



West Lothian
Council

Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

7 January 2015

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 14 January 2015** at **11:00am**.

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 Local Review Body held on 26 November 2014 (herewith).

Public Items for Decision

5. Notice of Review - Application No.0446/P/14 - Planning permission in principle for the erection of a dwelling house and garage at 94 Pumpherston Road, Uphall Station (herewith)
6. Notice of Review - Application No.0595/FUL/14 - Conditions attached to the grant of planning permission at Mackinnon Hall, Linlithgow Bridge (herewith)

DATA LABEL: Public

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

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 26 NOVEMBER 2014.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, William Boyle, Harry Cartmill, Tom Kerr, Greg McCarra and John Muir

Apologies – Councillor Tom Conn and Angela Moohan

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of the meeting held on 29 October 2014. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW - APPLICATION NO.0152/FUL/14 - ERECTION OF A 74M HIGH (TO BLADE TIP) WIND TURBINE AT ALDI DISTRIBUTION CENTRE, POTTISHAW ROAD, BATHGATE

The Local Review Body considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review for the erection of a single wind turbine at Aldi Distribution Centre, Pottishaw Road, Bathgate.

Attached to the report were the Notice of Review and other relevant review documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents. The report advised that the decision to refuse the application for planning permission had been based on restricted policy considerations, with the Appointed Person being satisfied in relation to relevant technical matters.

The committee noted that an unaccompanied site visit had taken place and that the case had been considered at its previous meeting when it had asked for more information in relation to ice throw. That information had been requested and provided through a Procedure Notice issued by the Clerk, and those documents were included amongst the review documents.

The Local Review Body then considered and took into account all of the review documents placed before it and in doing so noted that it was necessary in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 that the Local Review Body had regard to the Development Plan and to determine the review in accordance with the Development Plan unless material circumstances indicated otherwise.

The Local Review Body then considered whether it was now in a position

for the review to be determined or whether further representation or further information was needed. It also took into account the views expressed in the Notice of Review and it agreed that no further information or representation was required.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies. It identified that the key issue was the adverse visual impact of the development, from within and outwith the industrial estate, even though the site was within an industrial area. It considered that the height and proportion and relationship to the surrounding buildings on the site were unacceptable.

It then went on to consider whether there were material considerations that meant the application for review should be granted. It identified a number of material consideration including national planning policy being in favour of renewable energy developments; the absence of objections; the view of the statutory consultees; the benefits which would accrue for the environment; and the location within an industrial setting.

After assessing and balancing the relevant considerations, the Local Review Body decided that the relevant material considerations were not sufficient to mean that the application should be decided contrary to the development plan and on balance supported the refusal of planning permission.

Decision

To uphold the decision of the Appointed Person and refuse the application as the development did not accord with the development plan and the material considerations identified did not merit the review being granted.



LOCAL REVIEW BODY

**APPLICATION NO.0446/P/14 – PLANNING PERMISSION IN PRINCIPLE FOR THE
ERECTION OF A HOUSE WITH GARAGE AT 94 PUMPHERSTON ROAD, UPHALL
STATION**

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is for review of a refusal by the Appointed Person for the erection of a house with garage at 94 Pumpherston Road, Uphall Station

B REVIEW DOCUMENTS

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

1. The Handling Report by the Appointed Person, dated 27 August 2014
2. The Decision Notice, dated 27 August 2014
3. The Notice of Review, submitted by the Applicant, dated 25 November 2014
4. The following documents were also lodged with the Notice of Review:-
 - A supporting statement;
 - A copy of the original planning application, not dated;
 - A location plan and a sketch plan.

Three representations have been received in relation to the planning application. These are summarised as follows :-

- ❖ Received from Valerie and Roderick Mille of 92b Pumpherston Road, Uphall Station, dated 24 July 2014
- ❖ Received from John Robertson of 96 Pumpherston Road, Uphall Station, dated 7 July 2014; and
- ❖ Received from Patricia Robertson of 96 Pumpherstpn Road, Uphall Station,

dated 22 July 2014

All three objectors were contacted to advise them that the Notice of Review had been submitted to the council and that they had fourteen days in which to submit further representation. No further comments have been received. All correspondence referred to has been attached to this report.

The applicant considers that the application could be determined by consideration of the review documents alone.

In consultation with the Chair, the Clerk determined that an unaccompanied site visit should take place in relation to visual and residential amenity before the committee's first consideration of the case, and that was scheduled to take place on 14 January 2015.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused because the Appointed Person decided that as the development site was a rear garden to the existing house at 94 Pumpherston Road it would represent tandem development which would be detrimental to the surrounding amenity as a result of overlooking and overshadowing. The proposal was therefore contrary to policies HOU2, HOU4, HOU9 and Imp14 of the West Lothian Plan.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

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

Developer contributions are not required in the event that planning permission is granted.

James Millar, Solicitor/Committee Services Manager, West Lothian Civic Centre
01506 281613, James.Millar@westlothian.gov.uk

Date: 14 January 2015



West Lothian
Council

**DECISION NOTICE
REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE**

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

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses planning permission in principle for the development described below**, and in the planning application and attached docquetted plan(s). The reasons are provided on the following pages.

APPLICATION REFERENCE: 0446/P/14

PROPOSAL AND LOCATION: Planning permission in principle for the erection of a house with garage (grid ref. 306361 669833) at 94 PUMPHERSTON ROAD, Uphall Station, EH54 5PJ

APPLICANT: Ms C Hardie
94 PUMPHERSTON ROAD
Uphall Station
EH54 5PJ

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

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

Dated: 27/08/2014

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

Signature _____

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission in principle for planning application 0446/P/14, for the reason(s) set out as follows:

- 1 The site is the rear garden of the existing house at number 94 Pumpherston Road, Uphall Station and as such it constitutes tandem development. This would be detrimental to the amenity of the surrounding area and would result in problems of overlooking and overshadowing

The proposal is therefore contrary to the following policies of the West Lothian Local Plan:

HOU2 (General guidance for development within settlement boundaries)

HOU4 (Avoiding town cramming)

HOU9 (Residential and visual amenity)

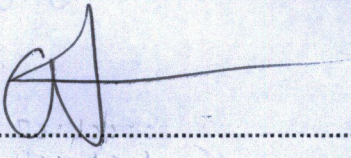
IMP14 (Supplementary planning guidance)

It is also contrary to council's Supplementary Planning Guidance: Single Plot and Small Scale Infill Residential Development in Urban Areas (how to avoid town cramming)

- 2 By granting permission the council would set an undesirable precedent for other similar developments within West Lothian.
- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), is to be afforded primacy in decision making.

Annex 1, Schedule of Plans - 0446/P/14

	Description	Drawing Number	Docquetted Number
1	Location plan	1:1250	1 of 2
2	Site plan	1:500	2 of 2

Development Management Manager  Date: 27 August 2014
Page 2 of 2



**West Lothian
Council**

HANDLING REPORT

Ref. No.:	0446/P/14	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	East Livingston and East Calder	Member:	Frank Anderson Carl John Dave King Frank Toner
Title	Planning permission in principle for the erection of a house with garage (grid ref. 306361 669833) at 94 PUMPHERSTON ROAD, Uphall Station, EH54 5PJ		
Application Type	Local Application		
Decision Level	LIST 01/08/2014		
Site Visit	17/07/2014		
Recommendation	refuse permission		
Decision	REFUSE PLANNING PERMISSION IN PRINCIPLE		
Neighbour Notification	Neighbour notification procedures have been have been carried out correctly - case officer verification <u>SM</u>		

Description of Proposals

The proposal is to seek planning permission in principle to build a house in the rear garden ground of 94 Pumpherston Road, Uphall Station.

Site History

There have been no previous planning applications for this site. A similar application has been submitted for a nearby property:

0676/P/12 - planning permission in principle for the erection of a house, refused 6/12/12.

Representations

The application was advertised in the local press and the period for receipt of representations has expired. 2 letters of objection have been received which are summarised below; This is a summary of the representations received. The full documents are contained in the application file.

Comments	Response
Loss of privacy. Overshadowing.	A new house in this location has the potential to impact negatively on neighbours by way of overlooking resulting in loss of privacy and overshadowing of garden ground at least.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Department of Education	No	No objections but contributions required.	Noted, if granted, a S69 or S75 will be required for contributions.
Transportation	No	The driveway for the existing property shall meet minimum requirements. Road opening permit required.	Noted, if granted, a condition can be used to control this.
Scottish Water			No response received to date. It is however the applicant's responsibility to ensure safe connection to services.

Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>IMP14 - Supplementary Planning Guidance</p> <p>Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance.</p>	The council's guidance in this regard relates to single plot and infill development in urban areas. There is a presumption against tandem development. The proposals do not accord with this policy.	No
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <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</p>	The proposals are likely to result in a loss of amenity to neighbours given the close proximity of any potential building to the site boundaries.	No

	adversely impact on amenity to a significant degree will not be supported.		
West Lothian Local Plan	<p>HOU4 - Town Cramming</p> <p>Developments, which result in town cramming, as defined in Supplementary Planning Guidance, Single plot and small scale infill residential development in urban areas – how to avoid town cramming, will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.</p>	The proposal is tandem development which is considered to be town cramming. The proposals do not therefore accord with this policy.	No
West Lothian Local Plan	<p>HOU2 - Development within Settlement Envelopes</p> <p>Within the settlement envelopes shown on the proposals map: a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM 2 would apply); b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of policy HOU 9; c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting; d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and, e. development briefs, will be prepared where appropriate.</p>	The proposal is tandem development which is considered to be town cramming. The proposals do not therefore accord with this policy.	No

Assessment

The application has been considered in line with the above policies and on its own merits.

Other Considerations

Consideration has been given to the council's Supplementary Planning Guidance: Single Plot and Small Scale Infill Residential Development in Urban Areas (how to avoid town cramming)

Conclusions and Reason for Decision

The applicant is seeking planning permission in principle for the construction of a house in the rear garden of 94 Pumpherston Road, Uphall Station. The proposed property would utilise the existing driveway for 94 Pumpherston Road and be sited in an area of ground of some 357sqm, forming the rear half of the existing garden ground. The proposed development would therefore constitute tandem development as defined in the council's supplementary planning guidance for small scale and infill housing developments. The proposal is likely to result in the loss of privacy and residential amenity for adjacent neighbours and set an undesirable precedent for other similar developments. The proposal is therefore considered to be town cramming and contrary to the following policies of the West Lothian Local Plan (WLLP) and Supplementary Planning Guidance (SPG):


HOU2 (General guidance for development within settlement boundaries)

HOU4 (Avoiding town cramming)

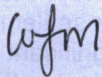
HOU9 (Residential and visual amenity)

IMP14 (Supplementary planning guidance)

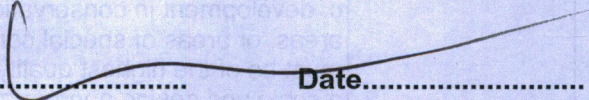
SPG: Single Plot and Small Scale Infill Residential Development in Urban Areas (how to avoid town cramming)

Case Officer 

Date... 27/8/14

Senior Officer..... 

Date... 27/8/14

Development Management Manager..... 

Date.....

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name	<u>MS C HARDIE</u>
		Address	<u>94 PUMPHERSTON ROAD</u> <u>UPHALL STATION</u>
		Postcode	<u>EH54 5PJ</u>
		Telephone No. (1)	<u>[REDACTED]</u>
		Telephone No. (2)	<u>-</u>
		Fax :	<u>N/A.</u>
		E-mail :	<u>N/A.</u>
	REPRESENTATIVE (if any)	Name	<u></u>
		Address	<u></u> <u></u>
		Postcode	<u></u>
		Telephone No. (1)	<u></u>
		Telephone No. (2)	<u></u>
		Fax :	<u></u>
		E-mail :	<u></u>
Please tick this box if you wish all contact to be through your representative.		<input type="checkbox"/>	
Do you agree to correspondence regarding your review being sent by e-mail? * YES/NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

PART B	APPLICANT REF. NO.	<u>0446 / P / 14</u>
	SITE ADDRESS	<u>94, PUMPHERSTON ROAD</u> <u>UPHALL STATION</u> <u>EH54 5PJ</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>ERECT NEW DWELLING</u>
	DATE OF APPLICATION	<u>JUNE 2014</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>27/8/2014</u>

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

Type of Application (please tick the appropriate box)

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

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

- 15 -

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

	REMOVAL OF GARAGE TO RESPOND TO
	COMMENTS REGARDING "CRAMMING"

List of documents and evidence

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

1.	REASONS FOR REVIEW STATEMENTS 1 TO 9
2.	SKETCH PLAN 3
3.	COPY LOCATION PLAN.
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

PART D

REVIEW PROCEDURE

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

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

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓

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

SITE INSPECTION

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

Can the site be viewed entirely from public land?

* YES/NO

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

* YES/NO

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

PART E

CHECKLIST

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

Full completion of all parts of this form



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



Statement of your preferred procedure



All documents, materials and evidence which you intend to rely on.
Copies must accompany this notice.



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

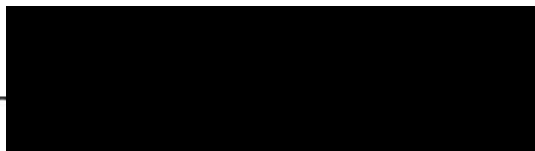
*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it.

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

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed



Date

25-11-2014

x

* Delete as appropriate

Please return this completed form to :-

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

Review of Planning Application ref 01446/P/14
At
94, Pumpherston Road, Uphall Station, EH54 5PJ.

REASONS FOR REVIEW
(To be read in conjunction with Sketch No 3)

1. The new dwelling at the above address is intended to be single storey, with a 30 deg pitched roof. However, it appears that the application has been assessed on the basis of a 2 storey dwelling. It is unclear how this misunderstanding has occurred but it has a significant impact on the issue of overlooking and overshadowing. Accordingly the refusal reasons of overlooking and overshadowing given under point 1 are not applicable and concerns of adjacent owners have been incorrectly advised.
2. It is understandable that residents at No's 92b and 96 adjacent properties would have concerns regarding overlooking with respect to a 2 storey building, however, this is not the proposal and it is clear that a normal single storey building will not have any impact on privacy or overlooking. Currently all 3 properties including number 94 have 2 storey extensions and the additional dwelling will not add or alter the current overlooking condition.
3. An updated plan, sketch No 3, to that used for the refusal decision shows the extension to No. 92b, the pitched roof, double garage and the new buildings to the rear of No. 96. This combined with the information in 1 above confirms that overlooking will not occur.
4. The proposed dwelling is orientated in a North / South direction and any shading arising would fall on the north side of the new dwelling, which is where the pitched roof, double garage at No 92b is located, accordingly this will not impact on the adjacent resident. West of the new dwelling is an established tree verge to an industrial area and overlooking or overshadowing will not have any impact to this area.
- 5 A new 1.8m high timber fence will be constructed on the boundary to the North, West and East and this will negate any privacy or overlooking issues from a single storey dwelling.
6. The previous application included a garage and in cognisance of the spatial issues raised this has been deleted in favour of a hard standing parking area.
- 7 The existing plot is approx .47m by 21m and it is suggested that 2 dwellings occupying nearly 1000 sq metres does not constitute town cramming and the proposal is similar or less dense occupation than existing developments in Uphall Station. This can be seen on the 1: 1250 Location Plan, where No. 92 and 90a occupy a similar area in similar circumstances.
8. The proposed dwelling will not be visible from the main road due to its location behind No 94 and the view from the West will be obscured by the established trees in the road verge of the industrial area and accordingly it is suggested the visual and residential amenity will not be impacted by the addition of this dwelling.
9. As noted in 7 above similar single developments of existing properties on large plots ie No,s 131 and 131a have been permitted in the past in Uphall Station and it is suggested that this proposal will not set any precedent that has not already been established.

Householder application for planning permission

Town and Country Planning (Scotland) Act 1997 as amended
Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008



West Lothian
Council

£382 + £57.79 p. 4

Planning Services Development Management

Please refer to the accompanying guidance notes when completing this application form

1 Applicant's details (mandatory)

Name	CAROLINE HARRIE		
Company	N/A		
Address	<div style="background-color: black; width: 100%; height: 100px;"></div>		
Postcode	<div style="background-color: black; width: 100%; height: 20px;"></div>		
Telephone	<div style="background-color: black; width: 100%; height: 20px;"></div>	Fax	<div style="background-color: black; width: 100%; height: 20px;"></div>
Email	<div style="background-color: black; width: 100%; height: 20px;"></div>		

2 Agent's details (if applicable)

Name			
Company			
Address	N/A		
Postcode			
Telephone	<div style="background-color: black; width: 100%; height: 20px;"></div>	Fax	<div style="background-color: black; width: 100%; height: 20px;"></div>
Email	<div style="background-color: black; width: 100%; height: 20px;"></div>		

3 Address or location of proposed development (please include postcode)

Address	94 POMPHREY ROAD UPHALL STATION LIVINGSTON EH54 5PJ
Postcode	EH54 5PJ

4 What are you applying for?

Please select one of the following:

- ☐ Planning permission ☒ Planning permission in principle
- ☐ Renewal of temporary permission* ☐ Modification, variation or removal of a planning condition*
- ☐ Application for approval, consent or agreement required by a condition imposed on a grant of planning permission

* Please give the reference number of the previous application and the date when permission was granted.

Reference number
(if this applies)

N/A

Date of consent

5 Site history

Have there been any previous applications on this site? ☒ Yes ☒ No

If yes, please give the reference number(s), if known, and any other relevant details.

Ref no(s).

84/0231

Details

EXTENSION TO EXISTING HOUSE

6 Description of the proposal

Please describe the proposal.

SMALL BUNGALOW WITH TARMAC DRIVEWAY ACCESS
FROM DUMPHRIE ROAD

Are you applying for temporary permission? ☐ Yes ☒ No

If yes, please state how long the permission is required and why.

What is the present or most recent use of the site/building?

LARGE GARDEN.

7 Has work started or is it complete?

Have the works been started or completed? ☐ Yes ☒ No

If yes, please give the start date and completion date, if applicable.

N/A

If yes, please explain why work has already taken place in advance of making this application.

N/A

8 Pre-application consultation / discussion

Have you had pre-application discussions with the council in relation to this process? ☐ Yes ☐ No

If yes, please provide details about the discussion below.

In what format was the correspondence given?

☐ Meeting ☐ Telephone call ☐ Letter ☐ Email

Please provide a summary of the discussion you had and who it was with.

Name

Date

Summary of discussion

/

9 Size of land to which the proposed relates

Please state the site area

Hectares (ha) Square metres (sq.m.)

10 Existing use

Please describe the current or most recent use of the land or buildings on the site

DOMESTIC DWELLINGS

11 Trees

Are there any trees on or adjacent to the application site? ☐ Yes ☐ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal and indicate if any are to be cut back or felled.

12 Data protection

Please note that when you submit a planning application, the information, including the name and address of the application and agent, will appear on the Planning Register, the regulatory List of Current Applications and Pre-Applications, and the weekly list which is circulated. The completed forms and any associated documentation will also be available for public access at the Development Management office and published on the council's website.

Personal and sensitive information, as defined by the Data Protection Act 1998, including personal telephone numbers, signatures, personal email addresses and other information considered to be sensitive under the Act will be redacted from the published information.

13 Declaration

Please check that you have completed all the questions and the land ownership certificate correctly. You must sign the declaration below to validate the application.

Please note failure to complete these forms may result in a delay in the registration and determination of your application.

I certify that the information given by me in this form is true and accurate to the best of my knowledge. The accompanying plans/drawings, land ownership certificate and additional information are provided as part of this application.

I understand that anyone who knowingly or recklessly makes a false declaration is liable, on conviction, to a fine of currently up to £5,000.

Signature

Name

Date

☐ Please tick the box if the applicant is an elected member or an officer involved in the planning process of West Lothian Council, or is a partner/close friend/relative of either

FOR OFFICIAL USE ONLY

Fee

Receipt

Received by

☐

Cheque

☐

Cash

☐

Postal order

☐

Other

Customers with special requirements

Information is available in Braille, tape, large print and community languages. Please contact the interpretation and translation service on 01506 280000

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is 18001 01506 464427. A loop system is also available in all offices.

Disabled access: County Buildings is fully accessible to people with mobility difficulties.

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

tel 01506 282456 fax 01506 282449 email planning@westlothian.gov.uk web westlothian.gov.uk

Location PLAN
Scale 1:1250

Refused Planning Permission by West Lothian
Council. for the reasons specified in the attached
Decision Notice

Development Management Manager

Date

27/8/14

11/2



Promap

Ordnance Survey © Crown Copyright 2014. All rights reserved.
License number 100022482, Printed Scale 1:1250

WEST LOTHIAN COUNCIL
DEVELOPMENT MANAGEMENT

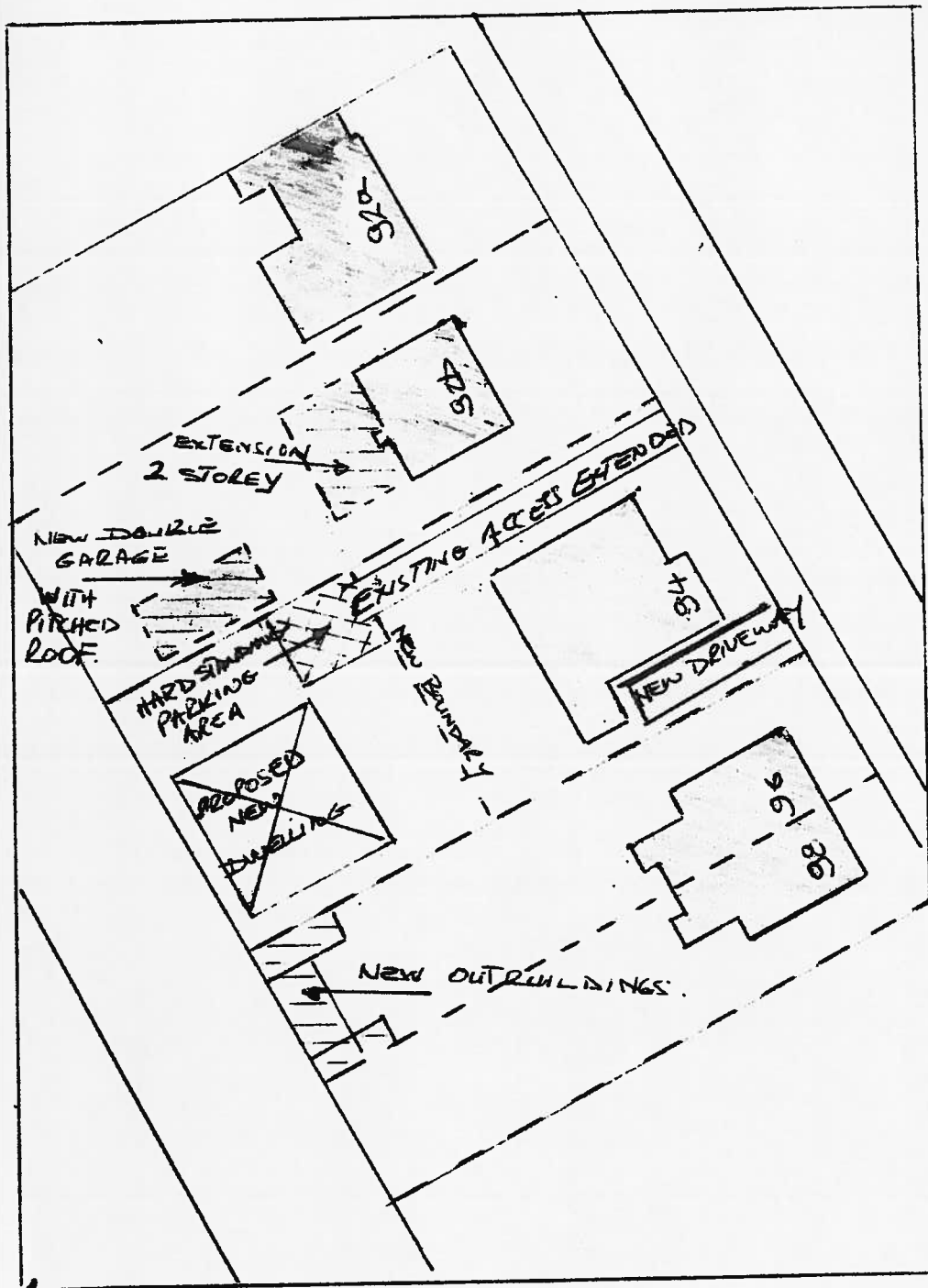
02 JUL 2014

04/08/14

VALIDATION
DATE

REF. No.

SITE PLAN
Scale 1:500



PROPOSED NEW DWELLING
AT
94, RUMFHERSTON ROAD
BIPHALL STATION
EH54 5PJ

SKETCH PLAN 3

SM
0446/P/14

Com 1
Obj

Local

McLaren, Steve

From: Christie, Linda on behalf of Planning
Sent: 25 July 2014 11:06
To: McLaren, Steve
Subject: FW: Planning application 0446/P/14 - FAO Steven McLaren - [INTERNAL ONLY]

DATA LABEL: INTERNAL ONLY

ACKNOWLEDGED

4/8/14

From: [REDACTED]
Sent: 24 July 2014 22:17
To: Planning
Subject: Planning application 0446/P/14 - FAO Steven McLaren

Dear Mr McLaren

With reference to the above planning application please note that we, Valerie and Roderick Millie adjacent neighbours to the ground and property shown in said application hereby wish the following objections to be considered:

1. that any residential dwelling house with garage to be erected would be of single storey i.e. a bungalow
2. that any residential dwelling house with garage would not alter the existing level of residential privacy for immediate neighbours i.e. not unduly overlooked or garden ground overshadowed

As, at this stage, this application is for planning permission in principle we have no other objections but would review this if this application is successful and more detailed planning is sought.

Regards

Valerie and Roderick Millie

92B Pumpherston Road
Uphall Station
Livingston
West Lothian
EH54 5PJ

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.

SMCL
0446/P/14

Com /
Obj Local

Ack 24/7/14

96 Pumpharston Road
Uphall Station

Livingston


22nd July 2014

To whom it may concern,

Regarding
planning application 0446/P/14
94 Pumpharston Road. Uphall Station
EH54 5RT

Grid ref. 306361 669833
applicant Ms C. Hardie

I object strongly to this
going ahead as the purpose for
buying my home was because
it is private as this would
no longer be true if it went
ahead.



an idox solution

Actions

Search

Index docs

Insert doc

File Mail

Management reports

Allocate mail

Initiate task

Logout

My IDOX

Inbox (161/166)

Documents

Recent Documents

Personal Settings

Distribution Lists

Application Number:0446/P/14

Name:john robertson

Address:96 pumpherston road

Tel:

Email:

Date and time of comment left:

Comment Type:

Comment:

As a direct neighbour to the property i was interested in finding out details of what is being built as i would not support a building type that may have windows overlooking our property. as we recently purchased this house due to its excellent privacy and view into our backyard would be to our disliking.

lpatterson

IDOX EDRMS 4.1.2.4

Live

Copyright © 1994-2014

IDOX plc

http://idox.app.westlothian.gov.uk:8080/IDOXSoftware/secure/IG_Main?u=1312 [27/11/2014 15:05:34]

DRAFT CONDITIONS FOR PLANNING APPLICATION 0446/P/14 FOR SUBMISSION TO LOCAL REVIEW BODY.

NB. Members should note that given this is an application for a house, if the LRB decide to grant planning permission in principle it should be subject to either a Section 69 or Section 75 Legal Agreement to cover developer contributions towards education and cemetery requirements.

- 1 Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given of all these details and particulars and the development shall be carried out in accordance with that approval:
 - a) 1:200 site layout plans showing all existing and proposed buildings, roads, parking provision, walls and fences,
 - b) Plans and elevations of all buildings indicating the type and colour of external materials,
 - c) A landscaping plan at 1:200 scale to include full details of the location, species and crown spread of all existing trees and hedges within and adjacent to the site and any proposed new planting,
 - d) Sections through the site showing the relationship between the height of the proposed house in relation to the adjacent properties at 96 and 92b Pumpherston Road, Uphall Station.

Reason To enable full consideration to be given to these details which have yet to be submitted.

- 2 The details to be submitted as part of the approval of matters specified in conditions application (MSC application) required under condition number 1, shall comply with the following requirements, unless otherwise agreed in writing with the planning authority:
 - a) The site shall accommodate no more than one house;
 - b) building to plot ratio must not exceed 30% and the design of the internal layout of the house shall be such that privacy distances between the windows of habitable rooms of the house hereby approved and other existing houses complies with the council's supplementary planning guidance: Single plot and small scale infill residential development in urban areas (how to avoid town cramming);
 - c) the house shall be designed as a single storey property and shall not exceeding the height of the property at 94 Pumpherston Road, Uphall Station. Any first floor accommodation shall be provided within the roof space and natural light shall be provided through the use of rooflights. Any dormer windows proposed shall be of discreet design and shall be assessed for the potential loss of privacy to neighbouring properties. There shall be no first floor gable windows looking directly onto the adjacent properties either side of the plot;
 - d) the roof shall be clad in a dark grey tile to matched with the majority of properties in the locality;

e) the materials to be used on the walls of the house hereby approved shall be agreed in writing with the planning authority, quoins are not permitted;

f) the driveway for the existing property shall be a minimum of 6m deep and 3m wide and a permit shall be obtained for these works. This driveway shall be implemented prior to the start of work on site for the house hereby approved;

g) a driveway with parking for at least two cars shall be provided. This shall be formed wholly within the site and the drive way shall be a minimum of 6m long from the back edge of the footpath;

h) the driveways shall be formed at a maximum gradient of 10% and shall be constructed such that no loose material or surface water is discharged onto the public road;

i) the proposal shall have full regard to West Lothian Council's supplementary planning guidance, '*Single plot and small scale infill residential development in urban areas*'.

Reason To enable full consideration to be given to these details which have yet to be submitted, in the interest of road safety and to better integrate the development with the adjacent property and surrounding area.

- 3 The house shall be designed so as to be capable of being accessed by disabled persons, in accordance with the requirements of the Building Standards (Scotland) Regulations 1990, as amended.

Reason For ease of access for disabled people to the development.

- 4 The following restrictions shall apply during the construction of the dwellinghouse :-

Construction Traffic

- a) Construction vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays.
No heavy goods vehicles shall arrive or leave the site on Sundays.

Hours of Operation

- b) Construction works which cause noise that is audible in any noise sensitive premises beyond the boundary of the site shall take place between the hours of 0800 and 1800 Monday – Friday and 0900 and 1300 on Saturdays only. No work that is audible in any noise sensitive premises beyond the site boundary shall occur on a Sunday.

Wheel Cleaning

- c) 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 the adjacent public highway. Such steps shall include the cleaning of the wheels and undercarriage of each vehicle where necessary and the provision of road sweeping equipment.

Site Compound

- d) The location and dimensions of any site compound shall be agreed in writing with the planning authority prior to works commencing. 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.

Soil Dumps

- e) The location and height of soil dumps shall be agreed in writing with the planning authority prior to works commencing.

Reason *In the interests of visual and environmental amenity and in order to protect the residential amenity of neighbours.*

Notes to developer

An application for approval of the matter specified in conditions shall be made before:

- i) the expiration of 3 years from the date of the grant of planning permission in principle;*
- ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or*
- iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest, and*

This planning permission in principle lapses on the expiration of 2 years from the requisite approval being obtained (or in the case of approval referred to in condition 1 of different matters on different dates from the requisite approval for the last such matters being obtained) 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**.*

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – IDENTIFICATION OF RELEVANT DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of decision being reviewed	
2	Procedural issues from the processing of the Review	
3	New matters not before the Appointed Person when the decision was made	
4	Development Plan policies	
5	Relevant material considerations	
	Emerging development plan (date, stage reached, consultations, provisions)	Other statutory plans and policies (date, provisions, consultations)
	WLC Supplementary Planning Guidance (date, provisions, consultations)	National Government Planning Policy and Guidance
	Views of consultees (statutory, non-statutory)	Objections and other representations
	Planning history	Visual and spatial amenity
	Residential amenity	Public fears/concerns (with a demonstrable and rational basis)
	Others	
6	Considerations <u>not</u> to be taken into account	
7	Factual disputes to be resolved	
8	Conditions required or not, available or not	
9	Requirement for develop contributions, and for what	
10	Requirement for legal agreement for other reasons	

PART 2 – FIRST MEETING PROCEDURAL DECISIONS

1	The legal and other factors to consider	
	National guidance	Preference expressed in the application
2	Need for site visit required, and for what reason	
3	Need for written submissions, and for what reason	
4	Need for a Hearing Session, and for what reason	

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**.*

5	Pre-examination meeting, and for what reason
6	Other reasons for adjourned first meeting
7	Is there sufficient information to allow the LRB to determine the application, or is an adjourned First Meeting require?

PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS

1	Procedures decided on at first meeting and have they been completed
2	New matters raised or new evidence arising
3	Is the LRB now able to determine the review?
4	If not, what further information is needed and how will it be obtained

PART 4 – DETERMINATION OF THE REVIEW

1	Is the development in accordance with the development plan or is it contrary to the plan?	
	The policies it complies with	The policies it breaches
2	Does the development accord with national planning guidance?	
	The guidance it complies with	The guidance it breaches
3	Does the development accord with local planning guidance?	
	The guidance it complies with	The guidance it breaches
4	Relevant material considerations	
	What relevant considerations exist	The weight to give them and how to balance them
5	In applying the statutory test, what is the LRB's decision?	
	Uphold AP's decision, refuse the review application and so refuse planning permission	
	Reverse AP's decision, grant the review application and so grant planning permission	
	Uphold AP's decision in part, vary that decision and so grant planning permission	
	If planning permission to be granted, for what development?	
	If planning permission to be granted, on what conditions, if any	
	Planning reasons for decision	



LOCAL REVIEW BODY

APPLICATION NO.0595/FUL/14 – CONDITIONS ATTACHED TO PLANNING PERMISSION FOR AN EXTENSION TO KITCHEN, REPLACEMENT OF FLAT ROOF WITH PITCHED ROOF, INSTALLATION OF HEAT PUMP AT MACKINNON HALL, LINLITHGOW BRIDGE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is for review of the conditions attached to a grant of planning permission (0595/FUL/14) for Mackinnon Hall, Linlithgow Bridge.

B REVIEW DOCUMENTS

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

1. The Handling Report by the Appointed Person, not dated.
2. The Decision Notice, dated 23 October 2014
3. The Notice of Review, submitted by the Applicant, dated 11 December 2014
4. The following documents were also lodged with the Notice of Review:-
 - A Statement of Reasons; and
 - Colour photographs.

The Notice of Review is seeking a review of the conditions attached to the planning permission.

No representations were made in relation to the planning application.

The applicant has indicated that they consider that a site inspection would be appropriate.

In consultation with the Chair, the Clerk determined that an unaccompanied site visit should take place in relation to visual and residential amenity before the committee's first consideration of the case, and that was scheduled to take place on

14 January 2015.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was granted subject to two conditions as detailed in the Decision Notice and which concerned the need for a landscaping plan and the installation of a motorised roller shutter.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

As the application is for a review of conditions for a granted planning permission no conditions are attached to this report.

James Millar, Solicitor/Committee Services Manager, West Lothian Civic Centre
01506 281613, James.Millar@westlothian.gov.uk

Date: 14 January 2015



**West Lothian
Council**

DECISION NOTICE GRANT PLANNING PERMISSION

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

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

APPLICATION REFERENCE: 0595/FUL/14

PROPOSAL AND LOCATION: Extension to kitchen area, installation of access ramp, replace flat roof with pitched roof, installation of air-source heat pump, car park resurfacing and other alterations to building (grid ref. 298395 677061) at MACKINNON HALL, MILL ROAD, Linlithgow Bridge, Linlithgow, EH49 7RA

APPLICANT: 4th West Lothian Scout Group
c/o Bryerton House
129 High Street
Linlithgow
EH49 7EJ

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

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

Dated: 23/10/2014

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

Signature _____

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

The proposal complies with the relevant development plan policies and there are no material considerations that outweigh this. It is therefore recommended that planning permission be granted.

This permission is granted subject to the following conditions:-

- 1 Prior to the start of development on the site, a landscaping plan in relation to the area behind the scout hall and drying store (as hatched on the approved location plan drawing number 00) shall be submitted for the consideration and written approval of the planning authority. It shall include details of plant species, sizes, planting distances and methods of protection.

Once approved, the landscaping proposals shall be implemented in the first planting season following completion of work on site.

The new planting shall be maintained for a period of five years until it becomes established. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the planning authority gives written consent to any variation.

Reason *In the interests of residential amenity.*

- 2 Unless otherwise agreed in writing with the planning authority, the drying room hereby approved shall be constructed with an electric roller shutter installed. Once installed the roller shutter shall be maintained in good order to the satisfaction of the planning authority.

Reason *In the interests of residential amenity.*

Note to Applicant

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

Notification of the Start of Development

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

Notification of Completion of Development:

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

Advisory Note to applicant:

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

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

Schedule of Plans

- | | |
|--------|---|
| 1 of 5 | Drawing No. 00 - Location Plan |
| 2 of 5 | Drawing No. 01 A - Plan and Elevation as Existing |
| 3 of 5 | Drawing No. 02 - Elevations as Existing |
| 4 of 5 | Drawing No. 03 D - Concept Plan and Elevation |
| 5 of 5 | Drawing No. 04 D - Elevations as Proposed |



West Lothian
Council

HANDLING REPORT

Ref. No.:	0595/ <input type="checkbox"/> UL/14	Email:	lindsey.patterson@westlothian.gov.uk
Case Officer:	Lindsey Patterson	Tel No.:	01506 282311
Ward:	Linlithgow	Member:	Tom Conn Martyn Day Tom Kerr

Title	Extension to kitchen area, installation of access ramp, replace flat roof with pitched roof, installation of air-source heat pump, car park resurfacing and other alterations to building (grid ref. 298395 677061) at MACKINNON HALL, MILL ROAD, Linlithgow Bridge, Linlithgow, EH49 7RA
Application Type	Local Application
Decision Level	Delegated Powers
Site <input type="checkbox"/> visit	04/09/2014
Recommendation	Grant Permission
Decision	GRANT PLANNING PERMISSION
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Description of Proposals

External alterations to building, erection of a drying room to rear of building and installation of an air source heat pump to side of building.

Site History

None

Representations

The application was advertised in the local press and the period for receipt of representations has expired. No representations have been received.

Consultations

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

Consultee	Objection <input type="checkbox"/>	Comments	Planning Response
Historic Scotland	No	No Objections	Noted
Environmental Health	No	No Objections	Noted
Transportation	No	No Objections	Noted
Flood Prevention	No Comments Provided	No Comments Provided	As no comments have been provided it is assumed that there are no objections to the proposal as the area is not of severe flood risk.

Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	Policy IMP 10 Noise	The proposed roller shutter and air source heat pump are not likely to generate a significant level of noise which would be detrimental to the adjacent residential properties. However conditions have been attached to the decision notice which require planting to the rear of the development in order to reduce the potential for noise impact. A condition has also been attached requiring the use of an electric roller shutter as this is likely to generate less noise than a standard roller shutter.	<input type="checkbox"/> es
West Lothian Local Plan	Policy HOU 9 Residential and Visual Amenity	Conditions have been attached to the decision notice which require the use of an electric roller shutter within the drying room and planting to the rear of the drying room which is adjacent to the residential properties. This is to reduce any potential noise impacts from the use of the roller shutter and running of the air source heat pump.	<input type="checkbox"/> es

Other Considerations

N/A

Conclusions and Reason for Decision

Due to the site being located within an area of residential properties it is necessary to limit the potential for noise to be generated from the development, in particular the air source heat pump and roller shutter. Therefore conditions have been attached to the decision notice which require the use of an electric roller shutter as this will generate less noise than a standard roller shutter.

A condition has also been attached which requires planting to the rear of the site behind the air source pump and drying room with roller shutter. It is intended that this will act as a noise buffer from the constant running of the heat pump and use of the drying room to the residential properties at the rear of the site.

The proposal therefore complies with the relevant development plan policies and there are no material considerations that outweigh this. It is therefore recommended that planning permission be granted.

List of Review Documents

Approved/refused drawings schedule:

1 of 5	Drawing No. 00 - Location Plan
2 of 5	Drawing No. 01 A - Plan and Elevation as Existing
3 of 5	Drawing No. 02 - Elevations as Existing
4 of 5	Drawing No. 03 D - Concept Plan and Elevation
5 of 5	Drawing No. 04 D - Elevations as Proposed

Other relevant documents: None

Case Officer

Date.....

Senior Officer.....

Date.....

Development Management Manager.....

Date.....

EK:JN

ARCHITECTS

Project Managers and CDM Coordinators

14-004

11 December 2014

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



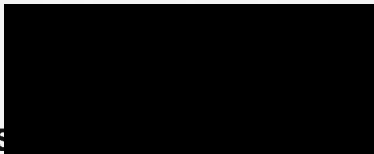
Dear Sirs

Proposed alterations, MacKinnon Hall, Linlithgow Bridge.

LIVE/0595/FUL/14

Please find enclosed our Notice of Review requesting a review of the conditions imposed on this planning consent by the appointed officer.

Yours faithfully,



Jon Newey RIAS
Partner
EKJN ARCHITECTS LLP

cc The Applicant

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name <u>4th WEST LOTHIAN SCOT GROUP</u>
		Address <u>C/O PAUL CHARLTON</u> <u>26 HIGHFIELD CRESCENT, LINLITHGOW</u>
		Postcode <u>EH49 7BG</u>
		Telephone No. (1) <u>[REDACTED]</u>
		Telephone No. (2) _____
		Fax : _____
		E-mail : _____
	REPRESENTATIVE (if any)	Name <u>EKJN ARCHITECTS LLP.</u>
		Address <u>BRYERTON HOUSE, 129 HIGH STREET,</u> <u>LINLITHGOW</u>
		Postcode <u>EH49 7EJ</u>
		Telephone No. (1) <u>01506 847151</u>
		Telephone No. (2) _____
		Fax : _____
		E-mail : <u>jnewey@ekjn.co.uk</u>
Please tick this box if you wish all contact to be through your representative.		<input checked="" type="checkbox"/>

Do you agree to correspondence regarding your review being sent by e-mail? *

YES/NO

PART B

APPLICANT REF. NO. LIVE/0595/FUL/14

SITE ADDRESS MACKINNON HALL
MILL ROAD
LINLITHGOW BRIDGE

DESCRIPTION OF PROPOSED DEVELOPMENT EXTENSION TO KITCHEN, REPLACE FLAT
ROOF WITH PITCHED, HEAT PUMP, SHED,
ACCESS PATH ETC.

DATE OF APPLICATION 4 AUG 2014

DATE OF DECISION NOTICE (IF ANY) 23 OCT 2014

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

Type of Application (please tick the appropriate box)

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

PART C

TYPE OF REVIEW CASE

Refusal of application by appointed officer ☐

Failure by appointed officer to determine the application within the period allowed ☐

Conditions imposed on consent by appointed officer ☒

Statement of reasons and matters to be raised

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

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

Refer to attached statement.

NB. THE CONDITIONS/REVIEW RELATE TO PLANTS
AND LANDSCAPE. THE NOTICE IS BEING SUBMITTED
IN WINTER WHEN THE EXISTING PLANTS ARE AT
THEIR LEAST VIGOROUS. THE REVIEW BODY ARE
ASKED TO BEAR THIS IN MIND DURING THEIR
SITE INSPECTION.

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

* YES/NO

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

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

Refer to attached statement.

NB. THE CONDITIONS/REVIEW RELATE TO PLANTS AND LANDSCAPE. THE NOTICE IS BEING SUBMITTED IN WINTER WHEN THE EXISTING PLANTS ARE AT THEIR LEAST VIGOROUS. THE REVIEW BODY ARE ASKED TO BEAR THIS IN MIND DURING THEIR SITE INSPECTION.

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

* YES/NO

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

	N/A .

List of documents and evidence

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

1.	STATEMENT OF REASONS .
2.	LANDSCAPE PHOTOGRAPHS
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	



PART D

REVIEW PROCEDURE

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

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

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

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

<input checked="" type="checkbox"/>

SITE INSPECTION

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

Can the site be viewed entirely from public land?

* YES/NO

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

* YES/NO

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



PART E

CHECKLIST

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

Full completion of all parts of this form

✓

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

✓

Statement of your preferred procedure

✓

**All documents, materials and evidence which you intend to rely on.
Copies must accompany this notice.**

✓

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

*****DECLARATION*****

I, the ~~applicant~~/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it.

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

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed

[Redacted Signature]

Date

11/12/14.

* Delete as appropriate

Please return this completed form to :-

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

LIVE/0595/FUL/14

NOTICE OF REVIEW

Statement of Reasons

Condition 1 requires the applicant to submit landscape proposals for a small part of the site at the rear of the Mackinnon Hall and to install the plants in this area in the first growing season after completion of the development.

The relevant area highlighted by the planning department is a steep embankment which already has well-established plants growing in it, including naturalised woodland undergrowth and silver birch trees which provide an effective screen between the hall and the adjacent houses. Please refer to the attached photographs. The applicant sees little to be gained by attempting to improve upon what already exists in this area.

Meanwhile the hall's existing car park is a barren and uninviting space, with no plants to screen it from the adjacent flats along the north boundary. The consented proposals include landscaping the car park with new planter beds along this boundary. This would seem to be a better use of the applicant's scant resources (these proposals being entirely funded by grants and charitable donations) rather than re-planting an area that is already well established and where any benefit will be unreasonably small for the expense incurred.

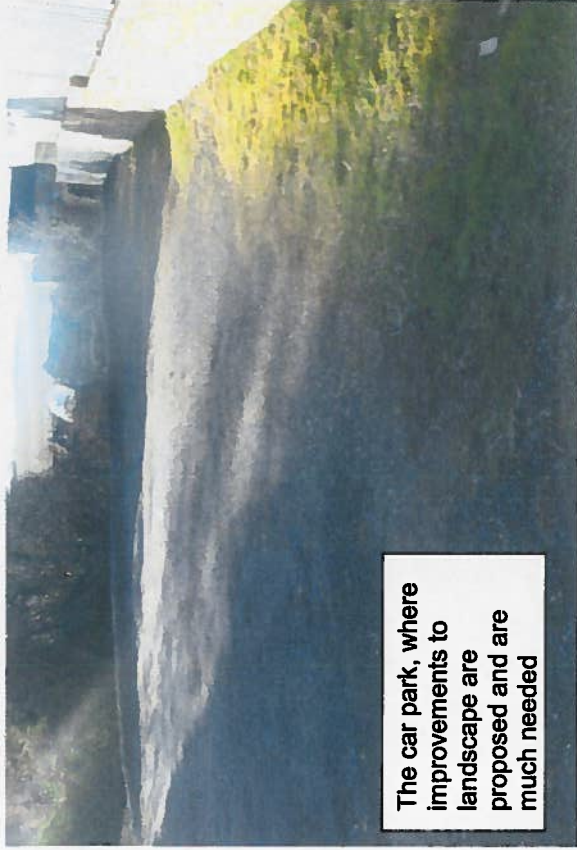
The applicant considers this condition to be unreasonable and wishes the Review Body to confirm that it is withdrawn.

Condition 2 requires the applicant to provide a motorised roller shutter on the small store room being constructed at the back of the building. This seems an unnecessary expense for a simple project where resources are scant.

The adjacent houses along the east boundary of the site sit at a high level compared to the site, such that the small store will be not be visible. There seems little to be gained from the expense of a motorised roller shutter in this location when a simple manually operated set of doors (or roller shutter) would suffice.

The applicant considers this condition to be unreasonable and wishes the Review Body to confirm that it is withdrawn.

(attached – 10-004_landscape photographs.pdf)



The car park, where improvements to landscape are proposed and are much needed



The well-established plants at the rear of the building where improvements are not needed.

Mackinnon
Hall
Lilithgow
Bridge

WEST Lothian COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – IDENTIFICATION OF RELEVANT DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of decision being reviewed	
2	Procedural issues from the processing of the Review	
3	New matters not before the Appointed Person when the decision was made	
4	Development Plan policies	
5	Relevant material considerations	
	Emerging development plan (date, stage reached, consultations, provisions)	Other statutory plans and policies (date, provisions, consultations)
	WLC Supplementary Planning Guidance (date, provisions, consultations)	National Government Planning Policy and Guidance
	Views of consultees (statutory, non-statutory)	Objections and other representations
	Planning history	Visual and spatial amenity
	Residential amenity	Public fears/concerns (with a demonstrable and rational basis)
	Others	
6	Considerations <u>not</u> to be taken into account	
7	Factual disputes to be resolved	
8	Conditions required or not, available or not	
9	Requirement for develop contributions, and for what	
10	Requirement for legal agreement for other reasons	

PART 2 – FIRST MEETING PROCEDURAL DECISIONS

1	The legal and other factors to consider	
	National guidance	Preference expressed in the application
2	Need for site visit required, and for what reason	
3	Need for written submissions, and for what reason	
4	Need for a Hearing Session, and for what reason	

5	Pre-examination meeting, and for what reason
6	Other reasons for adjourned first meeting
7	Is there sufficient information to allow the LRB to determine the application, or is an adjourned First Meeting require?

PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS

1	Procedures decided on at first meeting and have they been completed
2	New matters raised or new evidence arising
3	Is the LRB now able to determine the review?
4	If not, what further information is needed and how will it be obtained

PART 4 – DETERMINATION OF THE REVIEW

1	Is the development in accordance with the development plan or is it contrary to the plan?	
	The policies it complies with	The policies it breaches
2	Does the development accord with national planning guidance?	
	The guidance it complies with	The guidance it breaches
3	Does the development accord with local planning guidance?	
	The guidance it complies with	The guidance it breaches
4	Relevant material considerations	
	What relevant considerations exist	The weight to give them and how to balance them
5	In applying the statutory test, what is the LRB's decision?	
	Uphold AP's decision, refuse the review application and so refuse planning permission	
	Reverse AP's decision, grant the review application and so grant planning permission	
	Uphold AP's decision in part, vary that decision and so grant planning permission	
	If planning permission to be granted, for what development?	
	If planning permission to be granted, on what conditions, if any	
	Planning reasons for decision	