



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

21 September 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 28 September 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 31 August 2016 (herewith).

Public Items for Decision

5. Application No.0341/FUL/16 - Construction of a house at 15 West Mains Crofts, near West Calder (herewith)
6. Application No.0460/FUL/16 - Erection of 4 houses with associated works at Easter Inch Steadings, Bathgate (herewith)
7. Application No.0513/FUL/16 & 0514/LBC/16 - Conservation area consent for demolition of building and planning permission for the erection of a mixed use development comprising of 2 commercial units (classes 1,2

and 3) and 16 flats, Victoria Hall, High Street, Linlithgow (herewith)

8. Application No.0528/FUL/16 - Erection of a house with associated access, driveway and detached garage on the grounds of Whauphill House in the Hermand Estate, West Calder (herewith)
9. Application No.0940/FUL/15 - Erection of 18 flats and associated car parking and landscaping at Bloomfield Place, Bathgate (herewith)

Public Items for Information

10. Consider list of delegated decisions on planning applications and enforcement actions from 26 August 2016 to 16 September 2016 (herewith).

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 31 August 2016.

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

Apologies – Councillor Barry Robertson

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 5 (Application No.0482/FUL/16) – Councillor Borrowman declared a non-financial interest in that as a local ward member he had campaigned for a number of years to have the school extended, had attended two community council meetings at which the matter had been discussed and had received a number of representations from local constituents on the matter but would take part in the item of business; and
- 2) Agenda Item 5 (Application No.0482/FUL/16) – Councillor Fitzpatrick declared a non-financial interest in that he was a council appointed member of the West of Scotland Archaeology Service who were a statutory consultee but would participate in the item of business.

2. MINUTE

The committee confirmed the Minute of its meeting held on 3 August 2016. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0482/FUL/16

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>
0482/FUL/16	Erection of a 182sqm extension to form 2 classrooms with a link corridor at Torphichen School, 2 The Loan, Torphichen	Grant planning permission subject to conditions.

The committee then heard Mr Hendrie, a local neighbour, speak in support of his objections to the application. The committee also heard from Craig Turpie, the Chair of Torphichen Community Council, speak in support of their objections to the application.

The committee then heard from Paul Kettrick, from the council's property service and Neil McIntyre, from the council's construction service both speak in support of the application.

Decision

To approve the terms of the report and grant planning permission subject to conditions and was to include the additional condition that if it was technically feasible the applicant would be asked to submit a non-material variation with regards to minor changes to the appearance of the cladding on the exterior or the school extension subject to consultation with local ward members and the Chair of Development Management Committee.

4. 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 action for the period 29 July to 19 August 2016 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

5. APPEALS

- 5.1 The committee noted that the following appeals had been submitted to Scottish Ministers :-

Application

Proposal

0840/P/15

Planning permission in principle for a 12.9ha residential development with associated landscaping, roads, cycleways and footpaths at land near Uphall Railway Station, Uphall Business Park, Uphall

0918/P/15

Planning permission in principle for a 16.6ha residential development with associated landscaping, engineering and infrastructure works including new vehicular accesses at land at Wellhead Farm, Murieston Road, Livingston

- 5.2 The committee noted that the following appeal which had been submitted to Scottish Ministers had been dismissed :-

Application No.

0904/FUL/15

Proposal

Demolition of poultry sheds and
erection of 4 houses at Hartwood
Road, West Calder



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Construction of a house at 15 West Mains Crofts near West Calder.

2 DETAILS

Reference no.	0341/FUL/16	Owner of site	Mr Sandy Bruce
Applicant	Mr Sandy Bruce	Ward & local members	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Request by Cllr McCarra.

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 and outbuilding on plot 15 West Mains Crofts, West Calder.
- 4.2 The site is part of an outline planning permission for 19 plots as part a 'very low density housing in the countryside' or 'lowland crofting' scheme. The West Mains development site is in two areas with all plot sites some of 0.5 hectares in size.
- 4.3 The application is accompanied by a design statement.
- 4.4 The site is at the eastern part of the development and is surrounded with a tree belt on the eastern and southern boundaries with a smaller landscaping strip on the north side. The site lies to the east of the existing plot 14 which has recently been completed. The existing houses vary in size and design.
- 4.5 The proposed house has two storeys with an integral garage. The house would contain three bedrooms and have a footprint of 190sqm. The design has a contemporary architectural style with a slate roof, wet dash render and timber clad walls. The proposed outbuilding has a more traditional design.

History

- 4.6 1424/P/04 - Outline planning permission for a lowland crofting project incorporating 19 houses – Granted with legal agreement.
- 4.7 1191/ARM/08 - Approval of reserved matters for plot layout, roads and drainage at plots 9 to 15 and plots 16 to 19 in relation to lowland crofting project. 06/05/09.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and no representations were received.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	None	Noted.
WLC Education Planning	No	Educational capacity dealt with by the original developer.	Noted
WLC Flood Prevention Officer	No	Details of the drainage system and attenuation would be required through a condition.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.
WLC Contaminated Land Officer	No	A site investigation report is required.	Noted. If permission is granted, then a condition should be attached for the appropriate reports to be submitted and approved prior to works starting.

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 The West Lothian Local Development Plan - Proposed Plan (LDP) has been published and the public consultation period finished at the end of November 2015. The Council has approved the LDP which is currently being prepared for submission to the Scottish Ministers for examination. This is also a material consideration, however due to the LDP being in pre-examination phase, more weight should be given to the current WLLP at the time of this assessment.
- 7.4 Nonetheless, the proposed LDP does not propose any significant policy shifts in relation to the site. Therefore the main focus of this assessment would be on the current West Lothian Local Plan.

Plan	Policy	Assessment	Conform
West Lothian Local Plan	ENV35 - Low Density Rural Housing	<p>Development of the site is in accordance with the original outline planning permission and therefore considered to be acceptable in principle.</p> <p>However it is considered that the design of the proposed house is not in accordance with the design brief for West Mains Crofts. This is assessed in detail in section 8 below.</p> <p>It is further considered that the proposed building will not assimilate the existing design character of the existing houses in this part of West Mains Crofts.</p>	No
West Lothian Local Plan	HOU9 - Residential and Visual Amenity	There is no unacceptable overlooking and the garden is sufficient.	Yes

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 the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP). As set out above the development does not comply with Policy ENV35.

Other Material Considerations

The design brief for planning permission 1191/ARM/08

The design brief aims to ensure that the individual houses at the site are designed and built harmoniously. This includes respecting their landscape setting in the countryside, their design and their relationship to other buildings in the development. Taking into account this requirement, it is considered that the proposed house does not respect the overarching design, form and character of the other buildings.

While the existing houses have their unique design features to a greater or lesser degree, they all essentially incorporate traditional vernacular style and form. In particular, the layout in the design brief is clear in setting out the main axis for the development. The main axis of the application site is indeed north-south but given the geometrical design of the upper level, there is no clear ridgeline and aspect to the north boundary, which is not in accordance with the layout plan in the design brief.

The applicant has submitted a supporting design statement assessed below:-

Overall Design Principles	Assessment of the applicant's case
<i>"Each house will be assessed on its aesthetic merits in its rural context; this qualitative assessment will take precedence over demonstrating compliance with the more detailed brief set out below."</i>	Noted
<i>Buildings should be designed to sit within their landscape context, rather than be imposed on it.</i>	The plot is part of the existing development which sits within the context of the wider landscape context. The structural planting and existing tree belts create this setting. The scale of the building is modest in the context of the development and landscape and would not be imposing. Nonetheless, it is considered that the design of the building does not reflect or respect the form and character of the existing houses.
<i>Buildings should aim to be energy efficient, have low running costs and low environmental impact.</i>	The proposed heating system is a biomass system with recycled materials.
<i>Detailed design, including entrances, driveways, gates and fences should reflect their rural setting – ie not suburban.</i>	As stated above, it is considered that the design of the building is not in keeping with the adjoining houses.
<i>Sensitive design is likely to mean prescribed ridge heights, a varied roof line with small dormers and provision of chimneys, and clustering of buildings to provide a sense of enclosure.</i>	The applicant has stated that the building is of a modest scale and the ridge heights are compatible with all existing dwellings on the development. The proposed building does not reflect the form as the proposed roof pitch is 20 degrees as opposed to 40 degree pitch on the neighbouring property.

Overall Design Principles	Assessment of the applicant's case
	<p>The difference in the pitch would have a detrimental effect on the character of the lowland crofting development.</p> <p>All the existing houses have a clear main axis with a prominent ridgeline. The proposal is for a contemporary design with the upper level box-shaped structure obscuring any ridgeline.</p>
<i>Good design is likely to reflect local vernacular styles and/or a measure of innovation; conversely, features such as towers or turrets (which are generally expensive also) are unlikely to be acceptable.</i>	The proposed materials are traditional and are similar to that used on the other houses. However it is considered that the design is not in keeping and as set above, the traditional form of the house is unacceptably undermined by the innovative and modern design include in this proposal.

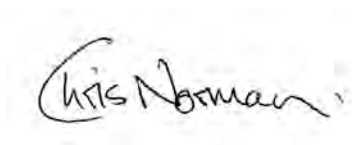
- 8.3 It is acknowledged that the proposed house is of a high quality design, and there is scope for innovative and modern design features. However, given the existing houses and overarching traditional character across the development, on balance, it is considered that the proposed house does not satisfy the design brief for the development.

9 SUMMARY AND CONCLUSIONS

- 9.1 The application site is within an established "lowland crofting" development and development of the site is acceptable in principle. However in this case, the proposed house, being of modern and innovative architectural character, is not supported as it does not reflect and respect the design and character of the existing houses. Consideration has also been given to the applicant's design statement, however in this instance the overarching character would be undermined by the proposed innovative and modern design.
- 9.2 Taking into account the above the proposed development is contrary to West Lothian Local policy ENV 35 (Low Density Rural Housing).
- 9.3 It is therefore recommended that planning permission is refused.

10 ATTACHMENTS

- Draft reason(s) for refusal
- Aerial and Location plan
- Block Site plan
- Elevations & Sections
- Approved Design Brief for the Townhead Group of Crofts – 1191/ARM/08
- Design Statement
- Local member referral request

A handwritten signature in black ink that reads "Chris Norman". The signature is written in a cursive style with a large initial "C".

CHRIS NORMAN
Development Management Manager



Date: 28 September 2016

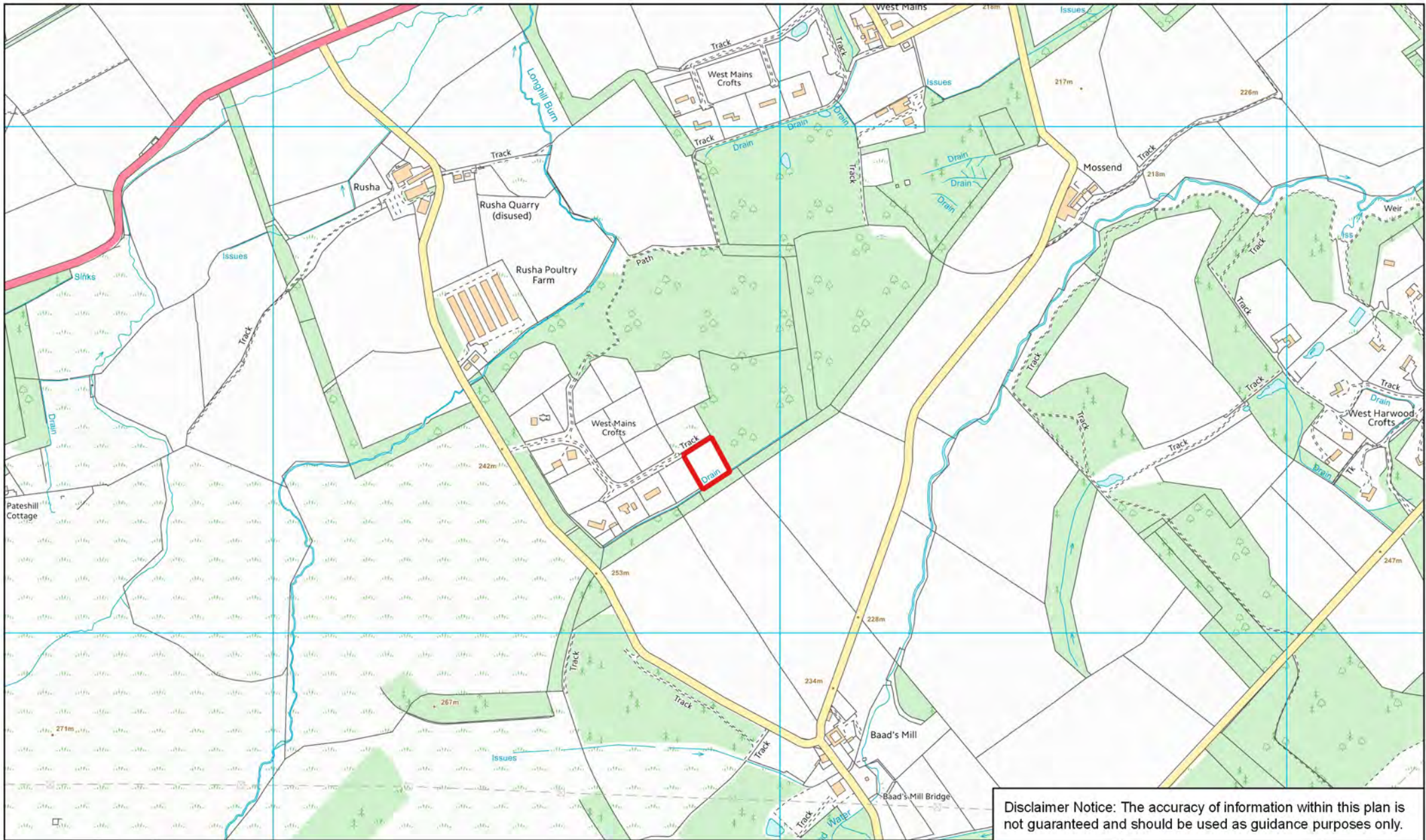
DRAFT REASON FOR REFUSAL – 0341/FUL/16

The proposed house is not acceptable as it does not satisfactorily meet the criteria of approved design brief for the West Mains Croft development in that proposed house does not reflect or respect the character of the existing houses within the surrounding development. The proposal is therefore contrary to policies ENV 35 (Low Density Rural Housing) of the West Lothian Local Plan.



Disclaimer Notice: The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.

 <p>West Lothian Council</p>	<p>0341/FUL/16</p>	<p>1:2,500</p>	
<p>Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>2016-09-19T12:44:56</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016</p>	



West Lothian
Council

0341/FUL/16

Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF

1:10,000



2016-09-19T12:42:28

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016

Unless otherwise assigned, the copyright of this drawing is reserved by Slorach Wood Consultants Limited and is issued with the caveat that it is not copied or disclosed to any third party, either wholly or in part, without the written permission of Slorach Wood Consultants Limited.

Variations and modifications to work shown in this drawing should not be carried out without written permission of Slorach Wood Consultants Limited, who accept no liability whatsoever for alterations made to this drawing by any third party other than themselves.

All works to comply in every respect with the current Scottish Building Standards Regulations (Scotland) Regulation 2004.

All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.

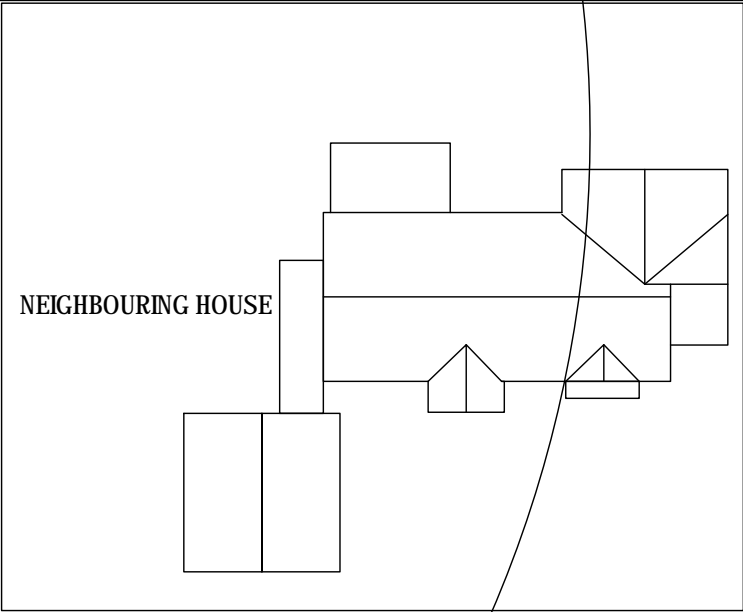
The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.

Do not scale from this drawing at any time. Use figured dimensions only. All setting out dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately.

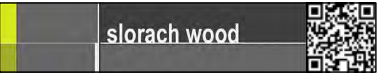
All dimensions are to the structure and exclude any plaster/plasterboard finishes.

Contractor to ensure works is in accordance with the following guidance notes/ regulations, and any other appropriate HSE documentation:

HSG 150: Health and Safety in Construction;
HSG 262: Managing Skin exposure risks at work;
L21: Management of Health and Safety at work Regulations;
L22: Safe use of Work Equipment Regulations;
L81: Design Construction and installation of gas service pipes Regulations.



status	PLANNING		
drawing	16011 - P03	scale	VAR (A3)
plotted		ref.	JB
project	15 WEST MAINS CROFTS WEST CALDER		
title	PROPOSED SITE PLANS ELEV & VIEW SECTIONS		

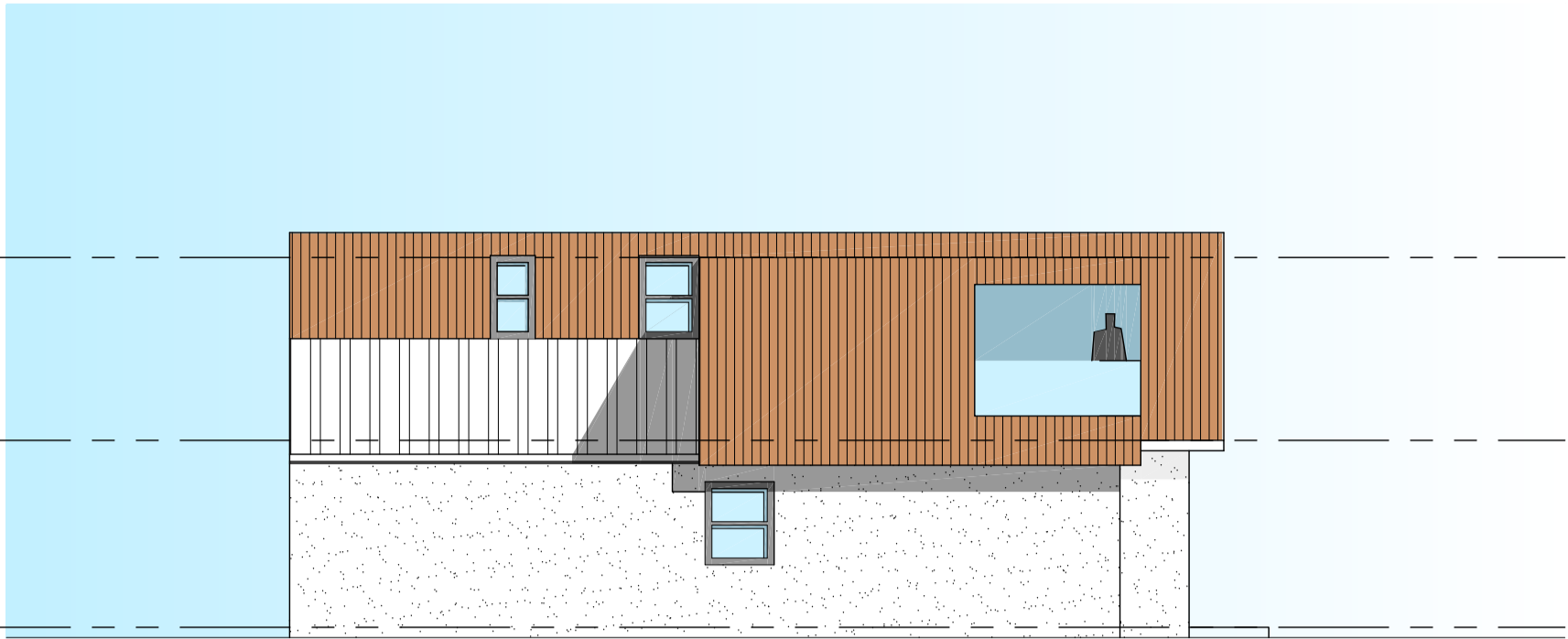


contact The Station Master's Office,
Dalmeny Station,
South Queensferry, EH30 9JP.
Tel: 0131 319 1260 Email: info@swa.uk.net
Website: www.swa.uk.net

landscape context plan [1:200]



front elevation [1:100]



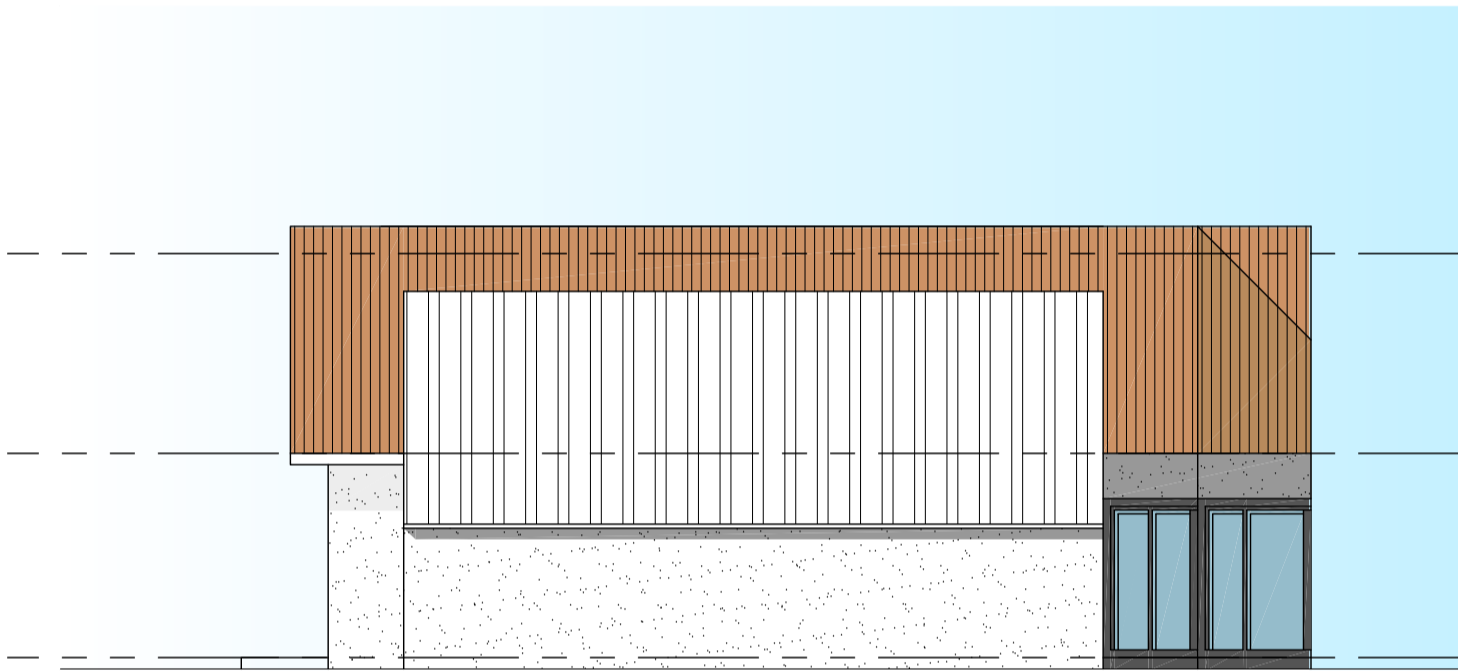
side elevation [1:100]

	Area
First floor	100 m ²
Ground floor	130 m ²
Garage	37.00 m ²

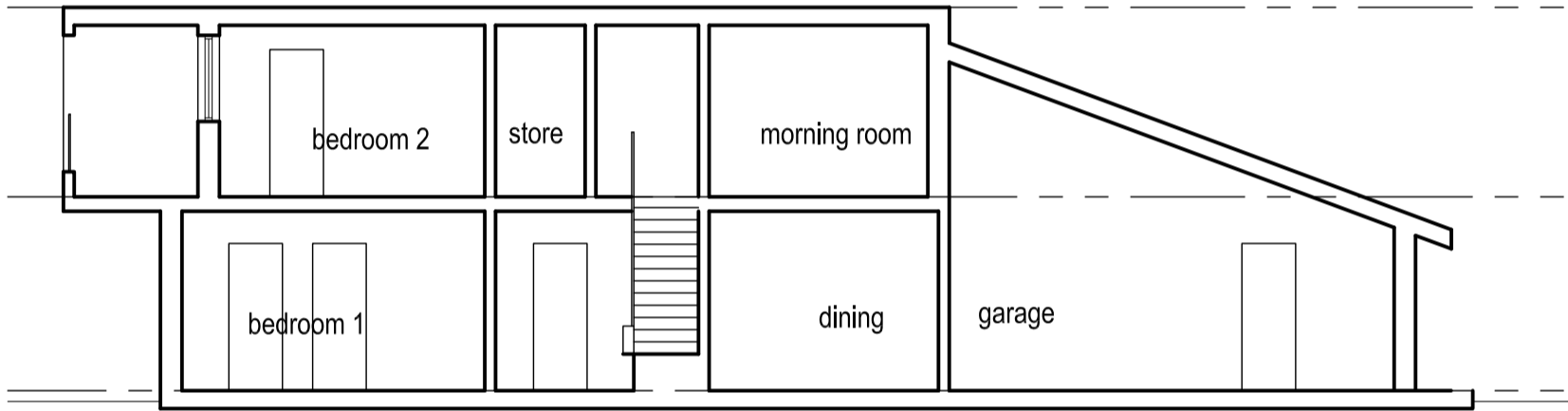
Unless otherwise assigned, the copyright of this drawing is reserved by Slorach Wood Consultants Limited and is issued with the caveat that it is not copied or disclosed to any third party, either wholly or in part, without the written permission of Slorach Wood Consultants Limited.
Variations and modifications to work shown in this drawing should not be carried out without written permission of Slorach Wood Consultants Limited, who accept no liability whatsoever for alterations made to this drawing by any third party other than themselves.
All works to comply in every respect with the current Scottish Building Standards Regulations (Scotland) Regulation 2004.
All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.
The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.
Do not scale from this drawing at any time. Use figured dimensions only. All setting out dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately.
All dimensions are to the structure and exclude any plaster/plasterboard finishes.
Contractor to ensure works is in accordance with the following guidance notes/ regulations, and any other appropriate HSE documentation:
HSG 150: Health and Safety in Construction;
HSG 252: Managing Skin exposure risks at work;
L21: Management of Health and Safety at work Regulations;
L22: Safe use of Work Equipment Regulations;
L81: Design Construction and installation of gas service pipes Regulations.



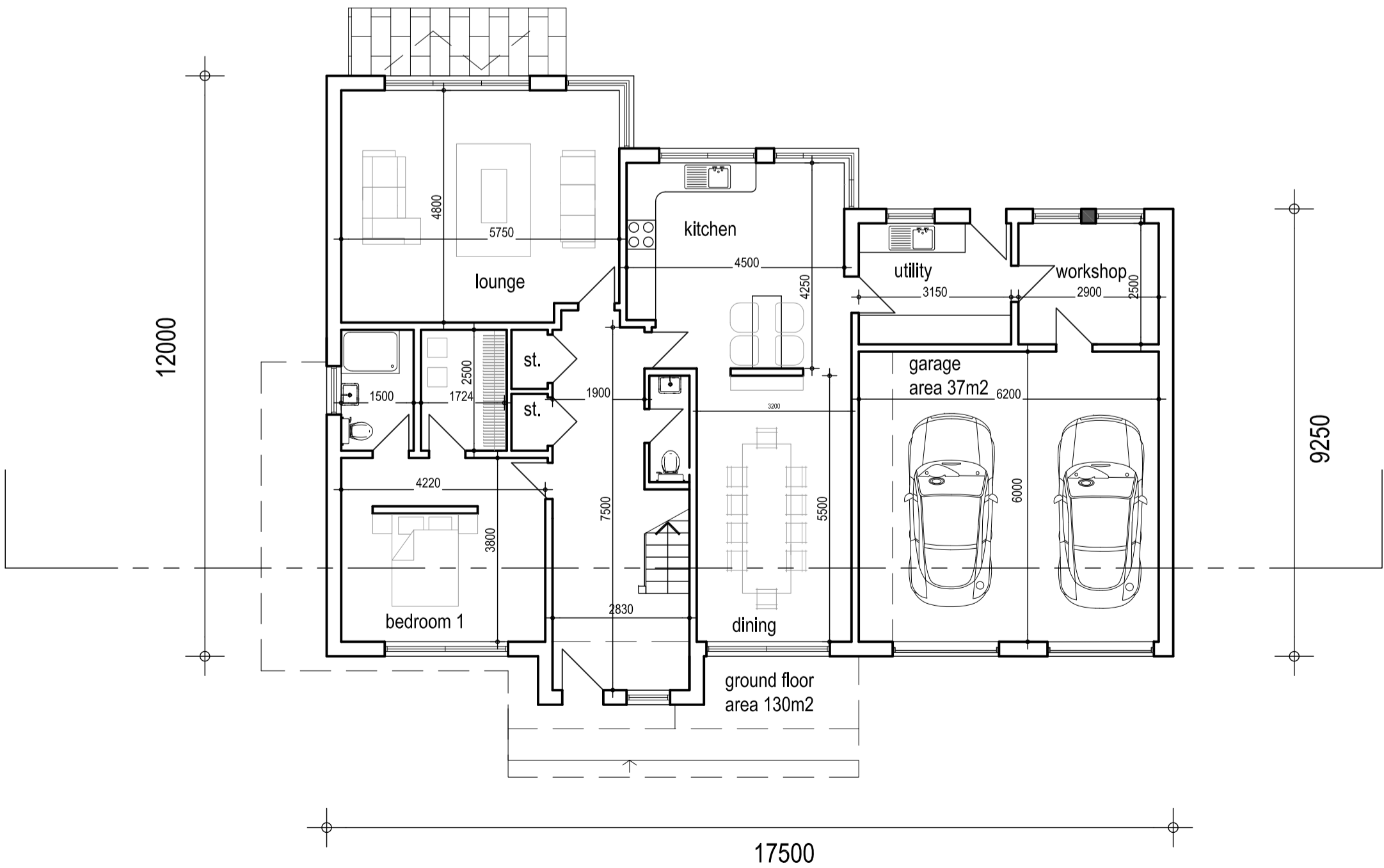
rear elevation [1:100]



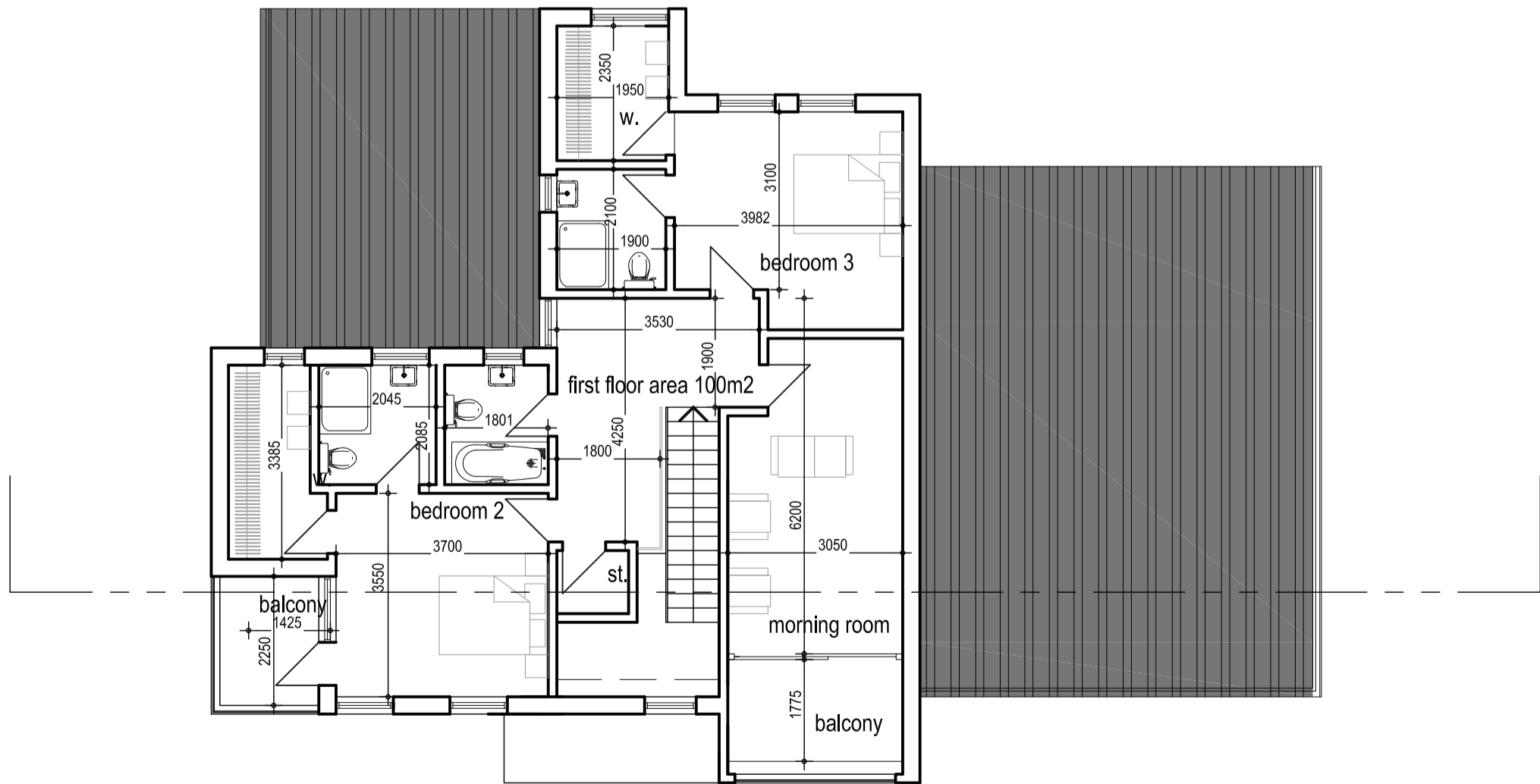
side elevation [1:100]



section [1:100]



ground floor plan [1:100]



first floor plan [1:100]

status	PLANNING	scale	VAR (A3)
drawing	16011 - P02	ref.	JB
plotted		project	15 WEST MAINS CROFTS WEST CALDER
title	PROPOSED PLANS ELEV & SECTIONS		
slorach wood			
contact	The Station Master's Office, Dalmeny Station, South Queensferry, EH30 9JP, Tel: 0131 319 1260 Email: info@swa.uk.net Website: www.swa.uk.net		

West Mains Farm Lowland Crofting Development Design Brief for the Townhead Group of Crofts

Introduction

This Design Brief aims to ensure that the individual houses at Townhead are designed and built harmoniously. This includes respecting their landscape setting in the countryside, and their relationship to other buildings in the development.

In accordance with the planning consent and a 75 agreement for West Mains Farm, New Lives New Landscapes have appointed a Design co-ordinator (termed the "Project Architect") who will, in conjunction with the Planning Officer, help guide plot owners to design attractive buildings that fit with the requirements of the Design Brief.

As part of the process, a Croft Context Plan must be prepared in conjunction with the Project Architect, which will show the house and its outbuildings and associated landscaping. This must be submitted in parallel with the application for planning permission for the buildings on the plot.

It is important that plot purchasers and their individual architects liaise with the Project Architect from the inception of their house designs. In addition, it is a requirement of the planning conditions that the Project Architect approves the house design in writing before formal submission of planning applications to West Lothian.

Overall Design Principles

Each house design will be judged on its aesthetic merit in its rural context; this qualitative assessment will take precedence over demonstrating compliance with the more detailed brief set out below.

- Buildings should be designed to sit within their landscape context, rather than be imposed on it.
- Buildings should aim to be energy efficient, have low running costs and low environmental impact.
- Detailed design, including entrances, driveways, gates and fences should reflect their rural setting - ie. not be suburban.
- Sensitive design is likely to mean prescribed ridge heights, a varied roof line with small dormers and provision of chimneys, and clustering of buildings to provide a sense of enclosure.
- Good design is likely to reflect local vernacular styles and/or a mixture of innovation; conversely, features such as towers or turrets (which are generally expensive also) are unlikely to be acceptable.

General Considerations

The houses will sit on the south and west edges of a 20 acre field that falls with moderate slopes to the north.

The field is bounded on three sides by 200 year old shelterbelts in which the existing trees are some 15m tall. New woodlands were planted to the west two years ago. These are extensive views to the north and south east.

West Lothian Council have requested that the new houses fit in two rows parallel to the southern and western shelterbelts.

The houses will be all but invisible from over the site and the key visual tasks will be to ensure that:

- The houses sit harmoniously within the site.
- The individual houses blend together.
- The views to the north are preserved.
- Each house receives maximum light.

Because the houses will be located against a backdrop of mature trees which will be considerably higher than even a large house, there is no need to restrict houses to single or 1.5 storey in try and reduce the visual impact as we have seen other parts of the development.

The relatively uniform layout requested by the council creates a risk of the site looking too regimented. Consequently, it would actually be preferable to have a variation in house size and style.

As part of the Remediation, NLNL will plant trees and hedges extensively around each plot and erect rural style gates and fences along the access road. Because of the lie of the land, the houses will only be seen from within the site and very soon, when the landscaping matures, only glimpsed through the hedges and trees being planted.

These trees and hedges and the landscaping of the house entrances will provide the main character of the development.

Location

The house and outbuildings must be located in the shaded area on the attached plan (the building zone).

Orientation

Unless otherwise agreed with the Project Architect the main axis of the houses must run East - West as defined by the street on line. Extensions should generally be at right angles to the main body of the house.

Size and Shape

Main buildings maximum footprint = 250m² for 1.5 or 2 storey houses and 300m² for single storey house.

Outbuildings maximum footprint = 150m²

Outbuildings, extensions or minor elements must be proportionately smaller than the main house.

Houses should be proportionately long and narrow with a maximum eave size of 7.2m by 2.1m for 1.5 storey.

Two storey houses should be stepped down using minor elements or outbuildings with a maximum eave size of 7.2m by 1.8m for the two storey element.

Garage and Outbuildings

House outbuildings must be designed to complement the main building.

Proportions should match main building but at smaller scale with maximum 2:3 ratio.

Use garages and outbuildings to create courtyards.

Outbuildings should try to look secondary to house i.e. set lower, lower roof pitch, tin roof, single pitch roof, lower specification, not competing with or obscuring the house.

Outbuildings should not be located at the entrance.

Groupings of Buildings

Generally, buildings should be linked to form outdoor courtyards / semi enclosed spaces to give shelter and privacy.

Number of stores

Single, 1.5 and two storey houses are permissible.

Height and Roof pitch

Maximum roof ridge height will generally be 7m for up to 1.5 storeys and 8.2m for 2 storeys above ground level.

Other elements will generally be lower than this and in proportion. Roof pitches can vary and should be within 35° to 45° range.

Roof

A choice of tile and colour is allowed to prevent the houses appearing too uniform and to allow finding of other elements of the design brief. Large areas of roof should be broken up by dormers, changes in levels, chimneys etc.

Relationship with Ground Levels

Generally, houses should be hatched into the slope. Large areas of under build will not be allowed. Under building must not exceed 450mm below ground floor level, to avoid spoiling the buildings' proportions.

Wall Finishes

Light coloured render finishes like wet dash should be the main wall finish, except for any facing bricks. Artificial turf should only be used sparingly as small areas of ornamentation if at all. Timber finishes would also be appropriate - particularly on garages and outbuildings.

Ornamentation

It is the small inexpensive detail that can "make" a rural house, the examples:

- Chimneys.
- Corner gables, window bays, built eye windows projecting roof rafters and small dormers.
- Attractive fencing to link house with outbuilding.
- Walls to link buildings.

Windows

Windows must be wooden and should be vertical in proportion against the landscape.

Single feature windows or glass details that subvert the house design will not be considered.

Horizontal openings can be given a vertical proportion by vertical dividing muntins.

There is scope for more design freedom, including significant glazing, on the relatively hidden south elevations of these plots.

Roof lights and Dormers

Must be relatively small in relation to roof.

Built eye or other small feature windows in gables are attractive.

Energy Efficiency

The houses will have to be designed to be energy efficient and reduce carbon dioxide emissions, and fully comply with the requirements of the Scottish Building Standards. Energy efficiency and low emissions can be achieved through good insulation in walls, floors and roof space, by double glazing, by using porches and conservatories to protect external doors, by minimising passive solar gain and by keeping window sizes smaller on north facing walls. Guidance is set out in the Scottish Building Standards Domestic Handbook 2007, Section 6 Energy.

Note: a more energy efficient house with lower energy demands will meet all targets more easily.

Micro generation

The houses on this development are to be very green and each croft house must incorporate as far as possible and low carbon equipment and design contributing at least an extra 12% reduction in carbon dioxide emissions beyond the 2007 building regulations carbon dioxide emissions standard. This reflects the target for larger developments set out in the 2007 SPP 6, on Renewable Energy. Options the following this include:

- Solar panels
- Photovoltaics
- Heat pumps
- Sun combs as active solar collectors
- Wind turbines
- Wood fired boilers

Guidance on whether the technologies will require a planning application, or may be covered by permitted development rights, is available in Annex A to Planning Advice Note PAN 41, published May 2006.

Outdoor Spaces

The main outdoor activity spaces should be designed in detail as part of the house plans to ensure the house remains well in its grounds with an attractive, complementary landscaped setting.

Entrances, fences, walls, enclosures

All entrances, fences, walls and enclosures must be fully specified on the approved Landscape Context Plan and must be rural in character. Entrances must be discreet, boundary fences of agricultural type and only within the building zone can fences and walls extend 1200mm high to a 1800mm maximum.

Landscape Context Plan

Prior to submission of a detailed planning application, site plans or drawings must be submitted showing the house and outbuildings in the context of the whole plot and in the context of external factors such as views, sun path etc.

The drawings will also include details of access and in particular how the house and garden will be landscaped to blend into the wider landscape designed by New Lives New Landscapes.

(Note: NLNL will provide a landscape architect to help with this process).

*West Mains Crofting Project
Townhead Group*

Landscape Context Plan

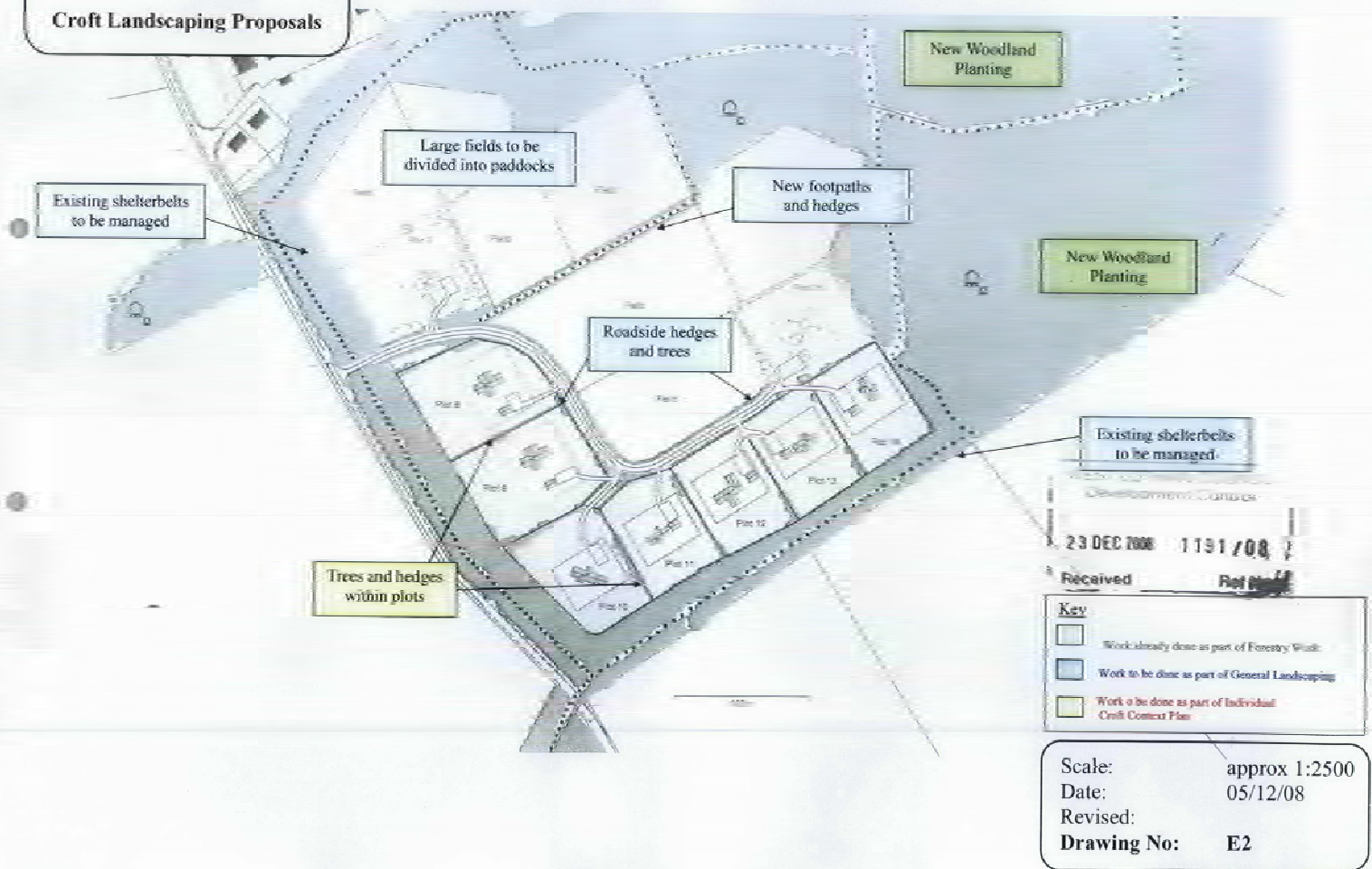


WEST LOTHIAN COUNCIL
Development Control
23 DEC 2008 1191/08
Received Ref No

Scale: 1 : 2500 @ A3
Date: 05/12/08
Revised:
Drawing No: E1

*West Mains Crofting Project
Townhead Group*

Croft Landscaping Proposals



Design Statement

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

Client: Mr & Mrs S Bruce

Agent: Slorach Wood Architects

July 2016

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

This statement is referring to 'West Mains Farm Lowland Crofting Development Design Brief'

Introduction / Background

The site is located in at the lowland crofting development at West Mains Farm near West Calder. The site is a two site part of the west mains crofting project and has planning approval for 9 plots of varying size but all in the region of 0.5 hectares each. The site has views over to the north and east with a tree belt to the east and south and along the road side to the west.

Site Analysis

Plot 15 is at the far east of the development and is secluded with the tree belts to the east and south and a young tree belt to the north which in some parts are already at four metres high.

The site is accessed from the unclassified road to the south of the A704 and to the west of the site and there are currently six houses built on the site with plot 7 partly developed. The current houses are of various size, all larger than our client's proposal and more dominate.

In order to assess the site and the style of house to erect, the existing houses and the design brief were reviewed.

The Design brief states that each individual house should be designed and built harmoniously, in respecting their landscape setting in the countryside and their relationship to other buildings in the development. The design has been carefully considered in the above respect, with a modest footprint and albeit a contemporary style, the design respects the existing house styles with pitched roofs facing the west which is the only view from the public access road.

Discussions with the project architect have been ongoing and a letter of their approval has been supplied with this application.

Use

The house has been designed with the Design Brief in mind.

Overall Design Principles:

1. Each house will be assessed on its aesthetic merits in its rural context. This qualitative assessment will take precedence over demonstrating compliance with the more detailed brief set out below
2. *Buildings should be designed to site within their landscape context, rather than be imposed on it. Buildings should aim to be energy efficient, have low running costs and low environmental impact.* The heating system will be a biomass system, and materials used within the building will be either from recyclable products or be recyclable themselves. Ensuring a low environmental impact and low running costs.

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

3. *Detailed design, including entrances, driveways, gates and fences should reflect their rural setting – ie not suburban.* All detailed design, including the landscaping which is sympathetic to the rural landscape. This will include rural type post and wire boundary fences, driveways being stone chippings or type 1 hard standing, grass verges and beech hedges.
4. *Sensitive design is likely to mean prescribed ridge heights, a varied roof line with small dormers and provision of chimneys, and clustering of buildings to provide a sense of enclosure.* This building is of modest scales and ridge heights are compatible with all existing dwellings on the development. Although of a contemporary style, the pitch roof west elevation reflects the pitch on the nearest building which is some 50 metres to the west and a 500mm higher floor level.
5. *Good design is likely to reflect local vernacular styles and/or a measure of innovation; conversely, features such as towers or turrets (which are generally expensive also) are unlikely to be acceptable.* We are in total agreement and we have reflected the vernacular by the use of traditional finished materials including render and timber rain screens.

General Considerations

The house will site on the south/east edge of the 20 acre field that falls with moderate slopes to the north.

The field is bounded on three sides by 200 year old shelterbelts in which the existing trees are some 15m tall. New woodlands were planted to the west two years ago. There are extensive views to the north and north east.

West Lothian Council have requested that the new houses lie in two rows parallel to the southern and western shelterbelts.

The houses will be all but invisible from out with the site and the key visual tasks will be to ensure that:

1. *The houses sit harmoniously within the site*
2. *The individual houses knit together*
3. *The views to the north are preserved*
4. *Each house received maximum sun*

Because the houses will be located against a backdrop of mature trees which will be considerably higher than even a large house, there is no need to restrict houses to single or 1.5 storey to try and reduce the visual impact as we have in other parts of the development.

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

1. The above have been taken into consideration and our plot is the most easterly plot. It sits lower than all the other developments, 2. It ties together by its contemporary design type and the use of pitched roofs to reflect the surrounding dwellings.

Views are all persevered and positioning will allow the design to receive full sunshine all day long.

The relatively uniform layout requested by the council creates a risk of the site looking too regimented, consequently it would actually be preferable to have a variation in house size and style. Our design is so far to the east of the development it would be difficult to make the site regimented. This scheme is one of the smaller houses in size and style of design from the existing houses on the site. This design, if ever seen, will complement the development and this style which reflects that it is the year 2016 and the type of design which does suit the landscape and its surroundings.

As part of the harmonization, NLNL will plant trees and hedges extensively around each plot and erect rural style gates and fences along the access road. Because of the lie of the land, the houses will only be seen from within the site and very soon, when the landscaping matures, only glimpsed through the hedges and trees being planted.

This statement reflects our earlier point that this house will rarely be seen from both inside and outside the site.

These trees and hedges and the landscaping of the house entrances will provide the main character of the development.

Location

The house and outbuildings must be located in the shaded area on the attached plan (the building zone). The house type is sited within the build zone shown on the design brief.

Orientation

Unless otherwise agreed with the Project Architect, the main axis of the houses must run East-West as defined by the set out line. Extensions should generally be at right angles to the main body of the house. The full building is design on the east/west axis.

Size and Shape

Main Buildings Maximum footprint = 250 m³ for 1.5 or 2 storey houses and 300m² for single storey houses.

Outbuildings maximum footprint = 150m³

Outbuildings, extensions or minor elements must be proportionally smaller than the main house.

Houses should be proportionally long and narrow with a maximum core size of 7.2m by 21m for 1.5 storey

Two storey houses should be stepped down using minor storey's or outbuildings with a maximum core size of 7.2 m by 18m for the two storey element.

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

The footprint of this building is of a domestic scale and is 190m² and a future outbuilding area of 100m². The new dwelling fits in well with its surroundings and the outbuilding breaks into a more traditional style to allow any relationship with the existing building.

Garage and Outbuildings

The workshop area would be used to house the biomass system and flue storage. It is designed to be more in keeping with the traditional style of the adjacent plots.

Grouping Of Buildings:

Due to the situation of this house the layout creates its own private spaces around the house elements.

Heights and Roof Pitches:

Due to the style of the house we have designed the roof pitches to reflect the styles to the west of the site. The workshop has a 35 degree pitched roof.

Roof:

The pitched roofs will have a slate finish and any flat roofs will have a grey/single ply membrane (similar to lead finish)

Relationship to Ground Levels:

The house will be set into the ground with a minimum difference from ground to floor level of 300mm. There will be no excessive underbuilding.

Wall Finishes:

The building will be finished in a wet dash render and timber cladding.

Ornamentation:

The house will not have any quoin stones but landscaping of traditional stone walls, hedges and fences will link the house and outbuildings to its surrounds.

Windows:

All windows will be high quality timber windows. There will be glass details to suit the house design.

Roof Light and Dormers:

There will be no roof-lights or dormers within the design.

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.

Energy Efficiency:

This design will be constructed in a closed panel timber system with 150mm insulation within the frame and additional insulation to the external walls to prevent cold bridging. The final design will be greater than the current Scottish Building regulations standards. The building will be designed to near passive standards.

Micro Generation:

The installation of a biomass boiler will both heat the central heating and the hot water for the house. Consideration of PV with battery storage will be made when a clear technology is agreed to be suitable. All will be installed to MCS standards.

Outdoor Space:

The main outdoor activity space will be designed in detail as part of the house plans to ensure the house relates well to its grounds with an attractive complimentary setting.

Entrances, Fences Walls Enclosures:**Landscape Context Plan:**

The Landscape context plan shows the use of traditional materials such as dry stone walls, post and wire fences, gravel driveways with grass verge (no kerb stones), soft landscaping will be a combination of lawn and beech hedging opening out to the south to a wild meadow to allow wildlife to flourish. There may be the possibility of bee-keeping within this area to encourage the meadow flowers by the bees and other insects.

Conclusion

In summary, the applicant wants to build a home on a development site which allows him and his family to use the rural setting for social activities. The site is within 3 miles of his business at Westwood where he his wife, family and employees have worked in a successful manufacturing joinery business for the past 15 years.

This site is in a concealed corner of the development and albeit not a similar design to the large estate-like houses adjacent, it still compliments itself with its current design concept and still shows a relationship to the sloping roofs of the adjacent houses.

The house will be to a near passive standard of house type and will have biomass boiler heating. It will be set in the rural landscape with beech hedging and small drystone wall enclosures looking over the meadow to the south.

Any new tree planting will be to the approval of NLNL and the landscape plan.

West Mains Farm Lowland Crofting Development

Erection of dwelling house with associated buildings on Plot 15.



West Lothian
Council

Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

8th August

Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Chris Norman, the Development Management Manager as soon as possible and no later than:


29th August

PLEASE NOTE:

The planning application details will also be available for inspection within the Planning & Building Standards web site by clicking on the link below.

<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

We are trying to encourage people to use the web site as much as possible so you may wish to inspect the application online rather than make a request for a paper copy.

<p>Action Required (please tick ✓)</p> <p><input type="checkbox"/> Contact me to discuss these proposals</p> <p><input type="checkbox"/> Send me copies of the plans and supporting information relative to this application</p> <p><input checked="" type="checkbox"/> Refer this application to the Development Control Sub-Committee</p> <p><input type="checkbox"/> Other (please specify)</p>	<p>Application Number: 0341/FUL/16</p> <p>Member: Cllr Greg McCarra</p> <p>Signed:</p>  <p>Dated: 23/8/16</p>
---	---

My reasons for this action are: Constituent Request



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Erection of 4 houses with associated works at Easter Inch Steadings, Bathgate.

2 DETAILS

Reference no.	0460/FUL/16	Owner of site	Hartfield Homes
Applicant	Hartfield Homes	Ward & local members	Bathgate William Boyle Harry Cartmill John McGinty James Walker
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Request by Cllr Boyle.

3 RECOMMENDATION

- 3.1 Grant planning permission subject to the securing of developer contributions and conditions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of 4 houses and associated works on land to the east of Easter Inch Steadings in Bathgate.
- 4.2 The steading is a category B listed building which has been recently re-development and comprises of converted and new build elements. The land subject to this application is currently used for informal open space.
- 4.3 The topography of the site has a steady slope upwards towards the eastern boundary and it is noted that the eastern boundary steps up from the ground level of the steading. There is woodland at the northern boundary that bounds and provides screening from the A7066.
- 4.4 Access is through an existing single-track road off Easter Inch Road with a new access proposed which will lead to a central area in which the four houses will gain access from.

- 4.5 The proposed four houses are detached properties with a traditional form but with contemporary materials. The houses will be one and a half storey and have four bedrooms.
- 4.6 It is noted that the applicant amended the plans to relocate the north-east house further to the south to allow an increased separation distance from the tree-line. This was considered to be a non-material variation, and as such re-notification of the application was not necessary.

Planning History

- 4.7 0743/P/08 – Outline planning permission for a nursing home. Withdrawn
- 4.8 0393/P/09 – Planning permission in principle for a 60 bed nursing home with associated car parking and access road. Refused 05/05/2010
- 4.9 0627/P/14 – Planning permission in principle for a 0.5ha residential development. Refused
- 4.10 The previous application for the development of the site was for planning permission in principle. The current application is for full planning permission.

5 REPRESENTATIONS

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

Comments	Response
The condition and capacity of the access road is inadequate. The road was deemed unsuitable by the Local Review Body in relation to the previous refusal.	Noted. Roads and Transportation have been consulted and their comments are in section 6 below.
Loss of privacy	Noted and assessed in section 7 below.
Impact on the Category B Listed Building	Noted and assessed in section 7 below.
Overshadowing and overbearing to the existing steading	Noted and assessed in section 7 below.
Impact on valuable open space containing well-established wildlife	Noted and assessed in section 7 below.
The current applicant does not address the reasons for refusal of the previous application.	Noted.

There is no pedestrian access between the steadings and Easter Inch Road.	Noted and assessed in section 7 below.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	An additional passing place is provided on the approach road between the existing passing place and the steading development.	Noted. If permission is granted, then a condition should be attached requiring design details to be submitted and approved prior to works starting.
WLC Education Planning	No	Development will require to contribute to education should it gain consent.	Noted.
WLC Flood Prevention Officer	No	No flooding on site. Details of the drainage system and attenuation would be required.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.
WLC Contaminated Land Officer	No	A site investigation report is required.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.
WLC Woodland Officer	No	Recommends the north-east house being moved at least 2 metres to allow a greater distance from the tree-line.	Noted. The applicant has amended the plans in accordance with these comments. If permission is granted, then a requiring the relevant tree and root protection measures shall submitted and approved prior to works starting.
West of Scotland Archaeology Service	No	Recommended condition(s) would allow the Council to ensure that the correct level of mitigation fieldwork is undertaken and reported on.	Noted. If permission is granted, then a condition should be attached to this effect.

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.
- 7.1 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 7.2 The West Lothian Local Development Plan - Proposed Plan (LDP) has been published and the public consultation period finished at the end of November 2015. The Council has approved the LDP which is currently being prepared for submission to the Scottish Minister for examination. This is also a material consideration, however due to the LDP being in pre-examination phase, more weight should be given to the current WLLP at the time of this assessment.
- 7.3 Nonetheless, the proposed LDP does not propose any significant policy shifts in relation to the site. Therefore the main focus of this assessment would be on the current West Lothian Local Plan.

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>HOU2 - Development within Settlement Envelopes</p> <p>Within the settlement envelopes shown on the proposals map: a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM 2 would apply); West Lothian Local Plan 87</p> <p>b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of policy HOU 9;</p> <p>c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting;</p> <p>d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the</p>	<p>The site is within the Bathgate settlement envelope.</p> <p>It is considered that the proposed layout is sensitive to the residential amenity of neighbouring residents and the setting of the listed building.</p> <p>The proposed houses are set higher than the ground level of the steading, however their position integrates into the contours of the land and are located without the need for any significant loss of trees.</p> <p>The proposed houses will be set back from a central courtyard keeping a largely open area. It is also noted that proposed landscaping along the western boundary behind the existing garages will provide screening.</p> <p>Given the above, the general presumption in favour of development has been satisfied. This is also assessed in further</p>	Yes

Plan	Policy	Assessment	Conform
	settlement; and, e. development briefs, will be prepared where appropriate.	detail below.	
West Lothian Local Plan	ENV 11 – Woodlands and Forestry	<p>Mature trees on the site provide valuable screening and a landscaped delineation of the northern boundary. The applicant has confirmed that no trees on the northern tree belt would require to be removed for the proposed vehicle access. Similarly, there will not be any significant loss of trees.</p> <p>The applicant has amended that position of the proposed north-east house to provide a greater separation from the tree-line.</p> <p>Should permission be granted, then suitable tree protection measures should be required to be submitted and approved prior to any development starting on site.</p>	Yes
West Lothian Local Plan	HER11 - Applications Affecting Listed Buildings	<p>The proposal would not result in the loss of any of the mature tree belt which provides screening between the existing B listed steading and the dual carriageway (A7066).</p> <p>The design and the simple and dispersed layout and proposed landscaping would not have a significant impact on the setting of the listed building.</p>	Yes
West Lothian Local Plan	<p>HOU8 - Access and Parking Requirements</p> <p>New housing developments must be designed and laid out to help reduce vehicle speeds on local residential streets (up to and including general access roads) to 20 mph and include safe and direct footpath and cyclepath routes to the existing footpath network. New footpath and cyclepath routes must be in place prior to the occupation of houses which they serve.</p>	<p>The access is adequate for the proposed development subject to installing another passing place on the existing single track. The capacity of the site would not be a significant safety risk as the geometry of the access road would mean that visibility is maintained and speed reduced.</p>	Yes

Plan	Policy	Assessment	Conform
		WLC Roads and Transportation do not object to the proposals subject to the construction of an additional passing place.	
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>The proposed houses are set higher than the ground level of the steading with the area immediately affected being the parking area and garage.</p> <p>However given the proposed layout and distance from the rear of the existing garages, there would not be an overbearing and overly dominant visual impact on the existing residential properties. The proposed layout has a wide open central area with a simple and dispersed layout of the proposed houses.</p> <p>In addition, there is proposed landscaping on the western boundary that will provide screening between the proposed development and the existing houses.</p>	Yes
West Lothian Local Plan	<p>IMP 14 Supplementary planning guidance</p> <p>Single plot and small scale infill residential development in urban areas</p>	<p>Infill development can make a useful contribution to the housing land supply.</p> <p>In this instance, development on this site will not cause a significant loss of amenity due given the position of the buildings and proposed landscaping.</p> <p>The window to window distance is well in excess of the minimum separation distance required.</p> <p>There is adequate garden ground and parking on each plot.</p>	Yes
West Lothian Local Plan	COM 2 – Open Space	<p>The proposal would result in the loss of an area of informal open space to the east of the residential steading.</p> <p>No information on ecology or biodiversity has been submitted. Nonetheless, suitable measures could be undertaken to ensure any impact on wildlife would be</p>	Yes, In part

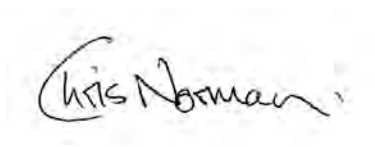
Plan	Policy	Assessment	Conform
		<p>minimised. The applicant should be advised of their obligations under the relevant statutes and regulations if this development proceeds.</p> <p>The site contains an informal path to the business park to the east. Other than that, the overgrown nature of the site appears not to be utilised by residents.</p> <p>It is noted that the applicant proposes to maintain access through the site.</p>	
West Lothian Local Plan	IMP 3 – Education	<p>The proposal does not raise any educational capacity concerns. Nonetheless, developer contributions would be necessary to be secured in line with SPG.</p>	Yes

8 SUMMARY AND CONCLUSIONS

- 8.1 The principle of residential development is acceptable as the general presumption in favour of development on this site has been satisfied.
- 8.2 The proposed simple and dispersed layout including the protection of the existing trees and proposed new landscaping will not have an overbearing impact on the existing properties.
- 8.3 As such it is considered that the proposal is in accordance with the development plan in particular West Lothian Local Plan 2009 policies HOU 2, HOU 8, HOU 9, ENV 11, HER 11, IMP 3 and IMP 14 (Supplementary Planning Guidance – New Development in the Countryside).
- 8.6 It is thus recommended that the committee grants planning permission subject to the securing of the developer contributions and relevant conditions.

9 ATTACHMENTS

- Draft conditions and reasons
- Aerial and Location plan
- Site plan
- Elevations & Sections
- Planning Statement
- Representations
- Local member referral request

A handwritten signature in black ink that reads "Chris Norman". The signature is written in a cursive style with a large, looping initial "C".

CHRIS NORMAN
Development Management Manager

Date: 28 September 2016

DRAFT CONDITIONS - APPLICATION 0460/FUL/16

- 1 No development shall commence on site until details showing an additional passing place on the approach road between the existing passing place and the steading development has been submitted and approved by the Planning Authority.

Thereafter the passing place as approved shall be constructed in accordance with the approved detail and operational prior to the first house being occupied.

Reason: To ensure that the access road is suitable for the existing and proposed development.

- 2 No work shall start on site until a contaminated land site investigation and risk assessment has been submitted to and approved in writing by the planning authority. The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons.

Part 1

The written report of the findings must include:

- (i) A phase 1 desk study report incorporating an initial conceptual model of the site.
- (ii) A phase 2 report incorporating a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site.
- (iii) An assessment of the potential risks to:
 - human health,
 - property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - the water environment,
 - ecological systems,
 - archaeological sites and ancient monuments,
 - flora and fauna associated with the new development.
- (iv) An appraisal of remedial options and proposal of the preferred options(s).

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, *Model Procedures for the Management of Land Contamination, CLR11*.

If it is concluded by the written report that remediation of the site is not required, and this is approved in writing by the planning authority, then parts 2 and 3 of this condition can be disregarded.

Part 2

Prior to any work beginning on site, 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, must be 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 Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Part 3

The approved remediation statement shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works.

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 verification report must be submitted to and approved in writing by the planning authority prior to commencement of development.

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

- 3 Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the principles contained in The SUDS Manual (CIRIA C753). The treatment shall meet the requirements of the Scottish Environment Protection Agency (SEPA). The critical 1:100-year post-development flow shall be attenuated to the equivalent of approximately five litres per second per hectare.

Development shall not begin until details of the SUDS system, including maintenance responsibilities, has been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to the building being occupied.

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

- 4 Development shall not begin until details of the materials to be used as external finishes on the houses and the materials used for all hardstanding areas 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.

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 Prior to the start of development on the site, an updated landscaping plan shall be submitted to and approved in writing by the planning authority.

The landscaping plan shall include details of plant species, sizes, planting distances and methods of protection. Thereafter, the approved details shall be implemented in the first planting season following the occupation of the first house or alternative date agreed in writing by the planning authority.

The new planting shall be planted and maintained in accordance with the *BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces)*. The new planting shall be maintained for a period of five years until it becomes established. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the planning authority gives written consent to any variation.

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

- 6 Development shall not begin until details of all gates/fences/walls and other means of enclosure have been submitted to and approved in writing by the planning authority. Thereafter the details as approved shall be implemented prior to the first house 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.*

- 7 No development shall commence on site until a detailed tree protection report submitted to and approved in writing by the planning authority. Any tree protection fencing and construction shall be carried out in line with 'BS5837: 2012 Trees in relation to design, demolition and construction recommendations' unless otherwise agreed in writing with the planning authority.

Thereafter, the development shall be implemented in accordance with the detail as approved.

Reason *To allow the consideration of details yet to be submitted and to ensure that appropriate measures are in place to protect trees of amenity value on site.*

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

Hours of Operation

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

Site Compound

The location and dimensions of any site compound shall be agreed in writing with the planning authority prior to works starting on site.

Waste

Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. These shall be agreed in writing with the planning authority prior to works starting on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site. All waste material including rubble arising from the construction works hereby approved shall be deposited in a waste disposal site

or recycling facility licensed for that purpose by the Scottish Environment Protection Agency.

Wheel Cleaning

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

Air Quality

There shall be no burning of any material on the site.

Dust

Measures to control the generation and release of nuisance dust shall be implemented. These shall be agreed in writing with the planning authority prior to works starting on site.

Vibration

Where piling or other significant vibration sources are likely during construction that may be perceptible in other premises, measures shall be implemented to monitor the degree of vibration created and to demonstrate best practice. These shall be agreed in writing with the planning authority prior to works starting on site.

Pollution Prevention

Construction works associated with the development of the site must be carried out with due regard to the following Scottish Environment Protection Agency pollution prevention guidelines:

- PPG 1: General Guide to the Prevention of Pollution.
- PPG 5: Works In, Near or Liable to Affect Watercourses.
- PPG 6: Working at Construction and Demolition Sites.

Reason *In the interests of residential amenity.*



West Lothian
Council

0460/FUL/16

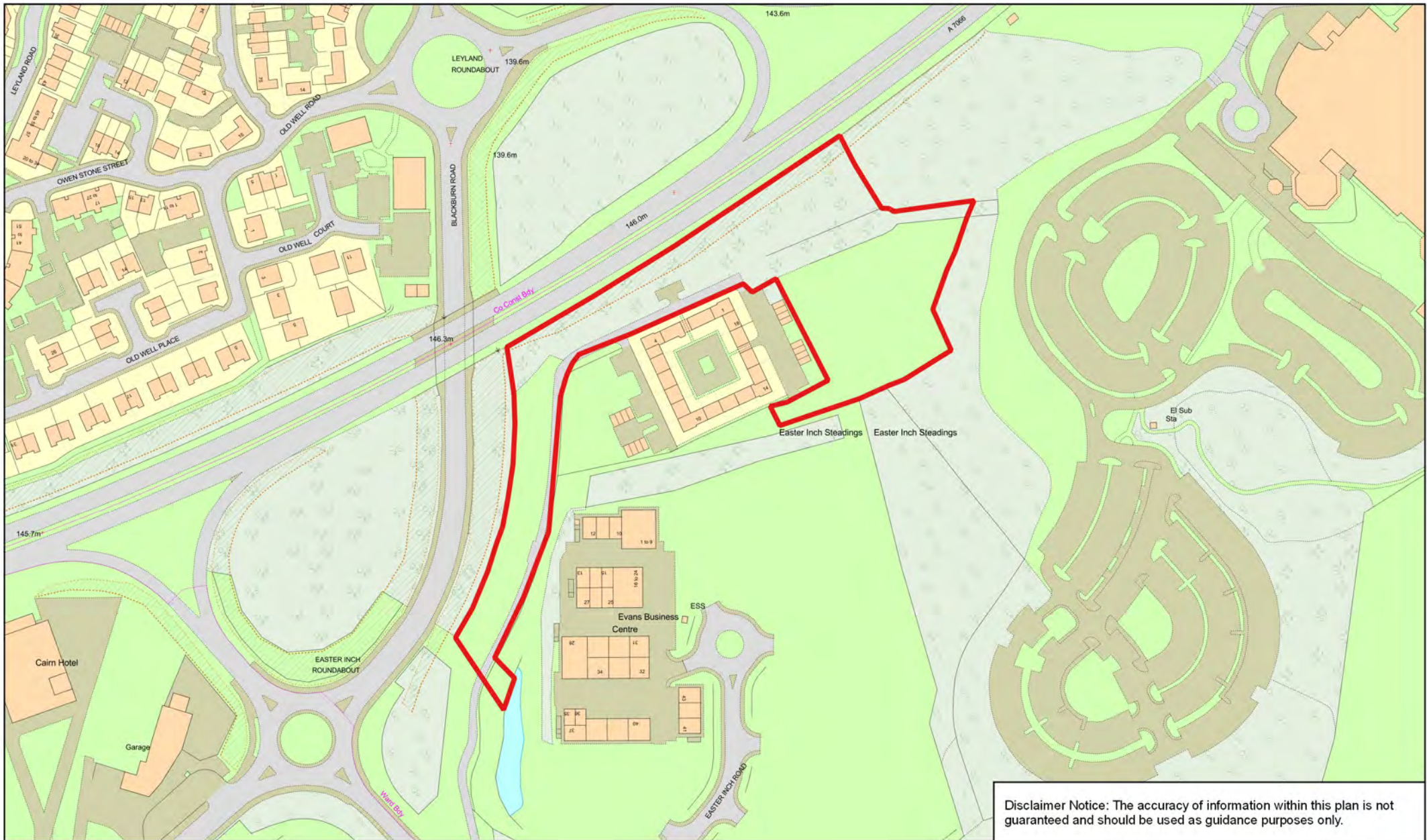
Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF



2016-09-20T12:48:18

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016

1:2,500





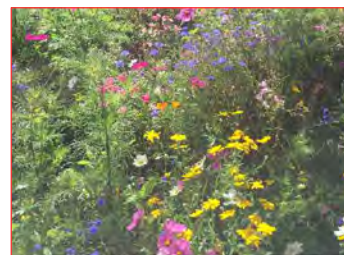
 <p>West Lothian Council</p>	<p>0460/FUL/16</p>	<p>1:2,500</p>	
<p>Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>2016-09-20T12:49:36</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016</p>	

LEGEND:

-  PROPOSED 4 BED DWELLINGS
-  PROPOSED ACCESS ROAD, DRIVEWAYS & PATHS
-  PROPOSED LAWN AREAS FOR DWELLINGS
-  WILD FLOWER MEADOW
-  RECREATIONAL GREEN AREA
-  PROPOSED MAINTAINED PATHWAY THROUGH MEADOW
-  EXISTING ACCESS
-  EXISTING MATURE WOODLAND
-  PROPOSED TREE PLANTING

AREA OF OWNERSHIP INCLUDING ACCESS APPROX 1.66 HECTARES

A7066



WILD FLOWER MEADOW IMAGES

NORTH



Note:
Maintained pathway to link up with
existing pathway on adjoining site.

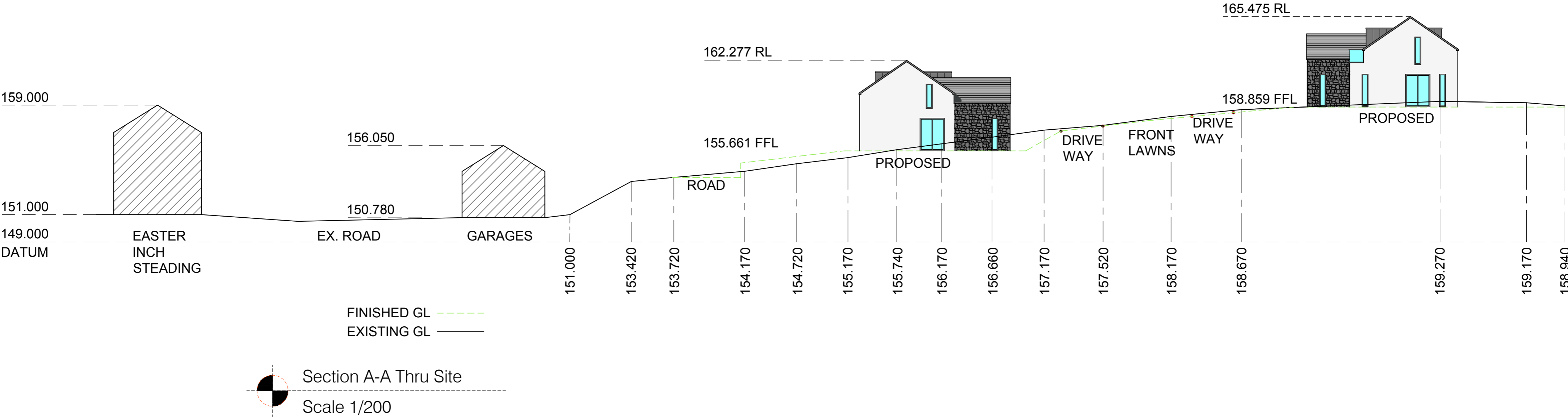
EASTER
INCH
STEADING

Proposed Site Plan

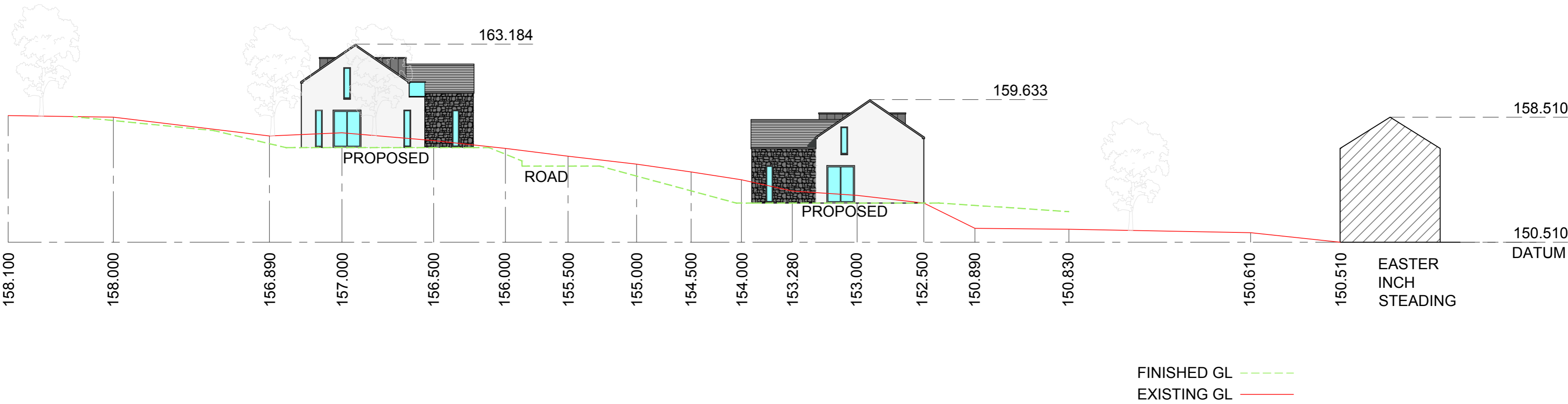
Scale 1/500

rev	date	details	by	rev	date	details	by	THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.	SERVICES OFFERED:	drawing title: Proposed amended Site Plan	scale: @A3
A	15.09.16	North east house moved 2m away from existing trees.						THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.	MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS	job title: Easter Inch	drawing no:10023-03-06
								THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.	PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	client: Hartfield homes	date: 05.09.16
								CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.		status: Planning	drawn: MJ
								ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.		format DESIGN FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP	Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com





rev	date	details	by	rev	date	details	by	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	drawing title: Site Section A-A		scale: @A2
A	08.09.16	Proposed dwellings moved closer to gain larger gardens at the rear.					job title: Easter Inch			drawing no:10023-03-05		
							client: Hartfield homes			date: 27.06.16		
							status: Planning			drawn: MJ		
							<div><div>format</div>DESIGN</div> <div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div> <div>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div>					



rev	date	details	by	rev	date	details	by	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	drawing title: Site Section B-B		scale: @A2
										job title: Easter Inch		drawing no:10023-03-07
										client: Hartfield homes		date: 09.09.16
										status: Planning		drawn: MJ
										<div><div>format</div><div>DESIGN</div></div> <div><div>FADADS Limited</div><div>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div></div> <div><div>Tel: 0131 661 7666</div><div>Fax: 0131 659 6033</div><div>Email: formatdesign@aol.com</div><div>Web: www.formatbuildingdesign.com</div></div>		

PLANNING STATEMENT FOR PROPOSED DEVELOPMENT OF 4 DWELLING HOUSES

AT

LAND TO THE EAST OF EASTER INCH STEADINGS, BATHGATE, WEST LoTHIAN



04 JULY 2016

Format Design
Holyrood Business Park
146 Duddingston Road West
Edinburgh EH16 4AP
Tel: 0131 661 7666 Fax: 0131 659 6033
formatdesign@aol.com
www.formatbuildingdesign.com

Contents

1. Introduction	3
2. The Proposal	8
3. Constraints and Policy Considerations	10
4. Assessment	11
5. Conclusion	28
6. Appendices	30

1. Introduction

The proposal is a revised application for the residential development of the site. The applicant has taken on board the concerns of the planning authority and the local residents. In particular it has been decided that this should be a detailed planning application as some of the concerns raised previously were speculative and would not be realised under the detailed scheme now proposed.

The surrounding area

The site sits to the south east of the town of Bathgate in West Lothian.

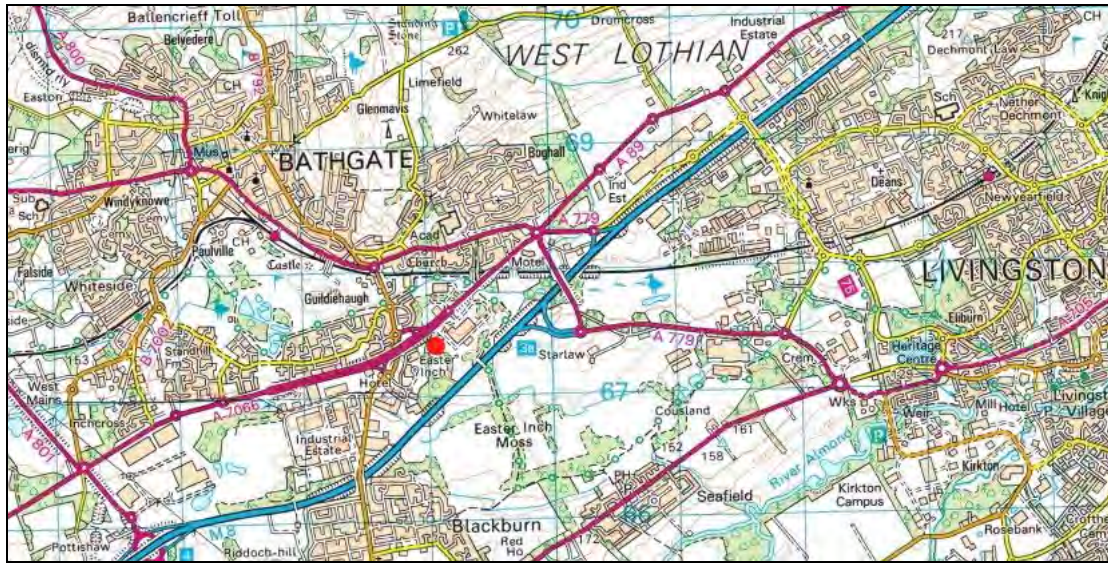


Figure 1. The site, marked by red dot, in relation to West Lothian Towns and M8

It is to the north side of the M8 Edinburgh to Glasgow motorway, to the west of junction 3A. Edinburgh is 18.5 miles, and Glasgow 28.5 miles from this junction. The Pyramids business park is located immediately to the east.

It is an edge of town location with significant amount of residential and commercial development in the surrounding areas. The towns of Blackburn, to the south, and Livingston to the east are relatively close.

Access to the site is via a private road from the B792 Bathgate to Blackburn Road.

There is a railway station at Bathgate 1.5 miles from the site where services run frequently from Edinburgh to Glasgow via Airdrie. It has a large park and ride facility.

There is a large Tesco superstore on Blackburn Road close to the site within walking distance. There are also regular bus services along Blackburn Road (e.g. Service 21 Edinburgh to Fauldhouse).

The site is in close proximity to employment areas such as the adjoining business parks as well as having good access to the central belt via the national road and railway network.

The Site

The site has no formal use at present. It is an area of grassland with trees to the north and south. There is the remnant of an overgrown hedgerow towards the centre of the site.

The application site is to the immediate east side of Easter Inch Steading, and the applicant also owns the land that wraps around the north and west side of the steading, following the outside of the private access road.

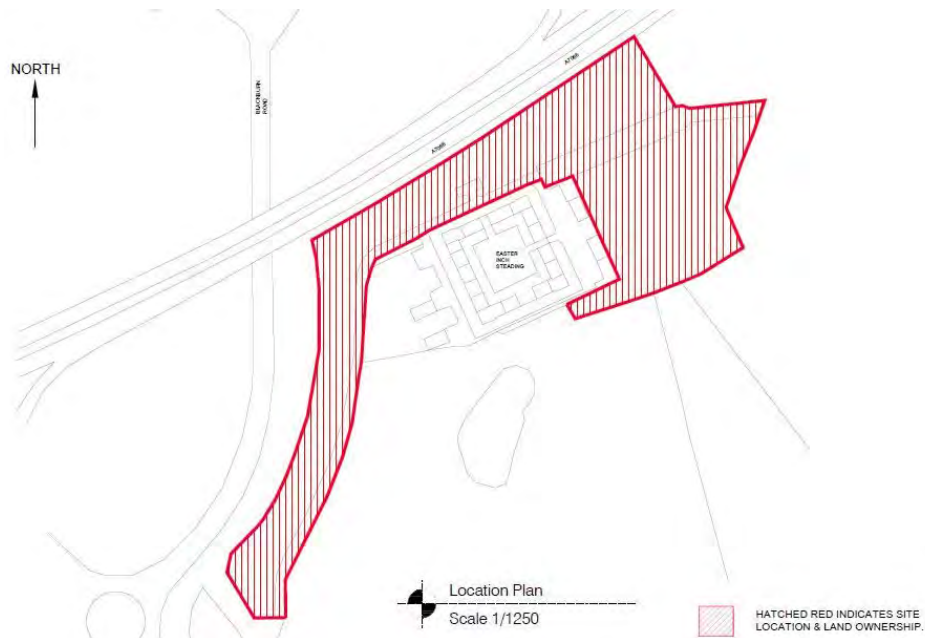


Figure 2. Site location plan

The application site slopes down towards the steading development from east to west. A topographical survey has been carried out for the site as part of the previous application. There is a fall of around 8 metres from boundary to boundary.



Figure 3. The site sits mainly to the east side of the steading courtyard (Google Earth)

Adjacent and to the east is Pyramids Business Park. The sites are separated by a landscaped edge, access road and then car park. The actual business units are around 150 metres away. These are generally class 4 uses, however the nearest unit is a children's day nursery.

Further to the south west is a small business park at Easter Inch Road. Also, there is a proposed business allocation (E-BG1) for 3.5 hectares of class 4 use to the south.

Site History

There has been a previous application on this site for a similar development.

0627/P/14 – “Planning permission in principle for a 0.5ha residential development”.

The application was **refused** on 20 November 2014. The reasons for refusal were: -

1. *Due to the position and topography of the site, the proposed development on the site would have a detrimental impact on the setting and character of the category B listed Easter Inch steading and is contrary to policy **HER 11** (Applications Affecting Listed Buildings) of the West Lothian Local Plan.*
2. *The proposal would result in the loss of a substantial area of informal open space to the east of the residential steading and therefore is contrary to policy **COM 2** (Open Space) of the West Lothian Local Plan.*
3. *The development would cause a significant loss of amenity on the residents of Easter Inch Steading due to the elevated nature of the site and create a detrimental visual impact, overly dominant and overbearing. Therefore the proposal is contrary to policies **HOU 2** (Development within Settlement Envelopes), **HOU 9** (Residential and Visual Amenity), **IMP 14** (Supplementary Planning Guidance - Single plot and small scale infill residential development in urban areas) of the West Lothian Local Plan.*

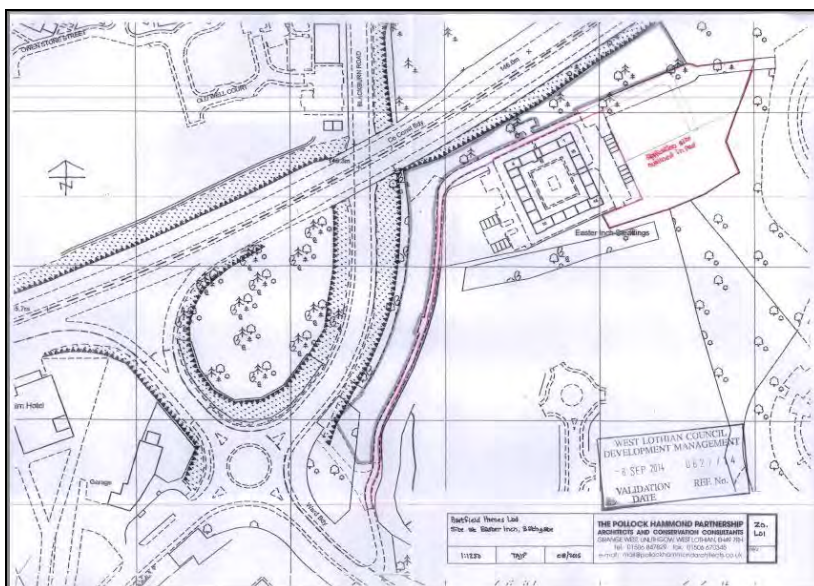


Figure 4. 0627/P/14 site plan

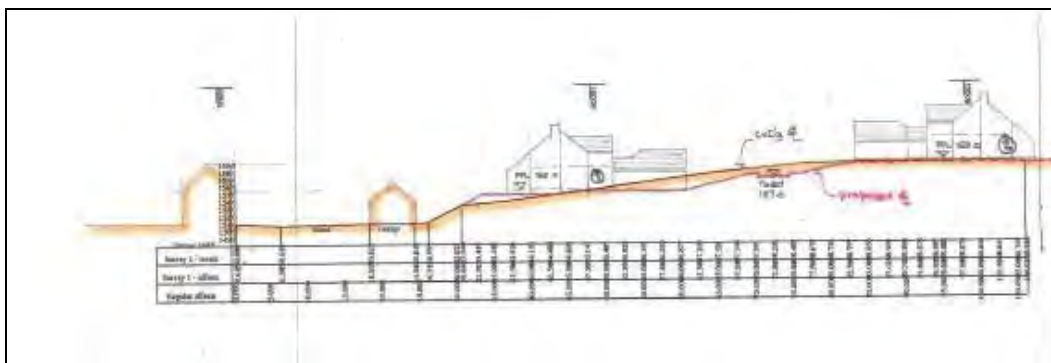


Figure 5. 0627/P/14 site section

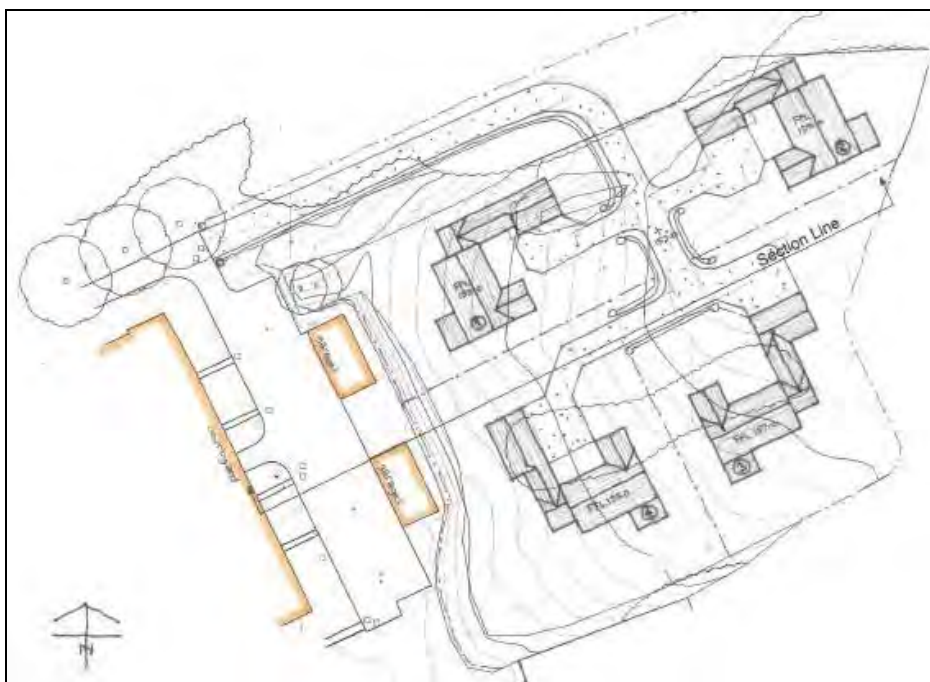


Figure 6. 0627/P/14 site layout

Other applications on this site:-

0743/P/08 - Outline planning permission for a nursing home. This application was **Withdrawn**.

0393/P/09- Planning permission in principle for a 60 bed nursing home with associated car parking and access road. This application was **Refused** on 05 May2010. The reasons for refusal were:

1. *The proposal would result in an unjustified loss of trees and open space and is contrary to ENV 11 and COM2 of the WLLP.*
2. *The proposed access would have a detrimental visual impact when viewed from the A7066 which is a main transport route through West Lothian and is contrary to policy ENV 24 of the WLLP.*
3. *The development would have a detrimental impact on the setting of the B listed steading and is contrary to policy HER 2 of the WLLP.*
4. *The proposal would have an adverse impact on the residential and visual amenity of the neighbouring residential steading and is contrary to HOU 2 of the WLLP.*

5. *There is no safe pedestrian or cycle access proposed and the proposal is contrary to HOU 8 of the WLLP.*
6. *The development would have a detrimental impact on the amenity of residents of Easter Inch Steading and the access road would have detrimental visual impact on the immediate area. It is contrary to policy HOU 9 of the WLLP.*

Planning history for the adjoining site (Easter Inch Steading).

0328/FUL/96 and 0329/LBC/96 - Restoration/conversion of existing houses and barn to form 6 houses and erection of 8 houses, Easter Inch Farm Blackburn Road, Bathgate

Application **granted** planning and listed building consent on 11 Dec 1996.

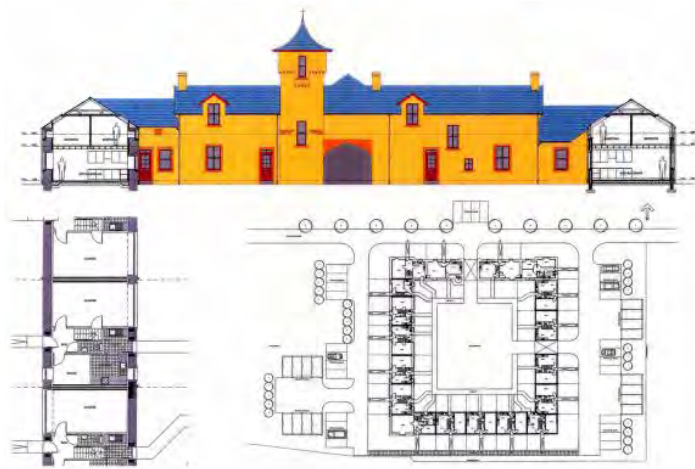


Figure 7. 0328/FUL/96 drawings for the adjoining Easter Inch Steading site

The applicant

The applicant is the owner of the site and the same applicant as for the previous planning application.

2. The proposal

The proposal is for a small residential development. There will be four detached houses, which are of a relatively simple design which is relatively traditional in layout and form but with a contemporary finish to the detailing and materials. These will be four bedroom houses.

The houses will be accessed from the existing private road, which will be extended into the site from the corner to the north of the existing steading garage blocks.

No garage blocks have been proposed as part of this application, and parking will be on driveways.

It is proposed to upgrade the access road. Rather than introducing a two lane street lit road it is proposed to maintain the more rural appearance of the present road and to provide two extra passing spaces at regular intervals. The applicant owns the land adjoining the existing road so this is possible.



Figure 8. The proposed layout

Due to the slope of the land east of the steading three of the houses will be slightly cut into the hillside. The house at the higher level is on relatively flat ground. The longer axis of the houses will be aligned with the contours to minimise any excavation work required and to ensure a better relationship to the existing steading development.

New tree and hedge planting between the two developments will help to maintain visual separation and protect the setting of the steading. Best use will be made of existing mature trees and hedges. A wildflower meadow will be planted to the south east and to centre of the site.



Figure 9. The site section A-A (from south)

More information on the design is included in the assessment below. A set of the proposed drawings has been included in the appendix to this report.

3. Constraints and Policy Considerations

The site lies within the Bathgate settlement boundary, as defined in both the **West Lothian Local Plan, January 2009 (WLLP)**, and the **West Lothian Local Development Plan, October 2015 (WLLDP)**.

All of the relevant development plan policies are listed in the appendix to this report. However the following policies are considered to be the critical ones to the determination of the planning application:-

West Lothian Local Plan **HER2** - Listed Buildings; West Lothian Local Plan **HOU8** – Parking and Access Requirements; West Lothian Local Plan **HOU9** - Residential and Visual Amenity; West Lothian Local Plan **HOU2** – Development within Settlement Envelope; West Lothian Local Plan **IMP 14** - Supplementary planning guidance Single plot and small scale infill residential development in urban areas; West Lothian Local Plan **COM 2** - Open Space; and West Lothian Local Plan **ENV 11** - Woodlands and Forestry.

These are the main policies referred to in the previous planning application, and quoted in the reason for refusal (with the exception of ENV 11).

[It has been noted that the report of handling referred to policy HER11, however the wording of this appears not to be particularly relevant to the present proposal, and policy HER2 seems to be of greater relevance].

There are no planning constraints over the site on either the current West Lothian Local Plan or on the proposed West Lothian Local Development Plan.

The site is within the town settlement boundary, and it is bounded by the employment area land allocation which includes the Pyramids Business Park and Ester Inch Business Park. On the WLLDP map the site is bounded by protected open space to the east.

In terms of physical constraints and neighbouring uses there are some points to note.

The site has a relatively noticeable slope towards the west boundary, although not to an extent that would cause any engineering problems for house or road building.

The site is bounded by mature tree belts on two sides and these contribute significantly to the landscape character of the area.

The site is accessed by a narrow private road and this therefore places some limit on the level of development that could be achieved without fully upgrading the road.

The site is adjacent to a residential development and any development should respect the amenity of these residents.

The adjacent residential development includes category B listed buildings to its north and west sides and any development here should respect the setting of the listed buildings.

4. Assessment

Landscape/Urban character Issues

The site is within the urban settlement envelope of Bathgate. It is a green site, and has a significant presence of trees around the perimeters. It is in a mixed use area with residential, business and community developments present in close proximity. It is located between two major roads, the M8 and A7066 (dual carriageway).



Figure 10. The local urban form

The figure above provides a picture of the urban form in the surrounding area. There is the larger built form of the business parks, the residential developments to the north west and the adjacent courtyard development of the steading.

The scale of the proposed buildings will fully respect that of the nearby residential development. Materials will compliment the adjoining scheme.

The proposal will protect the main landscape features of the site, with no loss of significant trees. Tree planting and wildflower meadow planting are proposed which will enhance the landscape setting of the site.

The site slopes down towards the steading development. Where necessary, the foundations of proposed houses will be cut into the slope with minimal sections of fill. The long axis of the houses will follow the contours to reduce impact on the landscape and the amenity of the steading occupiers.

Concern was expressed in the previous planning application regarding the impact of the development on the setting of the adjoining steading, both in terms of the setting of the listed building and on the amenity of the neighbouring occupiers. These two issues will be looked at in the relevant sections below. However purely in terms of the urban form, the proposed development will be of an appropriate form and scale which will not conflict with the scale and form of the steading.

With regards to landscape impact and the character of the area, the detailed scheme now proposed will sit comfortably in the context of the site. The houses will not be highly visible from outwith the site. There is a strong tree belt to the north and south of the site screening

it from longer views and from the adjoining public roads. It is in fact difficult to find any public vantage point from where the development would be visible. The roofs of the easternmost house is likely to be seen from the Pyramids Business Park car park, however this will be of minimal impact and will be viewed through existing and proposed trees.



Figure 11. View towards business park from north east corner

The four houses will be of a modest size, and will be well designed and finished in high quality materials. They will not overpower the existing development. The area has a lot of development already in place which has already compromised the setting of the existing building. Further development is likely to take place at site 'E-BG1' for 3.5 hectares of business park to the immediate south.

It is notable to mention that in the planning application for the nursing home, a much larger single structure, at paragraph 9.1 of the committee report, the planning officer advised *"It is accepted that the site is physically capable of accommodating a building of this size and its orientation and external appearance...could be designed to minimise any adverse visual impact. Specifically, service access to the building could be orientated away from the adjacent dwellings; the design of the new build could reflect the scale and character of the existing building and landscaping could create an emergent setting for the building and servicing/car parking areas"*.

It is therefore concluded from this that what is now proposed can easily be accommodated on site without causing undue harm to the character of the area or the setting of the existing development.

Therefore with respect to urban form and landscape character, the proposals comply with the requirements of WLLP policies HOU2, HOU7 and HOU9. It also complies with WLLDP policies DES1, HOU3 and ENV1.

Cultural Heritage Issues

The two issues to consider here are the impacts upon the nearby listed building, and also on the possible archaeological heritage of the area.

Setting of listed building

The site is adjacent and to the east of a category B listed farm steading, described in the descriptive list as an *“Architect designed, unfussy farm court, with distinguishing tower and pend.”*

Easter Inch Steading (LB6713) was designed and built in 1869 with later alterations and additions. It is a U-plan steading with courtyard partly enclosed to the east by a wall, with the farmhouse incorporated into the north range by 3 stage Baronial tower and pend. Constructed in random squared rubble, with ashlar dressings.

There were originally only buildings on the north and west sides, the east side having only been enclosed by a wall. It is assumed that the southern side was open.



Figure 12. The steading prior to development, showing those parts which are listed

The development that took place to the steading as a result of the 1996 permissions built up the south and east boundaries of the courtyard. These two wings have been finished in a cream wet dash render, with cast stone detailing and slate roofs. Four blocks of four garages were built, two to either side of the development.

It is the modern east wing and garage blocks which would be closest to the proposed development site. These extensions now act as an intervention, thereby reducing any impact that the new development would have on the listed buildings.



Figure 13. The part of the steading development closest to the application site



Figure 14. Aerial photograph showing adjacent development

It is also apparent that there is already a large amount of development close to the steading, in particular the business units to the immediate south on Easter Inch Road, which are separated by less than 40 metres. These buildings are of a far more incongruous form, and detrimental to setting, than four well designed detached dwellinghouses would be. Further more, the area to the east side of the existing units visible in the aerial photograph above, accessed from the roundabout at the head of Easter Inch Road, is allocated for further business development (E-BG1), and is likely to be of a similar scale and design.



Figure 15. The open view previously seen on the approach to the steading



Figure 16. The new business units now obscure the view and setting of the steading

The above two photographs (figures 12 and 13) clearly illustrate how the setting of the steading has already been compromised by the adjacent business park.

In 2009, when the application for a nursing home was submitted, it was advised that *“The site currently contributes towards the detached and rural character of the listed steading and makes a positive visual contribution to the immediate area”*. This setting no longer exists, as the above photographs demonstrate.

The present local plan policy **HER 2** advises that the council will protect listed buildings and in considering proposals for development within the vicinity of listed buildings, it will have particular regard to the setting of listed buildings.

Likewise, policy **ENV 28 (Listed Buildings)** of the proposed WLLDP advises that In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

The proposed dwellinghouses would be separated from the listed buildings by the modern east wing of the steading and the two new garage blocks. The houses would also be around 40 metres from the new steading wing. Tree planting and other landscaping would further mitigate any potential concerns that may arise regarding the impact on the setting of the B listed buildings.

By building the houses *into* the slope, respecting the contours, and keeping the eaves relatively level low down, along with the use of high quality materials on all elevations and slate roofs, the proposed houses will have minimal impact upon setting. The houses will be of a traditional form in a contemporary style.

The view that previously existed (figure 12 above) did allow the two sites to be read together however this view no longer exists following the business park development.

The previous application for planning permission in principle provided very little information to provide evidence that the development would have no adverse impact upon the listed building. The information now provided in the submitted documents and in this statement should clearly demonstrate that there would be no adverse impact on the setting of the listed building.

Taking into account the proposed design principles and the presence of significant development close to the steading, the proposal will have minimal impact upon the setting and therefore complies with policy HER2 of the local plan, and ENV28 of the proposed development plan.

Archaeology

The West of Scotland Archaeology Service has advised that conditions are required as there is some potential for previously unrecorded buried archaeological deposits to be present within the proposed development area.

There is no objection to conditions regarding the need for an archaeological assessment.

Wildlife/biodiversity Issues

There are no biodiversity issues. The site does not include, nor is it close to any wildlife designations. There are no buildings or trees to be removed that would provide habitats to any protected wildlife species.

The site contains quite a number of wild flowers, including forget-me-nots, red Campion, bluebells, buttercup, primrose, cow parsley. It is proposed to create a wildflower meadow which it is hoped will attract wildlife as well as being a valuable amenity asset for local residents.

Site drainage and flooding

The site is a free draining sloping site with no water course nearby. There are no flooding issues.

The site will incorporate sustainable urban drainage measures for run off from roads, roofs and hard-standings.

Trees and landscaping

Policy **ENV 11** of the present local plan, and policy **ENV10** of the WLLDP, advise that there will be a presumption against any development adversely 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.

The application boundary does include trees which have been deemed to be important by the planning authority in the forthcoming WLLDP. In particular the tree belt that separates the site from the A7066, and also the mature tree belt to the south. These trees sit predominantly outwith the development boundary and will not be affected. The trees would be protected during development in accordance with BS: 5837 (Trees in relation to design, demolition and construction).

The site has other lesser trees within the development boundaries which it is intended to be managed and supplemented. There is the remnant of an old hedgerow running through the middle of the site from east to west, and this will be enhanced to provide some separation between the proposed houses. This may require limited felling and pruning, but will include replanting. There are also several small trees towards the east boundary which will be kept and allowed to further establish. These will help to provide instant mature landscaping to the development. It is intended that these will be supplemented with further tree planting of indigenous species, both deciduous and evergreen. This will enhance the landscape buffer between the residential development and the adjacent Pyramids Business Park. Detailed tree planting and landscaping plans will be submitted prior to the commencement of development.

The site is presently heavily overgrown with weeds, however it has been noted that amongst the undergrowth there are a lot of wildflowers. It is therefore proposed to plant and maintain a significant area of wildflower meadow in the areas adjoining the steading boundary and the south west boundary in particular. It is also proposed to plant hedgerow and tree species along the west boundary towards the steading, to the rear of the garage blocks, for amenity and privacy purposes.

The development is therefore considered to fully comply with the terms of policy ENV 11 of the WLLP and policy ENV10 of the WLLDP.

Residential Amenity

WLLP Policy **HOU 9** advises that development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.

The only residential neighbours are those at the adjoining steading development, and in particular the new east wing of the steading.

There will be no noise or pollution impacts to take account of. The issues that have potential to raise concern are visual impact, privacy, daylighting, overshadowing and traffic.

With regards to traffic noise and nuisance, the proposal is for four houses only. There will be a small increase in the number of vehicles using the access road, however this would not be to an extent that would be expected to create any undue disturbance to the existing occupiers and is therefore discounted.

Under planning law there is no protection afforded to a view from private property and therefore the appearance of the development within views from private property is not a material planning concern. If the development were so large as to create a sense of overbearing upon the adjoining properties then this becomes an amenity issue and can be taken into account.



Figure 17. The view from within the site towards the steading

The distance between the properties and the low scale of development would not create such an issue and as such there will be no sense of overbearing. The ground does slope up noticeably from the steading, which will result in the houses sitting noticeable higher than the steading, however this is not sufficient to give cause for concern with regards to amenity. There will be adequate separation thanks to the distance between the properties, the intervening presence of the garage blocks and the proposed landscaping. The amenity of neighbours will therefore not be unduly affected by the presence of the houses.



Figure 18. The view into the site from the steading

Likewise, the separation distance is double that normally required for separation between opposing windows, and therefore loss of privacy will not be an issue.

Again, due to the distance and low eaves heights, even taking into account a rise in ground level, there will be no impact on daylighting to existing windows, nor will there be any overshadowing of private garden ground.

The proposals therefore do not conflict with policy HOU9.

Local Plan policy **HOU 2** supports development within the settlement envelopes shown on the proposals map there is no adverse impact on adjacent uses. Likewise, the WLLDP policy **HOU3** 'Infill/Windfall Housing Development within Settlements' advises that the development must be compatible with nearby uses, have no adverse effect on the character of the local area, and achieve a satisfactory residential environment.

The proposed development is within the settlement boundary, is of an appropriate scale and form, and is a use compatible with neighbouring uses. The adjacent development is residential, and the business park incorporates class 4 uses which are deemed to be compatible with residential uses. The proposed development would therefore satisfy the policies of both the present and the proposed development plan in this respect.

Open Space

There are two aspects that need to be considered; the first being the loss of any existing open space, and secondly the adequate provision of open space for the future occupiers.

WLLP policy **COM 2**, and WLLDP policy **ENV 21** state that proposals which will result in the loss of formal and informal open space, will be resisted. These spaces include parks and formal gardens, wildlife habitats, civic spaces and allotments.

The WLLP advises that proposals to develop such areas will be assessed against a set of four criteria:

- a. any 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.

With regards to locational justification, the site is within the settlement boundary and it is sited between a residential development and a business development and it has access to the road network. It is entirely appropriate to develop this site for residential purposes, and by doing so in this location it helps alleviate the pressure for building houses in the countryside.

The site is within the settlement boundary of Bathgate. The area upon which development is proposed is not safeguarded for open space or landscape. The areas of trees to the north east and south east are shown as land safeguarded for open space in the proposed development plan, however the development will not affect these areas, and will in fact enhance these areas.

There is no landscape, wildlife or other habitat related designation affecting the site. There will be wildlife corridors maintained through the site with the proposed landscaping, tree planting and wildflower meadow proposals.

One of the concerns expressed in the assessment of the first planning application was that the development would remove an area of informal open space. It is not clear to whom this informal open space is of benefit, however it is private land and it is not easily accessible from the town. There are no rights of way or other footpaths leading to the site. There is no legal right of the adjoining residential development to have use of this land. The ground is presently overgrown with weeds including nettles making it of little value for recreational use or dog walking.

It was noted on visiting the site that there is a worn path running from a point south of the garage blocks, eastwards across the site and into the mature trees at the south east side of the site (see figure 16 above). It is assumed that this path has been created by residents from the steading properties.



Figure 19. Worn path leading away from the steading across the site

There are not any recognised rights of way across the site, however as there does appear to be a desire line as evidenced by this worn path, the applicant is proposing to allow for this to be retained and for a path to be maintained through the site. It is not proposed to lay a formal surface but to maintain it as a mown or worn path.

The applicant proposes to allocate some of the communal landscaped areas as wildflower meadow which will benefit both the future occupants of the development as well as the occupants of the adjoining steading development. It will also have significant wildlife benefits, and will help to maintain valuable green network links. The aforementioned mown or worn path will pass through parts of this meadow.



Figure 20. The site is presently overgrown and of little recreational value

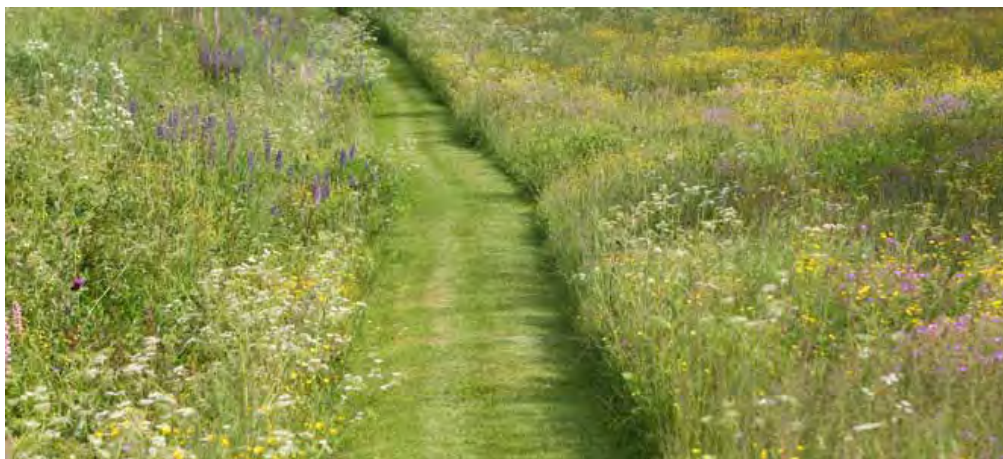


Figure 21. The likely form of the wildflower meadow with path

It is concluded that there will be no loss of important public amenity space. The site has not been designated as protected open space and it is within the settlement boundary. There is more than adequate amenity space around the steading on all sides, and there will remain some amenity space within the site post-development. The development does not therefore conflict with WLLP policy **COM 2** or WLLDP policy **ENV 21**.

Woodland Amenity

The applicant owns the land adjacent to and to the outside of the access road, as well as the larger woodland area to the north of the site. The applicant is prepared to improve access through this woodland and to create a woodland walk from alongside the access road, through the woodland and exiting at the east end of the woodland near to the business park car-park. This will include some woodland management. This would prove a very valuable amenity to both the existing residents at the steading and the future residents of this development.

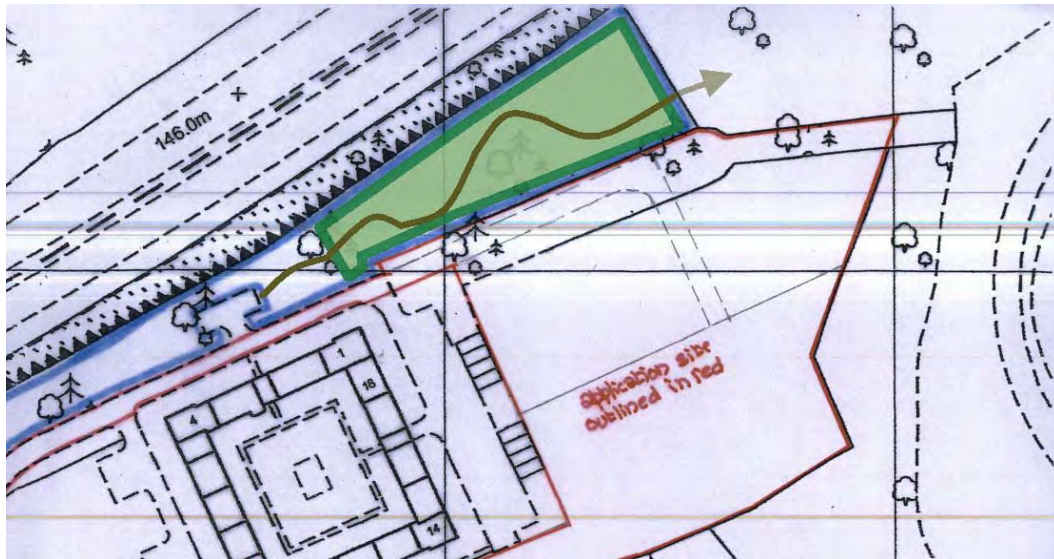


Figure 22. The informal woodland amenity space and walk that exists to the north



Figure 23. The woodland area to the north side of the site through which the footpath can be created

Private amenity space

With regards to private amenity space for the future residents of the development, the four houses will each have significant private gardens. As well as this they will have access to the surrounding woodland and to the communally landscaped areas mentioned above. The future occupants of the development are therefore well catered for in terms of private and recreational open space and they will enjoy an excellent level of amenity.

There is no need to provide any formal play areas for children, and in any case such a facility would seem out of place in this location. The areas of amenity ground provided

The proposal complies with policy **HOU 5** and the council's **Residential Development Guide**.

One of the major concerns that the planning officials had with the previous application was the proximity of the development to the existing steading development

The preferred design is a fairly simple two storey L-shaped house with accommodation on two floors. The eaves level to the main section of the house is slightly below first floor ceiling height, and on the wing it is just above floor height.

Architectural drawings of a proposed house, including a front elevation, a side elevation, and a rear elevation. The drawings show a two-story house with a gabled roof, a central entrance, and large windows. A legend identifies materials: dark grey for all brickwork, light grey for stone, and red for brickwork. The front elevation shows a central entrance with a red door and a large window. The side elevation shows a gabled roof with a small window. The rear elevation shows a large window and a small door.

- 70 -

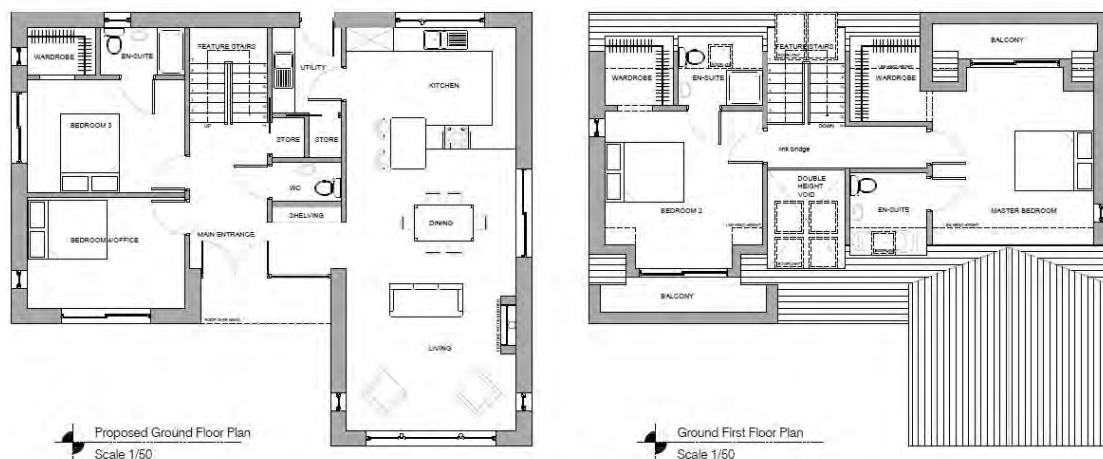


Figure 25. Proposed floor plans

The house in the north east corner sits on much flatter ground and the longer wing can be accommodated without requiring serious cutting or filling of the slope.

The houses feature a double height living area with a large glazed panel giving excellent daylight to the main living space and making full use of the elevated position and the views afforded. The houses are however angled such that this view will not be directed towards the existing dwellings at Easter Inch Steading.



Figure 26. The style of the proposed houses (impression)

These houses will be of a high standard of design and materials. These will sit comfortably in the green and tree lined setting, and they will respect and compliment the adjacent steading development.

The design fulfils the design aspirations of the local plan and complies with WLLDP policies **DES1** and **HOU3** and also the Residential Development Guide.

Access and accessibility

The Roads and Transportation manager advised that he had no objection to the application but would recommend that a condition be applied requiring an additional passing place to be provided on the approach road between the existing passing place and the steading development.

The vehicular access to the site will be from a point just north of the garage block from the existing access road (see figure 21 below).

The site has a noticeable gradient towards the west boundary. This will only affect what will remain as a private access road and it is within acceptable limits, rising by 5 metres over the first 25 metres (20%), which is the steepest section. The next 25 metres continues to rise by a further 3 metres (12%).

The existing private access road from Easter Inch Road is only single lane. The introduction of four houses will not increase traffic significantly, however it has already been agreed that further passing spaces would be required along the route if the development were to go ahead. As the applicant is the owner of the land to the outside of this road, then the addition of one or two further passing spaces can easily be achieved. The applicant is willing to take advice from the Roads and Transportation manager with regards to where these should be placed.

This is a preferable option to upgrading the road to a two lane street which would introduce a suburban character to the area which would undermine the existing character of the area.



Figure 27. The access road will connect at the far left of this view, avoiding the trees

The site is within close proximity to Bathgate Railway station which has an extensive park and ride facility allowing an easy commute to Edinburgh Livingston and Bathgate. There are also junctions onto the M8 motorway in close proximity both to the west (4, Armadale) and east (3a, Pyramids Business Park).

There are regular bus services along Blackburn Road, predominantly the Edinburgh to Fauldhouse service run by First Group. At peak times this is every 20 minutes. There is a stop either side of Blackburn Road 125 metres from the end of Easter Inch Road.

Footpath links will provide pedestrian access to both the Pyramids Business Park and Easter Inch Business Park.

Therefore subject to the introduction of passing place(s) the proposed development satisfies the issues that were previously raised and WLLP policy **HOU2** (d) and WLLDP policy **Hou3**.

With regards to accessibility the development will be fully compliant with disabled access requirements. Houses will have level access and all will have ground floor bedrooms and WC facilities.

5. Conclusion

The proposed development is a high quality development which will contribute positively to the area and one which will contribute to the availability of high quality housing stock in the Bathgate area.

The scheme overcomes those issues that lead to the refusal of the original application for planning permission in principle. To a large extent the shortcomings of the original scheme were its lack of detail which led to some speculation about the possible negative aspects of the development. It is hoped that the commentary above and the supporting information will have allayed these concerns, and it is now the firm view of the author of this report that all policy conflicts have been resolved.

The determining issues remain the impact of the development on the adjoining steading, both in terms of the setting of the listed building and the amenity of its occupants. Also, to a lesser extent, the impact upon the landscape character of the site and any recreational value it may have.

It is clear that whilst there will be some impact upon the neighbouring residents these are not to an unacceptable degree, and are those that would be expected of a development site adjacent to existing housing. The biggest impact will be on their view and this is not a material planning consideration. There will be no loss of privacy and no loss of daylight to windows. No private amenity space will be overshadowed or lost. No recreational open space will be lost.

There will be no significant impact upon the setting of the listed building. The development may be visible from the steading, however it will not be viewed in the context of the steading from any public vantage points. The extension to the steading and its new garage blocks already separate the two properties. The setting has already been changed following the building of Easter Inch Road Business Park and its future extension.

The design of the new development has taken account of its relationship to the steading by maintaining good separation, incorporating high standards of design and materials, good quality landscaping and by careful orientation of buildings to relate well with the topography of the site.

It is concluded that this is a high quality development which will make a positive contribution and will preserve the amenity of neighbouring residents and the setting of the listed steading buildings.



5. Appendices

A - List of all relevant Policies of the West Lothian Local Plan, 13 January 2009

B - List of all relevant policies of the West Lothian Local Development Plan – October 2015.

C - Other referenced policies and documents

D – The planning drawings

Appendix A – Summary of relevant Policies of West Lothian Local Plan 13 January 2009

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.

Policy ENV 14 - Development will not be permitted that would damage or destroy trees protected by a tree preservation order, or which are within a conservation area, or which have particular local amenity, or nature conservation value. Where the council considers trees to be of particular merit and these are under threat, it will promote a tree preservation order.

Policy HER 2 - The council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use. In doing so, there will be a presumption against the partial or total demolition of a listed building.

In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings.

Policy HER 10 - Additional controls will be introduced to protect the setting of listed buildings where they are under threat from development.

Policy HER 16 - Applicants will be required to provide an archaeological assessment in advance of determination of a planning application where the council considers this appropriate. Where preservation of archaeological remains proves unfeasible, archaeological investigation and recording to the highest professional standards will be required at the developer's expense, prior to the implementation of the development.

Policy HOU 2 - Within the settlement envelopes shown on the proposals map:

- a. there is a general presumption in favour of new development provided: there is no adverse impact on adjacent uses; sites can be serviced without excessive resource commitment; the site is not already identified for an alternative use in this local plan; the site is not of important open space value (where policy COM 2 would apply);
- b. higher density development will be encouraged where appropriate in town centres and other settlements which have existing significant public transport facilities, subject to the requirements of policy HOU 9;
- c. development in conservation areas, or areas of special control, must be of the highest quality and of a scale and design appropriate to their setting;
- d. infill developments will be resisted where they would exacerbate problems of infrastructure or traffic congestion to an unacceptable level, or adversely affect the character of the settlement; and,
- e. development briefs, will be prepared where appropriate.

Policy HOU 5 - Developers shall provide recreational and amenity open space in accordance with the council's Residential Development Guide.

Policy HOU 7 - The council will require developers to incorporate the highest quality of design and layout within new housing developments. Developers shall have regard to energy efficiency principles in proposing layouts, housing designs and use of materials, and should conform to the guidance provided in the Residential Development Guide (WLC) and where appropriate, to the design principles set out in paragraph 7.48. The council will also seek compliance with the requirements of SPP 6: Renewable Energy and the relevant Building Standards.

Policy HOU 9 - Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.

Policy TRAN 2 - Development will only be permitted where transport impacts are acceptable. This will be established through a Transport Assessment which covers all modes of transport and has been approved by the council.

Policy TRAN 7 - The council will encourage walking and cycling by providing and improving safe and attractive pedestrian facilities, footpaths and cycle routes.

Policy TRAN 15 - The council will work with, and require contributions from, developers towards the capital costs of the infrastructure necessary to protect, or provide, safer walking and cycling routes to schools and other local facilities.

Policy COM 2 - Proposals which will result in the loss of urban sports and recreation facilities, or formal and informal open space, will be resisted. These spaces include parks and formal gardens, wildlife habitats, civic spaces and allotments. Proposals to develop or change the use of open space areas will be assessed against the following criteria:

- 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.

Policy IMP 2 - All developers of housing sites will be required to contribute to the cost of providing additional education infrastructure in West Lothian for the denominational secondary sector. Contributions will be used to fund a new denominational secondary school. Contributions may potentially be used to extend St Margaret's Academy. Where appropriate, phasing conditions will be imposed to control the annual rate of house completions on housing sites. Housing developments which will exacerbate capacity problems at existing denominational secondary schools will be resisted.

Policy IMP 3 - Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:

- a) secure the provision of new schools or extensions, and associated community, facilities, from developers where this is directly attributable to serving their proposed housing development; and/or
- b) phase development, to manage demand on school places.

Where education constraints cannot be overcome there will be a presumption against housing development.

Policy IMP 4 - Where appropriate, planning conditions and/or legal agreements will be used to:

- a) secure the provision of new water and sewerage infrastructure where the need for new infrastructure is directly attributable to serving a proposed development; and
- b) prevent development commencing until the necessary water and sewerage infrastructure to serve the development is provided, or its funding is fully committed and the necessary works are capable of implementation.

Where water and sewerage constraints, identified by the council in conjunction with Scottish Water, cannot be overcome due to a lack of funding, there will be a presumption against development.

Policy IMP 6 - Development must comply with current best practice on sustainable urban drainage practices to the satisfaction of the council, SW and SEPA.

Appendix B - List of all relevant policies of the West Lothian Local Development Plan – October 2015.

POLICY DES 1 : Design Principles

POLICY HOU 3 : Infill/Windfall Housing Development within Settlements

POLICY INF 1 : Infrastructure Provision and Developer Obligations

POLICY ENV 1 : Landscape character & special landscape areas

POLICY ENV 9 : Woodlands, forestry, trees and hedgerows

POLICY ENV 10 : Protection of Urban Woodland

POLICY ENV 20 : Species Protection and Enhancement

POLICY ENV 21 : Protection of Formal and Informal Open Space

POLICY ENV 28 : Listed Buildings

POLICY ENV 32 : Archaeology

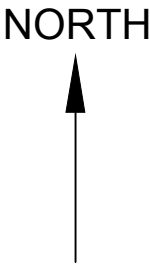
Appendix C - Other relevant policies and documents

West Lothian - SPG Residential development guide, October 2014

The Scottish Planning Policy, June 2014

Appendix D – The Planning Drawings

1. Location Plan
2. Elevations
3. Floor Plans
4. Site Plan
5. Site Section

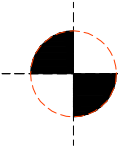


BLACKBURN
ROAD

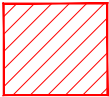
A7066

A7066

EASTER
INCH
STEADING








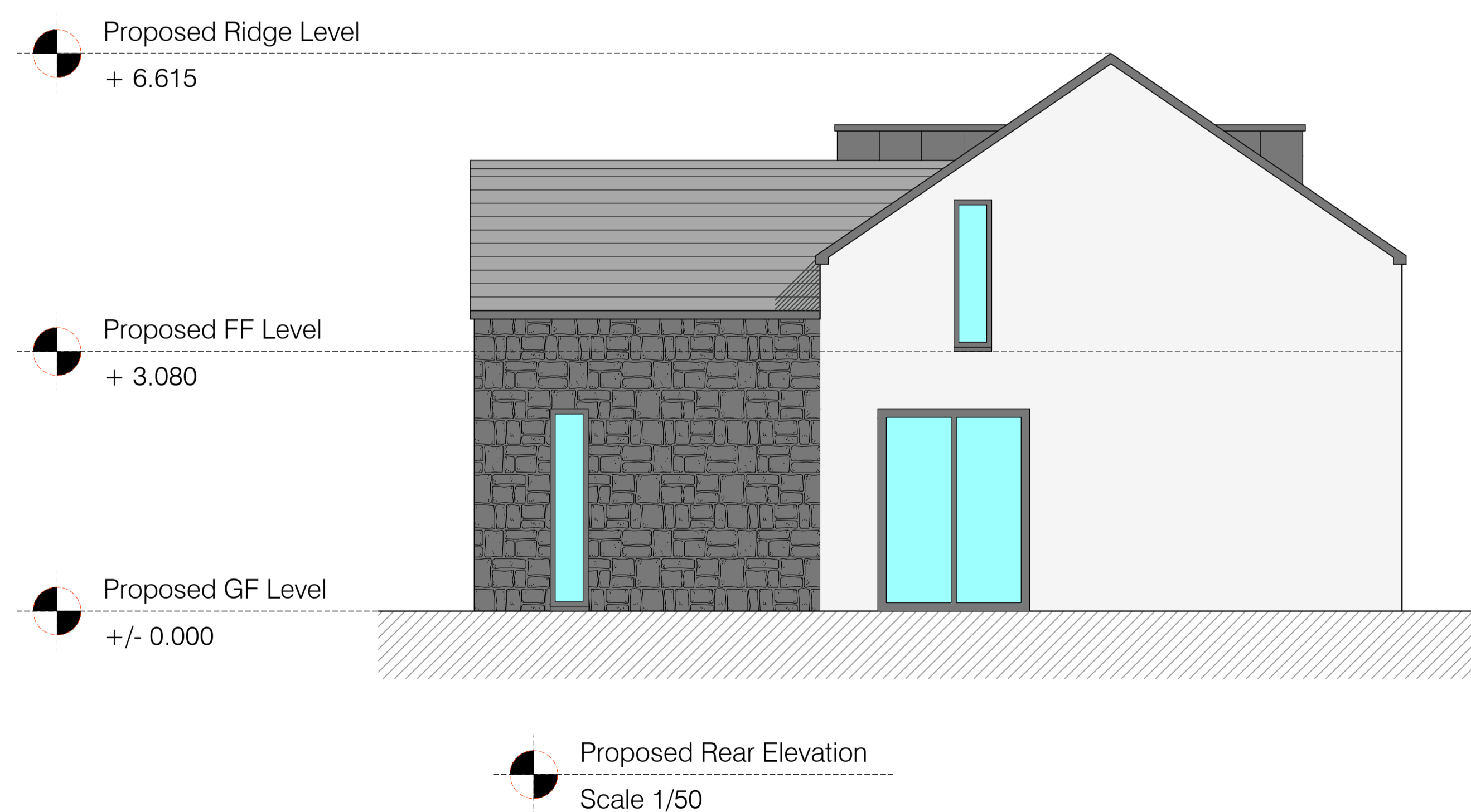
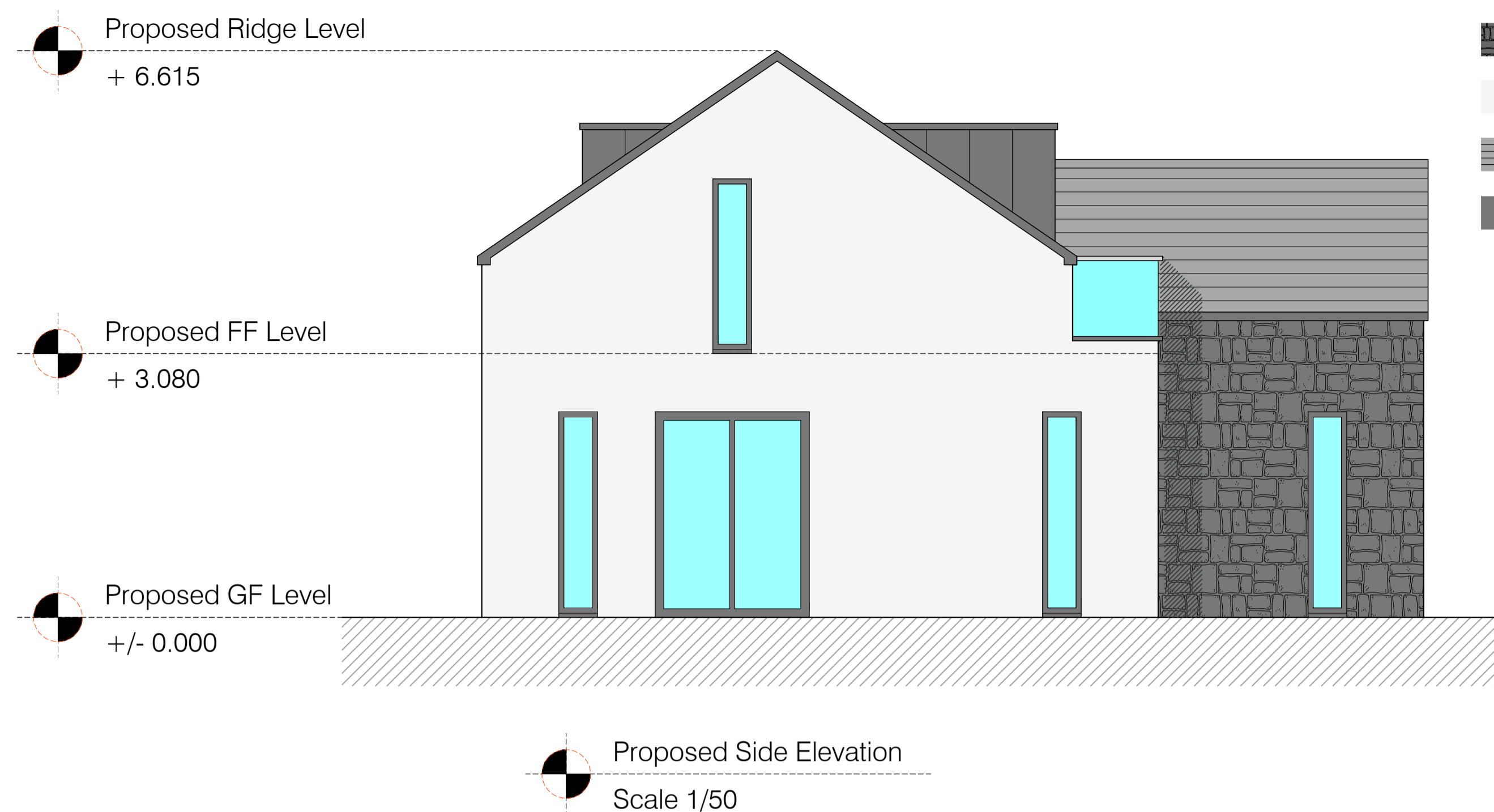
Location Plan
Scale 1/1250



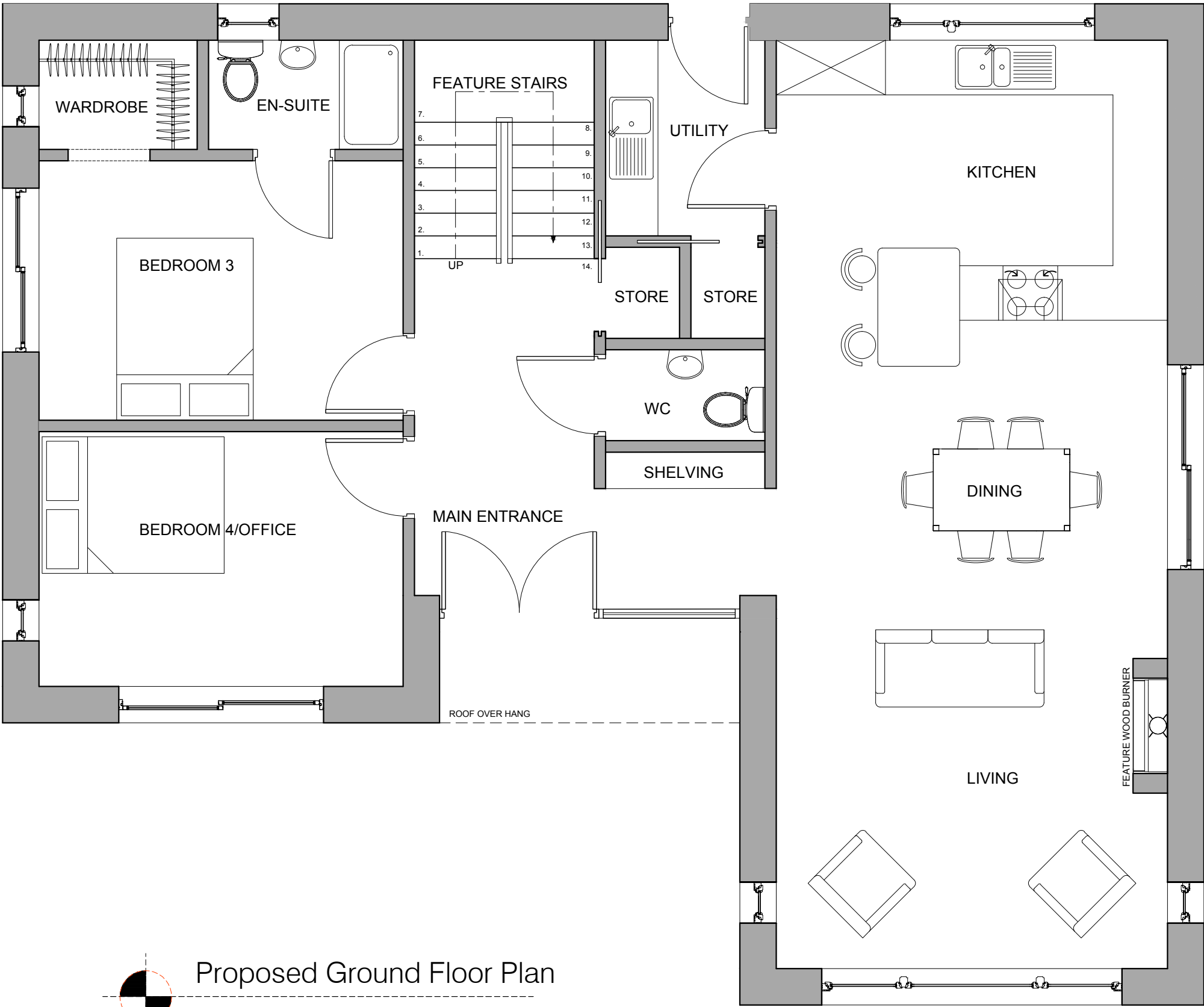
HATCHED RED INDICATES SITE
LOCATION & LAND OWNERSHIP.

rev	date	details	by	rev	date	details	by	THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.	SERVICES OFFERED:	drawing title: Location Plan	scale: @A3
								THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.	MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS	job title: Easter Inch	drawing no:10023-03-04
								THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.	PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	client: Hartfield homes	date: 27.06.16
								CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.		status: Planning	drawn: MJ
								ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.		format DESIGN FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP	Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com

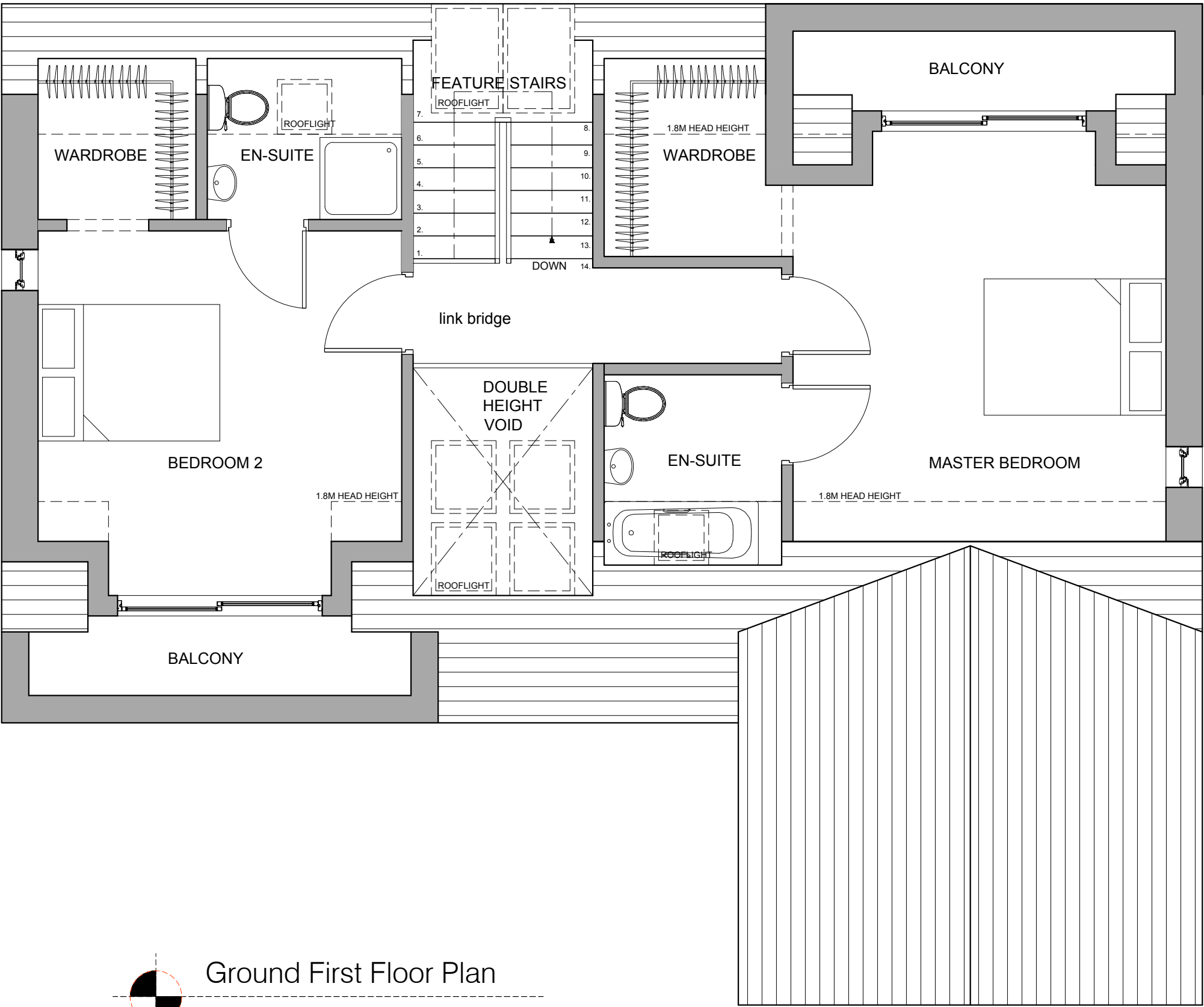
	DARK GREY ALUMINIUM CLADDING TO DORMERS AND OVER MAIN ENTRANCE FACADE
	NATURAL STONE FACING
	WHITE K REND RENDER
	MARLEY ETERNET FIBRE CEMENT SLATES.
	DARK GREY ALUMINIUM TIMBER COMPOSITE DOORS, WINDOWS, FASCIA AND SOFFIT



rev	date	details	by	rev	date	details	by	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	drawing title: Proposed Elevations 4No. 4 bed detached dwellings	scale: @A1
										job title: Easter Inch	drawing no:10023 -03 01
										client: Hartfield homes ltd	date: 02.07.2016
										status: Planning	drawn: MJ
										<p>format DESIGN</p> <p>FADADS Limited Tel: 0131 661 7666 Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p>	



Proposed Ground Floor Plan
Scale 1/50



Ground First Floor Plan
Scale 1/50

FLOOR AREAS:

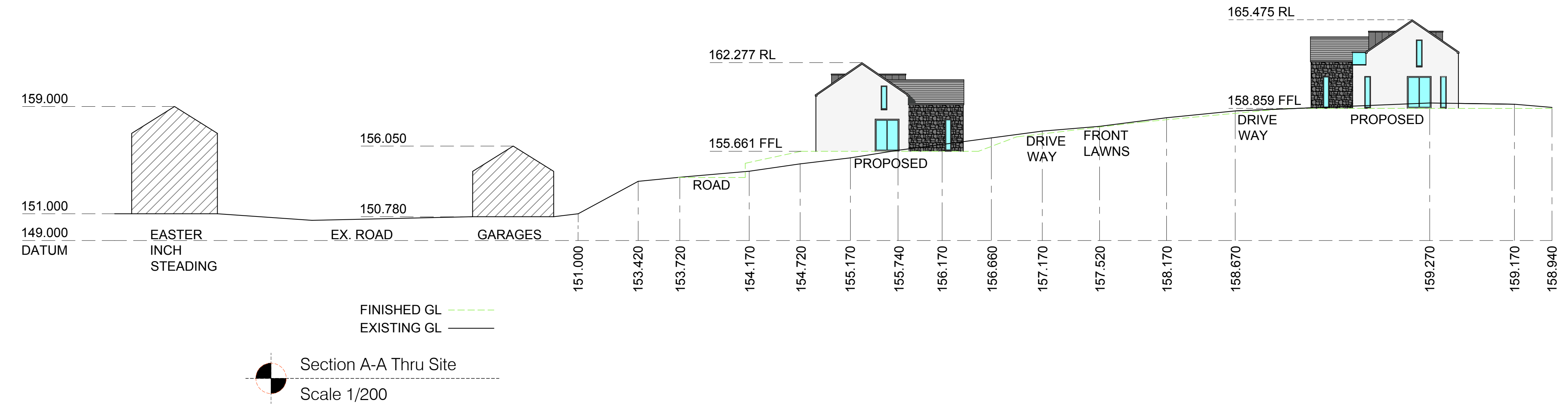
MASTER BEDROOM = 25.5m²
BEDROOM 2 = 24.5m²
BEDROOM 3 = 17m²
BEDROOM 4/OFFICE = 11m²
WC = 2m²
LIVING/KITCHEN/DINING = 44m²
MAIN ENTRANCE = 15m²
UTILITY = 5m²

TOTAL FLOOR AREA OF PROPOSED
DWELLINGS = APPROX 144m² EACH

rev	date	details	by	rev	date	details	by	THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.	SERVICES OFFERED:	drawing title: Proposed Plans 4 No. 4 Bed Detached Dwellings	scale: @A2
								THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.	MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS	job title: Easter Inch	drawing no:10023-03-02
								THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.	PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	client: Hartfield homes	date: 27.06.16
								CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.		status: Planning	drawn: MJ
								ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.		format DESIGN FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com	



rev	date	details	by	rev	date	details	by	<div><p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p><p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p><p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p><p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p><p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p></div>	<div><p>SERVICES OFFERED:</p><p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p><p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p></div>	<div><div>drawing title: Proposed Site Plan</div><div>job title: Easter Inch</div><div>client: Hartfield homes</div><div>status: Planning</div></div> <div><div>format DESIGN</div><div>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div></div>	<div>scale: @A3</div> <div>drawing no:10023-03-03</div> <div>date: 27.06.16</div> <div>drawn: MJ</div> <div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div>
-----	------	---------	----	-----	------	---------	----	--	---	---	---



rev	date	details	by	rev	date	details	by	THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.	SERVICES OFFERED:	drawing title: Site Section A-A	scale: @A2
								THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.	MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS	job title: Easter Inch	drawing no:10023-03-05
								THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.	PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	client: Hartfield homes	date: 27.06.16
								CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.		status: Planning	drawn: MJ
								ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.		<div><div>format</div>DESIGN</div> <div>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div> <div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div>	

West Lothian Council
Development Management
West Lothian Civic Centre
Howden South Road,
Howden
Livingston
EH54 6 FF

18 Easter Inch Steadings	
Bathgate	
West Lothian	
EH48 2EH	
30 July 2016	
West Lothian Council Development Management	
- 4 AUG 2016	
Date.....	
Ref No.....	0460/FUL/16
Ref To.....	MF
Ack'd.....	
Replied.....	

Dear Sir

Easter Inch Steadings, Bathgate, EH48 2EH - Planning Application 0460/FUL/16

I am in receipt of the above Planning application and would make the following points:-

- 1: If it is the Applicants intention to use the Farm Road to access the proposed development then we strongly object.
- 2: Our objections are lengthy and have been well documented. (e.g. Copy of my letter to Mr Chris Norman dated 16..9.2014 has been attached)
- 3: The applicants were refused permission but were granted "a review of Planning Refusal in February 2015." A Review Body, comprising of Planning Staff/ WLC Councillors visited the site on 29th April 2015 and had agreed that the access road was unsuitable. Therefore it would appear that the Applicants have obtained an alternative means of access.
- 4: As far as the Housing is concerned, it would not be proper to comment until further details are made available e.g. type (bungalow or villa etc.) proximity and elevation in relation to the Steadings.
- 5: A proportion of this road is already breaking up and we have recently had a repair carried out and it has been ascertained that this farm road is entirely unsuitable for any heavy traffic

6: In the previous Planning Application the addition of one more passing place was documented. In the opinion of the Residents this would have been totally inadequate. I enclosed photographs in my last objection showing a large vehicle stuck and sinking in the verge resulting in no traffic being able to move either way on the Farm Road.

In addition , no mention was apparently ever made of who would be responsible for bringing the road back to an acceptable standard, nor of whether any new build Residents would be responsible for continued upkeep. We purchased our house and agreed to a share of road repair costs based on 18 households, not for new site traffic and further housing. If these terms change and there is no provision made for this then it will surely become be a legal matter.

Should you require any further clarification please do not hesitate to contact me.

Your faithfully

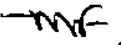
A solid black rectangular box used to redact the signature of the sender.

14 Easter Inch Steadings
Bathgate
West Lothian
EH48 2EH
30 July 2016

West Lothian Council
Development Management
West Lothian Civic Centre
Howden South Road,
Howden
Livingston
EH54 6 FF

Ref No.....
Ref To.....
Ack'd.....
Replied.....

Dear Sir

Easter Inch Steadings, Bathgate, EH48 2EH - Planning Application 0460/FUL/16 


I am in receipt of the above Planning application and would make the following points:-

- 1: If it is the Applicants intention to use the Farm Road to access the proposed development then we strongly object.
- 2: Our objections are lengthy and have been well documented. (e.g. Copy of my letter to Mr Chris Norman dated 16..9.2014 has been attached)
- 3: The applicants were refused permission but were granted "a review of Planning Refusal in February 2015." A Review Body, comprising of Planning Staff/ WLC Councillors visited the site on 29th April 2015 and had agreed that the access road was unsuitable. Therefore it would appear that the Applicants have obtained an alternative means of access.
- 4: As far as the Housing is concerned, it would not be proper to comment until further details are made available e.g. type (bungalow or villa etc.) proximity and elevation in relation to the Steadings.
- 5: A proportion of this road is already breaking up and we have recently had a repair carried out and it has been ascertained that this farm road is entirely unsuitable for any heavy traffic

6: In the previous Planning Application the addition of one more passing place was documented. In the opinion of the Residents this would have been totally inadequate. I enclosed photographs in my last objection showing a large vehicle stuck and sinking in the verge resulting in no traffic being able to move either way on the Farm Road.

In addition , no mention was apparently ever made of who would be responsible for bringing the road back to an acceptable standard, nor of whether any new build Residents would be responsible for continued upkeep. We purchased our house and agreed to a share of road repair costs based on 18 households, not for new site traffic and further housing. If these terms change and there is no provision made for this then it will surely become be a legal matter.

Should you require any further clarification please do not hesitate to contact me.



Your faithfully

Robert D Carson

Copy

14 Easter Inch Steadings
Bathgate
West Lothian
EH482EH
Tel: 01506 6523374

16 September 2014

Mr Chris Norman
Development Management Manager
W.L.C. Planning Services

Dear Mr Norman

Re: Planning Application 0627/P/14 - Hartfield Homes Ltd. for an 0.5 ha. Residential Development at Easter Inch Steadings, Bathgate.

I am authorised by the Residents of Easter Inch Steadings, to respond to the above on their behalf.

We object to the proposal on the following grounds:-

- 1: The number of houses, dimensions etc. is too vague.
- 2: We understand that the proposal is to use the current road to gain access to the proposed site.

As you may recall, we raised similar objections in 2010 - Application No. 0393/P/09 when planning permission was sought to build Nursing Home on the same site.

Many of our objections at that time were confirmed by W.L.C Highways Department when Hartfield Homes attempted a similar approach. The following is a summary of those:-

- 1: The access road abuts the gardens of No's 1, 2, 3, 4 where children live and play.
- 2: The road is essentially a tarmac layer on the old farm track and also far too narrow. There is no provision for pedestrians or cyclists.
- 3: There is only one passing place (unsigned) which causes frequent 'drive onto the verge' or 'long reversing' situations, when two vehicles meet.
- 4: The road surface is in poor condition in approximately twelve areas
- 5: Any increase in heavy site and domestic traffic, we believe, will increase the hazard level and destroy an access road in already poor condition and the subsequent repairs would be our responsibility.

Should you require a more detailed description of our concerns regarding the traffic situation or any other relevant matter, please don't hesitate to contact me.

Yours sincerely

Robert Carson

Copy - photographs of Truck on verges,

14 Easter Inch Steadings
Bathgate
West Lothian
EH48 2EH

Wednesday, 4 March 2015

Miss Val Johnston
Committee Service, West Lothian Civic Centre
Howden Road South
Livingston,
EH54 6FF

Dear Miss Johnston

Application No. 0627/P/14: Planning Decision in Principle for Residential Development at Easter Inch Steadings, Bathgate.

Further to my letter of 27th February, I omitted to enclose photographs of the recent incident recently where the road to Easter Inch Steading was blocked by a large vehicle for several hours. This is not an isolated incident, it is happening frequently, mainly due to misdirection by their SatNav.

It would be impossible for contractors vehicles to use this road with large vehicles without blocking the road, ruining the road and the verges and causing great concern to 18 families living at Easter Inch.

Yours sincerely,

Robert Carson



IMG_0041



IMG_0044



IMG_0045



IMG_0046

Fautua, Mahlon

From: Christie, Linda on behalf of Planning
Sent: 09 August 2016 12:14
To: Fautua, Mahlon
Subject: FW: Comment on application - 0460/FUL/16 - Easter Inch Steadings - [OFFICIAL]

DATA LABEL: OFFICIAL

From: Victoria Ingram [REDACTED]
Sent: 09 August 2016 10:33
To: Planning
Subject: Comment on application - 0460/FUL/16 - Easter Inch Steadings

To Whom it May Concern,

I write with comments regarding planning application 0460/FUL/16. The online comment facility is unfortunately unavailable and as per the letter received by homeowners dated 21 July 2016, comment is available until 11 August 2016, therefore I am making comment by email, as was confirmed by the case officer on the phone this morning (09 August 2016) I am able to do.

I have some concerns raised by the proposed development, which I outline below, and would hope the local authority take into consideration when making their decision.

Access – vehicles

- 1) The single lane access road is not suitable for HGVs, therefore I would seek a guarantee if planning permission were granted, that the developer would provide a new road surface once the development work is complete, and be responsible for its upkeep during the construction phase.
- 2) An additional passing place is insufficient for the potential usage of the road if the development goes ahead, potentially adding 8 or more cars to the Steadings. The title deeds of our property outline that the nature of upkeep of the roads and verges as joint responsibility of the homeowners, therefore, I would object to the proposed development unless a new agreement is put in place for upkeep and maintenance of the communal areas and roads to include that of the new owners, and until that time, the developers.

Access – pedestrians/cyclists

There will be increased foot traffic, and it would be beneficial for there to be a footpath from the Steadings to Blackburn Road, to reduce the foot traffic on the single lane road and provide a safer walking route to Bathgate, with appropriate signage that it is a private development, not a through route for non-resident pedestrians.

Drainage

The new houses will be higher than the current properties in Easter Inch Steading. The planting of trees will mask the new development to a certain extent, but I would like reassurance that every effort will be made to ensure suitable drainage (for current **and future levels** of rainfall) to mitigate the risk of the new trees, land or buildings subsiding into the garages for Easter Inch Steadings.

Address

As outlined in the response from the West of Scotland Archaeology Service (document LIVE_0460_FUL_16-CONSULTATION_-_WOSAS-1668370.pdf), the current development has a history

dating back to 1896 and named Easter Inch Steadings, has a name that fits the location. The new development would not be connected to the Steadings, and therefore, should not be included in the 'Steadings' address.

I understand that objection may not be made on issues that affect property value, but having purchased property in Easter Inch Steadings in July because of its rural and quiet nature, we now find ourselves with a property that is worth less and no longer meets the requirements we were looking for in a home, and as the only property that has a view through the garages to the proposed development site, I would like the local authority to ensure that any trees planted to reduce the visible impact of the dwelling are evergreens.

Kind regards,

Dr Vicky Ingram
Co-owner
16 Easter Inch Steadings

West Lothian Council - Data Labels:

OFFICIAL - Sensitive: Contains Personal or Business Sensitive Information for authorised personnel only

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

NON-COUNCIL BUSINESS: Contains no business related or sensitive information

Link to Information Handling Procedure: <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

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

13 Easter Inch Steadings
Bathgate
EH48 2EH

09 August 2016

Development Management Manager
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

RE: Planning Application 0460/FUL/16, Easter Inch Steadings Bathgate

Dear Sir,

We would like to express the following objections to the above application:

1. We believe that the proposed development will affect our amenity particularly with regard to loss of privacy. As the steadings was developed around the existing category B listed building, any further new build development so very close will adversely affect the character and setting.
2. The height of the proposed buildings on elevated ground will overshadow the existing steadings development.
3. The proposed development area is a well-established wildlife habitat with foxes, buzzards, and roe deer in evidence; the roe deer breeding particularly this year. It is also an area of mature trees and meadow. This area, since the development of the steadings has become a valuable open space in the community, used by others, not only Steadings residents for access and recreation and contributes to positive health.
4. We do not consider that the planning policy issues which led to the refusal of previous planning permission have been resolved in this new application and therefore these issues are still relevant as noted in previous correspondence regarding those previous planning applications.
5. The developer intends to use the existing farm access road. We consider this to be entirely unsuitable for the development, with its increased level of car use and domestic traffic. The grass verges to the farm road are frequently damaged by vehicles. Provision of extra laybys will not solve this. Neither is this road in any way suitable to cope with plant and construction traffic that will be necessary to undertake the work. The existing road is single track with a blind right angle bend. We already have a history to date of heavy goods vehicles becoming stuck whilst looking for nearby industrial sites, some of which have been documented photographically and have required police

intervention. Under the terms of purchase the residents of the Steadings are collectively responsible for the continued upkeep of this carriageway and further stress on the road would have a detrimental impact on our amenity. It is unclear to us as to whether any new housing would be sold with this same condition and what the new owner's liability would be. A change of terms with no provision made will surely become a legal matter.

6. There is no pavement or cycle path between the Steadings and Easter Inch Road in order to give new residents safe access to services.

We are happy to clarify any points herein that may require further clarification.

Yours Faithfully

Carol Chamberlain & Thomas Napper

15 Easter Inch Steadings
Bathgate
EH48 2EH

11 August 2016

Development Management Manager
West Lothian Council
Civic Centre
Howden South Road
Livingston
EH54 6FF

RE: Planning Application 0460/FUL/16, Easter Inch Steadings Bathgate

Dear Sir,

We would like to express the following objections to the above application:

1. Chiefly, the previous reasons for refusal have not been adequately addressed in this application. To wit:
 - a. The proposed development would still have a detrimental impact on the character of the area given the loss of woodland and raised elevation of the proposed homes. In particular, the applicant cannot casually dismiss the relevance of policy HER 11 by saying the east wing of the steading is “an intervention, thereby reducing any impact that the new development would have on the listed buildings” as this was a key reason for refusal of the previous application in November 2014. The east wing would have presumably also acted as “an intervention” at that point, though this argument was not accepted by the planning officer. The same logic should apply in this case.
 - b. The proposal will still result in the loss of a substantial area of informal open space and remains contrary to policy COM 2.
 - c. The elevated and overbearing nature of the site means it is still in contravention of policies HOU 2, HOU 9 and IMP 14.
2. Related to the HER 11 consideration above, the proposed development will impinge upon the privacy of the current steadings development, especially those living along the east wing of the steading who will face the proposed development. This incursion into the privacy of these residents will be made worse by the fact the proposed homes will have an obtrusive vantage point on top of the hill from which to look down upon and directly into the east wing homes.

3. Given this elevated ground, the new development threatens to dominate the steadings development in a manner that is out of proportion with the character of the area.
4. There is evidence of wildlife habitats in the woodland that would be damaged as a result of any building work.
5. The existing farm access road is already under stress due to normal traffic from the steadings and cannot accommodate further wear and tear from the proposed new homes. The additional traffic created by the new residents combined with the narrow nature of the road would also pose a threat to pets and a nuisance to families who wish to enjoy outdoor amenities.

We would be happy to clarify or discuss any of the above points further if that would be of use.

Yours Faithfully

Patrick Hogan & Nicola Hogan



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 <i>0460/FUL/16</i>	Constituent Request X
Site Address <i>Easter Inch Steadings</i>	
Bathgate	
Member's Name <i>Cllr W. H. Boyle</i>	
Date <i>19/09/16</i>	

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Conservation area consent for the demolition of building and, planning permission for the erection of a mixed used development, comprising 2 commercial units (classes 1, 2 or 3) and 16 flats. Victoria Hall, High Street Linlithgow.

2 DETAILS

Reference no.	0513/FUL/16 & 0514/LBC/16	Owner of site	Montreal Property
Applicant	Montreal Property	Ward & local members	Linlithgow Tom Conn Martyn Day Tom Kerr
Case officer	Ranald Dods	Contact details	Tel: 01506 282 413 Email: ranald.dods@westlothian.gov.uk

Reason for referral to Development Management Committee: More than 14 objections.

3 RECOMMENDATION

3.1 Approve conservation area consent and grant planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is made to demolish the remaining portion of the unlisted Victoria Halls and then construct 16 flats and two retail units. The rear portion of the building was demolished in 2008. The condition had been deteriorating for a number of years and had been served with a Dangerous Buildings Notice by Building Standards.
- 4.2 Of the proposed 16 flats, 14 would be single bedroomed at first second and third floor levels. Two 2 bedroomed flats would be located on the 4th floor. The retail units would total 770m² with one unit being 636m² and the other being 140m².
- 4.3 The elevation facing High Street would be traditionally proportioned and from street level would have the appearance of four blocks. The fourth storey would be contemporary in nature and would be largely glazed. This would be set back approximately 2.7m from what would be the ridge line of the third storey. The set back would largely obscure this element when viewed from the street.
- 4.4 The rear of the development has a contemporary design. Two zinc-clad stair towers would punctuate a brick façade, the colour of which has been chosen to represent the bricks which were used to construct the former Victoria Hall. There will also be sections of stained timber cladding. A garden terrace would be located at first floor level, which would form the roof over the retail units. Elevations are appended to this report for members' information.

4.2 The planning history of the site is set out below.

Reference	Description	Decision	Date
0386/83	Change of use to snooker club	Granted	8 Aug 83
0062/84	Change of use to snooker club, leisure centre & licensed bar	Granted	10 Apr 84
0012/91	Demolition of building and erection of retail & office units and formation of access	Refused	22 Apr 87
0274/93	Demolition of existing hall and erection of a mixed office and retail development	Refused	27 Jul 93
0731/98	Change of use from class 11 to class 10	Granted	14 Oct 98
0358/FUL/08	Demolition of rear section of building	Granted	03 Jun 08
0359/LBC/08	Conservation area consent for the partial demolition of the rear section of building	Granted	03 Jun 08
1074/LBC/15	Conservation area consent for the demolition of building	Granted	13 Jan 10
1084/FUL/15	Erection of a 1993m ² mixed use development	Granted	13 Jan 10
0909/FUL/15	Erection of a commercial/retail development & erection of 19 (as amended from 22) flats	Withdrawn	22 Apr 16
0910/LBC/15	Conservation area consent for demolition of building	Withdrawn	25 Apr 16

5 PLANNING POLICY ASSESSMENT

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

5.2 The following development plan policies apply:

Plan	Policy	Conform?
WLLP	HER16 (archaeology) requires applicants to provide an archaeological assessment ahead of determination, if deemed appropriate. The site is within an area of archaeological potential. An archaeological investigation will be required prior to the commencement of development.	Yes
WLLP	HER19 (conservation areas) requires that works affecting a conservation area must contribute to the preservation or enhancement of the character of the conservation area. It is arguable that the current state of Victoria Hall is detracting from the character and appearance of the Linlithgow Palace and High Street conservation area. The replacement design mixes traditional and contemporary aesthetics. This design approach would, at the very least, have a neutral effect on the conservation area and would probably improve the appearance of the High Street.	Yes
WLLP	HER20 (conservation area consent) presumes against the demolition of unlisted buildings in conservation areas where the removal of the building is not fully justified, where there is a lack of a suitable alternative use and where the proposed development is not suitable. The removal of the façade of Victoria Hall would allow the development of a site which has, for many years, been detrimental to the appearance of the High Street. There is no suitable alternative for the building which is, effectively, a façade. It is considered that a residential and commercial development of this nature would be appropriate for this location. In order to prevent the site becoming a "gap site", it is recommended that a condition be imposed which would permit the removal of	Yes

Plan	Policy	Conform?
	the building only once it can be proven that contracts have been let for the redevelopment of the site. The proposal will, at the very least, have a neutral effect on the character of the conservation area.	
WLLP	HER21 (riggs development) presumes against development of the riggs off High Street, except for small scale individual developments which respect the rigg pattern, boundary walls and character. The present, partially demolished building occupies a site where there is no evidence of the rigg pattern which can be seen elsewhere in the town. The proposed development will, however, introduce a façade to High Street which has 5 bays which is more in keeping with the scale of the street.	Partial
WLLP	HER24 (setting of Palace and Peel) presumes against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel. Historic Environment Scotland (HES) was consulted on the proposals. They did not object to either application. They did, however, consider that the applicant had not advanced a robust enough justification for the removal of the façade. The applicant was advised of this and provided further justification in support of their application. The 2008 conservation area consent application was assessed as acceptable by Historic Scotland, the predecessor of HES. That consent permitted the total demolition of the façade, with elements being retained for reconstruction into the new building. In their further submission, the applicant highlights the previous acceptance by Historic Scotland of the removal of the façade. That submission is appended to this report for Members' information.	Yes
WLLP	HOU2 (development within settlements) presumes in favour of developments within settlements subject to a number of criteria including, that there is no adverse impact on adjacent uses, that the site can be serviced without excessive resource commitment and, that it is not identified in the local plan for an alternative use. In addition, support is given to higher density developments in town centres where public transport facilities exist. Where development is in a conservation area, it must be of the highest quality and of a scale and design appropriate to the area. Further, infill developments will be resisted where they will exacerbate infrastructure and traffic congestion to an unacceptable level or where the character of the settlement would be adversely affected. The proposed development is acceptable and accords with the terms of policy HOU2. Neither Education Services nor Transportation has objected to the application. No alternative use has been identified for the site in the local plan. The design is high quality and appropriate to the area. Linlithgow is very well served by public transport.	Yes
WLLP	HOU3 (Linlithgow & Linlithgow Bridge) presumes against developments which would significantly exacerbate problems of infrastructure or traffic congestion or adversely affect the character of the town. The proposal has been assessed by Education Services and Transportation. Neither service has objected to the proposal.	Yes
WLLP	HOU9 (residential & visual amenity) aims to protect the residential and visual amenity if existing residents and other occupiers. The proposed building will be less bulky than Victoria Hall was prior to it being demolished. The applicant has provided a drawing showing the degree of shadow which would be cast. The degree of overshadowing is unlikely to be significantly detrimental to the amenity of residents.	Yes

Plan	Policy	Conform?
WLLP	HOU10 (affordable housing) requires developers to make provision for affordable housing through various specified means, including commuted sums. Since the proposal is for units with fewer than three habitable rooms, the development is exempt from affordable housing contributions. It should be noted that two of the units have three habitable rooms, the threshold for contributions being 5 units.	Yes
WLLP	COM9a (cemetery contributions) requires developers to make contributions to cemetery provision. Contributions will be payable on this development.	Yes
WLLP	IMP7 (flooding) states that where flooding is considered to be a risk, developers will be required to support their application with a flood risk assessment (FRA). The council's Flood Prevention Officer has reviewed the submitted drainage strategy and flooding assessment and found them to be acceptable. SEPA has no objection to the development on flood risk grounds.	
WLLP	IMP15 (design) states that through the development control process, the council will ensure that high standards of design are achieved and proposals which are poorly designed will not be supported. The proposed building follows a traditional aesthetic to High Street whilst the rear elevation is more contemporary. The design is considered acceptable.	Yes
WLLP	IMP17 (legal agreements) aims to secure developer contributions for key infrastructure, facilities and amenities through planning obligations. In this instance, developer contributions will be required for education and cemetery provision.	Yes

5.3 The following documents are also material considerations:

5.3.1 West Lothian Local Development Plan, proposed plan.

Policy HOU3 supports development within settlements subject to 9 criteria. These include: the development is in keeping with the area; the site is not identified in the LDP for an alternative use; there is no adverse effect on the area or amenity; there are good public transport links; the physical infrastructure is capable of accepting the development and; additional infrastructure requirements are funded by the developer.

Policy HOU4 states that proposals for windfall development within Linlithgow & Linlithgow Bridge will be subject to additional scrutiny. Proposals will not be supported where they, either singly or cumulatively, exacerbate issues with the historic character, environmental constraints, traffic issues and education capacity.

Policy INF1 requires developers to fund infrastructure provision.

Policy TCR1 supports retail uses in town centres. Residential uses above ground floor level will be supported where they do not prejudice existing businesses at ground floor level, where there is adequate parking and where there is sufficient school capacity.

Policy ENV24 presumes against developments in conservation areas which will have an adverse effect on their character. 5 criteria are set out relating to conservation area consent.

Policy ENV25 presumes against development in the riggs or which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel.

5.3.2 Historic Environment Scotland Policy Statement 2016 sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

5.3.3 Scottish Planning Policy sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The key outcomes aim to ensure that places are: successful and sustainable; low carbon; natural and resilient and; more connected.

6 REPRESENTATIONS

- 6.1 In total, 21 representations were received from members of the public. In addition, Linlithgow and Linlithgow Town Centre BID objected to the applications. The planning grounds contained in those representations are summarised below. The original representations are contained within the application file.

Comment	Response
Privacy.	The distance between properties would be sufficient to safeguard privacy. Conditions could be imposed to ensure screening or planting is erected in order to protect the privacy of adjoining residents
Frontage should be retained.	The façade has deteriorated over many years. The condition has deteriorated since the 2008 consent which permitted the removal of the façade. The building does not lend itself easily to conversion.
Car parking, goods deliveries, congestion and pollution.	The site is located within the town centre and there are good public transport connections. Transportation does not object. Environmental Health has not raised any objection.
Disruption during construction.	Any disruption resulting from construction operations will be temporary.
Overshadowing / loss of light.	The applicant has provided a drawing showing the shadow cast by the former building in comparison to the proposal. The degree of overshadowing considered acceptable and it is unlikely that there will be a significant loss of light from property lying to the north of the site.
Proposed design is not compatible with the area.	The proposed design mixes modern and traditional aesthetics. The glazed 4 th floor will be set back from the frontage of the building and will add a modern element to the high street. This element will be made largely of glass and, whilst visible from the east, the building will be approximately 1m lower than the existing building. The fact that High Street is designated as a conservation area should not preclude acceptable modern design or design elements.
Without the upper storey, the design is broadly compatible with the area.	The design of the proposal fronting High Street has a traditional aesthetic. The modern design element at 4 th floor level, which will be formed largely of glass, is an acceptable addition to the area.
Lack of education capacity.	Education has not objected to the application. 14 of the flats have fewer than three habitable rooms and this is seen as acceptable. Developer contributions will be required.
Proposed building too high.	The proposed building is approximately 1m lower than the current façade. The variation in ridge height of the building will add interest to the street and is not an uncommon feature.
Development visible from the Peel.	Historic Environment Scotland has not objected to the proposal.
Lack of waste service provision.	Conditions could be imposed requiring details to be approved prior to the commencement of development.
Impact of proposed retail unit on existing shops.	The introduction of two retail units within the town centre is acceptable. A retail impact assessment was not required.

Comment	Response
Loss of a prominent feature of the town.	The building has been much altered over the decades. The condition has also deteriorated, leading to the demolition of the rear part, leaving only the façade. That too has been subject to deterioration and is now reducing the high aesthetic quality of High Street. It is acknowledged that some details of the façade are of note but overall, the building is not of outstanding architectural quality. Further, the level difference between High Street and the central portion of the Victoria Hall make reuse impracticable.
Need for outdoor space.	The proposal includes an area of communal garden for the use of the residents of the flats.
Lack of respect for roofline of existing properties.	The current building is already higher than the adjoining buildings. The proposed building would increase the perceived ridge to the west from 0.75m to 1.5m and, to the east, the height would be reduced from 2.2m to 0.5m.
Effect on the setting of listed buildings	The current façade is in a poor state of repair. That is detrimental to the setting of the adjacent listed buildings. HES has not objected to the application.

7 CONSULTATIONS

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

Consultee	Comment	Response
Contaminated Land Officer	No objection. Condition suggested in case of grant.	Noted. Condition to be imposed.
Flood Prevention Officer	No objection. Drainage strategy and flooding assessment are acceptable.	Noted.
Education	No objection, 14 units would have fewer than three habitable rooms, two units would have three habitable rooms. Contributions required.	Noted. Contributions required.
Environmental Health	No objection. Potential ventilation problems with class 3 in retail units.	Noted.
Transportation	No objection. No works to be carried out to the footway or layby along the frontage of the development. It should be noted that the applicant has amended the proposal to take account of this.	Noted.
West of Scotland Archaeology Service	There is a strong possibility of archaeological deposits. Recommendation that investigation is undertaken prior to development.	Noted. Investigation to be carried out prior to development.
SEPA	No objection. Surface water flowing east along High Street is unlikely to impact the development site.	Noted.
Scottish Water	Notes the necessary stand-off distances from services have been complied with.	Noted.
WLHAS	Objection. Design approach needs reconsideration.	Noted.
Historic Environment Scotland	No objection. HES consider that the justification for demolition of the façade was not robust enough. It should be noted that the applicant submitted further justification. That is attached for members' information.	Noted.

8 CONCLUSION AND RECOMMENDATION

8.1 The application site is within the Linlithgow Palace and High Street Conservation Area. The building has been vacant for a number of years and has been deteriorating. The building was subject to a Dangerous Building Notice in 2008. As a result, an application was received to

demolish the building and redevelop the site for retail and leisure use and the rear of the building was demolished. In order to prevent a “gap-site” being left, a condition was imposed requiring the developer to provide evidence that contracts had been let for construction works prior to the remainder of the building being demolished. The proposal was granted planning permission in 2010 although development did not proceed and the permissions lapsed in January 2013.

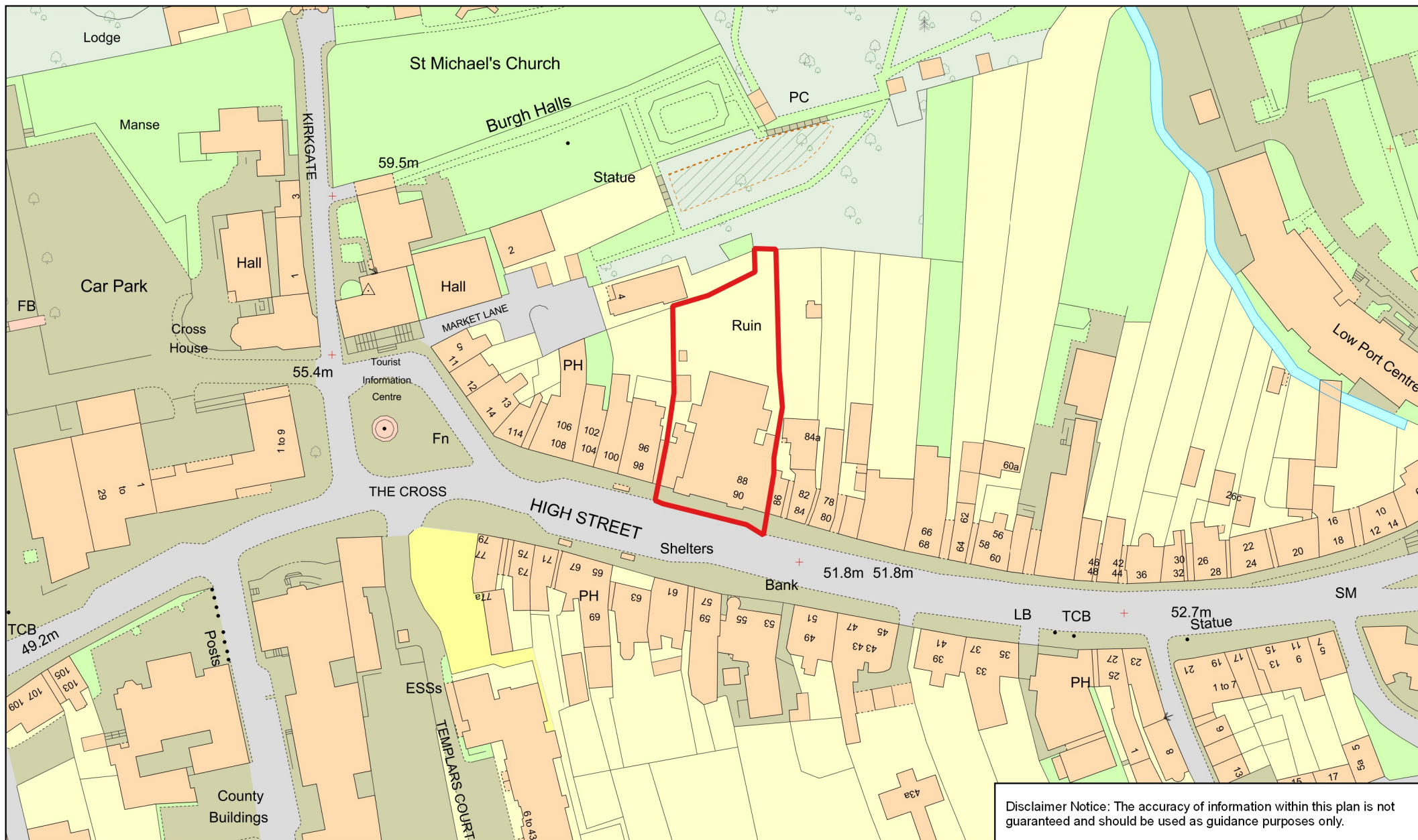
- 8.2 The building has been reduced in height a number of times and what remains is a lower building than originally built. It has continued to deteriorate and is having a negative impact on the character and appearance of the conservation area. Given the previous applications to demolish the façade were approved and HES has not objected to the application – albeit they have made comments which the applicant has attempted to address – the demolition is seen as acceptable. That is, of course, subject to an acceptable development being constructed as a replacement. The proposed design has attracted a number of comments as summarised in section 6 above. The High Street frontage has a traditional appearance in terms of fenestration and variation in roof height. The fourth floor provides two flats within a largely glass faced section. This would be set back from the frontage of the building which would mean that it would be largely hidden from view when standing directly opposite at ground level. It is acknowledged that this portion will be seen from both the east and west but it will be lower than the current building. The rear of the building has a modern aesthetic and will be visible from the Palace and Peel. Because of the proximity to and the potential for the development to affect the amenity and outlook from the Peel, HES was consulted. They did not object to the proposal. The design is considered to be an acceptable replacement.
- 8.3 Several representations suggested that the site should be developed for community use. Had an application for such use been submitted, it would have been given due consideration. That is not, however, what is proposed in this application.
- 8.4 Education Services has not objected to the application. Of the 16 flats proposed, 14 would have fewer than three habitable rooms. The remaining two units would have three habitable rooms and it is considered that the impact on local schools can be managed. Developer contributions towards education will be required on those units.
- 8.5 Transportation has assessed the proposal. Due to the site being in the town centre, there being good public transport connections and the properties being largely single bedroomed units, they have not objected to the application. Similarly, Environmental Health has not objected to the application. They have commented that there is a potential issue relating to ventilation if a class 3 use is introduced into the retail units.
- 8.6 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. Having assessed the proposals, as set out in section 5 above, it has been found to accord with the terms of the development plan. It is, therefore, recommended that planning permission is granted. However, if members are minded to refuse permission contrary to recommendation, clear and material reasons must be specified for that refusal.

9	ATTACHMENTS
----------	--------------------

- Location plan;
- aerial photograph;
- proposed elevations;
- design statement;
- justification for demolition of façade;
- representations.

CHRIS NORMAN
Development Management Manager

Date: 28 September 2016



West Lothian
Council

0513/FUL/16 & 0514/LBC/16

Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF

1:1,250



2016-09-20T12:34:38

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016



0513/FUL/16 & 0514/LBC/16

NOT TO SCALE



Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF

2016-09-19T14:51:37

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016



01 | EXISTING STREET ELEVATION
1:200@A3/1:100@A1

MATERIALS (STREET):

SHOPFRONTS (GROUND):

- Natural stone stall risers, columns and cornice
- Grey painted timber double glazed doors/windows/fanlights
- Grey painted timber facias to signage zones

RESIDENTIAL (FIRST TO THIRD):

- Natural stone, coloured/heritage render finish with stone trims
- White painted timber sash and case double glazed windows/dormer windows.

RESIDENTIAL (FOURTH):

- Capless curtain wall glazing system (opaque to bathrooms/ensuites and gables)

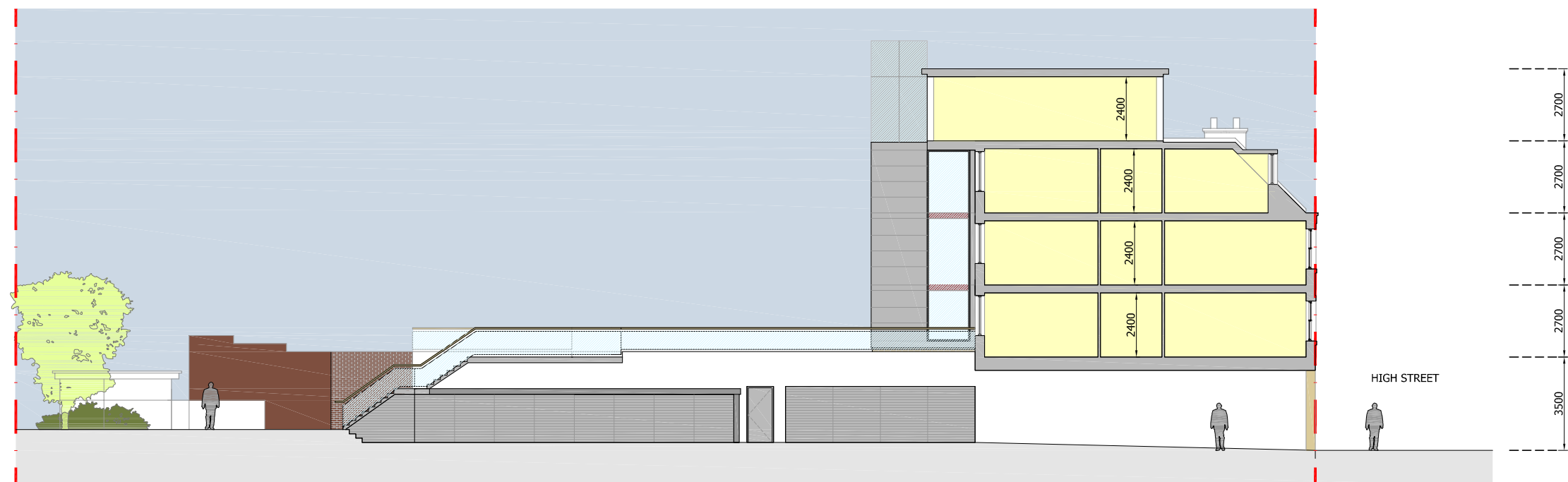


02 | PROPOSED STREET ELEVATION
1:200@A3/1:100@A1

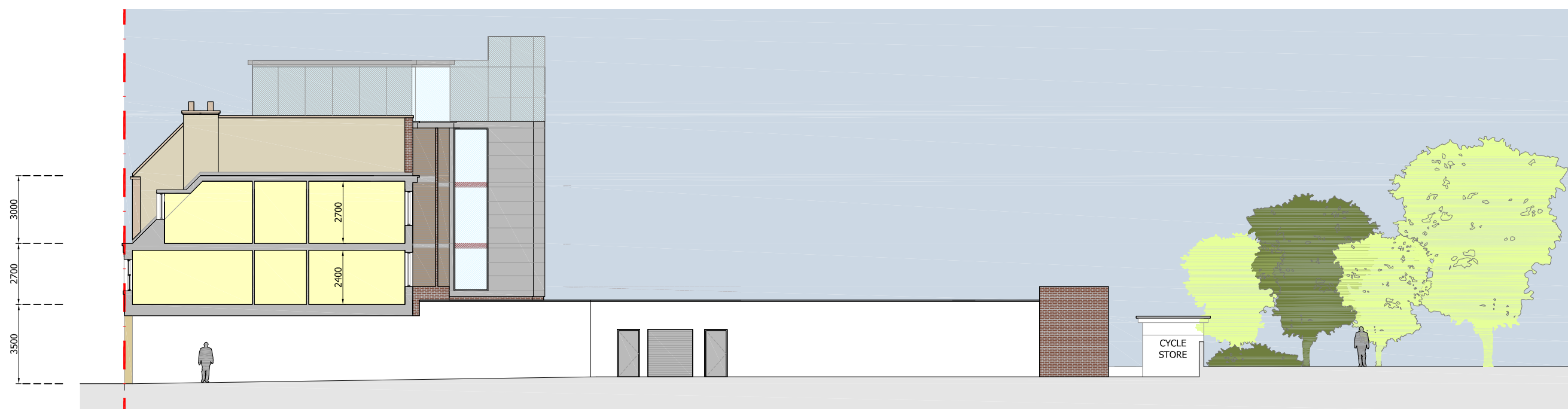


REV.	DESCRIPTION	DATE	DRAWN	CHKD	STAGE	STATUS	PROJECT	DRAWING TITLE	Chartered architects and interior designers The Design Place One 39 Braid Farm Road Edinburgh EH10 6LE T: 0131 452 8590 F: 0131 452 8591 admin@krarchitects.co.uk www.krarchitects.co.uk	DATE	SCALE	DRAWN	CHECKED
					PLANNING	FORMAL	FORMER VICTORIA HALLS 88-94 HIGH STREET LINLITHGOW	STREET ELEVATION	KENNETH REID ARCHITECTS	MAY'16	AS NOTED	CS	KR
					CLIENT		MONTREAL PROPERTY			CONTRACT NO.	DRAWING NO.	REVISION	
										1064	PL2(2-008	A	

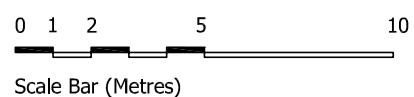
© KENNETH REID ARCHITECTS - DO NOT SCALE DRAWING - ALL DIMENSIONS TO BE CONFIRMED ON SITE



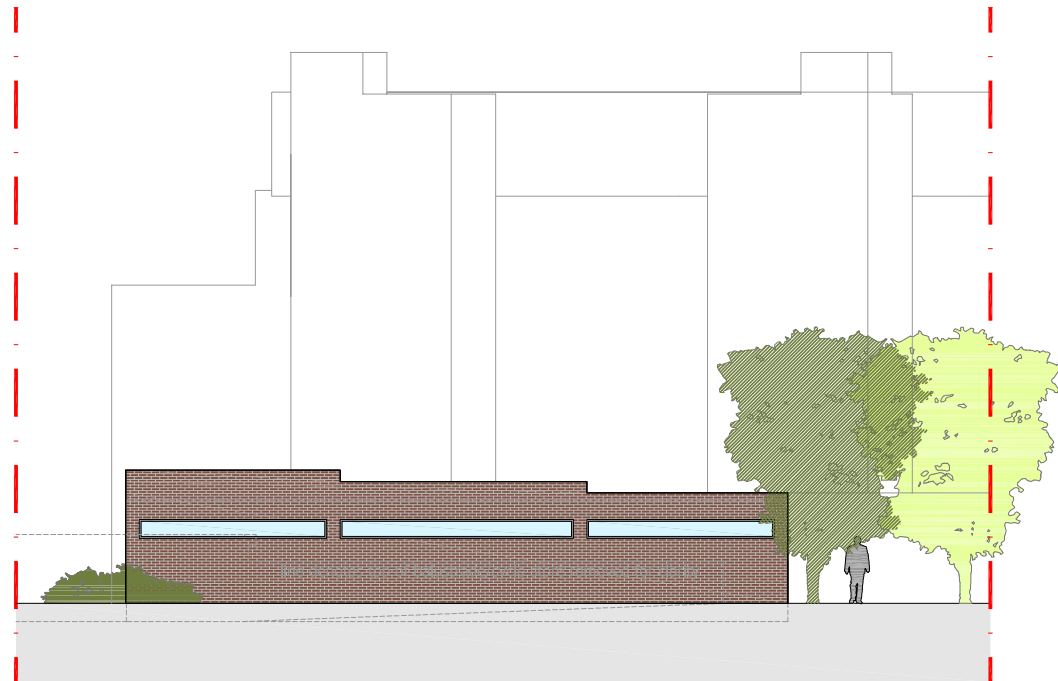
- Capless curtain wall glazing system (opaque to lift)



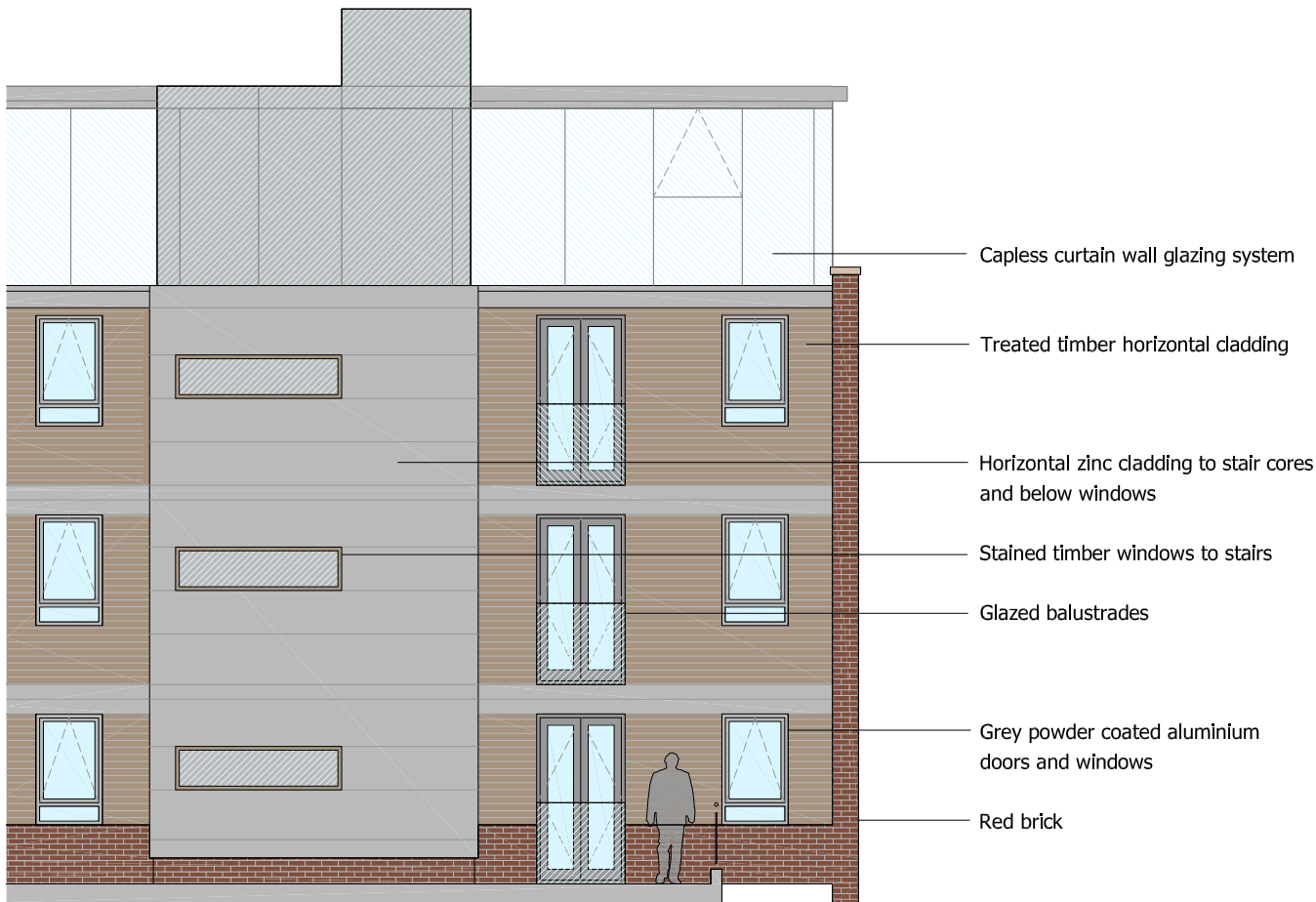
02 | EAST ELEVATION (ON B-B)
1:200@A3



REV.		DESCRIPTION	DATE	DRAWN	CHD.	STAGE	STATUS	PROJECT	DRAWING TITLE	<div>Chartered architects and interior designers</div> <div>The Design Place One 39 Brook Farm Road Edinburgh EH10 6LE T: 0131 452 8590 F: 0131 452 8561 admin@kvaarchitects.co.uk</div> <div><div>KENNETH REID ARCHITECTS</div></div> <table><tr><td>DATE</td><td>MAY'16</td><td>SCALE</td><td>1:200@A3 1:100@A1</td><td>DRAWN</td><td>CS</td><td>CHECK</td><td>KR</td></tr><tr><td>CONTRACT No.</td><td>1064</td><td>DRAWING No.</td><td>PL2(2)-009</td><td>REVISION</td><td colspan="3">A</td></tr></table> <div>© KENNETH REID ARCHITECTS - DO NOT SCALE DRAWINGS - ALL DIMENSIONS TO BE CONFIRMED ON SITE</div>	DATE	MAY'16	SCALE	1:200@A3 1:100@A1	DRAWN	CS	CHECK	KR	CONTRACT No.	1064	DRAWING No.	PL2(2)-009	REVISION	A		
DATE	MAY'16	SCALE	1:200@A3 1:100@A1	DRAWN	CS	CHECK	KR																			
CONTRACT No.	1064	DRAWING No.	PL2(2)-009	REVISION	A																					
						PLANNING	FORMAL	FORMER VICTORIA HALLS 88-94 HIGH STREET LINLITHGOW	ELEVATIONS 2																	
						CLIENT																				
						MONTREAL PROPERTY																				



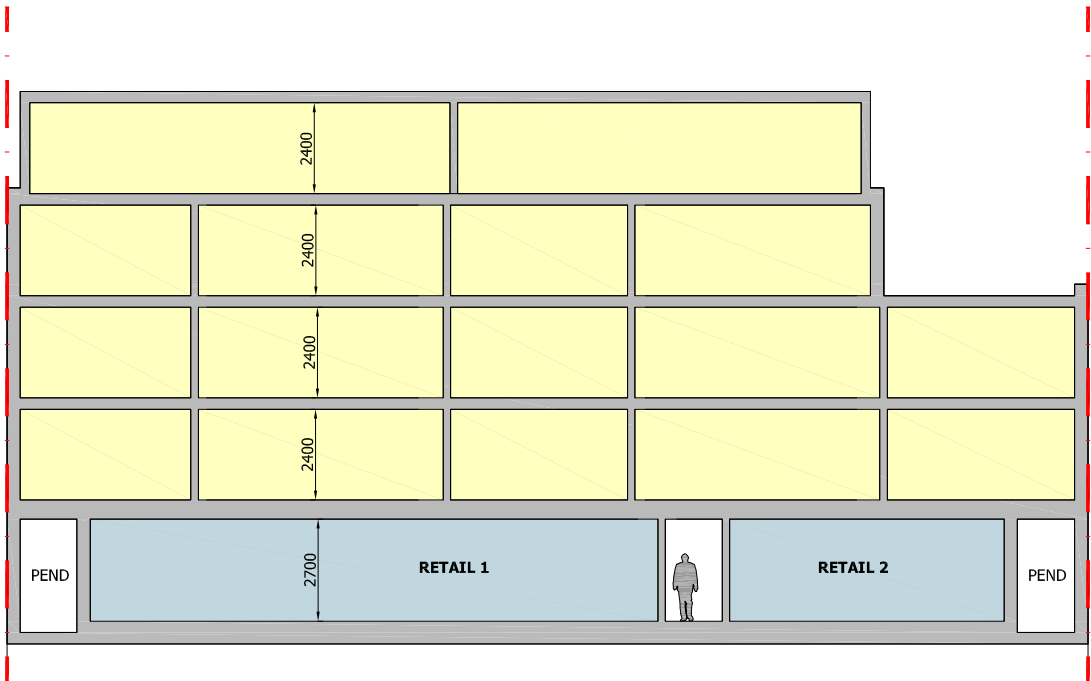
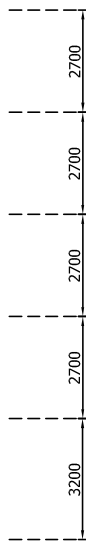
01 | NORTH ELEVATION
1:200@A3



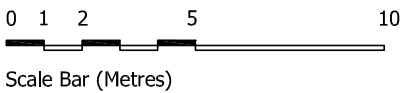
01 | NORTH ELEVATION EXTRACT
1:100@A3




02 | NORTH ELEVATION ON CC
1:200@A3

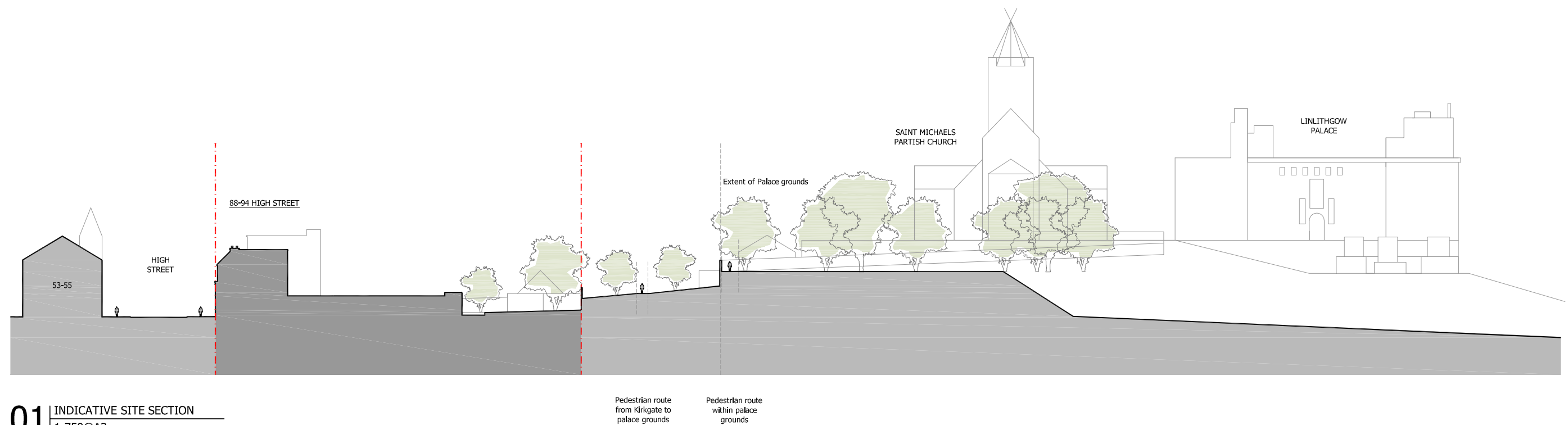


03 | SECTION DD
1:200@A3




REV.	DESCRIPTION	DATE	DRAWN	CHKD	STAGE	STATUS	PROJECT	DRAWING TITLE	Chartered architects and interior designers The Design Place One 39 Braid Farm Road Edinburgh EH10 6LE T: 0131 452 8590 F: 0131 452 8591 admin@krarchitects.co.uk www.krarchitects.co.uk		DATE	SCALE	DRAWN	CHECKED
					PLANNING	FORMAL	FORMER VICTORIA HALLS 88-94 HIGH STREET LINLITHGOW	ELEVATIONS 3			MAY'16	1:200@A3 1:100@A1	CS	KR
					CLIENT		MONTREAL PROPERTY				CONTRACT NO.	DRAWING NO.	REVISION	
											1064	PL2(2-010	A	

02 | VISIBILITY OF FOURTH FLOOR RELATIVE TO STREET



01 | INDICATIVE SITE SECTION
1:750@A3

REV.		DESCRIPTION	DATE	DRAWN	CHD.	STAGE	STATUS	PROJECT	DRAWING TITLE	Chartered architects and interior designers	 KENNETH REID ARCHITECTS	DATE	MAY'16	SCALE	AS NOTED	DRAWN	CS	CHECKED	KR
						CLIENT		FORMER VICTORIA HALLS 88-94 HIGH STREET LINLITHGOW	INDICATIVE SITE SECTION	The Design Place One 39 Broad Farn Road Edinburgh EH10 4LE T. 0131 452 8590 F. 0131 452 8591 admin@kennethreid.co.uk www.kennethreid.co.uk		CONTRACT NO.	1064	DRAWING NO.	PL2(2-)011	REVISION	A		
						MONTREAL PROPERTY						© KENNETH REID ARCHITECTS - DO NOT SCALE DRAWINGS - ALL DIMENSIONS TO BE CONFIRMED ON SITE							



DESIGN STATEMENT

MIXED USE RETAIL AND RESIDENTIAL DEVELOPMENT

FORMER VICTORIA HALLS
88-94 HIGH STREET
LINLITHGOW

ON BEHALF OF MONTREAL PROPERTY
August 2016

A. BACKGROUND INFORMATION

The proposal is for the demolition of the upstanding remains of Victoria Halls and the erection of a mixed use scheme, comprising 8345ft² Retail (Class 1,2+3) and 16 Flats (14x 1 bed + 2x 2 bed).

Applicant; Montreal Property

Architect; Kenneth Reid Architects
Development Planner; Rick Finc Associates

Client Brief;

The Clients brief is to accommodate a town centre retail and residential development on the site of the former Victoria Halls.

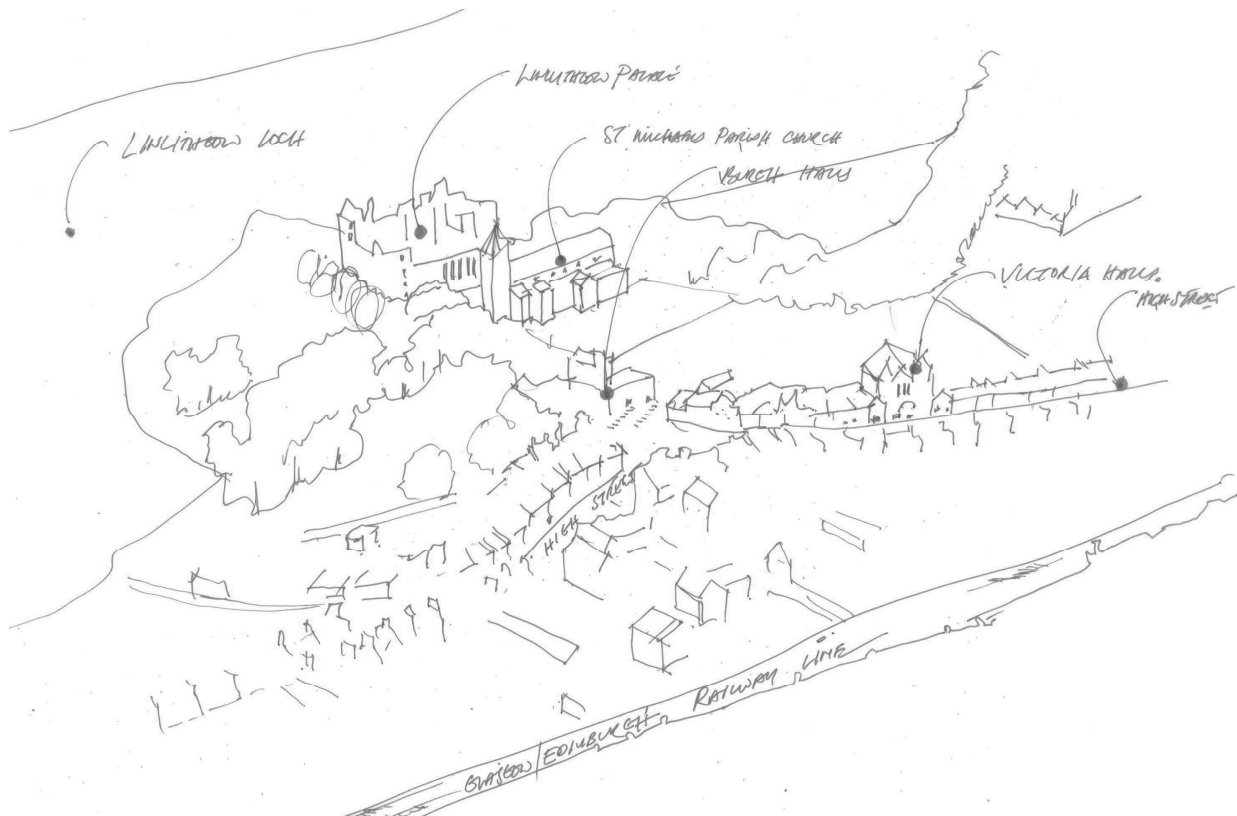
B. SITE DETAILS + APPRAISAL

Location Plan;



History;

The Victoria Halls, was originally erected as a new town hall. As the sketch below serves to show, its stature within the Royal Burgh was, at one stage, third only to the Palace and Church on the hill. Its location, embedded on the High Street rather than relating to the 'civic square' of the Kirkgate meant that when its 'mock gothic' turrets were demolished in 1956 much of its grandeur of scale, in relation to the sweeping curve of the High Street, was lost.



In 2008 the rear of the building and its roof were the subject of a dangerous buildings notice and demolished. Currently only the front façade of the hall itself and its two 'wings' remain, in varying states of disrepair.

In 2010, Conservation Area Consent was obtained to demolish the remaining elevation, subject to contracts being in place for its redevelopment (Ref: LIVE/1074/LBC/08)

In 2010 Planning Permission was granted for the erection of a mixed use development (Ref: LIVE/1084/FUL/08)



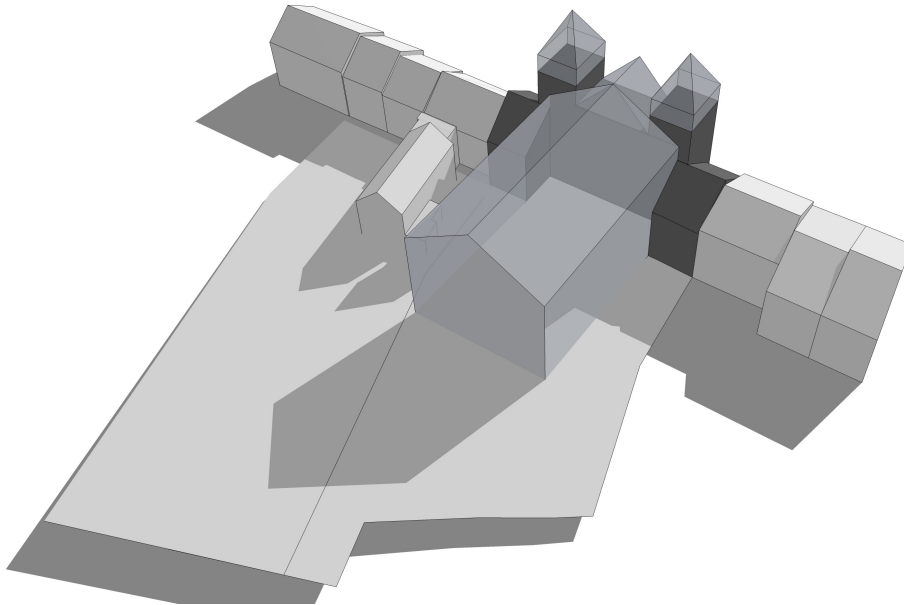
Site Appraisal;

The development site is on the North side of Linlithgow High Street, a short walk east from the Kirkgate. To the South of the site it the High Street itself, comprised of a variety of use classes, a mix of local shops and national chains, generally at ground level with a residential generally at first to third floor levels.

East and West of the site are gardens associated with adjacent No's 96-98 High Street and 82-86 High Street.

North of the site is Market Lane, a pedestrian connection to the Linlithgow Palace grounds, the Kirkgate rose garden and ultimately the Palace grounds themselves, separated by heavy tree coverage and stone boundary walls.

Appraisal of Existing Building;



The existing footprint of the Victoria Halls, including the section to the rear which was demolished, is in the region of 690m² (7400ft²)

Our proposed retail footprint is only slightly more at 915m² (including residential access) but on a single story meaning its impact on its context is drastically less (refer to elevations which examine the impact of the overall development on neighbouring gardens and show no overshadowing caused by the proposed retail floor)

Were the original building to be rebuilt to its existing envelope, the impact on neighbouring gardens in terms of overshadowing would be significantly worse than proposals.

Conceivably, the former envelope could accommodate up to three floors. Based on the above footprint this would equate to in the region of 2070m² combined floor area, more than proposals.

It is unlikely however, that a rebuilt Victoria Halls would be viable as a proposition for retail at ground floor and residential above without significant overlooking of adjacent gardens East and West

C CONCEPT + DESIGN SOLUTION

Concept;

Unlike the previously approved scheme, this proposal does not seek to create a statement on the High Street to *replace* the Halls as they once were, instead proposals view the current site as a gap looking to be infilled with proposals sensitive to the existing High Street, both visually and with their use.



Two distinct aspects make up the overall development, each responding differently to their immediate context, but unifying overall to form a development that is both sensitive to its location and viable.

The street aspect responds to its location on the High Street. Set predominantly over 3.5 floors (ground, first, second and attic) it is designed both in elevation and plan, to sit sensitively within the context of the High Street. Its mixed residential/retail use responds to the location of other existing residential/retail properties on the High Street

The rear aspect is very much secondary to the above. At ground floor the retail floor plate is embedded in existing garden/landscape and allows for additional amenity space/visual amenity on its roof. Behind the massing of the 14 one bed flats are located two stair cores which are contemporary in their articulation and fenestration. Two, glazed, two bedroom fourth floor flats are accessed from these stairs, pulled back from the street aspect and relating to the stunning views out over the palace grounds

Design Solution;

Form;

Street:

The height, volume and skyline of the buildings relates well to their surroundings and echo's the existing stepped ridges prevalent on the High Street

Rear:

The design of the rear takes advantage of available sunlight that is allowed to permeate too much of the plan at varying times of the day.

There is good observation of all areas thus aiding security.

Materiality;

External materials and careful detailing will be of the highest quality.

Materials are chosen to respond to the local environment, through compatibility of material and scale. An approach sensitive to the existing context has been adopted for the aesthetic to the high street and a contemporary aesthetic for the rear

Street;

The external colours and textures will be appropriate, contextual and complimentary, whilst enhancing the building elevations as a whole and defining presence as a new development on the High Street

The external materials will also respond to the articulation of the façade to emphasize retail frontages, floor and eaves levels and to assist in the creation of appropriate and attractive proportion with the old and new.

The design and materiality of the roofs and dormer windows has been chosen to sit harmoniously within its surroundings and is similar in style to its neighbours.

Rear;

Contemporary brick facades provide a durable base for the rear

Stained timber cladding softens the rear and responds to its immediate relationships to pedestrian pathways and the wider context of the Palace grounds

Landscape;

The landscaped roof and amenity space to the rear are accessible from residential floor levels within the building. These soft green spaces help emphasise the individuality the different aspects of the design and add to the visual and usable amenity space within the development

Existing trees are to be retained where feasible. It is anticipated that some existing mature trees will be removed as per previously approved consents.

Hard landscaping is limited to provide functionality to the proposed retail floor plate and level access to the rear.

Sustainability/Ecology:

Use of a range of renewable energy options will be assessed by M&E consulting engineers and technologies proposed that are considered to be potentially commercially viable and technically feasible for a development of this nature and scale

Efforts will be made within the proposals to retain existing vegetation where possible

A majority of the site that does not form part of the building and much of the roof of the proposed retail floor will be defined by planting and natural features

Access:

Access and egress to the residential and retail developments has been considered and reflects other existing access arrangements, directly off the High Street

The development is ideally located to integrate into existing pedestrian, cycle and public transport networks.

The proposed development is within walking distance of a wide range of local facilities and amenities.

Located close to the bus routes on the High Street, the proposed development is within an area of high public transport accessibility.

Covered, secure and visitor cycle parking is provided to the Council's standards

Waste disposal has been considered and bin storage and access has been provided via the two pedestrian paths off the High Street. The proposed loading bay will assist with the collection of domestic and commercial waste

.

LIVE/0514/LBC/16 - Conservation area consent for demolition of building (grid ref. 300295 677161). Former Victoria Halls, 88-94 High Street, Linlithgow.



Justification for Demolition of Façade

Introduction

This note responds to comments received from Historic Environment Scotland (HES) regarding the above proposals.

In the first instance it is noted that HES consider the proposals do not raise issues of national significance and **does not object**. However, HES has suggested that West Lothian Council takes into account further opinion and comment from HES in its determination.

It is agreed by the applicant that Conservation Area Consent (CAC) to demolish the Victoria Halls, including the façade, was granted in 2010 (under application 1074/LBC/08) and that this consent was predicated on the reinstatement of certain façade features into the proposed and approved building (eg the archway and tripartite style window above). However, the planning proposals to which this new CAC application relates (LIVE/0513/FUL/16) does not intend to retain and/or reinstate specific façade features as previously consented.

In this instance HES has requested the applicant provide a robust argument in support of demolition of this remaining feature. It should be noted that the former Victoria Halls, nor the remaining façade is a listed structure, rather it is a building located within the Linlithgow Palace and High Street Conservation Area.

Under these circumstances the key policy consideration is laid down in The Historic Environment Scotland Policy Statement 2016

Historic Environment Scotland Policy

HESPS states that the demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. It suggests that in deciding whether conservation area consent should be granted, planning authorities should take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.

It is clear that HES considers that the façade makes a positive contribution to the streetscape and, in its current form, retains a significant presence on the High Street, given its architectural detailing and form. Whilst this may be the case, the Council must decide whether the newly proposed development is designed in such a way as to maintain or enhance the character and appearance of the Conservation Area. This does not mean though that the new design must also maintain and present a presence within the High Street, as the existing façade may do.

Furthermore, the Council must also consider the proposals as a whole and in balance with a number of other determining factors such as housing need, viability, compliance with policy, etc.

The Proposed Design



The Design Statement submitted in support of the application notes that the intention for the proposals is not to create a 'statement' on the High Street, as was proposed with the previous scheme. Rather, the frontage will respond to its existing location on the High Street, designed both in elevation and plan to sit sensitively within its context. The height, volume and skyline of the proposed buildings relate well to their surroundings and echo the existing stepped ridges prevalent on the High Street.

The stepped façade breaks up the width of proposals into individual townhouse style elevations – shops below and residential above to reflect the arrangement of other properties on the High Street. Materials proposed also take into account the existing street scape; Retail frontages developed alongside West Lothian Council Planning Department and in accordance with their non statutory guidance and traditional timber windows with stone surrounds punctuate the heritage render – the extent of fenestration again developed through extensive discussion with WLC to sit sensitively with adjacent properties

It is therefore the case that, although the proposals do not try and mirror or retain features associated with the former Victoria Halls, they do strongly reflect the character and appearance of the surrounding building form, style and architecture within the Conservation Area. The appearance and character of the Conservation Area will not be harmed as a result of the new proposals therefore, albeit an historic feature will be replaced.

It is considered by the applicant that the proposed design does not need to make a statement, or be clear or distinct from its surroundings, particularly if the proposals still achieve a sensitive fit within the Conservation Area. There is therefore no sound planning reason why particular features of the existing façade need be retained.

Demolition

HESPS indicates that if a building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated.

It is clear from the planning history and related consultations associated with this site that previous efforts have indeed been made by the Council to retain all or some of the Victoria Halls façade. However, planning consents that aim to achieve an element of retention have not been implementable for a number of reasons:

The existing façade has been in a poor and deteriorating state for many years and it is recognised by the Council that the appearance of the façade is now one which somewhat detracts from the High Street and Conservation Area. Alternative uses and development proposals have been investigated over these years. It is considered by the applicant that, given the structural condition of the façade, this rules out its retention at reasonable cost. Furthermore, retaining all or some of the façade features then dictates the form of building to the rear, this then makes its viable re-use extremely difficult.

HESPS accepts that in such instances, where demolition can be justified for the reasons above, consent to demolish should be given only where there are acceptable proposals for the new building. It is considered that the new building complies with policy and design standards, does not harm the character or appearance of the Conservation Area, will improve the townscape and appearance of this part of the high Street, will allow a vacant and derelict brownfield site to be brought back into economic use and will also deliver much needed housing.

The planning history on the site demonstrates that unless the remaining façade can be removed in its entirety the site will sit undeveloped indefinitely. To underline, recently the property has been marketed on the open market with weak interest and indeed the existing façade is seen as a burden and its removal or re-use detracts from the overall viability of any scheme.

Impact on Listed Buildings

Although the former Victoria Halls and remaining façade is not a listed building there are other listed buildings within the vicinity. An assessment of the impact of the proposals in this regard has been undertaken and is presented within the supporting Planning Statement, Appendix 1, as submitted with the planning application (LIVE/0513/FUL/16) .

The Manging Change guidance document entitled 'Setting' provides advice and guidance on 'Assessing the Impact of Change'. The guidance states that there are three stages in assessing the impact of a development on the setting of a historic asset or place:

- Stage 1: identify the historic assets that might be affected by a proposed change;
- Stage 2: define the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced; and
- Stage 3: assess how any change would impact upon that setting.

Conclusions

HES consider the proposals do not raise issues of national significance and does not object. The façade is not a listed building but is located within the Linlithgow Palace and High Street Conservation Area. Under these circumstances the key policy consideration is laid down in The Historic Environment Scotland Policy Statement 2016 (HESPS). It is considered that the demolition of the façade and construction of a new building in its place would not result in harm to the character or appearance of the Conservation Area. This is due to the fact that, although the proposals do not try an mirror or retain features associated with the former Victoria Halls, they do strongly reflect the character and appearance of the surrounding building form, style and architecture within the Conservation Area.

There is no sound planning reason why particular features of the existing façade need be retained or incorporated into the design.

It is clear from the planing history and related consultations associated with this site that previous efforts have indeed been made by the Council to retain all or some of the Victoria Halls façade. However, planning consents that aim to achieve an element of retention have not been viable or implementable.

The planning history on the site demonstrates that unless the remaining façade can be removed in its entirety the site will sit undeveloped indefinitely. No other viable redevelopment solution exists. Its removal will allow viable development to take place and for the townscape of this area to be improved, thus improving the appearance in this area of the High Street. Furthermore, consenting the proposals will allow an archaeological investigation to be undertaken in a part of the town that has been undisturbed since the late 1800s.

It is considered that the new building complies with policy and design standards, does not harm the character or appearance of the Conservation Area, and will allow a vacant and derelict brownfield site to be brought back into economic use, whilst also delivering much needed housing.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Susan Nelson

Address: 7 Chapman's Brae Bathgate

Comment Details

Commenter Type: Other

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

Comment Reasons:

Comment: Where are the residents of the 16 flats expected to park their cars? Unless secure parking is in used in the planning, this would potentially cause a problem in a town which has vary limited parking options for residents, retailers and visitors

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Ms G Paulsen

Address: Avalon Gardens Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This property should be developed for community use only (cinema, theatre, workshops). We need a community use facility on the high street, NOT additional retirement flats or retail. the proposed application is detrimental to the quality of the town centre. Also, flats should not be built without allocated parking, the high street is already congested and polluted.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Miss Amanda Hall

Address: 61 High Street Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I fail to see how these new proposals differ very much from the previous plans of last year.

I accept that the retail units may be beneficial to the local economy but I would be more in favour of Ms Paulsen's suggestion (see comments above) and would more likely support something that would benefit the community as a whole, such as a cinema or theatre, etc.

Furthermore I would suggest that any new development should look to retain the existing frontage of the Victoria Hall due to its historic value/ interest.

We still have major issues regarding our privacy. We have had to endure losing our privacy to the rear of our home due to the McCarthy Stone development. The proposed residential units would adversely affect the privacy to the front of our home.

Then there's the additional parking problems along with the congestion and pollution issues to be considered.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr FREDERICK GREEN

Address: 59 HIGH STREET LINLITHGOW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The height of the current building is too tall in relation to the surrounding buildings. The proposed development is slightly less tall, but still much higher than surrounding buildings. This is not compatible with the character of the High Street Conservation area.

2. The Capless Curtain Wall Glazing (CCWG) on the top floor is not compatible with the design and character of the buildings in the High Street Conservation area.

3. Despite the proposal to set the fourth floor 6 metres back from the front façade, it would be visible from the High Street from east and west aspects, and would be conspicuous from the north and south aspects from a further distance (Palace and Canal). It would be detrimental to the heritage character of Linlithgow.

4. The CCWG floor would look down into properties on the south side of the High Street - the large area of glass offering greater invasion of privacy than smaller conventional windows.

5. The CCWG floor plans show 2 2-bedroom flats which is contrary to WLC comments that only 1-bedroom flats would be appropriate given constraints on school places and parking/traffic pollution/congestion.

6. The large retail space on the ground floor is disproportionate in relation to existing buildings in the Conservation area. Delivery/dispatch of retail goods would likely require large vehicles; there is little space for loading/unloading outside the building and there is no customer parking. Local parking facilities are very limited during business trading hours.

7. Without the CCWG floor, the external appearance of the building is broadly compatible with the surrounding buildings in the High Street Conservation area.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr Sean Frost

Address: 117 Sheriffs Park Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1) The ongoing construction work will impact the High Street. The McCarthy & Stone development at the Cross has another phase to install. We could see both ongoing at the same time. Will restrictions be placed on deliveries to avoid peak times?

2) The development does not address the housing needs of the town population. It targets retired persons wanting town centre living & consequently will be out of the price range for most young people. It will create additional demand on health services within the town.

3) There is no car parking provision. Will title deeds prevent people from car ownership (if this were possible)? It is likely that owners will have cars & look to park on-street, adding to congestion within the town centre.

4) The development will be visible from the Peel to the North. The removal of trees within the plot together with the development footprint extending further North will mean that this impacts the view from the open-air theater plot within the Peel. Owners could be having barbecues etc. in the gardens of the development to the detriment of peace within the Rose Garden for example.

5) There are already 4 empty commercial plots on the High Street East of this development so the addition of two more will not help the situation.

6) The development does not make clear if it includes lifts. Given development is targeted at elderly the council could find itself liable to provide subsequently.

7) The 16 flats will lead to a large number of bins & rubbish with no provision for this on-street, again leading to problems for pedestrians. There is only one access/egress point to the street for owners rubbish & this will likely congregate at this point.

8) The assumption is that owners will not have children but there is nothing to prevent this leading to more demand on the current school role.

9) Past owners have allowed the plot to deteriorate despite obligations on the land. Rather than allow a speculative commercial enterprise with no real benefit to proceed it might be better if the

council enforces demolition of the façade & create a garden with access to the Peel? A return to public ownership in this way would provide benefit to subsequent generations of townsfolk.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr Alan Brown

Address: Sharphil Edinburgh Road Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this design on the following grounds.

1. Size of primary retail space is too large for Linlithgow High Street and will attract a limited number of businesses which are most likely to have a detrimental impact on the commercial viability of other high street traders.
2. Such a large retail space will require frequent deliveries and large quantities of waste management. The High street has an existing parking and congestion problem and no indication has been given as to how delivery vehicles will park/unload.
3. No provision in the design or solution to offer associated car parking for 16 flats worth of residents.
4. 4th floor unsuitable for conservation area. No indication of how windows will look so presume wall of glass which is not in keeping with other buildings.
5. 4th floor too high compared to other rooflines despite being set back.
6. No proposals or recommendations on the efficiency of these properties nor any use of solar or other forms of renewable energy. This building will therefore add to the carbon emissions of the town rather than decrement them.
7. No indication or provision in the plans for how to deal with neighbouring properties. As we've seen with McCarthy and Stone, removing large buildings can cause adjacent properties to

collapse. A clear solution is needed to prevent any damage to neighbouring properties. Even the slightest movement of adjacent properties may have an impact on the ex-Clydedale bank building which is very unsafe. A delta on the soil pressures caused by removing this building MAY damage other heritage properties.

I welcome the efforts of the owner to replace the eye-sore of the Victoria Hall, but this design falls far short of what is possible on that site. A primary location in a conservation zone.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr Andrew McKellar

Address: 14 Bellsburn Avenue Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Top high. Make height of any development in keeping with the rest of the historic high street.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Jennifer Black

Address: 10a Preston Park Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned about where the residents of the flats expect to park. Parking on the High Street is already extremely difficult and extra congestion could cause problems for the nursery opposite.

I am also concerned about a huge retail unit negatively impacting our small local businesses or that it might fail to find a suitable tenant and lie empty (as happened in Larbert - new Asda complex).

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Claire Wakefield

Address: 38 Clarendon rd Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Why is this build going to be one storey higher than the rest of the high street, that will not fit with the aesthetic of the town. I would prefer this site was used by community ie cinema as per trust plans.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Sarah McArdle

Address: 22 Clarendon Crescent Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This plan would exacerbate issues currently experienced within the high street. The High St is full of empty units that the council cannot find retailers to occupy. This makes the high street look scruffy and impacts the historical character of the street. If by some miracle a retailer is found, there is nowhere for delivery trucks to park at these units without blocking the high street. The flats above offer no parking, and there is already insufficient parking in the town. The architectural design is imposingly high, and unsympathetic to the medieval heritage of the town. This proposed plan offers no benefits to the residents of the town and no community space. I utterly appreciate that something needs to be done with Victoria Halls before it crumbles, however just because we can squeeze retail and flats in, it doesn't mean we should.

Paula
R.

From: Paula R.
Sent: 29 Aug 2016 23:04:25 +0100
To: Dods, Ranald
Subject: Planning Ref LIVE/0513/FUL/16

I refer to the above plans for Victoria Halls, Linlithgow.

As per my email when Montreal Property last put in plans for this building, there are issues which are not addressed at all by these new plans. It would seem we are to have endless plans submitted which ignore the work of the Victoria Halls Trust and the need for a community theatre/cinema space such as can be found in the neighbouring towns of Bo'Ness and Bathgate. It is a pity that West Lothian Council does not consider this to be of any importance to the wellbeing of the town residents.

Firstly, the high street pollution problem has not eased and introducing sixteen flats, with no plans for parking, plus large retail spaces that will need multiple deliveries, will not help matters. Once again I'll point out that it is naive to think that the residents (whether they are retired or not) will not have at least one car per household. Friends of the Earth, Scotland, have information on the pollution problems which was sent to you last time and is still relevant.

Secondly, the fourth-floor "wall of glass" is completely inappropriate for the area and contradicts this line in the design statement that "The height, volume and skyline of the buildings relates well to their surroundings and echo's the existing stepped ridges prevalent on the High Street".

Thirdly, look at the mess that is still on the McCarthy & Stone site, not far from this proposed development. Before entertaining any other plans for the High Street it would be good if someone from West Lothian Council would take that company to task. Hoardings have been up now for a considerable time with no sign of completion. Any further building works on the High Street would just add to the chaos and there seems to be no guarantee given or expected by West Lothian Council for developers to comply and consider their surroundings and immediate neighbours/locals.

Lastly, I would like to point out that the timing of these plans, while people are on holiday or just returned from holiday and busy with children returning to school, is duplicitous. Instead of this continuing roundabout of plans couldn't West Lothian Council force a purchase order on the building for the local community?

Regards,

Paula Ryans Stokes
Listloaning Road,

Linlithgow

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Miss Annelese Ronalson

Address: 61 Springfield Road LINLITHGOW

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The new proposals do not keep in fitting with the rest of the High Street. The front of the building should be restored, not completely demolished. There is no additional parking provided with this development, to accommodate the various additional vehicles which will come with the residents of the flats. The removal of the taxi rank into a loading bay impacts the local residents.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Ms Sally Pattle

Address: 98 Kingsfield Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I cannot see any merit for the historic High Street of Linlithgow in demolishing this iconic frontage, it would be a huge loss to the street and take away some of the character of the town. In addition, I am concerned that the larger retail unit especially would require a lot of deliveries - traffic levels on the High Street in Linlithgow are already at breaking point, we cannot sustain another large business.

Are any of the flats designated as affordable housing?

Any redevelopment of Victoria Hall should be done with at least with at least some community space provided for - there is local appetite for a cinema, or dedicated theatre space; another arts venue would be very welcome in the town. In addition, smaller units ideal for craft outlets could be filled easily, just as has been done in North Berwick's Westgate.

All in all, this is another bland, lazy planning application which will not benefit residents of Linlithgow in the slightest.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Ms Rebecca Welch

Address: 41 High Street Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I fully support the development of this current ruin and understand the design challenges it brings for any commercial venture.

I do also commend the intention to invest in our High Street. This building and our High Street needs it.

My challenge is that the current solution, whilst likely to be smart when viewed through the developers 'ROI' lense, does little to build any community goodwill.

There is an opportunity here to build something which could do one or more of the following:

- a) honour the design heritage
- b) add a mix of affordable and family housing to the high street mix
- c) help rather than add to the current traffic congestion on the High Street
- d) offer some much needed community space in the centre of town
- e) improve the character of retail / tourist offer, bringing in more footfall
- f) improve the current high street interest for our younger generation and families
- g) ensure any additional residential space is balanced with parking / outdoor spaces

Given the commitment and thought put in by local special interest groups already, it's a pity that nothing in this planning application is visible other than financial self interest.

Approving this application would seem a weak outcome for a venue with such potential.

I'd love to see an application that had some local support behind it because it meant something to the town.

More can be done on public engagement if the developers are serious about committing funds and energy to our high street.

I am unclear what role the local planning office are and should be playing in advising and facilitating 'urban renewal' conversations?

Is there value in bringing in expertise about what blend of solution would deliver the greatest community benefit from a strategic plan perspective?

The future developers of this building, whoever they end up being, aren't mind readers and might welcome that data ...

Thank you for the chance to comment.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr Douglas Cook

Address: 10 Burneside Gardens Whitecross

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:(Iam dyslexic so grammar nazis hold on for a bumpy ride) I am from the town despite my current address and I am a proud to be from Linlithgow and a black bitch but this plan distresses me.The plan is a disgrace and spits on the grave of a building front that represents a generation and a culture that made linlithgow what it is today. Can the front not be saved and built upon, the front is more fitting of the town, or are we know suddenly trying to represent the kit built houses that we allowed to overcrowded the town with commuters, as at that point you might asweal change the name of the town to Livingston. Also all the flats are tiny, and yeah lets add more shops not like there isn't enough empty shop space so basically nothing people who work for the town even deserve. If you were to try anything like a hostel, a cinema, hell even a caleigh Hall something that people can use (DCA Dundee perfect example) and with a refurbished front of the current frontage I can't think of any better way. But no instead you decide to follow the failures of the past such as the Venell which is nothing but a disgrace. If this plan goes through I will give up hope in the town as we have followed these Ayrshire moneyemen waving dreams of temporary jobs and bits of paper with the Queens mug on them, instead of being what Linlithgow is and should be, community. A keys representation of this is to use what the previous generations of the towns symbol to help it community but to update it and refurbish a front which was designed to take into consideration of the highstreet look instead of the plan shown. You wonder why wealthy individuals who are from the town would rather give money to such things as Glasgow Library than the town is that the atleast represent their people.Every black bitch knows the towns moto is "kinde to straingers" it is not bend over backwards

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mr Stephen Walker

Address: 6 Kettstoun Mains Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a resident of Linlithgow and would like to register my objection to this planning application in the strongest possible terms. My reasons are thus:

1. Too tall. Four stories is unacceptably tall for this location.
2. I would like to be nice but frankly it's just too ugly. If these plans are approved then it will be the death of the high st conservation area. With the exception of "The Vennel" this building is the worst piece of architecture around.
3. The Victoria Hall Trust needs to be given a chance to put forward an alternative vision. There is huge demand for a theatre / cinema / performance space in Linlithgow. Don't overlook this.
4. If these plans are approved, what does this say about us as a town? A once great town hall converted into this monstrosity?

Reject!

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Fiona MacDonald

Address: The Howe Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The original façade of this building is a landmark for Linlithgow and while the building needs to be brought back into use surely this can be done while preserving the frontage.

2. With 16 flats there will probably be an average of at least 20 cars needing to be parked somewhere nearby. The plans do not appear to show any allocated parking. Where are the residents expected to park?

3. It is unlikely in the current economic climate that the larger retail unit would attract a decent tenant and even if it did, long term sustainability would be an issue given the access and parking issues. Surely a number of smaller retail units would have a better chance of attracting smaller local businesses.

4. Deliveries to the retail units would increase congestion at an already congested bottleneck in the High Street. While a loading bay is identified, its location is where the current taxi rank is. Where will the taxies go?

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Miss Taylor Dickinson

Address: 13 Preston crescent Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal as it is taking away a piece of history on the high street by changing the facade of the building. It is architecturally wonderful and is a prominent feature of the high street.

Comments for Planning Application LIVE/0513/FUL/16

Application Summary

Application Number: LIVE/0513/FUL/16

Address: Former Victoria Halls 88-94 High Street Linlithgow

Proposal: Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161)

Case Officer: Ranald Dods

Customer Details

Name: Mrs Lynne Summers-Noble

Address: 226 High Street Linlithgow

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I currently live on the High Street in an old house. My objections for yet again more flats on the high street is the issue with parking as there is already not enough, taking away from the picturesque small town feel and the already massively busy High Street that is overloaded with vehicles. My house regularly and literally 'shakes' due to the amount of traffic that we currently cope with and i am sure will eventually lead to major structural issues. Maintenance of the High Street will also increase due to the copious amounts of traffic. The community feel of Linlithgow will no doubt disappear if this town keeps growing at such an alarming rate. We have currently got old business premises being made in to flats on the High Street, new retirement flats and i recently saw more new builds somewhere within the town. I feel there is just too much and it will damage what is a beautiful town and environment.

From:Jean Pattison

Sent:31 Aug 2016 06:48:44 +0100

To:Dods, Ranald

Subject:RE: VICTORIA HALLS SITE, LINLITHGOW

In my humble opinion, I think the latest proposed plans for the above are all wrong. There is enough congestion in Linlithgow as it is. Please let common sense prevail.

I think there is very much need for a cinema/theatre in Linlithgow.

In Hexham they have a Wetherspoons with a cinema above. If it works there, why can't it work in Linlithgow.

Thanking you in anticipation.

Jean Bell Pattison (Mrs)

Sent from my iPad



Linlithgow Town Centre BID
28 The Vennel
Linlithgow
West Lothian
EH49 7EX
01506 283240
07717 865 225
info@linlithgowtowncentrebid.co.uk

Dear Sir/Madam

RE: LIVE/0513/FUL/16 | Erection of a mixed use development comprising 2 commercial units (Classes 1, 2 or 3) and 16 flats (grid ref. 300295 677161) | Former Victoria Halls 88-94 High Street Linlithgow and
LIVE/0514/LBC/16 | Conservation area consent for demolition of building (grid ref. 300295 677161) | Former Victoria Halls 88-94 High Street Linlithgow.

The board of the Linlithgow Town Centre Business Improvement District Company Ltd wish to make a comment on this planning application.

The Linlithgow Town Centre BID Co represents 180 businesses in the town centre of Linlithgow, and fulfils an advocacy role in matters such as this.

The Board welcome investment in Linlithgow Town Centre. The current state of the Victoria Hall requires urgent redevelopment.

Due to the recent decision by West Lothian Council to declare an Air Quality Management Area in Linlithgow, the Board are concerned by increased traffic pollution caused by disruption during and after the construction phase. The Board suggest it may be prudent to wait on the outcome of the Air Quality Management Plan, due to begin shortly, before proceeding with decision making on developments of this nature.

The Board are concerned with the detrimental effect on the air quality in the Town Centre area from increased traffic, both during the construction phase and a result of inadequate parking provision for residents detailed in the plans.

The Board would highlight the recent experience of another major residential development in the Town Centre area which saw major disruption to traffic and, due to an increase in construction traffic, are concerned with the both detrimental effect on air quality and vehicular movement in the town centre.

The Board have major concerns over significant disruption to Town Centre business on the same side of the street as the proposed development due to pedestrian management measures required during the construction phase of the proposals.

The Board have concerns on the negative effect on the conservation area in Linlithgow Town Centre and potential issues with overshadowing and loss of light caused by the proposal..

The Board would prefer to see this building developed into for the benefit of the community.

The Board would be interested to see the applicant's plans for demolishing the existing buildings considering the restricted access at the rear and the sides of the site, the restricted access to the building site from the High Street and the likely impact on the neighbouring buildings.

Regards

Jim Walker

Registered office: Campbell Dallas, 4 Atholl Crescent, Perth, PH1 5NG
Linlithgow Town Centre Business Improvement District Co Ltd is a company limited by guarantee, registered in Scotland. Registered Number SC487605

Ack 2/9/16 KW

West Lothian Council	
Development Management	
2 6 AUG 2016	
Date.....	
Ref No.....	0513/FUL/16
Ref To.....	RD
Ack'd.....	
Replied.....	

E-mail: [REDACTED]

4, Market Lane,
Linlithgow,
West Lothian,
EH49 7AJ

24th August 2016

com 1

FAO Planning Officer,
West Lothian Council,
Development Management,
West Lothian Civic Centre,
Howden South Road,
Howden,
Livingston,
EH54 6FF

Ref: 0513/FUL/16: Erection of a commercial / retail development comprising classes 1, 2 & 3 and erection of 16 flats on the site of the former Victoria Halls, 88 – 94 High Street, Linlithgow

Dear Sir or Madam

Thank-you for your letter dated 9th August 2016. We have seen the plans for the proposed new development on the site of Victoria Halls. We are pleased that there is a plan to make use of the site but we do have some objections and comments on the proposed plan.

(1) Loss of Privacy from the first floor roof garden

We are extremely concerned about loss of privacy.

We have 3 bedrooms that are situated on the ground floor and first floor at the rear of our house. The plans for the development show access from the stairwells at the rear of the proposed development onto a first floor walkway and roof garden on the roof of the retail unit.

In addition, the design statement confirms that it is the intention for this first floor roof garden on the retail unit to be available for use by residents: "...additional amenity space/visual amenity on its roof..."

We are extremely concerned that anyone on this first floor roof garden would have a direct view of the 3 bedrooms at the rear of our house and our entire garden would be overlooked.

The roof of the retail unit is only ~8m from our property and from the plans appears to be at a slightly higher level than the boundary wall, so anyone standing on it would be easily able to look directly into our house and garden.

We request that the planning committee ask the applicant to remove access to the first floor green roof from the planning application.

(2) Disturbance from the first floor roof garden

We are extremely concerned about disturbance from noise and smoke from the first floor roof garden.

We have 3 bedrooms on the ground floor and first floor of our house, all of which would suffer from disturbance from noise from the proposed roof garden only ~8m away.

In addition, use of our own garden would be adversely affected by noise and any smoke from smokers using this proposed roof garden as an elevated smoking area.

Again, we request that the planning committee ask the applicant to remove access to the first floor green roof from the planning application.

(3) Overshadowing of our property by the proposed development

We are extremely concerned about overshadowing of our house and garden.

The applicant claims that there will be no overshadowing of our property but has failed to provide any shadow diagrams and detailed measurements to support this claim.

The diagram of the East Elevation on Elevations 2 is completely mis-leading, as the applicant has drawn a 45 degree line from the boundary wall with the Rose Garden that is at the end of our garden and to the NORTH side of our garden. The applicant has made no mention whatsoever of what effect there would be on the rear part of our garden itself, where we have a decking area for sitting in the afternoon / evening.

From our reading of current development guidance on sunlight, daylight and overshadowing in Scotland we would like to point out the following:

- The 45 degree angle should be measured from the centre of the nearest ground floor window in the neighbouring property. As the applicant has not contacted us to ask permission to conduct a survey, we assume that this has not been done.
- If the new development directly faces the affected window of the neighbouring property, which it does in this case as they would face our 2 ground floor bedrooms, the angle should be 25 degrees.

- In Scotland in winter, the sun does not generally rise above 10 degrees and so longer shadows are cast and this should be taken into account.

We request that the planning committee ask the applicant to provide detailed evidence to support their claim that there would be no overshadowing of our property.

(4) Loss of Privacy from pedestrian walkway to the rear of the development

There is currently no public access to the rear of the building at Victoria Halls.

We are concerned about loss of privacy from the proposed pedestrian walkway all around the building. This would be only ~7m from our house.

(5) Disturbance from service areas

The proposed plan shows service areas for bins and doors on both sides of the development. We are concerned about disturbance as the larger service area is only ~10m from our property.

(6) Loss of Privacy and disturbance from windows in retail / commercial units

The drawing of the rear of the proposed development shows windows on the rear of the retail unit. Victoria Halls had no such windows overlooking our property. We are concerned about loss of privacy as these windows would provide a direct view from the retail unit to our property.

We request that a condition be imposed on the applicant to ensure that these windows be made of frosted glass and are non-opening to ensure we suffer no loss of privacy and no disturbance.

(7) Overshadowing of our property by proposed planting of new trees

The drawings of the garden area show that it is proposed that 2 new trees would be planted right up against the boundary wall with our garden to provide screening. However, as the trees would be on the south side of our garden they would overshadow our garden.

We request that any new planting along the boundary wall with our property be no higher than the existing wall at the time of planting or in the future to ensure that our garden is not overshadowed.

(8) Lack of Parking

The current plan does not include any provision for parking for the residents of the 16 flats. We already have a regular issue with people parking their vehicles on the double yellow lines in Market Lane and around the Cross, resulting in either restricted access to / from our house and in some cases, a complete blockage of the access to / from our house. We have had to report vehicles causing an obstruction to Police Scotland on a number of occasions during the last year.

(9) Ventilation

We have not seen any indication on the plans of where any ventilation for the retail units will be situated. We would like the Planning Committee to ensure that any ventilation is situated in a position where it will not cause disturbance to our property.

(10) Fire-exits from the proposed development

We would like the Planning Committee to ensure that all fire exits and escape routes would lead people out onto the High Street. We would not consider any plan to use our property as an escape route to be acceptable.

(11) Lack of maintenance of trees on the site

We are concerned with the complete lack of maintenance of the trees on the site and in particular the two trees beside and at the rear of our house and garden, which are covered in ivy and overhang our house and garden.

We do not want any trees cut down unnecessarily and we would like the Planning Committee to remind the owner that he had a duty of care to maintain the trees. We tried to make contact with the owner to discuss our concerns on several occasions during 2008 via their agent at the time: EK:JN Architects. To date, we have not received any reply from the owner nor has any maintenance to the trees been carried out during the period 2006 – 2016.

We look forward to hearing from you.

Yours faithfully

Dr Natalie Pol





DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

- 1.1 Erection of a house with associated access, driveway and detached garage on the grounds of Whauphill House in the Hermand Estate in West Calder.

2 DETAILS

Reference no.	0528/FUL/16	Owner of site	Ms Kerry Ann Brines
Applicant	Ms Kerry Ann Brines	Ward & local members	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Request by Cllr Muldoon.

3 RECOMMENDATION

- 3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of a house, garage and associated works within the garden ground of Whauphill House in the Hermand Estate in West Calder.
- 4.2 The proposed house would be located to the north-west of Whauphill House. The house would be single storey with three bedrooms. The building is a traditional design with materials including a slate/smooth grey tile roof, a mixture of timber, stone and render. The proposed house will replace the existing timber stable building.
- 4.3 Hermand Estate is located to the east of West Calder along the B7008 and is midway between West Calder and Polbeth. The Hermand Estate is centred on the category 'B' listed Hermand House which is some 50m west of the application site; the estate's attractive parkland landscape was designed in the late 18th century. There are some 13 homes dispersed throughout the estate.
- 4.4 Whauphill House although part of the Hermand Estate sits separately and has its own setting with no vehicle access to other parts of the estate. The site is characterised by the existing woodland large gardens and landscaping surrounding the site. The site is

located on the eastern side of the new West Calder High School which is currently under construction and is adjacent to the proposed pitch.

5 REPRESENTATIONS

5.1 The application was subject of statutory publicity and no representations were received.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	None	Noted.
WLC Education Planning	No	Development will require to contribute to education should it gain consent.	Noted
WLC Flood Prevention Officer	No	No flooding on site. Details of the drainage system and attenuation would be required through condition.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.
WLC Contaminated Land Officer	No	A site investigation report is required.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.
WLC Arborist / Woodland Officer	No	The trees that are to be felled are not of particular value to the woodland. Suitable replacements trees could be planted. The proposed house has a sufficient setback from the tree-line of the adjacent woodland. Furthermore, it is recommended that any works should comply with the standard tree guidelines BS5837.	Noted. If permission is granted, then a requiring the relevant tree and root protection measures shall submitted and approved prior to works starting.

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.

- 7.1 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 7.2 The West Lothian Local Development Plan - Proposed Plan (LDP) has been published and the public consultation period finished at the end of November 2015. The Council has approved the LDP which is currently being prepared for submission to the Scottish Minister for examination. This is also a material consideration, however due to the LDP being in pre-examination phase, more weight should be given to the current WLLP at the time of this assessment.
- 7.3 Nonetheless, the proposed LDP does not propose any significant policy shifts in relation to the site. Therefore the main focus of this assessment must be on the current West Lothian Local Plan.

Plan	Policy	Assessment	Conform
West Lothian Local Plan	<p>ENV31 - Development in the Countryside</p> <p>Proposals for new build development in the countryside will not normally be approved. Exceptions to this policy are:</p> <p>(i) a house for a full-time worker in agriculture or other rural business;</p> <p>(ii) a house for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor;</p> <p>(iii) development of a visually intrusive brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition;</p> <p>(iv) replacement of an existing house in the countryside which is of a poor design or in a poor structural condition;</p> <p>(v) infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width;</p> <p>(vi) a very small number of proposals for a house which by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside; and</p> <p>(vii) small scale farm diversification projects or other business proposals appropriate to a rural area which would help sustain</p>	<p>The site is outwith the settlement boundary of West Calder, and therefore has to be assessed against this policy.</p> <p>Points (i), (ii), (iii), (iv), (vi) and (vii) do not apply to the proposal. In this instance, the most appropriate point within this policy to consider this proposal is point (v) where infill development within the curtilage of an existing building group or infilling of gaps between existing houses could be accepted.</p> <p>Overall, with respect to the current proposal, it is considered that the proposed development does not meet this exception as set out below.</p> <p>There would be a detrimental change to the character and appearance of the listed Whauphill House, and in turn the wider Hermand Estate, resulting from the construction of a new house within the curtilage of the listed building. Apart from conversions, similar sites in the estate do not contain similar additional houses within their grounds.</p> <p>Whauphill House has a very attractive landscape setting which</p>	No

Plan	Policy	Assessment	Conform
	the rural economy or create significant social benefits.	<p>contributes greatly to the character of the estate and it is considered that if allowed the proposed development could lead progressively to the suburbanisation of the property and countryside.</p> <p>It is acknowledged that the proposed school pitch under construction would be located adjacent to the western boundary.</p> <p>On balance, the proposal does not meet the tests of Policy ENV 31 (v) as there is no justification to support development in the countryside.</p>	
West Lothian Local Plan	<p>ENV33 - Design of Development in the Countryside</p> <p>Any new development in the countryside acceptable in terms of policies ENV 31 and ENV 32 must conform to the design and development control policy guidelines issued by the council and contained in Planning Advice Notes issued by the Scottish Executive and the Scottish Government.</p>	The proposed layout and design is of high quality and acceptable however as the development is not justified in terms of policies ENV 31, the proposal is considered to be contrary to this policy.	N/A
West Lothian Local Plan	ENV 14 - The protection of trees and Tree Preservation Orders	<p>The trees that are to be felled are of lesser value to the woodland and site. Suitable replacement trees could be planted.</p> <p>The proposed house has a sufficient setback from the tree-line of the adjacent woodland. If this development proceeds, works should comply with the standard tree standard - BS5837.</p>	Yes
West Lothian Local Plan	IMP 3 – Education	The proposal does not raise any educational capacity concerns. Nonetheless, developer contributions would be necessary in line with SPG.	Yes

Plan	Policy	Assessment	Conform
West Lothian Local Plan	IMP 14 – Supplementary Planning Guidance (SPG) <i>New Development in the Countryside</i>	<p>Supplementary planning guidance recognises that there are occasions where the infilling of small gaps within a cohesive group of existing houses in the countryside may be acceptable.</p> <p>Any proposal for a house in the countryside must be assessed against this established SPG.</p> <p>The Hermand Estate is centred on Hermand House as its nucleus and has a visual cohesion with a strong sense of place. However as acknowledged above, Whauphill House sits within in its own separate setting and there is a natural distinction between the property and the remainder of the estate given the separate access and strong tree lined boundary.</p> <p>Nonetheless, as stated above, it considered that the proposed development does not meet the criteria of ENV 31 as it cannot be accepted as infill development.</p> <p>On balance, it is considered that the proposed develop does not satisfactorily meet all the criteria of the SPG.</p>	No

8 SUMMARY AND CONCLUSIONS

- 8.1 The proposal involves the erection of a house and garage on the grounds of Whauphill House in the Hermand Estate.
- 8.2 Hermand Estate is a particularly attractive area of countryside and comprises the designed parkland setting of the category B listed Hermand House. It is characterised by a limited number of, in the main, traditional designed dwellings within large grounds, and important estate woodland.
- 8.3 Policy ENV 31 of the West Lothian Local Plan 2009 provides some limited opportunities for development in rural areas, including small scale infill development as outlined in ENV

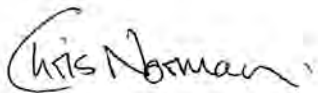
31(v). However based on the above assessment, this site cannot be considered a suitable site to which this policy exception would apply.

8.4 As such it is considered that the proposal is contrary to the development plan in particular West Lothian Local Plan 2009 policies ENV31 (Development in the Countryside) and IMP 14 (Supplementary Planning Guidance – New Development in the Countryside).

8.6 It is thus recommended that the committee refuses planning permission.

9 ATTACHMENTS

- Draft reason(s) for refusal
- Aerial and Location plan
- Site plan – existing and proposed
- Proposed plans and elevations – House
- Proposed plans and elevations – Garage
- Applicant's supporting planning statement
- Local member referral request





CHRIS NORMAN
Development Management Manager

Date: 28 September 2016

DRAFT REASON FOR REFUSAL – 0528/FUL/16

The proposed development is not accepted as it does not meet the criteria for new development in the countryside where the proposal does not satisfactorily fit within the exceptions to new build development in the countryside. The proposal is therefore contrary to policies ENV 31 (Development in the Countryside) and IMP 14 (Supplementary Planning Guidance) of the West Lothian Local Plan and the council's SPG New Development in the Countryside.



 <p>West Lothian Council</p>	<p>0528/FUL/16</p>	<p>1:1,250</p>	
<p>Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>2016-09-19T14:17:10</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016</p>	



West Lothian
Council

0528/FUL/16

Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF

1:2,500



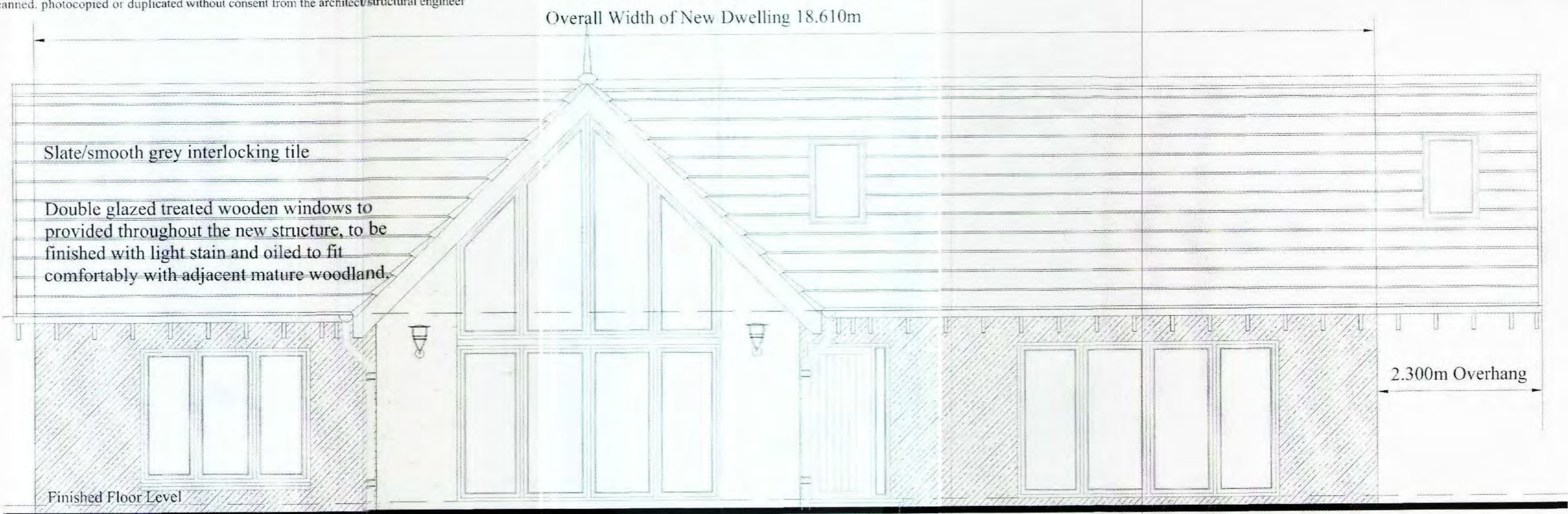
2016-09-20T12:57:16

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016

- 166 -

PROPOSED NEW BUILD SINGLE STOREY DETACHED THREE BEDROOM DWELLINGHOUSE LOCATED WITHIN LAND AT WHAUPHILL HOUSE, HERMAND ESTATE, WEST CALDER, WEST LOTHIAN, EH55 8QZ.

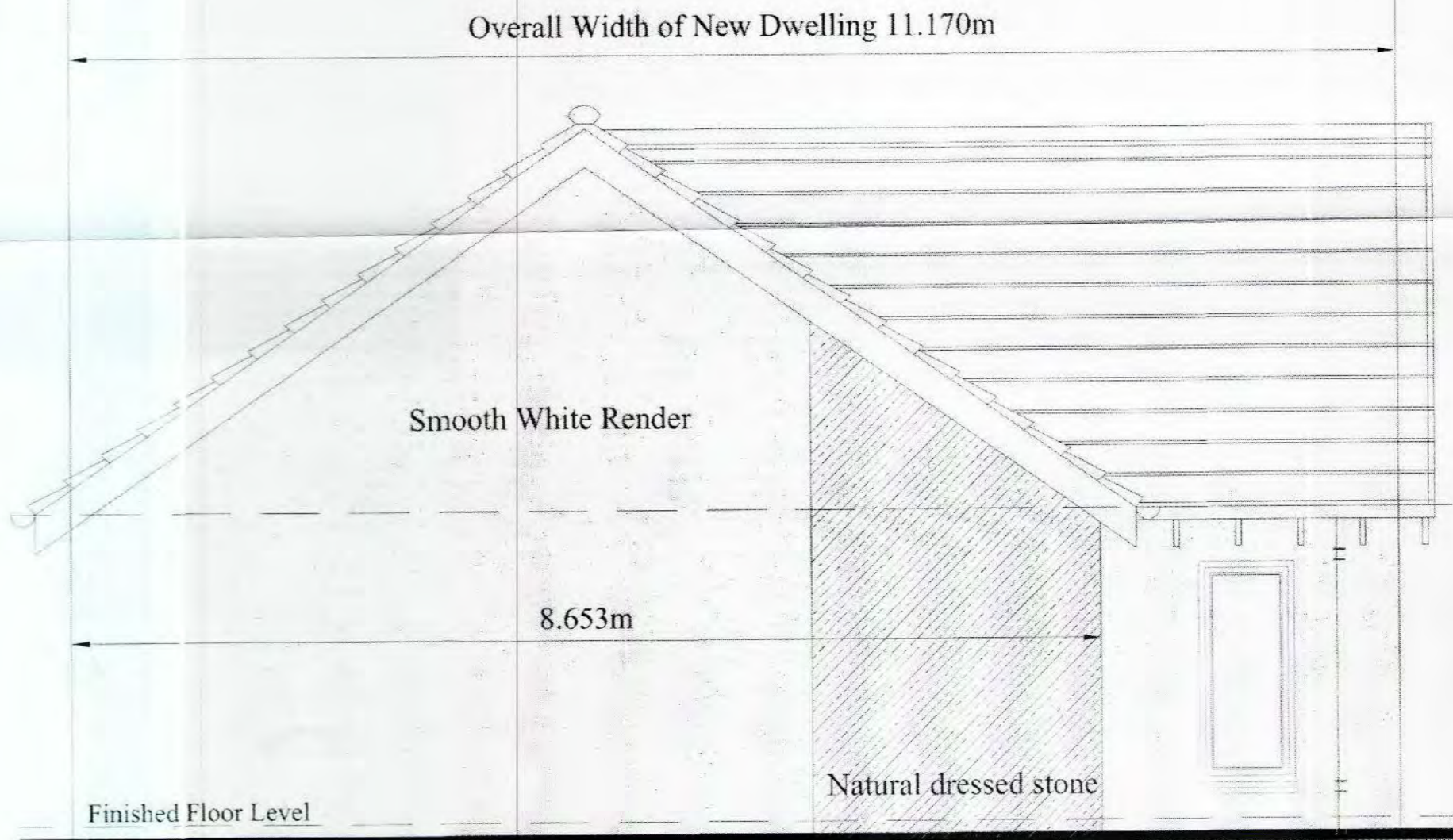
Copyright : This drawing should not be scanned, photocopied or duplicated without consent from the architect/structural engineer



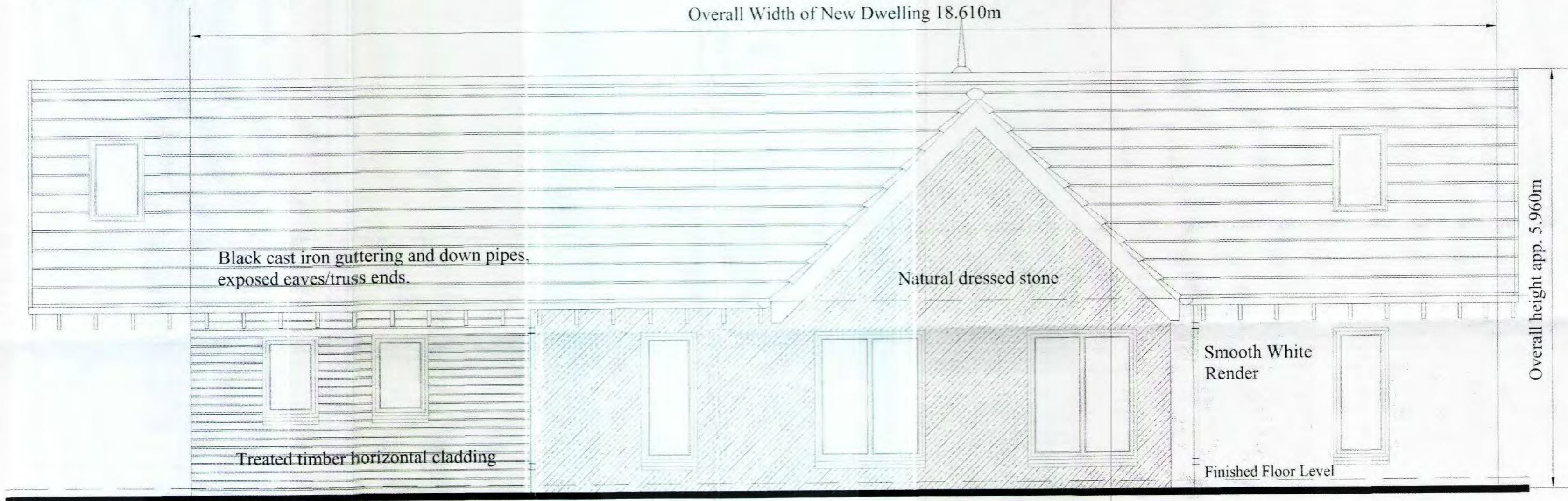
Proposed South East Facing Elevation
Overall Width of New Dwelling 11.170m



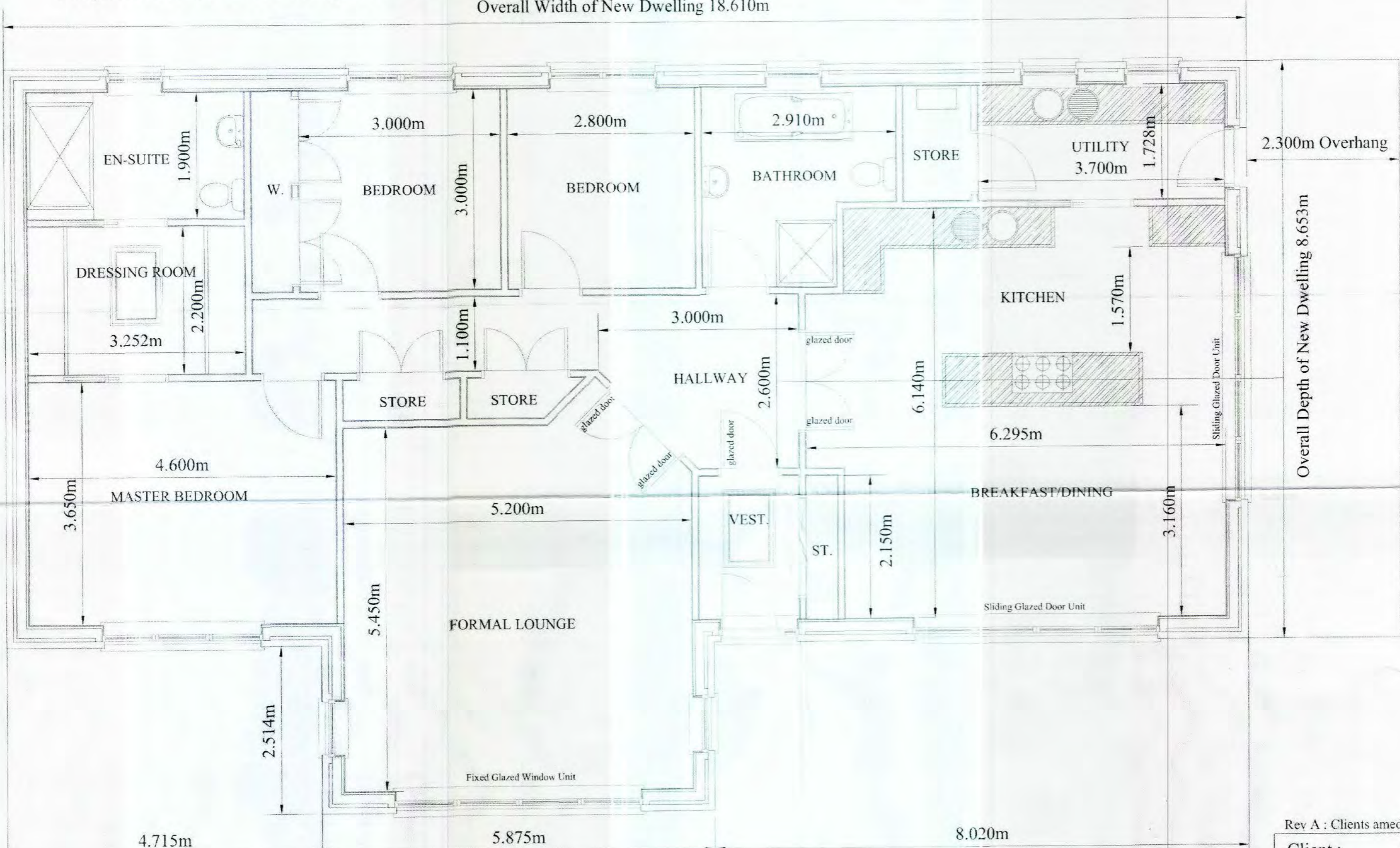
Proposed North East Facing Elevation



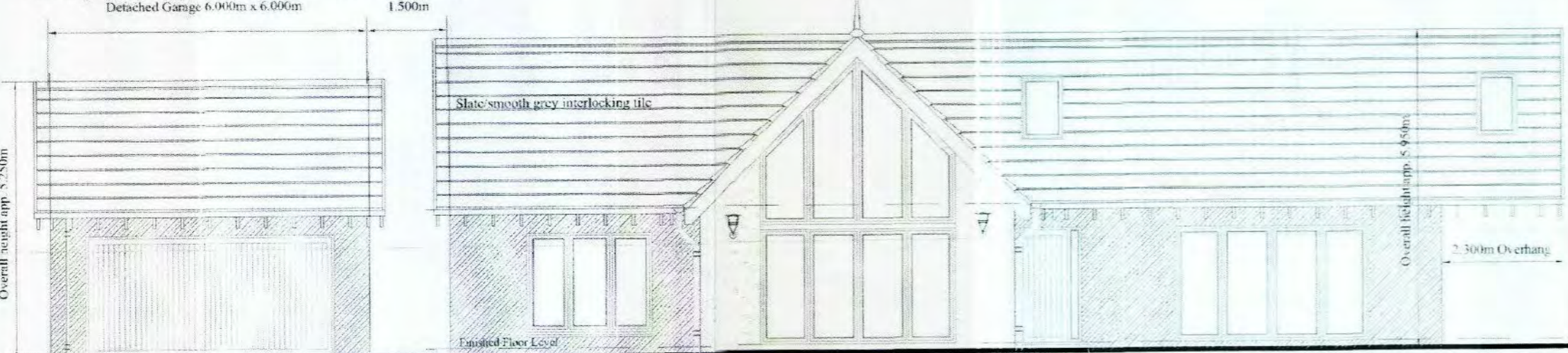
Proposed South West Facing Elevation



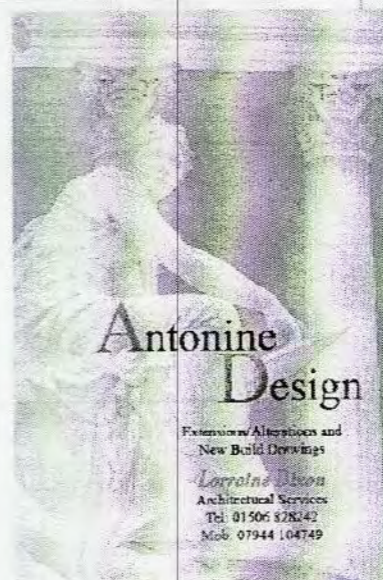
Proposed North West Facing Elevation



Proposed Ground Floor Plan



Proposed South East Facing Block Elevation



Rev A : Clients amedments added to plans and elevations. 10.6.16

Client : Ms Kerry Ann Brines
Whauphill House, Hermand Estate,
West Calder
EH55 8QZ

Drawing Title : Proposed Plans & Elevations

Drg No: KW-233/02

Scale: 1:100; 1:50 @A1

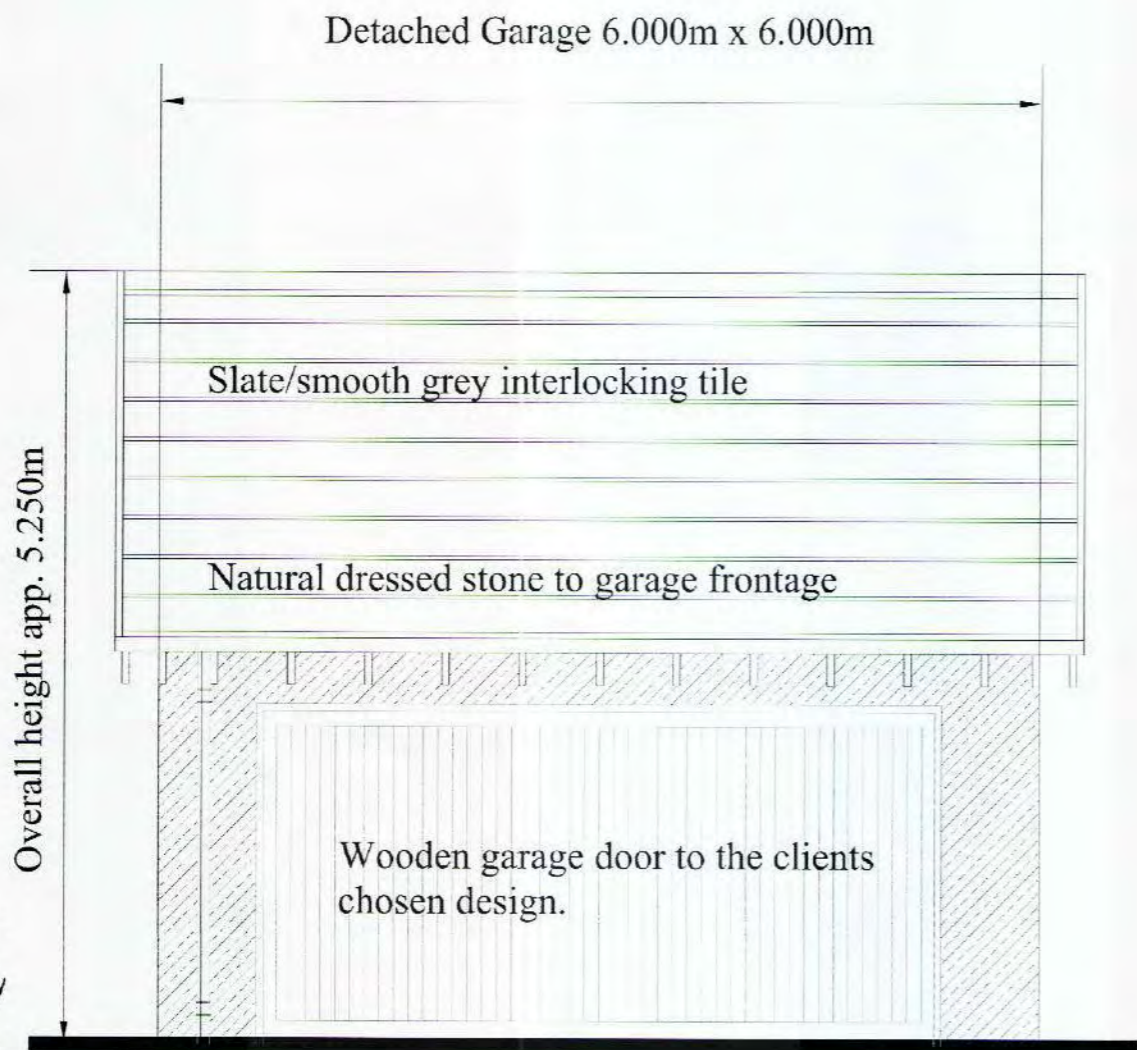
Drawn:

Rev: A

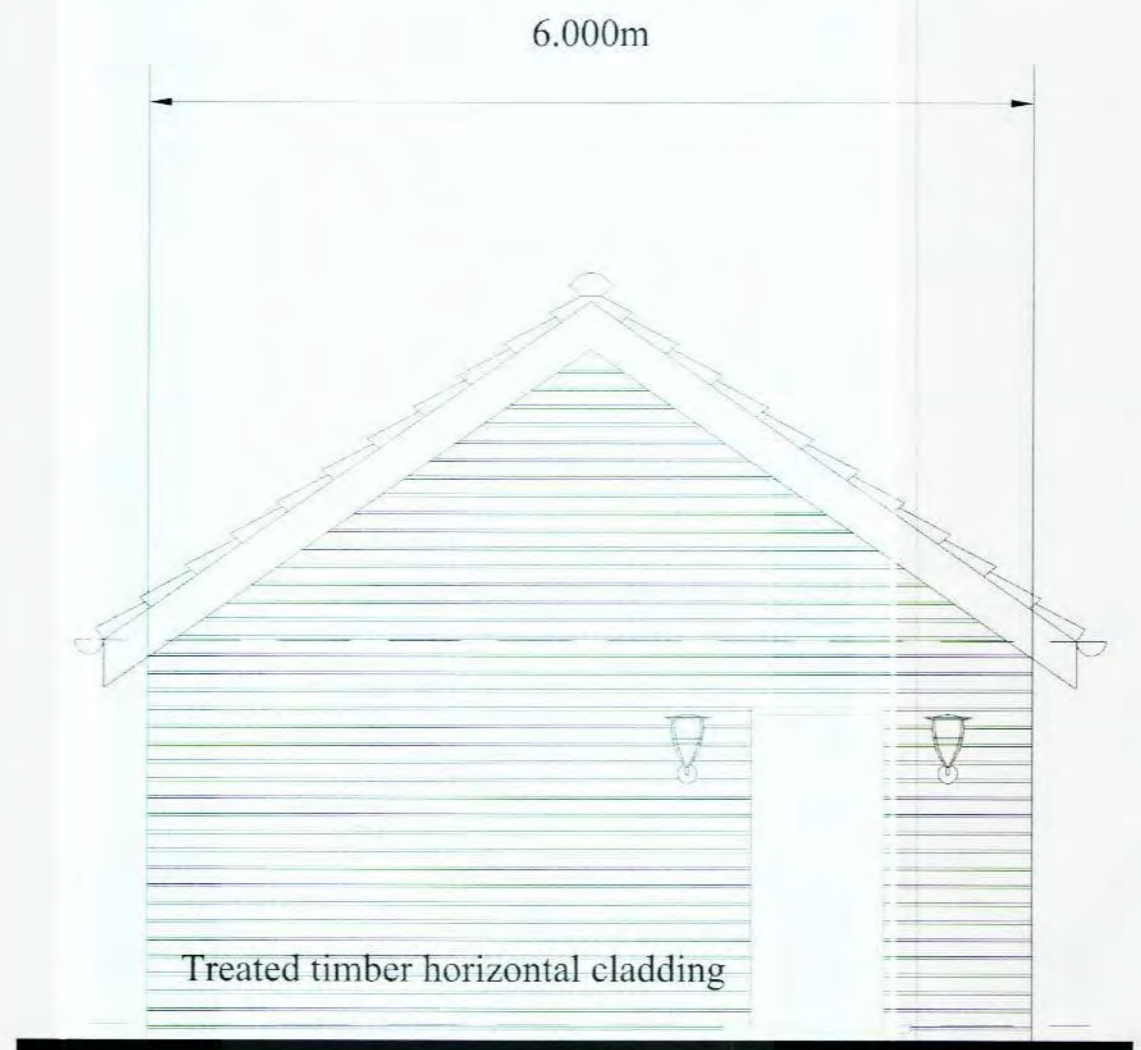
Date: 16/03/16

Checked:

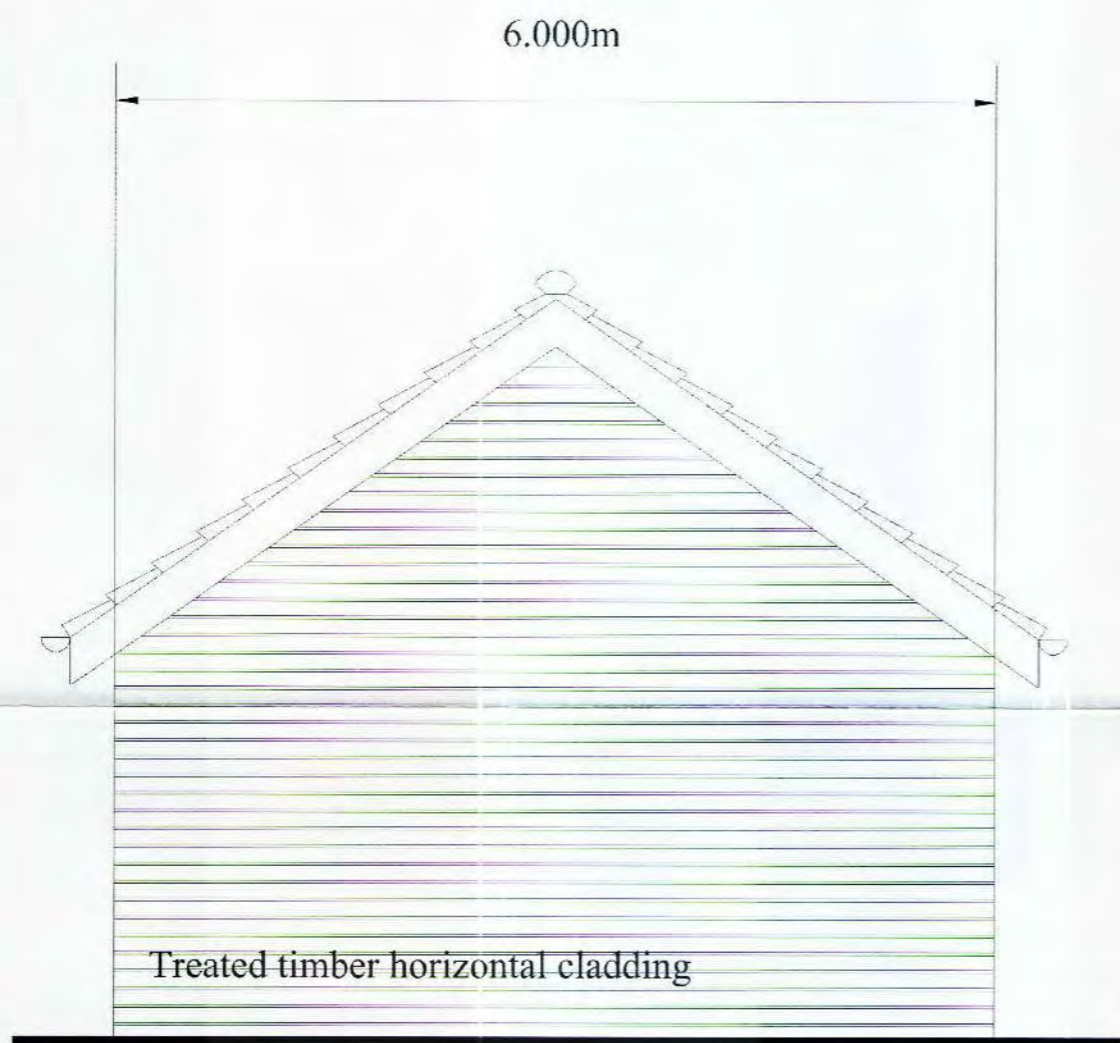
PROPOSED NEW BUILD SINGLE STOREY DETACHED THREE BEDROOM DWELLINGHOUSE LOCATED WITHIN LAND AT WHAUPHILL HOUSE, HERMAND ESTATE, WEST CALDER, WEST LOTHIAN, EH55 8QZ.



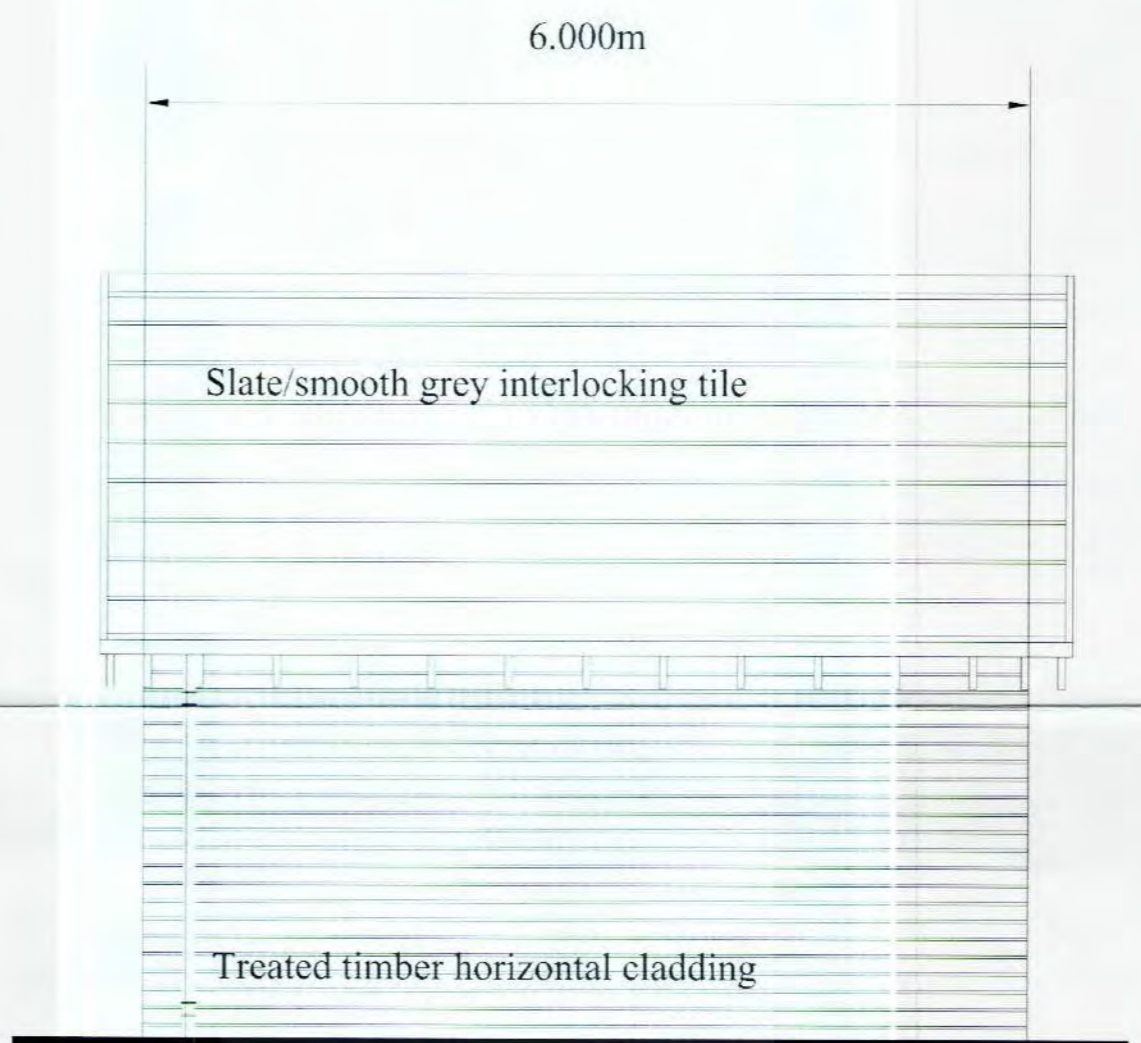
Proposed Front Elevation
South/East Facing



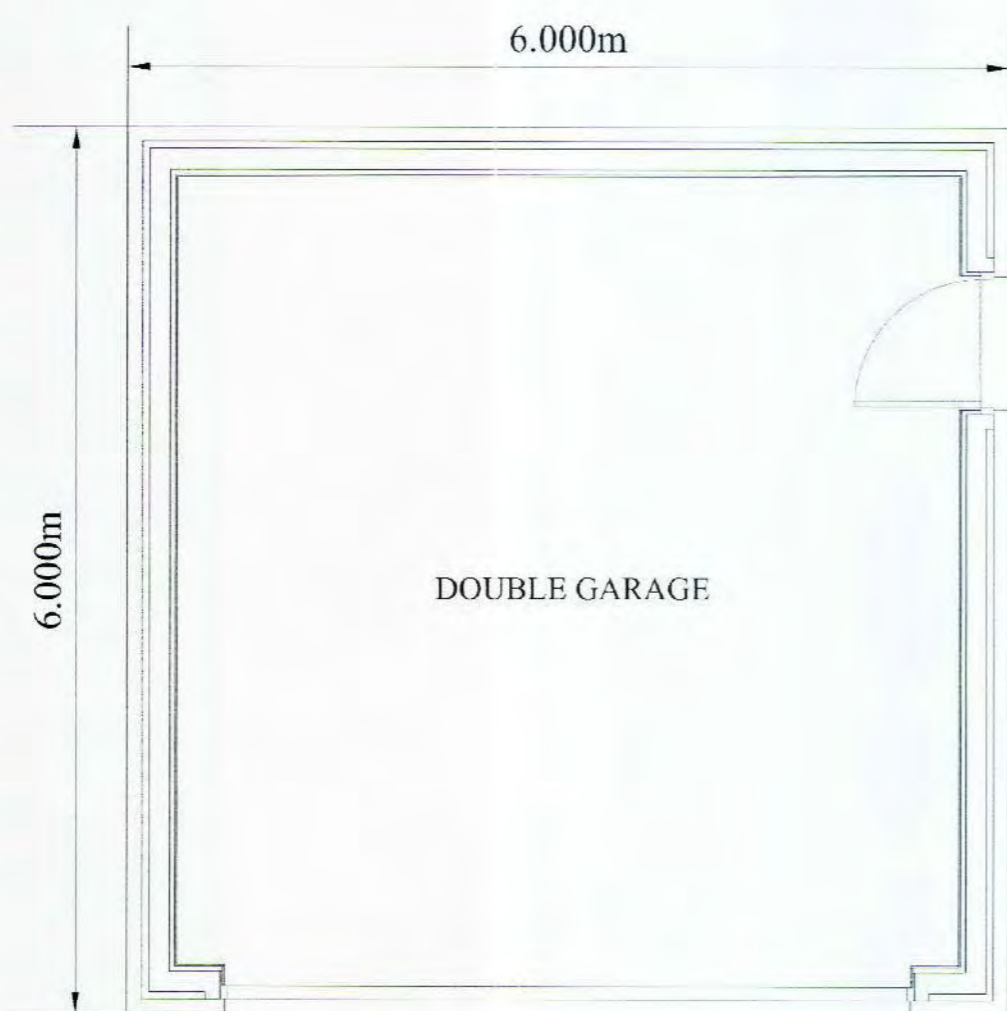
Proposed Gable Elevation
North/East Facing



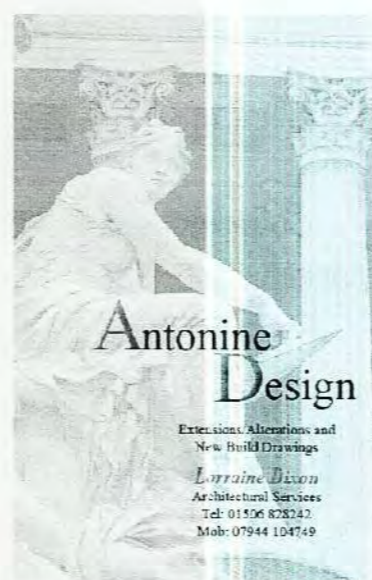
Proposed Gable Elevation
South/West Facing



Proposed Rear Elevation
North/West Facing



Proposed Floor Plan



Client : Ms Kerry Ann Brines
Whauphill House, Hermand Estate,
West Calder
EH55 8QZ

Drawing Title : Proposed Garage Plan and Elevations

Drg No: KW-233/03

Scale: 1:50 @A2

Drawn:

Rev: -

Date: 16/03/16

Checked:

1 Riverview Terrace
Bo'ness EH51 9ED

t : 01506 828242

m: 07944 104749

e: l.dixon@antoninedesign.co.uk

www.antoninedesign.co.uk

Mr Mahlon Fautua
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Date 16th September 2016
Ref no. PLN01/LHD

Dear Mahlon,

Planning Application : (Ref : 0528/FUL/16) : Planning Application: Proposed 3 bedroom dwelling house at Whauphill House, Hermand Estate, West Calder, EH55 8QZ.

Further to our telephone conversation today, we write to request the following additional information, in relation to our clients of the above mentioned application, be presented to The Planning Committee at the forthcoming Committee Hearing on 28th September 2016.

Background

The occupiers of Whauphill House (Brines Family) have resided at Whauphill House since 1984. The Council at that time sold the previous owners the access road outside the house and they owners closed the access road to other residents on Hermand Estate. Whauphill House since this time has had a separate access road from the other residents of Hermand Estate.

Only, the Brines family, have vehicle access to the property and both West Lothian Council (WLC) and Mr and Mrs Brines are responsible for the upkeep of the access road.

In 1987, Planning Permission was granted at Whauphill house to build six Harlow wooden stables within the grounds of the property. From 1986 to 2013, the Brines family grazed horses in the field which is now Hermand Cemetery. In 2009, WLC proposed to build a new cemetery at Hermand Park.

As an existing tenant and lease holder of the site since 1986, Mr & Mrs Brines were not consulted or given notice about the intention to use this site for a new cemetery.

There was no evident consideration given to the close proximity of the grave site to the family property/ boundaries/access road to include possible future detrimental value this site would have on their property at Whauphill House. In 2010, the grazing allocated for the horses on site was reduced from 12 acres to 8.85, then subsequently to a small paddock. When work commenced on the cemetery, WLC provided new drainage into the fields. This resulted in the site allocated for grazing to become water logged, to the extent that in 2013, the Brines family had to make the decision to give up the lease as it was a quagmire and no longer safe for the family horses to graze within.

Further disruption was caused to the Brines family from 2010-2012 after construction traffic being used for the cemetery, burst the main water pipe on the access road. After several bursts on this pipe line, WLC decided to dig a trench to lay a new pipe. There was no plans made and the ground had not been tested. This resulted in the pipe laid not being fit for purpose. For the next two years, the Brines family had to endure further excavation holes being dug on the access road and leakages outside the home due to valves not being fitted properly. The Brines family and several other families within the Hermand Estate, who relied on this water supply, were inconvenienced through no fault of their own for over a two year period.

Prior to the development of the cemetery, in 2000, WLC built a car park off the Whauphill House access road which was jointly maintained by WLC and the Brines family. There was no notification or plans made available to the Brines family at that time. In 2005, WLC drew up plans for a new changing pavilion at Hermand Football Park with access to the site coming off the Whauphill House access road.

Again, no notification was given even though the Brines family were tenants of the adjacent field.

In 2013, the Council agreed to take responsibility for the maintenance of the access road from the public highway to the fringe of Hermand Football pitch car park. The Brines family had to change their title deeds so that they would not be held responsible for maintaining public use to the car park off their access road. The Brines family incurred costs due to the change of title deeds and the involvement of lawyers to make this change.

2013-2014 The access road which is jointly maintained by the Brines family and WLC was used by heavy plant vehicles for the digging and transporting of trees for planting on the woodland area surrounding Whauphill House. This area of woodland is now the allocated site for the new West Calder High School.

2015-2016 Ground work commenced on the new school site. No one from WLC had contacted the Brines family to advise that again heavy plant machines would be using the access road to gain entry to the site. At this present time there is continual heavy plant vehicles and machinery using the access road on a daily basis to gain access to the new high school site. During a recent meeting, relating to the proposed new dwelling, the Principle Planner, Mr Tony Irving advised Mr Brines and Miss Brines, that this heavy plant traffic will continue for sometime.

Proposed new build single storey detached three bedroom dwelling located within land at Whauphill House, Hermand Estate, West Calder, EH55 8QZ

Scope of works: The construction of a new timber framed detached dwelling house, with associated double garage and off street parking provision, located within private secluded plot. The existing driveway which gives access to Whauphill House to be utilised to serve the new dwelling house with the provision of a separate gated entrance for privacy and security to the plot.

The proposed elevational treatments will be finished with dressed stone, smooth render and treated hardwood boards, and large expanses of glazed panels to link in with the surrounding woodland. All new rainwater goods to be black cast iron throughout.

During our meeting at West Lothian Council Offices, with yourself and Mr Tony Irving on 7th September 2016, Mr Irving stated a tree survey report should have been provided with the Formal Detailed Planning Application, which we would have lodged as supporting document, if requested, following the registration of our application. We accept, and are aware protection of the existing trees within the application site, during construction works would be introduced, to ensure retention of the mature tree specimens.

History of Planning Application

From the onset, Antonine Design and the Brines family wished to work with WLC Planning Department to ensure the application for the proposed dwelling would be suitable. The Brines family submitted four pre-applications by email to WLC, with the first being in November 2015. There was no response from WLC Planning Department for any of the applications submitted.

Furthermore, Antonine Design had a verbal consultation with Ross Burton during a site visit in Bathgate, (for a separate project), details were provided to him with no response. The anticipated fee scale associated with Pre-Planning Application Advice, to be launched April 2016, was also mentioned.

In August 2016, the Full Planning Application for the proposed detached dwelling was submitted due to the failure of WLC Planning Department failing to give any response to pre admission advice requests.

Feedback during consultation

- No objections raised during 21 day consultation period.
- We contacted yourself to request a meeting should there be any issues raised during the consultation period, none were raised by yourself during this period.
- We were advised on the 2nd Sept 2016, application would be unlikely to be supported and had been sent to counsellors to be heard on 9th Sept 2016.
- At request of the Brines family, a meeting was held on the 7th Sept with the yourself and Principle Planning Officer Mr Tony Irving. Mr Irving advised from the onset that the application was refused as the plot is on the 'fringe' of the Countryside Development Plan, and that the boundary line between the Countryside and the West Calder Settlement Area is the Whauphill House plot boundary. Mr Irving reported this was the sole reason for refusal.

The Brines family raised with Mr Irving the development of West Calder High School on the stated Countryside Boundary line, which is within metres of Whauphill House. If the proposed dwelling is refused on the sole basis it is on the 'fringe' of the countryside and the line between urban settlement and country is drawn on the Brines property boundary, then this appears to be a contradiction to Countryside Planning due to the impact the proposed new school development and its amenities would have on this area.

For example, woodland area has been removed to accommodate the new school development, a woodland which had newly planted trees, as part of a community project in 2013. Another point raised was that the planned school football pitch which will have flood lighting has been positioned on the reported countryside boundary with light pollution being an area of concern.

The intent to refuse our application due to the proposed dwelling plot being within in the Countryside was also questioned as there have been other residential self build developments on Hermand Estate which are within the Countryside or out with the West Calder Settlement. Mr Irving initially stated there had been no new builds on Hermand Estate however he later agreed there had been a few. The Brines family are of the view that a refusal for the proposed dwelling would be unfair on the sole basis of the Countryside Boundary as a precedence has already been set on Hermand Estate, with previous new builds being granted Planning Permission.

We received confirmation by email on the 7th September 2016, there are other residential self build developments on the Hermand Estate which are in the Countryside or out with the West Calder Settlement Boundary, references; 0018/FUL/12 and 1016/FUL/02.

We thank your for written confirmation by email stating, 'the proposed layout, massing, design are considered to be acceptable. It is also noted that we are satisfied in principle in relation to the potential tree works/protection measures with any detail to be submitted and assessed at a later stage'.

We thank you for your advice of the sum of £11,267.00 would be required to be paid by Miss Brines to support education should the Planning Application for the single dwelling be approved.

To conclude, we are concerned with regards to a current Planning Application with West Lothian Council, (Ref : LIVE/0569/FUL/16 - Relocation of topsoil from the site of the proposed West Calder High School to three locations). The Location Plan, drawing WCHS-L-G(92)-012 by Fraser Rankin Landscape Architecture, illustrates the area of the top soil bunds highlighted in red with the West Lothian Council 'title' boundary shown in blue. The blue line divides our clients' garden boundary to the frontage of Whauphill House. The plot of our current application being encompassed within the same blue title line. Our client seeks confirmation of the Countryside Boundary delineation to the Current Local Plan documentation, as there appears to be an error with this current application site boundary.

We would appreciate if the concerns raised may be presented within the report to be presented at the forthcoming Committee Meeting to provide support to Ms Brines.

We thank you for your valued time to date Mahlon.

Kind Regards,

Lorraine Hamilton Dixon
Antonine Design



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 0528/FUL/16	Applicant Request✓
Site Address Whauphill House, Hermand Estate, West Calder	Constituent Request <input type="checkbox"/>
Title of Application Proposed new detached dwelling house at Whauphill House, Hermand Estate	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Cathy Muldoon.	



West Lothian
Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Erection of 18 flats and associated car parking and landscaping at Bloomfield Place, Bathgate.

2 DETAILS

Reference no.	0940/FUL/15	Owner of site	Scottish Midland Co-operative Society
Applicant	Scottish Midland Co-operative Society	Ward & local members	Bathgate Cllr .W. Boyle Cllr. H. Cartmill Cllr. J. McGinty Cllr. J. Walker
Case officer	Gillian Ferguson	Contact details	01506 282408 gillian.ferguson@westlothian.gov.uk

Reason for referral to Development Management Committee: Member request – Cllr Boyle. The application was considered by committee on the 3rd August 2016 but continued for two cycles to allow further negotiation on design matters.

3 RECOMMENDATION

Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is for two blocks of flats, one four story and one three story. All the flats would be one bed properties. The site is located in a mixed use area on the edge of the town centre of Bathgate. It is adjacent to a public car park, a public house and the rear of a commercial building. There are existing residential properties immediately to the east and south. Due to the topography of the surrounding land, the application site sits considerably lower than the existing residential properties as shown in the sections attached to this report. The layout now includes 16 parking spaces, a reduction in two from the previous layout, bin storage and a limited amount of open space.
- 4.2 Planning permission for 18 flats on this site, with a generally similar layout, was granted in December 2012. That decision was taken by committee in October 2008, contrary to officer recommendation, but there was a significant delay in the decision being issued due to negotiations over the legal agreement. That application expired on 20th December 2015, shortly after the current application was submitted on 17th December 2015. The new application must be assessed against current standards and policy. The

key differences between the two applications are discussed further in section 8 below and a layout plan is attached for comparative purposes.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	HOU2 Infill Residential Development	Residential development will only be supported where there will be no adverse impact on adjacent uses and where sites can be serviced without excessive resource commitment.	Yes.
WLLP	HOU5 Amenity Space	Residential development should provide suitable amenity space.	No. The site is considered to be too tight to deliver attractive amenity space.
WLLP	HOU6 Density	Higher density development will be encouraged in and adjacent to town centres.	Yes.
WLLP	HOU7 Design and Layout	Despite the efforts of the applicant and the submission of amended plans, a high quality layout and design which meets current standards cannot be achieved.	No.
WLLP	HOU9 Residential and Visual Amenity	Developments which impact on the residential or visual amenity of existing residents will not be supported. The proposed development will not have a significant negative impact on the amenity of the surrounding area.	Yes
WLLP	HOU10 Affordable Housing	Developments of 5 or more units must contribute to affordable housing in line with current council policy.	If the development is approved then a commuted sum contribution will be required.
WLLP	IMP1 Non Denominational Secondary	One bed flats are exempt from education contributions.	Yes.
WLLP	IMP2 Denominational Secondary	One bed flats are exempt from education contributions.	Yes
WLLP	IMP3 Other Education Constraints	One bed flats are exempt from education contributions.	Yes.

Plan	Policy	Assessment	Conform?
WLLP	IMP11 Noise Sensitive Uses	Housing will only be permitted next to noisy land uses where it can be demonstrated that satisfactory noise levels can be achieved.	Yes. See section 8 below.
WLLP	IMP14 SPG	Development proposals should comply with supplementary planning guidance.	No. The proposal does not comply with the Residential Development Guide.
	IMP15 Design	Development proposals which are poorly designed will not be supported.	No. The amended design is not acceptable.

Other relevant material considerations are the West Lothian Local Development Plan Proposed Plan (LDP), the council's SPG relating to noise, Planning Advice Note (PAN) 1/2011 Planning and Noise and the council's Residential Development Guide. The site is allocated in the draft LDP for residential development, based on the previous planning approval.

6 REPRESENTATIONS

Seven objections have been submitted from nearby residents which are summarised below. This is a summary of their comments and full copies of the representations are attached for information.

Comments	Response
Traffic and parking.	The amended proposal provides 16 spaces for 18 flats, with no visitor parking provided on site. This is below what has been required on other flatted development within the town centre. However, it is recognised that the site is immediately adjacent to a public car park.
Loss of light and overshadowing.	The principle of flatted development on this site has already been established. There is no change to the height of the flats from the previous approval and it is not considered that the application will have a significant detrimental impact on the existing residential properties.
Privacy and amenity	The principle of flatted development on this site has already been established. The amended application is not considered to result in a loss of privacy or impact on the amenity of the existing residents. The re-development of a vacant site within the town centre will improve the amenity of the surrounding area.
Drainage	In the event that planning permission is granted, further assessments should be

	required by condition prior to any development commencing on site.
Disturbance during construction works	Whilst it is acknowledged that there will likely be some impact on the neighbours during construction, this is not a reason to refuse planning permission. Any damage to property is a civil matter and not a material planning consideration. Conditions can be attached relating to hours of operation and access for deliveries if members are minded to grant the application.

7 CONSULTATIONS

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

Consultee	Comments	Planning response
Education	No objections	Noted
Waste Services	The layout does not allow sufficient space for the refuse vehicle to turn within the parking area. This will result in the vehicle having to reverse either into or out of the site, across the pedestrian crossing.	Noted
Flood Prevention	If planning permission is granted then a flood risk assessment and drainage impact assessment should be required by condition, prior to the commencement of development.	Agreed
Environmental Health	A noise assessment was required due to the proximity of the public house. Conditions will be required relating to the specification of the window and boundary treatment.	Agreed
Transportation	The parking provision is lower than has been required for similar developments in the immediate area, however this can be accepted due to the town centre location and the adjacent public car park. The layout has been amended to ensure the correct size of car parking spaces.	Noted
Contaminated Land Officer	Condition is required relating to site investigation and remediation works where necessary.	Agreed
Coal Authority	Condition is required relating to site investigation and remediation works where necessary.	Agreed

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 positioning of the two blocks and their relationship with surrounding buildings is generally consistent with the previous approval. The rear elevation of block A, which would face on to the blank gable of the commercial building, is approximately 5m away. Initially the block was being moved closer to the commercial building, to allow the parking spaces to be increased in size to the correct standards. However, following further discussions, the applicant has instead agreed a reduction in the number of parking spaces with Transportation.
- 8.3 The revised layout shows 16 spaces for 18 flats, which is below what has been required on similar town centre flatted developments in Bathgate which have recently been approved. Transportation would normally require 15% visitor parking for a site of this nature and certainly that is what has been applied to other recent flatted developments in Bathgate, although it is recognised that this site has the benefit of being immediately adjacent to a free public car park. Even allowing for a lower parking provision, the site is extremely constrained and a very low level of amenity space is provided.
- 8.4 The council's residential development guide (RDG) was updated in 2013 following an increased emphasis on design and place making in national policy. It is approved supplementary planning guidance which must be taken into account in assessing the current proposal. The updated RDG supersedes the previous approval on this site, which has now lapsed. The RDG requires that all residential developments, including flats, include appropriate amenity space. Furthermore, it states that although high density development may be appropriate in some locations, it should not be at the expense of amenity. The current proposal does not provide an acceptable level of amenity and does not comply with the RDG. Notwithstanding the fact that the site is a brownfield, allocated site within the centre of Bathgate, it is the responsibility of the planning authority to ensure that an appropriate level of design and amenity is achieved.
- 8.5 The council's Environmental Health team requested that a noise assessment be carried out due to the proximity of the existing public house and the applicant provided a noise assessment which predicted the likely internal noise levels that would be experienced by residents. Having assessed the report Environmental Health concluded that the noise could be mitigated using a high specification of window and a boundary fence. As the site is a brownfield site, within the town centre, it can be assessed under the closed window scenario in the council's supplementary planning guidance on noise. This does not mean that the windows would require to be fixed pane necessarily, but that when closed they would provide adequate noise mitigation. If members are minded to grant the application then these details should be secured by a condition.
- 8.6 As the current application is broadly similar to the previous approval, the impact on the surrounding area in terms of privacy and amenity is considered to be acceptable. It is acknowledged that there may be some disruption during construction works, however suitable conditions can be attached to regulate hours of operation and access for the constructions works. Any damage to property is a civil matter and not a material

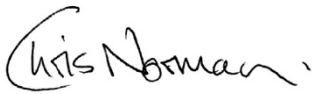
planning consideration. It is not felt that the development will give rise to a significant increase in traffic, although it is recognised that the parking provision is below what would normally be required.

9 CONCLUSION AND RECOMMENDATION

- 9.1 In conclusion, the previously approved layout for this site was already very restricted, but on balance was considered acceptable in 2008. However, since then there has been a greater emphasis on securing high quality layouts which provide a good standard of amenity, as reflected in the updated RDG which is a material consideration. The current proposal does not achieve this and cannot be supported. The applicant has tried to address any detailed issues that have been raised, such as the correct size of parking space and suitable bin storage, but without reducing the number of flats or re-designing the layout. Despite a reduction in two car parking spaces, the resulting layout continues to appear cramped and is therefore unacceptable. It is recognised that this is brownfield site, which would certainly benefit from redevelopment and the principle of residential development is one which is accepted. However, the current proposal cannot be accommodated on the site without significantly compromising on the level of amenity that would be provided to future occupants.
- 9.2 In the event that members are minded to grant planning permission conditions should be attached relating to the construction works, and the matters raised by consultees. A legal agreement will be required to secure developer contributions to affordable housing, cemeteries, public art and open space.

10 ATTACHMENTS

- Location plan
- Reasons for refusal
- Letters of objection
- Local member request form
- Layout and sections





CHRIS NORMAN
Development Management Manager

Date: 28 Sept 2016



Disclaimer Notice: The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.

 <p>West Lothian Council</p>	<p>0940/FUL/15</p>	<p>1:500</p>	
<p>Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>2016-09-20T13:05:40</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016</p>	



West Lothian
Council

0940/FUL/15

Planning & Economic Development, West Lothian Civic Centre, Livingston, EH54 6FF

1:1,250



2016-09-20T13:04:04

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2016

DRAFT DECISION - APPLICATION 0940/FUL/15

- 1 The development, by virtue of the density and layout, would not provide an acceptable standard of amenity for the future occupants. The application is therefore contrary to policies HOU5, HOU7 and IMP14 in the adopted West Lothian Local Plan and the council's supplementary planning guidance '*Residential Development Guide 2013*'.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Margaret Auton

Address: 2 Violet Bank Church Place Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned that further construction will take place in the vicinity of Church Place, when we are just getting rid of obstructive traffic from Graham Construction during the recent new build in Mid Street, after putting up with months of dangerous and obstructive parking. My main concerns are the disruption to residents parking, and the bin collections again being disrupted, where bins are not uplifted for weeks on end due to construction traffic blocking bin lorry access to Church Place. Furthermore, it is likely that if Acredale car park is used for building traffic, then this reduction in parking spaces will have a knock-on effect on available parking spaces in Violet Bank and Helenslee Cottages. We already have subsidence in Church Place and I would appeal to WLC to prevent any construction traffic from using this area during this proposed build, by erecting 'no construction traffic' signs. Thank-you.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Ms Ruby Beattie

Address: 6 Helenslee Cottages Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection (2) on the following grounds -

- Restriction in parking space in Acredale Car Park or Church Street due to space requirements for construction site office, assuming this is where the office will be situated.
- Restriction in pedestrian access to town centre via Acredale Car Park / steps from Church Place. There are a large number of elderly residents in surrounding streets with many sheltered housing facilities in Mid Street. This is the easiest route to the town centre, how will the route be impacted, inconveniencing the many elderly residents close by?

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Ms Ruby Beattie

Address: 6 Helenslee Cottages Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection (1) on the following grounds -

- Reduction in parking available in Church Place due to - construction traffic during build, fewer available spaces in Acredale car park and additional requirements for visitors and Bloomfield Place residents with multiple vehicles;
- Exacerbated problems with bin collections due to above parking issues;
- Increase in congestion in Church place due to construction;
- Increase in foot traffic due to construction;
- Noise and disruption due to construction and increased foot traffic of visitors and residents at Bloomfield Place and;
- Ground stability.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Carol Cameron

Address: 8 Helenslee Cottages Church Place Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Insufficient room for full response, so I will make a 2nd submission

Detrimental impact upon residential amenities:

Overshadowing/loss of light; Loss of privacy and overlooking; Car parking ; Noise and Disruption; Ground stability

The proposed development will not have 'a negligible impact on the residential and visual amenity'. The 4 storey building which will overlook 8 & 9 Helenslee Cottages will be significantly higher than the highest part of the roof of these cottages and will impact on visual amenity as well as loss of light.

8 & 9 Helenslee Cottages & Balgrochan Terrance are south facing, so there would be an unacceptable loss of light at both ground and 1st floor of the cottages, by the current proposed height of the 4 storey building, which will mean that light will be blocked out for most of the day with the properties being left in the shadow of the flats.

The Scotmid building previously sited at Bloomfield Place was no more than one story high at each elevation and therefore there was no blocking of sunlight. The response to previous similar objections was 'the difference in ground level between the site and Balgrochan Terrence/Union Road means that the flats would be no higher than the surrounding buildings'. This is not the case for 8 & 9 Helenslee Cottages, which are one storey lower than the properties at Balgrochan Terrance and will be directly overlooked by the proposed 4 storey building.

There will be a distinct lack of privacy with the 4 storey building having windows looking directly on to the residential properties and gardens.

The proposed development will have an adverse impact on the character of the town - it will be significantly higher than any other building close by and will look out of place and not in keeping with the surroundings.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Carol Cameron

Address: 8 Helenslee Cottages Church Place Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: submission 2/2

Detrimental impact upon residential amenities:

Overshadowing/loss of light; Loss of privacy and overlooking; Car parking ; Noise and Disruption; Ground stability

Mid Street and Church Place are often used for parking by visitors to the town as well as being used continually in recent times by construction vehicles from a nearby construction site, parking their vehicles in the street, leading to residents themselves finding difficulty in parking near their homes and creating an obstruction to bin lorries and delivery vehicles gaining access to the street. This will be exacerbated during the proposed construction with construction vehicles blocking the street or by Acredale Car Park being full by construction vehicles, leading to visitors using Mid Street and Church Place on Road for parking. This issue could continue beyond construction, with the addition of 18 new homes close to Church Place, and taking into account the fact that Acredale Car Park is fully utilised, and could result in Church Place being used as an overspill to the car park.

Once the units are inhabited, the noise and through traffic from residents and visitors will significantly increase and this will have a detrimental impact on such a small street as Church Place. The previous response to objections about noise & disruption was that the retail unit the construction would replace would have produced a greater amount of noise & disruption. However, there has not been a retail unit there for a number of years now, and in addition, any noise and disruption would have been confined to the daytime and therefore less of an impact. What investigations have been undertaken into the potential adverse impact any excavation could have on the surrounding properties?

There have already been drainage issues for the properties 7-9 Helenslee Cottages and Balgrochan Terrance which lead to considerable drainage work being undertaken over a period of

time. Where will the drainage for the proposed buildings be situated and would this have an impact on the existing drainage used by the existing residents?.

What arrangements will be made to ensure that there is sufficient parking for construction vehicles which will not impact on the residents of Mid Street and Church Place?

We would also ask what hours during the day the construction will take place, and seek assurances that there will be no work undertaken during unsociable hours.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Margaret Forsythe

Address: 3 Violet Bank, CHURCH PLACE, BATHGATE EH48 1QB

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Second comment due to insufficient characters in original comment.

I am concerned that the construction site offices and heavy plant storage area will take up space currently allocated as parking spaces in Acredale car park which is already filled to capacity on a daily basis by vehicles belonging to business owners in Bathgate town centre, their staff and customers. This would result in the overspill of vehicles parking on Mid Street and Church Place and causing obstructions. The area allocated to site offices and heavy plant storage at the Graham Construction site in Mid Street was substantial. A similar sized area for the Bloomfield Place site would cause severe disruption to parking in the centre of town and no doubt cause the local businesses to lose customers.

I would also like to know what effect this will have, during the construction phase, on pedestrian access from Church Place via the steps through Acredale car park. This is a heavily used pedestrian route for people walking from the east side of the town to the town centre, and particularly for the elderly residents of the various sheltered housing residences in Mid Street and Academy Street. I do not see how this construction can take place without blocking pedestrian access. What alternatives will be offered to prevent pedestrians from having to take a lengthy detour?

A further consideration is the disturbance caused by the construction work. The residents in Church Place have had to tolerate high noise levels for several months during the building work being carried out at the Graham Construction site in Mid Street. Prior to that there were high noise levels during the construction of the flats in Mid Street opposite the Tom Farmer outlet. The buildings in Church Place could also be felt shaking as a result of the building work for the flats. Given the old mine workings in the area that have already caused subsidence in the street, this is extremely worrying. Bloomfield Place is closer than the flats so any vibration due to pile driving, etc. would affect the properties in Church Place and I am concerned that it could cause further

subsidence.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Land at Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Margaret Forsythe

Address: 3 Violet Bank Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to know what arrangements will be put in place for the parking of contractor vehicles while the building work is going on and for visitors to residents. Even though the existing Graham Construction building site in Mid Street site is further away from my address than this proposed site, the disruption and inconvenience that has been caused by parking of construction workers vehicles alone has been unacceptable to residents in the Church Place area. Wheelie bins were not emptied for four weeks in a row as the bin lorry could not gain access to the street due to construction parking. Vehicles have been parked in an obstructive and dangerous manner around the junction of Church Place and Mid Street on a daily basis. This proposed build will cause disruption within Acredale car park and is guaranteed to have a knock on effect to the residents in Mid Street and Church Place as well as the businesses with premises in the centre of Bathgate.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Ann Kerr

Address: 7 Violet Bank Church Place Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Since the flats in Mid St, across from Church PI, were built, there has been on-going problems with access in Mid St, extending to Church PI. This causes issues with accessing/exiting safely. The vet's surgery has also contributed to the issue. Double parking in Church PI is now a major problem, as bin lorries cannot get access to empty bins. I have reported this twice to the Cleansing Dept. There is yet to be a solution. This has only happened since the flats were built. The proposal to build 18 flats will contribute further to an already serious issue. There is easy access from the proposed site to Church PI and I believe that this area will be used by residents/friends etc to park. Church PI is a dead end and my drive is used for vehicles to turn which would cause an even more disturbance. I experience noise on occasions from the Balbarie Pub. 18+ residents would increase this noise on a permanent basis.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mr Jim Thyne

Address: 13 Union Road Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Regarding this application we as neighbours (Mr and Mrs Thyne) object to the 4 storey aspect of one of the apartment blocks. This is too tall in relation to surrounding properties and at odds with the rest of the buildings in the locality.

Comments for Planning Application LIVE/0940/FUL/15

Application Summary

Application Number: LIVE/0940/FUL/15

Address: Bloomfield Place, Bathgate

Proposal: Erection of 18 flats and associated car parking and landscaping (grid ref. 297538 668773)

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Joanna Paterson

Address: 5 Violet Bank Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned in particular about the impact on parking during the construction period of this development. The current construction of the development at Mid Street has led to months of disruption for residents, including dangerous and illegal parking at the junction with Mid Street, leading to repeated problems for access with bin lorries, and the need for police / council involvement to introduce temporary measures (cones) to stop parking on the corner. The problem is made worse by parking at the vets opposite. Any reduction in parking at Acredale will lead to displaced parking elsewhere including on Church Place, which does not have the capacity for additional cars. As has been clear with the development at Mid Street, contractors will park anywhere they can as near as possible to the site, and claims about 'considerate building work' are apparently only enforced when the police are also involved. These issues should be addressed comprehensively at the planning stage or approval should not be given. It should not be left to residents to have to raise repeated concerns about access and road safety.

Subject: FW: Delegated planning list

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ü)
<i>Application Reference Number</i> 0940/FUL/15.....	Applicant Request.....●
<i>Site Address</i> Bloomfield Place, Bathgate.....	Constituent Request.....●
<i>Title of Application</i> Scottish Midland Co-Op	Other (please specify).....● Town Centre Gap Site
<i>Member's Name</i> CllrWm H Boyle	

Sent from my iPad

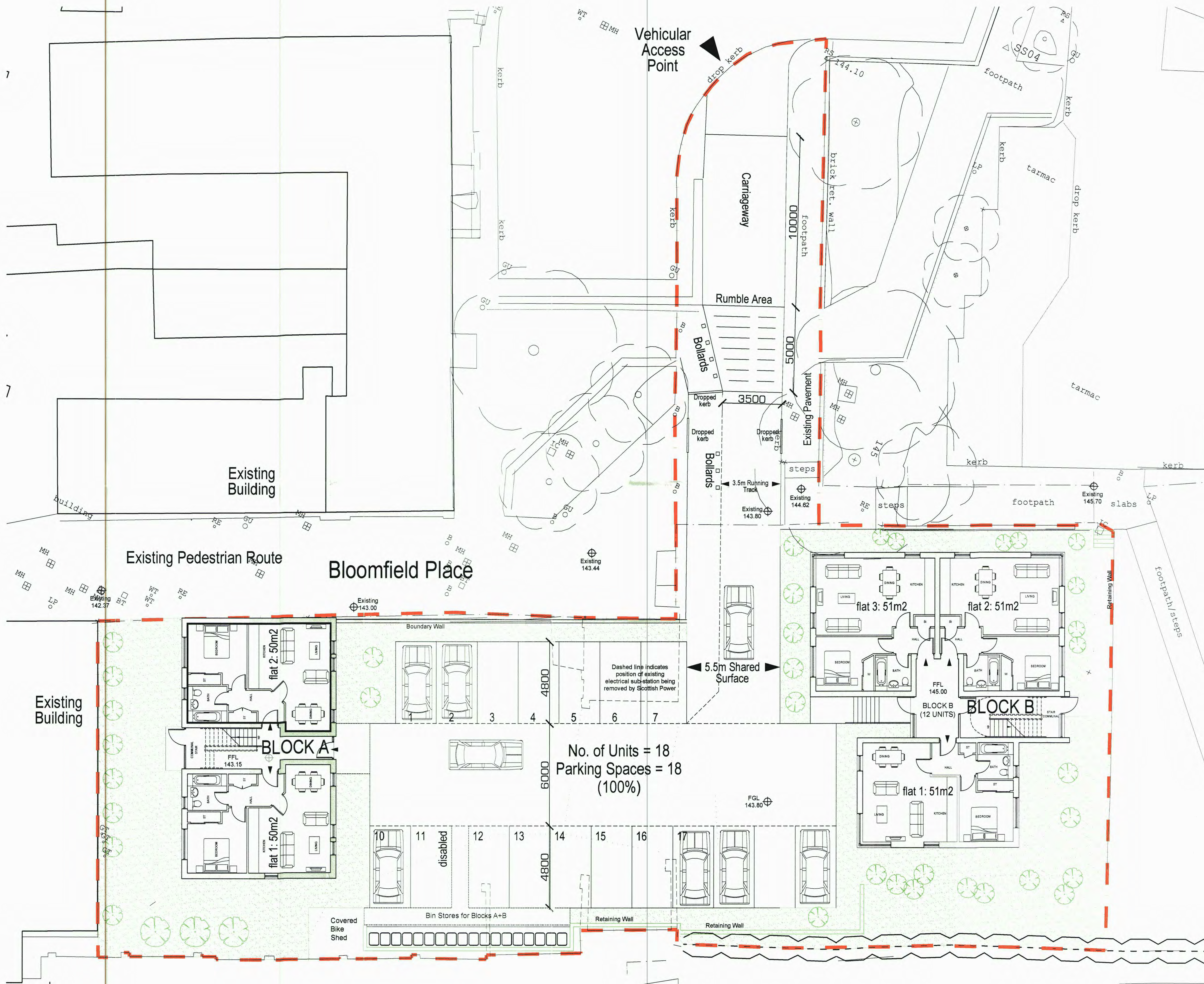
On 15 Jul 2016, at 17:58, Norman, Chris <Chris.Norman@westlothian.gov.uk> wrote:

DATA LABEL: OFFICIAL

Councillors,

Please find attached the list of planning applications that I propose to determine under the current scheme of delegation.

CN



note:
do not scale from drawings. discrepancies in figured
dimensions to be notified to the architect.
rev: description: drawn: chkd: date:
Rev A - Revised in line with Planning comments AGF 2/08

18 units: 1 bed
18 car parking spaces
(100% CPS)

Block A: 6 units

Unit 1: 50m² / 538 sq/ft
Unit 2: 50m² / 538 sq/ft
Unit 3: 52m² / 560 sq/ft
Unit 4: 52m² / 560 sq/ft
Unit 5: 52m² / 560 sq/ft
Unit 6: 52m² / 560 sq/ft

Block B: 12 units

Unit 1: 51m² / 549 sq/ft
Unit 2: 51m² / 549 sq/ft
Unit 3: 51m² / 549 sq/ft
Unit 4: 51m² / 549 sq/ft
Unit 5: 51m² / 549 sq/ft
Unit 6: 51m² / 549 sq/ft
Unit 7: 51m² / 549 sq/ft
Unit 8: 51m² / 549 sq/ft
Unit 9: 51m² / 549 sq/ft
Unit 10: 51m² / 549 sq/ft
Unit 11: 51m² / 549 sq/ft
Unit 12: 51m² / 549 sq/ft

WEST Lothian COUNCIL
Development Control
17 MAR 2008 0248/08
Received Ref No.

smith and lay:architects

2 Merkland Street T 0141 334 4995 E design@smithandlay.co.uk
Glasgow G11 6DB F 0141 334 8186 W www.smithandlay.com

project:
PROPOSED RESIDENTIAL DEVELOPMENT,
BLOOMFIELD PLACE, BATHGATE
FOR SCOTMID LTD

title:
SITE LAYOUT AS PROPOSED

scale:	drawn:	checked:	date:
1:100	IFC		03/12/07
job:	drawing number:	rev:	
1308	L(0)2	A	

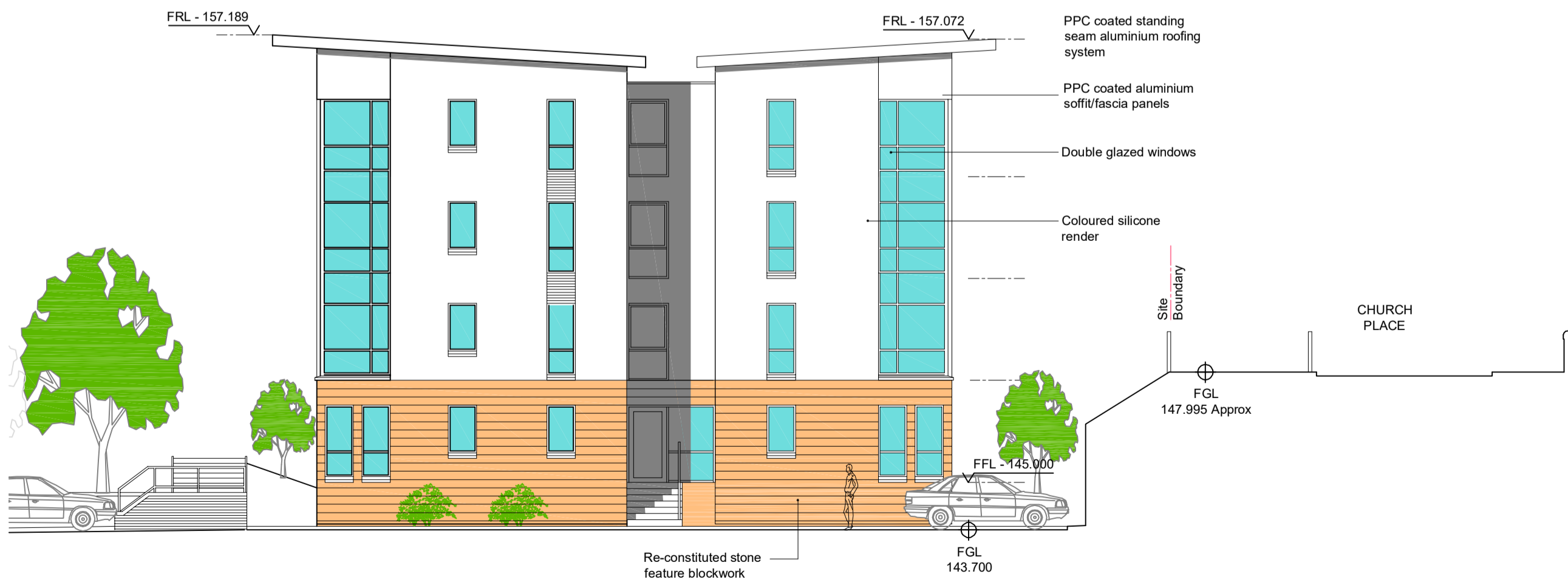
note:
do not scale from drawings. discrepancies in figured
dimensions to be notified to the architect.

rev: description: drawn: chkd: date:

Rev A -Revised in line with Planning comments AGF 2/06
Rev B - Additional Dimensions Added TW AGF 01/16
Rev C -Revised in line with Planning comments TW 04/16
Rev D -Revised in line with Planning comments TW 08/16



SECTION A - A



SECTION B - B



SCOTMID

smithfindlay:architects

2 Merkland Street T 0141 334 4995 E design@smithfindlay.co.uk
Glasgow G11 6DB F 0141 334 8186 W www.smithfindlay.com

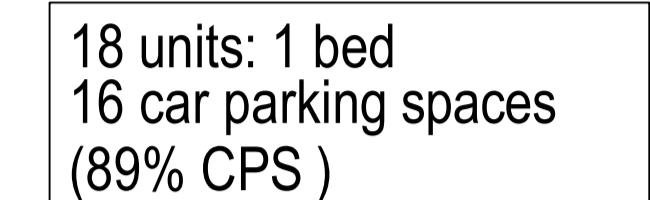
project:
PROPOSED RESIDENTIAL DEVELOPMENT,
BLOOMFIELD PLACE, BATHGATE
FOR SCOTMID LTD

title:
SITE SECTIONS AS PROPOSED

scale: drawn: checked: date:
1:125@A1 IFC 16/1/08

job:	drawing number:	rev:
1308	CL(0)6	D

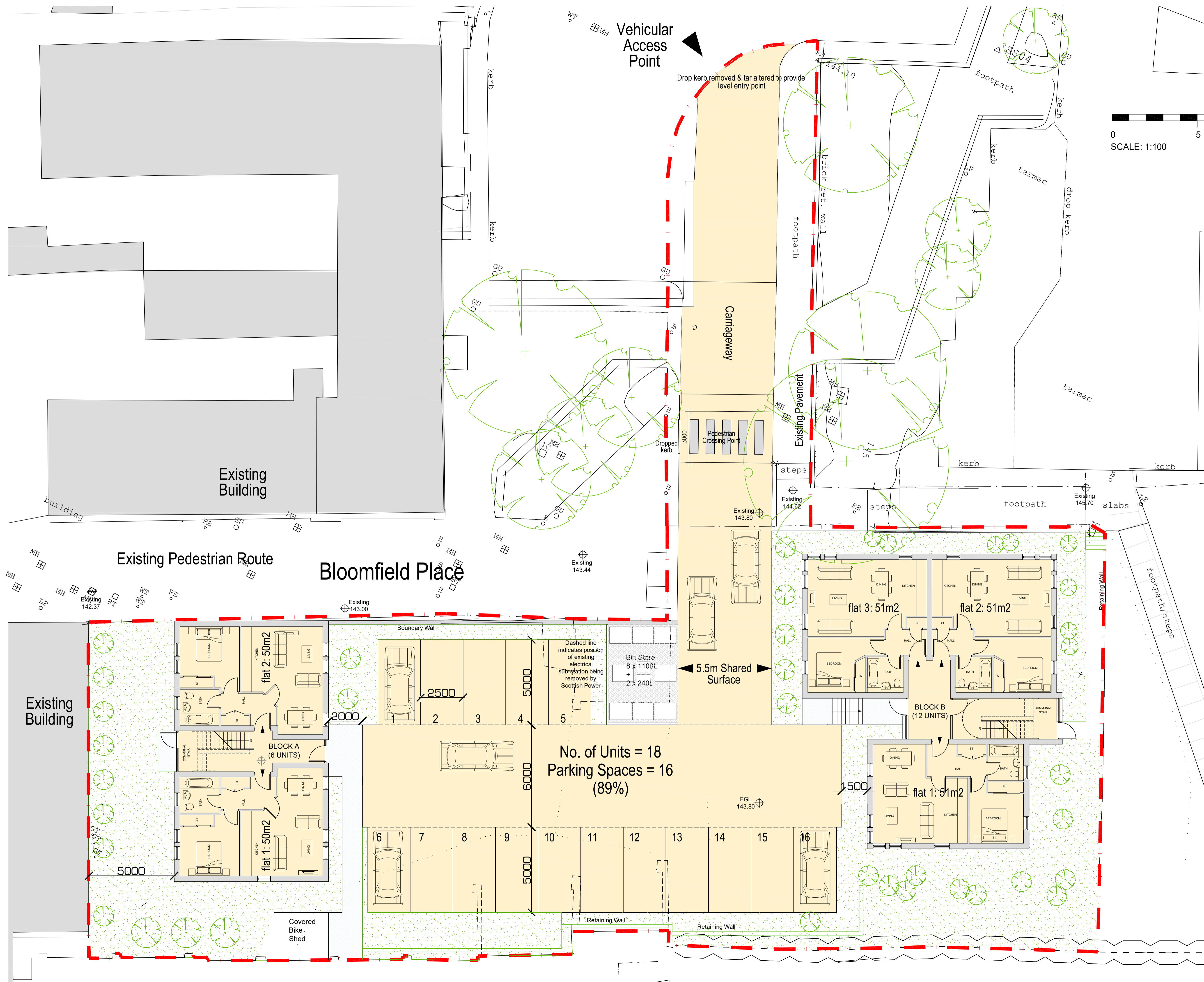
Rev A -Revised in line with Planning comments AGF 2/08
Rev B -Revised in line with Planning comments AGF 9/08
Rev C -Revised in line with Roads comments AGF 9/08
Rev D - Planning comments added MT AGF 09/08
Rev E -Revised in line with Planning comments TW 04/16
Rev F - Bin store size increased AGF 4/16
Rev G -Revised in line with Planning comments TW 08/16



Unit 1: 50m² / 538 sq/ft
Unit 2: 50m² / 538 sq/ft
Unit 3: 52m² / 560 sq/ft
Unit 4: 52m² / 560 sq/ft
Unit 5: 52m² / 560 sq/ft
Unit 6: 52m² / 560 sq/ft

Unit 1: 51m2 / 549 sq/ft
Unit 2: 51m2 / 549 sq/ft
Unit 3: 51m2 / 549 sq/ft
Unit 4: 51m2 / 549 sq/ft
Unit 5: 51m2 / 549 sq/ft
Unit 6: 51m2 / 549 sq/ft
Unit 7: 51m2 / 549 sq/ft
Unit 8: 51m2 / 549 sq/ft
Unit 9: 51m2 / 549 sq/ft
Unit 10: 51m2 / 549 sq/ft
Unit 11: 51m2 / 549 sq/ft
Unit 12: 51m2 / 549 sq/ft

job:	drawing number:	rev:
1308	L(0)2	G



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 02/09/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0392/FUL/16 Steven McLaren Local Application	JW Muir (Property Investments) Ltd	Application under section 42 to vary condition 8, relating to ancillary residential accommodation, of planning permission 0861/P/15 for the erection of a restaurant with ancillary office and residential accommodation (Grid ref 304624 670251) at Unit 8, Fairways Business Park, Deer Park Road, Livingston	Livingston North Robert De Bold Anne McMillan Andrew Miller Angela Moohan	Refuse Permission	objection 0	<p>Planning permission in principle was agreed by the Development Management Committee on 13 April 2016 for a restaurant with residential accommodation (Ref: 0861/P/15). Condition 8 of this permission restricts the scale of the residential unit to less than 3 habitable rooms however, if the scale of the accommodation is designed with 3 habitable rooms or more, then developer contributions will be required towards school infrastructure in accordance with council policy and Supplementary Planning Guidance (SPG). Given the accommodation proposed will be for staff working at the restaurant, the applicant is seeking to have this condition removed as in their view the residential accommodation will not result in any impact on school roles. Council policy is clear in that any residential accommodation of 3 habitable rooms or more is required to contribute towards school infrastructure. A similar situation has arisen with respect to a Marston's development at Livingston town centre and in this case the developer paid the appropriate contributions.</p> <p>The proposal to remove condition 8 of planning permission 0392/FUL/16 is therefore unacceptable and contrary to the following policies of the West Lothian Local Plan (WLLP), West Lothian Local Development Plan (proposed plan)(WLLDP) and SPG.</p> <p>IMP 2 (denominational secondary school) of the WLLP; IMP 3 (considering proposals for housing developments) of the WLLP; IMP 14 (supplementary planning guidance) of the WLLP; HOU 3 (infill/windfall housing development within settlements) of the WLLDP(proposed plan) SPG: Denominational Secondary Education Infrastructure SPG: Cemetery Provision</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0414/FUL/16 Mahlon Fautua Local Application	Letham	Erection of a house (Grid ref 296375 665209) at Plot 1, Pretoria Cottages, East Whitburn, EH47 0JS	Whitburn and Blackburn James Dickson Mary Dickson George Paul Barry Robertson	Refuse Permission	objections 2 Loss of privacy Proximity to boundary and existing cottages Access issues Health and safety hazard when taking trees down Shadowing Increase in size of house Removal of trees The derelict and untidy state of the site	The proposal is unacceptable due to the size and scale of the dwelling in relation to the site. The previous approval was for a single storey dwelling with roof accommodation and would fit the site more proportionately. Therefore, it is considered that the proposed dwelling will have a detrimental impact on residential amenity and as such it is recommended that planning permission is refused.
0477/H/16 Arabella Stewart-Lesli Local Application	Faulds	Two storey extension to house (grid ref. 301542 677924) at EAST BOGHALL COTTAGE, A803 - U1 TO SPRINGFIELD ROAD, Linlithgow, EH49 7GR	Linlithgow Tom Conn Tom Kerr David Tait	Grant Conditional Permission	objection 1 Daylight/Overshadowing, Privacy, Fencing Parking Roofline	With the change of the upstairs window from the rear elevation to the side elevation and the erection of a fence, neighbours privacy has been preserved and issues minimised. Additionally the provision of two off street car parking spaces should ease any concerns over parking.



Development Management

List of Delegated Decisions

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 09/09/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0470/FUL/16 Ranald Dods Local Application	Enhance Properties Ltd.	Change of use and alterations to building to form 2 houses with detached garages and landscaping works (grid ref. 301241 679108) at Bonyde Hotel, Linlithgow, EH49 7NU	Linlithgow Tom Conn Tom Kerr David Tait	Refuse Permission	objection 0	<p>The proposal would see the subdivision of the former Bonyde Hotel into two 5 bedroomed houses, the principle of which is acceptable. Whilst the eastern property would have approximately 260m² of private garden ground, the western property would have none. The applicant was asked to amend the plans to make provision for private garden ground, there being ample ground to the side of the property for that. He was unwilling to do that. The lack of private garden ground would result in that property having a cramped appearance on the site and a low level of amenity for the residents of the western property and would be contrary to the council's guidance on residential developments.</p> <p>The proposals are contrary to:</p> <p>HOU4 (cramming) WLLP; HOU9 (residential and visual amenity) WLLP; IMP14 (policies and guidance) WLLP; SPG "Residential development guide".</p>

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0485/H/16 Arabella Stewart-Leslie Local Application	MacKenzie	Extension to house (grid ref. 310782 667136) at 24 BRAEKIRK GARDENS, Kirknewton, EH27 8BW	East Livingston and East Calder Frank Anderson Carl John Dave King Frank Toner	Grant Conditional Permission	objection 0 Overshadowing Privacy Size Use of Materials (Timber Cladding)	Following negotiation with the agent the design and scale of the proposed alterations are generally acceptable, with the exception of the timber cladding which is proposed to the gable elevation. The surrounding houses are finished in render and brick, and the introduction of a timber finish to this gable is considered to be detrimental to residential amenity. To address this a condition is proposed requiring that the finish matches the existing materials on to the side and front elevation. This is considered necessary to protect the streetscene. With this amendment the proposal will comply with the Councils House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan.
0521/H/16 Arabella Stewart-Leslie Local Application	Barr	Erection of a double garage (grid ref. 294840 662523) at TWO THREE BENT ROW, 5 FAULDHOUSE ROAD, LONGRIDGE, EH47 8AQ	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon	Refuse Permission	objection 0 Concerns over the loss of a layby parking area serving houses in Curling Pond Lane.	A double garage is proposed to the rear of a house on Fauldhouse Road, taking access from Curling Pond Lane which runs parallel to Fauldhouse Road. Operational Services (Roads) object on traffic grounds, as the access for the garage and parking space would be taken across a layby parking area serving the houses in Curling Pond Lane. A neighbour has objected on the same grounds. The application is therefore recommended for refusal.
0516/H/16 Arabella Stewart-Leslie Local Application	Burles	Erection of a garage (grid ref. 301270 677449) at 108 SPRINGFIELD ROAD, LINLITHGOW, EH49 7JW	Linlithgow Tom Conn Tom Kerr David Tait	Grant Conditional Permission	objection 1 Size of the garage The pitch of the roof Daylight	The proposal, for a replacement garage, will not be detrimental to residential or visual amenity as it is in the same location as the existing garage. The proposed garage is in keeping with the streetscene and will not have a detrimental impact on the amenity of neighbouring properties. The proposal complies with the House Extension and Alteration Design Guide 2015 and policy HOU 9 of the West Lothian Local Plan, so it is recommended that planning permission is granted.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0528/FUL/16 Mahlon Fautua Local Application	Brines	Erection of a house with associated access, driveway and detached garage (GridRef 302669 663211) at Whauphill House, Hermand Estate, West Calder EH55 8QZ	Fauldhouse and the Breich Valley David Dodds Greg McCarra Cathy Muldoon		<p>objection 0</p> <p>Comments neither object or support the application.</p> <p>In total there are 5 different households who receive water from the current private supply. There have been problems in the past with water supply, and I have a concern that an additional house may affect water pressure to all the current properties concerned.</p>	<p>The applicant has fully justified a proposed house against the policies in the West Lothian Local Plan (WLLP) and Supplementary Planning Guidance (SPG):</p> <p>ENV31 (development in the countryside) IMP14 (supplementary planning guidance) - Development in the countryside</p> <p>Additionally, the proposal is unacceptable due to the size and position of the dwelling in relation to existing Whauphill House. The proposal may potentially have a detrimental impact on the adjacent tree belt that is covered by a Tree Preservation Order.</p> <p>Therefore, it is considered that the proposed dwelling is not justified development in the countryside or suitable for the existing site and as such it is recommended that planning permission is refused.</p>



Development Management

List of Delegated Decisions

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 16/09/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0416/FUL/16 Ranald Dods Local Application	WITHERSPON	Change of use from flat to hairdressers (class 1) with treatment rooms and installation of a ramp (grid ref. 309019 675024) at 44 MAIN STREET, WINCHBURGH, EH52 6RT	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Refuse Permission	objection 1 Parking Loss of amenity	The proposal includes the installation of an external ramp. Transportation has objected to this element since this footway is not wide enough to accommodate an external ramp whilst maintaining a suitable width of footway for pedestrians. This will be detrimental to the amenity currently enjoyed by residents of the area and will not ease pedestrian movement. The proposed development is contrary to: HOU9 (residential and visual amenity) WLLP; TRAN12 (road, footpath & cycleway design) WLLP.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0460/FUL/16 Mahlon Fautua Local Application	Hartfield Homes	Erection of 4 houses with associated works (grid ref. 298970 667392) at Easter Inch Steadings, Bathgate, EH48 2EH	Bathgate William Boyle Harry Cartmill John McGinty James Walker	GRANT subject to a Section 75 Agreement	objections 5 The condition and capacity of the access road is inadequate. The road was deemed unsuitable by the Local Review Body in relation to the previous refusal. Loss of privacy Impact on the Category B Listed Building Overshadowing and Overbearing over the existing steading Impact on valuable open space containing well-established wildlife The current applicant does not address the reasons for refusal of the previous application. There is no pedestrian access between the steadings and Easter Inch Road.	The proposed development is acceptable and it is considered that the proposal largely addresses the reasons for refusal on the previous application. The proposed layout of the site would ensure that any visual impact on the existing listed building and steading has been minimised through planing and the location of the dwellings on the site. The loss informal open space is minimal as it appears not be to be well maintained and only used for a informal link to the business park to the east.
0491/H/16 Arabella Stewart-Leslie Local Application	Paterson	Extension to house and erection of a garage (grid ref. 296692 672515) at ROSSLYN COTTAGE, 21A THE LOAN, TORPHICHEN, EH48 4NF	Armada and Blackridge Stuart Borrowman Jim Dixon Sarah King	Grant Conditional Permission	objections 2 Visual amenity Roof tiles/materials	The proposal will not be detrimental to residential or visual amenity as it is of an appropriate scale for the size of the property. The proposed erection of the garage is in a suitable location and will leave a useable garden as well as being constructed in similar material to the surrounding buildings. A condition of a watching brief has been attached to satisfy any concerns over the preservation of any archaeological deposit.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0532/H/16 Arabella Stewart-Leslie Local Application	Hay	Erection of a two storey rear extension. (Grid Ref 306986 671668) at 38 WEST HOLMES ROAD, Uphall, Broxburn, EH52 5NH	Broxburn, Uphall and Winchburgh Tony Boyle Diane Calder Janet Campbell Alexander Davidson	Grant Conditional Permission	objection 1 Privacy Overlooking	The proposal will not be significantly detrimental to residential or visual amenity. The extension is situated on a detached plot and the stepped nature of the streets buildings mean that the extension will not be overbearing to its neighbouring properties. Calculations for sunlight/daylight show that any overshadowing will be minimal and as the side elevations show no new windows within the extension there should be no issues surrounding privacy.



Development Management

List of Delegated Decisions

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 23/09/2016.

Application No. & Case	Applicant	Proposals/Site Address	Ward/Councillors	Decision	No. and Summary of Objections	Reason for Grant/Refusal
0425/FUL/16 Ranald Dods Local Application - 210 -	Glamis Investments Ltd	Change of Use of Office to form 6 Flats and External Alterations Including Dormer and Velux Windows, Engineering Works to Form Car Park and Storage Areas and Erection of Walls and Fences (Grid Ref: 299930 677047) at 181-201 High Street, Linlithgow	Linlithgow Tom Conn Tom Kerr David Tait	Refuse Permission	objection 1 Overshadowing; privacy.	The proposal is for six 3 bedrooomed flats within a former office building. The design of the proposed storage shed was altered in response to the representation received. The principle of the development is not unacceptable, however there is a lack of capacity at the catchment schools to cater for children arising from the properties. The proposal is contrary to: HOU2 (development within settlement envelopes) WLLP; HOU3 (development in Linlithgow & Linlithgow Bridge) WLLP; IMP3 (legal agreements) WLLP.

Proposed Enforcement Actions 2 October 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
ENF/0093/16	Miller	59 Birkdale Park, Armadale Erection of flue	9 Armadale and Blackridge	Take no action	<p>The flue is 0.4m higher than household permitted development rights allow. It is proposed to take no action over this breach as the flue is on the rear slope of the roof and does not have a detrimental impact on the streetscene.</p> <p>In addition, if the flue were reduced in height to one metre, to make it comply with permitted development rights, it would be less effective in dispersing smoke, which could lead to a loss of residential amenity.</p>