



West Lothian  
Council

## ***Local Review Body***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

24 February 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 4 March 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 Wednesday 14 January 2015 (herewith)

#### **Public Items for Decision**

5. Notice of Review - App No.0619/FUL/14 - Conditions attached to grant of planning permission for the part change of use from storage and distribution (class 6) to general industrial (class 5) and erection of a ready-mix concrete batching plant and silos at Unit 9, Greendykes Industrial Estate, Broxburn (herewith)
6. Notice of Review - App No.0639/FUL/14 - Conditions attached to grant of planning permission for the installation of dormer windows at 39 Church Street, Broxburn (herewith)

DATA LABEL: Public

7. Notice of Review - App No.0770/FUL/14 - Change of use from open space to private garden ground at 29 South Middleton, Uphall (herewith)

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NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto: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 14 JANUARY 2015.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Harry Cartmill, Tom Conn, Greg McCarra, Angela Moohan and John Muir

Apologies – Councillor Tom Kerr

Absent – Councillor William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of the meeting held on 26 November 2014. The Minute was thereafter signed by the Chair.

3. 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

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 dwelling house and garage at 94 Pumpherston Road, Uphall Station.

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 planning permission was because the Appointed Person deemed that the development would constitute tandem development and town cramming and would be contrary to the relevant policies in the local plan and the council's supplementary planning guidance..

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 the review documents provided sufficient information to enable the review to be determined and whether further representation or further information was needed. It also took account of the views expressed in the Notice of Review and it agreed

that no further written representation was required.

It was also noted that the review had been subject to an unaccompanied site visit which had taken place on the morning of 14 January 2015.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies and decided that the development was contrary to the West Lothian Local Development Plan.

It then went on to consider whether there were material considerations that meant the application for review should be granted nonetheless. It identified a number of material considerations including the objections lodged, the impact on residential amenity, precedent and tandem development.

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.

4. NOTICE OF REVIEW - APPLICATION NO.0595/FUL/14 - CONDITIONS ATTACHED TO THE GRANT OF PLANNING PERMISSION AT MACKINNON HALL, LINLITHGOW BRIDGE

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 of the conditions attached to a grant planning permission for Mackinnon Hall, Linlithgow Bridge.

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 applicant was requesting a review of the two conditions attached to the planning permission in relation to landscaping and the installation of motorised shutters.

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 the review documents



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

It was also noted that the review had been subject to an unaccompanied site visit which had taken place on the morning of 14 January 2015.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies and decided that the development was in accordance with the West Lothian Local Development Plan. However it had to determine if the conditions attached to the planning permission were appropriate and necessary.

The Local Review Body did not consider that either condition attached to the grant of planning permission was necessary in the interests of residential amenity. It noted that there was already unplanned planting and landscaping in place and decided that there was no need for any more formal or further landscaping and planting. It is also considered that the frequency and extent of any noise from roller shutters on the new store site did not justify a requirement of the installation of motorised shutters.

#### Decision

To grant the review and so to grant planning permission subject to the deletion of the two conditions attached to the original grant of planning permission.





**LOCAL REVIEW BODY**

**APPLICATION NO.0619/FUL/14 – PART CHANGE OF USE FROM STORAGE AND DISTRIBUTION (CLASS 6) TO GENERAL INDUSTRIAL (CLASS 5) AND ERECTION OF A READY-MIX CONCRETE BATCHING PLANT AND SILOS AT UNIT 9, GREENDYKES INDUSTRIAL ESTATE, BROXBURN**

**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 the review of conditions attached to grant of planning permission for the erection of a ready-mix concrete batching plant at Unit 9, Greendykes Industrial Estate, Broxburn.

**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 3 November 2014, including the conditions under review and approved plans and drawings
3. The Notice of Review, submitted by the Applicant, dated 30 January 2015
4. The following documents were also lodged with the Notice of Review:-
  - A supporting document separated into nine sections, comprising the planning application and supporting statement; plans and drawings; land ownership certificate; review statement; note on transport movements; and noise study.

No representations have been received in relation to the planning application.

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

It was determined that the nature of the review did not warrant the need to a site visit to take place prior to the committee's first consideration of the application for a review. The committee may still choose to do so if deemed appropriate.

## **C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission was granted subject to conditions. The applicant is now seeking a review of conditions 1 (i) which states *“there shall be no noise generated by the development that would be audible in any noise sensitive premises beyond the boundary of the site”* and 1 (iii) *“the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority”*.

The other conditions are not subject to the review application.

The appointed Person judged that the application would be in conformity with the following development plan policies if appropriate conditions were imposed:-

- EM5 of WLLP – Employment Areas and Estates
- IMP10 of WLLP – Noise
- HOU9 of WLLP – Residential amenity
- IMP9 of WLLP – Air quality

The review is in relation to two issues – noise and transport movements. Both these matters were before the Appointed Person when determining the application for planning permission, however the applicants have produced information and reports about both matters which were not available to the Appointed Person.

## **D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

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

James Millar, Solicitor/Committee Services Manager, West Lothian Civic Centre  
01506 281613, [James.Millar@westlothian.gov.uk](mailto:James.Millar@westlothian.gov.uk)

Date: 4 March 2015

**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 J & A Laird LtdAddress Old Brechin Road, Lunan Head, ForfarPostcode DD8 3NQTelephone No. (1) 01307 466577

Telephone No. (2) \_\_\_\_\_

Fax : 01307 468642

E-mail : \_\_\_\_\_

**REPRESENTATIVE  
(if any)**Name William BoothAddress Dalgleish Associates Ltd, 1 Sinclairs Street  
Cathedral Square, DunblanePostcode FK15 0AHTelephone No. (1) 01786 822339

Telephone No. (2) \_\_\_\_\_

Fax : \_\_\_\_\_

E-mail : willie.booth@dalgleishassociates.co.uk

Please tick this box if you wish all contact to be through your representative.

☒ X



Do you agree to correspondence regarding your review being sent by e-mail? \*  
**YES/NO**

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	0619/FUL/14
	<b>SITE ADDRESS</b>	Unit 9, Greendykes Industrial Estate Broxburn, EH52 6PG
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	Part change of use from storage and distribution (class 6) to general industrial (class 5) and erection of a ready-mix concrete batching plant and silos
	<b>DATE OF APPLICATION</b>	Registered 04 September 2014
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	03 November 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)	X
Application for planning permission in principle	
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)	
Application for approval of matters specified in conditions	

<b>PART C</b>	<b>TYPE OF REVIEW CASE</b>
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	X

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.

The restrictions set by Condition 1(i) and 1(iii) are unreasonable in that they are ambiguous in terms of interpretation and would unreasonably restrict the operations which were the subject of the application. Please refer to attached Reasons for Review - Statement of Case.

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.


#### 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.	Planning Application Form
2.	Batching Plant Supporting Statement
3.	Figure 1 Site Location Plan
4.	Figure 2 Concrete Batching Plant Plan
5.	Land Ownership Certificate
6.	Decision Notice Application Ref: 0619/FUL/14
7.	Reasons for Review - Statement of Case
8.	Technical Note on Transport Movements prepared by Fairhurst
9.	Desk Study of Operational Noise Levels prepared by Vibrock Ltd
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

X

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.

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## 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.

The site is currently used for storage and distribution. Health and safety rules require that any personnel are either subject to site induction (H & S) or accompanied.

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## 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

X

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

X

Statement of your preferred procedure

X

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

X

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 Dalgleish Associates Ltd.

Date 30 January 2015

\* 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

## **DOCUMENT 1**

### **PLANNING APPLICATION FORM**

# 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

Planning Services Development Management

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

## 1 Applicant's details *(mandatory)*

Name	J & A Laird Ltd		
Company	J & A Laird Ltd		
Address	Old Brechin Road Lunanhead Forfar		
Postcode	DD8 3NQ		
Telephone	01307 466577	Fax	01307 468642
Email			

## 2 Agent's details *(if applicable)*

Name	William Booth		
Company	Dalglish Associates Ltd		
Address	1 Sinclairs Street Cathedral Square Dunblane		
Postcode	FK15 0AH		
Telephone	01786 822339	Fax	
Email	willie.booth@dalglishassociates.co.uk		

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

Address	Unit 9 Greendykes Industrial Estate Broxburn
Postcode	EH52 6PG

**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). 0127/06

Details Withdrawn before determination

**6** Description of the proposal

Please describe the proposal, including any change of use.

Erection and operation of mobile ready-mix concrete batching plant. Whilst the existing use of storage and distribution of aggregates will continue, the proposed use represents a change for part of the site from existing Class 6 to Class 5 (General Industrial).

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?

Present use, which will also continue, is storage and distribution of aggregates.

**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.

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

**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

Present use, which will continue, is storage and distribution of aggregates.

## 11 Access and parking

Are you proposing a new or altered vehicle access to or from a public road? ☐ Yes ☒ No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? ☐ Yes ☒ No

*If yes, please show on your drawings the position of any such affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

Unlimited open parking

How many vehicle parking spaces (garaging and open parking) do you propose on the site?

Propose to use existing parking

*Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGVs, etc.).*

## 12 Water supply and drainage arrangements

Will your proposals require new or altered water supply or drainage arrangements? ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer)?

- ☐ Yes, connecting to public drainage network
- ☐ No, proposing to make private drainage arrangements
- ☒ Not applicable

What private arrangements are you proposing for the new/altered septic tank?

- ☐ Discharge to land via soakaway
- ☐ Discharge to watercourse(s) (including partial soakaway)
- ☐ Discharge to coastal waters
- ☒ Not applicable

What private drainage arrangements are you proposing?

- ☐ Treatment/additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets)
- ☒ Not applicable

Please show details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? ☒ Yes ☐ No  
(e.g. SUDS arrangements) *Note: Please include details of SUDS arrangements on your plans*

Are you proposing to connect to the public water supply network?

- ☒ Yes
- ☐ No, a private water supply

*If using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).*

### 13 Assessment of flood risk

Is the site within an area of a known risk of flooding? ☐ Yes ☒ No ☐ Don't know

*If the site is within an area of known risk of flooding you may need to submit a flood risk assesment before your application can be determined. A drainage impact assesment may also be required (you may wish to contact the council or the Scottish Environment Protection Agency for advice on what information may be required).*

Do you think your proposal may increase the risk of flooding elsewhere?

☐ Yes ☒ No ☐ Don't know

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

### 14 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 and indicate if any are to be cut back or felled. Trees are on site boundary and shall not be affected.*

### 15 Waste storage and collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? ☒ Yes ☐ No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

The only wastes that will be produced at the site will be waste water and slurry containing aggregates which are recycled and reused in the batching process.

### 16 Residential units including conversion

Does your proposal include new or additional houses and/or flats? ☐ Yes ☒ No

If yes, how many of each type of unit do you propose?

*Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.*



**17 For all types of non housing development - new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

If yes, please provide details below:

☐ Yes

☒ No

Type of floor space

Gross proposed floorspace (sq. m.)

Number of new or additional rooms

For retail proposals only; please give details of internal floor space:

Net trading space

Gross trading space

Total

**18 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.

**19 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

Dalgleish Associates Ltd

27.08.2014

☐ 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 numbers 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.

01506 280000    [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)    [www.westlothian.gov.uk](http://www.westlothian.gov.uk)

## **DOCUMENT 2**

### **BATCHING PLANT SUPPORTING STATEMENT**

**J & A LAIRD LTD**

**UNIT 9, GREENDYKES INDUSTRIAL ESTATE, BROXBURN, EH52 6PG**

**PLANNING APPLICATION FOR ERECTION OF  
MOBILE READY-MIX CONCRETE BATCHING PLANT**

**SUPPORTING STATEMENT**

**1 GENERAL**

J & A Laird Ltd is a subsidiary company of Laird Aggregates Ltd, a long established family company whose registered office is at Lunanhead, Forfar. The Company has been operating for over 50 years and has a wide range of interests within the quarry industry including the supply of processed sand and gravel, ready-mix concrete and concrete blocks.

Laird Aggregates Ltd's business is the quarrying of stone and adding value to the base commodity by processing, using the appropriate technology, to improve quality and widen end use, thus optimising the use of a natural resource. The company has strengthened its product portfolio and is now Scotland's largest dense concrete block manufacturer, while also being recognised as one of the best in terms of quality and service, for both concrete blocks and ready-mix concrete. The Company consider business a long-term activity; this means creating and maintaining relationships with customers, partners, suppliers, staff and communities to the mutual benefit of all parties. In this connection the Company has a commitment to sustainability and to compliance with all relevant legislation and environmental standards.

Stonepack is also a Laird family business and is one of Scotland's largest dedicated operations of bagging and packaging aggregates and renders for the building trade.

The proposed installation of a ready-mix concrete plant at Greendykes Industrial Estate seeks to widen the market area currently served by J & A Laird Ltd.

**2 EXISTING SITE OPERATIONS**

Unit 9 is currently occupied by Stonepack Ltd and is utilised for the storing and distribution of aggregates and renders for the building trade.

**3 PROPOSED DEVELOPMENT**

Planning permission is sought for the erection of a Euromix 60 mobile ready-mix concrete batching plant and silos. This would be an additional use with the current storage and distribution works being continued.

### **3.1 Location**

The Greendykes Industrial Estate is located on the outskirts of Broxburn [Figure 1: Site Location Plan refers]. The estate is accessed directly from the B8020 Greendykes Road. The proposed ready-mix concrete batching plant shall be located within the western end of Unit 9 [Figure 1 refers]. The application area measures 60m x 25m, the area being 0.15ha.

### **3.2 Ready-Mix Batching Plant**

The Euromix 60 plant is a wet mix batching plant uniquely designed to allow fast installation, simple transportation and accurate production and dosing of concrete. Details of the plant are shown on Figure 2.

The dual-shaft batch mixer produces a constant high level of mixture homogeneity within a short time. The plant has an output capacity of up to 60m<sup>3</sup>/h.

The ready-mix batching plant will comprise a small feed hopper and conveyor leading to an aggregate storage hopper and cement silos feeding the batching plant. Water tank storage for the process shall be located adjacent to the hopper.

The batching unit is 7.96m in height, the cement silos being 13.5m. The plant will be electrically powered and utilise mains water.

### **3.3 Production**

Materials used in the production of concrete are aggregate, sand and cement. It is anticipated that concrete production will be in the region of 20,000 cubic metres per annum.

### **3.4 Employment**

Employment will be created initially for 1 person on-site operating the mixer and, as the proposed production levels are reached, up to 4 persons involved in material haulage.

## **4 ENVIRONMENTAL CONSIDERATIONS**

### **4.1 Landscape and Visual**

The plant will be located at the western end of Unit 9 at a level of approximately 83m Above Ordnance Datum [AOD]. As it is proposed to locate the plant on an area of existing hardstanding within an established industrial estate it is considered that the additional landscape impact shall be negligible.

The existing topography and woodland belts will screen the plant area from the north and west. Views from residential properties to the east along the Greendykes Road are fairly limited, and are taken over the existing closer industrial unit, and the plant will also be partially screened by the existing building on the eastern part of Unit 9. Whilst intermittent views would be available from the south these views are

from within the industrial estate which is not considered to be a sensitive receptor. It is considered that any visual impact would be of a low magnitude.

#### **4.2 Noise**

As the ready-mix batching plant would be operating within an existing industrial estate with a separation distance of in excess of 220m to the closest residential property on the Greendykes Road, noise impact is not considered to be an issue.

#### **4.3 Dust**

Cement is loaded into the silo through a tubular screw feeder, the process being fully enclosed with no potential for windblow. The cement is loaded by a similar process from the silo to a weigh-bin on the main framework. The mixer truck connects to the plant via a special connector pipe and the cement is transferred directly into the mixer with escaped air going through an approved dust suppression filter. On entering the mixer truck the cement is mixed and becomes semi-fluid almost instantaneously. The ready-mix batching plant is manufactured such that it is equipped with dust suppression filters, pressure relief valves and alarm systems which ensure that there is no overloading. The batching plant will require to be SEPA authorised which further ensures the control of dust. The potential for dust generation is considered to be very low.

#### **4.4 Water**

The ready-mix batching plant shall be located within the existing hardstanding area which comes within the existing unit drainage system. A 20,000 litre water tank shall be located adjacent to the plant. It is proposed to utilise mains water. Waste water from the batching plant and slurry containing aggregates will be recycled and reused in the batching process. As the plant and processing area lies within the existing site water management system, no additional impacts are anticipated.

#### **4.5 Transport**

Vehicles shall be despatched via the existing access from the industrial estate onto the B8020.

It is anticipated that concrete production will be in the region of 20,000 cubic metres per annum which will require the importation of some 40,000 tonnes of aggregate and 6,000 tonnes of cement.

The anticipated annual production equates to an average of some 66 cubic metres per day which equates to approximately 8 loads. Daily production will vary with demand. On average there shall be 5 loads of aggregate imported daily and 4 loads of cement imported weekly.

#### **4.6 Ecology**

The proposed operational area comprises existing hardstanding. Boundary woodland shall be unaffected by the proposal. There shall be no ecological impacts.

#### **4.7 Archaeology**

The proposed operational area is located on an area of hardstanding within an existing industrial estate. There are no known archaeological features within the application area or within close proximity to the site. As the application area comprises disturbed land there is no potential for the disturbance of currently unknown archaeology. There are no archaeological sites within such close proximity that there could be potential for impact on setting.

## **DOCUMENT 3**

### **FIGURE 1 SITE LOCATION PLAN**



# PROPOSED MOBILE READY-MIX CONCRETE BATCHING PLANT

## Legend



Planning Application  
Site Boundary



Scale

Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Title: SITE LOCATION PLAN

Figure: 1

Drawn: EM

Scale: 1:2,500

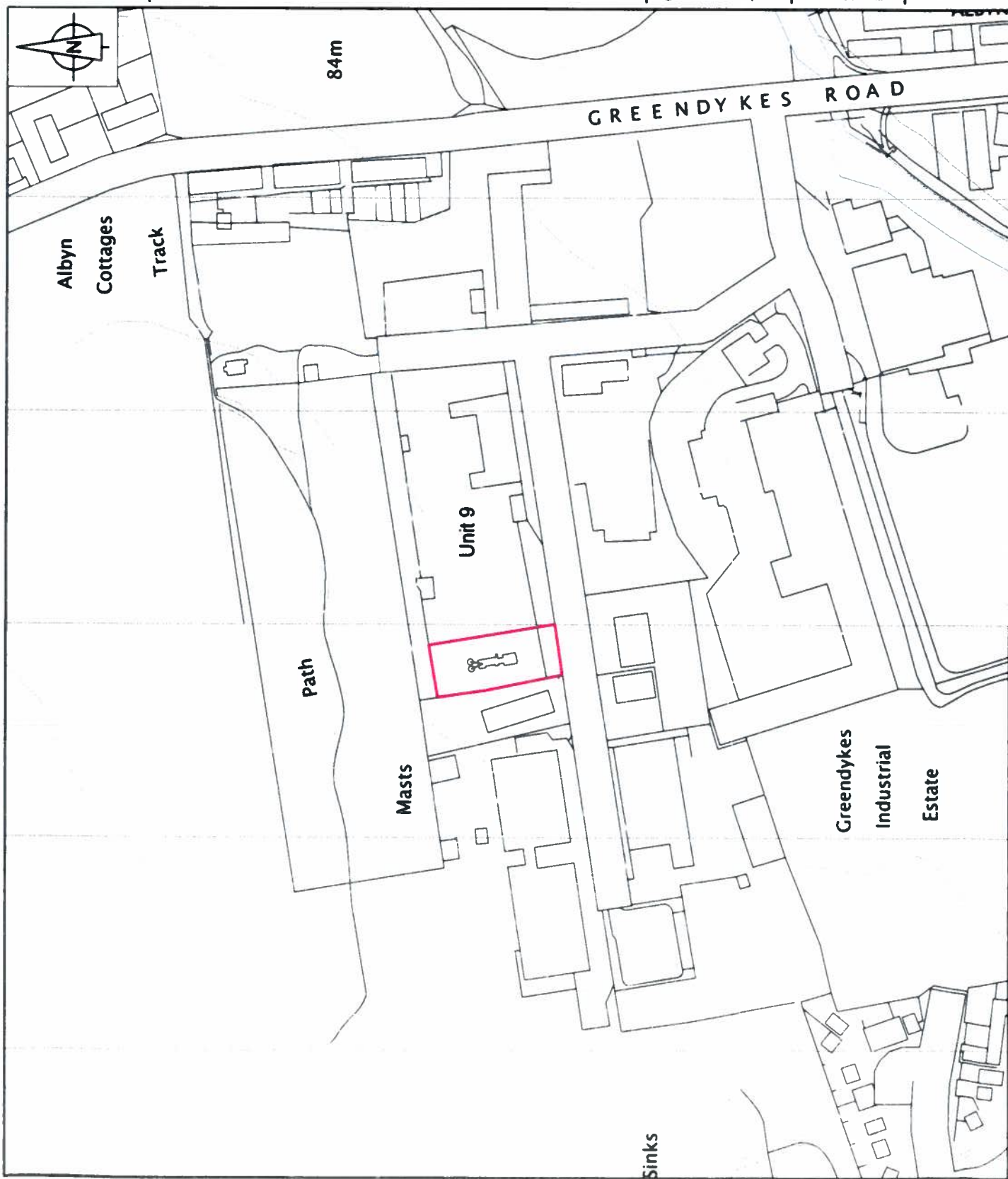
Checked: WB

Date: 15.07.14

Sheet Size: A4

Dalgleish Associates Ltd

ENVIRONMENTAL, MINERAL AND  
PLANNING CONSULTANTS  
CATHEDRAL SQUARE  
DUBLIN 8  
Tel: 01786 822339  
Fax: 01786 822899



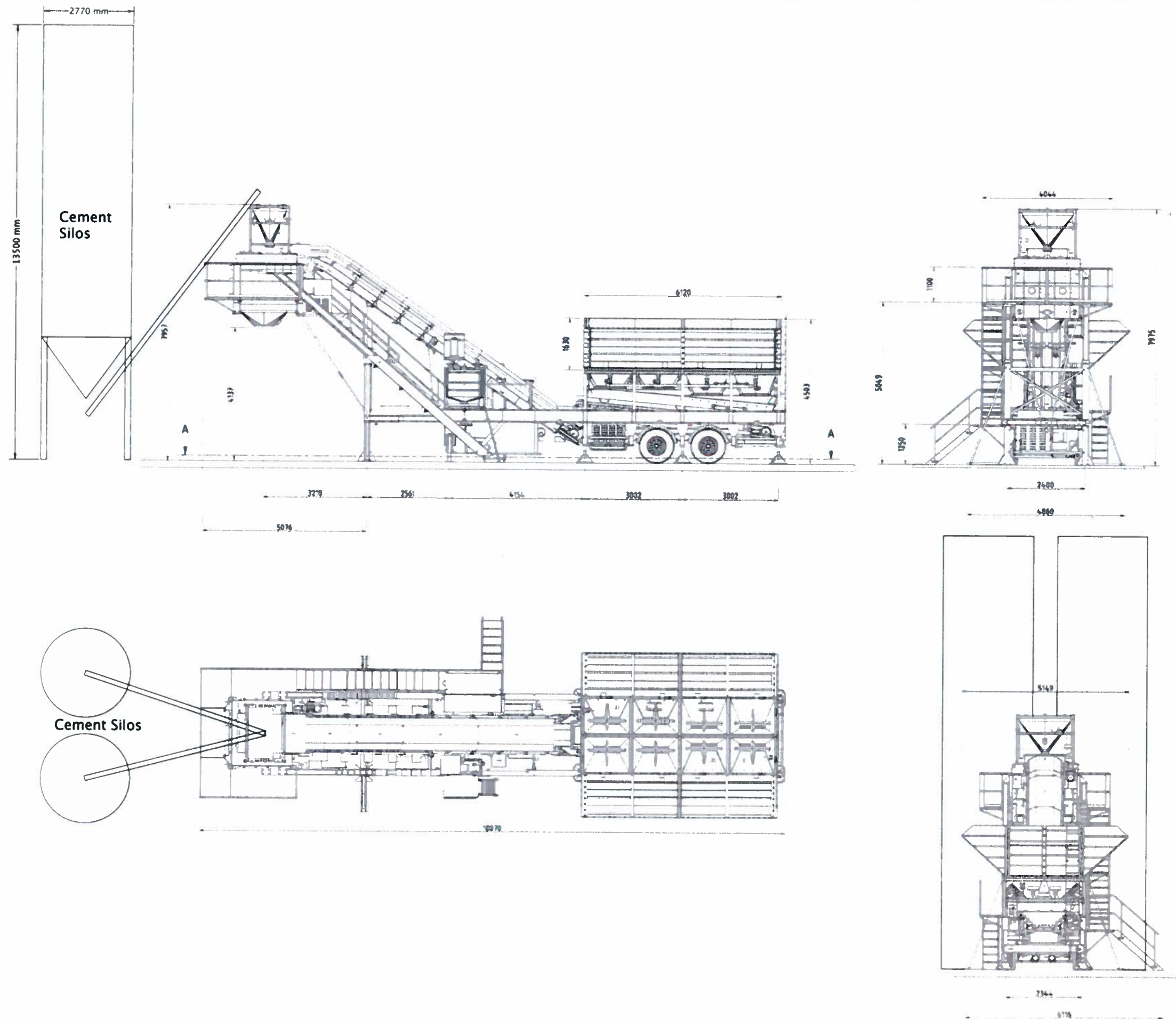


## **DOCUMENT 4**

### **FIGURE 2 CONCRETE BATCHING PLANT PLAN**



## EUROMIX 60 CONCRETE BATCHING PLANT



Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Title: EUROMIX 60 CONCRETE  
BATCHING PLANT

Figure: 2 Drawn: EM

Scale: 1:125 Checked: WB

Date: 18.08.14 Sheet Size: A3

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DUNBLANE FK15 0AH  
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Fax: 01786 822899



**DOCUMENT 5**

**LAND OWNERSHIP CERTIFICATE**

# Land Ownership Certificate to accompany an application for planning permission

Town and Country Planning (Scotland) Act 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Section 35 Land Ownership Certificate



West Lothian  
Council

## Planning Services Development Management

If you do not own all of the land or property to which this application relates, you **MUST** notify all owners of the site at the same time as submitting this application. (A form for this purpose can be obtained from the council's Development Management service).

### Site address (including postcode)

Unit 9  
Greendykes Industrial Estate  
Broxburn  
EH52 6PG

### I CERTIFY THAT: (please choose only one option)

- ☐ Twenty one days before the date of this planning application, the applicant owned **ALL** the land to which this application relates.
- ☒ The applicant has given notice to all persons who, twenty one days before the date of this planning application, owned any part of the land which it relates. These are:

Name of owner	Address where notification sent	Date notified
Stonepack Ltd	Unit 9 Greendykes Industrial Estate Broxburn EH52 6PG	

- ☐ The applicant is unable to give notice to every such person (Please set out steps you have taken to ascertain the names and addresses of such persons overleaf).

### I FURTHER CERTIFY THAT: (please choose only one option)

- ☒ Twenty one days before the date of this planning application, **NONE** of the land or part of the land to which this application relates, constitutes or forms part of agricultural land;
- ☐ The applicant has given notice to every person (other than the applicant) who, twenty one days before the date of this planning application, was an agricultural tenant on any part of the land to which the application relates. These are:

Name of owner	Address where notification sent	Date notified
---------------	---------------------------------	---------------

- ☐ The applicant is unable to give notice to every such person (Please set out steps you have taken to ascertain the names and addresses of such persons overleaf).

Where necessary, continue on another sheet and attach to this certificate

If you do not know who owns land or who is an agricultural tenant, you **MUST** advise the council. If the council has to publish details of the application in the local press to remedy this, the advertisement cost will have to be paid in full by the applicant.

Steps taken to ascertain land ownership (if appropriate)

N/A

**1** If any person:

- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular, or
- (b) recklessly issue a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

**he/she shall be guilty of an offence.**

A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level five on the standard scale.

**2** In this section:

**agricultural holding** has the same meaning as in the [1991 c.55.] Agricultural Holdings (Scotland) Act 1991; and **owner** in relation to any land means any person who:

- (a) under the Land Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years, or
- (b) in the case of such applications as may be prescribed by regulations or by a development order, is entitled to an interest in any mineral so prescribed,

and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.

**3**

Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence.

Declaration

☐ 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

Signed

DailyGish Associates Ltd

Date

27.08.2014

On  
behalf of

J & A Laird Ltd

(if signed by an agent)

**To be returned, signed, with the planning application**

Development Management, West Lothian Council,

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

tel 01506 280000 email [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk) web [westlothian.gov.uk](http://westlothian.gov.uk)

**DOCUMENT 6**

**DECISION NOTICE APPLICATION REF: 0619/FUL/14**



**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:** 0619/FUL/14

**PROPOSAL AND LOCATION:** Part change of use from storage and distribution (class 6) to general industrial (class 5) and erection of a ready-mix concrete batching plant and silos (grid ref. 307977 672863) at Unit 9, Greendykes Industrial Estate, Broxburn, EH52 6PG

**APPLICANT:** J & A Laird Ltd  
Old Brechin Road  
Lunanhead  
Forfar  
DD8 3NQ

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:** 03/11/2014

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

**Signature**

**The reason why the council made this decision is as follows:**

The proposals accord with the policies and provisions of the development plan and there are no material considerations that would indicate that the application should not be approved.

**This permission is granted subject to the following conditions:-**

- 1 The operation of the concrete batching plant and associated activities shall be carried out in accordance with the environmental parameters set out in the supporting statement prepared by Dalgleish Associates Ltd.

In particular, the following restrictions shall be adhered to:

- (i) there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site;
- (ii) the dust and water management for the facility shall be as per the supporting statement and the surface water on the site shall be treated and attenuated to meet the best practice requirements of SEPA and Scottish Water for Sustainable Urban Drainage Systems; and
- (iii) the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority.

*Reason To minimise the environmental intrusion of the use and its potential to cause nuisance, in the interests of the amenities of the area.*

- 2 Prior to the concrete batching plant operations commencing, a minimum of the first 5m of the access road into the site (from the adopted road) shall be surfaced in a non-loose material, such as tarmac/concrete, to the satisfaction of the planning authority.

*Reason To ensure mud and debris from the site is not transferred onto the adopted road, in the interests of road safety.*

**Notes**

***Time Limit on Permission:***

*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](http://www.groundstability.com).*

**Annex 1. Schedule of Plans**

1 of 2 : Site location plan

2 of 2 : Plans and elevations of the concrete batching plant





PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Legend



Planning Application  
Site Boundary

WEST LOTHIAN COUNCIL  
DEVELOPMENT MANAGEMENT

- 4 SEP 2014

061911

VALIDATION  
DATE

REF. No.

0 50m 100m

Scale

Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Title: SITE LOCATION PLAN

Figure: 1 Drawn: EM

Scale: 1:2,500 Checked: WB

Date: 15.07.14 Sheet Size: A4

Dalgleish Associates Ltd

ENVIRONMENTAL, MINERAL AND  
PLANNING CONSULTANTS  
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Fax: 01786 822899



DALGLEISH  
ASSOCIATES  
LIMITED



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## EUROMIX 60 CONCRETE BATCHING PLANT

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

*Chris Norman*

Development Management Manager

Date 3/11/14

② & 2

WEST LOTHIAN COUNCIL  
DEVELOPMENT MANAGEMENT

SEP 2014 0619/14

VALIDATION REF. No.  
DATE

0 5m  
Scale

Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Title: EUROMIX 60 CONCRETE  
BATCHING PLANT

Figure: 2 Drawn: EM

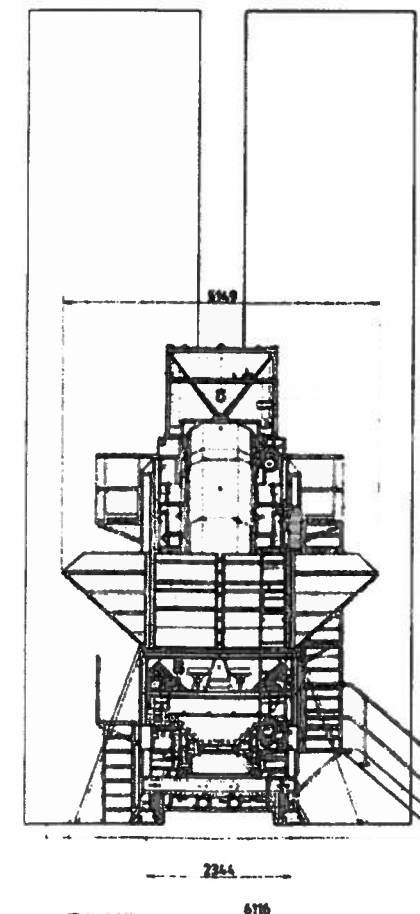
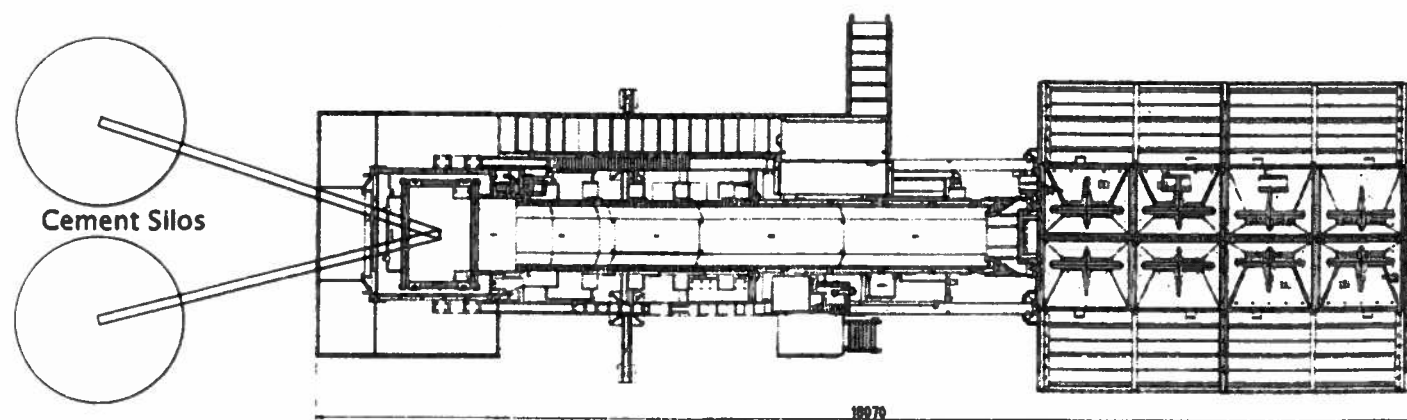
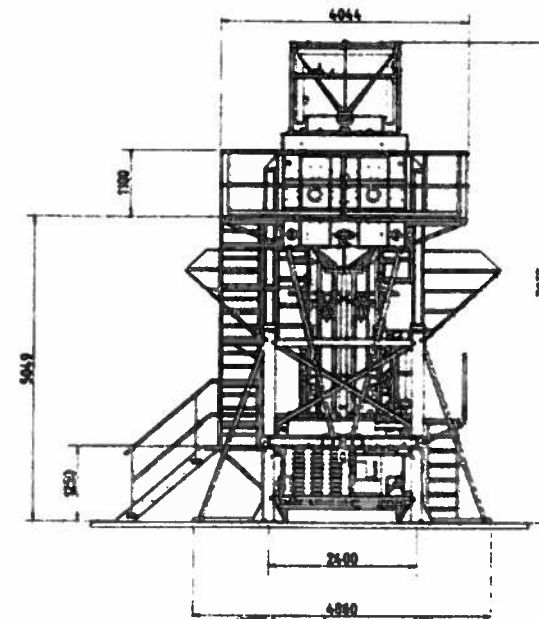
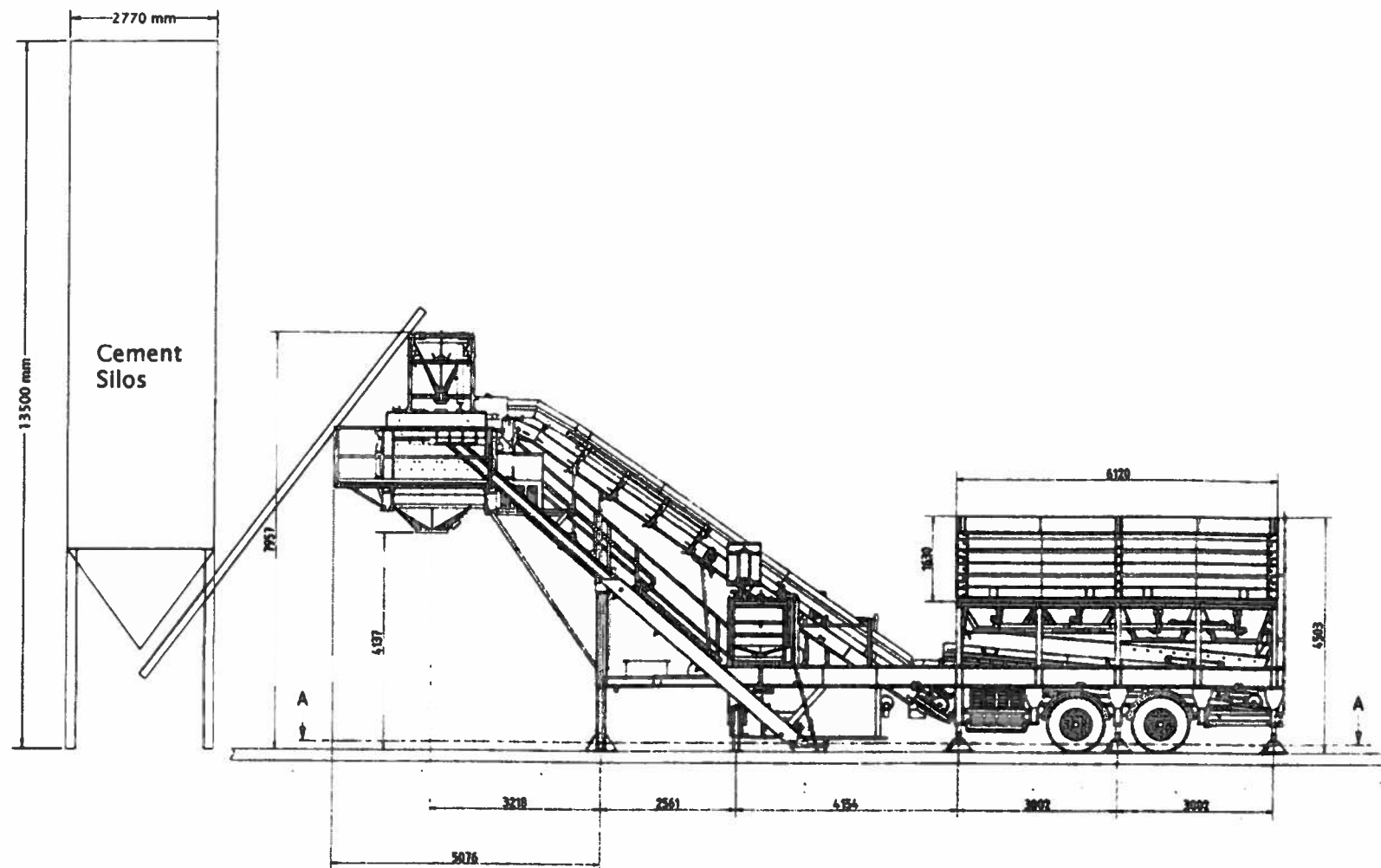
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Date: 18.08.14 Sheet Size: A3

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**DAL**  
DALGLEISH  
ASSOCIATES  
LIMITED



## **DOCUMENT 7**

### **REASONS FOR REVIEW – STATEMENT OF CASE**

**J & A LAIRD LTD**

**UNIT 9, GREENDYKES INDUSTRIAL ESTATE, BROXBURN, EH52 6PG**

**PART CHANGE OF USE FROM STORAGE AND DISTRIBUTION [CLASS 6]  
TO GENERAL INDUSTRIAL [CLASS 5] AND ERECTION OF READY-MIX  
CONCRETE BATCHING PLANT AND SILOS**

**PLANNING PERMISSION REF: 0619/FUL/14**

**APPLICATION FOR REVIEW OF CONDITIONS ATTACHED TO PLANNING PERMISSION**

**REASONS FOR REVIEW – STATEMENT OF CASE**

**1 BACKGROUND**

The application related to the part change of use from storage and distribution [class 6] to general industrial [class 5] and erection of ready-mix concrete batching plant and silos which would be utilised for the production and distribution of ready-mix concrete. A copy of the supporting statement which accompanied the application is attached.

**2 PLANNING PERMISSION**

Planning Permission Ref: 0619/FUL/14 was issued on 3<sup>rd</sup> November 2014 and was subject to two conditions which are set out below.

- 1 The operation of the concrete batching plant and associated activities shall be carried out in accordance with the environmental parameters set out in the supporting statement prepared by Dalgleish Associates Ltd.  
In particular, the following restrictions shall be adhered to:
  - (i) there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site;
  - (ii) the dust and water management for the facility shall be as per the supporting statement and the surface water on the site shall be treated and attenuated to meet the best practice requirements of SEPA and Scottish Water for Sustainable Urban Drainage Systems; and
  - (iii) the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority.

*Reason To minimise the environmental intrusion of the use and its potential to cause nuisance, in the interests of the amenities of the area.*

- 2 Prior to the concrete batching plant operations commencing, a minimum of the first 5m of the access road into the site (from the adopted road) shall be surfaced in a non-loose material, such as tarmac/concrete, to the satisfaction of the planning authority.

*Reason To ensure mud and debris from the site is not transferred onto the adopted road, in the interests of road safety.*

### **3 REASONS FOR REVIEW**

#### **3.1 Condition 1(i)**

Condition 1(i) states:

*"In particular, the following restrictions shall be adhered to:*

- (i) there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site".*

The supporting statement submitted with the application stated: *"As the ready-mix batching plant would be operating within an existing industrial estate with a separation distance of in excess of 220m to the closest residential property on the Greendykes Road, noise impact is not considered to be an issue".* This statement was made on the basis of a knowledge of the proposed operations and the separation distance to residential properties; no acoustic assessment was undertaken or requested by the Planning Authority.

Condition 1(i) is ambiguous in that:

- the type of sensitive development is not specified. It is assumed that this would relate to residential properties as business/industrial premises are less sensitive; and
- it is unclear whether noise generated by the development relates specifically to the production of ready-mix concrete or whether this also relates to vehicles entering/leaving the site.

Condition 1(i) is considered to be unreasonable because it requires that: *"there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site".* In imposing this restriction the Planning Authority failed to ascertain what the likely noise levels would be as a consequence of the proposal or whether this noise level would be deemed to be acceptable. The assumption that no noise will be heard is unreasonable.

With respect to the ambiguity of wording, on consultation following the issue of the permission, the case officer advised that sensitive properties would be deemed to be residential properties and that the noise restriction related to the ready-mix operation only. Notwithstanding, a review of this permission by another planning officer at a later date could give rise to an alternative interpretation and it is our opinion that the condition should be reviewed to provide clear and concise direction.

With respect to vehicle movements we would note that it is generally accepted that noise level changes of 3 dB(A) are the minimum perceptible under normal conditions. Hence large variations in traffic flow numbers are needed before any noticeable change in traffic noise levels occur. For example, a total traffic flow increase of 50% leads to a traffic noise increase of 1.8 dB, barely noticeable to the human ear, and less than the 3 dB considered as a significant change by DETR in reference to traffic noise assessments. With regards to the proposed vehicle movements in relation to the operation of the batching plant, it is proposed that

HGV movements be limited to a maximum of 64 per day which is less than a 30% increase in HGV traffic movement which Fairhurst's report defines as not significant. Nevertheless, even in the conditions identified which are defined as being within reasonable limitations, individual vehicles passing residential premises would be audible within the property and would therefore give rise to a potential breach under the current condition wording. The assumption that no noise from site traffic will be heard internally at sensitive premises is therefore unreasonable.

With respect to operational noise from ready-mix concrete production, Vibrock Ltd has carried out a noise assessment [please refer to attached report] which concludes that whilst the batching plant would be audible internally at residential properties, the noise range would not be significantly different from noise currently experienced from vehicles on the Greendykes Road and that it would only be during lulls in the traffic that noise from the ready-mix plant would actually be perceptible as a separate source. It should also be noted that Vibrock's assessment is based on the maximum likely hourly output and that for the majority of the time production would be likely to be significantly less. The assumption that no noise will be heard from the operation of the ready-mix plant internally at sensitive premises is unreasonable.

On the basis of the Vibrock review we would propose that Condition 1(i) be reworded to read:

**'Noise generated by the development shall not exceed an external free-field noise level of 50 dB  $L_{Aeq,1h}$  at any residential property'.**

### 3.2 Condition 1(iii)

Condition 1(iii) states:

*"In particular, the following restrictions shall be adhered to:*

- (iii) the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority".*

The supporting statement submitted with the application stated: *"Vehicles shall be despatched via the existing access from the industrial estate onto the B8020. It is anticipated that concrete production will be in the region of 20,000 cubic metres per annum which will require the importation of some 40,000 tonnes of aggregate and 6,000 tonnes of cement. The anticipated annual production equates to an average of some 66 cubic metres per day which equates to approximately 8 loads. Daily production will vary with demand. On average there shall be 5 loads of aggregate imported daily and 4 loads of cement imported weekly".*

On the basis of the statement an average day would entail 16 movements in relation to ready-mix concrete despatch [8 loads out, 8 empties return] and 10 movements in relation to the importation of aggregates [5 loads in, 5 empties out]. Whilst these movements exceed the stated limitation in condition 1(iii) it should be noted that this was stated as average production and that a variation in production was anticipated.

It should be noted that, despite the stated intentions in the planning application supporting statement regarding production, the condition relating to vehicle movements was imposed without any further request for clarification from the applicant and without any guidance from the Council's transportation department that might have indicated that such a restriction was merited.

On consultation following the issue of the permission, the case officer advised that movement *"relative to the concrete production operations"* related to the despatch of ready-mix only and not to the importation of the materials required for ready-mix production. Notwithstanding, the existing wording is ambiguous and a review of this permission by another planning officer at a later date could give rise to an alternative interpretation. Consequently, it is our opinion that the condition should be reviewed to provide clear and concise direction. Furthermore, whilst the reason for the condition may have been to minimise the potential for a traffic impact, the imposition of a condition which restricts operations is considered to be unreasonable when there had been no indication that an impact was likely to occur, no detailed advice had been sought from the Council's transportation department and no additional information had been sought from the applicant. Whilst it is acknowledged that the limitation in movements does allow for a variation by written agreement with the planning authority, having regard to the limitations imposed, as variation might require to be sought on a weekly basis, or more frequently, and at short notice, this does not address the inadequacies of the condition imposed.

To allow a reasonable review of Condition 1(iii) a Technical Note on Transport Movements has been prepared by Fairhurst [please refer to attached report]. The report concludes that an hourly movement of not more than 10 HGVs with a daily limit of 64 HGV movements would have an impact which the IEMA guidelines suggest is 'not significant'. This refers to all HGV movements, there is no distinction between deliveries or despatch. On the basis of the Fairhurst review we would propose that Condition 1(iii) be reworded to read:

***'The HGV movements into and out of the site relating to the batching plant will be limited to not more than 10 vehicle movements per hour up to a daily maximum of 64 movements unless otherwise agreed in writing with the planning authority. HGV activity associated with the concrete production operations shall be limited to between the hours of 0600 and 1800 with no deliveries out with these hours unless otherwise agreed in writing with the planning authority'.***



## **DOCUMENT 8**

### **TECHNICAL NOTE ON TRANSPORT MOVEMENTS PREPARED BY FAIRHURST**

## **107815 Concrete Batching Plant, Broxburn**

### **Technical Note – Jan 2015**

#### **1.1. Introduction**

1.1.1. This Technical Note has been prepared on behalf of J&A Laird in relation to their proposed concrete batching plant adjacent to existing aggregate storage and distribution centre at Greendykes Industrial Estate, Broxburn.

1.1.2. An application and related supporting statement was submitted to West Lothian Council (WLC) in August 2014 and subsequently granted planning permission in November 2014.

1.1.3. The planning permission was granted subject to 2 planning conditions. This note aims to address potential issues with the transport related condition 1 (iii) that states:

‘the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority.

*Reason To minimise the environmental intrusion of the use and its potential to cause nuisance, in the interests of the amenities of the area”*

1.1.4. This condition was developed based solely on the written submission made in respect of the application which set out the average operation of the plant and with no further consultation with the applicant in relation to any operational requirements. Furthermore it is understood that the intention of the condition was for the HGV movements to be related solely to those associated with the distribution of the mixed concrete product.

1.1.5. However, the wording of the condition, specifically the ‘relative to the concrete production operations’ is unclear and could be interpreted in a number of ways. For example in order to produce the concrete it will be necessary to receive deliveries of cement, sand and aggregate, depending on the interpretation of ‘concrete production operations’ these movements could be considered part of 10 HGV limit as one could argue the delivery of raw material is a necessary part of the production process.

1.1.6. This Technical Note will examine the appropriateness of the condition and, if appropriate make recommendations for the deletion or amendment thereof.

## **1.2. Summary of supporting information**

- 1.2.1 Dalgleish Associates provided information within a supporting statement to the application which included reference to the anticipated transport impacts of the development. This information is included below:

*"Vehicles shall be despatched via the existing access from the industrial estate onto the B8020.*

*It is anticipated that concrete production will be in the region of 20,000 cubic metres per annum which will require the importation of some 40,000 tonnes of aggregate and 6,000 tonnes of cement.*

*The anticipated annual production equates to an average of some 66 cubic metres per day which equates to approximately 8 loads. Daily production will vary with demand. On average there shall be 5 loads of aggregate imported daily and 4 loads of cement imported weekly."*

- 1.2.1. This information provides a useful context for the operations indicating the average levels of HGV activity associated with the operation of the proposed batching plant. Clearly from the nature of the condition 1(iii) attached to the subsequent consent WLC are concerned with the potential impacts of HGV traffic in this area and have sought to determine a maximum level of HGV traffic that could be permitted. It is unclear however, on what basis WLC has determined the 10 HGVs per day to be the appropriate limit (albeit subject to written agreement from WLC to any operation above this level).

## **1.3. Surrounding Traffic Conditions**

- 1.3.1. The main reason provided for the daily HGV limit relates to amenity and potential to cause nuisance in the area. In that regard it is important to consider the context of the site in relation to the wider transport network.
- 1.3.2. The site is located on an industrial estate with the majority of traffic movements into and out of the adjoining roads associated with industrial type activity, consisting of a mix of HGVs, LGVs and private cars.
- 1.3.3. The industrial estate is accessed from Greendykes Road which is a B class road linking Broxburn and Winchburgh and providing a route to the wider strategic road network via the A89 as well as operating a s bus route for services travelling north from Broxburn.

- 1.3.4. There have been a number of significant planning applications in the area associated with allocated sites in the Local Development Plan which include a foodstore to the south west of the existing industrial estate and residential and related facilities to the north of the industrial estate. The LDP includes the creation of a new link road as part of the overall development in this area, creating a new link from the existing industrial estate junction with Greendykes Road through to Clarkson Road to the west of Broxburn.
- 1.3.5. Baseline traffic data reported within the Transport Assessments prepared in respect of this development indicated that typical 2 way baseline traffic flows on Greendykes Road i.e. without any additional development, were of the order of 550 vehicles per hour in both the AM and PM peak periods. This would mean typical daily (weekday) background traffic flows on Greendykes Road would be of the order 5,500 – 6,000 vehicles per day.
- 1.3.6. It is against this context that the proposals should be considered. The industrial estate by its very nature would not be adversely affected by additional 'industrial' type traffic but it is acknowledged that existing developments e.g. residential dwellings, more sensitive to increases in traffic, are located adjacent to Greendykes Road and hence it impacts on Greendykes Road that would be considered critical.

#### **1.4. Assessment of traffic**

- 1.4.1. The condition as worded restricts the overall HGV activity across the day to 10 HGVs (intended to apply solely HGV traffic associated with the wet mix concrete), with no restriction on the associated aggregate, sand or cement deliveries.
- 1.4.2. Peak production of the plant is understood to be 60m<sup>3</sup> in any given hour equivalent to around 7 loads. The operation has also indicated that on average 5 loads of aggregate would be required daily and typically 1 load of cement. Given there are no restrictions on a rate per hour and that there is ample space within the site for stockpiling of material it would be entirely possible, under the current condition for 7 loads of concrete, 5 loads of aggregate and at least 1 load of cement to all be delivered in the same hour i.e. 13 HGVs or 26 HGV movements in a single hour.
- 1.4.3. On the basis that HGV movements typically account for 5% or so of traffic flows during a peak hour this would be an increase of around 100% over existing HGV flows and in accordance with the Institute of Environmental Management and Assessment's (IEMA) 'Guidelines for the Environmental Assessment of Road Traffic' would be considered to be a 'substantial' impact. This level of uplift would be likely to be detrimental to the

amenity of the area and cause nuisance – thus the current condition does not achieve its objective

## **1.5. Recommendation**

- 1.5.1. It is suggested that a more appropriate approach to dealing with the application to achieve the stated aims of the condition would be to identify an appropriate hourly limit on HGV movements and operating hours, which would defacto provide a daily limit to operations. This could be applied to all HGV movements associated with the concrete operations i.e. deliveries of materials and distribution of wet mix concrete removing any ambiguity.
- 1.5.2. It is suggested therefore that a suitable basis for determining any limit would be the IEMA guidelines which determine that an increase of up to 30% in HGV traffic would be considered to be 'not significant' and that up to 60% would have 'slight' impact.
- 1.5.3. Taking the daily flow profile of 5,500 vehicles relates to a daily HGV flow of around 225 vehicles. Adopting a working day of 0600-1800 it would equate to an average HGV flow on Greendykes Road of 18 HGV movements per hour. Considering the IEMA 'Guidelines for the Environmental Assessment of Road Traffic' a 'slight' impact would equate to an increase in HGV movements of up to 60%. We would therefore suggest a limit of 10 HGV movements per hour in total as being appropriate as the impact on the surrounding network would be less than 60%.
- 1.5.4. It is understood that the maximum daily output of the concrete plant would be some 250 m<sup>3</sup> equivalent to some 32 loads or 64 HGV movements. The applicant has indicated that as they are able to stockpile materials on site they would be willing to have no deliveries of materials to the site on occasions where the batching plant is anticipated to operate at maximum capacity. As such we would suggest that, along with the hourly limit on HGV movements a daily limit of 32 loads or 64 HGV movements, equivalent to 28% of the existing daily HGV movements or around 1% of total traffic movements on Greendykes Road. Considering this level of traffic against the IEMA guidelines would suggest the impact is 'not significant'
- 1.5.5. A suggested rewording of the condition is provided below.

'The HGV movements into and out of the site relating to the batching plant will be limited to not more than 10 vehicle movements per hour up to a daily maximum of 64 movements. HGV activity associated with the concrete production operations shall be limited to between the hours of 0600 and 1800 with no deliveries out with these hours unless otherwise agreed in writing with the planning authority'

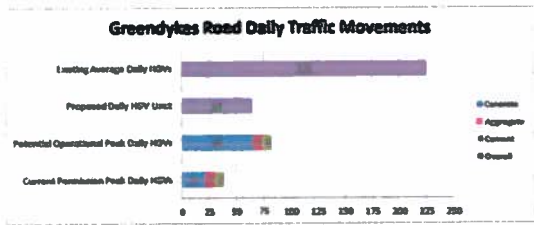
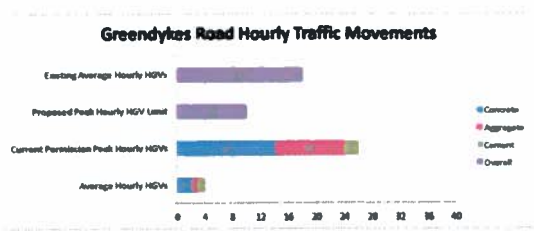
## **1.6. Summary and Conclusion**

- 1.6.1. A review of the planning conditions associated with the proposed concrete batching plant at Broxburn has been undertaken and it is suggested that not only is the restriction on operations overly onerous but that the condition as worded fails to achieve its intended purpose.
- 1.6.2. Furthermore the condition as worded allows some ambiguity in terms of the interpretation and intention of the planning authority in relation to HGV movements. As such it fails to meet the criteria of circular 4/98 that required conditions to be 'precise' and 'clear'.
- 1.6.3. The applicant does not seek to undermine the aim of the condition insofar as it sought to minimise the environmental intrusion of the use and its potential to cause nuisance, in the interests of the amenities of the area but rather seeks to vary the condition to provide a condition that both achieves these objectives and also provides greater flexibility for the day to day operation of the plant.
- 1.6.4. An assessment has been undertaken to determine what could be considered a reasonable level of traffic that could be accommodated without any adverse effects on the surrounding area, considered against the existing traffic volumes and HGV movements. Using this information it is suggested that the condition be varied to read as follows:

*'The HGV movements into and out of the site relating to the batching plant will be limited to not more than 10 vehicle movements per hour up to a daily maximum of 64 movements. HGV activity associated with the concrete production operations shall be limited to between the hours of 0600 and 1800 with no deliveries out with these hours unless otherwise agreed in writing with the planning authority'*

	Concrete	Aggregate	Cement	Overall
Average Hourly HGVs	2	1	1	
Current Permission Peak Hourly HGVs	14	10	2	10
Proposed Peak Hourly HGV Limit				18
Existing Average Hourly HGVs				18

	Concrete	Aggregate	Cement	Overall
Current Permission Peak Daily HGVs	20	10	8	
Potential Operational Peak Daily HGVs	64	10	8	84
Proposed Daily HGV Limit				225
Existing Average Daily HGVs				225



## **DOCUMENT 9**

**DESK STUDY OF OPERATIONAL NOISE LEVELS  
PREPARED BY VIBROCK LTD.**



29 January 2015

Our Ref: R15.8504-2



Dalgleish Associates Limited  
Cathedral Square  
Dunblane  
FK15 0AH

For the attention of Mr W Booth

Dear Mr Booth

**Re: Planning Application 0619/FUL/14:  
Operation of Readymix Concrete Plant, Greendykes Industrial Estate, Broxburn**

As requested, we have undertaken a desk study into the likely levels of noise that the operation of the above plant may have on nearby residential receptors. The planning permission states that, in relation to noise:

"The operation of the batching plant and associated activities shall be carried out in accordance with the environmental parameters set out in the supporting statement prepared by Dalgleish Associates Ltd.

In particular, the following restrictions shall be adhered to:

- (i) there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site;"

By noise sensitive premises we have assumed that such receptors would be residential dwellings and those we have considered are shown on Figure 1.

From the wording of the sub-clause "in any noise sensitive premises", although this is considered particularly ambiguous, we take this to mean internal levels and not in the garden area of the dwellings. Also, the internal noise levels would be highly dependant on whether residents had their windows open or not, and if closed, the sound insulation performance of the window would be particular to that type of window.

In order to assist in the noise assessment Cadna 'A' environmental noise prediction software, version 4.3, has been used to model the noise emanating from the proposed development.

**Vibro Rock Limited**

**Shanakiel  
Ilkeston Road Heanor  
Derbyshire DE75 7DR UK  
Tel: +44 (0) 1773 711211  
Fax: +44 (0) 1773 711311  
Email: vibrock@vibrorock.com  
Web: www.vibrorock.com**

The noise prediction software has been configured to undertake the noise calculations in accordance with BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".

In order to more accurately estimate the barrier attenuation for this study, the noise prediction software has been configured to undertake barrier attenuation calculations in accordance with Figure F.3 contained within BS 5228-1. This method of calculating barrier attenuation is frequency dependant. It has been assumed that where spectral noise data is not available, all noise sources have a single band sound power level at 250 Hz. The barrier attenuation at 250 Hz, as shown in Figure F.3 of BS 5228-1, is very similar to the barrier correction contained within the Calculation of Road Traffic Noise (CRTN).

In all noise prediction calculations the soft ground absorption has been set to '1' representing soft ground. Soft ground attenuation, in accordance with the BS 5228 calculation method, has not been included when barrier attenuation is present. Some of the areas over which noise from the plant are surfaced and the use of soft ground attenuation may slightly under estimate the received noise levels.

The noise prediction exercise is based on the plant operating at the maximum production level, 7 truck mixer loads per hour. In addition, it has been assumed that a wheeled loading shovel would operate for 30 minutes per hour to re-fill the plant feed hoppers and the delivery of cement has also been considered. Our past experience of similar plants indicates that the delivery of cement, when it is blown into the receiving silo takes around 20 minutes. No consideration has been given to the delivery and tipping of materials to the site, as tipping would only take place for a few minutes during any hour period.

Table 1 below details the plant and corresponding sound power levels used in the prediction exercise.

**Table 1: Plant and Sound Power Levels**

Plant Description	Quantity	Sound Power Level dB(A)
Mixer Truck	7	108
Wheeled Loading Shovel	1	106
Pan Mixer	1	100
Cement Tanker Discharging	1	102

The results of the prediction exercise and further calculations undertaken are presented below.

**Table 2: Received Noise Levels**

Location	Predicted Noise Levels dB $L_{Aeq,1h}$		
	Free Field External	Facade External	Internal Range
Albany Cottages	40	43	28 – 33
Greendykes Rd N	45	48	33 – 38
Greendykes Rd C	49	52	37 – 42
Greendykes Rd S	50	53	38 - 43
Cunningham Cres	42	45	30 - 35

As you will see, we have allowed for a facade reflection effect of 3 dB(A) and a noise reduction of between 10 – 15 dB(A) for outside to inside, assuming windows are open for ventilation purposes.

British Standard 8233: 2014 suggests that a suitable design criterion for living rooms and bedrooms during daytime, 0700 -2300 hours, is 35 dB  $L_{Aeq,T}$ . A level 5 dB(A) lower is suggested as being appropriate for night-time.

Referring to the results shown in the above table it is indicated that the BS 8233 daytime design criterion would be exceeded.

We would consider that the higher internal predicted levels could be audible during quieter periods, for example, when there was no passing traffic and therefore would not comply with the wording of the planning condition.

With respect to the noise levels currently generated by traffic on Greendykes Road, additional noise prediction calculations have been undertaken to predict the noise levels at the properties considered above using traffic data provided by Fairhurst. The presence of the houses on Greendykes Road has been considered in the noise prediction model i.e. the western facades of the properties on the west side of Greendykes Road will be the most exposed to the potential noise generated at the proposed readymix concrete plant but will also be screened from the traffic on the opposite side of the houses.

**Table 3: Received Noise Levels with Existing Traffic Noise**

Location	Predicted Noise Levels dB $L_{Aeq,1h}$				
	Free Field External			Total Facade External	Total Internal Range
	RMC Plant Only	Traffic Only	Total		
Albany Cottages	40	61	61	63	48 - 53
Greendykes Rd N	45	56	56	59	44 - 49
Greendykes Rd C	49	49	52	55	40 - 45
Greendykes Rd S	50	43	51	54	39 - 44
Cunningham Cres	42	36	43	46	31 - 36

It can be seen from the above table that with the inclusion of the likely noise from the proposed readymix concrete plant, there is likely to be little to no change in the noise levels at 3 of the 5 properties considered, due to the existing traffic noise. Furthermore, the internal noise levels due to traffic noise alone results in an exceedance of the guideline limits contained within BS 8223: 2014.

In conclusion, it is considered that the existing proposed planning condition is unclear, unreasonable and unlikely to be met. It is recommended that a more suitable external noise limit is set within a planning condition to protect the amenity of nearby residents. In accordance with the World Health Organisation's 'Guidelines for Community Noise' 1999, we would suggest that the proposed operations are limited to an external free-field noise level of 50 dB  $L_{Aeq,1h}$ . This being a noise level that the WHO guidelines recommend should not be exceeded to protect the majority of people from being moderately annoyed during the daytime.

We trust this meets your immediate requirements and please do not hesitate to contact us if any clarification is required.

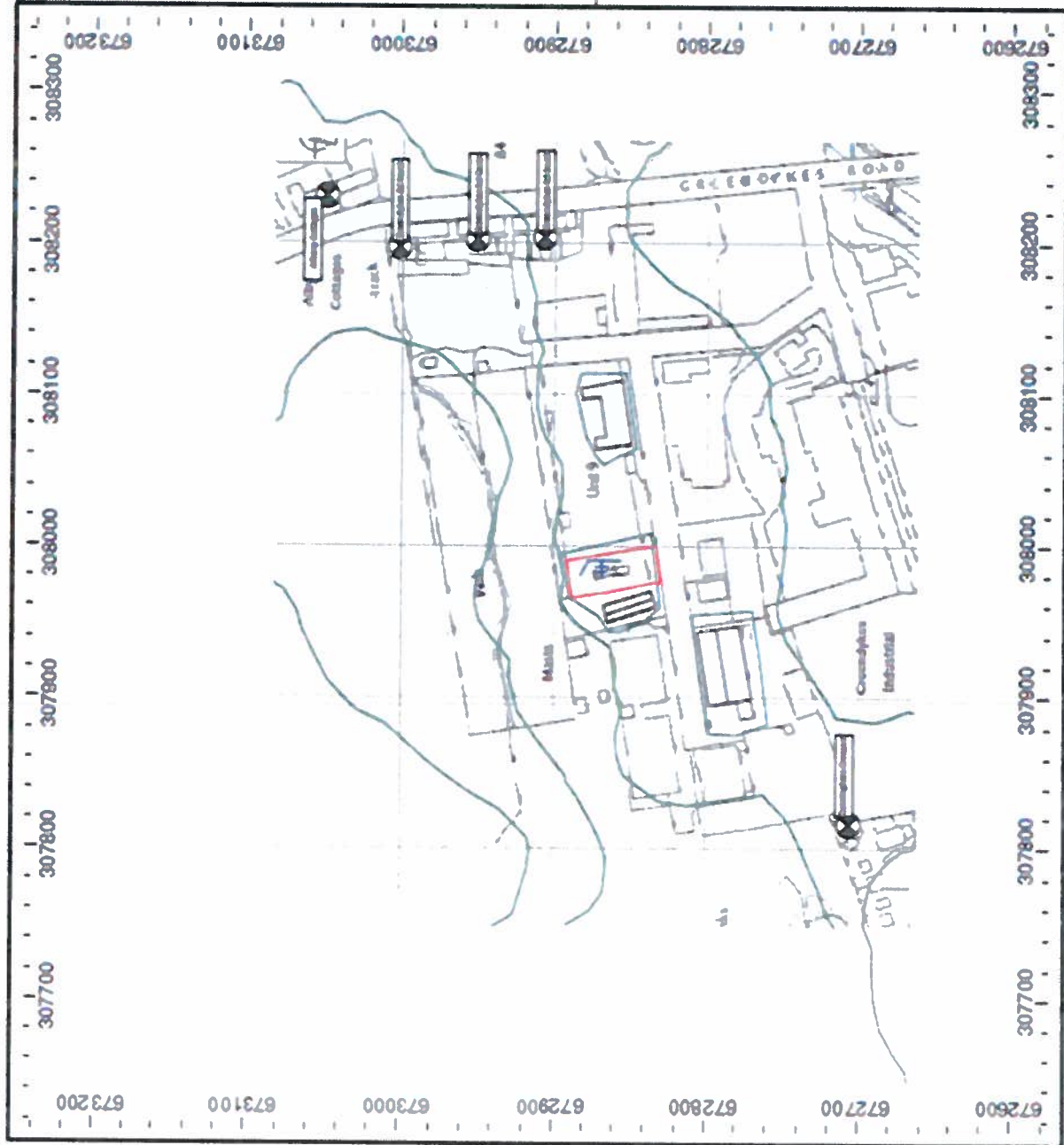
Yours sincerely



**ALLAN FINDLAY**  
Consultant

Client: DALGLEISH ASSOCIATES LTD  
 Project: BROXBURN CONCRETE PLANT  
 Title: NOISE RECEPTORS  
 Figure: 1  
 Date: 15.01.15

Vibroac Limited  
 Unit 62D  
 Perth Airport Business Park  
 Scoon  
 Perth  
 PH2 6NP  
 Tel: 01738 653 557  
 E-mail: scotland@vibroac.com







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:** 0619/FUL/14

**PROPOSAL AND LOCATION:** Part change of use from storage and distribution (class 6) to general industrial (class 5) and erection of a ready-mix concrete batching plant and silos (grid ref. 307977 672863) at Unit 9, Greendykes Industrial Estate, Broxburn, EH52 6PG

**APPLICANT:** J & A Laird Ltd  
Old Brechin Road  
Lunanhead  
Forfar  
DD8 3NQ

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:** 03/11/2014

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

Signature \_\_\_\_\_

**The reason why the council made this decision is as follows:**

The proposals accord with the policies and provisions of the development plan and there are no material considerations that would indicate that the application should not be approved.

**This permission is granted subject to the following conditions:-**

- 1 The operation of the concrete batching plant and associated activities shall be carried out in accordance with the environmental parameters set out in the supporting statement prepared by Dalgleish Associates Ltd.

In particular, the following restrictions shall be adhered to:

- (i) there shall be no noise generated by the development that is audible in any noise sensitive premises beyond the boundary of the site;
- (ii) the dust and water management for the facility shall be as per the supporting statement and the surface water on the site shall be treated and attenuated to meet the best practice requirements of SEPA and Scottish Water for Sustainable Urban Drainage Systems; and
- (iii) the HGV movements shall accord with those set out in the supporting statement with a maximum of 10 vehicles into the site and 10 vehicles out of the site per day (relative to the concrete production operations) unless otherwise agreed in writing with the planning authority.

*Reason To minimise the environmental intrusion of the use and its potential to cause nuisance, in the interests of the amenities of the area.*

- 2 Prior to the concrete batching plant operations commencing, a minimum of the first 5m of the access road into the site (from the adopted road) shall be surfaced in a non-loose material, such as tarmac/concrete, to the satisfaction of the planning authority.

*Reason To ensure mud and debris from the site is not transferred onto the adopted road, in the interests of road safety.*

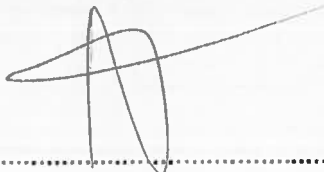
**Notes**

***Time Limit on Permission:***

*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.*



Development Management Manager ..... Date: 03 November 2014



**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](http://www.groundstability.com).*

**Annex 1, Schedule of Plans**

1 of 2 : Site location plan

2 of 2 : Plans and elevations of the concrete batching plant

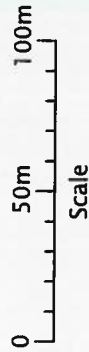


**PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT**

**Legend**



Planning Application  
Site Boundary



Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY-MIX  
CONCRETE BATCHING PLANT

Title: SITE LOCATION PLAN

Figure: 1

Drawn: EM

Scale: 1:2,500

Checked: WB

Date: 15.07.14

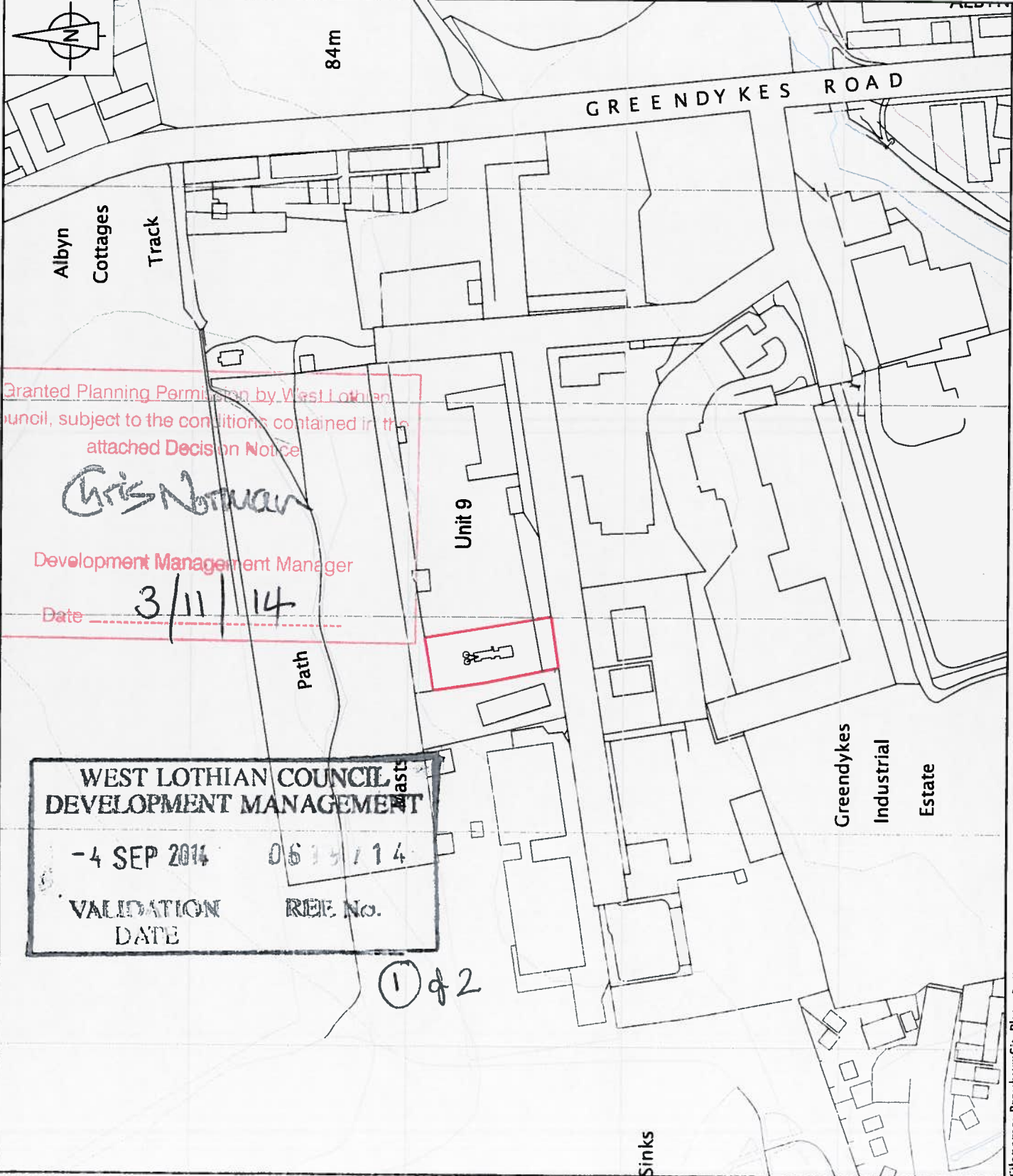
Sheet Size: A4

**Dalgleish Associates Ltd**

ENVIRONMENTAL, MINERAL AND  
PLANNING CONSULTANTS  
CATHEDRAL SQUARE  
DUNBLANE FK15 0AH  
Tel: 01786 822339  
Fax: 01786 822899



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Filename: BroxburnSitePlans.tcw  
Project ID No: 717



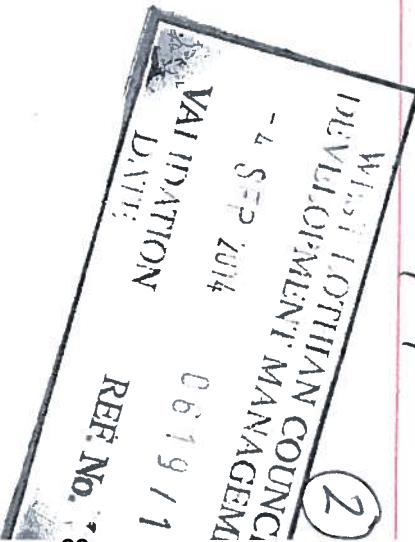
## EUROMIX 60 CONCRETE BATCHING PLANT

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

*Gris Norman*

Development Management Manager

Date: 3/11/14



0 5m  
Scale

Client: LAIRD AGGREGATES LTD.

Project: PROPOSED MOBILE READY - MIX  
CONCRETE BATCHING PLANT

Title: EUROMIX 60 CONCRETE  
BATCHING PLANT

Figure: 2 Drawn: EM

Scale: 1:125 Checked: WB

Date: 18.08.14 Sheet Size: A3

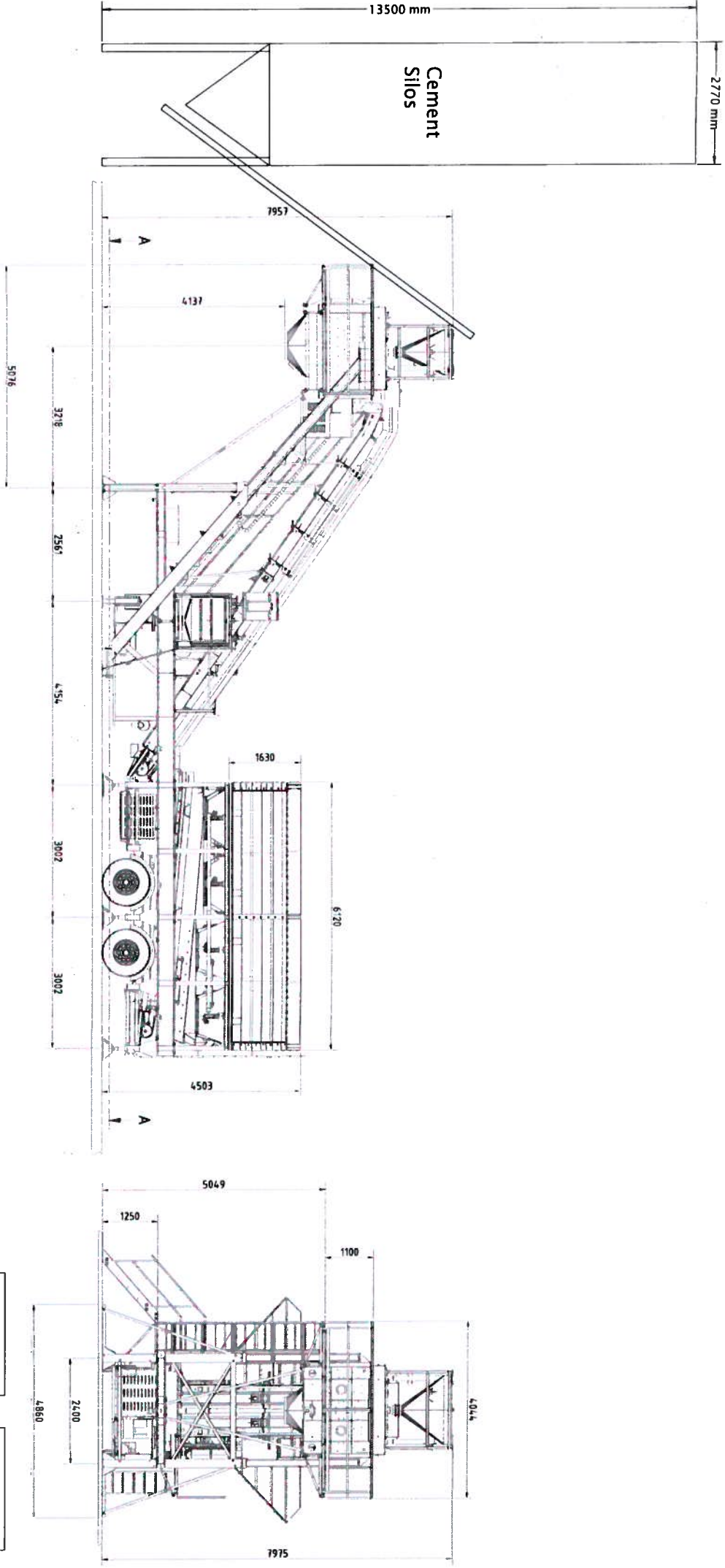
Dalgleish Associates Ltd

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DUNBLANE FK15 0AH  
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Fax: 01786 822899



DALGLEISH  
ASSOCIATES  
LIMITED









West Lothian  
Council

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## HANDLING REPORT

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<b>Ref. No.:</b>	0619/FUL/14	<b>Email:</b>	wendy.mccorriston@westlothian.gov. uk
<b>Case Officer:</b>	Wendy McCorriston	<b>Tel No.:</b>	01506 282406
<b>Ward:</b>	Broxburn, Uphall and Winchburgh	<b>Member:</b>	Tony Boyle Diane Calder Janet Campbell Alexander Davidson

<b>Title</b>	Part change of use from storage and distribution (class 6) to general industrial (class 5) and erection of a ready-mix concrete batching plant and silos (grid ref. 307977 672863) at Unit 9, Greendykes Industrial Estate, Broxburn, EH52 6PG
<b>Application Type</b>	Local Application
<b>Decision Level</b>	Del
<b>Site Visit</b>	<a href="#">09/10/2014</a>
<b>Recommendation</b>	grant permission
<b>Decision</b>	GRANT PLANNING PERMISSION
<b>Neighbour Notification</b>	Neighbour notification procedures have been carried out correctly - case officer verification _____

<b>Description of Property</b>	This is an existing industrial yard used for the storage and distribution of aggregates and renders for the building trade. The yard is muddy with much of the surface unmade. The entrance is particularly poor with mud and debris clearly being taken onto the road, though the road itself is also in a poor state of repair.
--------------------------------	--

<b>Description of Proposals</b>	The proposal is to erect plant and a silo for the production of concrete. These will be located in the north west part of the site. The silo is 13.5m high and the batching plant 8m. A brief supporting statement has been prepared and submitted with the application.
---------------------------------	---

<b>Site History</b>	Longstanding use of the site for storage and distribution.
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<b>Representations</b>	None received
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**Advertisement**

An advert was placed and neighbour notification carried out.

**Consultations**

Transportation : No objections  
Environmental Health : No comments received

**Policy**

<b>Plan</b>	<b>Policy</b>	<b>Assessment</b>	<b>Conform</b>
<b>West Lothian Local Plan (WLLP)</b>	<b>EM5 Employment Areas and Estates</b>	This is a part change of use to class 5, which is an appropriate use in this existing industrial estate. The entrance of the site is, however, in a poor state of repair and to prevent mud and debris being dragged onto the carriageway a condition requiring the entrance to be surfaced would be appropriate.	<b>Yes</b>
<b>WLLP</b>	<b>IMP10 Noise</b>	This policy resists development that is likely to generate significant amounts of noise from being located next to noise sensitive premises such as housing. The supporting statement gives no information about the noise from the plant, but just states that as the nearest houses are 22m away noise impact is not considered to be an issue. 22m is a short distance if there is any potential for noise issues, therefore as a precautionary measure a condition should be imposed to ensure there is no noise from the new plant and equipment audible in any noise sensitive premises such as residential premises.	<b>Yes, if a noise condition is imposed.</b>
<b>WLLP</b>	<b>HOU9 Residential amenity</b>	As above, a condition is required to prevent noise from the batching plant operations being audible in residential premises.	<b>Yes, if a noise condition is imposed</b>
<b>WLLP</b>	<b>IMP9 Air Quality</b>	Greendykes Road (south end) is part of a declared Air Quality Management Area. The supporting statement sets out measures to control	<b>Yes, if conditions are proposed</b>

		<p>dust from the plant. A condition should be imposed to ensure these measures are used. There is some limited information about traffic movements, but given that lorry movements have been an issue in respect of the AQMA it would be appropriate to control/monitor those movements. The supporting statement indicates that there is likely to be approx 6 loads of raw materials coming into site and 8 loads produced going out per day. As there has not been an air quality assessment with the implication of these movements (and no comments received from EH) a restriction to cover the predicted movements of 10 in and 10 out per day (with ability to review later if air quality information is produced) would be appropriate.</p>	
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### Conclusions and Reason for Decision

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The development is appropriate for this location, subject to some controls over noise, dust management and lorry movements and ensuring that the entrance is surfaced appropriately. With these conditions the development would accord with the policies and provisions of the development plan. There are no material considerations that indicate that the application should not be approved.

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### List of Review Documents

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**Approved drawings schedule:** 1 of 2 : Site location plan;  
2 of 2 : Plans and elevations of the concrete batching plant

**Other relevant documents:** Supporting Statement

**Case Officer** ..... **Date**.....

**Senior Officer**..... **Date**.....

**Development Management Manager**..... **Date**.....





**WEST LOTHIAN COUNCIL LOCAL REVIEW BODY**

**MEMBERS' CHECKLIST**

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

<b>1</b>	<b>Type of decision being reviewed</b>	
<b>2</b>	<b>Procedural issues from the processing of the Review</b>	
<b>3</b>	<b>New matters not before the Appointed Person when the decision was made</b>	
<b>4</b>	<b>Development Plan policies</b>	
<b>5</b>	<b>Relevant material considerations</b>	
	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	
<b>6</b>	<b>Considerations <u>not</u> to be taken into account</b>	
<b>7</b>	<b>Factual disputes to be resolved</b>	
<b>8</b>	<b>Conditions required or not, available or not</b>	
<b>9</b>	<b>Requirement for develop contributions, and for what</b>	
<b>10</b>	<b>Requirement for legal agreement for other reasons</b>	

**PART 2 – FIRST MEETING PROCEDURAL DECISIONS**

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

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

### **PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS**

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

### **PART 4 – DETERMINATION OF THE REVIEW**

<b>1</b>	<b>Is the development in accordance with the development plan or is it contrary to the plan?</b>	
	The policies it complies with	The policies it breaches
<b>2</b>	<b>Does the development accord with national planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>3</b>	<b>Does the development accord with local planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>4</b>	<b>Relevant material considerations</b>	
	What relevant considerations exist	The weight to give them and how to balance them
<b>5</b>	<b>In applying the statutory test, what is the LRB's decision?</b>	
	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. 0639/H/14 – INSTALLATION OF DORMER WINDOWS AT 38 CHURCH STREET, BROXBURN**

**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 the review of conditions attached to grant of planning permission for the installation of dormer windows at 38 Church Street, Broxburn

**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 28 October 2014, including conditions and approved plans
3. The Notice of Review, submitted by the Applicant, not dated or signed but received by the council on 28 January 2015
4. The following documents were also lodged with the Notice of Review:-
  - Copies of emails between the council's Case Officer and the applicant; and
  - 3 drawings/plans

No representations have been received in relation to the planning application.

The applicant considers that the application could be determined by consideration of the review documents, a site visit and further written submissions.

In consultation with the Chair, the Clerk determined that an unaccompanied site visit should take place in relation to visual and residential amenity and the impact on the street scene before the committee's first consideration of the case, and that was scheduled to take place on 4 March 2015.

**C      DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

The only policy mentioned in the review documents is HOU9 of the WLLP – Residential and Visual Amenity. The Appointed Person considered that the development would conform to that policy, and the supplementary planning guidance “House Extension and Alteration Design Guide”, if appropriate conditions were attached. The condition which is the subject of the review application is Condition 2, requiring the deletion of the dormer window to the front of the proposed development and submission of revised plans for approval.

**D      PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

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

James Millar, Solicitor/Committee Services Manager, West Lothian Civic Centre  
01506 281613, [James.Millar@westlothian.gov.uk](mailto:James.Millar@westlothian.gov.uk)

Date: 4 March 2015

# Colin Watson Consultancy

## Planning & Building Warrant Service

2 Stoneycroft Road, South Queensferry EH30 9HX

T.0131 331 3351, M. 07834 272 409

office@colinwatsonconsultancy.co.uk

Planning  
West Lothian Council  
County Buildings  
High Street  
LINLITHGOW  
EH49 7EZ

26<sup>TH</sup> January 2015

Dear Sirs

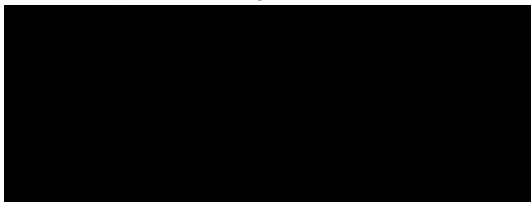
**PROPOSED ATTIC CONVERSION AT 38 CHURCH STREET, BROXBURN  
EH52 5EW**

Can you please consider this **notice of review**.

I attach the completed application and relevant drawings and supporting information.

I hope that you find all to be in order and look forward to hearing from you.

Yours faithfully



Colin Watson

West Lothian Council	
Development Management	
Date	2 8 JAN 2015
Ref No	0639/4114
Ref To	L.P.
Ack'd	
Replied	





West Lothian

WEST LOTHIAN COUNCIL

05 FEB 2015

COMMITTEE SERVICES

FOR OFFICIAL USE ONLY

Reference No :  
Date of Receipt :

## 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>MR &amp; MRS CHAPMAN</u>
		Address <u>38 CHURCH STREET, BROXBURN</u>
		Postcode <u>EH52 5EW</u>
		Telephone No. (1) _____
		Telephone No. (2) _____
		Fax : _____
		E-mail : _____
<div style="border: 1px solid black; padding: 5px; transform: rotate(-15deg);"> <p><b>West Lothian Council</b> <b>Development Management</b></p> <p>Date <u>28 JAN 2015</u></p> <p>Ref No. ....</p> <p>Ref To. ....</p> <p>Ack'd. <b>REPRESENTATIVE</b> (If any)</p> <p>Replied. ....</p> </div>		Name <u>COLIN WATSON CONSULTANCY</u>
		Address <u>2 STONEYCROFT ROAD,</u>
		<u>SOUTH QUEENSFERRY</u>
		Postcode <u>EH30 9HX</u>
		Telephone No. (1) <u>0131 331 3351</u>
		Telephone No. (2) _____
		Fax : _____
		E-mail : <u>office@colinwatsonconsultancy.co.uk</u>
Please tick this box if you wish all contact to be through your representative.		✓



Do you agree to correspondence regarding your review being sent by e-mail? \*  
**YES/NO**

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	<u>0639/H/14</u>
	<b>SITE ADDRESS</b>	<u>38 CHURCH STREET, BROXBURN</u> <u>EH52 5EW</u>
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	<u>PROPOSED ATTIC CONVERSION</u>
	<b>DATE OF APPLICATION</b>	<u>04/09/14</u>
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	<u>28/10/14</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 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"/>

<b>PART C</b>	<b>TYPE OF REVIEW CASE</b>
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 checked="" type="checkbox"/>



**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.

WE REQUIRE THE REVIEW AS A CONDITION WAS  
STATED THAT THE FRONT DORMER MUST BE OMITTED  
AND WE THINK THIS IS UNJUST. THE PLANNERS HAVE  
STATED THAT THERE IS NO SPECIFIC POLICY  
REGARDING DORMERS FOR THIS AREA HOWEVER  
HAD IT BEEN TO THE REAR OF THE PROPERTY  
IT IS WITHIN THE PARAMETERS FOR PERMITTED  
DEVELOPMENT. CLEARLY THE FIRST DORMER TO BE  
CONSTRUCTED IN THE STREET WILL AFFECT THE  
STREET SCENE AS POINTED OUT BY THE WEST  
LOTHIAN COUNCIL PLANNING DEPARTMENT, BUT  
THIS IN MY VIEW SHOULDN'T PREJUDICE AGAINST  
THE DEVELOPMENT

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.


#### 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.	E-MAILS
2.	EXISTING DRAWINGS
3.	PROPOSED DRAWINGS
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.

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**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.

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## 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 \_\_\_\_\_

\* 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

**Colin Watson**

---

**From:** "Patterson, Lindsey" <Lindsey.Patterson@westlothian.gov.uk>  
**Date:** 22 October 2014 17:19  
**To:** "Colin Watson" [REDACTED]  
**Subject:** RE: Application 0639/H/14 - 38 Chruch Street, Broxburn - [INTERNAL ONLY]

**DATA LABEL: INTERNAL ONLY**

Dear Colin,

38 Church Street, Broxburn.

Thank you for the amended plans you provided on Monday with regard to the above application.

While there is no specific policy with regard to dormers for this area I have assessed the amended plans and I am still of the opinion that the front dormer is not acceptable. This is particularly due to the design of the dormer as this not in keeping with the appearance of the existing building and will therefore negatively impact the visual amenity and character of the building and street scene. This is a consideration outlined within the council's House Extension and Alteration Design Guide.

I would advise that I intend to complete the planning consent however with a condition that omits the front dormer. Should you be aggrieved by this condition you will have three months in which to appeal this to the Local Review Body, details of which can be found on the West Lothian Council website.

Should you wish to discuss this further please do not hesitate to contact me.

Kind Regards,  
 Lindsey

Lindsey Patterson  
 Planning Assistant  
 Development Management  
 West Lothian Council  
 Lomond House  
 Beveridge Square  
 Livingston  
 EH54 6QF

Tel: 01506 282311

Email: [Lindsey.Patterson@westlothian.gov.uk](mailto:Lindsey.Patterson@westlothian.gov.uk)

More information on council services is available at [www.westlothian.gov.uk](http://www.westlothian.gov.uk)

**Delivering Better Outcomes consultation:** West Lothian Council is seeking the views of residents, community groups, council employees and businesses on potential budget measures that would enable the council to meet an estimated £30.4million budget gap over the next three years. The consultation is called *Delivering Better Outcomes – Your Say on Council Services* - and aims to encourage people to tell the council what they think about the budget measures. For more information on the consultation and to respond online visit: [www.westlothian.gov.uk/yoursay14](http://www.westlothian.gov.uk/yoursay14)

**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

22/01/2015

**PUBLIC:** All information has been approved for public disclosure

**CLASSIFIED:** Contains information that is subject to HMG Classifications of 'Restricted' and above

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

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

**From:** Colin Watson [REDACTED]  
**Sent:** 20 October 2014 09:12  
**To:** Patterson, Lindsey  
**Subject:** Re: Application 0639/H/14 - 38 Church Street, Broxburn - [INTERNAL ONLY]

Dear Lindsey

38 Church Street, Broxburn.

I have had a look at the impact on the feasibility of the roof conversion if the front dormer is removed and this isn't favourable.

I have however reduced the width of the front dormer by 350mm.

The front dormer is compliant with planning guidelines, is well set back from the wall head and as a proportion of the front elevation of the roof – relatively small.

Clearly the first dormer on a roof in this street is going to alter what you see. The character of the building will become a building with a dormer.

If your policy for this street is no dormers to the public elevation, can you please state this clearly in reply and attach

the relevant policy in respect to this area. This building isn't listed, in a conservation area or of special interest.

I attach a copy of my amended plans & elevations for your perusal.

I look forward to hearing from you.

Regards  
Colin Watson

**From:** [Patterson, Lindsey](#)  
**Sent:** Thursday, September 25, 2014 3:49 PM  
**To:** [office@colinwatsonconsultancy.co.uk](mailto:office@colinwatsonconsultancy.co.uk)  
**Subject:** Application 0639/H/14 - 38 Church Street, Broxburn - [INTERNAL ONLY]

**DATA LABEL: INTERNAL ONLY**

Good afternoon Mr Watson,

With regard to the above application at 38 Church Street, Broxburn, I have a concern regarding the scale/design of the proposed dormers.

I feel the dormer to the front of the property, due to its size and design, may appear out of place within the street scene and will detract from the character of the building. I would therefore suggest that this dormer is removed and replaced with a velux window.

While I also feel that the dormer to the rear is very large, as this is to the rear I would be willing to accept

22/01/2015

this should the dormer to the front of the property be removed and replaced with a velux window. I would also request that the dormer is to be clad in vertical hung tiles to match that of the existing house as this will appear less overbearing within the rear elevation.

Should this amendment be acceptable to your client could you please provide amended plans showing this alteration to allow me to further the application.

Kind Regards,  
Lindsey

Lindsey Patterson  
Planning Assistant  
Development Management  
West Lothian Council  
Lomond House  
Beveridge Square  
Livingston  
EH54 6QF

Tel: 01506 282311

Email: [Lindsey.Patterson@westlothian.gov.uk](mailto:Lindsey.Patterson@westlothian.gov.uk)

More information on council services is available at [www.westlothian.gov.uk](http://www.westlothian.gov.uk)

West Lothian Money Week takes place between Monday 6 to Saturday 11 October. Money Week aims to get people thinking and talking about how they might save, budget and plan for the future. During Money Week events will be targeted in six main themes - Income, Employability, Education, Community Involvement, Health and Housing. For the full programme and for more advice, visit:  
[www.westlothian.gov.uk/adviseshop](http://www.westlothian.gov.uk/adviseshop)

### West Lothian Council - Data Labels:

**PROTECT: PRIVATE/CONFIDENTIAL** - Contains Personal or Business Sensitive Information for authorised personnel only

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

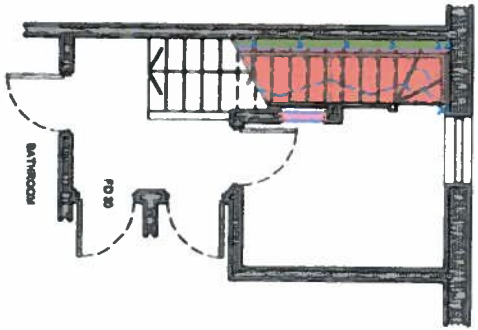
**P SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

This message, together with any attachments, is sent subject to the following statements:

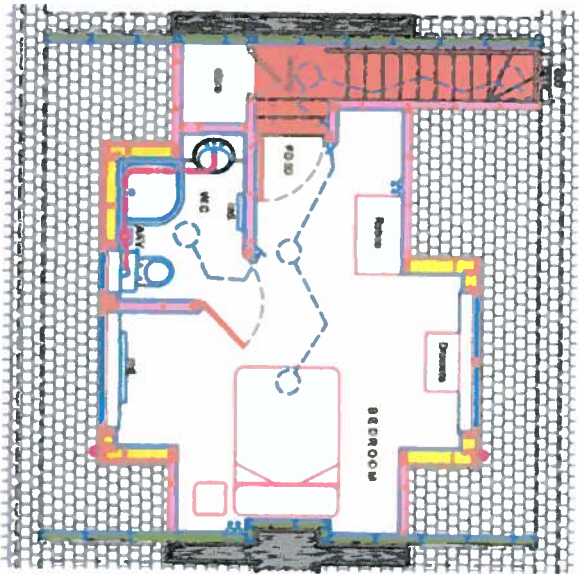
1. It is sent in confidence for the addressee only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender immediately.
2. It does not constitute a representation which is legally binding on the Council or which is capable of constituting a contract and may not be founded upon in any proceedings following hereon unless specifically indicated otherwise.

<http://www.westlothian.gov.uk>

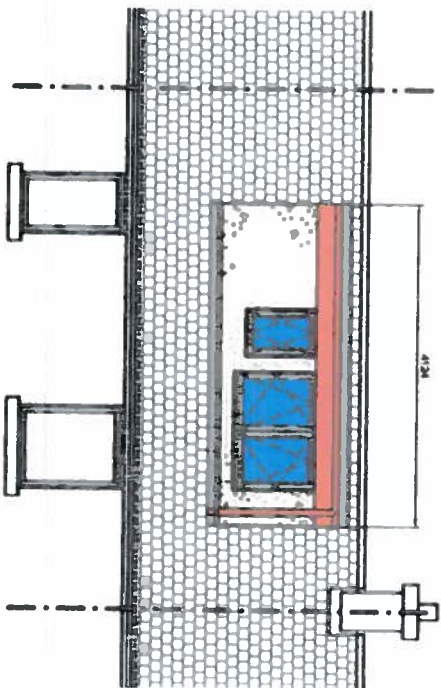




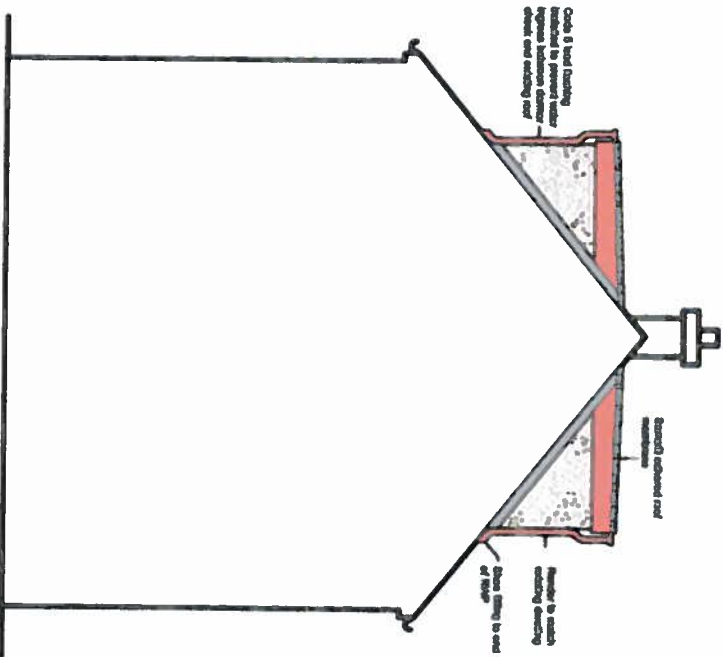
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SCALE 1:80



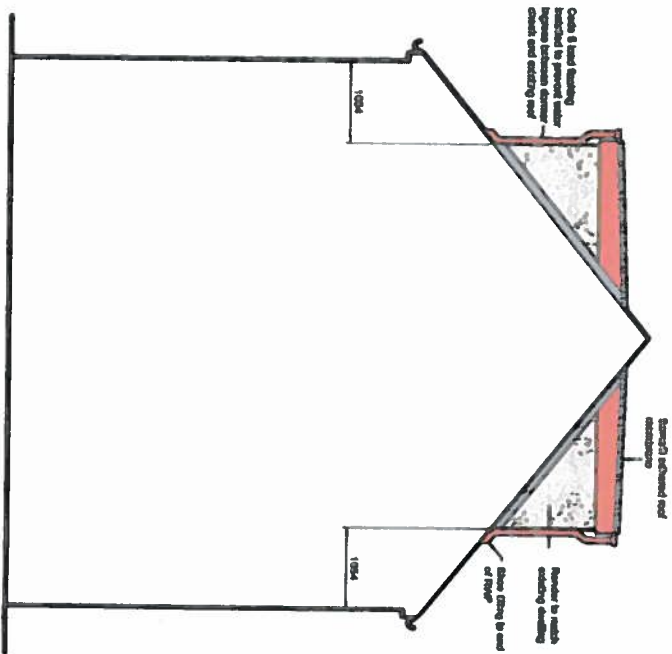
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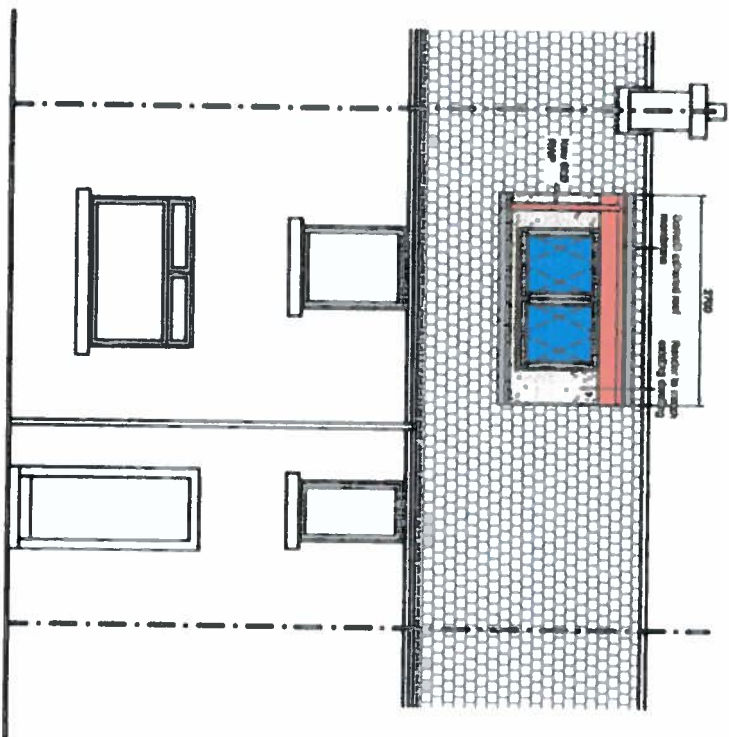
PART REAR (SOUTH-EAST) ELEVATION  
SCALE 1:80



SIDE (SOUTH-WEST) ELEVATION  
SCALE 1:80



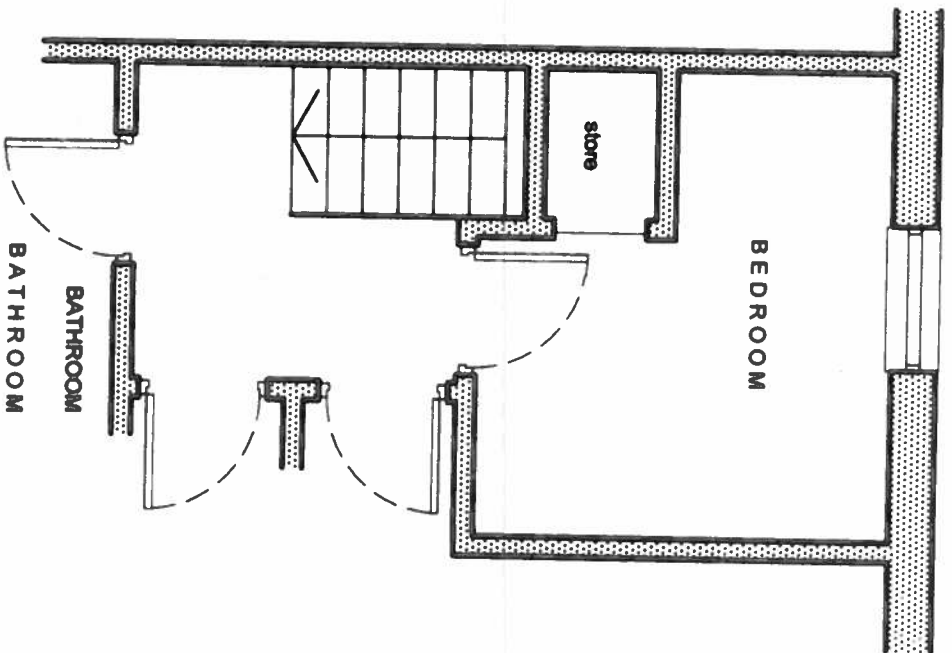
SIDE (SOUTH-WEST) ELEVATION  
SCALE 1:80



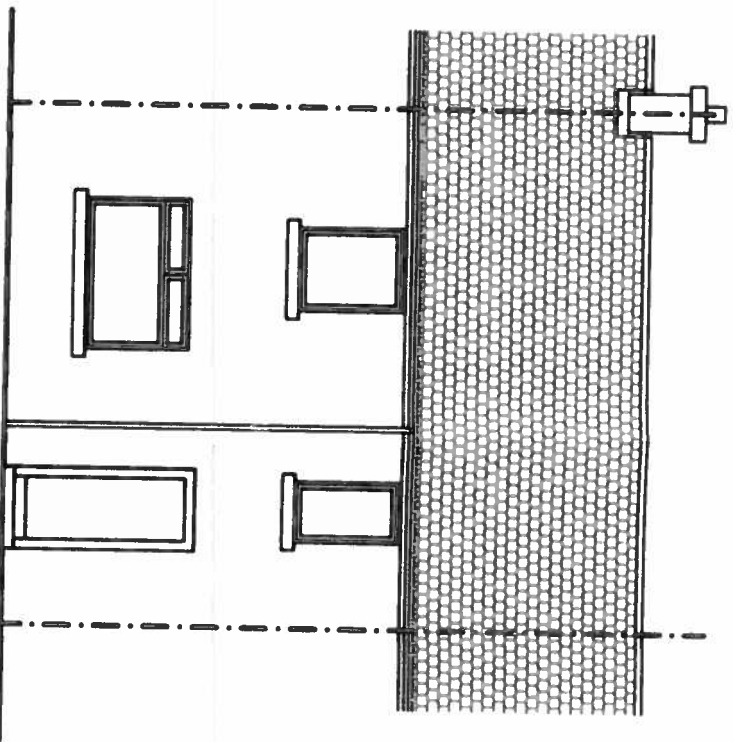
FRONT (NORTH-WEST) ELEVATION  
SCALE 1:80

A1  
1:80 SCALE

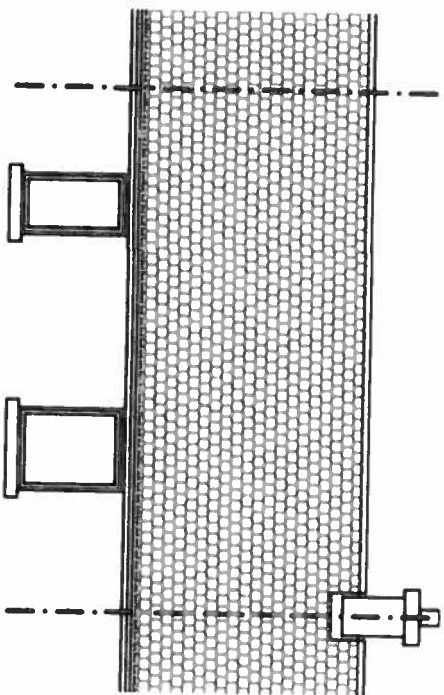
1	Issued for Planning	Revision	Aug 2014	Drawn	By
Client Mr & Mrs Chapman					
Project Title Proposed Attic Conversion 38 Church Street, Broadum EH52 9EW					
Drawing Title Proposed Plans & Elevations					
Drawing Number D300-002					
Drawing Status Planning					
colin watson consultancy					
2014-2015 2015-2016 2016-2017 2017-2018 2018-2019 2019-2020 2020-2021 2021-2022 2022-2023 2023-2024 2024-2025 2025-2026 2026-2027 2027-2028 2028-2029 2029-2030 2030-2031 2031-2032 2032-2033 2033-2034 2034-2035 2035-2036 2036-2037 2037-2038 2038-2039 2039-2040 2040-2041 2041-2042 2042-2043 2043-2044 2044-2045 2045-2046 2046-2047 2047-2048 2048-2049 2049-2050 2050-2051 2051-2052 2052-2053 2053-2054 2054-2055 2055-2056 2056-2057 2057-2058 2058-2059 2059-2060 2060-2061 2061-2062 2062-2063 2063-2064 2064-2065 2065-2066 2066-2067 2067-2068 2068-2069 2069-2070 2070-2071 2071-2072 2072-2073 2073-2074 2074-2075 2075-2076 2076-2077 2077-2078 2078-2079 2079-2080 2080-2081 2081-2082 2082-2083 2083-2084 2084-2085 2085-2086 2086-2087 2087-2088 2088-2089 2089-2090 2090-2091 2091-2092 2092-2093 2093-2094 2094-2095 2095-2096 2096-2097 2097-2098 2098-2099 2099-2100 2100-2101 2101-2102 2102-2103 2103-2104 2104-2105 2105-2106 2106-2107 2107-2108 2108-2109 2109-2110 2110-2111 2111-2112 2112-2113 2113-2114 2114-2115 2115-2116 2116-2117 2117-2118 2118-2119 2119-2120 2120-2121 2121-2122 2122-2123 2123-2124 2124-2125 2125-2126 2126-2127 2127-2128 2128-2129 2129-2130 2130-2131 2131-2132 2132-2133 2133-2134 2134-2135 2135-2136 2136-2137 2137-2138 2138-2139 2139-2140 2140-2141 2141-2142 2142-2143 2143-2144 2144-2145 2145-2146 2146-2147 2147-2148 2148-2149 2149-2150 2150-2151 2151-2152 2152-2153 2153-2154 2154-2155 2155-2156 2156-2157 2157-2158 2158-2159 2159-2160 2160-2161 2161-2162 2162-2163 2163-2164 2164-2165 2165-2166 2166-2167 2167-2168 2168-2169 2169-2170 2170-2171 2171-2172 2172-2173 2173-2174 2174-2175 2175-2176 2176-2177 2177-2178 2178-2179 2179-2180 2180-2181 2181-2182 2182-2183 2183-2184 2184-2185 2185-2186 2186-2187 2187-2188 2188-2189 2189-2190 2190-2191 2191-2192 2192-2193 2193-2194 2194-2195 2195-2196 2196-2197 2197-2198 2198-2199 2199-2200 2200-2201 2201-2202 2202-2203 2203-2204 2204-2205 2205-2206 2206-2207 2207-2208 2208-2209 2209-2210 2210-2211 2211-2212 2212-2213 2213-2214 2214-2215 2215-2216 2216-2217 2217-2218 2218-2219 2219-2220 2220-2221 2221-2222 2222-2223 2223-2224 2224-2225 2225-2226 2226-2227 2227-2228 2228-2229 2229-2230 2230-2231 2231-2232 2232-2233 2233-2234 2234-2235 2235-2236 2236-2237 2237-2238 2238-2239 2239-2240 2240-2241 2241-2242 2242-2243 2243-2244 2244-2245 2245-2246 2246-2247 2247-2248 2248-2249 2249-2250 2250-2251 2251-2252 2252-2253 2253-2254 2254-2255 2255-2256 2256-2257 2257-2258 2258-2259 2259-2260 2260-2261 2261-2262 2262-2263 2263-2264 2264-2265 2265-2266 2266-2267 2267-2268 2268-2269 2269-2270 2270-2271 2271-2272 2272-2273 2273-2274 2274-2275 2275-2276 2276-2277 2277-2278 2278-2279 2279-2280 2280-2281 2281-2282 2282-2283 2283-2284 2284-2285 2285-2286 2286-2287 2287-2288 2288-2289 2289-2290 2290-2291 2291-2292 2292-2293 2293-2294 2294-2295 2295-2296 2296-2297 2297-2298 2298-2299 2299-2300 2300-2301 2301-2302 2302-2303 2303-2304 2304-2305 2305-2306 2306-2307 2307-2308 2308-2309 2309-2310 2310-2311 2311-2312 2312-2313 2313-2314 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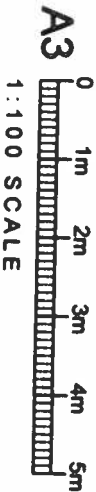
UPPER FLOOR PLAN  
SCALE 1:50



FRONT (NORTH-WEST)  
ELEVATION  
SCALE 1:100



REAR (SOUTH-EAST)  
ELEVATION  
SCALE 1:100



**CWC**  
2 Stonecroft Road, South Queensferry,  
EH30 9HX  
T. 0131 331 3351 M. 07834 272 409  
office@colinwatsonconsultancy.co.uk

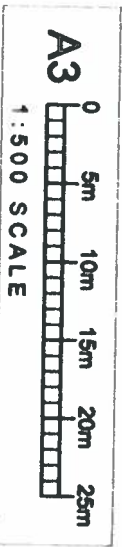
38 Church Street, Broxburn, EH52 5EW  
Mr. & Mrs. Chapman

Dwg Title:	Existing Plan & Elevations	
Dwg Number:	D300-001	Rev.
Scale: As shown	Date: August 2014	

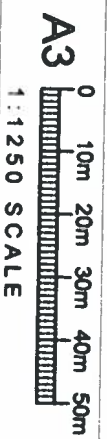




1:500 SCALE LOCATION PLAN



1:1250 SCALE LOCATION PLAN



<b>CWC</b>	
2 Storey Road, South Queensferry, EH30 9HX T. 0131 331 3351 M. 07834272409 office@collinwatsonconsultancy.co.uk	
38 Church Street, Broxburn EH52 5EW Mr. & Mrs Chapman	
Drg Title:	1:1250 & 1:500 Scale Plans
Drg Number:	D300-LP-001 Rev.
Scale: As shown	Date: August 2014





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:** 009H1

**PROPOSAL AND LOCATION:** Installation of dormer windows (grid ref. 308496 672525) at 38 CHURCH STREET, BROXBURN, EH52 5EW

**APPLICANT:** Mr & Mrs Chapman  
38 CHURCH STREET  
BROXBURN  
EH52 5EW

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:** 10/01

Chris Norman  
Development Management Manager  
West Lothian Council  
County Buildings  
High Street  
Linlithgow  
EH9 1E

**Signature** \_\_\_\_\_

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

The proposal will not be detrimental to residential or visual amenity and complies with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.

**This permission is granted subject to the following conditions:**

- 1 The materials to be used on the face and cheeks of the dormer window hereby approved shall match those on the existing roof unless otherwise agreed in writing with the Development Management Manager.

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

- 2 The proposed dormer on the front elevation is not approved (as shown on drawing number D300-002 1) as part of this consent and revised plans showing the removal of the dormer window shall be submitted for the written approval of the planning authority prior to the commencement of development.

*Reason In the interests of residential and visual 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](http://www.groundstability.com).*

Schedule of Plans

1 of 2      Drawing No. D300-LP-001 - Location Plan  
2 of 2      Drawing No. D300-002 1 - Proposed Plans and Elevations







West Lothian  
Council

## HANDLING REPORT

**Ref. No.:** 0639/H/14 **Email:** lindsey.patterson@westlothian.gov.uk  
**Case Officer:** Lindsey Patterson **Tel No.:** 01506 282311  
**Ward:** Broxburn, Uphall and **Member:** Tony Boyle  
 Winchburgh Diane Calder  
 Janet Campbell  
 Alexander Davidson

**Title** Installation of dormer windows (grid ref. 308496 672525) at 38 CHURCH STREET, BROXBURN, EH52 5EW  
**Application Type** Local Application  
**Decision Level** Delegated Powers  
**Site Visit** [18/09/2014](#)  
**Recommendation** Grant Permission  
**Decision** GRANT PLANNING PERMISSION  
**Neighbour Notification** Neighbour notification procedures have been carried out correctly - case officer verification \_\_\_\_\_

**Description of Property** Two storey mid-terrace property  
**Description of Proposals** Installation of dormer windows to the front and rear of property  
**Site History** None  
**Representations** None  
**Advertisement** None  
**Consultations** None

## Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	Policy HOU 9 Residential and Visual Amenity	The proposed dormer window to the rear will have no impact on overshadowing, amenity or privacy failure. However the proposed dormer to the front of the property will appear out of place and will have a detrimental impact on the character and appearance of the street scene.	The proposed rear dormer does conform however the front dormer does not.

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**Conclusions and Reason for Decision**

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The proposed dormer to the rear of the property, although very large, has been approved with the condition that the proposed front dormer shall be removed and replaced with a velux window. This decision was taken following consultation with the agent who refused to remove the front dormer.

It is considered that the front dormer, being the first of its kind within the street, would negatively impact the appearance of the terraced property. This is particularly due to the off-set location of the dormer window between the two existing gabled projections. It is felt that it would not be appropriate to introduce dormer windows within this type of development as it would have a detrimental impact on the character and design of the building, resulting in an adverse impact on the overall streetscene. It is however considered that the use of a velux window would reduce the potential visual impact as this is a less conspicuous design in comparison to the dormer window.

Therefore, with this condition, the proposal will not be detrimental to residential or visual amenity and complies with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.

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**List of Review Documents**

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**Approved/refused drawings schedule:**

1 of 2      Drawing No. D300-LP-001 - Location Plan  
2 of 2      Drawing No. D300-002 1 - Proposed Plans and Elevations

**Other relevant documents:** None

**Case Officer** .....

**Date**.....

**Senior Officer**.....

**Date**.....

**Development Management Manager**.....

**Date**.....

**WEST LOTHIAN COUNCIL LOCAL REVIEW BODY**

**MEMBERS' CHECKLIST**

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

<b>1</b>	<b>Type of decision being reviewed</b>	
<b>2</b>	<b>Procedural issues from the processing of the Review</b>	
<b>3</b>	<b>New matters not before the Appointed Person when the decision was made</b>	
<b>4</b>	<b>Development Plan policies</b>	
<b>5</b>	<b>Relevant material considerations</b>	
	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	
<b>6</b>	<b>Considerations <u>not</u> to be taken into account</b>	
<b>7</b>	<b>Factual disputes to be resolved</b>	
<b>8</b>	<b>Conditions required or not, available or not</b>	
<b>9</b>	<b>Requirement for develop contributions, and for what</b>	
<b>10</b>	<b>Requirement for legal agreement for other reasons</b>	

**PART 2 – FIRST MEETING PROCEDURAL DECISIONS**

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

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

### **PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS**

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

### **PART 4 – DETERMINATION OF THE REVIEW**

<b>1</b>	<b>Is the development in accordance with the development plan or is it contrary to the plan?</b>	
	The policies it complies with	The policies it breaches
<b>2</b>	<b>Does the development accord with national planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>3</b>	<b>Does the development accord with local planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>4</b>	<b>Relevant material considerations</b>	
	What relevant considerations exist	The weight to give them and how to balance them
<b>5</b>	<b>In applying the statutory test, what is the LRB's decision?</b>	
	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.0770/FUL/14 – CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN GROUND AT 29 SOUTH MIDDLETON, UPHALL**

**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 a review following refusal of planning permission for a change of use from open space to private garden ground at 29 South Middleton, Uphall

**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 22 December 2014.
3. The Notice of Review, submitted by the Applicant, dated 13 February 2015
4. The following documents were also lodged with the Notice of Review:-
  - 2 location plans; and
  - 8 photographs showing similar developments (the review application refers to 10 such photographs, and an email referred to was not submitted)

No representations have been received in relation to the planning application.

The applicant considers that the application could be determined by consideration of the review documents and a site visit.

The applicant has indicated that he has raised new matters which were not before the Appointed Person, which may be a reference to the other developments felt to be similar to this one, to support from neighbours, and to recent criminal activity in the area.

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 4 March 2015.

## **C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

The policies referred to in the review documents are HOU5 of WLLP – Open Space within Housing Areas, and COM2 of WLLP – Loss of Open Space.

Planning permission was refused because the Appointed Person considered that the development would result in the unnecessary incursion into an area of open space incorporated as part of the wider landscape plan of the housing development and would set an undesirable precedent. Additionally the applicant had failed to convince the Appointed Person that there were justifiable reasons to depart from the provisions of the development plan.

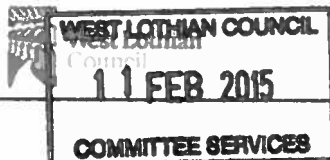
## **D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

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](mailto:James.Millar@westlothian.gov.uk)

Date: 4 March 2015



FOR OFFICIAL USE ONLY

Reference No :  
Date of Receipt :**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.

<b>PART A</b>	<b>APPLICANT'S DETAILS</b>	Name <u>Jason Patience</u>
		Address <u>29 South Middleton,</u> <u>Uphall</u>
		Postcode <u>EH525GA</u>
		Telephone No. (1) <u>[REDACTED]</u>
		<u>[REDACTED]</u>
		Fax : <u>[REDACTED]</u>
		E-mail : <u>[REDACTED]</u>
<b>REPRESENTATIVE</b> <b>(if any)</b>	Name _____	
	Address _____ _____	
	Postcode _____	
	Telephone No. (1) _____	
	Telephone No. (2) _____	
	Fax : _____	
	E-mail : _____	
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

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	<u>0770/FUL/14</u>
	<b>SITE ADDRESS</b>	<u>29 South Middleton,</u> <u>Uphall,</u> <u>EH525GA</u>
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	<u>Change of use from open space to</u> <u>private garden ground</u> <u>(Grid ref. 306205 671414)</u>
	<b>DATE OF APPLICATION</b>	<u>16/09/2014</u>
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	<u>22/12/2014</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"/>

<b>PART C</b>	<b>TYPE OF REVIEW CASE</b>	
	Refusal of application by appointed officer	<input checked="" 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"/>



**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.

We wish to review you decision on our case as we don't agree with your reasons for the initial application being refused. We feel our application should not be decided on based on whether or not it sets a president for other people within our community and should be decided on purely on the evidence put to you.

Points we wish to be taken into consideration include:

- No neighbours disagreed with the application.
- There were no objections raise in relation to the newspaper article about the request.
- Greenbelt have stated they are happy to sell the land to us on the approval of the application.
- The land will not be built on, this will also be a legal condition in the sale/purchase of the land from Greenbelt.
- The maintenance of our own fence is difficult to maintain due to the foliage parallel to it.
- The removal of the foliage will make this lane safer. Removing possible places criminals may use to avoid detection from Police or other residents. Recently a couple of houses have been broken into and this is a perfect entry and exit point for them.
- We have been told other properties in the estate have moved their fences to the path edge and this has not had any detrimental effect on the overall aesthetic's
- Our neighbours have supported our application as they feel the foliage is ruining the aesthetic's due to the bushes all being different the length of the path.

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.

Due to this being my first ever online application to WLC I was unsure as to how much information was required to apply for the change if use.

Subsequently I have included everything that I believe at this time will support this application.

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#### 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.	Location Plan
2.	Site Plan
3.	Supporting Photo 1
4.	Supporting Photo 2
5.	Supporting Photo 3
6.	Supporting Photo 4
7.	Supporting Photo 5
8.	Supporting Photo 6
9.	Supporting Photo 7
10.	Supporting Photo 8
11.	Supporting Photo 9
12.	Supporting Photo 10
13.	Greenbelt Email
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

X

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.

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### 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.

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## 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

X

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

X

Statement of your preferred procedure

X

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

X

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]

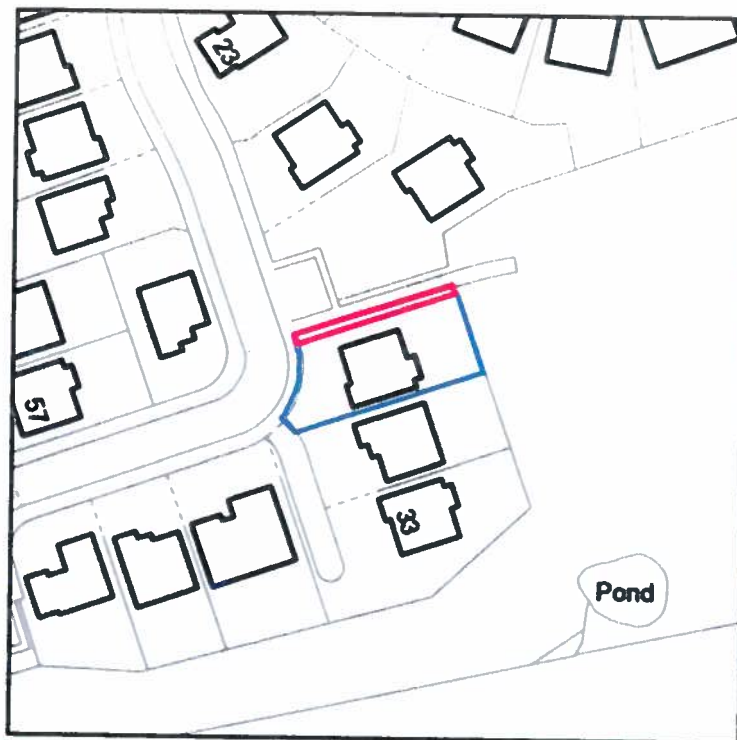
Date 13.02.2015

\* 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

29 South Middleton, Uphall, Broxburn, EH52 5GA



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

*Chris Norman*

Development Management Manager

Date 22/12/14 of 3

**WEST LOTHIAN COUNCIL  
DEVELOPMENT MANAGEMENT**

30 OCT 2014

0770114

VALIDATION

REF. No.

DATE



Application Boundary



Land in Ownership

Online Ref:

000099266

Date: 16/9/2014

Scale 1:1000 (1Ha)



Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

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

Chris Norman

Development Management Manager

Date 22/12/14

3.5m wide emergency  
access link to  
existing footpath  
from site boundary  
SECTION OF FOOTPATH  
TO BE EXISTING SHOWN  
DOTTED LINE  
TO BE EXISTING LINK  
DOTTED LINE AT EDGE OF  
CURVED STOP

2 of 3

17 post & wire fence

WEST LOTHIAN COUNCIL  
DEVELOPMENT MANAGEMENT

30 OCT 2014 0770/14

VALIDATION  
DATE

REF. No.

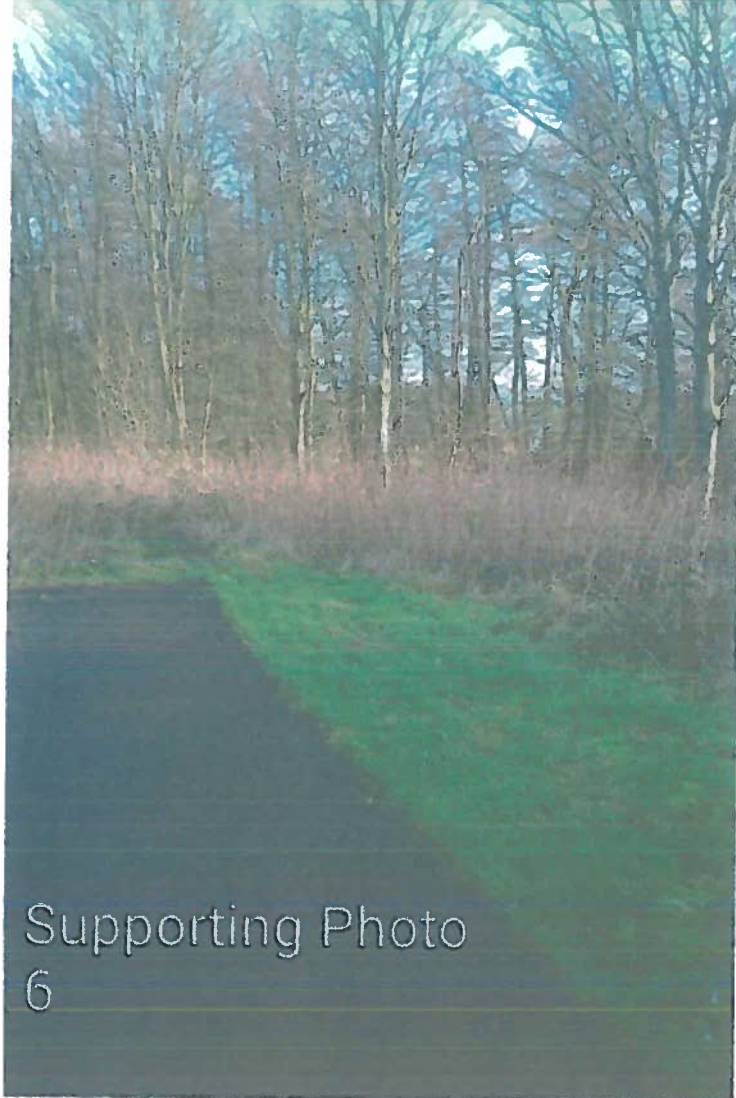




Supporting Photo  
8



Supporting Photo  
7



Supporting Photo  
6



Supporting Photo  
5



Supporting Photo  
4



A photograph of a residential street. On the right side, there is a tall wooden fence made of vertical slats. To the left of the fence is a grassy area. In the background, there are several houses with white walls and dark roofs. A blue car is parked on the street in front of one of the houses. The street is paved with asphalt and has a concrete curb on the left side. The text "Supporting Photo 3" is overlaid on the bottom left of the image.

Supporting Photo  
3



Supporting Photo  
2







West Lothian  
Council

## DECISION NOTICE

### REFUSAL OF FULL PLANNING PERMISSION

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

West Lothian Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and attached docquetted plan(s).

**APPLICATION REFERENCE:** 000000UL10

**PROPOSAL AND LOCATION:** Change of use from open space to private garden ground (grid ref. 306205 671414) at 29 South Middleton, Uphall, EH52 5GA

**APPLICANT:** Mr Patience  
29 South Middleton  
Uphall  
EH52 5GA

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:** 001001

**Chris Norman**  
**Development Management Manager**  
**West Lothian Council**  
**County Buildings**  
**High Street**  
**Linlithgow**  
**EH9 5E**

**Signature** [Signature Line]

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses full planning permission for planning application 010/UL/1, for the reason(s) set out as follows:**

- 1 The development results in the unnecessary incursion into an area of open space incorporated as part of the wider landscape plan of the housing development. It sets an undesirable precedent for similar incursions within the immediate area and the district as a whole, resulting in the long term detriment of the overall amenity of the area.

The development is therefore contrary to policy Hou 5 (open space provision) and COM2 (open space) of the West Lothian Local Plan.

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



West Lothian  
Council

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## HANDLING REPORT

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<b>Ref. No.:</b>	0770/FUL/14	<b>Email:</b>	lindsey.patterson@westlothian.gov.uk
<b>Case Officer:</b>	Lindsey Patterson	<b>Tel No.:</b>	01506 282311
<b>Ward:</b>	Broxburn, Uphall and Winchburgh	<b>Member:</b>	Tony Boyle Diane Calder Janet Campbell Alexander Davidson

<b>Title</b>	Change of use from open space to private garden ground (grid ref. 306205 671414) at 29 South Middleton, Uphall, EH52 5GA
<b>Application Type</b>	Local Application
<b>Decision Level</b>	LIST 12/12/2014
<b>Site Visit</b>	<a href="#">21/12/2014</a>
<b>Recommendation</b>	Refuse Permission
<b>Decision</b>	GRANT PLANNING PERMISSION
<b>Neighbour Notification</b>	Neighbour notification procedures have been have been carried out correctly - case officer verification _____

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## Description of Proposals

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The proposal is for the change of use from open space currently used as landscape planting to private garden ground.

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## Site History

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None

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## Representations

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

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## Consultations

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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
Land and Net Services	None	None Provided	As no comments were provided it is assumed that there are no objections raised.

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## Policy

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Plan	Policy	Assessment	Conform
West Lothian Local Plan	Policy HOU 5  Provision of Open Space within Residential Areas	As the proposal is to remove an area of landscaped planting to be used as garden ground, it is considered that would set an undesirable precedent within the area which would therefore result in a detrimental impact on the visual and residential amenity within the street.	No
West Lothian Local Plan	Policy Com 2  Loss of Open Space.	Proposal would set an undesirable precedent within the area which would significantly reduce the areas of open space throughout the site.	No

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## Conclusions and Reason for Decision

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The application site is currently used as landscape planting to edge one side of a connecting path between the housing estate and a large area of open space. The planting on both sides of the path is established and well maintained and is an important feature of the visual amenity of the streetscene.

Should the site be incorporated into garden ground, it is likely that a fence would be erected directly adjacent to the path which may appear out of place and have a negative impact on the visual amenity of the streetscene. Should the neighbouring property also apply for a similar proposal this would change the appearance of the footpath from open and welcoming to narrow and conatraind, reducing its attractiveness for local residents.

Granting of this application may also set a precedent within the area which may result in limited areas of landscaping. Developers are encouraged to incorporate amenity areas and landscaping within new housing developments and this site has been specifically designed to conform to such guidance in creating areas of open space. Removing spaces such as the application site would greatly reduce visual amenity.

The proposal is therefore considered to be unacceptable in terms of required open space provision within residential areas and does not accord with policy HOU 5 of the West Lothian Local Plan.

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**List of Review Documents**

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**Approved ☐ Refused ☐ drawings schedule:**

1 of 3      Location Plan  
2 of 3      Site Plan  
3 of 3      Picture of Proposed Change of Use Area

**Other relevant documents:** None

**Case Officer** .....

**Date**.....

**Senior Officer**.....

**Date**.....

**Development Management Manager**.....

**Date**.....



**WEST LOTHIAN COUNCIL LOCAL REVIEW BODY**

**MEMBERS' CHECKLIST**

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

<b>1</b>	<b>Type of decision being reviewed</b>	
<b>2</b>	<b>Procedural issues from the processing of the Review</b>	
<b>3</b>	<b>New matters not before the Appointed Person when the decision was made</b>	
<b>4</b>	<b>Development Plan policies</b>	
<b>5</b>	<b>Relevant material considerations</b>	
	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	
<b>6</b>	<b>Considerations <u>not</u> to be taken into account</b>	
<b>7</b>	<b>Factual disputes to be resolved</b>	
<b>8</b>	<b>Conditions required or not, available or not</b>	
<b>9</b>	<b>Requirement for develop contributions, and for what</b>	
<b>10</b>	<b>Requirement for legal agreement for other reasons</b>	

**PART 2 – FIRST MEETING PROCEDURAL DECISIONS**

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

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

### **PART 3 – ADJOURNED FIRST MEETING PROCEDURAL DECISIONS**

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

### **PART 4 – DETERMINATION OF THE REVIEW**

<b>1</b>	<b>Is the development in accordance with the development plan or is it contrary to the plan?</b>	
	The policies it complies with	The policies it breaches
<b>2</b>	<b>Does the development accord with national planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>3</b>	<b>Does the development accord with local planning guidance?</b>	
	The guidance it complies with	The guidance it breaches
<b>4</b>	<b>Relevant material considerations</b>	
	What relevant considerations exist	The weight to give them and how to balance them
<b>5</b>	<b>In applying the statutory test, what is the LRB's decision?</b>	
	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	