



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

3 December 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 10 December 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 15 October 2014 (herewith).

Public Items for Decision

5. Application No.0487/P/10 - Planning permission in principle for the erection of a 10ha residential development with associated roads and landscaping at Limefields, Brucfield, Livingston (herewith)
6. Application No.0560/FUL/14 - Erection of a house at Shiel Mill Farm, East Calder (herewith)
7. Application No.0646/FUL/14 - Erection of a 991sqm class 4 office and 259sqm class 5 workshop with associated yard and car parking at Plot 4,

Easter Inch Road, Bathgate (herewith)

8. Application No.0647/FUL/14 - Change of use from a domestic garage/store to a house; the erection of a front canopy and alterations at land at 1 Combfoot Cottages, Mid Calder (herewith)
9. Application No.0669/FUL/14 - Erection of 2 houses and siting of 2 temporary residential caravans at land at 63 Main Street, Stoneyburn (herewith)
10. Application No.0718/FUL/14 - Erection of a 93sqm hot food takeaway at Da Vincis Hotel, 1 Hawk Brae, Ladywell, Livingston (herewith)

Public Items for Information

11. Consider list of Delegated Decisions on Planning Applications and Enforcement Actions from 31 October to 28 November 2014 (herewith)
12. Appeals -
 - (a) Application No.0357/14 - Application for high hedge notice at Baronshill Lodge, 3 Capstan Walk, Linlithgow - Appeal submitted to Scottish Ministers upheld
 - (b) Application No.0463/FUL/14 - Amendment to planning permission 0049/FUL/14 for the erection of a house to include sunroom at land adjacent to 20 Grant Street, West Calder - Appeal submitted to Scottish Ministers.
 - (c) Application No.0454/PO/14 - Application for the modification of the planning obligation relating to planning permission 0056/P/12 at land at Eliburn Office Park, Eliburn, Livingston - Appeal withdrawn
 - (d) Two storey extension to house at 31 Loaninghill Park, Uphall - Appeal submitted to Scottish Ministers

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 15 OCTOBER 2014.

Present – Councillors Alexander Davidson (Chair), Tom Kerr, William Boyle, Harry Cartmill, Lawrence Fitzpatrick, Greg McCarra, John Muir and Barry Robertson

Apologies – Councillor Stuart Borrowman

1. DECLARATIONS OF INTEREST

Agenda Item 9a (Appeals) – Councillor Davidson declared a non-financial interest in that he was known to the applicant.

2. MINUTE

The committee approved the Minute of the meeting held on 17 September 2014 as a correct record. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0321/MSC/14

The Development Management Manager advised the committee that the application had been withdrawn by the applicant.

4. APPLICATION NO.0547/H/14

Councillors Cartmill and McCarra did not participate in the following item of business as they attended the meeting late and therefore had not heard all the merits of the case.

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>
0547/H/14	Two storey extension to side of house at 31 Loaninghill Park, Uphall	Refuse planning permission

The committee then heard Ms Briton, the applicant, speak in support of the application.

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

Motion

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

- Moved by the Chair and seconded by Councillor Kerr

Amendment

To grant planning permission as the application did conform with policy HOU9 as there would be no detrimental effect to visual and residential amenity to neighbouring properties and that the proposal would fit better with the street landscape than that which had been previously granted planning permission.

- Moved by Councillor Boyle and seconded by Councillor Muir

Decision

Following a vote the motion was successful by three votes to two, with one abstention, and it was agreed accordingly.

5. APPLICATION NO.0612/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>
0612/FUL/14	Construction of a detached house with associated parking and access at Ward Place, Eliburn, Livingston	Refuse planning permission

Decision

To approve the terms of the report and refuse planning permission and agreed that the Development Management Manager pursue an emergency TPO for the application site.

Councillor Willie Boyle, having moved an alternative position, which did not received a seconder wished to have his dissent to the decision recorded.

6. DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated decisions and enforcement actions for the period 5 September to 3 October 2014 was submitted for the information of the committee.

Decision

Noted the list of delegated decisions.

7. APPEALS -

- 7a. The committee noted that the following appeal, submitted to Scottish Ministers following refusal of planning permission, had been upheld :-

Application No.

Proposal

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

- 7b. The committee noted that the following appeal had been submitted to Scottish Ministers :-

Application No.

Proposal

0357/14

Application of high hedge notice at Baronshill Lodge, 3 Captains Walk, Linlithgow

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Planning Permission in Principle for the erection of a 10 Ha residential development, with associated roads and landscaping at Limefields, Brucefield, Livingston

2 DETAILS

Reference no.	0487/P/10	Owner of site	Schroder Exempt Property Unit Trust West Lothian Council Woodland Trust
Applicant	Schroder Exempt Property Unit Trust	Ward & local members	Livingston South L. Fitzpatrick P. Johnston D. Logue J. Muir
Case officer	Wendy McCorriston	Contact details	Tel: 01506 282406 Wendy.McCorriston@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Development Management Manager to seek a change to the original decision made on 26 September 2012.

3 RECOMMENDATION

Agree to amend the decision to remove the requirement for land to be transferred to the council to allow for an extension to West Calder High School.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This application is for a 10 Ha residential development on land on the south side of the A71 and immediately east of West Calder High School.
- 4.2 At its meeting on 26 September 2012 committee was minded to grant the application, subject to the applicant entering into a legal agreement, or agreements, for: (i) the payment of the necessary developer contributions and (ii) the transfer of an area of land to the council for the construction of an extension to West Calder High School.
- 4.3 On 28 October 2014, Council Executive agreed to take forward a project for a new build West Calder High School. A senior officer review of the proposed extension to the existing school identified constraints relating to the present school building and site that impinged on the educational benefit and requirements that could be achieved. It was considered that the project did not represent full value for money, nor provide sufficient lifespan for the asset, given the proposed level of investment and that a new build

project would represent a more appropriate solution. The replacement school will be built on a new site and a site search exercise is underway.

- 4.4 Given the decision of Council Executive, there is no longer a requirement for the transfer of land to facilitate a school extension at the existing West Calder High School. As the previous Development Management Committee decision required both legal matters to be concluded before planning permission in principle could be issued, this report seeks committee's agreement to amend that decision and remove the requirement for the land transfer. The planning permission can thereafter be issued once all negotiations on developer contributions are concluded. The requirement for all other developer contributions set out in the earlier report remains.

5 CONCLUSION AND RECOMMENDATION
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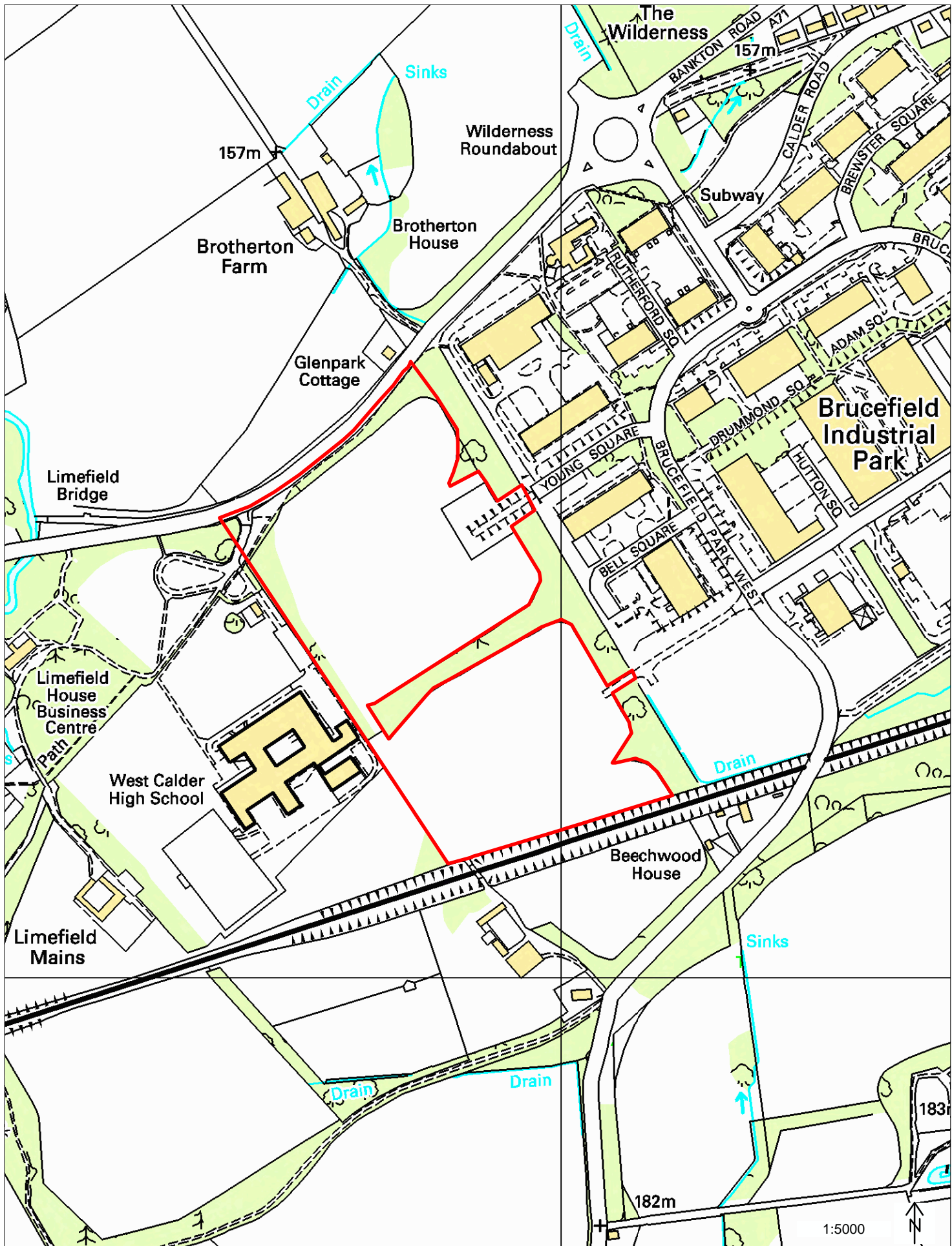
- 5.1 A draft Section 75 legal agreement has been drawn up in respect of the developer contribution requirements and is ready to be concluded and signed.
- 5.2 A separate legal agreement for the land transfer was also drawn up, however, given that the land is no longer required by the council this will not be concluded.
- 5.3 It is recommended that committee agrees to amend the decision on this application and remove the requirement for the land transfer, in order for planning permission in principle to be issued once the Section 75 agreement is signed and registered.

6 ATTACHMENTS

- Location plan

CHRIS NORMAN
Development Management Manager

Date: 10 December 2014



0487/P/10



0487/P/10

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Erection of a house, Shiel Mill Farm, East Calder.

2 DETAILS

Reference no.	0560/FUL/14	Owner of site	West Lothian Council
Applicant	Mr & Mrs Marshall	Ward & local members	<i>East Livingston & East Calder</i> Frank Anderson Carl John Dave King Frank Toner
Case officer	Ranald Dods	Contact details	Tel: 01506 282 413 Email: ranald.dods@westlothian.gov.uk

Reason for referral to Development Management Committee: Request of Cllrs John & King.

3 RECOMMENDATION

3.1 Refuse permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is made to erect a house with integral garage at Shiel Mill Farm, East Calder. The site is located within the Almond & Linhouse valleys area of great landscape value (AGLV) and is outwith the settlement envelopes as defined by the West Lothian Local Plan (WLLP). The application must be assessed in terms of the relevant policies on countryside development contained within the development plan.
- 4.2 Shiel Mill Farm, although no longer a farm, is a smallholding with some 5 hectares of rough grazing for 8 horses and 12 sheep. The house is intended for the applicants' son, who currently stays in the in the applicants' house. Mr Marshall's son provides assistance in the running of the unit. Due to the small size of the smallholding, neither the applicants nor their son derive their main income from the unit.
- 4.3 The house, when viewed from road level, would take the form of a bungalow with garage accommodation formed as underbuild to the north of the property. The garage door would face north east. A spiral staircase would link the residential accommodation with the applicants' house, which would be at a lower level. A retaining wall would have to be formed to make up the required difference in ground levels and to allow the property to be constructed. As a result of this level difference, the floor of the residential accommodation would be at approximately the eaves level of the applicants' house. An elevation of the proposed house is attached for members' reference.

- 4.4 There is no planning history associated with this site. Three applications have been made on adjoining land. These are summarised below.

Reference	Description	Decision	Date
0500/87	Rehabilitation and extension to cottage & byre to form a house, Shiel Mill Farm [to east of application site]	Granted	28 Aug 87
0147/94	Extension to house, Shiel Cottage [to east of application site]	Granted	21 Jun 94
0367/95	Erection of a house, Shiel Mill Farm [to south east of application site]	Refused	15 Aug 95

Application 0367/95 was proposed as a house for the applicants' daughter. In design terms, it was a single storey house with a garage below.

5 PLANNING POLICY ASSESSMENT

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the strategic development plan for South East Scotland (SESP) and the West Lothian Local Plan (WLLP). Since the application is not of a strategic nature, there are no relevant policies in SESP.

- 5.2 The following development plan policies and Scottish Government policy and guidance apply:

Plan	Policy	Assessment	Conform?
WLLP	ENV19 (AGLVs)	Within the six AGLVs shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated. The site is within the Almond and Linhouse valleys AGLV. The proposed house includes a significant level of underbuild which would take the residential accommodation to the eaves level of the existing house. The design of the proposed house, other than the underbuild element, is suburban in nature. This would be detrimental to the visual quality of this part of the AGLV.	No
WLLP	ENV31 (development in the countryside)	Proposals for new build development in the countryside will not normally be approved. There are exemptions set out in the policy. However, the proposed house is not for a full-time worker in agriculture or other rural business; the house will not be for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor. Shiel Mill Farm, although no longer a farm, is a smallholding with some 5 hectares of rough grazing for 8 horses and 12 sheep nor have the applicants or their son derived their main living from the unit; the site is within the garden of the applicants' house and is not a visually intrusive brownfield site; the proposed house does not replace one which is of a poor design, rather it would see the demolition of a single garage; it is not infill development; the design is not exceptional and; the proposal is not made in support of a rural diversification project. The proposed house does not, therefore, meet any of the policy exemptions set out in policy ENV31.	No

Plan	Policy	Assessment	Conform?
WLLP	ENV32 (development in the countryside)	There is a particularly strong presumption against proposals for new build development in the countryside areas identified in, amongst others, policy ENV19. As set out above, the site is located within an AGLV and therefore does not comply with ENV32.	No
WLLP	ENV33 (development in the countryside)	Whilst the proposals do not conform with policies ENV31 and ENV32, members should be aware of policy ENV33 which states that if proposals are considered to comply with those policies, developments must conform to the design and development control policy guidelines issued by the council and contained in Planning Advice Notes issued by the Scottish Government. The proposed development does not: demonstrate there is a specific locational need and that there are no available, less sensitive alternative sites; the proposal includes a garage within a storey of underbuild and, therefore, does not comply with the policy requirement to avoid the creation of excessive underbuilding; as such, the garage has not been appropriately located in order to reduce the impact of the development; the site adjoins a core path and; the design is neither innovative nor contemporary. Even had the proposals been acceptable in terms of policies ENV31 & ENV32, it would not comply with policy ENV33.	No
WLLP	IMP15 (design)	Through the development control process, ensure that high standards of design are achieved and proposals which are poorly designed will not be supported. By virtue of the site being in an AGLV, a higher standard of design than normal is expected for development proposals. The design of the principal level of the proposed house would not look out of place in a modern housing estate and could not be described as exceptional. The proposal does not comply with policy IMP15.	No

5.3 Scottish Planning Policy (SPP) is a material consideration. It states that local landscape designations, including AGLVs, should be identified clearly and protected through the development plan. The purposes of a locally designated landscape are to safeguard and enhance the character and quality of landscapes which are important or particularly valued locally or regionally, to promote understanding and awareness of the distinctive character and special qualities of local landscapes and to safeguard and promote important settings for outdoor recreation and tourism locally. The site adjoins the Canal Feeder Core Path, a route which is used for outdoor recreation.

5.4 Planning Advice Note 72 (PAN72), "Housing in the countryside" is relevant to the consideration of this application. It sets out, in broad terms, the Scottish Government's guidance on the subject. Whilst it recognises that there is a place for single houses in the countryside, these must be acceptable in terms of the development plan and must be planned with the location selected carefully and with a design which is appropriate to the locality in

order to avoid the suburbanisation of the countryside. The proposed house does not accord with the terms of the guidance set out in PAN72.

- 5.5 The council's supplementary planning guidance (SPG) "New development in the countryside" is a material consideration. The SPG sets out various categories of rural development which may be considered acceptable. The SPG makes it clear that sensitive countryside sites should be avoided. These are defined and include AGLVs. The SPG also states that sites which are capable of being viewed from well frequented public vantage points, including core paths, should be avoided. In terms of design, the SPG highlights that houses that require excessive underbuilding should be avoided. One of the key considerations set out in the SPG is that the character, scale and design of new buildings should be sympathetic to the rural location, are of a high quality, innovative design and are compatible with the relevant local plan policies. The proposal does not accord with the terms of the SPG.

6 REPRESENTATIONS

- 6.1 No representations were received within the time limits.

7 CONSULTATIONS

- 7.1 The following is a summary of the consultation responses which were received.

Consultee	Comment	Response
Flood prevention	There is no information to indicate that the site is at risk of flooding. Assumption made that drainage connections have been arranged as no public sewers will be available in the location.	Noted
Education	The site is windfall development. If granted, contributions will be required for denominational and non-denominational primaries in East Calder, non-denominational secondary infrastructure in Livingston & Almond Valley core development area and for the denominational secondary.	Noted. Contributions required if granted.
Transportation	No objection.	Noted.

8 CONCLUSION AND RECOMMENDATION

- 8.1 The application site is within the Linhouse and Almond Valleys AGLV and therefore must be assessed against the development plan policies relating to development in the countryside. Mr Marshall is retired. It should be noted that the proposed house is not for use by Mr & Mrs Marshall but is for their son who provides assistance in the running of the smallholding. The size of the smallholding and the operations carried out on it are not of a scale which could support a full-time worker nor provide an income sufficient to support such a worker. As a consequence, the circumstances are not exceptional and do not justify setting aside the policies contained within the development plan as set out above.
- 8.2 In order to try to provide accommodation for the applicants' son, a suggestion was put to their agent that a similar level of residential accommodation could be provided by extending the house to the south-west. This would negate the need for developer contributions and, since it would be an extension and not a new house, would comply with the terms of the development plan. A new garage would have to be created as well in order to provide storage for vehicles which the applicant states are needed for the maintenance of the smallholding. This would also negate the need for the retaining wall and underbuilding as proposed in the application. This suggestion was rejected by the applicants' agent on the grounds that it would be too arduous for Mr Marshall to have extensions added to the house and that the garage had to be close to the western field for vehicular access. An alternative of extending to the house to the

north-east was suggested. This was similarly rejected by the applicants' agent on the basis that, in his opinion, it would impinge on the amenity of the adjoining neighbours and wouldn't be acceptable to them. It should be noted that the nearest point of the neighbouring property is some 18m from the mutual boundary.

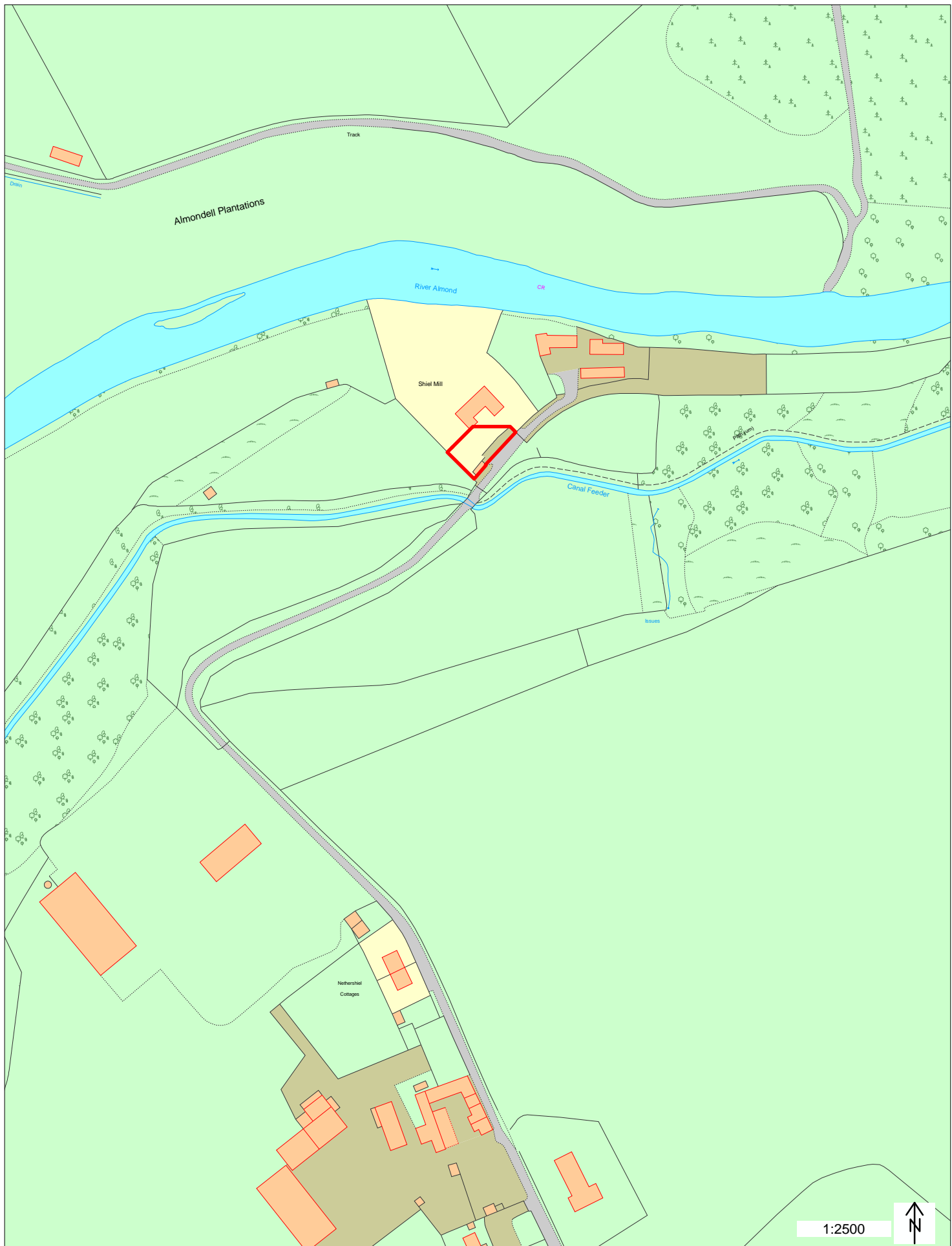
- 8.3 The application is contrary to the above noted policies and is, therefore, recommended for refusal. However, if members are minded to approve permission contrary to recommendation, clear and material reasons must be specified for setting aside the terms of the development plan and other material considerations.

9 ATTACHMENTS

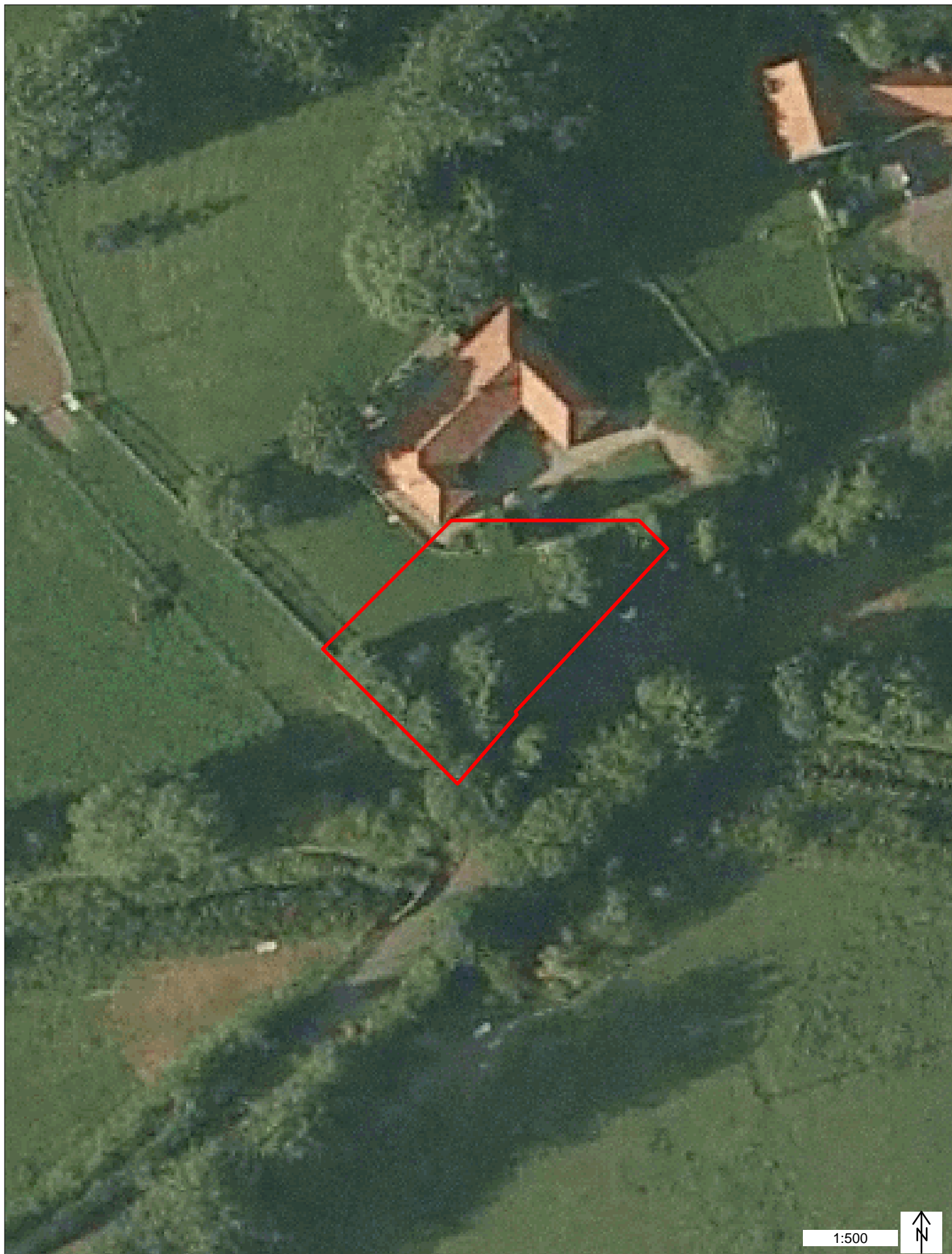
- Location plan;
- Aerial;
- Proposed elevation.

CHRIS NORMAN
Development Management Manager

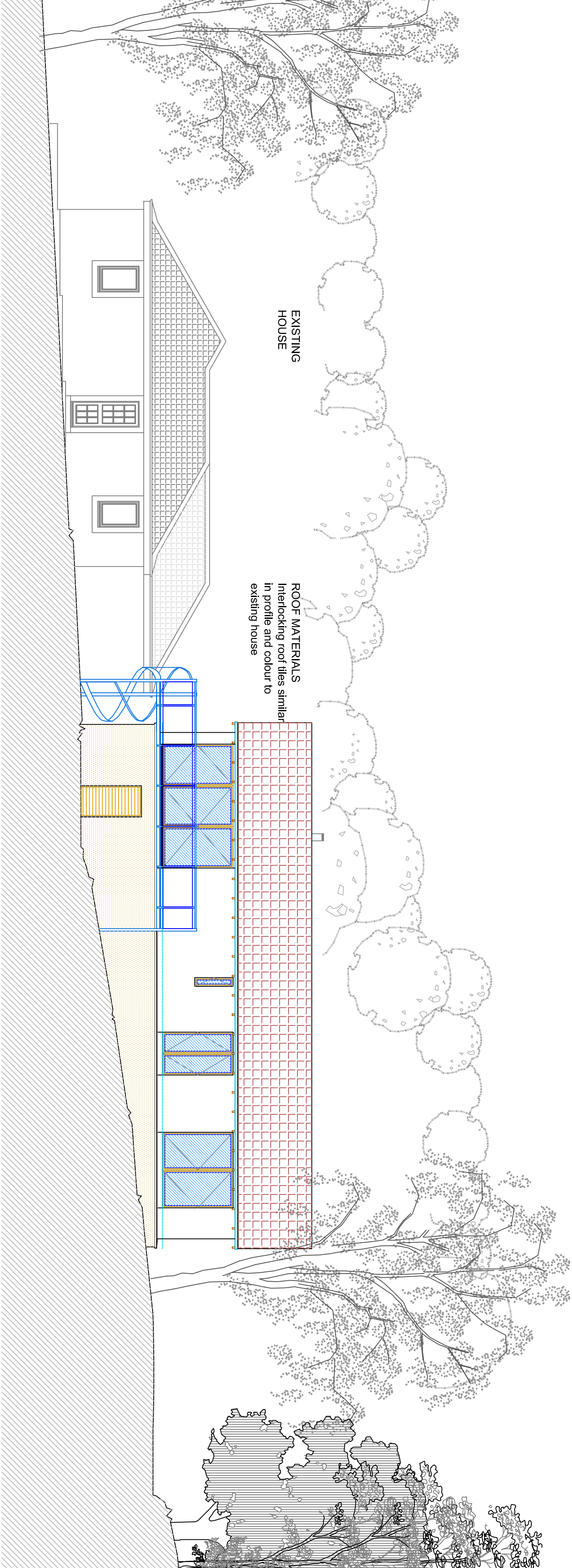
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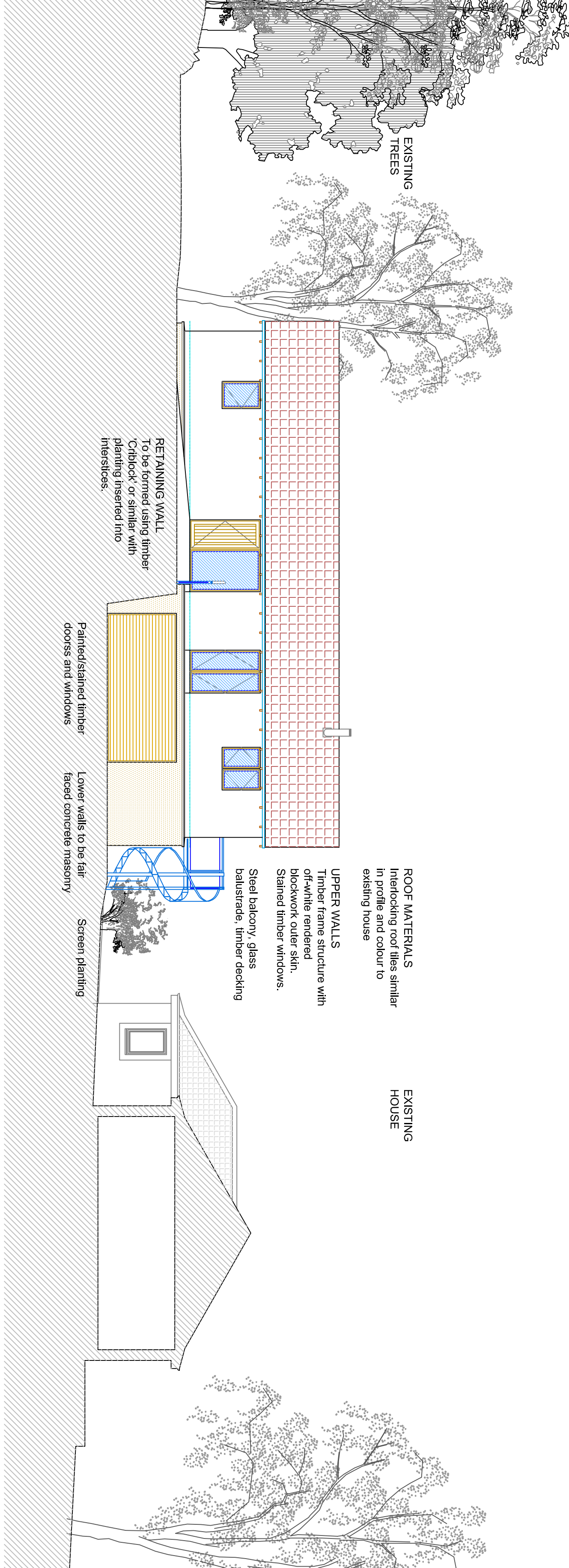
0560/FUL/14



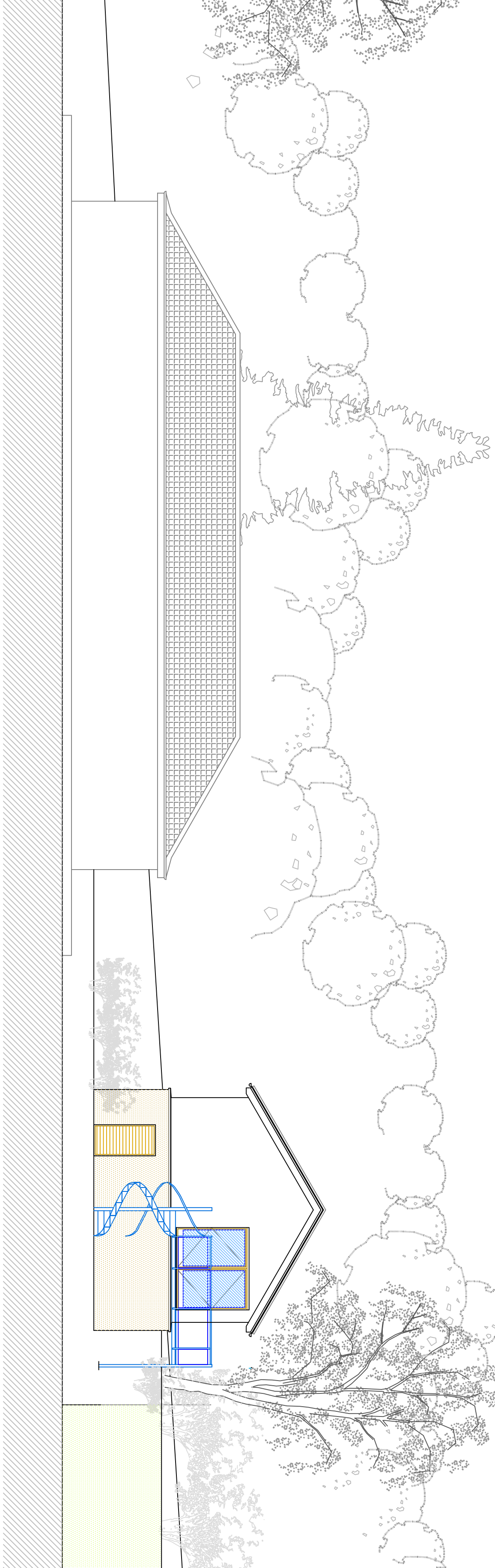
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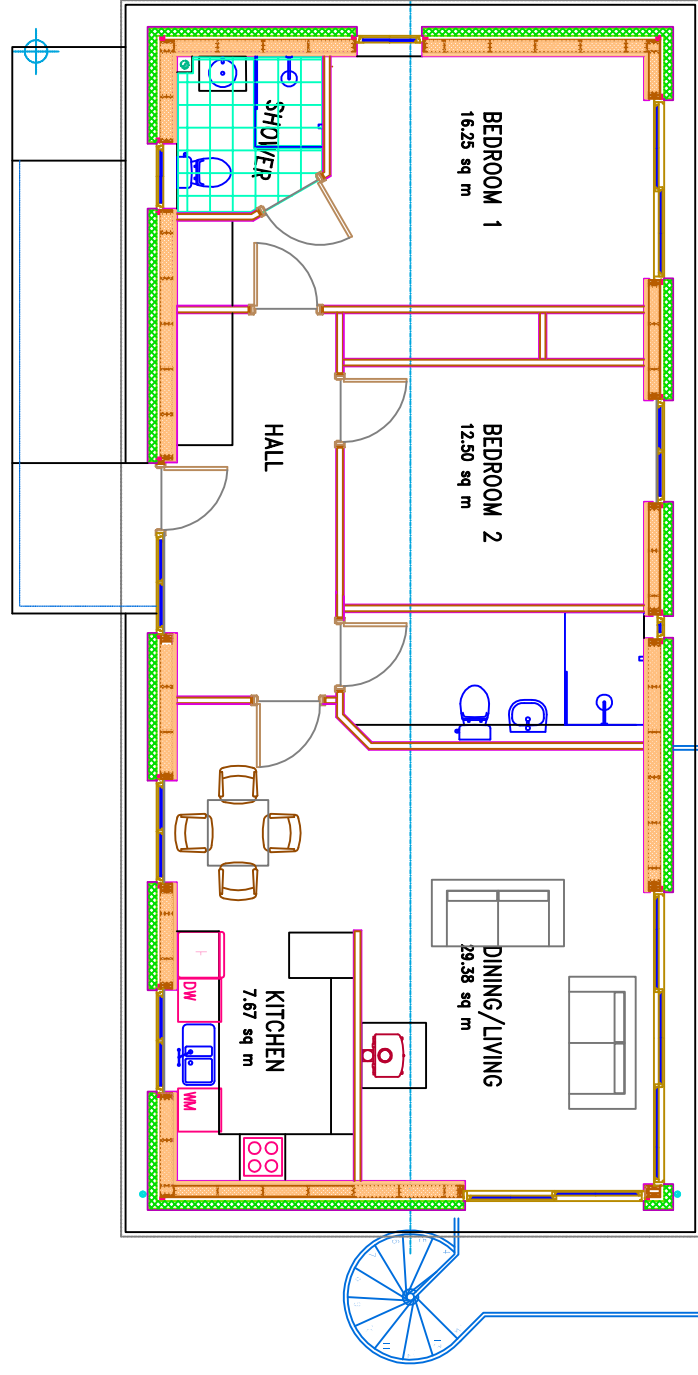
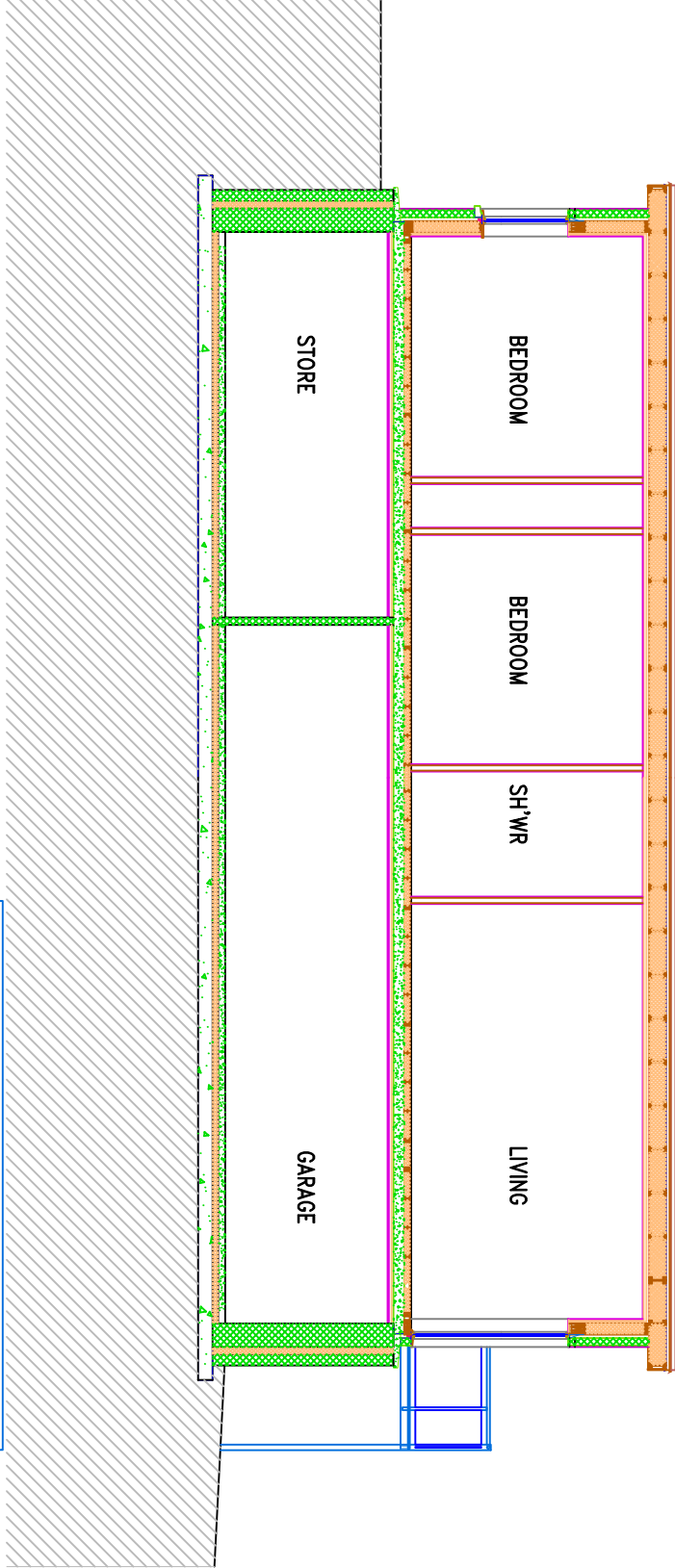
CROSS SECTION ACROSS SITE - LOOKING NORTH EAST - 1:200



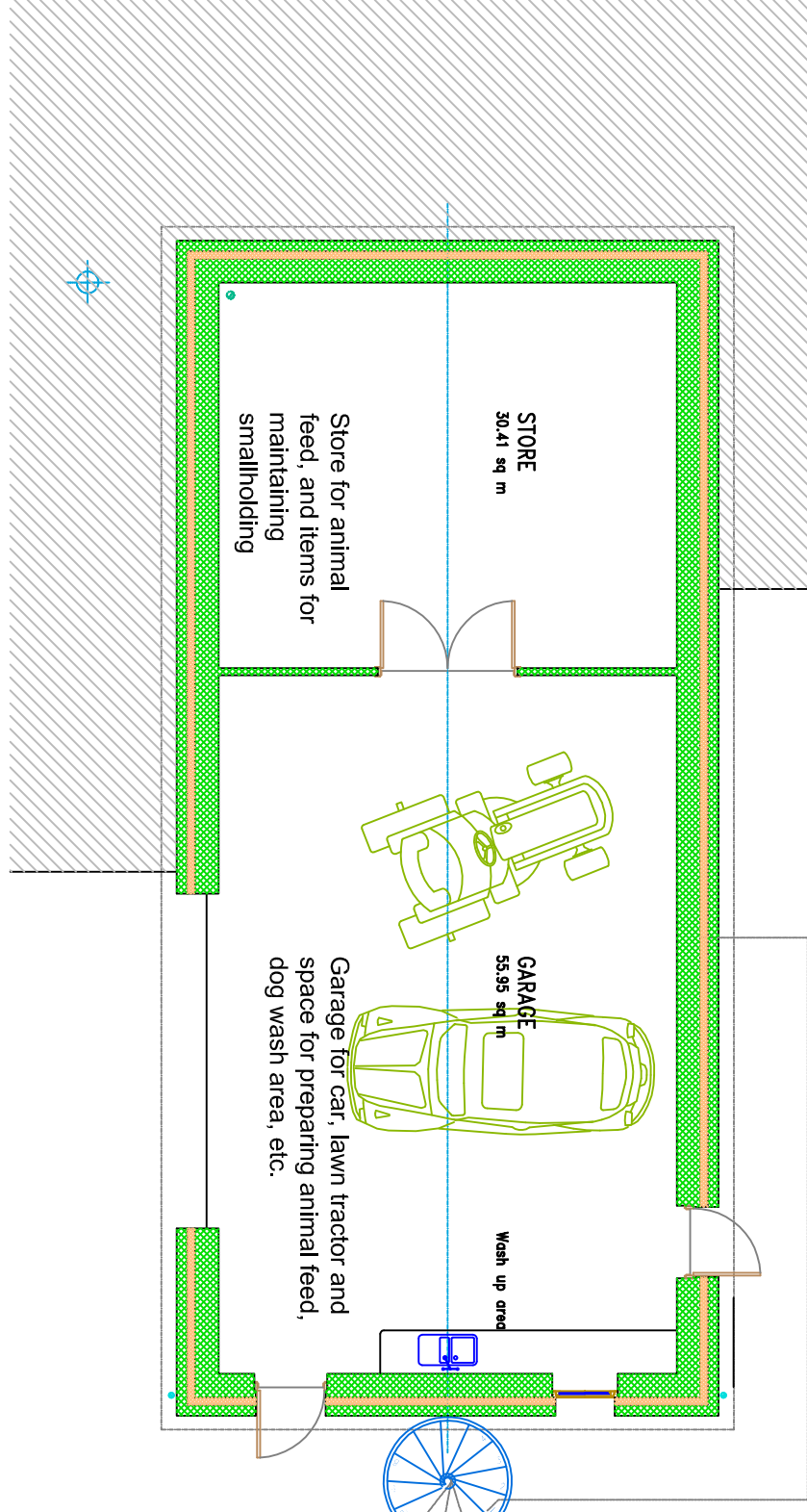
CROSS SECTION ACROSS SITE - THROUGH EXISTING HOUSE - LOOKING SOUTH WEST - 1:200



ELEVATION OF EXISTING HOUSE (DETAILS NOT DRAWN) AND PROPOSED HOUSE/GARAGE - LOOKING SOUTH EAST - 1:200



GROUND FLOOR
92.67 sq m



GARAGE LEVEL
94.50 sq m

Re-designed and updated
General update
AMENDMENT REF DATE

PROPOSED HOUSE & GARAGE SHIEL MILL, EAST CALDER

011
B

PROPOSED HOUSE/GARAGE PLANS, SECTIONS AND ELEVATIONS

1:100@A1
12.03.14
ASM

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DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Erection of a 991sqm class 4 office and 259sqm class 5 workshop with associated yard and car parking at Plot 4, Easter Inch Road, Bathgate.

2 DETAILS

Reference no.	0646/FUL/14	Owner of site	Scottish Enterprise
Applicant	Front Line Construction Ltd	Ward & local members	Bathgate John McGinty Willie Boyle Harry Cartmill Jim Walker
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 Grant planning permission subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for the erection of a class 4 office with an associated class 5 workshop and yard.
- 4.2 The site forms part of the Easter Inch employment area that has been developed by Scottish Enterprise. The site consists of plot 4 and the northern part of plot 5. The site is at the north end of the employment area.
- 4.3 To the north of the site there is a woodland belt approximately 20m wide that was implemented by Scottish Enterprise to provide a buffer for the listed Easter Inch Steading that lies beyond. The tree planting has however not established to an acceptable degree.
- 4.4 To the west of the site is an office/general industry development by Evans Easyspace. To the east is a woodland area that separates the employment area from Pyramids Business Park.

- 4.5 To the south of the site is the remainder of plot 5 that is undeveloped.
- 4.6 The applicant is Front Line Construction Ltd, a groundworks and civil engineering contractor based in Burnside Road, Bathgate who have around 200 employees. The company requires to relocate from its current premises to allow it to expand and diversify. The company has provided a supporting letter and this is attached to this report. The proposed layout plan and building elevations are also attached.
- 4.7 The proposal comprises:
- A two storey class 4 office building that will provide administration accommodation for the applicant. The building is located adjacent to the south site boundary and will be approximately 75m at its closest point to the façade of East Inch Steading. The building is 7.15m to eaves and 8.45m high to ridge with a corner glazed entrance feature 8.75m to eaves and 9.5m high to ridge. External materials are profile metal roof, powder coated aluminium windows and curtain walling system incorporating flat insulated panels and concrete masonry wall cladding.
 - A single storey workshop building that will provide accommodation for vehicle and equipment repairs. This is located at the south east corner of the site and will be approximately 85m at its closest point to the façade of East Inch Steading. The building is 4.8m high to ridge. External materials are profile metal cladding for roof and walls.
 - A yard area that will provide space to stock a small amount of good such as drainage fittings, pipes etc, portable site accommodation, vans and mobile plant.
 - Parking for 30 cars.
 - A 1.5m-2m high and 5m-10m wide landscaped high bund within a 13m-20m wide landscaped area is proposed along the north site boundary to provide a total 50m wide buffer area between the yard/parking area and the façade of Easter Inch Steading.
- 4.8 The applicant has confirmed that:
- Yard working hours would be 7.30am to 5pm Mondays to Fridays and 7.30am to 12pm on Saturdays. These Saturday works are generally cleaning and maintenance of small plant and would be carried out within the workshop building.
 - Vehicle repairs will be carried out within the workshop building.
 - Yard lighting will be by fittings on the workshop building and will be in use only during operational hours.
- 4.9 Surface water is to be treated and attenuated by means of a sustainable urban drainage system.

History

- 4.10 0045/03 Outline planning permission for business (class 4) and general industrial (class 5) development and detailed permission for associated engineering works. Granted 14/03/03.

- 4.11 The outline permission stated that the north plots adjacent to Easter Inch Steading should be for class 4 business use. A design guide for the employment area was produced for Scottish Enterprise.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and 4 objections were received. The representations are summarised below. The full representations are attached to this report.

Comments	Response
The height of the office building is excessive. The adjacent Evans Easyspace buildings are 4.8m high. The Scottish Enterprise design guide states that eaves height should be no greater than 7m. The highest part of the office building is 9.5m.	The design guide allows for 2-3 storey buildings and states the preference is for eaves to be no more than 7m. The office building is 7.15m to eaves and 8.45m high to ridge with a corner glazed entrance feature 8.75m to eaves and 9.5m high to ridge. It is considered that this is generally consistent with the design guide.
The outline planning permission restricts the use of the plots next to Easter Inch Steading to class 4 business use. The workshop and yard does not comply.	The outline permission does state that the northern plots should be for class 4 use. The office element of the proposal complies. While the yard and workshop would not be consistent with the outline permission, it is considered that the distance to the steading, and intervening landscaping, together with the economic benefits of the proposal and planning conditions to control operational matters, provide justification for the proposed use.
The external materials of the proposed buildings are not acceptable and don't respect the character of the steadings.	It is considered that the materials are consistent with the terms of the Scottish Enterprise design guide and will not adversely affect the character of the steadings.
Scottish Enterprise has failed to successfully implement the landscaping that formed part of planning permission 0045/03 with specific reference to the woodland belt between the steadings and the north plots.	The woodland belt has not successfully established. This matter has been taken up with Scottish Enterprise and it has recently advised that it will be implementing remedial landscape works.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Transportation	No	-	Noted.

Consultee	Objection	Comments	Planning Response
WLC Flood Risk Management	No	The SUDS proposals are acceptable.	Noted.
WLC Contaminated Land Officer	No	Further site investigation works are required.	Noted.
WLC Environmental Health	No	Recommend conditions to control activities with regard to the yard and workshop in order to safeguard the amenity of residents of Easter Inch Steading.	Noted.
Scottish Water	-	No reply received.	-
Scotland Gas Networks	No	Advise of gas infrastructure in the locality.	Noted.

7 PLANNING POLICY ASSESSMENT

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

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

7.3 Relevant development plan policies are listed below.

Plan	Policy	Assessment	Conform
WLLP	EM 2 Employment sites This policy allocates employment sites as detailed in the local plan appendix.	The site forms part of allocated employment site EBg2. The local plan appendix lists the site as category B (high amenity use class 4, 5 & 6).	Yes
WLLP	EM 8 Employment use design This policy requires high design standards.	The layout respects its surroundings and a high quality development will be achieved.	Yes
WLLP	HER 2 Listed Buildings This policy gives protection to listed buildings and their settings.	The listed Easter Inch Steading is to the north of the site. The distance of the proposed buildings and yard and intervening landscaping is such that the proposal will not adversely affect the setting of the listed steading.	Yes

Plan	Policy	Assessment	Conform
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 9 Residential and visual amenity</p> <p>This policy requires the amenity of neighbouring residential properties to be protected.</p>	The distance of the proposed buildings and yard to Easter Inch Steading, intervening landscaping and planning conditions to control operational matters is such that the proposal will not adversely affect the amenity of residents of the steading.	Yes
WLLP	<p>TRAN 32 & 33 Parking</p> <p>This policy states that standards for parking should be met.</p>	The relevant parking standards are met.	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.	In part.
WLLP	<p>IMP 6 SUDS</p> <p>This policy requires development to comply with current best practice on sustainable urban drainage practices.</p>	The SUDS proposals are acceptable.	Yes
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"> • Flood risk and drainage • Contaminated land 	The proposal meets requirements.	Yes

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 69 *Planning and Building Standards Advice on Flooding*
 PAN 75 *Planning for Transport*
 PAN 77 *Designing Safer Places*
 PAN 78 *Inclusive Design*
 PAN 79 *Water and Drainage*
 PAN 2/2011 *Planning and Archaeology*

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

Development Plan Allocation

- 8.3 The local plan allocates the site for employment use and thus the proposal is consistent with this.

Layout & Design

- 8.4 The layout and design has taken due regard of the listed steading to the north and the amenity of its residents. The office building and workshop are positioned at the south of the site to allow maximum separation from the steading.
- 8.5 A new landscaped area incorporating a bund will enhance the existing woodland belt planted by Scottish Enterprise.
- 8.6 The design of the office building and workshop is consistent with the terms of the Scottish Enterprise design guide.
- 8.7 Planning conditions will be used to control operations relating to the yard/workshop to further safeguard the amenity of residents of the steading.

Other Material Considerations

Outline Planning Permission

- 8.8 The outline permission granted to Scottish Enterprise does restrict the use of the plots nearest to Easter Inch Steading to class 4 business use. It is acknowledged that the yard and workshop element of the proposal is not consistent with this.
- 8.9 However, it is considered there is justification to allow the proposal. Firstly, the proposal will result in significant economic benefit by providing new premises for a major local

employer. Secondly, the position of the workshop at the south of the site and the existing and proposed woodland landscaping between the yard/workshop and the steading will minimise impacts on adjacent residents and will not adversely affect the setting of the listed steading. Thirdly, planning conditions will be used to control operations relating to the yard/workshop that will further safeguard the amenity of residents.

Representations


- 8.10 The representations have been summarised and responded to above. It is considered, subject to planning conditions to control operations relating to the yard/workshop, that the amenity of the residents of Easter Inch Steading will be safeguarded.

9 SUMMARY AND CONCLUSIONS

- 9.1 The principle of employment use of the site is established by the local plan allocation and the outline planning permission.
- 9.2 There is justification for the yard/ workshop element of the proposal as the layout and design, together with planning conditions to control operational matters of the yard/workshop, will safeguard the amenity of the residents of Easter Inch Steading.
- 9.3 The proposal will provide significant economic benefits by providing new premises for this major local employer.
- 9.4 It is thus recommended that the committee grant planning permission subject to planning conditions.

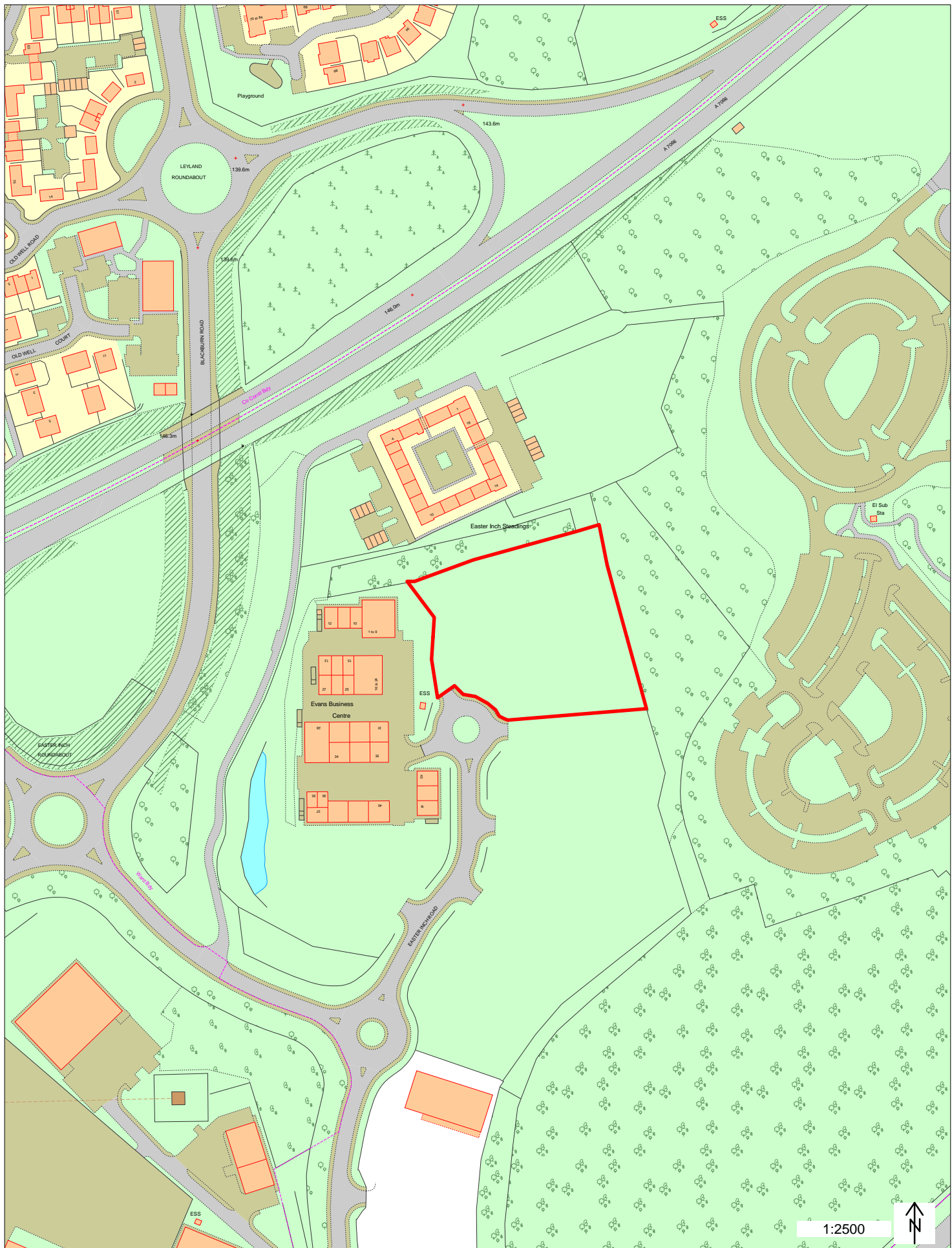
10 ATTACHMENTS

- Location plan
- Layout plan
- Elevations
- Supporting letter from applicant
- Representations
- Draft reasons for refusal



CHRIS NORMAN
Development Management Manager

Date: 10 December 2014



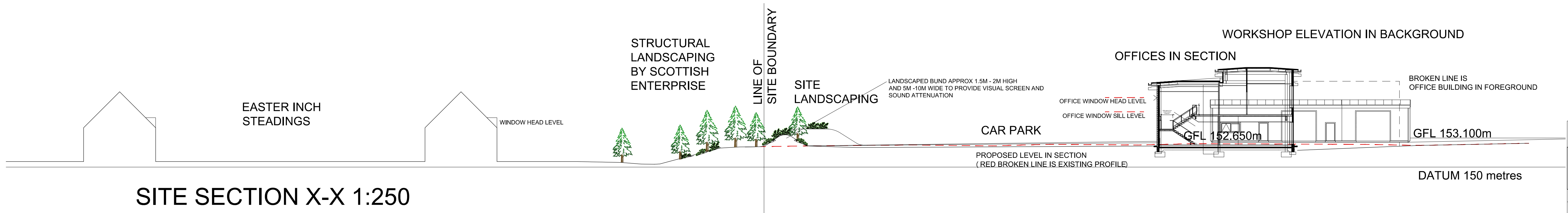
0646/FUL/14



0646/FUL/14



SITE LAYOUT 1:250



SITE SECTION X-X 1:250

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BG Architects

5 Braehead Park

Linlithgow

West Lothian EH49 6EJ

T: 01506 536227

JOB NO

1401

DRG NO

(9) 01

DRG TITLE

SITE LAYOUT AND SECTION

DRAWN

BGA

CHECKED

BG

DATE

10 NOV 2014

SCALE

AS NOTED @ A1

NEW OFFICE AND WAREHOUSE BUILDINGS

EASTER INCH, BATHGATE

FRONT LINE CONSTRUCTION

B

G

A



VIEW FROM SOUTH

BG Architects
5 Braehead Park
Linlithgow
West Lothian EH49 6EJ
T. 01506 536227

1401 (PL)10
3D VIEWS SHEET 1
OFFICE BUILDING

24 APRIL 2014

SCALE NTS @ A3

PROPOSED NEW OFFICE AND WORKSHOP
PLOT 4, EASTER INCH,
BATHGATE
FRONT LINE CONSTRUCTION





VIEW TO ENTRANCE FROM ROUNDABOUT



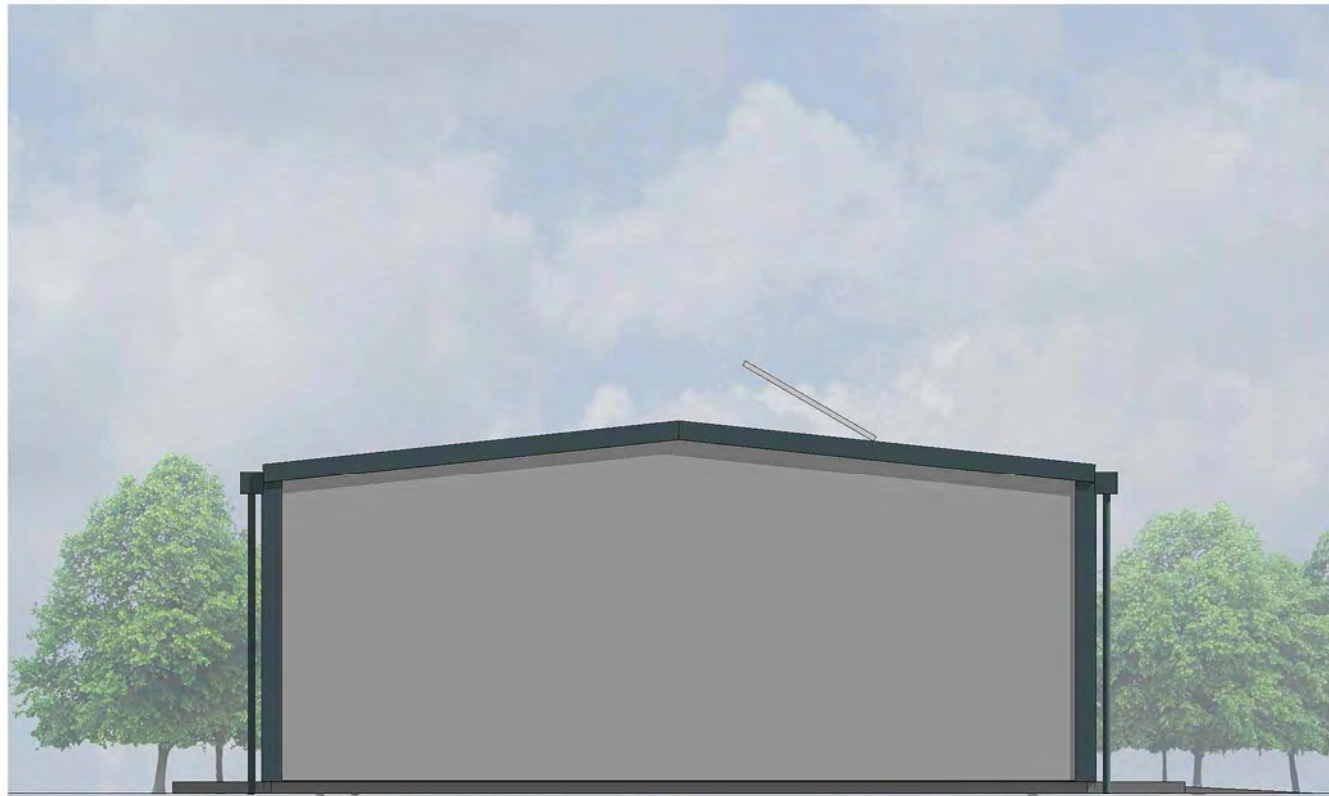
VIEW TO ENTRANCE FROM CAR PARK

BG Architects
 5 Braehead Park
 Linlithgow
 West Lothian EH49 6EJ
 T. 01506 536227
 1401 (PL)11
 3D VIEWS SHEET 2
 OFFICE BUILDING
 24 APRIL 2014

SCALE NTS @ A3

PROPOSED NEW OFFICE AND WORKSHOP
 PLOT 4, EASTER INCH,
 BATHGATE
 FRONT LINE CONSTRUCTION

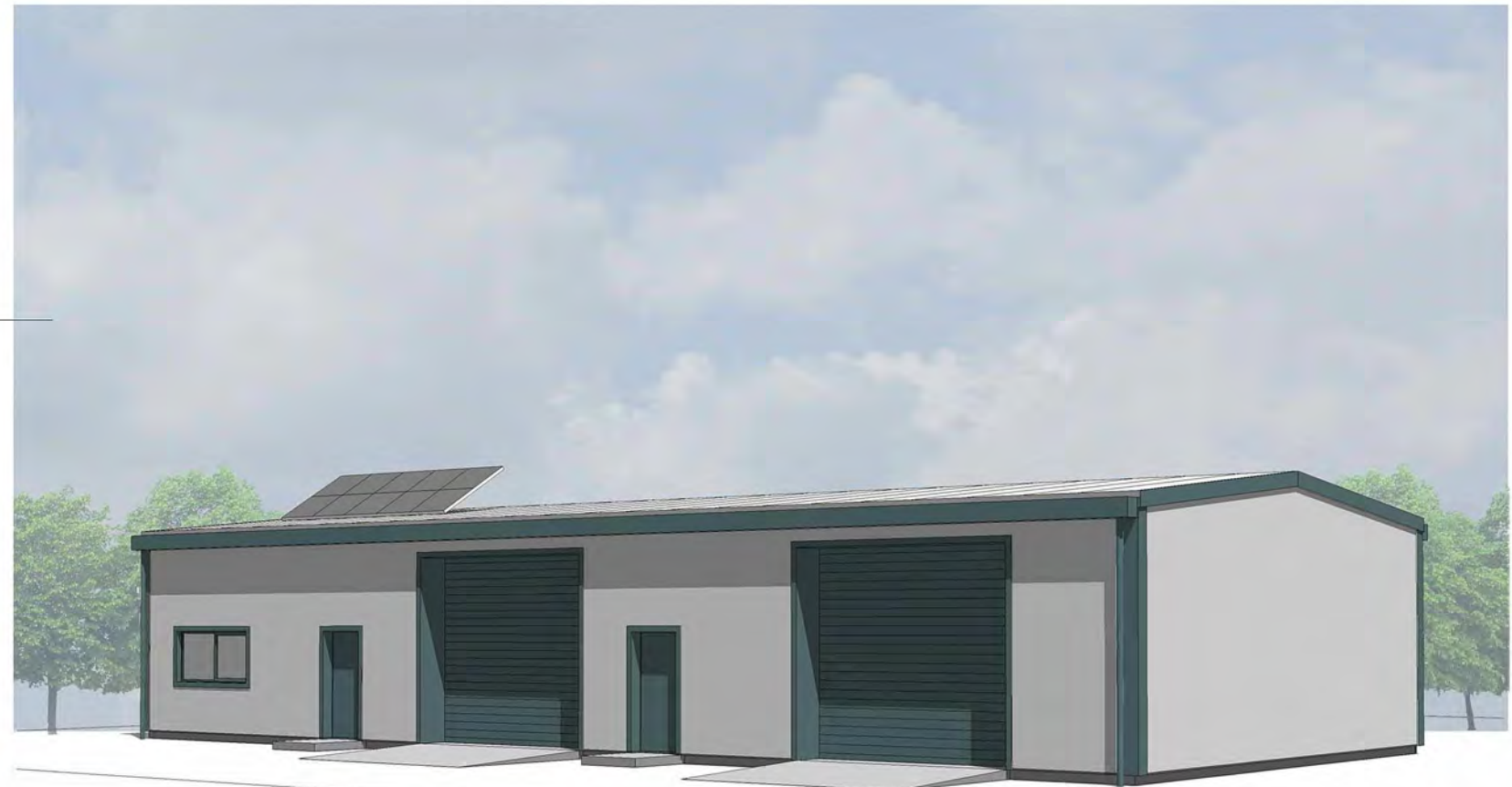




NORTH ELEVATION



SOUTH ELEVATION



VIEW FROM OFFICE BUILDING

ROOF - PROFILED METAL CLADDING WITH PLASTISOL FINISH IN GOOSEWING GREY
WALLS - PROFILED METAL CLADDING WITH PLASTISOL FINISH IN GOOSEWING GREY
WITH CONTRASTING DOORS, CORNER FLASHINGS, GUTTERS AND RW GOODS.

BG Architects

5 Braehead Park

Linlithgow

West Lothian EH49 6EJ

T. 01506 536227

1401 (PL)15

NORTH AND SOUTH ELEVATION S
WORKSHOP BUILDING

27 APRIL 2014

SCALE 1:100 @ A3

PROPOSED NEW OFFICE AND WORKSHOP
PLOT 4, EASTER INCH,
BATHGATE
FRONT LINE CONSTRUCTION



FRONT LINE CONSTRUCTION LTD

BURNSIDE ROAD, BATHGATE, WEST LoTHIAN EH48 4PX

Telephone: (01506) 632510

Fax: (01506) 631700

email: info@front-line-construction.com

PD/1403/270814

27th August 2014

West Lothian Council

County Buildings

High Street

Linlithgow

West Lothian

EH49 7EZ

Dear Sirs,

Proposed Development Site 4 at Easter Inch, Bathgate

With regard to our Planning Application in connection with the above, we write to introduce ourselves, explain our intentions for the site and outline the efforts we have made to engage with the residents of the adjacent Steading development in order to ensure a mutually suitable proposal.

Front Line Construction are a Groundworks and Civil Engineering contractor employing approximately 200 people. Our interest in this site lies in the need to relocate from our current premises to allow us to expand and diversify our business, specifically within the Bathgate area. We were formed in 1979 and have operated from the town since our inception and we are therefore keen to remain in Bathgate to retain our local identity. With the assistance of Melissa Molina and Jim Henderson at Business Gateway, we have identified Easter Inch as a suitable site.

In January 2014, we entered into dialogue with Scottish Enterprise with a view to purchasing the site. Subsequent investigations revealed deficiencies in the newly constructed infrastructure and mains service availability. Given our desire to remain in Bathgate, we have actively sought solutions to these problems where others may have walked away. By way of example, we have undertaken to remedy the embankment on the eastern portion of the site which was left unsoiled, unstable and unsightly by others. This will improve the outlook for the residents and ensure the structural integrity of the embankment.

Our aspiration is a high quality flagship headquarters which will enhance the local area. We envisage the design to be of higher quality than is typical in this area. This will not only demonstrate our professionalism and intent for the future but also display the workmanship upon which our reputation has been built.

We are currently based in Burnside Road, in a predominantly residential area. We have good relationships with all of our neighbours and we are keen to ensure that this continues in

our new location. With this in mind, we made early contact with the Steading residents in order to inform them of our plans and invite discussion on any concerns.

From an initial conversation with Mr & Mrs Carson, we produced section drawings illustrating the relationship between our proposals and the resident's homes. These drawings, along with proposed layouts were given to the residents under cover of our letter of 21st May 2014, copy enclosed. In this letter, we offered the opportunity to meet and discuss any areas of concern in advance of our Planning Application.

We received a reply by email from Mr Eyles on 26th May in which the residents requested a meeting along with Tony Irving from the Planning Department. Reference was made to the potential volatility of the meeting. We responded on the same date by emphasising our desire for a pre-planning meeting in order to gauge reaction and reach a mutually agreeable proposal without volatility.

A succession of emails over the following two months debated the venue and the need for the Planners attendance. We were keen to hold the meeting in our current office so that the residents could better understand how we operate in our current premises. In addition, we felt that discussions over acceptability or otherwise of our proposals would be better had before entering the planning process.

A meeting was eventually held in our office on 6th August and this proved amicable and productive, however the residents had a number of concerns.

The proximity of the proposed workshop / store to the northern boundary was the major concern from the point of view of visual and noise impact. We advised that it had originally been sited here in order to offer some noise baffling from the wider Easter Inch development. It was noted that this was the intention of the structural planting detailed on the original Planning Brief but this had not been carried out by Scottish Enterprise. We confirmed that we would undertake additional planting in order to help privacy and create a sound barrier. Notwithstanding this point, we agreed to amend the layout and move the building away from the boundary and rotate it 90 degrees so that only the gable end would face the Steadings.

In addition, the height of the workshop was discussed. We agreed to reduce the overall height from that shown and amend the Planning drawings accordingly.

When we agreed to implement these changes to the positioning and scale of the building, the fears of the majority of residents present seemed to allayed.

There was general concern at the potential noise impact of excavators and other items of heavy plant being stored or operated in the yard. We advised that as contractors, our plant and machinery is utilised on construction sites across Central Scotland and that it does not return to a depot as such. The nature of our business dictates that all plant must be continuously operated and that any repairs are done on site in order to minimise down time. We have not stored or operated heavy plant in our current premises, nor will we in our future location.

The Residents queried our likely working hours. We advised that our current yard operates from 7.30a.m until 5.30p.m Monday to Friday but office staff may work out with these hours and that our fitters may work on a Saturday morning servicing small plant.

The proposed office height and potential for overlooking was raised. Mr Eyles stated that there was a Planning condition that no part of any building on Site 4 could be higher than the Steading buildings. He considered that our proposal would breach this condition. We advised that we had no knowledge of this condition and explained that the proposed ground levels would be lower than existing and this would lessen the perceived impact. We offered to erect profiles indicating the height and extent of the workshop buildings to demonstrate this.

The residents sought further information on the proposed external finishes. We explained each element and offered to obtain samples for viewing if required.

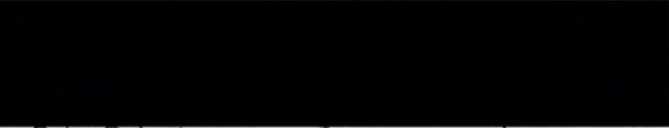
Concern was raised at the impact on traffic and parking in the area. There was an impression that our new office was to accommodate all of our employees and that the parking provision detailed would be insufficient. We explained that as contractors, the majority of our operatives were site based and that approximately 30 or so would be based in the office therefore the impact on local traffic would be minimal and that there would be no need for any employees to park on the Distributor road.

In light of these points, it was agreed to hold a further meeting on site on Saturday 9th August. We erected profiles indicating the corners and ridge heights of the proposed buildings. These were not visible from the garden pathways but we asked residents to have a look from their upstairs rooms to get a feel for the scale of the proposed buildings. Samples of the proposed ashlar and split faced reconstituted stone were shown at the same time. The meeting was concluded with the residents undertaking to list their concerns in writing via Mr Eyles. To date we have not received any further communication which we can only view as positive.

We felt that it was important to engage with our potential new neighbours and gain their confidence as early as possible so that we could relocate with the support of the local community. We intend operating from the proposed development for many years to come and it would not be beneficial to anybody to start out with any feelings of animosity. We have therefore listened to the views of the Steading residents and amended our scheme where possible so that we might enjoy a positive and fruitful relationship in the future.

We trust you find the above to be in order, however please do not hesitate to contact the writer should you require further information or clarification on any aspect of our application.

Yours Faithfully,



Peter Doherty

Managing Director

14 Easter Inch Steadings
Bathgate
West Lothian
EH48 2EH

7 November 2014

West Lothian Planning Dept
Lomond House
Beveridge Square
Dedridge
Livingston
EH54 6 QF

DC/BA

For the attention of Mr. Tony Irvine

Dear Sir

West Lothian Council	
Development Management	
1 0 NOV 2014	
Date.....	T. 1.....
Ref No.....	
Ref To.....	
Replied.....	

It is my understanding that Frontline Construction ltd have applied for permission to develop the plots adjacent to Easter Inch Steading for Workshop, Offices and Parking etc.

Having viewed the provisional plans prepared by Frontline Construction, I consider that they contravene the requirements laid down by WLC Development Dept.

A detailed objection is contained in the attached Documentation.

Yours faithfully,



Robert D Carson

Proposed Development Plot 4, Easter Inch, Bathgate

In relation to the proposed Front Line Construction (FLC) development on plot 4, Easter Inch trading estate, Bathgate, the residents of Easter Inch Steading, Bathgate (adjacent to plot 4) raise the following:

1. Proposed building height

Existing buildings on plots 2 and 3 (Evans Easy Space) within the trading estate are 4.8m high. The proposed building by FLC is approx. 9.5m high (for the avoidance of doubt, building height is defined as the top most point of the building structure). Although it is conceded that within the "Easter Inch South, Bathgate – Design Guide" (prepared for Scottish Enterprise, Edinburgh and Lothian by Leeboyd Designers and Architects, February 2006), section 5.6 mentions that plots 3 and 4 may have scope to develop to 3 storeys, this section also states eaves to be no greater than 7m above ground level. Section 5.5 somewhat contradicts this and goes on to state that:

"Development Control have intimated that they would like plots 3 and 4, (adjacent to the converted steading, north of the site) to be developed as smaller scale units, in keeping with the residential use of the adjacent site. Preference is for 2-3 storey office pavilions to be arranged in a manner that allows views through the site to the converted steading beyond. While the main approach to these buildings is from the south it is recognised that they may be highly visible from Blackburn Road and from the adjacent residential development and should be designed with this in mind"

2. Proposed building class use

In reference to the above document, section 5.4 clearly states:

"It is intended that the site be developed primarily for class 4 (office) and class 5 (light industrial) use...the site is capable of being split into two distinct areas for each class of use, with the more highly services light industrial units contained within the southern end of the site, closest to the M8. This arrangement is intended partly to restrict the movement of the larger service vehicles, which may be required by the class 5 use...It also addresses the need for less disruptive and smaller scale development adjacent to the new Hartfield homes development [Easter Inch Steading]"

Furthermore, conditions attached to planning application number 0045/03, section 3 states:

"The uses authorised by this outline planning permission are restricted to Class 4 Business Use and Class 5 General Industrial Use as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997. Specifically, plots 2 and 3 nearest the Easter Inch Steading to the north east of the site shall be restricted to Class 4 Business uses only"

Furthermore, conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 5.3 states:

"Buildings closest to the steadings should be restricted to Use Class 4 only and all service yards, storage areas, plant, turning and parking areas should be located on the side of the new buildings furthest from the steading"

Furthermore, Section 5.2 states:

"...the new buildings nearest the steading buildings should be laid out either parallel or at right angles to the existing steading buildings in order to try to replicate the courtyard form of the existing steading"

Furthermore, Section 5.1 states:

"Any development on Easter Inch South must respect the character of the steading buildings..."

Furthermore, conditions attached to planning application number 1228/FUL/06, section 3 paragraph 1 states:

"Permission is hereby granted for blocks 1 and 2 to be used for Class 4(a) office business use as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other use with Class 4"

3. Proposed construction materials

In relation to construction materials for buildings within Easter Inch trading estate adjacent to and nearest to Easter Inch Steading, it has been conceded that the existing materials are unacceptable and contradict Section 5.1 as mentioned above.

4. Landscaping

Conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 4.7 states:

"Heavy standard trees of a species agreed between the developers and the planning authority should be planted along the line of the access track to the existing steading buildings on the south side of the existing stone wall. These trees will eventually form a tree-lined avenue with new planting done as part of the conversion of the steading building"

Further to this, conditions attached to planning application number 1228/FUL/06, section 10, paragraph 2, point 1 states:

"Selected standard trees (10cm to 12cm girth) and shrubs on the land between blocks 1, 2 & 3 and the access road that leads to Easter Inch Steading and on the land between block 1 and the north site boundary"

Further to this, paragraph 4 states:

The new planting shall be maintained for a period of five years until it becomes established, in accordance with the attached Landscaping Specification 2."

Objections

In relation to the above points, the following objections are raised and should be read in conjunction with the report by the Development Control Manager, dated 21 February 2007 in relation to planning application 1228/FUL/06:

1. Building height
 - a. The proposed building is in direct contrast to the height of Easter Inch Steading and existing buildings on plots 2 and 3
 - b. The proposed building would directly affect the privacy of the residents along the south side of Easter Inch Steading (numbers 10 through to 14) due to its height, positioning and design (number and type of windows along north elevation)
2. Building class use
 - a. The proposed class use of plot 4 contradicts that of plot 3 and the consented planning conditions. Class 5 use on plot 4 would directly affect the amenity of the residents of Easter Inch Steading

3. Proposed construction materials

- a. The proposed construction materials as presented by FLC on 9th August to the residents of Easter Inch Steading are acceptable and of a higher grade than the existing buildings on plots 2 and 3. However, these materials should be detailed within any planning application and set as conditions to any consent

4. Landscaping

- a. Scottish Enterprise have failed in their responsibility in relation to the planning conditions set out with regards to landscaping Easter Inch trading estate. West Lothian Council were approached however declined to enforce these conditions circa 2009. It is an opinion of the residents that landscaping detail and its subsequent responsibility should be clearly defined within any planning application and conditions of consent. It is also an opinion of the residents that where possible, prior to any building work, landscaping is carried out
- b. Any landscaping should be sympathetic to all-year round screening for the Steading. Current landscaping is seasonal and unacceptable

Conclusion

Front Line Construction have presented themselves as fair and reasonable, and the residents appreciate the open manner of recent dialogue. It is also appreciated that Front Line Construction are a local business who no doubt support both local employment and the economy.

However, it is felt by the residents that precedence has been set with existing planning permission and building work on plots 2 and 3 for Evans Easyspace and that any planning permission granted for plots 4 and 5 should mirror this.

It is also felt there is a variety of existing undeveloped land within Bathgate which would be more suitable to Front Line Construction's needs and that would come up with much less local resistance.

In conclusion, the residents cannot agree to the proposed building and use of plot 4.

6 Easter Inch Steading
Bathgate
West Lothian
EH48 2EH

The Development and Building Control Manager
Development Control Unit
County Building
Linlithgow
EH49 7EZ

7th November 2014

Dear Sir/Madam,

RE: Planning Application [0646/FUL/14](#) at Easter Inch Steadings, Bathgate WH48 2EH

With regards to the proposed development above, I would like the following points to be taken into consideration:

The access road into Easter Inch continually has parked cars along it, this makes it difficult, and at times dangerous, for residents coming out of the Steadings along the single track road. The one hundred employee development that Frontline propose, and the increase in traffic as a result, will exacerbate this issue.

The proposed development would mean a loss of privacy to existing residents as the new development would overlook the Steading.

The height of the proposed building is much higher than both the steading and the other buildings on the industrial estate and will overshadow the steading. In addition, the planned workshop will increase noise levels.

There is also additional consideration that must be made for the fact that the Steading is a listed building, the current residents must stick to certain rules and regulations to maintain the appearance of the Steading in accordance with its listed status and the proposed changes would not be in keeping with this status.

I would also like to express my concern that we, as residents at Easter Inch, were not advised by WLC that formal planning permission had been submitted by Frontline, even though we were included in previous discussions and took the time to attend meetings concerning the development with the applicant.

I hope you will give my point's careful consideration before making your decision.

Sincerely,

Jacqueline MacDonald

Proposed Development Plot 4, Easter Inch, Bathgate

In relation to the proposed Front Line Construction (FLC) development on plot 4, Easter Inch trading estate, Bathgate, the residents of Easter Inch Steading, Bathgate (adjacent to plot 4) raise the following:

1. Proposed building height

Existing buildings on plots 2 and 3 (Evans Easy Space) within the trading estate are 4.8m high. The proposed building by FLC is approx. 9.5m high (for the avoidance of doubt, building height is defined as the top most point of the building structure). Although it is conceded that within the "Easter Inch South, Bathgate – Design Guide" (prepared for Scottish Enterprise, Edinburgh and Lothian by Leeboyd Designers and Architects, February 2006), section 5.6 mentions that plots 3 and 4 may have scope to develop to 3 storeys, this section also states eaves to be no greater than 7m above ground level. Section 5.5 somewhat contradicts this and goes on to state that:

"Development Control have intimated that they would like plots 3 and 4, (adjacent to the converted steading, north of the site) to be developed as smaller scale units, in keeping with the residential use of the adjacent site. Preference is for 2-3 storey office pavilions to be arranged in a manner that allows views through the site to the converted steading beyond. While the main approach to these buildings is from the south it is recognised that they may be highly visible from Blackburn Road and from the adjacent residential development and should be designed with this in mind"

2. Proposed building class use

In reference to the above document, section 5.4 clearly states:

"It is intended that the site be developed primarily for class 4 (office) and class 5 (light industrial) use...the site is capable of being split into two distinct areas for each class of use, with the more highly serviced light industrial units contained within the southern end of the site, closest to the M8. This arrangement is intended partly to restrict the movement of the larger service vehicles, which may be required by the class 5 use...It also addresses the need for less disruptive and smaller scale development adjacent to the new Hartfield homes development [Easter Inch Steading]"

Furthermore, conditions attached to planning application number 0045/03, section 3 states:

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Furthermore, conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 5.3 states:

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Furthermore, Section 5.2 states:

"...the new buildings nearest the steading buildings should be laid out either parallel or at right angles to the existing steading buildings in order to try to replicate the courtyard form of the existing steading"

Furthermore, Section 5.1 states:

"Any development on Easter Inch South must respect the character of the steading buildings..."

Furthermore, conditions attached to planning application number 1228/FUL/06, section 3 paragraph 1 states:

"Permission is hereby granted for blocks 1 and 2 to be used for Class 4(a) office business use as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other use with Class 4"

3. Proposed construction materials

In relation to construction materials for buildings within Easter Inch trading estate adjacent to and nearest to Easter Inch Steading, it has been conceded that the existing materials are unacceptable and contradict Section 5.1 as mentioned above.

4. Landscaping

Conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 4.7 states:

"Heavy standard trees of a species agreed between the developers and the planning authority should be planted along the line of the access track to the existing steading buildings on the south side of the existing stone wall. These trees will eventually form a tree-lined avenue with new planting done as part of the conversion of the steading building"

Further to this, conditions attached to planning application number 1228/FUL/06, section 10, paragraph 2, point 1 states:

"Selected standard trees (10cm to 12cm girth) and shrubs on the land between blocks 1, 2 & 3 and the access road that leads to Easter Inch Steading and on the land between block 1 and the north site boundary"

Further to this, paragraph 4 states:

"The new planting shall be maintained for a period of five years until it becomes established, in accordance with the attached Landscaping Specification 2."

Objections

In relation to the above points, the following objections are raised and should be read in conjunction with the report by the Development Control Manager, dated 21 February 2007 in relation to planning application 1228/FUL/06:

1. Building height
 - a. The proposed building is in direct contrast to the height of Easter Inch Steading and existing buildings on plots 2 and 3
 - b. The proposed building would directly affect the privacy of the residents along the south side of Easter Inch Steading (numbers 10 through to 14) due to its height, positioning and design (number and type of windows along north elevation)
2. Building class use
 - a. The proposed class use of plot 4 contradicts that of plot 3 and the consented planning conditions. Class 5 use on plot 4 would directly affect the amenity of the residents of Easter Inch Steading

3. Proposed construction materials
 - a. The proposed construction materials as presented by FLC on 9th August to the residents of Easter Inch Steading are acceptable and of a higher grade than the existing buildings on plots 2 and 3. However, these materials should be detailed within any planning application and set as conditions to any consent
4. Landscaping
 - a. Scottish Enterprise have failed in their responsibility in relation to the planning conditions set out with regards to landscaping Easter Inch trading estate. West Lothian Council were approached however declined to enforce these conditions circa 2009. It is an opinion of the residents that landscaping detail and its subsequent responsibility should be clearly defined within any planning application and conditions of consent. It is also an opinion of the residents that where possible, prior to any building work, landscaping is carried out
 - b. Any landscaping should be sympathetic to all-year round screening for the Steading. Current landscaping is seasonal and unacceptable

Conclusion

Front Line Construction have presented themselves as fair and reasonable, and the residents appreciate the open manner of recent dialogue. It is also appreciated that Front Line Construction are a local business who no doubt support both local employment and the economy.

However, it is felt by the residents that precedence has been set with existing planning permission and building work on plots 2 and 3 for Evans Easyspace and that any planning permission granted for plots 4 and 5 should mirror this.

It is also felt there is a variety of existing undeveloped land within Bathgate which would be more suitable to Front Line Construction's needs and that would come up with much less local resistance.

In conclusion, the residents cannot agree to the proposed building and use of plot 4.

Irving, Tony

From: Christie, Linda on behalf of Planning
Sent: 19 November 2014 15:53
To: Irving, Tony
Subject: FW: Objection to Planning Application 0646/FUL/14 - [INTERNAL ONLY]
Attachments: attachment_1416237992857_Plot 4 Proposed Development Objections.pdf

DATA LABEL: INTERNAL ONLY

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

From: TOM NAPPER [mailto:[t.napper@westlothian.gov.uk](#)]
Sent: 19 November 2014 13:07
To: Planning
Subject: Objection to Planning Application 0646/FUL/14

For the attention of Tony Irvine.

Dear Tony,

We should like to express our objection to the planning application made by Frontline Construction relating to plot 4 on the industrial estate, reference number 0646/FUL/14.
Our objections are laid out in the attached document.

Sincerely,

Carol Chamberlain and Tom Napper,
13, Easter Inch Steadings,
EH48 2EH

West Lothian Council - Data Labels:

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Link to Information Handling Procedure:

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

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Proposed Development Plot 4, Easter Inch, Bathgate

In relation to the proposed Front Line Construction (FLC) development on plot 4, Easter Inch trading estate, Bathgate, the residents of Easter Inch Steading, Bathgate (adjacent to plot 4) raise the following:

1. Proposed building height

Existing buildings on plots 2 and 3 (Evans Easy Space) within the trading estate are 4.8m high. The proposed building by FLC is approx. 9.5m high (for the avoidance of doubt, building height is defined as the top most point of the building structure). Although it is conceded that within the "Easter Inch South, Bathgate – Design Guide" (prepared for Scottish Enterprise, Edinburgh and Lothian by Leeboyd Designers and Architects, February 2006), section 5.6 mentions that plots 3 and 4 may have scope to develop to 3 storeys, this section also states eaves to be no greater than 7m above ground level. Section 5.5 somewhat contradicts this and goes on to state that:

"Development Control have intimated that they would like plots 3 and 4, (adjacent to the converted steading, north of the site) to be developed as smaller scale units, in keeping with the residential use of the adjacent site. Preference is for 2-3 storey office pavilions to be arranged in a manner that allows views through the site to the converted steading beyond. While the main approach to these buildings is from the south it is recognised that they may be highly visible from Blackburn Road and from the adjacent residential development and should be designed with this in mind"

2. Proposed building class use

In reference to the above document, section 5.4 clearly states:

"It is intended that the site be developed primarily for class 4 (office) and class 5 (light industrial) use...the site is capable of being split into two distinct areas for each class of use, with the more highly services light industrial units contained within the southern end of the site, closest to the M8. This arrangement is intended partly to restrict the movement of the larger service vehicles, which may be required by the class 5 use...It also addresses the need for less disruptive and smaller scale development adjacent to the new Hartfield homes development [Easter Inch Steading]"

Furthermore, conditions attached to planning application number 0045/03, section 3 states:

"The uses authorised by this outline planning permission are restricted to Class 4 Business Use and Class 5 General Industrial Use as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997. Specifically, plots 2 and 3 nearest the Easter Inch Steading to the north east of the site shall be restricted to Class 4 Business uses only"

Furthermore, conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 5.3 states:

"Buildings closest to the steadings should be restricted to Use Class 4 only and all service yards, storage areas, plant, turning and parking areas should be located on the side of the new buildings furthest from the steading"

Furthermore, Section 5.2 states:

"...the new buildings nearest the steading buildings should be laid out either parallel or at right angles to the existing steading buildings in order to try to replicate the courtyard form of the existing steading"

Furthermore, Section 5.1 states:

"Any development on Easter Inch South must respect the character of the steading buildings..."

Furthermore, conditions attached to planning application number 1228/FUL/06, section 3 paragraph 1 states:

"Permission is hereby granted for blocks 1 and 2 to be used for Class 4(a) office business use as defined in the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 and for no other use with Class 4"

3. Proposed construction materials

In relation to construction materials for buildings within Easter Inch trading estate adjacent to and nearest to Easter Inch Steading, it has been conceded that the existing materials are unacceptable and contradict Section 5.1 as mentioned above.

4. Landscaping

Conditions attached to planning application number 0845/P/1995 (2nd amended plan), section 4.7 states:

"Heavy standard trees of a species agreed between the developers and the planning authority should be planted along the line of the access track to the existing steading buildings on the south side of the existing stone wall. These trees will eventually form a tree-lined avenue with new planting done as part of the conversion of the steading building"

Further to this, conditions attached to planning application number 1228/FUL/06, section 10, paragraph 2, point 1 states:

"Selected standard trees (10cm to 12cm girth) and shrubs on the land between blocks 1, 2 & 3 and the access road that leads to Easter Inch Steading and on the land between block 1 and the north site boundary"

Further to this, paragraph 4 states:

"The new planting shall be maintained for a period of five years until it becomes established, in accordance with the attached Landscaping Specification 2."

Objections

In relation to the above points, the following objections are raised and should be read in conjunction with the report by the Development Control Manager, dated 21 February 2007 in relation to planning application 1228/FUL/06:

1. Building height
 - a. The proposed building is in direct contrast to the height of Easter Inch Steading and existing buildings on plots 2 and 3
 - b. The proposed building would directly affect the privacy of the residents along the south side of Easter Inch Steading (numbers 10 through to 14) due to its height, positioning and design (number and type of windows along north elevation)
2. Building class use
 - a. The proposed class use of plot 4 contradicts that of plot 3 and the consented planning conditions. Class 5 use on plot 4 would directly affect the amenity of the residents of Easter Inch Steading

3. Proposed construction materials
 - a. The proposed construction materials as presented by FLC on 9th August to the residents of Easter Inch Steading are acceptable and of a higher grade than the existing buildings on plots 2 and 3. However, these materials should be detailed within any planning application and set as conditions to any consent
4. Landscaping
 - a. Scottish Enterprise have failed in their responsibility in relation to the planning conditions set out with regards to landscaping Easter Inch trading estate. West Lothian Council were approached however declined to enforce these conditions circa 2009. It is an opinion of the residents that landscaping detail and its subsequent responsibility should be clearly defined within any planning application and conditions of consent. It is also an opinion of the residents that where possible, prior to any building work, landscaping is carried out
 - b. Any landscaping should be sympathetic to all-year round screening for the Steading. Current landscaping is seasonal and unacceptable

Conclusion

Front Line Construction have presented themselves as fair and reasonable, and the residents appreciate the open manner of recent dialogue. It is also appreciated that Front Line Construction are a local business who no doubt support both local employment and the economy.

However, it is felt by the residents that precedence has been set with existing planning permission and building work on plots 2 and 3 for Evans Easyspace and that any planning permission granted for plots 4 and 5 should mirror this.

It is also felt there is a variety of existing undeveloped land within Bathgate which would be more suitable to Front Line Construction's needs and that would come up with much less local resistance.

In conclusion, the residents cannot agree to the proposed building and use of plot 4.

Irving, Tony

From: Christie, Linda on behalf of Planning
Sent: 14 October 2014 08:36
To: Irving, Tony
Subject: FW: 0646/FUL/14 - Objection - [INTERNAL ONLY]
Attachments: Plot 4 Proposed Development Objections.pdf

DATA LABEL: INTERNAL ONLY

From: Peter Eyles [REDACTED]
Sent: 13 October 2014 20:21
To: Planning
Subject: 0646/FUL/14 - Objection

Sir/Madam,

Please find objection attached to the above planning application.

I have previously submitted a comment through your website portal. However, I have had no response to this and nothing has appeared online so therefore I am assuming this facility is no longer operational.

I am happy to discuss the attached. Although I am no longer resident at Easter Inch Steading, I have been involved in the construction of the document and been involved in discussions throughout.

Kind regards,

P.

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In conclusion, the residents cannot agree to the proposed building and use of plot 4.

DRAFT DECISION - APPLICATION 0646/FUL/14

- 1 Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the principles contained in The SUDS Manual (CIRIA C697). The treatment shall meet the requirements of the Scottish Environment Protection Agency (SEPA). The critical 1:100-year post-development flow shall be attenuated to the equivalent of approximately five litres per second per hectare.

The development shall be implemented in accordance with the SUDS details set out in the report Surface Water Management Plan & Strategy dated September 2014 by Harley Haddow and as shown on drainage layout plan no. 2014.193-100 rev F and drainage construction details plan no. 2014.193-102.

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

- 2 Development shall not begin until an assessment of the risks posed by contamination has been submitted to and approved in writing by the planning authority.

Development shall not begin until a remediation strategy for any contamination has been submitted to and approved in writing by the planning authority. This must include a timetable for completion of the works. Thereafter the remediation strategy as approved shall be implemented.

The development shall not be occupied until a verification report that details all remediation works that have been carried out has been submitted to and approved in writing by the planning authority.

Reason: To identify any contamination present on site and ensure appropriate remediation is carried out.

- 3 Development shall not begin until details of the materials to be used as external finishes on all buildings, roads, footways/footpaths, parking areas and other hardstanding areas have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

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

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

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

- 5 All trees, hedges and shrubs within or adjacent to the site, except those whose

removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations.

Reason: In the interests of visual and environmental amenity.

- 6 Development shall not begin until details of landscaping has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances, methods of protection and the body that will maintain the landscaping together with a schedule of maintenance works. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces). Thereafter the landscaping as approved shall be implemented in the first planting season following any building being occupied, or completion of the development, whichever is sooner. The landscaping as approved shall thereafter be maintained to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

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

- 7 Development shall not begin until details of the bund along the north site boundary have been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to any building being occupied.

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

- 8 Development shall not begin until details of external lighting have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

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

- 9 The office and workshop shall not be occupied until:

- All new parking shown on the approved layout plan has been constructed and delineated to the satisfaction of the planning authority.
- Bicycle parking has been provided for visitors and staff (the staff bicycle parking to be covered and secure) has been provided to the satisfaction of the planning authority. Details of the position and design of the bicycle parking shall be submitted for the prior written approval of the planning authority.

Reason: In the interests of road safety, to encourage cycling and visual and environmental amenity.

- 10 The following restrictions shall apply to all operations relating to the yard and workshop:

A. There shall be no use of tonal reversing vehicle alarms. Only broadband alarms shall be used.

B. The hours of operation of the yard and workshop shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no operations outwith these hours or at any times on Sundays.

C. All vehicle repairs shall be carried out within the workshop only.

D. Storage within the yard shall be restricted to a maximum of 3 metres above ground level.

E. External lighting shall be in use only during the hours of operation at point B above.

Reason: To safeguard residential amenity.

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

Hours of Operation

Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority.

Site Compound

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

Waste

Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site. All waste material including rubble arising from the construction works hereby approved shall be deposited in a waste disposal site or recycling facility licensed for that purpose by the Scottish Environment Protection Agency.

Wheel Cleaning

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

Noise

Any plant or equipment associated with the construction works shall be suitably silenced, screened or enclosed to meet noise rating curve NR25 when measured within the nearest receptor between the hours of 2300 and 0700 and noise rating curve NR35 between the hours of 0700 and 2300.

Reason: In the interests of visual and environmental amenity.

ANNEX 1, SCHEDULE OF PLANS

1.

ADVISORY NOTES TO DEVELOPER

Notification of the start of development:

By virtue of section 27A of the Town & Country Planning (Scotland) Act 1997 (as amended), it is a legal requirement that the person undertaking the development gives the planning authority prior written notification of the date on which it is intended to commence the development. Failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the consent which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of completion of development:

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give notice of completion to the planning authority. A form is enclosed with the consent which can be used for this purpose.

Duration of consent:

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

Coal mining:

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development. Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated. To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Change of use from a domestic garage/store to a house and erection of a canopy and associated alterations at land at 1 Combfoot Cottages, Mid Calder

2 DETAILS

Reference no.	0647/FUL/14	Owner of site	Mr Cunningham
Applicant	Mr Cunningham	Ward & local members	East Livingston and East Calder F. Anderson C. John D. King F. Toner
Case officer	Wendy McCorriston	Contact details	Tel: 01506 282406 Wendy.McCorriston@westlothian.gov.uk

Reason for referral to Planning Committee: Referred by Councillor C. John

3 RECOMMENDATION

Refuse planning permission

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

-
- 4.1 This application is a proposal to change a modern domestic double garage, located in Mid Calder Conservation Area, into a one bedroom house. The garage is located in part of what was the original garden for the existing four-in-a-block flats to the west. There is also a single garage sitting to the rear of the existing double garage.
- 4.2 The site is 7.8m wide and sits between two storey flats to the west and a single storey bungalow to the east. The spatial character of the immediately surrounding area is generally of modest size houses set in large garden plots.
- 4.3 There is a long history surrounding the development of this side garden, which is set out below :
 - 0483/01: Erection of one and a half storey house, refused.
 - 1131/H/02: Erection of a double garage, refused.
 - 0426/H/03: Erection of a double garage, refused and dismissed on appeal
 - 0318/H/04: Erection of a single garage at the rear of the site, granted and built.
 - 1132/FUL/07 : Erection of a two storey house, refused and dismissed on appeal

- 0782/H/09: Demolition of existing single garage and erection of a double garage, granted and built but single garage not demolished.

- 4.4 The current proposal is to form a one bedroom house comprising a lounge, kitchen and bathroom. The proposed external alterations to the building involve forming patio doors to the rear and replacing the front garage doors with a window and an entrance canopy. An obscure glazed roof light is proposed on the west elevation, to serve the bathroom. The existing single garage is to be demolished to form garden ground to the rear. The drive is to be mono blocked and new hedging and planting undertaken

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	HOU4 Avoiding town cramming	This policy resists proposals that result in town cramming, in order to protect the character of an area and the residential amenity enjoyed by existing residents. To change the existing garage building from an ancillary structure to a separate house will result in a form of development that essentially sees a house crammed into a narrow plot which is out of keeping with the spatial character and appearance of the other houses in the area.	NO
WLLP	HOU9 Residential and visual amenity	The height, scale and appearance of a house in this location, as oppose to a domestic garage, gives the visual impression of there being too much built development, with the proposed house being an innocuous feature in the street scene. The proposal is therefore detrimental to the visual amenity of the area.	NO
WLLP	HER19 Conservation areas	Applications for planning permission in conservation areas must contribute to the preservation or enhancement of the character and appearance of the area. This proposal for the reasons set out above, does not preserve nor enhance the character and will be detrimental to the overall appearance of the conservation area.	NO

6 REPRESENTATIONS

- 6.1 Neighbour notification has been undertaken and the application was advertised in the press on 25 September 2014. The period for comments has now expired and one representation has been received expressing concern that the garage was meant to be a domestic garage but has remained unfinished and unused by the applicant for many years in order to eventually use it as a house. The full letter is attached.

7 CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objections to the proposal.	Noted.
WLC Education	No	No objections to the proposal. As the proposed house has less than 3 habitable rooms, no education developer contributions will be required.	Noted.

8 ASSESSMENT

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

Development Plan West Lothian Local Plan

- 8.2 The site lies within the Mid Calder Conservation Area where there is a requirement for development to contribute to the preservation or enhancement of the character and appearance of the area. The purpose of all three policies, as set out in section 5, above is to ensure that development is not detrimental to the character, visual appearance and residential amenity of an area.
- 8.3 The applicant has indicated, as part of this application, that his initial intent for the double garage was to use it as a store for his tools and materials for his commercial roofing business. This is clearly contrary to the permission that was granted in 2009 for a domestic garage only. The single garage to the rear was also not demolished at that time, as required in that 2009 permission and the double garage has not been rendered or finished off properly.
- 8.4 The applicant now advises that the proposed house is to accommodate his disabled mother in the short term, who currently resides at 1 Combfoot Cottages, and then ultimately for himself.
- 8.5 Whilst the site has clearly been left in a condition that is not optimum in terms of visual appearance, to change the existing garage building from an ancillary structure to a dwelling house would further compound the adverse visual impact on the street scene and the wider conservation area and result in a development that was out of keeping with the spatial character and appearance of the area. None of the personal information supplied and the details of other applications that the applicant has submitted (see attached letters) justify a departure from the policies of the development plan in this instance.

9	CONCLUSION AND RECOMMENDATION
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- 9.1 The proposal would amount to town cramming, contrary to both local plan policies, HOU4 (cramming), HOU9 (residential and visual amenity) HER 19 (conservation areas) and the council's supplementary planning guidance. In particular, the appearance of the property would look out of character and crammed into the street scene, to the detriment of the overall character and appearance of the conservation area. Refusal of the application is recommended.

10	ATTACHMENTS
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- Draft reasons for refusal
- Location plan
- Site and elevation plans
- Supporting letters from applicant (and response from Development Management Manager)
- Representation
- Member referral form

CHRIS NORMAN
Development Management Manager

Date: 10 December 2014

DRAFT REASONS FOR REFUSAL - APPLICATION 064/FUL/14

- 1 The change from an ancillary structure to a house, as proposed, would represent an unacceptable form of infill development, as the scale and design of the house is not in keeping with neighbouring properties. The proposal therefore constitutes an unacceptable form of town cramming that is out of keeping with the spatial pattern of the area and would be detrimental to the residential and visual amenities of the area.

The proposed development is therefore contrary to the following policies of the adopted West Lothian Local Plan:

- HOU4 (Avoiding town cramming)
- HOU9 (Residential and visual amenity)

- 2 The change from an ancillary structure to a house and the alterations proposed would not contribute to the preservation or enhancement of the character and appearance of the area. The proposal constitutes an unacceptable form of town cramming that is out of keeping with the spatial pattern of the area and would be detrimental to the character and appearance of Mid Calder Conservation Area.

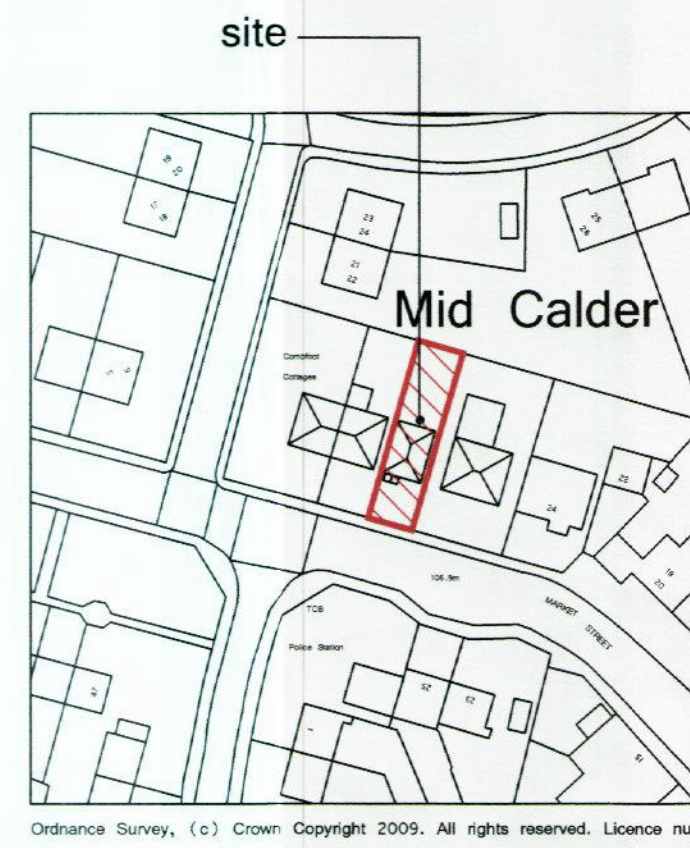
The proposed development is therefore contrary to policy HER 19 (Conservation areas) of the adopted West Lothian Local Plan.



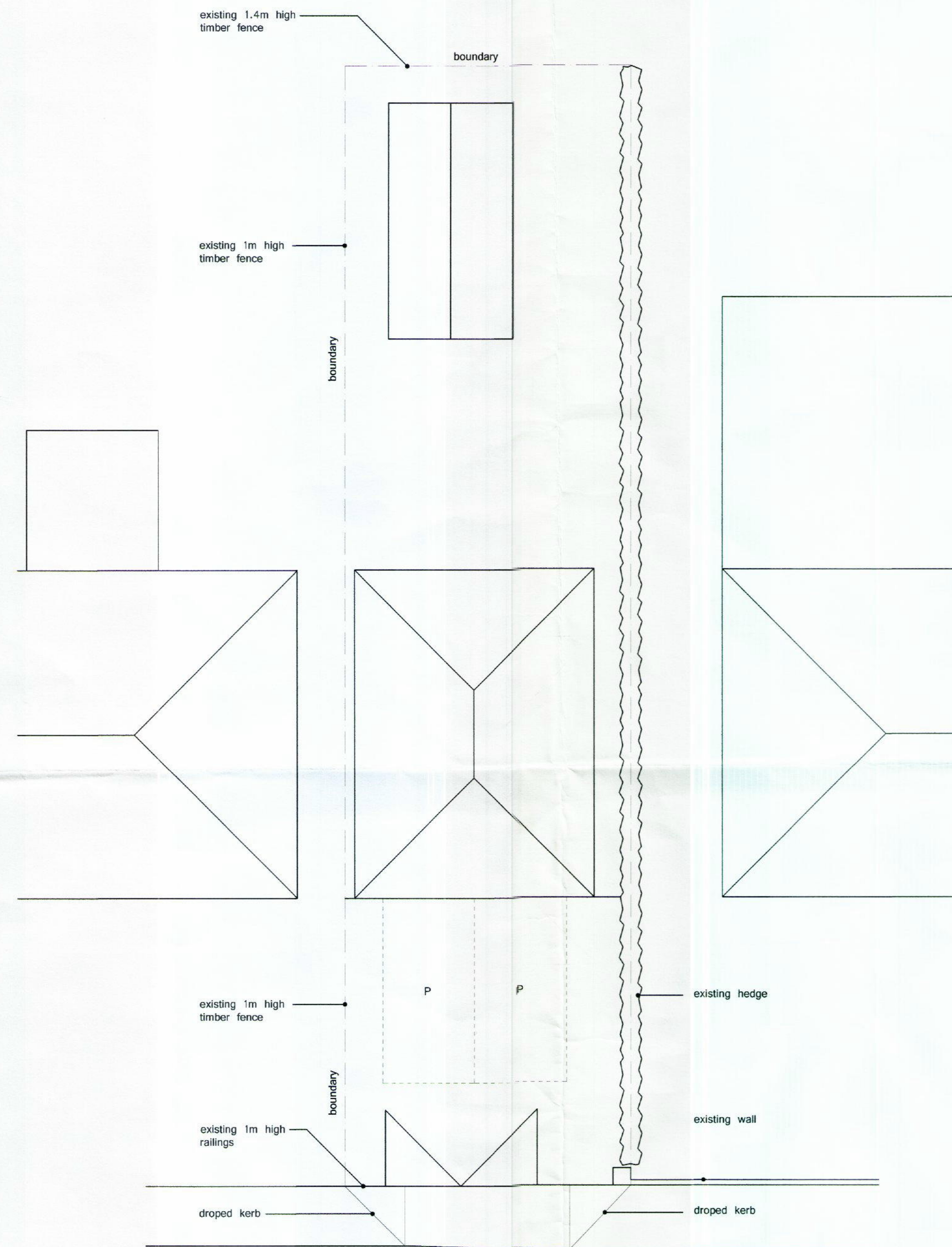
0647/FUL/14



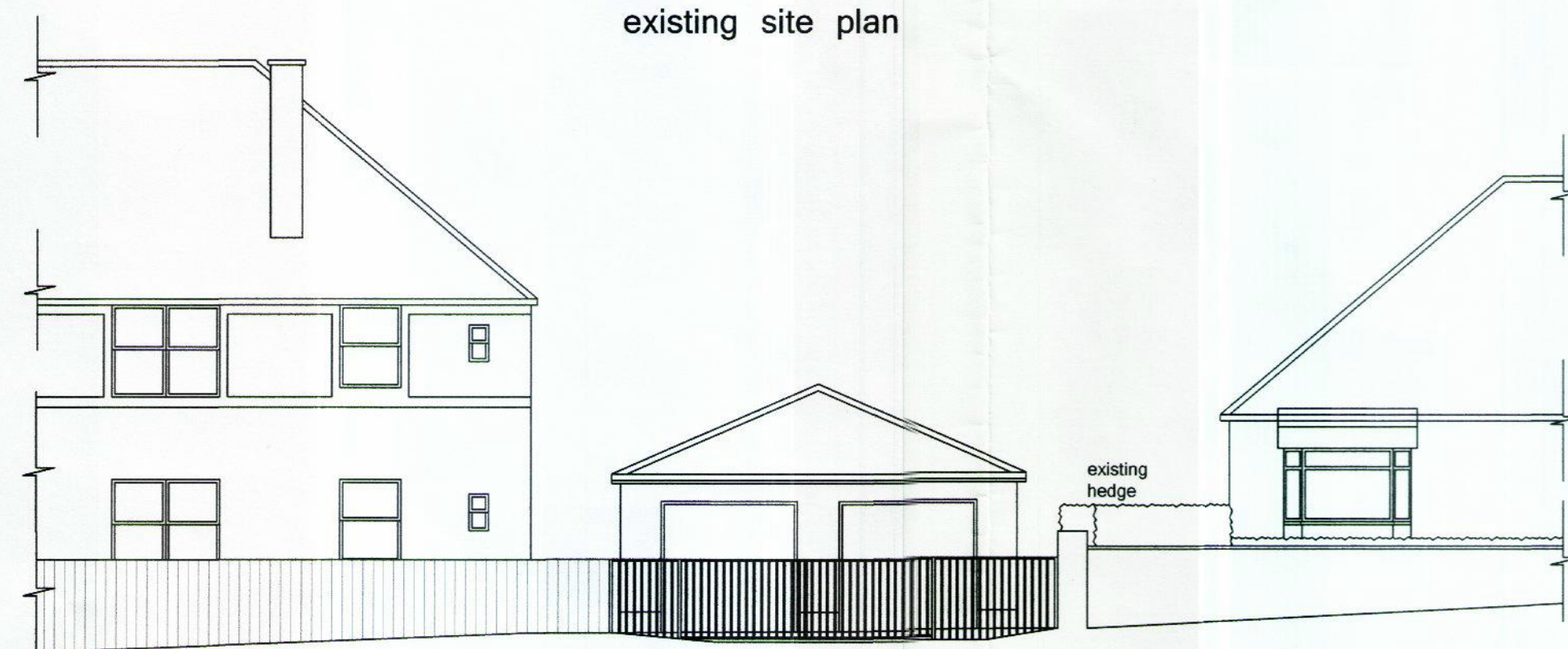
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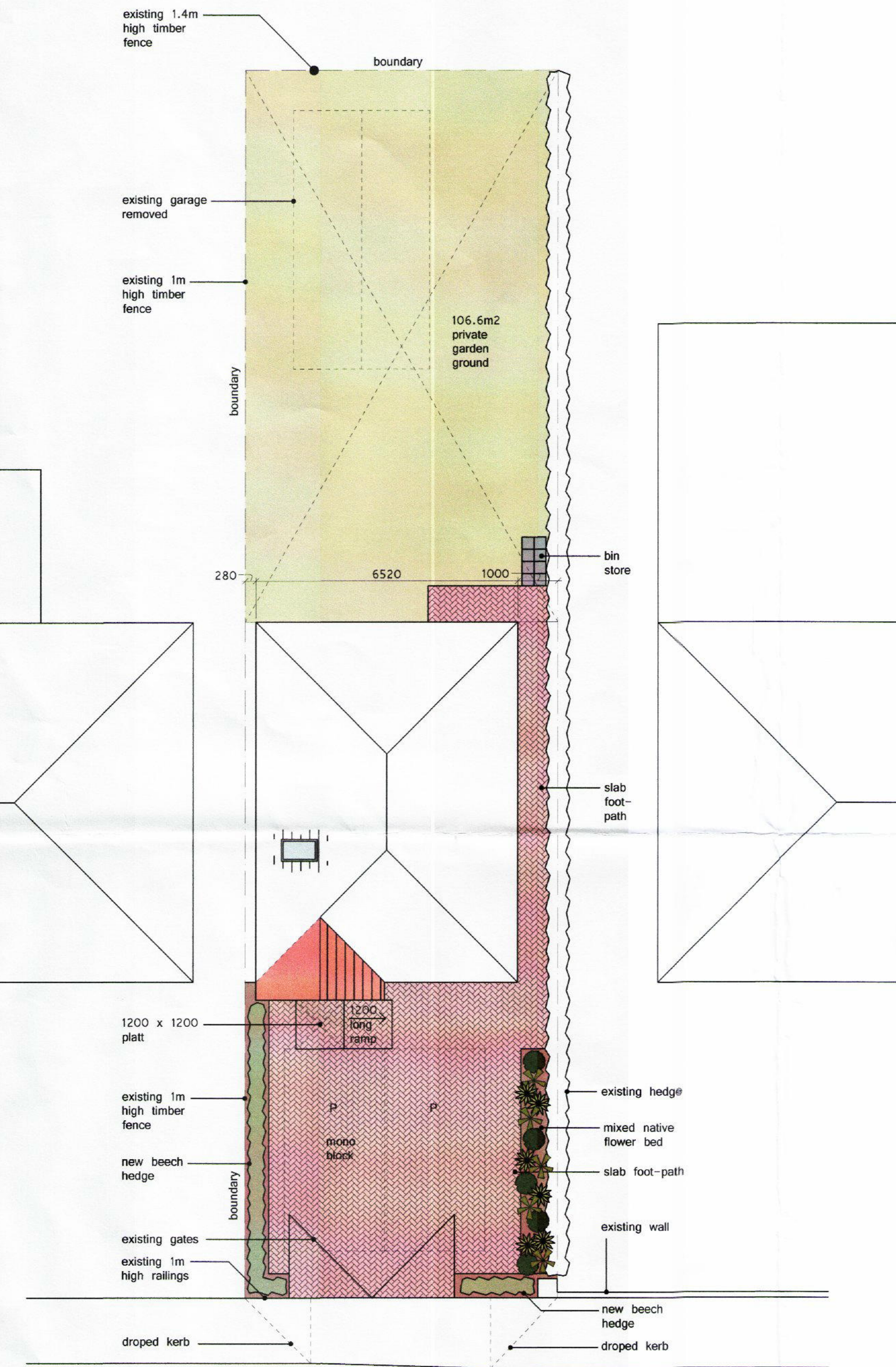
location plan



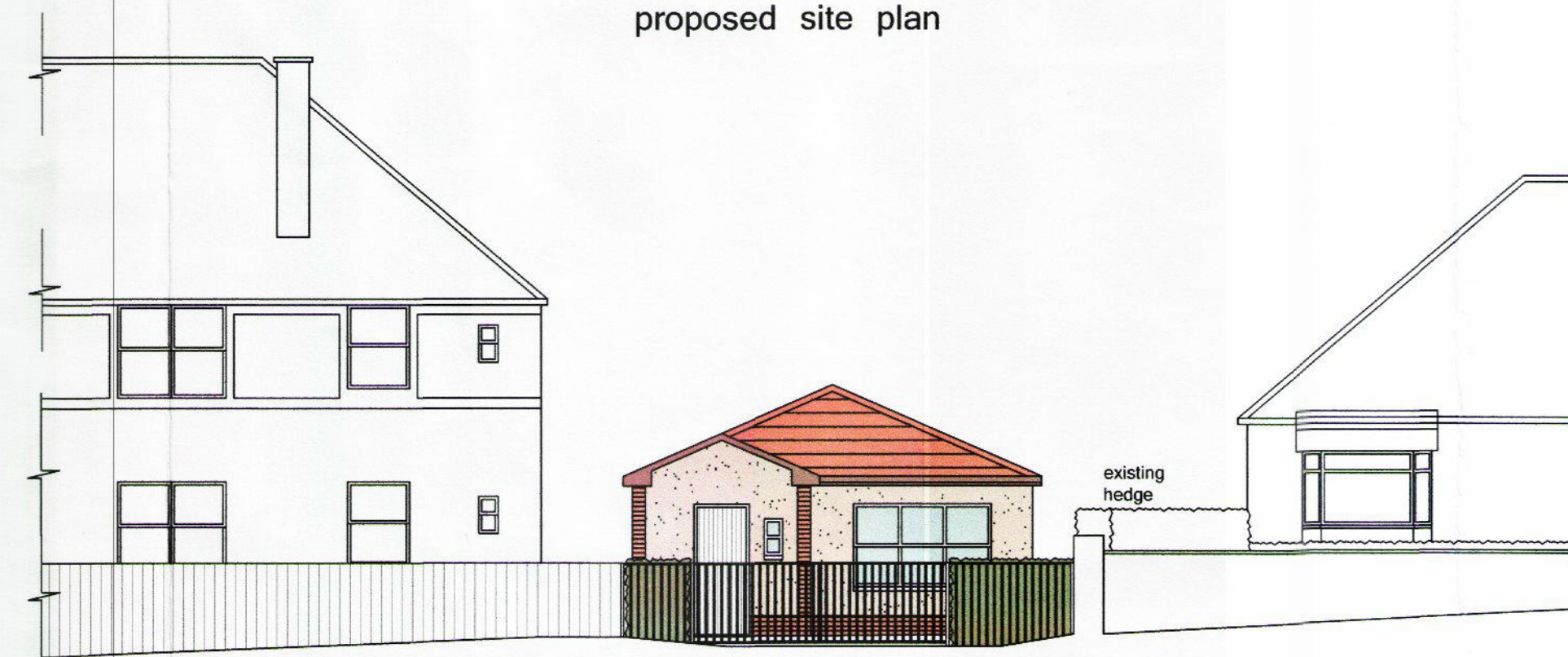
existing site plan



existing street elevation



proposed site plan



proposed street elevation

site area = 237.12m²
house footprint = 58.34m²
plot coverage = 24.6%

WEST LOTHIAN COUNCIL DEVELOPMENT MANAGEMENT	
15 SEP 2014	0647714
VALIDATION DATE	REF. No.

REVISIONS

JOB TITLE

LOCATION PLAN, EXISTING AND PROPOSED
SITE PLANS AND STREET ELEVATIONS

PROPOSED CHANGE OF USE FROM
GARAGE TO A DWELLING HOUSE TO
1 COMBFOOT COTTAGES
MID CALDER, WEST LOTHIAN

Scale 1/100, 1/1250 29th August 2014
Drawing Number JWAC 01/41/2014

John Watson Architectural Consultant Ltd.

11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone 01506 885928
E-mail john.watson@jwac.wanadoo.co.uk

Background Letters —
of Support

Replied 4/8/14

2 Torphichen Avenue,
Mid Calder,
West Lothian.
EH53 OLA.
30th July 2014

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

Dear Mr. Norman

Subject Land Adjacent to 1 Combfoot Cottage, Mid Calder

I refer to my registered letter to you dated 23rd April 2014 (a copy of which is attached) relating to my request for a site visit to discuss the above and my proposal for a dwelling house on the above ground to which you have not had the courtesy to reply.

I made an appointment and was seen by Wendy McComiston, Senior Officer on 30th June 2014 as I was told you were not available and that a letter would be coming from you as you were standing firm on this and that as far as you were concerned my proposal was not in keeping with the landscape.

Since my original applications there have been other developments of a similar nature approved in Mid Calder.

I produced the attached picture and I asked Wendy McComiston if this was in keeping and she said "certainly not". This picture is of a house which planning permission was applied for by Malcom Dingwall at 12 Combfoot Cottages, Mid Calder. This building was passed by your department as noted below and did not go to Committee; accordingly I think there are double standards here.

I refer in particular to Application 0850/Ful/12 submitted by Mr. M. Dingwall, originally submitted under Ref 0333/ful/12 which was subsequently withdrawn and re-submitted as noted on Application 0850/Ful/12, Planning permission granted as per your letter dated 23rd May 2013 clearly stating as attached and highlighted in yellow "the reason why the council made this decision is as follows": The application is the revision of a previous application which was withdrawn. The revised proposals are for a smaller house and **follow discussions with officers on what would be acceptable development of the site, which is within the conservation area.**

I also attach a second picture of another "garage" which was converted into a house and passed by West Lothian Planning Department.

I formally request a site visit to ascertain as did Mr. Dingwall what is an acceptable development on my site. I look forward to hearing from you.

Yours sincerely,

Mr. James Cunningham

West Lothian Council
Development Management

Date 29 APR 2014
Ref No WPA/CC
Ref To CN
Ackd
Replied

DC/ Mid Calder

2 Torphichen Avenue,
Mid Calder,
West Lothian.
EH53 OLA.
23rd April 2014

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

Dear Mr. Norman

Subject Land Adjacent to 1 Combfoot Cottage, Mid Calder

I am writing concerning my property at the land adjacent to 1 Combfoot Cottage, Mid Calder. This is currently occupied by a double garage, which was approved by your department as part of planning application 0782/H/09 on 6th January 2010.

As my personal circumstances have now changed due to health problems I am seeking planning permission for change of use of this property to create a one storey dwelling within the outer shell of the existing garage which will be used for my own personal use.

Prior to making a formal application your colleague Wendy McComiston, Senior Officer carried out a recent site visit where she reviewed and considered options/proposals for such a development, drawn up by my Architectural Consultant Mr. John Watson. Her initial opinion was that the latest plans satisfied all the requirements with regards to the guidance set out in SPG "Single plot and small scale infill residential development in urban areas (how to avoid town cramming)" and the guidance set out in BRE 209 "Site layout planning for daylight and sunlight". However, when this was discussed with yourself, one issue was identified, namely that the proposal would not fit in with the street scene and as such would be detrimental to the conservation area.

I note that your response to the current garage application clearly stated that in its current form it complies with Policy HOU4 Town Cramming, HOU9, overshadowing and HER19 in keeping with surrounding buildings.

I have reviewed the proposals shown to you by Mr. Watson and I believe we may have confused matters with drawings showing modifications to the exterior. In fact we are seeking consent for a conversion which will fit within the existing footprint and shell of the double garage (which currently conforms to the planning regulations). As this was approved as part of the proposal for the existing garage, I think it should be possible to satisfy all your requirements and I think a site visit would be the best way to clarify this.

Since the original applications there have been other developments of a similar nature approved in Mid Calder, I am therefore formally requesting a further meeting with yourself on site to discuss what would be an acceptable design for a dwelling house on this site. I look forward to receiving your response within 15 working days.

Yours sincerely,



Mr James Cunningham

met in

Office
7th
July

WJM^c

FILE COPY

3 letters + 2 pg
3 photo plans.



West Lothian
Council

Rescan to

0647/FUL/14

Development Management
County Buildings
High Street
Linlithgow
EH49 7EZ

Tel: 01506 280000

Our Ref: DC/Mid Calder

Email: chris.norman@westlothian.gov.uk

04 August 2014

FAO Addressee Only

Mr J Cunningham
2 Torphichen Avenue
Mid Calder
EH53 OLA

Dear Mr Cunningham,

Proposed conversion of garage to a house at 1 COMBFOOT COTTAGES, MID CALDER

I refer to your letters of 23 April and 30 July 2014 regarding the above.

As you are aware, your agent, John Watson, has discussed this proposal with several planning officers over the last year to 18 months. In particular, John exchanged several emails with Wendy McCorriston, Senior Planning Officer, and met with her both in the office and on site between April and September 2013.

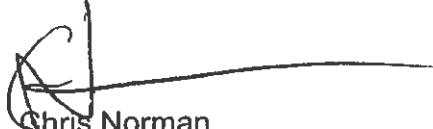
It is the opinion of both myself and my officers that to change the existing garage building from an ancillary structure to a dwellinghouse would result in a development that was out of keeping with the spatial character and appearance of the area. As a result, the proposal would amount to town cramming, contrary to both local plan policy and the council's supplementary planning guidance. In particular, the appearance of the property would look out of character and crammed into the street scene, to the detriment of the overall character and appearance of the conservation area. The proposal could also result in issues of parking congestion in what is already a very busy location.

On this basis, I consider that such a proposal is unlikely to obtain planning permission. Each case requires to be determined on its own merits and I do not consider that the information submitted which relates to other cases is sufficient to justify approval of this proposal.

Nevertheless, this view is given without prejudice to any decision on the submission of a formal planning application and I had understood following your last meeting with Wendy in June 2014 that it was your intention to submit a formal planning application.

As several meetings have already been held relating to this site I do not think a further site meeting would be of benefit, however, I hope the above comments fully clarify my position for you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Norman', with a long horizontal line extending to the right.

Chris Norman
Development Management Manager

McCorriston, Wendy

From: McCorriston, Wendy
Sent: 02 December 2014 10:33
To: McCorriston, Wendy
Subject: FW: 0647/FUL/14 - 1 Combfoot Cottages Mild Calder - [PUBLIC]

DATA LABEL: PUBLIC

Representation

Com 1

0

From: T Bain
Sent: 20 September 2014 14:35
To: Planning
Cc: McCorriston, Wendy
Subject: Re: 0647/FUL/14 - 1 Combfoot Cottages Mild Calder

Planing Application: 0647/FUL/14

I would like to make the following comments on the planning application 0647/FUL/14.

I believe that it was Mr Cunningham's intention from the very start, 10 year back, to seek planning approval for the construction of a house on this plot. And has used planning creep to obtain his goal.

About 10 year ago Mr Cunningham's applied for and was granted approval for a small garage at the back of the site. This was never finished or used. Several years later Mr Cunningham's once again applied for and was granted approval for significantly larger garage on the site. This was built at the front of site in front of existing smaller garage. To this day both garages remain unfinished and unused.

T. Bain
26 Combfoot Cottages
Mild Calder
EH53 0AG

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.



West Lothian
Council

Planning Services
Development Management Committee

Scan to 0647/FUL/14

SCANNED

☒ 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 0647/ful/14	Applicant Request.....X..... <input type="checkbox"/>
Site Address 1 combfoot cottages Mid Calder	Constituent Request...X..... <input type="checkbox"/>
Title of Application	Other (please specify)..... <input type="checkbox"/>
Member's Name CllrCarl John.....	<div style="border: 1px solid black; padding: 5px; margin-top: 20px;"> WEST LoTHIAN COUNCIL Development Management 05 NOV 2014 0647/FUL/14 Received Ref. No. </div>

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Erection of two dwellinghouses, and the temporary siting of two residential caravans, at Land at 63 Main Street, Stoneyburn.

2 DETAILS

Reference no.	0669/FUL/14	Owner of site	Mr & Mrs G Rennie
Applicant	Mr & Mrs G Rennie	Ward & local members	Fauldhouse and Breich Valley David Dodds Greg McCarra Cathy Muldoon
Case officer	Nicolas Lopez	Contact details	Tel: 01506 282 411 Email: Nicolas.lopez@westlothian.gov.uk

Reason for referral to Development Management Committee: Request by Cllr Muldoon.

3 RECOMMENDATION

3.1 Refuse permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is for the erection of two houses, and the temporary siting of two residential caravans, at 63 Main Street, Stoneyburn. The site forms part of a larger site allocated for the development of 60 houses (HSb7). The proposed dwellings would be sited to the south of Main Street, with the principal elevations facing on to the rear gardens of the neighbouring dwellings, 65 and 69 Main Street, to the north.
- 4.2 The proposed dwellings are fairly substantial bungalows, with external walls finished in a combination of render and red brick. Plot 1 would accommodate three bedrooms, a lounge, a kitchen/dining room, a utility room, two WCs and an integrated garage. Plot 2 would have four bedrooms, two bathrooms, a lounge, a sitting room, a kitchen-dining room, a utility room, a WC and a garage. A new cul de sac, finished in mono block paving, would be formed from Main Street through the existing gap site. Screen planting is proposed between the proposed dwellings and the existing houses at 65 and 69 Main Street.
- 4.3 Planning permission was granted for the construction of two semi-detached dwellings at 63 Main Street in 2006:

Reference	Description	Decision	Date
0346/FUL/06	Demolition of existing building and erection of two houses	Granted	09/06/2006

- 4.4 The original building has been demolished, however work on the construction of the replacement dwellings has not commenced.

5	PLANNING POLICY ASSESSMENT
----------	-----------------------------------

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the strategic development plan for South East Scotland (SESplan) and the West Lothian Local Plan (WLLP). Since the application is not of a strategic nature, there are no relevant policies in SESP.

5.2 The following development plan policies and Scottish Government policy and guidance apply:

Plan	Policy	Assessment	Conform?
WLLP	HOU1	<p>The sites in appendix 6.1, and shown on the proposals map, are identified as housing sites which contribute to meeting the housing requirements over the local plan period, and the longer term.</p> <p>As this site is part of an allocated housing site, HSb7, the principle of residential development is acceptable. It is also noted that, as access to the rest of the allocated site can be taken from an existing private access to the east, this development would not prejudice the delivery of the wider site.</p>	Yes
WLLP	HOU7 - Housing Design	<p>The council will require developers to incorporate the highest quality of design and layout within new housing developments. Developers shall have regard to energy efficiency principles in proposing layouts, housing designs and use of materials, and should conform to the guidance provided in the Residential Development Guide (WLC) and where appropriate, to the design principles set out in paragraph 7.49. The council will also seek compliance with the requirements of SPP 6: Renewable Energy and the relevant Building Standards.</p> <p>Although the layout takes due account of potential passive solar gain, it fails to provide any link to the rest of site HSb7. This is illustrated in the "Masterplan" provided by the applicant which shows that the proposed development would be "sandwiched" between the linear development along Main Street, and any development that would take place on the wider allocated site, and would bear little relationship to either. This is not satisfactory, and does not meet the requirement for high quality layouts expressed in this policy. It is also contended that, if the orientation of the houses and road were altered to provide an appropriate link to the rest of the site, the buildings could be redesigned to help take advantage of passive solar gains. In any case, a south facing orientation is not considered to be sufficient justification for a layout of this nature.</p>	No
WLLP	TRAN33 - Parking Standards	Development should provide appropriate levels of car parking in line with the council's adopted standards.	Yes

Plan	Policy	Assessment	Conform?
		The site plan indicates that satisfactory levels of on-site resident and visitor car parking would be provided.	
WLLP	IMP6 - Sustainable Urban Drainage Systems	<p>Development must comply with current best practice on sustainable urban drainage practices to the satisfaction of the council, Scottish Water and SEPA. A drainage strategy, as set out in Planning Advice Note 61 Planning and Sustainable Urban Drainage Systems (PAN 61), shall be submitted with planning applications where required.</p> <p>The applicant has confirmed that the development would connect to a mains foul sewer, and Scottish Water has not objected to this arrangement. The site plan also identifies measures for the treatment and attenuation of surface water runoff, and this is considered acceptable subject to condition. As the surface water would discharge in to a water course, a licence under the Water Environment (Controlled Activities) Regulations 2011 would be required from SEPA should the development proceed.</p>	Yes
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 planning guidance.</p> <p>'Residential Development Guide' (pp15) states:</p> <p>"Layouts should be simple and <i>integrate into the surrounding area</i> by working with the network of routes and its hierarchy and streets should provide a series of interesting, welcoming and <i>people-friendly connections</i> as opposed to <i>dead ends</i>. The most successful connections are deemed to be those that offer a distinct advantage over using the private car (particularly for shorter journeys) through their design and which often reflect key desire lines." (emphasis added)</p> <p>There is ample opportunity to have a road and footpath link through this site to connect the rest of HSb7 with Main Street. This would aid pedestrian movement through the site, potentially helping to create a walkable neighbourhood with good connections to services and public transport links on Main Street. In not providing this link, the proposal fails to take adequate cognisance of this guidance.</p> <p>'Single plot and small scale infill residential development in urban areas' (pp 6) refers to a general presumption against tandem development, defined as "development where a new house is located immediately behind an existing house and shares the same vehicular access." Although not technically tandem development, backland</p>	No

Plan	Policy	Assessment	Conform?
		development such as this can cause overlooking which can have a detrimental impact on the amenity of neighbours. However, in this case the proposed dwellings are sufficiently set back to provide the required window separation distances, and the internal layout (whereby public rooms are located to the rear) and proposed screen planting provide mitigation.	
WLLP	IMP15 - Design Considerations	<p>Through the development control process, ensure that high standards of design are achieved and proposals which are poorly designed will not be supported.</p> <p>Part of achieving high standards of urban and street design is creating permeable, well connected streets that aid pedestrian movement. Backland residential development based on a cul-de-sac type layout is therefore not considered to be high quality design. Whilst the allocated site could potentially be accessed from an existing private access to the east, a link between this site and the rest of the allocated site is considered necessary to achieve an acceptable layout, and there is no satisfactory justification for not providing this.</p>	No
Designing Streets: A Policy Statement for Scotland		<p>Designing Streets establishes the primacy of place and people ahead of vehicular movement in street and urban design. Streets should be distinctive, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient. As part of this, street design should provide good connectivity for all modes of movement and for all groups of street users.</p> <p>As noted above, the development fails to provide a road or footpath link to the wider HSb7 site. This will potentially result in a disjointed pattern of development that fails to meet the aspirations, or intentions, of Designing Streets.</p>	No
Scottish Planning Policy	Placemaking	<p>Development should be easy to move around and beyond. It should consider place and the needs of people before the movement of motor vehicles. Such development would include paths and routes which connect places directly, and which are well-connected with the wider environment beyond the site boundary.</p> <p>Again, this proposal does not comply due to the failure to provide adequate linkages through the site.</p>	No

6 REPRESENTATIONS

6.1 No representations were received.

7	CONSULTATIONS
----------	----------------------

Consultee	Comments	Planning Response
Coal Authority	Satisfied with the content of the Coal Mining Risk Assessment. As the coal mining legacy potentially poses a risk to the proposed development, intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.	An appropriate condition will be added to the decision notice should the Committee be minded to grant planning permission.
Education	No objection, but contributions required.	Should the Committee be minded to grant planning permission, an agreement should be put in place to secure the required contributions.
Transportation	No objection subject to a condition requiring a road opening permit.	An appropriate condition will be added to the decision notice should the Committee be minded to grant planning permission.
Scottish Water	No response	Taken as no objection.
Scotland Gas Networks	SGN do not have any gas mains in the vicinity of the site.	Noted

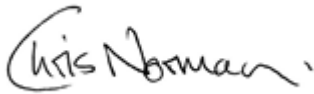
8	CONCLUSION AND RECOMMENDATION
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- 8.1 The proposed dwellings would be sited to the south of Main Street, with the principal elevations facing on to the rear gardens of the neighbouring dwellings to the north. This form of backland development is generally considered undesirable from an amenity perspective, though mitigation has been provided in terms of the internal layout of the houses (whereby public rooms are located to the rear) and the use of screen planting.
- 8.2 Nonetheless, it is contended that the cul de sac layout proposed would result in a disjointed pattern of development. This is illustrated by the indicative masterplan provided by the applicant which shows that this development would be “sandwiched” between the linear development along Main Street, and any development that would take place on the rest of the allocated site, and would bear little relationship to either. It is therefore considered that this application is both inappropriate, and premature, as it fails to demonstrate due consideration of the wider allocated site, and would likely result in a piecemeal pattern of development that would undermine the creation of a coherent, attractive and connected development across site HSb7. The application therefore fails to meet the requirements of Policy HOU7 of the West Lothian Local Plan 2009 and associated Supplementary Planning Guidance. In particular, it fails to provide the permeable, connected and attractive street layouts required by the Residential Development Guide. It similarly fails to comply with Scottish Planning Policy and Designing Streets, which have established connectivity as one of the guiding principles in urban design. It is therefore considered that the application does not comply with policy HOU7, IMP15 and IMP14 of the West Lothian Local Plan, and both Designing

Streets and Scottish Planning Policy. It is therefore recommended that the application is refused.

9 ATTACHMENTS

- Draft reasons for refusal;
- Location plan;
- Aerial plan
- Proposed layout;
- Masterplan;
- Local Member Request Form

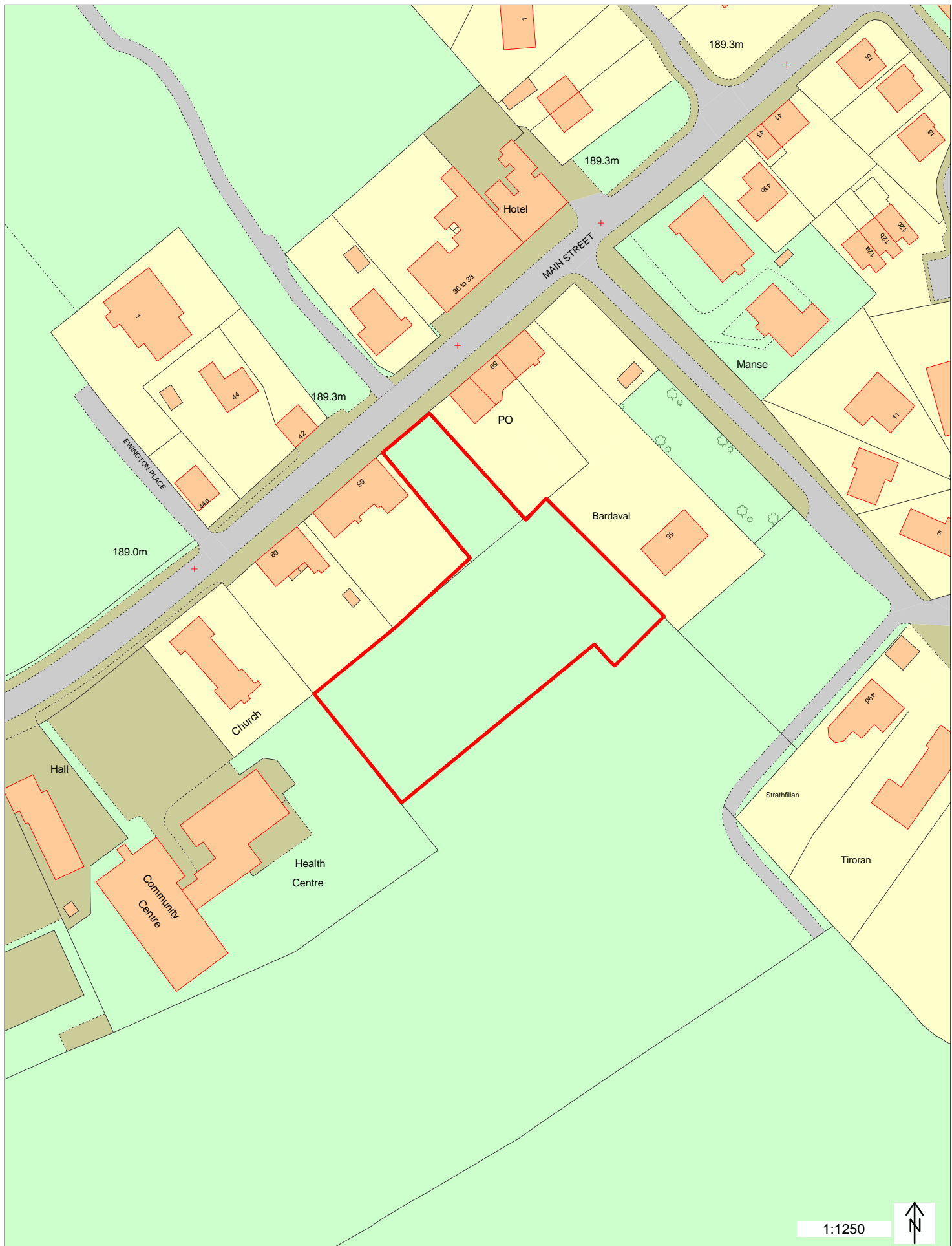


CHRIS NORMAN
Development Management Manager

Date: 2 December 2014

DRAFT DECISION - APPLICATION 0660/FUL/14

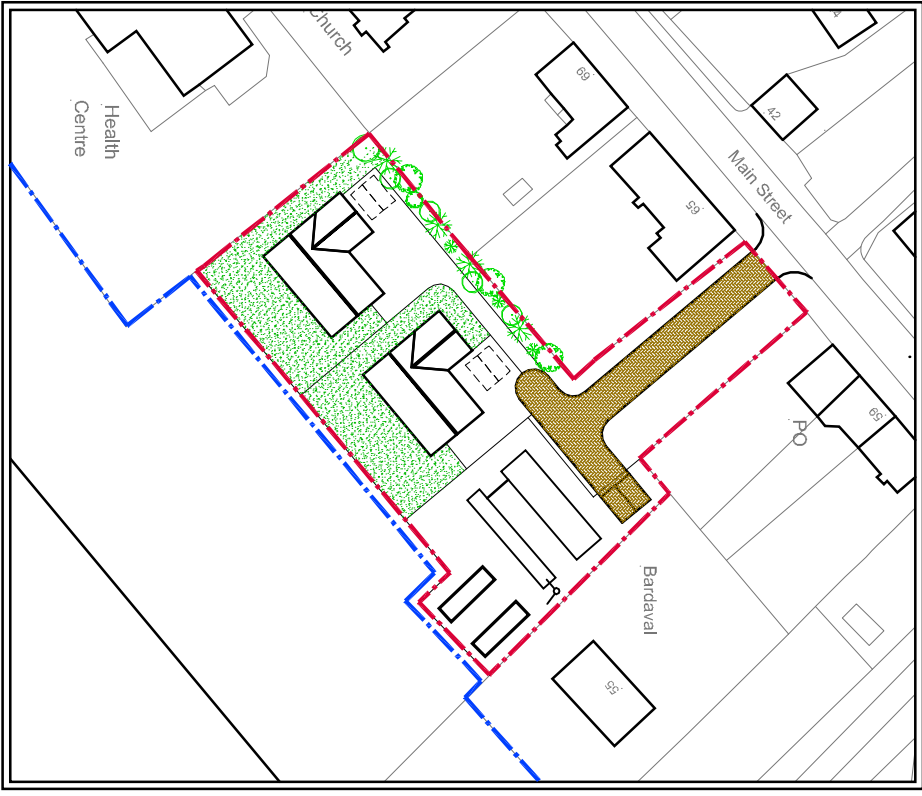
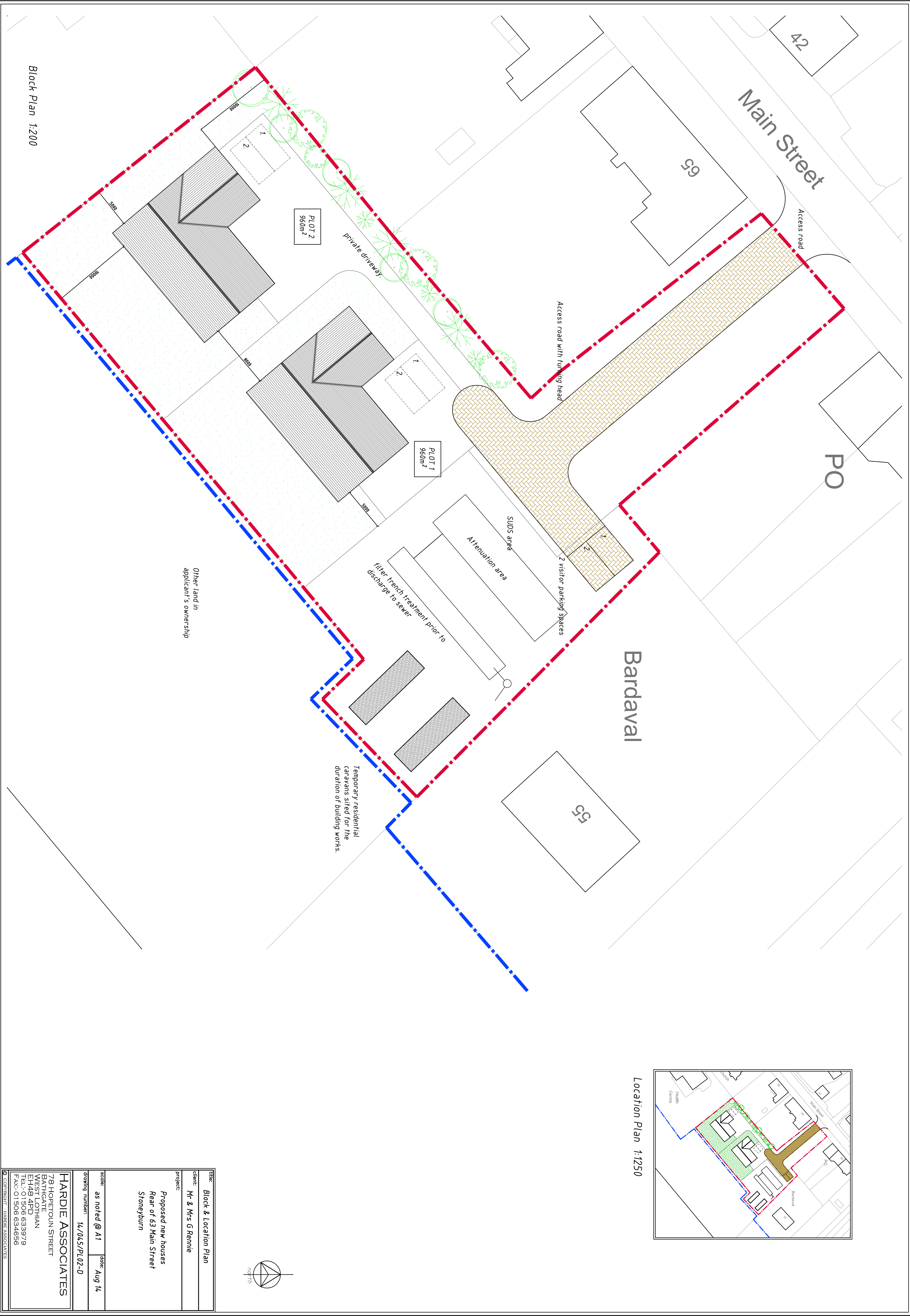
- 1 The proposed site layout would result in a disjointed pattern of development due to the lack of a road link with the rest of site HSb6. The application therefore fails to achieve the highest quality of design and layout required by Policies HOU7, IMP14 and IMP15 of the West Lothian Local Plan 2009, and associated Supplementary Planning Guidance. There are no material reasons to indicate that the application should be granted contrary to the terms of the development plan.



0669/FUL/14

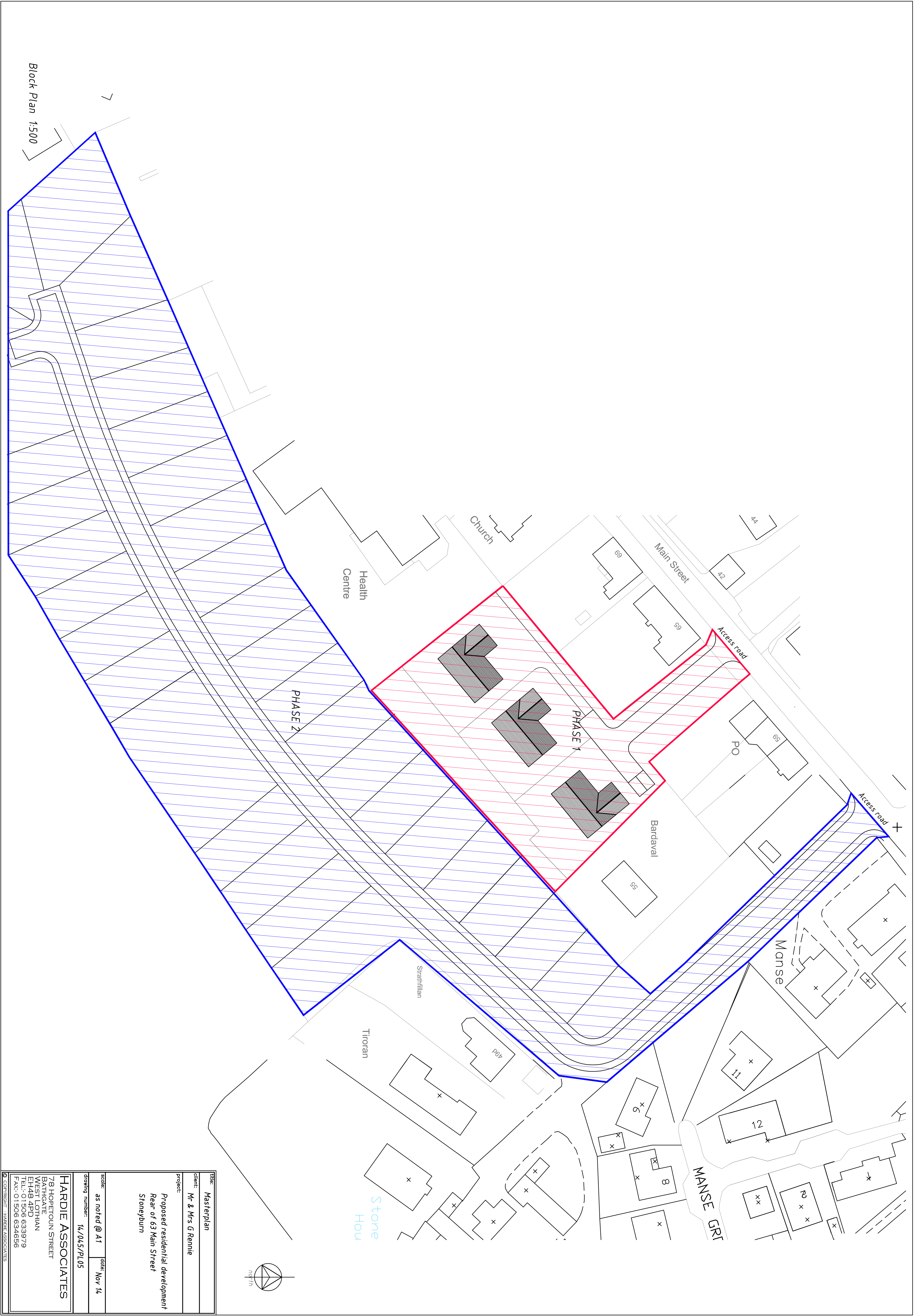


0669/FUL/14



Location Plan 1:1250

Title: Block & Location Plan	
client: Mr & Mrs G Rennie	
project: Proposed new houses Rear of 63 Main Street Stoneburn	
scale: as noted @ A1	date: Aug 14
drawing number: 14/045/PL02-D	
HARDIE ASSOCIATES	
78 HOPELOUN STREET BATHGATE MIDSCOTHLAN EH48 4PD TEL: 01506 633979 FAX: 01506 634656	
© COPYRIGHT: HARDIE ASSOCIATES	



Title: Masterplan	
Client: Mr & Mrs G Rennie	
Project: Proposed residential development Rear of 63 Main Street Stoneburn	
Scale: as noted @ A1	Date: Nov 14
Drawing number: 14/045/PL05	
HARDIE ASSOCIATES	
78 HOPELOUN STREET BATHGATE MIDlothian EH48 4PD TEL: 01506 633979 FAX: 01506 634656	
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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/performOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0669/FUL/14	Applicant Request <input type="checkbox"/>
Site Address Main Street Stoneyburn	Constituent Request ✓
Title of Application	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Cathy Muldoon.	



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Construction of a 93sqm free standing hot food take-away at Da Vinci's Hotel, Hawk Brae, Ladywell, Livingston.

2 DETAILS

Reference no.	0718/FUL/14	Owner of site	Mr Ritz Randev (D Luxe)
Applicant	Mr Ritz Randev (D Luxe)	Ward & local members	Livingston North R De Bold A McMillan A Miller A Moohan
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: The application has been called to committee by Cllr Peter Johnston.

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is to construct a stand-alone single storey hot food take-away building of 93sqm in size on the south eastern edge of the car park which serves the Da Vinci's Hotel. The proposed building is designed with the entrance facing into the car park area with a blank wall facing Ladywell West Road.
- 4.2 The proposed building is to be constructed in facing brick to match that of the hotel, be finished with a low level pitched roof in grey tiles and will include signage on the rear of the building directing people to the car park. The applicant also proposes additional areas of dense landscaping to the gables of the building.
- 4.3 The site slopes from Ladywell West Road both down into the Da Vinci's car park and along the Ladywell West Road footpath to a pedestrian underpass adjacent to the flatted development at Hawk Brae. This change in ground levels results in the building being around 1.5m high to the eaves and 3m high to the top of the roof at its lowest point as

seen from Ladywell West Road and around 3.3m and 4.8m respectively at its highest point. The building will therefore appear very low level where it sits adjacent to the hotel and effectively increase in height as the footpath falls away to the underpass. Elevation drawings are attached to this report.

- 4.4 There was a previous application (Ref:0127/FUL/11) for the same proposal which was granted under delegated powers on 28 April 2011. The applicant did not clear the conditions on that permission and make a site start within the statutory 3 year period therefore the permission has expired. The applicant has provided additional information pertinent to those original conditions as part of this application.
- 4.5 The planning application from 2011 was advertised in the local press at that time and there were no objections received.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	TC13 (other local centres in West Lothian)	<p>Only small-scale retail developments, serving local needs, will be supported within existing and proposed local neighbourhood centres. The existing and proposed local neighbourhood centres, as shown on the proposals maps, will be safeguarded for business, retail, community, leisure and recreation, and small-scale housing uses.</p> <p>The proposed building lies within an allocated local centre as defined in the WLLP. Given local centre sites are appropriate for a range of uses, including hot food uses, the proposals accord with this policy.</p>	Yes
WLLP	TRAN33 (parking standards)	<p>The expansion, conversion or re-development of premises within the areas shown on the proposals map, and on other established sites, will be encouraged for uses falling within classes 4, 5 and 6, or as restricted in policy EM 2 and specified in Appendix 5.1.</p> <p>The hotel car park is of a good size and is not affected significantly by this development. There is ample parking for both the hotel and the proposed hot food take-away.</p>	Yes

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (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 proposed building would be located approximately 30m from the nearest houses at Mallard Brae, directly across the Ladywell District Road and approximately 35m from the flats at Hawk Brae. The proposed building will not therefore impact on the visual amenity of these residential properties. Environmental Health has been consulted on the extraction and filtration system proposed for the use and is satisfied with the level of odour treatment proposed. The residential amenity of these nearby residential properties will therefore not be adversely affected to a significant degree if the appropriate filtration is used.</p>	Yes

6 REPRESENTATIONS

Six objections have been received, 2 of which were out of time. A summary of the comments is given below with a copy of the full objections attached to this report.

Comments	Response
There are other hot food outlets in the area and another one is not required.	There are no planning policies restricting the number of hot food or other uses within an allocated local centre. Hot food, restaurant, leisure and a range of other uses are appropriate for allocated local centres.
The premises is within easy walking distance of Inveralmond High School to the detriment of school children.	The proximity of the school in relation to hot food uses is not a material planning consideration.
Impact on residential properties through noise, smell and litter issues.	The size of the building and its location some 30-35m from the nearest residential properties will not impact on the visual amenity of these properties. In respect of noise, a condition can be applied restricting the use to a 22:00 closing time thus ensuring the use does not encourage patrons of the adjacent club to congregate at the premises into the small hours of the morning. A condition can be applied to ensure a litter bin is available at the site. Environmental Health has

	been consulted on the triple filtration system proposed for the development and is satisfied with this arrangement to prevent unacceptable levels of odour nuisance from the premises.
The proposed development would add to anti-social behavior experience by residents from patrons of the Da Vinci's Hotel club.	Whilst anti-social behavior of any type is unacceptable, the business in its own right cannot be considered responsible for individual's actions. Anti-social behavior is therefore not a planning matter and is dealt with by the police.
This will be a magnet for drunken youths.	Anti-social behavior is not a planning matter and is dealt with by the police.

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
Transportation	No objections	Noted.
Environmental Health	No objections	Noted, a condition can be applied ensuring that the three levels of filtration proposed are to be used and that any variation must be agreed with Environmental Health.

8 ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The application site lies within an allocated local centre as defined in the local plan. Local centres are safeguarded for business, retail, community, leisure and recreation, and small-scale housing uses. A hot food take-away unit is therefore in principle appropriate for a local centre and given the scale of the unit proposed there is no impact on parking or the visual amenity of the nearby residential properties. The development therefore accords with policy TC13, TRAN33 and HOU9 of the WLLP.
- 8.3 Concern has been raised by nearby residents about potential smells from the use. The applicant has proposed 3 levels of filtration for commercial kitchens and this has been assessed by Environmental Health for its acceptability. Given Environmental Health are satisfied with the filtration proposed then the proposed development would not have any significant adverse impact on nearby residential properties by way of cooking smells, the proposals accord with policies TC3 and HOU9 of the WLLP.

- 8.4 The comments made also make reference to anti-social behaviour from the club at Da Vinci's and that the proposed development will exacerbate this. The behaviour of patrons from the club is not a material consideration in this matter.

9 CONCLUSION AND RECOMMENDATION

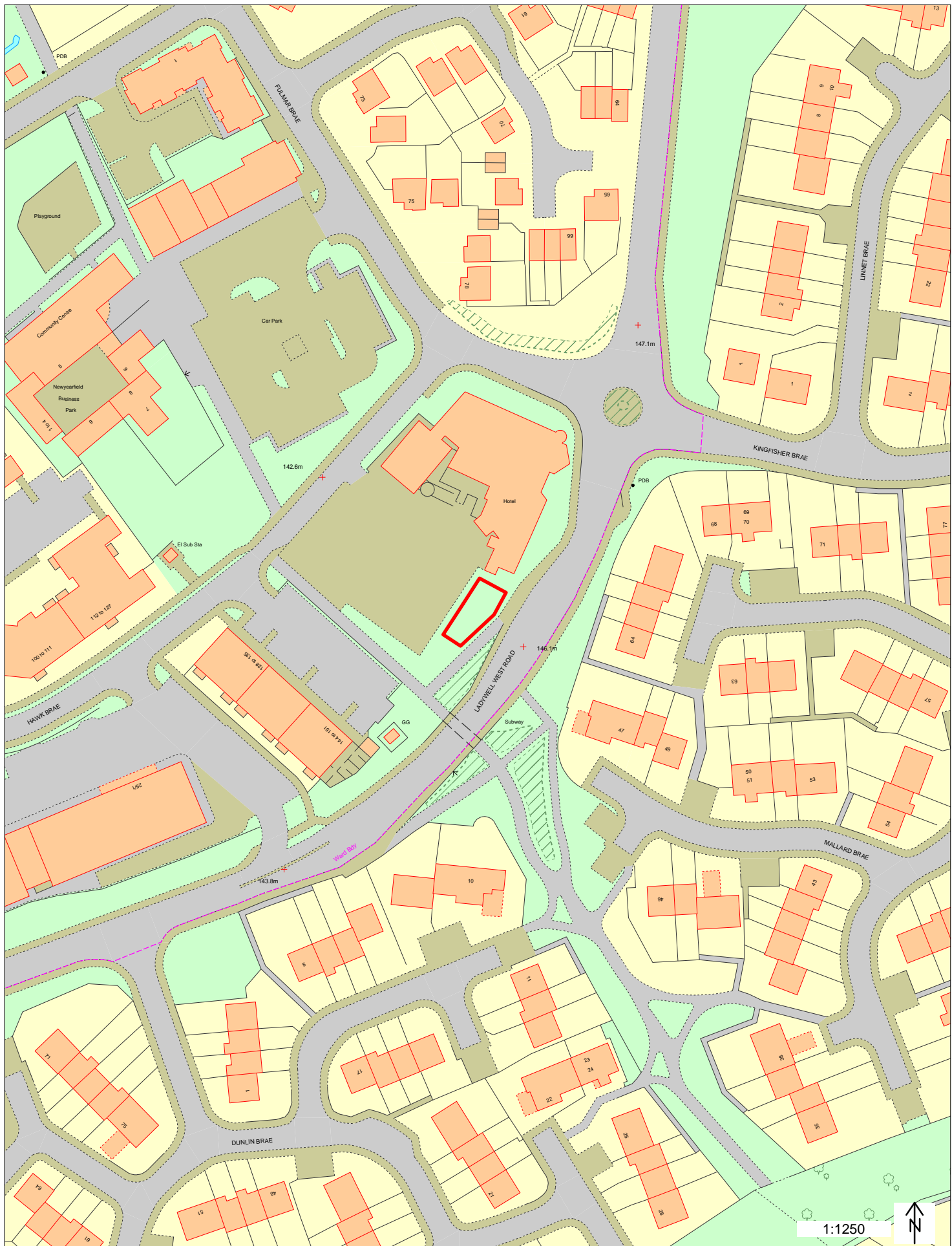
- 9.1 Planning permission had previously been sought for this building in 2011 and granted consent under delegated powers on the grounds detailed above. The applicant did not make a site start before the permission expired and as a result has had to make a further application for the same proposals.
- 9.2 The previous permission contained conditions relating to the use of materials, external plant, amplified sound, extraction details, parking signage, the provision of a litter bin and landscaping. The applicant has taken account of these conditions and provided extraction and ventilation details along with this application. These details have been assessed by Environmental Health, a landscaping plan has been provided which shows two additional section of wall to prevent access from Ladywell West Road and the elevation drawings show the location of a sign advising patrons of parking to the rear (front) of the building.
- 9.3 Conditions on the planning permission can be used to define and control aspects of the development and given concerns over the behavior of patrons from the club, albeit this is not a material planning matter, the proposals may benefit the situation by preventing shortcutting from the car park to Ladywell West Road and the opening hours can be restricted. Draft conditions are attached.
- 9.4 The proposals are therefore acceptable for an allocated local centre site and recommendation is to grant planning permission subject to conditions.

10 ATTACHMENTS

- Location plan
- Aerial photograph
- Landscaping plan
- Elevation details
- Local Member referral form
- Representations
- Draft conditions

CHRIS NORMAN
Development Management Manager

Date: 10 December 2014

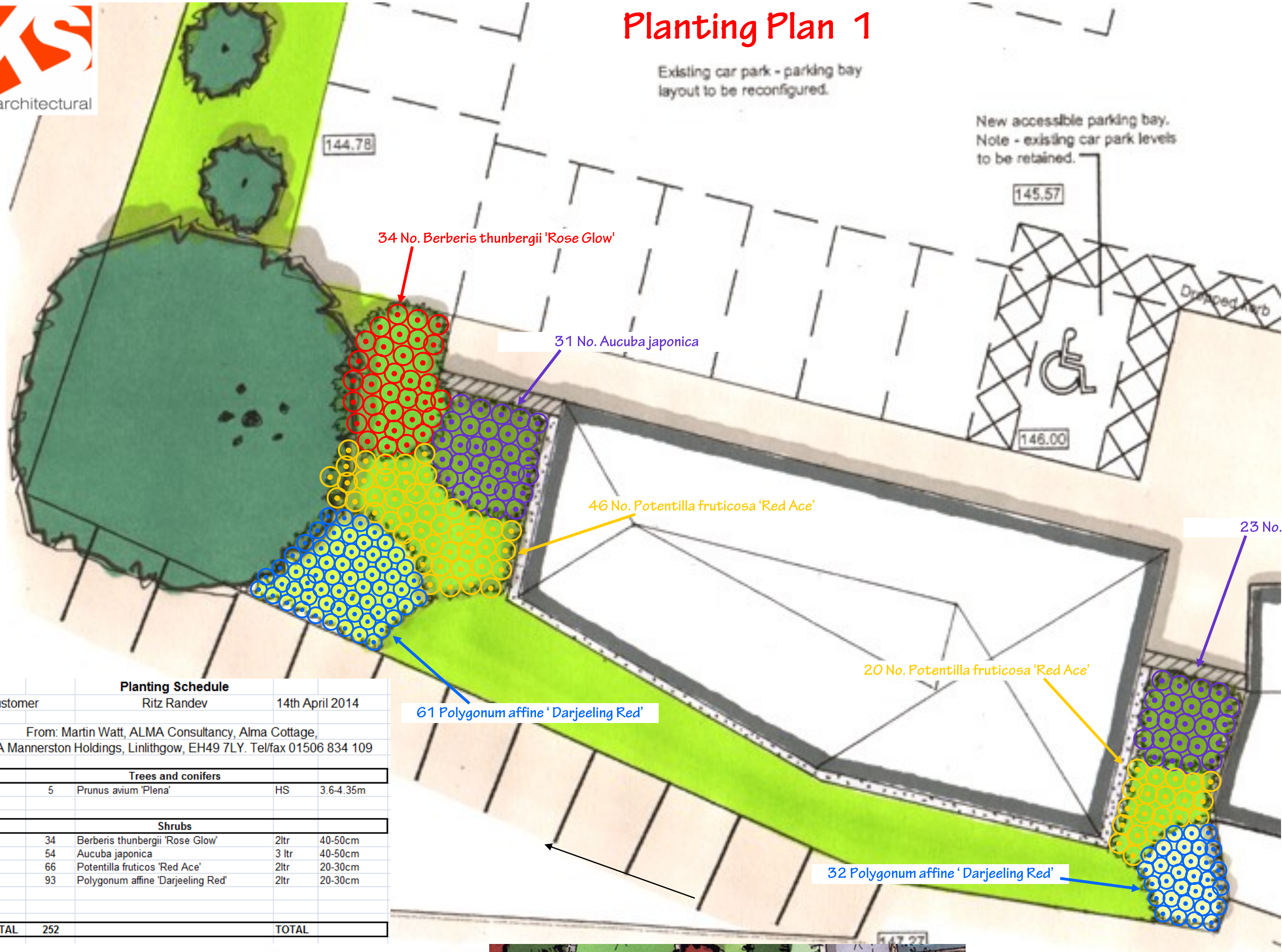


0718/FUL/14



0718/FUL/14

Planting Plan 1

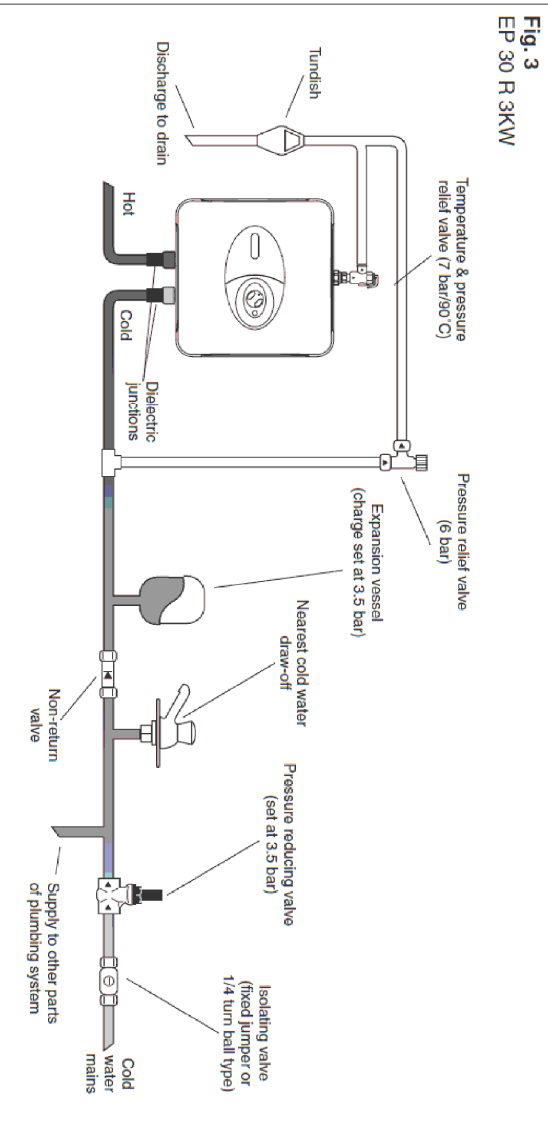
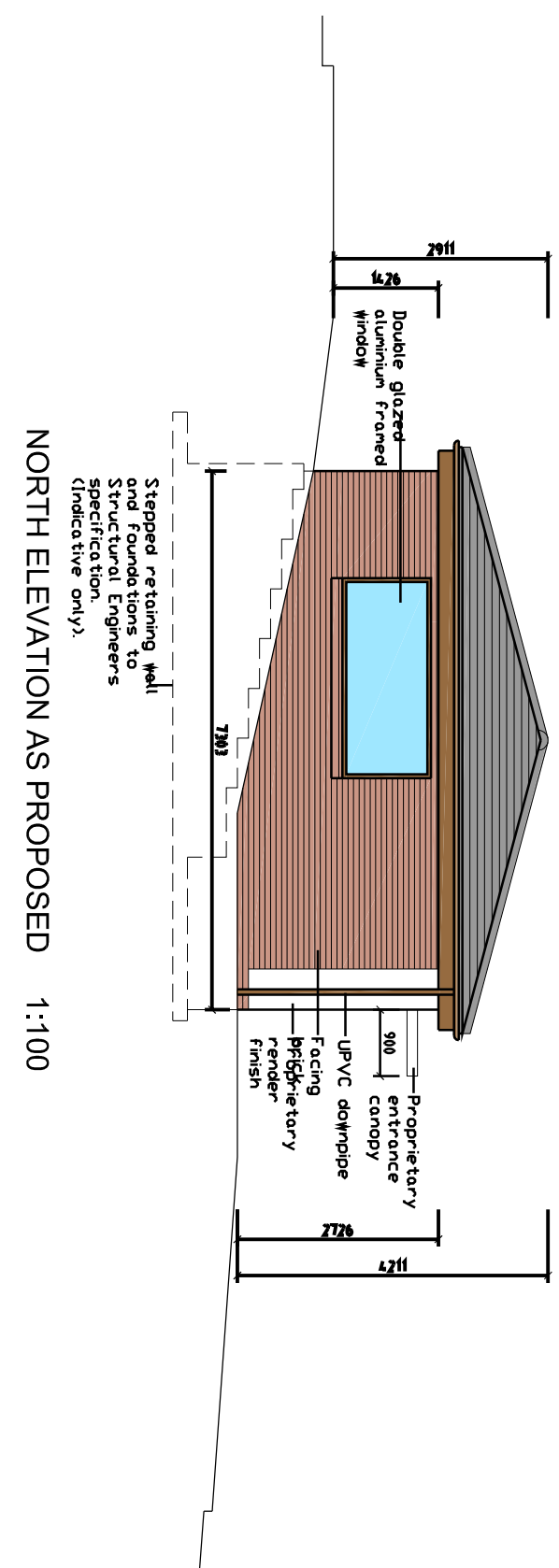
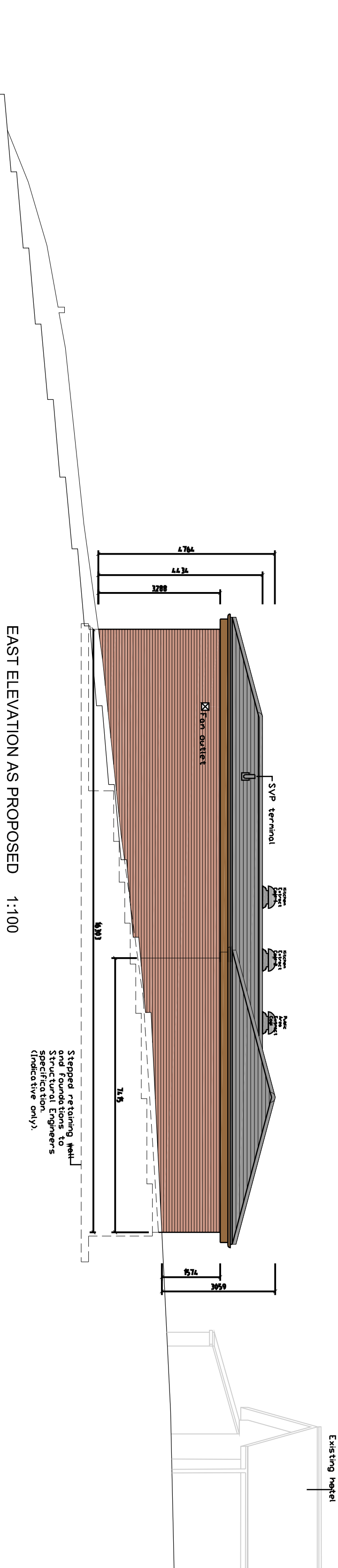
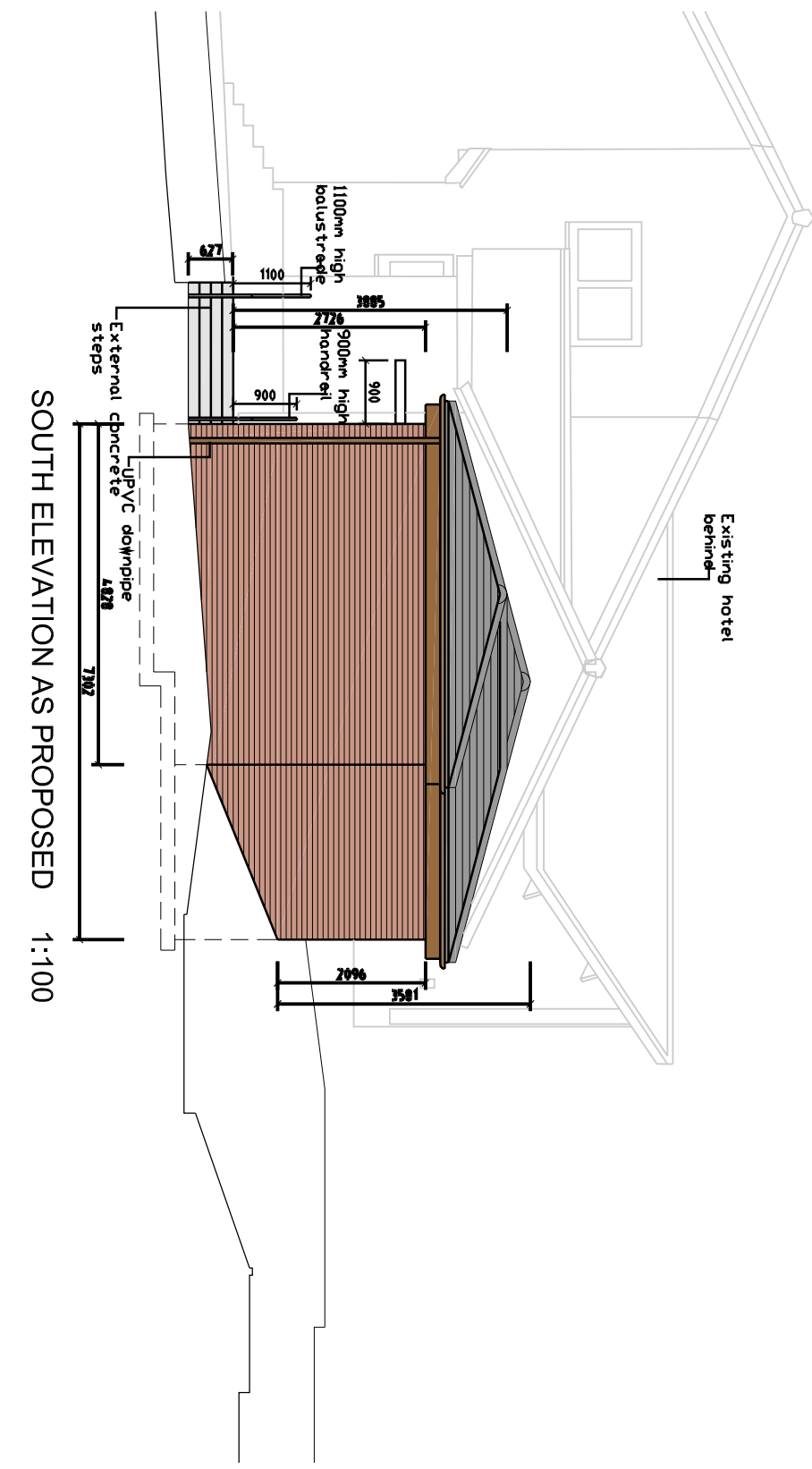
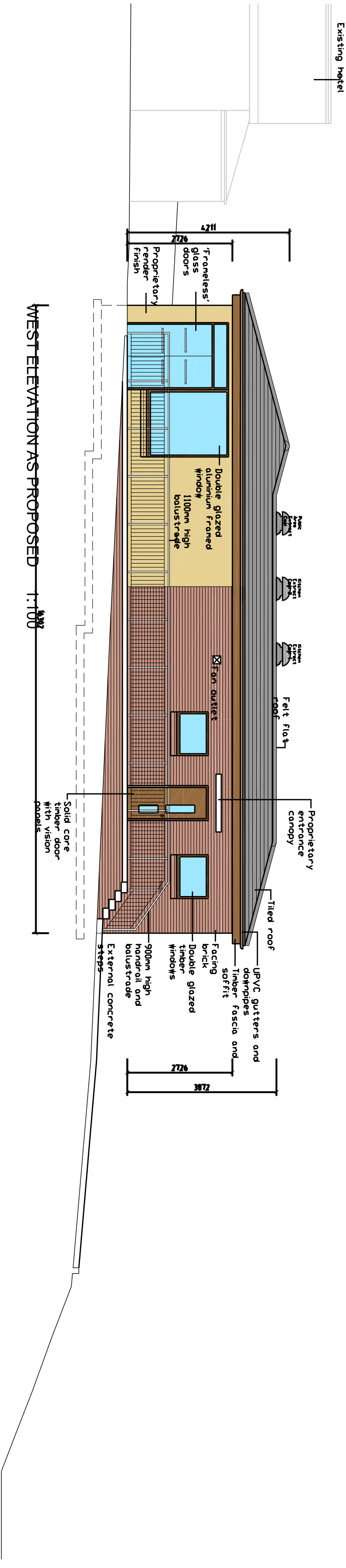


Planting Schedule			
Customer	Ritz Randev	14th April 2014	
From: Martin Watt, ALMA Consultancy, Alma Cottage, 7A Mannerston Holdings, Linlithgow, EH49 7LY. Tel/fax 01506 834 109			
Trees and conifers			
5	<i>Prunus avium</i> 'Plena'	HS	3.6-4.35m
Shrubs			
34	<i>Berberis thunbergii</i> 'Rose Glow'	2ltr	40-50cm
54	<i>Aucuba japonica</i>	3 ltr	40-50cm
66	<i>Potentilla fruticosa</i> 'Red Ace'	2ltr	20-30cm
93	<i>Polygonum affine</i> 'Darjeeling Red'	2ltr	20-30cm
TOTAL	252	TOTAL	

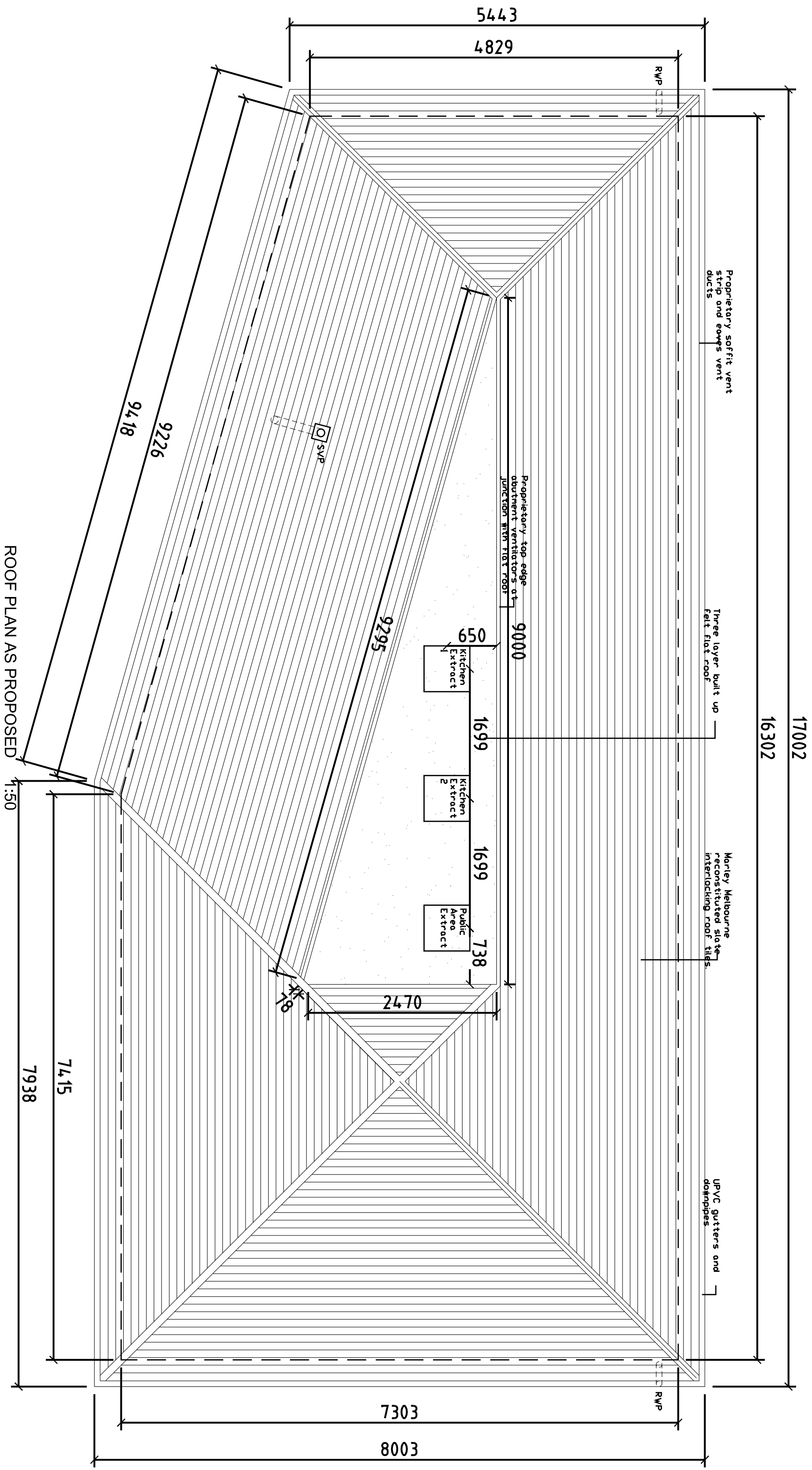
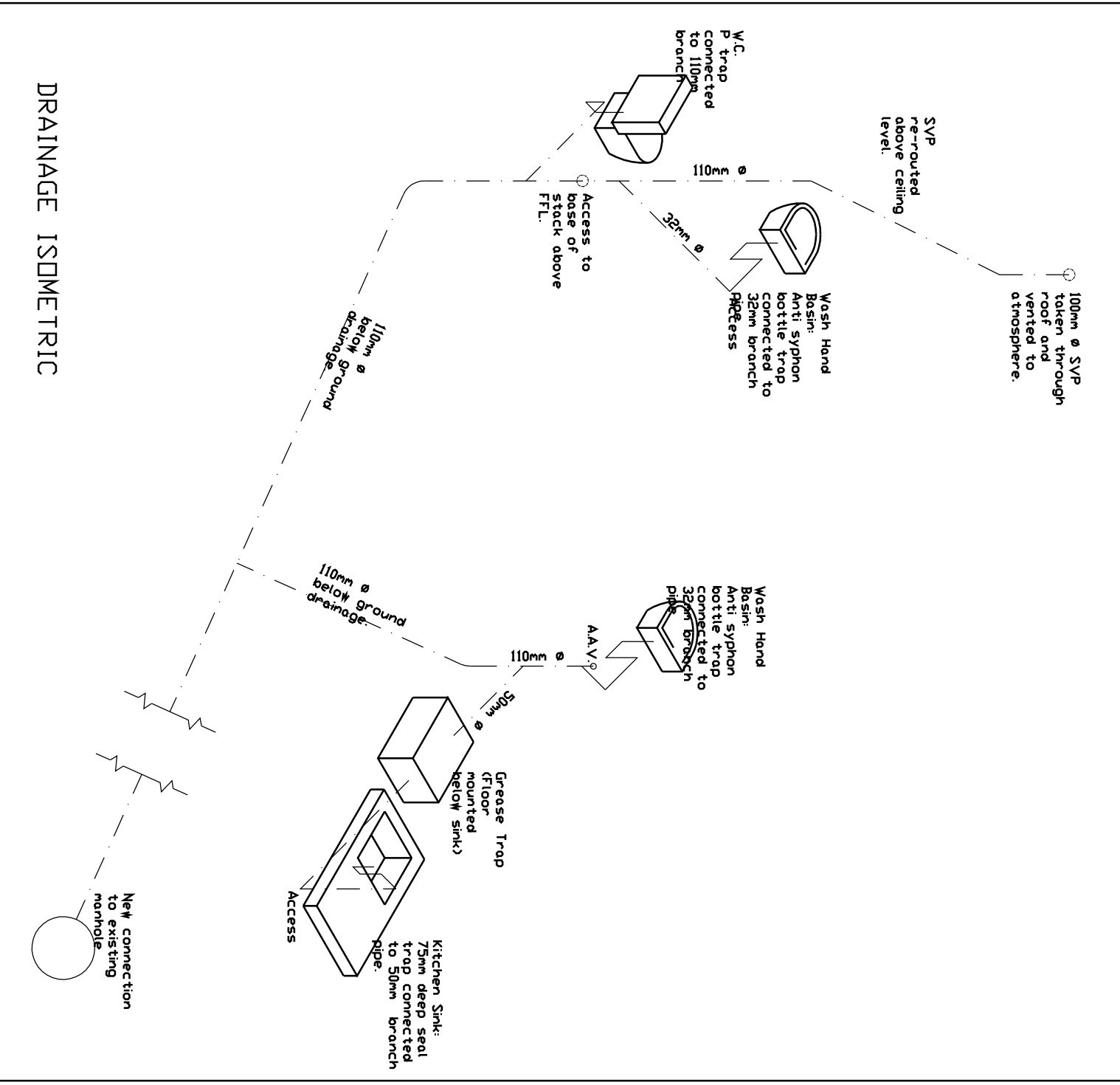
Scale 1:100

Design by Martin Watt Ba Dip
Copyright April 2014
Telephone 01506 834 109

Planting Plan 1
for Mr Ritz Randev
Delux Hotel, Ladywell West Rd, Livingston



30 Litre Unventilated Water Heater Installation Diagram (Not to scale)



McLAREN MURDOCH & HAMILTON
CHARTERED ARCHITECTS

2 DUNDEE ROAD PERTH, PH2 7DY	TELEPHONE 01738 627061
2 WEST COATES EDINBURGH, EH12 5JQ	FAX 01738 635938
	TELEPHONE 0131 539 5000
	FAX 0131 539 5011

DRAINAGE AXONOMETRIC AS PROPOSED (Not to scale)



West Lothian Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0718/FUL/14	Applicant Request <input type="checkbox"/>
Site Address 1 Hawk Lane Ladywell	Constituent Request <input type="checkbox"/>
Title of Application Hot Food Takeaway	Other (please specify) <input checked="" type="checkbox"/> I consider this to be a highly contentious application and would wish to ensure a full and open discussion of the issues it raises
Member's Name Cllr PETER JOHNSTON	

Sm.
0718/FUL/14

Com2
Obj
local

Acknowledged
21/11 HK

Mr Steve McLaren

Planning Officer

West Lothian Council

County Buildings

Linlithgow

8th November 2014

Dear Mr McLaren,

(Application Ref. No. 0718/FUL/14)

I am writing to object to the above proposal in respect of a hot food take away.

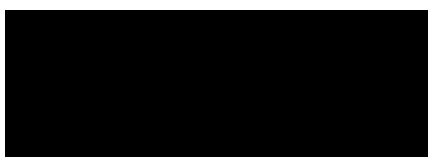
I believe that the Ladywell West area is already well served by such provision within the adjacent local shopping area and that there is no need for an additional hot food take away facility.

I am concerned that the site is within easy walking distance of Inveralmond Community High School and would serve to undermine the school and council's drive towards healthy eating amongst our school pupils.

I am also concerned that the site is in immediate proximity to houses in the Mallard Brae Linnet Brae and Kingfisher Brae area of Ladywell. I believe that residents in these areas will have their quality of life seriously affected by the proposed development and will suffer through noise, smell and litter issues.

For all of these reasons I would advise that I am totally opposed to this proposal.

Yours Sincerely



Cllr. Peter Johnston

Livingston South (SNP)

0718/FUL/14
DA. VINCIS HOTEL SMCL 64. Mallard Brae (2)
REF PLANNING Coml Ladywell West
0718/FUL/14. Obj x Acknowledged Livingston
local 21/11 HK EH 546 UB.

Dear Sirs,

I would like to register my disapproval of above proposal.

As one who lives locally to this establishment for a long time, I can only say that any changes to the present will only increase the level of noise and anti-social behaviour.

At present it appears that people come from all over to spend their late evenings in this establishment, I presume because of their late opening hours. At 2/3 o'clock in the morning the anti-social behaviour is a disgrace, and very disturbing for the local residents. It can get so bad that we do not allow our grandchildren to stay over night, because of previous distress, when they have been wakened from their sleep by the shouting, fighting and banging on the door stop shattered!

To erect a hot food takeaway would only bring in more people to the area at a inappropriate time of the night. This would only result in more anti-social problems.

I.M.O. there is more than enough takeaway facilities in the area.

I would suggest that members of the Development Management Committee visit this area in the early hours of the weekend, to see and hear at first hand the problems the local residents have to put up with.

I am no killjoy and understand ~~the~~ that people need and should enjoy themselves, but ENOUGH is ENOUGH

Yours sincerely

[Redacted Signature]

East Lothian Council	
Development Management	
Date	03 NOV 2014
Ref No	
Ref To	
Ack'd	
Replied	

Application Number:

Name:

Address:

Ladywell,

Livingston

EH54 6UE

Tel:

Email:

Date and time of comment left:

Comment Type:

Comment:

0718/FUL/14

Margaret Fox

1 Linnet Brae,

Com1

Obj

local

Acknowledged 2/11
HK

27-10-2014 20:48

Object to Proposal

I would like to ask why we would need another takeaway as we have 3 within 100 yards from the above address .

The amount of traffic using this road will increase again as this is the only road into Hawk Brae.

Also could I point out there is a right of way path from the main road leading to the car park next to the bus stop.

Could you please advise.

Application Number:

Name:

Address:

Ladywell

Tel:

Email:

Date and time of comment left:

Comment Type:

Comment:

0718/FUL/14

Tim Evans

65 Mallard Brae

Com1

Obj
local

Ackn. 21/

Hk

22-10-2014 17:06

Object to Proposal

In reference to the proposal to erect a hot food takeaway we strongly object to the proposal for many reasons the building will only be about 30ft away over looking the house. We already have a pizzahut, Chinese takeaway, kebab/Indian takeaway, Chinese restaurant and a Gregg's all with in a 100m Of the proposed takeaway so WHY another one !!!!!!! We already have trouble with litter, noise and gangs hanging around the other places, we also get bad smells coming from the extractor fans from the Chinese restaurant which is in direct line of the house so to have another is totally unacceptable the last thing we need is more greasy fat smells blowing which makes sitting out totally unpleasant and in the house. We already have trouble with gangs hanging around late at night from the pub/club till early hours of the morning, so the last thing we need is another eye sore of a building more mess/ noise and smells, this is a residential area not a fast food plaza.

-101-

Sm .

Application Number:

Name:

Address:

Eh546xb

Tel:

Email:

Date and time of comment left:

Comment Type:

Comment:

0718/FUL/14

LisaSalia-Bao

214 Oldwood place

18-10-2014 20:57

Object to Proposal

Com 1

obj

local

Acknowledged

21/11 HK

We100% do not need another take away venue In this area!! I'm shocked to hear that this typeof application has been submitted . Unhappy and I don't encourage it by using it no way!!!

Sm.
0718/FUL14

Com2.
obj
local
Acknowledged 21/11
HK

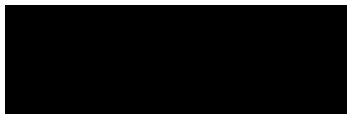
Dear Steven Mc Larnen

I,  of 56 Hawk Bree

would like to object to the application for a hot food takeaway
Reference 07118/FUL14.

My reason why is

That there are more than enough take-away outlets in
the area and indeed in Livingston. We have a litter
problem now and another such business would
exacerbate this. There would also be an increase in traffic
You're sincerely at the only entrance to Hawk Bree.



West Lothian Council
Development Management
18 NOV 2014
Date.....
Ref No.....
Ref To.....
Ack'd.....
Replied.....

DRAFT CONDITIONS - APPLICATION 0718/FUL/14

- 1 Unless otherwise agreed in writing with the Development Management Manager, the materials to be used on the roof and walls of the building hereby approved shall match those on the adjacent hotel.

Reason To integrate the development with the surrounding area, in the interests of visual amenity.

- 2 Unless otherwise agreed in writing with the Development Management Manager, there shall be no external plant, machinery or equipment installed at the premises hereby approved.

Reason In the interests of the amenity of neighbouring residents and other occupiers.

- 3 All amplified sound shall be so controlled as to be inaudible within any nearby residential properties.

Reason In the interests of the amenity of neighbouring residents and other occupiers.

- 4 Before the hot food take-away hereby approved is open to the public, written confirmation shall be provided by the applicant demonstrating that the extraction and filtration system fitted to the premises complies with the requirements of Environmental Health. The premises shall not open to the public until this confirmation is provided and once open, the extraction and filtration system shall operate at all times when the premises are in use. The extraction system shall thereafter be maintained to the satisfaction of the planning authority.

Reason To prevent odours from the premises causing nuisance, in the interests of the amenity of neighbours and the surrounding area.

- 5 Before the hot foot take-away hereby approved is open to the public, the car parking sign directing customers to the front of the premises shall be installed to the satisfaction of the planning authority. Prior to its installation, the wording shall be agreed with the planning authority.

Reason In the interest of residential amenity and to prevent unauthorised use of the adjacent bus stop.

- 6 Before the development begins, the developer shall submit details of the type and location of a litter bin to be located directly outside the premises for the written approval of the planning authority. The operator of the premises shall maintained the litter bin and the area surrounding the premises shall be kept clear of paper, wrappings and any other waste products associated with the business, to the satisfaction of the planning authority.

Reason To ensure there is no litter nuisance caused by this use, in the interests of the amenity of the surrounding area.

- 7 Before the hot food take-away hereby approved is open to the public, the two sections of 'added wall' as detailed on approved Planting Plan 2 shall be constructed to the satisfaction of the planning authority. The landscaping hereby approved shall be implemented in the first planting season following the completion of construction works

The new planting shall be maintained for a period of five years until it becomes established with any trees or shrubs which within a five year period following completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation. The landscaping hereby approved shall be retained in perpetuity unless otherwise agreed in writing with the planning authority.

Reason To ensure proper implementation of the planting proposals in the interests of the amenity of the site and the area as a whole.

- 8 The use hereby approved shall not operate beyond 22:00 hours at any time and the operator of the premises shall ensure that there are no customers in the premises beyond this time.

Reason In the interests of residential amenity and to prevent loitering at the premises late into the night.

Notes to developer

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

Notification of the start of development

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

Notification of completion of development

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

Advisory note to developer

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

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

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

Annex 1, Schedule of Plans - 0718/FUL/14

	Description	Drawing Number	Docquetted Number
1	Location plan	2419 Ph3 (BW) 01	1 of 10
2	Site plan as proposed	2419 Ph3 (BW) 03	2 of 10
3	Landscape design plan	-	3 of 10
4	Planting plan 1	-	4 of 10
5	Planting plan 2	-	5 of 10
6	Elevations and roof plan as proposed	2419 Ph3 (BW) 05	6 of 10
7	Signage to takeaway	L(--)000 Rev A	7 of 10
8	Sections AA & BB as proposed	2419 Ph3 (BW) 06	8 of 10
9	Extraction and supply	AC.OS.001 Rev A	9 of 10
10	Odour control filtration	3 pages	10 of 10



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 07/11/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0565/FUL/14 Wendy McCorriston Major Application	Edinburgh Society of Model Engineers	Erection of a 4.6 ha model engineering centre with associated tracks, boating pond, walking routes, car parking and support buildings (grid ref. 308365 670253) at Almondell Woods, Drumshoreland Road, Broxburn	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Grant Conditional Permission	objections 2 Lack of parking for a public attraction Contrary to countryside policies of the local plan Traffic impact and poor sight lines onto a busy road Concerns regarding undermining Impact on wildlife Detrimental to local amenity, especially by reason of noise from the facility	The application is to form a facility for a model train/engineering society within a former commercial woodland at Drumshoreland Muir, on the north side Drumshoreland Road. The site will include an agricultural style shed to act as a meeting room, work area and storage for the society; two steel secure containers and a composting toilet. There will be parking within the woodland and a model railway track will be laid out between the trees. A model car track and a small boating pond are also proposed. The access will be off Drumshoreland Road, through an opening where woodland thinning has been taking place under a forestry felling licence. The site is white land within the countryside. Policy ENV36 of the WLLP supports leisure and tourist developments where they are appropriate to a countryside location and are in keeping with the rural character. The facility will mainly be for members, but 4 public events are planned each year. Additional car parking has been shown in response to objections. Transportation; the Coal Authority; the council's Arborist and the Community Council are all satisfied with the proposals, subject to conditions covering the detail of the access; restrictions on public events and noise. The proposal accords with the policies and provisions of the local plan and approval is recommended.

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0560/FUL/14 Ranald Dods Local Application	Marshall	Erection of a house (grid ref. 309482 669492) at Shiel Mill Farm, East Calder	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Refuse Permission	objection 0	<p>The proposed house, which is located within the countryside and the Almond & Linhouse Valleys AGLV, is for the applicant's son who is currently living in the family home and who provides a degree of care and assistance to his father. Whilst being sympathetic to the requirements of the applicant, the proposed house is not for his use. The proposed design includes a storey of underbuild and would see the principal floor of the property at the eaves level of the adjoining family home.</p> <p>The proposal is contrary to:</p> <p>ENV19 (AGLVs) WLLP; ENV31 (development in the countryside) WLLP; ENV32 (development in AGLVs) WLLP; ENV33 (development in respect of ENV31 & 32) WLLP; IMP14 (compliance with the development plan) WLLP; IMP15 (design) WLLP.</p>

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
0647/FUL/14 Wendy McCorriston Local Application	Cunningham	Change of use from a domestic garage/store to a house; the erection of a front canopy and alterations (grid ref. 307398 667640) at Land at 1 Combfoot Cottages, Mid Calder, EH53 0AB	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Refuse Permission	objection 1 The garage was meant to be a domestic garage but has remained unfinished and unused by the applicant for many years in order to eventually use it as a house.	This is a proposal to change a modern domestic double garage, located in Mid Calder Conservation Area, into a one bedroom house. The garage is in part of the original garden for the four-in-a-block flats to the west. To change the existing garage building from an ancillary structure to a dwellinghouse would result in a development that was out of keeping with the spatial character and appearance of the area. As a result, the proposal would amount to town cramming, contrary to both local plan policies, HOU4 (cramming), HOU9 (residential and visual amenity) HER 19 (conservation areas) and the council's supplementary planning guidance. In particular, the appearance of the property would look out of character and crammed into the street scene, to the detriment of the overall character and appearance of the conservation area. The proposal could also result in issues of parking congestion in what is already a very busy location. Refusal is recommended.



The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 14/11/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0627/P/14 Mahlon Fautua Local Application	Hartfield Homes Ltd.	Planning permission in principle for a 0.5ha residential development (grid ref. 298944 667403) at Easter Inch Steadings, Bathgate, EH48 2EH	Bathgate William Boyle Harry Cartmill John McGinty James Walker	Refuse Permission	objections 5 The number of houses, detail is vague Safety concerns over the existing access to the Proposed Site. Amenity of the existing residents including loss of privacy The effect of the proposed development upon the setting and character of the listed building Removal of trees	The existing ground levels would mean that any new residential buildings will have a detrimental impact on the setting and character of the Listed Building.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0674/H/14 Lindsey Patterson Local Application	Newman	Erection of a garage (grid ref. 297911 668530) at KERSEL, 8 GORDON AVENUE, BATHGATE, EH48 1BE	Bathgate William Boyle Harry Cartmill John McGinty James Walker	Grant Conditional Permission	objection 1 Overshadowing Height/Overbearing	<p>The proposal is for the erection of a single storey garage to the north-eastern side of the existing property.</p> <p>Following negotiations with the applicant and agent, the plans have been amended to show a reduction in roof pitch from 30 to 17.5 degrees, reducing the overall height of the garage by 373mm, reducing the potential impact of the structure on neighbouring properties.</p> <p>A neighbour objected because of a fear of overshadowing. As the neighbour's property sits higher than the application site with access to the rear via a half landing and steps, there will not be any significant loss of light as a result of this proposal, particularly following the reduction in the height of the roof.</p> <p>The other ground of objection, security, is not a material planning consideration.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.</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 21/11/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0669/FUL/14 Nicolas Lopez Local Application	Rennie	Erection of 2 houses and siting of 2 temporary residential caravans (grid ref. 207881 662595) at Land at 63 Main Street, Stoneyburn	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	Refuse Permission	objection 0 None received.	<p>Full planning permission is sought for the erection of two dwellinghouses, and the temporary siting of two residential caravans, at land at 63 Main Street, Stoneyburn. The site forms part of a larger site allocated for the development of 60 houses (HSb6).</p> <p>The proposed dwellings would be sited to the south of Main Street, with the principal elevations facing on to the rear gardens of the neighbouring dwellings to the north. This form of backland development is generally considered undesirable from an amenity perspective, and in this case would result in a disjointed pattern of development due to the lack of a road link with the rest of site HSb6. The application therefore fails to achieve the highest quality of design and layout required by Policy HOU7 of the West Lothian Local Plan 2009 and associated Supplementary Planning Guidance. In particular, it fails to provide the permeable, connected streets required by the Residential Design Guide. It similarly fails to comply with Scottish Planning Policy and Designing Streets, which have established connectivity and ease of movement as guiding principles in street and development design. It is therefore considered that the application does not comply with policy HOU7, IMP15 and IMP14 of the West Lothian Local Plan, and both Designing Streets and Scottish Planning Policy. It is therefore recommended that the application is refused.</p>

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0705/FUL/14 Steven McLaren Local Application	D Luxe Hotel	Installation of new windows and doors (grid ref. 304367 668335) at D Luxe Hotel, Hawk Brae, Ladywell West, Livingston, EH54 6TW	Livingston North Robert De Bold Anne McMillan Andrew Miller Angela Moohan	Grant Conditional Permission	objection 1 loss of privacy	The proposal is to carry out internal alterations to the hotel to provide an additional 6 bedrooms and an office. While the internal alterations do not require permission, there is a requirement for additional window openings to be created. All but the two proposed office windows look onto either landscaping or public areas. The office windows look towards the housing at Mallard Brae and one objection has been received on the grounds of loss of privacy. The proposed office windows are approximately 30m from the nearest house, lie at a lower level than the house windows and are at an oblique angle. Given the separation distance between windows it is considered that this is sufficient not to result in a loss of privacy to these residential properties. Recommendation therefore is to grant planning permission.



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 28/11/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0702/FUL/14 Ranald Dods Local Application	Barnes	Erection of a house (grid ref. 298481 677351) at Land adjacent to 57 Mill Road, Linlithgow Bridge	Linlithgow Tom Conn Martyn Day Tom Kerr	Refuse Permission	objection 1 Parking and road safety.	The site is a small piece of vacant land at the corner of a private lane and Mill Road. The proposed plot to house ratio would be 67:33 whereas the council SPG on "how to avoid town cramming" states that optimum ratio is 75:25. In addition, the SPG states that a detached house should have at least 100m ² of private garden ground. The proposal includes a garden of only 78m ² . The proposal represents over development of the site and would result in a lower level of amenity for residents than would otherwise be expected. No objection was lodged to the application by Transportation. The proposal is contrary to: HOU4 (town cramming) WLLP; HOU9 (residential amenity) WLLP; SPG on "How to avoid town cramming".



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 05/12/2014.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0729/FUL/14 Mahlon Fautua Local Application	Kelly	Demolition of poultry sheds and erection of 4 houses (grid ref. 301624 662590) at Hartwood Road, West Calder	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	Refuse Permission	objection 1 -Concerns that the current entrance as there are problems already at the junction with neighbouring properties. The increased amount of traffic will exacerbate this problem. Nevertheless, moving the entrance elsewhere may solve this issue. -Concerns raised that heavy traffic on the road associated with the existing surrounding businesses in the morning and evening would attract complaints from new residents. This may have a detrimental impact on existing businesses.	The application site is not currently allocated for residential development and would extend urban development into the countryside. In this case, the justification which has been presented thus far is not sufficiently compelling to allow residential development on this land. Specific regard has been given to the SPG: - redevelopment of redundant poultry sheds and intensive livestock rearing units however, the proposal does not meet the terms of the SPG due to lack of capacity at catchment schools, potential difficulty with existing access arrangements, ribbon development and coalescence. There are also concerns about education capacity at catchment schools. Taking into account the above the proposed development is contrary to West Lothian Local policies HOU 1, HOU 2, ENV 31 and SPG Redevelopment of redundant poultry sheds and intensive livestock rearing units and Development in the Countryside It is therefore recommended that planning permission is refused.

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0775/H/14 Lindsey Patterson Local Application	Hepworth	Erection of a fence and installation of CCTV camera (in retrospect) (grid ref. 295864 667660) at 10 WHITESIDE FARM LANE, Bathgate, EH48 2UL	Bathgate William Boyle Harry Cartmill John McGinty James Walker	Grant Conditional Permission	objection 1 Height Visual Amenity Overshadowing Privacy	<p>The proposal is for the erection of a fence and installation of a CCTV camera to the front of the property. Previously an enforcement case the application has been made retrospectively.</p> <p>The location of the site is such that it is an access drive for the two properties within this part of the steading and therefore is not seen by any other occupants. While the fence is greater in height than that of the other low fences within the steading there is a fence of similar height on the western boundary of the neighbouring property and therefore the fence does not appear out of place. Nonetheless to lessen the potential visual impact of the fence it shall be conditioned in the decision notice that the first metre of the fence from the access road shall be cut at a 45 degree angle to appear less overbearing to neighbouring properties.</p> <p>With regard to the CCTV it shall also be conditioned in the decision notice that the view shall not exceed that of the applicants own garden, therefore alleviating any potential privacy issues.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.</p>