



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

11 May 2016

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 18 May 2016 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 13 April 2016 (herewith).

Public Items for Decision

5. Application No.0083/FUL/16 - Erection of secondary school to replace existing West Calder High School with swimming pool, floodlit multi-use games area and grass pitch for school and community use at land east of Parkhead Primary School, Harbburn Road, West Calder (herewith)
6. Application No.0106/FUL/16 - Erection of house at Selms and Lawhead Farms, Kirknewton (herewith)
7. Application No.0153/H/16 - Single storey extension and erection of a 1.8 metre boundary wall to the front of house at 43 Bankton Way, Livingston

(herewith)

Public Items for Information

8. Action taken in terms of Standing Order 31 (Urgent Business) - Note approval provided for the submission of an additional written statement in relation to a planning appeal lodged following refusal of planning permission for the erection of up to 42 flats with associated car parking and landscaping at land at Jarvey Street and Main Street, Bathgate (herewith).
9. Consider list of delegated decisions on planning applications and enforcement actions from 8 April 2016 to 16 May 2016 (herewith).
10. Appeal - Application No.0820/FUL/15 - Application under Section 42 for the variation of condition 3 of planning permission 0519/FUL/12 for an EWT direct wind 52 turbine to be constructed in place of the approved Enercon E33 turbine at Ormiston Farm, Kirknewton

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST Lothian Council held within Council Chambers, West Lothian Civic Centre, on 13 April 2016.

Present – Councillors Alexander Davidson (Chair), Tom Kerr, Stuart Borrowman, William Boyle, Harry Cartmill, Lawrence Fitzpatrick, Greg McCarra, Barry Robertson and David Tait

1. DECLARATIONS OF INTEREST

Agenda Item 5 (App No.0027/H/16) – Councillor Fitzpatrick declared a non-financial interest in that he was acquainted with one of the objectors but would take part in the item of business; and

Agenda Item 5 (App No.0027/H/16) – Councillor Davidson declared a non-financial interest in that he was acquainted with one of the objectors but would take part in the item of business

2. MINUTE

The committee confirmed the Minute of its meeting held on 16 March 2016. The Minute was thereafter signed by the Chair.

3. APPLICATION NO. 0027/H/16 - EXTENSION TO REAR OF HOUSE AT 6 EASTERFIELD COURT, LIVINGSTON VILLAGE, LIVINGSTON

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

<u>App No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0027/H/16	Single storey extension to rear of house at 6 Easterfield Court, Livingston Village, Livingston	Grant planning permission

The committee then heard Mr J D Keegan and his Planning Consultant Derek Blair speak in support of their objections to the application

The committee then heard Mr B Robertson, the applicant, speak in support of the application.

Motion

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

- Moved by the Chair and seconded by Councillor Kerr

First Amendment

To refuse the application due to a loss of amenity and a significant loss of light to the neighbouring properties and therefore the application did not conform to HOU9 of the West Lothian Local Plan.

- Moved by Councillor Borrowman and seconded by Councillor Boyle

Second Amendment

To continue the application for two cycles to allow for officers to carry out a longitudinal survey

- Moved by Councillor Fitzpatrick and seconded by Councillor McCarra

Decision

In the first vote between the motion and the first amendment the motion was successful by 4 votes to 3. In the second vote between the motion and the second amendment, which received 3 votes each, the motion was successful on the casting vote of the Chair and was agreed accordingly.

4. APPLICATION NO. 0066/FUL/16 - CHANGE OF USE AND SUB-DIVISION OF CLASS 1 SHOP TO FORM CLASS 3 CAFE AT 20-24 GEORGE STREET, BATHGATE

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0066/FUL/16	Change of use and sub-division of class 1 shop to form class 3 cafe	Approve planning permission subject to conditions.

The committee then heard from Tracy Murdoch and Colin Hilditch of Kidzeco both speak in support of their objections to the proposal.

The committee also noted that whilst Helen Sneddon had requested to speak she had not attended the meeting.

The committee then heard from Ian Gracie, the applicant's agent, speak in support of the application.

Motion

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

- Moved by the Chair and seconded by Councillor Kerr

Amendment

To refuse planning permission as the proposal did not accord with policies TC12 and TC14 of the West Lothian Local Plan and to approve the proposal would have a detrimental effect on the viability and vitality of the town centre.

- Moved by Councillor Boyle and seconded by Councillor McCarra

Decision

Following a vote the amendment was successful by 6 votes to 3 and it was agreed accordingly.

5. APPLICATION NO. 0110/FUL/16 - CHANGE OF USE FROM INDUSTRIAL UNIT TO TRAMPOLINE PARK AT 3 KINGSTHORNE PARK, HOUSTON INDUSTRIAL ESTATE, LIVINGSTON

Councillor Kerr and Robertson took no further part in the remaining items of business.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0110/FUL/16	Planning permission in principle for the change of use from an industrial unit to a trampoline park (class 11)	Grant planning permission subject to conditions

The committee then heard Eileen Bowden, the applicant and local ward member Councillor Carl John both speak in support of the application.

Decision

To approve the terms of the report and grant planning permission subject to conditions and to include the additional condition that bollards were to be installed along the length of footpath at the development site.

6. APPLICATION NO. 0861/P/15 - PLANNING PERMISSION IN PRINCIPLE FOR A 0.5HA RESTAURANT WITH ANCILLARY OFFICE AND RESIDENTIAL ACCOMMODATION AT UNIT 8, FAIRWAYS BUSINESS PARK, LIVINGSTON

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

Application No.	Proposal	Recommendation
0861/FUL/15	Planning permission in principle for a 0.5ha restaurant with ancillary office and residential accommodation at Fairways Business Park, Livingston	Refuse planning in principle

The committee then heard the applicant's agent, Alan Farningham, speak in support of the application.

Motion

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

- Moved by the Chair and seconded by Councillor McCarra

Amendment

To grant planning permission, with conditions delegated to the Development Management Manager as the site had remained unused for some time, the owner was proposing a reasonable use for the site which would augment existing leisure opportunities in West Lothian and any displacement from existing town centre restaurants would be minimal.

- Moved by Councillor Borrowman and seconded by Councillor Boyle

Decision

Following a vote the amendment was successful by 4 votes to 3 and it was agreed accordingly.

7. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The committee was asked to note the action taken in terms of Standing Order 31 (urgent business) for the submission of a written statement in relation to a planning appeal lodged following refusal of planning for the erection of up to 42 flats with associated car parking and landscaping at land at Jarvey Street and Main Street, Bathgate.

In noting the course of action taken members of the committee expressed concern at the content of the covering report and in particular the recommendation of the report which suggested that committee was being

asked to approve the submission rather than just note the submission.

The Clerk explained that the action taken had been in accordance with Standing Order 31 (urgent business) which allowed the clerk to authorise to take any necessary action where a matter arose of such urgency that it could not await the decision of the council or committee. However the Clerk undertook to review the wording for any similar reports in the future to ensure that they were clear on what was being asked of committee.

Decision

- 1) To note the action taken in terms of Standing Order 31 (urgent business); and
- 2) To request that officers consider the nature of the wording and the recommendation of reports when reporting such action to future Development Management Committee meetings.

8. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated decisions and enforcement actions for the period 11 March 2016 to 18 March 2016 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use at Land east of Parkhead Primary School, Harburn Road, West Calder

2 DETAILS

Reference no.	0083/FUL/16	Owner of site	West Lothian Council
Applicant	West Lothian Council	Ward & local members	Fauldhouse & Breich Valley David Dodds Greg McCarra Cathy Muldoon
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to committee: Number of objections.

3 RECOMMENDATION

- 3.1 Grant planning permission subject to conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for full planning permission for a new high school to replace West Calder High School.
- 4.2 The site lies to the east of Parkhead Primary School and the residential properties at Harburn Drive and Hermand Gardens. The site forms part of an area of larger open space on the eastern edge of West Calder.
- 4.3 The new high school is designed to accommodate 1100 pupils. The school building will be situated to the south of the existing West Calder to Polbeth core path that runs in an east-west direction through the site. As the land rises to the south, the building is split level to utilise the change in ground levels. The building has its principal elevation fronting onto the core path and this has significant areas of glazing to provide an attractive and welcoming feature.
- 4.4 To the north of the core path is parking for staff and visitors and drop-off parking for parents. Bus/coach parking is adjacent to the car parking.

- 4.5 Vehicular access to the site is off the A71 via a new road and bridge that crosses the railway line. This new road already has planning permission and does not form part of the present planning application.
- 4.6 To the south of the school building is a floodlit multi-use games area (MUGA) and grass pitch. The orientation and position of these have been revised during the processing of the planning application to address concerns raised by adjacent residents. The hours of operation of the MUGA will be 8am to 9.30pm.
- 4.7 The proposal will involve the loss of some trees and habitat. This is compensated for through new tree planting and a habitat management plan.
- 4.8 Construction works will necessitate the closure of the West Calder to Polbeth core path as it cuts through the site. Alternative routes will be available for use during the construction period and these will be advertised and signposted.
- 4.9 Construction traffic to the site will initially be routed off Harburn Road and along the existing right of way past the cemetery. Once the new road off the A71 is complete at the end of 2016, all construction traffic will then use it.
- 4.10 The application is supported by:
- (a) Transport assessment
 - (b) Level 1 Flood risk assessment
 - (c) Drainage assessment
 - (d) Preliminary ecological appraisal
 - (e) Arboricultural survey
 - (f) Environmental report
 - (g) Bat survey report
 - (h) Breeding bird survey report
 - (i) Great crested newt survey report
 - (j) Habitat management plan
 - (k) Design & access statement,
 - (l) Pre-application consultation report
 - (m) Report on site investigations
 - (n) Factual report on site investigations
 - (o) Geotechnical & geoenvironmental desk study & interpretative report.
 - (p) Data structure report for archaeological evaluation

History

- 4.11 Due to the nature of the proposal, it was subject of statutory pre-application consultation. A proposal of application notice was submitted in June 2015 (0419/PAC/15).
- 4.12 The access road and associated bridge crossing off the A71 that will serve the school was granted planning permission in November 2015 (0675/FUL/15). This is presently under construction and is due for completion at end of 2016.
- 4.13 Members should note that the replacement school project has been developed following a review of an original proposal to extend West Calder High School to provide further physical education facilities that was dropped due to site constraints (ethylene pipeline)

and an assessment for value for money. Funding options were discussed with the Scottish Government and it offered funding for a replacement school provided the project was complete by March 2018 and land was secured to mitigate deliverability risk.

- 4.14 Members should also note that on 16 December 2014 the council's Education Executive approved: (a) the findings from a site search exercise for the location of a replacement high school, (b) the location of the replacement school to be on land at Parkhead and (c) to commence statutory education consultation on the building of the replacement school at Parkhead.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and a total of 25 representations were received. This comprises of 23 individual objection representations and comments from West Calder & Harburn Community Council and from Polbeth Community Council.
- 5.2 The representations are summarised below. The full representations are attached to this report. The representations from the two community councils are summarised in section 6 of this report.

Comments	Response
The site is open space and should not be used for a school.	The site is shown as part of an area of open space in the local plan. There is justification for its development for a school.
Wildlife and habitat will be damaged by the school.	There will be some loss of habitat and trees. The proposals include compensation tree planting and habitat management of adjacent open space.
The school will cause traffic congestion.	A transport assessment demonstrates that the road network can accommodate traffic from the development. The proposal includes a direct access off the A71 and adequate parking for cars and buses/coaches.
The ground conditions include contaminated material and this must be properly controlled.	Significant site investigations have been carried out. This has identified asbestos but it is outwith the development area and so is not affected. Ground gas protection measures are required and the detail of this will be submitted in a remediation statement.
The school and in particular the MUGA will create noise and disturbance to adjacent residents.	It is acknowledged that the introduction of a school on the site will create a degree of noise. The MUGA has been moved to the east side of the site, away from the houses on the west site boundary, in order to reduce noise and disturbance impacts.
The school will create air pollution that will affect adjacent residents.	The school will have a minimal impact on air quality and there was no requirement for an air quality assessment.
Construction works will adversely affect residential amenity.	It is acknowledged that construction works could harm residential amenity if not adequately controlled. Planning conditions will require the submission of a construction traffic management plan and a dust management plan. Planning conditions will also control construction hours.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Transportation	No	The revised layout is satisfactory. Any construction traffic off Harburn Road should be outwith the starting and finishing times of the adjacent primary school.	Noted.
WLC Environmental Health	No	Recommend planning conditions to control construction works and a dust management plan.	Noted.
WLC Flood Risk Management	No	The drainage proposals are acceptable	Noted.
WLC Contaminated Land Officer	No	The submitted site investigation information is satisfactory. Remediation statement is required for ground gas protection measures.	Noted.
WLC Community Arts	No	Public art required.	Noted.
West of Scotland Archaeology Service	No	The site has been the subject of archaeological evaluation.	Noted.
SEPA	Yes	Accept that the site is not at risk of flooding and find the drainage proposals to be acceptable.	Noted.
Network Rail	No	Developer to contact Network Rail about construction matters.	Noted.
West Calder & Harburn Community Council	No	The community council met with Parkhead Parent Council where feedback from the proposal was obtained. The replacement school is broadly welcomed. The community council will comment on the detail of the proposal at the planning committee meeting.	Noted.
Polbeth Community Council	No	The community council are in full support of the replacement school.	Noted.

7 PLANNING POLICY ASSESSMENT

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

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

7.3 Relevant development plan policies are listed below.

Plan	Policy	Assessment	Conform
WLLP	<p>ENV 31 Development in the countryside</p> <p>This policy states that new development will not normally be approved and sets out policy exemptions.</p>	<p>The site is outwith the settlement boundary of West Calder. The proposal does not meet any of the policy exemptions.</p> <p>However, it is considered that there is justification for the school on the site for the following reasons:</p> <ul style="list-style-type: none"> (a) The replacement school requires to be close to the existing school. (b) The site is large enough to accommodate a school and is deliverable. (c) The site is adjacent to the existing built development of West Calder and its development for a school will have minimal impact on the character and amenity of the countryside. (d) Impacts on wildlife, trees and habitats are acceptable and mitigation is proposed. 	No
WLLP	<p>ENV 6 Environmental / biodiversity assessment</p> <p>This policy requires an appropriate level of environmental / biodiversity assessment to be carried out for development proposals.</p>	<p>Suitable assessments have been submitted. These adequately address matters and include relevant mitigation. This can be controlled by a planning condition.</p>	Yes
WLLP	<p>HER 16 Archaeological assessment</p> <p>This policy requires an archaeological assessment in advance of determination of a planning application, where appropriate.</p>	<p>Archaeological evaluation has already been carried out.</p>	Yes

Plan	Policy	Assessment	Conform
WLLP	<p>COM 2 Open space</p> <p>This policy resists the loss of open space. It states that proposals to develop or change the use of open space areas will be assessed against the following criteria: (a) a locational justification for the development; (b) the importance of the open space for recreation or amenity; (c) disturbance and loss of trees, woodlands and wildlife habitats or green corridors; and (d) the availability and accessibility of alternative suitable open space, including the suitability of any replacement provision proposed by a developer.</p>	<p>The site is identified as being part of a wider area of open space. The site also includes part of Parkhead neighbourhood park. The proposal can be assessed against the policy criteria as follows:</p> <ul style="list-style-type: none"> (a) There is a locational justification for the school as it is the only suitable site that is close to the existing school that is large enough and deliverable. (b) The open space that will be lost is principally mixed plantation woodland that is relatively young and is has established to varying degrees of success. The open space has some local importance for recreation and amenity but not to such an extent as to prohibit its loss. (c) There will be loss of trees, principally young plantation woodland, and loss of amenity grassland. However, this is limited to that part of the wider area of open space that is nearest the existing built development of West Calder. (d) A significant area of open space on the eastern edge of West Calder will still be retained and be accessible. 	In part
WLLP	<p>COM 11 Public art</p> <p>This policy requires developers of certain proposals to provide or contribute towards public art.</p>	A contribution of £15,000 will be provided.	Yes
WLLP	<p>HOU 9 Residential and visual amenity</p> <p>This policy requires the amenity of</p>	The proposals will impact on residential amenity due the change in character from open space to a school. However, the	Yes

Plan	Policy	Assessment	Conform
	neighbouring residential properties to be protected.	layout and design has limited these impacts and amenity will be protected to an acceptable degree.	
WLLP	ENV 11 & 14 Woodland & trees These policies require woodland and trees of amenity value are to be protected and new woodland & tree planting is supported.	While there will be loss of young plantation woodland, these is of limited amenity value. The mature semi-natural trees will be retained. New tree planting will be provided.	Yes
WLLP	TRAN 2 Transport impacts This policy states that development will only be supported where the transport impacts are acceptable.	The transport assessment has demonstrated there are acceptable impacts on the road network. The site is accessible by a range of travel modes.	Yes
WLLP	TRAN 12 Sustainable transport This policy states that planning applications should provide for ease of pedestrian and cycle movements and access to public transport.	The layout and design achieves these aims.	Yes
WLLP	TRAN 33 Parking standards This policy requires the council's parking standards to be met.	Parking meets requirements.	Yes
WLLP	NWR 19 Contaminated land This policy requires site investigation and remediation.	Site investigations have been carried out. Appropriate remediation will be implemented.	Yes
WLLP	IMP 6 SUDS This policy requires development to comply with current best practice on sustainable urban drainage practices.	The drainage proposals meet requirements.	Yes
WLLP	IMP 7 Flooding This policy requires a flood risk assessment where flooding is considered to be a risk.	The flood risk assessment shows the site is not at risk of flooding.	Yes
WLLP	IMP14	The requirements of the SPG are	Yes

Plan	Policy	Assessment	Conform
	<p>Supplementary planning guidance</p> <p>This policy requires compliance with the council's supplementary planning guidance.</p> <p>The following SPG apply:</p> <ul style="list-style-type: none"> • Public art • Flood risk and drainage • Contaminated land 	met.	
WLLP	<p>IMP 15 Design</p> <p>This policy requires high design in all developments.</p>	The school design is fit for purpose and a high quality is achieved.	Yes

7.4 Other planning policy documents of relevance are

- West Lothian Local Development Plan Proposed Plan
- Scottish Planning Policy (SPP)
- Creating Places
- Designing Streets
- Planning Advice Notes (PAN):
 - PAN 33 *Development of Contaminated Land*
 - PAN 60 *Planning for Natural Heritage*
 - PAN 61 *Planning and Sustainable Urban Drainage Systems*
 - PAN 65 *Planning and Open Space*
 - PAN 75 *Planning for Transport*
 - PAN 77 *Designing Safer Places*
 - PAN 78 *Inclusive Design*
 - PAN 79 *Water and Drainage*
 - PAN 2/2011 *Planning and Archaeology*

8 ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 8.3 The site is outwith the settlement boundary of West Calder as identified in the WLLP and it forms part of a larger area of open space. It is accepted that the proposal is contrary to policy ENV 31 (development in the countryside). It is also accepted that there is some conflict with policy COM 2 (open space).

- 8.4 There is need to build a replacement school that is close to the existing location and this is a circumstance that was not foreseen by the local plan. This is material planning consideration.
- 8.5 The site for the school is close to the existing school and its position adjacent to the existing built development of West Calder limits impacts on the surrounding countryside.
- 8.6 There will be a loss of open space and associated trees and habitats to accommodate the school. However, the trees are young plantation woodland of limited amenity value and a significant area of open space adjacent to the school site will still be retained.
- 8.7 There will be mitigation of tree and habitat loss through implementation of a habitat management plan and this will help offset impacts on these features.
- 8.8 The site is close to West Calder railway station, is well served by footway/footpath links and the proposal incorporates adequate parking via a direct road access off the A71. These factors will allow travel to the school by a range of modes and mitigate against potential traffic impacts on surrounding residential streets. There will be a need to close the West Calder to Polbeth core path where it passes through the site during construction works. Alternative routes will be advertised and signposted. Construction traffic will be controlled by means of a management plan and this will be the subject of a planning condition. The transport impacts of the proposal are thus acceptable.
- 8.9 Contaminated land matters have been adequately addressed by the site investigations and ground gas protection remediation measures will be implemented.
- 8.10 Impacts on adjacent residents have been mitigated by relocating the position of the multi-use games area and the hours of operation of this will be limited to 9.30pm to further safeguard residential amenity.
- 8.11 The West Lothian Local Development Plan Proposed Plan is a material consideration. The LDP includes the site within the settlement envelope of West Calder and identifies land at Parkhead for a new high school with associated access road. The proposal is thus supported by the LDP.
- 8.12 The representations received and comments from the community councils are a material consideration. They have been summarised and responded to above.

9	SUMMARY AND CONCLUSIONS
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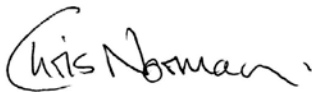
- 9.1 The proposal for a replacement high school is contrary to the West Lothian Local Plan with regard to policy on development in the countryside and in part with regard to policy on open space.
- 9.2 However, there are material considerations that weigh in favour of the proposal. Firstly there is a present requirement for a site for a replacement high school that is close to the existing school, is of sufficient size and is deliverable in order to complete the project by March 2018. Secondly, the site is adjacent to the existing built development of West Calder and thus will have minimal impact on the character or integrity of surrounding countryside. Thirdly, while there will be some loss of open space and trees/habitat, this is

of limited local importance and mitigation is proposed. Lastly, the West Lothian Local Development Plan Proposed Plan identifies the site for a new school.

- 9.3 It is thus concluded that there is sufficient justification for a departure from the local plan to allow the construction of a replacement school on the site.
- 9.4 The matters raised in the third party representations have been considered but do not outweigh the considerations in favour of the proposal.
- 9.5 The replacement school will provide a modern and high quality educational facility that will have significant benefits for pupils. The replacement tree planting and habitat management proposals will mitigate the adverse natural heritage impacts of developing the site and benefit the remainder of the open space at this locality.
- 9.6 It is thus recommended that the committee grant planning permission subject to conditions.

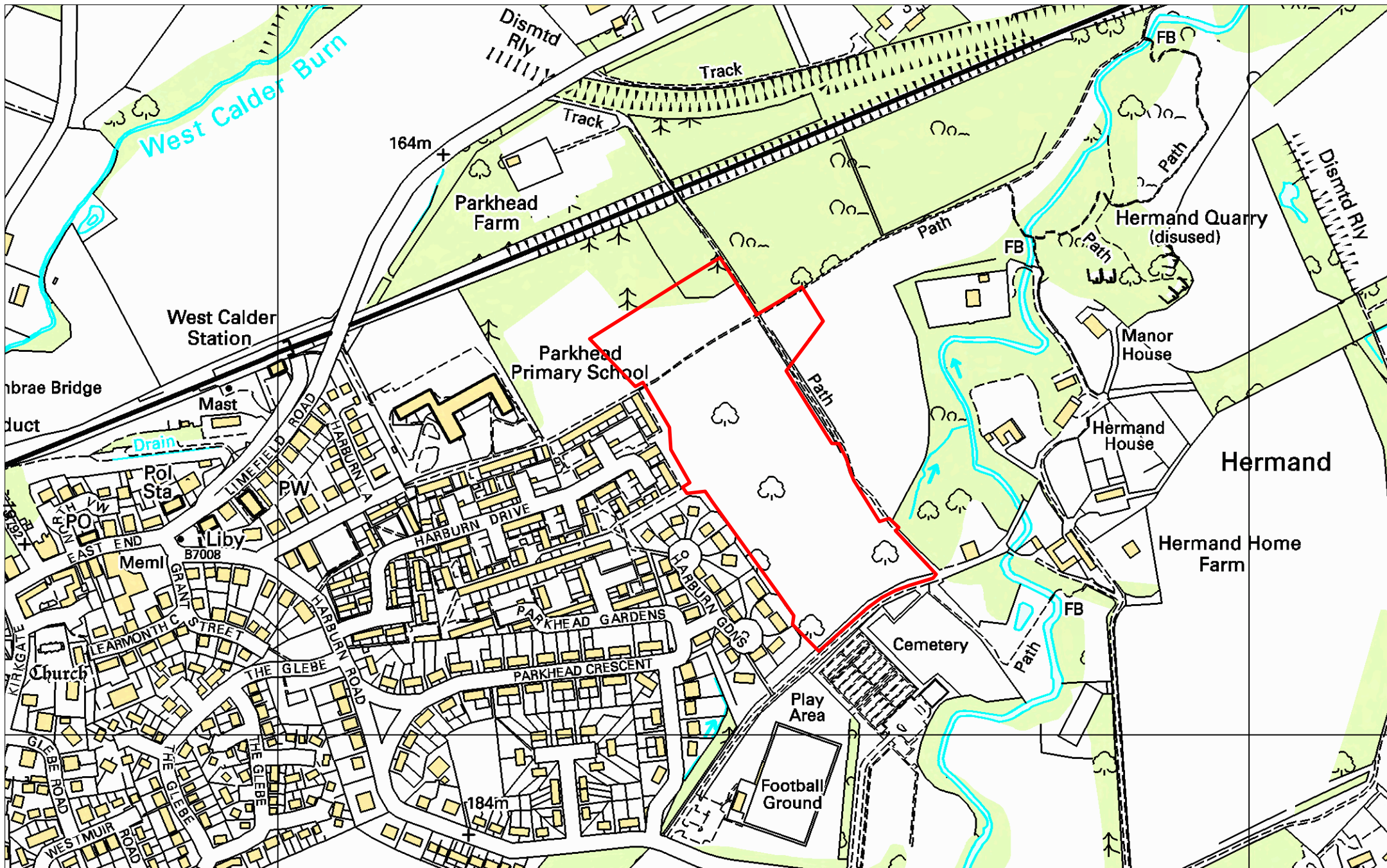
10 ATTACHMENTS

- Location plan
- Layout plans
- Section plans
- Elevation plan
- Temporary path diversion plan
- Representations
- Consultation response from West Calder & Harburn Community Council
- Consultation response from Polbeth Community Council
- Draft conditions



CHRIS NORMAN
Development Management Manager

Date: 18 May 2016



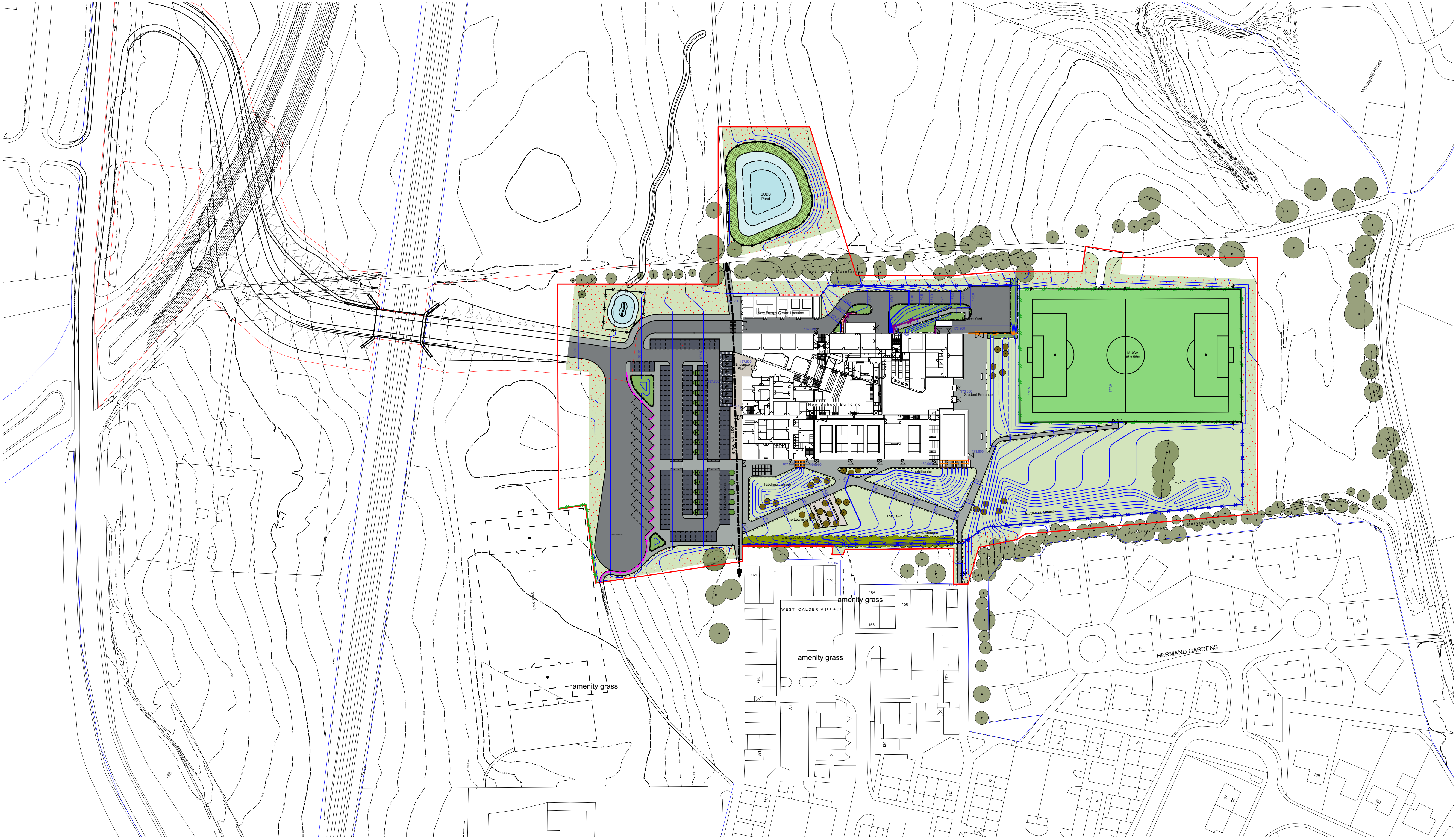
0083/FUL/16

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Note:
Work to written dimensions only.
All dimensions to be checked on site.
Do not scale from drawing.
Any drawing errors or inconsistencies should be brought to the attention of rankinfraser landscape architecture as soon as they become apparent.

C	29/4/16	Section of fence around existing grass pitch added
B	14/4/16	FFL amended and bus turning area amended, Flood lights added, earthworks revised and fencing legend revised
A	17/3/16	Drawing reissued for planning, with pitch moved further away from adjacent homes and turned 90°. Close board fence omitted and bus turning area reconfigured, Mounding added along western boundary

rev date revision notes

rankinfraser
landscape architecture

project project nr 1425

West Calder High School

client

Morrison Construction

drawing title

External GA Plan Wider Context

drawing nr

WCHS-L-G(92)-010

date	rev	scale
29.04.2016	C	1000 @ A1

issue

information
bidding
tender
construction
final construction

6 Damaway Street Edinburgh EH3 6BG
0131 226 7071
mail@rankinfraser.com www.rankinfraser.com

LEGEND

HARD LANDSCAPE WORKS

- Permeable block paving laid over permeable sub base to engineers specification. Bays marked by white blocks, Marshalls Priora or equivalent approved
- Carriageway in car park to engineer's specification
- Asphalt footpath to engineer's specification
- Small unit precast concrete paving, 300x75x80mm (Hardscape 'Breccia' colour 'marrone' from Kellen range or equivalent approved), sub base to engineers specification
- 50mm depth silver grey self-binding gravel, product Cedec 1/ S31, Supplier CED or equivalent approved, laid on permeable sub base

- Steps, single unit precast concrete with acid etched, colour silver grey. With bespoke stainless steel Handrails, foundation to engineers specification
- Gabion baskets hand filled, with gabion stone, set on type 1 foundation to engineers specification
- 3G artificial turf illuminated training area
- SUDS access route
Allow for maintenance access route around SUDS pond using proprietary plastic grid reinforced grass system i.e. Gridforce G50 Paver filled with 60-40 rootzone, clean friable topsoil or blended loam laid over 60mm deep 60-40 rootzone and 200mm depth free draining well compacted stone sub-base, D1T Clause 805 Type 3 or equivalent

SOFT LANDSCAPE WORKS

- Proposed informal tree planting, Refer to Planting Plan 1425-LG(92)-002
- Proposed formal tree planting, Refer to Planting Plan 1425-LG(92)-002
- Woodland blocks planting
woodland planting detail ground finish: 50mm bark mulch
Refer to Planting Plan 1425-LG(92)-002
- Groundcover, planted into Geoweb soil stabilisation mat or equivalent
Refer to Planting Plan 1425-LG(92)-002
- Proposed native species meadow
Refer to Planting Plan 1425-LG(92)-002
- Proposed amenity grass seeding
Refer to Planting Plan 1425-LG(92)-002

FENCING

- Ball Stop Fence Galvanised weld mesh with softwood kickboards, refer to drawing WCHS-L-G(92)-008
- Boundary fence Galvanised powder coated wire mesh fence size: 2400mm high refer to drawing WCHS-L-G(92)-008
- Internal Boundary fence, Galvanised powder coated wire mesh fence size: 1800mm high refer to drawing WCHS-L-G(92)-008
- balustrade, size: 1100mm refer to drawing WCHS-L-G(92)-008
- Post and wire fence 1100mm high around SUDS pond refer to drawing WCHS-L-G(92)-008
- Hand rail to steps refer to drawing WCHS-L-G(92)-008
- Internal Boundary fence
Mild steel, finish light grey micaceous size: 1100mm high, micaceous iron oxide paint refer to NBS Q40, refer to drawings, WCHS.LD(60)005

STREET FURNITURE

- 24no. Sheffield cycle stands at 1000mm centres providing space for 48no. bikes. FalcoLite cycle shelter supplier Broxap or equivalent approved
- 30no. Stainless steel bollards at external opening doors Not shown on plan due to scale
- 17no. timber benches, product POA113, supplier mmcite <http://www.mmcite.com/en/products> or equivalent
- Floodlighting Equipment, 6 no. x 15m high masts

Note:
Work to written dimensions only.
All dimensions to be checked on site.
Do not scale from drawing.
Any drawing errors or inconsistencies should be brought to the attention of rankinfraser landscape architecture as soon as they become apparent.

G	29/4/16	Section of fence around existing grass pitch added
F	27/4/16	Safety Barrier added around bus turning area.
E	14/4/16	FFL amended and bus turning area amended
D	30/3/16	Flood lights added, earthworks revised and fencing legend revised
C	2/3/16	Drawing reissued for planning, with pitch moved further away from adjacent homes and turned 90°. Close board fence omitted and bus turning area reconfigured. Mounding added along western boundary
B	18/2/16	Energy centre relocated, service yard and carpark realigned & contours resolved
A	15/1/16	Drawing revised inline with VE changes
rev	date	revision notes

rankinfraser
landscape architecture

project project nr 1425

West Calder High School

client

Morrison Construction

drawing title

External General Arrangement

drawing nr

WCHS-L-G(92)-001

date	rev	scale
29.04.2016	G	1:500 @ A1

issue

information

billing

tender

construction

final construction

6 Damaway Street Edinburgh EH3 6BG

0131 226 7071

mail@rankinfraser.com www.rankinfraser.com

LEGEND

HARD LANDSCAPE WORKS

- Permeable block paving laid over permeable sub base to engineers specification. Bays marked by white blocks, Marshalls Piora or equivalent approved
- Carriageway in car park to engineer's specification
- Asphalt footpath to engineer's specification
- Small unit precast concrete paving, 300x75x80mm (Hardscape 'Breccia' colour 'marone' from Kellen range or equivalent approved), sub base to engineers specification)
- 50mm depth silver grey self-binding gravel, product Cedec 1/ S31, Supplier CED or equivalent approved, laid on permeable sub base

- Steps, single unit precast concrete with acid etched, colour silver grey. With bespoke stainless steel Handrails, foundation to engineers specification
- Gabion baskets hand filled, with gabion stone, set on type 1 foundation to engineers specification
- 3G artificial turf illuminated training area
- SUDS access route
Allow for maintenance access route around SUDS pond using proprietary plastic grid reinforced grass system i.e. Gridforce G50 Paver filled with 60:40 rootzone, clean friable topsoil or blended loam laid over 60mm deep 60:40 rootzone and 200mm depth free draining well compacted stone sub-base, DfT Clause 805 Type 3 or equivalent

SOFT LANDSCAPE WORKS

- Proposed informal tree planting.
Refer to Planting Plan 1425-LG(92)-002
- Proposed formal tree planting.
Refer to Planting Plan 1425-LG(92)-002
- Woodland blocks planting
woodland planting detail ground finish: 50mm bark mulch
Refer to Planting Plan 1425-LG(92)-002
- Groundcover, planted into Geoweb soil stabilisation mat or equivalent
Refer to Planting Plan 1425-LG(92)-002
- Proposed native species meadow
Refer to Planting Plan 1425-LG(92)-002
- Proposed amenity grass seeding
Refer to Planting Plan 1425-LG(92)-002

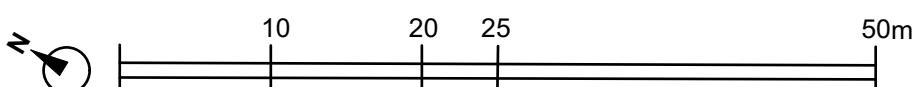
FENCING

- Ball Stop Fence Galvanised weld mesh with softwood kickboards, refer to drawing WCHS-L-G-(92)-008
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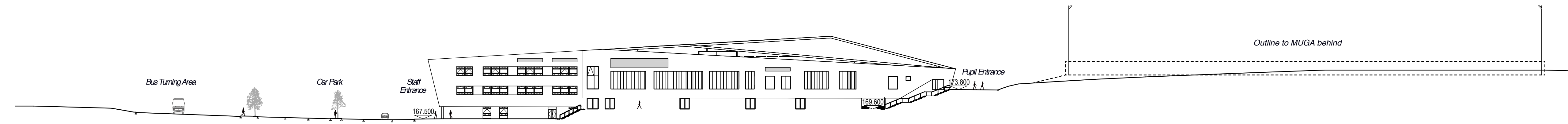
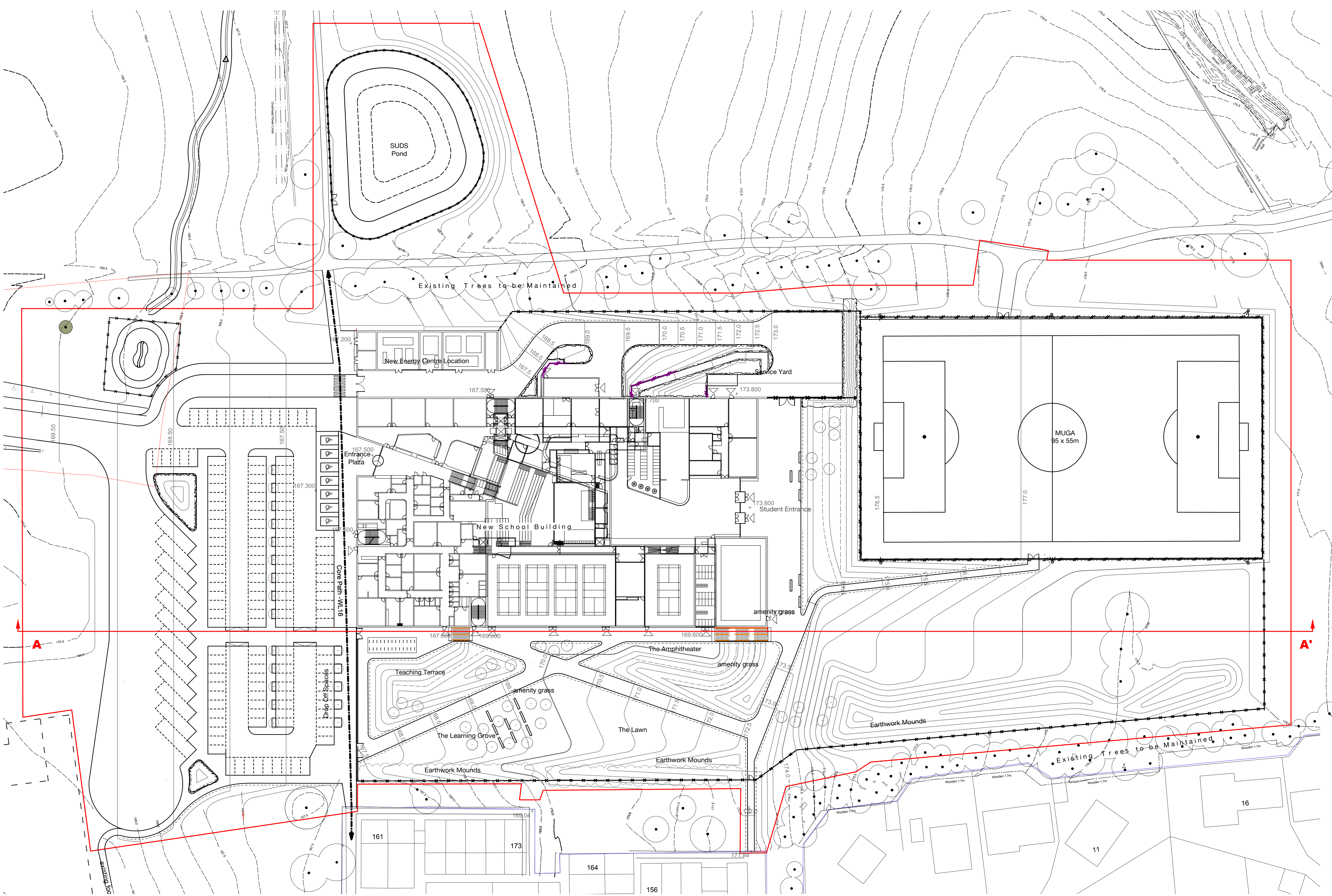
STREET FURNITURE

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- 30no. Stainless steel bollards at external opening doors
Not shown on plan due to scale
- 17no.timber benches, product POA113, supplier mmcite <http://www.mmcite.com/en/products> or equivalent
- Floodlighting Equipment, 6 no. x 15m high masts

Scale 1:500



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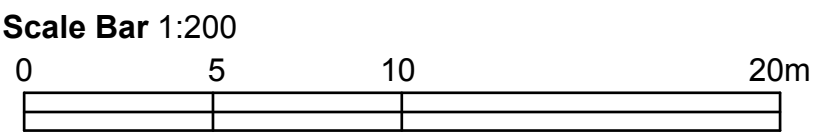
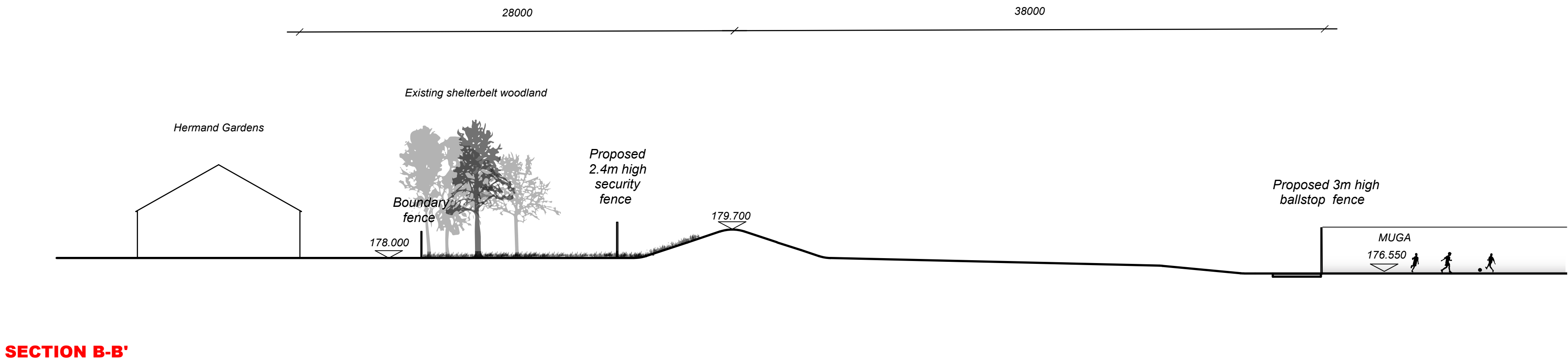
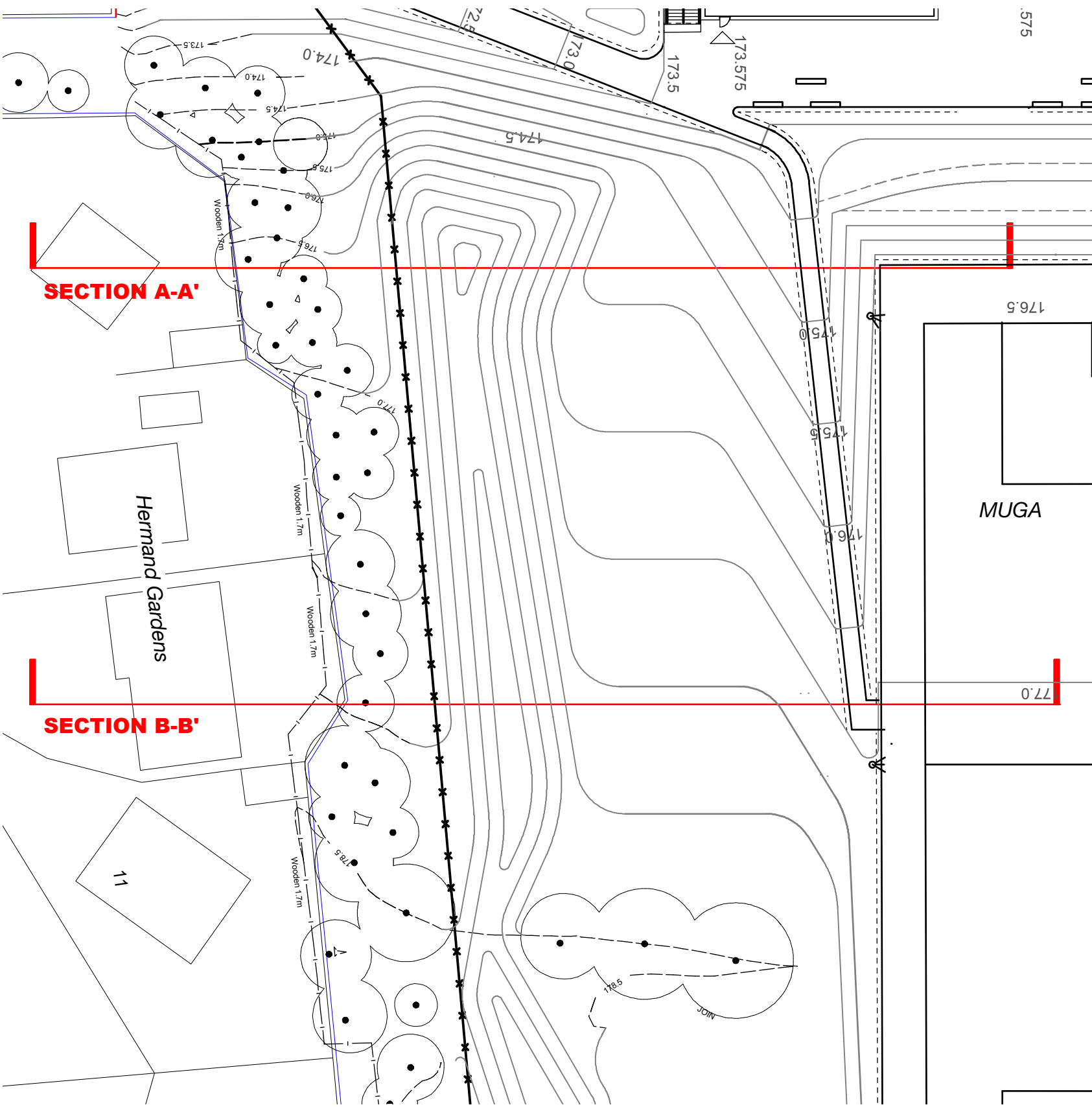
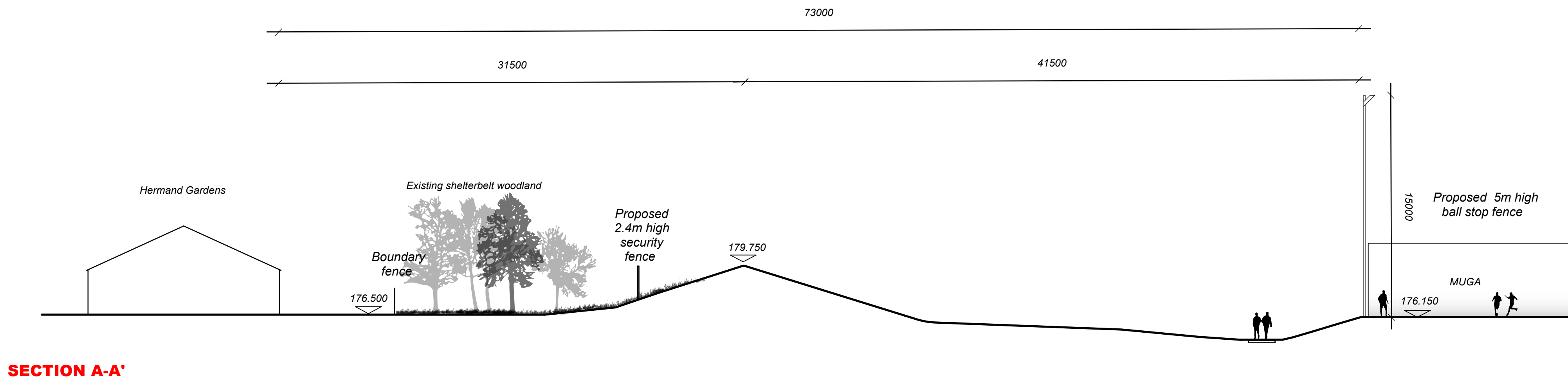


Section A-A'



rev	date	revision notes
rankinfraser landscape architecture		
project		project nr 1425
client		Morrison Construction
drawing title		North/South Sectional Elevation
drawing nr		WCBS-L-G(92)-011
date	rev	scale
13.04.2016	-	500 @ A1
issue		
information		
bidding		
tender		
construction		
final construction		
6 Damaway Street Edinburgh EH3 6BG 0131 226 7071 mail@rankinfraser.com www.rankinfraser.com		

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rev	date	revision notes
C	30/3/16	Flood lights added, earthworks revised and fencing legend revised
B	24/3/16	Drawing reissued for planning, with pitch moved further away from adjacent homes and turned 90°. Close board fence omitted and bus turning area reconfigured, Mounding added along western boundary.
A	15/1/16	Drawing revised inline with VE changes

rankinfraser
landscape architecture

project project nr 1425
West Calder High School
client Morrison Construction
drawing title Sections - Hermand Gardens & MUGA
drawing nr WCHS-L-G(92)-003

date	rev	scale
30.03.2016	C	1:200 @ A1
issue		
information		
billing		
tender		
construction		
final construction		
6 Damaway Street Edinburgh EH3 6BG 0131 226 7071 mail@rankinfraser.com www.rankinfraser.com		



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

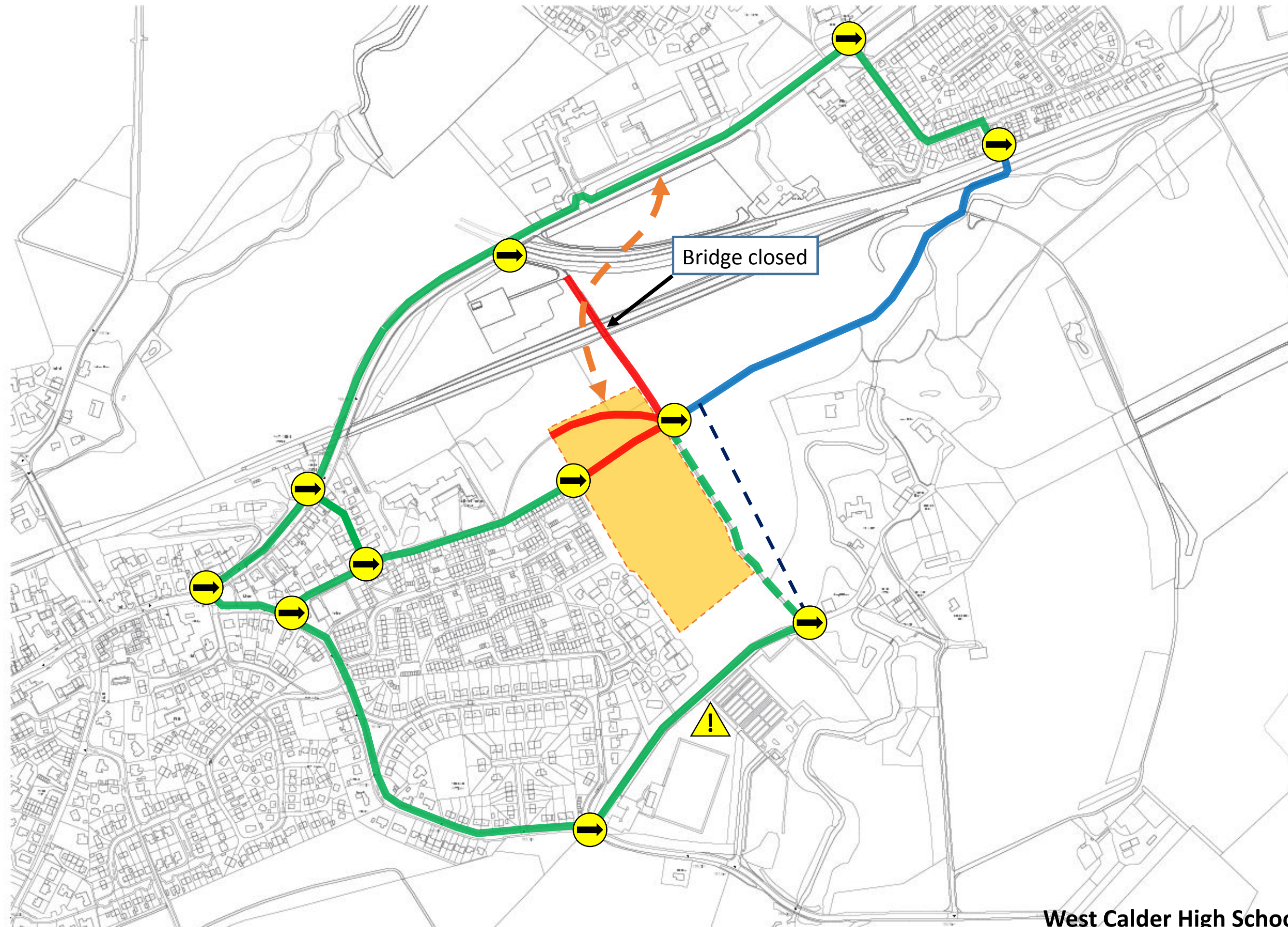
D	10.05.16	Energy centre moved	LP	LD
C	18.04.16	Floor levels adjusted	LP	LD
A	31/07/15	Levels and roof profile altered	SF	
Rev.	Date	Details	Drawn	Checked

INFORMATION

Project/Client:	Project No:
West Calder	IAGG14-0014-00
Secondary School	Dwg No:
Hub South East	L(--)021
	Rev:
	D
Drawing:	Scale:
Proposed Elevations	1:200 @A1
	Drawn By:
	SF
	Checked By:
	Date:

NORR

Elliot Street Mews, 40 Elliot Street, Glasgow, G3 8DZ
T: +44 (0)141 204 6500 F: +44 (0)141 248 4804
www.archinorr.com



- Path Closure (July 2016 – April 2018)
- Section of West Calder/ Polbeth path to remain open
- Diversion Route
- - - Pathway to be closed (July 2016 – Jan 2017)
- - - Temporary diversion (July 2016 – Jan 2017)
- ↖ ↗ Bridge and Access Road Construction (Feb 2016 – Dec 2016)
- Indicative site boundary
- Path diversion signage
- ! Caution – pathway used for construction traffic July 2016 – Jan 2017)

West Calder High School – Temporary Path Diversion Plan

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Miss fiona elliott

Address: 38 harburn drive west calder

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:having 3 kids who will all attend the school i think it will be a fantastic addition, much easier for them to get to school and with community facilities it will benefit anyone that wants to use them

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Janet Wilson

Address: 169 Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although I understand the need for a high school in West Calder I would like to know how close to the houses the school and grounds will be?

Also as this is a 3 story building will this impact on the privacy of the houses?

And will the pool and facilities be open to the public?

Irving, Tony

From: John Garnett <[REDACTED]>
Sent: 12 February 2016 12:21
To: Irving, Tony
Subject: Planning Application 0083/FUL/16 West Calder High School

Dear Tony,

My name is John Garnett and I live at 18 Hermand Gardens, West Calder.

I have the following queries, in respect of the above planning application, which are all associated to the location of my property in relation to the proposed playing fields.

I believe my property to be the closest to the playing fields, in particular the "grass pitch" area.

1. I can't make out the line of the boundary fence on the plans as the colour key doesn't seem to match up. There is a red line shown around the site on the plan; is this the line of the 2.4m fence? If so it seems to be on the line of my back fence?

2. There appears to have been substantial fencing works associated with the "Muga pitch" to provide "acoustic dampening" by way of a 3m timber boarding, and also a 5m high ball stop fence. No doubt to alleviate, to some extent, anticipated problems to Hermand Gardens residents in the vicinity of the Muga pitch while it's in use.

Given my location comment above why has the same fencing not been proposed for the grass pitch so as to also alleviate like problems for myself and the other residents at the "grass pitch" end of the development when it's in use?

3. If the boundary fence is on the line of my back fence it means that the bank of trees behind my house will fall within the boundary of the school and while the plan suggests the trees are to be "maintained" you should be aware that since they were planted I don't believe they have ever been maintained except for residents themselves dealing with overhanging branches and suchlike. Will there be an onus on the provider of the landscaping to provide maintenance to these trees during the development (some are in a poor state) and subsequent to the completion of the works.

I look forward to yours timely response.

yours sincerely,

John Garnett

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Miss Carol Thornton

Address: 171 HARBURN DRIVE, WEST CALDER EH55 8AW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst there is obviously a need for a new West Calder High School I feel the current proposed site is totally inappropriate and do not believe that there is not a more suitable location available within the West Calder area.

I have grave concerns about the findings of both Asbestos and Benzo (a) pyrene which are both toxic and cause Asbestosis and Cancer, along with other serious ailments.

How will this be made safe? What guarantee is there that this will be Fully removed with No Risk (at time of removal or in the future) to myself, all residents and the future pupils at the school?

What will be done about the toxic levels of Benzo (a) pyrene? How will this be made safe?

The underground shale workings will also have to be filled, releasing methane gas in the atmosphere. This is an ozone depleting gas and harmful to the environment.

As the proposed site is old shale mine workings, what are the chances of the areas being built on and surrounding areas collapsing? How stable is the land? Could the disruptions to the land cause possible subsidence to the surrounding properties in the future?

The land was also classified by WLC in 2009 as Land Safe-Guarded for Open Space. Why is this not the case anymore?

What provisions will be made to control access/parking in Harburn Drive both during and after construction? Will the residents receive help towards the maintenance/repair of the parking areas if used by constructors/school staff/pupils families?

How much space will there be between the school and the houses? Will there be a 'Buffer Zone'?

The residents closest to the school will suffer the loss of light/sunlight and privacy.

Will the floodlights be left on all evening/over night?

What will be done to conserve the habitat of the numerous animals and birds. There will be a huge loss of trees natural vegetation and open space.

There will be a great deal of noise and disruption within the Harburn Drive, the local area and along the A71 where it is to be widened and a roundabout built. This area is already traffic congested.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mr Alistair Dawson

Address: 155 HARBURN DRIVE, WEST CALDER EH55 8AW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Residents in Harburn Drive have to pay for maintenance of Car parks in the area as it has not been adopted by the council .

Workers vehicles might park in the area .Parking in here is limited as it is .

The area of the proposed school was land safe guarded for open space why is this not the case anymore?

A significant amount of mature trees will be cut down .

This has been an objection of the forestry commision already.

According to some of the SI Reports,dangerous amounts of Benzo and Pyrene have been found.

Underground shale workings have been found and will have to be filled in before building.This can result in the release of Methane gas which is ozone depleting

Major disruption on the A71 and construction traffic on Harburn Road .

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mr Thomas Erskine

Address: 11 Hermand Gardens West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Who selected this site for new school; what was wrong with ground to east of existing school. this new site will cause terrible traffic problems on the A71, and no doubt have cars dropping off pupils in wrong areas. do any of the planners live in the area or would like this in their back gardens,!!!! time to think again. about a new site. all the mines underneath will always present problems of fumes etc.

is it because the council own the ground they think great we will use it regardless. we think not. do the politicians know about all the problems ???

we are worried about the foul language we will hear from playing fields will it be heard by headteacher !!!!!

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mr John Robertson

Address: 131, Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: West Calder local plan adopted by the council on the 13th January 2009 highlights on document Maps 5 Villages and using Key relating to Maps that the proposed area is classified as Land Safe-guarded as Open Space. The proposed development is therefore a contradiction of the Local Plan.

Dictionary definition of Safeguarded is protected. Protected is definitive and no material considerations should be taken, including as in this case land costs, convenience and time constraints.

The building design does not blend into the existing environment. Drawing visualisation L(--)-803 A clearly show the proposed development has the appearance of a brown metal clad industrial building which is not in keeping with the local countryside and built environment.

Recreation:

Myself, and my family use the current open space daily for recreation. Should the development go ahead this would stop our access to a significant proportion of the open space. This with the visual aspect would have a negative impact on all our lives.

Pollution:

Policy IMP 9 Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality in support of a planning application.

Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively. Where appropriate, planning conditions will be imposed which require air quality monitoring apparatus to be installed.

There is a significant risk of an increase in pollution from vehicle emissions impacting local air quality. This will be a major step change as there is currently no vehicular traffic in this area. Due to the proximity of the development to local housing it could contradict Policy IMP 9 without further

analysis.

Noise:

West Lothian Local Plan Policy IMP 10 There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing

As this is a green field site there is no noise pollution. The proposed development will generate background unwanted noise from vehicular traffic during the construction phase with buses, delivery vehicles and cars after completion and the general daily activities around the development. Due to the proximity of the development it contradicts IMP 10

Trees:

West Calder local plan Policy ENV 11. There will be a presumption against development affecting woodlands and trees unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided

There will be Loss of over 60 mature trees and shrubs. The trees and shrub land add character to the landscape and provide a habitat for bats, birds, deer, foxes, and rodents. Over 100 saplings and young trees have already been destroyed by contractors.

As the area where the development is proposed has mature trees and has been planted with samplings and young trees it is not reasonable to accept that there will be a sustainable environmental gain. This goes against the principle of Policy ENV 11.

Planning document drawing 1425-LG(92)-005 does not demonstrate compliance with ENV 11. Planning document drawing 1425-LG(92)-004 shows 43 trees which have to be removed. The actual number in the area after counting is understated. The actual figure is closer to 60 mostly slow growing deciduous trees.

Parking:

The proposed development is extremely close to existing housing. Due to proximity I am really concerned that the resident's car parking facilities in this area will be abused by contractors and visitors to the proposed development. The car parking is resident parking which is not maintained by WLC. Residents have to pay for repair and maintenance of the car parking areas and it would be inappropriate for WLC to allow abuse of resident parking areas.

Contractor and Sub Contractor reports to Morrison Construction and WLC:

The council has a long standing relationship with Morrison Construction who seem to get the school building contracts in the area. It is of my opinion that this relationship is unhealthy for a number of reasons. There is no competitive tendering process against other principle contractors that I am aware of. Complacency may set in as Morrison Construction appear to get the work regardless. There is a risk that regular partner specialist contractors reporting to Morrison Construction or WLC may understate negative aspects of any reports so they can remain on Morrison Construction and WLC tender list.

West Lothian Council
Development Management

17B Harburn Dr

West Calder

EH55 8AW

24 FEB 2016

20.2.2016

D. T. J. -

LIV/0083/7UL/16

Ref 10

Dear Sirs

I am writing with much concern over the proposed relocation for West Calder High School. The residents received a letter on Mon 14th Feb highlighting asbestos contamination, also toxic Benzene Pyrene. This should be capped and not disturbed. There are many more issues that need to be addressed.

The felling of trees the destruction of wild life habitat for numerous animals and birds. My other concerns are carparking which all residents have to maintain at a cost to themselves. If this continues to be the case and W.L.C. do not adopt this as their own. It should be private residents parking only.

When we purchased our home 33 years ago
it was greenbelt (no concerns) that buildings
would ever interfere with our view, as
our house faces directly onto the field.

A few years ago W.L.C. Planted hundreds of more
trees and invited people in the area to take part
in project and called it Wilderness Park.

So what has changed? Why are trees and
wild life no longer of any importance,

Finally how will all this desription and
mess affect the value of our home?

This hole project has been very badly
handed. All future meetings should be
posted directly to all homes.

Yours faithfully
(Mrs) [REDACTED]

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Claire MacKenzie

Address: 145 Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the proposal on the following grounds:

Loss of Open Space Land & Outdoor Recreation Space

West Lothian local plan adopted by the council on the 13th January 2009 highlights on document Maps 5 Villages and using Key relating to Maps that the proposed area is classified as Land Safeguarded as Open Space. The proposed development is therefore in contradiction of the Local Plan. Our family currently use the open space daily for recreation.

Air Pollution - we are extremely concerned about the increase in air pollution, both during construction works and when the site is operating as a high school building. There will be a significant increase in pollution from vehicle emissions and CO2 emissions from building use which will directly impact on local air quality. Due to the proximity of the development to local housing we would suggest this could contradict Policy IMP 9 of The West Lothian Local Plan without further analysis.

Noise Pollution - as the proposed site is a green field site (open space) there is currently no noise pollution. The proposed development will generate unwanted noise from construction traffic and work methods during the construction phase with noise from buses, delivery vehicles, cars and building occupiers during the lifetime of the building. This would be contrary to West Lothian Local Plan Policy IMP 10.

Protection of Trees and Wildlife Habitats - with a predicted loss of at least 60 mature trees and shrubs, which provide a habitat for bats, birds, deer, foxes, and rodents, there will inevitably be destruction of wildlife habitats. The proposed site area has been planted with samplings and

young trees which are presumably going to be destroyed. This appears to be contrary to West Calder local plan Policy ENV 11.

The proposed development is close to existing housing. Due to proximity we are concerned that residents' car parking facilities will be abused by contractors and visitors to the proposed development during construction stage and then by and then by parents dropping off children when the school is in use. Within Harburn Drive the car parks are only for resident parking and they are not maintained by West Lothian Council; as a WESLO housing scheme the residents pay for maintenance and repairs for the upkeep of the parking areas. This scheme is currently abused extensively by parents dropping off children for Parkhead Primary School.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mr brian hutchison

Address: 13 harburndrive west calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: this is going to cause traffic congestion in harburndrive plus you are wasting a good football pitch which is the kids play on and is used for football training . i think this will cause an accident with traffic congestion ie buses and cars

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Karen Robertson

Address: 131 Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am not looking forward to the new High School being built in West Calder.

I live in Harburn Drive - the closest street to the school - and I anticipate a lot of traffic congestion problems. We already experience daily traffic problems due to the close proximity of Parkhead Primary School. Having two schools so close together will compound this problem. It can be challenging getting in and out of Harburn Drive at 8.30am and 3.20pm due to the Primary School at the moment. Bringing more traffic to this area will make our current problem even worse. I know there will be a new car park built within the new High School but I also suspect that parents will try to avoid school congestion by dropping children off in Harburn Drive as is what currently happens with Parkhead Primary School.

Furthermore, it is us residents who have to pay for the maintenance of the car parks in Harburn Drive. We are invoiced for maintenance and repairs to the roads every January which increases every year. I resent paying this bill already - I don't know anyone else that has to pay for roads and car parks - but expect it will now rocket due to the increased usage through no fault of our own. As an absolute minimum courtesy, the council should take over this bill from now on.

Although I take this opportunity to complain, I'm not really sure why I've bothered, as work has progressed anyway and the council are obviously going forward with this project regardless of residents' opinions. The existing path between Harburn Drive and Polbeth has recently been upgraded and whilst I appreciate it has enhanced the area, I also see a big increase in litter as people have started to use this new path more frequently. This is before the new High School has arrived. Litter may only play a small part in life but this is our home and the litter problem will only

escalate. It is disappointing that this problem is not already being managed and undoubtedly it will get worse. We have also already lost our BMX track which the children used frequently and I am upset that we are going to lose so many trees which will affect wildlife in the area.

So, yes, I do accept that the council have no intention of taking our feelings into account and are steaming ahead with this building, but as a bare minimum, surely they can take on the annual maintenance road bill and clear the litter from the path on a regular basis.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Diane Brines

Address: Whauphill House Hermand Estate West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The use of my access road to my property being used for site traffic and footpath being used as a road to the site.

The surveyors have informed me that there is going to be continual heavy traffic on my access road until the new access road is built from the A71. I would like to know what measures are going to be put in place from the Council with regards to the immediate repairs to the pot holes on my access road which have been caused by heavy plant traffic to date and what maintenance of my access road will be carried out in the future.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mr Peter Vincent

Address: 3 Hermand Gardens West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst I welcome the return of the High School to the town I am very concerned about the proposed location of the new school and the negative impact this will have, namely:

1. Open space. In just the last couple of years West Calder has seen one football pitch developed into the new Doctor's surgery and the rest used for housing and Hermand Park pitch surrounded by a high fence, removing it from public use. With the proposal to turn the football pitch next to Parkhead primary into a car park, this will leave only one pitch in the whole town remaining. Where do you expect our children to play and exercise? Surely there has to be a better solution which can protect our open green spaces more effectively.
2. Noise pollution. The current proposal show a 3M high wood panel fence along the Western edge of the new all-weather pitch to act as an acoustic barrier. Having seen other such installations I do not believe this will be effective and I would ask that this be referred to the appropriate team for a proper sound insulation solution to be developed.
3. Traffic. Local residents already suffer from school run traffic choking up Harburn drive and causing massive congestion at the Wood's garage 3-way light junction. The new school will create a huge increase in volume on an already loaded road which will not only see long travel delays but a significant increase in driver frustration/anger and air pollution.
4. The discover of carcinogenic chemicals at the site is a major concern for everyone and there's no evidence in the planning application as to how the new school will be developed safely for all residents and future pupils.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Case Officer: Tony Irving

Customer Details

Name: Mr Paul Wylie

Address: 143 Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: As we are going to be directly affected by the erection of the new High School we would like some questions answered with regards to your findings in your reports.

1. The proposed construction site was classified by WLC in 2009 as Land Safe-Guarded for open space. Why is this not the case anymore?
2. A site survey has highlighted asbestos (chrysotile) contamination under the surface in one area. If disturbed this can cause fibres to go airborne. Best capped and left alone?
3. Chemical analysis has identified toxic levels of Benzo (a)pyrene in leachate (ground water). Benzo (a) pyrene can cause cancer. Again best capped and left alone?
4. Underground shale workings have been found and will have to be filled in before building can commence. This can result in the release of methane gas from mine workings which is an ozone depleting gas!
5. An environmental report has highlighted concerns over the destruction of habitat for numerous animals and birds?
6. a significant amount of mature trees and shrubs will be cut down. As part of the consultation process the Forestry Commission objected to the proposal siting unacceptable felling of deciduous trees?

What are your plans regarding the above points?

As a community we are going to lose countryside, animals & birds and open space where our children can play and walkers, dog walkers, joggers, children & others alike will lose the use of the walkways and football field.

How are you going to accommodate us by taking this away?

Other concerns we have are:

1. There will be major disruption on the A71 and construction traffic on the Harburn Road.
2. Construction traffic in our currently open space
3. No provision in the planning documents on how access and parking will be controlled in Harburn Drive during the construction phase and after completion
4. Residents have to pay for the maintenance and repair of the car parking areas. Parking areas are not maintained by WLC

Again how are you going to accommodate these points?

Are WLC going to contribute towards the maintenance costs due to increase in non residents traffic?

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

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Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Donna Young

Address: 141 Harburn drive West calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Strongly object

Irving, Tony

From: Lee Innes <[REDACTED]>
Sent: 25 February 2016 09:13
To: "tony.irving@westlothian.gov.uk"@mx3.westlothian.gov.uk; Planning
Subject: 0083/FUL/16 - OBJECTION

Importance: High

Mrs Lee Innes, 9 Hermand Gardens, West Calder EH55 8BT

I strongly object to the proposed Planning Application. This development will significantly impact on my entire family's right to privacy and will result in us losing the use of our rear garden and also the use of the rooms to the rear of our house for reasons I have set out below.

Light & Noise Pollution, Loss of Privacy

15m Floodlights are to be erected to illuminate the all-weather pitch. As my house is directly behind the proposed goal post to the west side of this pitch, I have measured the distance from the Boundary fence to the outside of the tree line as approximately 6.4m. Thereafter the proposed Security fence is to be erected. Currently there are no leaves on said trees and therefore I will have no privacy from the school children, staff and wider community when this pitch is in use during the winter months. My concern is that this pitch is to be used by the wider community and I do not wish to be disturbed in both my home and rear garden with the noise of a five-a-side football game and the bright flood lights illuminating both my home and garden on week nights and all weekend. The language that comes from a football game can be particularly colourful and vocal. I do not wish for me and more importantly, my children to be subjected to this and ultimately be unable to use our rear garden as a result.

Additionally, the PE department will make use of this pitch during school hours and again, the potential exists for my family to be disturbed with PE being taught, and from the school children themselves when utilising this pitch during breaks and lunch time. From the submitted drawings, I am aware that the school children will enter/exit from the rear of the school. Some 900 children attend the existing WCHS and the capacity of this new school will be 1100. I can only imagine the level of noise there will be during school hours, but in particular around the beginning, lunch time and end of the school day. Due to the lack of sound investigation reports, what measures have WLC taken to ensure that the 3m wooden Acoustic fence will suffice in dampening the noise levels as according to the Environmental Health Officer, this is a "red herring".

In the absence of lighting diagrams and reports, can assurances be given by WLC that the floodlights will not illuminate my property and as they stand 15m high, will not cause annoyance (and sleep deprivation) in my children's bedrooms and the sitting rooms to the rear of my property. Which again will result in loss of amenity.

Environmental Impact, Loss of Trees, Loss of Open Space, Loss of Wildlife Habitat

I am extremely concerned to read that elevated levels of Benzopyrene (highly carcinogenic) and a hotspot of Asbestos (carcinogen) have been identified in soil samples that have been taken from the proposed site. I am aware that these items can pose a serious risk to Public Health. At this stage, delineation has still to take place and I demand assurances that a safe and appropriate strategy will be implemented before further site investigations/disruptions are carried out. I am aware that whilst these items stay buried in the ground and are left undisturbed, they pose little risk. Therefore, surely this site should be left well alone.

In order to stabilise the ground for building, I believe the mineshafts that exist are to be "grouted" with concrete. I am aware that Methane gas is contained within these mineshafts, and is one of the most harmful greenhouse gases. Given WLC have a Climate Change Strategy and state they are committed to reducing harmful greenhouse gases, surely the proposed development on this specific piece of land, directly conflicts with the intentions of said strategy.

Additionally, this site has already seen extensive woodland damage (due to site investigations by WLC contractors) to which I believe the Forestry Commission is looking to be fully reimbursed and also compensated. Considering WLC already back the Edinburgh and Lothian's Forestry and Woodland Strategy, it seems contradictory that they would

now consider and to a degree, have already destroyed woodland and the biodiversity within same that they claim to care so much about.

Currently this area is made up of woodland and open space that many people in the community use for recreation on a daily basis. As much of the open space within West Calder has already diminished, where do you propose our children play and get exercise. There are many young children residing in this area that are too young to venture to the sports field located behind the Community Centre half way up the Main Street.

Traffic

I read with astonishment that WLC have carried out traffic surveys to ascertain the impact of the re-siting of WCHS. I cannot believe that at a considerable cost to the taxpayer, a report has been compiled advising in summary, that there will be no adverse effect on traffic. I have family who live in the west side of the village. It took 25 minutes by car to get from Burngrange Cottages to the shops at the Main Street the other morning at 0830 and this is an everyday occurrence. To add a roundabout to the A71 will only add further delay to journey times and more pollution into the environment.

I hope that my comments are taken on board and common sense prevails. I am the first to protest that WCHS needs replacing, but this site is NOT the area to do it in.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

Address: Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH

Proposal: Erection of a secondary school to replace the existing West Calder High School with swimming pool, floodlight multi-use games area and grass pitch for school and community use (grid ref. 302463 663347)

Case Officer: Tony Irving

Customer Details

Name: Mrs Patricia Erskine

Address: 11 Hermand Gardens West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: as a 79 year old local resident, who was the numskull who thought it was a good idea to use this area, just because the council owned the land ??? will local residents be compensated for lower value of houses ??? can the entrance to playing fields not be at the east end away from houses and will foul language be punished !! will the fence of 2 m be unclimbable. will parents be warned NOT to drop off pupils in local streets, and will chip vans be banned. What about the asbestos and chemicals what will be the oncost to remove, contractors vehicles we were assured would not use the cemetery track, they are there now why. would you like to be at a interment with this going on or a football match in progress.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Case Officer: Tony Irving

Customer Details

Name: Mrs Moira McCormack

Address: 1 Burngrange Court West Calder

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live at the opposite end of the village and whilst I agree that we need a new school I am most concerned with the impact the siting of this school will have on the traffic situation. I know from experience that at peak times it can take 25 minutes to get from one end of the village to the other. The proposed siting of this school will only add to this, whilst I understand there is to be an entrance to the new school from the A71 there will still be parents, children who will take "short cuts" through Harburn Drive and I sympathise with the residents there who already have difficulties getting in and out of their properties. Put aside that they actually get charged for the upkeep of their surrounding areas. I also believe there is an issue with contaminated land, this causes me great concern as the siting of this school is very close to the existing primary school and nursery.

Comments for Planning Application LIVE/0083/FUL/16

Application Summary

Application Number: LIVE/0083/FUL/16

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Case Officer: Tony Irving

Customer Details

Name: Mrs Carol Wilson

Address: 149 Harburn Drive West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the proposed location of the new West Calder High School. As a resident of Harburn Drive, I have experienced first-hand the congestion caused by parents using Harburn Drive as a drop off point for Parkhead Primary School. At present it can be challenging around drop off and pickup times, with a vast increase of pupils attending the new school this will become significantly worse. I suspect that Harburn Drive will quickly become an unofficial car park for parents during school evening activities and parent nights etc. The parking at present is limited and this would cause a major issue to residents and most possibly a safety concern. Will WLC make Harburn Drive a resident's only area so no school traffic can enter. The car park maintenance is paid for by the residents, why should we continue to foot the bill for this when non-residents will abuse this regularly for car parking for the school. Will WLC pay for all repairs and maintenance? The increased traffic also poses a concern for pollution by not only school traffic but also from contractors' vehicles during the proposed build. Also what will be done regarding the noise pollution and litter that a new school will cause.

It has also been brought to my attention that Asbestos and Benzo (a) pyrene has been found within the proposed site. What is to be done to make this safe for all residents during the proposed construction and in the future. What guarantee will be given that any removal will be safe.

I am also concerned about the loss of green space and mature trees and shrubs. The surrounding area is home to many deer, foxes, owls, bats etc. What is to be done to protect their environment? We will also be losing the BMX track and a lot of open space used regularly by dog walkers. With the loss of so much green space and trees, will there now be a risk of flooding in the area and who will be held responsible for this.

Irving, Tony

From: Monica <[REDACTED]>
Sent: 26 February 2016 17:21
To: Irving, Tony
Subject: West Calder HS Consultation
Attachments: High School.docx

Dear Tony

I am forwarding my comments on the consultation for the site of the new West Calder High School. I notice as I have tried to submit them that the consultation has closed, however documents I have seen have quoted the 26th of February as the last day for entries, I hope therefor that my opinion will be included.

Many thanks

Monica Macdougall
Burngrange Park
West Calder

Sent from [Mail](#) for Windows 10

As I resident of West Calder, I strongly object to the proposed site for the new West Calder High School.

Traffic Problems and Pedestrian Safety

I can see from the plans that some consideration has been given to the traffic flow through West Calder, by using analysis from 1 day, Thursday 19th of March 2014.....I don't even see this day on my calendar. I cannot see how information from 1 day can give an accurate picture of the traffic situation in West Calder and how the current infrastructure copes. The transport assessment reports that the 'existing junctions operate well below practical capacity'. As a driver on these roads every day at the times of the 'school run' I honestly can say that these junctions do not cope. There is serious queues everyday through the length of the town which regularly run as far back to almost Addiewell. The camera equipment on the 14th of March 2014 did not capture these views. The queues are as a result of the junctions in and to the East of West Calder. The current proposal will only increase these problems. The safety of pedestrians in West Calder has not been given any thought. Further traffic should not be brought in to an area which does not cope with current traffic levels.

Has there been consideration for the streets around the new site and the proposed new pathways in to the school. It is guaranteed that parents and visitors to the school will use the surrounding streets to drop children off at school or park. Streets like Parkhead Gardens and Hermand Gardens where the paths easily link. The increase in traffic these streets will experience is undeniable.

Green Space

West Calder has very few green space areas. We regularly used the BMX track and the surrounding area with our children. It gave opportunity for a free activity day which we could access on foot. It is the only area of the town that isn't built up. We will be left with only 1 playing field which we can't use as it is so regularly used by dog walkers.

Noise and Light

The current proposal for the new playing fields is very close to existing houses. These houses will experience pollution from flood lights and also noise from users of the facility in the day and evening. I feel sorry for these residents. An unsightly fence is also to be endured.

Hazard

I am very concerned about the findings of both Asbestos and Benzo (a). Can the safety of residents and school users be guaranteed during and after the works are complete?

Irving, Tony

From: Gerry <gerryfarrell@bt.com>
Sent: 26 February 2016 16:45
To: Irving, Tony
Subject: Objection to proposed new West Calder High School

Mr R Farrell
8 Hermand
Gardens
West Calder
EH55 8BT

Dear Mr Irving,

I am contacting you via email today as at 3pm I attempted to add my comments online however, it was closed. The notice of planning permission application dated 05 February 2016 from Mr Chris Norman advised that comments may be given no later than 26 February 2016 however, there is no time restriction or time of closer given.

I strongly object to the location of the proposed new West Calder High School;

- As a resident of Hermand Gardens my property will be directly behind the floodlight games area
- I am extremely concerned at the disturbance that will be caused by noise and probable anti-social behavior when the pitches are in use, particularly at night and weekends. I feel that the proposed acoustic fence will not alleviate this problem
- Hermand Gardens is currently a child safe cul-de-sac however, due to the extremely close proximity of the lane from Hermand Gardens to the school access footpath the street will undoubtedly become an unofficial drop-off and pick-up point for parents
- I am also concerned about the discovery of chemicals at the site and hope that this will be fully investigated and a guarantee that there will be no risk to anyone's health now or in the future due to the disturbance of the chemicals
- West Calder cannot afford to lose any more of its ever depleting recreational area.

Thank you for your time and attention to this matter.

Yours sincerely,

Mr R Farrell

West Lothian Council
Development Management

30 MAR 2016

Date.....

Ref No.....

Ref To.....

Ack'd.....

Replied.....

'DUNMOOVIN',

11 Hermand Gardens,

WEST CALDER, WH55 8BT.

20th March, 2016.

Mr. Tony Irving,
Principal Planning Officer,
West Lothian Council,
Civic Centre,
LIVINGSTON, EH54 6FF.

Dear Mr. Irving,

Thank you for your correspondence dated 14th instant, noting we will receive a letter informing us of the Council's decision.

However as the female member of this household feel I must once again put my complaints forward, which I know is definitely a waste of time, however, I hope someone in your department just may have the courtesy to read this letter.

(1) Would any of the Council like to have a school built approximately 100 yards from their back garden, this is what has happened to Nos.8/9/10/11 Hermand Gardens. No consideration has been given to us, or for that matter people living in the Parkhead area facing the school, plus the fact cars taking pupils to school dropping off their 'off-spring'.

(2) The fact SIX lights approximately 50 feet high to be placed in the playing fields, shining right into our gardens, you say no, I challenge that one. The fact too we will have to listen to BAD language when playing fields are being used - please do not patronise me - it does and will happen. [REDACTED] I do not care to listen to this foul language at my time of life, and the fact [REDACTED] Will Council reduce our council tax?

(3) I re-iterate when we bought this plot we were given assurances at NO time would they (Council) could and would not build on this land, to be used as a fauna area. We have pheasants (2) come each morning for their breakfast, flying in from where the school is being built, There are also 3 squirrels, 10 yellow hammers (birds) blue tits and other wildlife all coming into our garden. BUT WHO CARES certainly not the Council, they have already broken their word building in this area, Council not to be trusted. As usual manipulating when we bought this plot Council never put it on paper.

(4) With regards to the barrier fence to be built between our back garden fence and school playing fields, this is a joke, pupils can very easily climb over this fence supposedly 6 feet in height! Another case of changing the rules to suit the Council.

(5) I wonder if the Council JUST MAY consider my proposal to put the entrance to playing fields to EAST SIDE away from WEST SIDE at Hermand Gardens, or am I requesting a MAJOR change in planning.

I would like to meet the numpty who suggested using this piece of land, not fit for purpose, water level 4", has anyone from the Council been here recently when the rains were in full flow? £1.4 million to be used alone to prop this school, in fact there was a horse fell down a hole at crossroads at the avenue/Polbeth footpath, recorded in West Calder library. 1100 pupils using this school, plus 500 hundred houses already built in East Calder another 500 to be built in West Calder where are all those extra pupils being housed?. The A71 road used by lorries through Polbeth/West Calder, an absolute death trap. Do any of the Councillors use this road in the morning to go to work - over a mile of traffic build-up between 7 a.m. - 9.30 p.m. what is it going to be like when to school is opened. It has been stated police have done a survey on the A71/Harburn Road entrance to Primary school - I question that one as well.

Why cannot the Council admit they have made a mistake , stand up and be counted. It is written folks in West Calder agree with the placing of new school, well I disagree those I have spoken to in Parkhead area especially are worried, a death trap. Yes the Council kept a lot of information rather quiet, especially to those who do not have a computer, not everyone has a computer believe it or not. Those are only a few of my personal complaints which definitely will not be considered, having promised and gone back on the gentleman's agreement about the land, where the local children play during holiday times - all gone.

Yours faithfully,

A large black rectangular box redacting the signature of Patricia Erskine.

Patricia Erskine (Mrs.)

Irving, Tony

From: robo@fireflyuk.net
Sent: 05 April 2016 19:07
To: Irving, Tony
Subject: Re: DATA LABEL PROTECT: PRIVATE CONFIDENTIAL West Lothian CouncilDevelopment Management

Importance: High

Tony,

The modified drawing you sent for the proposed West Calder High School development is a positive improvement.

What I do not see is answers to the pertinent questions asked by myself and others, and how the council can ignore the Local Plan which they produced and insist every other developer complies with.

The council changed the local plan from "Safeguarded Open Space" to the "Proposed site of West Calder High School" and in my opinion ignoring other aspects of the Local Plan.

I believe the updated Local Plan from 2009 is due to come into force some time in the spring 2016 Therefore the 2009 version was inforce at the time of the planning submission.

I just want to know how the council can change the conditions of the Local Plan to suit the Council or is it a case of the Council policing the Council or does the council have special dispensation to bypass the Local Plan.

I just want to see answers as the Council is destroying the few areas of public open space we have in West Calder

Regards

John Robertson

On Friday 01/04/2016 at 16:51:09, tony.irving@westlothian.gov.uk wrote:

DATA LABEL PROTECT: PRIVATE / CONFIDENTIAL

See attached correspondence regarding 0083/FUL/16 at Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH.

Regards

Tony Irving
Principal Planning Officer

Please note that you can search for planning application details online at:
<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

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>

Irving, Tony

From: [REDACTED]
Sent: 15 March 2016 15:28
To: Irving, Tony; pljv
Subject: Re: West Calder and Harburn Community Council : Extraordinary planning meeting to consider application LIVE/0083/FUL/16 and provide feedback - [PUBLIC]

Hi Tony.

Please find below the extract from the minutes of WC&HCC which pertain to the new WCHS.

West Calder High School – Proposed Renewal.

This item generated much interest and debate, most of which had been discussed before but was thought worthy of reconsideration.

In order to allow the matter to be discussed to a final conclusion, the Chair suspended the agenda and an expansive, far reaching and exhaustive discussion ensued at the conclusion of which the following was agreed.

- *The concept of a new replacement High School returning to West Calder is broadly welcomed by WC&HCC.*
- *Some concern was voiced that the chosen site is not ideal.*
- *There is a minority view that the High School could have been built on the site immediately to the east of the present site.*
- *There are a number of concerns pertaining to the actual detail of the proposal that is going forward to the Planning Committee. These concerns will be represented to the Planning Meeting where the application will be formally considered by Peter Vincent, Vice Chair WC&HCC. Peter will make his statement available to members in advance of the Planning Meeting.*
- *Members with strongly held views were encouraged to contact the Planning Officer to make their own representations to the Planning Committee.*

It was agreed that having given the matter an extended consideration, revisiting matters previously considered on a number of previous occasions, this matter was now concluded. Future discussions would deal only with new matters pertaining to the subject of WCHS.

The above represents the view of the WC&HCC as discussed at our mtg on 7th March 2016.

Kr

Allan.

Allan Maclaughlan
Chair; WC&HCC
[REDACTED]

[REDACTED]
LIC

West Calder & Harburn Community Council with Parkhead Parent Council.

Feedback on the planning proposal for the new West Calder high school.

General

1. Fantastic our kids have a shiny new school – breeds pride. Studies show this can increase motivation and academic achievement.
2. The planning application process has had a very poor timeline and very little notice was given to allow groups and individuals to review all the materials and provide feedback.

Roads & Access

1. Parkhead primary School: Concerns for road safety of children walking/cycling to the A71/Harburn drive to access the school.
2. There will be a definite bottle neck, will this mean traffic is diverted to Harburn road?
3. Transport assessment document, section 6.4.2: “It was agreed with WLC roads officers that no traffic growth factors were to be applied”. Anyone who lives in West Calder can tell you of the enormous increase in traffic in the last few years, which will all expect to continue as the new houses are built along the A71 and nearby, how can this be discounted from the study and conclusions drawn?
4. Where will the diversion be built when the railway line is electrified?
5. Harburn drive: Increase in traffic @ opening and closing times @ both schools will be a problem.
6. Site access: We were assured that the track at the cemetery would not be used for access to the site. Why are there now signs saying “site access point 2”?
7. Site access: What maintenance is going to be carried out for now and the future along “site access point 2” which is the main access route to several residential properties?
8. The suggestion that the traffic volume on the A71 will not be significantly impacted (Transport assessment 6.6. summary) is a bad joke and cannot be taken seriously.
9. Congestion on the A71 causing tailbacks towards traffic lights at Harburn road junction during the morning rush hour.
10. Traffic congestion is already an issue, especially when accessing the primary school.
11. Harburn road residents will see massive traffic increase with parents dropping off for school (To access the footpath running East/West between West Calder and Polbeth).
12. Clarity is needed around the replacement and temporary A71 road through Parkhead primary school’s playing field.
13. Positive decision to have a bus pick up/drop off outside the school rather than on the A71.
14. No local streets should be able to be used as drop off points.
15. Entry and exit from A71 & Harburn drive is now conclusive to through flow of traffic on the A71.

Environment

1. Chemicals already advised to Environmental Health. This build should be stopped where carcinogenic matter is known to be present.
2. Damage to the existing woodland.

3. Contaminated land: Elevated levels of Benzo pyrene and hotspot identified of chrysotile asbestos.
4. Fence between sports fields and Hermand Gardens, will be unable to be climbed?
5. Damage to tress: Was permission given to the council? Will the council reimburse the forestry commission?
6. No chip vans (or other fast food vendors) should be allowed in local streets around the school.

Building

1. Light pollution from 15M flood lights around the all-weather pitch.
2. PVG checks for all contractors?
3. Will the community be able to be use playing fields?
4. Will the community be able to use the swimming pool?
5. What facilities are for “out of hours” use. It’s not an Inveralmond type school but what is open and available for the local community?
6. Is it suitable for future increase in pupils with future housing developments?
7. Are the swimming pool, gym and playing fields to be made available to the community?
8. School playground looks appealing with planting sections.
9. Parkhead primary school: Need clarity around the “pitch”, “play court” and “primary school Parking” on transport assessment 1626766.

Location

1. Why is there only one contractor? There are other companies in Scotland who build schools.
2. Cost of access to location?
3. Distance between “site access point 2” road to residential housing from the top playing field. Will a treeline be maintained?
4. Positive: High school is back in the village, Negative: Loss of green open space.
5. Parkhead primary school looks forward to sharing resources at the high school, sports, science, art, etc.

Open Space

1. West Calder had 4 playing fields as recent as 5 years ago. The new Doctor’s surgery took one, Hermand Park was fenced off from public use, thus removing another. The pitch next to Parkhead primary is the last one on the East side of the town, is this is turned into a car park where will our children play?
2. Who has rescinded the “area of special interest” that was designated to the site about 10 years ago?
3. There will be no green space left for the general public at the end of the Harburn drive estate.

Noise

1. Hermand Gardens will suffer noise pollution from the new football pitches. Proper “acoustic fencing” is not wood panels which are completely ineffective.
2. Sound pollution from the all-weather pitch use.

3. Concerns that the acoustic fencing will not be sufficient to counter noise from the playing pitches.
4. Foul language coming from the sports field.
5. After school sports events, some well into the evening, will be noisy. Parents of babies and toddlers will find it harder to get them down.

Irving, Tony

From: Secretary Polbeth Community Council <secretary@polbeth.org.uk>
Sent: 22 February 2016 15:24
To: Irving, Tony
Subject: Re: DATA LABEL PROTECT: PRIVATE CONFIDENTIAL West Lothian Council Development Management

Tony

Thanks for the communication regards the new high school to replace the current West Calder high school.

As a community council we are in full support of the plan and the benefits that a new school will bring for the future education of local children.

The only concern we have and raised at the public meetings is the security of the old school grounds once they move off site. We do not want to see the area become a haven for travellers and need reassurances from WLC that security fencing/barriers will be put in place to avoid any such loiterings.

Regards
Alan Brown

On Thu, Feb 18, 2016 at 9:40 AM, tony.irving@westlothian.gov.uk <tony.irving@westlothian.gov.uk> wrote:

DATA LABEL PROTECT: PRIVATE / CONFIDENTIAL

See attached correspondence regarding 0083/FUL/16 at Land to the east of Parkhead Primary School, Harburn Road, West Calder, EH55 8AH.

Regards

Tony Irving

Principal Planning Officer

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>

DRAFT DECISION - APPLICATION 0083/FUL/16

- 1 The surface water from the site shall be treated and attenuated in accordance with the details in the submitted Drainage Assessment dated 13 April 2016 by Arup (242638-ARP-XX-XX-RP-CD-0501). The development shall not begin until a finalised drainage layout plan and details of the retention pond have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

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

- 2 The development shall not begin until a detailed remediation statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors has been submitted to and approved in writing by the planning authority. The remediation statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation statement must ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Thereafter the remediation statement as approved shall implemented prior to any development other than that required to carry out the remediation. Following completion of the measures identified in the approved remediation statement, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared. The development shall not be occupied until the verification report has been submitted to and approved in writing by the planning authority.

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

- 3 Proposed ground and floor levels shall be as shown on the approved plans.

Reason: In the interests of visual and environmental amenity.

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

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

- 5 The development shall not begin until details of the design of all boundary enclosures (gates/fences/walls/railings etc) shown on the approved plans have been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to the development being occupied.

Reason: To enable full consideration to be given to those details which have yet to be

submitted, in the interests of visual and environmental amenity.

- 6 Landscaping as shown on the approved planting plan shall be implemented in the first planting season following the development being occupied, or completion of the development, whichever is sooner. Landscaping shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces). The landscaping shall thereafter be maintained to the satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

Reason: In the interests of visual and environmental amenity.

- 7 All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations. In particular, development shall not commence until protective fencing has been erected and thereafter maintained during construction works as shown on the approved tree removal plan.

Reason: In the interests of visual and environmental amenity.

- 8 The submitted Habitat Management Plan (HMP) dated March 2016 by Wardell Armstrong (job number SH11787, report number 001) shall be implemented in accordance with its terms. Details of the off-site replacement tree planting (including timescale for implementation and maintenance) as set out at section 4.1.16 of the HMP shall be submitted to the planning authority within three months of development beginning. Thereafter the details as approved shall be implemented.

Reason: In the interests of visual and environmental amenity.

- 9 The hours of operation of the multi-use games area (MUGA) shall be restricted to 0800 to 2130 Mondays to Sundays. There shall be no use of floodlighting outwith these hours. All lighting installed as part of the MUGA shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution. The lighting must not shine onto or into any neighbouring residential property.

Reason: In the interests of visual and environmental amenity.

- 10 The development shall not begin until details of the layout and design of the staff & pupil bicycle parking shown on the approved layout plan and details of visitor bicycle parking to be located at the entrance to the school have been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to the development being occupied.

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

- 11 The development shall not be occupied until:
(a) All new access roads, footways/footpaths and parking areas shown on the approved layout plan have been constructed and lit to the adoptable standard of the

council as roads authority.

(b) All other hardstanding areas shown on the approved layout plan have been constructed to the satisfaction of the planning authority, unless otherwise agreed in writing with the planning authority.

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

12 The following restrictions shall apply to the construction of the development:

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800.
- Development shall not begin until the pre-construction ambient noise level survey as referred in BS5228 (2009) has been established by a competent acoustic consultant and submitted to the planning authority.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal reversing alarms broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday, unless otherwise agreed in writing with the planning authority. No heavy goods vehicles shall arrive or leave the site on a Sunday, unless otherwise agreed in writing with the planning authority.

Dust

- Development shall not begin until a dust management plan has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Site Compound

- Development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

Wheel Cleaning

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

Construction Traffic

- Development shall not begin until a construction traffic management plan has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved. The use of any temporary construction access off Harburn Road shall be restricted to outwith the starting and finishing times of Parkhead Primary School.

Reason: In the interests of visual and environmental amenity.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Erection of a house at Selms and Lawhead Farms, Kirknewton

2 DETAILS

Reference no.	0106/FUL/16	Owner of site	Mr David Blain
Applicant	Mr David Blain	Ward & local members	<i>East Livingston and East Calder</i> Frank Anderson Carl John Dave King Frank Toner
Case officer	Kirsty Nicholls	Contact details	Tel: 01506 283 536 Email: Kirsty.Nicholls@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Cllr D King.

3 RECOMMENDATION

3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the construction of a house. Details of the proposal, including a layout plan, are attached to this report. The site is located to the east of Selms Farm within an area of countryside, as identified in the adopted West Lothian Local Plan (WLLP). At present there is a "chalet" building on site which is substantially smaller in footprint than the proposed house.
- 4.2 The site comprises agricultural land which is located within the open countryside to the west of Kirknewton. The site is open and visually prominent when viewed from the north and south.
- 4.3 No previous planning applications have been received at this specific site.

5 PLANNING POLICY ASSESSMENT

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

- 5.2 The following development plan policies and guidance apply. The West Lothian Local Development Plan (Proposed Plan) (WLLDP) and the council's SPG *New Development in the countryside* are also material considerations in the determination of the application.

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	Policy ENV31 aims to resist new development outwith settlement boundaries that define the limits of urban development and reinforces a general presumption against non-essential new build development in the countryside.	The applicant has failed to convince the council that there are no alternative houses available within the area and that there is a requirement to have a house constructed on this site for agricultural or other rural purposes. The applicant already manages the land, with other family members, from premises at Coxydean. The supporting statement submitted as part of the application does not provide an adequate justification or a robust business plan which is sufficient to justify the need for a further house in this location.	No
WLLP	ENV33 - requires new development in the countryside (acceptable in terms of ENV31) to conform to the design and development management policy guidelines issued by the council and contained in Planning Advice Notes.	The applicant has not advanced a robust rural justification in terms of a specific locational need. Even if a need were to be established, the scale and form of the proposed house in such a prominent location in an exposed location and on a skyline is unacceptable and would be detrimental to the rural character of the area, contrary to the design criteria of this policy.	No
WLLP	Policy ENV 34 Proposals for the conversion, sub-division and re-use of existing buildings in the countryside, which the council deems to be worthy of retention because of their architectural or historic merit, will be considered favourably, providing they are sensitive to the surrounding countryside.	The location of a chalet on the site does not give sufficient justification to support the proposed house, which is three times the scale of the existing building and in a prominent location.	No
West Lothian Local Development Plan (WLLDP)	Policy ENV2 aims to resist new housing development in the countryside, with the exception of a limited number of criteria.	The proposal does not satisfy any of the stated criteria.	No
WLLDP	Policy ENV7 gives general protection to the wider setting of settlements, including Broxburn, whilst allowing	The proposal does not accord with the general principles of this policy.	No

Plan	Policy	Assessment	Conform?
	development which is justified and which cannot be provided elsewhere within the district. This is primarily to maintain a rural setting to the settlements throughout West Lothian.		

6 REPRESENTATIONS

6.1 No representations received.

7 CONSULTATIONS

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

Consultee	Comment	Response
Contaminated Land Officer	Due to the existing use of the land the applicant would be required to submit a Phase 1 Site Investigation Report concurrently with the submission for the approval of matters specified in conditions, if the committee is minded to grant planning permission.	Noted, however the application is contrary to the local plan.
Transportation	No objection to the application.	Noted, however the application is contrary to the local plan.
Education	No objection provided contributions are made.	Noted – in the event that planning permission is granted, contributions would be sought.
Flood prevention	No objections subject to standard conditions being attached.	Noted – in the event that planning permission is approved the requested conditions will be attached.

8 ASSESSMENT AND RECOMMENDATION

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

8.2 Planning permission is sought for a single house on a site which is partly occupied by a modest chalet structure. The proposed house would be one and a half storey in height and almost triple the size of the existing chalet. The site is located within the countryside on agricultural land.

- 8.3 Policy ENV 31 of the West Lothian Local Plan seeks to manage new build development in the countryside; it lists seven exceptions to the policy, none of which apply to the proposed development. There is no reasonable justification offered for the proposed house other than the fact that the site is considered, by the applicant, to house an existing structure and a bigger family house is required to manage the farmland. The applicant has not advanced an adequate justification or a robust business plan to support the need for a house in this specific location. The criteria in this policy are therefore not fulfilled.
- 8.4 The site is open to the north, with the ground sloping down towards the A71, 400 metres away. A house built on this sensitive, skyline, site would be visually prominent, and would clearly be seen as additional to the existing grouping of traditional farmhouse and stone outbuilding, and separate detached house, which makes up the farm and steading to the west. The design and form of the proposed building itself does not respect or complement the surrounding local vernacular style. The applicant has sited precedence in regards to a site to the west (reference 0638/P/12), however, this application was granted at the Local Review Body, contrary to officer recommendation.
- 8.5 The erection of a house would constitute unjustified and unsustainable development in the countryside. It would also set a precedent, making it more difficult to refuse other similar development in the countryside and the cumulative effect of this would be the gradual erosion of the rural areas of West Lothian, to the detriment of its appearance and character. The proposal would be a visually intrusive new build development in the countryside, without adequate justification, so would not accord with policies ENV 31 and ENV33 of the WLLP or the policies and design guidance within the council's SPG on new development in the countryside or the emerging WLLDP. It is recommended that planning permission is refused.

9 ATTACHMENTS

- Draft reasons for refusal
- Location plan
- Aerial
- Proposed Plans
- Supporting Statement
- Member referral form

CHRIS NORMAN
Development Management Manager

Date: 18 May 2016

0106/FUL/16 – Draft Reasons for Refusal

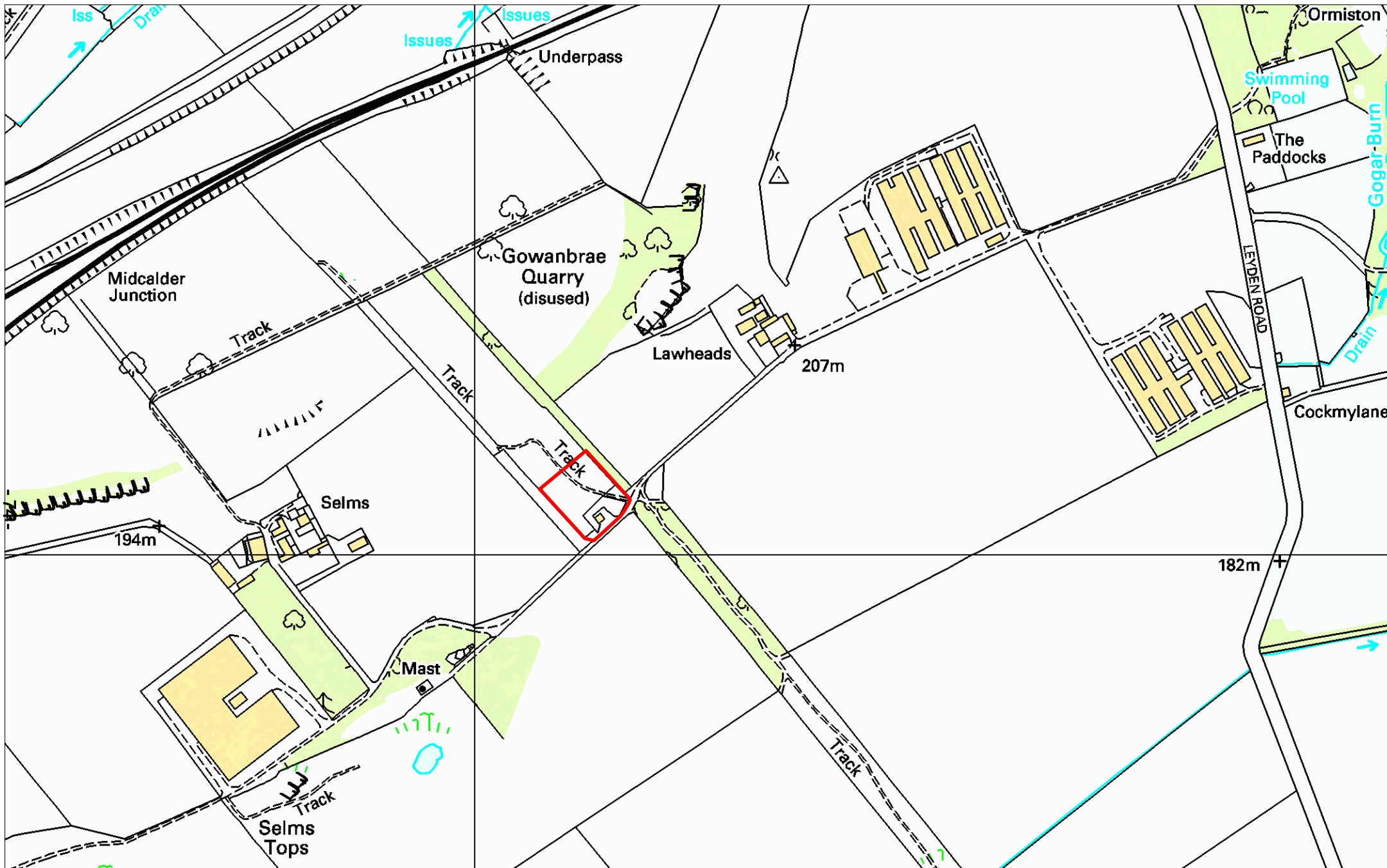
- 1 The site is located outwith a settlement envelope and within the countryside, as defined in the West Lothian Local Plan. The applicant has not advanced a satisfactory justification for the construction of a house within the countryside. The construction of an unjustified house in this location would be detrimental to the character of the countryside.

The scale, design and form of the proposed house in this prominent location would be visually intrusive and out of keeping with the rural appearance of the area.

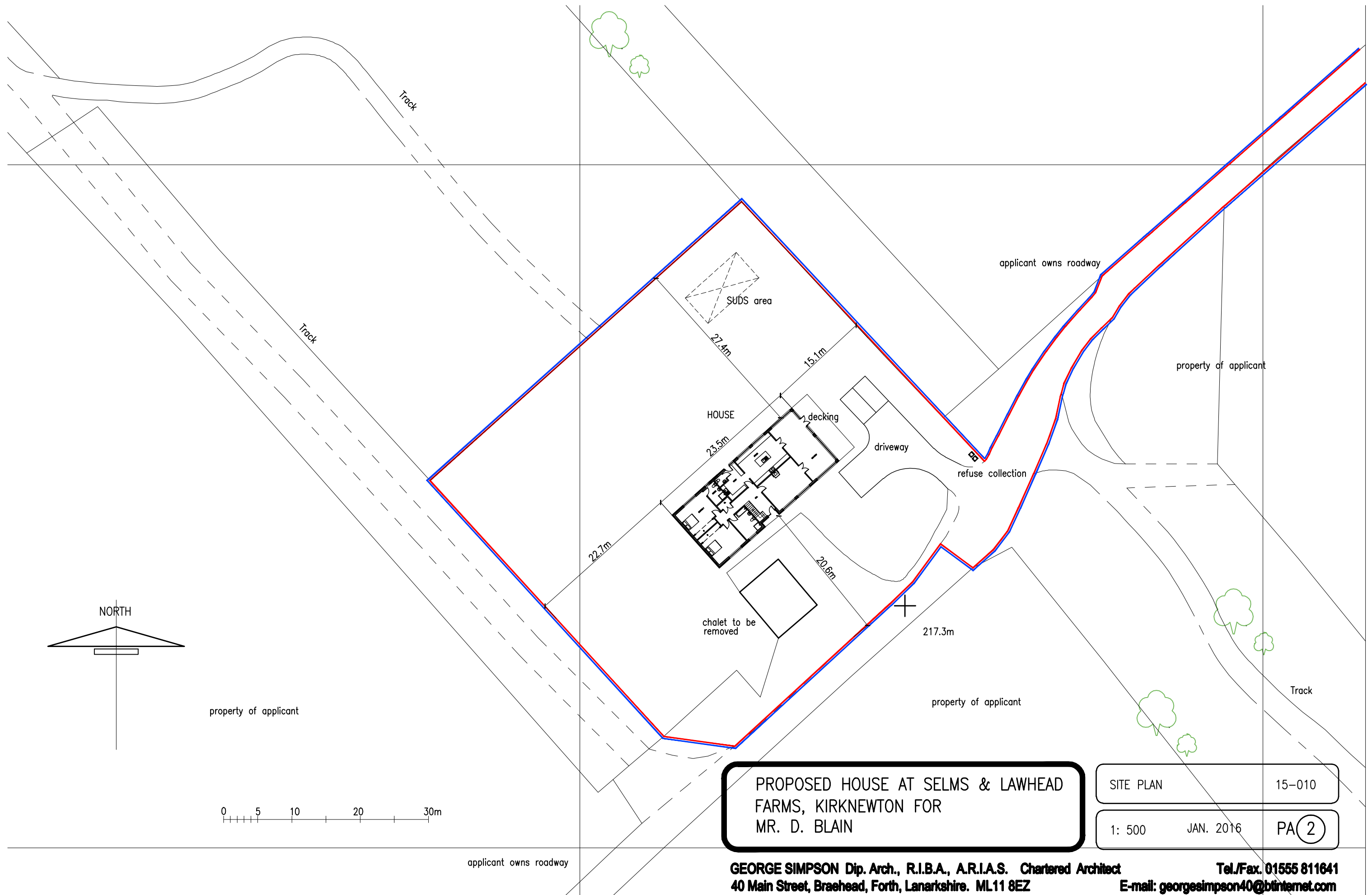
The proposal is contrary to:

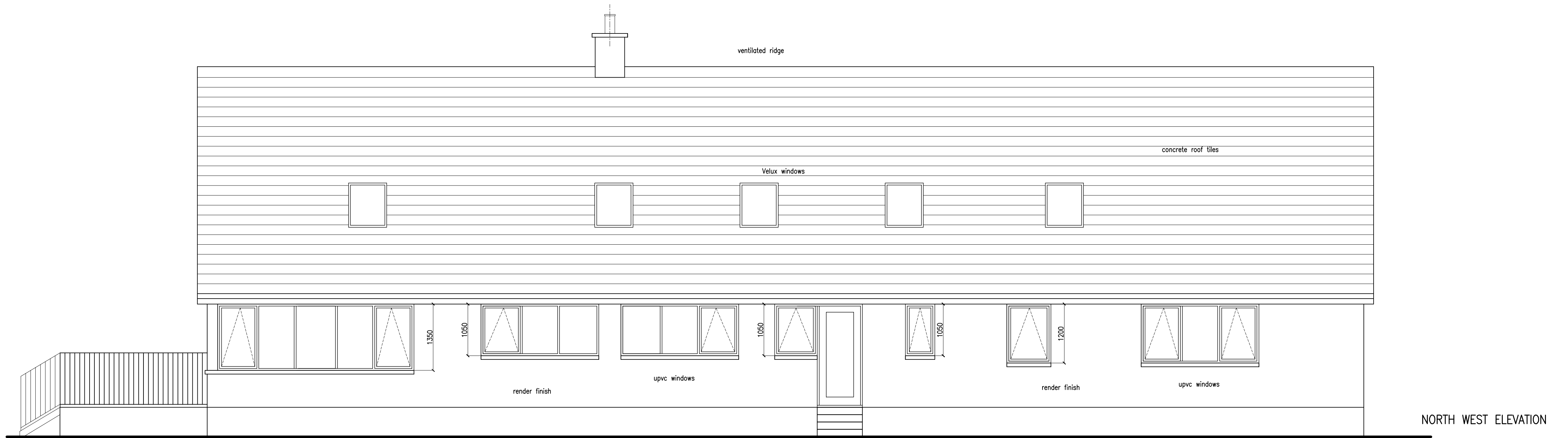
ENV31 (development in the countryside) of the West Lothian Local Plan;
ENV33 (development in the countryside) of the West Lothian Local Plan;
IMP14 (supplementary planning guidance) of the West Lothian Local Plan;
ENV2 (housing in the countryside) of the West Lothian Local Development Plan;
ENV3 (development in the countryside) of the West Lothian Local Development Plan;
and the council's SPG on New Development in the Countryside.

- 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, as amended, is to be afforded primacy in decision making.
- 3 By granting planning permission, the council would set an undesirable precedent for other similar developments in the countryside. The cumulative effect of which would be the gradual erosion of rural areas of West Lothian which would be to the detriment of its visual amenity and rural character.

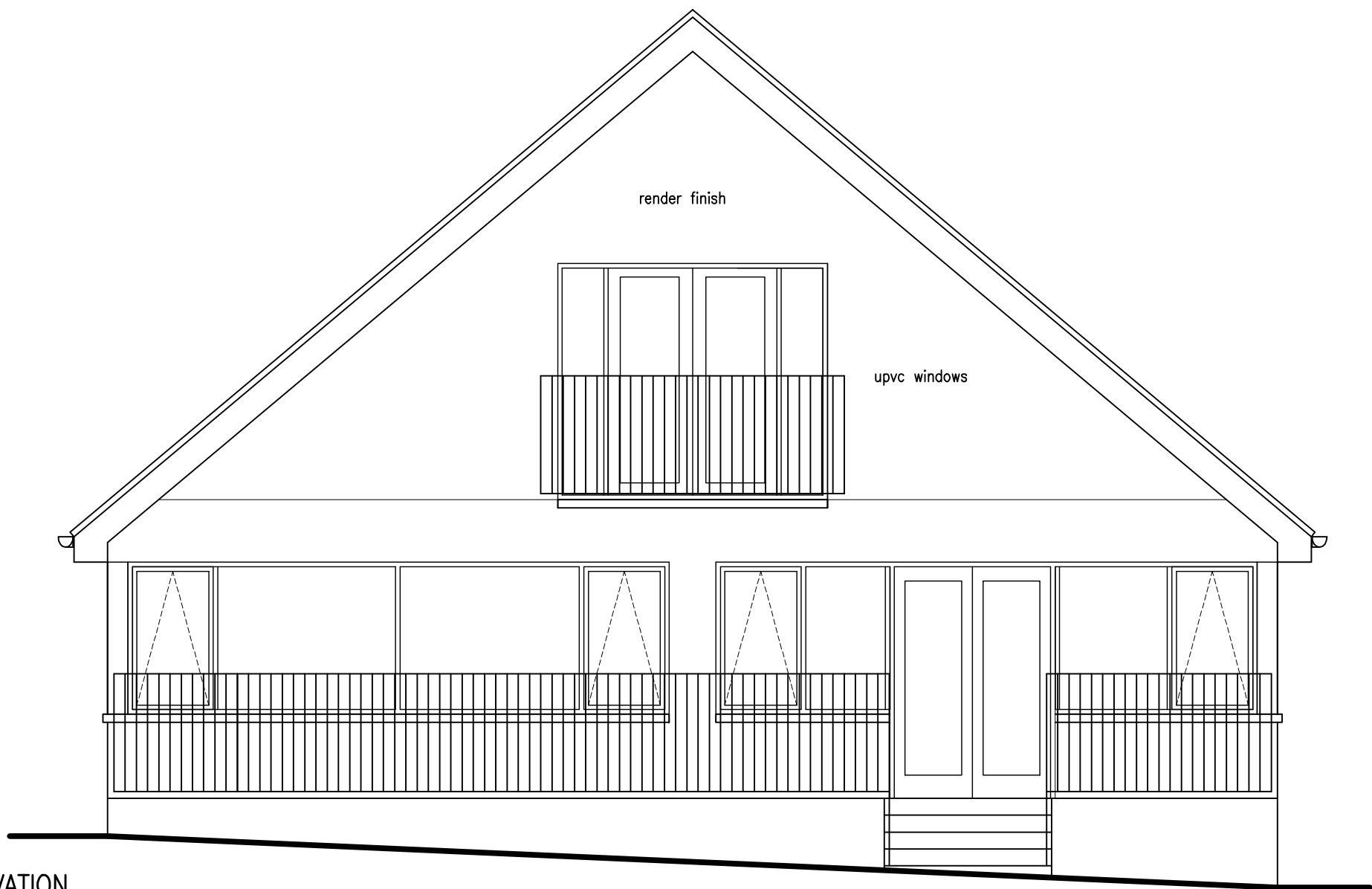




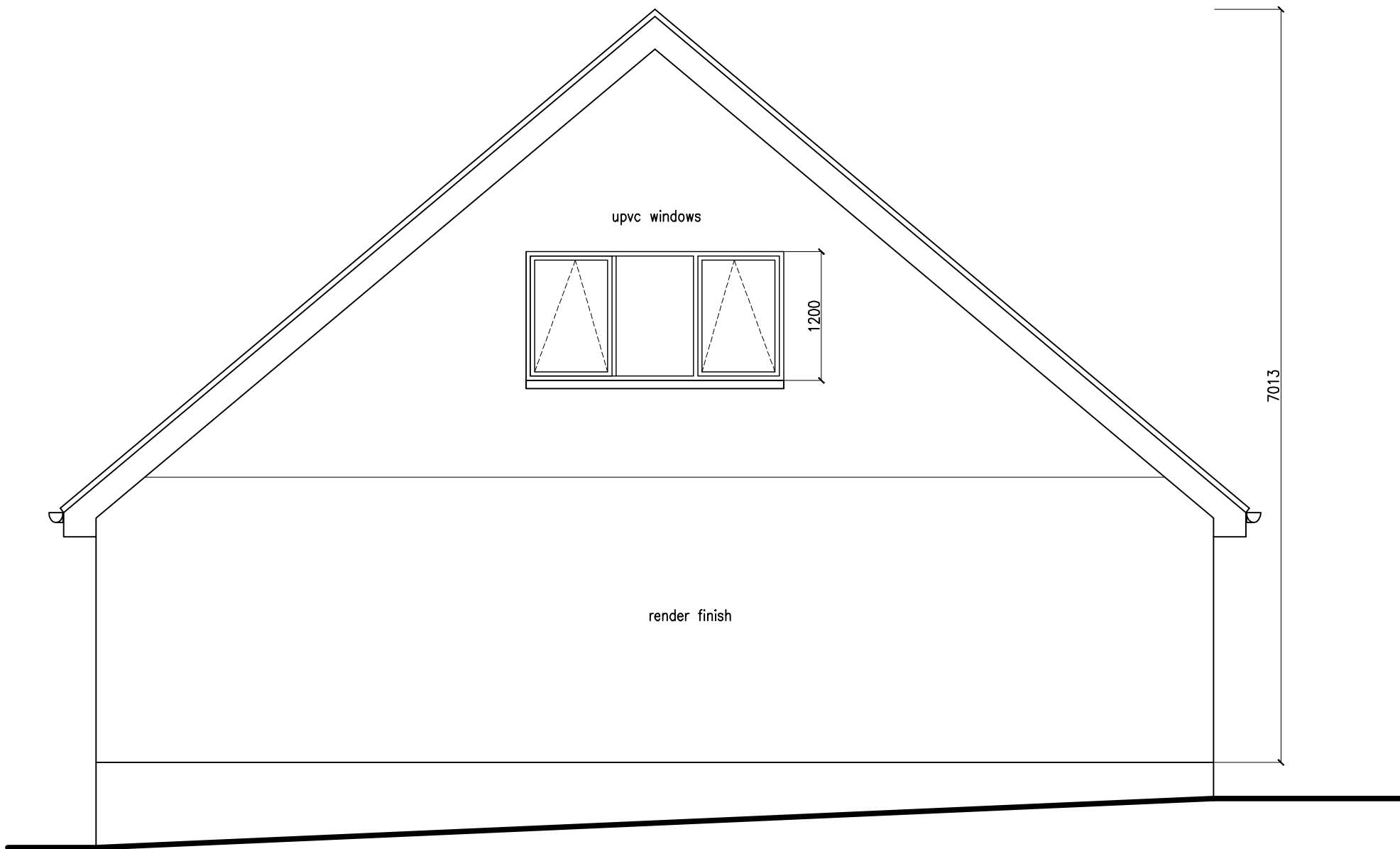




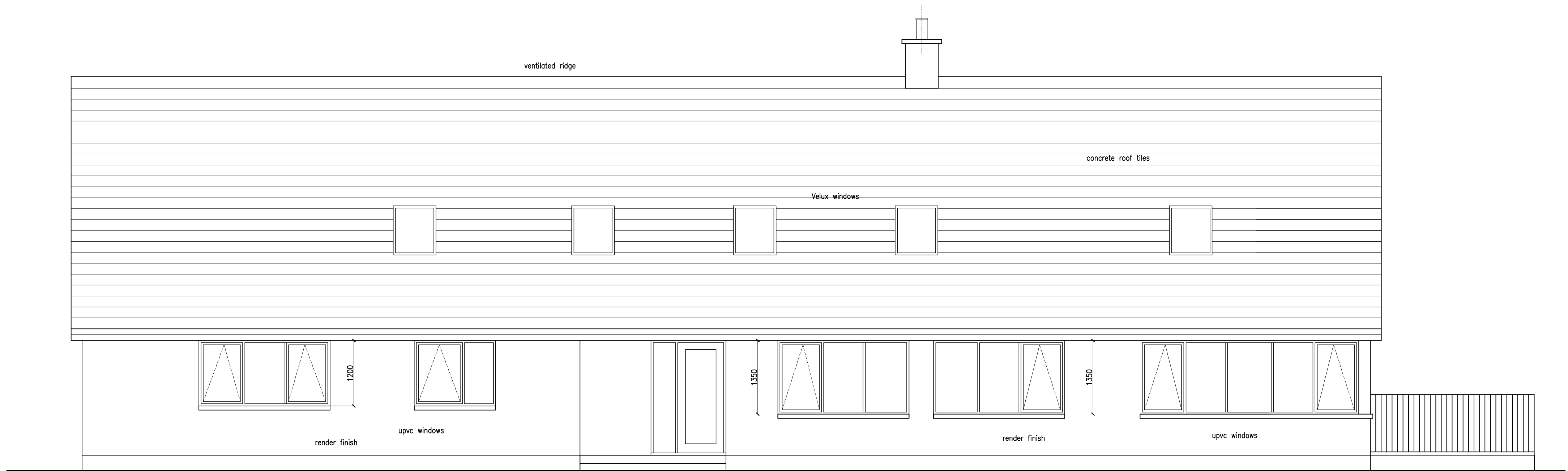
NORTH WEST ELEVATION



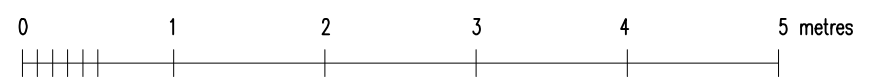
NORTH EAST ELEVATION



SOUTH WEST ELEVATION



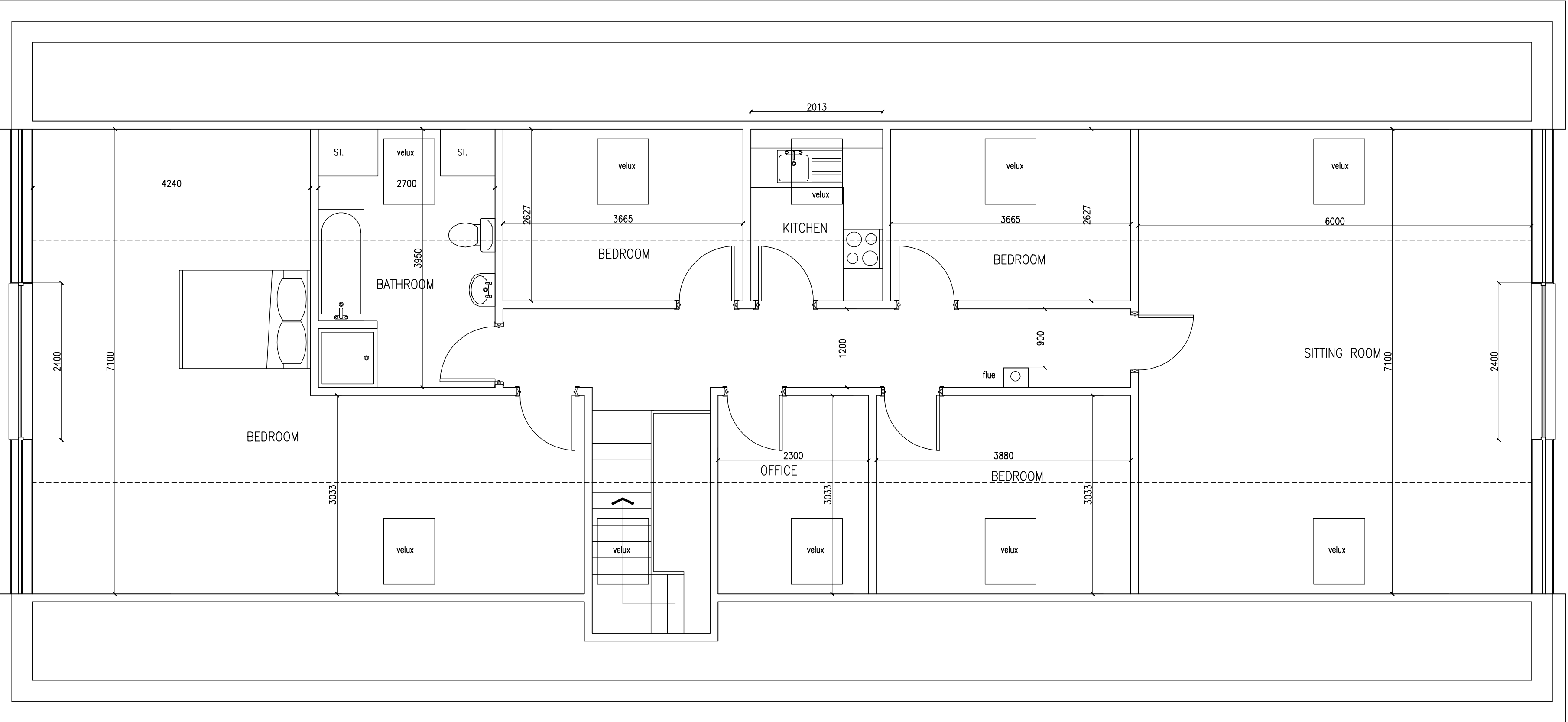
SOUTH EAST ELEVATION



PROPOSED HOUSE AT SELMS & LAWHEAD
 FARMS, KIRKNEWTON FOR
 MR. D. BLAIN

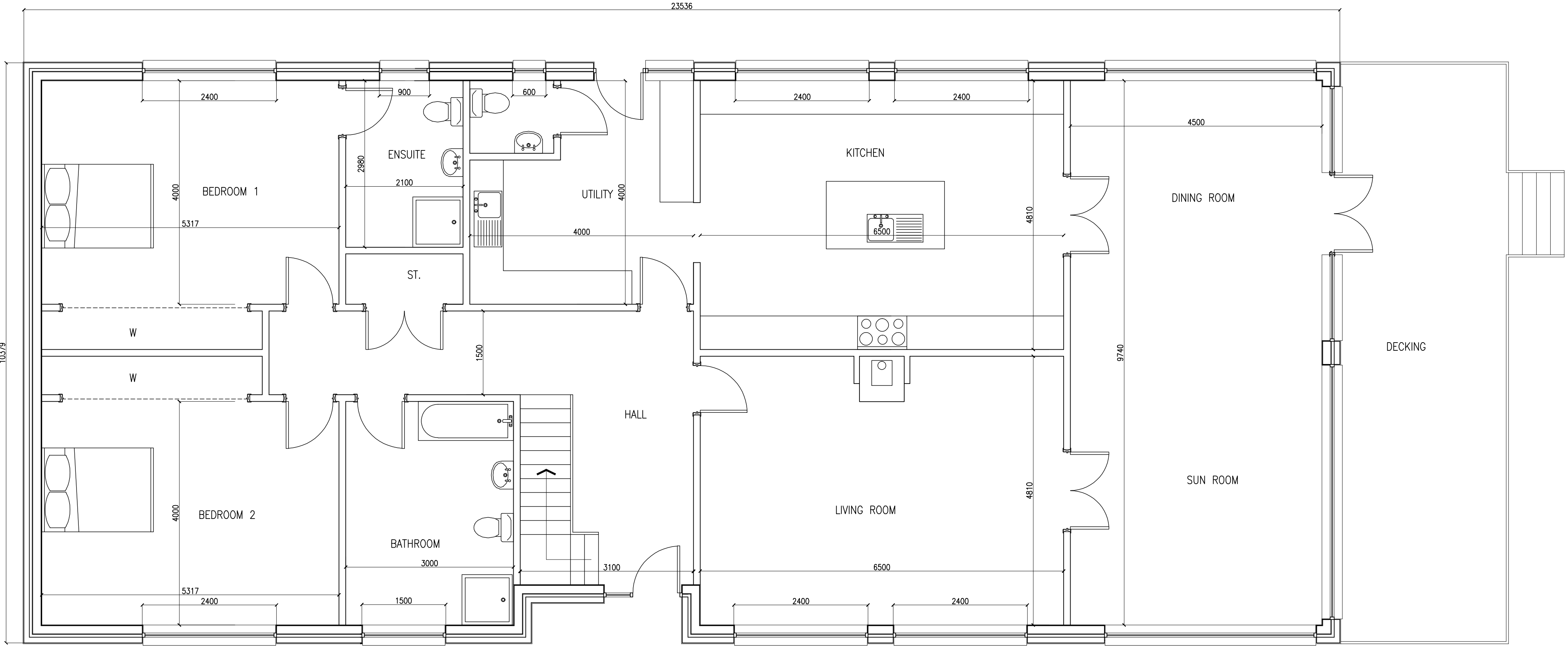
PROPOSED ELEVATIONS 15-010
 1:50 JAN 2016 PA 4

GEORGE SIMPSON Dip. Arch., R.I.B.A., A.R.I.A.S. Chartered Architect
 40 Main Street, Braehead, Forth, Lanarkshire. ML11 8EZ
 Tel./Fax. 01555 811641
 E-mail: georgesimpson40@btinternet.com



163 sq.m.

UPPER FLOOR



244 sq.m.

GROUND FLOOR



PROPOSED HOUSE AT SELMS & LAWHEAD
FARMS, KIRKNEWTON FOR
MR. D. BLAIN

PROPOSED PLANS 15-010

1:50 JAN. 2016 PA 3

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For the attention of Kirsty Nicholls

26 April 2016

Dear Ms Nicholls

**Proposed House at Selms and Lawhead Farm, Kirknewton EH27 8DQ
Ref. 0106/FUL/16**

Further to your emails of 12 April and our subsequent discussions please note the following information in support of the application:

1. There is currently no farmhouse on any of the land attached to the farm.
2. The farm employs 3 full time workers namely the applicant, his son and one other worker.
3. Of approximately 400 acres, 120 acres are assigned for crop growing and the rest is grazing. Further grazing is rented elsewhere.
4. Stock levels are currently 480 ewes and 120 breeding cows with the offspring being additional to this.
5. The applicant and his family currently live with his elderly mother at Coxydene and the reason for proposing a large house was that eventually, as his mother grows older they would all be able to live at the application site.
6. A large house has recently been constructed by others on adjacent land. There is also a steading redevelopment. Neither of these is for any agricultural use and access to these is by way of the private tarred access road which is owned by the applicant.
7. Given the above information, I would be grateful if you and your colleagues would be prepared to meet with my client on site to discuss the application. I appreciate that you have said that you visited the site and are aware of its various issues. I do however feel that a site visit would be beneficial prior to the application being determined.

I look forward to receiving your consideration.

Yours sincerely

George Simpson



West Lothian
Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number ...0106/FUL/16.....	Applicant Request <input type="checkbox"/>
Site Address Selms and Lawhead Farm, Kirknewton	Constituent Request ✓
Title of Application new house.....	Other (please specify) <input type="checkbox"/>
Member's Name CllrDave King.....	

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Single storey extension and erection of a 1.8 metre boundary wall to the front of the house at 43 Bankton Way, Livingston.

2 DETAILS

Reference no.	0153/H/16	Owner of site	Mr and Mrs Robertson
Applicant	Mr G Nicol	Ward & local members	Livingston North L. Fitzpatrick D. Logue J. Muir P Johnston
Case officer	Lindsey Patterson	Contact details	01506 282311 lindsey.patterson@westlothian.gov.uk

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

3 RECOMMENDATION

Grant Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a single storey extension to the front of a single storey detached property. Although the proposed alterations are to the front of the property, the house is orientated with the rear garden facing directly onto the access road, with no access to the front of the property from the street. Therefore, as the front of the property is essentially used as the only private garden space, the rear of the property is considered to be the principal elevation. The application site is surrounded by two storey housing.
- 4.2 The proposed extension would comprise a sitting room, hall and W.C; it would be 4.4 metres in length, 5.4 metres wide and 3.7 metres in height.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform ?
West Lothian Local Plan	Policy HOU 9 Residential Amenity	Residential amenity for the residents of the neighbouring houses will not be adversely affected by the proposed extension as there are no additional overlooking, overbearing or overshadowing issues as a result of the extension.	Yes

Supplementary Planning Guidance	Assessment	Conform
House Extension and Alteration Design Guide 2015	The proposal does not have a detrimental impact on the visual and residential amenity of neighbouring residents. The proposed extension is not further forward than the neighbouring property therefore does not break the building line and is therefore considered to be acceptable.	Yes

6. REPRESENTATIONS

The neighbouring properties were notified of the application and the period for receipt of representations has expired. Due to an admin error with the online comments system the period for objections was extended by two days. Two letters of representation have been received, both objecting to the proposal and are summarised below.

Comments	Response
Overbearing/dominance	The proposed extension is of a modest scale being single storey and will not dominate the appearance of the existing property or the neighbouring properties, all of which are two storey.
Front building line	While the proposed extension is to the front of the property this is not the principal elevation. The houses have been designed with the rear of the property fronting the access road with small gardens which have little privacy on this elevation. The council would therefore consider this the principal elevation as it is fronting the access road. The front of the property, where the extension is proposed, is currently enclosed by a 1.8 metre timber fence in order to provide some private garden space and is therefore utilised as the rear garden. The addition of the 1.8 metre wall to replace the existing fence therefore will not impact the existing building line in any way. The application site is also set back from the neighbouring house at number 44, therefore meaning that the proposed extension does not

Privacy/Window to window distance	<p>come any further forward than number 44 and will not break the building line. The extension is also single storey in comparison to the surrounding two storey properties and so will dominate the appearance of the building line on this elevation.</p> <p>There are no windows on the ground floor, side elevation of either the application site or the neighbouring property at number 44. There is also a 2 metre fence separating the two properties and a hedge on the boundary of the neighbouring property therefore, as the extension is only single storey, there shall be no additional overlooking issues as a result of the extension.</p>
Distance to boundary/Maintenance	<p>The objector also states that a 1 metre gap should be left between the properties to allow for maintenance. While it is advisable that space is left between properties for maintenance there is however no statutory requirement to do so.</p>
Character	<p>The proposed extension is a single storey, modest extension therefore it will not alter the character of the existing properties. The neighbouring property at number 44 is also set slight further forward than the application site meaning that the proposed extension is now in line with the neighbouring property, minimising its impact.</p>
Insufficient detail – the objectors state there is insufficient detail regarding the relationship to the property at number 44 and the surrounding area	<p>The council considered that sufficient information has been provided in order to fully assess the application and the potential impact on neighbours and therefore no further information is required.</p>
Precedent	<p>Each application is assessed on its own merit and individual circumstances regarding the impact on neighbouring properties and the street scene therefore there is no precedent set by any previous application.</p>

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 In assessing the application the impact of the proposed development on neighbouring residents, and its degree of accordance with the House Extension and Alteration Design Guide, require to be assessed.

- 7.3 The proposed extension, although on the front elevation is not situated on the principal elevation of the property. The houses have been designed with the front elevation enclosed and the rear elevation being the only access to the property from the road. The rear elevation, with little private garden space, is therefore, in terms of the property, considered to be the principal elevation with the usable, private garden space being to the front of the property. It would therefore be unreasonable to impose guidance regarding front extensions to this property given the lack of private garden to the rear, and the fact that the 'front' garden is enclosed by a 1.8 metre high fence. The proposed extension is also of a modest scale being only single storey and therefore will not dominate the existing house or the surrounding properties. As the application site is set back from the neighbouring property, the extension does not project any further forward than the existing building line, therefore having no impact on the character and appearance of the street scene. In view of this, there will be minimal effect on the neighbouring properties in terms of residential amenity with regard to over dominance and character and therefore the development is in accordance with the requirements of policy HOU 9 of the West Lothian Local Plan.
- 7.4 The House Extension and Alteration Design Guide requires, as a general principle, that extensions should respect neighbours privacy and should not directly overlook a neighbours private garden. The guide also sets out minimum window to window distances which should be adhered to avoid privacy failures. The proposed extension has no windows on the side elevation which would overlook the neighbouring garden. The objector states that there would be a privacy failure between their hall window (which is not protected by the privacy guidelines due to not being a habitable room) on the first floor, side elevation of their property and the ground floor patio doors on the rear elevation of the proposed extension. There will not however be any privacy failure due to the proposed extension being single storey therefore it would not be possible to view the first floor window of the neighbouring property. The windows are also on two separate elevations, the side window of the objectors property and the rear elevation of the proposed extension. Given the orientation of the site with the objector's property having the same orientation, the objector's hall window already overlooks the applicant's own garden, therefore the proposed extension will not cause any overlooking issue into the neighbouring property but rather alleviate overlooking into their own property. The proposal therefore accords with the House Extension and Alteration Design Guide 2015.

8. CONCLUSION AND RECOMMENDATION

- 8.1 There are no visual amenity, overshadowing or over looking issues which would arise from the proposed extension and boundary wall and it is considered that the development would not have a detrimental impact on neighbouring residents. The proposal will not be detrimental to the amenity of the streetscene and complies with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted.

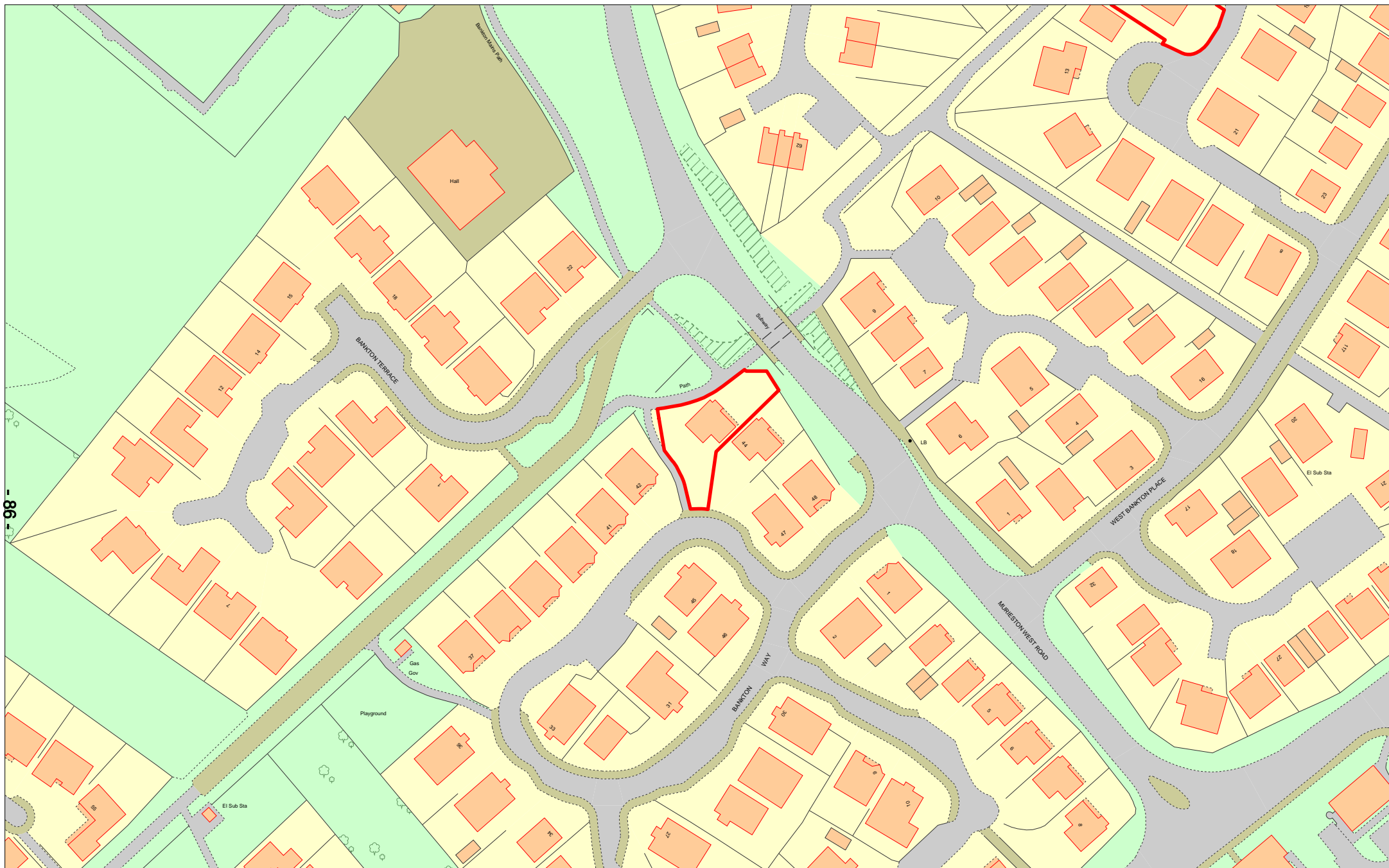
9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial View
- Elevations
- Floorplans
- Two Letters of Representation
- Member Referral Form



CHRIS NORMAN
Development Management Manager

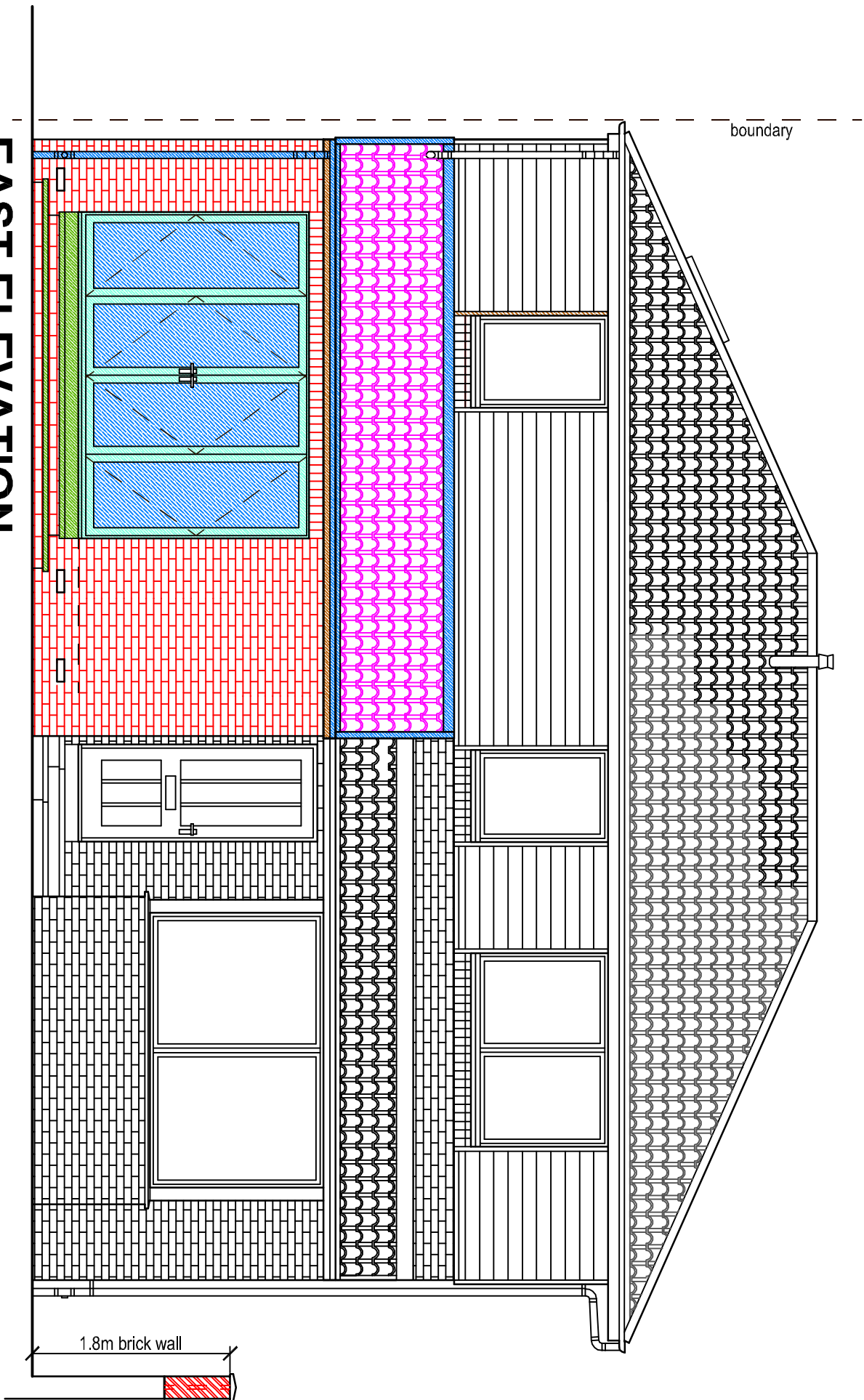
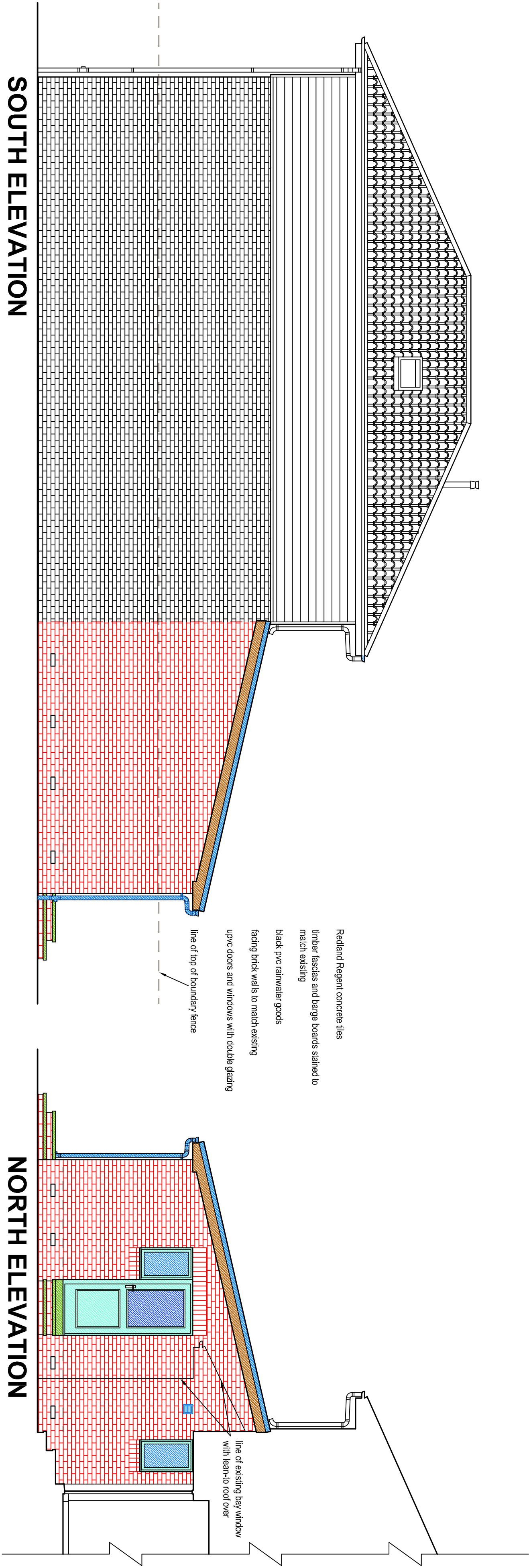
Date: 18 May 2016





-87-





- Redland Regent concrete tiles
timber fascias and barge boards stained to match existing
black pvc rainwater goods
facing brick walls to match existing
upvc doors and windows with double glazing
existing wooden infill panels and brick piers removed
wall to be built to a height of 1.8m from garden ground level in 205mm thick facing brick to match existing base wall
fit concrete coping to top

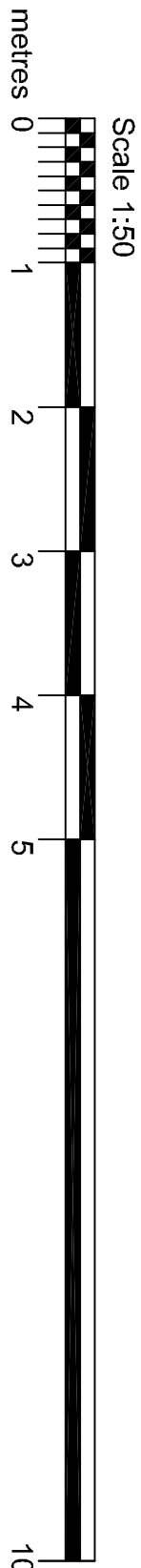
Client : Mr G Nicol
Project : Extend House at
43 Bankton Way
Livingston
EH54 9EG

Title :
PROPOSED ELEVATIONS

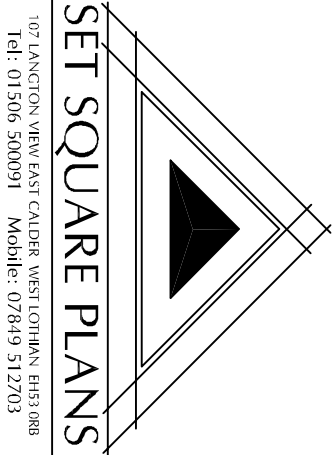
Scale : 1:50
Date : March 2016
Drawing No. : SSP 0371/2

Drawn by : AMD

Amendments:



The Copyright For This Drawing Remains With SET SQUARE PLANS And Should Not Be Reproduced Without Permission.



44 Bankton Way
LIVINGSTON
EH54 9EG

29th March 2016

Mr Chris Norman
Development Management Manager
Development Management Office
West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

Dear Sir

Objection to Planning Application 0153/H/16
43 Bankton Way, Livingston, EH54 9EG

I refer to Notice of an Application for Planning Permission dated 9th March 2016 and wish to lodge an objection to this application on the following basis:

1. The original planning approval for Bankton Way included that all houses which faced onto Murieston West Road should have their frontage facing the district road. Therefore, by definition, the proposed development is shown as to the front of the house. As per West Lothian Council Supplementary Guidance for House Extension and Alteration Design Guide 2015, Section 9 indicates "Apart from small porches, extensions should not generally be built forward of the main building line of the property and should be avoided due to their impact and prominence on the streetscene"
2. Section 2 of the Supplementary Guidance discusses minimum distance in metres between window openings. The interpretation of this paragraph should be seen as a view from 44 Bankton Way bay window onto the proposed extension patio window. Therefore, the distances quoted in Table 1 require to be qualified.
3. With the proposed extension in mind, the view from 44 Bankton Way upper hall window will be over dominated by the roof extension (see attached photomontage).
4. The drawings indicate that the extension will be approximately 15cm from the common boundary which will effectively reduce the building spacing from 200cm to 115cm. My understanding is that, as a general rule, extensions should ideally be set back from the common boundary by at least 100cm making the minimum spacing between buildings of 200cm.
5. Building to within 15cm of the common boundary will create a situation where maintenance of the extension exterior will prove difficult.
6. Due to the close proximity of the proposed extension, the character of the existing buildings will be changed

7. As the site plan drawing is insufficiently detailed, there is no in depth information of the relationship between 43 Bankton Way and 44 Bankton Way
8. Regarding fences and walls for the proposed development, Section 13 of the Supplementary Guidance should be implemented based on the fact that the proposed extension is to the front of the property.

Approval of this planning application will create a precedent allowing other properties within Bankton Way which view onto Murieston West Road, to apply for extensions to the front of their properties which will totally change the character of the street area and goes against the Supplementary Guidance. As the proposed development at 43 Bankton Way provides the dominant view from Murieston West Road, vehicles travelling south from Crofthead Interchange to Alderstone Road will be confronted with a development uncharacteristic of the other properties in the vicinity (see attached photomontage).

Yours faithfully,



IAN BROWN

View of Original House Front.



View of Phase 1 Extension Planning App 0798/H/11



Photomontage of proposed development 0153/H/16



Proposed Development View from Murieston West Road.



41 Bankton Way
LIVINGSTON
EH54 9EG

29th March 2016

Mr Chris Norman
Development Management Manager
Development Management Office
West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

Dear Sir

**Objection to Planning Application 0153/H/16
43 Bankton Way, Livingston, EH54 9EG**

I refer to the above Planning Application and wish to object on the following grounds.

- Plans submitted do not show sufficient impact on the area.
- If the extension to 43 Bankton Way is granted approval, the whole ambience of the property will have a negative impact on the appearance of the estate as a whole.
- I am also concerned that if planning is approved, this will allow other properties within Bankton Way to apply for planning permission for extensions to front of properties.

I look forward to hearing favourably from you in due course.

Yours faithfully

MAUREEN IMRIE (Mrs)



West Lothian Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0153/H/16	Applicant Request..... <input type="checkbox"/>
Site Address 43 Banklaw Way Livingston	Constituent Request..... <input checked="" type="checkbox"/>
Title of Application Extension	Other (please specify)..... <input type="checkbox"/>
Member's Name Cllr [Signature]	



DEVELOPMENT MANAGEMENT COMMITTEE

PLANNING APPEAL PPA-400-2063: LAND AT JARVEY STREET AND MAIN STREET, BATHGATE

REPORT BY CHIEF SOLICITOR

A. PURPOSE OF REPORT

To seek authority from the Development Management Committee to submit the appended response to the procedure notice issued by The Scottish Government's Planning and Environmental Appeals Division (the DPEA) in relation to Planning Appeal PPA-400-2063.

B. RECOMMENDATION

To note the approval provided using SO31 (Urgent Business) to approve the submission of an additional response to the DPEA in relation to Planning Appeal PPA-400-2063

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable;
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed response will ensure that the council's position with regard to the original planning application in question and the appeal, is taken into consideration by the DPEA in deciding the appeal.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	N/A
VIII Other consultations	Legal Services; Chair of Development Management Committee

(DMC);
Ward Members: Councillors Willie Boyle, Harry
Cartmill, John McGinty and Jim Walker

D. TERMS OF REPORT

Planning Application reference number 0645/FUL/15 in respect of the development of land at Jarvey Street, West Lothian for flats was decided at Development Management Committee on 20 January 2016 against officer's recommendation.

The applicant has appealed to the DPEA against the decision of the committee and the DPEA has issued a procedure notice requesting further information. Bathgate High Parish Church, opposite the appeal site on Jarvey Street, is a category 'B' listed building. When the original planning application was being considered, the council did not consider the potential impact of the development on the church. The DPEA has now asked the council and the appellant for their views on the potential impact of the development on the church. The appended document is the council's proposed response to the procedure notice.

In accordance with agreed procedures, the Chair of DMC and relevant ward members were consulted on the response before it was finalised for approval and lodging with DPEA.

E. CONCLUSION

The attached response sets out the council's position on the potential impact of the development on Bathgate High Parish Church.

F. BACKGROUND REFERENCES

Report to Development Management Committee dated 20 January 2016

Planning Appeal DPEA reference PPA-400-2063

Appendices/Attachments:

Appendix 1: Response of West Lothian Council to procedure notice in relation to Planning Appeal DPEA reference PPA-400-2063

Contact Person: Wendy Richardson, Solicitor, 01506 283524, wendy.richardson@westlothian.gov.uk

Carol Johnston, Chief Solicitor

Date of meeting: 18th May 2016

Corporate Services

**Carol Johnston
Chief Solicitor
Legal Services**

SENT BY E MAIL TO

Jane Robertson
Case Officer, Planning and
Environmental Appeals Division

WEST LoTHIAN COUNCIL
WEST LoTHIAN CIVIC CENTRE
HOWDEN SOUTH ROAD
LIVINGSTON
EH54 6FF

LP 1, LIVINGSTON 2

DX 552060, LIVINGSTON 7

e-mail: wendy.richardson@westlothian.gov.uk

Marian Davies,
Agent for the Appellant

3 May, 2016

Our Ref: WR/PLA-016749
Your Ref: PPA-400- 2063
Contact: Wendy Richardson
Tel: 01506 283524

Dear Sirs

PLANNING PERMISSION APPEAL: VACANT SITE AT CORNER OF JARVEY STREET & MAIN STREET BATHGATE

This letter is the council's response to the procedure notice dated 18 April 2016 requesting further information under the terms of The Town and Country Planning (Appeals) (Scotland) Regulations 2013.

Given the nature of development which has already taken place in the vicinity of Bathgate High Church, the council considers that the proposed development would have a neutral impact on the setting of the listed building.

However, the design and, in particular, the height of the proposed development is inappropriate for the location and would have a detrimental impact on the amenity of the surrounding area.

Yours faithfully

Wendy Richardson
Solicitor

on behalf of Chief Solicitor



Development Management

List of Delegated Decisions

Date: **08/04/2016**

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 12 noon on 15/04/2016.

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0106/FUL/16 Kirsty Nicholls Local Application	Blain	Erection of a house (Grid ref - 309128 66039) at Selms and Lawhead Farm, Kirknewton	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Refuse Permission	objection 0	The site is located outwith the settlement envelopes defined in the West Lothian Local Plan. The applicant has not advanced satisfactory justification for the construction of a house within the countryside. The construction of an unjustified house in this location would be detrimental to the character of the countryside. The proposal is contrary to: ENV31 (development in the countryside) of the WLLP; ENV33 (development in the countryside) of the WLLP; IMP14 (supplementary planning guidance) of the WLLP; ENV2 (housing in the countryside) of the WLLDP; ENV3 (development in the countryside) of the WLLDP.

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0183/H/16 Kirsty Nicholls Local Application	Park	Extension to house (grid ref. 305937 664497) at 40 MURIESTON PARK, MURIESTON, LIVINGSTON, EH54 9DU	Livingston South Lawrence Fitzpatrick Peter Johnston Danny Logue John Muir	Grant Conditional Permission	objection 1 Overlooking	<p>The proposal is for the erection of a single storey extension to the side of the property.</p> <p>The extension will be sympathetically designed and the site can accommodate its size. The plot is relatively large, with the property being a detached house.</p> <p>In terms of overlooking, the proposed extension will replace an existing conservatory which at present has five panels of glass to the neighbouring property. The proposed extension will reduce the level of glazing at present with the introduction of high level windows. Furthermore, there is a close boarded fence on the communal boundary and the extension will be set further off this boundary than the existing conservatory.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide, Transportation guidelines and policy HOU 9 of the West Lothian Local Plan.</p>

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

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0174/FUL/16 Mahlon Fautua Local Application	Muir	Conversion of outbuilding to form a house (grid ref. 297221 669072) at 26 WAVERLEY STREET, BATHGATE, EH48 4HZ	Bathgate William Boyle Harry Cartmill John McGinty James Walker	Refuse Permission	objection 0	<p>The proposed house will not be compatible with the established building pattern and the predominant character of the established housing in the area. The creation of a separate residential unit within the existing outbuilding would be unacceptable in terms of visual amenity and privacy.</p> <p>The council's SPG 'Single plot and small scale infill residential development in urban areas (how to avoid town cramming)' seeks a minimum back garden length of 9m. As such, the available garden will not be commensurate with the existing gardens which is characterised by large spacious gardens. The site does not appear to have the capacity to accommodate all the required parking.</p> <p>There are also potential contaminated land issues that require to be addressed.</p> <p>The proposed plot is considered to be contrary policies HOU 2, HOU 4 and HOU 9.</p>

Application No. & Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0153/H/16 Lindsey Patterson Local Application	Nicol	Extension to house(Grid ref 605738 665342) at 43 BANKTON WAY, MURIESTON, LIVINGSTON, EH54 9EG	Livingston South Lawrence Fitzpatrick Peter Johnston Danny Logue John Muir	Grant Conditional Permission	objection 1 Front building line Privacy/Window to window distance Overbearing Distance to boundary Maintenance Character Insufficient detail Precedent	<p>The proposal is for a single storey extension and erection of a 1.8 metre boundary wall to the front of a two storey detached property.</p> <p>Although the proposed alterations are to the front of the property, the house is orientated with the rear garden facing directly onto the access road, with no access to the front of property from the street. Therefore, as the front of the property is essentially used as the only private garden space, the rear of the property is considered to be the principal elevation. Section 9 of the House Extension and Alteration Design Guide 2015 regarding front extensions, as stated by the objector, is therefore not relevant to this proposal. The objector also raises issues with regard to the proposed boundary wall to the front of the property which, being proposed at 1.8 metres to the front would contravene the council's guidance. However as this is the only private garden space available and as stated would not be considered as the principal elevation of the proeprty, the proposal conforms with the council's guidance in this case.</p> <p>With regard to the minimum window to window distances between properties stated within the design guide, the proposal conforms to this guidance as there are no windows on the side elevation of either the application site or the neighbouring property at number 44. There is also a fence separating the two properties and a hedge on the boundary of the neighbouring property therefore, as the extension is only single storey, there shall be no additional overlooking issues as a result of the extension.</p> <p>The objector also raises issues regarding dominance of the roof of the extension when viwed from the first floor window of the neighbouring property. As the extension is a</p>

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
						<p>modest, single storey extension which would not block light from the neighbouring window it is not considered to be overbearing. The objector also states that a 1 metre gap should be left between the properties to allow for maintenance. While it is advisable that space is left between properties for maintenance there is however no statutory requirement to do so.</p> <p>The proposed extension is a single storey, modest extension therefore it will not alter the character of the existing properties. The neighbouring property at number 44 is also set slightly further forward than the application site meaning that the proposed extension is now in line with the neighbouring property, minimising its impact.</p> <p>The objector also states that there is not sufficient information regarding the relationship to the neighbouring property at number 44. The council considered that sufficient information has been provided in order to fully assess the application and the potential impact on neighbours and therefore no further information is required.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>

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

Application No. &Case Officer	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0182/H/16 Lindsey Patterson Local Application	Siddall	Extension to house and conversion of garage (grid ref. 296825 665474) at 1 Riverbank Court, East Whitburn, Whitburn, EH47 0FD	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Grant Conditional Permission	objections 8 Materials Design - Iron railings and velux windows	<p>The proposal is for a two storey extension to the side and a single storey extension to the rear of a two storey, semi-detached property within the Upper Linlithgow and Union Canal conservation area.</p> <p>Following negotiation with the applicant and agent, the plans have been amended to show a the proposed cast iron roof detailing to the proposed extension to replicate that which is present on the existing house. The proposed finishes, are considered acceptable.</p> <p>In terms of the proposed velux window, while this does not match the windows within the existing property, it was agreed that as a compromise to installing the cast iron roof detailing the velux window would be acceptable. It was requested that the window within the extension should replicate the design of the windows within the existing property however this would not provide sufficient light to the proposed extension. The agent also pointed out that the velux window would blend in more with the colour of the slate roof rather than a large window and therefore would be less visually intrusive.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>



Development Management

List of Delegated Decisions

Date: 15/04/2016

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 22/04/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0209/FUL/16 Mahlon Fautua Local Application	Rebecca's	Siting of a steel container to be used as a catering unit (grid ref. 296202 666346) at Boghead Roundabout, Boghead	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Refuse Permission	none	<p>The proposed permanent placement of a steel container to be used as a catering unit within the countryside is unacceptable. The building and site would be prominent in particular on the adjacent road network and will be visually intrusive on the countryside. It would appear that a part of an existing mature tree belt along the roadside would require to be removed to accommodate the container.</p> <p>It is noted that there is a snack van that operates close to the site within the road, however this is moved away daily.</p> <p>It is considered that the proposal is contrary to ENV 22, ENV 31 and ENV 33.</p> <p>Therefore it is recommended that the application is refused.</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0201/H/16 Lindsey Patterson Local Application	Mabon	Installation of dormer windows (Grid ref 308510 674943) at 22 DUNN PLACE, WINCHBURGH, EH52 6UH	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Refuse Permission	objection 0	<p>The proposal is for three dormer windows situated on the front, side and rear elevation of a first floor flat.</p> <p>Allowing dormer windows on all three roof elevations would dominate the appearance of roof to the detriment of the appearance of the property and the surrounding area. The council's House Extension and Alteration Design Guide 2015 states that dormer windows should not dominate the appearance of the roof, therefore the proposal is clearly contrary to this guidance. The eaves of the dormer window on the side elevation would also be above the roof plane extending beyond the width of the existing roof, again appearing dominant and out of place. The dormer windows would therefore appear overbearing and out of place, detracting from the appearance of the existing property and street scene as a whole to the detriment of the visual and residential amenity of neighbouring residents, contrary to policy HOU 9 of the West Lothian Local Plan.</p> <p>The dormer windows would be the first of this type on the front elevation therefore a high quality design would be required in order to avoid setting an undesirable precedent within the street scene. Allowing this proposal would make future similar applications difficult to resist therefore collectively having a detrimental impact on the visual amenity of the street scene, contrary to policy HOU 9 of the local plan.</p> <p>The proposed development is therefore unacceptable and does not accord with policy HOU 9 of the West Lothian Local Plan or the council's House Extension and Alteration Design Guide 2015.</p>



Development Management

List of Delegated Decisions

Date: 22/04/2016

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 29/04/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0466/FUL/11 Mahlon Fautua Local Application	M&M Executive	Erection of 8 houses (grid ref.293294 660414) at Meadow Crescent, Fauldhouse	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	GRANT subject to a Section 75 Agreement	objections 5 Restricted access Impact on sewers and drainage, already problems with backing up in heavy rain Disturbance and noise during construction Potential harm caused by contaminated land during clearance Impact on existing footpath through the site Potential contamination to water Walk through the site would have to be closed during construction Access off Meadow Crescent, which is cul de sac, during construction and clearance traffic would be hazardous Report suggests soil dangerous in future Material scraped from site and dumped on Greenburn Golf Course	The principle of the development is supported given the Housing Allocation. The application was previously put on the list as a delegated refusal as it was not satisfactorily demonstrated by the applicant that the site can be developed safely in terms of ground contamination. However since then, the applicant has submitted the necessary documents and reports that satisfy the principles and parameters for risk assessment of human health. Therefore it is recommended that the application is granted, subject to conditions and the securing of the necessary developer contributions.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0060/H/16 Lindsey Patterson Local Application	Kennedy	Demolition of garage and extension to house(Grid ref 308495 667105) at 78 FIRBANK GROVE, EAST CALDER, EH53 0DY	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Grant Conditional Permission	objection 1 Two representations have been received; 1 in support of the application and 1 objectiing to the proposals for the reasons listed below: Overshadowing	<p>The proposal is for a single storey extension to the side and rear of a two storey semi-detached property.</p> <p>The objection relates to overshadowing as a result of the extension and the subsequent loss of light to the garden and house. As the objector's property is situated to the south east of the application site it is unlikely that overshadowing would occur as a direct result of the proposed extension however more likely to be a result of the existing houses later in the day. The proposal is also single storey with the remaining garden being 9.4 metres form the extension to the mutual boundary with the objectors property, therefore overshadowing is more likely to be within the applicant's own garden, in accordance with the council's House Extension and Alteration Design Guide 2015.</p> <p>Following negotiations with the agent the plans have also been amended to show a 200mm reduction in height to avoid a detrimental overbearing and overshadowing impact on neighbouring residents.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0138/H/16 Lindsey Patterson Local Application	McNair	Two storey extension and extension to house (grid ref. 300139 676802) at CRAIGMAILEN, 12 FRIARS BRAE, LINLITHGOW, EH49 6BQ	Linlithgow Tom Conn Tom Kerr David Tait	Grant Conditional Permission	objection 1 Materials Design - Iron railings and velux windows	<p>The proposal is for a two storey extension to the side and a single storey extension to the rear of a two storey, semi-detached property within the Upper Linlithgow and Union Canal conservation area.</p> <p>Following negotiation with the applicant and agent, the plans have been amended to show a the cast iron detailing to the roof of the proposed extension to replicate that which is present on the existing house. In terms of the proposed velux window, while this does not match the windows within the existing property, it was agreed that as a compromise to installing the cast iron roof detailing the velux window would be acceptable. It was requested that the window within the extension should replicate the design of the windows within the existing property however this would not provide sufficient light to the proposed extension. The agent also pointed out that the velux window would blend in more with the colour of the slate roof rather than a large window and therefore would be less visually intrusive. The proposed finishes are, with these changes, considered acceptable.</p> <p>The proposal will therefore comply with the Council's House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0199/FUL/16 Steven McLaren Local Application	McLaren	Change of use from public open space to private garden ground and erection of a boundary fence (in retrospect) (grid ref. 300084 676133) at 89 ACREDALES, LINLITHGOW, EH49 6JA	Linlithgow Tom Conn Tom Kerr David Tait	Grant Conditional Permission	objections 10 Reduced sight line for vehicles. Reduced visibility from parking bays. Road safety. Pedestrian safety. Lighting column now fenced in garden ground.	The applicant has installed a replacement rear garden fence, increasing the height to 1.8m and double boarding for additional privacy. There was a narrow concrete strip edging the back of the road kerb to the outside of the original fence and the new fence has been constructed over this, bringing the new fence closer to the back of the road kerb. The fence has been extended further forward in the plot and returned to the rear of the house, enclosing a street lighting column within the garden ground. The fence has also been extended over a concrete section of ground which lay out with the fence line at the rear corner of the plot and in front of a public parking bay. The rear garden of this property faces a public road and the front garden areas of 73 to 77 Acredales. In this respect, the fence being higher than the original and of new timber is more prominent however, this has to be balanced with the desire for privacy from the current owner. A 1.8m high fence for a rear garden is therefore not uncommon. Constructing the fence closer to the road kerb line does not create road safety issues as the concrete edging previously was very narrow and of little consequence. Incorporating the additional area of ground at the rear of the garden does however create road safety issues as it impacts to an unacceptable degree on the ability of drivers to see oncoming traffic or pedestrians on the shared road surface, particularly if maneuvering out of the parking bay. Recommendation therefore is to grant planning permission subject to conditions requiring the fence to be amended to take the lighting column out of the garden area and to realign the rear of the fence to its original position, thus restoring an appropriate visibility splay at this point of the road.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0182/H/16 Lindsey Patterson Local Application	Siddall	Extension to house and conversion of garage (grid ref. 296825 665474) at 1 Riverbank Court, East Whitburn, Whitburn, EH47 0FD	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Grant Conditional Permission	objections 9 Design Child minding business Use of garage a rooms creating parking congestion. Road safety Adjacent trees Drainage Noise Privacy	<p>The proposal is for a garage conversion and single storey extension to the rear of the garage.</p> <p>The majority of objections relate to the use of the property as a child minding business and object to the objection as it could allow the business to be expanded. The applicants have planning permission for the main property to be used as a child care facility and have advised that they do not intend to expand the business as a result of the extension. They have been advised that should they wish to expand their business this might require to be the subject of a separate application.</p> <p>The design of the extension is in keeping with the existing property as it will be conditioned within the decision notice that the materials used shall match that of the existing house. With regard to the garage door now being replaced with a window, this would normally be classed as permitted development however as it forms part of this application the design is considered to be in keeping with that of the existing house.</p> <p>The proposal is single storey and there are no windows directly facing a neighbouring property on either side elevation and the windows to the rear will be obscured by the existing boundary fence. Therefore there shall be no privacy issues as a result of the proposed extension.</p> <p>The objections raised relating to noise and parking as a result of the child care business are not relevant to this proposal.</p> <p>With regard to parking as a result of the garage now being used a habitable room, the council's transportation team do not assess a garage as an additional parking space therefore the existing parking provided within the driveway is sufficient for this size of property.</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
						<p>Concerning drainage and sewerage, this is not a material planning matter however will be dealt with by building standards during the building warrant stage.</p> <p>The objections raised regarding the removal of trees adjacent to the site have not been represented on the plans and therefore do not form part of this application. The trees are not protected therefore can be removed without requiring an application.</p> <p>The proposal will not have a detrimental impact on the visual or residential amenity of neighbouring residents and therefore complies with the Council's House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>
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Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0184/H/16 Lindsey Patterson Local Application	Hunter	Installation of CCTV (in retrospect) grid ref. 307042 667053 at 2 KENNEDIE PARK, MID CALDER, EH53 0RG	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Grant Conditional Permission	objections 2 Privacy Two objections have been received however 1 of which is still to be confirmed following viewing of the existing recordings.	<p>The retrospective proposal is for the installation of 8 CCTV cameras to the front, sides and rear elevations of the property which are orientated to provide a view within the curtilage of the applicant's house, the access road and service strip which are adopted by the council. A previous application (0021/H/16) was submitted and approved earlier this year with the condition that the field of vision remains within the application site boundary, as indicated by the red line on the location plan. The applicants however were unhappy with this condition and this new application was submitted.</p> <p>Police Scotland have been consulted and have advised that the proposals are acceptable.</p> <p>As the cameras are positioned to have a view outwith the applicant's property objections have been raised regarding privacy of neighbouring residents. It is therefore intended to grant planning permission for the CCTV cameras with the condition that they are all orientated so as not to extend the view beyond the road and service strip which are adopted by the council. There will be no view from the cameras of private houses or garden areas, apart from the applicant's own property.</p> <p>It is also intended to attach a condition that the cameras are only to remain in place while the current applicants own the property and therefore would have to be removed should the house be sold.</p> <p>Subject to these conditions, there will be no intrusion on the privacy of any neighbouring residents. The proposal will therefore comply with the Council's House Extension and Alteration Design Guide and policy HOU 9 of the West Lothian Local Plan.</p>



Development Management

List of Delegated Decisions

Date: **29/04/2016**

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and recieved by the Development Management Manager by 5pm on 06/05/2016.

Application No. &Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
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Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0177/FUL/16 Steven McLaren Local Application	Hogarth	Renewal of planning application 0294/FUL/12 for the erection of a house (grid ref. 300166 676880) at JEMERN, 6B FRIARS BRAE, LINLITHGOW, EH49 6BQ	Linlithgow Tom Conn Tom Kerr David Tait	Grant Conditional Permission	objections 3 Poor access for construction vehicles. Narrow lane. Drainage. Traffic and road safety. Loss of trees. Scale of development. Design. Loss of amenity. Not appropriate for a conservation area.	This is a renewal of planning permission 0294/FUL/12 which will lapse on 10 July 2016. The original assessment of the proposals appeared on delegated list dated 28 September 2012 with the following assessment 'The site of the proposed new house is within the garden ground of an existing house within a conservation area. There is no objection from Transportation on access or road safety issues. Objections regarding right of access over the private access road are not material planning matters, as the developer must get the relevant permissions from owners. With regard to objections regarding drainage, the developer must provide drainage to the satisfaction of the water authority. Although the design is modern, it is sympathetic, and fits into the topography of the area. The house will be well screened by trees and hedges. The design is therefore considered to be acceptable within the conservation area and there is no loss of amenity, light or privacy for existing residents. The footprint of the building covers 28% of the site and is line with guidance and the character of the area, and is not considered to be too large for the site. Although 2 mature trees will be lost there is still substantial planting on the boundary of the site, and the loss will not significantly impact on the area. A 2 metre fence is not regarded as inappropriate on rear garden boundaries. It is recommended that the application be approved subject to appropriate conditions and the provision of developer contributions'. A Section 75 legal agreement was concluded for developer contributions and the decision issued. Whilst the current application has attracted further objections, there have been no material changes in circumstances on the ground or in council policy in the intervening period. Recommendation is therefore to grant a renewal of the permission.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0198/LBC/16 Ranald Dods Other	Vestry of St. Peter's Episcopal Church	Listed building consent for two storey rear extension to church and alterations (grid ref. 300003 677058) at ST PETERS CHURCH, 153 HIGH STREET, LINLITHGOW, EH49 7EJ	Linlithgow Tom Conn Tom Kerr David Tait	Grant Listed Building Consent	<p>objection 1</p> <p>One letter of objection was received in addition to a letter of support.</p> <p>Objection: Impact on character of listed building; different style of architecture; impact on amenity; unacceptable impact on the rear of the building.</p> <p>Support: Proposed extension is well designed, albeit contrasting in style.</p>	Whilst the style of the proposed extension is different from the church, it is identifiably modern. It will see the removal of a small, flat roofed extension to the rear of the church and will be a suitable replacement. The proposed development will not be detrimental to the character and setting of the listed building.
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Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0208/H/16 Lindsey Patterson Local Application	Clarke	Extension to house (301535, 664878) at 6 Oakbank Cottages, West Calder EH55 8PR	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Refuse Permission	objection 1 Overshadowing	<p>The proposal is for a single storey extension to the rear of a two storey mid terrace property.</p> <p>The proposed extension would be situated almost on the mutual boundary with the neighbouring property to the north east. The extension would therefore directly overshadow the useable space rear garden space of the neighbouring property, which is clearly used as garden space and therefore contrary to the council's House Extension and Alteration Design Guide 2015 which requires that any overshadowing should be within the applicant's own property.</p> <p>The neighbouring property also has a window close to the mutual boundary which would be overshadowed by the proposed extension. While this is a bathroom window the neighbouring residents have advised that they would intend to convert this back into a bedroom, as it originally was, which is protected by overshadowing guidance. This would then have a detrimental impact on the residential amenity of the neighbouring residents, contrary to policy HOU 9 of the local plan which seeks to protect residential amenity.</p> <p>The proposal is therefore considered to be unacceptable as it does not accord with the council's SPG House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.</p>



Development Management

List of Delegated Decisions

Date: 06/05/2016

The following decisions will be issued under delegated powers unless any Member advises the Development Management Manager that the application should be referred to the Development Management Committee for determination. Requests to refer applications must be made on the attached form and received by the Development Management Manager by 5pm on 13/05/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0206/A/16 Steven McLaren Other	Pets at Home	Erection of 3 illuminated fascia signs (grid ref. 304864 666313) at UNIT 4, ALMONDVALE AVENUE, Almondvale, Livingston, EH54 6QX	Livingston South Lawrence Fitzpatrick Peter Johnston Danny Logue John Muir	Refuse Advertisement Consent	none	The proposal is to erect two high level illuminated signs on the wall of a building within the Almondvale Retail Park. The signs are ancillary to the main Pets at Home sign and advertises a vets and pet grooming service within the store. Whilst the vet and pet grooming service may be complementary to the sale of pets and pet supplies, the installation of this signs may set a precedent for the advertisement of other similar complementary goods/services both within the unit and for other units within the retail park. This would result in unacceptable visual clutter within the retail park to the detriment of the visual appearance of the retail park. It can also be noted that similar signs were refused on appeal at the Pets at Home store at the Stockbridge Retail park in Linlithgow. Recommendation is therefore to refuse advertisement consent.

Proposed Enforcement Actions 06/05/2016

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control & location	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
0112/12	Philip Wan Hung Lau	West Calder Station House, Limefield Road, West Calder Unauthorised erection of flue and installation of uPVC windows to listed building.	Fauldhouse and Breich Valley	Serve Listed Building Enforcement Notice	The flue and uPVC windows are unauthorised and detract from the appearance of the listed building Steps to comply: 1. Remove the flue 2. Replace the uPVC windows with timber framed windows appropriate to the listed building
0105/15 to 0119/15 0123/15 to 0183/15	Various Owners	Various Properties at <ul style="list-style-type: none">Camps Rigg, Carmondean, LivingstonRaeburn Rigg, Carmondean, LivingstonNether Dechmont Cottages, Fells Rig, Carmondean, Livingston	Livingston North	Take No Action	A recent planning appeal regarding a fence of a similar size and style in this area was upheld by Scottish Ministers. Their reasoning and the reason in which the council now feels that no enforcement action is needed on these fences is as follows, - A precedent for this style and height of fence has already been set in the area; all 76 properties subject to a complaint have a similar fence and they now form part of the established character of the area. Therefore it is proposed not to instigate enforcement action

Proposed Enforcement Actions 06/05/2016

0093/14	I Ahmed	Ladywell Superstore, 16 Thymebank, Ladywell, Livingston	Livingston South	Serve Enforcement Notice	<p>Shop is selling hot food and has erected front extension as part of the operation. Planning Contravention Notice and Section 33A Notice, requiring application, have not been responded to.</p> <p>Steps to comply: Cease the part use of the shop for selling hot food and remove unauthorised extension.</p>
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