DATA LABEL: Public

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

13 March 2019

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 20 March 2019** at **10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence

2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest

3. Order of Business, including notice of urgent business and declarations of interest in any urgent business

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 20 February 2019 (herewith).

Public Items for Decision

5. Application No.0009/H/19 - Conversion of garage to form ancillary residential accommodation at Burnside Cottage, Burnside Road, Bathgate (herewith)

6. Application No.1186/FUL/18 - Erection of house at United Reform Church, 48 Majoribanks Street, Bathgate (herewith)

7. Application No.1197/FUL/18 Erection of 3 houses at Wester Woodside Farm, Torphichen (herewith)

DATA LABEL: Public

8. Application No.1221/FUL/18 - Construction of re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works at land at Lady Park, Linlithgow (herewith)

Public Items for Information

9. Consider list of delegated decisions on planning applications and enforcement actions for 15 February to 8 March 2019 (herewith)

10. Appeals :-

(a) Reference No.ENF/0125/18 - 53 Lyarthall, Broxburn - Appeal against enforcement dismissed

(b) Application No.0888/H/18 - 96a Lower Bathhville, Armadale - Appeal dismissed

(c) Application No.0636/P/18 - Land south of Sibbalds Brae and west of Falside Crescent, Bathgate - Appeal submitted

---

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 20 FEBRUARY 2019.

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

Apologies – Councillor William Boyle

1. DECLARATIONS OF INTEREST

Agenda item 6 (Application No.0666/MSC/18) – Councillor Lawrence Fitzpatrick declared an interest in that he was a council-appointed member of the West of Scotland Archaeology Service.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that agenda item 5 (Application No.0605/FUL/18) would be taken at the end of the agenda as there were no speakers to the application.

3. MINUTE

The committee confirmed the Minute of its meeting held on 23 January 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0666/MSC/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:

Application no.	Proposal	Recommendation
0666/MSC/18	Approval of matters specified in conditions of planning permission 0524/P/09 for a 300 space park and ride facility with associated works at Kirknewton Station, 7 Station Road, Kirknewton	That approval of matters be granted subject to conditions

The committee heard local residents Thomas and Linda Cullen, their solicitor, Karen Hamilton, Victor Garrad, Kirknewton Community Council, and Nicola Slaven, Network Rail, speak in support of their objections to the application.

The committee then heard the applicant, Neil Beswick, and the applicant's

transport consultant, Andrew Carrie, speak in support of the application.

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

Motion

To continue the application for at least three cycles, to consider road and pedestrian safety as well as the amenity for the residents of 6 Milrig Holdings including access to their property. Consideration was also to be given to the possibility of moving the car park access further to the west. Additionally, detailed costings for the construction of a pedestrian footbridge were also to be provided along with suitable provision for cyclists.

- Moved by the Chair and seconded by Councillor Tom Kerr.

Amendment

To refuse planning permission, as committee considered that the proposal did not accord with policies DES1 and TRAN1 as it would cause severe loss of amenity to 6 Milrig Holdings in terms of access, noise and air quality and light pollution and as the proposal would have adverse impacts on road and pedestrian safety due to the proximity of the access road to the existing station car park access and to the level crossing.

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

A roll call vote was taken which resulted as follows:

Motion	Amendment
Charles Kennedy	Stuart Borrowman
Tom Kerr	Harry Cartmill
David Tait	Pauline Clark
	Lawrence Fitzpatrick
	George Paul

Decision

Following a vote, the amendment was successful by 5 votes to 3, with 1 member having given apologies, and it was agreed accordingly.

5. APPLICATION NO.1153/FUL/18

Councillors Stuart Borrowman, Harry Cartmill and George Paul left the meeting (after agenda item 6) and did not participate in the remaining items of business (agenda items 7 and 5).

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:

Application no.	Proposal	Recommendation
1153/FUL/18	Change of use from public open space to private garden ground at Reid Lodge, Combfoot, Mid Calder, Livingston, EH53 0AJ	To refuse planning permission

The committee heard the applicant, Kenneth Davies, speak in support of the application.

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

Decision

To grant planning permission, subject to the same conditions as those attached to previous similar applications (0820/FUL/13 and 0373/FUL/13) as committee considered that the proposal did accord with policies ENV21 and DES1. There was also to be an additional condition in that if the site was to be removed from the Mid Calder Conservation Area a Tree Preservation Order be promoted.

6. APPLICATION NO.0605/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:

Application no.	Proposal	Recommendation
0605/FUL/18	Change of use from office (class 2) to house in multiple occupation (HMO) at 19C Greendykes Road, Broxburn	To grant temporary planning permission

Decision

To approve the terms of the report and to grant temporary planning permission, with conditions delegated to the Development Management Manager, subject to the following additional condition: In the interest of residential amenity, if a noise complaint is received from residents of the application property in relation to the operation of the public house, the applicant will, in the first instance, design a scheme to protect residents from noise from this source. Until a suitable scheme has been approved by the planning authority and installed the room(s) affected will not be occupied.

7. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 18 January 2019 to 8 February 2019 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 Description

1.1 Conversion of garage to form ancillary residential accommodation at Burnside Cottage, Burnside Road, Bathgate. EH48 4PX

2 Details

Reference no.	0009/H/19	**Owner of site**	Mr and Mrs Flockhard
Applicant	Mr and Mrs Flockhard	**Ward & local members**	**Bathgate** Cllr. Willie Boyle Cllr. Harry Cartmill Cllr. Charles Kennedy Cllr. John McGinty
Case officer	Thomas Cochrane	**Contact details**	01506 281110 thomas.cochrane@westlothian.gov.uk

Reason for referral to Committee: Local Member Request: Councillor Harry Cartmill

3 Recommendation

3.1 Refuse Planning permission.

4 Description of the Proposal and Planning History

4.1 This is a proposal for a conversion of a single storey double garage to provide ancillary accommodation to the dwelling house at Burnside Cottage, Burnside Road. The proposed development will incorporate a kitchen, bathroom, livingroom, and double bedroom

4.2 The proposed development involves changing the east elevation, which faces the neighbouring property, to include a livingroom window.

5. REPRESENTATIONS

5.1 The application has attracted three representation from an immediate neighbour and one in support and two objections. These are summarised below.

Comments (objection)	Response
Loss of car parking to existing dwelling	The removal of the garage will have an impact on parking
The inability to provide adequate parking to the new dwelling	Plans indicate 2 vehicle spaces to the side of proposed ancillary accommodation
Impact on residential amenity	Agreed, overlooking of private space is a concern
Inadequate servicing	Not a material consideration
Flooding	This proposal would not have an impact on flooding
Construction impact	Not a material consideration
Comments (Support)	
Building has fallen into disrepair and would be good to see it brought back into use	Noted, though the appearance of the building is currently acceptable

6. CONSULTATIONS

6.1 This application required one consultation which is listed below

Consultee	Objection?	Comments	Planning Response
Roads and Transportation	NO	Although it is claimed to be ancillary accommodation to the main house the proposed layout indicates it could stand as an individual dwelling. Therefore there is a need for 1 parking space. The existing property is using the front garden as parking for that property.	Plans show sufficient parking for additional accommodation.

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 **(**WLLDP).

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 both the proposed accommodation and the neighbouring property due to the close proximity of the proposed side window.	No

Also relevant is the non-statutory guidance on House Extension and Alteration Design Guide and in particular section 5 which states "you should be careful not to overdevelop your plot. As well as leaving limited garden ground for your own family use, building over your rear garden might make it harder to sell your house when you want to move on". The current dwelling has a very small area of what could be considered usable garden area, and to introduce additional accommodation would cause a detrimental impact for the amenity of the dwelling. The guidance also requires developers to have regard to the privacy for amenity of neighbouring properties.

8. CONCLUSION AND RECOMMENDATION

8.1 The plans which were initially submitted had a door and two windows on the side elevation and could have resulted in the proposal becoming a standalone property. This is due to the door being located in such a position that it would not require access from the principal dwelling. Following negotiations, these plans were amended to reposition the door and one window to within the curtilage of the existing house. However, although the applicant was requested to remove the door and both windows from this elevation, one window has been retained here.

8.2 The proposal would have a detrimental impact on the residential amenity of the neighbouring property due to overlooking as the living room window is 2.5m from the boundary and is directly overlooking the front of the neighbouring property. Although this is the front of the property, it currently enjoys a high level of privacy, being set far back form the public road. The impact of the proposed development would be a loss of privacy and amenity. It also leads to an unacceptable level of amenity for the new property, given the proximity of the shared driveway and living room window. This matter could be resolved by the reconfiguration of the internal layout so that all habitable rooms face on to the shared garden, however the applicant has declined to do so, and wishes the application to be determined as it stands.

8.3 The proposed increase in accommodation would also be detrimental to the amenity of the current dwelling due to the very limited usable garden area. However, this would not in itself be sufficient reason to refuse the application, if the side window were deleted or relocated.

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 Alteration Design Guide.

9. Appendices

- Reason for refusal
- Location Plan
- Aerial view
- Proposed and amended plans
- Objections
- Members request form

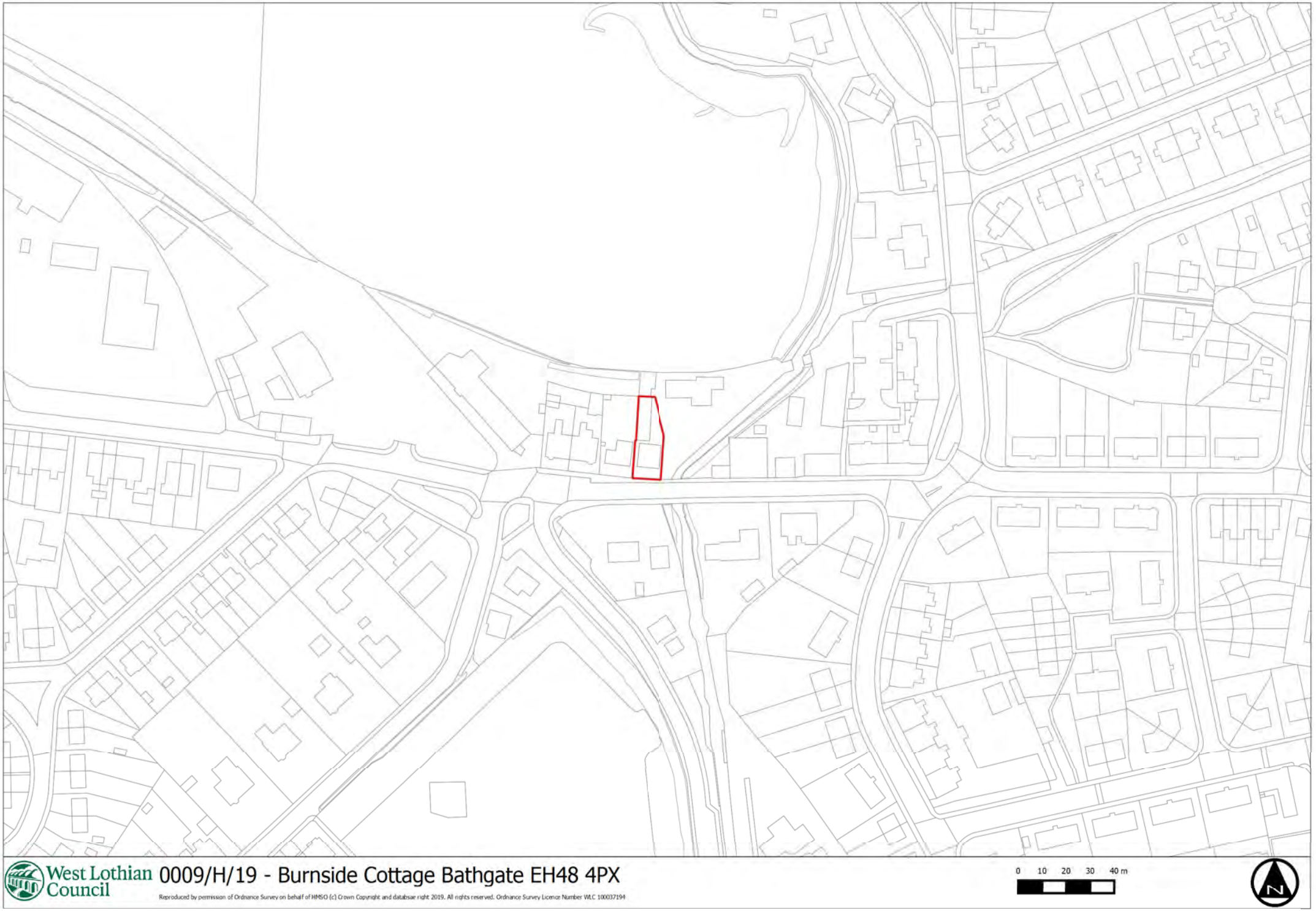
Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 20 March 2019**

West Lothian Council

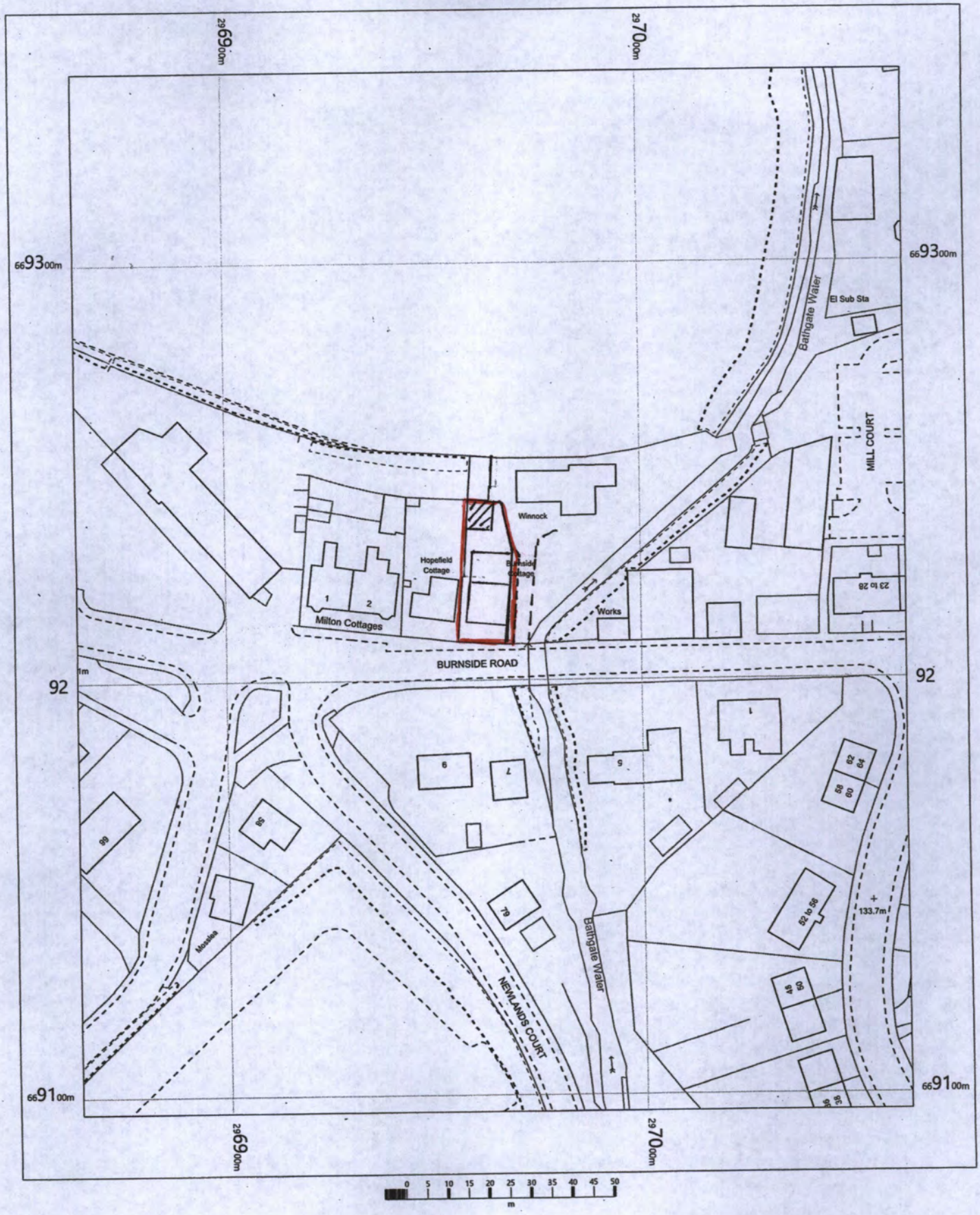
Draft reason for 0009/H/19

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

(1) The proposed development, by virtue of its design, would have a detrimental impact on the residential amenity of the neighbouring property as well as the proposed ancillary accommodation, This is due to the location of the boundary and existing and proposed fenestrations. As such the application is contrary to policy DES1 in the West Lothian Local Development Plan and the council's 'House Extension and Alteration Design Guide'.



BURNSIDE COTTAGE



BURNSIDE ROAD
BATHGATE
EH48 4PX

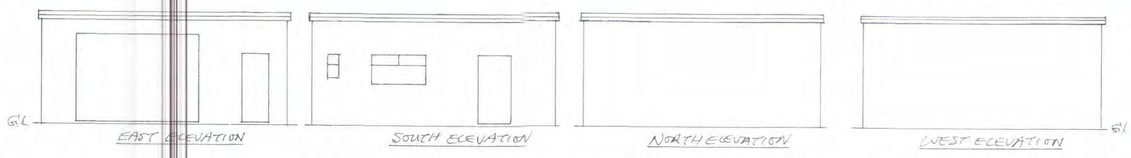
OS MasterMap 1250/2500/10000 scale
Wednesday, November 1, 2017, ID: M4P-00666574
Brown Newsagents, Kelso

1:1250 scale print at A4. Centre: 296964 E, 669221 N

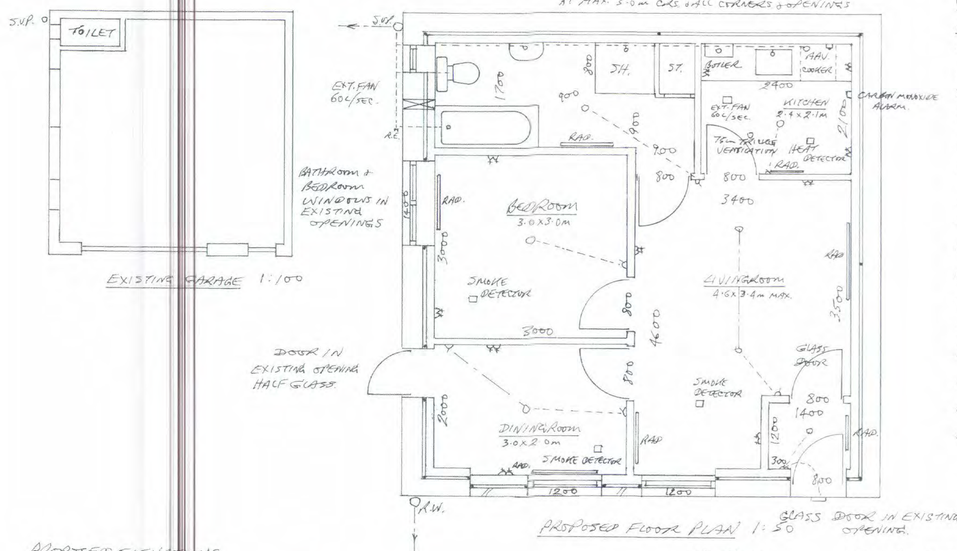
N

PROPOSED CHANGE of USE OF GARAGE TO ANNEXE TO BURNSIDE COTTAGE. REMOVE LARGE GARAGE DOOR, BUILD IN WITH MASONRY & 2 WINDOWS. INSULATE FLOOR, WALLS & CEILING. SUB DIVIDE FLOOR AREA WITH PARTITIONS AS SHOWN. RENEW WINDOWS TO NEW BATHROOM & BEDROOM. RENEW EXISTING GARAGE ENTRANCE DOORS. PLANT HEDGE TO SCREEN WINDOWS & DOORS ON WEST ELEVATION. PROVIDE PARKING FOR 4 CARS WITHIN PROPERTY BOUNDARY. USE SERVICES ON SITE FOR WATER, ELECTRICITY, GAS & DRAINAGE

EXISTING ELEVATIONS.



EAST ELEVATION | SOUTH ELEVATION | NORTH ELEVATION | WEST ELEVATION



EXISTING GARAGE 1:100

PROPOSED FLOOR PLAN 1:50

GLASS DOOR IN EXISTING OPENING.

CONSTRUCTION:-

FLOOR - LAY 22mm T&G CHIPBOARD FLOORING ON KINGSPAN KOOLTHERM 60mm K103 ON EXISTING CONCRETE FLOOR TO GIVE U-VALUE 0·13 w/m²K.

WALLS:- ERECT INTERNAL TIMBER FRAME LEAF 9·5mm OSB. NAILED AT 150mm CRS. TO 45x145mm C16 STUDS AT 600mm CRS. NAILED 2 NO. 100mm x 6mm STEEL NAILS IN ALL JOINTS. 140mm KINGSPAN INSULATION BETWEEN STUDS, POLYTHENE VAPOUR CHECK, 25mm SERVICE VOID & 12·5mm PLASTERBOARD WITH DRY LINED FINISH. REFLECTASHIELD ON OSB FACE TO 50mm CAVITY. U-VALUE 0·17 w/m²K.

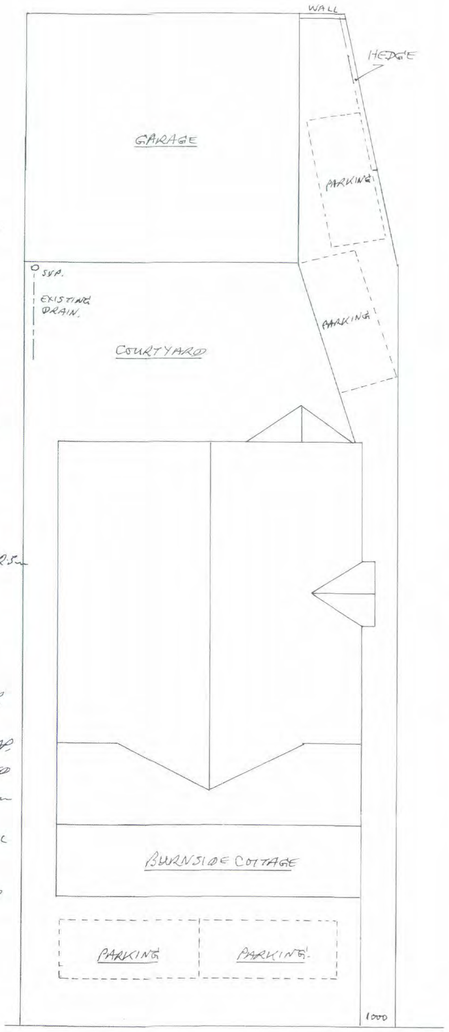
PARTITION WALLS - 45x75mm x C16 STUDS AT 600mm CRS. WITH 1 GYPROC ISOVER APR 1200 SOUND DEADENING BETWEEN STUDS TO PROVIDE A MINIMUM REDUCTION OF 43 dB IN THE TRANSFER RANGE of SOUND FROM ONE AREA TO ANOTHER. USE MOISTURE RESISTANT PLASTERBOARD TO BATHROOM & KITCHEN WALLS. ALL DOORS TO BE 800mm CLEAR ACCESS - USE 825mm WIDE DOORS.

CEILING/ROOF - FIT NEW SUSPENDED CEILING 47x125 x C16 JOISTS AT 600mm CRS. SUSPENDED FROM EXISTING ROOF AT 1·8m CRS. ONE LAYER GYPROC PLASTERBOARD 12·5mm 300mm ROCKWOOL INSULATION BETWEEN & OVER CEILING WITH 300mm VENTILATED AIR SPACE OVER TO GIVE U-VALUE 0·13 w/m²K SEAL ALL JOINTS IN PLASTERBOARD AT EDGE JOINTS & TOP & BOTTOM TO MINIMISE AIR LEAKAGE.

PLUMBING :- 100mm PVC WASTE TO WC CONNECTED TO EXISTING WASTE & SVP. BATH - 40mm ABS WASTE WITH ANTI-SYPHON TRAP, WASH HAND BASIN - 32mm ABS WASTE WITH ANTI-SYPHON TRAP, SHOWER WITH RAISED TRAY - 40mm ABS WASTE & ANTI-SYPHON TRAP. KITCHEN SINK - 40mm ABS WASTE & ANTI-SYPHON TRAP ALL CONNECTED TO EXISTING SVP. INSULATE ALL WATER PIPES WITH CLIP-ON 50mm ARMAFLEX INSULATION.

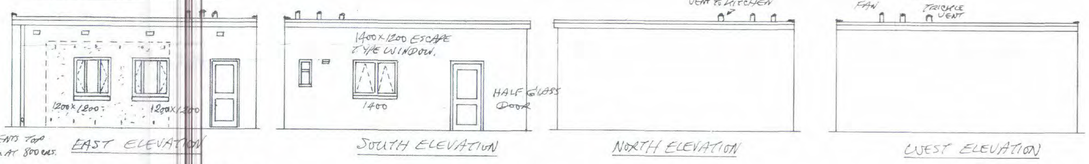
HEATING:- FIT NEW GAS FIRED BOILER AND RADIATORS IN ALL ROOMS & ENTRANCE PORCH. FIT PROGRAMMER, WALL STAT & THERMOSTATIC RAD. VALVES TO ALL RADIATORS. BOILER TO BE CONDENSING COMBI TYPE SEDBUK A RATED FITTED & TESTED BY A QUALIFIED HEATING ENGINEER.

LIGHTING - ALL LIGHTING TO BE LED BULBS TO ENSURE LOW ENERGY CONSUMPTION.



SITE PLAN 1:100

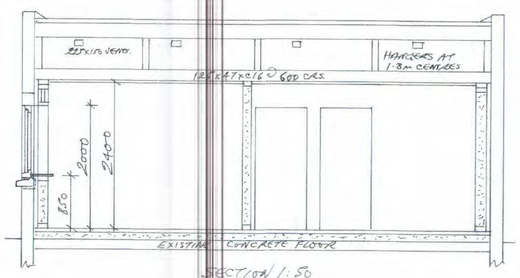
PROPOSED ELEVATIONS.



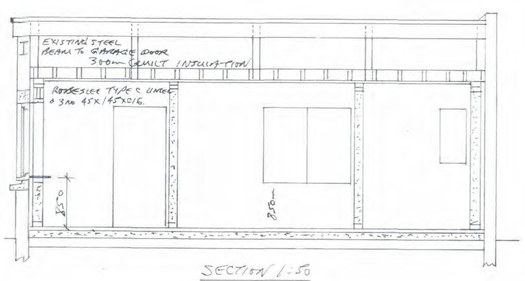
EAST ELEVATION | SOUTH ELEVATION | NORTH ELEVATION | WEST ELEVATION

DINING ROOM WINDOW - 1200 X 1200mm
LIVING ROOM WINDOW - 1200 X 1200mm
TRICKLE VENTILATION 12 000 mm² IN HEADRAILS of ALL WINDOWS.

WINDOWS IN BUILT-IN DOOR SPACE TO HAVE ROSESLEE TYPE C EXTERNAL LINTELS & 3m 45x145x C16 TIMBER INTERNAL LINTELS. INC. TO ALL SILLS, JAMBS & LINTELS.

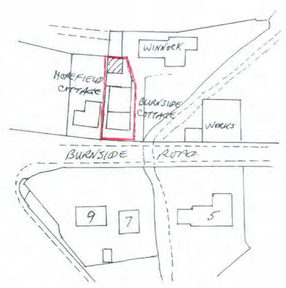


SECTION 1:50



SECTION 1:50

ROOM	FLOOR AREA	DAYLIGHT	VENTILATION	NOTES
LIVING ROOM	13·86m²	1·44m²	0·72m²	GLASS DOOR 2 TO PORCH
BEDROOM	9·00m²	1·68m²	0·84m²	
DINING ROOM	6·00m²	1·96m²	0·72m²	HALF GLASS DOOR
KITCHEN	5·04m²	—	EXT. FAN	
BATHROOM	6·63m²	0·25m²	EXT. FAN	SMALL WINDOW



LOCATION PLAN 1:1250
BATHGATE

Notes

All electrical work to comply with BS 7671 : 2008 17TH. EDITION IEE REGS.

All Glazing below 800mm cill height to be safety glass to BS6262: 2005 PART 4

Downtakings to comply with BS6187:2000

Roof truss design certificate to be provided before work commences on site.

G Johnston PLans & Building Design Ltd to be advised 7 days before work starts on site

These plans are for local authority submission only.

All works to be in accordance with the Building (Scotland) Regulations 2009 and amendments inclusive of all EEC directives and all local authority byelaws. Public footpath works to comply with operations (Scotland) regulations

Contractor to check all site dimensions prior to commencement of works and ensure accuracy and competent standard of all finished workmanship.

Contractors are to take reasonable care to ensure that their employees and sub-contractors are aware of their own and the contractors obligations under the health and safety at work act and all other associated statutory requirements relevant to the site.

Contractors are responsible for the correct interpretation of BSSR and COP etc and local authority requirements on site and to inform relevant local authority departments of progress on site as required.

Client to obtain all necessary legal requirements prior to works commencing.
All items deemed to have been taken for by the contractor. All contingencies to be allowed for by the contractor.
All authority regulations and methods to comply.
This office's responsibility limited to achievements of the Local Authority permissions.
This office is not responsible for the condition of existing works.
This office's liabilities limited to these plans.

This is a true copy of the plans lodged with my application

DATE:- 8-1-19

SIGNED:- G A Johnston

Rev.	Date	Checked

Client	MR. & MRS. M. FLOCKHART.
Address	BURNSIDE COTTAGE, BURNSIDE ROAD, BATHGATE EH48 4PX
Dwg No.	001/1
Scale	1:50, 1:100, 1:1250 AT A1
Date	8-1-19
Drawn by	G. A. JOHNSTON.

Use figured dimensions only.
Contractor to check all sizes on site.
Do not scale from drawing.
Copyright of design and drawing reserved.

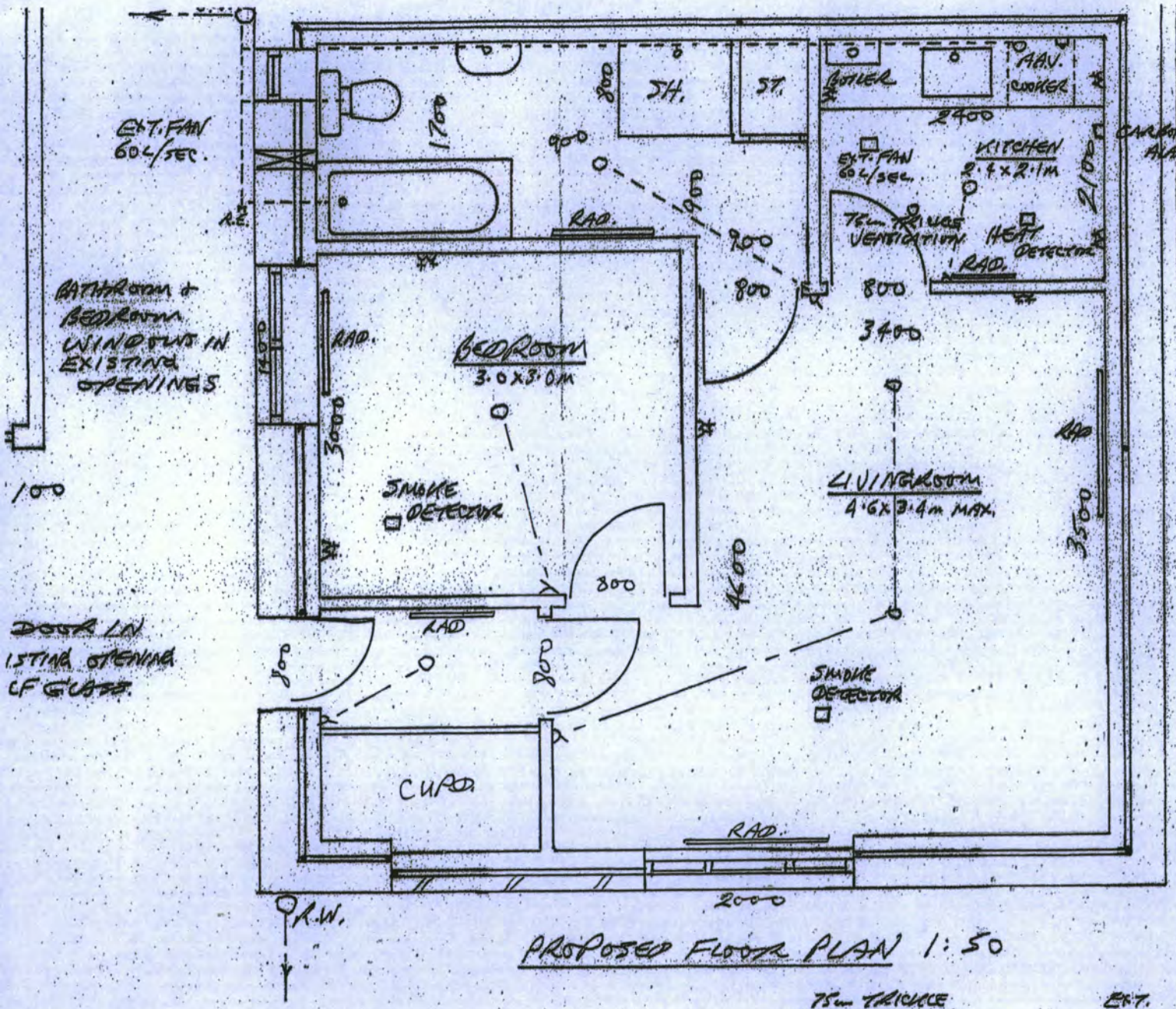
G JOHNSTON
PLANS AND BUILDING DESIGN

4 Priors Grange
Torphichen EH48 4QN

T: 01506 652288

email: georgejohnston@talktalk.net

ARCHITECTURAL DESIGN



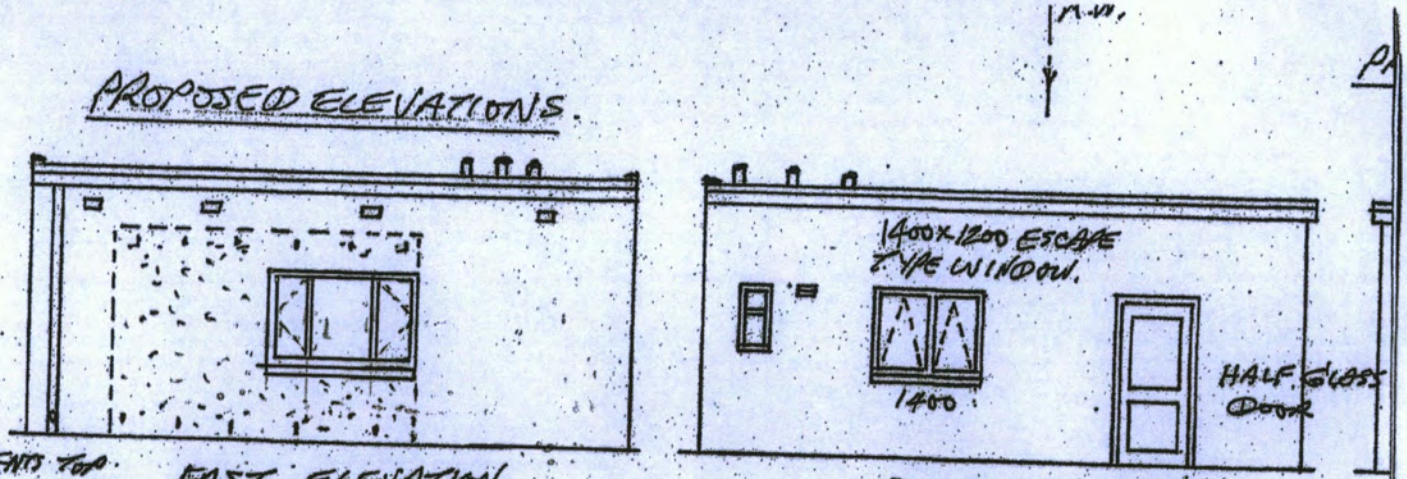
PROPOSED FLOOR PLAN 1:50

EXISTING CONCRE

WALLS:- ERECT
TO 45x145_x C16
JOINTS. 140m K
25m SERVICE V
REFLECTASHIELD
PARTITION WALL
APR 1200 SOUND
OF 43 dB IN THE
USE MOISTURE A
ALL DOORS TO BE
CEILING/ROOF -
SUSPENDED FLO
300mm QUILT INS
OVER TO FIVE
AT EDGE JOINTS

000/14/19
BURNSIDE COTTAGE
GARAGE.

PROPOSED ELEVATIONS.



PERA VENTS TOP & BOTTOM AT 800 crs.

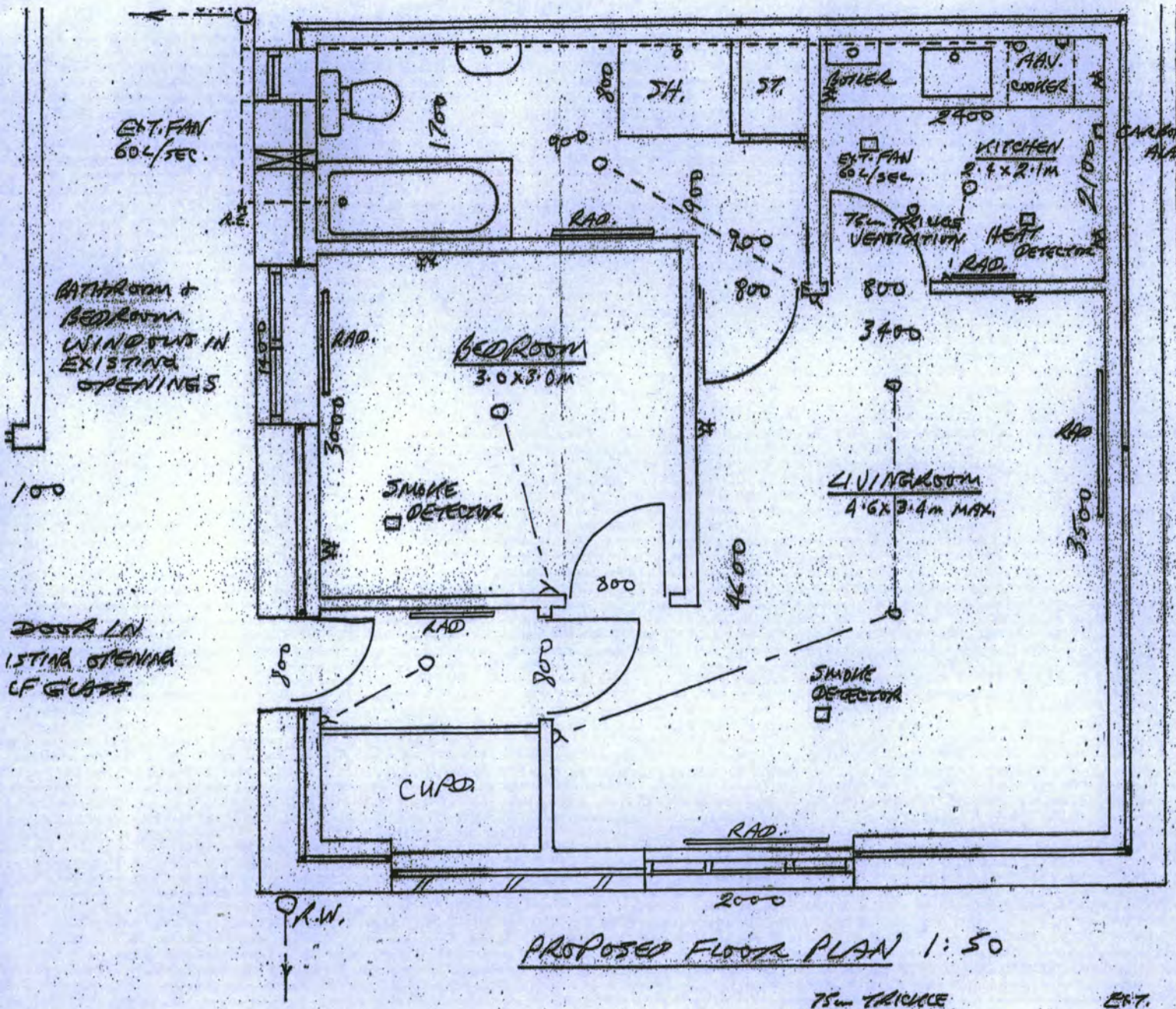
EAST ELEVATION

SOUTH ELEVATION

LIVING ROOM WINDOW - 1200 x 2000 mm
TRICKLE VENTILATION 12,000 mm² IN HEADRAILS OF ALL WINDOWS.

WINDOWS IN BUILT-IN DO
LINTELS & 3No. 45 x 145 x C/6
JAMBS & LINTELS.

000/14/19 BURNSIDE COTTAGE.
GARAGE.

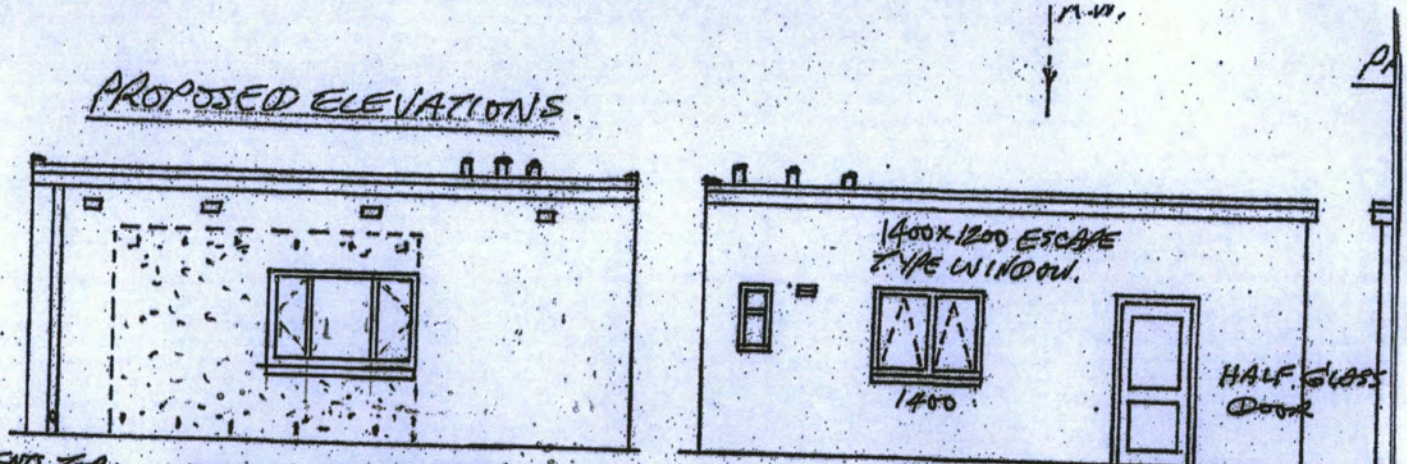


EXISTING CONCRE

WALLS:- ERECT
TO 45x145_x C16
JOINTS. 140m K
25m SERVICE V
REFLECTASHIELD
PARTITION WALL
APR 1200 SOUND
OF 43 dB IN THE
USE MOISTURE A
ALL DOORS TO BE
CEILING/ROOF -
SUSPENDED FLO
300mm QUILT INS
OVER TO FIVE
AT EDGE JOINTS

000/14/19
BURNSIDE COTTAGE
GARAGE.

PROPOSED ELEVATIONS.



PERA VENTS TOP & BOTTOM AT 800 cms.

EAST ELEVATION

SOUTH ELEVATION

LIVING ROOM WINDOW - 1200 x 2000 mm
TRICKLE VENTILATION 12,000 mm² IN HEADRAILS OF ALL WINDOWS.

WINDOWS IN BUILT-IN DO
LINTELS & 3No. 45 x 145 x C/6
JAMBS & LINTELS.

000/14/19 BURNSIDE COTTAGE.
GARAGE.

From:	Jana Anderson
To:	Planning; Cochrane, Thomas; Stephen
Subject:	Objection to a planning application 0009/H/19
Date:	04 February 2019 23:51:21
Attachments:	FelshamPD proposal to planning.pdf

Our address:
Mr & Mrs Stephen Anderson
Winnock
Burnside Road
Bathgate
EH48 4PX

04/02/2019

Dear Sir/Madam

Reference: Planning Application 0009/H/19

Address of the site: Burnside Cottage, Burnside Road, Bathgate, EH48 4PX

Subject: Objection to the proposed conversion of garage to form ancillary residential accommodation

We write in connection with the above planning application. We have examined the plans and we know the site well. We object strongly to the proposed conversion.

Following a thorough investigation undertaken by our independent planning specialists, Felsham PD, prior to the planning application submitted by the owners of Burnside Cottage, we maintain our assertion that all points within the letter dated 5th November 2018 remain valid as does their conclusion that there are no material considerations that indicate that planning consent should be granted. The application fails sections 25 and 37 of the Town & Country Planning (Scotland) Act and as such should be refused. **The main objections are detailed in the aforesaid letter dated 5th November 2018 (attached)**. It should also be noted that the owners of Burnside Cottage obtained planning permission (No 1027/H/17) in December 2017 to extend the main house. As such, the issues highlighted here for this planning application should be considered on their own, as well as in conjunction with the planning application for extension of the main house already granted.

Further to Felsham PD's exhaustive investigations there have been developments regarding the placement of a leylandii hedge which clearly, from the planning application, the owners of Burnside Cottage believe will satisfy the requirement to screen our property from the proposed new dwelling, which for the record they do not. To be clear, we are mentioning this because of the false claim in the application about the concurrent placement of two adequate parking spaces together with the necessary screening, which are both material considerations.

This hedge was planted in late December 2018 and is in direct contravention of both the Burnside Cottage and Winnock Title deeds. The leylandii hedge has been planted within the area reserved for our right of pedestrian and vehicular access cutting it from the legally prescribed length of 8.10 metres to 5.20 metres and has led to their fraudulent claim in the planning application that the currently available parking for the Burnside Cottage property

will remain. You can see from the attached photographs that were the area between the hedge and the current garage to decrease to provide prescribed access, two car parking spaces would no longer fit (the legally prescribed line of the right of access area would pass through the Land Rover Freelander as it is currently parked and end between the two manhole covers; Picture1 shows our gate at the back to which access is currently impeded, and the tarmac that can be seen is our land). This impediment of our right of access has been the subject of a legal dispute and there will be a court interdict placed on the owners of Burnside Cottage for the hedge's removal as no items such as hedges, fences or walls are permitted in the area required for our right of pedestrian and vehicular access. We can provide evidence of both Title deeds and the legal dispute upon request. Hence any reference the owners of Burnside Cottage make to the ability to park two cars there is incorrect due to our right of access which is currently being blocked by the new leylandii hedge, and as they are not allowed to park cars on our access area. We note that the hand drawn site plan in the planning application's architect drawings is out of proportion and gives a false impression that there are still two parking spaces.

A further question beyond the points raised in the letter dated 5th November 2018, regards the services to be used in the proposed new dwelling, specifically water services. There is currently an outside tap which may be used as the main water supply for the new dwelling. This has been investigated by Scottish Water as its use causes the pressure to our property to drop by 50%. Scottish Water have visited the site on two occasions and had advised that the tap is connected directly and erroneously to the mains supply on the street as there is no mains shut off in either Burnside Cottage or Winnock. The advice from Scottish Water at the time was that the mains water services are overburdened by this tap and our only remedy were this tap to be used frequently, to mitigate against a loss of pressure, is to have a new mains supply created for Winnock which we object to as this would place an unfair financial burden on us.

Our principal objections are all held within the Felsham PD letter dated 5th November 2018, but we do feel the additional points stated in this accompanying letter should be raised at this juncture.

If this application is to be decided in a meeting by West Lothian Council planning committee, please take this as notice that we would like to speak at that meeting of the committee at which this application is expected to be decided. Please let us know as soon as possible the date of that meeting.

Thank you.

Kind regards

Stephen and Jana Anderson

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

Mr and Mrs S Anderson

Winnock

Bathgate Road

Bathgate

EH484PX. 5th November 2018

Dear Jana and Stephen,

Planning Appraisal – Residential Development

Winnock, Bathgate

1.0 Introduction

I refer to your instruction to prepare a planning assessment of your neighbour's development proposals. This assessment is prepared following a site visit on 22nd October 2018 and my subsequent meeting with Fraser Gillies, Managing Partner of Wright Johnson MacKenzie WS

We understand that the neighbour intends to convert a garage into a dwelling, having already obtained permission to extend the main house. There are a number of specific questions to address:

1. The neighbour is saying that conversion does not need planning permission because the garage already exists and is used in connection with the existing dwelling. We do not agree because a new dwelling becomes a new 'planning unit' separate and distinct from the existing dwelling and there is no permitted development rights for change of use from a garage to a dwelling.
2. External alterations are proposed. These will need planning permission. One of the questions that will be asked is why those alterations are required and in answering that question it will inevitably raise the issue of the suitability of the change of use from a garage to a dwelling.
3. The change of use will raise a number of planning issues, including:
    - Loss of car parking to existing dwelling
    - The inability to provide adequate car parking to the new dwelling
    - Residential amenity, in particular overlooking
    - Inadequate servicing
    - Flooding
    - Construction impacts

We set out below extracts from the Council's supplementary guidance dealing with separation distances for dwellings; gardens; and parking. Conversion of the garage would clearly fail to meet these standards:

- *The distance between buildings is an important factor that has consequences for overshadowing, privacy, daylighting and functionality, particularly when developing smaller sites. The following guidance will apply for single and two storey buildings: Front to front distances Rear to rear distances Rear to side distances Front to side distances Side to side distances 18m 18m 12m 15m A minimum of 1m either side of the mutual boundary will be expected. If there is a minor window on a gable (serving a hall, stair or landing etc), a minimum of 4m between buildings should be provided.*

- *The back gardens of single and two storey houses shall be a minimum length of 9m, and in the case of three story houses 11m.These dimensions should be increased where levels change and may only be reduced where it can be demonstrated that residential and environmental amenity will not suffer for either the new or existing buildings.*

- *It is ordinarily the case that a minimum of one dedicated parking space will be required to serve a new house.*

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

2.0 Basis for Determining a Planning Application

The Town & Country Planning (Scotland) Act sections 25 and 37(2) require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless any site specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

3.0 Assessment

We have assessed the potential to convert the garage to a dwelling against the House of Lords' methodology:

Consider whether or not the proposal accords with the Development Plan

The following will be important policy considerations:

- Housing Policy
- Impact on amenity
- Loss of car parking to existing dwelling
- The inability to provide adequate car parking to the new dwelling
- Residential amenity, in particular overlooking
- Inadequate servicing
- Flooding
- Construction impacts

From our site inspection and our assessment of the proposal against the Council's supplementary planning guidance we do not believe that the proposed conversion could satisfactorily address these policy considerations. For these reasons we believe that conversion of the garage to a house would be contrary to policy and fail the first part of the test set by s25 of the Planning Act.

Identify and consider relevant material considerations for and against the proposal.

The level of activity identified above will have the following impacts:

- Noise – from increased traffic and visitors all using the main access.
- Amenity – loss of privacy and the impact of having an additional dwelling sited where it fails to meet the Council's standards governing plot sizes; plot ratios; and separation distances from neighbouring properties.
- Air quality – increased traffic; queuing traffic creating greater emissions.

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

- Light – vehicle headlights and light associated with the use of the garage as a dwelling.
- Access - impacting on the side and back garden adjoining the access.
- Increased traffic – these impacts have been discussed above.
- Parking – loss of parking for existing house and lack of parking for proposed conversion.
- Impact of construction traffic.

This list is not exhaustive. We believe that these impacts cause the application to fail the material considerations element of the test set out in s25 of the Planning Act.

4.0 Conclusion

There are no material considerations that indicate that consent should be granted.

The proposal fails the policy assessment requirements of sections 25 and 37 of the Planning Act. In light of the above, we are firmly of the view that a planning application will be required and that should an application be submitted it is likely be refused.

Please do not hesitate to contact me if you wish to discuss.

From: Andrew Brown
Sent: 18 February 2019 09:06
To: Planning
Subject: Planning Application 0009/H/19 - Objection 18-2-19

FAO - Development Management Manager

Re: Planning Application 0009/H/19

With regards to the above planning permission, we would like to formally raise our objection on the following points;

Parking

- Insufficient to cover existing car allocation.
- Additional cars from new property and inhabitants.
- Removal of double garage option increases the parking problem in an area subject to an existing parking drive access conflict.
- Planned parking proposal not feasible.

Privacy

- South facing windows view into Hopefield Cottage property to be ascertained.
- Rear garden privacy compromised with a new property directly attached to it.

Hopefield Cottage Status

- Currently a detached property but conversion of garage on a shared wall could mean this changes to semi-detached with property value implications to Hopefield Cottage.

Noise

- Increase in noise levels resulting from an increase of inhabitants and vehicles associated with a residential property rather than a garage.

Flumes

- Relative low height and close proximity to Hopefield Cottage raising concerns over emissions and impact on existing residents.

Safety

- Kitchen/gas appliances proximity to Hopefield Cottage, sharing a wall.
- Shared wall becomes a firewall between new property and Hopefield Cottage.
- Shared wall becomes integral construction to new property.

Construction (in the event of successful planning permission)

- Noise/disruption of any work or related traffic.
- Hours of construction to be regulated in writing and enforced.
- Works access/parking in an already congested and inhabited area
- Dust/dirt resulting from any construction work.

Previous Application

We would like point out that with a previous application for this property where we had raised an objection, we subsequently discovered that planning permission had been granted without any notification from West Lothian Council, contrary to the advised procedure below;

"Once the proposals and any representations have been assessed you will receive a letter

informing you of the decision, or a letter advising that the application is to be reported to the

Development Management Committee for determination."

We are keen to ensure this doesn't happen again and look forward to hearing from WLC in due course.

Please do not hesitate to contact us should you require any further information at this stage.

Andrew & Lorraine Brown

Hopefield Cottage,

Burnside Road,

Bathgate EH48 4PX

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/WAM/133/searchsubmit/performOption.do?action=search

Application Details	**Reason For Referral Request** (please tick ✓)
Application Reference Number 0009/H/19 ..... **Site Address** Burnside Cottage Burnside Road, Bathgate, West Lothian EH48 4PX **Title of Application** Conversion of garage to form ancillary residential accommodation. M [redacted] **Date:** 27 March 2019	**Applicant Request**..... √ ☐ **Constituent Request**..... ☐ **Other (please specify)**..... ☐

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

Erection of house on land adjacent to United Reformed Church, 48 Marjoribanks Street, Bathgate.

2 DETAILS

Reference no.	1186/FUL/18	**Owner of site**	Mr and Mrs Collins
Applicant	Mr and Mrs Collins	**Ward & local members**	**Bathgate** Cllr Boyle Cllr Cartmill Cllr Kennedy Cllr McGinty
Case officer	Gillian Cyphus	**Contact details**	01506 282408 gillian.cyphus@westlothian.gov.uk

Reason for referral to committee: **Referred by Cllr McGinty.**

3 RECOMMENDATION

3.1 Refuse planning permission

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

4, 1 The application is for a one and a half storey house in the front garden of the existing house at 48 Marjoribanks Street, Bathgate. The application site is immediately adjacent to the C listed United Reformed Church, a very prominent building which sits close to the road frontage. To the other side of the application site is a scout hall, set approximately 25m back from the road frontage. Aside from these buildings, the surrounding area is predominantly residential, with a number of large traditional detached houses on this side of the street. The existing house at number 48 is a traditional stone built two storey detached house, formerly the manse, set approximately 50m back from the road.

4.2 A previous application for a house on this site was refused by committee on December 2007 on the grounds that the proposal would have a detrimental impact on the streetscene, the amenity of the existing house and the character and setting of the listed building. The application was also refused on the grounds of lack of education capacity.

5 REPRESENTATIONS

5.1 This application has attracted one letter of support which is attached. The applicant has also submitted a supporting statement which is attached.

6 CONSULTATIONS

6.1 This is a summary of the consultation responses, a full copy of which can be found in the file.

Consultee	Objection?	Comments	Planning Response
Coal Authority	No	Condition requiring intrusive site investigation works prior to commencement of development.	Noted.
Environmental Health	No	Restriction on construction hours.	Noted.
Education	No	Developer contributions would be required if members are minded to grant planning permission.	Noted.
Transportation	No	No comment.	Noted.

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	DES1 (Design) All development proposals will require to take account of an 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 with are poorly designed will not be supported.	The proposal would have an unacceptable impact on the adjacent buildings and streetscape due to its location, design and appearance. It would also have a significant adverse impact on built heritage.	No

Plan	Policy	Assessment	Conform
WLLDP	HOU3 (Housing in Settlements) New housing development will be supporting within settlements provided the development will be in keeping with the character of the settlement and the local area and the proposal complies with other LDP policies and relevant supplementary guidance.	The application is not in keeping with the character of the immediate area and does not comply with other relevant policy.	No
WLLDP	ENV28 (Listed Buildings) In considering proposals for development within the vicinity of listed buildings the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listing building or its setting should be appropriate to the buildings character.	The current application does not respect the setting of the listed building or its relationship to the former manse.	No

Also relevant is the council's Residential Development Guide (awaiting approval of Scottish Government to be statutory guidance) and Historic Environment Scotland's Policy Statement 2016 and its guidance on development affecting the setting of listed buildings.

8 SUMMARY AND CONCLUSIONS

8.1 A house in this location would impact on the amenity of the existing property, by effectively making this a tandem development. The design of the new house is not in keeping with the style of houses on this side of the road, which is characterised by substantial detached properties of traditional design and materials. The council's guidance states that new houses should not detract from any existing house, where their siting contributes to the character of the area. The proposed house is awkward in its proportions and has the appearance of being crammed in. It presents large areas of blank wall and underbuilding to the front and side elevations which will appear unattractive and overbearing when viewed from the public road, which sits slightly lower. It is considered that the location and design of the proposed new house would therefore have a detrimental impact on the surrounding area and is contrary to policy DES1 in the LDP and the council's Residential Development Guide.

8.2 The relationship between the former manse house and the C listed church is an important factor in considering this proposal. The relationship would be destroyed by the addition of a house in this location, which would significantly affect the setting of the listed building. Setting is described as the way the surroundings of a historic asset contribute to how it is understood, appreciate and experienced. The proposed new house would also sit much

further forward than the adjacent buildings currently do, detracting from the prominence and importance of the church. The council's guidance states that where development of a new house is in proximity to a listed building, the listing building should be retained as the visually prominent building and that new buildings should not breach any close formal relationship between the listed building and any sensitive part of its setting. For these reasons the application is considered to be contrary to policy ENV28 in the LDP and the guidance in the Residential Development Guide relating to development affecting listed buildings.

8.3 It is recognised that the LDP and other relevant policy seeks to support economic development and deliver new housing, particularly within existing settlement envelopes. However, development must be acceptable in terms of its design and impact on adjacent uses. Indeed policy HOU3, which gives broad support to new housing within settlements, states that development proposals must comply with other policies in the LDP and other relevant policies. As set out above, the application is not acceptable in terms of its design, appearance and impact on the surroundings, therefore the application is contrary to policy HOU3 also.

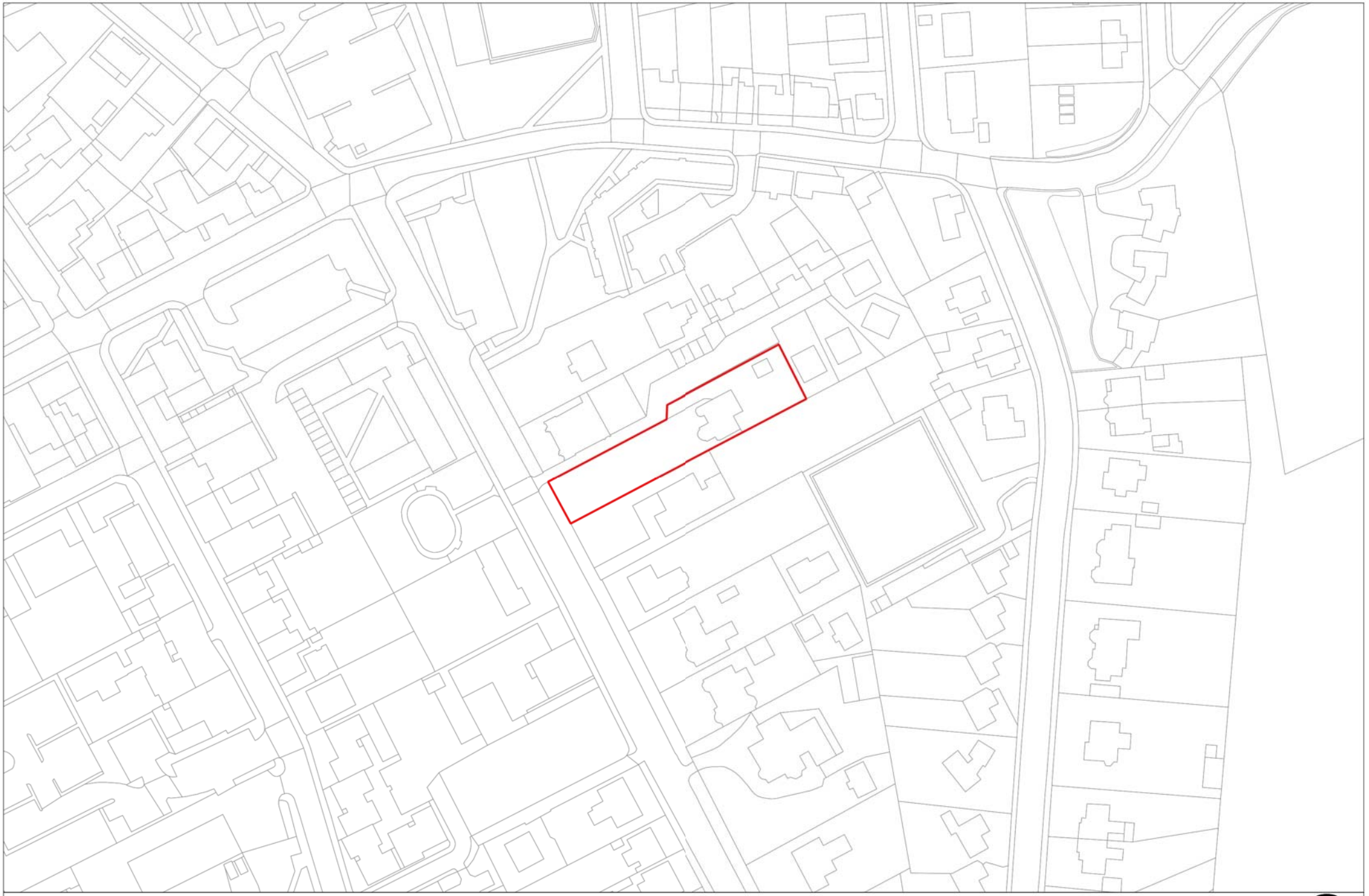
8.4 It is recognised that the proposed design of the house has been altered since the previous refusal, although it is still unacceptable due to its poor design and the fact that it does not respect the character of its surroundings. But the basic principle, that a house in this location is not acceptable, has not altered since the previous refusal by committee. There are no fundamental changes to policy or other material considerations to suggest that the council should now take an alternative position.

8.5 In conclusion, the proposed house, due to its design and location, would have a significant adverse impact on the adjacent listed building, the existing residential property to the rear and the streetscene generally. The application is therefore contrary to policies DES1 (Design), HOU3 (Housing in the Settlement) and ENV28 (Listed Buildings) of the Local Development Plan and the council's Residential Development Guide.

9 APPENDICES

- Location plan
- Aerial plan
- Site layout
- Elevations
- Letter of support
- Supporting statement
- Draft reasons
- Member request form

Craig McCorriston
Head of Planning, Economic Development & Regeneration **Date**: **20 March 2019**



West Lothian Council

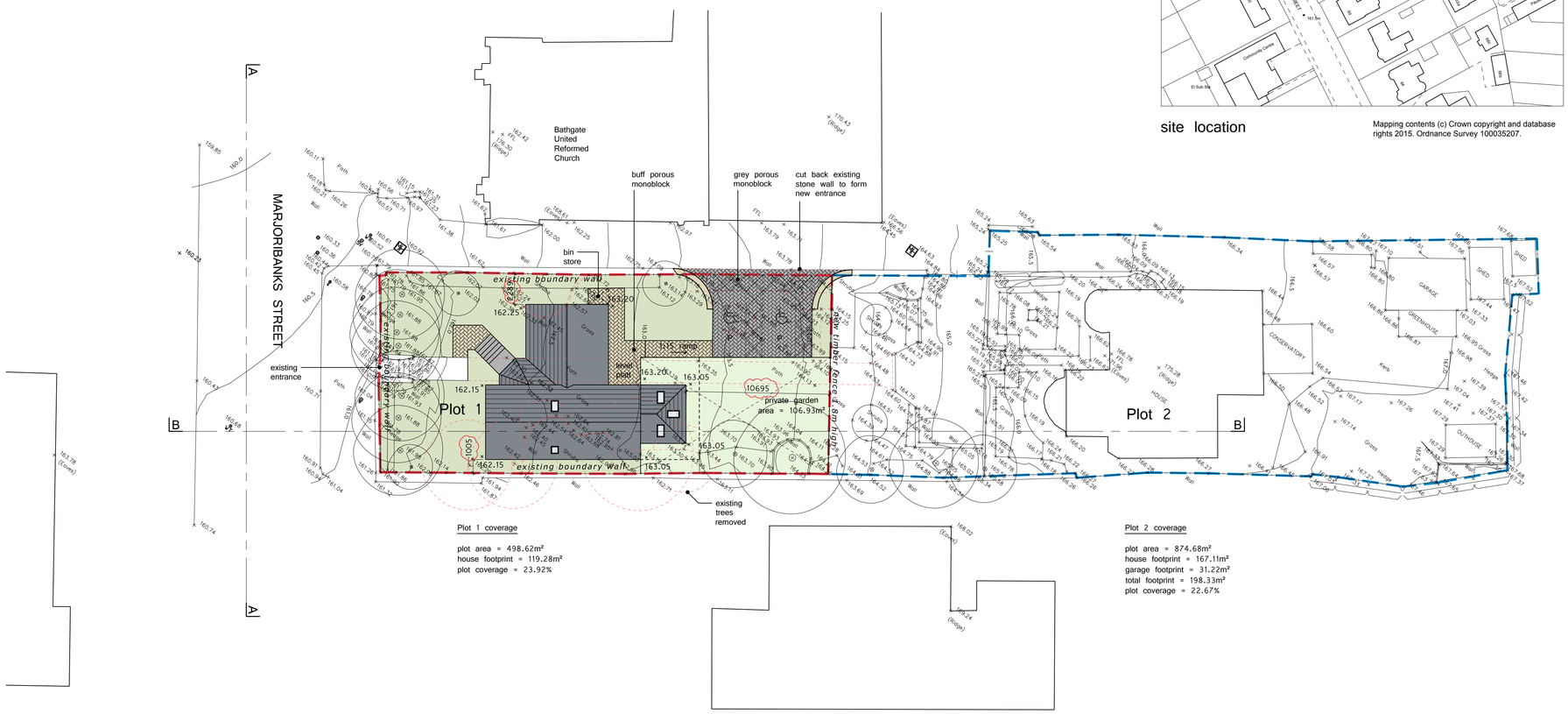
1186/FUL/18 - 48 Marjoribanks Street Bathgate EH48 1AH

0 10 20 30 40 m

West Lothian Council 1186/FUL/18 - 48 Marjoribanks Street Bathgate EH48 1AH

0 10 20 30 40 m

site location



proposed site plan

proposed site section AA

proposed site section BB

REVISIONS

A - 18/12/2018 - Add Planning notes

JOB TITLE

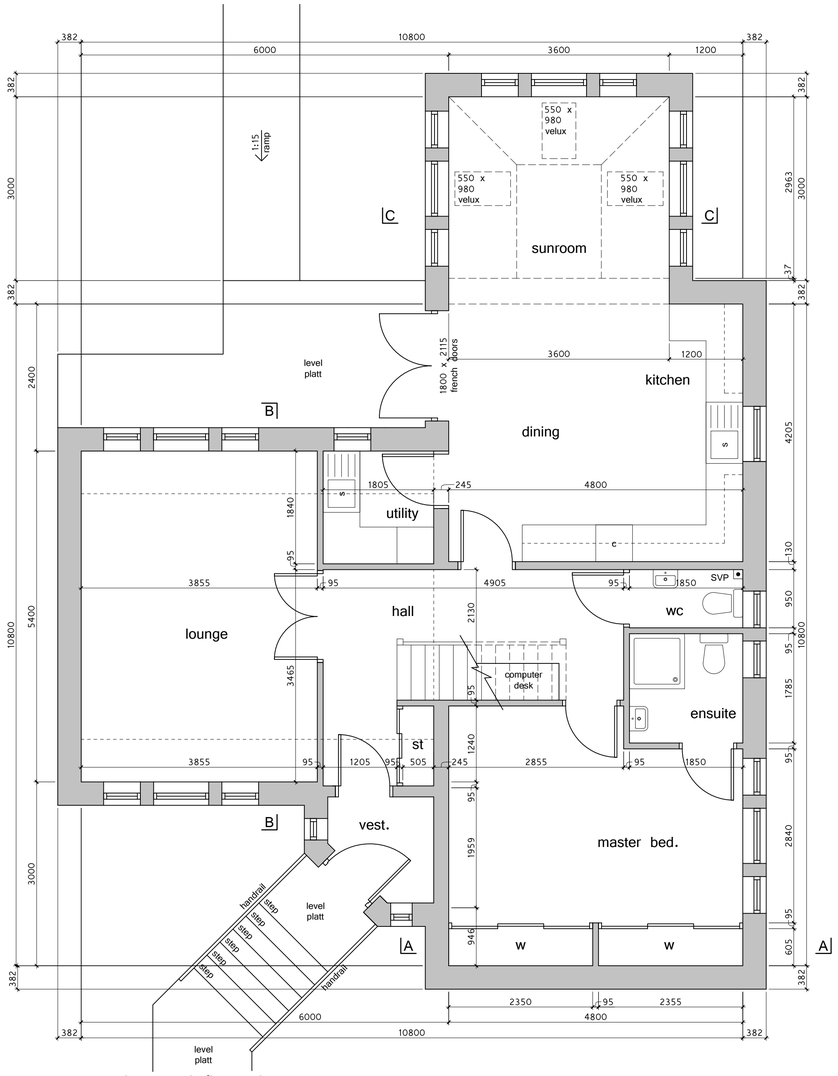
SITE LOCATION PLAN AND
PROPOSED SITE LAYOUT

PROPOSED HOUSE AT
48 MARJORIBANKS STREET
BATHGATE
WEST LOTHIAN

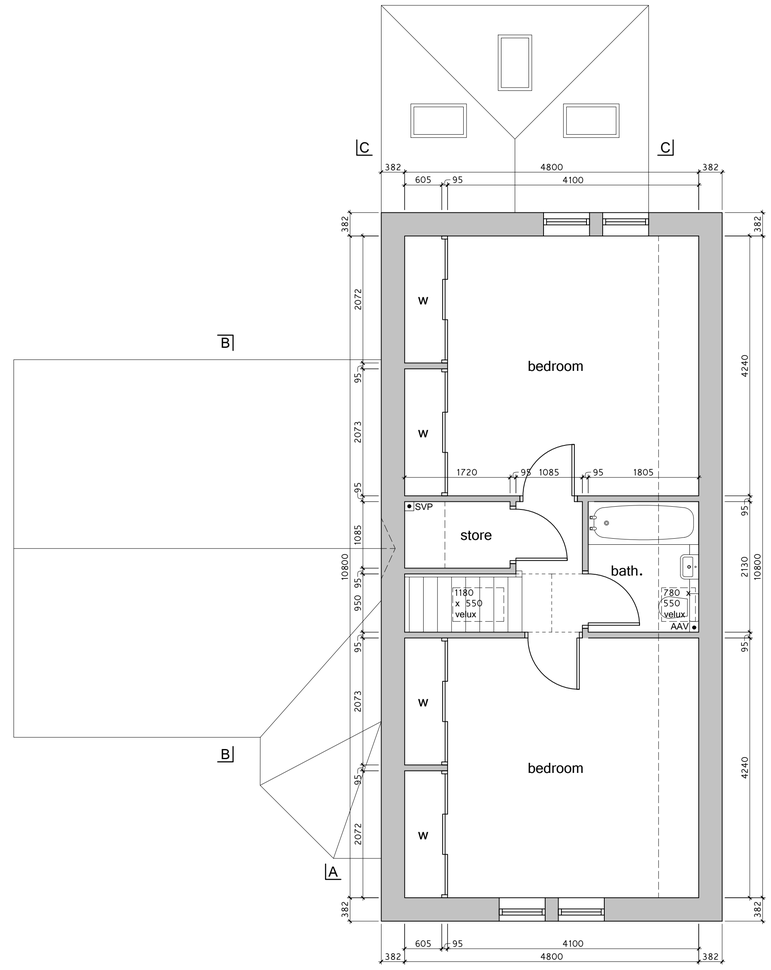
Scale 1:200, 1:1250 18th December 2018

Drawing Number JWAC A1 PP 02/46/2018 A

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



proposed ground floor plan
ground floor area = 97.17m²
total floor area = 149.01m²



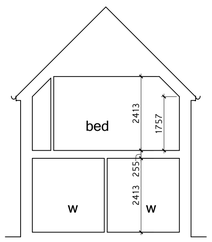
proposed first floor plan
first floor area = 51.84m²

proposed front elevation

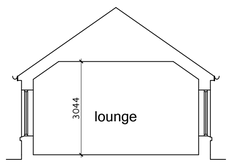
proposed side elevation

proposed rear elevation

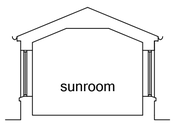
proposed side elevation



section AA



section BB



section CC

REVISIONS
A -18.12.2018- Add Planning notes

JOB TITLE
PROPOSED FLOOR PLANS, ELEVATIONS AND SECTIONS

PROPOSED HOUSE AT
48 MARJORIBANKS STREET
BATHGATE
WEST LOTHIAN

Scale 1:50, 1:100 18th December 2018
Drawing Number JWAC A1 PP 03/46/2018 A

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

Comments for Planning Application 1186/FUL/18

Application Summary

Application Number: 1186/FUL/18
Address: 48A Marjoribanks Street Bathgate West Lothian EH48 1AH
Proposal: Erection of a house
Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Eilidh Young
Address: 35 Athol Terrace Bathgate

Comment Details

Commenter Type: Neighbour
Stance: Customer made comments in support of the Planning Application
Comment Reasons:
Comment:Bathgate EU URC Church, are neighbours to this proposal. We have already been contacted by the applicants and have discussed their plans with them. The congregation and Trustees of the Church see no reason to object to the proposed new build assuming the applicants continue to be as flexible as they have been so far on the access arrangements. We are more than happy to support a proposition that allows the applicants to remain our neighbours. I write as President and Treasurer of the Church.

SUPPORTING STATEMENT

PROPOSED SUB-DIVISION OF GARDEN GROUND AND ERECTION OF A HOUSE AT 48 MARJORIBANKS STREET, BATHGATE, EH48 1AH.

Background

The applicants are Bill and Vanda Collins who are the owner occupiers of 48 Marjoribanks Street, Bathgate, EH48 1AH. They have lived in the house for 40 years. The landholding extends to c.1400 sq. m, with extensive garden ground to the front of the existing house, and the applicants seek to sub divide the garden ground and build a new smaller house for their retirement.

Scottish Planning Policy

In Scottish Planning Policy (SPP) terms the overarching objective of the Scottish Government is referred to as The Purpose and is; -

"To create a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth".

In order to create a prosperous country that can fund hospitals, schools and other services the planning system must promote economic development including promoting the construction industry in the delivery of new housebuilding.

SPP states the entire public sector should be fully aligned in order to deliver "The Purpose"- economic growth.

Local Development Plan

The Local Development Plan for the West Lothian Council (WLC) area was adopted on 04/09/2018. Although a Vision Statement is not a mandatory part of an LDP, WLC decided to include one, we believe to make a clear and strong statement of what it wishes to achieve.

The Vision Statement seeks to deliver improved employment; a better local economy; more choice in housing; a full range of Services/Facilities - with development being used as the primary vehicle to regenerate and improve the quality of life in West Lothian.

Economic Development and Growth are at the very heart of the objectives of West Lothian Council; The WLC LDP Vision is entirely consistent with the Scottish Government's SPP - "The Purpose" indeed they are the same. In short, the fundamental objective is prioritising economic growth in order to deliver prosperity which in time will fund a better Scotland and a better West Lothian.

LDP Policies

The Spatial Strategy seeks to deliver sustainability by;

A) Promoting development in the most sustainable locations;
B) Reducing the need to travel;
C) Prioritising sustainable transport models;
D) Maximising the use of brownfield land; and of conserving and enhancing environmental resources. The proposed development is in accordance with all of these aims.

Policy DES1- Design Principles – requires that development proposals should have no significant adverse impacts on the local community including on adjacent buildings, streetscape, landscape character and built heritage. The development proposal has no adverse impacts and is fully in accordance with DES1.

Policy HOU3- Infill/Windfall Housing Development within Settlements- states that NEW HOUSING WILL BE SUPPORTED ON SITES WITHIN SETTLEMENT BOUNDARIES subject to proviso's "A to I" which are as follows; -

A) Development in keeping with local area- this requirement is met;
B) Site not identified for alternative use in LDP – requirement met;
C) Site not amenity or open space- requirement met;
D) Proposed housing use is compatible with nearby uses – met;
E) There is good accessibility, public transport etc, education and other facilities – met;
F) Existing infrastructure have the capacity to accommodate the development -met;
G) Proposal complies with Policies INF1 and TRAN2 where applicable – relates to developer obligations and the applicant will agree to appropriate developer obligations – met;
H) The site is not a significant risk of flooding – met
I) The proposal complies with other LDP policies and Supplementary Guidance; The SG entitled Residential Development Guide and in particular pages 78-79 relating to Single Plot and Small-Scale Infill Residential Development in Urban Areas is pertinent. The proposed house has been designed to a high standard of design and to compliment the neighbouring listed building and as a consequence, the requirements of HOU3 and the SG are fully met.
The proposed house is within the existing settlement boundary and meets all of the HOU3 criteria. Planning Policy HOU3 states that it should be supported.

Site History

A previous application reference 0869/FUL/07 for erection of a house was refused on 05/12/2007. Four reasons were given for refusal and they are listed below with comments as to why these or similar reasons are not justified in this case;

1. The proposal was contrary to Policy HOU5 – Infrastructure - because Balbardie Primary School and St Kentigerns RC Secondary were "at capacity".
   This reason is no longer justified as there is Primary and Secondary School capacity – albeit a contribution to infrastructure may possibly apply.
2. The proposal is contrary to a) Policy H2 of the Bathgate Area Local Plan; b) Policy HOU2 of the West Lothian Local Plan (WLLP); C) Policy HOU7 of the WLLP; d) Policy HOU9 of the WLLP.
   These reasons are not justified in this case firstly, because all of the policies no longer apply and have been replaced by the 2018 LDP; but more importantly because the Development Proposal is different to that previously submitted and takes full account of matters such as design, residential amenity and the nature of adjacent sites so as to ensure compliance with the current policies and guidance.
3. The proposal is contrary to policies C18 of the Bathgate Area Local Plan and HER2 of the WLLP in that there would be a detrimental impact on the setting of the neighbouring Church which is a category C listed building.
   This reason for refusal is not justified firstly, because the two policies no longer apply and have been replaced by LDP2018; but more importantly because the current proposal is different; the standard of design is high and consequently the proposal has no detrimental impact on the setting of the church.

4. The proposal is contrary to policies H3 of the Bathgate Area Local Plan; and HOU4 of the WLLP both of which relate to Town Cramming, in that there would be a detrimental impact on the existing house at 48 Marjoribanks Street.

This reason for refusal is not justified as firstly the policies no longer apply and have been replaced by LDP2018; but more importantly because the current proposal is different from the 2007 proposal and is not contrary to the provisions relating to Town Cramming as contained within LDP 2018 and the SG "Residential Development Guide" particularly pages 78-89.

There will be no detrimental impact on the church or the existing house and the general layout is entirely consistent with the layout of houses in the surrounding area and the layout of housing on the other side of the church.

Scottish Government Strategy for Housing

The Scottish Government (SG) Strategy for Housing is entitled Homes Fit for The 21st Century and refers to "self-build" and The Planning System" at paragraphs 26 and 29. The Strategy states that: - a) the SG expect growth in the self -build sector; b) Councils can play a KEY ROLE in SUPPORTING and ENABLING self-build and some Councils may wish to provide loans for self-build; c) in the current economic climate planning authorities may need to take more flexible and responsive approach to the identification of housing sites; and d) Planning Agreements must be realistic in balancing the interests of the developer and the community.

The new house will be a self-build home for Bill and Vanda Collins, - who have never self-built previously.

Energy Statement

The proposed house shall comprise a closed panel kit house which shall be constructed to very high sustainability standard. The new house shall incorporate low and zero carbon generating technologies (LZCGT) to deliver the energy need and a significant (at least 10%) reduction in CO2 emissions shall be achieved on site via LZCGT. Heating/hot water provision will be by highly efficient air source heat pump with a sealed system incorporating a pressurised hot water cylinder and expansion vessel.

Summary

Particular care has been taken in the design of the proposed house to achieve compliance with Planning Policies. The development proposal fully complies with Scottish Planning Policy, the adopted Local Development Plan (Sept 2018), and Supplementary Guidance, in particular pages 78-89 of the SG entitled Residential Development Guide (November 2017). The development is consistent with the numerous previous developments in the area – including previous development adjoining the church. The proposed development will have no significant detrimental impact on the church, or on anything else, and the design and finishes are appropriate for the location. The Planning Application should be granted.

Application 1186/FUL/18

1186/FUL/18 DRAFT REASON FOR REFUSAL

The proposed house, by virtue of its location, design and appearance, would have a significant adverse impact on the adjacent listed building, the existing residential property to the rear and the streetscape generally. The application is therefore contrary to policies DES1 (Design), HOU3 (Housing in Settlements) and ENV28 (Listed Buildings) in the adopted West Lothian Local Development Plan and the council's Residential Development Guide (Feb 2019).

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

Application Details	Reason For Referral Request (please tick ✓)
Application Reference Number 1186/FUL/18	**Applicant Request**..... √ ❑
Site Address 48A Marjoribanks Street Bathgate West Lothian EH48 1AH	**Constituent Request**..... ❑
Title of Application Erection of a House	**Other (please specify)**..... ❑
Member's Name [redacted]	
Date: 1 March 2019	

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

Erection of 3 houses at Wester Woodside Farm, Torphichen.

2 DETAILS

Reference no.	1197/FUL/18	Owner of site	Mr William Russell
Applicant	William Russell Wester Woodside Farm Torphichen	Ward & local members	Armadale and Blackridge Councillor Stuart Borrowman Councillor Sarah King Councillor Andrew McGuire
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Referred by Councillor Borrowman

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 3 houses on land at Wester Woodside Farm, north of Torphichen. The application site is located within the cluster of existing farm buildings and is 6329 square metres in area. The site is occupied by a large L-shaped agricultural shed used for general farm use with the rest of the site being predominantly yard.

4.2 The access to the site is from a country road on the southern side of the A706, approximately 200 metres east of the junction with the B792. The proposed units will be accessed off a central courtyard.

4.3 The proposed houses are one and a half storey dwellings containing 5 bedrooms on relatively large plots. The materials on the proposed houses have a mixture of stone, render and timber cladding with and a natural slate roof finish.

4.4 The council is minded to grant an application for housing on land to the west of the present application site (0151/FUL/17). This is for the conversion of traditional farm buildings to form two houses and three new build houses on the site of a former modern agricultural building.

5 REPRESENTATIONS

5.1 The application was subject of statutory publicity and 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	The proposed development is a windfall site as defined by the Strategic Development Plan (i.e. it is a site which is not identified through the forward planning process). Standard policy is not to object to small developments coming forward unless there is an immediate capacity issue at primary level. As there are no immediate problems at primary level Education would not register an objection to this application provided contributions are made. These contributions are targeted at relieving existing or forecast school capacity constraints and represent a proportionate contribution for the size of development suggested.	Noted. In the event that this application for planning permission is approved, the relevant contributions will need to be secured.
Contaminated Land Officer	No	The site is currently agricultural, however, there is the possibility that localised contamination issues exist. These may be due to infilling of pits resulting in areas of made ground and through spillages or leakages from any chemical or fuel storage. Similarly accumulation of chemicals may have occurred as a result of the treatment of livestock. Given that the proposed end-use of the site is to be residential, it is recommended that a planning condition is used to secure site investigation and remediation.	Noted. As there are existing buildings on the site the site investigation requirements could be controlled by a planning condition.

Consultee	Objection	Comments	Planning Response
Environmental Health	No	If the application is granted, it is recommended that conditions are attached in relation to controlling construction noise.	Noted.

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	DES 1 – Design principles 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.	The proposed housing replaces an existing agricultural shed and yard area. The proposed development does not take into account the local context and built form, in particular how the existing farm buildings integrate into the countryside. The proposed houses are of high quality in their individual design, however, it is considered that the proposal would overly suburbanise the locality when also taking to account the adjacent committed residential development. The proposed total number of new houses in the area, including this proposal, would be of scale that would have a cumulative adverse visual impact on the character and amenity of the countryside. Therefore, overall, it is considered that the development does not satisfy this policy in terms of the adverse impact of the development.	No

Plan	Policy	Assessment	Conform
WLLDP	INF 1 - Infrastructure Provision and Developer Obligations 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.	The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with LDP policy should permission be granted. Contributions would be necessary for: • Denominational Secondary • Non-Denominational Secondary • Cemeteries	Yes, subject to securing the relevant planning obligations
WLLDP	ENV 2 – Housing Development in the Countryside Housing development in the countryside will only be permitted where: a. 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 b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. 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; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.	The site is within the countryside. The proposal does not meet any of the policy exceptions for allowing housing in the countryside. It has not been demonstrated that the buildings to be removed as part of the proposed development are redundant and seriously detract from the visual and environmental amenity of the area. Furthermore, the proposed new houses are substantially beyond the footprint of the existing agricultural building(s) that are to be replaced. Therefore, the proposed development fails to meet the requirements of policy ENV2 and the associated supplementary guidance. The council is minded to grant application 0151/FUL/17 for a total of five houses on land immediately west of the application site. However, this has been justified on conversion of rural buildings that were deemed worthy of retention. The element of supporting new build houses is within the footprint of previous development and will create a steading-type layout.	No

Plan	Policy	Assessment	Conform
		The additional housing now proposed would have a detrimental cumulative impact on the character and amenity of the countryside.	
WLLDP	EMG 3 – Sustainable Drainage 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.	The applicant has not submitted a drainage assessment.	No
WLLDP	EMG 6 – Vacant, Derelict and Contaminated Land 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.	Site investigation and remediation can be controlled by a planning condition as noted in section 6 of this report.	Yes
WLLDP	NRG 1a – Low and Zero Carbon Generating Technology 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.	No information submitted with the application to demonstrate compliance.	No

8 ASSESSMENT

8.1 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 (Design Principles) and ENV 2 (Housing Development in the Countryside).

8.2 The council's supplementary guidance, Development in the Countryside, also applies. This document has statutory weight in the determination of planning applications and forms part of the LDP.

8.3 This document sets out criteria in considering development on rural brownfield sites. Importantly it is considered that the buildings to be removed as part of the proposed development do not seriously detract from the visual and environmental amenity of the area and thus this is not a brownfield redevelopment that has support from the statutory guidance. Even if that were the case, the following is an assessment in relation to the statutory guidance criteria on redevelopment of rural brownfield sites.

Criteria	**Assessment**
any existing buildings or structures on the site that have architectural and/or historic merit may require to be retained and incorporated into the new development where this is desirable and practicable;	Not relevant
residential development will only be supported on rural brownfield sites which have previously been occupied by substantive buildings. If a site has never accommodated buildings (e.g. a storage yard) only appropriate non-residential uses will be considered;	The site is accommodated by an agricultural shed.
the scale of new built development shall be minimised to what is absolutely necessary to secure the rehabilitation of the site. As a consequence, applicants may be required to submit appropriate financial information to justify their proposals;	No information has been submitted as part of this application.
new buildings are required to occupy the same general position on a site as those that are to be replaced unless it can be satisfactorily demonstrated that repositioning elsewhere within the existing curtilage will significantly improve visual amenity and better harmonise with the locality, achieve significant environmental improvements (for example, alleviate a flooding risk) or resolve a road safety issue;	The proposed buildings will be significantly beyond the existing building footprint.
where approval is given to erect new buildings in a different location to the original, the council will require the demolition and clearance of the existing buildings and satisfactory remediation of the land, including the removal of any contaminants, to an agreed condition and specification and prior to the construction of any new buildings;	The buildings are generally in the same location.

Criteria	Assessment
the physical footprint of new buildings must be no greater than that of the existing buildings and will, in most instances, require to be significantly less. This is particularly likely to be the case when the re-development of a very large building or a group of buildings is under consideration;	The existing footprint is approximately 660 sqm. The proposed footprint is 690 sqm. However the developable area including curtilage would far exceed this. In addition, there is a level difference between the road and Plot 1 that would appear to require a garden with a steep gradient or a significant amount of engineering infill would be needed to provide a level garden. It is noted that there are a number of trees that appear to be required to be removed.
the housing element of a proposal must be modest (ordinarily not more than three houses). Proposals for a larger number of houses will only be permitted where it can be satisfactorily evidenced that there are overwhelming social, economic or environmental reasons of overriding public interest for requiring such a scale of new residential development in a rural location;	The proposal is for three houses.
the siting, scale and design of new buildings, individually or cumulatively, must not adversely affect the landscape character of the site and its surroundings, nor the amenity of nearby residential property;	As stated above, the proposed total number of houses including this proposal and the other proposed housing development to the west would be of scale that would have a cumulative adverse impact on the local countryside.
the design of new buildings must respect the character of existing development and proposals should also respond to local distinctiveness (including building traditions or materials);	The design of the houses is of high quality and use traditional materials that are conducive to the countryside.
the proposed development must be of a scale appropriate to the services and infrastructure available at the location. Development which cannot be serviced by existing infrastructure, including education, roads/transportation and water and drainage, will not be supported unless funding for any necessary infrastructure improvements is fully committed;	There are no known infrastructural constraints. However the scale of the overall residential development would be in an unsustainable location.
environmental mitigation measures, including new structural landscaping, may be required to enhance the setting of the new development through the creation of a positive landscape framework. Where appropriate, green network environmental improvements such as woodland and hedge planting or wetland habitat creation may be required to be implemented across an applicant's entire landholding and not confined to the immediate environs of the new	Should planning permission be granted, then suitable landscaping should be implemented.

Criteria	Assessment
development;	
the level of traffic generated by the proposal must be within the capacity of local roads, and must not be detrimental to the environmental amenity of the locality, or prejudice road and pedestrian safety, noise and air quality;	No known issues. Roads and Transportation do not object to the application.
safe and satisfactory provision must be made for access and parking to serve the site; and	No known issues. Roads and Transportation do not object to the application.
proposals must comply with all other relevant policies of the local development plan and other planning guidance approved by the council. This will include the council's various contribution policies such as affordable housing and education policies.	See section 7 above.

9 SUMMARY AND CONCLUSIONS

9.1 The proposed development does not meet the terms of policies DES 1 (Design Principles) and ENV 2 (Housing Development in the Countryside) of the West Lothian Local Development Plan and the statutory planning guidance Development in the Countryside.

9.2 The proposal conflicts with the development plan and there are no material considerations that outweigh the presumption against residential development at this location.

9.3 It is therefore recommended that planning permission is refused.

10 ATTACHMENTS

- Draft reasons for refusal
- Aerial photograph
- OS Location Map
- Application Site Layout
- Proposed House Type
- Local member referral request

Craig McCorriston
Head of Planning, Economic Development & Regeneration **Date**: **20 March 2019**

DRAFT REASONS FOR REFUSAL - APPLICATION 1197/FUL/18

1. The site is within the countryside where housing development is only permitted under certain exemption criteria. The proposal does not meet any of the exemption criteria. The location, layout and design of the proposal and its cumulative impact with other proposed housing to the west of the application site is such that it would have a damaging urbanising impact on the character and amenity of the countryside and would further result in a substantial residential development at an unsustainable rural location.

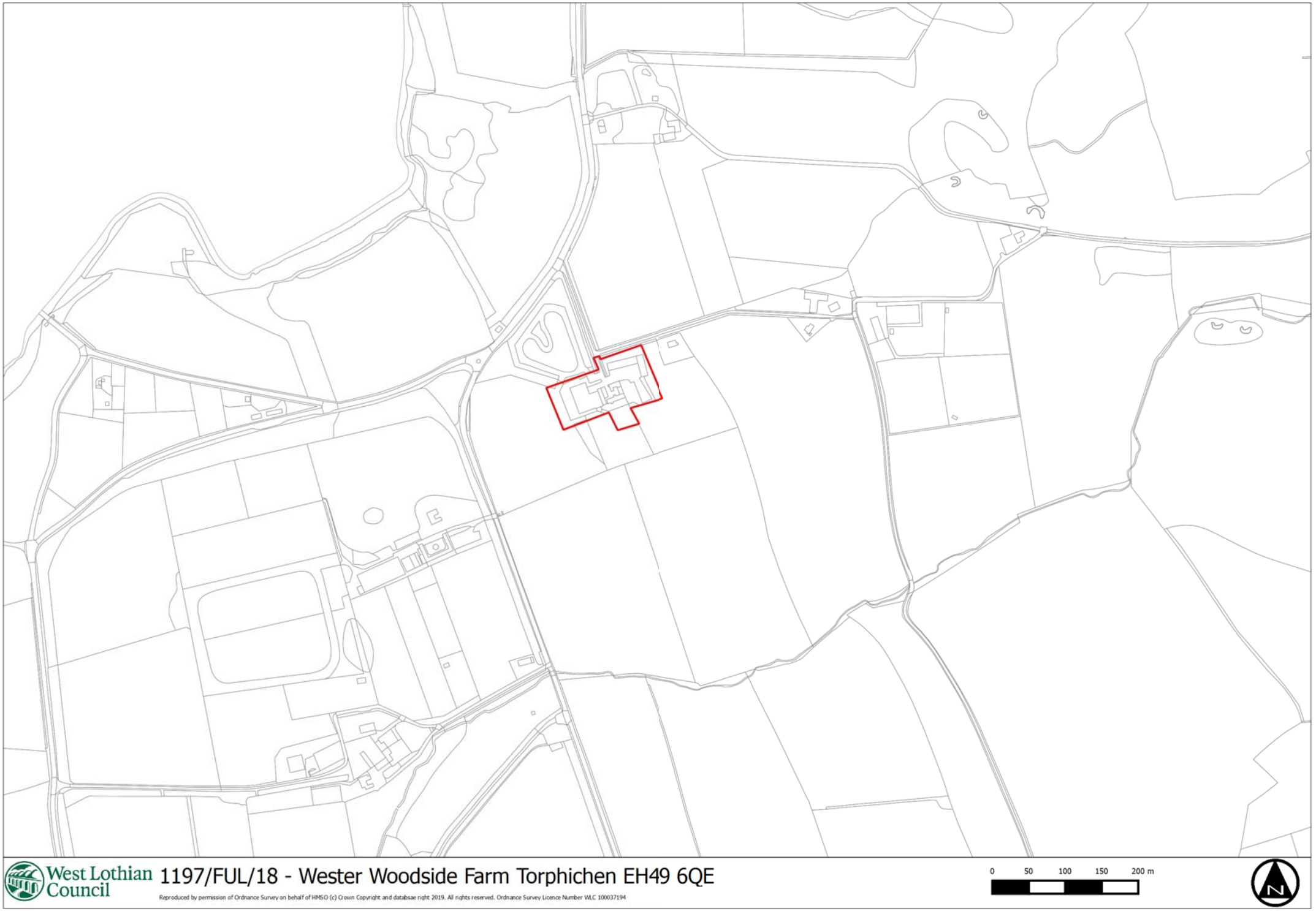
   The proposal is therefore contrary to policies DES 1 (Design Principles) and ENV 2 (Housing Development in the Countryside) of the West Lothian Local Development Plan and the council's statutory supplementary guidance Development in the Countryside.

West Lothian Council

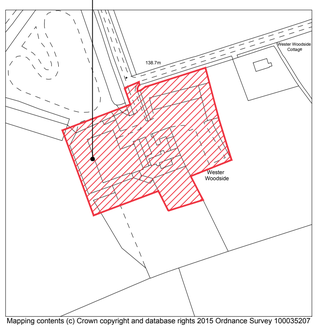
1197/FUL/18 - Wester Woodside Farm Torphichen EH49 6QE

0 50 100 150 200 m

N



site



Mapping contents (c) Crown copyright and database rights 2015 Ordnance Survey 100035207

location plan

N NW NE W E SW SE S

Key

- 600 x 600 slate coloured slab path
- new whin chip gravel road and courtyard
- beach hedge with post and wire fence to boundary and perimeter fence
- shrubs
- trees
- lawn – Germinal A22 low maintenance

Plot 1
plot area = 961.1m2
house footprint = 187.9m2
garage footprint = 46.4m2

plot coverage = 24.4%

usable garden ground = 523.4m2

Plot 2
plot area = 1045.6m2
house footprint = 187.9m2
garage footprint = 46.4m2

plot coverage = 22.4%

usable garden ground = 711.8m2

Plot 3
plot area = 1314.5m2
house footprint = 187.9m2
garage footprint = 46.4m2

plot coverage = 17.8%

usable garden ground = 877.6m2

refuse point bin storage 600 x 600 slate coloured slabs

remove existing shed

common courtyard

grey gravel chips

existing tarmacadam

post and wire fence

boundary

Hedge

Fence

Ditch

Overhead Line

Barn

Farmhouse

15400 approx

9150 approx

26950 approx

1200

6000

3900

1565

proposed site plan

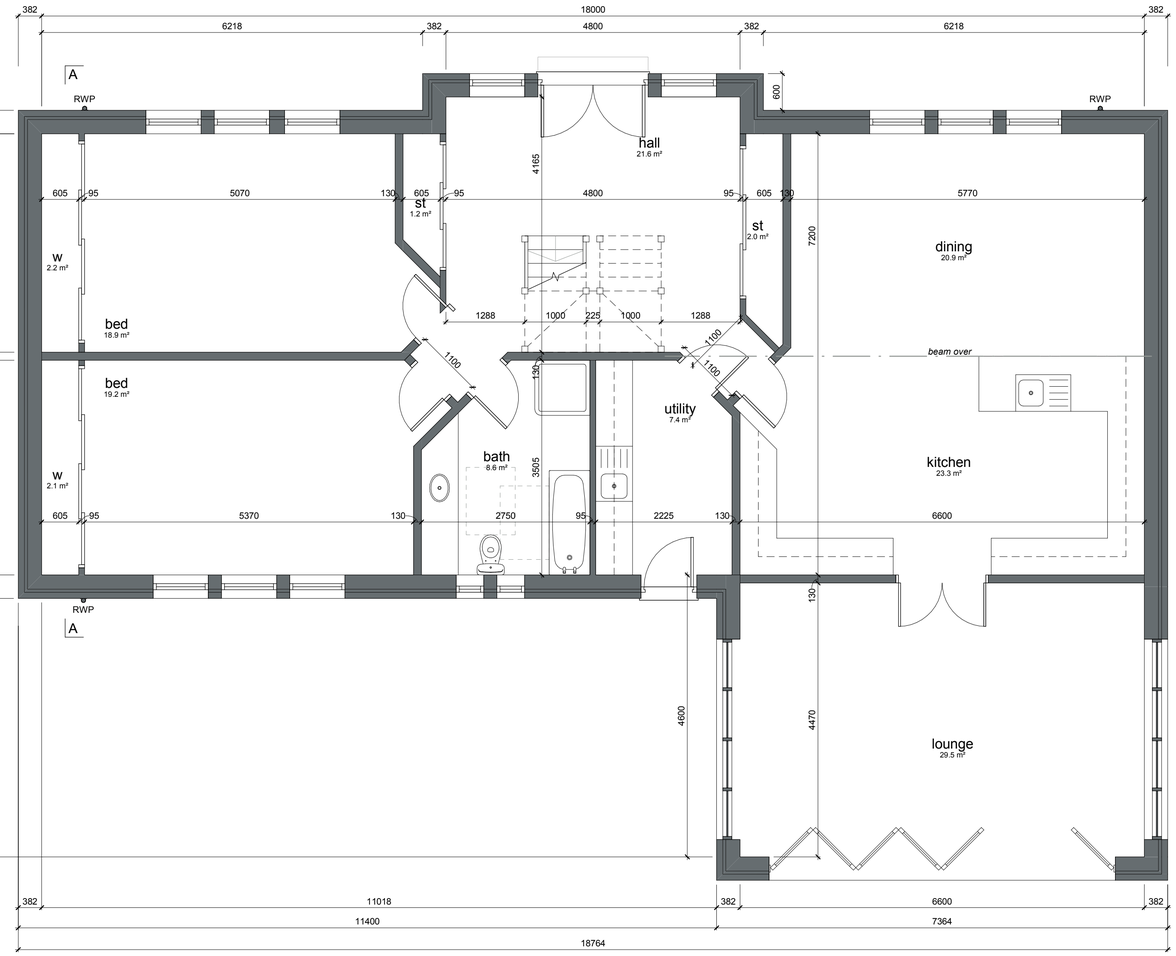
REVISIONS
A - 21.12.2018 - Planning notes

JOB TITLE
PROPOSED
LOCATION PLAN AND SITE PLAN

PROPOSED 3 UNIT RESIDENTIAL
DEVELOPMENT AT
WESTER WOODSIDE FARM
LINLITHGOW,
WEST LOTHIAN

Scale 1/200, 1/1250 21st December 2018
Drawing Number JWAC - A1 - 03/20/2017

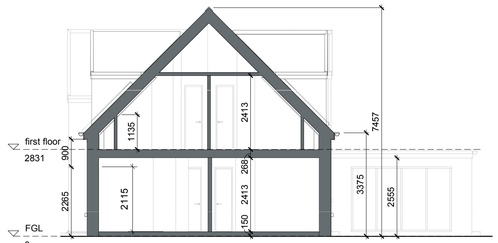
John Watson Architectural Consultant Ltd.
11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone 01506 885928
E-mail johnwatson@jwac.wanadoo.co.uk



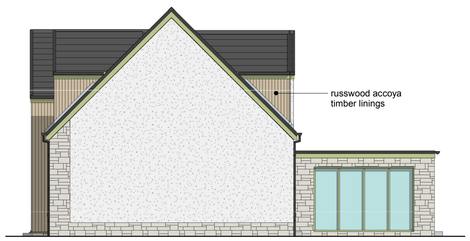
ground floor plan
1 : 50

first floor plan
1 : 50

3D View 1



section AA
1 : 100



side elevation
1 : 100

rear elevation
1 : 100

ground floor		first floor	
bath	8.6 m²	bath	7.4 m²
bed	38.1 m²	bed	34.0 m²
dining	20.9 m²	ens	7.0 m²
hall	21.6 m²	master bed	34.0 m²
kitchen	23.3 m²	sitting	23.2 m²
lounge	29.5 m²	st	0.8 m²
st	3.2 m²	w	10.0 m²
utility	7.4 m²		116.5 m²
w	4.3 m²		
	156.9 m²		

total floor area = 269.0m²

3D View 2

side elevation
1 : 100

front elevation
1 : 100

rev	description	date

John Watson
Architectural Consultant Ltd.
11 Market Street, Mid Calder, West Lothian, EH54 0AL
T: 01506 885928 E: info.jwacltd@gmail.com

drawing title
PLOT 6 TO 9 PROPOSED PLANS, ELEVATIONS, SECTION AND 3D VIEWS

project
PROPOSED 4 UNIT RESIDENTAL DEVELOPMENT AT
WESTER WOODSIDE FARM
LINLITHGOW
WEST LOTHIAN

scales: as noted
date: 21st December 2017
drawing no.: JWAC A1 PP 04/65/2017
revision:

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

Application Details **Application Reference Number** **1197/FUL/18** **Site Address** **Wester Woodside by Torphichen** **Member's Name** **Councillor Borrowman** **Date** **11 Mar 2019**	**Reason For Referral Request** (please tick) **Applicant Request X** **Constituent Request** **Other (please specify)**

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works at Land At Lady Park, Linlithgow

2 DETAILS

Reference no.	1221/FUL/18	**Owner of site**	Lady Park Trust
Applicant	West Lothian Council	**Ward & local members**	**Linlithgow** Councillor Tom Kerr Councillor Tom Conn Councillor David Tait
Case officer	Matthew Watson	**Contact details**	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: The application has received 15 objections.

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 The application proposes the construction of a re-aligned footpath adjacent to Linlithgow Loch at Lady Park.

4.2 The proposed path will run for 180 metres from the Water Yett path at the south-west corner of the Loch and will then re-join the existing path network at the north-west of the Loch. The proposed path varies in width between 2 metres and 3 metres. It is proposed to be 3 metres in width where it joins the Water Yett path before narrowing to around 2.5 metres for the majority of its length. It will then reduce to 2 metres in width where it joins the existing path network at the north-west of the Loch. The path is proposed to be constructed of asphalt with pre-cast concrete edges.

4.3 A post and wire fence is proposed along the western boundary of the path. This is proposed to be 1.2 metres in height. The existing post and wire fence on the west boundary of the current path will be removed.

4.4 The site is currently used as a grazing field for a tenant farmer. It is within the Linlithgow Palace and High Street Conservation Area and adjacent the Linlithgow Loch Site of Special Scientific Interest (SSSI) and Royal Park and Peel.

4.5 The current path is referred to as "WL3 Linlithgow Loch Circular" in the Core Path Plan and links directly to "WL35 Linlithgow Loch to Union Canal Loch". The current path will be removed and its area will be planted with grass seed to enable a return to semi natural habitat.

History

4.6 No planning history.

5. REPRESENTATIONS

5.1 Fifteen representations have been received from local residents. All of these representations object to the proposed development. A summary of representations is below:

Comments	Response
• The proposed 3 metre width of the footpath is excessive and covers 10% of the field	• The proposed path is only 3 metres wide where it joins the existing Water Yett path. It will be 2.5 metres in width for the majority of its length then reducing further to 2 metres. The width of the path is acceptable and covers a small proportion of the field.
• The path should be widened up to the existing boundary	• Options for repairing or widening the existing path will not deliver the same benefits as the proposal. See the Supplementary Statement attached to the report.
• The path will disrupt the rural feel of Lady Park	• The proposal is modest in scale and will allow public access whilst retaining the majority of the field and its rural feel.
• Lady Park is safeguarded as open space and what is proposed will tarmac over this protected open space	• The proposal will remove a small amount of green space from Lady Park and will not change the use of the field. The proposal complies with Policy ENV 21 of the LDP. See assessment below.
• Loss of trees that provide shelter for grazing animals • Trees provide habitats for native bird species	• A condition can be attached to any planning permission to ensure replanting is carried out. Tree felling should take place outside the bird nesting season.
• The proposal could lead to agricultural land	• Only a small proportion of the field is to

becoming non-viable	be used.
• Lack of consultation on the proposal	• The application has been submitted by West Lothian Council and it is of a scale that does not require community consultation on a statutory basis from a planning perspective. The Design and Access Statement sets out the consultations undertaken by the applicant.
• The proposal could represent precedent that means more of Lady Park could be developed	• Planning applications are assessed on their own merits and precedent is not a material planning consideration in determining planning applications.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objections to the application.	Noted.
WLC Flood Risk Management	No	No objections. The proposed realigned section of footpath should be constructed above the 46.75m contour if it is to remain out with the area at risk of flooding.	Noted.
West of Scotland Archaeology Service	No	No objections subject to a condition being attached that requires a programme of archaeological works.	Noted and condition attached.
Historic Environment Scotland	No	No objections to the application. The application does not raise historic environment issues of national significance.	Noted.
SEPA	No	No objections to the application.	Noted.
Scottish Natural Heritage	No	No objections to the works but further details will be required that show how run-off and sediment will be prevented from entering the loch. Agree works should take place outside the bird nesting season and this should be conditioned.	Noted. It is proposed to secure additional details via a planning condition and attach a condition that states works should take place outside the bird nesting season.

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

7.3 The relevant development plan policies are listed below:

Plan	Policy	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)	ENV 21 Protection of formal and informal open space	This policy states that proposals which result in a loss of open space will not be supported unless five criteria are met: (a) Locational justification (b) Recreational and amenity value (c) Ecological value and loss of trees (d) Comparable open space can be provided at an alternative location (e) Connectivity and public access This assessment covers criteria (a), (b), (c) and (e). There is a locational justification for the construction of the path due to erosion, there is no adverse effect on recreational amenity, the area of the path is not of significant ecological value, tree loss is minimised and connectivity to the wider network is not compromised.	Yes
West Lothian LDP	ENV 1 Character and Special Landscape Areas	This policy states there is a presumption against development which would undermine the landscape in Special Landscape Areas. The application site borders the Special Landscape Area and will not adversely affect it. The proposed landscape works will ensure that the development integrates with	Yes

		the surrounding area.	
West Lothian LDP	ENV 9 Woodland, Forestry, Trees and Hedgerows	This policy states there is a presumption against development affecting trees and hedges that have particular amenity value. A total of 13 trees are proposed to be removed. These are hawthorn and young trees, not mature trees and their loss is justified. Replanting will be required and secured via condition.	Yes
West Lothian LDP	ENV 18 Protection of National Nature Conservation Sites	This policy states development affecting SSSIs will not be permitted unless it is demonstrated it will not compromise the integrity of the designation. SNH has raised no objection to the development and has stated the works will not threaten the SSSI.	Yes
West Lothian LDP	ENV 24 Conservation Areas	This policy states development will not be permitted that adversely affects the character and appearance of conservation areas. The change in appearance to Lady Park is acceptable in visual terms and will not adversely affect the appearance of the conservation area. See assessment below.	Yes
West Lothian LDP	EMG 2 Flooding	This policy states that the council will seek to prevent development which would increase the probability of flooding. The Council's Flood Risk Management team has not objected to the proposal. The proposal will need to be constructed above a 46.75m contour line to be outwith the Loch flood zone. The northernmost section of the path where it joins the existing path network is within the flood zone but this makes up a very small area of the path and is	Yes

		therefore acceptable in terms of policy EMG 2.	
West Lothian LDP	DES 1 Design principles	This policy states that development proposals are required to integrate with their local context. The proposal is acceptable in visual terms and will integrate with its context. See assessment below.	Yes

Principle of Development

7.4 Policy ENV 21 (Protection of formal and informal open space) criterion (a) of the West Lothian LDP states that where open space will be lost there needs to be a locational justification.

7.5 A section of green space will need to be asphalted but the use of the land will not change from open space as a result of the proposal. The proposal is justified as it will improve access for all users by increasing the path width and replacing the existing path which is beginning to erode into the Loch. The proposal will also provide the opportunity for re-wilding and improving the wildlife habitats along the Loch shore.

7.6 The existing path is a particularly narrow and restricted section of the Loch side path. Repair or widening of the existing path has been ruled out as it would not solve the problems of erosion affecting the path and would not significantly improve access for pedestrians, cyclists and wheelchair users. The proposed path will allow cyclists and wheelchair users to pass pedestrians with ease. The terms of ENV 21 (a) are therefore met.

7.7 There will not be a significant adverse effect on recreational amenity in terms of Policy ENV 21 (b), nor will there be an impact on connectivity or functionality of the wider green network, in terms of Policy ENV 21 (e). Policy ENV 21 (d) is not applicable.

7.8 Policy ENV 21 (c) states that the loss of open space will not be supported unless 'the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised'.

7.9 The proposal seeks to remove 13 trees across the length of the proposed path. The layout seeks to minimise the loss of mature trees. The trees to be removed are of lesser value and their removal is justified. A planning condition is proposed to secure replanting where trees have been removed. A further condition will require all retained trees to be protected during construction. The alternative of upgrading and/or widening the existing Loch path would mean the loss of more trees and mature trees.

7.10 On balance, as fewer trees will be removed as a result of this proposal than would be the case with the alternatives, the proposal complies with Policy ENV 21 and the principle of development is acceptable.

Visual Impact

7.11 Policy DES 1 (Design principles) states proposals are required to integrate with their local context.

7.12 Policy ENV 24 (Conservation Areas) states development should not adversely affect the character and appearance of conservation areas.

7.13 The proposal will result in visual change to this part of Lady Park and, by extension, the Linlithgow Palace and High Street Conservation Area. The asphalting required to construct the proposed path is of a width that will not cause an adverse visual impact as it will only cover a small proportion of Lady Park. The post and wire fence proposed is of a minor scale that is of a similar design to the existing fence. For these reasons, the proposal is acceptable visually and will not adversely impact the character and appearance of the conservation area at this point.

7.14 Overall, the proposal is acceptable visually and will not have an adverse impact on the character and appearance of the conservation area. The proposal complies with policies DES 1 and ENV 24.

Natural Heritage

7.15 Policy ENV 18 states that development affecting sites of national importance, including SSSIs, will not be permitted unless it can be shown the development "will not compromise the objectives or integrity of the designation".

7.16 The application site is located adjacent to the Linlithgow Loch SSSI. Scottish Natural Heritage has raised no objection to the proposal but will require further detail regarding measures to prevent sediment and run-off from entering Linlithgow Loch as a result of the works being undertaken. These further details can be secured via a planning condition.

7.17 With a planning condition in place, the proposal complies with Policy ENV 18.

Flooding

7.18 Policy EMG 2 states that development that increases the risk of flooding should not be supported.

7.19 The council's Flood Risk Management team has not objected to the proposal. The proposal will need to be constructed above a 46.75m contour line to be outwith the Loch flood zone. The northernmost section of the path where it joins the existing path network is within the flood zone. This provides the best connection into the existing path network and makes up a very small area of the path. If the path were to be constructed above the 46.75 metre contour this would mean the path would need to be constructed closer to residential properties to the north of Lady Park.

7.20 On balance, the proposal is acceptable in terms of policy EMG 2.

8. CONCLUSION AND RECOMMENDATION

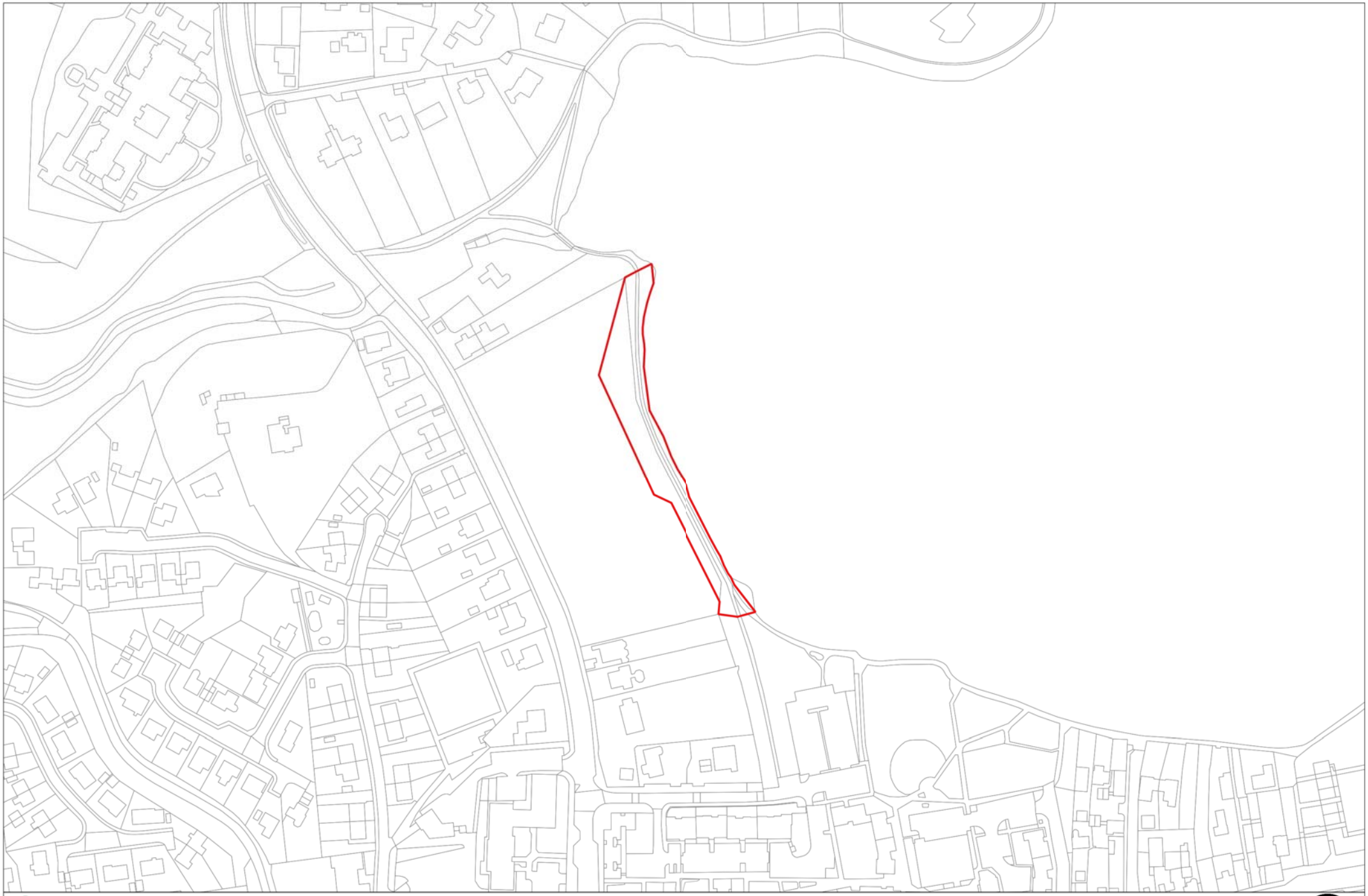
8.1 In summary, the proposal will bring about improved pedestrian/cycle access and is acceptable in principle; will not adversely affect the character and appearance of the conservation area; and is acceptable in terms of natural heritage and flood risk.

8.2 Overall, and in the view of the above, it is recommended planning permission is granted, subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial Plan
- Design Plan
- Footpath Design
- Footpath Specification
- Fence Specification
- Design and Access Statement
- Supplementary Statement
- Representations
- Draft conditions and reasons

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 20 March 2019



West Lothian Council

1221/FUL/18 - Land at Lady Park Linlithgow West

0 10 20 30 40 m

N

West Lothian Council

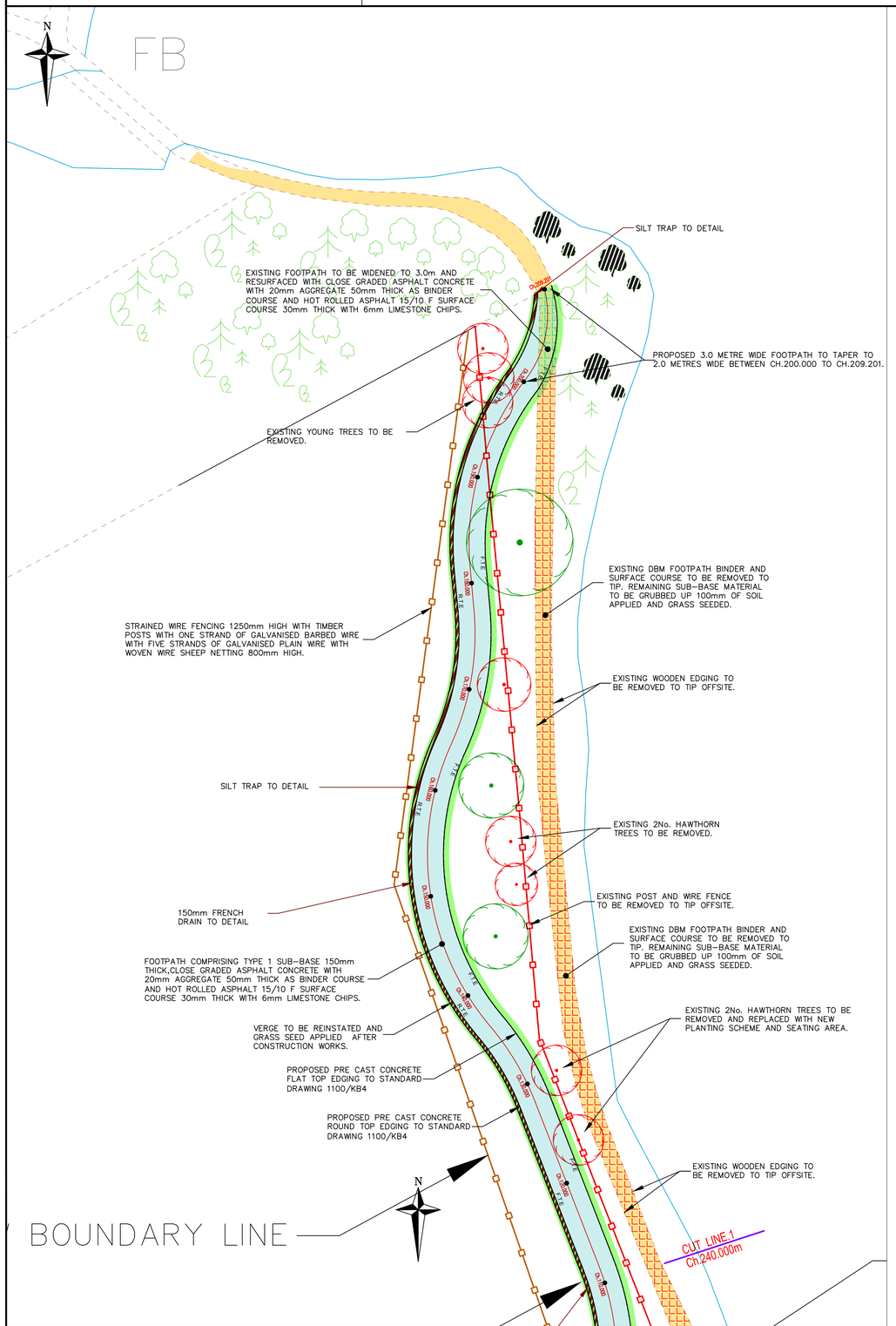
1221/FUL/18 - Land at Lady Park Linlithgow West

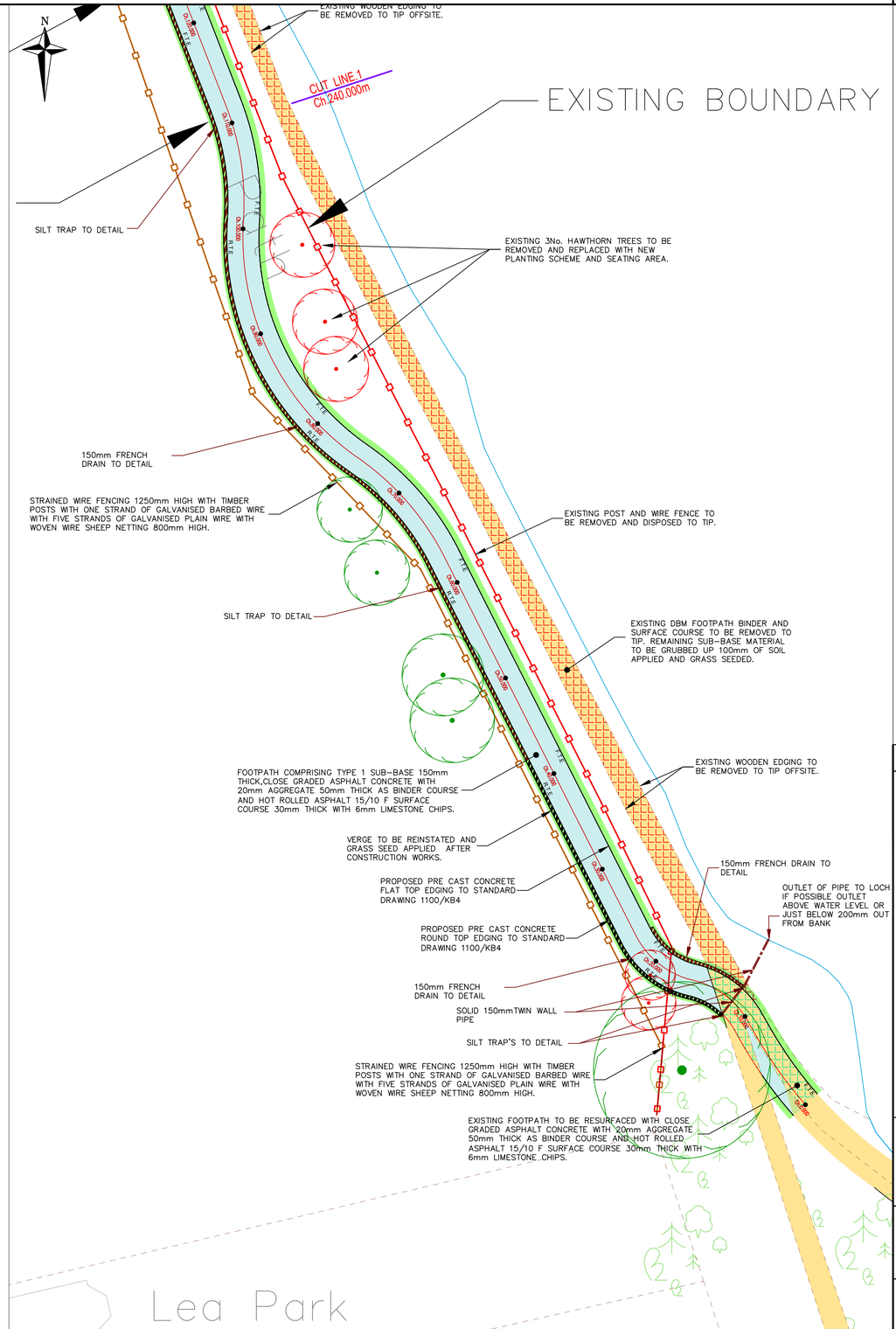
0 10 20 30 40 m

N

WEST LOTHIAN COUNCIL : OPERATIONAL SERVICES

DRG. NO. TP/7049999/1/DD1-R1





LEGEND: –

- AREA OF EXISTING TARMAC FOOTWAY/FOOTPATH TO REMAIN IN USE.
- AREA OF FULL CYCLEWAY/CYCLEPATH CONSTRUCTION.
- AREA OF EXISTING FOOTPATH TO BE RESURFACED.
- AREA OF PROPOSED 0.5m WIDE GRASS VERGE REINSTATEMENT.
- AREA OF EXISTING DBM SURFACE AND BINDER COURSE TO BE REMOVED TO TIP. SUB-BASE TO BE GRUBBED UP SOILED AND GRASS SEEDED.
- PROPOSED EXTENTS OF GEOTEXTILE MEMBRANE.
- 192.213 Ch.0.000 CYCLEPATH CENTRE LINE, LEVEL AND CHAINAGE.
- EXISTING TREE/SHRUB TO BE REMOVED.
- EXISTING TREE TO REMAIN.

KERB LEGEND: –

- F.T.E. PROPOSED 50 X 150 PRECAST CONCRETE FLAT TOP EDGE.
- R.T.E. PROPOSED 75 X 225 PRECAST CONCRETE ROUND TOP EDGING.

FENCE LEGEND: –

- STRAINED WIRE FENCING 1250mm HIGH WITH TIMBER POSTS WITH ONE STRAND OF GALVANISED BARBED WIRE WITH FIVE STRANDS OF GALVANISED PLAIN WIRE WITH WOVEN WIRE SHEEP NETTING 800mm HIGH.
- EXISTING POST AND WIRE FENCE TO BE REMOVED TO TIP OFF-SITE.

GENERAL NOTES: –

1. ALL WORKS TO BE CARRIED OUT TO THE SATISFACTION OF WEST LOTHIAN COUNCIL ROADS TRANSPORTATION DEPARTMENT.
2. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE D.O.T. SPECIFICATION FOR HIGHWAY WORK LATEST EDITION.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWING No.
   TP/7049999/1/LP -- AREA FOR LAND PURCHASE.
   TP/7049999/1/DD1 -- ENGINEERING LAYOUT.
   TP/7049999/1/DD2 -- SITE BOUNDARY.
   TP/7049999/1/DD3 -- CONSTRUCTION DETAILS

REVISION	DETAILS	BY	DATE
REVISION 1	EXTENT OF NEW FOOTPATH WORKS REDUCED TO EXCLUDE CONSTRUCTION BEYOND CH.0+210 (LADYPARK PROPERTY)	S.SYME	OCT 2018

OPERATIONAL SERVICES
ROADS □ TRANSPORTATION
PROJECT DESIGN ENGINEERING

ROADS □ TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL: 01506 282351

West Lothian Council

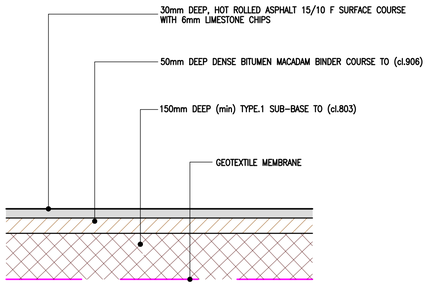
LADY PARK PATH
LINLITHIGOW
FOOTPATH IMPROVEMENTS
ENGINEERING LAYOUT

Date JULY 2018 | Drawn By S.SYME
Scale 1:250 @ A0 | Checked By B.McDOWELL

DRG. NO. TP/7049999/1/DD1-R1

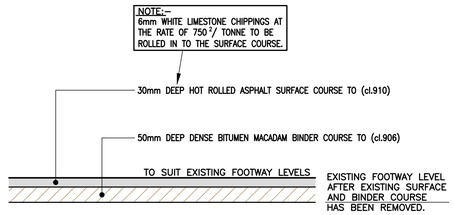
DATA LABEL : –
Public

DRG. NO. TP/7049999/1/DD1-R1



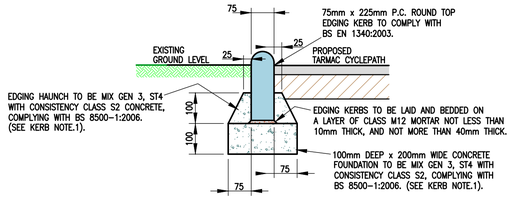
TYPICAL FULL 3.000m WIDE HOT ROLLED ASPHALT FOOTPATH/CYCLEPATH CONSTRUCTION DETAIL.1

SCALE = 1:10



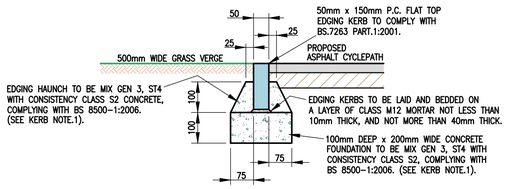
TYPICAL EXISTING FOOTWAY TO BE RESURFACED CONSTRUCTION DETAIL.2

SCALE = 1:10



TYPICAL PRECAST CONCRETE ROUND TOP EDGING KERB DETAIL.3

SCALE = 1:10

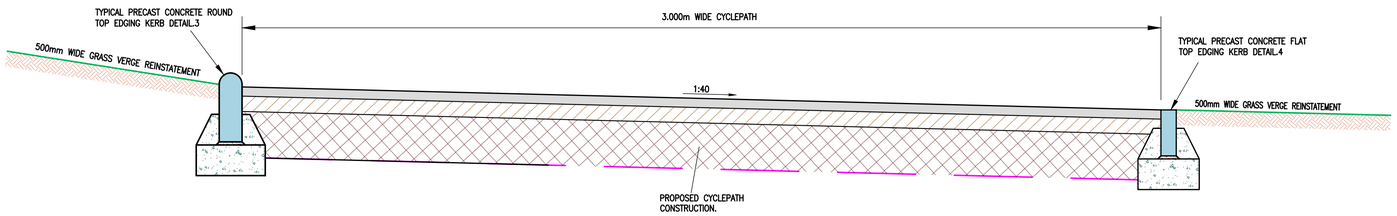


TYPICAL PRECAST CONCRETE FLAT TOP EDGING KERB DETAIL.4

SCALE = 1:10

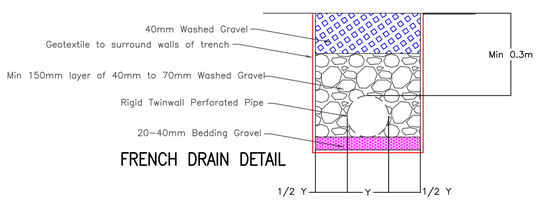
KERB NOTES:-

1. ROAD KERBS AND EDGING KERBS MAY ALTERNATIVELY BE LAID DIRECTLY ON NEWLY PLACED CONCRETE FOUNDATION TO BE MIX GEN 3, ST4 WITH CONSISTENCY CLASS S1 COMPLYING WITH BS 8500–1:2006. (NO MORTAR BED REQUIRED WITH THIS ALTERNATIVE).
2. ALL ROAD KERBS AND EDGING KERBS TO BE ABUTTED, EXCEPT KERBS LAID TO A RADIUS OF LESS THAN 40.0m, WHICH SHALL BE LAID WITH AN AVERAGE GAP OF 6mm, AND POINTED WITH M12 MORTAR.

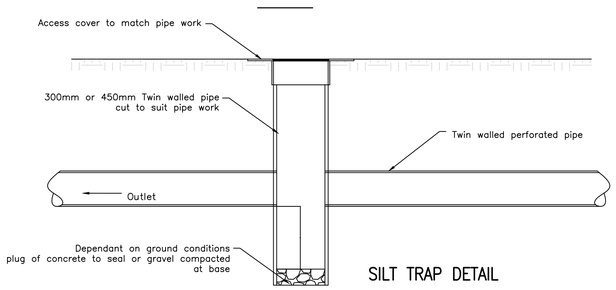


TYPICAL CROSS SECTION THROUGH 3.000m WIDE CYCLEPATH

SCALE = 1:10



FRENCH DRAIN DETAIL



SILT TRAP DETAIL

GENERAL NOTES:-

1. ALL WORKS TO BE CARRIED OUT TO THE SATISFACTION OF WEST LOTHIAN COUNCIL ROADS TRANSPORTATION DEPARTMENT.
2. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE D.O.T. SPECIFICATION FOR HIGHWAY WORK LATEST EDITION.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWING No.
   TP/7049999/1/LP -- AREA FOR LAND PURCHASE.
   TP/7049999/1/DD1 -- ENGINEERING LAYOUT.
   TP/7049999/1/DD2 -- SITE BOUNDARY.
   TP/7049999/1/DD3 -- CONSTRUCTION DETAILS

A1 0 50mm 100mm 150mm 200mm 250mm 300mm 350mm
1:5 SCALE

A1 0 100mm 200mm 300mm 400mm 500mm 600mm 700mm
1:10 SCALE

A1 0 200mm 400mm 600mm 800mm 1000mm 1200mm 1400mm
1:20 SCALE

REVISION	DETAILS	BY	DATE

OPERATIONAL SERVICES
ROADS □ TRANSPORTATION
PROJECT DESIGN ENGINEERING

ROADS □ TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL: 01506 282351

West Lothian Council

LADY PARK PATH
LINLITHIGOW
FOOTPATH IMPROVEMENTS
CONSTRUCTION DETAIL

Date JULY 2018 | Drawn By S.SYME
Scale 1:500 @ A1 | Checked By B.McDOWELL

DRG. NO. TP/7049999/1/DD3

DATA LABEL :–
Public

DRG. NO. TP/7049999/1/DD3

West Lothian Council

Lady Park Footpath, Linlithgow Loch

Fence Specification

Summary

The new fence will be a standard wooden stock-proof post and wire fence circa 1.2m in height and be in keeping with the design of the existing fence. All relevant British Standards will be applied to fencing works, and proposed fence will be constructed by a professional fencing contractor currently under contract with West Lothian Council.

The existing fence is in a state of disrepair as shown below (Image 1 to 5). Current issues include rotting posts, leaning posts, some detachment of wire and stock fence from posts, loss of tension, and some missing barbed wire.

Proposed Fence Design

Proposed fence will replace all existing post and wire fence and provide an upgraded specification by allowing for higher stock fencing and additional wire between barbed wire and stock fencing. Fence line is shown on 'Lady Park Footpath Design Plan', attached to the main application.

- Stakes (square): 1800mm x 75mm x 75mm, treated timber. 1250mm high (from ground)
- Straining posts (round): circa 2100mm x 175mm diam, treated timber. Circa 1400mm high (from ground). Tensioning device on each wire at straining post
- Struts (round): 2100mm x 100mm diam, 2 x diagonal attachment to straining post (excluding ends)
- Wire: 4mm, 1 strand galvanized barbed wire, 5 strands galvanized plain wire
- Stock fencing: 8 horizontal line wires, 800mm high, 150mm between each vertical wire.
- Circa 2m between stake posts
- Minimum 69m between straining posts on straight. Straining posts on all changes of direction and ends.
- Staples: 40mm x 4mm galvanized wire

Drawing 1 – Proposed Fence

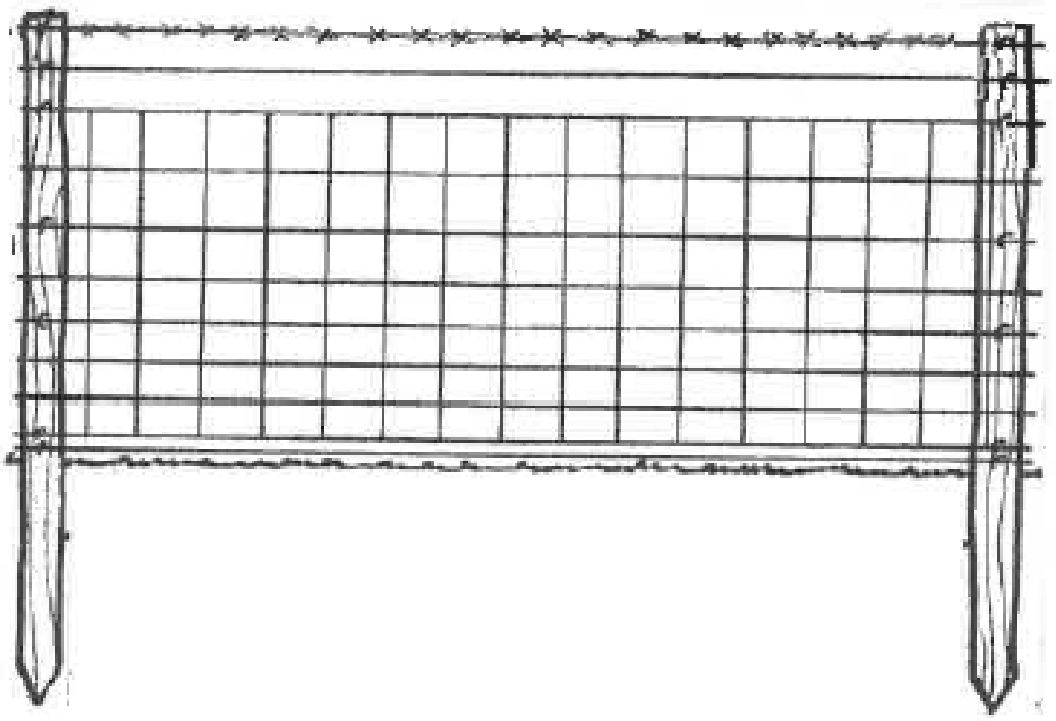


Image 1 – Existing Fence

Image 2 – Existing Fence

Image 3 – Existing Fence

Image 4 – Existing Fence

Image 5 – Existing Fence

West Lothian Council

January 2019

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP
simon.scott@westlothian.gov.uk

West Lothian Council

Lady Park Footpath, Linlithgow Loch

Design and Access Statement

Introduction

This Design and Access Statement has been prepared in support of the full planning application for the change of use of part of an agricultural field into public open space. Proposed works include repair and relocation of a footpath and fence.

This Design and Access Statement has been produced by Simon Scott, Open Space Officer for West Lothian Council in order to explain the design rationale and accessibility of the design proposal, and to set out the main planning considerations for the proposal.

Site Location and Context

The current site ("Lady Park Footpath Location Plan", attached) contains no buildings. The site includes an access path, post and wire fence, agricultural field (sheep grazing), and various trees and scrub. The site is owned by the Lady Park Trust.

The existing access path sits within a sparse corridor of trees. Outside the corridor to the immediate west is the fence. Outside the corridor to the immediate east is the west shore of Linlithgow Loch.

This proposal outlines the relocation of the existing path into the field, to the immediate west of the existing fence. The location of the new path has been selected in order to minimise disturbance to mature trees, minimise loss of agricultural use for the existing tenant, ensure the new path will be protected from erosion, allow for re-establishment of existing footpath area as semi-natural habitat, and reduce disturbance to wildlife along the loch shore. The location of the new path is shown on "Lady Park Footpath Design Plan", and is attached to this application. The new fence would be constructed to the immediate west of the new path.

The agricultural field is currently leased to a local sheep farmer. The field is bounded by the aforementioned post and wire fence on its eastern boundary. Stone walls border the north, west, and south sides, including an access gate in the north-west corner. Private properties adjoin the north and south of the field, with a public footpath and St Ninian's Road (A706) west of the field.

Access

The existing section of path to be relocated and upgraded is 180m long and approx. 1.5m wide, running along the west shore of Linlithgow Loch. Towards the northern end of the path, the surface has begun to erode into the loch,

and the path width reduces to a minimum of 1m (Image 2). There are numerous irregularities in the path at present, including various sections where water sits across the path after heavy rain (Image 1 and bottom of Image 3).

Image 1 – Water pooling

Image 2 – Path erosion

Image 3 – Intersection of Lady Park and Water Yett pathways

The current quality and width of the path would make wheeled access difficult Passing of cyclists and pedestrians is a safety concern. The flooding of the path would also discourage access and be another safety concern.

The design ("Lady Park Footpath Design Plan", and "Lady Park Footpath Specification") reflects a continuation of the upgraded design completed recently by Historic Environment Scotland in early 2018 i.e. continuing a wider and higher quality surface currently present along the south west shore (Water Yett, Image 3 circled), along the west shore towards the sluice pedestrian bridge. This design will allow wheeled users to safely use the path and pass pedestrians, it will also shed water from the path surface, and the design will protect the path from erosion into the loch. It is anticipated the path would have a life of approximately 20 years.

Legislative and Strategic Context

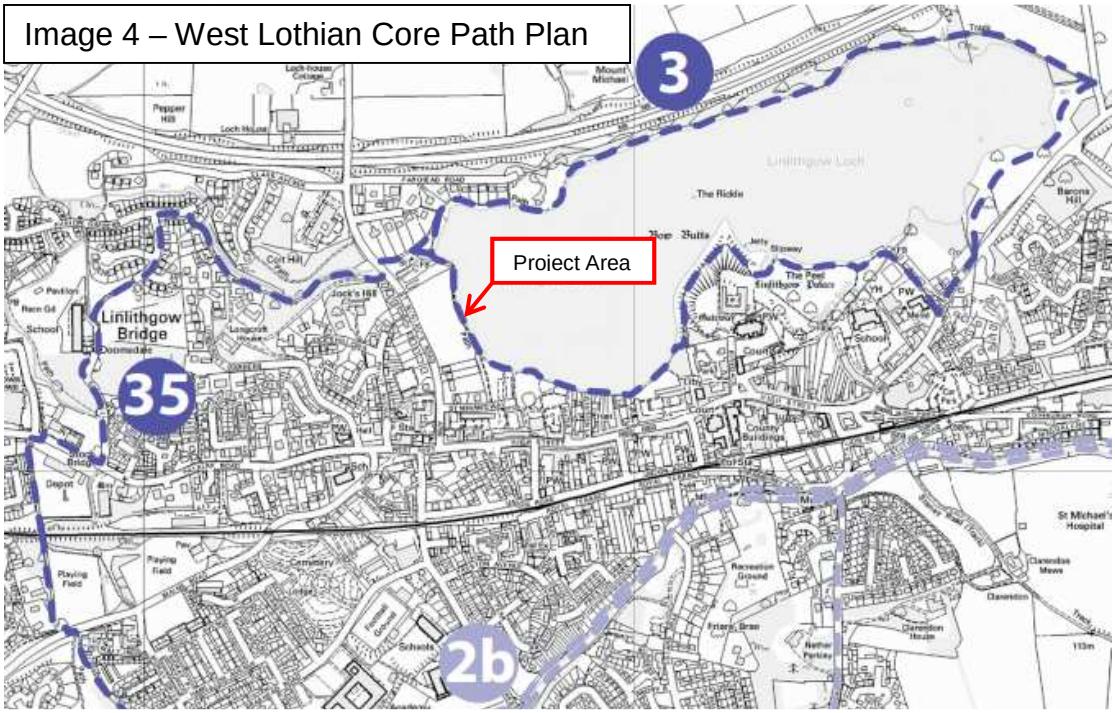
The works reflect a consideration of West Lothian Council's responsibility under the Disability Discrimination Act 2005 (DDA) and Land Reform (Scotland) Act (2003). The works also help deliver the aims of the West Lothian Open Space Strategy (2015) and the Core Path Plan (2013).

The West Lothian Local Development Plan 2018 (LDP) is the main policy document that sets out a vision of how West Lothian should develop in a sustainable way. It is used by the council for making decisions on development proposals. Conserving and improving open spaces is one of the core strategies in the LDP. Scottish Planning Policy (2013) requirements in relation to open space are fulfilled through integrating West Lothian's Open Space Strategy with the LDP and through individual planning permission consultation.

The existing and proposed path is considered part of the Linlithgow Loch District Park and Core Path Network. Linlithgow Loch District Park is strategically the most important formal park in the area and serves Linlithgow and all settlements within 4km; as such capital investment has been allocated by the council to ensure the footpath network is maintained in a safe and accessible condition.

The footpath to be repaired and relocated serves as the only footpath available to those wishing to walk a circular route around the loch. The path is referred to as "WL3 Linlithgow Loch Circular" in the Core Path Plan and links directly to "WL35 Linlithgow Loch to Union Canal Loch" (Image 4). The footpath is likely to be used frequently by pedestrians, cyclists, and be integral to a number of local events. Any construction would be programmed to minimise disturbance to all recreational activity including events and be agreed with the Town Centre Management Group and Community Council.

Image 4 – West Lothian Core Path Plan



Layout, scale, and appearance

A detailed design, specification, and location plan has been submitted along with this planning application. The design reflects that of the recent path upgrade completed by Historic Environment Scotland i.e. the path will join with this exiting Water Yett path and mirror its design. The path design has been provided by West Lothian Council Operational Services, and reflects typical asphalt footpath/cycleway construction detail.

The completed path will be approximately. 3m wide only at the join with existing Water Yett path, it will immediately taper to circa 2.5m wide for the majority of its length, tapering to 2m, where it joins the existing path network to the north.

The new fence will be a standard wooden stock-proof post and wire fence circa 1.2m in height and be in keeping with the design of the existing fence.

No significant landscaping is anticipated beyond required excavation of path tray, drainage ditch, installing new posts, and grubbing up of the existing path.

Contractor access and any plant storage and welfare facilities will be located at the south end of the site, in an area to the immediate west of Water Yett car park (West Lothian Council owned). Any disturbance to this area will be reinstated after construction.

Please see “Lady Park Footpath Design Plan”, “Lady Park Footpath Location Plan”, and “Lady Park Footpath Specification”.

Method Statement

- Pollution mitigation measures will be installed
- some small trees will be removed from within the field to facilitate construction of the new fence and path
- new post and wire fence will be erected within the field
- existing post and wire fence will be removed
- new drainage features will be installed
- tarmac path will be constructed
- the existing tarmac path will be removed, path tray will be seeded.

Drainage Statement

Drainage features have been designed by West Lothian Council Flood Risk Management Team. At present there is no functioning drainage features associated with the site. It is anticipated that proposed measures will prevent water from sitting on the new path surface and minimise run-off. Water running off the field will be caught by a French drain which will filter the water and deposit it in the loch. The path will also be constructed with an appropriate crossfall to shed any water. The drain will reduce sediment and potential pollutants reaching the loch. The current footpath will be removed and as vegetation is established this will have a net effect of further reducing run-off volume into the loch.

Pollution Mitigation Statement

- The statement has considered SEPA guidance: “Works and maintenance in or near water: GPP 5, Version 1.2 February 2018”
- it is anticipated that no entry to the water should occur, but work will occur right up to the edge of the loch
- as a precaution a silt fence, or a coffer dam made of sand bags and/ or a ring of hay bales with an oil boom will be laid to isolate the working area from the loch and prevent any contamination entering the loch if there was to be an incident
- any machinery used will only be lubricated with water based biodegradable lubricants, and will never be refuelled within a 25m distance of the water body, and will be removed every night from within 25m of the water body
- a spill kit will be readily available if required.

Maintenance

The existing loch side path is regularly inspected by Historic Environment Scotland Rangers. In addition, the Open Space Officer will conduct an annual

survey of the District Park and identify and commission any repair works related to the core path that are required to ensure safety and accessibility are maintained.

Consultation

The objective of the proposal is to make safe and upgrade a Core Path within an existing District Park. As such, and given the clear scope of the project, there has been no open public consultation. However, a number of stakeholders have been consulted in determining the appropriate scale and design of the project. Stakeholders consulted include Historic Environment Scotland, West Lothian Council Property Services, Planning Service, Operational Services, and local Councillors. The Lady Park Trust as landowner has also been consulted throughout the development of the project. The tenant farmer has been contacted via Lady Park Trust initially and subsequently via Property Services. Additional consultees are referenced below in context of particular heritage assets.

Tenant Farmer and Private Landowner

The tenant farmer has stated on several occasions that they do not consent to any voluntary loss of any area of the field, including after the project was scaled back to reflect minimal loss of field area (minimum required to accommodate a suitable accessible path and avoid mature trees). As such, after a cost estimation exercise, and internal discussion with senior management and elected members, it was agreed to pursue compulsory purchase if a related planning application is successful. This would, if successful, transfer ownership of the area of land highlighted in “Lady Park Footpath Change of Use Area” map (attached) from the Lady Park Trust to West Lothian Council and necessitate a new lease between the Lady Park Trust and the tenant farmer for the remaining large majority of the field.

The original location of the proposed path included extending the path northward to join a small bridge. This would necessitate gaining permission from two private residential landowners to widen the path and clear vegetation. Permission was refused by one landowner. As such, and given this current section is deemed safe and free from obstruction, the proposed path upgrade area was shortened in length to avoid the privately owned land.

West Lothian Council has no intention of making any future attempts to obtain Lady Park in its entirety. It is hoped, if planning permission is granted, that the tenant farmer may voluntarily accept a new lease to reflect the redrawing of the fence line. This will still allow for an extensive area of sheep grazing and would also improve the condition of the fence to the benefit of the farmer. This would also allow West Lothian Council to avoid significant fees and costs associated with compulsory purchase. These ‘savings’ would be invested elsewhere in the District Park around the loch to improve the open space for public use.

Heritage Assets

The site falls within the Linlithgow Palace and High Street Conservation Area.

The site falls out-with Linlithgow Palace, Peel and Royal Park Scheduled Ancient Monument. The Scheduled Ancient Monument is directly adjacent to the site although not intersecting with it. Historic Environment Scotland has confirmed that Scheduled Monument Consent is not required.

The site may have archaeological interest. While the site does not intersect the Scheduled Ancient Monument, consultation with West of Scotland Archaeology Service (WoSAS) have advised that the ground at the west end of the loch has remained largely undeveloped from at least the mid-18th century, and appears to have been out with the boundaries of the medieval burgh.

On Roy's Military Survey of Scotland, which was conducted in the period 1747-55, the ground at the west end of the loch was shown as being sub-divided into three enclosures, these apparently being defined by trees, though these appear to have been removed by the time of the 1st edition OS map of the mid-19th century (though a fringe of trees around the shore of the loch remained).

WoSAS have indicated that the main issue associated with the proposal would be the potential for ground disturbance to encounter previously-unrecorded sub-surface archaeological deposits. Given that the ground has been shown as largely undeveloped on maps going back to the mid-18th century, any features that are present would most likely pre-date this period, possibly relating to activity in the medieval burgh, or to occupation during the prehistoric period. WoSAS have suggested that a further desk-based assessment may not be necessary, but they may advise the Planning Service to attach a planning condition to any permission to secure a short programme of archaeological monitoring during the construction period. An Archaeological Written Scheme of Investigation will be produced if required.

In relation to the Site of Special Scientific Interest (SSSI), Scottish Natural Heritage has advised that the site lies out with the Linlithgow Loch SSSI and that the new path is unlikely to have any impact, apart from the potential for run-off or sedimentation from works. If approved, the Pollution Mitigation Statement will be submitted to SNH along with a consent request. Works will take place out-with the summer months to avoid disturbance to breeding birds. It is anticipated that by relocating the path inland, disturbance will reduce to breeding birds using the west shore. In addition, by allowing vegetation to re-establish where the existing path is removed, it is anticipated this creation of new habitat may also have a net positive effect on the loch's biodiversity.

The site is “Land Safeguarded for Open Space” as identified by the LDP. While Lady Park is currently protected from development as “Land Safeguarded for Open Space”, it serves no function as public open space, and has no public access gates or stiles etc. As such, the project will improve the value of the open space and enlarge the useable area of Linlithgow Loch District Park.

December 2018

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP
simon.scott@westlothian.gov.uk

West Lothian Council

Lady Park Path Location

Supplementary Statement

Introduction

This Supplementary Statement has been prepared to support the full planning application for the change of use of part of an agricultural field into public open space. The statement outlines the reasoning for relocating the path into the agricultural field, and the reasoning for dismissing the options to either patch repair the existing path (Option 1) or widen the existing path in its current location (Option 2).

Option 1 – Patch repair existing path only, restoring 1.5m width along length

- This option would not allow for improving wildlife habitat along the shore or reducing disturbance to wildlife
- this option would not resolve the issue of standing water on the path after heavy rain
- this option would not allow for additional drainage measures adjacent to the path i.e. that would reduce sediment reaching the loch
- this option would not address the long-term concern of erosion of the shore/path into the loch
- this option would not widen the path and therefore not deliver improved access for pedestrians and wheeled users.

Option 2 – Widen existing path to between 2m and 2.5m in current location

- This option would not allow for improving wildlife habitat along the shore or reducing disturbance to wildlife
- this option would necessitate interference with existing mature trees
- this option would not allow for additional drainage measures adjacent to the path i.e. that would reduce sediment reaching the loch
- this option would not address the long-term concern of erosion of the shore/path into the loch.

Conclusion

The location of the new path outlined in the Design and Access Statement has been selected in order to minimise disturbance to mature trees, minimise loss of agricultural use for the existing tenant, ensure the new path will be protected from erosion, allow for re-establishment of existing footpath area as semi-natural habitat, and reduce disturbance to wildlife along the loch shore. The location of the new path is shown on “Lady Park Footpath Design Plan”.

March 2019

Simon Scott
Open Space Officer
NETs, Land and Countryside Service
West Lothian Council
WHSC North Site
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate,
EH48 2EP

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Alan Herd
Address: Lady Park St.Ninian's Road Linliithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The proposal shows a path width of 3 metres, this is wider than any other part of the path including the busiest part near the Anglers building on the south side of the loch. A 3 metre wide path makes little sense as the path has to narrow to 1.4 metres at the bridge at the north end of the path. In fact, the Scottish Government's publication for designing streets states "In lightly-used streets (such as those with a purely residential function), the unobstructed width for pedestrians should generally be 1.5 - 2 m".

The proposal also shows that the path does not run parallel with the existing path but instead meanders as far as some 10 metres into the field (presumably to avoid some hawthorn trees) when there is more than enough space for the new path to follow the current line of the existing path. The meandering path a) means that it encroaches further into the field than necessary, and b) the line of sight for cyclists, joggers, pram, wheelchairs, etc. is significantly reduced.

The plan doesn't show any protection to the loch bank where erosion has impacted on the current path, therefore further erosion will continue to take place. Whereas, just to the south of this section of path, erosion protection has been put in place.

Given that Council budgets are always under pressure, a more practical and cost effective solution would surely be to renovate the existing path and fence, and install erosion protection at the worst affected parts of the shore.

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mrs alison valentine
Address: 35 philip ave linlithgow

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The deed of trust was to protect this valuable Open space for the town. Creating such a wide path and moving it so far into the field seems over the top. I would be concerned that this would set a precedent for other changes to this open space that many visitors to our town enjoy. It's beauty is in that it is rural, and gives an uninterrupted view of the palace. I would be concerned that this is the thin edge of the wedge and the council has other plans beyond this for the land.

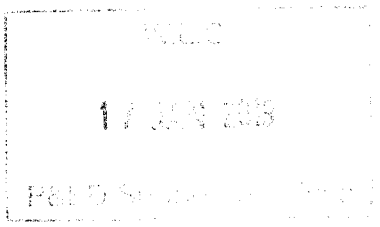
Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Barbara Stewart
Address: Stornoway St. Ninians Road Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As the proprietor of a house adjoining Lady Park, I wish to comment on, and object to the proposed re-alignment of the footpath bordering Linlithgow Loch. Whilst I agree that the path needs to be upgraded, I see no need for it to be the proposed width, which seems to be excessive. Also the reduction of the land would be detrimental to any future use made by the farmer renting Lady Park.

It is disappointing that, as an adjoining proprioter, the Council did not see fit to inform me of the planning application.



Loch House Farm
Linlithgow
West Lothian

1:21/FUL/18
Scan to IDOX
Matthew

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

16th January 2019

Application 100135180-001
Ladypark, St Ninians Road, Linlithgow

Dear Sir

I wish to object to the above application on the following grounds.

1. I am a secure tenant of this field under the Agricultural Holdings (Scotland) Act 1991 and am unwilling to relinquish my rights to this amount of this land.
2. The area of land to be taken under this proposal is excessive, taking up to 10m to increase the path width by 1.5m
3. This field is important to my farming business. It is used as a quarantine field for livestock coming onto the farm. It is also important for additional grazing during the summer months. The land taken in this proposal is a large percentage of the total area of this field which will greatly reduce the viability of the remaining area.
4. No other part of the corepath around Linlithgow Loch is 3m wide so this seems excessive. It is also misleading for users to have a 3m path leading to a bridge of less than 2m.
5. The proposal to have the path next to the field boundary means that an additional part of the field will still be affected by users of the path. Sheep are nervous about the area of the existing field due to dogs on the path.
6. Any issues raised about this path have not been reported to West Lothian Access Forum. I have checked the publicly available minutes of this statutory body and spoken to members of it and they confirm this fact. This suggests that the users of the path do not have any major issues with this path as it currently stands.
7. A more realistic and cost effective solution would be to refurbish the existing path
8. There are a number of errors in the design and access statement included within the planning application.
9. All the neighbours I have spoken to wish the field to remain as it is and continue to be used for agriculture.
10. I do not believe that the Trust which own and administer the lease of this filed have been operating to the levels which they should have been. I further believe that several residents who have asked about becoming trustees have been refused.
11. I question the impartiality of certain members of the trust and believe there could be a conflict of interest in this matter

12. Provost Tom Kerr is one of the trustees and an elected member of West Lothian Council sitting on a number of committees, including being vice chair of the Development Management Committee

I would also like to comment on some issues raised by the design and access report included in the planning application.

1. The erosion to the existing footpath is due to lack of maintenance. The new path will not stop erosion of the loch bank but simply move it further away. The section pf path recently upgraded at Water Yett included bank protection measures.
2. The path width at image 2 is still 1.5m. It is only the width of tar that has reduced due to lack of maintenance.
3. The water pooling in image 3 is on the new section of path at the Water Yett.
4. The pedestrian bridge at the sluice and paths around the north of the loch are all under 2m wide. Increasing the width of the path over the section adjacent to Ladypark section will not remove any perceived width barriers to the route as a whole.
5. The Land Reform (Scotland) Act does not impose path standards, even on core paths. Other parts of West Lothian's core path network would benefit much more from this investment.
6. Similarly, West Lothians Core Path Plan includes routes from tarred roadside footpaths to unmaintained beaten grass paths. The round the loch route has always been seen as fit for purpose.
7. The proposed area taken although not large accounts for almost 10% of the area of the field.
8. I as the tenant farmer have always said that I would consider giving up a small area (1m -2m) to allow for the path to be widened. There has been no consultation with me about any scaled back proposal.
9. Moving the fence line will result in the loss of several hawthorn trees which I have allowed to grow to provide shelter and shade for livestock kept in the field. This could lead to severe livestock welfare issues in the future.

If you wish to discuss this further, I can be contacted at the above address or on 01506 848283

Yours sincerely

[redacted]

Dorothy Johnston

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mr Douglas Cook
Address: Waterdale St Ninians Road Linlithgow

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As a resident in the environs of Ladypark, I and others have made requests to be trustees of Ladypark, but these requests have been refused by the current trustees (none of whom I believe live in the surrounding area). To go ahead with this proposal I assume that the trustees consent has been sought and given. Looking at current objections, the majority have come from householders living close to Ladypark (the same people who have been refused application to be trustees). Not one of the trustees has canvassed local residents for their view prior to granting their consent - which seems very unfair.
In terms of the application itself:
1 Why does the path need to be so wide? Why not just upgrade the current path as has happened elsewhere around the loch?
2 Is this the prelude to further encroachment into Ladypark?
3 The path has to narrow beyond Ladypark at the bridge. I assume this will just be upgraded - as should be the case with the Ladypark section
4 At a time of severe budget constraint why is so much money being spent unnecessarily?
5 As noted above, I question the right of the current trustees to make this decision. Ladypark was put under the auspices of trustees to ensure that the park would never be developed. In my opinion th trustees are therefore acting 'ultra vires'
As a result I believe that this proposal should be rejected and current path upgraded instead.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Gillian Webb
Address: Sheriffs Pk Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:My husband and I agree that the path at this end of the loch could do to be upgraded. However, we disagree that there is a requirement to make the path 3m wide. We frequently walk or run round the loch and have never encountered an issue where we can't get passed other pedestrians/runners. The path is characteristic and making it into a 3m wide path would absolutely change that.

The plans show that a new path would cut into the Lady park by a considerable distance and in our opinion this would absolutely ruin this beautiful green space. If the path needs to be widened, surely there is scope to widen it up to the existing boundary. This would be more than sufficient.

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Dr Glen Thomson
Address: 37 St. Ninians Rd Linlithgow

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Whilst I would heartily support the improvement of the path, the land lost to grazing does seem excessive. Surely this would make it non viable to the farmer and the land might therefore be abandoned and taken over by WLCC. Surely this is not the council's plan.
It would be interesting to know the opinion of the Lady Park trustees although having lived at the above address for 35 years I do not know who they are or if they live in the environs.There may be some conflict of interest and the process does seem to be carried out in haste.

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mrs Jane Nicholson
Address: 120, Bailielands Bailielands Linlithgow

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We particularly love walking this part of the path as it is so peaceful and almost rural, often with sheep in the field. I understand the path may require upgrading however to make it 3m wide seems excessive. There has never been an issue with passing on the path whether you are running, walking a dog or pushing a pram. However to widen the path to this extent may affect the current use of the field which would affect the rural aspect of it. The path as it is is in keeping with the rest of the path round the loch and it should remain that way.

35 St Ninians Road
Linlithgow
West Lothian
EH49 7BN
31:01:19

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

1221/FUL/18 Planning Application for Lady Park Field , Linlithgow

Dear Sir or Ms

I refer to the above Application and would ask you to take cognisance of my objection, detailed below, to the above Development.
The Trust was set up , to the best of my knowledge, to protect the uninterrupted views of the Loch and Palace etc for the St Ninians Road proprietors , however as presumably the road being between my property and Lady Park excludes the main beneficiaries of the trust from being informed of any proposed development . A local Trustee to the Board would have been helpful here, however I understand any applications to membership of the Trustee's by locals has been rejected previously….Tom Watson my now deceased neighbour being the last local Trustee to the best of my knowledge. Perhaps this lack of notification might be seen as a convenience for WLC.
The proposed development shows a path three metres wide which is in excess of other paths round the Loch and doesn't follow the line of the Loch as exists elsewhere round the Loch and strays perhaps needlessly into Ladypark, and perhaps is another attempt by WLC to get the use of Ladypark with this being the first nibble into ground which I understand they have no legal title to.
As WLC may have funds for this possible project as a local resident I would have thought the completion of the perimeter path at the east end of the Loch would have been more of a priority by way of a footpath or an elevated

walkway similar to that at Loch Leven in Fife….or……a set of traffic lights at the junction of St Ninians Road / High Street to try to avoid the impending accident waiting to happen.
I did read WLC notes on the items for comment should be restricted …however I think the points I raise are relevant to this particular application.

Yours faithfully

John Somerville

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mrs Julie Allison
Address: 1 Springfield Court Linlithgow

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:There is absolutely a need to upgrade the path but the proposed width seems excessive and would be detrimental to the beauty of the surrounding area.

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mr M Safari
Address: 31 Bailielands Linlithgow

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I wish to object strongly to the proposed re-alignment of the footpath bordering Linlithgow Loch. I understand that it needs to be upgraded, I see no need for it to be the proposed width, which seems to be excessive.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mrs Mary Easson
Address: 21a St Ninians Road Linlithgow

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Whilst I support the upgrading of the section of the Lochside path, I write to object to the proposal submitted. The path is adjacent to the town centre and presently gives immediate access to an attractive rural environment consisting of agricultural land-use fringed by mature trees and scrub which is full of wildlife. Should the proposal go ahead, that rural environment would be diminished representing a loss of amenity rather than the gain suggested. Also, the realignment and widening of the path to the extent proposed is contrary to the aims of the Lady Park Trust which is tasked to oversee the protection of the Lady Park as open land into the future. Maintaining open views to the loch and palace from St Ninians Road and disallowing permanent building of any kind on the land were, I believe, fundamental tenets of the trust.
I wish to draw attention to a number of statements made within the submission as listed below:1) It is stated that the present path is eroding into the water body yet no solution is offered to mitigate future erosion. The bank is actually protected by the presence of mature willow trees and old walling visible at the waterline though the walling may now require maintenance in places. 2) The 1,365²m agricultural land needed for this proposal seems excessive and, therefore, an unnecessary use of public money in order to upgrade the path. The new path will require encroachment into the Lady Park of between 0 and 10m from the present fence-line, representing a huge loss of open space from the immediate environment.3) Wheeled access is not difficult. Cyclists, wheelchair users and HES off-road vehicles use the present path successfully. Passing of cyclists and pedestrians is not a safety concern since the width of the path makes users slow down and negotiate passing; a much wider path would encourage faster speeds which could prove problematic, however. 4) The land is important for wildlife and there will be a loss of some small trees/scrub to tarmac up to 3m wide. The trees include alder, willow and hawthorn which are native species that, along with the rose, bramble etc that are present, provide habitat for many species of native birds. Waterfowl from the loch graze on the agricultural land.5) By the council's

own definition, the Lady Park is 'Land Safeguarded as Open Space' and yet, this application sets out to tarmac over a wide tranche of that open space. The application states that the land in question 'serves no function as public open space' and that 'the project will improve the value of the open space'. This is fundamentally wrong, in my opinion. As agricultural land/green land/open space the land offers open views, space for wild life and farm animals which are visible to the public. The public does not need to access open land for it to be of value.

Comments for Planning Application 1221/FUL/18

Application Summary
Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details
Name: Mr Roderick Tulloch
Address: Annanlea St Ninian's Road Linlithgow

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As a neighbour of the ground subject to the planning application I am surprised that I have not heard about the application from the Applicant, ie West Lothian Council.

I have only found out from a resident of the street.

In this time of austerity I do not see the value of Council funds being used for this project.

A few years ago the Council replaced several of the metal fence posts but have not had the funds to get them painted. They have been left in the original red primer wheras the rest of the fence is painted black.

The path is not any narrower or in worse condition than any other part of the footpath that runs round the Loch.

Also I am struggling to understand the logic of moving the path at all. It's current position has been there for over a century and i am not aware of any problems with it's current location.

Moving the path 10m into the Lady Park could lead to the strip of land between the new path and the western boundary wall being too small to be viable for it's current use of animal grazing. The land will become unkempt and an eyesore.

As far as i am aware the Ladypark field is held in Trust and as such the Trust deeds prohibit any change of use of the land.

Regards,
R Tulloch

Committee Services have removed page no.101 from this online document at the request of a member of the public identified there – this action was taken on 10 March 2023

Comments for Planning Application 1221/FUL/18

Application Summary

Application Number: 1221/FUL/18
Address: Land At Lady Park Linlithgow West Lothian EH49 7BN
Proposal: Construction of a re-aligned footpath and erection of a stock proof fence with associated engineering and landscape works
Case Officer: Matthew Watson

Customer Details

Name: Mr Tom Costley
Address: Crannog 23 St. Ninians Road Linlithgow

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:My main concern is that this application appears to be excessive in relation to the objective of repairing the fence into the Ladypark field and improving the footpath. The proposed layout of the path appears to require a significant amount of the field for no obvious reason. The argument to move the path further away from the loch as a means of improving the erosion in places is somewhat tenuous without direct, remedial action to do so. Also, the width of the path also seems to be greater than is really necessary in this one of the more rural parts of the Lochside path network. The footfall in this part of the path is considerably less than the area next to the car parks and so it doesn't seem either necessary or appropriate to have such a wide path proposed.
Another important concern is that this proposal to acquire some of the Ladypark field could create a precedent for future development of the field - in direct contravention of the deeds of the trust which has maintained this valuable open space and view of the loch, the palace and St Michael's Church over the last 90 years.
Improving the exisiting path and repairing the fence is to be welcomed but surely it can be done without the apparent intrusions, both visually and physically into the Ladypark field

Draft conditions and reasons – 1221/FUL/18

1. Prior to the commencement of development, a landscaping scheme, that includes the replanting of trees at a minimum of a one for one basis throughout the site, shall be submitted to and approved in writing by the planning authority. Thereafter the landscaping as approved shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

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

2. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations. Any trees or plants which die or become seriously damaged or diseased during construction shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual and environmental amenity and preserving the character and appearance of the conservation area.

3. Prior to the commencement of development, further details of the proposed measures to prevent sediment and run-off from entering Linlithgow Loch shall be submitted to and approved in writing by the planning authority, in consultation with Scottish Natural Heritage. Any measures identified and agreed shall be implemented prior to the use of the proposed path.

Reason: To ensure the integrity of the SSSI is not compromised, in the interests of biodiversity

4. Prior to the commencement of development, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In the interests of safeguarding archaeological heritage.

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

<u>Noise (Construction)</u>

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

- No generators shall be audible within any residential properties between the hours of 2100 and 0800.

Noise (Vehicles/Plant)

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

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.

West Lothian Council

Development Management

List of Delegated Decisions - 15th February 2019

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.:	0802/FUL/18	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of hairdressers salon (to replace existing salon)		
Address:	3 Park View,Fauldhouse, Bathgate, West Lothian, EH47 9JS (Grid Ref: 293283,661025)		
Applicant:	Mr A Zahid	**Type:**	Local Application
Ward:	Fauldhouse & The Breich Valley	**Case Officer:**	Mahlon Fautua

Summary of Representations

One objection

- No off-street parking provision

Officers report

It is proposed to demolish an existing single storey, flat roofed hairdressing salon which measures approximately 5m x 6m and replace it with a single storey building which measures 9.3m by 10.5m. The new building would have a pitched roof and would constitute a significant improvement over the existing building.

It is considered that in view of the scale of the use there would be a minimal impact on residential amenity, including traffic movements. Furthermore, there is sufficient space in front of the building for customer parking.

Therefore, it is recommended that planning permission is granted subject to conditions.

Ref. No.:	1044/P/18	**Recommendation:**	Grant Planning Permission in Principle
Proposal:	Planning permission in principle for the erection of a retail food store (class 1) and associated works		
Address:	Land North West Of Houston Interchange,Houston Road, Livingston, , (Grid Ref: 305280,667171)		
Applicant:	Deanway Development Limited	**Type:**	Local Application
Ward:	Livingston North	**Case Officer:**	Steven McLaren

Summary of Representations

Four letters of support. Knightsridge Community Council had met with the applicant over concerns with the proposal, but has not objected.

One objection -

- the application site is allocated employment land in the West Lothian Local Development Plan (WLLDP).

Officers report

Planning permission is sought in principle for the construction of a Class 1 retail store and associated works on an allocated employment site (E-LV 40) with Aldi Stores Ltd being the proposed future occupier. The West Lothian Local Plan examination process identified an excess of allocated employment land in West Lothian. The site has been marketed for Class 4 (business) use and has been available for business use for over 10 years with no interest.

Aldi have recently expanded their Almondvale store and it is unlikely therefore that Aldi would seek to take up additional vacant shop space within the town centre. An additional store in the Knightsridge area is also unlikely to draw any significant foot fall from the existing town centre uses and in some respect will simply draw customers from one Aldi store to another. Whilst the site is within the Livingston Settlement Boundary it is not identified as a 'local town centre' or a 'local neighbourhood centre' which would offer some support for a retail food unit. Policy TCR 2 Town Centres First Sequential Approach is relevant.

The proposal site is essentially for an 'Out of Centre' type retail location where specific criterion apply. The scale of the development is appropriate in this location; a retail statement submitted in support of the application demonstrates that all other locations have been considered through the retail statement; there would be no adverse impact on higher order centres in the sequence; it is located close to a residential area making it a sustainable location; it would not give rise to a shortfall in employment land allocation and it would not restrict other adjacent lawful uses or fragment a larger employment area. The proposal also offers jobs and appropriately priced facilities to this less well-off area and has received letters of support from local residents.

It is recommended therefore that planning permission in principle is granted, subject to conditions and the provision of improved footpath links between the new store and the nearby residential area of Knightsridge.

Ref. No.:	1203/FUL/18	**Recommendation:**	Grant Planning Permission
Proposal:	Change of use of 12 parking spaces to hand car wash and valeting operation including the installation of a 12sqm storage container and canopy		
Address:	Asda Livingston,Almondvale North, Almondvale, Livingston, West Lothian (Grid Ref: 305729,666794)		
Applicant:	Miss Amrina Piroos Waves Valeting Services Ltd	**Type:**	Local Application
Ward:	Livingston South	**Case Officer:**	Linda Christie

Summary of Representations

One objection -

- Parking

Officers report

The application seeks planning permission for the use of 12 car parking spaces in the eastern part of the existing Asda car park as a car wash and valeting operation, including installation of a 12 sqm storage container and canopy.

The proposed car wash service is considered to be ancillary to the main retail use of the site, with customers likely to use the facility in association with a visit to the supermarket rather than making a visit just to use the car wash. One letter of objection has been received in regards to reducing parking for the existing store, however, the council's Roads and Transportation service has no objection to the application. In addition, neither Environmental Health nor SEPA have any objection to the proposal.

It is considered that the loss of 12 parking spaces from the car park will not give rise to adverse traffic issues, and the location of the car wash will mean that it does not give rise to any amenity issues. It is recommended, therefore, that planning permission is granted.

Ref. No.:	1227/H/18	**Recommendation:**	Grant Planning Permission
Proposal:	Demolition of garage and erection of new garage		
Address:	Belnorie,1 St John's Road, Broxburn, West Lothian, EH52 5QY (Grid Ref: 308178,671894)		
Applicant:	Mr & Mrs G Malcolm	**Type:**	Local Application
Ward:	Broxburn, Uphall & Winchburgh	**Case Officer:**	Thomas Cochrane

Summary of Representations

Two neutral representations -

- no objection provided the garage is only used for private cars

Officers report

This property is a single storey traditional bay windowed, stone built property. There is a slabbed and red chip driveway which runs adjacent to the side elevation. The rear curtilage is 26m long by 13m long.

The proposal is to demolish the existing garage and construct a garage at the end of the garden where a wooden shed currently occupies this space. Due to the location and orintation, no property will be overshadowed, and there will be no light issues. A condition is attached to restrict the use to domestic only.

As the proposal does not give rise to any loss of residential or visual amenity it is recommended that planning permission is granted.

Ref. No.:	0011/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Formation of footpath link		
Address:	Land At Allison Gardens,Blackridge, West Lothian, , (Grid Ref: 289930,666887)		
Applicant:	Southvale Homes (Lanark) Ltd	**Type:**	Local Application
Ward:	Armadale & Blackridge	**Case Officer:**	Mahlon Fautua

Summary of Representations

Four representations - 3 objection, 1 neutral
- Not notified of application
- work has commenced without consent
- access over private land
- damage to drains, road and trees
- devalue property
- anti-social behaviour
- missive on land required the area to be fenced off

Officers report

The proposed path formalises a used pedestrian link between the residential development at Allison Gardens and the established route to the north west of the site. It is required to provide an alternative to the originally proposed footbridge across the Barbauchlaw Burn, which proved impracticable because of the differing ground levels on the north and south sides of the burn. The new footpath link will provide a direct access between the new development and Blackridge's shops, school and bus routes.

The objections raised predominantly relate to private land rights and public right of way which are beyond the remit of the planning application.

There are no material planning reasons why the link should not be built.

It is therefore recommended that planning permission is granted subject to conditions.

West Lothian Council

Development Management

List of Delegated Decisions - 22nd February 2019

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.:	1037/H/18	**Recommendation:**	Refuse Permission
Proposal:	Erection of a summer house		
Address:	56 East Main Street,Uphall, Broxburn, West Lothian, EH52 5HY (Grid Ref: 306213,671855)		
Applicant:	Mr Stewart Togher	**Type:**	Local Application
Ward:	Broxburn, Uphall & Winchburgh	**Case Officer:**	Thomas Cochrane

Summary of Representations

One objection-
-obstruction of view
-the structure is too close
-drawings and not indicative of what has already been constructed.
- the raised platform not shown on drawings
-possible commercial use.

Officers report

It is proposed to erect a summer house in the garden of a property is within the Uphall conservation area. At the time of the site visit, there was a partial structure already built. This structure due to its location will cause overshadowing of windows in the existing flatted accommodation due to the level difference. The plans submitted do not accurately reflect what is being constructed on site. The recommendation is to refuse planning permission as it is contrary to LDP policy ENV 24, which states that new development should enhance the character and appearance of the area, and policy DES1 as the structure will have a detrimental impact on the amenity of neighbouring residents.

Ref. No.:	1198/FUL/18	**Recommendation:**	Refuse Permission
Proposal:	Erection of a multi-arts workshop/rehearsal centre consisting of training centre building (including managers accommodation), round house and dome & stretch tents, guest accommodation units and toilet block with associated works		
Address:	Colzium Cottage,Kirknewton, West Lothian, EH27 8DH, (Grid Ref: 308333,658781)		
Applicant:	Mr Rob Thorburn Colzium Arts Farm Ltd	**Type:**	Local Application
Ward:	East Livingston & East Calder	**Case Officer:**	Gillian Cyphus

Summary of Representations

Nine representations in support of the business proposal.

Officers report

An 'arts farm' is propsoed in open countryside near Kirknewton. The development would comprise a roundhouse rehearsal space/workshop, a dome tent, manager's cabin and rehearsal/teaching space, accommodation units for up to 50 people, access roads and landscaping. It is intended to be a multi-use facility which would allow for teaching and a variety of arts pursuits

The proposal constitutes intrusive development in a sensitive area of countryside, with no locational need or justification. It is therefore contrary to the council's guidance on Development in the Countryside (2018) and policies DES1 (Design Principles), EMP3 (Employment outwith Settlements), ENV1 (Character and Special Landscape Areas), ENV2 (Housing in the Countryside), ENV3 (Other Development in the Countryside), ENV13 (Pentland Hills Regional Park) and ENV14 (Pentland Hills Regional Park - further protection) in the adopted Local Development Plan.

It is recommendde, tharefore, that planning permisison is refused.

Ref. No.:	1237/H/18	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of a detached garden room (in retrospect)		
Address:	131 Harburn Avenue,Deans, Livingston, West Lothian, EH54 8NL (Grid Ref: 302960,668755)		
Applicant:	Mr & Mrs Mark & Fionna Ellison	**Type:**	Local Application
Ward:	Livingston North	**Case Officer:**	Thomas Cochrane

Summary of Representations

One objection
-privacy

Officers report

Planning permisison is sought for the erection of a summerhouse in the back garden of a semi-detached house. The applicant has agreed to install obscured glazing in two windows which would overlook the neighbouring property, which would address the concerns of the objector.

In view of the above it is recommended that planning permission is granted, subject to a condition regaring glazing.

Ref. No.:	0009/H/19	**Recommendation:**	Refuse Permission
Proposal:	Conversion of garage to form ancillary residential accommodation		
Address:	Burnside Cottage,Burnside Road, Bathgate, West Lothian, EH48 4PX (Grid Ref: 296964,669221)		
Applicant:	Mr & Mrs Flockhart	**Type:**	Local Application
Ward:	Bathgate	**Case Officer:**	Thomas Cochrane

Summary of Representations

Three representations, one in support and two objections.
Objections:
-Insufficient parking
-Privacy
-Property Value
-Noise
-Emissions
-Safety
-Construction disruption
-Overlooking
-Residential amenity

Officers report

Planning permission is sought for the conversion of a detached garage to the rear of a detached house. The property shares its access with a neighbouring property; the garage is located at the foot of the garden of the owner's house, and is approximately four metres from the neighbouring house.

The proposal includes forming a door and two windows in the wall facing on to the shared driveway and towards the neighbouring house. This is considered to constitute a privacy failure, and the applicant was asked to remove the door and windows, which was not acceptable to him.

Without this change, the proposal is considered to be contrary to policy DES 1 of the Local Development Plan and the council's guidance on house extensions, and it is therefore recommended that planning permission is refused.

Ref. No.:	0041/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Change of use from shop (class 1) unit to form restaurant with hot food takeaway on ground floor and function space on first floor and erection of flue		
Address:	44-46 George Street,Bathgate, West Lothian, EH48 1PD, (Grid Ref: 297482,668828)		
Applicant:	Sava Estates Ltd	**Type:**	Local Application
Ward:	Bathgate	**Case Officer:**	Mahlon Fautua

Summary of Representations

Two Objections - one received out of time.

- oversupply of restaurants/hot food shops
- commercial competition concerns

Officers report

The proposed change of use is considered to be in keeping with its surrounds within a town centre location. The proposal is therefore acceptable in land use terms in this case. Adequate measures can be implemented to ensure any potential adverse impact on the neighbouring residential properties are mitigated and avoided.

With respect to the matters that raised in the objection, proliferation of such uses and competition cannot be considered in assessing the planning merits of the application.

The proposal would also comply with policy TCR 1 of the West Lothian Local Development Plan.

The application is considered to be acceptable in meeting the terms of the West Lothian Local Development Plan and is therefore recommended for approval.

West Lothian Council

Development Management

List of Delegated Decisions - 1st March 2019

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/0739/P/16	**Recommendation:**	Grant Planning Permission in Principle
Proposal:	Planning permission in principle for the erection of a residential development (Grid Ref: 303970 675473)		
Address:	Land Adjacent To Bridgend Golf Club, Bridgend, Linlithgow, EH49 6NW,, , , (Grid Ref: ,)		
Applicant:	G Townsley	**Type:**	Local Application
Ward:	Linlithgow	**Case Officer:**	Steven McLaren

Summary of Representations

3 representations:

-The land was set aside for recreational use as part of the golf club approval, approving houses here will put strain on existing infrastructure.
-Application is premature.
-Development in the countryside.
-Title restrictions.
-Layout and design
-Traffic capacity.
-Education capacity.
-Type and style of proposed houses inappropriate.

Officers report

The application site is an allocated housing site, for up to 40 houses, in the adopted West Lothian Local Development Plan (H-BD3). The indicative layout shows a development of 25 detached, semi-detached and terraced houses. Developer contributions will be required including 25% on site affordable housing which will be secured through a section 75 agreement.

Since the submission of the objections, the LDP has been adopted and the site allocated for 40 units. The application is therefore no longer premature and not in the countryside. Title restrictions are not a planning matter. The layout is indicative and may change at the detailed application stage where full consideration will be given. Transportation has raised no concerns regarding the access from Willowdean. There is now a funding solution in place

for the new secondary school in Winchburgh which removes the constraint on Linlithgow Academy, subject to appropriate phasing.

In view of the above it is considered that the principle of developing this allocated site for housing is acceptable and recommendation is to grant planning permission subject to conditions and a legal agreement.

Ref. No.:	0995/FUL/18	**Recommendation:**	Refuse Permission
Proposal:	Change of use from open space to form additional yard area		
Address:	Murraysgate Industrial Estate,Whitburn, West Lothian, , (Grid Ref: 293901,664977)		
Applicant:	Mr Andrew Craig Craig Engineering (Bathgate) Ltd	**Type:**	Local Application
Ward:	Whitburn & Blackburn	**Case Officer:**	Mahlon Fautua

Summary of Representations

Two Representations, one objection and one neutral
-Noise
-Visual impact due to height of shelves
-Potential dust and grime
-Sunlight

Officers report

Permission is sought for the use of an open area between Murraysgate Indutrial Estate and suburban houses for open storage and steel/metal cutting and fabrication. The proposals include the formation of open metal shelving, appoximately 3.5 metres high, along the boundary between the site and the rear fences of the surrouding houses. While the expansion of the existing industrial area is supported in principle, it is considered that the proposed use of the yard and the nature of the storage proposed would have a significant detrimental impact on the amenity of the neighbouring residential properties. The height of the proposed shelves would create a visual impact and activity in the proposed yard would likely create a noise nuisance.

The proposed development is therefore considered to be contrary to the West Lothian Local Development Plan policies DES 1 and EMP 1. As such, it is recommended that the application planning permission be refused.

Ref. No.:	1029/FUL/18	**Recommendation:**	Grant Planning Permission
Proposal:	Construction of two storey office building with ancillary store and associated car park and landscaping		
Address:	Land At Youngs Road,Broxburn, West Lothian, , (Grid Ref: 308948,672866)		
Applicant:	Ian Macleod Distillers	**Type:**	Local Application
Ward:	Broxburn, Uphall & Winchburgh	**Case Officer:**	Matthew Watson

Summary of Representations

One objection:

- Vehicular access/traffic congestion

- Landscaping scheme inappropriate in view of increased traffic

Officers report

The application proposes a two storey office building and ancillary store with associated car parking and landscaping on Youngs Road within the East Mains Industrial Estate.

The application site is located within an employment area and is currently used to store diggers for a nearby business. Policy EMP 1 states that redevelopment of land within employment areas is supported subject to proposals being compatible with neighbouring land uses; not having a detrimental impact on the amenity of the area; that transport implications can be effectively managed; and any infrastructure deficiencies can be remedied.

The proposal is for Class 4 use, which will be compatible with the surrounding Class 5 uses, most of which have ancillary office functions. The proposal will not have a detrimental impact on the amenity of the area in terms of daylight, sunlight, privacy and noise. Visually, the proposal is of an acceptable scale and form that does not dominate its surroundings and will integrate sufficiently with its context. The application proposes widening the access road at the north of the development to six metres in width, as well as the installation of a two metre wide footway for pedestrians. With these measures in place, transportation has removed their holding objection and now does not object to the proposal. This remedies an infrastructure deficiency resulting from the proposed development. A condition will require these measures to be carried out prior to the occupation of the building.

It is therefore recommended that planning permission is granted.

Ref. No.:	1099/FUL/18	**Recommendation:**	Grant Planning Permission
Proposal:	Formation of access and hardstanding, siting of two shipping containers, animal shelter and caravan and part change of use for HGV storage (in retrospect)		
Address:	Land At Oakbank Road,East Calder, West Lothian, , (Grid Ref: 307955,666172)		
Applicant:	Ms Jillian Baillie	**Type:**	Local Application
Ward:	East Livingston & East Calder	**Case Officer:**	Claire Johnston

Summary of Representations

Two represnetation -

One Objection
- Site Access
- Inappropriate Use
- Residential Amenity

One letter of Support
- Local employment opporunities
- Landscaping will improve appearance

Officers report

The application is for the formation of an access and harstanding, siting of two shipping containers, animal shelter and caravan and part change of use for HGV storage in retrospect. The site is located outside the settlement boundary of East Calder on Oakbank Road, in an area of Special Landscape Area (SLA) although the site is not aesthetically pleasing due to previous unauthorised uses.

The access track and hardstanding have been in place for a number of years and were installed by the previous owner. Given that they are existing it is considered reasonable to allow the retention of this hardstanding subject to conditions relating to landscaping and other improvements. The operation of a HGV business - overnight parking of three HGVs - within the countryside setting is not generally appropriate and would be better placed within an industrial site however it is considered reasonable to allow a short period of time for the business to relocate to a more suitable site, allowing applicant to achieve the agricultural smallholding he proposes in the long term. The caravan is associated with the HGV business and is for driver welfare during handovers and general site security; it is intended that this will be removed once the period of HGV operation expires.

Two letters of representation were recieved, one objection on the grounds of access, inappropriate use of the site and impact on residential amenity, and one letter of support for the local employment opportunities as well as the improved appearance of the site through appropriate landscaping. Contaminated Land and Environmental Health have no objections to the application, while Transporation have requested a condition relating to the road junction and access being formed in line with their requirements.

It is therefore recommended that the application is granted with a condition restricting the use of HGV parking, siting of the containers and caravan to a maximum of two years.

Ref. No.:	1171/H/18	**Recommendation:**	Grant Planning Permission
Proposal:	Extension to two houses		
Address:	14 And 16 Main Street,Newton, Broxburn, West Lothian, EH52 6QF (Grid Ref: 309241,677744)		
Applicant:	Mr Chris Reilly	**Type:**	Local Application
Ward:	Linlithgow	**Case Officer:**	Thomas Cochrane

Summary of Representations

Two objections-

- privacy and amenity (addressed by the amended plans)

- vehicle access

Officers report

The application relates to a single storey rear extension to two traditional semi-detached cottages. The plans have been amended to delete a large pitched roof, significantly reducing the visual impact. This also reduces the impact on the neighbouring properties.

The plans, as amended, are considered to be acceptable and it is recommended, in consequence that planning permission is granted.

Ref. No.:	1185/P/18	**Recommendation:**	Refuse Planning Permission in Principle
Proposal:	Planning permission in principle for residential development including associated infrastructure, access, and landscaping		
Address:	Land At Muirend,Broxburn, West Lothian, EH52 5PD, (Grid Ref: 309773,670810)		
Applicant:	Mrs M P Cadzow c/o Agent Felsham PD	**Type:**	Local Application
Ward:	East Livingston & East Calder	**Case Officer:**	Matthew Watson

Summary of Representations

None

Officers report

The application proposes a residential development at Muirend Farm to the south of Broxburn. The application site contains the farmhouse, an outbuilding (that has permission to be converted to residential use) and three of farm buildings. It is proposed to demolish the farm buildings and erect houses in their place. An indicative layout shows five houses proposed. The application site is located within the Winchburgh/Broxburn Countryside Belt.

Policy ENV 7 (Countryside Belts and Settlement Setting) states that proposals are required to comply with Policies ENV 1 - 6 of the West Lothian Local Development Plan (LDP), not undermine the strategic purposes of countryside belts and will not give rise to coalescence.
The proposal is compliant with Policies ENV 1, 4, 5 and 6. Policy ENV 3 does not apply in this instance.
Policy ENV 2 sets out the exceptions to new build housing in the countryside.
The application site proposes the development of previously developed land within the curtilage of the existing farmhouse. The approved Supplementary Guidance (SG) on Development in the Countryside states on p.14 in the section on the re-development of rural brownfield sites that:
"the housing element of a proposal must be modest (ordinarily not more than three houses). Proposals for a larger number of houses will only be permitted where it can be satisfactorily evidenced that there are overwhelming social, economic or environmental reasons of overriding public interest for requiring such a scale of new residential development in a rural location."

The applicant has not put forward any overwhelming social, economic or environmental reasons of overriding public interest for development of more than three houses in this case. The proposal is therefore contrary to the SG in this respect.

The applicant contends that the proposed site is an infill development. Paragraph 64 of the SG states the following:
"The term 'infill' is sometimes misapplied to development proposals and for the avoidance of doubt it is, in the context of Policy ENV 2 of the LDP, development in the order of one or two houses in a small gap in an otherwise continuous built-up residential frontage to a road or access within a clearly identifiable cohesive group of buildings in the countryside."

Paragraph 65 goes on to state:
"In situations where existing buildings are set substantially back from the road and have large front gardens or forecourts and/or properties are set within large plots with a sizeable gap to neighbouring properties it is unlikely that the 'continuously built-up frontage' requirement can be met. New development could be harmful to the rural character of the area in these circumstances and would not be supported."

The farmhouse is set back from the road with a large forecourt and garden area to the west of the site. There is clearly not a 'continuously built-up residential frontage' in this area and the proposal does not fill a 'gap'. Rather it seeks development within the curtilage of the existing farmhouse.

The Council's Environmental Health Service has objected to the development due to insufficient information on noise. The site is within the flightpath of Edinburgh Airport and this has the potential to detrimentally affect the amenity of future occupiers. A noise assessment was requested but has not been submitted. In the absence of a noise assessment, the proposal is contrary to Policy EMG 5 (Noise) of the LDP.

Overall, the proposal is contrary to Policy ENV 2 (Housing development in the countryside) of the LDP. Consequently, it is also contrary to Policy ENV 7 (Countryside Belts and Settlement Setting), as well as Policy EMG 5 (Noise) of the LDP. No material considerations outweigh this conclusion.

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

Ref. No.:	1186/FUL/18	**Recommendation:**	Refuse Permission
Proposal:	Erection of a house		
Address:	United Reformed Church,48 Marjoribanks Street, Bathgate, West Lothian, EH48 1AH (Grid Ref: 297794,668976)		
Applicant:	Mr & Mrs William & Vanda Collins	**Type:**	
Ward:	Bathgate	**Case Officer:**	Gillian Cyphus

Summary of Representations

One letter of support.

Officers report

The application is for a house within the front garden of the existing property, immediately adjacent to a C listed church. The proposed house, due to its design and location, would have a significant impact on the adjacent listed building, the existing residential property to the rear and the streetscene generally. The application is therefore contrary to policies DES1 (Design), HOU3 (Housing in the Settlement) and ENV28 (Listed Buildings) of the Local Development Plan and the council's approved Residential Development Guide.

It istherefore recommended that planning permisison is refused.

Ref. No.:	0008/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Formation of a children's toddler play park and associated works		
Address:	Land At Cardross Road,Broxburn, West Lothian, , (Grid Ref: 307087,672359)		
Applicant:	Mr Stephen Knox West Lothian Council	**Type:**	Local Application
Ward:	Broxburn, Uphall & Winchburgh	**Case Officer:**	Claire Johnston

Summary of Representations

One objection

- Privacy
- Noise

Officers report

The application is for the formation of a children's play park within an area of open space located on the corner of Cardross Road and Cardross Crescent, Broxburn.

One letter of objection has been received in regards to increased noise and privacy concerns. The proposed play area is designed for toddler aged children and comprises several items of equipment, including a swing set, hide & slide multi-unit and seesaw. The maximum height of the standing platform of the multi-unit is 1.2m from the ground level. It is not considered that this would create any issues in respect of privacy for the surrounding neighbours. Due to the small scale equipment being proposed and the fact that the play area is for toddlers it is considered that noise from the play area is unlikely to be an issue.

The proposal will deliver improved facilities for the use of families living in the area and are in accordance with the West Lothian Local Development Plan policies. It is therefore recommended that the application is granted.

West Lothian Council

Development Management

List of Delegated Decisions - 8th March 2019

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.:	0280/P/18	**Recommendation:**	Refuse Planning Permission in Principle
Proposal:	Planning Permission in Principle for the erection of a house		
Address:	Plot Of Land,Burnvale, Broxburn, EH52 5PA, (Grid Ref: 305280,667171)		
Applicant:	Mr & Mrs Douglas & Sheila Halliday	**Type:**	Local Application
Ward:	Broxburn, Uphall & Winchburgh	**Case Officer:**	Matthew Watson

Summary of Representations

One netural comment:

- No objection in principle but a detailed application should respect privacy
- Any disruption or damage to the lane as a result of the development should be made good
- Questions whether junction improvements can be required as part of this application

Officers report

The application seeks planning permission in principle for a house at Burnvale, Burnside to the south of Broxburn.

The application site falls within the settlement boundary of Burnside and is compatible with surrounding land uses. A house in this location would be in keeping with the character of the settlement and local area. The applicant has indicated that they are willing to pay all developer contributions, in line with policies HOU 3 and INF 1.

However, SEPA has objected to the application on grounds of flood risk. The applicant has submitted further information in terms of level information but has not been able to satisfy SEPA and their objection has been maintained.

The proposal is therefore contrary to Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (h) and Policy EMG 2 (Flooding).

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

Ref. No.:	1197/FUL/18	**Recommendation:**	Refuse Permission
Proposal:	Erection of 4 houses		
Address:	Wester Woodside Farm,Torphichen, Linlithgow, West Lothian, EH49 6QE (Grid Ref: 296208,673456)		
Applicant:	Mr William Russell	**Type:**	Local Application
Ward:	Armadale & Blackridge	**Case Officer:**	Mahlon Fautua

Summary of Representations

No representations received

Officers report

Planning permission is sought for the erection of four houses on a rural brownfield site.

The Council is not satisfied that the buildings to be removed as part of the proposed development are redundant and seriously detract from the visual and environmental amenity of the area. Furthermore, the proposed new houses are substantially beyond the footprint of the existing buildings that are to be replaced and even the yard/developed area.

It is considered that development of the site for housing does not satisfy the fundamental criteria in policy ENV 2 of the LDP. Therefore the development is not justified in accordance with the development plan.

Please note that the Council is minded to grant (LIVE/0151/FUL/17) for five houses on land adjacent to this application. However this has been justified on conversion of rural buildings with an element of new build. As such, the proposed total number of houses including this proposal would be of scale that would have a cumulative adverse visual impact on the local countryside.

It is therefore recommended that planning permission is refused as the proposal is contrary to LDP policies, DES1 (Design Principles) and ENV2 (Housing Development in the Countryside).

Ref. No.:	0070/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of a statue of a dog, seating, landscaping and associated works		
Address:	Land Adjacent To 212 High Street,Linlithgow, West Lothian, , (Grid Ref: 300487,677133)		
Applicant:	Mr Ronald P.A Smith Burgh Beautiful Linlithgow	**Type:**	Local Application
Ward:	Linlithgow	**Case Officer:**	Steven McLaren

Summary of Representations

One letter in support and one objection -

- Will result in more congestion on the High Street.
- Will encourage more visitors to use residents' parking.
- An alternative site should be found.

Officers report

The proposal is to carry out environmental improvements on land adjacent to 212 High Street, Linlithgow where a footpath leads form the High Street to Linlithgow Loch. The works include new seating, new block paving, an interpretive board, landscaping works and a dog statue set on a plinth representing the 'Black Bitch' as represented on Linlithgow's burgh seal. The environmental improvement works are considered to be acceptable and the installation of the sculpture, whilst adding interest to the High Street, is unlikely to result in increased traffic and loss of parking to residents. It is therefore recommended that planning permission is granted.

Ref. No.:	0108/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Change of use from office (class 4) to hot food take away (sui generis) and formation of new shopfront and erection of flue		
Address:	20-22 King Street,Bathgate, West Lothian, EH48 1AX, (Grid Ref: 297534,668658)		
Applicant:	Mr Muhammad Ajmal	**Type:**	Local Application
Ward:	Bathgate	**Case Officer:**	Mahlon Fautua

Summary of Representations

Three Objections
- oversupply of hot food shops
- traffic concerns
- Litter

Officers report

The proposed use of the premises as a hot food take away is considered to be in keeping with its surrounds within a town centre location and is supported in principle. Adequate measures can be implemented to ensure any potential adverse impact on the nearby residential properties are mitigated and avoided.

With respect to the matters that are raised in the objections, proliferation of such uses and competition cannot be considered in assessing the planning merits of the application. Other objections can be controlled through conditions.

The proposal therefore complies with policy TCR 3 of the West Lothian Local Development Plan and it is recommended that planning permisison is granted.

Proposed Enforcement Actions - 08/03//2019

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0271/18	Ms L Potter	18 St Johns Avenue, Linlithgow, EH49 7DU Installation of UPVC windows	Linlithgow	Serve Enforcement Notice	The unauthorised UPVC windows have been the subject of a planning application which has been refused. The deadline for the submission of an appeal against the refusal has now passed. Steps to comply: removal of UPVC windows and replace with suitable timber frame windows