



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

9 October 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 15 October 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 17 September 2014 (herewith).

Public Items for Decision

5. Application No.0321/MSC/14 - Approval of matters specified in conditions of planning permission in principle 0272/P/08 for the erection of 78 houses with associated works at Gavieside, West Calder (herewith)
6. Application No.0547/H/14 - Two storey extension to house at 31 Loaninghill Park, Uphall (herewith)
7. Application No.0612/FUL/14 - Construction of a detached house with associated parking and access at Ward Place, Eliburn, Livingston

(herewith)

Public Items for Information

8. Consider list of Delegated Decisions on Planning Applications and Enforcement Actions from 5 September to 3 October 2014 (herewith)
9. Appeals -
 - (a) 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 - Appeal submitted upheld
 - (b) Application No.0357/14 - Application of high hedge notice at Baronshill Lodge, 3 Captains Walk, Linlithgow - Appeal submitted

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 17 SEPTEMBER 2014.

Present – Councillors Alexander Davidson (Chair), Tom Kerr, Stuart Borrowman, Harry Cartmill, Lawrence Fitzpatrick and Barry Robertson

Apologies – Councillors William Boyle, Greg McCarra and John Muir

1. DECLARATIONS OF INTEREST

- Agenda Item 5 (App No.0398/A/14) & Agenda Item 6 (0399/FUL/14) – Councillor Cartmill declared a non-financial interest in both items of business in that he had spoken in support of both applications and therefore would not participate in either item; and
- Agenda Item 6 (App No.0399/FUL/14) – Councillor Robertson declared a non-financial interest in that he knew the applicant on a personal level and therefore would not participate in the item of business.

2. MINUTE

The committee approved the Minute of its meeting held on 27 August 2014 as a correct record. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0398/A/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>
0398/A/14	Erection of 4 fascia signs (in retrospect) at 8 George Place, Bathgate	Refuse advertisement consent

The committee noted that Nairn Pearson, the council's Bathgate BID Manager, was in attendance at the meeting to answer any questions the members may have had.

The committee then heard the applicant, Mr Douglas Pilkington, speak in support of the application.

Decision

To grant planning permission for three of the four fascia signs, with the "Cash for Clothes" sign above the shop frontage at 8 George Place to be

removed as committee considered that with the removal of this one sign the application would be compliant with policy IMP14 of the West Lothian Local Development Plan.

4. APPLICATION NO.0399/FUL/14

Prior to the consideration of the following item of business Councillor Robertson declared a non-financial interest in that he knew the applicant in a personal capacity and therefore would not participate in the item of business.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0399/FUL/14	Change of use from a store room to form a band practice/live music room (in retrospect) at 7b Union Road, Bathgate	Refuse planning permission and pursue enforcement action.

The committee then heard Ms Zoya Bannatyne, a nearby neighbour to the premises, speak in support of her objections to the application.

The committee then heard Mr Michael Mathieson, the applicant, speak in support of the application.

Decision

To approve the terms of the report and refused planning permission and agreed to pursue enforcement action.

5. APPLICATION NO.0497/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>
0497/FUL/14	Construction of new distributor road at land at Drumshoreland Bing, Pumpherston	Grant planning permission subject to conditions.

Decision

To approve the terms of the report and granted planning permission subject to conditions.

6. 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 22 August to 5 September 2014 was submitted for the information of the committee.

Decision

Noted the list of delegated decisions.

7. APPEAL

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

Application No.

0203/P/13

Proposal

Planning permission in principle for a 6.7ha residential development with associated works at Falside, Sibbalds Brae, Bathgate



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Approval of matters specified in conditions of planning permission in principle 0272/P/08 for the erection of 78 houses with associated works at Gavieside, West Calder

2 DETAILS

Reference no.	0321/MSC/14	Owner of site	Gillean Properties
Applicant	Gillean Properties	Ward & local members	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to committee: At discretion of the Development Management Manager.

3 RECOMMENDATION

- 3.1 Refuse approval of matters specified in conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for the approval of matters specified in conditions for 78 houses with associated works.
- 4.2 The site lies within the countryside and forms part of the Livingston Countryside Belt. At this location the countryside belt separates the West Livingston core development area (CDA) allocation at Gavieside Farm from the Mossend/Cleugh Brae allocation and also from Polbeth and West Calder.
- 4.3 The proposal is for 78 houses that are mostly detached but include some terraced and semi-detached units. The site would be served by two vehicular access points on the minor road (Polbeth Road) that forms the south site boundary. There is a central area of open space that would serve as both passive and active open space. A 15-20m wide woodland belt is shown along the north site boundary onto Briestonhill Moss with a further area of passive open space at the north-west corner of the site. A 10m woodland belt is shown on the west site boundary. Some of the existing trees along the south site boundary would be retained and supplemented.

- 4.4 The proposed layout plan is attached to this report.
- 4.5 The applicant cannot provide a footpath along the minor road that forms the south site boundary to link with the road to West Calder. Instead, a link to this road at the north west corner of the site is proposed.
- 4.6 Surface water is to be treated and attenuated by means of a sustainable urban drainage system.
- 4.7 It is proposed that affordable housing is by means of a commuted sum of £15,000 for each affordable plot. The required 15% affordable provision equates to 11.7 units and thus a total contribution of £175,500 is proposed.
- 4.8 The application is accompanied by a design & access statement, and a geo-environmental desk study & mining study report.

History

- 4.9 Planning permission in principle for residential development was issued (contrary to officer recommendation) on 29th October 2012 (reference 0272/P/08). There is an associated Section 75 planning obligation.
- 4.10 Condition 1 of that permission requires all layout and design matters to be the subject of further application(s).
- 4.11 Condition 2 of that permission requires the further application(s) to comply with the following requirements:
- The existing woodland along the south site boundary to be retained.
 - New woodland planting to be provided between new housing and Briestonhill Moss and also along the west site boundary.
 - A new footway to be provided from the unclassified road that connects the B792 to the B7015 to the vehicular access point to the site.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and 2 objections were received. The representations are summarised below. The full representations are attached to this report.

Comments	Response
This application for 78 houses is beyond the scope of the planning permission in principle granted by the council. The indicative layout plan submitted with the permission in principle application showed 46 units. This figure is confirmed in Housing Land Audit 2013.	The planning permission in principle does not specify a maximum number of units. It reserves this for consideration at this further stage. The plans submitted with the planning application in principle did include an indicative layout plan that showed 46 units. It is correct that Housing Land Audit 2013 includes the site for 46 units.
A transport assessment is required for	WLC Transportation do not require a transport

the increase in units to 78.	assessment.
There are education capacity constraints at local schools. The site is a windfall site and any capacity in excess of the 50 units approved by the permission in principle should be reserved for the West Livingston CDA allocations.	The planning permission in principle does not specify a maximum number of units. It reserves this for consideration at this further stage. The site is a windfall site and WLC Education Planning cannot support more than 50 units as this is what was indicated at the permission in principle stage.
The council's Residential Development Guide states that housing density should always relate to the character of the wider area and accessibility. At 50 units the site would be in keeping with the rural character.	It is considered that 78 units on this rural site that has restricted accessibility other than by car is not appropriate in land use planning terms.
The development is unwarranted and unsuitable in the countryside.	The site benefits from a planning permission in principle for residential development.
The development will lead to coalescence between West Calder, Polbeth and Livingston.	While the site benefits from a planning permission in principle for residential development, it is considered that the number of units and density/layout proposed will contribute to coalescence.
Polbeth Road is a narrow, particularly where it crosses West Calder Burn and is not suited to the volume of car that would be generated.	While the site benefits from a planning permission in principle for residential development, it is considered that a development of 78 houses would lead to a rise in traffic using Polbeth Road.
There is no pedestrian access along Polbeth Road and it will be a route to amenities in Polbeth. The proposed link to the road to West Calder will be to a narrow pavement that is in poor condition.	Polbeth Road has no footways and is unlit. It is likely that future residents will walk eastward along the road to Polbeth. As no footway along Polbeth Road in a westward direction is proposed, it is also likely that future residents will walk along the road in this direction in order to access the existing unlit footway on the west side of the road to West Calder. Given this poor accessibility of the site, it is considered that 78 houses is not an appropriate density.
Polbeth Road is unsuitable for additional school buses. There should be a turning circle within the site to allow buses and large vehicles to safely turn.	The proposed road layout within the site would allow large vehicles to turn.
Inadequate environmental investigations have been carried out.	Wildlife surveys were carried out as part of the permission in principle application.

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	Yes	Amendments are required to the road design, parking and surface	Noted.

Consultee	Objection	Comments	Planning Response
		water drainage.	
WLC Housing	No	Accept the proposal for a commuted sum for affordable housing subject to this being agreed by WLC Property Management & Development.	Noted. WLC Property Management & Development are still assessing the proposed contribution of £15,000 for each affordable unit.
WLC Flood Prevention Officer	Yes	Drainage calculations and sensitivity analysis are required. Confirmation that Scottish Water will adopt the SUDS system is required. Filter trenches outwith adopted roads are not acceptable.	Noted. The SUDS proposals as submitted are not acceptable.
WLC Contaminated Land Officer	No	Recommendations in the submitted phase 1 site investigation report need to be carried out.	Noted. No phase 2 site investigation report has been submitted.
WLC Education Planning	Yes	The application is for a significant variation in the 50 units originally indicated in the application for planning permission in principle. Education Planning has been working on the assumption of 50 units since the committee decision in 2008 to grant permission. The major increase in units on this site would inhibit the council's ability to pursue implementation of the development plan strategy.	Noted.
Scottish Water	-	No reply received.	-
SEPA	Yes	The proposal is to discharge surface water directly to the water environment, the West Calder Burn, after it has been treated rather than to discharge into a combined sewerage system vested by Scottish Water. The proposals to treat surface water (the SUDS) before discharge are acceptable but SEPA object until confirmation from the council that all necessary legal permissions to construct the new surface water sewer within the land owned by a third party are in place and that the construction of the new surface water sewer will form part of any planning permission.	Noted. The applicant has not submitted confirmation that it has the necessary wayleaves to through 3 rd party land to construct the surface water sewer.

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 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 has a planning permission in principle for residential development. As a consequence of this, the LDP main issues report identifies the site for housing and gives a figure of 46 units.	In part. The proposal for 78 units is far in excess of the LDP figure of 46 units.
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 development to public transport accessibility; ensure that the</p>	The site is within the countryside and is not served by footways or public transport. As a consequence of this, it is considered that the density and resultant number of units on this countryside site is excessive and not appropriate.	No

Plan	Policy	Assessment	Conform
	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>	There are education constraints that result in WLC Education Planning being able to support a development of no more than 50 units.	No
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>	Wildlife surveys were carried out at the planning permission in principle stage. There are no adverse ecological issues.	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>	In this case there is no requirement for an archaeological assessment.	Yes
WLLP	<p>HOU 5 Open space provision</p> <p>This policy requires open space provision to accord with the council's Residential Development Guide.</p>	On-site active open space provision is required given the isolated site location. The size of active open space proposed is not adequate.	No
WLLP	<p>HOU 6 Density</p> <p>This policy states that densities will be considered at the time an application is made and will be considered on merit taking into account the character of the site, its size, adjacent density, and traffic and services considerations.</p>	The site is within the countryside and is not served by footways or public transport. As a consequence of this, it is considered that the density and resultant number of units on this countryside site is excessive and not appropriate.	No

Plan	Policy	Assessment	Conform
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>	<p>The density and resultant number of units on this countryside site is excessive. The layout and design reflects that of volume house building and is not appropriate for this isolated countryside location.</p> <p>Changes to the layout are required to meet transportation requirements.</p>	No
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 largely achieves with the exception of foot/cycleway access.	In part.
WLLP	<p>HOU 9 Residential and visual amenity</p> <p>This policy requires the amenity of neighbouring residential properties to be protected.</p>	There are only a small number of nearby houses given the rural location of the site. The proposals will not harm the amenity of these nearby 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 proposal for a commuted sum is in principle acceptable. Agreement is required on the exact level of provision.	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 only details of the existing trees on the site are on the landscape layout plan. This is not adequate to assess what existing trees are proposed to be retained and what are proposed to be removed. There is no information on the condition of the trees. Having two vehicular access points could adversely impact on existing trees to achieve visibility splays. There is also opportunity for woodland planting along the east site boundary.	In part.
WLLP	<p>TRAN 2 Transport impacts</p> <p>This policy states that development will only be supported where the</p>	While a development of 78 houses could be accommodated on the local road network in terms of capacity, the lack of footway links to Polbeth and West Calder	No

Plan	Policy	Assessment	Conform
	transport impacts are acceptable.	and lack of public transport serving the site is such that density and resultant number of units on this countryside site is excessive and not appropriate and would lead to unsustainable travel.	
WLLP	<p>TRAN 12 Sustainable transport</p> <p>This policy states that planning applications should provide for ease of pedestrian and cycle movements and access to public transport.</p>	While a development of 78 houses could be accommodated on the local road network in terms of capacity, the lack of footway links to Polbeth and West Calder and lack of public transport serving the site is such that density and resultant number of units on this countryside site is excessive and not appropriate and would lead to unsustainable travel.	No
WLLP	<p>COM 9A Contributions for cemeteries</p> <p>This policy requires financial contributions towards new cemeteries.</p>	This contribution is secured by the existing S75 planning obligation.	Yes
WLLP	<p>COM 11 Public art</p> <p>This policy requires developers of certain proposals to provide or contribute towards public art.</p>	This contribution is secured by the existing S75 planning obligation.	Yes
WLLP	<p>NWR 19 Contaminated land</p> <p>This policy requires site investigations to determine if a site is contaminated and remediation if necessary.</p>	Further site investigation is required as stated in the submitted phase 1 report. No information on the further investigations has been submitted.	No
WLLP	<p>IMP 2 Denominational secondary provision</p> <p>This policy requires developer contributions towards denominational secondary school provision.</p>	This contribution is secured by the existing S75 planning obligation.	Yes
WLLP	<p>IMP 3 Education constraints</p> <p>This policy states a presumption</p>	At the planning permission in principle stage the education implications of residential development were considered.	No

Plan	Policy	Assessment	Conform
	<p>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.</p>	<p>WLC Education Planning objected at the time on grounds of lack of education capacity for this windfall site. The permission in principle application, with its indicative layout plan of 46 units, was granted by committee.</p> <p>In addition to a contribution for denominational secondary, a contribution to extensions at Parkhead Primary and St Mary's RC Primary are secured by the existing S75 planning obligation.</p> <p>WLC Education Planning has been working with a figure of 50 units following the committee decision to grant the permission in principle application. There is limited capacity in the catchment schools and more than 50 units on the site would adversely affect education capacity at the catchment schools and have an adverse impact on the ability to implement the development plan strategy.</p>	
WLLP	<p>IMP 6 SUDS</p> <p>This policy requires development to comply with current best practice on sustainable urban drainage practices.</p>	<p>The SUDS proposals as submitted are not acceptable.</p>	No
WLLP	<p>IMP 14 Supplementary planning guidance</p> <p>This policy requires compliance with the council's supplementary planning guidance.</p> <p>The following SPG apply:</p> <ul style="list-style-type: none"> • Planning for education • Denominational secondary school infrastructure • School commissioning costs 	<p>The proposal as submitted does meet the requirements of:</p> <ul style="list-style-type: none"> • Planning for education • Residential development guide • Flood risk and drainage • Contaminated land 	No

Plan	Policy	Assessment	Conform
	<ul style="list-style-type: none"> • Affordable housing • Residential development guide • Public art • Cemetery provision • Flood risk and drainage • Contaminated land 		

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 2/2010 *Affordable Housing and Housing Land Audits*
 PAN 2/2011 *Planning and Archaeology*

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

Planning Permission in Principle

8.3 The report on the outline planning application to the council's Development Control Committee on 12th November 2008, at para 4.4, described the proposal as approximately 50 houses and this reflected the 46 units shown on the indicative layout plan submitted with the application.

8.4 Following the issue of planning permission in principle on 29th October 2012, the site was included in Housing Land Audit 2013 for 46 units. HLA 2013, as agreed with Homes for Scotland, was reported to the council's Development & Transport Policy Development and Scrutiny Panel on 28 August 2014 for noting. The site is included in the recently published LDP Main Issues Report for 46 units.

8.5 The permission in principle reserves all matters of layout and design to this further stage.

Layout & Design

- 8.6 A significant consideration of this application is the density, resultant number of units and layout and whether this is appropriate to the location and that it meets the council's requirements as set out in the policies as section 7 of this report.
- 8.7 As noted at section 7, the site is not within a settlement boundary as defined by the local plan but is within the countryside and the Livingston Countryside Belt. The site is isolated from existing development and will remain separate from the CDA allocations at Gavieside Farm, Mossend and Cleugh Brae.
- 8.8 The site has no existing footway link to Polbeth and only a sub-standard unlit footway link to the road to West Calder at the north west corner of the site. A footpath connection through the site to this unlit footway is shown on the plans. This is not adequate as what is required is a direct link along Polbeth Road in a westward direction that would facilitate the shortest route to the footway to West Calder. Further, the site is not served by public transport.
- 8.9 It is a matter of fact that the permission in principle has established the principle of housing on the site. However, there are sound reasons to achieve a density and form of development that reflects the site location with the countryside, the poor accessibility of the site to lit footway networks and lack of public transport and, fundamentally, that there is sufficient infrastructure to accommodate the resultant number of residents at the site.
- 8.10 The proposal for 78 houses is substantially in excess of the 46 units shown on the indicative layout plan that was submitted with the permission in principle. This increased density and number of units does not take sufficient regard of the countryside location of the site and its lack of footway links and public transport. The development layout proposed reflects that of volume house building and is not appropriate for this isolated countryside location.
- 8.11 As noted at section 7, there are also deficiencies in the proposal with respect to information on existing trees, open space provision, SUDS, road layout and parking, and contaminated land. The detailed layout and design is thus not acceptable.

Affordable Housing

- 8.12 Agreement is still to be reached on the proposed exact level of financial contribution for affordable housing.

Education

- 8.13 WLC Education Planning has considered the capacity of the site to be 50 units and has done so since the committee decision on 12th November 2008. This is based on the indicative layout plan that showed 46 units. Housing Land Audit 2013 includes the site for 46 units and this is reflected in the LDP Main Issues Report allocation for 46 units.
- 8.14 Education Planning advise that it cannot support a development in excess of 50 units as this number of units is well established and taken into account in its forecasts. There is limited capacity at catchment schools and the increase in unit numbers to 78 would adversely impact on education infrastructure and the resultant ability to implement the local plan CDA development strategy.

Other Material Considerations

- 8.15 The representations have been summarised and responded to above. The matters raised reflect the development plan presumption against the proposed development.

9 SUMMARY AND CONCLUSIONS

- 9.1 While the principle of residential development on the site is established by the permission in principle, the density, resultant number of residential units and layout is not acceptable in that it does not take sufficient regard of the countryside location and lack of footway links to Polbeth and West Calder and lack of public transport.
- 9.2 There are also deficiencies in the proposal with respect to information on existing trees, open space provision, SUDS, road layout & parking and contaminated land. The detailed layout and design is thus not acceptable.
- 9.3 Agreement on a commuted sum for affordable housing is also still to be reached.
- 9.4 The increase in unit numbers from the 46 indicated at the planning permission in principle stage to the 78 now proposed would have adverse implications for education infrastructure and the consequential ability to implement the local plan CDA development strategy.
- 9.5 It is thus recommended that the committee refuse the present application for approval of matters specified in conditions of the planning permission in principle.

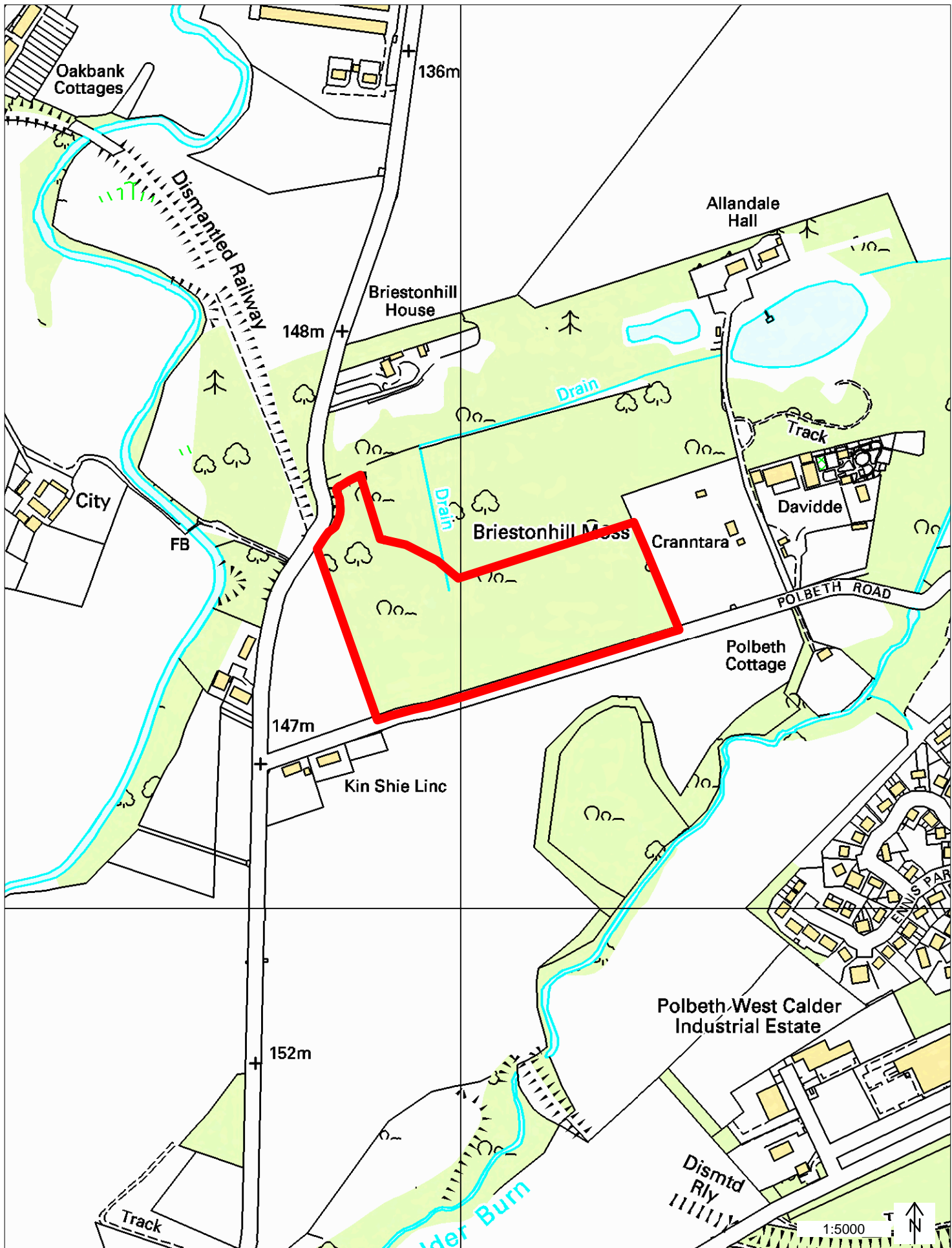
10 ATTACHMENTS

- Location plan
- Layout plan
- Representations
- Draft reasons for refusal

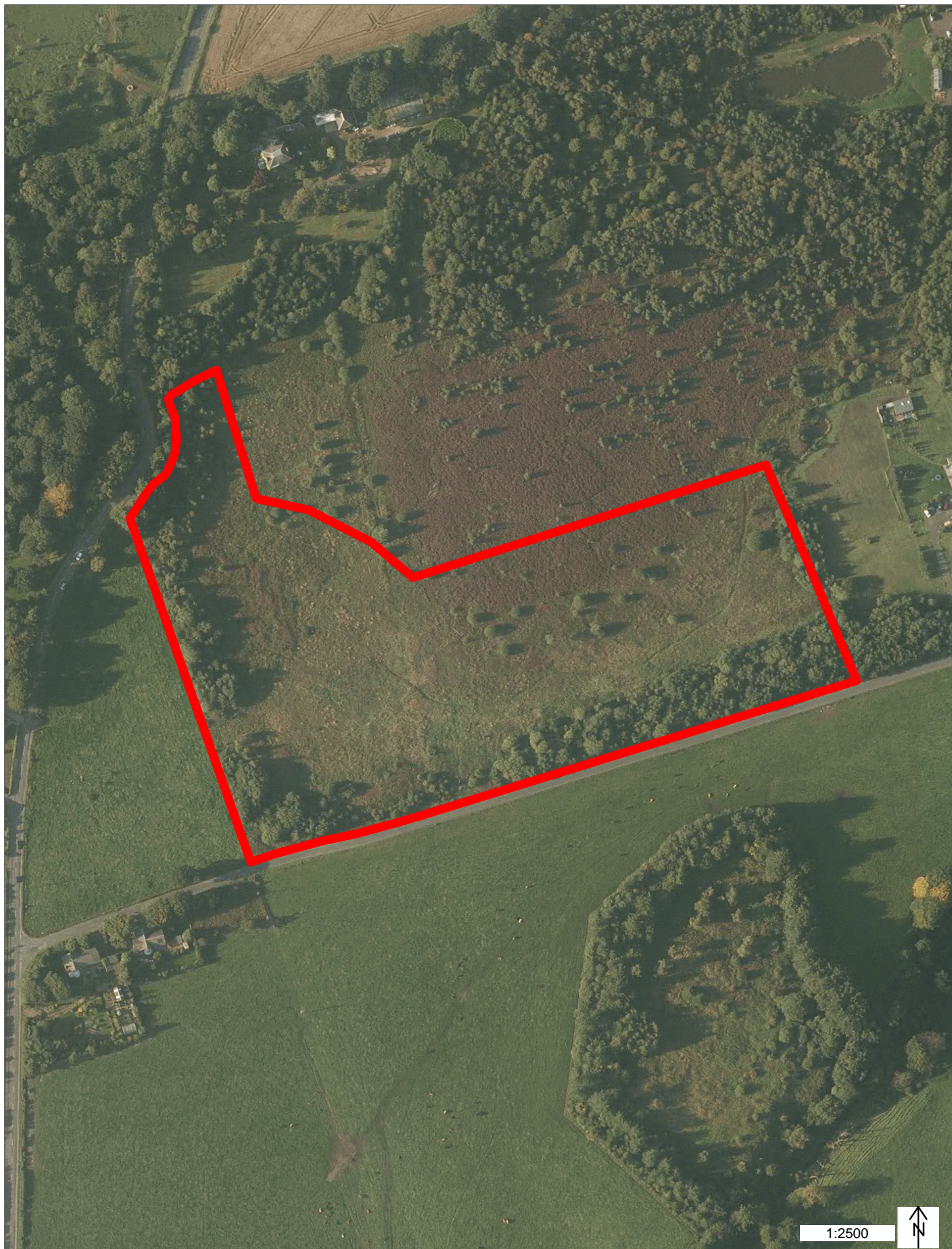


CHRIS NORMAN
Development Management Manager

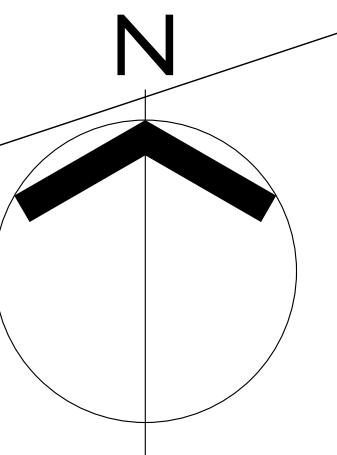
Date: 15 October 2014



0321/MSC/14



0321/MSC/14



CRANNTARA

BRIESTONHILL MOSS

New Pedestrian Access to Mossend.
Detail to be agreed with WLC Transportation.

Recreational Open Space

Clear Area for Underground Utilities

Manor House

The Monument

The Rows

The Paddock

The Rows

Play Area

The Green

The Stables

School Bus Stop with barrier.
Detail to be agreed with WLC Transportation.

GAVIESIDE FARM

4.5x120m Visibility Splay

4.5x120m Visibility Splay

4.5x120m Visibility Splay

4.5x120m Visibility Splay

GAVIESIDE FARM

SITE AREA 4.6 HECTARES

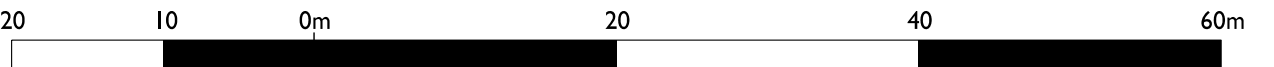
REV K	APRIL 14	UPDATED IN ACCORDANCE WITH LANDSCAPING LAYOUT. GENERAL AMENDMENTS TO ROADS, PLAY AREA INDICATED. ADDITIONAL NOTES ADDED.		
REV J	APRIL 14	LANDSCAPING UPDATED.		
REV I	APRIL 14	TRANSPORTATION.		
REV H	MAR 14	UPDATED FOLLOWING DISCUSSIONS WITH WLC.		
REV G	DEC 13	LAYOUT UPDATED.		
REV F	NOV 13	LANDSCAPING UPDATED.		
REV E	OCT 13	LAYOUT AND MIX UPDATED.		
REV D	OCT 13	LAYOUT AND MIX UPDATED.		
REV C	SEPT 13	LAYOUT AND MIX UPDATED FOLLOWING PLANNING DEPT. COMMENTS.		
REV B	AUG 13	LAYOUT AND MIX UPDATED.		
REV A	AUG 13	PLOT No's ADDED.		
REV	DATE	DRAWN	DESCRIPTION	CHECK APP'D

CLIENT	Gillean Properties
JOB	Proposed Residential Development, Gavieside.
DRAWING	Site Layout.
STATUS	For Planning
Drawn	GH
Checked	
Approved	
DATE	
JOB NO	23788 DR NO (PL)001
REV	K

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ACKNOWLEDGED 03/07/14



**WALKER
GROUP**

Our Ref:
Your Ref:

24 June 2014

West Lothian Council
Development & Regulatory Services
Lomond House,
Beveridge Square,
Livingston
EH54 6QF
FAO Tony Irving

West Lothian Council
Development Management
Date 27 JUN 2014
Ref No 0321/MSD/14
Ref To COR 1061
Ack'd
Replied

Dear Mr. Irving

Objection to Planning Application: 0321/MSD/14 - T. I.

The Walker Group object to MSC application for the erection of 78 houses on the grounds that it is beyond the scope of the outline planning permission and legal agreement, both of which were approved and issued by West Lothian Council pursuant to the maximum total number of units being permitted being 46. Illustrative layouts included with the original outline planning permission and stamped approved under the terms of the outline consent, indicate a total of 46 units being developed on the site. The assessment of the original application by planning, transportation and education was all based on a site capacity of 46 units and this is confirmed in the correspondence between the Council and the applicant in relation to developer contributions. Copies of this correspondence will be lodged with this objection. In addition, the site is confirmed in the finalised 2013 Housing Land Audit as having a capacity of 46. This figure was not challenged by the applicant and arises out of the understanding by WLC that the outline planning permission granted for the site was in respect of a development of less than 50 units.

In respect of transport, no Transportation Assessment was carried out for the original scheme of 46 units, however a development of 78 units in a rural location is significant and would have required a TA. As no TA has been undertaken we would object to this development on Road Safety grounds.

In the assessment of the School Annual Transport Contribution, which is referred to in correspondence dated 10 May 2009 and 24 July 2009 from WLC, it is clear that this is based upon the site accommodating 50 units and the sum was capped in the s.75 for this reason. The section 75 Agreement which was concluded between WLC and the applicant in 2012 was on the basis of this capped amount and by implication the housing numbers pursuant to the outline. There is also concern that the pupil product from the increased numbers cannot be accommodated within the school transport provision funded under the outline consent. There are two significant factors in this regard, firstly the increase in the assessed numbers. The capped assessment provides for school transport on the basis of a maximum of 50 houses, however the total proposed is now 78 and this will increase the number of pupils generated by the site. Secondly, since the original assessment the ratio applied to ND Primary has increased from 0.28 to 0.32, again likely to have the most significant impact of pupil numbers generated from the site.

Walker Group (Scotland) Ltd
Westerwood House, Royston Road
Deans Industrial Estate, Livingston
West Lothian EH54 8AH
T: 01506 413 101 F: 01506 414 843
www.walkergroup.co.uk



In respect of the Education assessment, it is confirmed that in addition to being based upon an estimated capacity of no more than 50 units, WLC Education, in their original consultation on application 0272/P/08 confirmed that the site is a windfall and that support for such sites are only capable if there is capacity and taking into account committed and allocated housing. In this respect if there is capacity beyond the 50 units indicatively approved by the outline consent, then it should be reserved for the balance of the Gavieside CDA and in particular the Mossend site for which a planning application will shortly be lodged.

The WLC Residential Design Guide states that: Housing density should always relate to the character of the wider area and its accessibility. At 50 units the site is in keeping with the rural character of the area. The site is not part of the CDA and is therefore within the WLC Countryside Belt and should be assessed accordingly.

For all of these reasons, this MSC application does not comply with the outline consent to which it relates and as such should be refused consent.

Yours faithfully
for and on behalf of
WALKER GROUP (SCOTLAND) LIMITED


GRAEME A PATRICK
STRATEGIC LAND DIRECTOR

graemep@walkergroup.co.uk

encl.

Irving, Tony

From: Christie, Linda on behalf of Planning
Sent: 29 May 2014 11:43
To: Irving, Tony
Subject: FW: Objections to planning application 0321/MSC/14 - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: Michael Davidson [mailto:]
Sent: 27 May 2014 22:42
To: Planning
Subject: Objections to planning application 0321/MSC/14

Dear Mr Norman,

I wish, as a resident of Polbeth who lives within sight of the proposed development to submit my objections to the planning application 0321/MSC/14 at Gavieside West Calder. My objections are as follows

Unwarranted and unsuitable countryside development Contrary to Local Plan

This development is located in an area that is designated in the Local Plan as countryside belt. This is contrary to policy ENV 31:

Proposals for new build development in the countryside will not normally be approved.

I am aware that it has been argued that this site is a brownfield site due to the historic village that existed at this location and that this site fall within the exception set out in ENV31(iii). However I understand that the village was demolished in 1940 meaning this site had been undeveloped for almost 65 years and has largely returned to a rural greenfield setting. Furthermore the exception in ENV31(iii) only applies to sites which are visually intrusive and have no realistic prospect of being returned to agriculture or no significant natural heritage value.

As can be seen from the photographs submitted with the application the site is most certainly not visually intrusive. Anyone passing the site would not be able to identify it as being anything but a natural rural setting. The site is currently largely undisturbed vegetation providing an important wildlife corridor linking the valuable habitat of the West Calder Burn to the wider countryside surrounding West Calder, City Farm, Seafield and the local nature reserve at Addiewell. Development in this location is liable to impair wildlife movements, significantly reducing the value of the habitat along the burn.

Development will cause coalescence of West Calder, Polbeth and Livingston contrary to local plan

While at 84 houses the development is small in scale it is important that it be considered in the wider context of the area. The development plan proposes significant development in this area in the form of the Mossend, Cleuch Brae and Gavieside CDAs. Once complete these significant developments will replace much of the current rural land along the line of the B7015/Mossend corridor with urban development leaving only a narrow ribbon of rural/open land between Livingston, Polbeth and West Calder. When considered along with the already narrow ribbons between Livingston and Polbeth and Polbeth and West Calder along the A71 corridor and the proposed developments at Brucefield it is clear that we will be perilously close to

West Calder and Livingston being swallowed up by Livingston in much the same way as has already happened to Bellsquarry.

In this context it is essential that any further development between West Calder, Polbeth and Livingston be resisted if we are to retain any hope of these settlements retaining a distinct character.

Allowing this development will, if modifications are not made to the CDAs to increase the provision of countryside belts irrevocably destroy the distinct characters of Polbeth and West Calder.

Allowing this development would be contrary to policy ENV 22 which requires that countryside belts be protected and enhanced and ENV 23 which requires that developments causing coalescence or sporadic development be resisted.

To allow such developments to proceed will set a precedent that will place the distinct character of other settlements near Livingston and the other larger settlements from danger of unwarranted, uncontrolled urban sprawl. Furthermore I am aware that the developers involved in the Mossend CDA development have requested adjustments to the CDA that would move parts of it closer to Polbeth and this precedent might prove to be the thin end of the wedge in leading such adjustments to being allowed placing greater threat of coalescence.

In the event that this development be approved I would ask that due consideration be given for the impact this will have on the appropriate separation of the Mossend and Gavieside Farm CDAs with a view of adjusting the area of the CDAs so that appropriate separation be maintained in the light of a development of this size, and that consideration being given to stronger safeguarding against any expansion of the CDAs in this area and against further development between West Calder, Livingston and Polbeth.

Unsuitable road access

The proposed access to the development is off the narrow Polbeth Road. While the road is wide enough to accommodate two way traffic it is only barely so, and suffers from regular winter flooding. The route from Polbeth crosses a narrow single track bridge at the bottom of a steep hill with narrow and difficult blind bends that are wholly unsuitable for additional traffic at a time when the success of the nearby zoo park is already generating additional traffic.

Any further traffic growth is likely to cause significant road safety issues at the Polbeth end, especially at School times where there is likely to be additional traffic trying to access the schools at West Calder High and Polbeth.

As the development is far from any bus routes and is likely to be too small to make commercial bus services viable it is expected that the majority of journeys will take place by private car meaning that the impact of traffic is likely to be greater than similarly sized developments in more urban settings. This will exacerbate the traffic issues.

I also note that the supplied vehicle tracking plan indicates clearly that the junction areas are likely to be effectively single track causing difficulties for safe access by large vehicles and safety risks due to conflicts between traffic entering the development and fast moving through traffic.

In the event that the proposal is approved I ask that consideration be given to attaching conditions requiring the development to upgrade the road and pavement access to Mossend and to develop measures to deter additional traffic growth into Polbeth (without unduly inconveniencing existing users).

I also ask that consideration be given to conditions requiring the developer to improve the width and visibility of the access roads off Polbeth Road.

Unsuitable Pedestrian Access

Currently there is no pedestrian provision along Polbeth road. While I note the plan to provide a pedestrian access onto Mossend, this will connect with a pavement that is narrow, substandard and in very poor condition. This pavement is barely suitable for current occasional use and is not fit to accommodate any growth in pedestrian usage. I also note that this pavement is some considerable distance from Livingston, entering near the Alba campus along an corridor that is unpopular with pedestrians.

The development will be near Polbeth, indeed this will be source of most local amenities for the development as well as within easy walking distance of the Primary School in Polbeth, and the only practicable means of pedestrian access to public transport. However this road currently has no pedestrian provision, is a National Speed Limit road and as already noted passes over a narrow single track road followed by a section that is narrow, steep with difficult bends. Even were the speed limit to be reduced and traffic calming introduced this would not be sufficient to mitigate the unsuitability of the Polbeth end of the road for any volume of pedestrian traffic, and most certainly for any pupils making their way to school.

Any attempt to provide pavement access along the road would be expensive (requiring replacement of the bridge) and be liable to cause further damage to the habitat along the West Calder Burn (which would already be damaged by the presence of the development).

It is unlikely that there could be any successful means of preventing pedestrian traffic short of removal of the bridge, which would unduly inconvenience existing users, harm the zoo park and cause safety and environmental issues due to informal traffic crossing the burn.

In the light of this allowing the development would contravene policy TRAN2

In the event the development is approved I request that consideration be given to adding conditions requiring the developer to contribute to upgrading the pavements along the B7015/Mossend corridor to improve pedestrian access to West Calder and Livingston, and to provide a suitable means of (ideally off road) pedestrian access into Polbeth in accordance with Policies TRAN 3, TRAN 8, TRAN 15

Unsuitable school bus provision

I note that the plans provide for a bus stop layby on Polbeth Road for school bus provision. However I see no provision for allowing buses to turn. This will mean that school buses will be forced to proceed along Polbeth Road into Polbeth.

I have already noted the poor quality of this road and its unsuitability for additional traffic. This is particularly the case for large vehicles such as buses and I note that there is a 5t (except for access) weight limit on the bridge. As most buses weigh well in excess of 5t it means that with the exception of buses to the primary school (which would be allowed via the access exception), for example those accessing West Calder High would have no alternative but to attempt a difficult and dangerous turn on a very narrow road or commit a criminal offence. Furthermore the steep hill and narrowness of the road at the Polbeth end would present a difficult challenge for buses especially when meeting vehicular traffic, and the 5t limit is in place for a reason meaning it would be undesirable for regular bus traffic to the primary school to be permitted.

In the event that the development is approved I ask that consideration be given to applying a condition requiring the development to make provision for a suitable full sized bus turning circle away from Polbeth Road to allow buses and indeed heavy vehicles making deliveries to the estate to turn safely in accordance with Policy TRAN 12, TRAN 15

Furthermore I would ask that consideration be given to a condition requiring the developer to make contributions to Transportation to allow them to promote a traffic order prohibiting through bus and LGV

traffic on the road by removing the except for access prohibition, and to provide for improved signage of the restriction, noting that the current signage is substandard and inadequate having not been maintained in accordance with the requirements of the Traffic Signs Regulations and General Directions 2002 as amended and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 as amended, and to work with transportation to ensure that processes are put in place to ensure that signage does not in future be allowed to fall into the current state of disrepair and neglect.

Inadequate environmental impact investigations

As this development is in a rural location near an important watercourse and wildlife habitat in a countryside belt. It would be appropriate to require that a full environmental impact investigation carried out by an independent recognized body be carried out.

I note that the application does not appear to contain any consideration of or information on the environmental impact of this countryside development,

I would therefore request that should this application be approved that a condition be applied that the developer fund a full environmental impact investigation and that it be required to abide by and implement in full any recommendation that may be made by such an investigation.

I look forwards to your response, and would be grateful if you could keep me up to date as to the timescales for any decision and if or when the matter may be considered by Councillors.

Finally I would be grateful if, before my submission be entered onto the planning website, in the interests of protecting my email account from undue and unwanted SPAM, that my email address be redacted.

If you need me to provide my address for your records please let me know and I will be happy to oblige.

Kind Regards,

Michael Davidson

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>

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

DRAFT DECISION - APPLICATION 0321/MSC/14

- 1 The housing density, resultant number of residential units and layout is not acceptable in that it does not take sufficient regard of the countryside location and lack of footway links to Polbeth and West Calder and lack of public transport. The proposal is therefore contrary to:
 - Policy 8 (transportation) of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).
 - Policies HOU 6 (density), HOU 7 (design & layout), HOU 8 (assess & parking), TRAN 2 (transport impacts), TRAN 12 (sustainable transport) and IMP 14 (supplementary planning guidance) of the West Lothian Local Plan.
 - The council's supplementary planning guidance *Residential Development Guide*.
- 2 There are deficiencies in the proposal with respect to information on existing trees, open space provision, SUDS, road layout & parking and contaminated land. The detailed layout and design is thus not acceptable. The proposal is therefore contrary to:
 - Policies ENV 11 & 14 (woodlands & trees), HOU 5 (open space), IMP 6 (SUDS), HOU 7 (design & layout), HOU 8 (assess & parking), NWR 19 (contaminated land) and IMP 14 (supplementary planning guidance) of the West Lothian Local Plan.
 - The council's supplementary planning guidance *Residential Development Guide, Flood Risk & Drainage and Contaminated Land*.
- 3 No agreement has been reached on a financial contribution for affordable housing. The proposal is therefore contrary to:
 - Policies HOU 10 (affordable housing) and IMP 14 (supplementary planning guidance) of the West Lothian Local Plan.
 - The council's supplementary planning guidance *Affordable Housing*.
- 4 The increase in unit numbers from the 46 indicated at the planning permission in principle stage to the 78 now proposed would have adverse implications for education infrastructure and the consequential ability to implement the local plan CDA development strategy. The proposal is therefore contrary to:
 - Policy 9 (infrastructure) of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan).
 - Policies IMP 3 (education constraints) and IMP 14 (supplementary planning guidance) of the West Lothian Local Plan.
 - The council's supplementary planning guidance *Planning for Education*.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Two storey extension to side of house at 31 Loaninghill Park, Uphall.

2 DETAILS

Reference no.	0547/H/14	Owner of site	Ms Britton
Applicant	Ms Britton	Ward & local members	Broxburn, Uphall and Winchburgh T. Boyle J. Campbell D. Calder A. Davidson
Case officer	Lindsey Patterson	Contact details	01506 282311 lindsey.patterson@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Calder

3 RECOMMENDATION

Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the construction of a two-storey extension on an existing driveway to the side of a two-storey semi-detached house.
- 4.2 The proposed extension is to be built up to the boundary of the front garden of the neighbouring property to the south-west, with a 6 metre distance between the proposed gable and existing front windows of that house. The extension would be finished in materials that match the existing details of the house. The application site is at a higher level than the ground level of the houses immediately to the south-west which will directly face the gable of the proposed extension. The surrounding houses are a mix of two storey and single storey properties.

- 4.3 A previous application (0329/H/14) for a two storey extension to the property was granted on 9 July 2014. That application was originally submitted with the same plans as this application, but following negotiation and meetings with the applicant and agent, a compromise was agreed to reduce the extension to one and a half storey with dormer windows to the front and rear.
- 4.4 The reason for seeking the earlier amendment was to minimise the visual impact of the extension on the neighbouring house which faces the gable elevation; the reduction in height which was agreed with the applicant made the extension acceptable in terms of its impact on that property.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform ?
West Lothian Local Plan	Policy HOU 9 Residential Amenity	Residential amenity for the residents of the neighbouring houses to the south-west will be adversely affected by the overbearing appearance of the proposed extension.	No

Also of relevance is the council's House Extension and Alteration Design Guide, which requires that extensions should generally be 1 metre from the boundary. A lesser distance may be considered where the extension does not significantly impact on the neighbours' amenity, which is not the case with this application as the proposal will have an adverse effect on the neighbouring property. The guide also states that two storey side extensions should be subsidiary in appearance to the main house by reducing the ridge height or by stepping the extension back, again this application does not conform to this guidance.

6. REPRESENTATIONS

The period for receipt of representations has expired. No letters of representation have been received.

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 In assessing the application the impact of the proposed development on neighbouring residents, and its degree of accordance with the council's House Extension and Alteration Design Guide, require to be assessed.
- 8.3 The proposed extension would present a largely blank rendered gable wall 6.9 metres wide by 8.2 metres high, only 6.5 metres from the front elevation of the neighbouring property to the south-west of the application site. This is considered to constitute over dominance in a residential context, and it would be detrimental to the residential and visual amenity of the occupants of that property, contrary to the requirements of policy HOU 9 of West Lothian Local Plan.

- 8.4 The 'House Extension and Alteration Design Guide' requires, as a first principle, that any extension is designed as an integral part of the original building and should be subsidiary to the existing building in appearance. It also requires that an extension should not dominate the surrounding buildings. The proposed extension is the same height and width as the existing house and does not appear to be an obvious extension, contrary to the requirement that side extensions should be subsidiary to the main house by means of a reduction in ridge height or set back from the front elevation.
- 8.5 The difference in ground levels, in addition, will exacerbate the dominant appearance of the proposed extension when viewed from the neighbouring property. The proposed extension would be only 6.5 metres from the front elevation of the neighbouring property. The Guide states that new extensions should be an adequate distance from mutual boundaries to avoid feelings of development being 'crammed in' and should not have an adverse impact on visual amenity. The proposed extension is, therefore, contrary to the requirements of the 'House Extension and Alteration Design Guide'.

9. CONCLUSION AND RECOMMENDATION

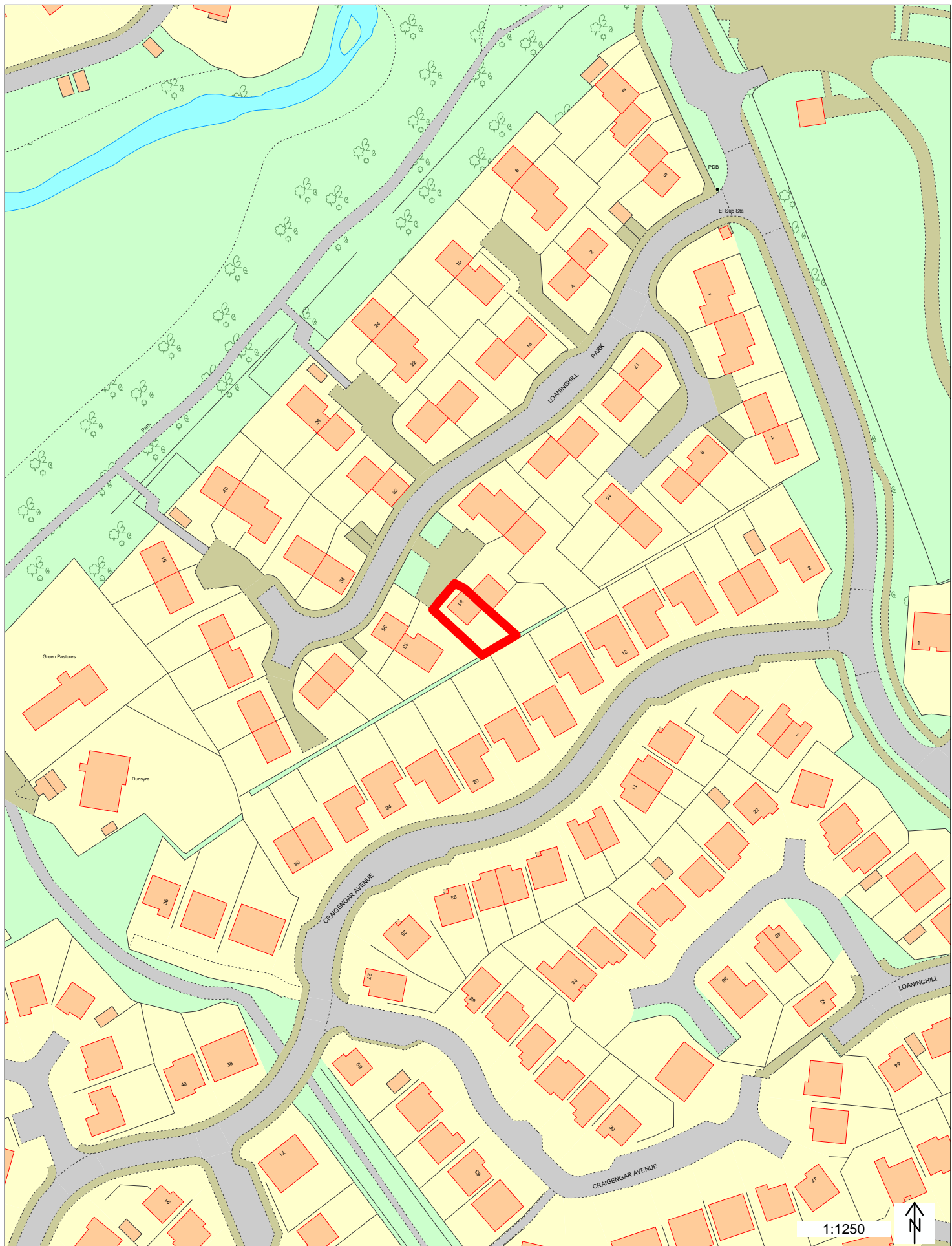
- 9.1 The proposed development would dominate the front elevation of neighbouring properties. The gable elevation would be significantly overbearing when viewed from the habitable rooms at the front of the neighbouring property. It would have a detrimental impact on residential amenity and does not accord with the House Extension and Design Guide in important respects.
- 9.2 Consequently, and in view of the above, it is recommended that planning permission is refused.

11. BACKGROUND REFERENCES & ATTACHMENTS

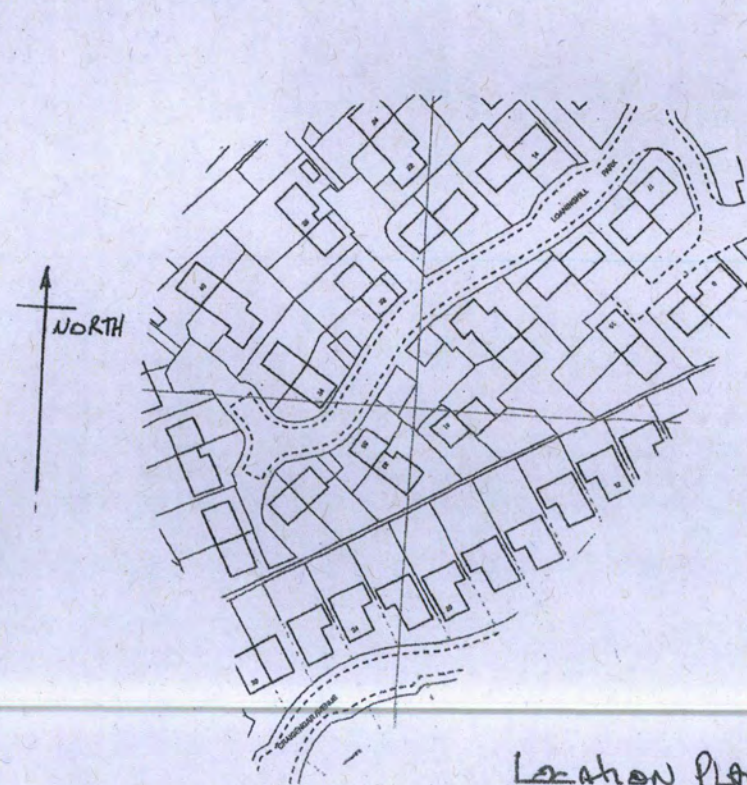
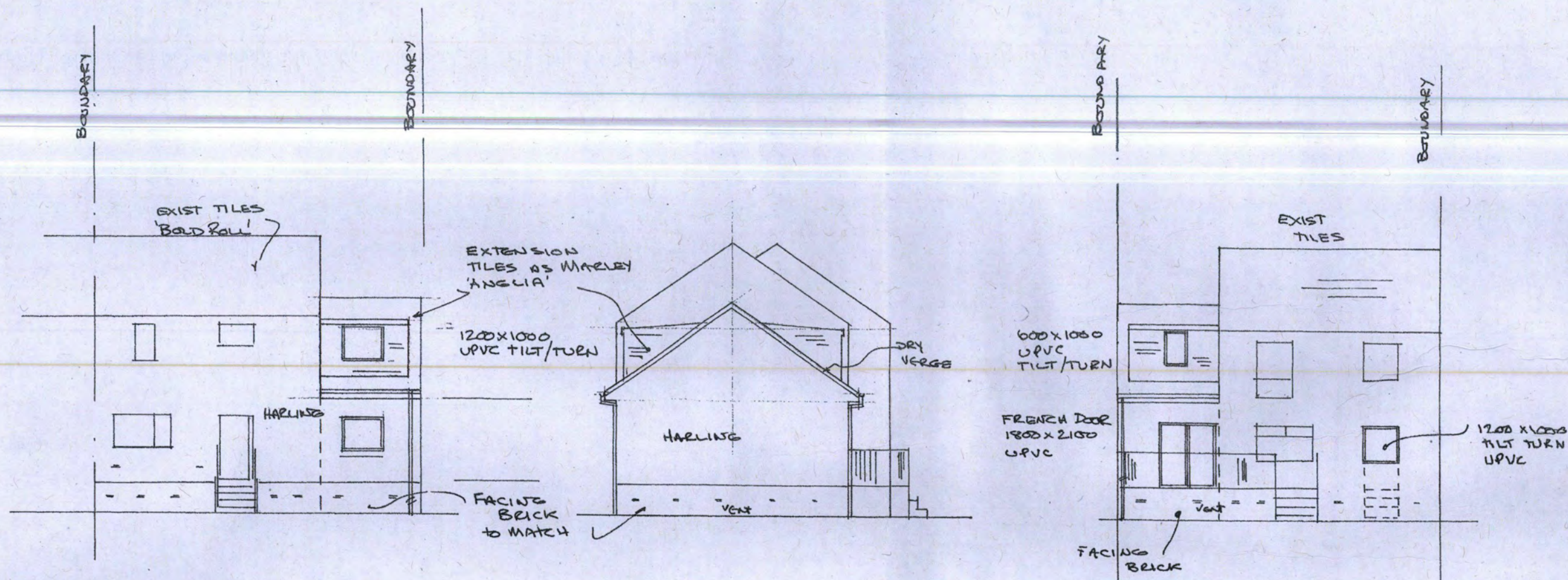
- Location Plan
- Layout approved under application 0329/H/14
- Draft Reasons for Refusal
- Member Referral Form

CHRIS NORMAN
Development Management Manager

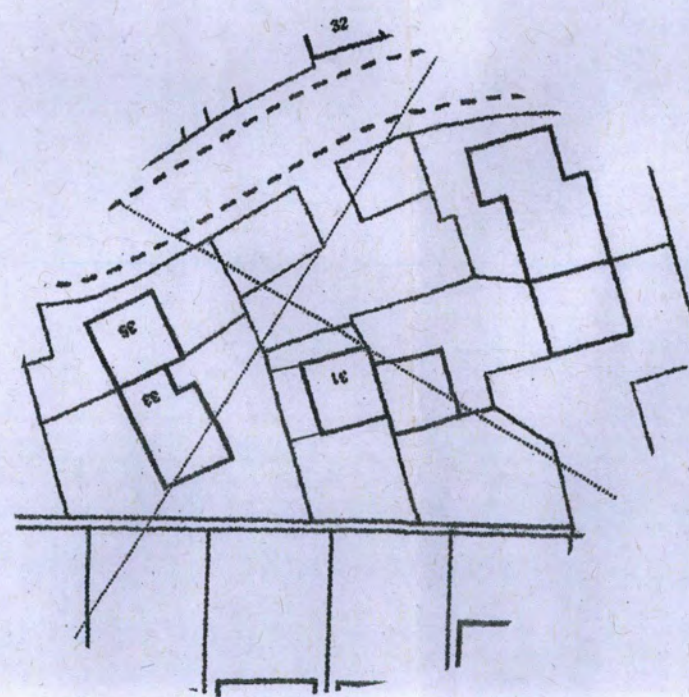
Date: 15/10/14



0547/H/14



Location Plan



SITE PLAN

Granted Planning Permission by West Lothian Council, subject to the conditions contained in the attached Decision Notice.

Chris Norman

Development Management Manager

Date 4/7/14

1 of 2

SIDE EXTENSION AND INTERNAL ALTERATIONS		Mc BRIDON 31 LAMINGHILL PARK BROXBURN	
P2			
1:100	1:1250 1:500	MAY 14	01

DRAFT REASONS FOR REFUSAL - APPLICATION 04/14

- 1 The proposed extension, by virtue of its scale and dominant appearance will have an unacceptable impact on the visual amenity of the neighbouring residents and is therefore contrary to policy HOU9 of the Finalised West Lothian Local Plan and the House Extension and Alteration Design Guide.



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/performanceOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0547/H/14	Applicant Request <input type="checkbox"/>
Site Address 31 Loaninghill Park UPHALL	Constituent Request <input type="checkbox"/>
Title of Application Planning	Other (please specify) <input type="checkbox"/>
Member's Name Diane Calder Cllr	



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Construction of a detached house with associated parking and access at Ward Place, Eliburn, Livingston.

2 DETAILS

Reference no.	0612/FUL/14	Owner of site	Mr and Mrs T Harry
Applicant	Mr and Mrs T Harry	Ward & local members	Livingston North R De Bold A McMillan A Millar A Moohan
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: Application called to committee by Councillor McMillan.

3 RECOMMENDATION

Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The planning application seeks full planning permission to construct a 4 bedroom, two storey detached house on a 342sqm area of structural landscaping/tree belt which lies between the eastern edge of Ward Place and Alderstone Path, the main footpath link leading north and south along Alderstone Road. The application site forms part of a larger area of established landscaping put in place by Livingston Development Corporation (LDC) and fronts Alderstone Road at the junction of Newyearfield roundabout. The burden of maintenance for this land was transferred by LDC to third party, most likely the Scottish Greenbelt Company, and has since been purchased by the applicants at auction.
- 4.2 Details of the design of the house, which is not dissimilar to the properties in Ward Place, and the layout of the site are attached to this report.

- 4.3 The woodland area to the east of Ward Place is an important landscape feature in this part of Livingston; it adds to the character, bio-diversity and amenity of the townscape and this undeveloped natural backcloth to the urban part of Livingston underscores its importance in planning terms.
- 4.4 Access to the house would be taken off an existing turning point adjacent to 13 Ward Place, with the in curtilage parking area set beyond the end of the turning point. The proposed house would lie 1m off the boundary with 13 Ward Place and 2m from the gable of this property. The front building line of the proposed house would be set approximately 3 to 4m further back into the site from the front building line of 13 Ward Place and would extend some 5m behind the rear building line of 13 Ward Place.
- 4.5 The application site and wider landscape area is not specifically designated in the local plan as open space and nor is the area protected by a Tree Preservation Order (TPO). The applicant has undertaken a tree and woodland survey which recommends woodland management works across the wider area owned by the applicant as well as the application site.
- 4.6 Planning permission was granted for the construction of 23 houses at Ward Place in September 1998, site plan attached. The layout for this development maintained an area of landscaping to the eastern edge of the site and is now the subject of the current planning application. There have been no previous planning applications to develop on the site which is the subject of this planning application.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	COM2 (open space)	<p>Proposals which will result in the loss of urban sports and recreation facilities, or formal and informal open space, will be resisted. These spaces include parks and formal gardens, wildlife habitats, civic spaces and allotments. Proposals to develop or change the use of open space areas will be assessed against the following criteria:</p> <ul style="list-style-type: none"> a. a locational justification for the development; b. the importance of the open space for recreation or amenity; c. disturbance and loss of trees, woodlands and wildlife habitats or green corridors; and d. the availability and accessibility of alternative suitable open space, including the suitability of any replacement provision proposed by a developer. <p>Whilst the site is not specifically identified as open space in the local plan, without doubt it forms part of an extended area of amenity landscaping and informally acts as open space enhancing the</p>	No

Plan	Policy	Assessment	Conform?
		<p>environmental qualities of this part of Livingston.</p> <p>There is no locational justification for the development. The applicant describes the site as a gap site when the application site clearly formed part of a larger area of structural landscaping in 1998. The applicant also intimates that allowing a property on the site would allow for future maintenance of the remaining landscape area. As land owner, the applicant can arrange for maintenance of this area without the benefit of constructing a new house. The construction of a house on this site will reduce the quality and quantity of the amenity space and result in the loss of trees to the detriment of the character and appearance of the area.</p>	
WLLP	ENV11 (development affecting woodland)	<p>There will be a presumption against development affecting woodlands and trees unless there is a proven locational need, and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided.</p> <p>There is no proven locational justification for this development on the site as proposed. In other words, there are no grounds that require the house to be constructed on this particular site because of any inherent qualities of the area.</p> <p>Additionally the construction of a house on this site will set an undesirable precedent for further development on similar areas of land.</p>	No
WLLP	HOU2 (development within settlement envelopes)	<p>Within the settlement envelopes shown on the proposals map:</p> <p>a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM 2 would apply);</p> <p>b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of policy HOU 9;</p> <p>c. development in conservation areas, or areas of</p>	No

Plan	Policy	Assessment	Conform?
		<p>special control, must be of the highest quality and of a scale and design appropriate to their setting;</p> <p>d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and,</p> <p>e. development briefs, will be prepared where appropriate.</p> <p>Whilst the development lies within a residential area, the site and surrounding area is of important local landscape character, the loss of which will be to the detriment of visual amenity of the area and set an undesirable precedent for similar proposals contrary to criterion (b) above. The site can also be considered as important informal local open space protected by policy COM2.</p>	
WLLP	HOU9 (residential and visual amenity)	<p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p> <p>The construction of a house on this site will impact adversely on the visual amenity of the area and set an undesirable precedent for other similar proposals. Whilst the design of the house is not dissimilar to those in the street and the layout meets current space requirements, the proposed house will sit around 5m further behind the rear wall of 13 Ward Place, presenting a two storey wall to the rear garden of this property in place of the woodland currently enjoyed. This would result in a loss of amenity to the occupiers of 13 Ward Place.</p> <p>There would be no direct overlooking however, there may be some overshadowing of the adjacent property in the early part of the day.</p>	No
WLLP	IMP14 (supplementary planning guidance)	<p>Developers must have regard to the planning policies and guidance referred to in the local plan. In submitting a planning application, a developer must conform to the council's supplementary guidance.</p> <p>The relevant supplementary guidance on single plot and small scale infill residential developments</p>	No

Plan	Policy	Assessment	Conform?
		<p>provides that developments will be resisted where they would adversely impact on the character of the settlement or open space value.</p> <p>If planning permission is granted contrary to this recommendation, the applicant will be bound by the council's policies on developer contributions.</p>	

6 REPRESENTATIONS

9 letters of objection were received, albeit 2 out of time. A summary of the comments is set out below and a copy of the full representations is attached to this report.

Comments	Response
Loss of privacy and increased noise.	There is no direct overlooking into neighbouring properties or their private garden ground and the privacy distances between neighbouring properties meets current standards. It is acknowledged however that there would be a loss of privacy to some degree to 13 Ward Place and that there is the potential for an increase in noise from this development.
Unacceptable noise during building works.	If granted, a condition can be applied restricting building times. The construction period is finite and would cause disruption for a limited period.
Loss of woodland and wildlife habitat	It is agreed that the proposed development would have a detrimental impact on any existing localised wildlife, albeit on a small scale. The loss of the trees would however have a more significant impact on the general amenity of the wider area and result in an unacceptable loss of trees in an area which benefits from local structured landscaping.
Change in character of the area	It is agreed that the loss of these trees and the construction of a house would result in a detrimental change in the character of the area.
Road safety, access and parking	It is accepted that an additional house in the cul-de-sac would result in additional traffic. Transportation has however been consulted and raised no objections to the application. The proposed new house would not preclude children from continuing to play in the street.

7 CONSULTATIONS

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

Consultee	Comments	Planning response
Education	No objections (verbal) but contributions required.	Noted
Transportation	No objections	Noted.
Scottish Water	None	It is the applicant's responsibility to ensure connection
Lothian & Borders Badger Group	None	This is unlikely but should permission be granted an appropriate survey will be required.

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 The application site lies within the residential area of Eliburn and forms part of a larger area of tree planting which lies to the east of Ward Place and fronts onto Alderstone Road and Eliburn Road at the junction with Newyearfield Roundabout. Failing to protect these trees and their setting from development will erode the established local woodland character of the area. Regardless of the site not being specifically allocated as open space in the local plan it is clear that development on this site is contrary to policy COM2 of the WLLP.
- 8.3 The landscaping in this area provides an important landscape setting within the urban framework of Livingston. Allowing the removal of this area of woodland sets an undesirable precedent for the development of other similar areas of woodland and structure landscaping within Livingston and puts additional pressure on the remaining area of woodland on the eastern edge of Ward Place.
- 8.4 Although the site is in the applicant's ownership, that in itself is not a valid planning reason that justifies a departure from settled planning policy. There is no proven locational justification for a house on this site. In other words there is nothing so special about the development in a material planning sense that justifies setting aside planning policy. Given that there is no specific locational need to build on this particular area of land the proposals are contrary to policies COM2 and ENV11 of the WLLP.
- 8.5 The loss of trees on the site is unacceptable in terms of policy ENV11 of the WLLP which seeks to protect woodland and trees where there is particular local amenity value.
- 8.6 Policy HOU2 has a presumption in favour of new development providing the site is not of important open space value where policy COM2 would apply or where the requirements of HOU9 fail. It is clear that the nature of the site is such that policy COM2 can be considered and that the loss of visual amenity is contrary to HOU9. In that regard, the proposals are contrary to policy HOU2.

- 8.7 The council's SPG on single plot and small scale infill residential development makes it clear that developments which are contrary to COM2 of the WLLP will not be supported. It also states that the design, appearance and the materials of the proposed house should complement the character of the existing built frontage. Whilst there are a variety of house types in the area, the properties adjacent to and most affected by the development are finished in render and no more than one and a half storey high. The proposals therefore do not accord with the SPG or policy IMP14 of the WLLP.

9 CONCLUSION AND RECOMMENDATION

- 9.1 The applicant purchased the extended area of landscaping at auction and seeks to construct a house on a section of this land which is accessed from Ward Place. The applicant makes various points in a supporting statement in respect of the land not being specifically allocated in the local plan as open space, the trees are not covered by a TPO and could be felled without authorisation from the council and that by allowing a house on part of the land it would allow for management of the remainder of the landscape area.
- 9.2 It is true to say that the trees on the site and wider area are not protected by a tree preservation order and that the local plan does not specifically identify this site as open space and therefore covered under policy COM2. It is not possible for the council to promote tree preservation orders on every potential site within the district however, the council's open space strategy does categorize both the application site and wider area as amenity greenspace.
- 9.3 The character and nature of the site as local amenity space should therefore be considered on its merits and not merely whether there is a specific land allocation in the local plan. The applicant bought the site at auction as a speculative development. There is no locational justification for a house on the site and as land owner, the applicant need not live on the land in order to arrange for its maintenance.
- 9.4 The proposals in this regard do not accord with council policies and allowing this development will set an undesirable precedent for development on other areas of open space and woodland in the Livingston area.
- 9.5 It is recommended therefore that permission be refused. If however Members decide to grant planning permission then developer contributions will be required through a Section 69 or Section 75 legal agreement towards education and cemeteries.

10 ATTACHMENTS

- Location plan
- Aerial photograph
- Site photograph
- Original housing site layout
- Proposed house type
- Supporting information
- Letters of objection
- Draft reasons for refusal

CHRIS NORMAN
Development Management Manager

Date: 15 October 2014



West Lothian
Council

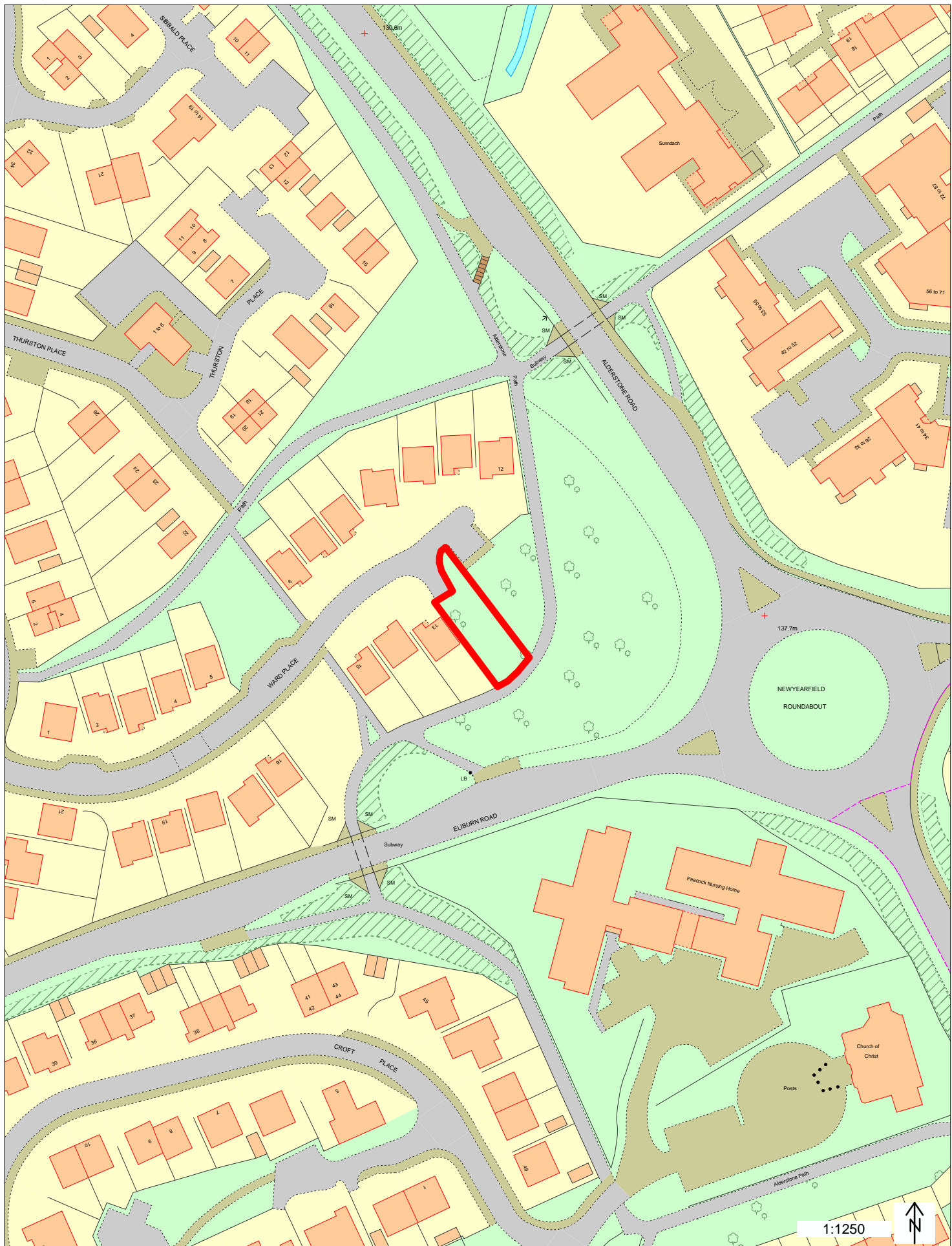
Planning Services
Development Management Committee

☒ 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/performanceOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0612/FUL/14	Applicant Request.....x <input type="checkbox"/>
Site Address Ward Place, Eliburn, Livingston	
Title of Application Land at Eliburn- House Build	
Member's Name Cllr Anne McMillan	
Date 07/10/2014	

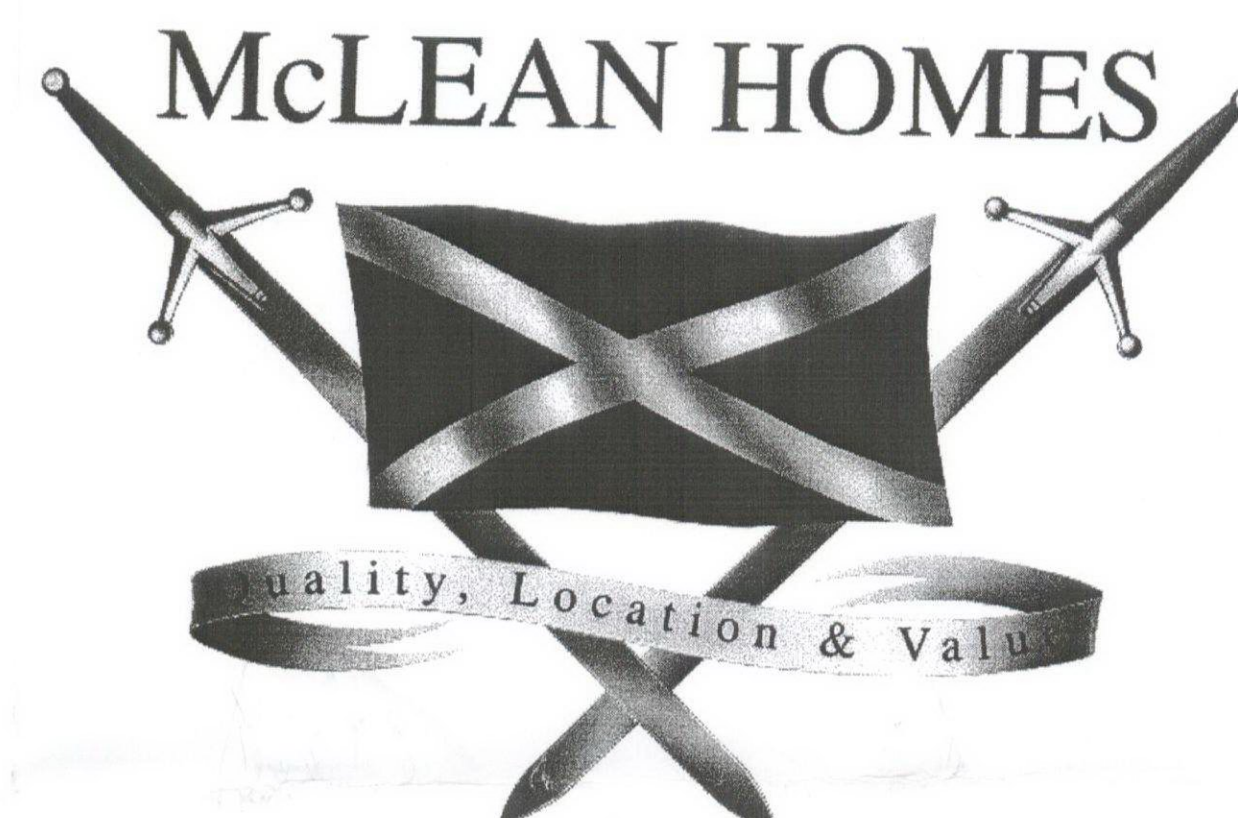


0612/FUL/14



0612/FUL/14





McLean Homes East Scotland Ltd
Westerton house, east mains industrial estate
Broxburn, west Lothian EH52 5AU

Proposed development at Gavin place, eliburn, Livingston

DEVELOPMENT LAYOUT

ALDERCOURT

ALL DRIVEWAYS TO BE CONSTRUCTED OF BLOCK PAVIORS, UNLESS OTHERWISE STATED, 6M DEEP AND 5M WIDE
POST AND WIRE DIVISION FENCES TO PLOTS UNLESS OTHERWISE NOTED

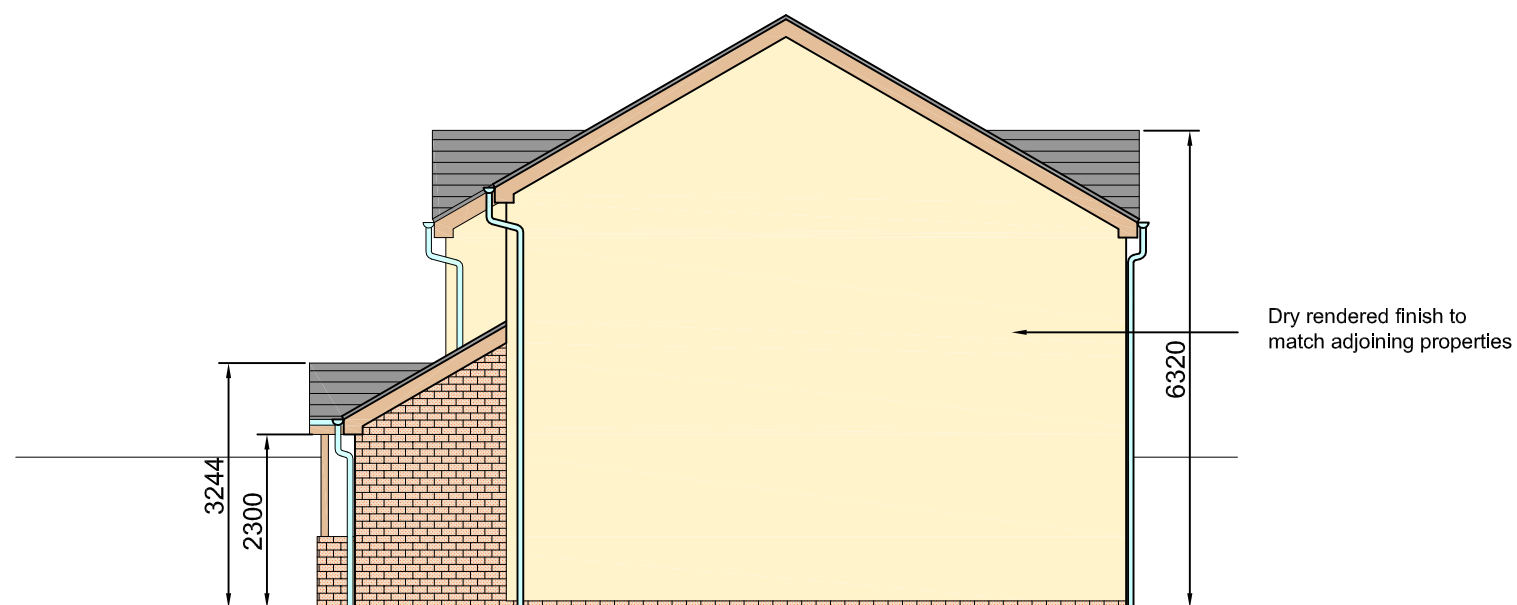
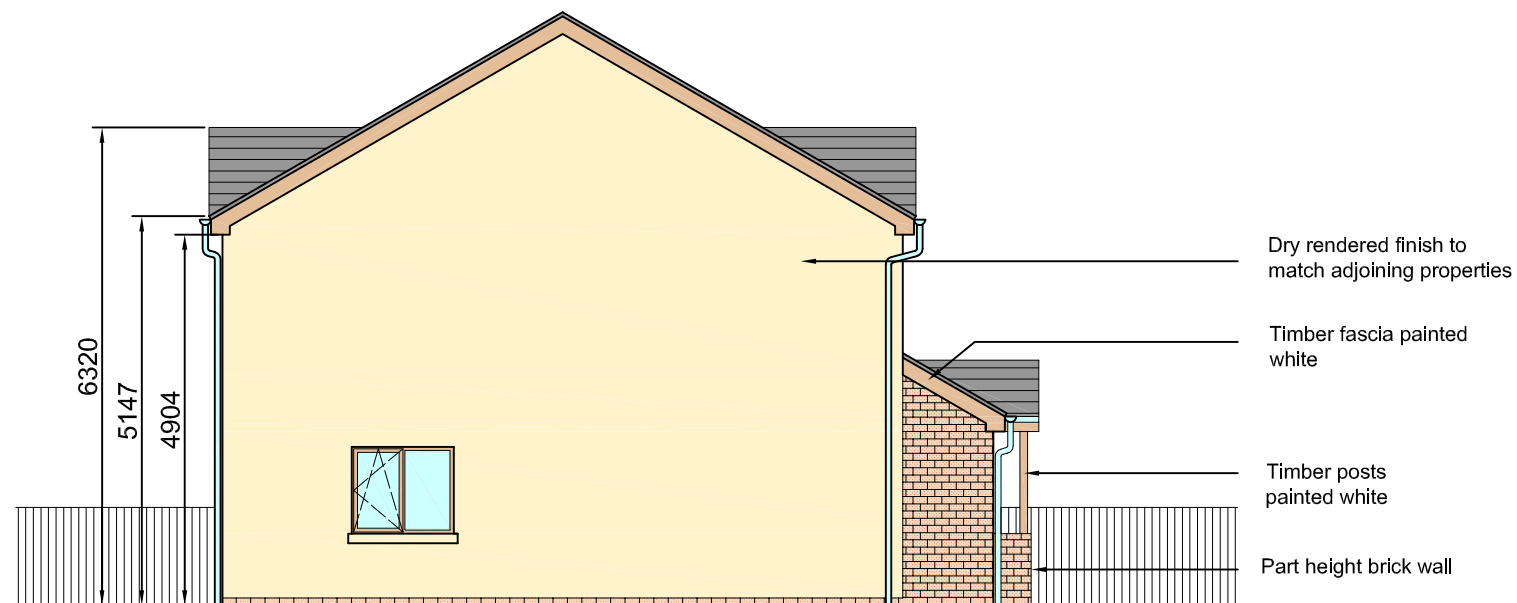
DWELLINGS TO BE CONSTRUCTED AS FOLLOWS
ROOF, CONCRETE INTERLOCKING TILES, COLOUR AND PROFILE AS PER SCHEDULE
WINDOWS, WHITE PVCu
EXTERNAL WALLS, BRICK AND RENDER, COLOUR AND SPECIFICATION AS PER SCHEDULE

SCHEDULE OF ACCOMMODATION

CRAIL HOUSE TYPE 3 BED DETACHED	2
LEVEN HOUSE TYPE 4 BED DETACHED	8
DUNDAS HOUSE TYPE 4 BED DETACHED	3
RAVELSTON HOUSE TYPE 4 BED DETACHED	6
GULLANE HOUSE TYPE 4 BED DETACHED	4

TOTAL; 23
REVISED 11 NOVEMBER 1998

WEST LoTHIAN COUNCIL
Development Control
23 NOV 1998 0933/98
Received Ref No.



From: Christie, Linda on behalf of Planning
Sent: 19 September 2014 09:06
To: McLaren, Steve
Subject: FW: 0612/FUL/14: LAND AT 13 WARD PLACE, LIVINGSTON, EH54 6FB - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

From: Euan Pearson [mailto:euan.pearson@pearsonplanning.co.uk]
Sent: 17 September 2014 22:28
To: McLaren, Steve
Cc: Planning
Subject: 0612/FUL/14: LAND AT 13 WARD PLACE, LIVINGSTON, EH54 6FB

Steven

This application has been allocated to you, and I am providing the following information to help you with the determination process.

Details of the Development

My client, Mr & Mrs Harry, own two pieces of neighbouring land at Eliburn. The larger extends to 0.26ha and fronts Eliburn Rd/Alderstone Rd. The smaller (0.07ha) fronts Ward Place, a quiet residential cul-de-sac. Between the two is a narrow footpath (Alderstone Path). This is a through route connecting with subways beneath Alderstone Road and Eliburn Road. This is not a Core Path. The Path remains unaffected by the development.

Both pieces of land contain trees. The trees are not protected.

The Applicant has produced a Tree and Woodland Survey & Assessment of both pieces of land. Trees range from young saplings to fully overgrown trees. The pieces of land have been in private ownership since sold by the defunct Livingston Development Corporation, dissolved on 31st March 1997. The trees have not been looked after as part of a Management Plan.

The trees lining the Path corridor have a visual amenity value. The pieces of land, however, are generally inaccessible and have no recreational value. The Survey & Assessment indicates that the larger piece of land has potential to become of greater biodiversity value, if positively managed. Similarly, the Survey & Assessment concludes that the larger piece of land can deliver landscape & amenity benefits through positive management.

The Applicant proposes to construct a single dwellinghouse on part of the smaller piece of land. Conditional planning permission is sought on the basis that a Management Plan be produced to enhance the larger piece of land, including the works recommended in the Survey & Assessment.

The proposed dwellinghouse will be located in a rectangular plot (341.7m²) adjacent to the row of detached houses at 13-15 Ward Place.

The dwellinghouse has been purposely designed to reflect existing homes in the cul-de-sac. Properties on this side of the street typically have open front gardens, and larger enclosed rear gardens. There is in curtilage parking for two vehicles, access taken directly off Ward Place. This also facilitates kerbside waste/recycling collection.

The dwellinghouse is a 3 bedroom property over two storeys, with a pitched roof. The building footprint is 94.7m². This equates to 27.7% of the plot.

Although triple aspect, there are no windows on the western gable, thus avoiding overlooking of the house at No.13.

The rear garden has a depth of 9.89m and an area of 108.2m². You can see from the Survey & Assessment that, in order, to deliver this only thin woodland (<75mm radius) will be lost, along with 3 Trees. Of those 3, one is dead, and another is unstable.

Compliance with the Development Plan

The Development Plan comprises: South East Scotland Strategic Development Plan (2013), taken with the West Lothian Local Plan (2009).

SESPlan supports housing development in Livingston, part of the West Lothian Strategic Development Area (Policy 1A). Development on this site, within the urban area, will help contribute towards meeting the housing completion target of 74,835 by 2019.

The Local Plan (Policy HOU2) also supports new housing development within the settlement envelope of Livingston, where there is no identified alternative use.

Proposals Map 3 shows the application site, like the two pieces of land, as unallocated. It is particularly clear from Map 3 that none of this land is zoned a Open Space. It is not shaded green and Policy COM2 doesn't apply. Therefore, as there will be no adverse impact on neighbouring residential uses, and the application site is already serviced, the proposals doesn't contravene HOU2.

HOU9 seeks to protect the amenity of existing residents. Building a new house in such an area has no amenity impacts. The proposal will involve the loss of some trees. However, this is only a small part of a much larger wooded area. Visually Ward Place will remain unaltered. It will still be cul-de-sac with established trees. The development leaves the public Path untouched, and it will continue to be lined with trees. The larger area is in private ownership, generally inaccessible. The area is unmanaged at present. Conditional planning permission is sought on the basis that a Management Plan be produced to enhance the larger piece of land, including the works recommended in the Survey & Assessment.

The trees within the application site are not protected, and can be felled at anytime. This is not a conservation area. The Survey & Assessment has concluded that the potential exists, through management of the trees, for greater biodiversity, as it lacks native species. The Survey & Assessment identifies that the larger area of trees screens Ward Place from busy roads behind. That amenity value will not be lost and houses will continued to be screened. Ergo, the development will not contravene policy ENV14. The Council hasn't promoted a TPO for the trees, reflecting that they don't have any particular merit.

The narrative on pgs20 & 21 of the Local Plan, surrounding policy ENV11, concerns itself with the general forestry cover of the wider West Lothian landscape, in a non urban context. There is talk of commercially deforestation, farm diversification, enhancing AGLVs and establishing community

woodlands. ENV11 presumes against the loss of these resources, except in certain circumstances. Planning permission is not required to remove the trees on the application site, and the amount of timber is insufficient to necessitate obtaining a felling licence. Notwithstanding this, trees lost can be replaced & additional planting delivered through a Management Plan. The Applicant is happy for this to be a condition of consent.

IMP14 requires development to comply with supplementary guidance, as material considerations. The proposal complies with the SPG on single house plots.

Material Considerations

The only material consideration is the non-statutory Supplementary Planning Guidance on Single Plots etc (2013).

The application site is a small gap site, on an existing street frontage, within the settlement envelope for Livingston.

All relevant technical conditions, set out in the SPG, are satisfied:

- * the layout, scale and form replicates neighbouring residential properties;
- * the proportion of garden to building is 72:28;
- * the dwellinghouse will be 7.84m high, and the roof form matches the neighbouring properties along the frontage;
- * the side-side distance with No.13 is 1m on either side of the boundary;
- * there will be no impact or privacy or creation of overshadowing;
- * the back garden has a depth of 9.89m and extends to 108m²;
- * site levels will remain unchanged;
- * parking for two cars is provided on a driveway directly off the cul-de-sac;
- * the driveway is 6m wide to facilitate kerbside waste/recycling collections;
- * the property will be connected to the water and sewer network beneath Ward Place; and.
- * the rear of the property will be enclosed with 2m timber fencing to provide security.

Conclusion & Recommendation

The Application Site is within an established residential area in Livingston. Trees on the plot are not protected and can be felled without authorisation.

Trees lost will be replaced, and additional planting introduced, on the remainder of the land owned by the Applicant. The recommendations of the tree and Woodland Survey & Assessment will be implemented as part of a Management Plan: details to be agreed by planning condition.

The proposed house meets all the appropriate technical requirements in the supplementary planning guidance.

Ergo, it is recommended that the Council grant conditional planning permission.

Please acknowledge receipt.

Euan

Euan FS Pearson MRTPI MRICS
Pearson Planning
PO Box 28606
Edinburgh
EH4 9BQ

McLaren, Steve

From: Euan Pearson <euan.pearson@pearsonplanning.co.uk>
Sent: 02 October 2014 10:07
To: McLaren, Steve
Subject: Re: Planning Application 0612/FUL/14: LAND AT 13 WARD PLACE, LIVINGSTON, EH54 6FB - [INTERNAL ONLY]

Steven

I read there are representations from 4 neighbours in Ward Place.

My client has asked me to provide you with comment on the remarks made within:

Woodland Removal

None of the trees within the application site are protected.
Trees can be felled without any consensus or authorisation from the Council.
Notwithstanding this, the proposal doesn't involve removal of a "huge portion" of woodland.

Road Safety Parking etc.

The Roads & Transportation Manager has no objection to the proposal.
The proposal includes curtilage parking, the road layout remains unaffected.
There is no designated area for "visitor parking" on Ward Place. The street is not subject to any Road Orders.

Open Space Protection

The applicant's land is not open space, it is an unmanaged wooded area.
The land is privately owned and not lawfully accessible to residents.
This application presents an 'enabling' opportunity to put into place a formal management plan for the remaining trees, thus giving them protection.

Ownership

The applicant purchased the land at auction, it has never been owned by the Council.

It is noted that there is NO criticism of the design of the proposed house.

There are over 20 dwellinghouses in Ward Place.
Comments from 4 properties doesn't constitute the voice of the majority.

Please acknowledge receipt.

Euan

Euan FS Pearson MRTPI MRICS
Pearson Planning
PO Box 28606
Edinburgh
EH4 9BQ

ACKNOWLEDGED 7/10/14 Com/obj lead

West Lothian Council Development Management 25 SEP 2014 Date 0612/FUL/14 Ref No SMCL Ref To Ack'd Replied	Mr Derek Meechan 5 Ward Place Eliburn Livingston EH54 6FB 23 rd September 2014-09-24
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West Lothian Council
Lomond House
2 Beveridge Square
Dedridge
Livingston
EH54 6QF

Planning Application – 0612/FUL/14, Land at 13 Ward Place, Livingston, EH54 6FB

Dear Mr McLaren

It has come to my attention that an application for planning permission has been received, as stated above.

As a new neighbour to the street, I have many concerns regarding the application, and would like to make you aware of my objections.

When my family and I decided to purchase our property in Ward place, only last year, we did so, of the understanding that there were no plans to alter/extend Ward Place, as it then stood.

This new information effects our, then beliefs, and we feel, this new development, would have a detrimental impact on the qualities that initially attracted us to the street.

As a predominantly family orientated street, I feel that such works being carried out would risk our children's health and safety.

During the construction period, they would be less able to freely enjoy their local environment. This may lead to temptation to either play further afield, leaving the security of their street, or to explore an unsafe construction site.

Additionally, I fear this may attract negative attention from children out with Ward Place.

The well developed woodland area, as well as being aesthetically pleasing, is a very functional feature of the street. To see this removed or reduced would be a true loss.

It provides a shield, between housing and public footpaths, as well as aiding the reduction of traffic noise, from the well used Alderstone and Eliburn Road.

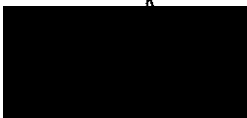
Not to mention the satisfaction the children get from investigating the natural aspect of its being.

Furthermore, I feel that the proposed development would compromise the appeal, function and the quality of the street.

I therefore request that the planning application be refused.

Sincerely

Mr Derek Meechan



SM
0612/FUL/14

Wick
26/09/14
Cam
Gbj
local

Mr Alistair Milne
7 Ward Place
Livingston
EH54 6FB

20th September
2014

West Lothian Council
Lomond House
2 Beveridge Square
Dedridge
Livingston
EH54 6QF

F.A.O Mr McLaren

Planning Application 0612/FUL/14,
Land East of 13 Ward Place Livingston EH54 6FB

Dear Sirs,

I write to you in connection with the above planning application. I have viewed the plans and associated reports submitted as part of the application and wish to register my objections with regards to the proposed development of an additional property within the established wooded area adjacent to 13 Ward Place.

As a neighbour overlooking the proposed site we are of the view that any new development within the street will have a serious impact on our standard of living and the look of the cul-de-sac.

Detrimental Impact upon Residential Amenities

The existing street known as Ward Place has been an established cul-de-sac since built in 1999. The wooded area proposed for redevelopment provides us with shelter and the reduction of noise from the adjacent roads. It is also an outdoor space regularly enjoyed by the children of the neighbourhood. I feel that this development would harm the character and the appearance of a well-established area enjoyed by the local residents.

I also request that you take into consideration the potential increase to vehicles into the street and the use of the parking bays. The existing cul-de sac offers very limited off street parking for visitors the addition of another property would inevitably lead to an increase in traffic and the need for extra car parking areas. There are three parking bays adjacent to the development, which are currently used for visitors. An additional property would put a strain on the current off road parking around the street as there is often insufficient parking for visitors to the existing properties.

The proposed development is being built behind the turning area that is used by the refuse and other large commercial vehicles as well as emergency services vehicles that enter the street. The vehicular access to the proposed property requires the removal of this facility. This area should be always kept clear for use by emergency vehicles and I believe that this would be open for abuse by visitors to the new property and cause disturbance and a health and safety risk should an emergency vehicle need to turn.

As I understand it, the Land Certificates for Ward Place all make reference to the non removal of the existing trees within the boundary of the site under section 3. I am also led to believe by those residents that bought the properties from new from the original developer, Mclean Homes, that no further properties would be granted planning permission after completion of the original development as the planning permissions had been granted by West Lothian Council on the understanding that the existing green areas would be retained. I believe that the approval of the proposed new development goes against the original planning approvals for the estate.

I therefore feel that the proposal would indeed harm the amenities enjoyed by the local residents, in particular safe and available on road parking, valuable green space and the right to enjoy a quiet and safe residential environment for myself and my family to enjoy. These amenities influenced my decision to buy my property in Ward Place 10 years ago.

Protection of Valuable open spaces

The removal of the existing established wooded area to allow for the proposed development would have a negative impact to the area both in terms of natural surroundings and for the local wildlife.

I note that the Tree and Woodland Survey Report commissioned, as submitted with the planning application, states the established wooded area has various species of mature and new trees and bushes that are well established, the majority being in good health. The report goes on to suggest a maintenance regime to ensure the continued growth within the area of the report. The area is stable and it would be to the detriment of the area to lose these healthy trees and bushes. Whilst I welcome the report and its finding, I would be grateful if you would confirm whose responsibility it is to now maintain the space and what actions can be taken if no maintenance is carried out to the detriment of the space.

The woodland provides a degree of visual and acoustic screening between the properties at the east end of Ward Place and the main Eliburn and Alderstone Roads where they intersect at the Newyearfield Roundabout. The trees also provide a natural feature at the end of the cul-de-sac which provides local landscape and wildlife benefits.

A tarmac surfaced path leads through the site from north to south. This route is well-used as a route to school and a route to a local bus-stop and letterbox. The trees provide an attractive setting for this short section of path as well as a natural boundary to the existing development at Ward Place.

I believe that the removal of the wooded area would be loss of valuable open space for the neighbourhood. As already noted this area is an area where the children play. I also believe that this would damage the already well-established street scene.

Health and Safety Risks

Due to the restrictions of the existing cul-de-sac, I believe there will be number of Major Health and Safety concerns during the construction phase of the development, namely:

Major plant and haulage vehicles entering and exiting a residential street.

The use of Craneage adjacent to property.

Location of site accommodation in a severely restricted space.

Loss of parking spaces.

Noise.

Unsecured building site attracting children and potential acts of vandalism and theft.

The excavations required to connect to the existing utility services located on the opposite side of the street from the development.

Restricted access and turning of emergency vehicles.

Site rubbish.

Vermin.

Dust and dirt created by the building process.

Dust and dirt created along the only entry and exit route available to access construction vehicles have to the site and local residents.

Increased Flood risk with removal of the existing woodland area.

The majority of the properties in Ward Place are home to school age children who for many years have enjoyed a safe street to play in. The introduction of heavy plant and construction vehicles entering and exiting the cul-de-sac for the duration required to complete the build would constitute a major health and safety risk.

The resident parents are also very concerned that curious children would be drawn to the building site and as a result their freedom to play in the area unsupervised would be severely curtailed. My children are aged 12 and 9 and have lived in Ward Place for the majority of their lives and have always enjoyed the freedom to play in the street. Even in the short term the need to keep them safe from the risks of a construction site would mean that this could not continue.

West Lothian Local Plan

Having read through the current West Lothian Local Plan, the opening statement from the Councils Executive Councillor for Development and Transport highlights the need of new development to be attractive to local residents and businesses. I do not believe if you were to consult the residents of Ward Place that any new development in the existing street would be considered attractive or acceptable.

Setting a President

I understand that other open areas of land in and around Ward Place have also recently been sold by the incumbent maintaining factors. Two particular areas located centrally and on opposite sides of the street are large enough in size to propose additional properties to be built. The approval of this particular planning application would set a president for these other 'green' spaces of Ward Place to be subject to further planning applications and approvals, which I believe would contradict previous planning policies and approvals.

In conclusion I believe the proposed development would be to the detriment of the quality, character and amenity value of the area, as outline in the points above and would motion that the planning application be refused.

I would be grateful if the Council would take my objections into consideration when deciding this application. Should you feel it beneficial I would welcome the opportunity to meet with a representative of the planning department at my home to illustrate my objections at first hand.

I look forward to being advised of your decision.

Yours Sincerely

Mr Alistair Milne

ACKNOWLEDGED 7/10/14 Com 2 Obj (2)

Mr & Mrs Robinson
10 Ward Place
Elburn
Livingston
West Lothian
EH54 6FB

West Lothian Council
Development Management
26 SEP 2014
Date.....SMSC
0612/FUL/14
Ref No.....
Ref To.....
Ack'd.....
Replied.....

24th September 2014

Mr S MacLaren
Planning Department
West Lothian Council
Lomond House
Livingston
West Lothian
EH54 6QF

Dear Sir,

**PLANNING PERMISSION FOR THE ERECTION OF A HOUSE AT LAND
ADJACENT TO 13 WARD PLACE ELIBURN, LIVINGSTON REF NO
0612/FUL/14.**

I refer to the recent neighbour notification received for the above development and wish to object on the following grounds:-

The triangular area of land where the house site and tree management are proposed was included as part of the original planning application 0589/98 by Mclean Homes the larger area was not included in the application. The planted area was intended for the visual amenity and enjoyment of the residents. It is now mature with great biodiversity value and enhances the street scene of the cul-de-sac.

As local residents we are aware that this area of land has not been maintained. There was previously a maintenance agreement which has lapsed and as a result collectively as residents we maintain the grassed areas and are happy for the trees to evolve naturally providing further biodiversity.

The loss of this land would effect the mature trees and this is evident from the tree survey which indicates that 12 trees, some mature, of varying condition and species would need to be removed resulting in loss of our visual amenity, and a noise buffer from the Newyearsfield roundabout.

Some weight has been given in the supporting statement to conditioning the application with a management works plan. We feel that due to the sizes of the combined areas and costs it would be unlikely that this would continue for any significant length of time. We also have concerns that should it lapse the

Planning Department would find it difficult to enforce the condition and this would be exasperated if the proposed house change hand.

The house plot is contrary to HOU4 Town Cramming. The private garden ground to the rear is inadequate for a four bedroom house which requires a minimum of at least 120m as apposed to the 108.2 provide. To increase the garden area to be compliant would result in further encroachment in to the planted area.

The access will be through the existing hammer head turning area which is presently used for visitor parking. The existing visitor parking is insufficient for this part of the estate. There are only 4 spaces available not including the turning area. Present parking standards for 10 dwellings require a minimum of 5 spaces (1 space per dwelling plus 0.5 spaces communal). The new house would require one further space bringing the total to 6. This is contrary to HOU4 and HOU2 paragraph D where it states "Infill developments will be resisted where they will exasperate problems of infrastructure traffic congestion to an unacceptable level, or adversely affect the character of the settlement.

Within the SPG "Single plot and small scale infill residential developments in urban areas "there is a requirement to provide satisfactory refuse disposal. This is not present in the proposals.

In the same document it states "Significant, existing landscape features should be retained". There is also a commitment to preserve and enhance biodiversity. The proposals will greatly reduce the landscaped area which is contrary to the SPG and HOU4.

The proposals are contrary to HOU2 and HOU4 within West Lothian Councils Adopted Local plan. When assessing the application we would hope that the planning department would follow the guidance set out in HOU9 which states that "Development proposals will be assessed against the need to protect the residential and visual amenity of the existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported". The above objection provides sufficient evidence to prove that this is the case.

We intend to make further representation through our local elected member.

Yours sincerely



Gary Robinson.

McLaren, Steve

From: Christie, Linda on behalf of Planning
Sent: 24 September 2014 10:37
To: McLaren, Steve
Subject: FW: Planning application at 13 Ward place - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

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

From: Chloe Cleghorn [mailto: [REDACTED]]
Sent: 24 September 2014 09:56
To: Planning
Subject: Planning application at 13 Ward place

Dear sirs

I wish to object to the plans to build a house at 13 Ward Place , planning application number 0612/FUL/14

The reasons for my objection is on following grounds 1. Access to proposed new house is via only turning point area for street which will result in dangerous traffic conditions in street as Ward place consists of only 1 street and all vehicles will have to reverse up street , including council refuse vehicles . If this area is now used to access this proposed application this will only result in dangerous and poor road conditions for a family estate with many children in this street 2. To access proposed application existing green area and kerbing will have to be removed and detailed in my property plans this is not allowed.

3. Existing established trees will have to be removed 4. On plans proposed house is positioned significantly out of line of houses next to it which does not look right Ward place is an established development and I am deeply concerned with regards to this application and I have also taken legal advice and contacted my MSP with regards to this I hope you consider my concerns and this application is refused

Regards
Andrew Cleghorn
12 Ward Place
Livingston
Eh54 6FB

Sent from my iPad

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>

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

0612/FUL/14
SMCL

Coml Ack. (4)
Obj 26/09/14.
lead

SCANNED

Mr Mark Hooman
13 Ward Place
Livingston
EH54 6FB

Date 18th September 2014

Mr S McLaren
West Lothian Council
Lomond House
2 Beveridge Square
Dedridge
Livingston
EH54 6QF

RE:Planning Application 0612/FUL/14, Land East of 13 Ward Place, Livingston, EH54 6FB

Dear Mr McLaren,

I would like to make you aware of my strongest objections to the proposed development immediately adjacent to my property in Ward Place. As my property will be immediately next to the proposed site, I am of the view that this site will have a major impact on my family's standard of living both during and after the construction. This proposed development will undoubtedly also have a massive impact on the visible appearance of the cul-de-sac.

(1) Effect of the proposal on local amenities

Currently my property enjoys a secluded location at the end of the cul-de-sac. I only have one house immediately adjacent to the west of my property. The East of my property (proposed site) is woodland area and the south of my property, behind my garden, is also woodland area. Both woodland area's are under the ownership of the client pursuing planning permission. If this application was to be successful I would experience great loss of privacy to the East. I would also lose noise protection I currently enjoy from the increasing volumes of traffic travelling along Eliburn Road. Due to the inevitable use of heavy goods vehicles and site plant/machinery, the noise levels would also increase to an unacceptable level during building works.

Cont...

West Lothian Council
Development Management
22 SEP 2014
Date.....
Ref No.....
Ref To.....
.....
.....

(2) Environmental Impact (Removal of Woodland and Open Spaces)

This proposal removes a huge portion of the woodlands which is important in terms of visual amenity and recreation. Local residents enjoy this woodland and it is part of the character and attractiveness of Ward Place. Removal of the visual area of the woodland would substantially change the character of the area. Due to this woodlands maturity and good health, it provides a form of carbon sink which can assist in mitigating against climate change; any trees that are re-planted as a compensatory measure would take time to develop and thus the capacity sink would be reduced for a number of years. The removal of the woodland would threaten the habitat it currently provides for a number birds, badgers, squirrels, hedgehogs, foxes and rabbits etc.

Currently, the open space in front of the woodland is enjoyed by the local children for recreational purposes such as riding their bikes, playing football & exercising their pets. It's ideal for this as there are no driveways here and the trees in the closest gardens protect the lawns from damage. The construction of another property in this area of Ward Place would effectively result in the children losing the current freedom they enjoy at this end of the cul-de-sac.

The physical design of this neighborhood space promotes social interaction, with streetscapes and green spaces providing outdoor area's where people can connect. I feel very strongly that removal of the woodland/open space adjacent would have an irreversible impact on both the physical and social fabric of Ward Place.

Cont....

(3) Road Safety/Access Issues/Parking Provision/Increased Traffic

If permission was granted to build this house the current residents would be faced with an increased risk to their health and safety for the following reasons.

Ward place has no pedestrian footpaths. The residents use the currently safe and quiet road to walk between properties. The introduction of heavy goods vehicles to the cul-de-sac during construction would remove the ability to visit a neighbour safely during building hours. The children would also not be able to safely play in their own street.

The introduction of another property would also put further strain on the limited amount of visitors parking bays available in Ward Place. Further cars parked on-street would create a visual obstruction for motorists, cyclists and pedestrians. They would therefore create an obvious road safety hazard, in particular for pedestrians.

The proposed developments location plans show that the driveway of the new property would start at the end of the cul-de-sac's turning circle. This turning circle is the only means for large sized vehicles to turn in the street. During construction, this turning circle could potentially be used as a means to offload materials, parking contractors vehicles or storing building materials. After construction, Ward Place could potentially experience a higher level of traffic. This again could result in the turning circle being used for parking.

In the event of a fire or accident, any obstruction or misuse of the turning circle could prevent the fire service carrying out their duties. This would jeopardise the safety of every property and family residing in Ward Place.

Cont....

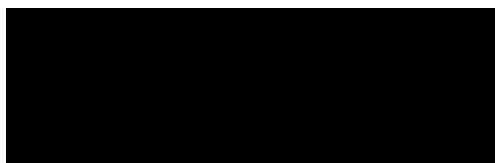
Summary

Although this is a personal objection I feel confident enough to say that I can speak for the vast majority of my neighbours.

I would like to take the opportunity to add weight to the very important impact this development would have on the families who already very much enjoy life in Ward Place. Within these homes there are around twenty school aged children living on Ward Place that benefit from it's secluded, protected location and open spaces. I wouldn't be exaggerating by describing Ward Place as a cul-de-sac that has it's own scarce and unique sense of community spirit. (it wouldn't be unusual to see the majority of my neighbours out on the street locked in conversation, a quality which isn't found often in today's society). I truly feel that this development would most definitely have a negative effect on the excellent living conditions and environment we are lucky enough to enjoy today.

Finally I would like to thank you for taking my objections into consideration when you make a judgement on this application. I would also like to invite you to visit my home to allow me the opportunity to show you our street, my property and my rear garden. Given this opportunity I believe this would add further weight to my objections.

Yours sincerely,

A large black rectangular box redacting the signature of Mr Mark Hooman.

Mr Mark Hooman

①

ACKNOWLEDGED

Cam 2

7/10/14

Obj

West Lothian Council
Development Management
29 SEP 2014
Date... 0612/FUL/14
Ref No... SMCL
Ref To.....
Ack'd.....
Replied.....

14 Ward Place
Eliburn
LIVINGSTON
EH54 6FB

21st September 2014

Mr McLaren
West Lothian Council
2 Beveridge Square
Dedridge
LIVINGSTON
EH54 6QF

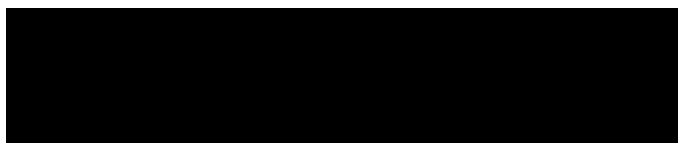
Dear Mr McLaren

**PLANNING APPLICATION 0612/FUL/14, LAND EAST OF 13 WARD PLACE,
LIVINGSTON, EH54 6FB**

I write to object to the proposed planning application land east of 13 Ward Place. I believe that the proposed development by reason of its size will have an adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area. I am very close to the development in 14 Ward Place and feel the proposed development would overlook my private garden. Secondly I believe that development would because of its location use up our already limited parking space within Ward Place. Thirdly, I am concerned that the site access proposals are not in accordance with acceptable standards and would lead to potential safety hazards. There are many young children in this street.

I hope you will consider my objections when you are deciding to grant the planning application 0612/FUL/14.

Yours sincerely



Mrs Jane MacNaughton

McLaren, Steve

From: [REDACTED]
Sent: 25 September 2014 15:15
To: McLaren, Steve
Subject: Planning Application 0612/FUL/14

Steve,

Re the above planning application reference for which we believe you are the case officer.

Myself and my wife reside at No 16 Ward Place, Eliburn, Livingston and wish to object to the planning application reference 0612/FUL/14 for the following reasons :-

1. There are numerous children living in the cul-de-sac who play outside in safety, we feel there would be increased

danger to them from all the construction traffic during clearing of the wooded area and subsequent building works.

2. Disruption to all residents in the cul-de-sac due to noise and mess caused during construction works and increased danger

of damage to property during same.

3. When we purchased properties in the cul-de-sac we were led to believe that the maximum number of properties would

be 23 and the wooded area at the end plus the green areas between numbers 5+6 and numbers 15+16 would remain as such.

4. Unnecessary removal of trees and green area between the cul-de-sac and Alderstone Road/Eliburn Road would be detrimental to

the amenity of the area and increase traffic noise heard by residents from these busy roads.

Thank You

Trish and David Williams
16 Ward Place
Eliburn
Livingston
EH54 6FB (25/09/2014)

Com 1 Ack. (3)
Obj 26/09/14.
Local

West Lothian Council
Development Management

1 8 SEP 2014
Date.....SMCL
Ref No.....0612/FUL/14
Ref To.....
Ack'd.....
Replied.....

Mr Paul Cunnison
15 Ward Place
Livingston
EH54 6FB

16th September 2014

West Lothian Council
Lomond House
2 Beveridge Square
Dedridge
Livingston
EH54 6QF

SPAMMED
CORRUPTED

**RE: Planning Application 0612/FUL/14, Land East of 13 Ward Place Livingston
EH54 6FB**

Dear Mr McLaren,

I wish to make you aware of the number of strong objections I have with regard to the proposed development of an additional property on the open space at the end of the cul-de-sac at Ward Place as per the Planning application ref above. As a neighbour to the site of the proposed development we are of the view that it will have a serious impact on our standard of living and the look of the cul-de-sac.

1: Detrimental Impact upon residential amenities

I feel that this development would harm the character and the appearance of a well-established area enjoyed by the local residents. This area provides us with shelter and the reduction of noise from the adjacent roads. It is also an outdoor space regularly enjoyed by the children of the neighbourhood.

We also ask that you take into consideration the potential increase to vehicles into the street and the use of the parking bays. We have very little off street parking for visitors and another property would increase traffic and the need for extra car parking areas. There are three parking bays next to the development which are currently used for visitors. I feel that another property would put a strain on the parking around the street as there is often insufficient parking for visitors to the existing properties.

The proposed development is being built behind the turning area that is used by the refuse vehicles and any other large vehicles that are delivering to the area. This area should be always kept clear for use by emergency vehicles and I strongly feel that this would be open for abuse by visitors to the new property and cause disturbance and a health and safety risk should an emergency vehicle need to turn.

I therefore feel that the proposal would indeed harm the amenities enjoyed by the local residents, in particular safe and available on road parking, valuable green space and the right to enjoy a quiet and safe residential environment for myself and my family to enjoy. These amenities influenced my decision to buy my property in Ward place before it was built almost 15 years ago. We were given assurances by the then developers that no further properties would be added after completion of the full development as the planning permissions had been granted on the understanding that the green areas be retained.

2: Protection of Valuable open spaces

Removing the woodland area to allow for the development would have various impacts to the area including:

The wooded area is well stocked and has various species of trees and bushes that are well established. The area is stable and it would be to the detriment of the area to lose these healthy trees and bushes.

The woodland provides a degree of visual and aural screening between housing at Ward Place and Eliburn Road and Alderstone Road. The trees also provide a natural feature at the end of the cul-de-sac which provides local landscape benefits.

A tarmac surfaced path leads through the site from north to south. This route is well-used as a route to school and a route to a local bus-stop and letterbox. The trees provide an attractive setting for this short section of path as well as a natural boundary to the existing development at Ward Place.

I feel strongly that the removal of the wooded area would be loss of valuable open space for the neighbourhood. As already noted this area is an area where the children play. Also I feel that this would damage the already well-established street scene we have.

3: Health and Safety aspects:

I firmly believe that, during the construction phase, the proposed development would cause major health and safety concerns for the residents of Ward Place. The majority of the properties in Ward Place are home to school age children who for many years have enjoyed a safe street to play in. The usual street scene in Ward Place is characterised by children and young people playing on bikes and scooters, football being played on the grassy areas and pets being exercised. The introduction of heavy plant and construction vehicles would put an end to that scene for many months. The resident parents are also very concerned that curious children would be drawn to the building site and as a result their freedom to play in the area unsupervised would be severely curtailed. My children are aged 11 and 9 and have

lived in Ward Place all of their lives and have always enjoyed the freedom to play in the street. Even in the short term the need to keep them safe from the risks of a construction site would mean that this could not continue.

In conclusion I believe the proposed development would be to the detriment of the quality, character and amenity value of the area, as outline in the points above and would like to request that the planning application be refused. However if the application is approved I would request the Council consider using its powers to enforce the controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of the development is very small and contained, with no road frontage, so we would ask that consideration be made as to how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard and inconveniencing the neighbourhood.

I would be grateful if the Council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning dept at our home to illustrate our objections at first hand.

Sincerely

A black rectangular box redacting the signature of Mr Paul Cunnison.

Mr Paul Cunnison

McLaren, Steve

From: Christie, Linda on behalf of Planning
Sent: 25 September 2014 10:05
To: McLaren, Steve
Subject: FW: Reference to planning application -0612/FUL/14 - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

SCANNED

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

From: Nan [mailto:]
Sent: 24 September 2014 22:02
To: Planning
Subject: Reference to planning application -0612/FUL/14

I am writing on behalf of myself Agnes Stevenson and my spouse Mark Stevenson of 18 Ward Place Eliburn Livingston EH54 6FB, regarding the proposed plans to build a house in the land next to number 13 Ward Place - application 0612/FUL/14.

Having reviewed the information online - We wish to comment on our concerns/objections to the proposal.

When we moved into our home in 1999 we questioned why more homes were not built in the open spaces, we were informed at the time that it was a condition for approval for the development by West Lothian council that no homes were built in this area and the two other areas adjacent to number 5 or 16.

It has come to our attention and disappointment that these and other areas in Ward Place are being 'sold off', it is understandable due to the budget cuts to the council departments but so disappointing the the 'green areas' are now disappearing.

In reference to this current planning application, if approved there would be an environmental impact as it would require a great deal of the trees to be removed, the construction would have an impact, even short term, on the all the families in ward place. This development was completed in 2000, it is my view the access to the area in the street is narrow for lorries, the construction traffic would have an extreme impact on noise level, parking, storage of materials which is inadequate. There will be an impact on the area that was designated as 'visitor parking'. The open area would also be lost.

Myself and my spouse object to this planning application.

Regards
Agnes Stevenson & Mark Stevenson
18 Ward Place
[REDACTED]

West Lothian Council - Data Labels:

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DRAFT DECISION - APPLICATION 012/FUL/14

- 1 The site comprises open space and woodland planting, which forms part of a larger area of structural landscaping put in place by Livingston Development Corporation as part of its urban landscaping strategy at that time. The development of this site would result in the loss of a number of trees to the detriment of the environmental quality and visual amenity of the area. The proposals are therefore contrary to the following policies of the West Lothian Local Plan (WLLP) and Supplementary Planning Guidance (SPG) and would result in an undesirable precedent for other similar areas of woodland:

HOU2 (general guidance for development within settlement boundaries) of the WLLP;

HOU9 (residential and visual amenity) of the WLLP;

ENV11 (woodlands and forestry) of the WLLP;

COM2 (open space) of the WLLP;

IMP14 (supplementary planning guidance) of the WLLP;

SPG - Single plot and small scale infill residential development in urban areas (how to avoid town cramming).

- 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.

Annex 1 Schedule of Plans - 012/FUL/14

	Description	Drawing Number	Docquetted Number
1	Proposed site and location plans	1047	1 of 3
2	Proposed elevations	1047 03	2 of 3
3	Proposed plans	1047 02A	3 of 3



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 12 noon on 12/09/2014.

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0550/FUL/14 Mahlon Fautua Local Application	Yippie Yippie It's the Wee Chippy	Change of use from shop (class 1) to hot food takeaway (grid ref. 294614 664980) at 7 WEST MAIN STREET, WHITBURN, EH47 0QB	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Grant Conditional Permission	objections 2 - Smell from the chip shop would affect adjacent premises - Higher risk of fire - Local school children coming along at lunch time and hanging around the shop would affect adjacent business - Safety Issue and risk of damage on other premises from people hanging about at night - There are approximately 23 eating places in Whitburn, so there is no need for another one.	The site is located within the Whitburn town centre and the proposal is an appropriate use within a town centre. Any adverse impact can be mitigated through appropriate conditions of consent, should permission be granted.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0547/H/14 Lindsey Patterson Local Application	Britton	Two storey extension to house (grid ref. 306506 671693) at 31 LOANINGHILL PARK, UPHALL, EH52 5EB	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Refuse Permission	objection 0	<p>The proposal is for a two storey extension to the side of a two storey semi-detached property.</p> <p>The proposed extension shall be built on the boundary with the neighbouring property to the east leaving only a 6 metre distance between the front elevation of the neighbouring property and the proposed gable of the extension. The two storey nature of the extension and its close proximity to the boundary would cause the development to be overbearing when viewed from the neighbouring property which is built lower than the proposed site due to a drop in ground level between the two properties.</p> <p>The drop in ground level results in the windows of the neighbouring property directly facing the mid to lower section of the gable of the existing house. In bringing this gable closer to the neighbouring property, by 3 metres, this will appear overbearing and will dominate the neighbouring property creating an adverse impact on residential amenity, which is contrary to policy HOU 9 of the local plan. The extension also does not appear to be an extension as it is not set back and the ridge line of the extension is not lower than the existing house, which is contrary to the council's design guide which states that side extensions should appear subsidiary to the main house.</p> <p>A previous application for the same proposal (0329/H/14, granted on 9 July 2014) resulted in a negotiated change, a reduction in the height of the extension to a one and a half storey design, which made the impact on the neighbour's house acceptable.</p> <p>The new proposal is considered to have a detrimental impact on the residential amenity of neighbouring residents and is considered to be unacceptable as it does not accord with policy</p>

West Lothian Local Plan = WLLP, Edinburgh and Lothians Structure Plan = ELSP. Planning Advice Note = PAN, Scottish Planning Policy = SPP, Supplementary Planning Guidance = SPG



Development Management

List of Delegated Decisions

Date: **12/09/2014**

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 12 noon on 19/09/2014.

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
0394/H/14 Lindsey Patterson Local Application	Mr D Craig & Ms C Beard	Two storey extension to house (grid ref. 289811 666976) at 29 LEISHMAN COURT, BLACKRIDGE, EH48 3TL	Armadale and Blackridge Stuart Borrowman Jim Dixon Isabel Hutton	Grant Conditional Permission	objections 6 Scale Construction Restricting Driveway Access Overshadowing Visual/Residential Amenity Noise Privacy	<p>The proposal is for a two storey extension incorporating three dormer windows to the rear and side of a single storey semi detached property.</p> <p>Following negotiations with the applicants the original plans have been amended to show a significant reduction of 1050mm from the boundary of the adjoining property and the removal of a door to form a window on this boundary. This will noise to the neighbouring garden but will also appear less overbearing.</p> <p>The length of the extension has also been reduced by 999mm again appearing less overbearing and dominant within the street scene. By incorporating dormer windows to the front and rear the property appears less as a two storey development and therefore is more aesthetically pleasing within the bungalow streetscene.</p> <p>Due to the property being south facing there will be minimal additional overshadowing to the rear garden of the adjacent property at number 27 early in the morning. There will also be minimal additional overshadowing late in the evening to the front of the properties to the east of the access road adjacent to the application site .</p> <p>There shall be no issues with regard to privacy as the the dormer windows are not directly facing any other property and would not give rise to any significant view of the neighbouring garden at number 27.</p> <p>With regard to construction noise and access this shall only be for a limited time period and within standard working hours. As there is an access road to the east of the property this shall be conditioned to be kept clear at all times during construction.</p>

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
						It is therefore considered that the proposal is acceptable and complies with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.

West Lothian Local Plan = WLLP, Edinburgh and Lothians Structure Plan = ELSP. Planning Advice Note = PAN, Scottish Planning Policy = SPP, Supplementary Planning Guidance = SPG

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0564/H/14 Lindsey Patterson Local Application	Black	Erection of a conservatory (grid ref. 309810 671772) at 3 KILPUNT STEADINGS, U26 - HAWTHORN COTTAGE TO A89, Broxburn, EH52 5QB	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Refuse Permission	objections 4 Visual amenity Design/Materials Detract from the Character of the Steading	<p>The proposal is for the erection of a conservatory to the front of the property situated within a steading conversion.</p> <p>The proposal is considered to have a detrimental impact on the visual amenity of the steading due to use of inappropriate materials such as uPVC window frames, contrary to the original consent (0275/04) which states that all windows and doors shall be timber. The original consent also states that any extension shall be in keeping with the style and amenity of the development which is clearly not the case with this conservatory as neither the design or materials match that of the existing steading.</p> <p>The conservatory is on the front elevation of the steading which is also the access point for a number of the steading residents. The conservatory is therefore visually prominent within the development and will detract from the traditional appearance of the steading frontage.</p> <p>It is therefore considered that the proposal will detract from the character and appearance of the steading and the amenity of the surrounding area, including the category C listed Kilpunt Doocot. This is therefore contrary to policy HER 2 of the local plan which seeks to protect the character and appearance of listed buildings and their setting and policy ENV 34(e) which states that ancillary extensions shall only be accepted where there is demonstrable necessity to conserve the existing building and will not detract from its character.</p> <p>The proposed development is considered to be unacceptable to the detriment of the residential and visual amenity of neighbouring residents and does not accord with policies HOU 9, HER 2 and ENV 34 of the West Lothian Local Plan.</p>



Development Management

List of Delegated Decisions

Date: **19/09/2014**

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 12 noon on 26/09/2014.

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
0584/H/14 Lindsey Patterson Local Application	Greaves	Three storey extension to house (grid ref. 311258 667117) at 44 ROOSEVELT ROAD, KIRKNEWTON, EH27 8AD	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Refuse Permission	objection 0	<p>The proposal is for a three storey extension to the side of a two storey end terrace property.</p> <p>The proposed extension would be 1.5 metres away from the boundary with the neighbouring property to the east. The three storey nature of the extension and its close proximity to the boundary would cause the development to be overbearing when viewed from the neighbouring property which is two storey. The extension would also extend further to the front and rear of the existing house by 1.3 metres to the front and 1.3 metres to the rear. The height of the extension is also greater than the existing house by 0.5 metres. The overall scale of the proposal would exacerbate the dominant appearance of a largely blank wall to the east elevation.</p> <p>All other properties within Roosevelt Road are two storey terraces and therefore by granting a three storey extension this would appear out of character within the street scene due its considerable scale in comparison to the other properties.</p> <p>There is also a drop in ground levels within the street between the properties to the north and south and therefore the extension would appear higher when viewed from the houses opposite and very dominant within the street.</p> <p>The proposed development would, due to its scale, have an adverse impact on visual and residential amenity and is therefore considered to be unacceptable as it does not accord with policy HOU 9 of the West Lothian Local Plan or the House Extension and Alteration Design Guide.</p>



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 03/10/2014.

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
0469/FUL/14 Ranald Dods Local Application	Ecclesmachan and Threemilestone Village Hall	Re-levelling of car park and formation of additional car parking (grid ref. 305798 673692) at Ecclesmachan Village Hall, Byburn, Ecclesmachan, EH52 6NG	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Grant Conditional Permission	objection 1 - Lack of clarity in application in relation to how trees are likely to be affected - The proposal for leveling of the area would result in covering hand-cut binny stones with asphalt. - The car parking is not necessary. There is no clear demand for it. In the event of a community gathering the proposed car park is not adequately sized anyway. in addition, the removal of grass and trees should be avoided. - The configuration of the car park is unsafe. Additionally, there is limited visibility at the junction for vehicles exiting the site. - Increased noise and pollution created by additional traffic. - Lack of consistency as restrictions on a recent planning application on the adjacent site (0329/FUL/13) restricted the parking on that site to residential only, therefore it would be discriminatory to allow creation of any new parking on this site (which is less than 10m away) for non-residential	The proposed re-leveling of the car park and formation of additional car parking is considered to be acceptable. Any safety concerns can be addressed by alterations to the layout. Therefore, subject to the submission of an updated parking layout, it is recommended that planning permission be granted subject conditions.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
					use.	
0539/A/14 Claire Johnston Other	Krop & Co.	Erection of a fascia sign (in retrospect) (grid ref. 297160 668866) at 2 GLASGOW ROAD, BATHGATE, EH48 2AA	Bathgate William Boyle Harry Cartmill John McGinty James Walker	Refuse Advertisement Consent	none	<p>Advertisement Consent is sought, retrospectively, for the erection of a fascia sign on the side elevation of a hairdressers shop, facing the Glasgow Road/Mill Road roundabout in Bathgate.</p> <p>The advertisement is considered to be inappropriate next to a busy roundabout in that it gives rise to unacceptable driver distraction and constitutes a danger to road safety. The advertisement also constitutes unnecessary visual clutter, encourages other such advertisements, and has a negative visual impact on the appearance of the town centre generally.</p> <p>Accordingly, it is recommended that advertisement consent is refused.</p>
0576/A/14 Claire Johnston Other	Cortellessa	Erection of 2 removable banner signs (grid ref. 303349 664441) at The Firs, Langside Gardens, Polbeth, EH55 8QX	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	Refuse Advertisement Consent	none	<p>Advertisement consent is sought for the erection of two removable, pvc cloth banner signs to the front and side elevation of the Firs public house in Polbeth. The signs are proposed to be attached to the railings of a rooftop terrace at first floor level; they were displayed there earlier this year, until the Planning enforcement service requested that they be removed.</p> <p>When displayed they were visually very prominent and together with the other signs on the building constituted advertising clutter. They also gave rise to the possibility of driver distraction.</p> <p>It is recommended that advertisement consent is refused.</p>

Proposed Enforcement Actions, 19th September 2014

Reference Number	Owner/ Developer	Location/Ward	Location & Alleged Breach of Planning Control	Proposed Action	Reasons for Actions and Summary Steps to Comply if Applicable
ENF/0121/14	Miss McIntosh	Ward 7 Whitburn and Blackburn	2 East Main Street, Blackburn Construction of house not as per approved plans (0219/FUL/05)	Stop Notice	The house being constructed is not in accordance with the approved plans. The house under construction is substantially larger than that approved. It is recommended to issue a stop notice to ensure no further construction takes place.
ENF/0097/14	Mr & Mrs Ross	Ward 9 Armadale and Blackridge	64 Gillespie Place Armadale Erection of a metal security fence to the front western boundary of the property.	Planning Contravention Notice	The metal palisade fence has been erected as a replacement of a timber residential fence. The fence fronts a road at an adjacent residential development (Cappers Court) and due to its inappropriate industrial design the fence would have required planning permission. The applicant was made aware of the current planning position however has failed to make an application.

Proposed Enforcement Actions, 26 September 2014

Reference Number	Owner/ Developer	Location/Ward	Alleged Breach of Planning Control & location	Proposed Action	Reasons for Actions and Summary Steps to Comply if Applicable
ENF/122/14	Peoples Garage	Burnvale Ward 4,Livingston South	Cars displayed on grass apron to the front of the showroom; advertisements displayed without consent.	Serve Planning Contravention Notice, followed by Enforcement Notice and Advertisement Enforcement Notice if necessary.	<p>The display of cars is detrimental to visual amenity on a main route through the town centre, and the driving of the cars over the grass is having a detrimental impact on the appearance of the grass verge, to the further detriment of visual amenity.</p> <p>The display of a variety of advertisements of various sizes and materials constitutes advertising clutter, to the detriment of visual amenity.</p> <p>Steps to comply:</p> <ul style="list-style-type: none"> • cease the display of cars for sale on the grass apron; • remove all unauthorised advertisements.
ENF/0109/14	J Cassidy	34 Burngrange Park, West Calder, EH55 8HF Ward 6, Fauldhouse and Breich Valley	Use of residential property for keeping chickens and erection of sun room and extension to garage.	Take no action over the use of the property for keeping chickens, and pursue a planning application for the erection of the unauthorised structures.	<p>The occupant of the property keeps Bantam hens as a hobby and for show purposes. The hens are a quarter the size of standard hens and their eggs are too small for commercial sale purposes. The hens are kept in coops in the garden.</p> <p>The sun room and garage extension is outwith permitted development rights and requires planning permission. The owner has agreed to submit an application.</p>