



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

Erection of house on land adjacent to United Reformed Church, 48 Marjoribanks Street, Bathgate.

2 DETAILS

Reference no.	1186/FUL/18	Owner of site	Mr and Mrs Collins
Applicant	Mr and Mrs Collins	Ward & local members	Bathgate Cllr Boyle Cllr Cartmill Cllr Kennedy Cllr McGinty
Case officer	Gillian Cyphus	Contact details	01506 282408 gillian.cyphus@westlothian.gov.uk

Reason for referral to committee: Referred by Cllr McGinty.

3 RECOMMENDATION

3.1 Refuse planning permission

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The application is for a one and a half storey house in the front garden of the existing house at 48 Marjoribanks Street, Bathgate. The application site is immediately adjacent to the C listed United Reformed Church, a very prominent building which sits close to the road frontage. To the other side of the application site is a scout hall, set approximately 25m back from the road frontage. Aside from these buildings, the surrounding area is predominantly residential, with a number of large traditional detached houses on this side of the street. The existing house at number 48 is a traditional stone built two storey detached house, formerly the manse, set approximately 50m back from the road.
- 4.2 A previous application for a house on this site was refused by committee on December 2007 on the grounds that the proposal would have a detrimental impact on the streetscene, the amenity of the existing house and the character and setting of the listed building. The application was also refused on the grounds of lack of education capacity.

5 REPRESENTATIONS

- 5.1 This application has attracted one letter of support which is attached. The applicant has also submitted a supporting statement which is attached.

6 CONSULTATIONS

- 6.1 This is a summary of the consultation responses, a full copy of which can be found in the file.

Consultee	Objection?	Comments	Planning Response
Coal Authority	No	Condition requiring intrusive site investigation works prior to commencement of development.	Noted.
Environmental Health	No	Restriction on construction hours.	Noted.
Education	No	Developer contributions would be required if members are minded to grant planning permission.	Noted.
Transportation	No	No comment.	Noted.

7 PLANNING POLICY ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan (WLLDP).

Plan	Policy	Assessment	Conform
WLLDP	DES1 (Design) All development proposals will require to take account of an be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate should include measures to enhance the environment and be high quality in their design. Development proposals with are poorly designed will not be supported.	The proposal would have an unacceptable impact on the adjacent buildings and streetscape due to its location, design and appearance. It would also have a significant adverse impact on built heritage.	No

Plan	Policy	Assessment	Conform
WLLDP	HOU3 (Housing in Settlements) New housing development will be supporting within settlements provided the development will be in keeping with the character of the settlement and the local area and the proposal complies with other LDP policies and relevant supplementary guidance.	The application is not in keeping with the character of the immediate area and does not comply with other relevant policy.	No
WLLDP	ENV28 (Listed Buildings) 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 listing building or its setting should be appropriate to the buildings character.	The current application does not respect the setting of the listed building or its relationship to the former manse.	No

Also relevant is the council's Residential Development Guide (awaiting approval of Scottish Government to be statutory guidance) and Historic Environment Scotland's Policy Statement 2016 and its guidance on development affecting the setting of listed buildings.

8 SUMMARY AND CONCLUSIONS

- 8.1 A house in this location would impact on the amenity of the existing property, by effectively making this a tandem development. The design of the new house is not in keeping with the style of houses on this side of the road, which is characterised by substantial detached properties of traditional design and materials. The council's guidance states that new houses should not detract from any existing house, where their siting contributes to the character of the area. The proposed house is awkward in its proportions and has the appearance of being crammed in. It presents large areas of blank wall and underbuilding to the front and side elevations which will appear unattractive and overbearing when viewed from the public road, which sits slightly lower. It is considered that the location and design of the proposed new house would therefore have a detrimental impact on the surrounding area and is contrary to policy DES1 in the LDP and the council's Residential Development Guide.
- 8.2 The relationship between the former manse house and the C listed church is an important factor in considering this proposal. The relationship would be destroyed by the addition of a house in this location, which would significantly affect the setting of the listed building. Setting is described as the way the surroundings of a historic asset contribute to how it is understood, appreciate and experienced. The proposed new house would also sit much

further forward than the adjacent buildings currently do, detracting from the prominence and importance of the church. The council's guidance states that where development of a new house is in proximity to a listed building, the listing building should be retained as the visually prominent building and that new buildings should not breach any close formal relationship between the listed building and any sensitive part of its setting. For these reasons the application is considered to be contrary to policy ENV28 in the LDP and the guidance in the Residential Development Guide relating to development affecting listed buildings.

- 8.3 It is recognised that the LDP and other relevant policy seeks to support economic development and deliver new housing, particularly within existing settlement envelopes. However, development must be acceptable in terms of its design and impact on adjacent uses. Indeed policy HOU3, which gives broad support to new housing within settlements, states that development proposals must comply with other policies in the LDP and other relevant policies. As set out above, the application is not acceptable in terms of its design, appearance and impact on the surroundings, therefore the application is contrary to policy HOU3 also.
- 8.4 It is recognised that the proposed design of the house has been altered since the previous refusal, although it is still unacceptable due to its poor design and the fact that it does not respect the character of its surroundings. But the basic principle, that a house in this location is not acceptable, has not altered since the previous refusal by committee. There are no fundamental changes to policy or other material considerations to suggest that the council should now take an alternative position.
- 8.5 In conclusion, the proposed house, due to its design and location, would have a significant adverse impact on the adjacent listed building, the existing residential property to the rear and the streetscene generally. The application is therefore contrary to policies DES1 (Design), HOU3 (Housing in the Settlement) and ENV28 (Listed Buildings) of the Local Development Plan and the council's Residential Development Guide.

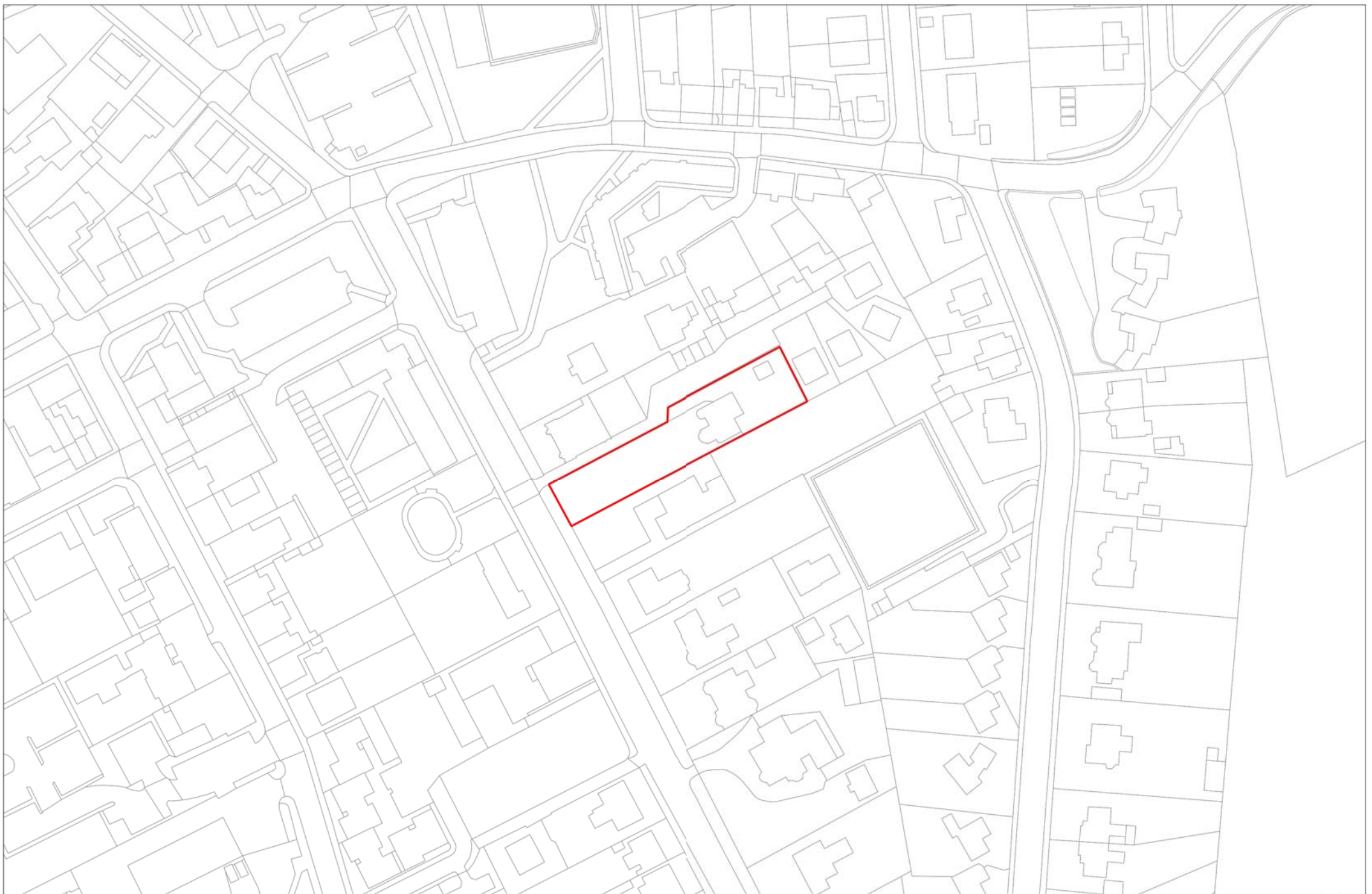
9 APPENDICES

- Location plan
- Aerial plan
- Site layout
- Elevations
- Letter of support
- Supporting statement
- Draft reasons
- Member request form

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 20 March 2019

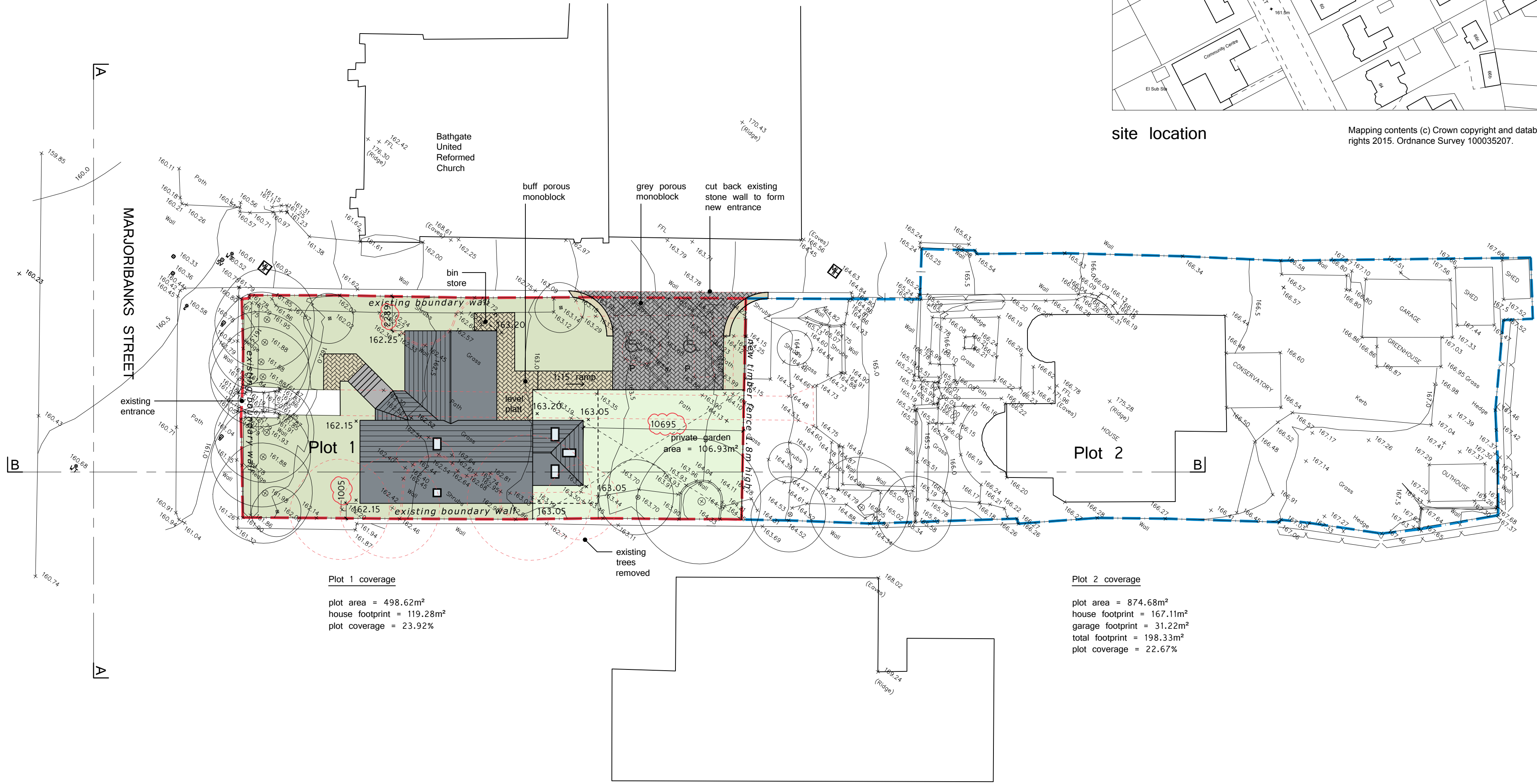






site location

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proposed site plan



proposed site section AA



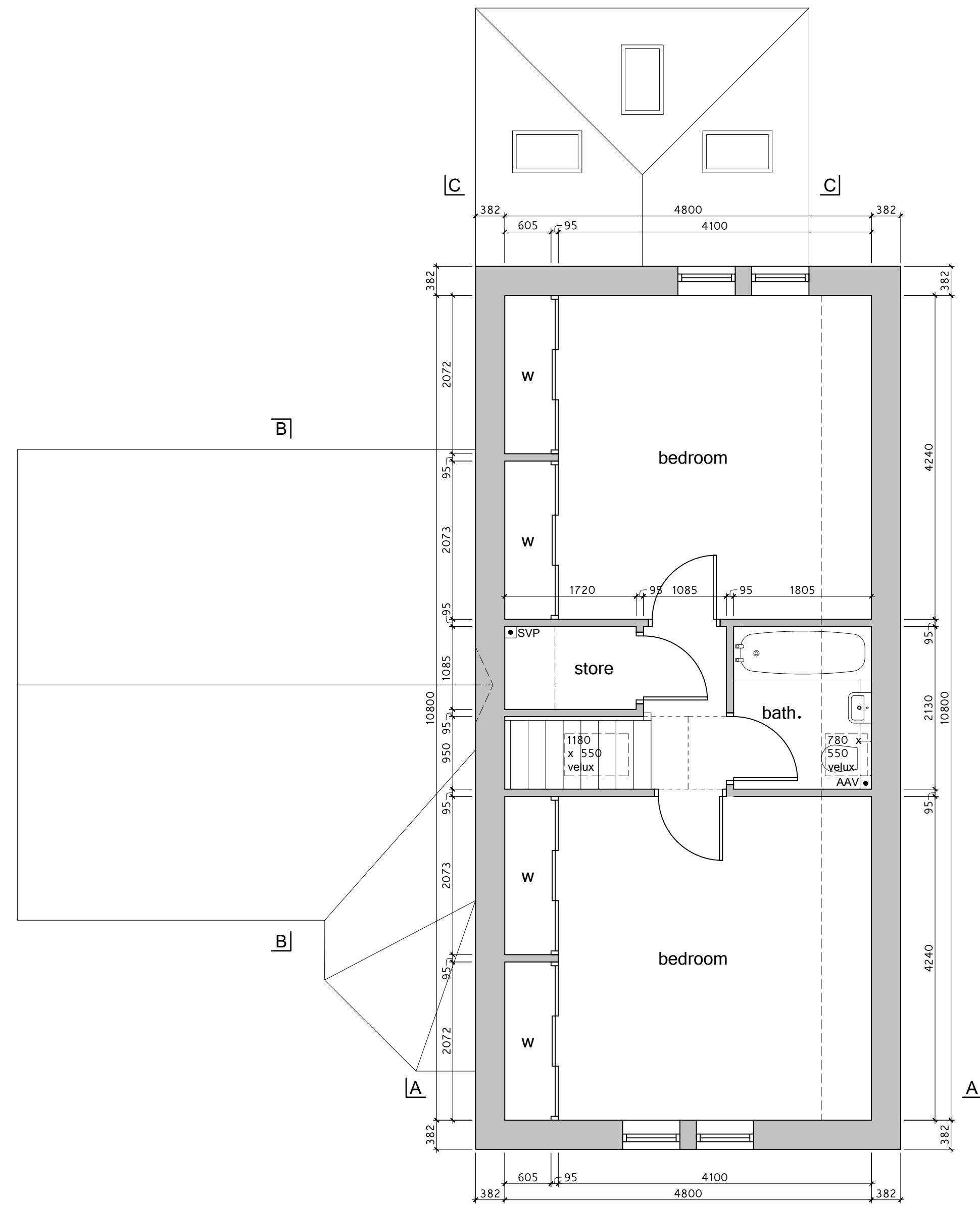
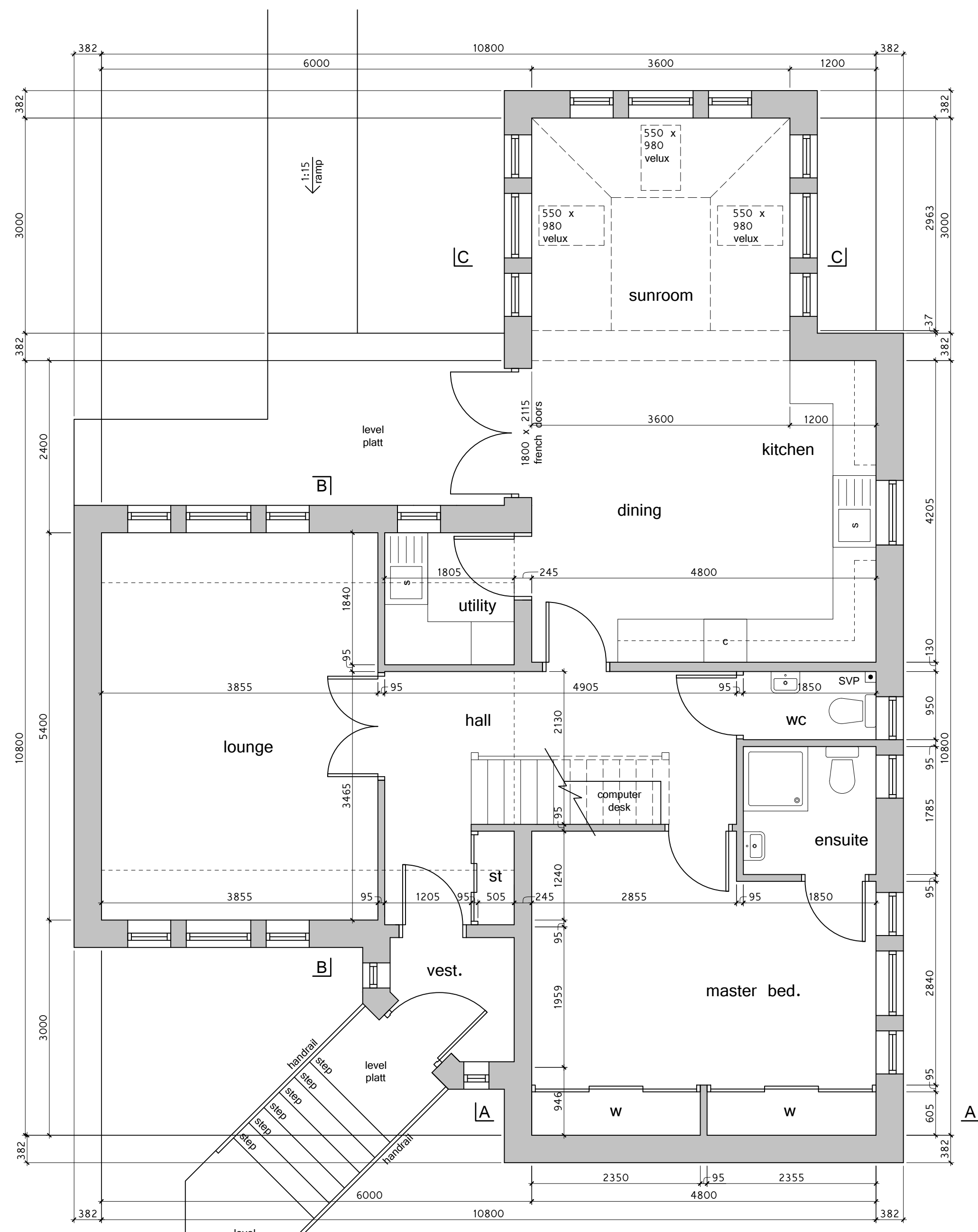
proposed site section BB

REVISIONS
A - 18/12/2018 - Add Planning notes

JOB TITLE
SITE LOCATION PLAN AND
PROPOSED SITE LAYOUT
PROPOSED HOUSE AT
48 MARJORIBANKS STREET
BATHGATE
WEST LoTHIAN

Scale 1:200, 1:1250 18th December 2018
Drawing Number JWAC A1 PP 02/46/2018 A

John Watson Architectural Consultant Ltd.
11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info.jwactd@gmail.com



proposed front elevation



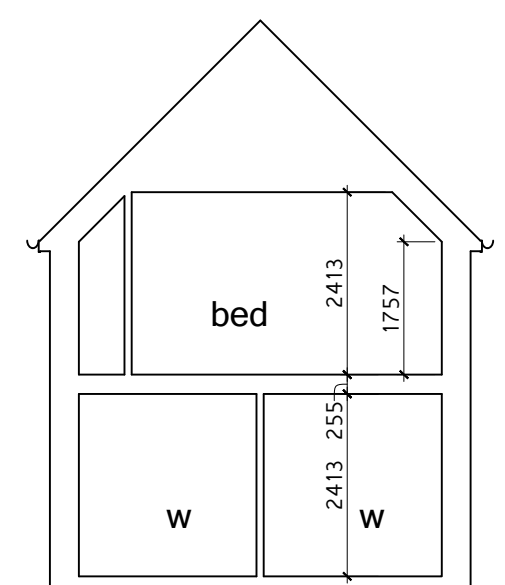
proposed side elevation



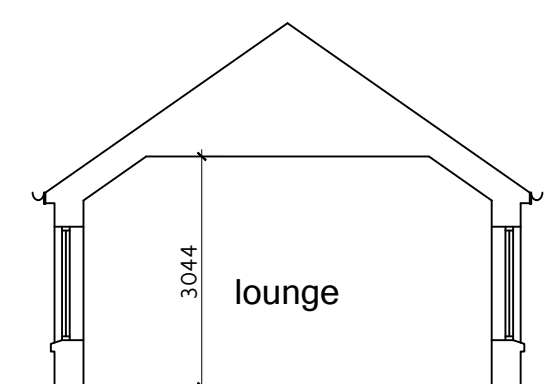
proposed rear elevation



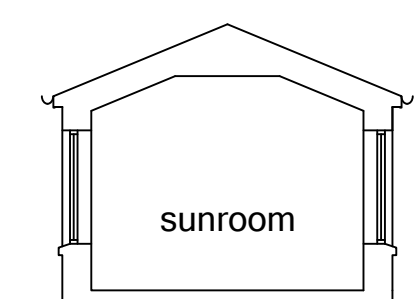
proposed side elevation



section AA



section BB



section CC

REVISIONS
A -18.12.2018- Add Planning notes

JOB TITLE
PROPOSED FLOOR PLANS, ELEVATIONS
AND SECTIONS

PROPOSED HOUSE AT
48 MARJORIBANKS STREET
BATHGATE
WEST LOTHIAN

Scale 1:50, 1:100 18th December 2018
Drawing Number JWAC A1 PP 03/46/2018 A

John Watson Architectural Consultant Ltd.
11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info.jwacld@gmail.com

Comments for Planning Application 1186/FUL/18

Application Summary

Application Number: 1186/FUL/18

Address: 48A Marjoribanks Street Bathgate West Lothian EH48 1AH

Proposal: Erection of a house

Case Officer: Gillian Cyphus

Customer Details

Name: Mrs Eilidh Young

Address: 35 Athol Terrace Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Bathgate EU URC Church, are neighbours to this proposal. We have already been contacted by the applicants and have discussed their plans with them. The congregation and Trustees of the Church see no reason to object to the proposed new build assuming the applicants continue to be as flexible as they have been so far on the access arrangements. We are more than happy to support a proposition that allows the applicants to remain our neighbours. I write as President and Treasurer of the Church.

SUPPORTING STATEMENT

PROPOSED SUB-DIVISION OF GARDEN GROUND AND ERECTION OF A HOUSE AT 48 MARJORIBANKS STREET, BATHGATE, EH48 1AH.

Background

The applicants are Bill and Vanda Collins who are the owner occupiers of 48 Marjoribanks Street, Bathgate, EH48 1AH. They have lived in the house for 40 years. The landholding extends to c.1400 sq. m, with extensive garden ground to the front of the existing house, and the applicants seek to sub divide the garden ground and build a new smaller house for their retirement.

Scottish Planning Policy

In Scottish Planning Policy (SPP) terms the overarching objective of the Scottish Government is referred to as **The Purpose** and is; -

“To create a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth”.

In order to create a prosperous country that can fund hospitals, schools and other services the planning system must promote economic development including promoting the construction industry in the delivery of new housebuilding.

SPP states the entire public sector should be fully aligned in order to deliver “The Purpose”- economic growth.

Local Development Plan

The Local Development Plan for the West Lothian Council (WLC) area was adopted on 04/09/2018. Although a Vision Statement is not a mandatory part of an LDP, WLC decided to include one, we believe to make a clear and strong statement of what it wishes to achieve.

The Vision Statement seeks to deliver improved employment; a better local economy; more choice in housing; a full range of Services/Facilities - with development being used as the primary vehicle to regenerate and improve the quality of life in West Lothian.

Economic Development and Growth are at the very heart of the objectives of West Lothian Council; The WLC LDP Vision is entirely consistent with the Scottish Government’s SPP - “The Purpose” indeed they are the same.

In short, the fundamental objective is prioritising economic growth in order to deliver prosperity which in time will fund a better Scotland and a better West Lothian.

LDP Policies

The Spatial Strategy seeks to deliver sustainability by;

- A) Promoting development in the most sustainable locations;
- B) Reducing the need to travel;
- C) Prioritising sustainable transport models;
- D) Maximising the use of brownfield land; and of conserving and enhancing environmental resources. The proposed development is in accordance with all of these aims.

Policy DES1- Design Principles – requires that development proposals should have no significant adverse impacts on the local community including on adjacent buildings, streetscape, landscape character and built heritage. The development proposal has no adverse impacts and is fully in accordance with DES1.

Policy HOU3- Infill/Windfall Housing Development within Settlements- states **that NEW HOUSING WILL BE SUPPORTED ON SITES WITHIN SETTLEMENT BOUNDARIES** subject to proviso's "A to I" which are as follows; -

- A) Development in keeping with local area- this requirement is met;
- B) Site not identified for alternative use in LDP – requirement met;
- C) Site not amenity or open space- requirement met;
- D) Proposed housing use is compatible with nearby uses – met;
- E) There is good accessibility, public transport etc, education and other facilities – met;
- F) Existing infrastructure have the capacity to accommodate the development -met;
- G) Proposal complies with Policies INF1 and TRAN2 where applicable – relates to developer obligations and the applicant will agree to appropriate developer obligations – met;
- H) The site is not a significant risk of flooding – met
- I) The proposal complies with other LDP policies and Supplementary Guidance; The SG entitled Residential Development Guide and in particular pages 78-79 relating to Single Plot and Small-Scale Infill Residential Development in Urban Areas is pertinent. The proposed house has been designed to a high standard of design and to compliment the neighbouring listed building and as a consequence, the requirements of HOU3 and the SG are fully met. The proposed house is within the existing settlement boundary and meets all of the HOU3 criteria. Planning Policy HOU3 states that it should be supported.

Site History

A previous application reference 0869/FUL/07 for erection of a house was refused on 05/12/2007. Four reasons were given for refusal and they are listed below with comments as to why these or similar reasons are not justified in this case;

1. The proposal was contrary to Policy HOU5 – Infrastructure - because Balbardie Primary School and St Kentigerns RC Secondary were “at capacity”.
This reason is no longer justified as there is Primary and Secondary School capacity – albeit a contribution to infrastructure may possibly apply.
2. The proposal is contrary to a) Policy H2 of the Bathgate Area Local Plan; b) Policy HOU2 of the West Lothian Local Plan (WLLP); C) Policy HOU7 of the WLLP; d) Policy HOU9 of the WLLP. These reasons are not justified in this case firstly, because all of the policies no longer apply and have been replaced by the 2018 LDP; but more importantly because the Development Proposal is different to that previously submitted and takes full account of matters such as design, residential amenity and the nature of adjacent sites so as to ensure compliance with the current policies and guidance.
3. The proposal is contrary to policies C18 of the Bathgate Area Local Plan and HER2 of the WLLP in that there would be a detrimental impact on the setting of the neighbouring Church which is a category C listed building.
This reason for refusal is not justified firstly, because the two policies no longer apply and have been replaced by LDP2018; but more importantly because the current proposal is different; the standard of design is high and consequently the proposal has no detrimental impact on the setting of the church.

4. The proposal is contrary to policies H3 of the Bathgate Area Local Plan; and HOU4 of the WLLP both of which relate to Town Cramming, in that there would be a detrimental impact on the existing house at 48 Marjoribanks Street.

This reason for refusal is not justified as firstly the policies no longer apply and have been replaced by LDP2018; but more importantly because the current proposal is different from the 2007 proposal and is not contrary to the provisions relating to Town Cramming as contained within LDP 2018 and the SG "Residential Development Guide" particularly pages 78-89.

There will be no detrimental impact on the church or the existing house and the general layout is entirely consistent with the layout of houses in the surrounding area and the layout of housing on the other side of the church.

Scottish Government Strategy for Housing

The Scottish Government (SG) Strategy for Housing is entitled Homes Fit for The 21st Century and refers to "self-build" and The Planning System" at paragraphs 26 and 29. The Strategy states that: - a) the SG expect growth in the self-build sector; b) Councils can play a KEY ROLE in SUPPORTING and ENABLING self-build and some Councils may wish to provide loans for self-build; c) in the current economic climate planning authorities may need to take more flexible and responsive approach to the identification of housing sites; and d) Planning Agreements must be realistic in balancing the interests of the developer and the community.

The new house will be a self-build home for Bill and Vanda Collins, - who have never self-built previously.

Energy Statement

The proposed house shall comprise a closed panel kit house which shall be constructed to very high sustainability standard. The new house shall incorporate low and zero carbon generating technologies (LZCGT) to deliver the energy need and a significant (at least 10%) reduction in CO2 emissions shall be achieved on site via LZCGT. Heating/hot water provision will be by highly efficient air source heat pump with a sealed system incorporating a pressurised hot water cylinder and expansion vessel.

Summary

Particular care has been taken in the design of the proposed house to achieve compliance with Planning Policies. The development proposal fully complies with Scottish Planning Policy, the adopted Local Development Plan (Sept 2018), and Supplementary Guidance, in particular pages 78-89 of the SG entitled Residential Development Guide (November 2017). The development is consistent with the numerous previous developments in the area – including previous development adjoining the church. The proposed development will have no significant detrimental impact on the church, or on anything else, and the design and finishes are appropriate for the location. The Planning Application should be granted.

Application 1186/FUL/18

1186/FUL/18 DRAFT REASON FOR REFUSAL

The proposed house, by virtue of its location, design and appearance, would have a significant adverse impact on the adjacent listed building, the existing residential property to the rear and the streetscape generally. The application is therefore contrary to policies DES1 (Design), HOU3 (Housing in Settlements) and ENV28 (Listed Buildings) in the adopted West Lothian Local Development Plan and the council's Residential Development Guide (Feb 2019).



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 Development Management 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 1186/FUL/18	Applicant Request ✓ <input type="checkbox"/>
Site Address 48A Marjoribanks Street Bathgate West Lothian EH48 1AH	Constituent Request <input type="checkbox"/>
Title of Application Erection of a House	Other (please specify) <input type="checkbox"/>
Member's Name [REDACTED]	
Date: 1 March 2019	