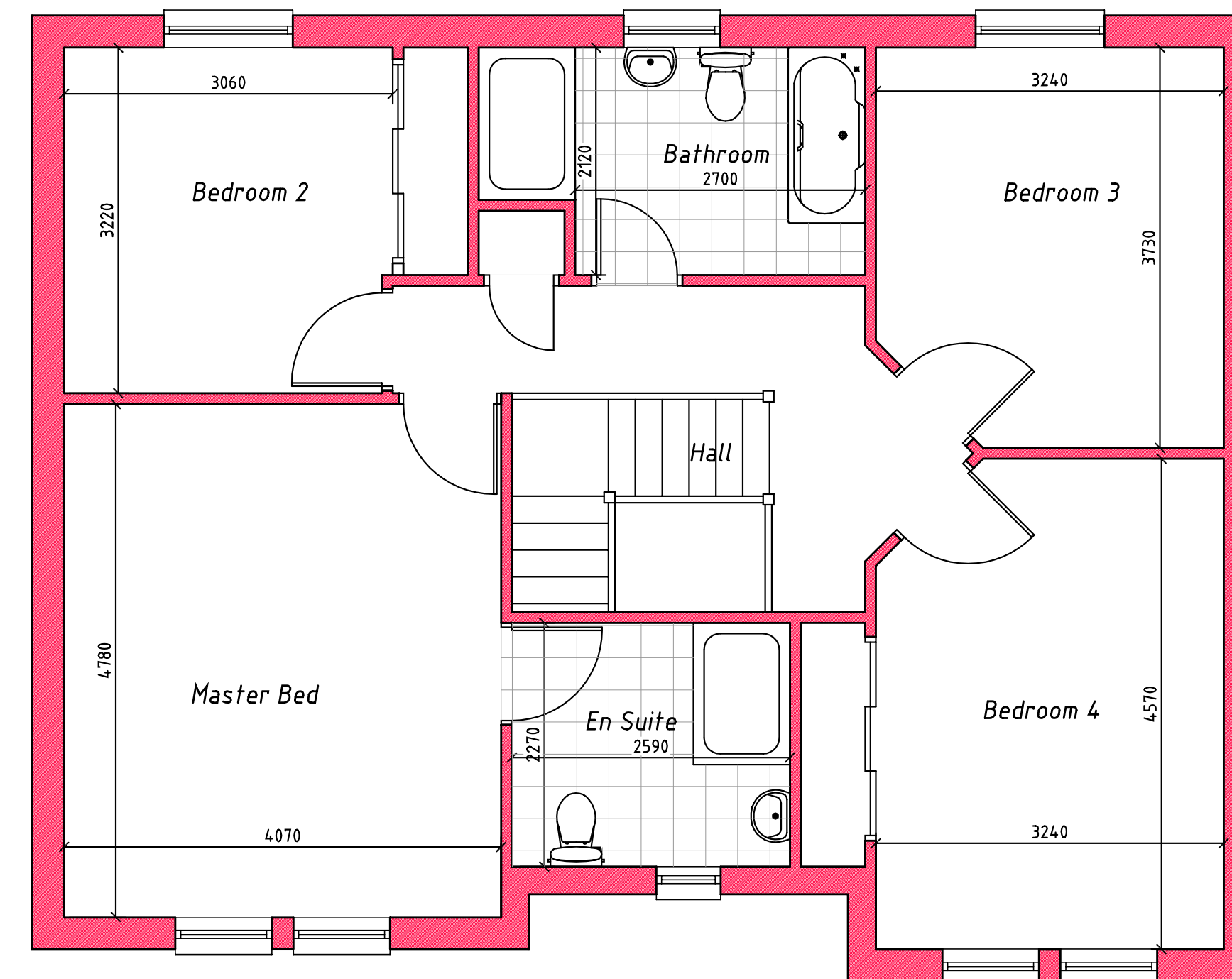
Rear Elevation (1:100)



Side Elevation (1:100)

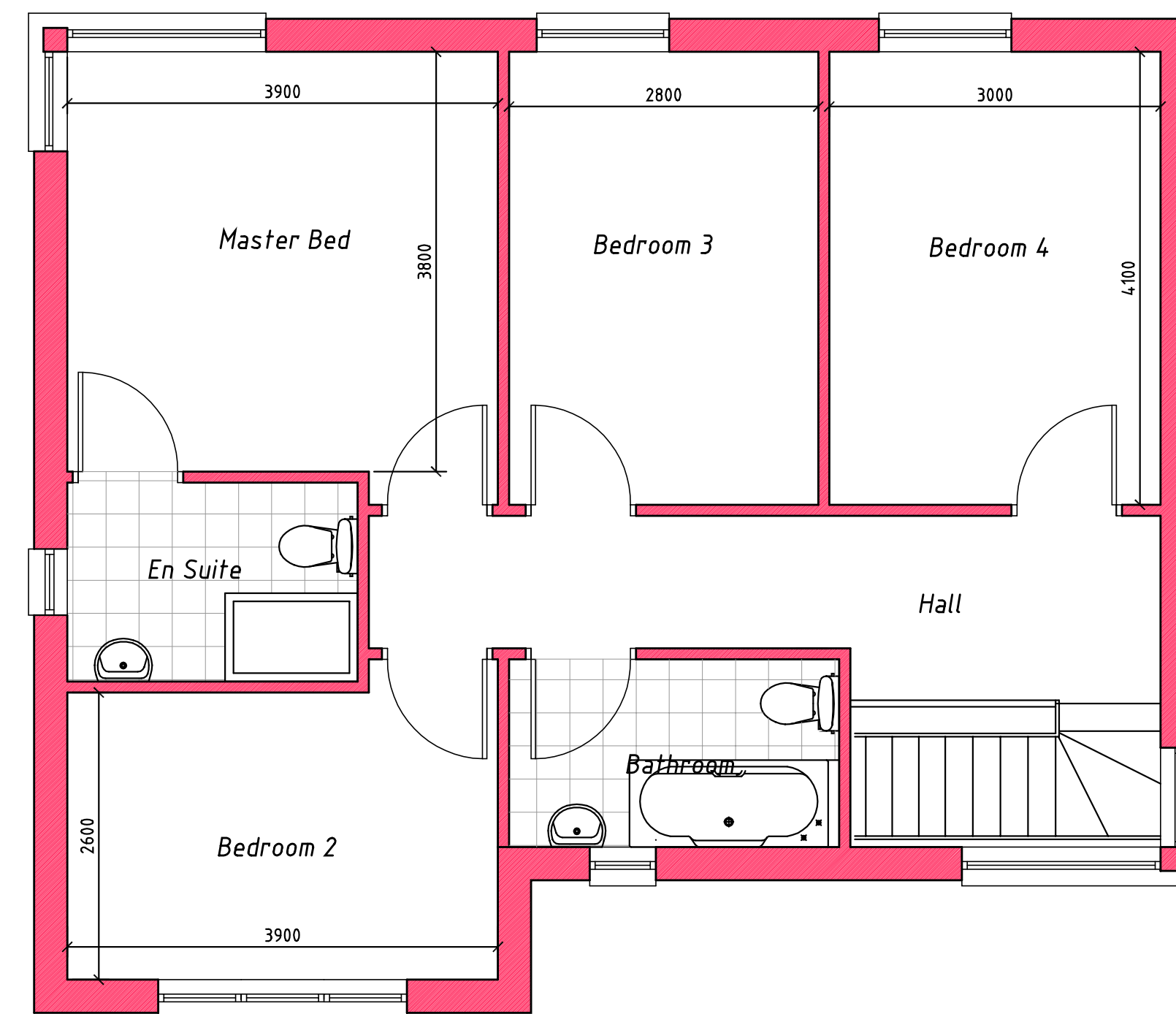
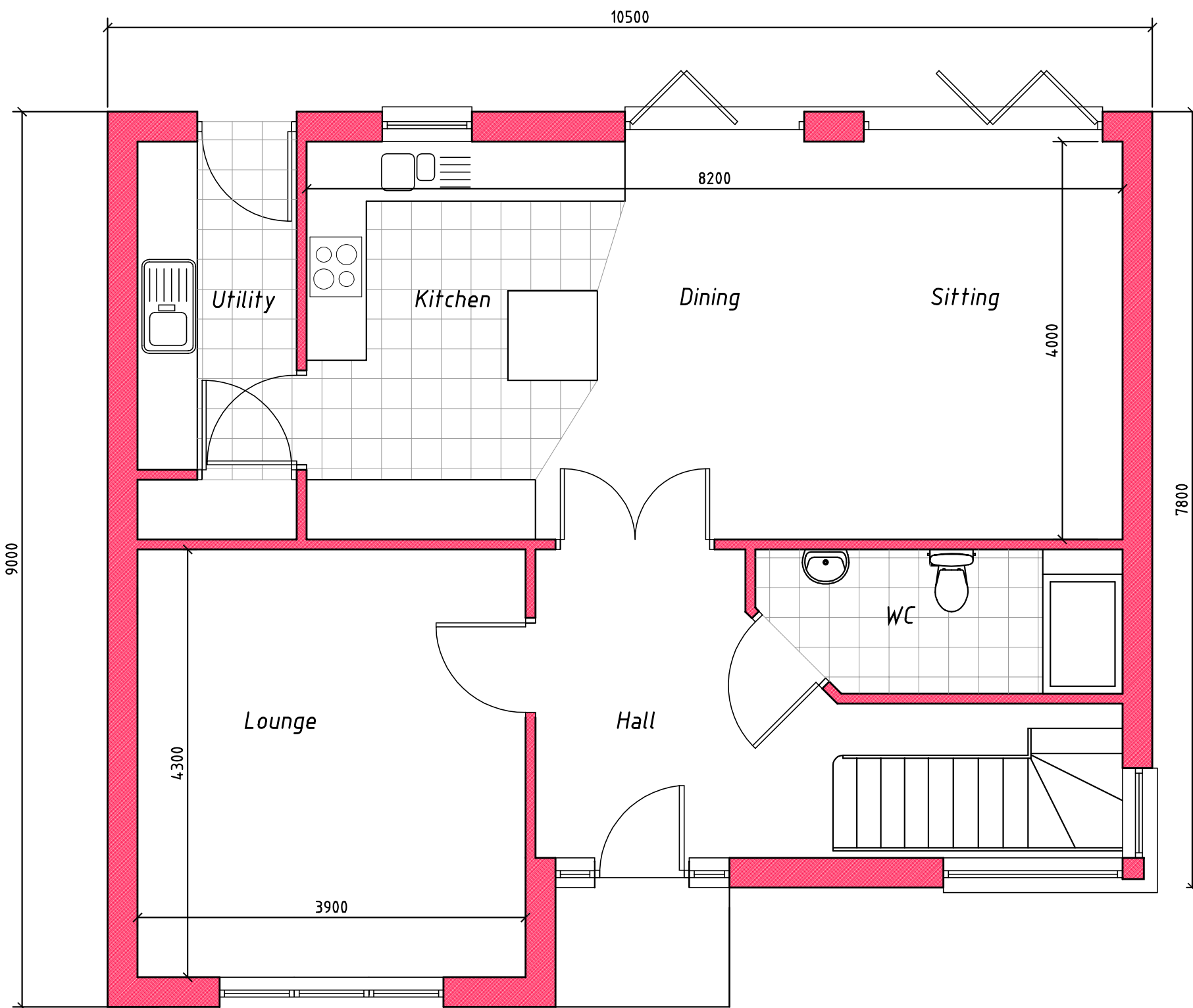
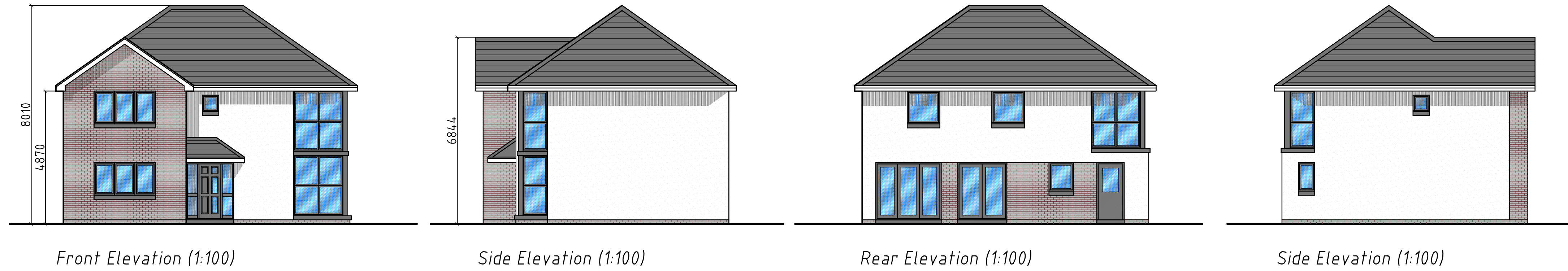


Ground Floor Plan 1:50



First Floor Plan 1:50

title: Plans and Elevations	
client: Mr E Browning	
project: Plot 1 Longridge Road Whitburn	
scale: 1:50/1:100 @ A1	date: Aug 18
drawing number: 18/001/PL02	
Hardie Associates Ltd 78 Hopetoun Street Bathgate West Lothian EH48 4PD Tel :- 01506 633979 Fax:- 01506 634656	
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title: Plans and Elevations	
client: Mr E Browning	
project: Plot 2 Longridge Road Whitburn	
scale: 1:50/1:100 @ A1	date: Aug 18
drawing number: 18/001/PL03	
Hardie Associates Ltd 78 Hopetoun Street Bathgate West Lothian EH48 4PD Tel :- 01506 633979 Fax:- 01506 634656	
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West Lothian
Council

Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

5th November 2018

Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Craig McCorriston, Head of Planning, Economic Development and Regeneration as soon as possible and no later than:

26th November 2018

PLEASE NOTE:

The planning application details will also be available for inspection within the Planning & Building Standards web site by clicking on the link below.

<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

We are trying to encourage people to use the web site as much as possible so you may wish to inspect the application online rather than make a request for a paper copy.

Action Required (please tick ✓)	Application Number
<input type="checkbox"/> Contact me to discuss these proposals	0897/FUL/18
<input type="checkbox"/> Send me copies of the plans and supporting information relative to this application	Member Jim Dickson
<input checked="" type="checkbox"/> Refer this application to the Development Control Sub-Committee	Sig [Redacted]
<input type="checkbox"/> Other (please specify)	Dated 14/11/18

My reasons for this action are:

HOUSE SITE SUITABLE FOR

Development Management

List of Delegated Decisions - 26th October 2018

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

Ref. No.:	0848/H/18	Recommendation:	Refuse Permission
Proposal:	Extension to house and second floor extension to house		
Address:	152 Langton View, East Calder, Livingston, West Lothian, EH53 0RD (Grid Ref: 309070,666788)		
Applicant:	Mr I Goodbrand	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Thomas Cochrane
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>This application is for a two-storey extension to a semi-detached house which has an existing attached single garage on the western elevation. The proposal is to extend the garage and build a first floor extension above.</p> <p>The dwelling is located within a cul de sac, and it stands well forward of the neighbouring detached property. The layout of the properties means that the neighbouring property would suffer from loss of daylight and this is evident when a daylight analysis of the property is carried out. While it is noted that the north facing window of the adjacent property currently does not receive much light, the proposed extension would exacerbate the situation.</p> <p>The agent was asked to reduce the size of the extension to make some effort to reduce the potential impact on next door, but his client has declined to do so. The agent informed us that the client wishes to proceed with the plans as submitted.</p> <p>The proposal is contrary to the council's House Extension and Design Guide, in that the extension would have a detrimental effect on the visual and residential amenity of the neighbouring property, contrary to West Lothian Local Development Plan Policy DES 1. It is therefore recommended that planning permission is refused.</p>			

Ref. No.:	0853/H/18	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	12 Bankton Court, Murieston, Livingston, West Lothian, EH54 9DL (Grid Ref: 306689,665842)		
Applicant:	Mr Andrew Craig	Type:	Local Application
Ward:	Livingston South	Case Officer:	Thomas Cochrane
<p><u>Summary of Representations</u></p> <p>One objection -</p> <p>- size of the extension and proximity to the boundary.</p>			
<p><u>Officers report</u></p> <p>The application is for a side extension to a single storey bungalow. The original plans were considered to be contrary to West Lothian Council's supplementary planning guidance (SPG) on house extension and alterations. Negotiations with the agent have resulted in the submission of revised plans that reduce the scale of the extension, making it subsidiary in appearance to the principal dwelling, as required by the SPG.</p> <p>One objection has been received, on the grounds of the length of the extension (4.3m), and the closeness of the build to the boundary. We have noted the objections, however, development is allowed up to boundary line under permitted development and it is considered that the extension would have no detrimental impact on the visual or residential amenity of the neighbours property. It is therefore recommended that planning permission is granted.</p>			

Ref. No.:	0888/H/18	Recommendation:	Refuse Permission
Proposal:	Extension to house		
Address:	96A Lower Bathville, Armadale, Bathgate, West Lothian, EH48 2JS (Grid Ref: 294072,667938)		
Applicant:	Mr Scott Paterson	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Thomas Cochrane
<p><u>Summary of Representations</u></p> <p>One representation</p> <p>- loss of daylight</p>			
<p><u>Officers report</u></p> <p>This application is for a rear extension to a single storey house, which would project 9.7 metres from the rear of the property and would be the same width as the existing house. It would contain an open plan living room/kitchen/dining area, a bathroom and a utility room.</p> <p>The proposed extension would give rise to overshadowing of a neighbouring property in the late afternoon. Further, it is considered that the massing of the proposed extension will be overbearing and would be detrimental to the visual and residential amenity of neighbouring properties.</p> <p>A previous, identical application was withdrawn in September 2018 after the Development Management Committee took a decision to refuse planning permission, but before the decision was issued.</p> <p>It is therefore recommended that planning permission is refused.</p>			

Ref. No.:	0893/FUL/18	Recommendation:	Refuse Permission
Proposal:	Erection of 15 houses with associated works		
Address:	Land North Of Main Street, Westfield, , , (Grid Ref: 305280,667171)		
Applicant:	Mr Charlie Miller	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Mahlon Fautua

Summary of Representations

35 letters of support and 5 objections

Supporting Comments

- Westfield needs new investment to keep the local community and school going after the loss of the shop, pub and other services
- The paper mill site has no signs of progressing
- No negative impact on the landscape

Objecting comments

- Loss of open green space
- Impact on wildlife habitat
- Traffic
- Road safety
- Contrary to planning policy
- Located in Area of Great Landscape Value
- no attempt to integrate with existing properties.

Officers report

Detailed planning permission is sought for the erection of 15 houses in the countryside on the edge of the settlement of Westfield. As it constitutes development in the countryside it is assessed against policy ENV 2 (Housing Development in the Countryside) and DES 1 (Design Principles), ENV 1 (Character and Special Landscape Areas) of the West Lothian Local Plan, which carries a presumption against unjustified development in the countryside.

The application is accompanied by a supporting statement which stresses the potential benefits of the proposal, including new footpath links to the core path network, the attraction of new families to the village and that it would facilitate habitat creation on land that the applicant owns, adjacent to the proposed housing.

No justification has been put forward, however, which meets any of the exemptions to the presumption against development which are laid out in Policy

ENV 2. In consequence it is considered that the proposal is not justified and it is recommended that permission is refused.

Ref. No.:	0897/FUL/18	Recommendation:	Refuse Permission
Proposal:	Erection of 2 houses		
Address:	Kippilaw, Longridge Road, Whitburn, Bathgate, West Lothian (Grid Ref: 294612,664492)		
Applicant:	Mr E Browning	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Planning permission is sought for four semi-detached, two storey houses on Longridge Road, Whitburn. The houses would face away from Longridge Road, with access proposed via a shared driveway leading to a parking court. The proposed layout would mean that rear garden fences would front Longridge Road, unlike the surrounding properties, which all front on to the main road. Furthermore the layout does not satisfactorily meet the relevant planning guidance and does not accord with policy DES 1 and planning guidance in relation to infill development.</p> <p>It is therefore recommended that planning permission is refused.</p>			

Development Management

List of Delegated Decisions - 2nd November 2018

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

Ref. No.:	0830/FUL/17	Recommendation:	Grant Planning Permission
Proposal:	Erection of a house and detached garage		
Address:	Plot 1 Inchcross,Bathgate, EH48 2RZ, , (Grid Ref: 305280,667171)		
Applicant:	Mr & Mrs Alan & JulieAnn Stewart	Type:	Local Application
Ward:	Bathgate	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u> One objection - - Road safety - Damage to trees - Privacy - Garage should be restricted to domestic use.			
<u>Officers report</u> The development sits within land safeguarded for open space. Nonetheless, the proposal is in accordance with a recently approved planning permission. (Ref: LIVE/0683/FUL/05) Conditions of consent will ensure that the any potentially adverse noise effects from the adjacent road would be mitigated and privacy maintained. It is recommended that planning permission is granted subject to conditions.			

Ref. No.:	0951/H/18	Recommendation:	Refuse Permission
Proposal:	Erection of storage shed		
Address:	6 Craigengall Crofts, Bridgehouse, Westfield, West Lothian, EH48 3DZ (Grid Ref: 292744,671337)		
Applicant:	Mr Robert Mcleary	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Thomas Cochrane
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Planning permission is sought for an Agricultural Shed within the curtilage of a lowland crofting site at Craigengall (plot 11). On the site visit, it was noticed that the construction of a monoblock roadway and a small retaining wall for the road was already constructed. A cutting has been made into the hillside in preparation for the proposed shed, and compacted hardcore is in place.</p> <p>The proposal is in contravention of the original planning permission, in that the shed will be within an area designated for structural tree planting, thus depriving this part of the plot from the purpose of which it was designed. In addition, the shed would be built out with the accepted build zone within the plot, and it would be outwith the building line established within the crofting site. If granted would it set a dangerous precedent and could encourage other proposals which would challenge the overall design masterplan of the site.</p> <p>For the above reasons it is recommended that planning permission is refused.</p>			

Development Management

List of Delegated Decisions - 9th November 2018

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

Ref. No.:	LIVE/0466/FUL/11	Recommendation:	Refuse Permission
Proposal:	Erection of 8 houses (grid ref.293294 660414)		
Address:	Meadow Crescent, Fauldhouse,, , (Grid Ref: ,)		
Applicant:	M&M Executive	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Mahlon Fautua

Summary of Representations

5 objections received

-Restricted access

-Impact on sewers and drainage, already problems with backing up in heavy rain

-Disturbance and noise during construction

-Potential harm caused by contaminated land during clearance

-Impact on existing footpath through the site

-Potential contamination to water

-Walk through the site would have to be closed during construction

-Access off Meadow Crescent, which is cul de sac, during construction and clearance traffic would be hazardous

-Report suggests soil dangerous in future

-Material scraped from site and dumped on Greenburn Golf Course

Officers report

The site is allocated for housing in the LDP and thus the principle of the development is supported. The applicant has satisfactorily demonstrated that the site can be developed safely in terms of ground contamination and the layout is acceptable. The application was put on the delegated list for approval in 2016.

However in advising the applicant of the relevant developer obligations in relation to Affordable Housing Contributions (AHC), the applicant considers that given the value of the site and cost of development, the AHC should be reduced or waived. Financial information has been supplied by the applicant to support the request not to pay the AHC. However, this does not satisfy the exemption criteria included in the council's affordable housing policy and

thus there is no justificaion to agree to the request.

Therefore it is recommended that the application be refused as the applicant will not pay the AHC. The proposal is thus contrrrary to LDP policies HOU 4 (Affordable Housing) and INF 1 (Infrastructure Provision and Developer Obligations).

Ref. No.:	LIVE/0512/FUL/16	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 3096 sqm extension to depot with associated vehicle loading, hardstanding and parking area (grid ref. 294446 668741)		
Address:	East Mains Freight Centre, 1 Bathgate Road, Armadale, EH48 2PE,, , , (Grid Ref: ,)		
Applicant:	R Drummond (Carriers) Ltd	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Gillian Cyphus

Summary of Representations

1 objection plus petition on behalf of 10 residents.

Noise
Traffic
Visual impact
Loss of light

Officers report

The application is for an extension to an existing distribution warehouse and yard. The site has previously been subject to noise complaints, however the site has now been managed and developed to ensure noise mitigation measures are in place. The current proposal is for an extension on the other side of existing warehouses from the residential properties. All the existing conditions on the site relating to noise mitigation measures will be attached to this consent. There have been no recent noise complaints. Environmental Health has no objection to this application.

There are no objections from Transportation. The proposal is acceptable in terms of design, location and land use and is considered to comply with the relevant policy.

Ref. No.:	0405/FUL/18	Recommendation:	Refuse Permission
Proposal:	Erection of a house		
Address:	54 Torbane Drive, East Whitburn, Bathgate, West Lothian, EH47 0JQ (Grid Ref: 296117,665446)		
Applicant:	Mr Donald Fraser	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Gillian Cyphus
<u>Summary of Representations</u>			
<p>1 letter of representation was received in relation to this application. In this case the letter was neither objecting to or supporting the application but made neutral comments on the proposal in relation to restrictions on times when building could take place should the application receive approval.</p>			
<u>Officers report</u>			
<p>The application seeks full planning permission for the erection of a house. The proposed house would be one and half storeys with dormer windows to the front elevation.</p> <p>Environmental Health has objected to the application on the grounds of noise. A noise assessment was submitted with the application which shows that the development cannot achieve satisfactory noise levels. Whilst a closed windows assessment may be considered under the council's SPG on noise for flatted developments, it is not appropriate to apply this assessment to a house. The application is contrary to policy EMG5 (Noise) in the adopted West Lothian Local Development Plan and the council's SPG on Planning and Noise.</p>			

Ref. No.:	0874/FUL/18	Recommendation:	Refuse Permission
Proposal:	Formation of car wash facility including storage containers		
Address:	Land At Breich Inn, Breich, West Calder, West Lothian, EH55 8JQ (Grid Ref: 295494,660530)		
Applicant:	Mr J Campbell	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Mahlon Fautua

Summary of Representations

2 Objections
 -Traffic Safety
 -Unsuitable location
 -Work has started in advance of planning permission
 -Incorrect information on plan
 -Impact from spray and chemicals
 -Drainage
 -Applicant doesn't own the land

Officers report

The site occupies a prominent position along the A71 at the Breich crossroads. It is within the countryside but is allocated for housing. A car wash on the site would be contrary to the LDP allocation and no locational justification or business case has been made for a car wash on the site. The car wash would be of a manual nature and carried out externally adjacent to the roadside. It is considered that the operation of the car wash would be to the detriment of the visual amenity of the locality and harm the character of the countryside. In addition the car wash would have adverse impacts on road safety in terms of its relationship with the A71.

It is therefore recommended that planning permission is refused as the proposal is contrary to LDP policies, DES1 (Design Principles), EMP3 (Employment development outwith settlement boundaries), HOU1 (Allocated Housing Sites), ENV3 (Other development in the countryside) and TRAN 1 (Transport Infrastructure).

Ref. No.:	0879/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Change of use from flat to full time commercial holiday let		
Address:	10 The Beech Tree, Bridgend, Linlithgow, West Lothian, EH49 6PU (Grid Ref: 304684,675964)		
Applicant:	Mrs Lindsey Manson	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

- Potential blockages of the sewerage system in the form of a private septic tank
- Security issues with multiple people accessing the secure access door system
- Potential for noise, parties and hen and stag dos
- Loss of privacy
- Concerns that holiday makers will park incorrectly across the development

Officers report

The application proposes the change of use from a two bed ground floor flat to a full time commercial holiday let. The applicant has stated that two people will be the maximum number of occupants. The minimum stay is one night and the maximum stay is two months.

In terms of the impact on amenity, the main issue raised in representations is noise. As a self catered facility, how the flat will be used will not be dissimilar to if it were being occupied as long term residential use but with a turnover of guests. Environmental health has not raised objections to the proposal in terms of noise. It is proposed to grant a temporary planning permission for nine months to monitor the impact on the amenity of the other flats within the block. After nine months there would be a reversion back to a residential flat or a further planning application to continue use as a holiday let if impacts on amenity are acceptable.

Some representations have expressed concerns over parking for visitors and that there would be inappropriate parking across the development. The flat in question has one allocated parking space. With a maximum of two occupants, it is unlikely that this will pose a problem in terms of parking provision. Transportation has not raised any objections to the proposal in this regard.

A number of representations have raised issues regarding the sewage system that is operated through a private septic tank. Specifically, representees have raised concern about visitors blocking this system. This is a management issue for the applicant and not a material planning consideration.

In summary, it is proposed to grant planning permission on temporary basis to monitor the impact on amenity.

Ref. No.:	0894/H/18	Recommendation:	Refuse Permission
Proposal:	Extension to house		
Address:	16 Millcraig Mews,Winchburgh, Broxburn, West Lothian, EH52 6WG (Grid Ref: 308200,675176)		
Applicant:	Mr Mark Stewart	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Thomas Cochrane
<u>Summary of Representations</u>			
None.			
<u>Officers report</u>			
<p>This application is for an upper storey extension above an attached garage, on a new build property which looks onto the main road. The application is considered to be contrary to policy DES1 in the adopted local development plan and the council's House Extension and Alteration Design Guide, due to its scale and design and in particular the height of the ridge line. The applicant has been asked to amend the plans to make the extension subsidiary to the main house to ensure compliance with the relevant policy, however they have declined to do so.</p>			

Ref. No.:	0986/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Installation of a ground mounted solar photovoltaic array enclosed within a 2.4m weld mesh fence with secure topping		
Address:	Central Store, Main Street, Fauldhouse, Bathgate, West Lothian (Grid Ref: 292333,660249)		
Applicant:	Mr Peter Ling Scottish Prison Service	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Mahlon Fautua
<p><u>Summary of Representations</u></p> <p>1 objection -height of solar structures -height of fence</p>			
<p><u>Officers report</u></p> <p>The proposal is acceptable and is in accordance of one the fundamental aims of planning policy in the reduction of greenhouse gas emissions in the aim to mitigate and adapt to climate change.</p> <p>The proposal is therefore acceptable and is unlikely to have detrimental impact on the adjacent residential property.</p>			

Ref. No.:	0992/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Substitution of house type (as amendment to permission 0675/FUL/17)		
Address:	Land Adjacent To 9A (Plot 10A), Craiglaw, Dechmont, Broxburn, West Lothian (Grid Ref: 304433,670840)		
Applicant:	Mr M Cassally	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Matthew Watson

Summary of Representations

- Proposed finished roof ridge height is higher than adjacent property and not in keeping with existing properties on the north side of the street.
- Proposed finished plot ground level is higher than adjacent property and current highway. This is a potential flood risk as surface water will run off either to adjacent property or public highway. Previous gradient on plot allowed surface water to run towards the open drain to the rear.
- Proposed south facing upper level windows overlook our property and will have an effect on our privacy.
- Proposed allocation of parking is insufficient to match potential of 4 vehicles.
- Application details that no connect is required to a public water supply. As there are no current alternative supplies in the area this potentially could lead to public health concerns
- Location & Site Plan (DWG 2628Cassally:D1) does not detail extension to existing public footpath as per original planning application.
- Elevations (DWG 2628Cassally:D4) details façade to be facing brick to clients choice, no further details are included to allow comment to be made, further as surrounding properties are roughcast this proposed finish would not be in keeping with adjacent properties
- Elevations (DWG 2628Cassally:D4) details roof tiles to be type Marley eternity Black Concrete, these are not as per roof tiles current on site.

Officers report

The application proposes the substitution of a house type at Plot 10A Craiglaw, Dechmont. The application proposes a number of changes to the house granted by applications 0675/FUL/17 and 0101/FUL/12. These include: a change in the wall finishes from render to brick; a raising of the roof height; a projecting gable extension to the rear with two rooflights on the side of the roof pitches of the extension; the installation of three rooflights to the front roof plane and two rooflights to the rear roofplane; raising the floor level of the house by 180mm; and the moving of the garage from the west side of the front elevation to the east.

Policy DES 1 of the West Lothian Local Development Plan (LDP) states that development proposals must integrate with the local context and built form of the surrounding area.

The design of the house raises the roof height above that of neighbouring properties, as well as raising the floor level. The raising of the roof is relatively minimal and will not impact the wider streetscene to a degree that is unacceptable in planning terms. The house sufficiently integrates with its context in this respect. The rear gable extension is of a size and scale similar to that of the neighbouring property at 9A Craiglawn. This extension integrates with the appearance of the house and will not appear out of place in its context. The change in materials from render to facing brick is acceptable. Although the properties in the immediate vicinity of the application site are finished with roughcast render, there are properties on the north side of Craiglawn that are finished in facing brick or have elements of facing brick. For this reason, the proposed use of facing brick is acceptable.

The proposal will not cause an adverse loss of sunlight or daylight to neighbouring properties with the rear extension set away from the boundary and is in line with the footprint of 9A Craiglawn. A representation has raised concern over the velux rooflights on the front elevation causing a loss privacy to their property across the street. These windows are high level and someone would not be able to open these and stand for a sustained period of time. There is not a privacy issue that will cause unreasonable harm to amenity in this regard.

In addition, a condition will be attached requiring the installation of a footway at the front of the property. A representation has raised concerns about the amount of parking on site not matching the potential for four cars at the property. Transportation has raised no objection to the application

The proposal is acceptable in design terms and will not cause unreasonable harm to the amenity of neighbouring properties. The application complies with Policy DES 1 of the LDP. No material considerations outweigh this conclusion.

Development Management

List of Delegated Decisions - 16th November 2018

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

Ref. No.:	1028/FUL/17	Recommendation:	Refuse Permission
Proposal:	Change of use from public footpath to private garden ground and erection of fencing		
Address:	Land Adjacent To Kirkhill Place, Broxburn, West Lothian, EH52 6GW, (Grid Ref: 305280,667171)		
Applicant:	Mr Alistair Lawrie	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Lewis Young
<u>Summary of Representations</u> One letter of representation (supporting the proposal) - Prevention of antisocial behaviour - Prevention of criminal behaviour			
<u>Officers report</u> Permission is sought for the closure of a 40 metre long public footpath running from the end of Kirkhill Place to Port Buchan, and the erection of a fence at each end of the path. The footpath is not overlooked and runs between the rear of 4-6 Moore Cottages and a detached house. It is lit by a lamppost situated on the path, at the Port Buchan end. The proposal is supported by residents of Kirkhill Place, who have suffered antisocial behaviour by users of the path. The path is not adopted but Transportation have objected, on the grounds that the public have a right of access along the path, and that current council policy is to refuse requests to close public paths, in accordance with the council's duty under the Land Reform (Scotland) Act to keep footpaths open. The council's policy on issues relating to proposed footpath closures is that antisocial behaviour should be tackled by neighbourhood response teams and the Police. It is advised, further, that there is a street lighting cable running along the path connecting the lamppost on the path with the lampposts further along Kirkhill Place, which would need to be relocated, at a cost of approximately £5,000. It is further advised that before the path could be closed to the public a Stopping Up Order would need to be promoted; if such an Order attracted objections a public local inquiry would need to be held and there would be no guarantee of its success. Moore Cottages are owned by the council, and Property Services have also objected to the proposal, on the grounds that maintenance for the fence at			

the rear of 4-6 Moore Cottages would be affected if there is no access to the path.

In view of the objections from Transportation and Property Services, and council policy on path closures, it is recommended that planning permission is refused.

Ref. No.:	0470/FUL/18	Recommendation:	Refuse Permission
Proposal:	Erection of 2 houses and garages and formation of new access		
Address:	146 Uphall Station Road, Pumpherston, Livingston, West Lothian, EH53 0PD (Grid Ref: 306656,669508)		
Applicant:	Mr & Mrs Graeme & Lyn McLaughlin	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

One objection -
- Loss of privacy

Officers report

The application proposes the demolition of a warehouse building and the erection of two houses with garages and an associated access at 146 Uphall Station Road, Pumpherston. The houses will front onto Drumshoreland Place and are proposed to be single storey with accommodation in the roofspace created by velux windows. The houses are proposed to have a wall finish of roughcast render and a brick base course with the roof finished with profiled tiles.

The application site is located within the settlement boundary of Pumpherston. The principle of residential use on this site is acceptable, subject to meeting other development plan policy.

The proposed houses are of a scale and form that will integrate with the surrounding houses on Drumshoreland Place. The Residential Development Guide Planning Guidance specifies a plot ratio of 70:30 for garden to building for detached houses. One of the plots does not meet this specified plot ratio at 65:35, however, this is a minor departure that will not cause town cramming or harm to the spatial character of the area. The proposed materials will be of a similar finish to surrounding residential properties and are, therefore, acceptable in planning terms.

The proposal will not cause unreasonable harm to neighbouring amenity through loss of light, as any shadowing will affect the gardens of the plots themselves. The issue of privacy has been raised in an objection. The proposed velux rooflights are high level and a person would not be able to stand with their head out of these windows for a sustained period of time that could cause adverse overlooking. The proposal will not have an unacceptable impact on privacy.

Roads and transportation have requested that the applicant provide a two metre footway to link into the existing pavements to the north and south of the site. The applicant is not willing to provide this footway and the application is therefore unacceptable in road safety terms. The proposal is contrary to Policy TRAN 1 of the West Lothian Local Development Plan.

In summary, the principle of residential use is acceptable, as is the proposal in design terms. The proposal will not cause unreasonable harm to neighbouring amenity. However, it is not acceptable on road safety grounds due to a footway not being provided.

Ref. No.:	0855/P/18	Recommendation:	Refuse Permission
Proposal:	Planning permission in principle for the erection of a dwelling		
Address:	1 Longridge Road, Whitburn, Bathgate, West Lothian, EH47 0DG (Grid Ref: 294648,664795)		
Applicant:	Mr Scott Beadle	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Gillian Cyphus
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Planning permission is sought for a new house in the garden of an existing end terrace house. Due to the shape of the plot and its relationship to the road and surrounding properties a new house in this location would appear crammed in and would not result in a satisfactory residential environment. The application is therefore contrary to policies DES1 (design principles) and HOU3 (infill residential development) in the adopted West Lothian Local Development Plan and the council's SPG on small scale and infill residential development. The Transportation service has also objected on the grounds of lack of parking.</p> <p>Accordingly, it is recommended that planning permission is refused.</p>			

Ref. No.:	0915/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Part change of use of community centre to form beauty salon (class 2)		
Address:	Community Centre,9 School Lane, Mid Calder, Livingston, West Lothian (Grid Ref: 307529,667690)		
Applicant:	The Arch Hair and Beauty	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

Two objections -

- Overprovision of hairdressers and beauty salons in Mid Calder
- Loss of a community facility

Officers report

The application proposes a part change of use of the community centre at 9 School Lane to a beauty salon. No external alterations to the building are proposed. The application property is located within the Mid Calder Local Neighbourhood Centre, as denoted in the West Lothian Local Development Plan.

Policy TCR 1 states that 'proposals for retail, offices, business, community, leisure and recreation, visitor locations and higher density residential uses will be supported in...identified town centres where it can be demonstrated that the proposal is of the scale and type commensurate to the centre's role'. The policy also states proposals should not 'adversely impact the vitality and viability of the town centre'. The proposal is a use and of a scale that is expected in a local neighbourhood centre and will not adversely affect vitality and viability. The proposal is therefore acceptable in principle, subject to meeting other development plan policies.

Policy DES 1 states that development proposals should not have a detrimental impact on amenity. In terms of the impact on residential amenity, the applicant states the proposed use will operate from 9am to 6pm Wednesday to Saturday. These operating hours will not cause unreasonable harm to residential amenity as they are not at unsocial hours.

In summary, the proposed use is acceptable in principle and will not cause unreasonable harm to neighbouring amenity. It is therefore recommended that planning permission is granted.

Ref. No.:	0942/H/18	Recommendation:	Grant Planning Permission
Proposal:	Erection of a stone boundary wall with gate pillars (in retrospect)		
Address:	Clarendon Stables, 30A Manse Road, Linlithgow, West Lothian, EH49 6AR (Grid Ref: 300659,676745)		
Applicant:	Mr C Hitchcock	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Thomas Cochrane

Summary of Representations

Three objections -

- Blocking of an established footpath
- Recognition of the right of access.
- Gates and Piers have an adverse effect on the listed building.
- Potential damage to roots of nearby trees

Officers report

Planning permission is sought for the erection of a wall, in retrospect, within the curtilage of a grade B listed building. The wall is situated near to the end of a private road approximately 215m from its entrance at Manse Rd. The objector claims a public right of way over this road. As there is no gate obstructing the road, there is no hindrance to any right of way. If the applicant were to install a gate, further listed building and planning consent would be required.

The construction of the wall does not appear to have damaged any adjacent trees; if damage becomes evident in time appropriate action can be taken.

The construction of the wall has been by using random reclaimed natural stone, "D Moulded" stone caps and lime mortar. Overall the wall and pillars are sympathetic to the surroundings, and therefore it is proposed to grant planning permission.

Ref. No.:	0983/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Change of use of ground floor from office (class 4) to funeral directors with associated mortuary and workshop		
Address:	Unit 3 (Ground Floor), Tailend Court, Starlaw Road, Livingston, EH54 8TE (Grid Ref: 301736,667350)		
Applicant:	Mr Tony Foster Independent Family Funeral Directors Ltd	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Matthew Watson

Summary of Representations

Two objections -

- Change of use of a unit from Class 4 (Business) to Class 1 (Shop) will reduce the supply of employment land
- The Sequential Assessment Report suggests that a funeral director use cannot be suitably accommodated within town centre locations due to specific operational requirements. Funeral directors can operate from town centres and provide an appropriate environment for customers.
- The Sequential Assessment Report makes a series of assertions which seek to differentiate funeral directors use from Class 1 and other town centre uses. An operational funeral director's in a town centre location will contribute to vitality and viability.
- The Sequential Assessment Report's claim that the application site will facilitate access to a crematorium is seems tenuous and immaterial.
- The proposed use would have an unfair advantage in terms of location, marketing and advertising, and the applicant is a corporate entity with little to no history of serving communities in West Lothian
- The applicant is a venture capitalist company.

Officers report

The application proposes a change of use from an office (Class 4) to a mixed use of funeral directors with an associated mortuary and workshop. The use is viewed as mixed by the planning authority due to half the internal floorspace being of a Class 4 use (mortuary and workshop) with a smaller proportion in Class 1 use (reception, meeting room and coffin viewing area). No external alterations are proposed to the building.

Policy EMP 1 (e) to (j) of the West Lothian Local Development Plan (LDP) set out the criteria that proposals for non-employment uses in employment areas require to meet.

EMP 1 (e) states that there should not be 'a shortfall in the overall supply of employment land' as a result of proposals for non-employment uses. This issue has been raised in representations. The West Lothian LDP Report of Examination found that there is currently an oversupply of employment land within the West Lothian Council area. Although the amount of employment land will be reduced, there will not be a shortfall in employment land as a result of the proposal.

EMP 1 (f) states that it needs to be demonstrated that there is no realistic demand for the premises to be retained in Class 4, 5 and 6 uses and that evidence should be produced to show that the premises have been marketed for these uses. As the premises have been vacant for a period of four years the proposal is considered to comply.

EMP 1 (g) states proposals should not restrict the uses that are carried out by nearby businesses. EMP 1 (h) states proposals should not fragment the wider industrial area. The proposed use will not cause the fragmentation of the wider industrial area and surrounding businesses will still be able to operate lawfully.

EMP 1 (i) states that proposals should have 'no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible, by public transport and footway connections to the surrounding area'. It is expected that traffic to the site will be limited to staff and those with appointments. The site is accessible by footway via the NCR 75 but it would be expected that the vast majority of journeys would be made by car. Overall, there will be no unacceptable traffic, amenity or environmental impact as a result of the proposed use.

EMP 1 (j) states proposals should be in accordance with other LDP policies, including Policy TCR 2 (Location of New Retail and Commercial Leisure Developments). A Sequential Assessment Report has been prepared by the applicant that sets out a number of premises that were examined by the applicant in town centre and edge of town centre locations. These properties did not meet the applicant's requirements for a number of reasons, such as servicing and parking provision. The council is satisfied with the approach taken and that the proposal complies with Policy TCR 2

Overall, the proposal complies with Policy EMP 1 (e) to (j). It is therefore recommended that planning permission is granted.

Ref. No.:	0993/P/18	Recommendation:	Refuse Planning Permission in Principle
Proposal:	Planning permission in principle for the erection of a dwellinghouse		
Address:	Rosend, Philpstoun, Linlithgow, West Lothian, EH49 6QZ (Grid Ref: 303649,676996)		
Applicant:	Mr Stephen Brooker	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

One representation was received out of time from Philpstoun Community Council. As the comments were received out of time, they cannot be considered in the determination of the application.

Officers report

The application seeks planning permission in principle for the erection of a house at Rosend to the west of Philpstoun. Only a red line location plan has been submitted with the application. The application site is currently an agricultural field that is being used by the applicant for grazing. The house is proposed to be positioned towards the north east end of the field close to the driveway to the applicant's property, which lies to the east of the field.

The applicant seeks to justify the proposal on being infill development between the curtilage of the applicant's property and the house that adjoins Oakwell Nursery at the nursery's eastern boundary.

The Development in the Countryside Planning Guidance states that for infill development within a group of building that building group should have a 'clearly identifiable nucleus with strong visual cohesion and sense of place'. Development will be considered unacceptable 'in a sporadic loosely related spread of buildings in the open countryside'.

The proposal fits into the latter character with the area seeing a sparse pattern of development with houses set back from the road attached to rural businesses to the east and to the west is Oakwell Nursery then two cottages before you reach Park Bistro and Park Farm.

The Development in the Countryside Planning Guidance also states that proposals should fill 'a small gap in an otherwise continuous built up residential frontage to a road or access within a clearly identifiable cohesive group of buildings'. As stated above, there is not a cohesive group of buildings with the area characterised by a sparse pattern of development and, with houses also set back from the road, this means there is not a continuous built up residential frontage.

In addition, the SG goes on to state that 'the proposed infill development must occupy a definite gap between two existing properties that front a road or access lane. As stated above, the existing properties are set back and are not on the road frontage. Moreover, there is still a large gap between the western edge of the red line boundary to the house attached to Oakwell Nursery that would still be in agricultural use. A definite gap will not be filled with this proposal, as there is still a gap to the next residential property.

The proposal does not meet any of the other exceptions to housing development in the countryside under Policy ENV 2 of the LDP and is not acceptable

in principle.

It is therefore recommended that planning permission in principle is refused.

Development Management

List of Delegated Decisions - 23rd November 2018

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

Ref. No.:	0520/A/18	Recommendation:	Refuse Advertisement Consent
Proposal:	Display of two illuminated and two non-illuminated wall signs (in retrospect)		
Address:	Platform 3, 1A High Street, Linlithgow, West Lothian, EH49 7AB (Grid Ref: 300484,677104)		
Applicant:	Mrs Anne Gibson Invermond Ltd (Platform 3)	Type:	Other
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

No representations received.

Officers report

The application seeks retrospective advertisement consent for the display of two illuminated and two non-illuminated signs. The materials of the signs are an aluminium tray with acrylic layers. Additional lettering details have been added to three of the four signs in vinyl. 1A High Street is a category B listed building and is situated in the Linlithgow Palace and High Street Outstanding Conservation Area.

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requires any advertisement consent application to consider the interests of amenity and public safety.

The signs do not give rise to any discernible safety risk for road users so are acceptable in terms of their impact on public safety.

In terms of the impact on amenity, the signs make use of aluminium, acrylic and vinyl materials. The application property is a B listed building and is located at a particularly prominent location within the Linlithgow Palace and High Street Conservation Area. In conservation areas, and on listed buildings, signage should be constructed from timber. Acrylic or vinyl sheeting, perspex, aluminium and plastic are unacceptable to use for signage. As the signage is composed of an aluminium tray, acrylic layers and three of the four signs have vinyl lettering, it is considered that they have a detrimental visual impact on the Linlithgow Palace and High Street Conservation Area and are detrimental to the appearance and character of the listed building. In addition, the size of the lettering on the wall signage at the corner of the High Street and Station Road exacerbates the chosen materials and is also unacceptable in visual terms.

It is therefore recommended that advertisement consent is refused.

Ref. No.:	0521/LBC/18	Recommendation:	Refuse Listed Building Consent
Proposal:	Listed building consent for the display of two illuminated and two non-illuminated wall signs (in retrospect)		
Address:	Platform 3,1A High Street, Linlithgow, West Lothian, EH49 7AB (Grid Ref: 300484,677104)		
Applicant:	Mrs Anne Gibson	Type:	Other
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

No representations received.

Officers report

The application seeks retrospective listed building consent the display of two illuminated and two non-illuminated signs. The materials of the signs are an aluminium tray with acrylic layers. Additional lettering details have been added to three of the four signs in vinyl. 1A High Street is a category B listed building and is situated in the Linlithgow Palace and High Street Conservation Area.

The Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that alterations to a listed building should not 'affect its character as a building of special architectural or historic interest'. The setting of a listed building also needs to be examined when assessing alterations to a listed building.

Policy ENV 28 of the West Lothian Local Development Plan (LDP) states 'The council will protect listed buildings and will have particular regard for their special architectural, historic features...in considering proposals for their alteration'.

In terms of the impact on the listed building, the signs make use of aluminium, acrylic and vinyl materials. The property in question is a B listed building. On listed buildings, signage should be constructed from timber. Acrylic or vinyl sheeting, perspex, aluminium and plastic are unacceptable to use for signage. As the signage is composed of an aluminium tray, acrylic layers and three of the four signs have vinyl lettering, they have an unacceptable impact on the special architectural character of the listed building. The signage also has a detrimental impact on the setting of the listed building, which is the wider Linlithgow Palace and High Street Conservation Area . In addition, the size of the lettering on the wall signage at the corner of the High Street and Station Road exacerbates the impact of the chosen materials and also has an unacceptable impact on the special architectural character of the listed building.

It is therefore recommended that listed building consent is refused.

Ref. No.:	0912/H/18	Recommendation:	Refuse Permission
Proposal:	Erection of decking (in retrospect)		
Address:	18 Farm Place, Eliburn, Livingston, West Lothian, EH54 6SD (Grid Ref: 303192,667403)		
Applicant:	Mr Venkata Nunsavathu	Type:	
Ward:	Livingston North	Case Officer:	Thomas Cochrane

Summary of Representations

None.

Officers report

This application is for decking, in retrospect. The dwelling is detached property with a substantial rear garden with a considerable slope within the rear garden. The applicant has indicated that the decking was installed with a view to the safety of his children.

However, when assessing the application, it was found that the decking extends beyond the boundary of the original garden, into an area of woodland. This constitutes an unauthorised change of use from open space to private garden ground. Proposals to extend private gardens into urban woodland and/or informal open space are generally not supported, and are contrary to policies ENV10 (Urban Woodland) and ENV21 (Informal Open Space) in the adopted West Lothian Local Development Plan.

In addition, the ground which has been developed forms part of the SUDS infrastructure for this housing development. The extension to the garden has included a filter trench within the garden for the property, which restricts access. It is vital for residential amenity that the trench is accessible for maintenance at all times. The application is therefore contrary to policies EMG2 (flooding) and EMG3 (SUDS) in the WLLDP because it may result in an increase in flooding elsewhere and a detrimental impact on the water environment.

Finally, the decking due to its size and location would result in a loss of privacy and amenity for the neighbouring properties and as such is contrary to DES1 (Design) in the WLLDP.

Ref. No.:	0987/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Change of use from residential to full time holiday let		
Address:	13 Manse Court, East Calder, Livingston, West Lothian, EH53 0HF (Grid Ref: 308596,667836)		
Applicant:	Miss Lorna Hume	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Claire Johnston

Summary of Representations

Three letters of objection-

- Noise
- Loss of Privacy
- Parking
- Road Safety

Officers report

The application proposes the change of use from a two bedroom terrace house to a full time commercial holiday let.

Policy EMP 7 of the West Lothian Local Development Plan (LDP) supports tourist related development, subject to residential amenity not being adversely affected. Impact on residential amenity is also assessed more generally through Policy DES 1 of the LDP. In terms of the impact on amenity, the main issues raised in representations is noise and privacy. As a self catered facility, how the property will be used will not be dissimilar to if it were being occupied as long term residential use but with a turnover of guests. Environmental health has not raised objections to the proposal in terms of noise, however have recommended a condition controlling amplified music.

The representations received also raised concerns over road safety and parking, Transportation colleagues consider the proposed use will not see an increase in traffic and therefore have no objection to the proposal.

It is proposed to grant a temporary planning permission for nine months to monitor the impact on the amenity of the other properties within the court yard because of the potential high turnover of guests. After nine months there would be a reversion back to a residential property or a further planning application to continue use as a holiday let if impacts on amenity are acceptable.

