



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 December 2018

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

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 12 September 2018 (herewith).

Public Items for Decision

5. Notice of Review Application No.0037/FUL/18 - Erection of two studio flats and associated works at 14 Market Street, Mid Calder (herewith)
6. Notice of Review Application No.0710/H/18 - Erection of detached garage with loft storage at 41 Pumpherston Road, Uphall Station, Livingston (herewith)

NOTE **For further information please contact Val Johnston, tel No.01506**

DATA LABEL: Public

281604 or email val.johnston@westlothian.gov.uk

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 12 SEPTEMBER 2018.

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

Apologies – Councillors George Paul and Tom Kerr

1. DECLARATIONS OF INTEREST

Agenda Item 5 (Application No.0208/FUL/18 – 71 Mill Road, Armadale) – Councillor Stuart Borrowman declared an interest in that the applicant had contacted him about his review application but as he had offered no opinion on the application he would therefore take part in the item of business.

2. MINUTE

The committee approved the Minute of its meeting held on 15 August 2018 subject to the following correction :-

The decision was to reflect the following “To uphold the position of the Appointed Person and confirm that the grant of planning permission remained in place with the original condition”.

3. NOTICE OF REVIEW APPLICATION 0208/FUL/18 – SUB-DIVISION OF GARDEN AND ERECTION OF HOUSE AT 71 MILL ROAD, ARMADALE

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission for the sub-division of garden and erection of house at 71 Mill Road, Armadale.

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

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

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

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

Decision

To uphold the position of the Appointed Person and refuse planning permission.



LOCAL REVIEW BODY

APPLICATION NO. 0037/FUL/18 – ERECTION OF TWO STUDIO FLATS AND ASSOCIATED WORKS AT 14 MARKET STREET, MID CALDER

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the erection of two studio flats at 11 Market Street, Mid Calder

B REVIEW DOCUMENTS

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

1. The Notice of Review, dated 12 November 2018. This also includes the following documents:-
 - Supporting Statement 23 October 2018
 - Two drawings
2. One location plan
3. The Handling Report, not dated
4. The Decision Notice dated 17 September 2018

One representation was received in relation to the planning application; this was from Mrs Margaret Preston, of 47 Avenue Park, Mid Calder who objected to the application. Mrs Preston was contacted to advise that the Notice of Review application had been received and if she wished to make further comment they were to be made within 14 days. No further comments were received from Mrs Preston.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by conducting a site visit and assessment of review documents only, with no further procedure.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed development had no off-street parking provision (DES1), would result

in town cramming (DES1 and HOU3), would be situated near to a fast food takeaway and public house, which would likely to be detrimental to residential amenity (HOU3) and would have an unacceptable impact on the character of the conservation area (ENV24).

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

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

Wendy Richardson, Solicitor, West Lothian Civic Centre
Tel No. 01506 283524, heather.cox@westlothian.gov.uk

Date: 12 December 2018

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name <u>ANTONINO CARPICO</u> Address [REDACTED] Postcode [REDACTED] Telephone No. (1) [REDACTED] Telephone No. (2) [REDACTED] Fax : [REDACTED] E-mail : [REDACTED]
	REPRESENTATIVE (if any)	Name <u>DAN HENDERSON –</u> <u>DEVELOPMENT & ENVIRONMENTAL</u> <u>SERVICES LIMITED</u> Address <u>HOLLY COTTAGE</u> <u>BRADFORD ROAD</u> <u>BONNYBRIDGE</u> Postcode <u>FK4 1UE</u> Telephone No. (1) [REDACTED] Telephone No. (2) [REDACTED] Fax : [REDACTED] E-mail : [REDACTED]
Please tick this box if you wish all contact to be through your representative.		<input checked="checked" type="checkbox"/>
Do you agree to correspondence regarding your review being sent by e-mail? * YES/NO		

PART B	APPLICANT REF. NO.	<u>0037 /FUL/18</u>
	SITE ADDRESS	<u>14 MARKET STREET</u> <u>MID CALDER LIVINGSTON</u> <u>EH53 0AA</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>ERECTION OF TWO STUDIO</u> <u>FLATS AND ASSOCIATED WORKS</u>
	DATE OF APPLICATION	<u>17-01-2018 (VALID 26-01-2018)</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>17-09-2018</u>

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

Type of Application (please tick the appropriate box)

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

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

Statement of reasons and matters to be raised

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

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

PROVIDED IN FULL IN SEPARATE
DOCUMENT

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

* ~~YES~~/NO

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

	<i>NOT APPLICABLE</i>

List of documents and evidence

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

1.	<i>NOTICE OF REVIEW STATEMENT</i>
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

PART D

REVIEW PROCEDURE

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

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

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓
✓

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

SITE INSPECTION

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

Can the site be viewed entirely from public land?

~~YES~~/NO

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

* ~~YES~~/NO

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

PART E CHECKLIST

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

Full completion of all parts of this form



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



Statement of your preferred procedure



All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.



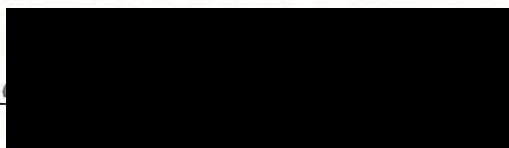
Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved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

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

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

Signed



Date 12 November 2018

* Delete as appropriate

Please return this completed form to :-

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

NOTICE OF REVIEW – STATEMENT

PLANNING APPLICATION REFERENCE 0037/FUL/18 – ERECTION OF TWO STUDIO FLATS AND ASSOCIATED WORKS AT 14 MARKET STREET, MID CALDER, LIVINGSTON EH53 0AA

INTRODUCTION

Application for Planning Permission 0037/FUL/18 was validated on 26 January 2018 and refused by an Officer on a delegated basis on 17 September 2018. The Decision Notice listed four reasons for refusal namely; -

1. The proposed development is unacceptable in that no off-street parking provision is proposed, exacerbating existing parking issues, with a consequent detrimental impact on road and traffic safety, and contrary to the requirements of Policy DES 1 (design principles) of the West Lothian Local Development Plan.
2. The proposed development is unacceptable in that it would result in town cramming and overdevelopment of the application site, to the detriment of residential amenity, and contrary to Policies DES 1 (design principles) and HOU 3 (infill/windfall housing development within settlements) of the West Lothian Local Development Plan.
3. The proposal is unacceptable in view of the proximity of the application site to a fast food takeaway and a public house, which is likely to be detrimental to residential amenity for the future residents of the proposed dwellings because of noise and disturbance. The proposal is therefore contrary to Policy HOU 3 (infill/windfall housing development with settlements) of the West Lothian Local Development Plan.
4. The proposed development is unacceptable in that it will constitute town cramming and will have a detrimental impact on the appearance and character of the conservation area, contrary to the requirements of Policy ENV 24 (conservation areas) of the West Lothian Local Development Plan.

REASONS FOR REVIEW

We sincerely believe that the development proposal will benefit the area in that it will replace a building of poor quality with 2 well designed studio flats; provide new housing accommodation and new residents in the town centre area; have no adverse effect on parking; and the project will provide work for local builders and make a small contribution to the local economy/economic development. With regard to process - considerable Supplementary Information, all of which constituted a Material Consideration, was submitted on 13/09/2018; was posted on the WLC website on Friday 14 September 2018 but the Decision Notice refusing the application was issued on Monday 17 September 2018. We strongly believe that all of the supportive information submitted in justification of the application has not been carefully considered and taken into account. Indeed, it is possible that a recommendation to refuse the application was circulated to Councillors and others before the supplementary information submitted on 13/09/2018 was received by the Planning Department. Lastly, we believe that the reasons given for refusal are not justified.

MATTERS FOR REVIEW

We consider that the following matters require review.

- a. Reason 1 for refusal is that the development proposal was contrary to Policy DES 1 – (Design Principles) of the LDP because no off-street parking provision is proposed, exacerbating existing parking issues with a consequent detrimental impact on road and traffic safety. The site is within a Town Centre location with very easy access to numerous and regular buses including the 23; 27; 28A; 40; 109; X23; X27; X28 and X40. The WLLP seeks to promote bus use. The Scottish Household Survey (2014) reported that 31% of households have no access to a car – and where the household income is less than £20k/yr the figure is 40%. 54% of

households have no car where household income is less than £15k/yr. The National Records of Scotland produce Demographic Fact Sheets for each Council area and the projections for household types within West Lothian is that the number of lone adult households will increase by 40% to 30,755 by 2037. The figures indicate the total number of households in the WLC area will rise from 76,724(2017) to 82,208(2027) an increase of 5484 households with the lone adult households figure rising from 23900 to 27634 an increase of 3734 and accounting for 68% of the increase in total household numbers. Whilst many lone adults will reside in larger houses these studio/one-bedroom flats are targeted towards (and will appeal to) non-car owners; and the site is in a Local Neighbourhood Centre where there is no requirement to provide parking. The development is very small; the studios will likely be occupied by lone adult householders, and will have no significant effect on parking, or on road safety - and refusal on that basis is simply not justified.

- b. Reason 2 for refusal is that the proposal was contrary to Policy DES 1 – Design Principles; and HOU 3 – Infill/Windfall Housing Development within Settlements of the LDP because it would result in town cramming and over development of the site to the detriment of residential amenity. Reason 2 makes no reference to the WLC Supplementary Planning Guidance (SPG) entitled – Single Plot and Small-Scale Infill Residential Development in Urban areas (how to avoid town cramming). The SPG states; a) there is a general presumption in favour of new development within settlement envelopes as this minimises development of greenfield sites; b) it contains NO requirement for a minimum garden size for flats; c) it requires any new building to be sympathetic with surrounding properties, have satisfactory pedestrian access and not cause unacceptable loss of privacy or daylight to neighbouring properties. The proposed development does not contravene the SPG provisions and consequently does NOT result in Town Cramming. There is therefore no justification for refusal on that basis.
- c. Reason 3 for refusal is that the proposal is contrary to policy HOU 3 – Infill/Windfall housing development within settlements of the LDP because of the proximity of the site to a fast food takeaway and a public house, which is likely to be detrimental to residential amenity of the future residents of proposed dwellings because of noise and disturbance (from the chip shop or the pub). No evidence has been presented to justify the mistaken assertion that the chip shop and the public house result in detriment to the area because of noise and disturbance. The applicant has owned the chip shop for 19 years and over this time has held a late catering licence which would have been revoked in the event of incidents of noise or disturbance. There is no established history of noise/disturbance. In any event, if the chip shop or pub activities were to cause statutory nuisance; or activities were to be contrary to the law then such circumstances would require to be dealt with in the interest of EXISTING residents who live above and around the pub and chip shop. The claim that refusal of consent for the development proposal is justified because the POSSIBILITY of noise/disturbance from existing commercial premises would be detrimental to those living in the 2 new flats IS COMPLETELY LACKING IN LOGIC AND CREDIBILITY. The assertion that the proposed development is contrary to Policy HOU 3 is simply not true.
- d. Reason 4 for refusal is that the proposal is contrary to Policy ENV 24 – Conservation Areas of the LDP because the proposal will constitute town cramming and will have a detrimental impact on the appearance of the character of the conservation area. The is , basically repetition of reason 2. We have previously explained that the WLC SPG should be used to determine if town cramming occurs – and it does not. The proposal improves the residential amenity of the area for the local community, and this is particularly apparent when viewed from the Bowling Club to the rear of the site. There is no justification for refusal on the basis of town cramming. Further, the proposed development will improve the appearance of the conservation area by removing a semi derelict disused building and replacing it with a small

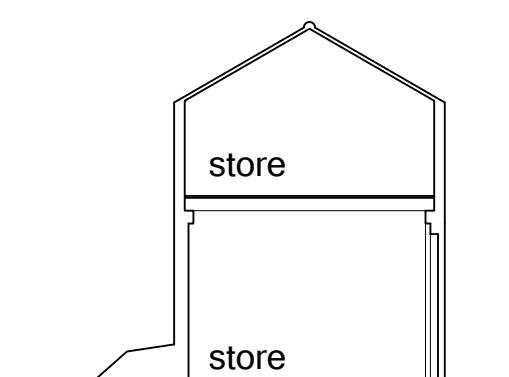
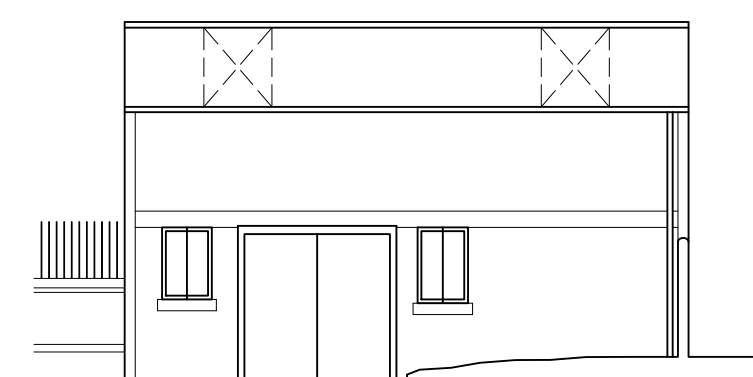
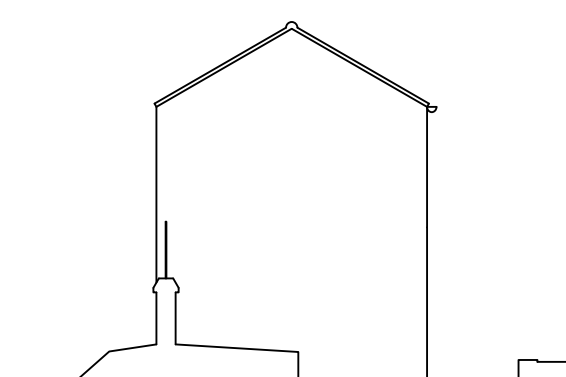
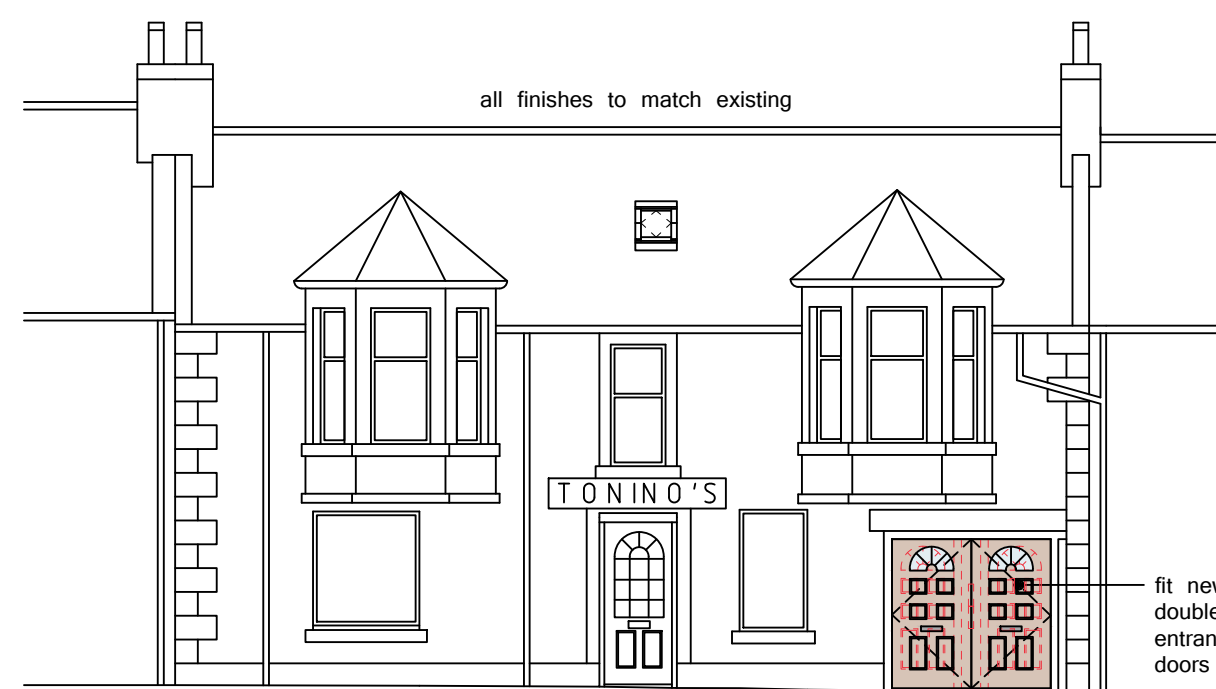
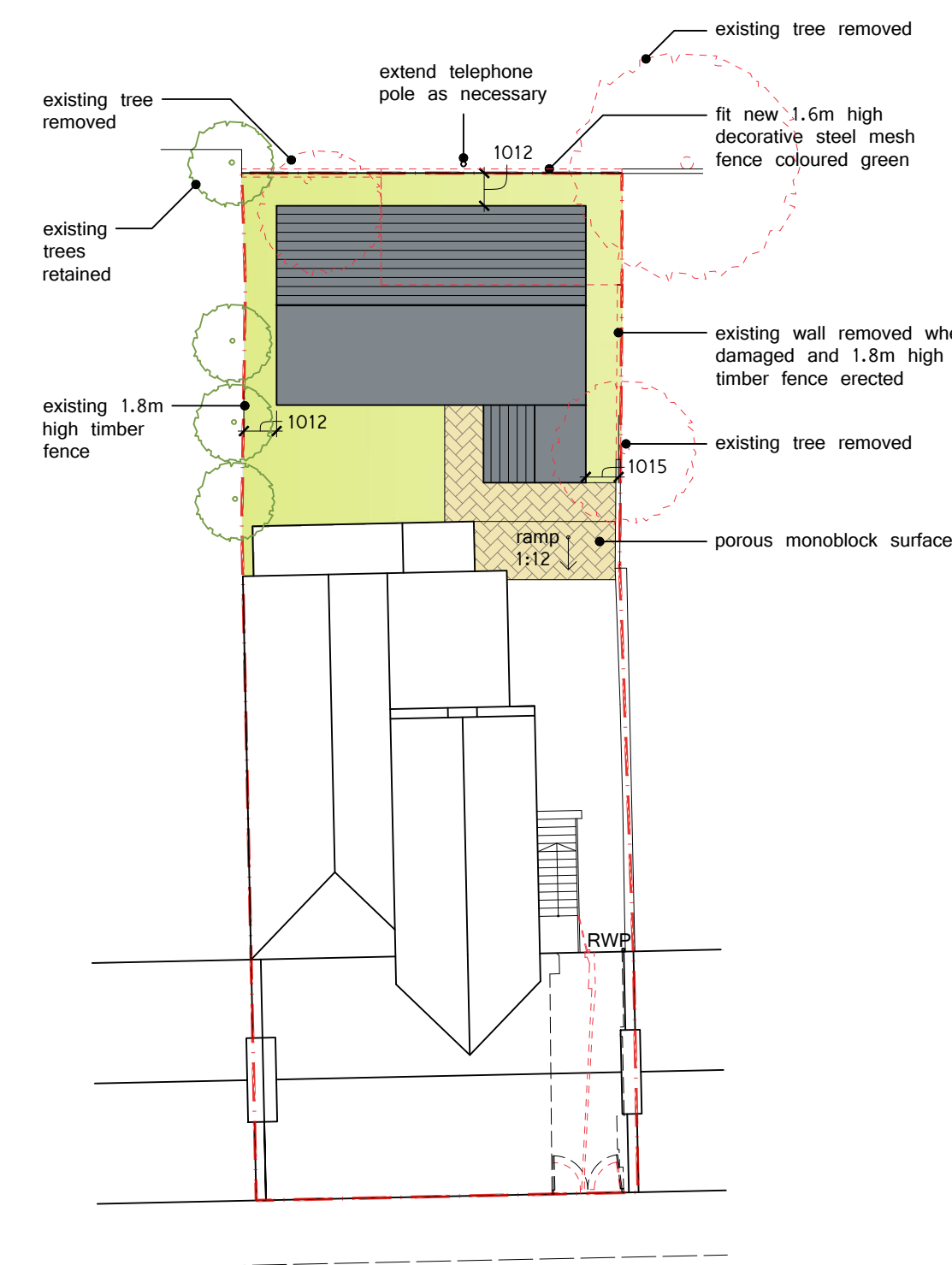
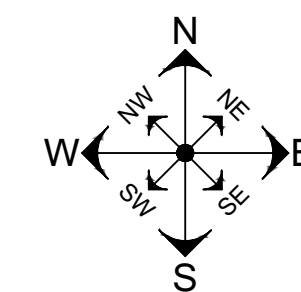
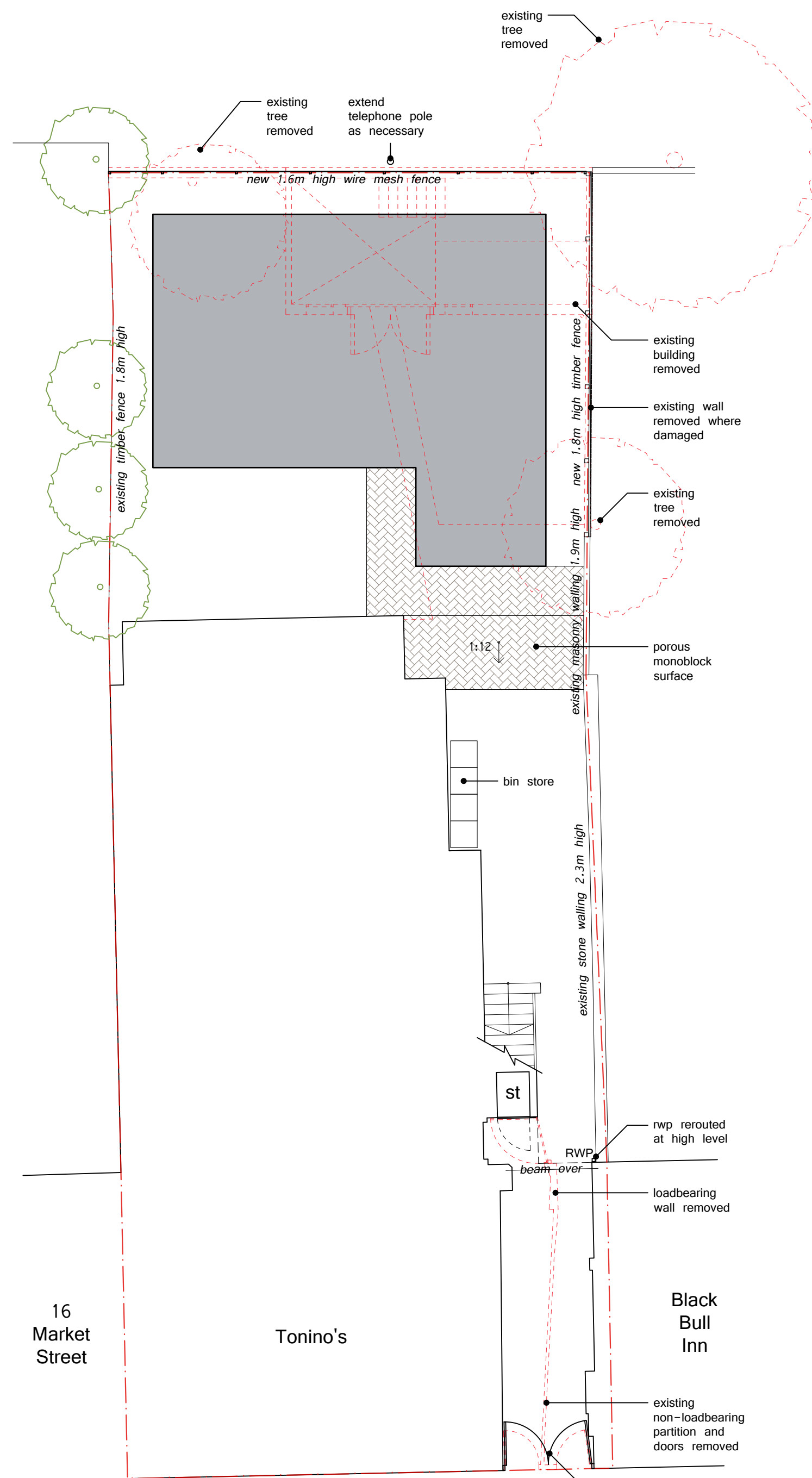
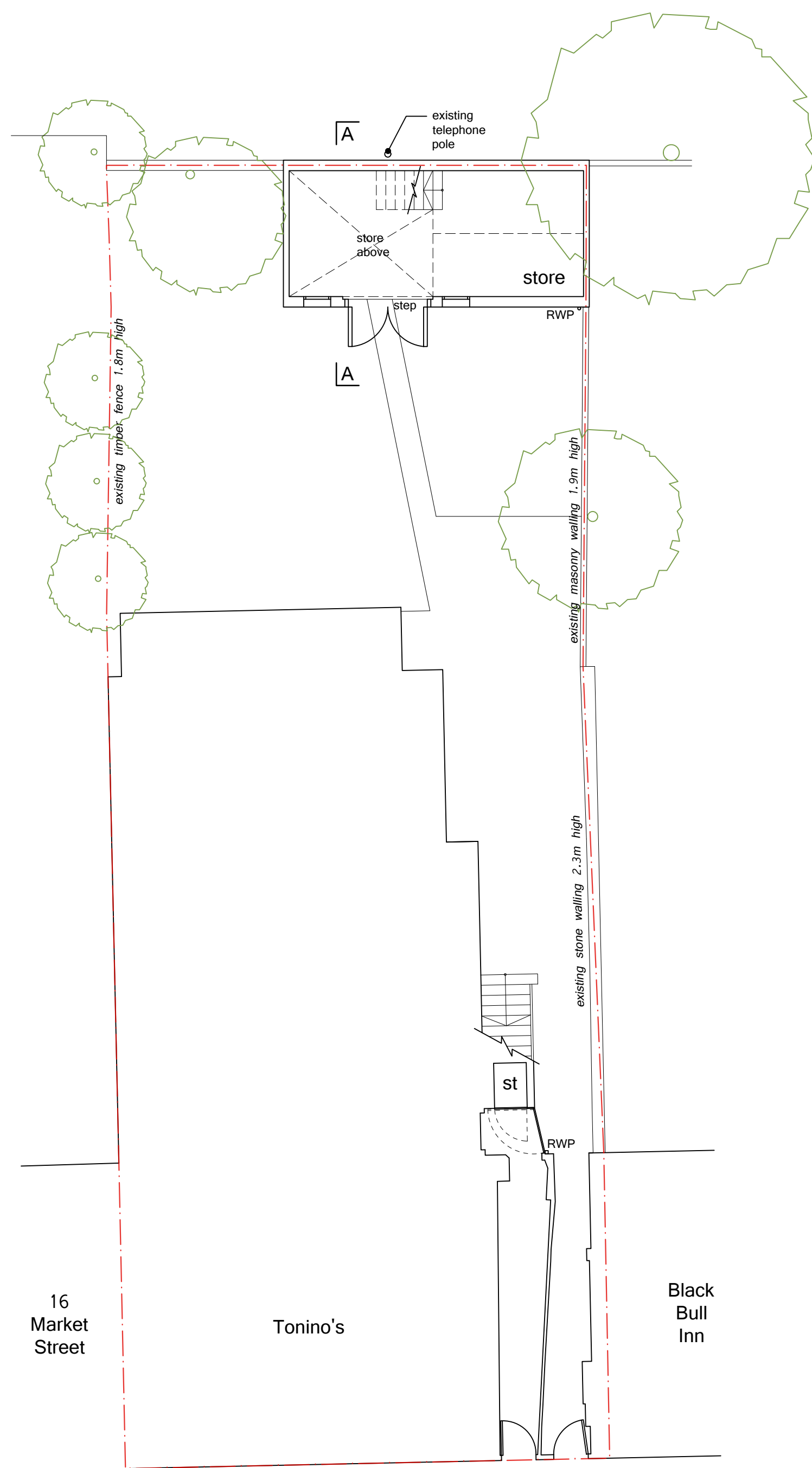
building comprising 2 flats sensitively designed to enhance the appearance of the area. There is no justification for refusal on the basis of Policy ENV 24.

- e. The new LDP; the previous WLLP; SPG's; Corporate Plans; departmental business plans and a host of policies and programmes drawn up and promoted by the Planning Department all seek to secure economic development within the WLC area. Scotland/the UK has gone through a decade of uncertainty and economic difficulties; - and the position today, with Brexit and other major global issues, remains uncertain. Every major political party in Scotland seeks to grow the economy and create jobs and the aggregated activities of dozens/hundreds of small construction projects can combine to boost the construction industry and deliver work and economic benefits. Sometimes the economic benefits of approving planning applications are simply not considered by planning officers - and we suspect this has happened in this case.

CONCLUSION

We believe that (because of an understandable staff issue) all the information provided in support of the application was not considered and, when ALL Material Considerations are taken into account, the development proposal is in accordance with planning policies and should be approved.

Development & Environmental Services Limited
24/10/2018 Version 1.1 DH/mh



PLANNING

REVISIONS
A - 12.09.2018 - Add porous monoblock hardstandings

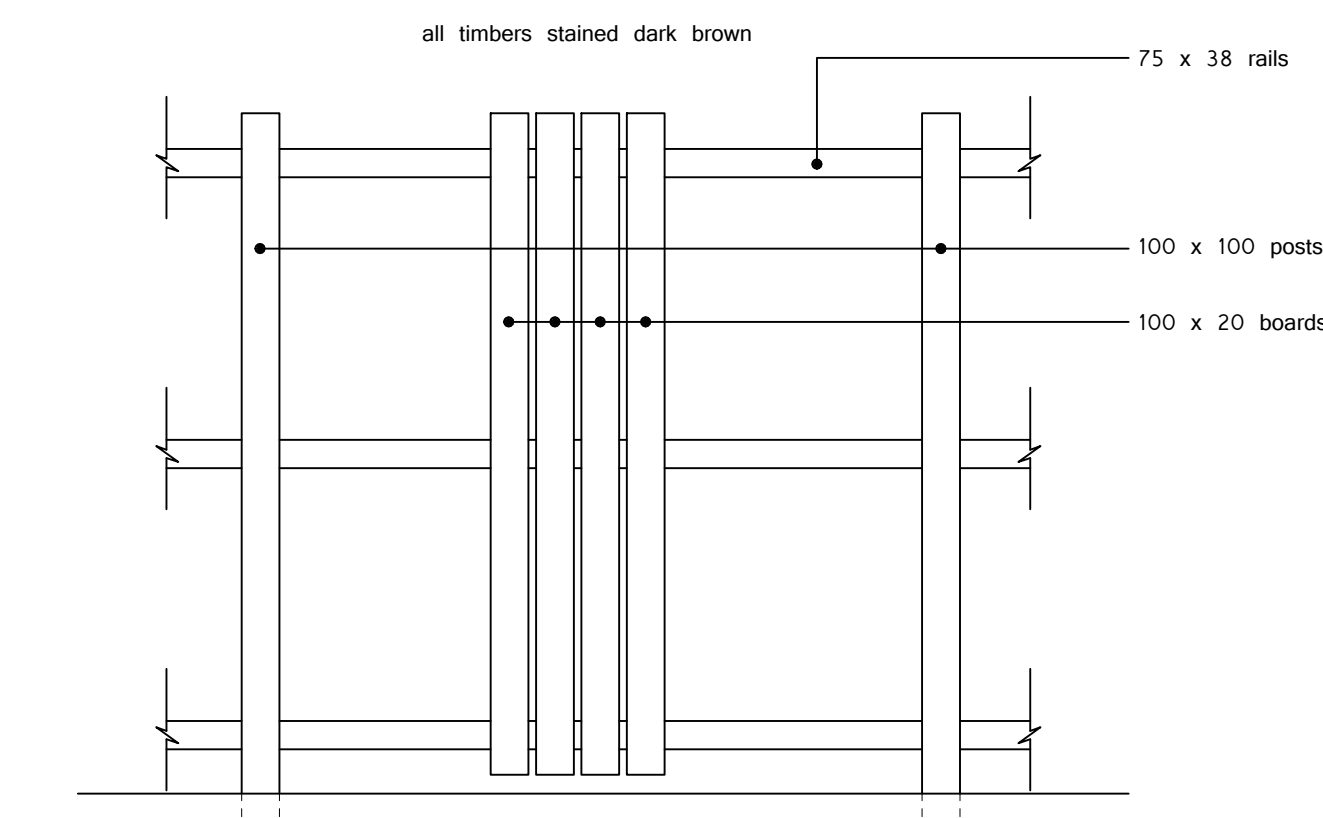
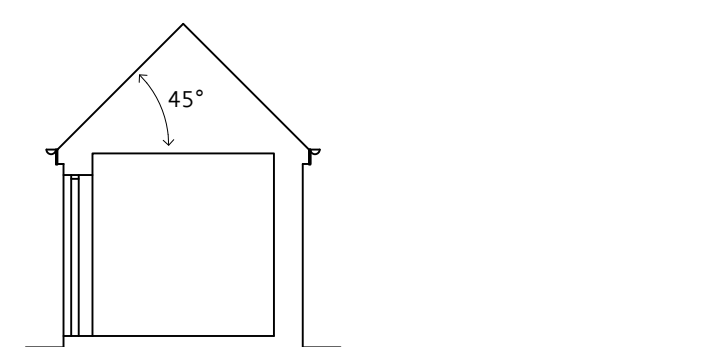
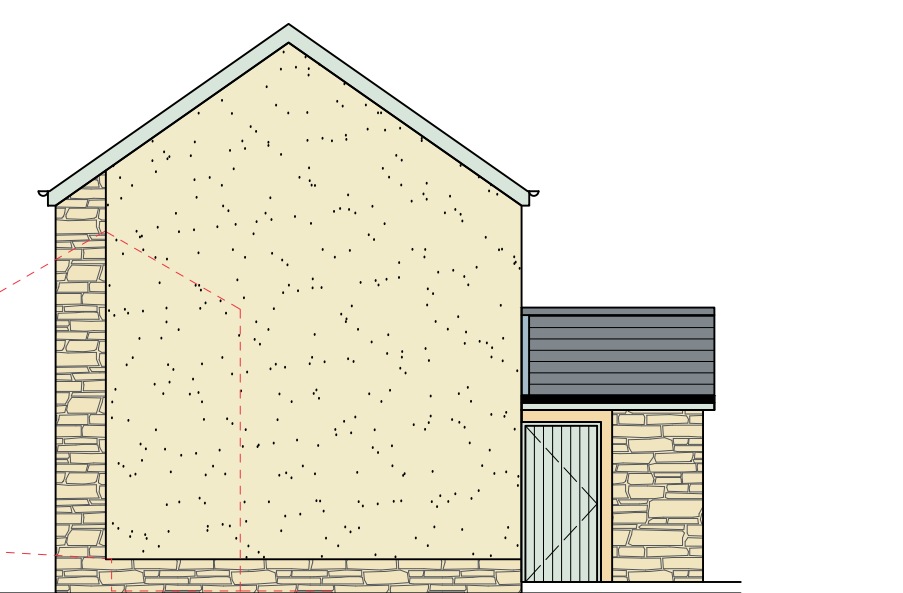
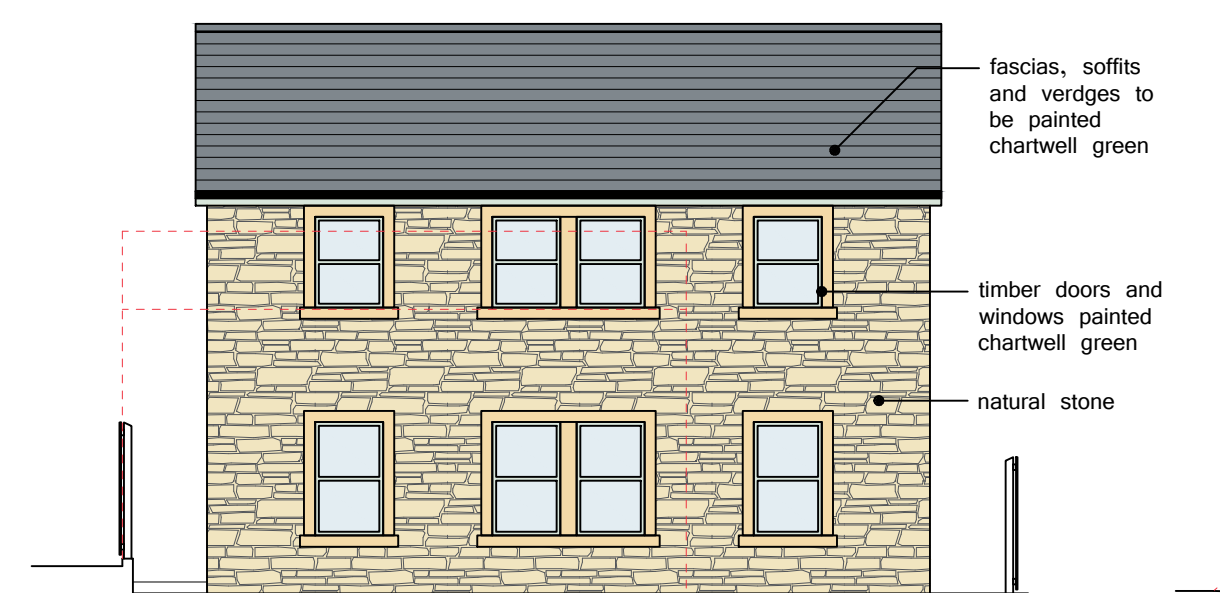
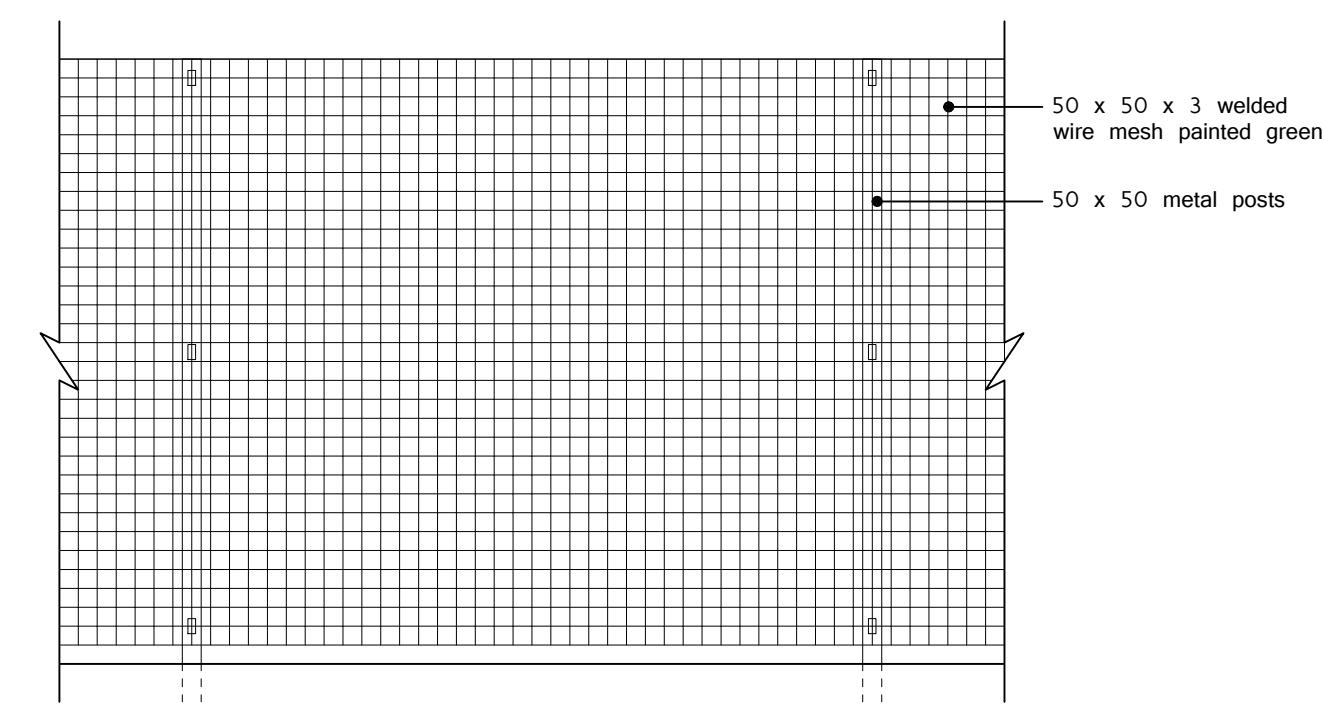
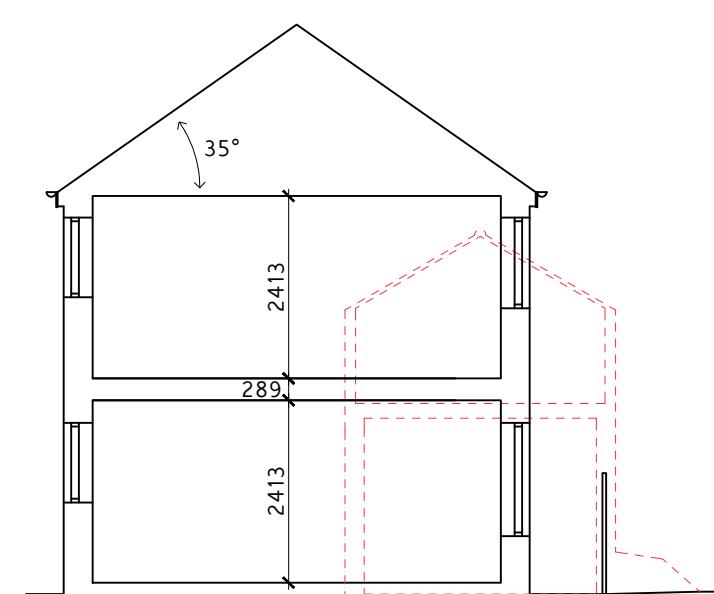
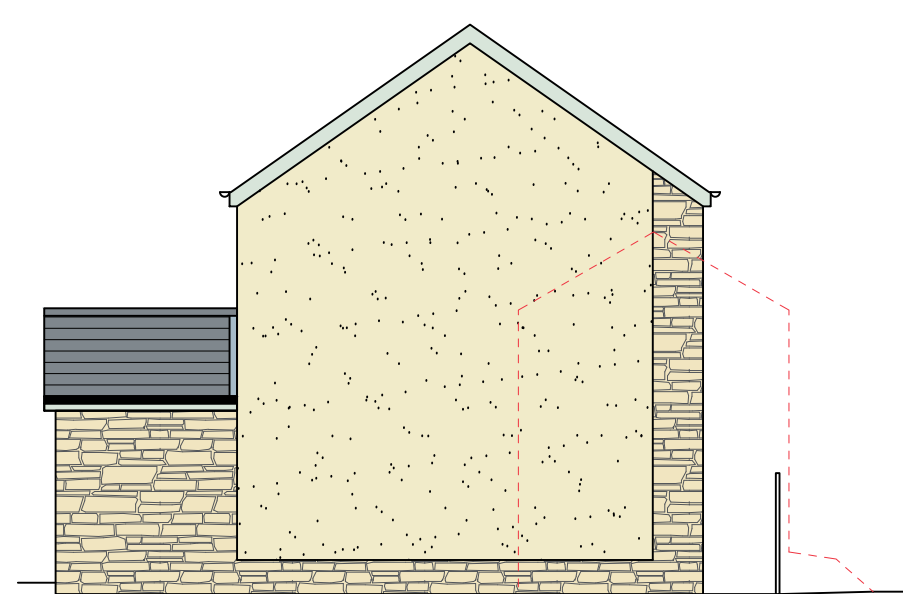
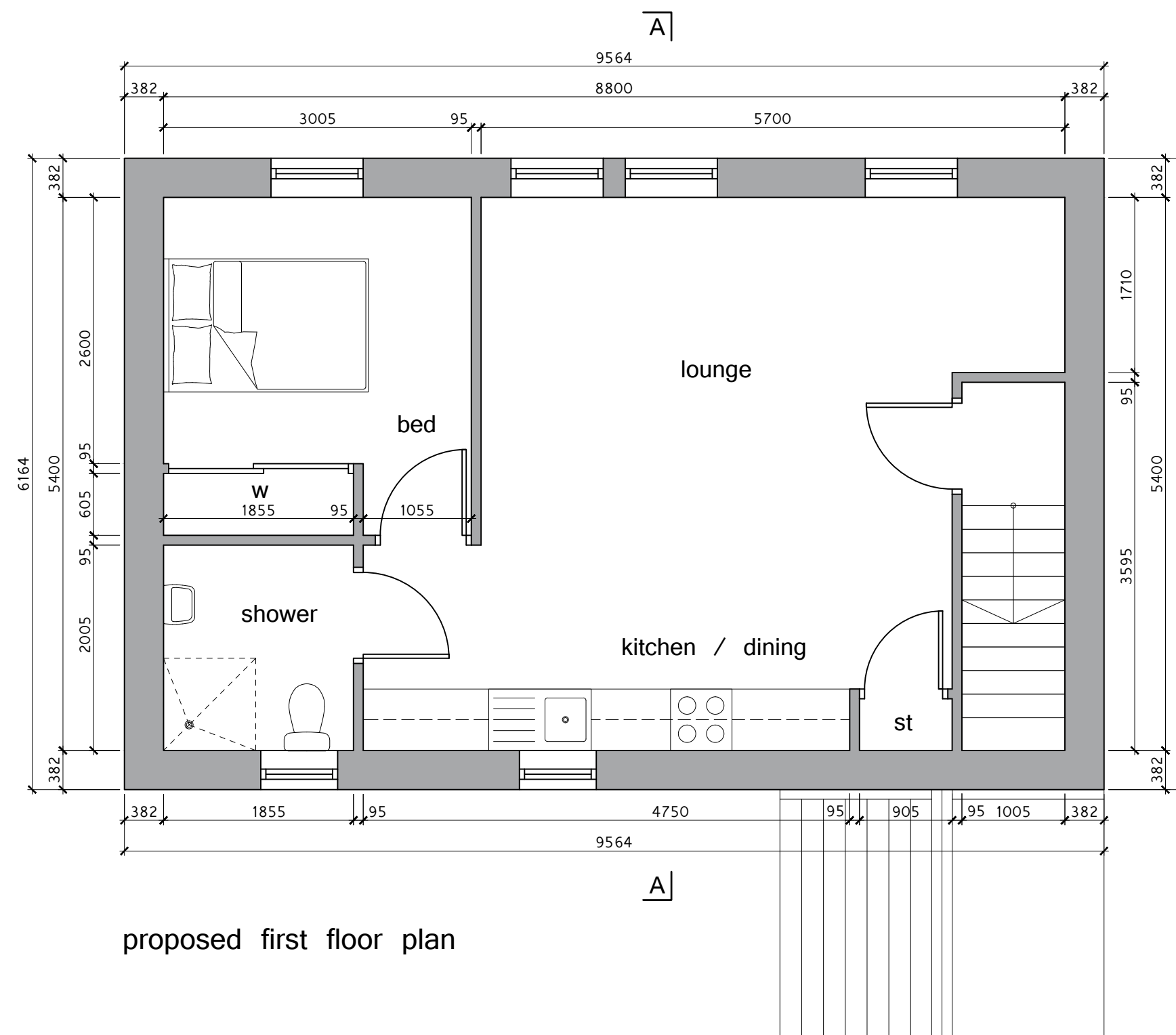
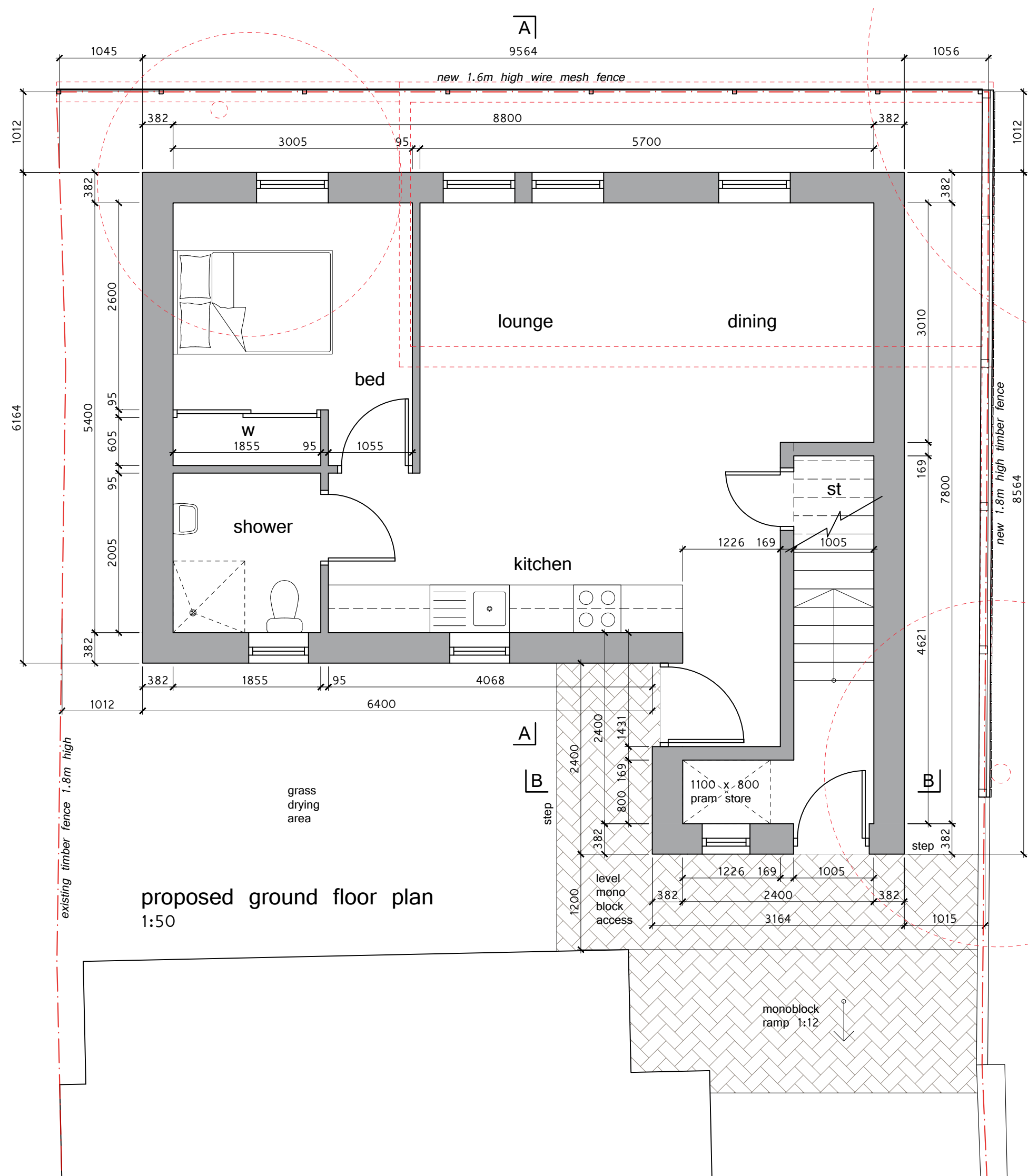
JOB TITLE
EXISTING FLOOR PLAN, ELEVATIONS, SECTION,
PROPOSED FLOOR PLAN, ELEVATION,
PROPOSED SITE PLAN AND LOCATION PLAN

PROPOSED ALTERATIONS TO AND 2NO ONE
BEDROOM STUDIO FLATS TO THE REAR OF

14 MARKET STREET
MID CALDER
LIVINGSTON

1:100, 1:200, 1:1250 12th September 2018
Drawing Number JWAC A1 PP 01/57/2017 A

John Watson Architectural Consultant Ltd.
11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info.jwactd@gmail.com



PLANNING

REVISIONS

A - 12.09.2018 - Reduce building height and adjust external appearance

JOB TITLE

PROPOSED PLANS, ELEVATIONS, SECTION AND FENCE DETAILS

PROPOSED ALTERATIONS TO AND 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF

14 MARKET STREET
MID CALDER
LIVINGSTON

Scales 1:20, 1:50, 1:100 12th September 2018
Drawing Number JWAC A1 PP 02/57/2017 A

John Watson Architectural Consultant Ltd.

11 Market Street

Midcalder

West Lothian

EH53 0AL

Phone: 01506 885928

E-mail: info.jwactd@gmail.com

HANDLING REPORT

Ref. No.:	0037/FUL/18	Email:	lewis.young@westlothian.gov.uk
Case Officer:	Lewis Young	Tel No.:	
Ward:	East Livingston & East Calder	Member:	Damian Timson Frank Anderson Carl John Dave King

Title	Erection of two studio flats and associated works(Grid Ref: 307459, 667609) at 14 Market Street,Mid Calder,Livingston,West Lothian,EH53 0AA
Application Type	Local Application
Decision Level	Delegated List
Site Visit	12.02.2018
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES/NO
Advertisement	01.02.2018

Description of Proposals

Erection of two studio flats and associated works

Site History

Representations

One objection was received, on the grounds that the proposed development would exacerbate existing parking problems in the area.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management	No objection. Drainage Assessment required to be submitted and approved prior to any consent being issued	Drainage design statement submitted	Acceptable
Contaminated Land Officer	Phase 1 Site Investigation Report required	Statement contained in supporting information	
Education Planning	No objection		
Transportation	Objection	Proposal would exacerbate existing parking problems	Agreed

Local Development Plan Policies Considered

Policy Title	Policy Text
DES 1 Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none"> a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient

	<p>design, layout, site orientation and building practices;</p> <p>f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;</p> <p>g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and</p> <p>h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.</p> <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
HOU 3 Infill/Windfall Housing Development within Settlements	<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 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>Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations. Proposals for the change of use, conversion and re-use of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.</p>
--	--

Officer Assessment

Planning permission is sought for the erection of two studio flats and associated works at 14 Market Street, Mid Calder. The proposed flats would be located to the rear of the existing property, a hot food takeaway. The proposal includes the removal of an existing outbuilding which is used as a store, the removal of three trees and the removal of parts of an existing wall to the east of the site which have fallen into disrepair. Pedestrian access to the building would be gained through a passageway within the building which houses the hot food takeaway. There is no off street parking. The proposed building would be, at its closest point, 1.2 metres from the rear wall of the hot food takeaway.

Other Considerations

Operational Services (Roads) recommend refusal on the grounds that the proposal would exacerbate an existing parking issue in the surrounding area.

Conclusions and Reasons for Decision

The application must be assessed against the appropriate policies of the West Lothian Local Development Plan. It is considered that because of its location in close proximity to a fast food takeaway and a public house is not considered suitable in terms of residential amenity, so is in conflict with Policy HOU 3 (d) of the Local Development Plan. In addition, the proposed development is considered to constitute over-development, and that it would result in town cramming. The proposal does not therefore comply with policy DES 1 of the Local Development Plan, which requires new development to be integrated with the local context and built form. It is also considered to be in conflict with paragraph c of policy DES 1, in that it does not provide suitable access and parking.

The application is therefore considered to be unacceptable and is accordingly it is recommended that planning permission is refused.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Number
1	JWAC A1 PP 01/57/2017
2	JWAC A1 PP 02/57/2017 A

DECISION NOTICE REFUSAL OF PLANNING PERMISSION

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

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

APPLICATION REFERENCE 0037/FUL/18

PROPOSAL Erection of two studio flats and associated works

LOCATION 14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA,
(GRID REF: 307459, 667609)

APPLICANT Mr Antonino Carpico, 14 Market Street, Mid Calder, Livingston,
West Lothian, EH53 0AA

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

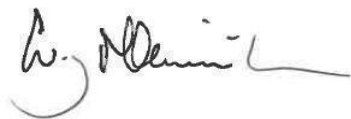
Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
17.09.2018

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0037/FUL/18, for the reason(s) set out as follows:

- 1 The proposed development is unacceptable in that no off-street parking provision is proposed, exacerbating existing parking issues, with a consequent detrimental impact on road and traffic safety, and contrary to the requirements of Policy DES 1 (design principles) of the West Lothian Local Development Plan.
- 2 The proposed development is unacceptable in that it would result in town cramming and overdevelopment of the application site, to the detriment of residential amenity, and contrary to Policies DES 1 (design principles) and HOU 3 (infill/windfall housing development within settlements) of the West Lothian Local Development Plan.
- 3 The proposal is unacceptable in view of the proximity of the application site to a fast food takeaway and a public house, which is likely to be detrimental to residential amenity for the future residents of the proposed dwellings because of noise and disturbance. The proposal is therefore contrary to Policy HOU 3 (infill/windfall housing development within settlements) of the West Lothian Local Development Plan.
- 4 The proposed development is unacceptable in that it will constitute town cramming and will have a detrimental impact on the appearance and character of the conservation area, contrary to the requirements of Policy ENV 24 (conservation areas) of the West Lothian Local Development Plan.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

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

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

Notification of the start of development

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

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion

to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

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

Liaison with the Coal Authority

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

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

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

Advisory note to developer - General

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

Annex 1, Schedule of Plans - 0037/FUL/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	JWAC A1 PP 01/57/2017
2	Proposed Plans, Elevations and Section	JWAC A1 PP 02/57/2017

Comments for Planning Application 0037/FUL/18

Application Summary

Application Number: 0037/FUL/18

Address: 14 Market Street Mid Calder Livingston West Lothian EH53 0AA

Proposal: Erection of 2 studio flats and associated works

Case Officer: Lewis Young

Customer Details

Name: Mrs Margaret Preston

Address: 47 Avenue Park Mid Calder Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Main objection being mid Calder is already over crowded with parking due to current amenities. To add additional housing would increase the parking constraints already faced in the village. The property does not have registered parking therefore where would owners of the property park? The village is already a 'car park' most evenings and through the day for people parking in the village then commuting to edinburgh.

Draft Conditions for Application 0037/FUL/18

1. Prior to work starting on site, the developer shall demonstrate to the Planning Authority that sufficient parking provision is available for the residents of the proposed flats.

Reason: In the interest of road and traffic safety.

2. Prior to work starting on site, the developer shall submit a Phase 1 Site Investigation Report for the written approval of the Planning Authority. If the Report recommends further phases of investigation, these shall be carried out prior to work starting on site. Any actions which are recommended in any site investigation report shall be carried out by the developer prior to construction.

Reason: In order to ensure that the site is suitable for residential development.

3. Prior to work starting on site, the developer shall submit a Drainage Impact Assessment for the written approval of the Planning Authority. Proposals for the management (treatment and attenuation) of surface water run-off in accordance with current best practice should be included in the Assessment. Surface water shall be treated and attenuated in accordance with the current CIRIA SUDS Manual C753 prior to discharge to an acceptable discharge point.

Reason: To ensure that the propose development will not give rise to problems associated with water runoff.

4. The decorative steel mesh fence proposed to the rear of the proposed flats is not approved. Prior to work starting on site the developer shall submit amended proposals for boundary treatment on the northern boundary of the site.

Reason: In the interest of visual amenity.

5. Prior to work starting on site the developer shall demonstrate, to the satisfaction of the planning authority, that the residents of the flats will enjoy a reasonable degree of privacy.

Reason: In the interest of residential amenity.

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

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

PART 2 – FIRST MEETING

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

PART 3 – ADJOURNED FIRST MEETING

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

PART 4 – DETERMINATION

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



LOCAL REVIEW BODY

APPLICATION NO. 0710/H/18 – ERECTION OF DETACHED GARAGE WITH LOFT STORAGE AT 41 PUMPHERSTON ROAD, UPHALL STATION, LIVINGSTON, WEST LOTHIAN, EH54 5PL.

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the refusal of planning permission for the erection of detached garage with loft storage at 41 Pumpherston Road, Uphall Station, Livingston, West Lothian, EH54 5PL.

B REVIEW DOCUMENTS

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

1. The Notice of Review, dated 22 October 2018. This also included the following documents:-
 - Refusal of Planning Permission Notice dated 11 October 2018
 - Approval of Planning Permission Notice dated 11 April 2013
 - Handling Report for approved planning permission dated 11 April 2013
 - Current Handling Report for Refused Planning; and
 - Drawings FS/13/573.1.2.& 3.
2. A further copy of the Handling Report, dated 1 October 2018
3. A further copy of the Decision Notice dated 11 October 2018

One representation was received in relation to the planning application; this was from Mr Alan Pike of 33 Pumpherston Road, Uphall Station, who objected to the application. Mr Pike was contacted to advise that the Notice of Review application had been received and if he wished to make further comment they were to be made within 14 days. No further comments were received from Mr Pike.

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

assessment of review documents only, with no further procedure.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed development, by virtue of its scale and location within the plot, was inappropriate for an ancillary building and would give rise to a loss of amenity for the neighbouring property. The application was therefore contrary to policy DES1 (Design) in the adopted West Lothian Local Development Plan and the council's House Extension and Alteration Design Guide..

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

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

Wendy Richardson, Solicitor, West Lothian Civic Centre

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

Date: 12 December 2018



West Lothian
Council

W.L.C.

25 OCT 2018

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :

P&ED Support Services
NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name	MRS VALERIE FISHER
		Address	[REDACTED]
		Postcode	EH25 6JA
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
		E-mail :	[REDACTED]
REPRESENTATIVE (if any)	Name	MICHAEL STUART	
	Address	[REDACTED]	
	Postcode	[REDACTED]	
	Telephone No. (1)	[REDACTED]	
	Telephone No. (2)		
	Fax :		
	E-mail :	[REDACTED]	
Please tick this box if you wish all contact to be through your representative. <input checked="" type="checkbox"/>			
Do you agree to correspondence regarding your review being sent by e-mail? <input checked="" type="radio"/> YES <input type="radio"/> NO			

PART B	APPLICANT REF. NO.	<u>0710/H/18</u>
	SITE ADDRESS	<u>A1 PUMPHERSTON ROAD</u> <u>UPHALL STATION</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>PROPOSED ERECTION OF</u> <u>DETACHED GARAGE WITH</u> <u>STORAGE</u>
	DATE OF APPLICATION	<u>24/7/18</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>11/10/18</u>

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

Type of Application (please tick the appropriate box)

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

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

Statement of reasons and matters to be raised

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

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

APPLICATION FOR PLANNING PERMISSION WAS
PREVIOUSLY GRANTED 11/4/13 (0152/H/13)

WORKS WERE COMMENCED ON SITE AND NOTICE
OF COMMENCEMENT ISSUED BY CLIENT TO
PLANNING DEPARTMENT

WORKS SUSPENDED DUE TO FINANCE ISSUES
PLANNING EXPIRED AND CLIENT CHOSE TO
RE-APPLY FOR PLANNING PERMISSION TO ENSURE
PERMISSION WOULD BE IN PLACE USING EXACT SAME
DRAWINGS / DESIGN - PLANNING WAS REFUSED
11/10/18

PLANNING OFFICER ASKED THAT THE PROPOSALS
BE REDUCED - CLIENT WAS RELUCTANT TO DO
SO AS THESE WERE PREVIOUSLY APPROVED
AND SUIT THEIR REQUIREMENTS AND THAT WORKS
HAD COMMENCED ON SITE

PROPOSALS DO NOT HAVE GABLE WINDOWS SO THEREFORE
DO NOT OVERLOOK ADJOINING PROPERTIES

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

* YES ☒ NO

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

List of documents and evidence

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

1.	REFUSAL OF PLANNING PERMISSION NOTICE 11.10.18
2.	APPROVAL OF PLANNING PERMISSION NOTICE 11/4/13
3.	PREVIOUS HANDLING REPORT FOR APPROVED PLANNING
4.	CURRENT HANDLING REPORT FOR REFUSED PLANNING
5.	DRAWINGS FS/13/573.1 .2 + .3
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

PART D

REVIEW PROCEDURE

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

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

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓
✓

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

SITE INSPECTION

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

Can the site be viewed entirely from public land?

* YES/NO

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

* YES/NO

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

PART E CHECKLIST

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

Full completion of all parts of this form



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



Statement of your preferred procedure



All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.



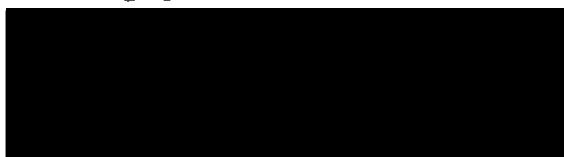
Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved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

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

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

Signed



Date 22.10.18

* Delete as appropriate

Please return this completed form to :-

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



**West Lothian
Council**

**DECISION NOTICE
GRANT PLANNING PERMISSION**

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

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), grants planning permission for the development described below, and in the planning application and attached docketted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advice notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0152/H/13

PROPOSAL AND LOCATION: Erection of a double garage (grid ref. 308183 670284) at 41 Pumpherston Road, Uphall Station, EH54 5PL

APPLICANT: Mrs V T Fisher
41 PUMPHERSTON ROAD
Uphall Station
EH54 5PL

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

Docketted plans, relative to this decision, are identified in Annex 1, Schedule of Plans. Where relevant, this includes the identification of varied plans.

Dated: 11/04/2013

**Chris Norman
Development Management Manager
West Lothian Council
County Buildings
High Street
Linlithgow
EH49 7EZ**

Signature

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

The proposed development is considered to be acceptable and is in accordance with the terms of the development plan.

This permission is granted subject to the following conditions:-

- 1 The double garage hereby approved shall be used solely for purposes incidental to the existing dwelling house and not for any commercial activity.

Reason To ensure the double garage is used for domestic purposes only, in the interests of residential amenity.

- 2 The upper storey of the double garage hereby approved shall be used solely as a storage area.

Reason To ensure the double garage is used for domestic purposes only, in the interests of residential amenity.

Note to Applicant

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

Notification of the Start of Development

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

Notification of Completion of Development:

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

Advisory Note to applicant:

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

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

Development Management Manager

..... Date: 11 April 2013

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

Annex 1. Schedule of Plans

1 of 3: FS/13/573.3

2 of 3: FS/13/573.1

3 of 3: FS/13/573.2

Development Management Manager
Page 3 of 3

..... Date: 11 April 2013



**West Lothian
Council**

HANDLING REPORT

Ref. No.: 0152/H/13 **Email:** alison.maguire@westlothian.gov.uk
Case Officer: Alison Maguire **Tel No.:** 01506 282415
Ward: East Livingston and East Calder **Member:** Frank Anderson
 Carl John
 Dave King
 Frank Toner

Title Erection of a double garage (grid ref. 308183 670284) at 41 Pumpherston Road, Uphall Station, EH54 5PL
Application Type Local Application
Decision Level Del
Site Visit 28/03/2013
Recommendation grant permission
Decision GRANT PLANNING PERMISSION
Neighbour Notification Neighbour notification procedures have been have been carried out correctly - case officer verification ✓

Description of Property
Description of Proposals

Site History

Representations
Advertisement

Consultations

Two storey end-of-terrace house
 Erection of a double garage to the rear of the house with an upper storey for storage.
 0506/H/11 - Two storey extension, extension to house and installation of dormer windows, granted 31/10/2011
 None
 The application was advertised in the local press and the period for receipt of representations has expired.
 None

Policy

The proposed development complies with policy HOU 9 of the West Lothian Local Plan as it has a neutral impact on the residential and visual amenity of existing residents.

Conclusions and Reason for Decision

The proposed development is considered to be acceptable and is in accordance with the terms of the development plan.

Case Officer ACM
Senior Officer R.S.
Development Management Manager

Date 11/04/13
Date 15/6/13
Date



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

- 51 -

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0710/H/18, for the reason(s) set out as follows:

- 1 The proposed development, by virtue of its scale and location within the plot, is inappropriate for an ancillary building and would give rise to a loss of amenity for the neighbouring property. The application is therefore contrary to policy DES1 (Design) in the adopted West Lothian Local Development Plan and the council's House Extension and Alteration Design Guide.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

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

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

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

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Liaison with the Coal Authority

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

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

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Advisory note to developer - General

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

Annex 1, Schedule of Plans - 0710/H/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	FS/13/573.3
2	Sections	FS/13/573.1
3	Proposed Elevations	FS/13/573.2

HANDLING REPORT

Ref. No.:	0710/H/18	Email:	thomas.cochrane@westlothian.gov.uk
Case Officer:	Thomas Cochrane	Tel No.:	01506 281110
Ward:	East Livingston & East Calder	Member:	Damian Timson Frank Anderson Carl John Dave King

Title	Erection of detached garage with loft storage(Grid Ref: 306183,670285) at 41 Pumpherston Road, Uphall Station, Livingston, West Lothian, EH54 5PL
Application Type	Local Application
Decision Level	Delegated List
Site Visit	31.08.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	

Description of Proposals

Erection of detached garage with loft storage

Site History

LIVE/0168/P/12 Erection of a house. Refused 04/05/12

LIVE/0152/H/13 Erection of a double garage Granted 11/04/13

Representations

One objection - - Loss of daylight, - Overlooking and privacy - Out of keeping with the area

Consultations

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

Consultee	Objection?	Comments	Planning Response
Enforcement Team	No	None	Noted

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be of high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none">a. There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;b. There is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;c. The proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;d. The proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;g. There are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; andh. Risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary</p>

	guidance.
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Policy Assessment

This application has been assessed against the above policy as well as the West Lothian Household Extension and design guide.

Officer Assessment

This application is for a detached garage with storage above to the rear of the current property. The garage would have a footprint of 8.5 metres by 6 metres and would be 9.6 metres in height. An internal stair would give access to a storage area lit by Velux windows. The applicant submitted an application for a detached house in the rear garden of the property in 2011; this application was contrary to policy and was withdrawn before it could be determined. In 2012 planning permission was refused for the erection of a house in the rear garden of the applicant's property. In 2013 the applicant applied for a garage, similar to that which is purposed with this application; that application was granted but has lapsed.

Other Considerations

Conclusions and Reasons for Decision

This application is for a detached garage with storage above to the rear of the current property. The garage would have a footprint of 8.5 metres by 6 metres and would be 9.6 metres in height. An internal stair would give access to a storage area lit by Velux windows. The applicant submitted an application for a detached house in the rear garden of the property in 2011; this application was contrary to policy and was withdrawn before it could be determined. In 2012 planning permission was refused for the erection of a house in the rear garden of the application property. In 2013 the applicant applied for a garage, similar to that within this application; that application was granted but has lapsed. The proposed construction would be out of context due to its size and its location midway down the rear garden.

Two of the grounds objection that of overlooking and privacy, and being out of keeping with the surrounding area were considered to be justified.

The agent was asked to reduce the size and reposition the proposed garage; but declined to do so. The proposed building would have a detrimental impact on residential and visual amenity and is considered to be out of context with the immediate surroundings, contrary to the requirements of Policy DES 1 of the West Lothian Local Development Plan, so is recommended for refusal.

List of Review Documents

Drawings schedule:

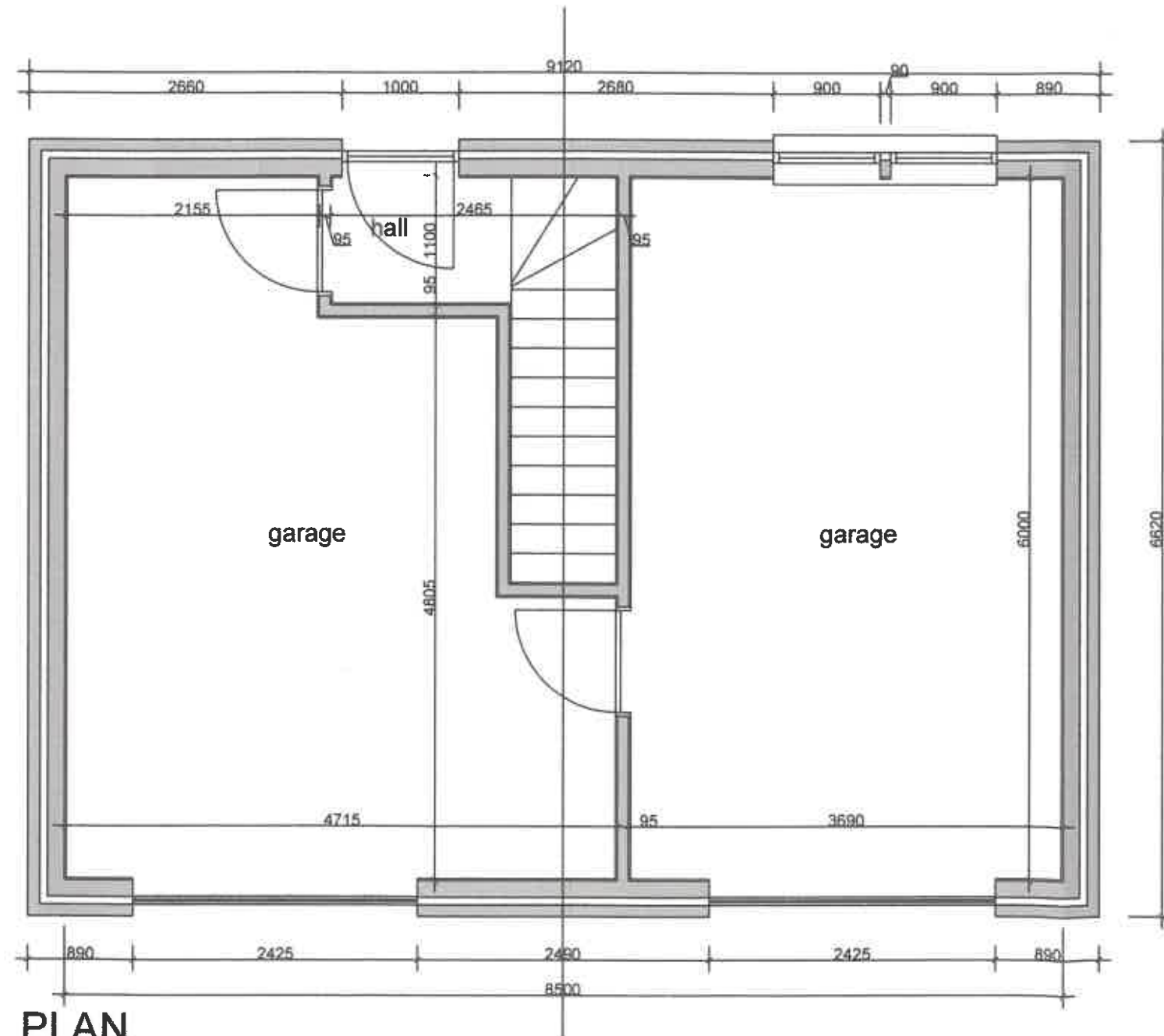
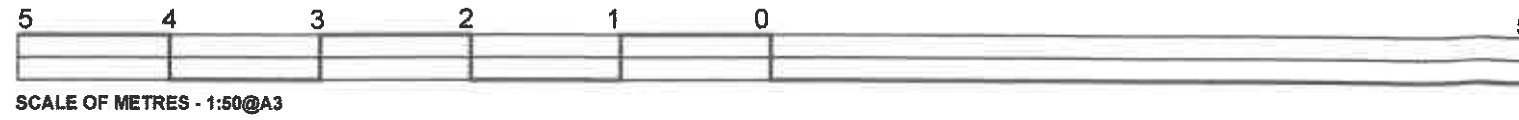
Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	FS/13/573.3
2	Sections	FS/13/573.1
3	Proposed Elevations	FS/13/573.2

Other relevant documents:

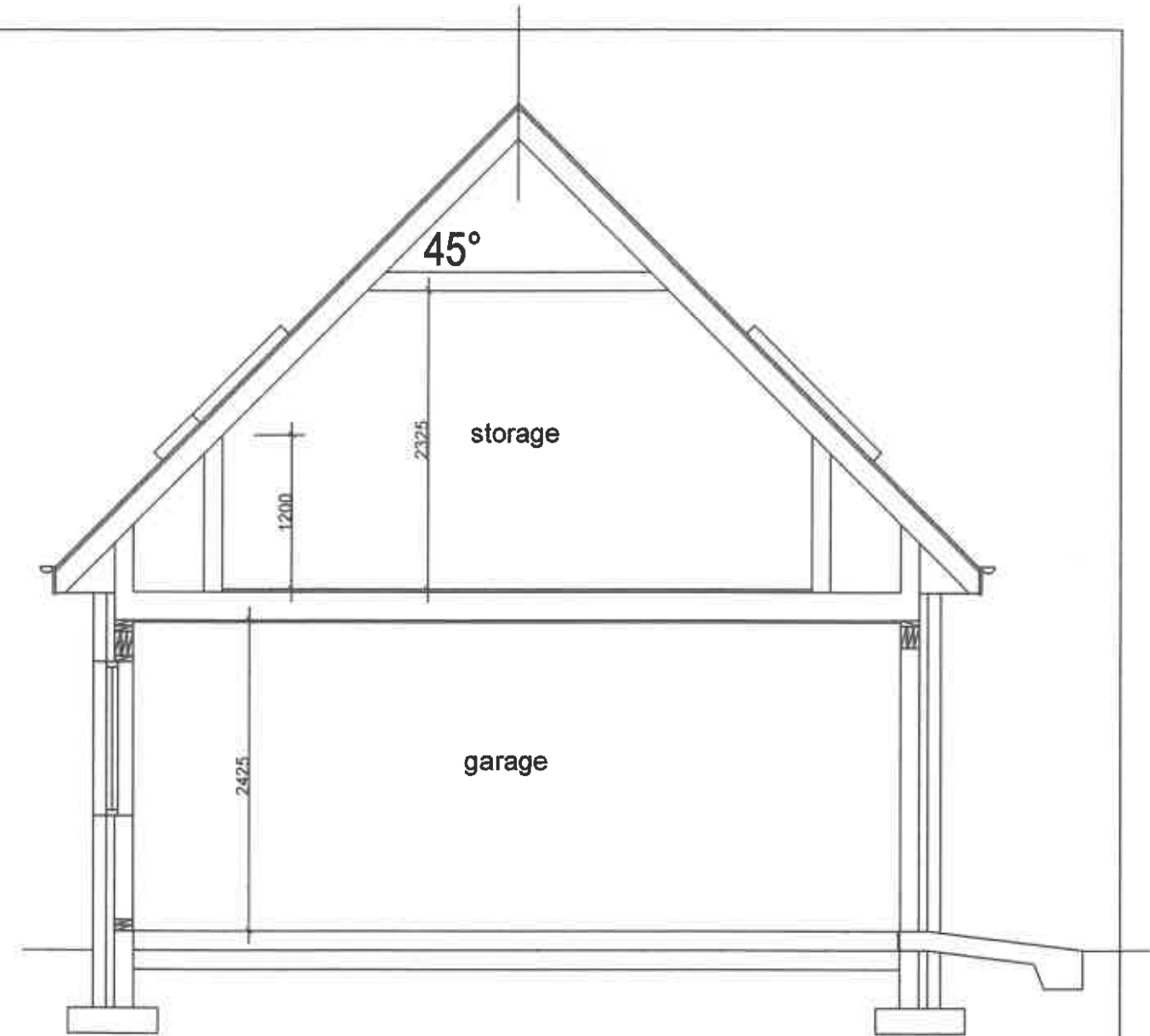
West Lothian Local Development;

Case Officer Thomas Cochrane

Date 01/10/18



PLAN
1:50@A3



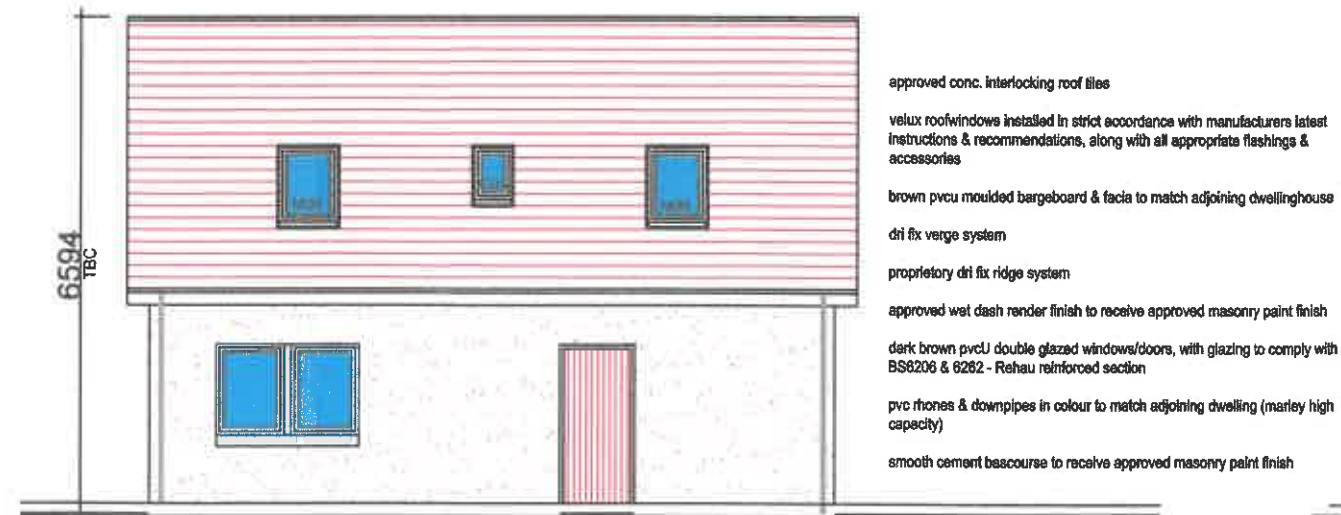
TYPICAL SECTION
1:50@A3

michaelstuart
building design consultant

t: 01324 711790 m: 0774 9999 610 e: stuartmsdesign@gmail.com

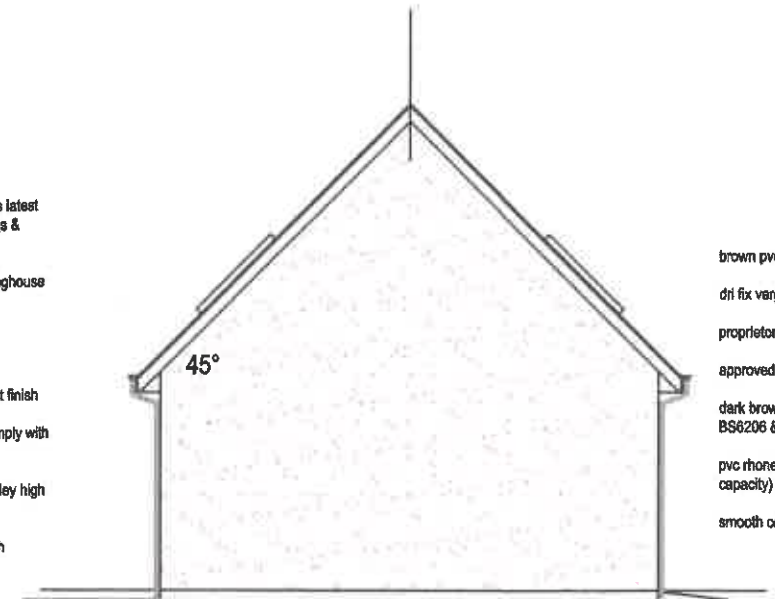
Project: **PROPOSED ANCILLARY BUILDING/GARAGE WITHIN GROUNDS OF 41 PUMPHERSTON ROAD, UPHALL FOR MRS V.T. FISHER**

Date: 23.7.18	Scale: 1:50@A3	Drawn: MS	Drw No: FS/13/573.1
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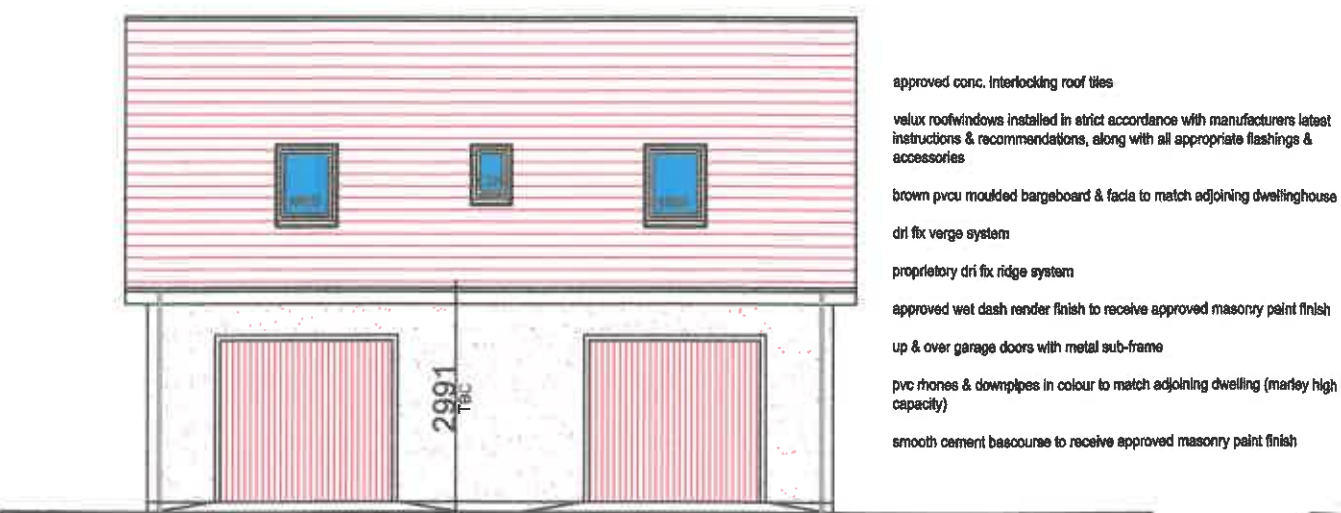
REAR ELEVATION
1:100@A3

- approved conc. interlocking roof tiles
- velux roofwindows installed in strict accordance with manufacturers latest instructions & recommendations, along with all appropriate flashings & accessories
- brown pvcu moulded bargeboard & fascia to match adjoining dwellinghouse
- dri fix verge system
- proprietary dri fix ridge system
- approved wet dash render finish to receive approved masonry paint finish
- dark brown pvcU double glazed windows/doors, with glazing to comply with BS6206 & 6262 - Rehau reinforced section
- pvc rhones & downpipes in colour to match adjoining dwelling (marley high capacity)
- smooth cement basecourse to receive approved masonry paint finish

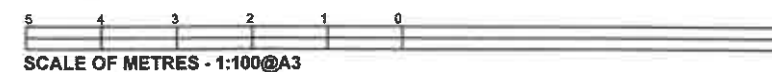


SIDE ELEVATION
1:100@A3

- brown pvcu moulded bargeboard & fascia to match adjoining dwellinghouse
- dri fix verge system
- proprietary dri fix ridge system
- approved wet dash render finish to receive approved masonry paint finish
- dark brown pvcU double glazed windows/doors, with glazing to comply with BS6206 & 6262 - Rehau reinforced section
- pvc rhones & downpipes in colour to match adjoining dwelling (marley high capacity)
- smooth cement basecourse to receive approved masonry paint finish

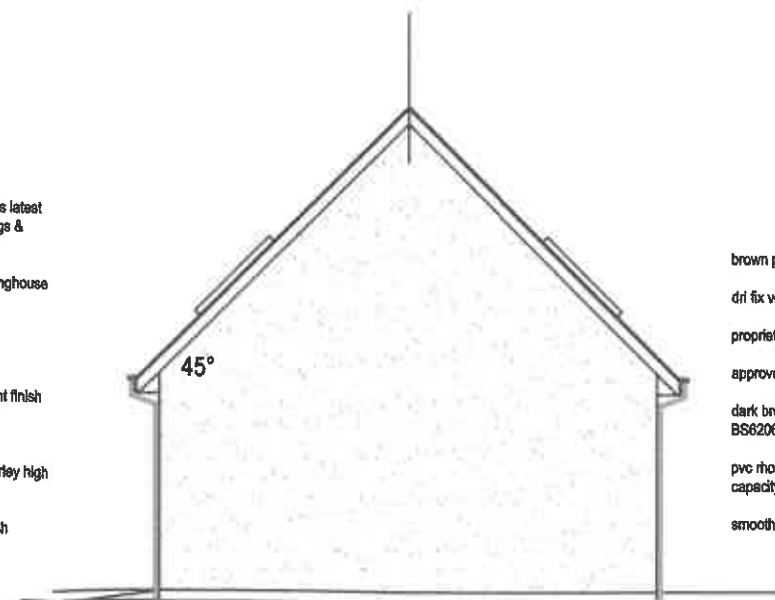


FRONT ELEVATION (PRINCIPLE)
1:100@A3



SCALE OF METRES - 1:100@A3

- approved conc. interlocking roof tiles
- velux roofwindows installed in strict accordance with manufacturers latest instructions & recommendations, along with all appropriate flashings & accessories
- brown pvcu moulded bargeboard & fascia to match adjoining dwellinghouse
- dri fix verge system
- proprietary dri fix ridge system
- approved wet dash render finish to receive approved masonry paint finish
- up & over garage doors with metal sub-frame
- pvc rhones & downpipes in colour to match adjoining dwelling (marley high capacity)
- smooth cement basecourse to receive approved masonry paint finish



SIDE ELEVATION
1:100@A3

- brown pvcu moulded bargeboard & fascia to match adjoining dwellinghouse
- dri fix verge system
- proprietary dri fix ridge system
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- pvc rhones & downpipes in colour to match adjoining dwelling (marley high capacity)
- smooth cement basecourse to receive approved masonry paint finish

michaelstuart

building design consultant

t: 01324 711790

m: 0774 9999 610

e: stuartmsdesign@gmail.com

Project:

PROPOSED ANCILLARY BUILDING/GARAGE WITHIN GROUNDS OF 41 PUMPHERSTON ROAD, UPHALL FOR MRS V.T. FISHER

Date:

23.7.18

Scale:

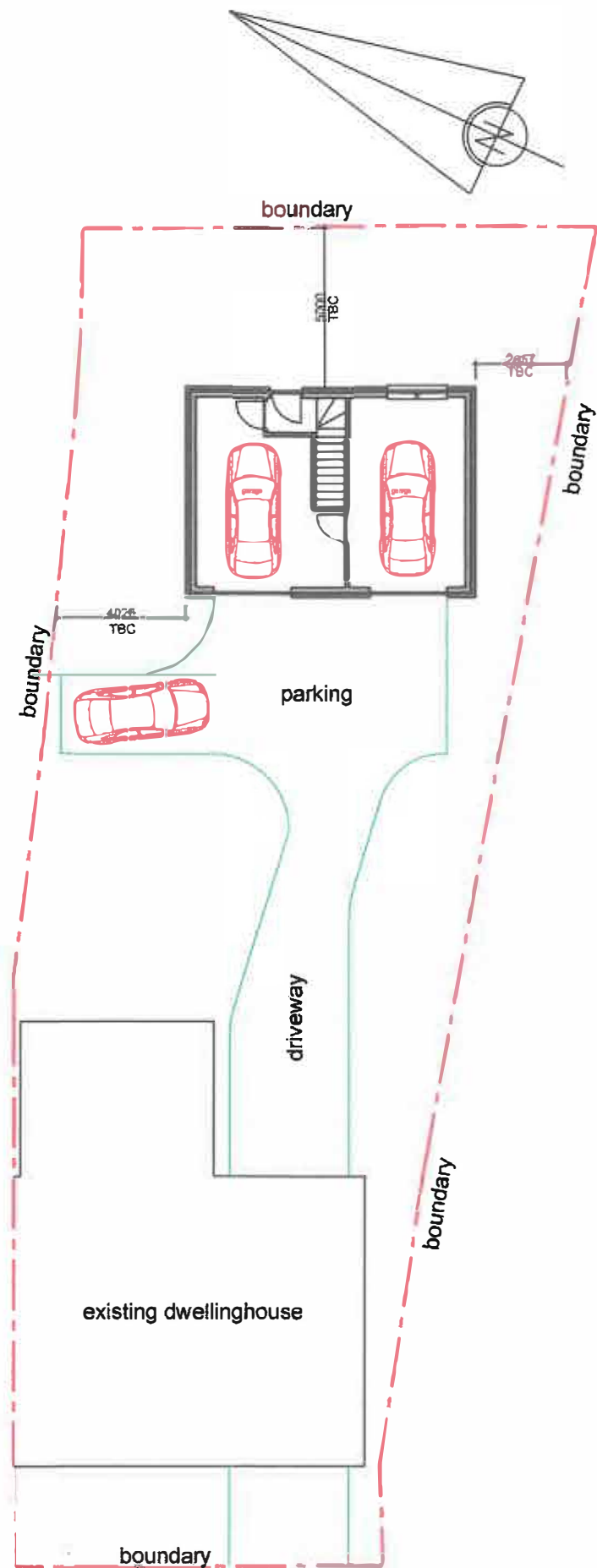
1:100@A3

Drawn:

MS

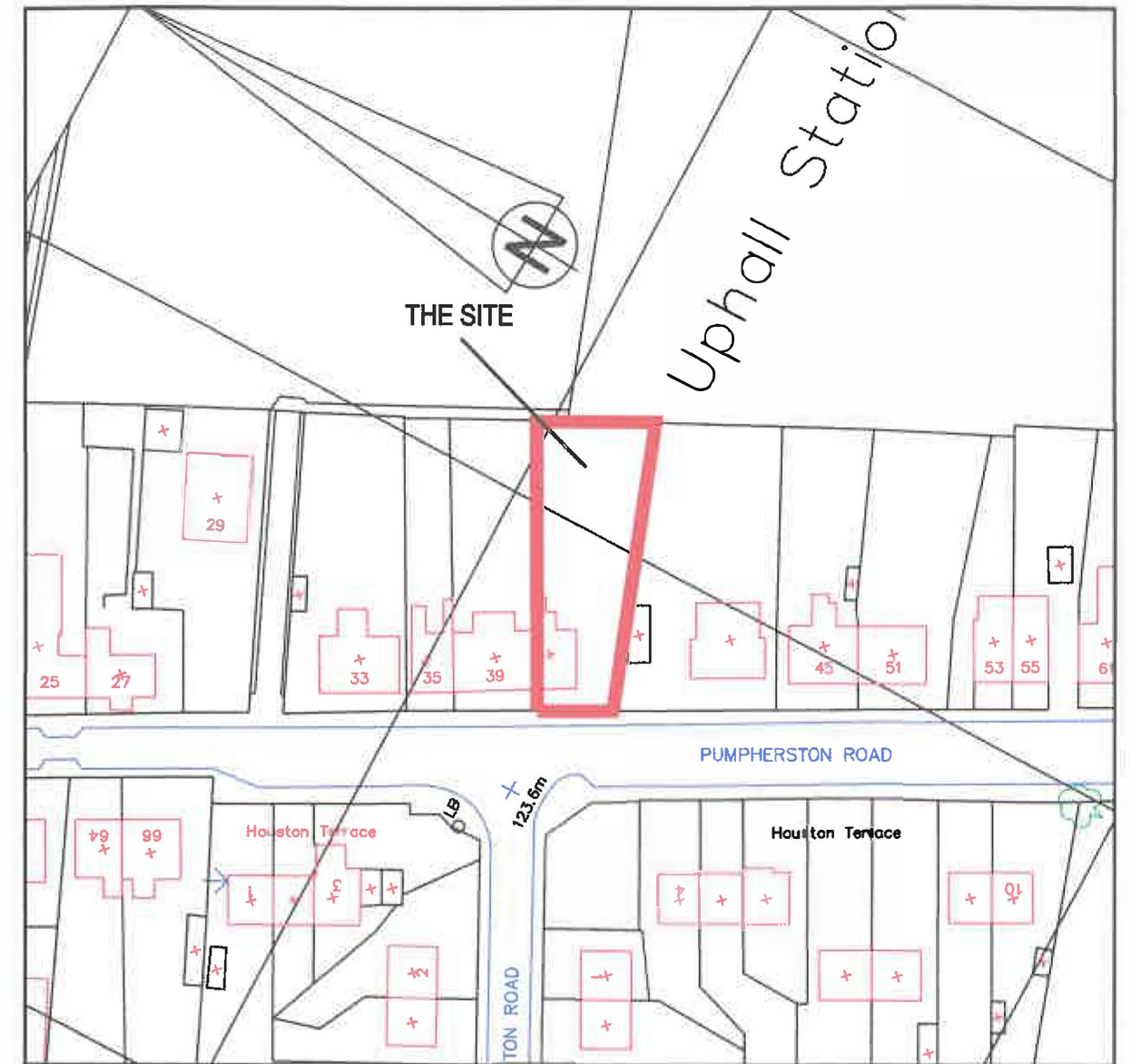
Dwg No:

FS/13/573.2



SITE PLAN AS PROPOSED 1:200@A3

SCALE OF METRES - 1:200@A3



LOCATION PLAN 1:1250

01324 711790 0774 9999 610 stuartmsdesign@gmail.com			
Project: PROPOSED ANCILLARY BUILDING/GARAGE WITHIN GROUNDS OF 41 PUMPHERSTON ROAD, UPHALL FOR MRS V.T. FISHER			
Date: 23.7.18	Scale: 1:200 / 1:250@A3	Drawn: MS	Dwg No: FS/13/573.3

HANDLING REPORT

Ref. No.:	0710/H/18	Email:	thomas.cochrane@westlothian.gov.uk
Case Officer:	Thomas Cochrane	Tel No.:	01506 281110
Ward:	East Livingston & East Calder	Member:	Damian Timson Frank Anderson Carl John Dave King

Title	Erection of detached garage with loft storage(Grid Ref: 306183,670285) at 41 Pumpherston Road, Uphall Station, Livingston, West Lothian, EH54 5PL
Application Type	Local Application
Decision Level	Delegated List
Site Visit	31.08.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	

Description of Proposals

Erection of detached garage with loft storage

Site History

LIVE/0168/P/12 Erection of a house. Refused 04/05/12

LIVE/0152/H/13 Erection of a double garage Granted 11/04/13

Representations

One objection - - Loss of daylight, - Overlooking and privacy - Out of keeping with the area

Consultations

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

Consultee	Objection?	Comments	Planning Response
Enforcement Team	No	None	Noted

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be of high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <p>a. There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. There is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. The proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. The proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. There are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. Risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary</p>

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List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
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3	Proposed Elevations	FS/13/573.2

Other relevant documents:

West Lothian Local Development;

Case Officer Thomas Cochrane

Date 01/10/18

DECISION NOTICE REFUSAL OF PLANNING PERMISSION

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

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

APPLICATION REFERENCE 0710/H/18

PROPOSAL Erection of detached garage with loft storage

LOCATION 41 Pumpherston Road, Uphall Station, Livingston, West Lothian, EH54 5PL, (GRID REF: 306183, 670285)

APPLICANT Mrs Valerie Fisher, Coillemhor, Houston Mains Holdings, Uphall, Livingston, Scotland, EH52 6PA

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

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

Dated:
11.10.2018

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0710/H/18, for the reason(s) set out as follows:

- 1 The proposed development, by virtue of its scale and location within the plot, is inappropriate for an ancillary building and would give rise to a loss of amenity for the neighbouring property. The application is therefore contrary to policy DES1 (Design) in the adopted West Lothian Local Development Plan and the council's House Extension and Alteration Design Guide.

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Annex 1, Schedule of Plans - 0710/H/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	FS/13/573.3
2	Sections	FS/13/573.1
3	Proposed Elevations	FS/13/573.2

OBJECTION TO 0710/H/18

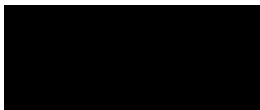
Mr Alan Pike

33 Pumpherston Road

Uphall Station

Livingston

EH54 5PL



Dear Sir or Madam

I wish to object to this proposal on the grounds the property/garage/store room will look directly onto my back garden, and the rear of my house through my windows. This would affect my privacy to a great degree as the proposed building is not only located on a higher elevation to my property, but would consist of two levels as well. the location would give no privacy at all in my garden and the rear of my house.

This double story could also have an effect on the natural light available at the rear of my property.

The design of a two story building at the rear of the house I feel would be out of keeping with the buildings in the area.

Yours Faithfully,

Alan Pike.

Received 12.09.2018 19:16

Draft Condition for Application 0710/H/18

The garage hereby approved, including the upper floor shall be used for purposes ancillary to the main dwelling house. No commercial operations are permitted to be carried out from the site and the building shall not be occupied as a separate residential property.

Reason: To maintain the residential amenity of the surrounding neighbourhood.

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

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

PART 2 – FIRST MEETING

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

PART 3 – ADJOURNED FIRST MEETING

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

PART 4 – DETERMINATION

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