



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Change of use from landscape area to form a disabled parking bay adjacent to 169 Clement Rise, Dedridge, Livingston

2 DETAILS

Reference no.	0656/FUL/10	Owner of site	West Lothian Council
Applicant	West Lothian Council – House Building and Construction Services	Ward & local members	Livingston South L Fitzpatrick P Johnston D Logue J Muir
Case officer	Steven McLaren	Contact details	01506 775215 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: West Lothian Council is the applicant and the land owner

3 RECOMMENDATION

Grant planning permission

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The applicant seeks permission to remove a tree and use an area of landscaped public open space adjacent 169 Clement Rise, to provide a disabled parking bay for the resident of 169 Clement Rise.
- 4.2 The area of ground affected by the proposals lies opposite existing resident's parking and follows the line of kerbing on the north end of the cul-de-sac, extending to the east into the landscape area by 5.4m and 3.6m. A smaller area of landscaping on the south side of the proposed parking bay, adjacent to a turning point towards the end of the cul-de-sac, is to remain.
- 4.3 There is no planning history of relevance.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	COM2 (Protection of open space)	<p>Proposals which result in the loss of urban sports and recreation facilities, or formal or informal open space, will be resisted. These spaces include parks and formal gardens, wildlife habitats, civic space, 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 recreational 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 the developer.</p> <p>The area of ground, which is the subject of this application does not form part of a park, formal garden or open space. Whilst a tree is to be removed as part of the proposals, this is leaning towards the public footpath and may require maintenance in future. The tree and shrubs will provide some wildlife habitat but form part of a larger area of landscaping within the Clement Rise area, therefore the loss will be negligible in this regard.</p>	Yes
WLLP	HOU9 (Residential and visual amenity)	<p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p> <p>The area benefits from other pockets of landscaping and open space and the shrub bed running along the northern edge of the cul-de-sac will be retained in full. Whilst the loss of the tree and shrubs is unfortunate, the benefit to the occupier outweighs this loss, which will not in any case result in a significantly adverse impact on the visual amenity of the area.</p>	Yes

6 REPRESENTATIONS

The application was advertised in the local press on 1 October 10 and the period for comments has expired. There have been no representations received.

7 CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
External Environment	No (verbal)	No objection, the removal of the shrub area will lessen the maintenance burden. The entire area of shrubs to the turning point should be removed.	Noted.

8 ASSESSMENT

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

West Lothian Local Plan

- 8.2 Policy COM2 of the WLLP seeks to protect public open space and areas of environmental benefit. The application site, whilst forming part of the open space for the Clement Rise area and being an integral part of the shrub planting along the northern edge of the cul-de-sac, nevertheless constitutes but a small element of the overall landscaping in the area. The removal of this tree and shrub bed will not impact significantly on the amenity of the area. Replacement tree planting can be carried out to offset the loss of the landscaping; the proposal is therefore acceptable under the terms of this policy.
- 8.3 Policy HOU9 of the WLLP requires the protection of 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. In this regard, whilst landscaping does form an important function in the street, the proposal is for the removal of a small part. The use of this land as a disabled parking space is appropriate in terms of this policy as the development will not result in the significant reduction in the visual amenity of the area.
- 8.4 There is a bona fide need for enhancing parking in this instance.

9 CONCLUSION AND RECOMMENDATION

- 9.1 This is a relatively small area of ground which is being considered for the location of a disabled parking bay.
- 9.2 Assessing the proposal on its own merits, taking into account the policies in section 5, and in discussion with both External Environment and House Building & Construction Services, it is clear that the householder would benefit from being able to park directly outside their home.
- 9.3 Recommendation is therefore to grant planning permission subject to a condition requiring replacement tree planting in the vicinity, to be agreed with External Environment.

10 ATTACHMENTS

- Location plan
- Draft conditions

Redacted - personal information

CHRIS NORMAN
Development Management Manager

Date: 17 November 2010

DRAFT DECISION - APPLICATION 0656/FUL/10

- 1 Before development begins, details shall be submitted for the written approval of the Development Management Manager of the size, species and location of 2 replacement trees within the immediate vicinity of the application site. Once approved, the landscaping proposals shall be implemented in the first planting season following the date of this decision notice, and to the satisfaction of the Development Management Manager

The new planting shall be maintained for a period of five years until it becomes established, in accordance with the attached Landscaping Specification 2. Any trees which within a five year period following completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

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

- 2 The existing shrubs adjacent to the site, except those whose removal or trimming has been approved by the Development Management Manager, shall be protected from damage during construction work in accordance with the attached Landscaping Specification 1.

Reason In the interest of visual amenity.

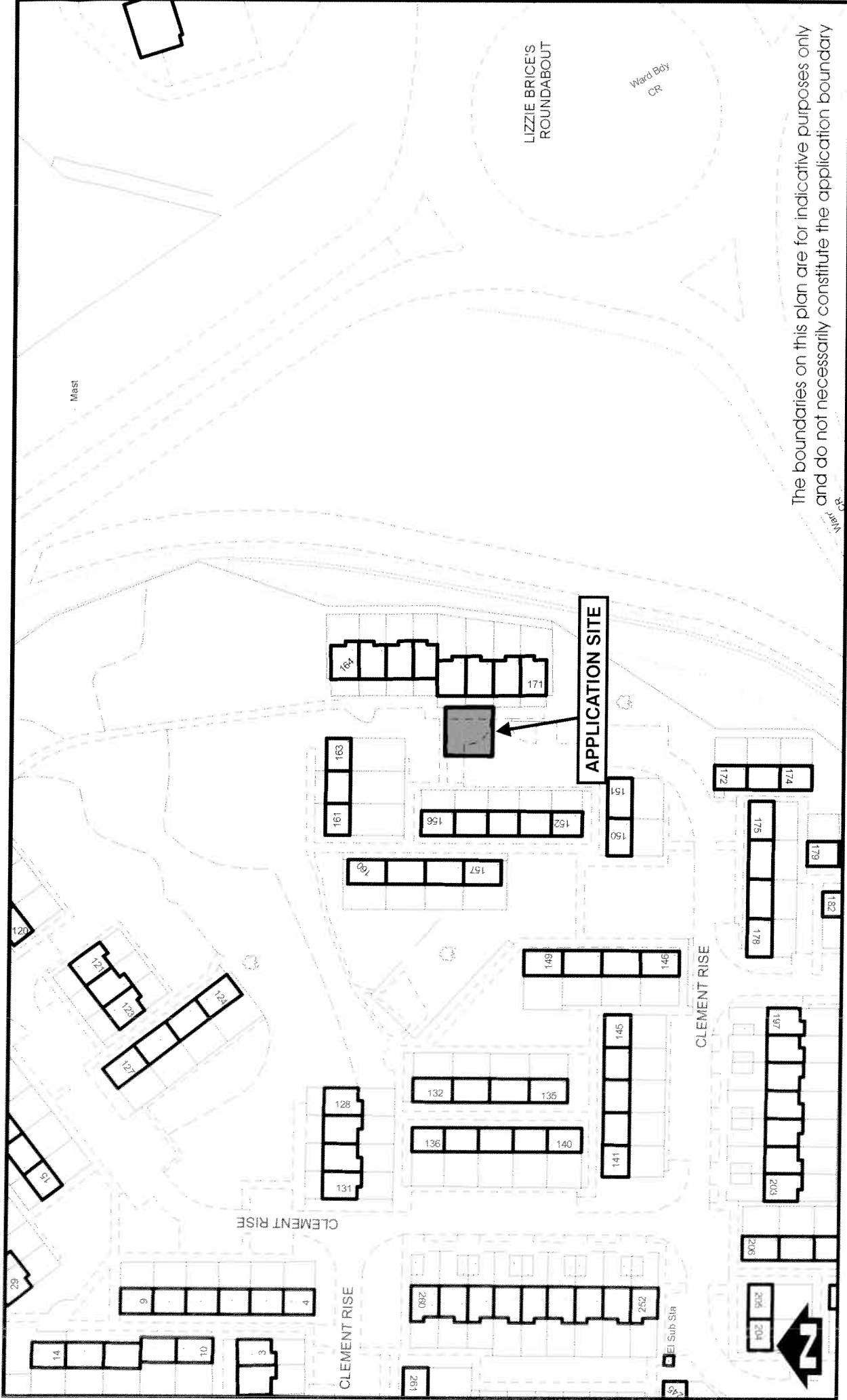
NOTE *This planning permission lapses on the expiration of a period of 3 year (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.*

NOTE *Notification of the Start of Development:*

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

Notification of Completion of Development:

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



The boundaries on this plan are for indicative purposes only and do not necessarily constitute the application boundary

DM COMMITTEE LOCATION PLAN

Date : 17/11/10

Application No. : 0656/FUL/10

Scale : 1 : 1250



West Lothian Council