



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION

Erection of 2 houses and formation of access and driveway, land to the rear of Limetrees, 62 East Main Street, Blackburn, EH47 7QS

2 DETAILS

Reference no.	0463/FUL/13	Owner of site	Mr and Mrs McPhail
Applicant	Mr and Mrs McPhail	Ward & local members	Whitburn and Blackburn Cllr J Dickson Cllr M Dickson Cllr Paul Cllr Robertson
Case officer	Esme Clelland	Contact details	Tel: 01506 282 411 Email: esme.clelland@westlothian.gov.uk

Reason for referral to Development Management Committee:

The application was called to committee by Cllr Dickson at the request of the applicant.

3 RECOMMENDATION

3.1 Refuse planning permission.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought to erect 2 houses in the rear garden of the residential property at 62 East Main Street, Blackburn. The existing house is a 2 storey property with a large rear garden, which slopes steeply at the south end. The site is within the settlement boundary. There is a 2 storey house on the east side of the site; to the west is a single storey house which has 2 additional houses to the rear. These 2 storey properties were consented in 2004 (reference 0530/04) after outline planning permission was granted in 2001 (0615/01).
- 4.2 The proposed access is to the east side of the existing house, and adjacent to the boundary with 64 East Main Street. The access leads to an area of hard standing accessing the 2 proposed properties and 2 visitor parking spaces. The proposal would leave the existing property with less than 7m of rear garden ground, if taken from the rear extension, and approximately 12m from the main section of the house. There would be approximately 22m between the rear of the existing house and the frontages of the proposed houses. The proposed houses are full 2 storey (approximately 8.3m to roof ridge) with 4 bedrooms and integral garages.

5	PLANNING POLICY ASSESSMENT
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5.1 The development plan comprises the South East Scotland Strategic Development Plan (SESPan) and the West Lothian Local Plan (WLLP).

5.2 The following development plan policies are relevant:

Plan	Policy	Assessment	Conform?
WLLP	<p>HOU2 - Development within Settlement Envelopes Within the settlement envelopes 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 (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.</p>	<p>The site is within the settlement where there is a presumption in favour of residential development. However, the development is backland or tandem development. The houses would not have any street frontage and would face directly onto the rear of the existing house. The development would have a detrimental impact on the adjacent property and garden and would not comply with policy HOU9.</p>	No
WLLP	<p>HOU4 - Town Cramming Developments, which result in town cramming, as defined in Supplementary Planning Guidance, Single plot and small scale infill residential development in urban areas – how to avoid town cramming, will be resisted in order to protect the character of an area and the residential amenity enjoyed by existing residents and others.</p>	<p>The proposal does not comply with the SPG as it is backland development, with not street frontage and a shared access.</p>	No
WLLP	<p>HOU9 - Residential and Visual Amenity 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</p>	<p>The proposed houses would not have a high level of residential amenity, having no street frontage and a shared access. The rear garden ground of both properties slopes steeply down at the south end; therefore they have approximately between 5 and 8m of</p>	No

Plan	Policy	Assessment	Conform?
	impact on amenity to a significant degree will not be supported.	useable garden ground. The 2 storey houses and associated access are likely to have a detrimental impact on the enjoyment of the rear garden ground of the property at 64 East Main Street due to their overbearing impact and loss of privacy.	
WLLP	<p>IMP15 - Design Considerations</p> <p>The council will:</p> <p>a) through the development control process, ensure that high standards of design are achieved;</p> <p>b) identify design requirements in planning briefs, outline planning permissions and through the preparation of supplementary planning guidance; and</p> <p>c) where appropriate, require developers to produce masterplans, design statements and design guides. Development proposals which are poorly designed will not be supported.</p>	The proposal would not constitute good design; the houses would not have any street frontage and would face directly onto the rear of the existing house. The overall layout and design is of a poor standard.	No
WLLP	<p>IMP14 - Supplementary Planning Guidance</p> <p>Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance.</p>	The proposal does not comply with the SPG on <i>Single Plot and Small Scale Infill Residential Development in Urban Areas (How to Avoid Town Cramming)</i> This guidance states ' <i>Ordinarily, tandem development will not be supported because of the inherent problems of overlooking, noise disturbance, loss of amenity, cramming and the adverse impact on the general character of an area. Only in exceptional circumstances and on large, individual plots (in excess of 0.4ha / 1 acre) might it be possible to achieve sufficient separation between houses to overcome the difficulties described above. It is very unlikely that a satisfactory development can be achieved on a site of a lesser size.</i>	No
WLLP	<p>IMP3 - Education Constraint</p> <p>Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:</p> <p>a) secure the provision of new schools or extensions</p>	Developer contributions were not discussed with the applicant as the design and layout is not acceptable, if granted developer contributions would be required.	potentially
WLLP	<p>IMP2 - Education Contribution Denominational Secondary</p> <p>All developers of housing sites will be required to contribute to the cost of</p>	Developer contributions were not discussed with the applicant as the design and layout is not acceptable, if granted developer contributions would	potentially

Plan	Policy	Assessment	Conform?
	providing additional education infrastructure in West Lothian for the denominational secondary sector.	be required.	
WLLP	Com9a – Cemetery Contributions The council will require financial contributions to the provision of new cemeteries. A supplementary guidance paper on the level of developer contributions towards cemetery provision has been prepared by the council	Developer contributions were not discussed with the applicant as the design and layout is not acceptable, if granted developer contributions would be required.	potentially

Also of relevance:

West Lothian Council Supplementary Planning Guidance, *Single plot and small scale infill residential development in urban areas (how to avoid town cramming)* 2013

6 REPRESENTATIONS

6.1.1 The application was advertised for neighbour notification purposes and neighbours were notified by letter. The period for receipt of representations has expired. Two representations were received which are summarised below, the full letters are attached to this report.

6.1.2

Comments	Response
The qualities of the garden ground at 64 East Main Street would be detrimentally affected/ detrimental impact on neighbours and the open and secluded quality of garden areas	It is agreed that the proposal would appear crammed onto the site and would have a significant detrimental impact on the feeling of openness enjoyed by the adjacent property.
Loss of trees	The applicant has stated that small trees will be required to be removed. The trees are not covered by a tree preservation order.
Increase in traffic/ driveway and access next to adjacent property and garden.	Transportation has been consulted and has not objected. The addition of 2 houses would not be expected to make a significant increase in the traffic on the A705. The addition of 2 family size houses would result in traffic on the access road to the side of the existing property.
Riverside gardens should not be built on when there are other sites available in the area	Each application must be considered on its own merits; however, backland development is contrary council policy.
Overshadowing caused by 2 storey houses.	The 2 houses to the south of the existing houses will inevitably cause some overshadowing, however, the distance between the houses means that it is unlikely to be unacceptable
Noise and disturbance from construction	There would inevitable be some noise and disruption from construction; conditions could be attached to control this.
Loss of privacy	The 2 storey houses would front towards the rear of the existing houses; there would be a loss of privacy for the use of the garden at 64 East Main Street. The houses are a sufficient distance apart to meet privacy distances required in council policy.

7 CONSULTATIONS

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

Consultee	Objection?	Comments	Planning response
Transportation	No	No objection	Noted
The Coal Authority	Yes	The Coal Authority objects to the proposal, and considers that the applicant needs to revise and resubmit the Mining Risk Assessment Report to the LPA. The Coal Authority recommends that the applicant is advised that the Mining Risk Assessment Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.	The applicant's agent at the time was forwarded a copy of this response on 29 July 2013. The applicant has not submitted any further information to address this issue.
Education Services	No	If granted developer contributions are required for Bathgate Academy and the RC Secondary sector.	Noted, developer contributions have not been discussed or agreed with the applicant as the application is recommended for refusal.

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. The development comprises South East Scotland Strategic Development Plan (SESPlan) and the West Lothian Local Plan (WLLP).

8.2 South East Scotland Strategic Development Plan (SESPlan)

8.2.1 No relevant policies

8.3 West Lothian Local Plan

8.3.1 Policy HOU2 in the local plan generally supports residential development in settlements, however, this is provided that the proposal does not have a detrimental impact on neighbouring uses and complies with other local plan policies. In this case the proposal constitutes backland or 'tandem' development and therefore does not comply with policies HOU4 or the council's supplementary guidance (SPG) on '*Single plot and small scale infill residential development in urban areas (how to avoid town cramming)*' which was updated in 2013. The SPG gives a strong presumption against this type of development in the rear gardens of houses. The site is approximately 0.27 hectares and is not a size that the SPG considers suitable for this type of development. The private rear garden ground for the proposed houses slopes very steeply to the south, resulting in an area that cannot be considered as usable. Therefore, the rear gardens have a length of between 5m and 8m. The SPG states that gardens should be a minimum of 9m in length and that houses footprints should not be more than 30% of the plot. In this case if the plot is taken to start at the top of the private driveways and steep, unusable area to the south excluded, then this percentage is

not met. The houses would appear crammed onto the site and would constitute overdevelopment. There are inherent problems with properties to the rear of houses, with no street frontage and a shared access, of disturbance and lack of privacy. In this case the two houses will use a new access to the side of the house creating an increase in traffic and activity.

- 8.3.2 Policy HOU9 seeks to protect residential and visual amenity. In this case the houses would have a detrimental impact on existing residents and provide an unacceptable level of amenity for future residents of the proposed houses. In addition to the issues discussed in paragraph 8.3.1, the houses would have an overbearing effect on the garden of the property to the east (64 East Main Street). This property currently enjoys a large garden and open aspect and the proposal would have a significant detrimental impact of the character and enjoyment of the garden and their residents' levels of privacy.
- 8.3.3 In addition to the policy issues, the Coal Authority has been consulted and has objected to the application as the report submitted is not sufficient to address stability issues. The applicant has not submitted additional information to address the Coal Authorities concerns and this matter is unresolved.

9 CONCLUSION AND RECOMMENDATION

- 9.1 The application is contrary to the council strong presumption against backland development. Although there is existing backland development to the west of the site, this is a result of historic consents and the council's policies local plan policies and approved supplementary planning guidance have changed since then. The proposed houses are not acceptable in terms of residential amenity and would have a detrimental impact on the character of the immediate area. The proposal does not comply with the council's own policies and there is no material reason to approve the development.
- 9.2 In light of the foregoing, it is recommended that planning permission is refused. If the Committee decides to grant permission contrary to recommendation, developer contributions for education and cemetery provision are required. Additionally, it is advised that the application should not be granted before the objection from the Coal Authority is resolved. Therefore, if the Committee is minded to grant permission it is recommended that this information should be sought, the Coal Authority consulted on the additional information and the application referred back to Committee.

10 ATTACHMENTS

1. Draft reasons for refusal
2. Location plan
3. Proposed front elevation
4. Letters of objection (2)
5. Coal Authority objection
6. Referral form



CHRIS NORMAN
Development Management Manager

Date: 11 September 2013

Draft Reason for Refusal

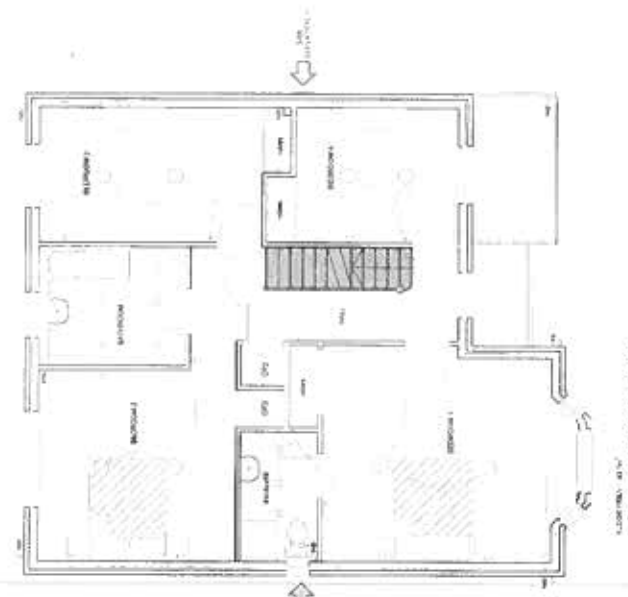
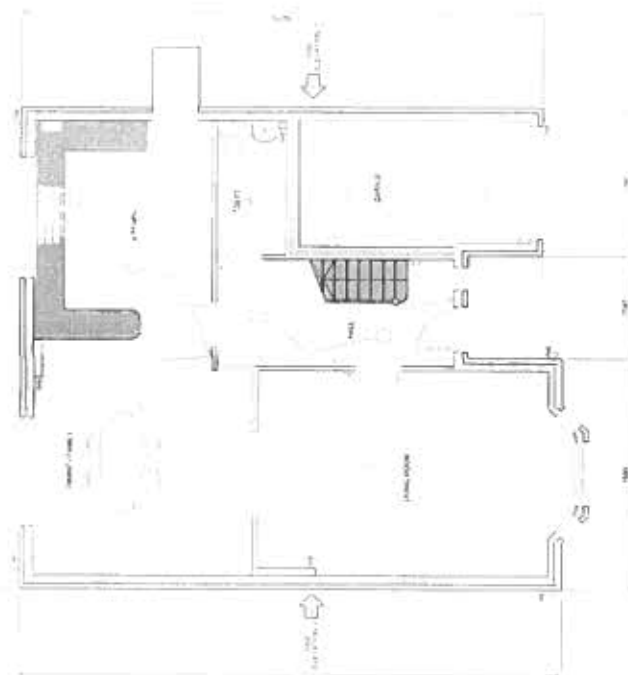
- 1 The proposal constitutes tandem development, which the council has a strong presumption against. The proposed houses would have no street frontage, poor residential amenity, insufficient rear garden ground. The development would appear crammed onto the site and would have a detrimental impact on the residential and visual amenity of the immediate area.

The proposal is contrary to the following policies and guidance:

- Policy HOU2 'Development within Settlements' of the West Lothian Local Plan
- Policy HOU4 'Town Cramming' of the West Lothian Local Plan
- Policy HOU9 'Residential and Visual Amenity' of the West Lothian Local Plan
- Policy IMP14 'Supplementary Planning Guidance' of the West Lothian Local Plan
- Policy IMP15 'Design' of the West Lothian Local Plan
- *Single Plot and Small Scale Infill Residential Development in Urban Areas (How to Avoid Town Cramming) - West Lothian Council Supplementary Planning Guidance.*

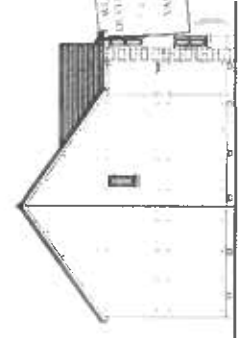
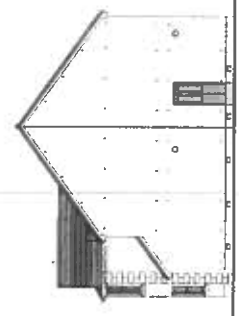
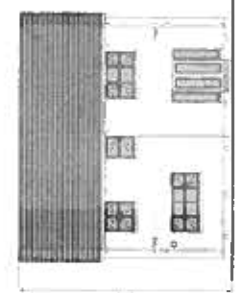


0463/FUL/13



GENERAL NOTES:-

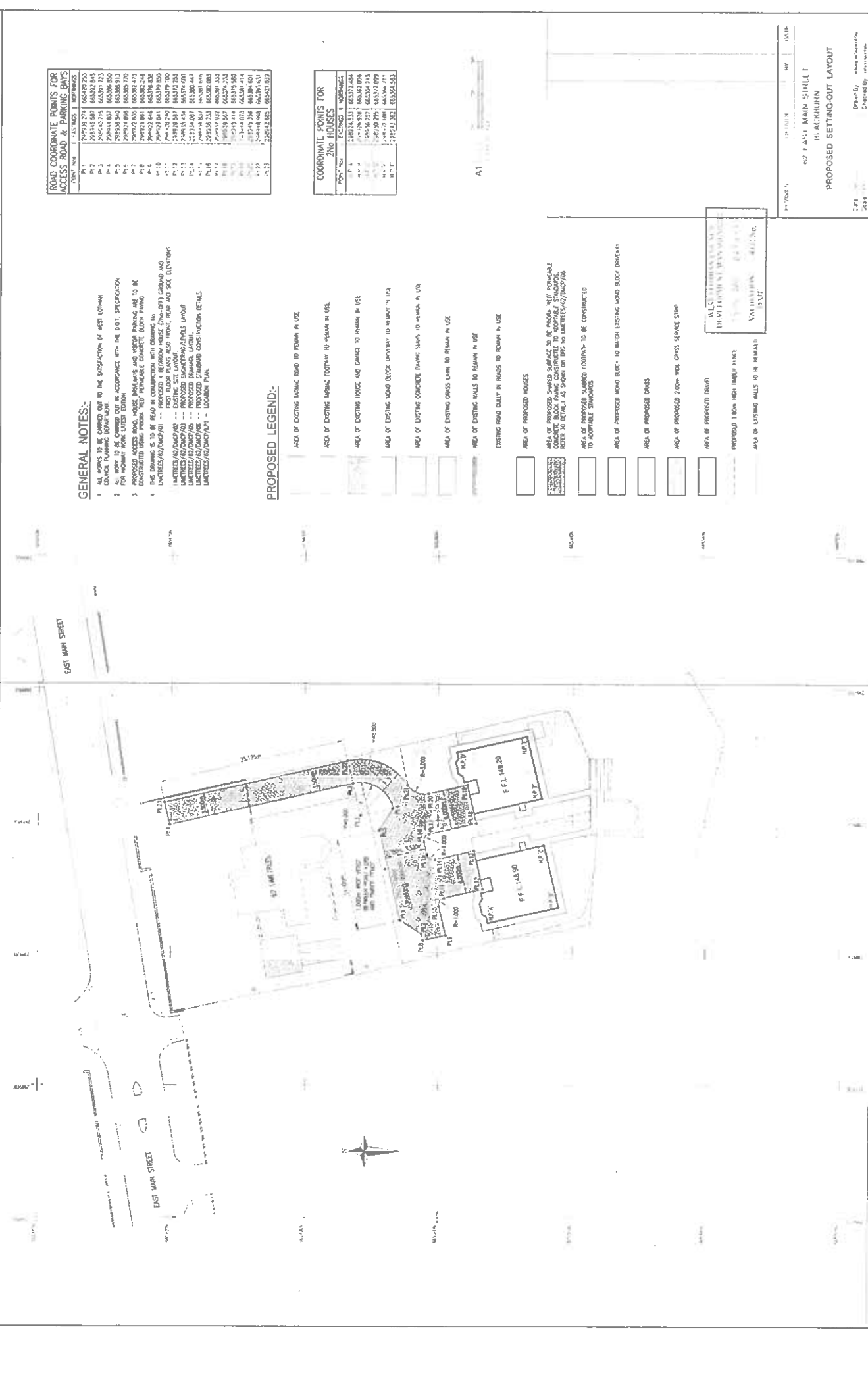
1. ALL WORKS TO BE COMPLETED TO THE SATISFACTION OF APTI UDHOVA
2. CONSTRUCTION TO BE COMPLETED WITHIN THE SPECIFIED PERIOD.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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DATE	BY	DATE
12/11/2023	DRG. NO. LIMETREES/62/DMCP/01	

PROJECT: 62 EAST MAIN STREET - BLACKBURN
 PROPOSED 4 BEDROOM HOUSE (2/NO. - OFF)
 EXISTING AND FIRST FLOOR PLANS
 ALSO FRONT REAR AND SIDE ELEVATIONS

Drawn By: [Name]
 Checked By: [Name]



ROAD COORDINATE POINTS FOR ACCESS ROAD & PARKING BAYS

Point No.	Easting	Northing
P 1	202953.72	663207.53
P 2	203155.507	663207.845
P 3	204242.775	663291.712
P 4	206141.837	663306.850
P 5	206539.560	663308.812
P 6	206722.835	663312.424
P 7	206722.835	663312.424
P 8	206722.835	663312.424
P 9	206722.835	663312.424
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P 49	206722.835	663312.424
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P 51	206722.835	663312.424
P 52	206722.835	663312.424
P 53	206722.835	663312.424

COORDINATE POINTS FOR 2 No HOUSES

Point No.	Easting	Northing
P 1	208174.531	663272.484
P 2	207979.978	663287.079
P 3	207979.978	663287.079
P 4	207979.978	663287.079
P 5	207979.978	663287.079
P 6	207979.978	663287.079
P 7	207979.978	663287.079
P 8	207979.978	663287.079
P 9	207979.978	663287.079
P 10	207979.978	663287.079
P 11	207979.978	663287.079
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P 53	207979.978	663287.079

- GENERAL NOTES:**
- 1 ALL WORKS TO BE CARRIED OUT TO THE SATISFACTION OF WEST LOTHIAN COUNCIL PLANNING DEPARTMENT.
 - 2 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE B.O.T. SPECIFICATION FOR ROADWORK LATEST EDITION.
 - 3 PROPOSED ACCESS ROAD, HOUSE DRINKWAYS AND VEHICLE PARKING ARE TO BE CONCRETED USING PRECAST REINFORCED CONCRETE BLOCK PAVING.
 - 4 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWING NO. LIMETREES/62DMCP/01 -- PROPOSED 3RD FLOOR, ROOF AND SUE ELEVATIONS.
 - 5 LIMETREES/62DMCP/02 -- EXISTING SITE LAYOUT.
 - 6 LIMETREES/62DMCP/03 -- PROPOSED EXISTING/NEW LAYOUT.
 - 7 LIMETREES/62DMCP/04 -- PROPOSED EXISTING/NEW LAYOUT.
 - 8 LIMETREES/62DMCP/05 -- PROPOSED EXISTING/NEW LAYOUT.

PROPOSED LEGEND:

- [Symbol] AREA OF EXISTING TRAFFIC ROAD TO REMAIN IN USE
- [Symbol] AREA OF EXISTING TRAFFIC FOOTWAY TO REMAIN IN USE
- [Symbol] AREA OF EXISTING HOODS AND CANALS TO REMAIN IN USE
- [Symbol] AREA OF EXISTING ROAD BLOCK IMPERVA TO REMAIN IN USE
- [Symbol] AREA OF EXISTING CONCRETE PAVING: SLABS TO REMAIN IN USE
- [Symbol] AREA OF EXISTING GRASS LAWN TO REMAIN IN USE
- [Symbol] AREA OF EXISTING WALLS TO REMAIN IN USE
- [Symbol] EXISTING ROAD DAILY IN HANDS TO REMAIN IN USE
- [Symbol] AREA OF PROPOSED HOODS
- [Symbol] AREA OF PROPOSED SHARDED SURFACE TO BE PROPOSED KEEP PERMEABLE CONCRETES WITH 10% WET WEAR SURFACE TO BE PROPOSED TO BE CONCRETED TO ADEQUATE STANDARDS
- [Symbol] AREA OF PROPOSED 200mm WIDE GRASS SERVICE STRIP
- [Symbol] AREA OF PROPOSED GRASS
- [Symbol] AREA OF PROPOSED 200mm WIDE GRASS SERVICE STRIP
- [Symbol] AREA OF PROPOSED DRIVE
- [Symbol] PROPOSED 1.8m HIGH TRIPLE FLIGHT
- [Symbol] AREA OF EXISTING WALLS TO BE REPAIRED

THIS DRAWING IS THE PROPERTY OF
 MELLIS & CO. ARCHITECTS
 15-17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 VILVERDEN, GLENGO, DUMFRIES

2

Development Management Manager
West Lothian Council
County Buildings
High Street
Linlithgow
EH47EZ

West Lothian Council
Development Management

PR 2 A/D 2013
Date: EC
Ref No: 0463/FUL/13
To: _____



Action for blind people

31/07/2013

Reference

Representation on below Planning Application

Reference: Planning Application 0463/FUL/13

(Limetrees, 62 East Main Street, Blackburn, West Lothian, EH47 7QS)

Thank you for the opportunity to detail my serious concerns for the development proposed by my next door neighbours Mr & Mrs G McPhail @ 62 East Main Street. I have lived at [redacted] since 1972 and wish to continue to do so. This is not just another house, but a home and garden, that has been enjoyed by my family for over forty one years. This property has many qualities worth preserving, and as countless visitors who have visited Blackburn and my home have said " You could be anywhere in the world". Words fail to describe how this lovely enviroment will be adversely affected by this development, it is true that one picture is worth a thousand words, so please visit the site before making a decision.

Main Concerns

These Riverside Properties should not be spoiled by building in a back gardens, when there is major house building proposals being considered in and around Blackburn. I should also like to highlight the impact on our already very busy road (A705). The proposed entrance & drive will run the whole length of my garden and my home, cars will be parked in full view of my house, which will have a great impact on the natural enviroment by the loss of many mature trees in and around the site. Note ' We have already lost a number of trees from this area?

On the Proposed site plans two double storey houses side by side appear to take up three quarters of the existing property's back garden. The rear of these houses that face south, will be affected by the large mature trees and lack of sunlight. Will they be removed now? Or at a later date?

It is my opinion that the proposed buildings are in no way suited to these unique Riverside Properties and will have a detrimental effect on the existing site and its immediate neighbours.

I have been informed that both plots will be sold as serviced plots and my neighbours and I have serious concerns about the noise, dust and general building work, including separate drainage for two houses that this will without doubt, affect us for a considerable time.

If this proposal is allowed to go ahead it will have a negative impact on the value of my property, notwithstanding that the reason I have enjoyed my forty one years is due to the environment we bought into all those years ago and I would like to ensure my retirement is not spoiled by the building of two large intrusive houses facing directly into my house and garden. We have also got to consider our privacy as both two storey houses will face north and therefore overlook the bedrooms and garden of my home.

Finally, It begs the question. How the present owners would wish to spend the rest of their lives sitting in their much reduced garden and south facing conservatory in full view of these two double storey houses, garages, car parking and individual driveways. I do not wish to lose this great environment, that I and my neighbours enjoy every day.

Thank you for your consideration, and I would be grateful to have the panel visit my home and discuss any amendment to this plan that will protect all parties and our precious environment

Yours Faithfully

A large black rectangular redaction box covers the signature area. A smaller black rectangular redaction box is located below it, also partially obscured by the main redaction.

P.S. I HAVE BEEN INFORMED THAT THE EX POLICE HOUSE ON THE WEST BOUNDARY HAS NOT RECEIVED NOTIFICATION OF THIS PLANNING APPLICATION AND WISHES TO SUPPORT OUR OBJECTIONS?



FAO Esme Clelland/Development Management Manager.

Application No; 0463/FUL/13 Erection of two 4 bedroom detached houses

Site; Limetrees, 62 East Main Street , Blackburn EH477QS

I write this letter to object to the above proposed development,. The reason for this I have set out below;

I moved into the above address 18 months ago after viewing several other properties in West lothian. The reasons I bought this house are ; the large private secluded back garden which is not overlooked by other houses, the layout of the house favors all the living area and my bedroom at the rear of the property which creates a peaceful enviroment to enjoy life This proposed development would take all the privacy and seclusion away as they would overlook the rear of my property.

The noise and disruption created by the construction of these 2 house, which could go on for several years , would be detrimental to all the neighbours concerned. The size of these 2 houses would more appeal to families moving in creating more noise from cars , children playing outdoors etc.I work mainly night duty as a staff nurse and therefore sleep during the day and all this noise would be very disruptive. and detrimental to my own health. The access road to build these houses and the potential of 4 cars at the properties is totally unsuitable especially where it joins the A705 , a very busy main road.

In the grounds of 62 East Main Street there is a row of 5-6 large mature trees . I have already raised my concerns about these trees with Craig Sinclair (tree surgeon) if they were to be removed or foundations dug close to them it could cause soil erosion and the loss of Mr Ewart's sloped back garden or for the trees to become unstable. With the trees so close would these properties be uninsurable?

The erection of these 2 houses is making no contribution to the community or enviroment and begs the question of why they are being built in Mr and Mrs McPhail's back garden. This could allow others with a large back garden to build properties too. There is plenty of private housing being built throughout West Lothian.

I await your decision
Yours sincerely



West Lothian Council
Development Management

Date 02 AUG 2013
0463/FUL/13...
E.C.

Ref No.....

Ref To.....

Act'd.....



**The Coal
Authority**

UNCLASSIFIED



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

For the Attention of: Ms E Clelland
West Lothian Council

[By Email: planning@westlothian.gov.uk]

26 July 2013

Dear Ms Clelland

PLANNING APPLICATION: 0463/FUL/13

Erection of two houses and formation of access and driveway; Limetrees, 62 East Main Street, Blackburn, Bathgate, West Lothian, EH47 7QS

Thank you for your consultation letter of 12 July 2013 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Substantive Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. In this particular instance, the Coal Authority records indicate that the site is in an area likely to have been subject to historic unrecorded underground coal mining at shallow depth.

The applicant has submitted a Mining Risk Assessment Report (08 July 2013) which has been completed by a competent person, to support the planning application. However, The Coal Authority does not consider that this adequately addresses the impact of coal mining legacy on the proposed development as it has failed to identify that the site is in an area where coal seams are at, or close to, the surface and which may have been subject to historic unrecorded underground coal mining at shallow depth.

The Mining Risk Assessment Report also notes that there are no known coal mine shafts or adits within 300m of the application site; however, The Coal Authority records indicate that there is a recorded mine entry c.42m east of the application site. This evidence supports the potential for historic unrecorded shallow mine workings to be present in the vicinity of the application site.

The Coal Authority therefore **objects** to the proposal, and we consider that the applicant needs to revise and resubmit the Mining Risk Assessment Report to the LPA.

The Coal Authority Recommendation to the LPA

The Coal Authority recommends that the LPA advise the applicant that the Mining Risk Assessment Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

The Report has failed to identify that the proposed development site is in an area that has potentially been subject to historic unrecorded underground coal mining at shallow depth. In the event that insufficient sources of information exist to enable firm conclusions to be reached, the Risk Assessment may conclude that further intrusive site investigation works are necessary. These could take place after the granting of planning permission but prior to commencement of development.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

D Roberts

Deb Roberts *M.Sc.*
Graduate Planning Liaison Officer

General Information for the Applicant

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.



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

Application Details: Application Reference Number 0463/FUL/13, Site Address LIMETREES 62 EAST MAIN STREET BLACKBURN EH47 7QS, Title of Application ERECTION OF TWO HOUSES AND FORMATION OF ACCESS AND DRIVEWAY, Member's Name Cllr JIM DICKSON. Reason For Referral Request: Applicant Request (checked), Constituent Request, Other.