



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

2 April 2014

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 9 April 2014 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. 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.
4. Confirm Draft Minutes of Meeting of Development Management Committee held on 12 March 2014 (herewith).

Public Items for Decision

5. Application No.0015/FUL/14 - Change of use to incorporate Class 6 (storage and distribution), extension to building, formation of new hardstanding area and erection of a security fence at 1 Lister Road, Kirkton Campus, Livingston (herewith)
6. Application No.0110/FUL/14 - Installation of heat extractor fan and acoustic enclosure (in retrospect) operational between 07:00 and 20:00 hours only at 3-5 Goschen Place, Broxburn (herewith)

7. Application No.0823/FUL/13 - Erection of 32 houses with associated works at Raw Holdings, East Calder (herewith)

Public Items for Information

8. Consider list of Delegated Decisions on Planning Applications and Enforcement Actions from 7 March to 28 March 2014 (herewith)
9. Appeals -
- (a) Application No.0519/FUL/12 - Erection of a 61m high (to blade tip) wind turbine at Ormiston Farm, Kirknewton - Appeal submitted to Scottish Ministers following refusal of planning permission was upheld.
 - (b) Application No.0151/FUL/13 - Erection of 2 houses at Bridgycastle Cottages, Bridgehouse, Armadale - Appeal submitted to Scottish Ministers following refusal of planning permission was upheld.

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 of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 12 MARCH 2014.

Present – Councillors Alexander Davidson (Chair), Stuart Borrowman, William Boyle, Harry Cartmill, Lawrence Fitzpatrick, Greg McCarra and John Muir

Apologies – Councillor Tom Kerr and Barry Robertson

1. ORDER OF BUSINESS

The committee agreed to hear Agenda Item 10 (App No.0813/MSc/13 – Wester Inch, Bathgate) as the item of business had been continued from the previous meeting.

2. DECLARATIONS OF INTEREST

Agenda Items 7 & 8 (App No 0106/FUL/14 and App No.0734/M/12) – Councillor McCarra declared a non-financial interest in that he was Chair of the Rusha Opencast Liaison Committee and therefore would not participate in the items of business.

3. MINUTE

The committee agreed the Minute of its meeting held on 12 February 2014 as a correct record. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0813/MSc/13

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0813/MSc/13	Approval of reserved matters for 76 houses with associated works (amendment to approval of matters 0103/ARM/07) at Area S, Wester Inch, Bathgate	Grant approval of matters subject to conditions.

The committee then heard Mr Tony Cahill of Miller Homes speak in support of the application.

Decision

Approved the terms of the report and granted approval of reserved

matters subject to conditions.

5. APPLICATION NO.0019/LBC/14 & 0020/FUL/14

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>App Nos.</u>	<u>Proposal</u>	<u>Recommendation</u>
0019/LBC/14 0020/FUL/14	& Erection of a two-storey building at 220 High Street, Linlithgow	Grant planning permission and approve listed building consent.

The committee then heard Ms Suzanne John speak in support of her objections to the application.

The committee then heard Mr Lewis Falconer, the applicant, speak in support of the application.

Motion

To approve the terms of the report and grant planning permission and Listed Building Consent subject to conditions including the condition that there was to be opaque glass in the sloping roof and for permitted development rights to be removed from the development.

- Moved by the Chair and seconded by Councillor Borrowman

Amendment

To refuse planning permission and Listed Building Consent as it was considered that the application did not comply with policies HER2, HER19, HER21 and HER24, the appearance and location of the building was not in keeping with the surrounding conservation area and there were alternative locations within the town centre that the business could utilise.

- Moved by Councillor Boyle and seconded by Councillor McCarra

Decision

Following a vote the amendment was successful by 4 votes to 2 and it was agreed accordingly.

6. APPLICATION NO.0050/FUL/14

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
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0050/FUL/14	Erection of a 2736sqm building to accommodate 4 no.football courts, changing and administration accommodation and the formation of parking area at Houston Road, Houston Industrial Estate, Livingston.	Refuse planning permission.
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The committee then heard Mr Christie McNaughton, the applicant's agent, speak in support of the application.

The committee then heard Councillor Carl John and Councillor Dave Kings, both local members, speak in support of the application.

Decision

To grant planning permission with conditions delegated to the Development Management Manager as it was considered that the application did conform with council policies TC1 and IMP15, the nature of the development would be industrial in appearance and would therefore be in keeping with those developments already in-situ and that the proposal would bring employment to the area.

7. APPLICATION NO.0106/FUL/14

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0106/FUL/14	Application under section 42 to vary condition 1 of planning permission 0428/FUL/12 to allow an increase in the height of the overburden mound (in retrospect) at Rusha Surface Coal Mine, near Breich.	Grant planning permission subject to conditions.

The committee then heard Mr Alan Middleton and Mrs Michelle Middleton speak in support of their objections to the application.

The committee noted that whilst S Middleton, S McBurnie and E

Middleton had all requested to speak they had not been able to attend the meeting.

The committee then heard Siobhan Samson, Jim Donnolly, Philip Baker and Sam Thistlewaite speak in support of the application.

Decision

To approve the terms of the report and grant planning permission subject to conditions and to include the additional condition that the applicant was to submit to the council, every two months, contour plans.

8. APPLICATION NO.0734/M/12

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0734/M/12	Extension of approved coaling area A to recover additional coal at Area A, Rusha Surface Coal Mine, near Breich	Grant planning permission subject to conditions.

The committee then heard Mr Alan Middleton and Mrs Michelle Middleton speak in support of their objections to the application.

The committee noted that whilst S Middleton, S McBurnie and E Middleton had all requested to speak they had not been able to attend the meeting.

The committee then heard Siobhan Samson, Jim Donnolly, Philip Baker and Sam Thistlewaite speak in support of the application.

Decision

To approve the terms of the report and grant planning permission subject to conditions and to include the additional condition that the planning permission was not to be issued until such time a protocol was in place for noise monitoring and the permanent noise monitoring equipment had been installed, by the applicant, into the objector's property.

9. APPLICATION NO.0747/FUL/13

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
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0747/FUL/13

Application under Grant temporary
 section 42 to vary planning permission
 condition 3 on planning subject to conditions.
 permission
 0830/FUL/10 to allow
 for 24 hour receipt and
 processing of waste
 material at 5 Drovers
 Road, Broxburn

The committee then heard a representative of the William Tracey Group speak in support of the application.

The committee then heard Mr David Harris of Broxburn Bottlers Ltd speak in support of their objections to the application.

The committee also noted that whilst Mr Tom Roy of Broxburn Community Council had requested to speak he was not in attendance at the meeting.

Decision

Agreed to delegate to the Development Management Manager to undertake discussions with all parties with regards to suitable planning conditions and the duration of the planning permission including a possible legal agreement and to only issue the planning permission once those discussions had been undertaken and consultation with local ward members had also been concluded.

10. APPLICATION NO.0830/FUL/13

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0830/FUL/13	Change of use from a light industrial unit to a cookery school (class 10)	Grant planning permission

Decision

To approve the terms of the report and grant planning permission with conditions to be delegated to the Development Management Manager in consultation with the Chair.

11. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated decisions and enforcement actions for the period 31 January to 21 February 2014 was submitted for the information of the committee.

Decision

Noted the list of delegated decisions

12. APPEALS -

- a) The committee noted that the following had been submitted to Scottish Ministers following refusal of planning permission :-

Application No.

Proposal

0518/P/13

Planning permission in principle of a 12.6ha residential development including green space, SUDS, access roads and associated infrastructure at land at Burghmuir A, Linlithgow.

- b) The committee noted that the following appeal which had been submitted to Scottish Ministers following refusal of planning permission had been dismissed :-

Application No.

Proposal

0688/FUL/13

Erection of 2 houses and formation of access and driveway at Limetrees, 62 East Main Street, Blackburn



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Change of use of industrial building to incorporate class 6 (storage & distribution), extension to building, formation of hardstanding and parking areas and the erection of a security fence at 1 Lister Road, Kirkton Campus, Livingston

2 DETAILS

Reference no.	0015/FUL/14	Owner of site	Stewarts of Edinburgh Ltd
Applicant	West Lothian Council (Finance & Estates)	Ward & local members	Livingston South L. Fitzpatrick P. Johnston D. Logue J. Muir
Case officer	Wendy McCorriston	Contact details	Tel: 01506 282406 Email: wendy.mccorriston@westlothian.gov.uk

Reason for referral to Development Management Committee: At Development Management Managers discretion

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This is an application by the council for the part change of use of an existing general industrial unit (class 5) to incorporate storage use (class 6); the formation of a vehicle parking area to the north and the erection of security fencing at Lister Road in Kirkton Campus.
- 4.2 The proposal is to accommodate the council's Building Services (workshops, offices and stores); Archives, Records Management and Museums (AR&M); and the Community Inclusion Workshop. It will also include areas to provide furniture storage for those made homeless and the council's election materials.
- 4.3 Whilst most of the alterations are internal, planning consent is required for external works to provide additional vehicle parking, new fencing and a change of use to incorporate an element of storage. The submitted plans show a small extension on the east side of the building to be used as a timber store and an extension to the existing

service yard along the east elevation. These two elements of the proposal are permitted development.

- 4.4 The initial plans have been amended to reduce the depth of the new parking area from 41m to 21m, with a 5.5m area beyond that for installing PV panels, and to incorporate a 5m tree planting area along the east boundary of the site, next to Charlesfield Lane. The applicant has also confirmed that the proposed security fencing is 2.4m high green coloured weld mesh.
- 4.5 The applicant has advised that, in addition to office/archive and workshop staff, it is proposed that about 40 Building Services operatives will start and end their working day at Lister Road. They will collect their vehicles (transit vans) between 7.30 and 8.00 am, from the proposed parking area and return between 4.00pm and 5.00 pm. Deliveries to the workshops will take place between 9.00 am and 4.00 pm. The existing car park at the south side of the building will be used for general staff parking.
- 4.6 There may be a requirement for vehicles to return to the depot outside normal working hours, but this will be infrequent, perhaps three or four times a month. This will be in response to emergencies – such as severe weather or a similar initiation of the council's contingency plans – and possibly when there are elections. The principal point of entry to the building, outside normal working hours, will be the main door in the south west elevation.
- 4.7 The premises are currently vacant but were last used as a printers and previously for the manufacture of industrial heating systems.
- 4.8 The site is within an allocated Employment Area, as identified in the West Lothian Local Plan. There are other industrial/business uses & land to the south and west; countryside belt to the north, along the River Almond corridor, and residential properties to the east, across Charlesfield Lane, in Kaimes Place and Court.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	EM5 Employment areas and estates	This policy supports the use, expansion and improvement of existing premises within allocated employment area boundaries for class 4, 5 and 6 uses, or as specified in the categories in Appendix 5.1 for development/redevelopment proposals. Kirkton Campus is identified as Category C, high amenity class 4 and 5. In this category it states that development for class 6, which could require significant eaves height and generate a high level of heavy vehicle traffic, will be precluded. The storage element of this proposal is restricted primarily to council archives/records, museum, furniture and election materials. There is no increase in eaves height to accommodate this storage and no regular distribution or HGV traffic associated with this storage. On this basis the main storage component of the proposal will not impact	Yes, subject to conditions

Plan	Policy	Assessment	Conform?
		on the requirements of the high amenity categorisation in the local plan. Distribution by HGV can be restricted from the site. Timber storage is also proposed, but this is ancillary to the class 5 workshop use for Building Services.	
WLLP	EM8 Design standards and environmental improvements	<p>This policy requires developments in the high amenity sites to have high and/or innovative standards of building designs incorporating landscaping as an integral part of the scheme.</p> <p>The proposals currently include for a 5m tree belt along the eastern boundary of the new parking area. The applicant has subsequently advised that additional enhanced landscaping can be incorporated along the full eastern boundary adjacent to Charlesfield Lane and in the northeast corner of the site. This will supplement the existing landscape setting within the Campus and enhance the outlook for residents to the east.</p>	Yes
WLLP	HOU9 Residential and visual amenity	<p>The reduction in the parking area to the north; the use of green finished weld mesh fencing and the introduction of tree planting on the east boundary will reduce any potential visual impact from the development on surrounding residents, the countryside belt and the adjacent lane. The proposals will therefore not be detrimental to the visual amenity of the area.</p> <p>Environmental Health has raised no objection to the application but has advised that it would be preferable to locate the workshops and service area on the west side of the building but, if this is not possible, doors to workshops should be kept closed except for access and egress and restrictions on hours of operation should be imposed.</p> <p>The class 5 workshop use does not, in itself, require planning permission, so it would not be appropriate to restrict these activities by condition. The applicant has confirmed, however, that workshop activities will be within normal working hours of 8.00am to 6.00pm.</p> <p>In order to overcome some of the potential noise issues the applicant has advised that the timber store extension can be located further south to act as a sound barrier between the workshop activities and residents. The applicant has also stated that working practices can be implemented that ensure the most frequently used access and egress to the workshops takes place at the south east end of the service yard, this being the furthest door from any houses.</p>	Yes

Plan	Policy	Assessment	Conform?
		As a further measure the applicant has agreed to look at installing acoustic fencing around the north east corner of the new parking area. Working practices can ensure that vans back into spaces at the end of use (around 4.00pm), so that they will leave spaces in a forward gear in the morning and thus avoid reversing alarms sounding. With these measures in place and additional conditions to control delivery /servicing hours and alarms on handling equipment, the proposals will not be detrimental to residential amenity.	

6 REPRESENTATIONS

6.1. A total of seven objections have been received from neighbouring residents. The material issues are set out below. The full letters are attached to this report.

Representation	Response
The extent of the new parking area and the location of security fencing adjacent to Charlesfield Lane will be detrimental to the visual amenity of the area. The northern extent of the parking area should be reduced and a minimum 5m standoff provided between the fence and the Lane. The fence should be green weld mesh and not palisade.	The applicant has acknowledged the concerns in respect of the visual impact and has agreed to all the measures suggested by residents. The northern extent of the parking has been reduced by 20m; the fence has been set back by 5m and the applicant has agreed to green weld mesh fencing. In addition, the applicant is to undertake planting along the full east boundary and into the north east corner of the site.
Clarification is required of the opening times of the facility and the likely noise impacts from machinery and vehicles, including reversing alarms. There is concern that the noise from saws in the workshops will be audible in residential properties, especially if doors are left open.	As set out in Section 5 above, the applicant has clarified that the workshop will operate within normal working hours of 8.00am to 6.00pm and has agreed to locate the timber store extension further south to act as a sound barrier. Working practices can ensure that the most frequently used access and egress to the workshops is the furthest door from any houses. The applicant has agreed to look at installing acoustic fencing around the north east corner of the new parking area and this can be a condition of any consent. Working practices can also ensure that vans leave spaces in a forward gear in the morning so that reverse alarms are not used.
The storage areas should be moved further south and west, away from houses, so that activities at these points do not cause noise and disturbance. The machinery and waste management procedures for the facility should	The applicant has moved the storage areas, as requested by the residents, and has clarified that skips will be used mainly for waste from within the building. Only one skip will receive off site waste.

be clarified.	There will be no crushing equipment used on site.
The traffic generation is likely to lead to queuing at the adjacent signalised junction. The traffic figures are misleading and should be checked against the Gavieside traffic model.	Transportation is satisfied with the submitted traffic data and has confirmed that the junctions and road network can accommodate the traffic generated by the proposal.
The introduction of a class 6 use in Kirkton Campus is contrary to the local plan policies that identify this as a high amenity area.	The high amenity designation is to encourage the development of low level industrial units in a landscaped setting, and facilitate uses that do not generate high levels of HGV traffic. The type of storage use proposed in this application, which does not include distribution activities, is acceptable in terms of the requirements of the categorisation in the local plan, as set out in Section 5 above. A condition could be imposed to allow for storage use only, without distribution activities.
The council does not appear to have carried out a full and proper site search. The proposed uses are more suited to a general industrial estate rather than this high amenity area.	A site search was carried out by the council's Property Management & Estates as part of an overall rationalisation and efficiency strategy being undertaken by the council. The site at Lister Road was considered to be the most suitable to meet the combined needs of the service areas involved, subject to obtaining the necessary planning and building warrant permissions.

7 CONSULTATIONS

7.1 This is a summary of the consultations; the full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objections to the proposal.	Noted.
WLC Environmental Health	No	No objections, subject to conditions requiring hours restrictions on deliveries and activity in the external storage areas including uplift/deposit of skips, closure of service doors and workshop hours restriction (to between 8am and 8pm only) and the restriction on the use of tonal reversing alarms on handling equipment.	Noted. The applicant has agreed that delivery and servicing conditions would be acceptable, but has requested that door closure and workshop hours are covered through working practices rather than conditions. The applicant has confirmed, however, that workshop activities will normally be 8.00am to 6.00pm.

Scottish Gas Networks	No	Standard network connection information given.	Noted and passed to applicant.
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8 ASSESSMENT

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

Development Plan

SES Plan and West Lothian Local Plan

- 8.2 The application has been assessed in terms of the development plan policies set out in section 5 above and the comments and concerns raised by local residents. The key consideration in assessing the proposal is the impact of the proposal on the residential and visual amenity of the area.
- 8.3 The applicant has addressed the visual amenity issues through the reduction in the parking area to the north; the use of green finished weld mesh fencing and the introduction of tree planting on the east boundary. A number of residents have confirmed that these measures have satisfied their objections in respect of visual amenity.
- 8.4 The key concerns raised by objectors are the likely noise from the workshops (and in particular through open service doors) and noise from movements of the transit vans, in particular reversing alarms. Environmental Health is satisfied that with appropriate conditions the activities at the application site can operate without detriment to the amenity of residents and other occupiers in the area.
- 8.5 As set out in section 7 above the applicant has agreed that delivery and servicing conditions would be acceptable, but has requested that door closure and workshop hours are covered through working practices rather than conditions. The applicant has confirmed, however, that workshop activities will normally be 8.00am to 6.00pm. The main access/egress into the workshops would be at the south end of the building and within the existing service yard used by previous occupiers. Under these circumstances, and taking into account that the class 5 use is the authorised use, the workshop use can be adequately controlled and conditions will not be necessary.
- 8.6 To mitigate potential noise nuisance from van movements to the north of the site the applicant has agreed to (i) vans leaving in a forward gear in the morning, which can be a condition of any consent and (ii) timber close boarded acoustic fencing being installed in the eastern corner of the parking area, with tree planting along the full eastern site boundary.
- 8.7 Subject to the implementation of the above mitigation measures and agreed working practices; the proposed development will not be detrimental to the visual or residential amenity of the area.

9 CONCLUSION AND RECOMMENDATION
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- 9.1 The main storage component of the proposal will not impact on the high amenity categorisation of Kirkton Campus in the local plan and is therefore acceptable in this location. Mitigation measures and working practices will ensure that the proposed development is not detrimental to the visual or residential amenity of the area. Conditional approval is therefore recommended.

10 ATTACHMENTS

- Draft conditions
- Location plan
- Site Layout
- Letters of objection
- Supporting Information



CHRIS NORMAN
Development Management Manager

Date: 9 April 2014

DRAFT CONDITIONS - REF: 0015/FUL14

1. Prior to the start of development, full details of the proposed boundary treatments, which shall include weld mesh fencing and timber acoustic fencing, shall be submitted for the written approval of the planning authority. The fencing, as approved, shall be implemented prior to the first use of the new vehicle parking area.

Reason : To consider these matters in detail, in the interests of the residential and visual amenity of the area.

2. Prior to the start of development, a landscape plan giving details of the proposed screen landscaping along the eastern boundary and in the northern part of the site, shall be submitted for the written approval of the planning authority. The landscaping, as approved, shall be implemented in the first planting season following the occupation of the building. Thereafter the landscaping shall be maintained in accordance with the attached landscape specification.

Reason : To ensure the implementation of appropriate landscaping, in the interests of the visual amenity of the area.

3. Unless otherwise agreed in writing with the planning authority, and with the exception of West Lothian Council Building Services products from the onsite workshops, there shall be no regular distribution of materials or products from the site using HGVs.

Reason : To restrict distribution activities using HGVs, in the interests of the amenity of the area.

4. The proposed timber store extension shall be moved to the south east corner of the building and full details of this location and elevation details shall be submitted for the written approval of the planning authority prior to its erection.

Reason : To consider these details which have yet to be submitted.

5. The following restrictions shall apply to the operations at the site :

- (i) No vehicle deliveries or activity around the external storage areas shall take place between the hours of 8.00pm to 8.00am Monday to Friday, after 1.00pm on Saturday and at any time on Sunday. This shall include any uplift or deposit of any skips/waste receptacles.
- (ii) Unless otherwise agreed in writing with the planning authority, tonal reversing alarms shall not be used on any handling equipment, such as fork lift trucks, based at the site.
- (iii) The main service door for access and egress of deliveries to the site shall be the southern most door on the proposed timber store extension. Other service doors shall remain closed unless being specifically used for access and egress of deliveries.

Reason : In the interests of the residential amenity of the surrounding area.



0015/FUL/14



0015/FUL/14

McCorriston, Wendy

From: bobcowan [REDACTED]
Sent: 14 January 2014 17:17
To: Wendy.McCorriston@westlothian.gov.uk
Subject: Objection to Planning Application 0015/FUL/14. 1 Lister Road

Dear Wendy

As per discussion today within Lomond House, I wish to raise objections in relation to the plans for the above development.

I have a number of concerns, namely

1. The proposed plans include a security fence covering the perimeter of the site and abutting Charlesfield Lane. I reside at no. 33 Kaimes Place, Livingston and the rear of my house directly overlooks Charlesfield Lane and the factory at 1 Lister Road. Currently this is an open field view from Charlesfield Lane to the factory. The installation of a security fence will significantly change the sight lines from the rear of my house from open field to High Security Fencing.

Can I please suggest that if

Security Fencing is to be introduced then a standoff of at least 5 metres and preferably 10 be introduced. Aesthetics of the fence can also be enhanced by the use of green powder coated weld mesh fencing.

This will prevent the prison effect offered by Palisade Fencing and Weld Mesh Fencing is proven to be stronger than Palisade for deterring and withstanding intruders. (For further advice please feel free to contact Police Scotland Crime Prevention Officers within the Civic Centre on 01506 445663 Tree or bush planting between the fencing and Charlesfield Lane where required would also deflect from the potential eyesore.

2. I would also like clarification on the opening hours of this facility and what noise levels can be reasonably expected at what times, from both machinery and vehicles. Will a noise survey be carried out?

3. Could I also suggest that the proposal to have the external storage area adjacent to The housing estate in Kaimes Place be repositioned to the far end of the site to avoid the appearance of a building site/dump next to the housing estate. Again I have concerns about noise levels from vehicles and machinery when dropping off/uplifting.

Repositioning this storage area would negate neighbour complaints in respect of noise, views etc

The planned proposals if

left unaltered would undoubtedly have a detrimental effect on my house value and would certainly put off prospective buyers.

I do not believe

that any of the requests above are unreasonable and would welcome the opportunity to discuss this further.

Regards

Bob Cowan

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:31
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

-----Original Message-----

Sent: 24 March 2014 14:43
To: McCorriston, Wendy
Subject: Re: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

Wendy

Thank you once again with you continued help in this matter.
Paul is correct that my concerns only relate to potential noise issues that may affect my quality of life. I have no concerns over West Lothian Councils occupation of the building. If appropriate conditions can be used to cover hours of operation and a requirement to keep doors closed during operation of machinery then I would be prepared to remove my objections. Again I would be grateful if suppression of reversing sounders could be achieved. However I cannot withdraw my objections unless assurances are in place, I would also be interested to know how any breaches of conditions would be policed.
Can I also refer you to a recent European Court ruling which stated that freedom from noise pollution is a human right and that the physical and psychological suffering caused by building work is unacceptable. Again, Paul has stated quite correctly, that the area is an industrial site, however the plans now bring noise issues much closer than any previous occupier of the building as the plans include new car parking and siting of skips with associated noise as described in previous communications.
I also understand that these plans are signed, sealed and delivered and already shown in recent West Lothian Council publications. I am only asking for consideration to be given to the residents who will be affected by noise issues

Regards

Bob Cowan

West Lothian Council - Data Labels:

PROTECT: PRIVATE/CONFIDENTIAL - Contains Personal or Business Sensitive Information for authorised personnel only
INTERNAL ONLY: Contains information for council staff only
PUBLIC: All information has been approved for public disclosure
CLASSIFIED: Contains information that is subject to HMG Classifications of 'Restricted' and above

Link to Information Handling Procedure:

<http://webwest1.app.westlothian.gov.uk/its/policies/itsecurity/WLC%20Information%20Handling%20Procedure.pdf>

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:32
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

-----Original Message-----

Sent: 25 March 2014 05:59
To: McCorriston, Wendy
Subject: Re: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

Wendy

Further to my recent reply, I take issue with the statement of Paul Furbank in relation to (While it is perhaps unfortunate that our proposals follow a period during which the building has not been used, I would argue that the council's proposed use is no more intrusive than these historic uses) I have lived in Kaims Place since the houses were built in 1997, and never during that period, have it been subjected to the likelihood of having to endure the sound of up to 40 vehicles reversing sounders going off between 7.30 and 8am.

Can I also make

reference to the fact that there are at least 9 children of school age who will be affected by this noise and who potentially (during holiday periods especially) could be awakened by up to 40 alarm clocks (reversing sounders). I've heard of a snooze button but I do consider it a trifle excessive. This is not taking into account continued soundings throughout the day. I would challenge anyone who did not consider this intrusive (even in a Court of Law if required) I would certainly be interested to see if any noise survey will be carried out.

Regards

Bob Cowan

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

Robert Smith

11 Kaims Court

Kirkton South

Livingston

EH54 7DB

Dear Mrs McCorriston

Planning Application 0015/FUL/14

I refer to the above and wish to register my objection to this application.

I would like to start by giving a brief history of the Kaims area. This area was formerly zoned as an area for industrial use. It was also identified as an area for high amenity buildings and "clean uses"

The former Livingston Development Corporation then re zoned it for housing. One consideration being that the current high amenity and clean uses would have a lesser impact on the proposed houses than that of a "standard industrial area.

The current application completely moves away from this ideal.

Chapter 5 of the West Lothian Local Plan Para 5.28, categorises the sites in West Lothian. It has always been acknowledged that Kirkton Campus falls in to Category C, *"High Amenity 4/5 – The highest environmental quality of site where because of setting, or due to high visibility or other sensitivities."*

The fact that this proposal is on the edge of the industrial estate and is bounded by housing along its entire eastern boundary with open green land / mature trees to the north, contradicts Para 5.28 and the proposed Class 6 use also contradicts this paragraph. The application is therefor in contradiction of the West Lothian Local Plan.

I believe that this proposal is to relocate the council's building services department from its current location in Whitehill Industrial Estate. From studying the plans, the noisier elements of the proposal are being placed nearest to the housing with saw benches and I would presume associated extraction fans. It is my opinion that the proposed roller shutter doors will be left open during the warmer days thus exposing surrounding residents to the full noise of the machinery which is not acceptable.

I am interested to learn what is proposed for the external storage area. From looking at the existing site, the external area seems to have two "roller machines" used for crushing wood in associated skips and other items in the vicinity. The delivery and uplift of skips is also a noisy operation and also needs to be considered. As this proposal is adjacent to a built up area, I am of the opinion that it may lead to incidents of vandalism with the possibility of the contents of these skips being set on fire.

I also note that there are no supporting documents associated with this application. Could you please clarify the following issues for me:-

How many vehicles will be associated with this proposal? Has a traffic assessment been carried out and how does it tie in with the West Livingston / Mossend Traffic assessment?

Has a noise assessment been carried out given the close proximity to housing?

What are the proposed hours of operation and how many days a week will it be in operation?

Is there likely to be any requirement for emergency out of hours working? I am thinking of the noise associated with opening gates, roller shutters and the noise associated with reversing sensors?

What type of security fencing is proposed?

Is the additional parking required for fleet vehicles and will they be left on site unattended?

I trust you will register my objection to this application and look forward to hearing from you in relation to the points I have raised.

Yours sincerely

Robert Smith





Robert Smith
11Kaims Court

Kirkton South

Livingston

EH54 7DB

Dear Mrs McCorriston

Planning Application 0015/FUL/14

I refer to the above and to your email dated

In the supporting statement, Mr Stevenson refers to the move from Whitehill which from having visited the site is far more suitable for what is intended at Lister Road. With proposed significant changes (which are not identified), it begs the question of why they are moving the existing facility with all of its machinery in the first place and, is it cost effective to do so?

With regards to the traffic movements associated with the proposed use, it does not clarify if it has been checked against the Gavieside traffic model and, has there been a check on the signalised junction adjacent to the site which already queues back in the peak periods? I would also question the number of vehicle trips. Having lived adjacent to the site for the past 19 years I can assure you that at no time has the site been subjected to the number of vehicles as identified in the table. If you are lucky, the maximum number you would experience in the past is 20 to 30. As a result of this, I would respectfully suggest that the figures and subsequent conclusion are misleading.

I am very concerned about the statement in relation to the saws which will run up to 40 times per day. If the saws were running together I am sure that the noise generated by them would be quite substantial together with all of the ventilation and extractor fans. As previously mentioned, during the warmer days the noise impact on the surrounding residential properties will be exacerbated by the fact that in all probability the roller shutter doors will be opened. Again I would ask if a noise impact survey has been carried out on the proposed uses?

I note that the external storage area has been moved further south but, it is still adjacent to the residential area. Works associated with rubbish being thrown in to skips, use of compaction equipment, skips being delivered and uplifted are all noisy operations and give rise to concern together with the potential for it becoming an unsightly area.

As previously intimated Kirkton Campus was always identified as "High amenity uses" and this proposal does not fit in to this category in any respect as shown previously in the photographs previously submitted.

In conclusion, I wish to maintain my objection to this application.

Yours sincerely

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:22
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: ROBERT SMITH
Sent: 24 March 2014 20:17
To: McCorriston, Wendy
Cc:
Subject: Re: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

Wendy

I refer to your email and the statement made by Mr Furbank.

Unfortunately, I am unable to agree with Mr Furbank regarding the necessity to move from Whitehill to Lister Road.

If through new working practices there is a substantial reduction in space requirements then the inside spaces could be utilised for archives and artifacts. The additional outside space could be used for parking the 40 or so vehicles.

I do not understand why a reduction in the number of trips from the existing depot in Whitehill Industrial Estate is not a strict comparison and, is inappropriate to compare with Lister Road. The cost savings in this respect must be equal. The real saving is in modernising the existing building without the need to move. There seems to be a substantial amount of uncertainty in Mr Furbanks support of the application in relation to outside normal working hours. It may be that the principal access is to the south west of the building but it is reasonable to assume that if an operative is required to call in to the "depot" then he / she will require materials. This will necessitate taking access through the security gates and to the building nearest to the residential area. I still maintain that the roller shutter doors will be opened during the summer months whilst the saws are running thus exposing me to noises which are more suitable to the site in Whitehill. This is something that I do not think can be suitably covered by a subject to a condition

I am of course aware that it is an industrial building but as I have previously intimated, Kirkton Campus was always zoned for High amenity uses. I would argue that this akin to Class 5 general industry as opposed to Class 5 special industry which has been associated with the area.

Having lived adjacent to the site for the past 19 years, I do not share Mr Furbanks assertion that the proposed use is no more intrusive than historic use due to the information I have previously supplied.

I would be grateful if you could advise me if a noise survey has been carried out and if so, what recommendations were made by the environmental officer.

I have not received any response to my enquiry if a transport assessment has been carried out. I would further reinforce this as I do not believe the previous uses relate in any way to what is now being proposed, (special industry versus general industry). What effect does this proposal on the Gavieside model, was a junction assessment carried out at the T junction with the traffic lights to the south of the site?

In these circumstances I have no option but to maintain my objection to this planning application

Yours sincerely

Robert Smith

McCorriston, Wendy

From: Allan E Welch [allanwelch@...]
Sent: 20 January 2014 10:48
To: McCorriston, Wendy
Subject: Application For Planning Permission 1 Lister Rd, Kirkton Campus, Livingston (0015/FUL/14)
Attachments: IMG_0199.JPG; IMG_0200.JPG; IMG_0201.JPG; IMG_0202.JPG

Dear Wendy,

We wish to raise objections in relation to the plans for the development at number 1 Lister Road, Kirkton Campus, Livingston.

Our reasons for the objections to the plans being proposed include the security fence covering the perimeter of the site and running along Charlesfield Lane, which we over look.

We reside at No 35 Kaimes Place, Livingston, which as you can see, directly overlooks the above Lane onto the said property 1 Lister Rd.

Right now our view is very pleasant, looking into an open field with a tree lining lane, which although is not kept, is a far better attraction than a proposed security fence.

Within this in mind, would it be possible to suggest if the plans go ahead that the security fence is set back from the lane by at least 5mtrs, rather than the proposed plan. It would also be better if the fence was made of a Weld Mesh Fence material finished off in a Green Powder Coat.

Another major point of the proposal, in regarding the trees currently lining Charlesfield Lane. Please can you advise how permission was granted to take away the trees on this side as, last summer we asked if the council would come and tidy/trim these trees. We were advised that the council due to cut backs were not responsible for this, even although in previous summers this was done. With this in mind we asked if West Lothian Council if we could increase our garden space to cover the area on this side so that we could then tidy/trim etc, only to be advised this would not be possible as it was considered to be a GREEN BELT AREA ?

Clarification of full usage and hours of use would also be appreciated as we have a young daughter who sleeps in the back room ?

Could we propose that the external storage area along side the housing estate is repositioned to the far end of the site to avoid having the appearance of a builders yard. If we were to try and sell we would not want this to be a negative factor of our house being sold.

Looking at one of your sites similar to this proposal, it looks like a junk yard.

We will welcome the chance to discuss this in more detail. I have also attached current views from back windows.

Please can you also acknowledge receipt of this email, as my previous email and phone calls were not acknowledged as they should be.

Kind regards
Mr Allan E Welch

35 Kaimes Pl



McCorriston, Wendy

From: Allan E Welch (allanwelch [REDACTED])
Sent: 20 February 2014 16:37
To: McCorriston, Wendy
Subject: Re: FW: 0015/FUL/14 - 1 Lister Road - [PUBLIC]
Categories: Red Category

Hi Wendy,

Thank you very much for getting back to us.

We appreciate all that is happening regarding the changes, but our only concern is the possible amount of noise. I am unfortunate that I could be working nights, hence my concern.

Over the past years 17 to be precise we have not had to listen to lorries, vans etc with reversing noise and all the activity which will be greater than anyone else being in that unit. Also will there be any extracts from the saw that can be blown over in the direction of the houses, as we tend to favour a westerly wind ?

Can you advise how much weekend work if any there will be ?

Look forward to hearing from you in due course.

Kind regards
Allan E Welch

On 14 February 2014 12:34, McCorriston, Wendy <Wendy.McCorriston@westlothian.gov.uk> wrote:
DATA LABEL: PUBLIC

DATA LABEL: PUBLIC

Mr Welch

Please find enclosed an amended layout plan for the above application. This reduces the extent of the car park, relocates external stores and shows a 5m setback to the fence at the closest point which will be used for additional screen planting (can be a condition of any consent). The fence will be 2.4m high weld mesh (can condition that this have a green finish). Below are also the details of how the use will operate.

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:30
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: Allan E Welch
Sent: 01 April 2014 15:11
To: McCorriston, Wendy
Subject: Re: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [PUBLIC]

Hello Wendy,

Apologies for our late reply.

We still have concerns regarding noise and the house keeping of the area directly behind ourselves. After discussions with our neighbours and agreeing to all the concerns raised, we will NOT be removing our objections at this time.

Kind regards
Allan E Welch

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Mr & Mrs R Bryden
36 Kaims Place
Livingston
EH54 7DX

19th January 2014

FAO Development Management Manager

Dear Sir/ Madam

RE : Planning Application 0015/FUL/14 - WMC
Proposed redevelopment of 1 Lister Road, Kirkton Campus, Livingston

Further to our email sent 13/01/14 I wish to formally object to the proposed redevelopment of 1 Lister Road, Livingston.

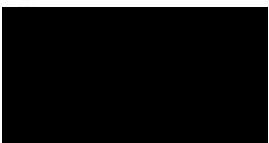
We are concerned about a number of items noted on the planning application. Our house backs onto Charlesfield Lane directly opposite the proposed development site. At the moment the building that is situated there is some 30m beyond the boundary with Charlesfield Lane. There is nothing but the lane, a minimal 4ft wire boundary fence and an open area of grass, trees and shrubbery between our home and the factory.

Our main points of objection are as follows;

- 1.) We are extremely unhappy at the high metal security fencing that has been proposed. This would drastically change the outlook from our property. If this fence is to be situated directly along Charlesfield Lane, will there be any plant, vegetation, shrubbery etc left between the security fencing and Charlesfield Lane? Height and material used to erect fencing are an issue as these have not been noted on the planning application.
- 2.) The erection of the new storage area is something that will considerably change our eye line vision. Could this not be moved to the opposite side of the building which will not affect any residential area?
- 3.) Would this depot be in 24 hour operation? Would the parking area and new road have lighting? Two of our bedrooms would be affected by noise and light should this be the case and as we have 3 young children and this would directly affect them, this is something that we would strongly object to.
- 4.) The proposed removal of birch trees and grassland, to make way for a new car park, is also objectionable. The removal of this green area will destroy the natural habitat of wildlife that has built up over many years.

We have a lot of time and money invested in our home and a big part of choosing to purchase our property was the fact that we were not overlooked. As the building opposite was situated far enough back from its boundary fence it would not cause any invasion of our privacy. With the plans being proposed at the moment, it would be fair to say that we would lose a fair bit of our privacy and will devalue our property.

Kind Regards
Robin & Linda Bryden



Sent amended
details 18/2/14

West Lothian Council
Development Management
Date 23 JAN 2014
Ref No
Ref To
Act No
Replied

McCorriston, Wendy

From: L Bryden [REDACTED]
Sent: 28 February 2014 09:32
To: McCorriston, Wendy
Subject: Objection to I Lister Road, Livingston 0015/FUL/14

Hello Wendy

The amended plans do address some of the issues but we would still like our objection to stand. We are still concerned about the noise level that will be generated from the building. Also, the fact that they will still be removing a vast area of the natural grassland around the building, is something we are still unhappy with. We will, effectively have a large builders yard right on our doorstep

Kind Regards
Mr & Mrs R Bryden

McCorriston, Wendy

From: Christopher McGregor [REDACTED]
Sent: 24 January 2014 18:18
To: McCorriston, Wendy
Cc: McGregor, Nastassja
Subject: Objection to 0015/FUL/14

Planning Application 0015/FUL/14
1 Lister Road, Kirkton Campus, Livingston Development Management Manager

Dear Wendy

I write in complete opposition to the above planning consent.

My wife and I have stayed in West Lothian for our entire life and this is our second home as mortgage owners. We sought this property 2 years ago as we have patiently waited on the right property within this locale of Livingston Village.

The main selling point to our home at present was the basis that after research in the area we were under the assumption that Kirkton was a clean industrial area and the factories surrounding this area where 'clean' companies with expansive grounds leaving the houses in the street excellent views to open greenery. Knowing this area very well but also talking with the house builder from 1999 Wellmore Homes, who is a family friend, we purchased our house at 32 Kaimes Place in the understanding that there would be no building work done to the rear of our property at all. The current proposed site has previously had a planning application to add a chimney breast to the factory building years ago which was prohibited by none other than West Lothian Council, yet years on it is West Lothian Council who demand to expand.

The installation of a raw iron metal security fence will change the outlook entirely but with the addition to a 'storage shed' and the unsightly look of work vans, lorries and any other mistreated council vehicle that I have ever seen will all determent any views to the open greenery behind all the houses within the street. This unsightly look from any window in the rear of the house will cause significant financial consequences to the sale price for all the houses and subsequently dismiss my true admiration for this area and the reason I bought this home.

I have had 2 estate agency firms conduct free home value estimation in the past week. One of which already was aware of the prospective building work application and the other oblivious. The valuation difference from the estate agency firm in the know and to the unaware was £26,000. In the current conditions I cannot afford this to be the case and I am positive West Lothian Council are not in the true understanding of the consequences of this application.

Will our council tax banding be altered due to being part of a different industrial area classification?

Can we have definite clarification as to what opening hours this facility will operate under?

Can we also request a noise assessment with any prospective machinery be carried out due to the small distance as to which the facility will be to all houses in the street?

Why this site has been chosen to many others facilities that are unused within West Lothian?

Can we have the list of all the other proposed sites that you have obviously investigated for this type of facility and the reasons behind this locale being the most appropriate?

I look forward to a written response addressing all question and West Lothian Councils most recent steps regarding this application!

Sincerely
Christopher McGregor

--
Christopher McGregor
CM Opticians
Proprietor

[REDACTED]
2- 4 West Main Street
Armadale
West Lothian
EH48 3QA

[REDACTED]
7 Bank Street
Airdrie
North Lanarkshire
ML6 6AF

[REDACTED]
5 West Main Street
Whitburn
West Lothian
EH47 0QB

>
> Wendy
>
> -----Original Message-----
> From: Christopher McGregor (mailto:[REDACTED])
> Sent: 17 March 2014 18:52
> To: McCorriston, Wendy
> Subject: Re: Objection to 0015/FUL/14 - [INTERNAL ONLY]
>
> Hi Wendy
>
> I have spoken to people who are currently working in WLC at the Whitehill site and have been told they are relocating to this site that has had several objections.
> Why has my objection questions not been answered before workers have been told about the move?
>
> I have also been warned that the noise level will be totally unacceptable and 'I would hate to live beside the site' all this is coming from current workers!!!
>
> What other sites have been reviewed? Why was this site chosen while other sites are far cheaper in value and also fit the purpose with extra parking, workshop facilities and better access for delivery vehicles available in West Lothian?
> I believe this is a total waste of money to expand extend and pay extra for this property in this present economic situation and believe it is the biggest waste of tax payer money while other facilities are available?
>
> I expect a written response ASAP since WLC seem it an urgency to advise staff of the move yet have not responded to my objections.
>
> Regards
> Christopher McGregor
>
> Sent from my iPhone
>
>> On 24 Feb 2014, at 14:15, "McCorriston, Wendy" <Wendy.McCorriston@westlothian.gov.uk> wrote:
>>
>> DATA LABEL: INTERNAL ONLY
>>
>> Mr McGregor
>>
>> Yes, I received your further objection on Friday
>>
>> I will ask Property Development, as the applicant, what their site selection process has been
>>
>> Regards
>>
>> Wendy
>>
>> -----Original Message-----
>> From: Christopher McGregor (mailto:[REDACTED])
>> Sent: 24 February 2014 13:29
>> To: McCorriston, Wendy
>> Subject: Re: Objection to 0015/FUL/14 - [INTERNAL ONLY]
>>
>> Hi Wendy

McCorriston, Wendy

From: Christopher McGregor
Sent: 21 March 2014 13:28
To: McCorriston, Wendy
Subject: Re: Objection to 0015/FUL/14 - [INTERNAL ONLY]

Hi Wendy

I appreciate the response from Paul. I still do not think they have searched or priced any further properties otherwise he would state this.

As a tax payer in West Lothian I would expect them to have prices of 2/3 properties and what would the required conversion work would be needed and this resulting in a selected site that is based on price. Lister Road and the work needed done cannot be best use of tax payers money when other suitable locations are available. It is not also the most convenient access for delivery vehicles since it is based at a very busy set of traffic lights and with Sky traffic, Johnston and Johnston and Goretex traffic already making this area very busy all day it is definitely not the best location for delivery and workmen coming and going.

I still object the proposal entirely and don't agree with the Class change

The noise levels will never ever be maintained at the subjected times as I already know from current employers at Whitehill who tell me they come and go all day picking up materials etc. If You are considering restrictions etc then this cannot be the best venue for a storage for work materials. They cannot be in a location that restricts workers coming and going when necessary and I would definitely be demanding a time schedule to be enforced to maintain noise levels.

I understand the needs of WLC and condensing facilities but this proposal is seriously going to impact the houses and residents massively. From the proposed site my house sits a short distance and as I stated I have had home valuations done in regards to the proposal and with estimate of over £20k downfall on the property price. I understand you stated this is not part of your considerations but I find that very disrespectful and it should be considered for all residents.

I ask you Wendy would you like to live directly looking into and less than a stone through away from a hideous site like Whitehill and the noises of workmen shouting all day, sawing, reversing at all times AM and PM, vans opening and closing and for it to be a vandal and theft beacon plus to be also told your home value will be jeopardised and resale jeopardised??

A work site should be relocated to a work site area and not into a residential area. You cannot approve this its totally unjust, unfair and unrealistic to think the workmen and managers would keep to their word about restrictions.

I look forward to a response in writing please.

Regards
Christopher

Sent from my iPhone

> On 21 Mar 2014, at 10:22, "McCorriston, Wendy" <Wendy.McCorriston@westlothian.gov.uk> wrote:

>

> DATA LABEL: INTERNAL ONLY

>

McCorriston, Wendy

From: Christopher McGregor
Sent: 23 March 2014 22:48
To: McCorriston, Wendy
Subject: Re: Objection to 0015/FUL/14 - [INTERNAL ONLY]

Hi Wendy

Can I also raise the point that Paul's argument about central location being perfect at Lister Road being along the M8 corridor??
Does he understand the location at all as this site is by far not the most convenient which again backs my objection that he has not researched any other locations and has just assumed this is the best location.
Perfect locations along M8 corridor must surely be empty sites in Deans INDUSTRIAL Estate and Houston INDUSTRIAL Estate all would be great locations which I assume would not need Class changes due to other similar companies in each INDUSTRIAL area.

Regards
Christopher McGregor

Sent from my iPhone

> On 21 Mar 2014, at 10:22, "McCorriston, Wendy" <Wendy.McCorriston@westlothian.gov.uk> wrote:
>
> DATA LABEL: INTERNAL ONLY
>
> Mr McGregor
>
> Further to your recent email and I have received the following comments from Property Development & Estates regarding the site selection process.
>
> I have requested a couple of points of clarification on working practices/equipment etc and when I have this I will circulate this to all objectors to try to address the other outstanding points of concern.
>
> I hope Paul's points will address your issues about site selection. If you would prefer to speak directly to him I can arrange this.
>
> Regards
>
> Wendy
>
>
>
> -----Original Message-----
> From: Furbank, Paul
> Sent: 20 March 2014 16:57
> To: McCorriston, Wendy
> Cc:
> Subject: RE: Objection to 0015/FUL/14 - [INTERNAL ONLY]
>
> DATA LABEL: INTERNAL ONLY
>
> Wendy

McCorriston, Wendy

From: Amanda Hogg [REDACTED]
Sent: 15 January 2014 21:12
To: Wendy.McCorriston@westlothian.gov.uk
Cc: [REDACTED]
Subject: Holding Objection to Planning Application at 1 Lister Road
Importance: High

Dear Wendy,

As a follow up to our telephone conversation today, I would like to submit a holding objection to the Planning Application 0015/FUL/14 at 1 Lister Road, Kirkton Campus, Livingston, EH54 7BL.

I have several concerns that I would like more information on please.

The height of the fence, and type of fence is a concern. At the moment we have an open outlook, and I am concerned that a "security" fence could be rather prison-like. My house is directly overlooking the proposed security fence, and storage area, and am aware that my outlook will be significantly affected by this. I would like clarification on the height and type of fence please.

I would also like clarification of whether the trees and bushes that currently line Charlesfield Lane will remain. Depending on the height of the fence they may help to make it slightly more aesthetically pleasing!

Further information is required as to the type of storage and distribution that is intended at the site. I am concerned that it may be noisy, and that it could become messy and unsightly. The proposed storage area is very close to the fence and I as well as an eye sore, I am also concerned that this could attract unwanted attention, to the site, and therefore to our housing scheme, from thieves or intruders.

Can you also verify the intended opening hours of the plant please? And what levels of traffic and types of vehicles we can expect to be using the site.

I await clarification on these points.

Regards,

Amanda Hogg
34 Kaims Place
Livingston
EH54 7DX

[REDACTED]

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:28
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: Amanda Hogg
Sent: 24 February 2014 10:16
To: McCorriston, Wendy
Subject: RE: 0015/FUL/14 - 1 Lister Road - [PUBLIC]

Hi Wendy,

I sent my last email mid sentence!

Had the unit behind our home been as per the proposed Council unit, with a high fence, numerous transit vans, HGV's and visible storage, we not have bought this house. This is obviously a concern for future selling potential.

We bought it because we were not overlooked and the view was fairly uninterrupted. Now, we are going to be overlooked by a high volume of drivers, workshop workers and distribution and storage staff coming and going. As well as the significant increase in noise that is inevitable, I feel that our privacy and outside family time will be greatly affected.

Kind Regards,

Amanda

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McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 08:29
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: Amanda Hogg
Sent: 27 March 2014 09:52
To: McCorriston, Wendy
Subject: RE: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [PUBLIC]

Dear Wendy,

Thank you for the additional information.

I would like to maintain my objections please.

My main concerns are the volume of vehicle movement, and the resulting noise from these, and also the noise from the saws.

It is estimated that there will be 40 vehicles leaving between 07:30 to 08:00 in the morning. Therefore, in effect, a constant traffic noise for a full 30 minutes every morning. During school holidays, and 30 minute alarm call for the 9 school aged children living in the 4 houses immediately affected, whose bedroom face onto the site.

Saws running up to 40 times a day, for a duration of up to 5 minutes per time, resulting in over 3 hours a day of noise. It has been mentioned that noise "may" escape through ventilation and extract systems and when the delivery doors are open. I am concerned that during warmer weather the doors will be left open to allow air circulation. We spend a lot of time in the garden and suggest that listening to sawing for over 3 hours a day will be a nuisance and definately not peaceful.

I fully appreciate that we overlook an industrial site, however, a comparison that the council's proposed use is no more intrusive than the historic use, is completely unrealistic.

We have lived here throughout the duration of both previous occupiers so we are well aware of the previous use and the noise and traffic that they produced. It was very minimal. There were certainly not 40 vehicles coming and going twice a day. At no time did we feel that noise pollution was of an unreasonable level.

There was also mininal external storage, and none that could be viewed from our house. It was all located at the far end of the site. The grass area was unused and therefore we were not overlooked and did not overlook unsightly mess.

I have no objection to the site being used, I am very much in favour of industrial growth. However, I have to

be concerned by the volume of noise that is projected and how that may be intrude on our family life.

With Kind Regards,

Amanda Hogg

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McCorriston, Wendy

From: Nastassja McGregor [REDACTED]
Sent: 23 January 2014 20:50
To: Wendy.McCorriston@westlothian.gov.uk
Subject: Re: Kirkton Campus - [INTERNAL ONLY]

Wendy,

Yes thank you we did receive the plans in the post. It seems very odd that we were not on the original list considering it is right behind our house.

When is it planned that this work will take place and what is the unit to be used for? What are the additional buildings going to be used for? How high is the fence? Where exactly will the fence go: before the trees we have as our current view or behind those?

We will be writing a letter of opposition as it seems very unfair that the plans are to put working buildings right behind our house. The security fence is going to have a huge impact on our living as our view will be very restricted not to mention the obvious difficulties of potential resale of our home. Buyers would most definitely be put off and the value of our house greatly reduced. In an economic climate where Britain is trying to rebuild the house sales, I feel these plans are having the complete opposite effect - it will make it very difficult for us to sell our house and having only just moved in less than three years ago, will probably put us into negative equity in our home - again going against government plans.

When we moved in, the council decided that due to our extension (built by previous owners), our council tax band changed and was backdated to the date we moved in. We are the only people in our street on this band and it would be very unfair if we have a noisy factory behind us and we are paying a higher tax band.

Regards,

Nastassja McGregor

On 23 Jan 2014, at 17:13, "McCorriston, Wendy" <Wendy.McCorriston@westlothian.gov.uk> wrote:

DATA LABEL: INTERNAL ONLY

Mr McGregor

I just wanted to check that you did receive your letter and managed to access the details of the application?

Regards

Wendy McCorriston

From: McLucas, Steve
Sent: 13 January 2014 16:24

McCorriston, Wendy

From: cmopicians [REDACTED]
Sent: 21 February 2014 15:12
To: McCorriston, Wendy
Subject: Fwd: Send this onto Wendy

Hi Wendy,

Many thanks for your email today. Christopher did in fact write a reply that I was supposed to send on but have been extremely busy at work this week that I have forgotten.

Please see his response below. I am disappointed that the value of our house is not a consideration in the current economical climate where governments and local councils are supposed to be trying to help people to gain their house value whereas this seems that west lothian council are perhaps doing the opposite?

I also oppose the amount of vehicles that will be in very close proximity of our house with the noises of not only the vehicles themselves, but the loading/unloading of the vertices and their reversing sirens. There is also the noise of the bins/skip lorries as well as the delivery trucks like was mentioned.

Kind regards

Nastassja and Christopher McGregor

Begin forwarded message:

From: Christopher McGregor <cmopicians@[REDACTED]>
Date: 18 February 2014 12:43:12 GMT
To: "nastassja.mcgregor@[REDACTED]" <nastassja.mcgregor@[REDACTED]>, Nastassja
<nastassjamcgregor@[REDACTED]>
Subject: Send this onto Wendy

Dear Wendy

I appreciate your reply and answers to the various questions I have asked. I still have major concerns about the proposed extensive buildings being erected and the complete obliteration of the green wooded area within the site to encompass a mass of vehicles and work force and noise.

Mentioned is the fact that there will be no major impact on traffic in the area. I cannot understand how large delivery vehicles dropping off supplies in such a busy road as it is at the moment will not impact traffic in the area. It is not an industrial area so why impose such deliveries of building materials to this venue. I cannot understand why this would be considered best proposal for West Lothian Council, it will only cause delivery drivers and the general public excessive problems. Stating that the deliveries will be out-with peak times does not answer the problem. All work offices in the area work on varying shift patterns out-with peak times.

I do not agree that the noise level for these work duties to be anything but a complete invasion of the area. I will not just accept an answer that 'noise from the industrial saws will only be heard when shutter doors are open'

This cannot be acceptable and can only be classed as noise pollution for a significantly quiet area. Test must be carried out.

In regards to Community Inclusion, what does this entail? Will this be community service workers?

I also asked what other proposed site where considered and why this site was regarded as the best choice to relocate? What are the reasons for relocating the existing site?

Can you supply a list of the other locations investigated and the reasons behind this site as being the best option?

I object in regards that West Lothian Council propose to completely obliterate a quiet locale and environment and subject residents to safety issues in regards with community inclusion and noise pollution but also theft and vandals seeking to steal building materials.

I look forward to your reply in regards to answering all my questions

--

Christopher McGregor
CM Opticians
Proprietor

[REDACTED]
2- 4 West Main Street
Armadale
West Lothian
EH48 3QA

[REDACTED]
7 Bank Street
Airdrie
North Lanarkshire
ML6 6AF

[REDACTED]
5 West Main Street
Whitburn
West Lothian
EH47 0QB

Supporting Information

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 10:20
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road - [INTERNAL ONLY]

Importance: High

DATA LABEL: INTERNAL ONLY

Background

West Lothian Council is seeking planning consent for works related to the adaptation of the property at 1 Lister Road, Kirkton Campus, to provide modernised support accommodation to facilitate service delivery. The conversion of Lister Road is part of a wider project to ensure that property is sufficient and suitable for those Council Services who need support accommodation (principally depots, workshops and stores), in turn improving the efficient and effective delivery of services to our customers.

The property at Lister Road will accommodate the council's Building Services; Archives, Records Management and Museums (AR&M); and the Community Inclusion workshop. It will also include small areas to meet the council's legal obligation to provide furniture storage for those made homeless, and the council's election materials. While most of the alterations will be internal, planning consent is required for external works to provide additional vehicle parking and limited external storage; a small extension to act as a timber store; and a change of use to incorporate an element of Use Class 6 (Storage).

The building has a usable floor area (excluding common parts) of c2683 sq.m, and the proportions of the building to be used by the different services are as follows:

Building Services

Office accommodation and training space	754 sq.m
Workshops (joinery and blacksmiths)	650 sq.m
Storage (including furniture and election materials)	475 sq.m

Archive, Records Management and Museums

Office accommodation and training space; work room	169 sq.m
Storage (Council Archive and Museum store; Records Management)	455 sq.m

Community inclusion

Office accommodation and training space	30 sq.m
Joinery workshops	150 sq.m

In total the number of council staff who will be permanently based in the building is expected to include c90 office based, and 15 – 20 workshop/stores staff. Approximately 40 Building Services operatives will use the building as their operational base – usually visiting the building at the start and end of their working day.

Internal alterations will reflect the requirement for physical separation between elements of workshop and storage (e.g. to create a controlled environment for the archive and museum storage).

The office, training and AR&M workroom space noted above will be created from the existing office accommodation within the south and east elevations. This extends to c 35% of the available usable space. There is no significant physical change to the office content, which was previously ancillary to the Class 4 or 5 (light/general industrial) use of the building. However, the use of this space is likely to be less intensive – i.e. fewer desks than may have previously been included, and more common space for training, meeting space and workrooms.

The remaining space will largely stay as industrial with the majority of Building Services storage being ancillary to that use. The AR&M store, and those for election materials and furniture.

The nature of the uses sharing the building will also mean that the nature of storage use will differ. The AR&M stores, which comprise approximately half of the proposed storage use, are largely static, i.e. there is little regular movement of these materials to other locations. The Building Service stores are more operational, although, as noted below, changes in work practices are intended to restrict the amount of daily vehicle movements.

The building at Lister Road has 75 car parking spaces to the front (south) of the building. As noted above the council's proposed use will retain the existing office accommodation, and there is no increase in the parking required for office based staff. This parking will also accommodate the use by AR&M, and Community Inclusion. These office based staff operate flexible working, arriving at work between 8.00 am and 10.00 am, and leaving between 4.00 pm and 6.00 pm. Accordingly these traffic movements are expected to be distributed across these hours.

Building Services currently operate from Whitehill Depot, Whitehill Industrial Estate, Bathgate. Their work involves the maintenance and repair of 16,000 council properties (principally council houses) located across West Lothian. The move to Lister Road will involve significant changes to current work practices, particularly relating to the retention of, and access to material stores. This will result in a substantial reduction in trips made by council operatives to the depot – with materials collected directly from suppliers instead.

There will be a requirement to replenish basic stock at the depot. At present the type of stock delivered to the depot at Whitehill House includes:

- Various small goods (fittings and fixtures)
- Sawn timber lengths
- UPVC cladding
- Palletised Sheet timber
- Palletised metal
- Metal bars in 6m lengths
- Palletised Building materials

The materials will be delivered to Lister Road by road using vehicles ranging from medium sized vans to a heavy goods vehicle. To avoid traffic congestion and peak periods, deliveries will be scheduled to arrive at the depot between 9.00am and 4.00pm.

At Whitehill the daily vehicle movements for these deliveries currently consist of approximately 14 small / medium vans delivering the various small goods and 2 heavy goods vehicles delivering all other items listed. However this will reduce significantly at Lister Road, as work practices change and materials are collected directly from other suppliers.

In addition, current work practices mean that the majority of council vehicles travel to and from the operatives home location rather than the depot; i.e. the operative uses a council vehicle to travel direct to their first appointment, from home, returning home on completion of their working day, rather than returning a vehicle to a central location. There are, however, certain vehicles that do not lend themselves to this type of work pattern, and c 40 vehicles will therefore be based at Lister Road. This necessitates the extension of the service yard to the east and north of the building, to facilitate overnight parking. These vehicles will leave Lister Road just before 8.00 am, returning at 4.10 pm.

Building Services use of the property will generate the most traffic. In addition to the office based staff and overnight parking, operatives will, periodically, return to the depot for training. These sessions typically involve 12 – 15 staff at a time, with training sessions spread throughout the day. There will therefore be traffic generated by operatives vans at regular intervals during the working day. These will be parked in the extended service yard, which will have been vacated by the vehicles parked overnight.

In summary, the peak vehicle movements are expected to be as follows:

CAR TRIPS	Morning Peak IN	Morning Peak OUT	Evening Peak IN	Evening Peak OUT
<u>Existing Class 4 use:</u>				
Number of people ⁽¹⁾ (includes staff, visitors, etc)	150	7	14	112
Number of cars	112	5	10	104
Number of vans, deliveries.				
<u>Proposed use:</u>				
Number of people (includes staff, visitors, etc)	150	40	40	150
Number of cars	91	2	3	88
Number of vans, deliveries.	0	40	40	0

On balance there is no significant increase in overall traffic movements as a result of the change of use of the building, although it is accepted there is an increase in morning out and evening in peak movements to the development.

Although the building has been empty for a while it has been used for industrial purposes for the best part of 20 years – with consequent traffic generation – and we believe that the previous uses included metal manufacturing. So there should be no greater impact on the neighbouring properties than has been the case in the past.

The joinery workshop saws will run up to 40 times per day max for short durations of up to 5mins per time. Internal ventilation systems will extract sawdust & other airborne pollutants to limit escape to the outside environment. Any noise created by the saws will be reduced as the existing roller shutter doors will only be open during material delivery/dispatch. The external storage area is to be used to house waste skips and general building materials. In addition to the existing trees, the area will be screened by a powder-coated (potentially green?), weld mesh security fence, which will also enclose the parking area.

West Lothian Council
Housing Construction & Building Services
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF

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McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 April 2014 10:24
To: McCorriston, Wendy
Subject: FW: 0015/FUL/14 - 1 Lister Road, Kirkton Campus, Livingston - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

I believe that any outstanding objector's concerns relate to potential noise nuisance, and I hope that the following may help to allay any fears. While I appreciate that some of the information below has previously been presented, and I believe made available to the objectors, some of it may have been lost, for example in the detail of the Transport Statement.

A fundamental principle of the depot modernisation project is that it will both require and enable changes to work practices. For example, for Building Services there will be significant changes to the extent of their material stores, greatly reducing the space used both inside and outside any building. As a consequence there will be a considerable reduction in the need for operative's vehicles to return to the depot. This substantial reduction in trips to and from a depot is an example of why a strict comparison with the current operation from Whitehill Industrial Estate is inappropriate.

Lister Road will accommodate a variety of council services with Building Services occupying about two thirds of the space. Most of the vehicle movements, including all but a few of the commercial vehicles (i.e. non-private cars), will be theirs. In essence the commercial vehicle movements can be summarised as follows:

- About 40 operatives will start and end their working day at Lister Road. They will collect their vehicles between 7.30 and 8.00 am, and return between 4.00 and 5.00 pm.
- The reduction in material stores will limit delivery vehicle movements. At Whitehill there are currently c14 small/medium vans each day, and 2 HGVs. This will reduce because of the changes in material stores. Unfortunately, as these changes will be incremental it is not currently possible to specify the amount of any reduction.
- Deliveries can be programmed to take place between 9.00 am and 4.00 pm. This will both reduce potential congestion when private cars are expected to arrive and leave the depot, and contain these movements (and any noise generated) to normal working hours.
- There may be a requirement for vehicles to return to the depot outside normal working hours, but this will be infrequent, perhaps three or four times a month. This will be in response to emergencies – perhaps severe weather or a similar initiation of the council's contingency plans – and possibly when there are elections. As the principal point of entry to the building, outside normal working hours, will be the main door in the south west elevation, off the car park, activity in, and consequently noise emanating from the yard outside normal working hours will be minimal. Staff returning to the depot out-of-hours will have to stop at the front door, and depending on the reason behind their visit, may not need to enter the yard or access the building from the yard, again leaving by the main door, as the alarm will have to be reactivated.

Noise generated from the activities within the building is most likely to come from the joiners workshop – for example, from saws running up to 40 times per day, for short durations of up to 5 minutes per time. As with the majority of vehicle movements this will be during normal working hours (8 am to 6 pm). Noise may escape through ventilation and extract systems, and when delivery doors are open, but otherwise it will be contained within the building.

As with other aspects of Building Services operation the requirement for external waste storage is likely to change in future. Again, however, it is difficult to be definitive at this early stage – some changes in work practice can only come

into effect after a move – but the expectation is that eventually only recyclables will be brought back to Lister Road. In the fullness of time this may avoid the need for the type of compaction that exists at Whitehill.

Reversing alarms are critical for the safety of council staff. However, we will examine whether these can be suppressed on council vehicles, without compromising safety.

In practice, therefore, with the exception of very limited emergency access, the operation of the building should be contained within normal working hours, and I believe that the potential incidence of noise nuisance for neighbours will be minimal. I would hope that this will obviate the need for any conditions.

It has to be borne in mind that this is an industrial building in an area zoned for industrial use. The industrial activities, such as the joiners workshop, that will be carried out are consistent with Use Class 5, and I believe that the traffic movements are no greater than might be expected from any other Class 5 Use. In the past the building has been used for electronic component assembly and most recently as a printers. Between these two uses, from at least the mid-1990's until 2007, the building was owned and used by Laidlaw Drew, who were involved in engineering and metal fabrication for the manufacture of industrial heating systems. I assume that there was no restriction on the hours of operation by these previous occupiers. While it is perhaps unfortunate that our proposals follow a period during which the building has not been used, I would argue that the council's proposed use is no more intrusive than these historic uses.

I hope this may help to alleviate neighbours concerns, and would be happy for this information to be circulated.

Regards

Paul

Paul Furbank
Property Management & Development
West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

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For directions to Civic Centre click - <http://www.westlothian.gov.uk/media/downloadaddoc/1849704/civiccentremap>

The **Winter Ready West Lothian** public information campaign aims to provide residents with advice on preparing for winter. An email information service is available. To sign up to the council's E-Bulletin and E-Alert visit www.westlothian.gov.uk/email For more information about our winter campaign please visit www.westlothian.gov.uk/winter

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Supporting Information Re Site Search

>
> Thank you for your email. From our subsequent conversation I believe that we have provided a response to most of the issues raised by Mr McGregor. I have therefore focused on the council's decision to pursue the acquisition of Lister Road.
>
> West Lothian Council's depots and stores are a product of historical legacy, rather than being designed to suit service delivery. The improvement of these properties is a key theme of the Council's Asset Management Plan. The project started with the identification and review of all the depots, workshops and stores used by the council, to establish which should be included in the scope of the project. This was followed by an assessment of the options for the provision of improved facilities.
>
> The largest part of the project is the proposal to relocate Operational Services (including Roads, Waste, Land services and Fleet) to Whitehill Industrial Estate - which was selected after a review of strategic locations across the M8 corridor. This is the subject of a separate planning process. It had initially been hoped that all the council's workshops, depots and stores could be accommodated on a single site, but became evident that the potential synergies from the co-location of other uses with Operational Services were outweighed by the disadvantages.
>
> The decision was then taken to seek an alternative solution for Building Services, the council's Archives, Museums and Records Management (AMRM), and the Community Inclusion unit. Co-location was considered to have a number of benefits to service delivery, and the individual services locational criteria were compatible. In particular, an accessible central Livingston location is important for customer access to both AMRM and Community Inclusion. A schedule of accommodation had been produced, which informed a search for suitable property across the western part of the M8 corridor.
>
> This search was carried out in conjunction with a local property agent. Lister Road was identified as meeting both locational and size criteria, and, with a history of Class 5 Use, was compatible with Building Services and Community Inclusions workshops. The availability from an Administrator at a discounted price was considered to be good value for money, especially as the external alterations required were not substantial. A significant part of the internal layout will be devoted to storage - necessitating the change of use to include Class 6 - but the nature of this storage is significantly different from most Class 6 uses. The acquisition and Lister Road was therefore considered to be the best solution for the provision of improved facilities to support the delivery of these council services.
>
> I hope this is sufficient to answer Mr McGregor's questions.
>
> Regards
>
> Paul
>
> -----Original Message-----
> From: McCorrison, Wendy
> Sent: 18 March 2014 17:54
> To: Furbank, Paul
> Subject: FW: Objection to 0015/FUL/14 - [INTERNAL ONLY]
>
> DATA LABEL: INTERNAL ONLY
>
> Paul
>
> Not sure if you are able to address any of these points ?
>
> Regards



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION.

Installation of heat extractor fan and acoustic enclosure (in retrospect) operational between 07:00 and 20:00 hours only, at 3-5 Goschen Place, Broxburn, EH52 5JE

2 DETAILS

Reference no.	0110/FUL/14	Owner of site	W Abbas/J Sinclair/G Mitchell
Applicant	W Abbas	Ward & local members	Broxburn, Uphall and Winchburgh: Cllr T. Boyle Cllr. D. Calder Cllr. J. Campbell Cllr. A. Davidson
Case officer	Ross Burton	Contact details	ross.burton@westlothian.gov.uk

Reason for referral to Development Management Committee: Discretion of the Development Management Manager

3 RECOMMENDATION

3.1 Approve, subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought retrospectively for the installation of the external components of a heat extractor fan and associated acoustic enclosure at the rear of a shop at 3 – 5 Goschen Place, Broxburn, and its operation between the hours of 07:00 and 20:00, seven days a week.
- 4.2 The shop occupies the two central properties in a block of four properties. The properties on either side are both traditional cottage style houses. There is a private vehicular access, adjacent to 7 Goschen Place, which provides access to the rear of the block and the house at 9 Goschen Place. The land on which the unit is situated is jointly owned by the applicant and the two houses attached to the applicant's shop. The acoustic enclosure which accommodates the heat extractor unit is 1.55 metres high, 1.7m wide and 1m deep. It is finished in grey metal cladding. Photographs of the unit are attached to this report.
- 4.3 An application was approved in 2008 for the change of use of 5 Goschen Place from a house to become part of the shop. This consent did not include permission for a heat extraction unit, which was installed without the benefit of planning permission in March 2010. It did include permission for metal roller shutters to the front of the shop.

- 4.4 The shop is the subject of continuing complaints of noise disturbance to Environmental Health, with regard to the heat extractor and the metal roller shutter on the front elevation. The shutter, which extends across the front window and main door of the shop, the whole frontage of the original shopfront of 3 Goschen Place, is electronically operated. It is raised early in the morning to receive deliveries, and can be lowered and raised again before the shop opens. The neighbouring property at 1 Goschen Place has a bedroom directly above the original shopfront, and the motorised raising and lowering of the shutters in the early morning is allegedly audible in that bedroom.
- 4.5 The heat extraction unit was the subject of an application for retrospective planning permission in 2013, when it was refused by the Development Management Committee (application 0528/FUL/13, refused 11 September 2013). The application was refused on the grounds of detriment to residential amenity, by reason of noise nuisance and visual amenity. The applicant did not appeal against the refusal of planning permission.
- 4.6 Following the refusal of application 0528/FUL/13, a notice was served on all who were thought to have an ownership interest on the land which the unit occupies in January 2014, as a precursor to taking enforcement action. The responses confirm that the land is owned by the owners of 1 Goschen Place, 3-5 Goschen Place (the applicant) and 7 Goschen Place. If the council were to continue with enforcement action and serve an Enforcement Notice requiring the removal of the unit, it would be served on all three owners. No enforcement action has been progressed, pending the determination of this planning application.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
WLLP	HOU9 Residential Amenity	The policy requires the amenity of existing residents to be protected. The operation of the unit 24 hours a day detrimentally affected the amenity of existing residents due to the noise emanating from it. The reduction in the operating hours to daytime only would improve that situation considerably, potentially making it acceptable.	Partial
WLLP	IMP 10 Noise	The policy states a presumption against noisy uses being located in proximity to existing residential uses. Whilst each application has to be assessed on its merits, in this case Environmental Health has confirmed that the unit would be acceptable if the limits on the hours of operation proposed in that agency's consultation response are adhered to.	Partial

6 REPRESENTATIONS

Three letters of representation, with supporting information, have been received, from the occupants of the two houses adjacent to the application property, and from the owner of one of the two properties. Their comments are summarised below; the full letters, and the extensive supporting information supplied, can be viewed in the attached papers.

	Comments	Response
1.	Visual impact: the unit contravenes Policy HOU 9 of the local plan, as it is detrimental to residential amenity	The unit is at the rear of the terrace, so is not visible from the street. While it has a visual impact on the area to the rear of the properties, it does not have a wider impact.
2.	Noise impact: the unit contravenes Policy IMP 10	The current operation of the unit clearly

	of the local plan as it produces noise adjacent to residential uses. The unit produces a low frequency noise which has been disturbing nearby residents for a number of years.	contravenes the policy, but the applicant proposes reducing the hours of operation to daytime only, which would greatly improve the situation.
3.	The council is taking enforcement action about the unit and should continue	The initial steps have been taken, but no enforcement action will be taken until this application is determined.
4.	The unit is located on the common footpath, on land which is owned jointly by all the owners of 1-7 Goschen Place and interferes with access	The unit sits on the path at the edge of the common area, but the rest of the area is paved, so there is a viable alternative to using the path for access. In any event, as the structure is located on land owned by the objectors, those owners have recourse to civil action.
5.	The shop owner has told the council that he is installing internal cooling units so why is the unit required at all?	The internal units referred to would allow the unit to be switched off at night.

7 CONSULTATIONS

This is a summary of the consultation responses; the full document is contained in the application file.

Consultee	Objection?	Comments	Planning Response
Environmental health	No	The hours of operation are recommended to be reduced to between the hours of 08:00 and 20:00 Monday to Friday, and 09:00 and 20:00 on Saturdays and Sundays.	Agreed; condition restricting operating hours to those suggested proposed.

8 ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2 Whilst the current application relates to the structure to the rear of the property, in connection with this proposal a wider issue to be addressed is residential amenity. In addition to the heat extractor unit at the rear of the shop, the roller shutters at the front give rise to complaints. There are no controls imposed on the shutters by virtue of planning permission 1059/FUL/07. Nevertheless, the objectors point to the disturbance that they cause in the early morning and the impact this has, particularly on the enjoyment of the house at 1 Goschen Place. By granting the current application, the council as planning authority will be permitting a structure that, even when regulated, will contribute to the overall level of noise received at the adjacent houses. To offset this and respect the amenity of the householders, in connection with the development which is the subject of this application, it is considered that the operation of the roller shutter at the front of the shop should be controlled in the same manner as the heat extraction unit.
- 8.3 The applicant proposes using the heat extractor unit from 07:00 until 20:00, seven days a week, switching it off overnight. It is the opinion of the Environmental Health Manager that, given the proximity of the bedroom of the neighbouring house it is necessary to reduce these hours further, so that the unit starts operating no earlier than 08:00 on

weekdays and 09:00 at weekends, and is switched off at 20:00 on weekdays and weekends. Given the increase in noise at the adjacent dwellinghouses attributable to the current proposal, in connection with said development, a condition can be imposed to limit the noise from the roller shutters. It is not considered reasonable to condition the shutters to a later start at weekends, so a condition is proposed restricting the operation of the shutters such that they are not operated before 08:00 or after 20:00.

- 8.4 The visual appearance of the unit is not, it is considered, sufficient to merit refusal of planning permission in itself. It is a grey box, just over 1.55m high and 1.7m wide, and it is located against the rear wall of the terrace. It is not visible from the street. The objectors' point concerning access and the location within a common area are not planning matters. It is understood that the other owners of the land are pursuing their own civil action on that issue.

9 CONCLUSION AND RECOMMENDATION

- 9.1 The previous application for the extractor unit (0528/FUL/13) was refused because of noise issues. The Environmental Health Manager objected to that application because of the low frequency noise generated by the unit, particularly during the night. The applicant's proposal to switch the unit off at night is welcomed as a potential approach to ameliorate the situation, but the hours proposed are not considered to be suitable, and the Manager of Environmental Health has recommended a change to the hours proposed by the applicant, to delay the start in the morning by an hour on weekdays and two hours at weekends, to 08:00 and 09:00 respectively.
- 9.2 With the condition on operating hours restricting the use of the heat extractor unit to the hours between 08:00 and 20:00 on weekdays and 09:00 and 20:00 on weekends the proposed siting and operation of the unit is considered to be acceptable. With the introduction of a similar control over the operation of the roller shutter, the impact of the operation of the shop on the residential amenity of the adjoining houses will be improved, to the extent that it is acceptable in terms of policies HOU 9 and IMP 10.
- 9.3 Accordingly, and in view of the information above, it is recommended that planning permission is granted, subject to the proposed conditions.

10 ATTACHMENTS

- Proposed Conditions
- Location plan
- Photographs of the extractor unit
- Letter(s) of objection

CHRIS NORMAN
Development Management Manager

Date: 9 April 2014

DRAFT CONDITIONS - APPLICATION 0110/FUL/14

- 1 The heat extractor fan hereby approved shall operate between the hours of 08:00 and 20:00, Mondays to Fridays, and between the hours of 09:00 and 20:00 at weekends. Outwith these times it shall be switched off.

Reason *In the interest of residential amenity*

- 2 The roller shutter at the front of the application property shall not be raised or lowered before 08:00 or after 20:00, seven days a week, unless otherwise agreed in writing with the Development Management Manager.

Reason *In the interest of residential amenity.*



0110/FUL/14



0110/FUL/14



Insulation Cover to Heat Extractor Rear of 5 Goschen Place Broxburn



Insulation Cover to Heat Extractor Rear of 5 Goschen Place Broxburn

O'p.
com 1

West Lothian Council
Development Management

24 FEB 2014
Date R.B.
Ref No 0110/GUL/14
Ref To
Act
Replied

Grace F Mitchell
52 Laing Gardens
Broxburn
West Lothian
EH52 6XT

February 21, 2014

Recorded Delivery

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

ACKNOWLEDGED 27/2/14

Dear Sir,

Notice of Application for Planning Permission: Ref-0110/14 0528/FUL/13

Mr Abbas 3-5 Goschen Place Broxburn

As the owner of the property located at number 1 Goschen Place Broxburn I wish to record in the strongest possible terms my objection to this latest planning application which is exactly the same as one made previously under reference 0528/FUL/13 which was refused and is currently under an enforcement notice for the removal of the heat extractor unit.

I have enclosed a copy of the previous findings in this matter and I can confirm that this latest application does nothing to ensure compliance with the findings previously stated that the application is contrary to:

HOU9 (residential and visual amenity) of the West Lothian Local plan;

IMP10 (noise) of the West Lothian Local Plan.

Yours faithfully

Grace F Mitchell

Encl:

Letter from Environmental Health and Trading Standards dated 16 August 2013

Copy of the draft management committee decision giving the reasons for planning refusal of application 0528/FUL/13.



**West Lothian
Council**

MEMO

Environmental Health and Trading Standards
County Buildings
High Street
Linlithgow
EH49 7EZ

environment@westlothian.gov.uk

www.westlothian.gov.uk

Our Reference: BC/PremGRFPBO3-5G/1/121485
Direct Dial: 01506 282372
E-mail: brian.carmichael@westlothian.gov.uk

16th August 2013

FAO George Flett
Development Control
County Buildings
High Street
Linlithgow
EH49 7EZ

PREMISES: Waz's 3-5 Goschen Place, Uphall
Planning Consultation Response 0528/FUL/13

I refer your consultation of 02/08/2013 regarding this application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

The current location of the refrigeration unit and the low frequency noise from the unit particularly during the night has a significant detrimental effect on amenity and likely to constitute a statutory noise nuisance.

I would advise that the installation of this equipment has resulted in previous enforcement action by this service unit. The issue of noise nuisance was never fully resolved and the unit continues to emit low frequency noise which disturbs the occupants of neighbouring attached properties particularly during the night.

Environmental Health would therefore object to the application.

Should you wish to discuss the matter further, please contact me at the above number.

Brian Carmichael

DRAFT DECISION - APPLICATION 0528/FUL/13

- 1** The proposal is to install an extraction fan and cabinet at a shop at 3-5 Goschen Place, Broxburn (in retrospect). The proposal is in a residential area and there are houses attached on either side of the shop unit. The proposal will be detrimental to residential amenity, by reason of noise nuisance from the extraction fan and due to the unit being unsightly and inappropriate in this residential area. The proposal is contrary to the following policies, which protect residential amenity and resist noisy developments in proximity to housing.

The proposal is, therefore, contrary to:

HOU9 (residential and visual amenity) of the West Lothian Local Plan;
IMP10 (noise) of the West Lothian Local Plan.

- 2** The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

Dr F C McRae
Dr B Kent
Dr J C Russell
Dr D Turner
Dr F Reid
Dr M Winney



The Wood Medical Practice
Strathbrock Partnership Centre
BROXBURN
West Lothian
EH52 5LH
Tel No: 01506 771 800
Fax: 01506 771 820

SS/HA

10 March 2014

TO WHOM IT MAY CONCERN: -

[REDACTED]

Please could you review the situation regarding the noise created by the early morning use of both air conditioner units and roller shutters at the address of 1 Goshen Place, Broxburn.

It is resulting in significant disruption to the sleeping patterns and health of my patient, [REDACTED], This five year old girl is experiencing disruption to her schooling as a result of this noise and the impact it is having on her sleep.

Yours sincerely

[REDACTED]

Dr S Strachan

[Faint, illegible handwritten text]

I DO NOT WISH FOR THIS
SENSITIVE INFORMATION LETTER
TO BE POSTED ON THE COUNCIL'S
WEBSITE [REDACTED]

Application Number: 0110/FUL/14

Name: Grace F Mitchell

Address: 52 Laing Gardens

Broxburn

West Lothian

EH52 6XT

Tel: [REDACTED]

Email: [REDACTED]

Date and time of comment left: 25-02-2014 10:14

Comment Type: Object to Proposal

Comment:

SCANNED

ACKNOWLEDGED

12/3/14

I have written formally on this application and sent this off to West Lothian Council by recorded delivery on Friday 21 February 2014.

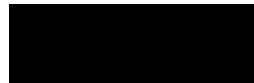
I would be grateful to receive acknowledgement of my objections and confirm that I will be responding in more detail now that the documents are finally available for comment.

Can you confirm who I will be communicating with as there is no case officer allocated as at this date.

Obj
Com 1

West Lothian Council Development Management
28 FEB 2014
Date..... R.B.
Ref No..... 0110/FUL/14
To.....
.....
.....

x
Grace F Mitchell
52 Laing Gardens
Broxburn
West Lothian
EH52 6XT



February 26, 2014

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

ACKNOWLEDGED

12/3/14

Dear Sir,

Planning application number 0110/FUL/14

Mr Abbas 3-5 Goschen Place Broxburn

- x As the owner of the property located at number 1 Goschen Place Broxburn I wish to record in the strongest possible terms my objection to this latest planning application which is exactly the same as one made previously under reference 0528/FUL/13 which was refused and is currently under an enforcement notice for the removal of the heat extractor unit.

I have enclosed a copy of the previous findings in this matter and I can confirm that this latest application does nothing to ensure compliance with the findings previously stated that the application is contrary to:

HOU9 (residential and visual amenity) of the West Lothian Local plan;

IMP10 (noise) of the West Lothian Local Plan.

Can you please explain to me why application number 0110/FUL/14 can be accepted by West Lothian Council when the only difference from application number 0528/FUL/13 is the offer of restricted operational hours?

This application number 0110/FUL/14 does not address HOU9 (residential and visual amenity) of the West Lothian Local plan which is one reason for the failure of planning application 0528/FUL/13 please advise what has changed in the interim?

This current application does not address IMP10 (noise) of the West Lothian Local Plan as if retrospective planning is granted the unit will still be operational between 07:00 and 20:00 hours making the same noise it has always made during these times and I would request how you would anticipate the monitoring of this out with the hours as noted in application 0110/FUL/14. The unit still makes the same noise which led Environmental Health and Trading Standards objecting to application 1528/FUL/13.

Can you clarify what happens in the meantime to the enforcement notice issued by the Planning and Development Committee at the meeting which was held on 11 September 2013? If the enforcement

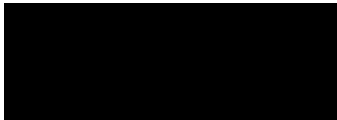
February 26, 2014

notice is put on hold pending this latest retrospective planning application can I ask how many times are West Lothian Council going to tolerate new planning submissions from Mr Abbas? Does this mean if this application number 0110/FUL/14 is not granted and enforcement recommences he can submit another with different times and how often can this take place?

x This all serves in the meantime to enable a confirmed nuisance with noise to continue affecting my family and that of our neighbour at number 7 Goschen Place. Can I remind you that this noise nuisance has been ongoing since his original planning permission was granted and the noise pollution has been well documented by Environmental Health? I would further confirm that this continuing noise is still affecting my grandchildren who are on medication as a direct result.

I would be grateful to receive your detailed response to the points raised and I would confirm that this is a formal objection to planning application number 0110/FUL/14.

Yours faithfully



x Grace F Mitchell

Encl:

Letter from Environmental Health and Trading Standards dated 16 August 2013

Copy of the draft management committee decision giving the reasons for planning refusal of application 0528/FUL/13.

06;
COM 1

ACKNOWLEDGED

25/3/14

Mr Ross Burton
Senior Planning Officer
West Lothian Council
Lomond House
Beveridge Square
LIVINGSTON
West Lothian
EH54 6QF

1 Goschen Place
BROXBURN
West lothian
EH52 5JE

18 March 2014

Dear Mr Burton,

2nd RETROSPECTIVE PLANNING APPLICATION – 0110/FUL/14

I wish to make our family's representation as per West Lothian Council's Planning Process by **objecting very strongly again** to the above retrospective planning application – this time indicating a **restricted operational time function** of the unit and enclosure - being the only difference from the first retrospective planning application which was refused and enforcement action granted on 11th September 2013.

Detailed submissions including photographs have already been provided for the previous application - 0528/FUL/13. However, I am going to resubmit documentation again in full support of **my family's objection**, as well as additional documentation for application - 0110/FUL/14.

A concise report by Chris Norman (Development Management Manager) was prepared for the Development Management Committee meeting taking place on 11 September 2013, at this meeting the conclusions and recommendations clearly stated – **refusal and enforcement action granted.** (Evidence provided).

Under the Planning Policy Assessment – the development plan comprises the approved Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) and the West Lothian Local Plan (WLLP).

WLLP – HOU 9 - Residential Amenity

"The policy requires the amenity of the existing residents to be protected. The proposal would detrimentally affect the amenity of existing residents due to the noise emanating from it. Furthermore it causes a loss of residential amenity due to its location within the rear, jointly owned curtilage, of the block of properties. Its location here is inappropriate and unsightly within a predominantly residential area, and impedes the use of the area by the residents."

This retrospective planning application 0110/FUL/14 does not conform to the policy.

SCANNED

WLLP – IMP 10 – Noise

“The policy clearly states the presumption against noisy uses being located in proximity to existing residential uses. Whilst each application has to be assessed on its merits, in this case Environmental Health has confirmed that the unit is producing an unacceptable level of noise. The proposal is therefore contrary to the policy.”

This retrospective planning application 0110/FUL/14 does not conform to the policy.

(Evidence enclosed – Chris Norman's full report).

This situation remains the same if not more severe than ever. A further application for the same ground located air condensing unit operating on reduced hours – switching off between 8pm and 7am – still does not conform to the policies already stated in Chris Norman's report, supported by the evidence from Environmental Health and would be in breach of the Noise Abatement Notices already served on the shop owner. My children are now 3 and 5 years old in which my oldest daughter has had to suffer severely by continuous disturbed sleep for now 4 years, from 20 night terrors a night to thinking there are bees in her room and the walls are talking to her due to the tonal drone and electrical hum emanating 24 hours a day, even when my family are having a bath the noise is still the same, sitting eating a family meal the noise is still the same, my daughter now has to be medicated to sleep on 31st December 2013 as she did not want to sleep anywhere in our home, her sleep deprivation and disturbed sleep has had an extremely negative effect on her health, school work, social abilities and has broken my heart to watch my little girl go through the emotional turmoil in order to sleep, she is still on medication to aid her sleep which can only assist her so much as these continual disturbances and noise still disturb her sleep, her bedtime can vary but most nights we start the routine for bed between 6pm and 6:30pm. This is precious time that my family and I can never gain back and I can't reinforce enough that no mother should have to go through what my family is going through and has done for the past 4 years.

Enclosed also is the copy of the consultation letter from Brian Carmichael dated 16 August 2013, conclusively objecting to the application – see also application 0528/FUL/13. The draft decision proposed on the 11 September 2013, at the Development Management Committee Meeting was subsequently granted as a result of all the evidence provided both by the council's own officers **internally** and neighbour responses **externally**, namely refusal of the retrospective planning application and enforcement action granted.

The 2nd paragraph of the draft decision is clear and states: - “The applicant has failed to convince the council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.” **Nothing has changed to alter this decision.**

I am deeply concerned at the content of the Environ acoustic enclosures documents as the dates of this information were produced on March 2010 and 18th January 2011 and both are extremely out of date. The supporting information was taken from an internal test room, (not externally) readings to support this enclosures actual operational noise levels and to my knowledge do not comply with the noise abatement notices set of readings and again taken for the councils court action, recorded by EHO Brian Carmichael in March 2012 more than a year later. To my knowledge the roof unit and ground unit plus its enclosure have not been adequately maintained due to noise emanating from both external units – roof and ground located. The pipes running from the unit also vibrate along the adjoining rhone pipe and water egress pipes causing yet another noise nuisance when trying to enjoy our garden (weather permitting).

Another concern is that the shop owner's agent again refers to item 10 in the new planning application - 0110/FUL/14 - as the "REAR YARD" - the large ground condensing unit is situated on the common footpath without any prior neighbour consultation and was not included on the original planning application in 2007 clearly this is the common footpath (evidence enclosed) – therefore we were never given the opportunity to comment on the installation of 2 external condensing units – which of course as neighbours, we would have objected to. The large unit is also sitting over a drain and there has been 2 burst main water pipes that I have been informed of – requiring "dig ups" both times on the common footpath. Also the redundant gas pipe is pushed into the wall to accommodate the casing (photographs supplied). The smaller condensing unit remains presently on the roof.

You may be interested to note that in an recent e- mail to me (copy attached as evidence – see entry dated 2 February 2014) – in which the shop owner has clearly indicated to the Head of Planning, Craig McCorriston - an intention to purchase new refrigeration units for the store "which don't require external cooling." One very large internal unit has already been installed on 18 February 2014. If this is the case why it is necessary for the shop owner to submit a further planning application for the ground located condensing unit – if it is not necessary? Why?.

In conclusion, I can confirm that this unacceptable unresolved situation has lasted for 4 years as of this month; beginning of March 2014 and we have been extremely patient. We were advised originally that it could take 6 months to resolve by Environmental Health. **The objections remain as before and as above, under the policies quoted and evidence already provided under application 0528/FUL/13 and for the new retrospective planning application – 0110/FUL/14.** I have not enclosed all the photographs again as they already exist on the council's planning website.

We have been more than patient with the shop owner and the council in dealing with this protracted situation for 4 years. The council should be seen to follow its own policies and procedures and implement section 25 of the Town and Country Planning (Scotland) Act 1997 to prevent this situation from escalating further.

It must be stated that irrespective at what time of day the large condensing unit is in operation – the operational noise/residential amenity problems would still persist. It is **an eyesore, a Health and Safety hazard, unacceptable noise levels emanating from it 24 hours per day** – and **totally blocks the common footpath** as the councillors observed at their previous site visits and is described as such in Chris Norman's accurate report, also **in breach** of the policies and law quoted. As Mr Abbas has recently indicated to the Head of Planning, Craig McCorriston, that the new units **do not require external cooling** therefore I request that the council **again refuses** the retrospective planning permission, **grant enforcement action again** and/or continue with the enforcement action already granted on 11 September 2013 and **arrange for the removal of both air condensing units please from the roof and common footpath** as the present external condensing units would appear to be surplus to requirements as indicated by the shop owner Mr Wassim Abbas , to the Head of Planning.

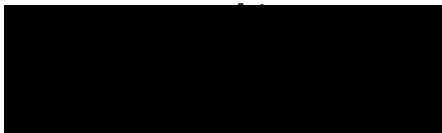
I trust you will take into consideration all the comments and issues raised above and the evidence provided with this **letter of objection** to the new retrospective planning application – 0110/FUL/14 and also refer to the previous application 0528/FUL/13 for the remainder of the supporting evidence which still applies to the new retrospective planning application.

Please do not hesitate to contact me if further information is required. I would appreciate being kept informed of the action the council intends to take to resolve this protracted situation.

Please note that I have late evidence to follow which is vital and crucial to this case and wish permission for an extension to be granted for its perusal.

Yours sincerely,

Linda Baxter



SCANNED

OBJECTION TO PLANNING APPLICATION
REFERENCE 0110/FUL/14
SUMMARY

- 1) There was no indication on original planning application (Nov 2007) that external condensing units were to be installed. Never given the opportunity to comment at the neighbour consultation stage.
- 2) 2 x air condensing units installed externally, March 2010, both on roof originally – large one re-located March 2011 – on to **common footpath (blocking it)**, without prior consultation with neighbours.
- 3) Numerous readings taken by Environmental Health over a 2 year period, resulting in 2 x sets of Noise Abatement Notices being served on the shop owner. (Aug 2010 and 3 in March 2012).
- 4) Previous retrospective planning application 0528/FUL/13 - (July 2013) full of inaccuracies – including alleged ownership of ground – which is in fact communal.

5) Large unit on for nearly 4 years for 4 minute cycles (on/off) – 24 hours per day and the noise increases each time the condensing unit “kicks in.”

Documented evidence from “Environ” – indicates **major operational faults** with the condensing unit. EHO will confirm. Also I.N.V.C. Report confirms operational problems.

6) I had to contact Andrew Blake E.H. at the end of July last year – as the casing of the CU was extremely hot – a Health and Safety issue as my neighbours at no1 have 2 little girls 3 & 5 yrs old and I was concerned they would come up against it when passing.

7) Loss of amenity – I have lived here for 36 years. I am unable to enjoy my property. Can no longer sit outside at my back door in good weather, have the back door open when cooking, have a shower, even use my only toilet, in peace. Due to the close proximity of the CU to my bedroom, can't even sleep in peace for the constant droning noise of the unit 24 hrs per day. (I usually sleep with my

bedroom window open winter and summer). The condensing unit **is an eyesore** to all the neighbours and their visitors and is **totally blocking the common footpath** and overhangs my parking space as the councillors from the Development Management Committee observed during their site visit. No neighbour permission/consultation was sought – we were shocked at the installation and reported the matter to the council nearly 4 years ago.

Under section 26(2)(a)(ii) of the Town and Country planning Act “ -- do not affect the external appearance of the building etc” - I can confirm that both the units – roof located and large ground unit – **have indeed materially affected the external appearance of the building** (as confirmed in the planning application photographs already supplied) and has indeed detracted from the terraced row 1/3/5/7 Goschen Place. The property is 122 years old and was originally completely residential – however there was a shop in

existence at no3 for many years prior to refurbishment. There was no previous problems with operation of the shop till 4 years ago (refurbishment). Shop owners unfortunately **did not declare** their full intentions on the original planning application (1059/FUL/07) in 2007 – otherwise earlier intervention by the Planning Department would possibly have prevented the necessity of this action.

The shop owner has advised the Head of Planning – Craig McCorriston that he is changing the refrigeration units internally which “dont require external cooling” (see e mail dated 2 February 2014 – enclosed as part of evidence.) 1 large unit installed internally on 18 February 2014.

If this is the case – I cannot comprehend why the agent has submitted this 2nd retrospective application 0110/FUL/14 again when it has already been refused and enforcement action granted on 11 September 2013 (0528/FUL/13). The only

difference being the offer to switch off the unit between the hours of 8pm and 7am. However the problems still persist during the day! (Still in breach of the policies).

I am forced out of my home every day by the commercial noise and have had to do bed and breakfast on quite a few occasions and my health has suffered badly as a result.

In conclusion, I request that the 2nd retrospective planning application ref :- 0110/FUL/14 **be refused** on the following grounds :-

- 1) Inaccuracies in both the original and retrospective planning applications.
- 2) **Under the West Lothian Local Plan – the application is contrary to the policies. It fails on 2 counts :- a) “Residential amenity” b) “Noise.” (WLLP HOU9 & IMP10)**
- 3) The shop had refrigeration/freezer units prior to refurbishment, there was no

necessity for air condensing units internal or external previously.

Continued disruption to my life and sleep after nearly four years – which the council has done little to resolve after this length of time.

5) The shop owner has stated to the Head of Planning - Craig McCorriston – **external cooling units no longer required**. Why has 2nd retrospective planning application for the **same** condensing unit been submitted and accepted by the council if the external condensing units are no longer required?

6) The shop owner **failed to appeal within the 3 month time scale** as per the council's policy and procedures after previous retrospective planning application for this condensing unit 0528/FUL/13 was refused and enforcement action granted.

7) Confirmation is required that the enforcement action granted on 11 September 2013 is actively being pursued by the council's Enforcement Officer.

Jennifer Sinclair (7 Goschen Place)

EVIDENCE RE-SUBMITTED FOR 0110/FUL/14

Mr George Flett
Designated Case Officer Planning
Development Management
West Lothian Council
County Buildings
High Street
LINLITHGOW

7 Goschen place
BROXBURN
West Lothian EH52 5JE
15 August 2013

Dear Mr Flett

RETROSPECTIVE PLANNING APPLICATION – 0528/FUL/13

I wish to make representation as per the council's planning process by **objecting** to the above planning application.

The original planning application contained incorrect information regarding ownership of the common areas and other inconsistencies. I understand this has been amended and hopefully, resubmitted correctly.

In November 2007, the shop owner Mr Abbas, submitted a planning application – 1059/P/07 – to extend the shop from 3 Goschen Place into 5 Goschen Place. As neighbours – we were given the opportunity to comment on the plans. We considered this proposal to be an asset for the community and agreed to the refurbishment with certain recommendations to the planning department. There was **no indication on the original plans** that EXTERNAL AIR COOLING UNITS (or internal air cooling/refrigeration units) were to be installed – otherwise, we **certainly** would have commented on their **installation/operation** at that time. There was no air cooling units previously and the shop had fridges/freezers prior to refurbishment.

There are two large external cooling units – both originally located on the roof (photo evidence) installed March 2010. The smaller unit is still on the roof outside the bedroom of no 1. Planning permission is not deemed necessary for the smaller one – although it is still a noise problem – as it is not always switched off as it should be at night when the staff leave the shop – approximately 8pm in the evening.

I contacted the council in June 2010 after speaking to Mr Abbas several times – as well as to his installer “Cooling Solutions” to request if the noise/vibrations could be turned down or switched off at night – as neither myself or neighbours could sleep. I was advised no way – the units must remain on 24 hours per day. The sound readings taken by Environmental Health in my rear facing bedroom were sufficiently bad enough – that they did not have to go into my neighbours property at that stage. Subsequently, the involvement of the Environmental Health Department officers, resulted in the larger unit being moved from the roof, on to the common footpath at the rear. Unfortunately there was no prior consultation with the neighbours – as to the re-location of the larger unit.

As the shop owner continues to breach the Noise Abatement Notices served – (2 sets) – the last 3 notices resulted in the court action by the council scheduled for 2 April 2013. The case was cancelled by the Procurator Fiscal despite compelling evidence for the case to proceed. Environmental Health can provide the necessary documentation to support this statement.

At present, the unit retrospectively applied for – has operated 24 hours per day for over 3 years.

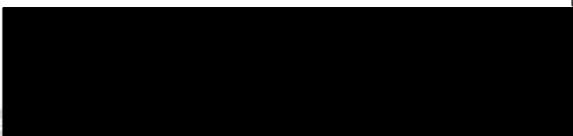
on varying cycles. Therefore I am more that competent to comment on its operation and the disruption it causes to all the neighbours. Currently – it is on 5 minutes and off for 4minute cycles. I understand that the cycles are manually controlled. After more than 3 years of continuous operation I am stating the reasons why the council should consider **refusal of the retrospective planning application.**

In conclusion, my recommendations for **refusal** of the retrospective planning application are :-

- ✱ 1) Under section 26 (2) of the Town and Country Planning Act – particular reference to section :- 26 (2)(a)(ii) - “ --- do not materially affect the external appearance of the building.” The installation of both the cooling units – particularly the huge one ground located, **has indeed materially affected the external appearance of the building** and detracted from the appearance and amenity of the terraced row- 1/3/5/7 and 9 Goschen Place – (bungalow built south of our property). The property was built in 1892 and is 121 years old. It is worth noting that this was originally residential property – not commercial – although no3 has operated as a shop for many years with no adverse effect on the neighbours. I have lived here for 35 years in harmony with my neighbours past and present also with the shop owner and his family till 3 years ago. The unit is an eyesore and detrimental to the aesthetic appearance of the building.
- 2) The continual droning noise and constant kicking in 24 hours per day makes it difficult for me to sleep. I sleep with the bedroom window open most of the time and the large unit is fairly close to my bedroom window. (photographic evidence enclosed). The unit is approximately – 6' 4" x 4' x 4' and totally blocks the common footpath. It also overhangs my parking area for no7 (land registry). The current siting of the unit restricts access to no1. There was no prior consultation with the neighbours to re-siting the unit to ground level. The unit is sitting over a drain. Also there is a redundant gas pipe sticking up 40 cms behind the unit. lying at an angle into the wall – to accommodate the unit. It was never secured to below ground level. After 3 years – my health has suffered badly as a result.
- ✱ 3) I am unable to enjoy my property – as I used to sit outside at the back door and have my tea/ cup of tea in the good weather. I have been unable to do this for more that three years. Also I can no longer open the back door when I am cooking as the noise is intolerable 24 hours per day. The unit is 2 metres from my back door.
- ✱ 4) I had recently to contact Environmental Health as the casing on the unit was extremely hot. The hot air coming from the front grill and the sun beating down on the casing – made it a health and safety issue, being located on the common footpath. I notified my neighbours immediately to warn them to be careful as their little girls are 2 and 4 years old and could be hurt if passing and came against it. (Environmental Health to deal).
- 5) A Writ was served on Mr and Mrs Abbas in July 2013. There is now a Civil Action in place for all the current noise issues, which the shop owners are defending.

I trust you will take into consideration the comments and issues raised above.
Yours Sincerely, (Jennifer Sinclair) 7 Goschen Place Broxburn EH52 5JE.

(Photos enclosed as evidence)





DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Installation of shop heat extractor fan and acoustic enclosure (in retrospect), at 3-5 Goschen Place, Broxburn EH52 5JE.

2 DETAILS

Reference no.	0528/FUL/13	Owner of site	Joint ownership: Mr W Abbas Ms Jennifer Sinclair Ms Grace F Mitchell
Applicant	Mr W Abbas	Ward & local members	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alex Davidson
Case officer	George Flett	Contact details	Tel: 01506 282426 Email: george.flett@westlothian.gov.uk

Reason for referral to Development Management Committee: The application was called to the Development Management Committee by Councillor Tony Boyle.

3 RECOMMENDATION

3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is for the installation of a shop heat extractor fan and acoustic enclosure at 3-5 Goschen Place, Broxburn. The application is in retrospect as the unit has already been installed. The unit is sited on land that is jointly owned to the rear of 5 Goschen Place.
- 4.2 3-5 Goschen Place is a shop which occupies the two central properties in a block of four properties. The properties on either side are both traditional cottage style houses and the whole block was constructed in the late 19th century. There is a private vehicular access, adjacent to 7 Goschen Place, that provides access to the rear of the block. It has been established that this rear area is in the joint ownership of the three property owners.
- 4.3 An application was approved in 2008 for the change of use of 5 Goschen Place from a house to become part of the shop. This application did not show any heat extraction unit and, therefore, no such unit was approved at that time. Subsequently the heat extraction unit has been installed without permission and this resulted in enforcement action by Environmental Health. Environmental Health has stated that 'the issue of noise nuisance was never fully

resolved and the unit continues to emit low frequency noise which disturbs the occupants of neighbouring attached properties particularly during the night'.

5 PLANNING POLICY ASSESSMENT

5.1 The development plan comprises the approved Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) and the West Lothian Local Plan (WLLP).

Plan	Policy	Assessment	Conform
WLLP	HOU 9 Residential Amenity Development proposals will be assessed against the need to protect the residential amenity of existing residents and other occupiers.	The policy requires the amenity of existing residents to be protected. The proposal would detrimentally affect the amenity of existing residents due to the noise emanating from it. Furthermore it causes a loss of residential amenity due to its location within the rear, jointly owned curtilage, of the block of properties. Its location here is inappropriate and unsightly within a predominantly residential area, and impedes the use of the area by the residents.	No
WLLP	IMP 10 Noise There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive uses such as existing housing.	The policy clearly states the presumption against noisy uses being located in proximity to existing residential uses. Whilst each application has to be assessed on its merits, in this case Environmental Health has confirmed that the unit is producing an unacceptable level of noise. The proposal is therefore contrary to the policy.	No

6 REPRESENTATIONS

6.1 Three representations have been received, all objecting to the application. The objection comments are summarised below. The full documents are contained in the application file.

	Comments	Response
1.	The unit is an eyesore and is detrimental to the appearance of the building.	Noted.
2.	The droning noise of the unit and the constant switching on and off, every few minutes, 24 hours a day, makes it difficult to sleep.	Noted. Environmental Health has been consulted and has objected to the proposal.
3.	The siting of the unit is on jointly owned land and restricts the access to the rear of 1 Goschen Place.	Noted. Private land ownership matters are not a material planning consideration.
4.	I am unable to enjoy my property and sit outside as I did before as the noise is intolerable 24 hours a day. The unit	Noted. Environmental Health has been consulted and has objected to the

	is 2 metres from my back door.	proposal.
5.	The casing on the unit gets extremely hot and is a health and safety hazard, particularly for the children at 1 Goschen Place.	Noted. Environmental Health has been consulted and has objected to the proposal, though not on this particular point.
6.	My family's health is suffering from sleep deprivation due to the noise.	Noted. Environmental Health has been consulted and has objected to the proposal.
7.	My family are unable to enjoy the use of their home and garden due to the constant operation of the unit.	Noted. Environmental Health has been consulted and has objected to the proposal.
8.	The unit is located over a drain, and a redundant gas pipe has been pushed over into the wall by the unit. The unit encroaches onto an area of private ground in the sole ownership of 7 Goschen Place.	Noted. Land ownership matters are not material planning considerations.
9.	A Civil Action is underway against the shop owners and they are defending it.	Noted. This is a separate legal matter and does not affect the determination of the planning application.

7 CONSULTATIONS

Consultee	Objection	Comments	Planning Response
WLC Environmental Health	Yes	The current location of the unit and the low frequency noise from the unit particularly during the night has a significant detrimental effect on amenity and is likely to constitute a statutory noise nuisance	Noted. It is <u>accepted that the noise level is such that the amenity of residents will be detrimentally affected.</u>

8 ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2 The heat extractor fan and acoustic enclosure proposed has already been installed. It operates 24 hours a day and switches on and off every few minutes
- 8.3 Goschen Place is located on West Main Street, Broxburn. It is not in a town centre area or in a local centre area. Although there are a variety of businesses and services on this part of West Main Street, the area is, nevertheless, predominantly a residential area. The shop in question would, therefore, be regarded as a local shop serving local needs within a residential area.
- 8.4 The noise from the unit installed affects the amenity enjoyed by the residents. Environmental Health has confirmed that the unit causes a noise nuisance. Furthermore the unit is unsightly and inappropriate in the rear area of this predominantly residential area. It impedes the residents' enjoyment of the area to the rear of their houses. There is, therefore, a loss of residential amenity and the proposal is not considered to be an acceptable use in an area that is predominantly residential, and is not within a designated town centre or local centre area.

There are no other material considerations to suggest that the proposed use is acceptable within this predominantly residential area. It is, therefore, considered that the proposal is contrary to policies HOU 9 and IMP 10 of the West Lothian Local Plan as explained above.

9 CONCLUSION AND RECOMMENDATION

- 9.1 The proposal is for the installation of a shop heat extractor fan and acoustic enclosure (in retrospect), at 3-5 Goschen Place, Broxburn. The proposal is not acceptable in planning terms as it is contrary to policies HOU 9 and IMP 10 of the local plan. In view of this, it is recommended that the application for planning permission be refused and that committee gives its approval for enforcement action to be taken regarding the shop heat extractor fan and acoustic enclosure.

10 ATTACHMENTS

- Site plan
- Representations
- Consultation response from Environmental Health


CHRIS NORMAN
Development Management Manager

Date: 11 September 2013

SCANNED

DRAFT DECISION - APPLICATION 0528/FUL/13

- 1 The proposal is to install an extraction fan and cabinet at a shop at 3-5 Goschen Place, Broxburn (in retrospect). The proposal is in a residential area and there are houses attached on either side of the shop unit. The proposal will be detrimental to residential amenity, by reason of noise nuisance from the extraction fan and due to the unit being unsightly and inappropriate in this residential area. The proposal is contrary to the following policies, which protect residential amenity and resist noisy developments in proximity to housing.

The proposal is, therefore, contrary to:

HOU9 (residential and visual amenity) of the West Lothian Local Plan;
IMP10 (noise) of the West Lothian Local Plan.

- 2 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

SCANNED



**West Lothian
Council**

MEMO

Environmental Health and Trading Standards
County Buildings
High Street
Linlithgow
EH49 7EZ

www.westlothian.gov.uk

Our Reference: BC/PremGRFPBO3-5G/1/121485
Direct Dial: 01506 282372
E-mail: brian.carmichael@westlothian.gov.uk

16th August 2013

FAO George Flett
Development Control
County Buildings
High Street
Linlithgow
EH49 7EZ

PREMISES: Waz's 3-5 Goschen Place, Uphall
Planning Consultation Response 0528/FUL/13

I refer your consultation of 02/08/2013 regarding this application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

The current location of the refrigeration unit and the low frequency noise from the unit particularly during the night has a significant detrimental effect on amenity and likely to constitute a statutory noise nuisance.

I would advise that the installation of this equipment has resulted in previous enforcement action by this service unit. The issue of noise nuisance was never fully resolved and the unit continues to emit low frequency noise which disturbs the occupants of neighbouring attached properties particularly during the night.

Environmental Health would therefore object to the application.

Should you wish to discuss the matter further, please contact me at the above number.

Brian Carmichael

SCANNED

4. APPLICATION NO.0528/FUL/13

The committee considered a report (copies of which had been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0528/FUL/13	Installation of shop heat extractor fan and acoustic enclosure (in retrospect) at 3-5 Goschen Place, Broxburn	Refuse planning permission

The committee then heard Jennifer Sinclair and Mr Mitchell, speaking on behalf of Linda Baxter, both speak in support of their objections to the application.

The committee then heard Councillor Tony Boyle, a local ward member and Mr Abbas, the applicant, both speak in support of the application.

Decision

Approved the terms of the report and refused planning permission and agreed that officers pursue enforcement action in relation to the unauthorised development.

NOT RECORDED

**WEST LOTHIAN COUNCIL
DEVELOPMENT MANAGEMENT**

17 FEB 2014 01:00/14

**VALIDATION
DATE**

REF. No.



Environ Technologies Ltd
Regus House, 1010 Cambourne Business Park
Cambourne, Cambridgeshire, UK, CB23 6DP
Tel: +44 (0)870 383 3344
Fax: +44 (0)1223 598001
www.environ.co.uk

environlite ELV1.1.25AC Acoustic Performance Data (March 2010)

Noise Measurement Information:

Test: Environ Lite Acoustic Enclosure — W 1700mm x D 1000mm x H 1550mm

Test Standard:

BS EN ISO 140-3 Acoustics - Measurement of Sound Insulation in Buildings and of Building Elements - Part 1:
Airborne Sound Insulation

Sound Level Measuring Equipment:

Norsonic 830 RTA Precision Sound Analyser Type 1
CEL 284/2 Acoustic Calibrator Type 1
JBL Loudspeaker driven by CEL Loudspeaker driven by 830 White Noise Source

Transmission Loss Data:

Transmission Loss — Environ ELV1.1.25AC Acoustic Enclosure							
Octave Frequency in Hertz (dB ref 2×10^{-5} Pascal's)							
63	125	250	500	1K	2K	4K	8K
14	16	23	30	37	39	38	39
<u>Summary</u>							
Transmission Loss Equates to an Overall Reduction of 26 dB(A)							

Support Information:

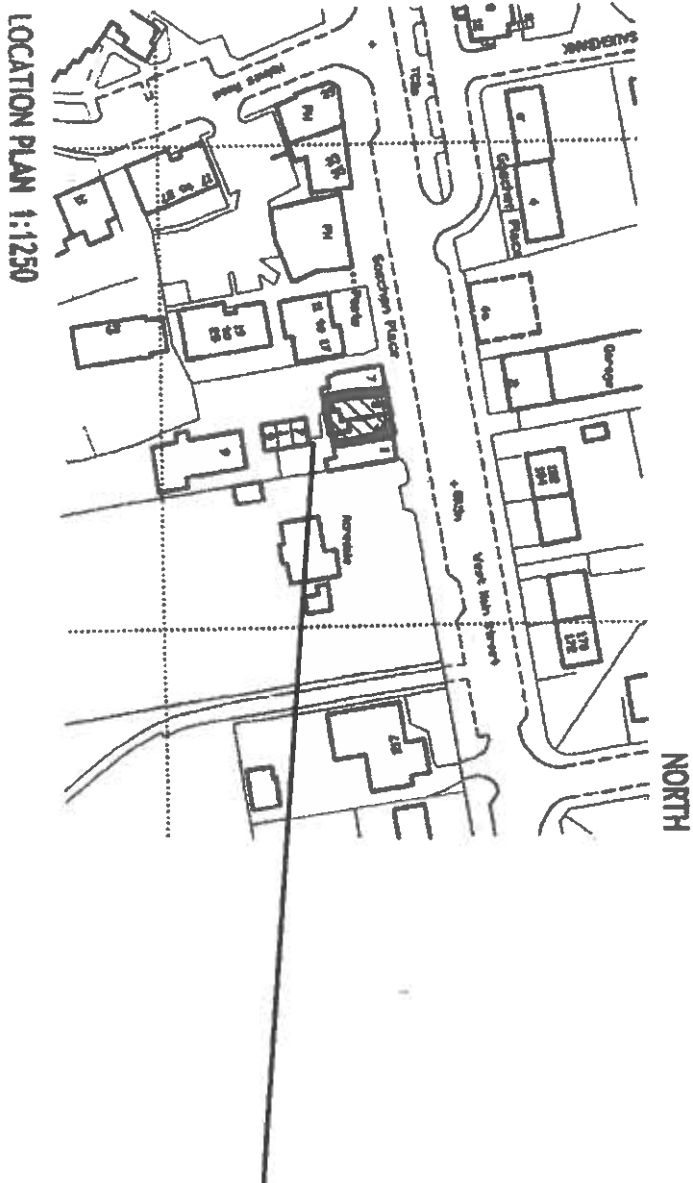
Monitoring was carried out using the BS3740 technique, insofar as measurements were taken in each quadrant and the results averaged. Internal Test Room: W 6m x D 16m x H 5m. Background noise in the semi-reverberant test room was such as not to interfere with the practical measurements

Environ acoustic enclosure designs are protected under patent

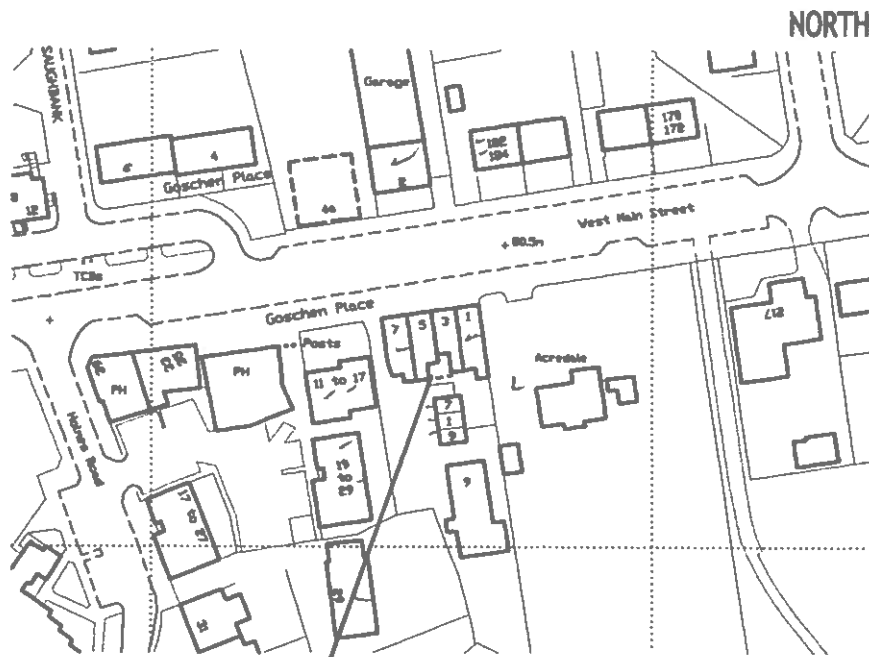
WEST LoTHIAN COUNCIL
Development Control

29 NOV 2010 0843/10

Received Ref No.



CLEARLY THE
COMMON FOOT PATH
NOT THE SHOPS
REAR YARD



LOCATION PLAN 1:1250

WEST LOTHIAN COUNCIL
Development Control

09 NOV 2007 1059 / 07

Received Ref No.

LOCATION
PLAN.

2007

CLEARLY THIS
IS THE
COMMON FOOTPATH



Client:
MR W ABBAS

Job Title:
ALTERATIONS TO SHOP PREMISES
3-5 GOSCHEN PLACE, BROXBURN

Drawing Title:
LOCATION PLAN

Date:
13.10.07
Project No:
373

Scale:
1:1250
Drawing No:
L(2)-001

Copyright of KBD Architectural Design Services

SCANNED

Final - 01/02/14

JENNIFER SINCLAIR

From: "Linda Baxter" [REDACTED]
To: "jennifer sinclair" [REDACTED]
Sent: 04 February 2014 18:52
Subject: Fwd: 3/5 Goschen place , Broxburn, Enforcement Action Re telephone conversation with yourself

Sent from my iPhone

Begin forwarded message:

From: "McCorriston, Craig" <Craig.McCorriston@westlothian.gov.uk>
Date: 2 February 2014 12:34:42 GMT
To: Linda Baxter [REDACTED]
Subject: RE: 3/5 Goschen place , Broxburn, Enforcement Action Re telephone conversation with yourself

Linda

I'm not sure I can add much more to my earlier email. Mr Abbas has made an offer to sit down and talk about the possible options. I don't think the intention is to have a trial. I think it is a permanent proposal based around the purchase of new coolers for the store which don't require external cooling. However, I don't think the intention is to replace all the equipment.

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Craig.

Craig McCorriston
Head of Planning & Economic Development
West Lothian Council
County Buildings
Linlithgow
EH49 7EZ

Tel 01506 282443

From: Linda Baxter [REDACTED]
Sent: 31 January 2014 09:49
To: McCorriston, Craig
Subject: Re: 3/5 Goschen place , Broxburn, Enforcement Action Re telephone conversation with yourself

Hi craig , with reference to your proposal , I am seeking advice at present and would appreciate more information regarding Mr Abbas's proposal, can you confirm a trial of switching of (all)refrigeration air conditioning units from 7:30 pm till 7:00 am please? The trial if this was to commence should be at least a 7 day trial to have a full view to this proposal.

Regards

Linda Baxter

Sent from my iPhone

On 19 Jan 2014, at 11:12, "McCorriston, Craig" <Craig.McCorriston@westlothian.gov.uk> wrote:

Linda

I set out a proposal from the owner at the end of last week and your thoughts on this would be helpful. In the meantime, I have set out below responses to the points you raise.

26/02/2014



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Installation of shop heat extractor fan and acoustic enclosure (in retrospect), at 3-5 Goschen Place, Broxburn EH52 5JE.

2 DETAILS

Reference no.	0528/FUL/13	Owner of site	Joint ownership: Mr W Abbas Ms Jennifer Sinclair Ms Grace F Mitchell
Applicant	Mr W Abbas	Ward & local members	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alex Davidson
Case officer	George Flett	Contact details	Tel: 01506 282426 Email: george.flett@westlothian.gov.uk

Reason for referral to Development Management Committee: The application was called to the Development Management Committee by Councillor Tony Boyle.

3 RECOMMENDATION

3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is for the installation of a shop heat extractor fan and acoustic enclosure at 3-5 Goschen Place, Broxburn. The application is in retrospect as the unit has already been installed. The unit is sited on land that is jointly owned to the rear of 5 Goschen Place.
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WLLP	IMP 10 Noise There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive uses such as existing housing.	The policy clearly states the presumption against noisy uses being located in proximity to existing residential uses. Whilst each application has to be assessed on its merits, in this case Environmental Health has confirmed that the unit is producing an unacceptable level of noise. The proposal is therefore contrary to the policy.	No

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1.	The unit is an eyesore and is detrimental to the appearance of the building.	Noted.
2.	The droning noise of the unit and the constant switching on and off, every few minutes, 24 hours a day, makes it difficult to sleep.	Noted. Environmental Health has been consulted and has objected to the proposal.
3.	The siting of the unit is on jointly owned land and restricts the access to the rear of 1 Goschen Place.	Noted. Private land ownership matters are not a material planning consideration.
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Consultee	Objection	Comments	Planning Response
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- Representations
- Consultation response from Environmental Health



CHRIS NORMAN

Development Management Manager

Date: 11 September 2013

DRAFT DECISION - APPLICATION 0528/FUL/13

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The committee then heard Councillor Tony Boyle, a local ward member and Mr Abbas, the applicant, both speak in support of the application.

Decision

Approved the terms of the report and refused planning permission and agreed that officers pursue enforcement action in relation to the unauthorised development.



**West Lothian
Council**

MEMO

Environmental Health and Trading Standards
County Buildings
High Street
Linlithgow
EH49 7EZ

www.westlothian.gov.uk

Our Reference: BC/PremGRFPBO3-5G/1/121485
Direct Dial: 01506 282372
E-mail: brian.carmichael@westlothian.gov.uk

16th August 2013

FAO George Flett
Development Control
County Buildings
High Street
Linlithgow
EH49 7EZ

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Brian Carmichael

Enforcement Action 1/10

JENNIFER SINCLAIR

From: "Linda Baxter" [REDACTED]
To: "jennifer sinclair" [REDACTED]
Sent: 04 February 2014 18:52
Subject: Fwd: 3/5 Goschen place , Broxburn, Enforcement Action Re telephone conversation with yourself

Sent from my iPhone

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From: "McCorriston, Craig" <Craig.McCorriston@westlothian.gov.uk>
Date: 2 February 2014 12:34:42 GMT
To: Linda Baxter [REDACTED]
Subject: RE: 3/5 Goschen place , Broxburn, Enforcement Action Re telephone conversation with yourself

Linda

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Craig McCorriston
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 EH49 7EZ

Tel 01506 282443

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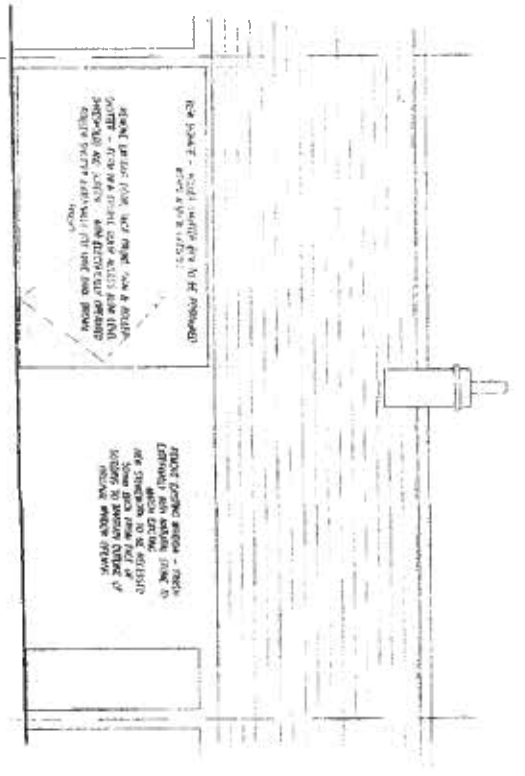
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Linda

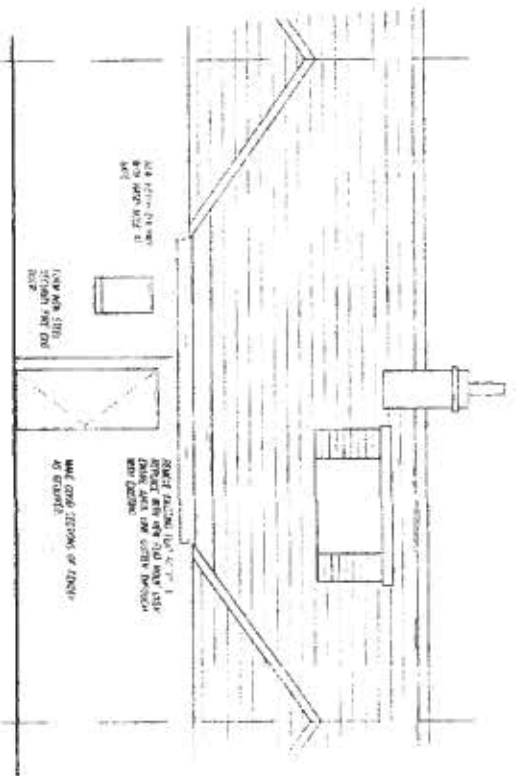
I set out a proposal from the owner at the end of last week and your thoughts on this would be helpful. In the meantime, I have set out below responses to the points you raise.

26/02/2014

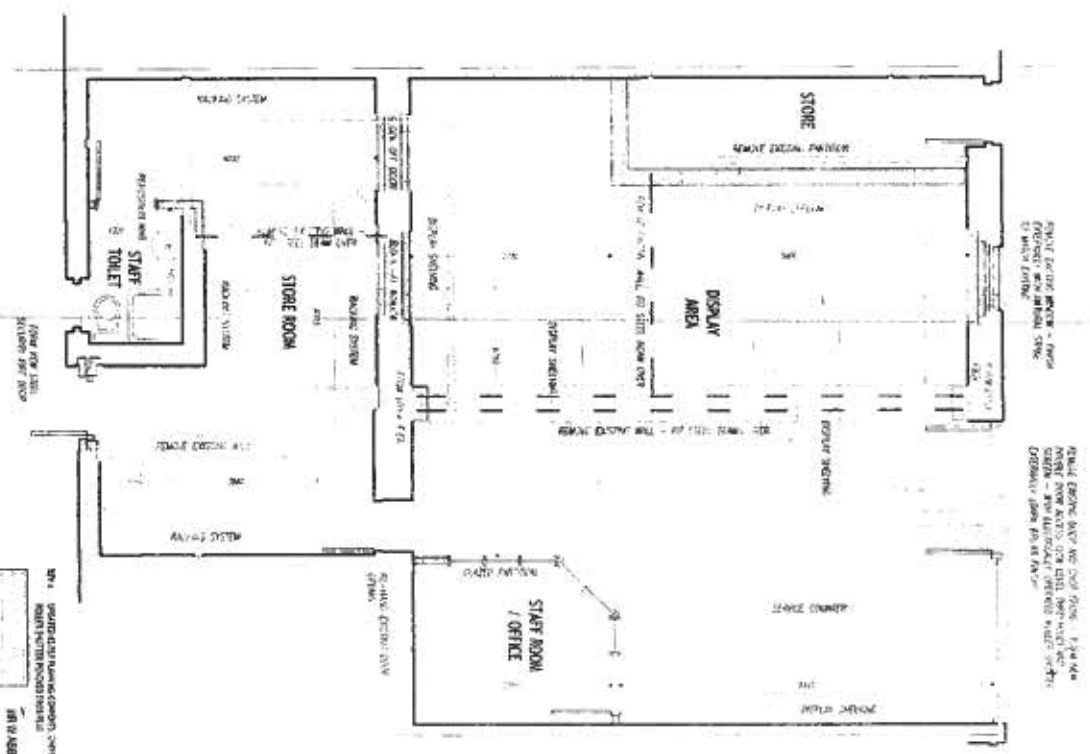
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED GROUND FLOOR PLAN

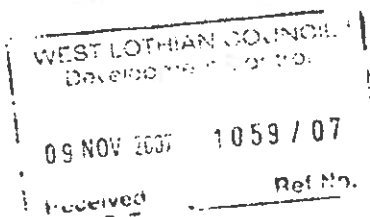


373
L(20/20)A

* No indication on Plans That Counting Units
Have to Be Installed - Anywhere in the Plans/Drawings *

EVIDENCE 0110/FIL/14

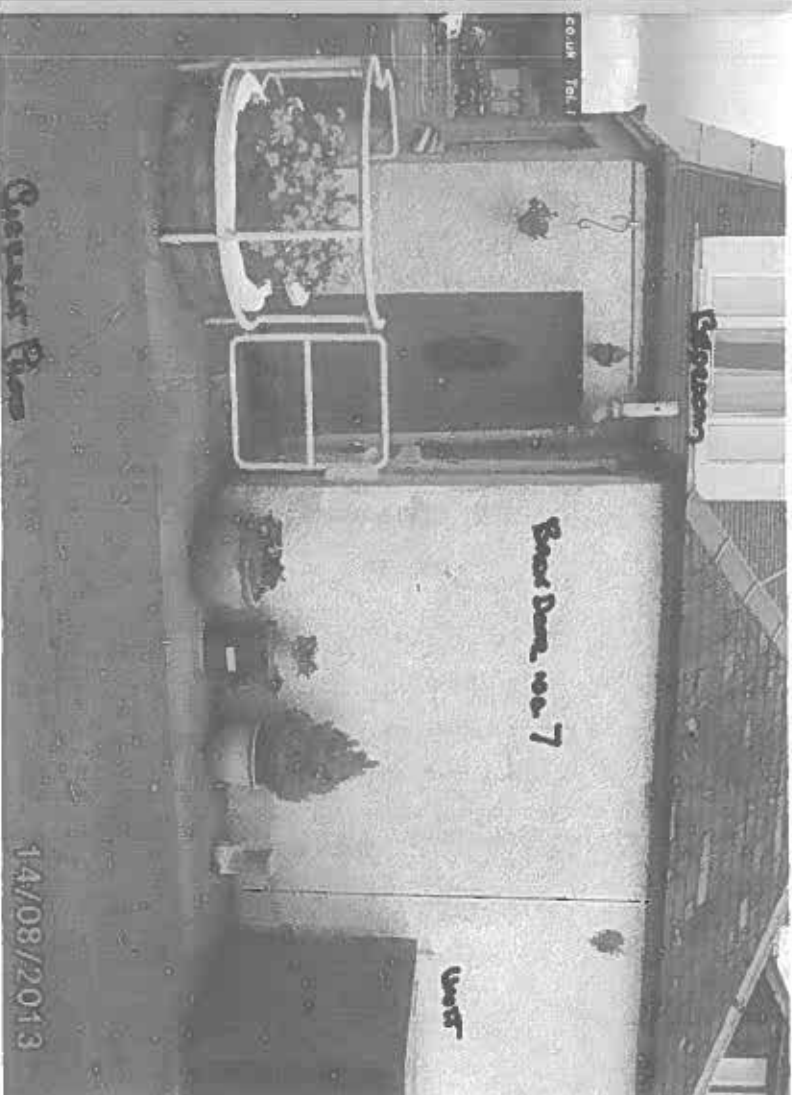
REMOVE EXISTING DOOR AND SHIP FRONT - FORM NEW
DOOR DOOR ACCESS (LOW LEVEL, THRESHOLD) AND
SCREEN - MINI ROLLER SHUTTER EXTERIORLY



RE (1) EXISTING WINDOW - INSIDE
EX (2) ELY WITH MARBLE STONE TO
MATCH EXISTING.

EVIDENCE 0110/EU114

- 101 -





**West Lothian
Council**

MEMO

Environmental Health and Trading Standards
County Buildings
High Street
Linlithgow
EH49 7EZ

environmentalhealth@westlothian.gov.uk
www.westlothian.gov.uk

Our Reference: BC/PremGRFPBO3-5G/1/121485
Direct Dial: 01506 282372
E-mail: brian.carmichael@westlothian.gov.uk

16th August 2013

**FAO George Flett
Development Control
County Buildings
High Street
Linlithgow
EH49 7EZ**

**PREMISES: Waz's 3-5 Goschen Place, Uphall
Planning Consultation Response 0528/FUL/13**

I refer your consultation of 02/08/2013 regarding this application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

The current location of the refrigeration unit and the low frequency noise from the unit particularly during the night has a significant detrimental effect on amenity and likely to constitute a statutory noise nuisance.

I would advise that the installation of this equipment has resulted in previous enforcement action by this service unit. The issue of noise nuisance was never fully resolved and the unit continues to emit low frequency noise which disturbs the occupants of neighbouring attached properties particularly during the night.

Environmental Health would therefore object to the application.

Should you wish to discuss the matter further, please contact me at the above number.

Brian Carmichael

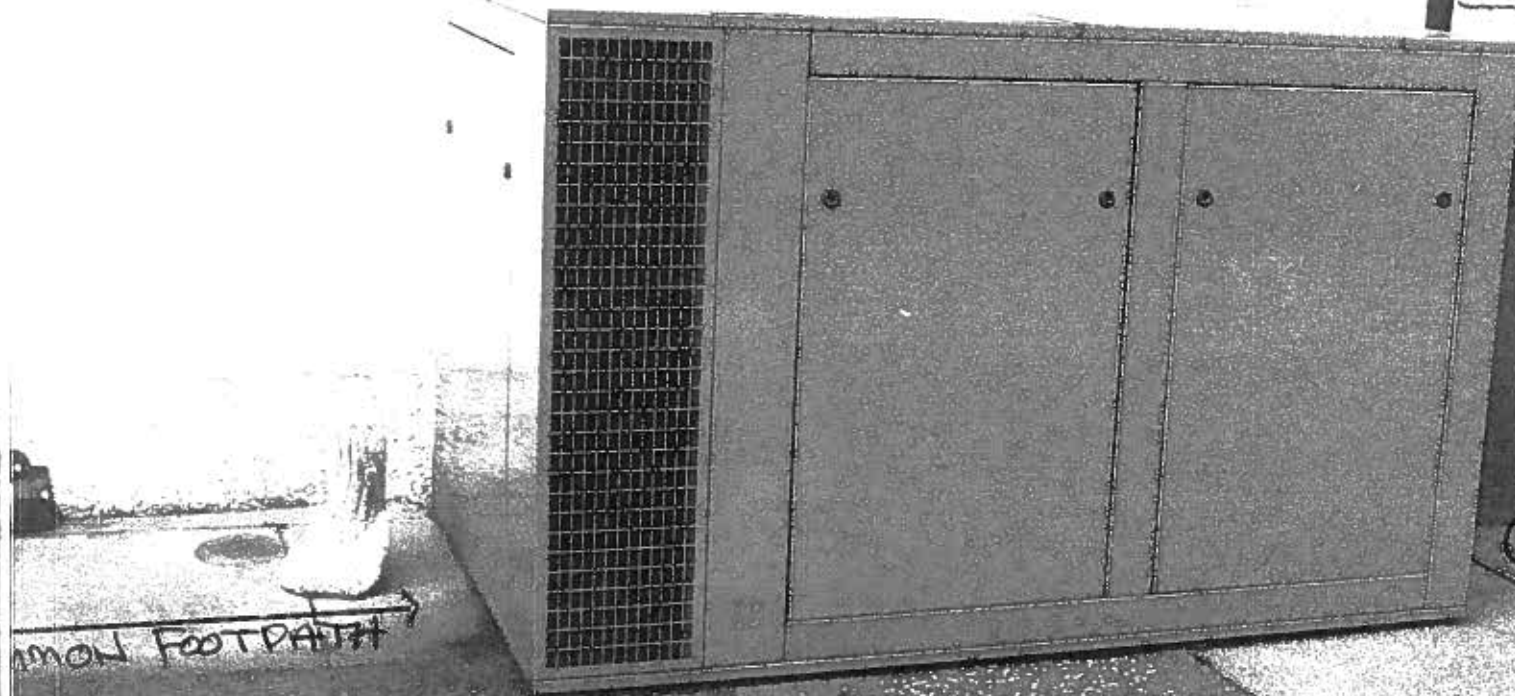
DRAFT DECISION - APPLICATION 0528/FUL/13

- 1** The proposal is to install an extraction fan and cabinet at a shop at 3-5 Goschen Place, Broxburn (in retrospect). The proposal is in a residential area and there are houses attached on either side of the shop unit. The proposal will be detrimental to residential amenity, by reason of noise nuisance from the extraction fan and due to the unit being unsightly and inappropriate in this residential area. The proposal is contrary to the following policies, which protect residential amenity and resist noisy developments in proximity to housing.

The proposal is, therefore, contrary to:

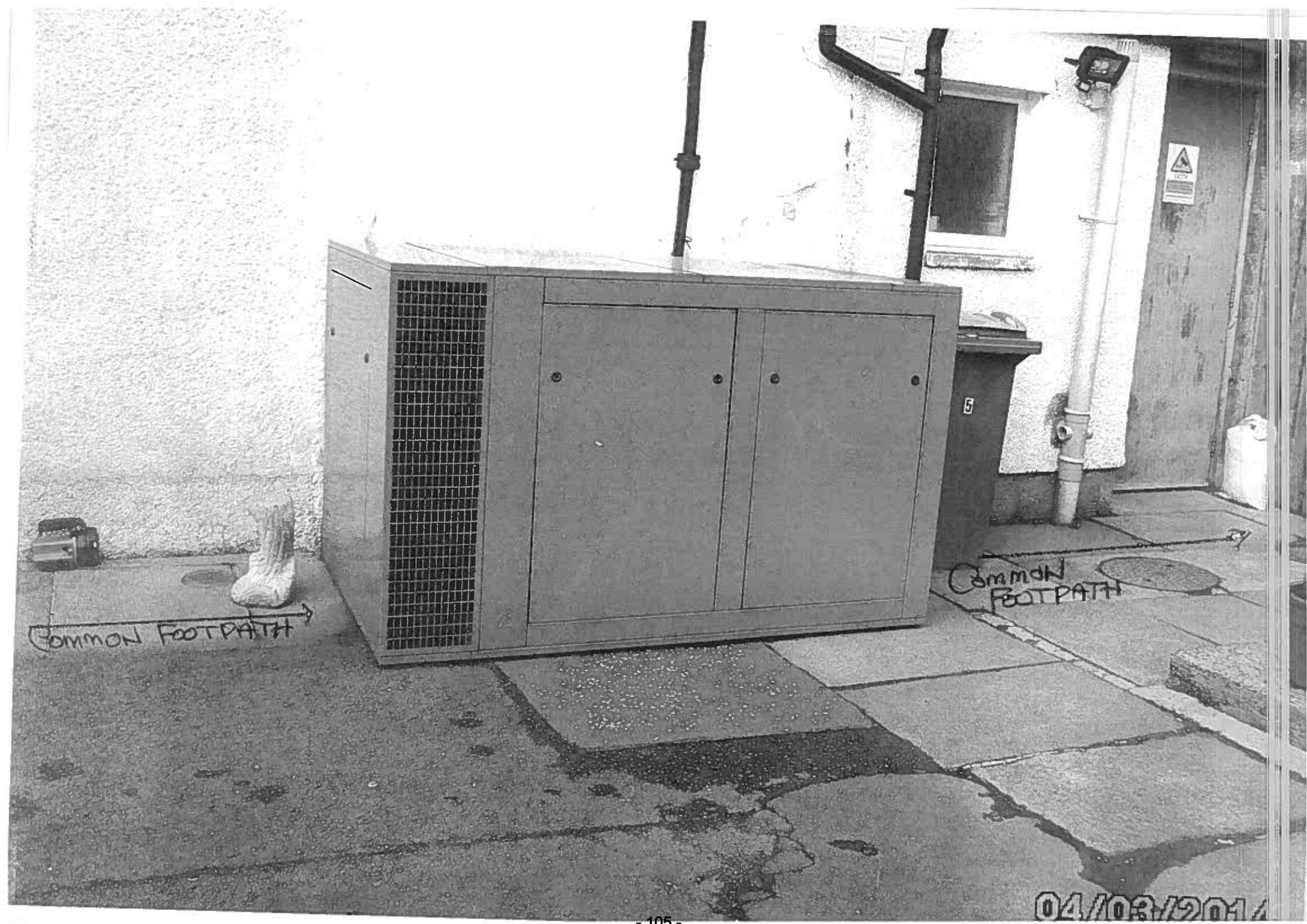
HOU9 (residential and visual amenity) of the West Lothian Local Plan;
IMP10 (noise) of the West Lothian Local Plan.

- 2** The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.



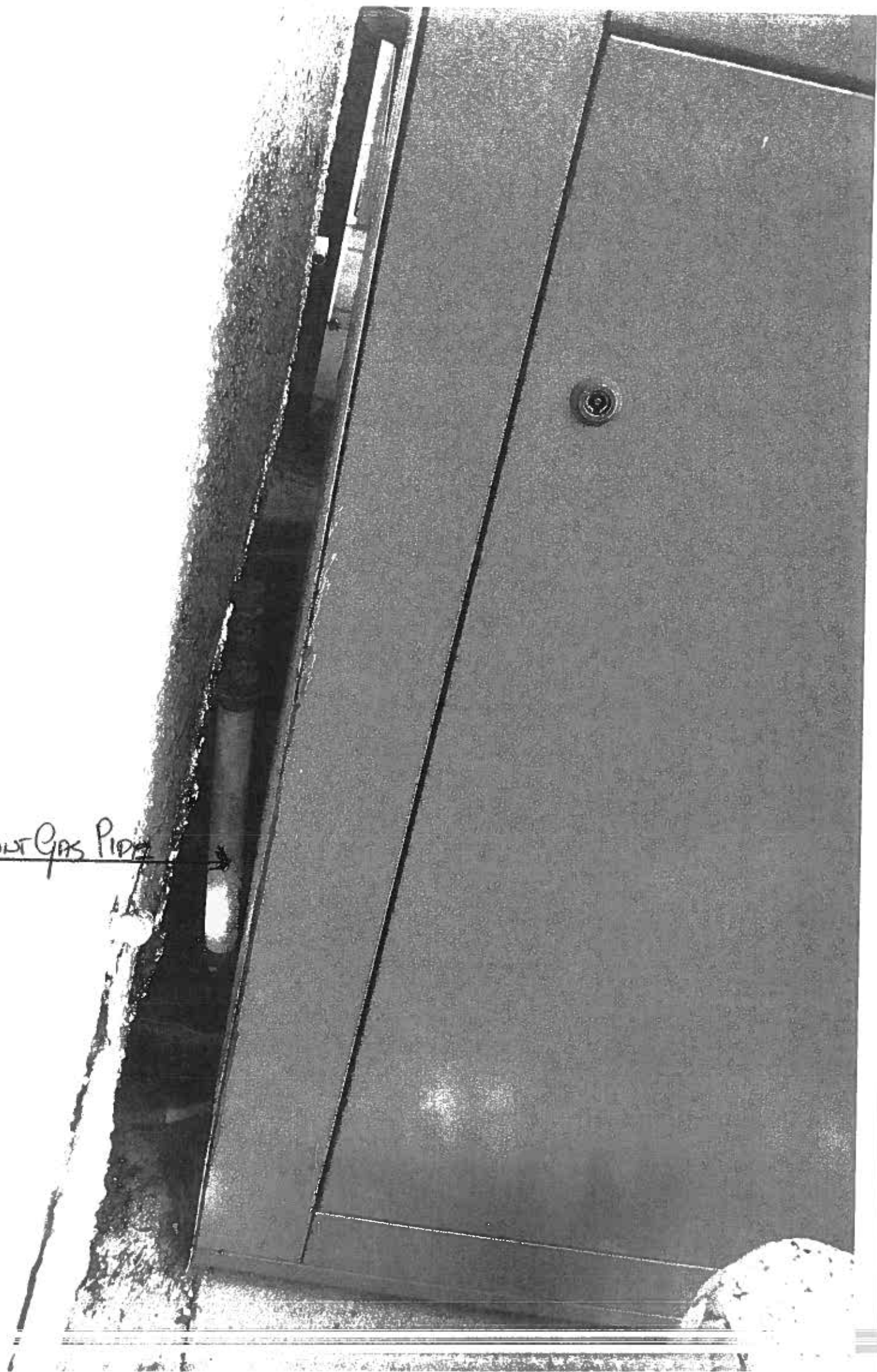
Common FOOTPATH

04/03/2014

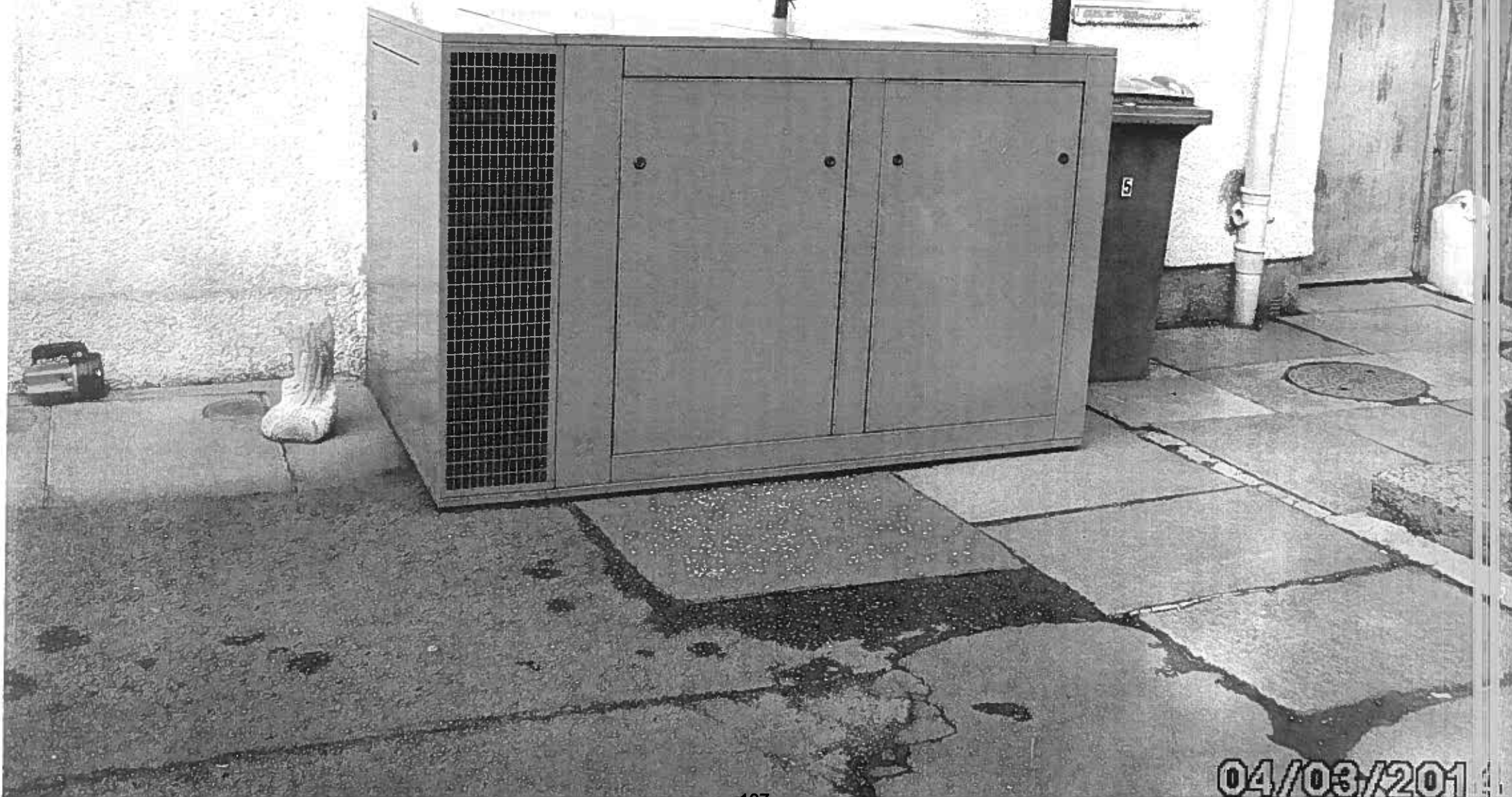


REDUNDANT GAS PIPE →

04/08/2011



- 1) PHOTO SHOWS SIZE OF UNIT -
- 2) UNACCEPTABLE TO NEIGHBOURS - TOTALLY
BLOCKED COMMON FOOTPATH - APART FROM
UNACCEPTABLE NOISE LEVELS 24 HRS PER
DAY. AN EYESORE TO ALL.





Common FOOTPATH

04/03/201

1) UNIT OVERHANGS AND TOTALLY BLOCKS
COMMON FOOTPATH

2) SITTING ON TOP OF DRAIN & FOOTPATH

3) ENCROACHING ON MY PARKING SPACE
(LAND REGISTRY CONFIRMATION)

4) HEALTH & SAFETY HAZARD

DRINKING IS EXTREMELY HOT
IN WARM WEATHER DUE
TO HEAT EXCHANGE FUNCTION
AS THE DRINKING IS METAL

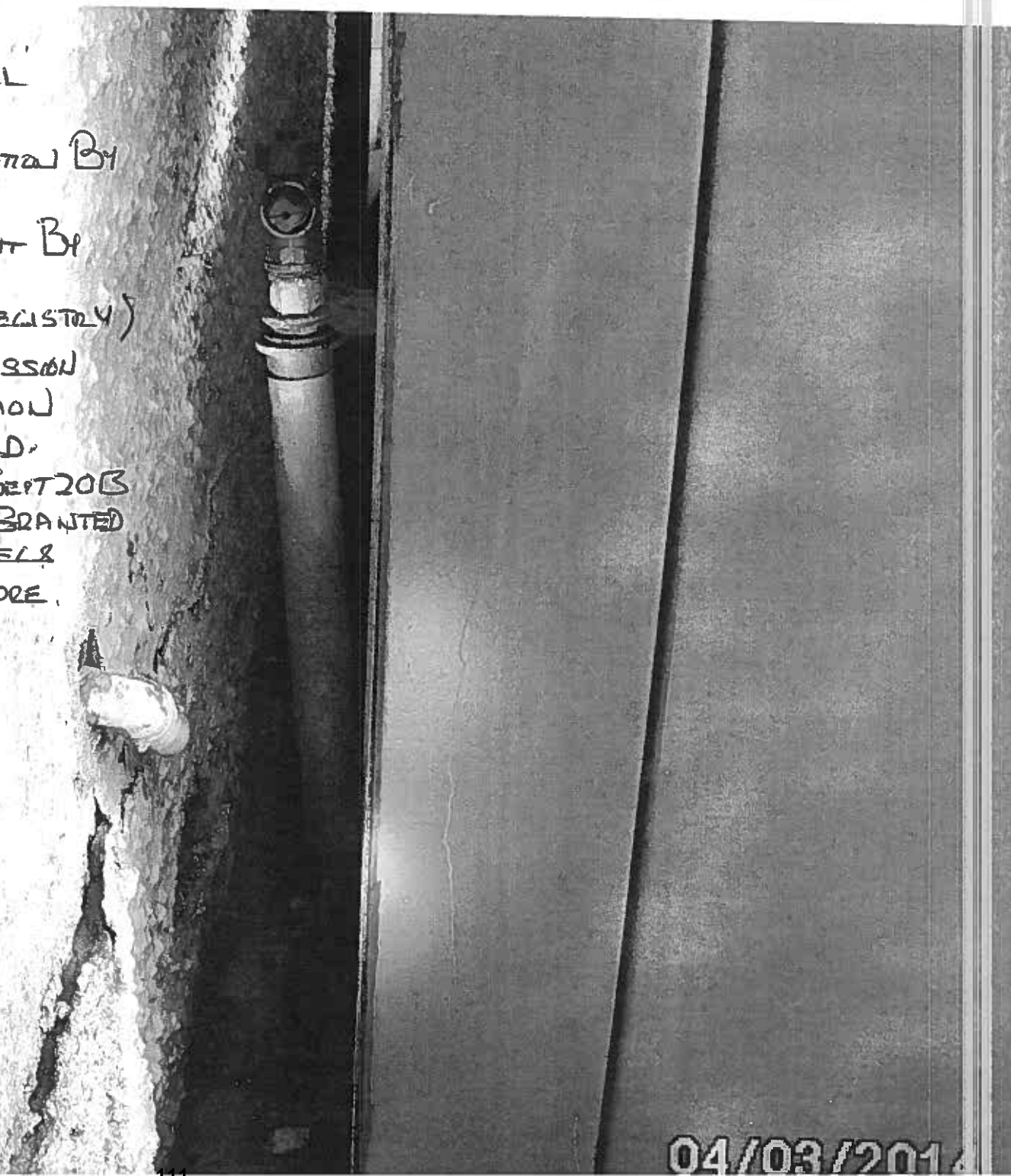
SITTING OVER A DRAIN

04/03/201

REDUNDANT GAS PIPE

04/03/201

- 1) REDUNDANT GAS PIPE PUSHED INTO WALL
TO ACCOMMODATE UNIT.
 - 2) GAS HAS BEEN SMELLED IN THIS LOCATION BY
RENDALIT AND NO GASCHEN PLACE
 - 3) PERMISSION HAS NOT BEEN SOUGHT BY
SHOP TO LOCATE THIS UNIT HERE.
- THIS IS A COMMON FOOTPATH (LAND REGISTRY)
NEIGHBOURS HAVE NOT GIVEN PERMISSION
FOR THIS TO BE OR REMAIN AN COMMON
FOOTPATH AND SHOULD BE REMOVED.
RETROSPECTIVE PLANNING REFUSED 11 SEPT 2013
AND ENFORCEMENT ACTION ALREADY GRANTED
DUE TO UNACCEPTABLE NOISE LEVELS
24 HOURS PER DAY - AND AN EYESORE.



04/03/2014



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Erection of 32 houses with associated works at Raw Holdings, East Calder

2 DETAILS

Reference no.	0823/FUL/13	Owner of site	Walker Group (Scotland) Ltd
Applicant	Walker Group (Scotland) Ltd	Ward & local members	East Livingston & East Calder Frank Anderson Carl John Dave King Frank Toner
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to committee: Request by Cllr Dave King & objection from East Calder Community Council.

3 RECOMMENDATION

- 3.1 Grant planning permission subject to conditions and a S75 planning obligation.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for full planning permission for 32 houses with associated works.
- 4.2 The site forms part of the Livingston and the Almond Valley core development area (CDA). It is part of the Calderwood allocation and in turn is specifically part of the Raw Holdings West allocation.
- 4.3 The site is on the eastern side of East Calder and is bounded to the west by the applicant's existing housing development site, to the south by the sports centre, to the east by agricultural holdings and to the north by existing housing. The site extends to 1 hectare in size.
- 4.4 The applicant is presently implementing its permission for 90 houses on land adjoining the present application site. The present proposal is an effective extension to this site. The approved 90 house site will be altered to allow vehicular access into the application site to create a through route on to Mansefield. To achieve this one house is being omitted and two detached houses will be adjoined to create two semi-detached

properties. An additional 30 new houses are proposed. The houses are a mix of detached, semi-detached and terraced houses. All are two storey high.

- 4.5 The layout includes significant areas of shared surface roads and is designed with regard to the principles in the Scottish Government document *Designing Streets*. The layout also includes a large central area of passive amenity open space.
- 4.6 Surface water will be treated and attenuated by means of a sustainable urban drainage system.
- 4.7 The application is accompanied by a development framework document for the Raw Holdings West CDA allocation.
- 4.8 The proposal will provide the council with serviced land for a total of 17 affordable units, these being plots 1-17. This is made up of 8 affordable units (plots 5-12) being the required 25% provision of the 30 additional new units proposed. The other affordable 9 units (plots 1-4 and 13-17) will be a swap for the land identified for 9 affordable units in the applicant's adjacent development that is under construction. The benefit of this is that it will give the council a larger single site for affordable housing that can be made available in time to be included in the council's 1000 house project.

History

- 4.9 Permission was granted to the applicant on 10th May 2013 for 90 houses on land adjoining the present application site (reference 0081/FUL/12). This is under construction.
- 4.10 A development framework report for the Raw Holdings West allocation was prepared by Walker Group with the support of other landowners and this was reported to Council Executive on 14 June 2011. Officers recommended that Council Executive approve the contents of the report and approve the development framework as supplementary planning guidance to inform development decisions at Raw Holdings West. Council Executive decided to reject the recommendations of the report and also decided to invite landowners to submit proposals for a maximum of 12 dwellings per hectare. The land owners subsequently informed the council that developing the area at such a low density would not be viable.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and 3 objection representations were received. The representations are summarised below. The full representations are attached to this report. East Calder Community Council also submitted an objection and this is summarised in section 6 of this report.

Comments	Response
Mansefield is not suitable for the traffic that would be generated by the proposed housing.	The proposal would not generate an unacceptable level traffic onto Mansefield.
There are existing parking problems in Mansefield and the proposal would	The proposal incorporates parking provision that meets present parking standards.

add to this.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Transportation	No	The amended layout is acceptable.	Noted.
WLC Housing	No	Welcomes the affordable housing proposal put forward by the applicant because it complies with the council's affordable housing policy, it will ensure that the affordable housing land is transferred early enough to be included within the council's new build housing programme and for reasons of economies of scale securing a single site for 17 houses is a better option than securing two smaller sites.	Noted. A S75 planning obligation will be used to secure the affordable housing land.
WLC Flood Prevention Officer	No	SUDS required.	Noted. A planning condition would secure this.
WLC Contaminated Land Officer	No	The site has been subject to site investigation and potential contaminated land issues have been addressed.	Noted.
WLC Education Planning	No	Contributions required toward the provision of education infrastructure.	Noted.
West of Scotland Archaeology Service	No	A scheme of archaeological works is required.	Noted. A planning condition would secure this.
The Coal Authority	No	There are no adverse coal mining matters.	Noted.
West Lothian Leisure	No	Advise that footballs regularly clear the existing 5m high fence/netting and on occasions clear the woodland and end up on the application site. Request that the application pays to increase the height of the fence/netting.	It is considered that it would be unreasonable to request the applicant pay to increase the height of the fence/netting, given that the intervening woodland is 15m wide and that balls only clear this occasionally.

Consultee	Objection	Comments	Planning Response
East Calder Community Council	Yes	<p>The proposed access onto Mansefield will create additional traffic problems and encourage use of the private drovers road to bypass Main Street.</p> <p>Locating all the affordable housing together at the edge of the development will not make it fully integrated with the private housing.</p>	<p>Mansefield is of an appropriate standard to accommodate the traffic the development will generate. Use of the private drovers road could be restricted by the owners of this road.</p> <p>The affordable housing will be located beside private housing and is integrated as far is practicable.</p>

7 PLANNING POLICY ASSESSMENT

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

Plan	Policy	Assessment	Conform
SESplan	<p>Policy 1A The spatial strategy: development locations</p> <p>This policy states that local development plans (LDP) will direct further strategic development to strategic development areas (SDA). It lists West Lothian as a strategic development area. It further states any areas of restraint necessary as a result of environmental and infrastructure constraints are to be identified and justified in LDP.</p>	The site is already allocated for mixed use development in the local plan at part of the CDA.	Yes
SESplan	<p>Policy 1B The spatial strategy: development principles</p> <p>This policy states that LDP will ensure that there are no significant</p>	The proposal is consistent with the stated development principles.	Yes

Plan	Policy	Assessment	Conform
	adverse impacts on the integrity of international, national and local designations; on the integrity of international and national built or cultural heritage; have regard to the need to improve the quality of life in local communities; contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.		
SESplan	<p>Policy 5 Housing land</p> <p>This policy states that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development. Of that total, the requirement for the period 2009 to 2019 is for 74,835 houses. Supplementary guidance (SG) is to be prepared to provide detailed further information for LDP as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.</p>	The site is already allocated for mixed use development in the local plan at part of the CDA.	Yes
SESplan	<p>Policy 8 Transportation</p> <p>This policy states that local planning authorities will support sustainable travel and that LDP will ensure, amongst other objectives, that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle; ensure that new development minimises the generation of additional car traffic, relate density and type of</p>	The site is at a sustainable travel location.	Yes

Plan	Policy	Assessment	Conform
	development to public transport accessibility; ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and consider the merits of protecting existing and potential traffic-free cycle and walking routes.		
SESplan	<p>Policy 9 Infrastructure</p> <p>This policy states that LDP will provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed.</p>	Developer contributions will be secured to address infrastructure requirements.	Yes
WLLP	<p>CDA 1 and CDA 2 Infrastructure and local facilities for CDA</p> <p>This policy requires all infrastructure to be provided or committed before planning permission can be granted. The policy allows for planning conditions and legal agreements to be used to secure the funding and proper phasing of development and refers to the CDA Action Plan (appendix 7.1) that lists the requirements for each CDA.</p>	Contributions toward infrastructure will be secured by a S75 planning obligation.	Yes
WLLP	<p>CDA 4 Housing mix and density</p> <p>This policy requires that a diversity of house types, tenures and densities be provided within the new housing developments within the core development areas. It requires net housing densities to average at least 25 units per hectare. It also states that affordable housing shall be provided within the core development areas in accordance with council policy.</p>	The proposals include a range of house types. The net density is 32 units per hectare. This is consistent with the local plan requirement.	Yes
WLLP	CDA 5 and CDA 6	No masterplan or planning	In part.

Plan	Policy	Assessment	Conform
	<p>Master plans and design guides</p> <p>This policy requires master plans to be prepared for the indicative master plan boundaries for the major CDA schemes as shown in local plan appendix 7.2. The master plans need to address the strategic aims of the local plan, show the proposed land use pattern and the proposed transport/movement network and reflect the design principles listed in the local plan. It states that piecemeal development within the master plan boundaries that would prejudice the successful implementation of the wider CDA proposals will be resisted.</p>	<p>application has been submitted for the entire Raw Holdings West CDA allocation. The applicant has however submitted a development framework document for this allocation. This provides a context in which to assess the application proposals. It is considered that the development framework meets local plan requirements and sets an appropriate planning context for these first phase proposals.</p> <p>The development which is the subject of this application does not prejudice the future development of the rest of the Raw Holdings West allocation.</p>	
WLLP	<p>CDA 9 West Livingston / Mossend and Calderwood</p> <p>This policy sets out the key requirements of the master plan areas. It allocates two mixed use areas to accommodate 2800 residential units at Calderwood: Almondell and Raw Holdings West.</p>	<p>The proposals address the requirements. A S75 planning obligation will secure contributions for infrastructure requirements.</p>	Yes
WLLP	<p>ENV 6 Environmental / biodiversity assessment</p> <p>This policy requires an appropriate level of environmental / biodiversity assessment to be carried out for development proposals.</p>	<p>The site was last used for grazing. There are no adverse ecological issues.</p>	Yes
WLLP	<p>HER 16 Archaeological assessment</p> <p>This policy requires an archaeological assessment in advance of determination of a planning application, where appropriate.</p>	<p>The site has already been subject to archaeological assessment under application 0081/FUL/12.</p>	Yes
WLLP	<p>HOU 5 Open space provision</p> <p>This policy requires open space</p>	<p>Active open space provision will be met by a contribution toward East Calder park. Adequate passive on-site open space is</p>	Yes

Plan	Policy	Assessment	Conform
	provision to accord with the council's Residential Development Guide.	provided.	
WLLP	<p>HOU 7 Design and layout</p> <p>This policy encourages high quality design of new development and requires compliance with the council's Residential Development Guide.</p>	The layout and design is of a high standard.	Yes
WLLP	<p>HOU 8 Access and parking</p> <p>This policy requires layouts to facilitate low speeds and to incorporate direct footpath and cycle access routes.</p>	The layout and design achieves these aims.	Yes
WLLP	<p>HOU 9 Residential and visual amenity</p> <p>This policy requires the amenity of neighbouring residential properties to be protected.</p>	The proposals will not harm the amenity of surrounding residents.	Yes
WLLP	<p>HOU 10 Affordable housing</p> <p>This policy requires developers to make provision for affordable housing and identifies general principles.</p>	The requirements of the policy are met and will be secured by a S75 planning obligation.	Yes
WLLP	<p>ENV 11 & 14 Woodland & trees</p> <p>These policies require woodland and trees of amenity value are to be protected and new woodland & tree planting is supported.</p>	The woodland to the south of the site will be unaffected. The hedgerow along the east site boundary will also be safeguarded.	Yes
WLLP	<p>TRAN 2 Transport impacts</p> <p>This policy states that development will only be supported where the transport impacts are acceptable.</p>	It is considered that the proposal would have no adverse transportation impacts.	Yes
WLLP	<p>TRAN 12 Sustainable transport</p> <p>This policy states that planning applications should provide for</p>	The layout and design achieves these aims.	Yes

Plan	Policy	Assessment	Conform
	ease of pedestrian and cycle movements and access to public transport.		
WLLP	COM 9A Contributions for cemeteries This policy requires financial contributions towards new cemeteries.	The contribution will be secured by a S75 planning obligation.	Yes
WLLP	COM 11 Public art This policy requires developers of certain proposals to provide or contribute towards public art.	The contribution will be secured by a S75 planning obligation.	Yes
WLLP	IMP 2 Denominational secondary provision This policy requires developer contributions towards denominational secondary school provision.	The contribution will be secured by a S75 planning obligation.	Yes
WLLP	IMP 3 Education constraints This policy states a presumption against housing developments where education constraints cannot be overcome due to a lack of funding but provides for the use of planning conditions and legal agreements to secure appropriate developer contributions for education facilities or to ensure development is phased to ensure facilities are in place.	Subject to the payment of education contributions, there will be capacity to allow the development to proceed.	No
WLLP	IMP 6 SUDS This policy requires development to comply with current best practice on sustainable urban drainage practices.	SUDS are provided.	Yes
WLLP	IMP14 Supplementary planning guidance This policy requires compliance with the council's supplementary planning guidance.	Developer contributions required by SPG will be secured by a S75 planning obligation.	Yes

Plan	Policy	Assessment	Conform
	<p>The following SPG apply:</p> <ul style="list-style-type: none"> • Planning for education • Denominational secondary school infrastructure • Developer contributions toward the provision of additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh • School commissioning costs • A partnership approach to deliver the infrastructure required to support the WLLP development strategy • Co-location principles for the provision of new community and cultural facilities in the core development areas • CDA developer contributions for town and village centre improvements • Affordable housing • Residential development guide • Public art • Cemetery provision • Flood risk and drainage • Contaminated land • Contributions towards A71 corridor improvements • Construction training and local employment agreements 		

7.3 Also of relevance are Scottish Planning Policy (SPP), Creating Places, Designing Streets and the following Planning Advice Notes (PAN):

PAN 33 *Development of Contaminated Land*

PAN 60 *Planning for Natural Heritage*

PAN 61 *Planning and Sustainable Urban Drainage Systems*

PAN 65 *Planning and Open Space*

PAN 67 *Housing Quality*

PAN 75 *Planning for Transport*
 PAN 77 *Designing Safer Places*
 PAN 78 *Inclusive Design*
 PAN 79 *Water and Drainage*
 PAN 83 *Masterplanning*
 PAN 2/2010 *Affordable Housing and Housing Land Audits*
 PAN 2/2011 *Planning and Archaeology*

8	ASSESSMENT
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8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Development Plan Allocation

8.3 The application site forms part of the Calderwood CDA allocation. The local plan allows 2800 residential units in the CDA.

Master Plan & Design

8.4 Policy CDA 5 requires the developers of each CDA to submit master plans for each CDA or other areas as agreed by the council.

8.5 The indicative master plan area for the Calderwood CDA as shown in the local plan covers both the Almondell allocation and the Raw Holdings West allocation. A master plan that covers both allocations has never been prepared or submitted to the council. This is due in part to fragmented land ownership within the CDA.

8.6 In the absence of a planning application for all of the Raw Holdings West allocation, the applicant had previously submitted a development framework document for this allocation. The framework accommodates a maximum of 500 residential units. It was the subject of consultation and whilst the framework received the backing of all landowners, it attracted objection from the community council and others and Council Executive rejected the framework in June 2011 on the basis that the proposed average net density of 20 residential units per hectare was too high. Officers had recommended approval of the framework on the basis that it was considered that the framework complied with the terms of the local plan.

8.7 Council Executive invited the landowners to prepare a revised framework at a lower density of maximum of 12 houses per hectare but this was rejected by the landowners on that basis such a development would not be viable.

8.8 The decision of Council Executive not to approve the development framework for Raw Holdings West is a material consideration in the determination of this application. It should be noted that Council Executive did not take a decision that the density should be 12 units per hectare. The decision was to ask officers to invite the developers to submit another

proposal with a density of 12 units per hectare as an upper limit. The decision did not set a policy or change the policy requirements of the local plan.

- 8.9 The officer report to Council Executive advised that without a framework in place decisions on planning applications would have to be made without the guidance and standards an approved framework would bring. This is the position that presently prevails.
- 8.10 The local plan at paragraph 7.89 states that the key objective for the Raw Holdings West allocation is to ensure that the existing community at East Calder and the Almondell allocation are fully integrated through appropriate higher density, well designed development, with good footpath, cycleway, public transport, and road links.
- 8.11 The submitted development framework for the Raw Holdings West allocation is considered to meet the above local plan requirements. It provides a masterplanning framework for the allocation and ensures against piecemeal development.
- 8.12 It is considered that the proposals the subject of this report will contribute to achieving the local plan objectives for Raw Holdings West.
- 8.13 The proposed layout and design has had regard to the Scottish Government's *Designing Streets*. The net density of 32 units per hectare is acceptable and meets local plan requirements. Scottish Planning Policy states that planning authorities should promote the efficient use of land in the interests of sustainability. Given the site location next to existing infrastructure and services, a lower density would not make best and efficient use of land and would not achieve the integration aims of the local plan.
- 8.14 It is considered that the overall layout and design is appropriate for the location and is of high quality.

Education

- 8.15 Contributions will be secured toward education provision. These will be secured by a S75 planning obligation. The requirements are set out in the planning obligation heads of terms that is attached to this report.

Transportation

- 8.16 The transport assessment for the planning permission in principle application by Stirling Developments (reference 0524/P/09) included the development of the Raw Holdings West allocation. There is capacity in the road network to accommodate the additional houses proposed in this application.
- 8.17 Contributions toward transportation infrastructure will be sought. The requirements are set out in the S75 planning obligation heads of terms that is attached to this report.

Local Facilities and Amenities

- 8.18 The local plan sets out infrastructure requirements for the Calderwood CDA. Land for a cemetery and a partnership centre are being secured through the planning permission in principle granted to Stirling Developments (reference 0524/P/09). Contributions toward other infrastructure requirements will be secured by a S75 planning obligation. The

requirements are set out in the S75 planning obligation heads of terms that is attached to this report.

Affordable Housing

- 8.19 The applicant proposes to transfer serviced land for 8 houses to the council in accordance with the council's affordable housing policy. Additionally, the applicant is offering to swap the land identified for 9 affordable houses in the S75 planning obligation covering its adjacent site (reference 0081/FUL/12) for 9 houses on the present application site, namely plots 1-4 and 13-17.
- 8.20 Under the terms of the S75 planning obligation for permission 0081/FUL/ 12, the applicant is required to transfer land for the 9 affordable houses to the council before the occupation of the 45th residential unit on the site. The first occupations were in March 2014 and the 45th residential unit is unlikely to be occupied until at least spring 2016. This is likely to be too late for the site to be included in the council's 1000 new build houses programme. On 25th June 2013, Council Executive approved a list of sites to be included in the programme and the list included the land for the 9 houses secured in the S75 planning obligation for planning permission 0081/FUL/12. The final list of sites for the new build housing programme will require to be agreed by summer 2014 to ensure that the programme can be completed by May 2017.
- 8.21 The applicant is willing and able to transfer the land for 17 affordable houses to the council at an early stage to allow the site to be included within the council's 1000 new build housing programme.

Other Material Considerations

- 8.22 The representations and objection from the community council have been summarised and responded to above. The matters raised do not outweigh the development plan presumption in favour of the proposed development.

9 SUMMARY AND CONCLUSIONS

- 9.1 The proposals form an extension to the applicant's existing housing site at East Calder that is under construction. Despite the lack of a formally approved master plan for the Raw Holdings West allocation, the council is duty bound to make a decision on this application.
- 9.2 It is considered that the submitted development framework document for Raw Holdings West provides a suitable context in which to assess the application. It meets the land use requirements of the local plan and ensures against piecemeal development.
- 9.3 The proposed layout and design is of high quality and the proposals are well conceived. The proposals are consistent with the local plan requirements for Raw Holdings West.
- 9.4 The proposal will enable the council to secure additional land to be used for affordable housing and importantly in a timescale that will allow inclusion in the 1000 new build houses programme.
- 9.5 The council, through its Housing Recovery Action Plan, is trying to facilitate and increase the rate of housebuilding in West Lothian wherever possible. Critical to this is making

meaningful progress in the core development areas. The site is not constrained by adverse ground conditions or infrastructure constraints.

- 9.6 The proposals form an important strand of the council's development strategy. They will bring significant economic benefits to the local economy and contribute to the rate of housebuilding in West Lothian.
- 9.7 It is concluded that the proposals comply with the development plan and there are no material considerations that outweigh the presumption in favour of the proposals.
- 9.8 The developer contributions that are required will be secured by a S75 planning obligation. The heads of terms of the obligation is attached to this report.
- 9.9 It is thus recommended that the committee grant planning permission subject to planning conditions and the conclusion of a S75 planning obligation. The conditions and terms of the obligation to be delegated to the Development Management Manager.

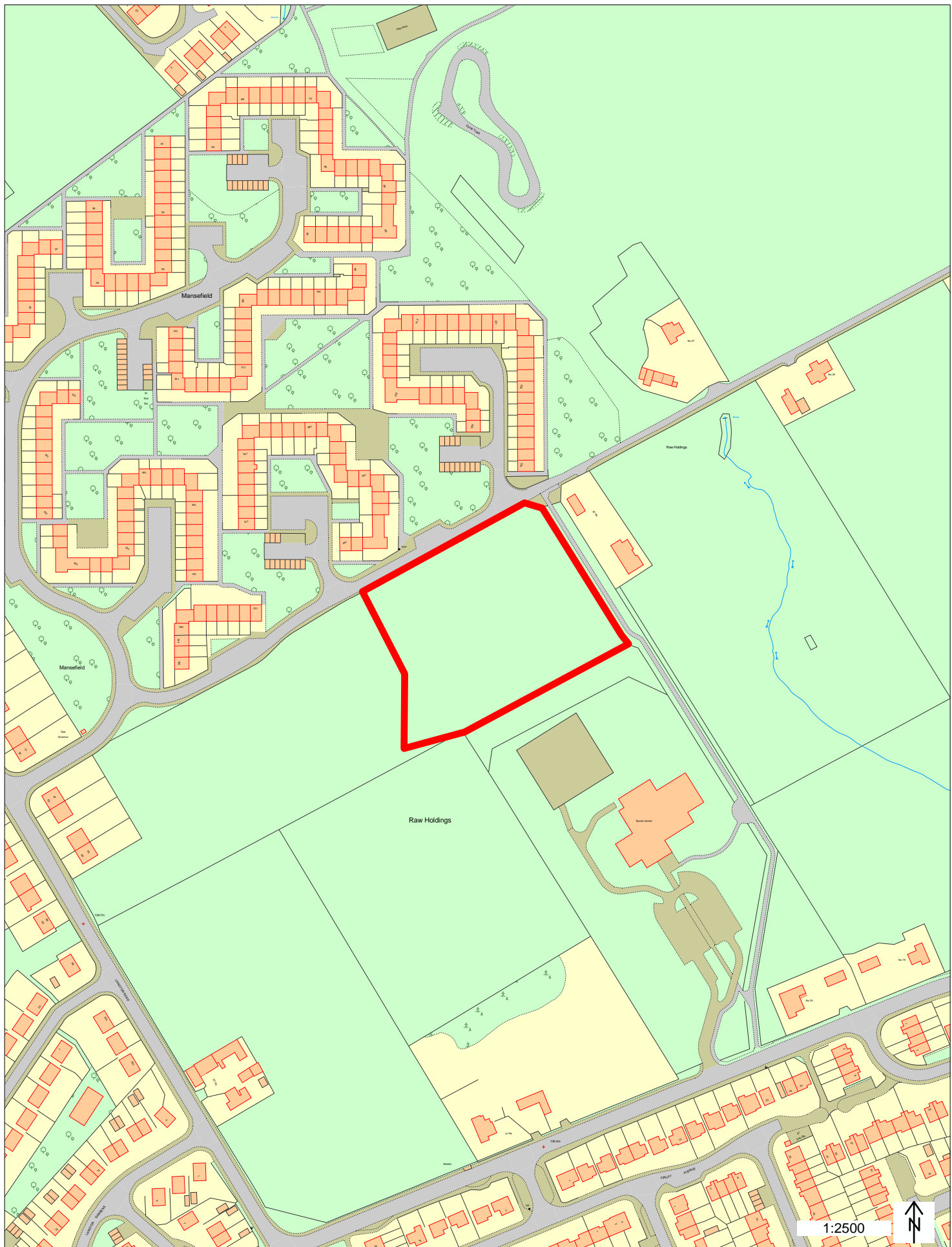
10 ATTACHMENTS

- Location plan
- Layout plan
- Layout plan for permission 0081/FUL/12
- Representations
- Draft conditions
- Heads of terms for S75 planning obligation
- Local member referral form



CHRIS NORMAN
Development Management Manager

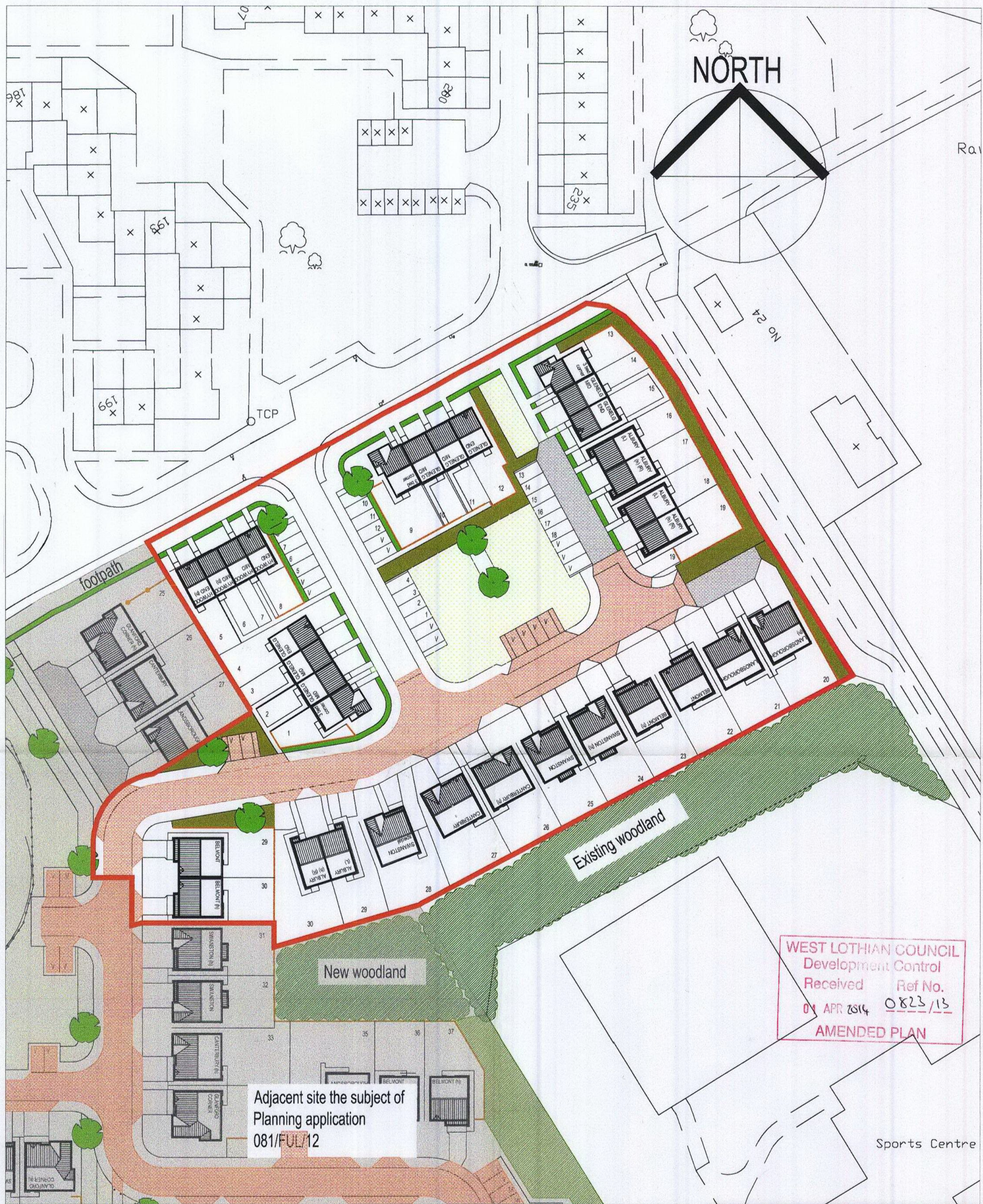
Date: 09 April 2014



0823/FUL/13



0823/FUL/13

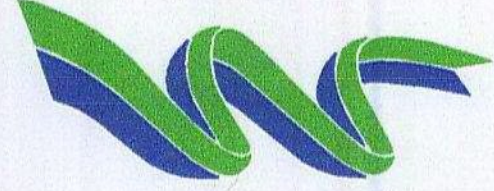


Shared driveway		
Grass		
Shrubs		
Hedge		
Trees		
Existing woodland		
Paviors		
Traffic calming		
1800mm high timber fence		

HOUSING MIX		
Project Raw Holdings - East Calder		
Accommodation	Name	Number
2 bed	Hyewood	4
3 bed	Glenelg	8
3 bed	Albany	6
3 bed corner	Belmont semi	3
3 bed	Belmont	2
4 bed	Stratford	3
4 bed	Landisburgh	2
4 bed	Carletonbury	2
Total		32

HOUSE TYPE FINISHES		
WALLS		
Render	Asbestos Cream chip on off white background	
Painting material	2 Falcate asbestos - 018 Weathered Brown	
Painting material	Tarm so Sherbourne mortar	
CAST STONE		
P.D. E. finish	Walker Built	
ROOF TILES		
Ceres "Granite"	Antibiotic Grey	
WINDOWS		
White (uPVC)		
FRONT DOOR		
White (GRP)		
REAR DOOR AND GARAGE DOORS		
White (GRP)		
RAINWATER GOODS / FACIA AND SOFFITS		
White (GRP)		
ROAD SURFACES		
As in other courts to be concrete		
Interlocking blocks colour - Antide		
Shared drives to be concrete		
Interlocking blocks colour - charcoal		

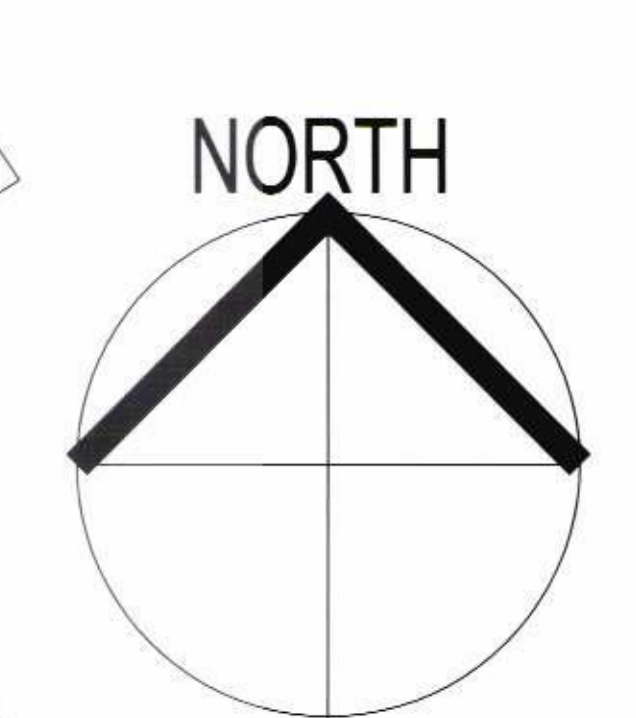
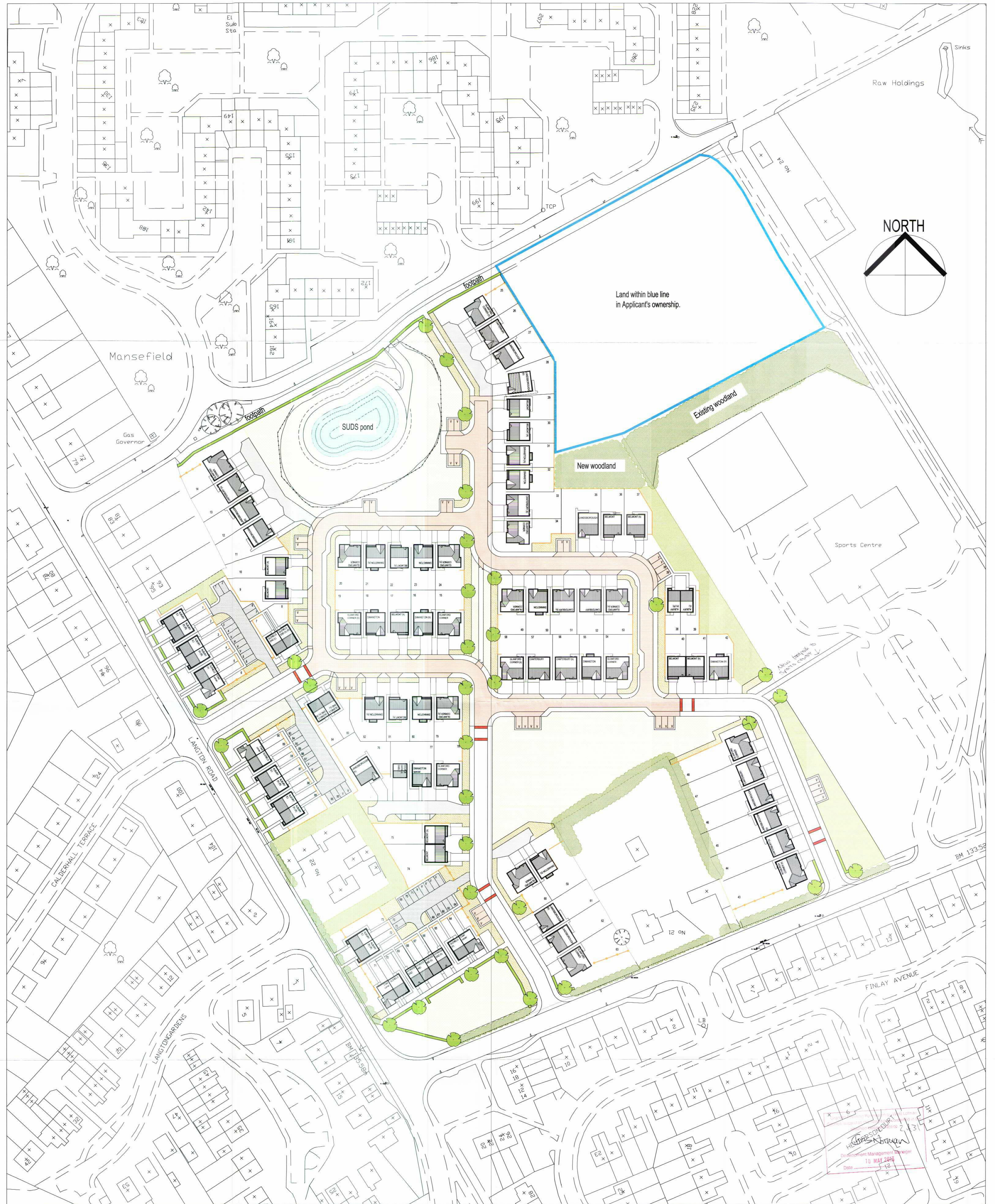
Revisions	
1) Feb 2014 revision - Roads Comments agreed 10th February implemented (GC 21.02.14)	
Scale: 1:500 at A2	Sheet Size:
Drawn:	Date: Mar 2014
Drawing Number:	Rev:



WALKER GROUP

Project:
RAW HOLDINGS
EAST CALDER
Phase 2

Drawing:
HOUSING LAYOUT



HOUSE TYPE FINISHES

WALLS
Render - Ashton Cream chip on off white background
Facing material - Falcotone Anstone - Old Weathered Brown
Tarmac Sherbourne mortar

CAST STONE
PD Esplanade - Walker Buff

ROOF TILES
Ceres "Grampian" - Anthracite Grey

WINDOWS
White (UPV)

FRONT DOOR
White (GRP)

REAR DOOR AND GARAGE DOORS
White (Isolite)

RAINWATER GOODS/ FACIA AND SOFFITS
White (UPV)

ROAD SURFACES
All mixer courts, parking bays and traffic calming features to be concrete interlocking blocks
Colour - Blende

ELEVATIONS
B type elevations located on the following plots:
15, 19, 21, 23, 31, 32, 44, 47, 49, 53, 56, 57

HOUSING MIX

Project	Raw Holdings - East Calder
Accommodation	2 bed
1 bed	1
3 bed	1
4 bed	1
5 bed	1
6 bed	1
7 bed	1
8 bed	1
9 bed	1
10 bed	1
11 bed	1
12 bed	1
13 bed	1
14 bed	1
15 bed	1
16 bed	1
17 bed	1
18 bed	1
19 bed	1
20 bed	1
21 bed	1
22 bed	1
23 bed	1
24 bed	1
25 bed	1
26 bed	1
27 bed	1
28 bed	1
29 bed	1
30 bed	1
31 bed	1
32 bed	1
33 bed	1
34 bed	1
35 bed	1
36 bed	1
37 bed	1
38 bed	1
39 bed	1
40 bed	1
41 bed	1
42 bed	1
43 bed	1
44 bed	1
45 bed	1
46 bed	1
47 bed	1
48 bed	1
49 bed	1
50 bed	1
51 bed	1
52 bed	1
53 bed	1
54 bed	1
55 bed	1
56 bed	1
57 bed	1
58 bed	1
59 bed	1
60 bed	1
61 bed	1
62 bed	1
63 bed	1
64 bed	1
65 bed	1
66 bed	1
67 bed	1
68 bed	1
69 bed	1
70 bed	1
71 bed	1
72 bed	1
73 bed	1
74 bed	1
75 bed	1
76 bed	1
77 bed	1
78 bed	1
79 bed	1
80 bed	1
81 bed	1
82 bed	1
83 bed	1
84 bed	1
85 bed	1
86 bed	1
87 bed	1
88 bed	1
89 bed	1
90 bed	1
91 bed	1
92 bed	1
93 bed	1
94 bed	1
95 bed	1
96 bed	1
97 bed	1
98 bed	1
99 bed	1
100 bed	1

Existing hedges on boundary to be retained where possible. To be reduced in height to 900mm within sight lines. Existing footpaths to be a minimum of 1.5m wide where adjacent to hedges.

- Grass
- Shrubs
- New tree
- Buffer planting trees and shrub mix
- Traffic calming
- 1800mm decorative timber fence with masonry pillars
- Existing woodland
- Pavings
- Shared driveway
- Parking court

WALKER GROUP

Project: RAW HOLDINGS EAST CALDER

Drawing: HOUSING LAYOUT

Scale: 1:500

Date: May 2012

Sheet Size: A0

Drawn: [Signature]

Revised: [Signature]

Irving, Tony

From: Michelle Herron [michelle@enhancepeople.co.uk]
Sent: 12 January 2014 11:06
To: Irving, Tony
Cc: Chris Davidson; Isobel Brydie; alan@wrightech.co.uk
Subject: Acolaid Case LIVE/0823/FUL/13

Importance: High

Acolaid Case LIVE/0823/FUL/13

Erection of 32 houses with associated works (grid ref. 308851 667510) at Raw Holdings, East Calder

Please accept these points of objection in relation to the above planning application made by Walker Homes

- **Access from Mansfield** – there is considerable concern about there being an access into the proposed development from Mansfield. Mansfield is already a highly congested areas due to its 'bottle neck' design and encouraging more vehicles to enter Mansfield to pass through to and from the new development will cause increased congestion issues. It would appear from the plans that the access road from Mansfield will join with the road network in the wider development connecting with Langton Road and Top of Langton road access points. This is likely to encourage people coming up from the village living in the new housing areas to cut along Mansfield to take a short cut into the new housing and visa versa. Again increasing the volume of traffic accessing and egressing this area.
- **Creation of a 'Rat Run' and Subsequent Safety** - There is also concern that traffic will continue east onto the private drovers road to take a short cut past St Pauls and onto Main St. There is already evidence of this already occurring and as well as practical congestion issues caused on a private road for residents, there is also a significant safety issue as traffic would have to cross over the Route 75 path which is a designated Safe Route to school and is used by many pupils to access East Calder and St Pauls primary schools
- **Social Segregation** – it is our understanding that in the development of new housing areas that affordable housing/community housing and private owner occupied homes should be fully integrated within the development area, thus proving a mixed community environment. From the plans detailed it appears that the social housing is corralled at the edge of the development next to Mansfield's current social housing provision. There also seems to be suggestion from the plans that a fence/barrier may be built between plots 20 to 30 and the affordable housing area. We feel this is unacceptable way to develop a new area of the community and encourages segregated behaviours and attitudes which is verging on the ethically dubious.

Please let me know the date of the committee this will be heard.

Regards

Michelle

Michelle Herron, Chair
For & on behalf of East Calder & Wilkieston Community Council
DD: 01506 882875, Mobile: 07900 228170

Application Number: 0823/FUL/13

Name: Katherine Davies

Address: 208 Mansefield

East Calder

EH53 0JJ

Tel: [REDACTED]

Email: [REDACTED]

Date and time of comment left: 09-01-2014 20:22

Comment Type: Object to Proposal

Comment:

As a resident of Mansefield we were advised that the new development would have no vehicular access into or via Mansefield. These plans now show that this will not be the case. The parking and many roads are privately owned and maintained by the residents of Mansefield. In addition all the grass areas are maintained by the residents. I do not think that any access should be given through Mansefield as it poses a health and safety risk to the current residents and children in the area. The council chose not to adopt most of Mansefield as it had no need to and would reduce the costs to the council but now they want to grant permission to build new houses they want access through the area. Parking is already at a premium within the Mansefield area and giving access via Mansefield will only encourage and reduce the parking for the residents who pay for the upkeep of the parking spaces. We will become a rat run for all residents of the new scheme which will increase the risk of damage to areas maintained by the current residents. It also will impact on the noise due to an increase in additional cars and pedestrians walking past the houses when previously many roads and pathways would not be the most direct route from the bottom of east calder to the top. In addition since the work has started in the field every time there is rain the mud and water runs out of the field and down past the houses. This clearly shows that the drainage is not sufficient for the houses and additional works will be required to sort this.

Application Number: 0823/FUL/13

Name: Stuart paterson

Address: 209 mansefield east calder

Tel: [REDACTED]

Email: [REDACTED]

Date and time of comment left: 05-01-2014 20:20

Comment Type: Object to Proposal

Comment:

As a resident of mansefield for 43 years ,my family and I object to any application where the mansefield road network is to be used for access.this road is already over congested with parked vehicles at certain times,mansefield has one road in and out with most car parking at over capacity an on sloped access.putting more traffic and an access is going to make this road more difficult for emergency vehicles and endangering lives.walker homes or west lothian council have obviously done no study on this, and would only need to ask any mansefield resident of the danger of this road ,especially during the winter of 2010/11.the timing of this application is also on the underhand side by submitting on 20/12/13 when people are on holiday and on the eve of a trades and council shut down for two weeks,I feel that all residents of mansefield and not just a handful, should be notified by mail as it affects all their safety.a grid reference on a press notification is not and should not be enough. I do not object to the housing only the access,this should be through the existing application 0081 or create an access via the side of the sports centre.if however west lothian council grants this application,to alleviate on street parking ,car parking could be created on the grass land to the north side of the proposed access at walker homes expense.another assessment west lothian council needs to assess is the flooding being caused by storm drain over capacity between raw holdings and east calder Main Street .the area of ground on the north side of mansefield is constantly waterlogged and has caused damaged to land and property,check west lothian council and lothian and borders fire brigade on 30/12/13. Could you please state in your reply where the site access would be for this proposed site,and any site or storage compound out with this site.i would also like to be put on your list of consultees in the event of any changes,or in chance that walker homes submits ,retracts and then resubmits planning again! Yours sincerely Stuart Paterson 209 mansefield.

Irving, Tony

From: Roger Hastings [REDACTED]
Sent: 09 January 2014 19:23
To: Irving, Tony
Subject: Concern re: Planning Application, Ref: # 0823/FUL/13

Dear Tony Irving

I am writing to you on behalf of my family, to notify you of our objection to the proposed building works at Raw Holdings, East Calder (erection of 32 houses with associated works), Planning Application Reference # 0823/FUL/13.

We would appreciate the opportunity to give our reasons for our concerns, and look forward to hearing from you soon regarding this.

Yours sincerely,

Mr L. Alex Smith, Mrs Susan G. Smith, and Master Elliot W.W. Smith
197 B Mansefield
East Calder
West Lothian
EH53 0JH
[REDACTED]

DRAFT DECISION - APPLICATION 0000/FUL/10

- 1 Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

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

- 2 Surface water from the development shall be treated and attenuated by a sustainable drainage system (SuDS) in accordance with the principles contained in The SuDS Manual (R01 0900). The treatment shall meet the requirements of the Scottish Environment Protection Agency (SEPA). The critical 1:100 year post-development flow shall be attenuated to the equivalent of approximately five litres per second per hectare. A sensitivity analysis shall be carried out on the proposed layout to demonstrate that the critical storm up to and including the 1:200 year event will have no adverse effect on property forming part of the development or elsewhere. The SuDS system shall be designed to be vested in Scottish Water as drainage authority.

Development shall not begin until finalised details of the SuDS system, including maintenance responsibilities, has been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to any residential unit being occupied.

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

- Development shall not begin until details of existing and proposed ground levels and finished floor levels 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.

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.

- Development shall not begin until details of the materials to be used as external finishes on all buildings, roads, footways/footpaths, parking areas, driveways and other hardstanding areas 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.

Reason: In the interests of visual and environmental amenity.

- Development shall not begin until details of the position and design of all boundary enclosures (gates/fences/walls/railings etc) have been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to any residential unit in each phase of the development being occupied.

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.

- Development shall not begin until details of landscaping has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances and methods of protection. It shall further include details of the body that will maintain the landscaping together with a schedule of maintenance works. 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.

Landscaping shall be implemented and maintained for a period of five years until it becomes established, in accordance with §§ 9001 Nursery stock and § 9002 Maintenance for trees and shrubs and §§ 28 Code of Practice for General Landscaping Operations and § 28 Code of Practice for Hard Surfaces. Any trees which within a five year period following completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

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.

- 8 Development shall not begin until a plan showing all common areas and details of the body who will own and maintain the common areas together with a schedule of maintenance works has been submitted to and approved in writing by the planning authority. Thereafter the common areas shall be maintained in accordance with the details as approved.

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.

- 9 □ No residential unit in each phase of the development shall be occupied until:
- □ Within that phase, all new access roads, footways/footpaths and visitor parking shown on the approved layout plan have been constructed and lit to the adoptable standard of the council as roads authority.
 - □ Within that phase, all new parking courtyards shown on the approved layout plan have been lit to the adoptable standard of the council as roads authority. The construction make up of the courtyards shall be to adoptable standard.
 - □ Within that phase, all parking spaces in the new parking courtyards have been delineated and the visitor parking spaces clearly marked as visitor spaces.
 - □ Within that phase, all individual driveways shown on the approved layout plan have been constructed to the satisfaction of the planning authority.

Reason: In the interests of road safety and visual and environmental amenity.

- 10 The following restrictions shall apply to the construction of the development:

Large Goods Vehicles

Large goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1000 on a Saturday. No large goods vehicles shall arrive or leave the site on a Sunday, unless otherwise agreed in writing with the planning authority.

Hours of Operation

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 1400 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority.

Site Compound

The location and dimensions of any site compound shall be agreed in writing with the planning authority prior to works starting on site. All material not required for the construction of any building shall be immediately stored within this compound within sealed skips prior to its removal from site.

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. All waste material including rubble arising from the construction works hereby approved shall be deposited in a waste disposal site or recycling facility licensed for that purpose by the Scottish Environment Protection Agency.

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.

Noise

Any plant or equipment associated with the construction works shall be suitably silenced, screened or enclosed to meet noise rating curve R2 when measured within the nearest receptor between the hours of 2200 and 0600 and noise rating curve R1 between the hours of 0600 and 2200.

Reason: in the interests of visual and environmental amenity.

Annex 1 Schedule of Plans

NOTES TO DEVELOPER

Notification of the start of development

By virtue of section 200 of the Town and Country Planning (Scotland) Act 1997 (as amended), it is a legal requirement that the person undertaking the development gives the planning authority prior written notification of the date on which it is intended to commence the development. Failure to comply with this statutory requirement would constitute a breach of planning control under section 12(1) of that Act, which may result in enforcement action being taken. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference

number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the consent which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of completion of development

As soon as practicable after the development is complete, the person who completes the development is obliged by section 244 of the Town and Country Planning (Scotland) Act 1997 (as amended) to give notice of completion to the planning authority. A form is enclosed with the consent which can be used for this purpose.

Duration of consent

This planning permission lapses on the expiry of a period of 5 years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiry.

Coal mining

If the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development. Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated. To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0800 002 888 or at www.groundstability.com.

0823/FUL/13 S75 Planning Obligation Heads of Terms

Affordable Housing:	Contributions in accordance with the Affordable Housing policy comprising: <ul style="list-style-type: none"> • Transfer of serviced land to accommodate 8 houses. • Transfer of serviced land to accommodate a further 9 houses as a swap for the land for 9 houses required under the S75 planning obligation for permission 0081/FUL/12.
Education: Denominational Secondary	Contributions in accordance with approved Supplementary Planning Guidance. £1983 per residential unit (index linked to first quarter 2010).
Education: Non-Denominational Secondary	Contributions toward non-denominational secondary infrastructure. £6633 per residential unit (index linked to first quarter 2012)
Education: Denominational Primary	Contributions in accordance with approved Supplementary Planning Guidance to extend St Paul's RC Primary, East Calder. £1643 per residential unit (index linked to first quarter 2009).
Education: Non-Denominational Primary	Contributions toward extending East Calder Primary. £1421 per residential unit (index linked to third quarter 2009).
Town Centre Improvements	Contributions in accordance with approved Supplementary Planning Guidance. £250 per residential unit (index linked to first quarter 2006).
Cemetery Provision	Contributions in accordance with approved Supplementary Planning Guidance. £35 per residential unit (index linked to first quarter 2006).
Public Art	Contributions in accordance with approved Supplementary Planning Guidance. £190 per residential unit (index linked to second quarter 2006).
A71 Corridor Study Bus Priority Measures Items A, B & D of SPG	Contributions in accordance with approved Supplementary Planning Guidance. £350 per residential unit (index linked to first quarter 2002).
A71 Corridor Study Junction Improvements Items C & E of SPG	Contributions in accordance with approved Supplementary Planning Guidance. £200 per residential unit (index linked to first quarter 2002).
Park and Ride Facility at Kirknewton Railway Station	Contribution toward a park and ride facility. £375 per residential unit (index linked to first quarter 2012).
A71 Wilkieston Bypass	Contributions toward a bypass on A71 at Wilkieston. £425 per residential unit (index linked to first quarter 2012).
Public Transport	Contributions toward subsidising bus services. £315 per residential unit (index linked to CPI at April 2012).
Public Car Park at East Calder	Contributions toward a town centre car park. £50 per residential unit (index linked to first quarter 2012).
Almondell and	Contributions toward improvements at Almondell and Calderwood

Calderwood Country Park	Country Park. £250 per residential unit (index linked to first quarter 2012).
East Calder Park	Contributions to improvements at East Calder Park. £500 per residential unit (index linked to first quarter 2012).
Open Space Management	All communal open space to be clearly identified and be owned/managed by an identified organisation and subject to an agreed maintenance schedule.
Construction and Local Employment	To comply with the terms of the approved Supplementary Planning Guidance on Construction Training and Local Employment Agreements.



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 Chris Norman, Development Management Manager, within 7 days.

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0823/13	Applicant Request..... <input type="checkbox"/>
Site Address RAW HOLDINGS EAST CALDER	Constituent Request..... <input type="checkbox"/>
Title of Application 	Other (please specify) Access <input checked="" type="checkbox"/>
Member's Name Cllr Dave King	

West Lothian Council Development Management
07 JAN 2014
Date.....
Ref No.....
Ref To.....
Ack'd.....
Replied.....



The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 14/03/2014.

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0779/P/13 Wendy McCorriston Local Application	Bruce	Planning permission in principle for the erection of 3 houses (grid ref. 309229 671856) at 3 BURNVALE, BROXBURN, EH52 5PA	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Granted in Principle Subject to S75	objections 3 Loss of open outlook Loss of privacy Detrimental impact on wildlife and habitats Traffic impacts on narrow private road	The application site comprises redundant piggery buildings and surrounding yards and open space. There are existing houses to the east and southeast, across the Caw Burn & farm land to the west. The site is in the settlement of Burnvale, as shown in the WLLP, where the principle of development is supported. WLC Transportation and Flood Prevention have advised that the principle of a small scale development is acceptable, subject to improvements to the access and drainage, which can be required as part of any detailed application. WLC Education has confirmed that there is adequate school capacity, subject to the payment of the relevant contributions. Cemetery contributions will also be required. The applicant has agreed to these payments through a Sec 75. An indicative plan shows 3 houses, which is acceptable subject to restrictions on height. A further restriction to prevent the new build extending more than 7m beyond the existing buildings will protect privacy. Appropriate wildlife & contaminated land reports will be required at the detailed stage. A habitat survey & Sec 75 agreement will be required before permission in principle is issued. The proposals accord with the provisions of the development plan. Subject to the signing of a Sec 75 for developer contributions and undertaking a habitat survey, conditional approval is recommended.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0097/FUL/14 Claire Johnston Local Application	Tierney	Change of use from domestic garage to ancillary residential accommodation (in retrospect) (Grid ref.298994 661461) at Newhouse Farm, C28 - A704 To A71, Addiewell, EH55 8NP	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	Grant Conditional Permission	objection 1 Loss of Privacy	<p>Change of use from a domestic garage to single storey ancillary residential accommodation, serving a detached house built as part of a farm conversion.</p> <p>The garage was built in 2007 and work has begun on its conversion to ancillary residential accommodation. The three garage doors have been replaced by windows which face onto the applicants garden, on the opposite side of the building from the objector's property. The entrance to the building is on the west elevation, facing the applicant's house. Three sky lights and a sun tunnel will be added to the roof; as there is no accommodation in the roof there will be no overlooking from these. A bathroom window will be added to the east elevation which faces onto the objector's driveway, but not on to the objector's garden or house. This window contains obscured glass and a 2m fence has been erected along the boundary line to prevent any privacy issues.</p> <p>The proposed conversion is to be used by the applicant's son; a condition will be attached to ensure that the garage will remain ancillary to the main house and cannot be sold, rented or used separately.</p> <p>This change of use does not give rise to any privacy failures; therefore the proposal complies with the Council's policy HOU 9 of the West Lothian Local Plan.</p>



Development Management

List of Delegated Decisions

Date: **14/03/2014**

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 21/03/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0470/CLU/11 Ross Burton Other	Jacob Hendry Ltd.	Certificate of Lawfulness for the proposed use of a landscape contractor's depot as a depot for roads maintenance and infrastructure works (grid ref. 311887 667646) at 11b Humbie Holdings, Kirknewton, EH27 8DS	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Refuse Certificate of Lawfulness	objection 1 Current use by applicant represents intensification Use is not horticultural, which previous uses were Local roads are not suitable for the increased vehicle movements which result from the applicant's use.	<p>The site is located to the rear of 11 Humbie Holdings, which was originally used by a horticultural company to grow and supply plants to garden centres. The property was split in 1995 and the area of land currently known as 11b Humbie Holdings was initially accessed via the operational land to the south, and was used for purposes in connection with and existing horticultural based activity, as a use which would fall within class 6 of the Use Classes Order (storage and distribution).</p> <p>The applicant bought the property in early 2010 and used it to operate a roads maintenance business. A certificate of lawfulness is sought for the continued use of the yard for this purpose, which is considered to be sui generis, a use which does not fall within any of the uses defined in the schedule of the Use Classes Order.</p> <p>The applicant has submitted statements which claim use of the yard by two companies since 1995, for the storage and distribution of horticultural goods, and also as an operating centre for a landscaping business. It is claimed in the application that the use of the application site as a roads maintenance depot is consistent with the use of land at the wider site of 11 Humbie Holdings, as a coherent planning unit which includes the application site, over the last 20 years, as a plant nursery and surfaced yard for the parking and movement of vehicles associated with nursery uses and contracting activities.</p> <p>Statements submitted in support of the application by the applicant are supplemented by letters signed by the former owner of the application site, and a neighbour to the site. The former letter advises that the application site was used, as part of the larger site of 11 Humbie Holdings, for a business which employed 13 people and operated 4 or 5 pick-up trucks in addition to storing steel</p>

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						<p>containers and polytunnels. The activities outlined formed part of the previous owner's businesses - Knowetop Nursery Services and Knowetop Landscaping.</p> <p>The letter from a neighbour mentions, in addition to the former owner's activities, a local haulage contractor who allegedly used the yard 'over a number of years'. The supporting statements and letters submitted are not accompanied by any supporting evidence.</p> <p>The use of the yard is defined by the applicant as a base for his business of "road formation and surfacing and maintenance work". Such a use is clearly different from any previous use as part of a larger unit which grew and distributed horticultural products.</p> <p>In the absence of any evidence which confirms that the current use of the yard is within the same use class or has activities which were comparable to the use of the yard over the past 10 years, it is recommended that the application for a certificate of proposed lawfulness is refused.</p>
0051/H/14 Lindsey Patterson Local Application	Hale	Two storey extension to house (grid ref. 301926 677321) at 88 BAILIELANDS, LINLITHGOW, EH49 7TF	Linlithgow Tom Conn Martyn Day Tom Kerr	Grant Conditional Permission	objection 1 Privacy Overshadowing	<p>Two storey extension to side of two storey property.</p> <p>Previously placed on the delegated list for refusal however following negotiations with the architect a hipped roof has been proposed lowering the pitch and reducing the appearance of the gable wall directly facing the objectors. This therefore reduces the overbearing impact of the development.</p> <p>Therefore the proposed extension is considered to be acceptable and is in accordance with policy HOU 9 of the West Lothian Local Plan and the House Extension and Alteration Design Guide.</p>

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0112/H/14 Claire Johnston Local Application	Eadie	Two storey extension to house (grid ref. 303721 668168) at 2 Northpark Place, Eliburn, Livingston, EH54 6TR	Livingston North Robert De Bold Anne McMillan Andrew Miller Angela Moohan	Grant Conditional Permission	objections 2 Privacy Overshadowing Overbearing	Two storey extension to the rear of two storey detached house. The agent submitted a shadow diagram, which shows that there will be minimal impact on properties to the side or rear. Both objectors properties are to the rear of the proposal and will not be overshadowed by the proposed extension. The distance from the windows of the proposed extension to the property at the rear is approximately 24metres; with the extension added both gardens are approximately 12m in length. There will be an addition of one bathroom window on both elevations; a condition will be attached to ensure these windows are obscured glazing preventing overlooking into the properties at either side of the applicants. Therefore there will be no privacy, overbearing or overshadowing issues and the proposal will comply with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.
0122/A/14 Ranald Dods Other	Lidl Uk Gmbh	Erection of a fascia sign (Grid Ref.308283 672235) at GREEN TREE TAVERN, 45 EAST MAIN STREET, BROXBURN, EH52 5AB	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Refuse Advertisment Consent	none	The advertisement does not relate to the building on which it is poroposed to be attached. This represents a proliferation of advertisements which would set an undesirable precedent for other unassociated advertisements being llocated on this and other buildings This would be detrimental to the visual amenity of the area and would be a distratction to road users.



Development Management

List of Delegated Decisions

Date: 28/03/2014

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 04/04/2014.

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0074/FUL/14 Graham Cann Local Application	BURNS	Erection of a house, demolition of stable block and erection of new stable block, extension to house and erection of a double garage (grid ref. 293542 670920) at OAKLANDS, U9 - C7 TO C10, Westfield, EH48 3DQ	Armada and Blackridge Stuart Borrowman Jim Dixon Isabel Hutton	Refuse Permission	objection 0 No letters of representation were received.	Whilst the residential extension, detached garage and the relocation of the stables is acceptable, the proposed annexe house has not been justified and is tantamount to a new dwelling in the countryside. In addition, the layout and design does not respect the rural location and would have an unacceptable adverse impact on the visual amenity, rural character and overall environmental amenity of this locality. There are no material considerations that outweigh the Development Plans presumption against development in locations such as proposed.

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0105/FUL/14 Steven McLaren Local Application	Z1 Properties Ltd	Erection of a 488sqm commercial unit to incorporate class 1 and 2 class 4 uses and sub-division of existing class 1 to form 2 class 2 units and a hot food takeaway (Grid Ref. 303723 667805) at 3 FOLLYBURN PLACE, ELIBURN, LIVINGSTON, EH54 6BF	Livingston North Robert De Bold Anne McMillan Andrew Miller Angela Moohan	Grant Conditional Permission	objections 3 loss of light. Overshadowing. Reduced property values. Additional noise disturbance. Loss of privacy. No need for more shops and fast food take-aways. Increased litter. Increased traffic. Additional odours.	The proposal is to alter the existing shop unit layout and extend to the rear, incorporating 2 Class 4 units. The application site lies within an allocated local centre area which is appropriate for a variety of uses. Consent was previously given for 4 Class 4 units in 2006 and an extension to the existing restaurant in 2004. Neither of which were implemented. Whilst the proposed building is close to the neighbouring boundary, the development lies to the north of these properties and will not result in loss of light or over shadowing. The applicant has in any case agreed to reduce the roof pitch thus reducing the overall height of the extension. Class 4 units are generally office type developments and will result in little disturbance to neighbours. There is no increase in the number of hot food uses at the site and the Co-op will remain the largest single user. The existing Co-op unit is to be converted to 2 Class 2 and a hot food take-away unit. The existing restaurant will operate solely as a hot food take-away from this unit. There have been no objections from either Transportation or Environmental Health. Given the history of this site and the land allocation, recommendation is to grant planning permission.