

Development Management

List of Delegated Decisions - 5th June 2020

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0275/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Formation of two open-air horse arenas and siting of three stable blocks totalling 158sqm, siting of a static caravan and as amended to include additional hard standing (in retrospect)		
Address:	Kingsfield Equestrian Centre, Kingsfield, Linlithgow, West Lothian, EH49 6BD (Grid Ref: 302660,677666)		
Applicant:	Kingsfield Livery Yard	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Steven McLaren

Summary of Representations

There have been 4 objections made:

- No justification for works or static caravan.
- Caravan unsightly.
- Parking issues.
- Impact on visual amenity.
- Increase in traffic.
- Traffic movement at anti-social times.
- Storage of horse boxes.
- LPG tank safety issues.
- Over development of site.
- Damage to landscaping.
- Maneuvering of heavy machinery and public safety.

Officers report

Planning permission was granted for the rehabilitation of the farm steading and the construction of a horse livery building on 20/6/02 (Ref: 0141/FUL/02 and 0424/FUL/02). Both developments were considered in tandem and there are no conditions on the permission for the livery which restricts vehicle movements, numbers of visitors or operating times. Planning permission was granted for a 1500sqm arena building to the west side of the livery on 27/11/15 (Ref: 0469/FUL/15). A condition was applied to this permission restricting the use of the building to horses stabled at the livery only and not for

third party use. This permission has lapsed and the building was not constructed.

The larger of the 2 open air arenas has been constructed on the site of the previously approved arena building and the second smaller arena lies to the south side of the existing livery building. The applicant advises that these arenas have been constructed to improve exercise facilities for customer's horses. The 3 additional stable buildings lie on the south side of the existing livery building and adjacent to the smaller arena. One of the stables has been on site since prior to 2015 and the other 2 have been on site for around 2 years. These stables can accommodate up to 10 horses and the applicant has advised that these stables are for the benefit of staff rather than additional customers. Given that staff will be at the site in any case, it is unlikely that these stable will result in any increase in traffic movements. The provision of horse riding arenas and stables at an established livery business is acceptable in terms of policy ENV3 (other development in the countryside) of the adopted West Lothian Local Development Plan. 2018.

The caravan which had been placed on site was required for a night watchman. The caravan is now no longer required and will be removed from site. Due to complaints regarding the parking of horse boxes and the impact this has on the availability of parking at the site, the applicant has formed a 150sqm area of hard standing between the existing parking area and the smaller arena. It is intended that horse boxes will be parked in this location, taking them away from the nearby houses and freeing up customer/visitor parking. Whilst retrospective, this is seen as positive action by the operator to alleviate parking issues.

Whilst not a planning matter, the applicant has taken on board concerns about vehicle movements around an underground LPG tank and will investigate and implement an appropriate safe stand off distance for vehicles.

Given the previous condition relating to the use of the un-implemented arena building, it would be appropriate to recommend granting retrospective consent subject to conditions on the use of the arenas being restricted to horses stabled/grazed at the site, the parking of all horse boxes on the area of hard standing created and landscaping to be carried out.

Ref. No.:	0315/H/20	Recommendation:	Refuse Permission
Proposal:	Two storey extension to house		
Address:	2 Highfield Avenue, Linlithgow, West Lothian, EH49 7BE, (Grid Ref: 299224,677040)		
Applicant:	Ms S McCRorie	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall
<u>Summary of Representations</u>			
N/A			
<u>Officers report</u>			
<p>This planning application proposes the erection of a two-storey extension on the property at 2 Highfield Avenue, Linlithgow.</p> <p>The proposed extension is to be 6.70m x 6.70m and will be 7.16m in overall height which will result in the proposed ridgeline of the extension sitting 1.22m higher than the ridgeline of the existing house. The extension is to feature a gable pitch roof and both of the front and rear elevations of the extension are to be predominately glazed. South-facing solar panels are also proposed to be installed within the roof space of the extension.</p> <p>The existing property is located on a corner plot in which the proposed extension will appear prominent on the street and will significantly impact on the visual amenity of the existing house and surrounding area. The proposed extension does not appear as subsidiary to the existing property and instead appears as dominant due to the proposed ridgeline. It is advised that the ridgeline of an extension should be lower than the ridge of the roof of the main house. Additionally, West Lothian Council's House Extension and Alteration Design Guide states that 'a two storey extension to a single storey house will rarely be acceptable'.</p> <p>This proposal does not adhere to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy or the guidance given in the House Extension and Alteration Design Guidelines, 2015.</p> <p>It is therefore recommended that this application is refused planning permission.</p>			

Ref. No.:	0328/FUL/20	Recommendation:	Refuse Permission	Meeting Date - 8 July 2020 Item No.9
Proposal:	Application under Section 42 to remove condition 7 of planning permission 0426/MS/18 regarding the retention of boundary planting			
Address:	Site At East Main Street, Broxburn, West Lothian, , (Grid Ref: 308173,672215)			
Applicant:	TJ Morris Ltd	Type:	Local Application	
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Steven McLaren	

Summary of Representations

There have been 2 objections raised:

- Visual amenity.
- Reduced light and noise pollution from industrial estate.
- Detrimental to flora in the area.
- Significant change from approved plans.
- Impact on wildlife habitat.

Officers report

Planning permission in principle was granted for the development of retail units and a public house/restaurant on this site on 7/11/16 (Ref: 0080/P/16). Condition 7 of the Matters Specified in Conditions permission dated 29/11/18 (Ref: 0426/MS/18) clearly requires that the existing trees/planting adjacent to the eastern boundary of the site shall be protected from damage during the construction works. The reason given is in the interest of visual and environmental amenity of the area. The landscaping on this boundary takes the form of a substantial Beech hedge which has been allowed to grow to an estimated 6m-8m in height. The result is that this hedge is now a significant landscape feature within the street scape, particularly when seen from the west. The landscaping screens the industrial units and yard areas at East Mains Industrial Estate to the benefit of the town and its removal, either wholly or in part, would result in a detrimental impact on the amenity of the area. The council's adopted non-statutory Planning Guidance (SG): Planning for Nature, Development Management & Wildlife sets out the council's position on the impact developments have on biodiversity and the need to protect and enhance the wider biodiversity of West Lothian. The removal of this landscaping would therefore have a detrimental impact on both the visual amenity and biodiversity of the area.

The proposals are therefore contrary to policies DES1 (design principles), ENV9 (woodland, forestry, trees and hedgerows) and ENV10 (protection of urban woodland) of the adopted West Lothian Local Development Plan, 2018 and the adopted SG Planning for Nature.

Recommendation is therefore to refuse planning permission for the removal of condition 7.

Development Management

List of Delegated Decisions - 12th June 2020

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0162/H/20	Recommendation:	Grant Planning Permission
Proposal:	Formation of dormer windows		
Address:	29 Reid Crescent, Bathgate, West Lothian, EH48 2TY, (Grid Ref: 298089,667392)		
Applicant:	Mr Jonathan Smith	Type:	Local Application
Ward:	Bathgate	Case Officer:	Rachael Lyall

Summary of Representations

Two objections to the original plans. Neighbours were notified of the revised plans and no further comments were received.

- Impact on privacy,
- Loss of natural daylight.

Officers report

The proposals relate to the formation of a front dormer extension at 29 Reid Crescent, Bathgate.

Previous plans were submitted which demonstrated both a front and rear dormer, however it was discussed with the applicant that the rear dormer did not adhere to guidance and that it would not be supported. The proposed rear dormer was considered to be out of scale and would significantly impact the visual amenity of both the existing house and surrounding properties. Revised plans were submitted in which the rear dormer has now been removed.

The submitted plans now only propose a dormer extension on the front elevation which will feature a gable pitch roof to match that of the existing and will measure 1.980m in length and will overlook the main street of Reid Crescent. The front dormer extension will not overlook any neighbouring property to a significant extent and will not be of any detrimental effect on the existing or neighbouring properties. The proposed works now adhere to policy DES1 (Design Principles) of West Lothian Council's adopted Local Development Plan and West Lothian Council's House Extension and Alteration Guidelines, 2015. It is recommended that the application is granted planning permission.

Ref. No.:	0294/FUL/20	Recommendation:	Refuse Permission	Meeting Date - 8 July 2020 Item No.9
Proposal:	Erection of a house			
Address:	Land South Of Bourne End,17 Cannop Crescent, Stoneyburn, West Lothian, EH47 8EQ (Grid Ref: 296801,662159)			
Applicant:	Mr Scott Taylor	Type:	Local Application	
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope	

Summary of Representations

There has been 1 letter received in total: objecting to the proposal which is summarised as follows:

- Not zoned area for residential development
- Detrimental impact on loss of wildlife, habitat and loss of trees
- Design not in-keeping with streetscape
- Privacy concerns
- Road safety concerns - historic accidents on bend
- Noise
- Residential amenity
- Future plans of a workshop

Officers report

The proposal is for a house adjacent to Bourne End, 17 Cannop Crescent, Stoneyburn. The application site is located out with the settlement boundary.

The proposed house is single storey in height and would accommodate three bedrooms. Access to the site would be directly from Cannop Crescent. There would be a small front garden, turning area and driveway to the front and a garden to the rear.

The proposed development fails to comply with the criteria of policy ENV 2 and the associated supplementary guidance Development in the Countryside. The development is not considered to be infill development, nor is it located on a brownfield site and there is no policy justification that would support a house at this location within the countryside.

No site investigation report was submitted which is contrary to policy EMG 6 and there is insufficient information to assess impacts on trees within the site which is contrary to policy ENV 9.

It is therefore recommended that planning permission is refused.

Ref. No.:	0302/H/20	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	2 Tippet Knowes Park,Winchburgh, West Lothian, EH52 6UJ, (Grid Ref: 308259,674992)		
Applicant:	Mrs Nicola Elliot	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Rachael Lyall

Summary of Representations

- 4 objection comments.
- Overshadowing,
 - Distance to boundaries,
 - Impact on privacy/overlooking,
 - Compliance with guidelines,
 - Proposed materials & visual amenity,
 - Overall scale/mass.

Officers report

This planning application proposes the erection of a single-storey extension on the property at 2 Tippet Knowes Park, Winchburgh.

The proposed extension is to be erected on the side and rear elevations of the existing property and will provide an additional bedroom and larger kitchen/dining area. The side extension will measure 2.365m x 3.600m and the rear extension is to measure 6.730m x 2.700m. Both will feature a mono pitch roof style with the proposed eaves height measuring 2.400m and the proposed ridgeline height measuring 3.565m. The proposal demonstrates window openings within the front elevation, which will overlook the main street and the applicants front garden, and within the rear elevation which will overlook the applicants rear garden which is sufficiently screened with greenery to the rear of the site. The materials proposed for the extension are to match those of the existing house. The proposed extension is to be erected right up to the western boundary, and approximately 8m from the rear boundary.

Previous plans demonstrated the erection of a two storey side extension. However, this proposal was significantly revised to address concerns raised in the objection comments regarding potential overshadowing, visual amenity and the overall mass. The proposal now demonstrates a single storey extension in order to reduce this prominence and overall impact on the neighbouring properties.

This proposal adheres to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines, 2015. It is recommended that the application is granted planning permission.

Development Management

List of Delegated Decisions - 19th June 2020

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0238/FUL/20	Recommendation:	Refuse Permission
Proposal:	Erection of 2 houses		
Address:	14-16 Edinburgh Road, Bathgate, West Lothian, EH48 1BA, (Grid Ref: 297692,668522)		
Applicant:	Mr Derek Conner DJC Properties Ltd.	Type:	Local Application
Ward:	Bathgate	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
Planning permission is sought for the erection of 2 houses at 14-16 Edinburgh Road, Bathgate.			
The proposed plot 1 has a very narrow frontage and the depth of both houses are considered overbearing and not in character with the surrounding area. The house design does not fit well with the street character and the material finishes are not acceptable. There is no drainage details and an SI Report was requested and has not been received to date. There have been amendments sought from the applicant in terms of design and parking. Revised plans have not addressed all the concerns raised. The proposal fails to comply with policy DES1, HOU3 and EMG 6.			
The proposed development is not considered to be an acceptable development and it is recommended that planning permission is refused			

Ref. No.:	0325/H/20	Recommendation:	Grant Planning Permission
Proposal:	Extension to house, installation of dormers and flue		
Address:	18 Herd Green,Knightsridge, Livingston, West Lothian, EH54 8PU (Grid Ref: 303631,669404)		
Applicant:	Mr J Cullen	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall
<p><u>Summary of Representations</u></p> <p>1 representation -</p> <ul style="list-style-type: none"> - Distance of development from boundary, - Concerns over proposed boundary line being correct. 			
<p><u>Officers report</u></p> <p>This planning application proposes the erection of a side extension, conservatory and formation of dormer windows on the property located at 18 Herd Green, Knightsridge.</p> <p>The proposed two-storey side extension is to provide a larger living and dining space and will measure 3.350m x 7.370m and is proposed to be the same height as the existing house. The extension is to feature a dormer extension on both the front and rear elevations. The proposed dormer extensions are to be of the same width, length and height as the existing dormer window to allow for the works to integrate. The dormers will not significantly overlook neighbouring properties as the rear of the site is sufficiently screened with landscaping. Therefore the proposed dormer will not have any detrimental effect on the privacy of neighbours.</p> <p>A conservatory is to also be constructed to the rear of the existing property which is to measure 5.740m x 3.350m and will be 3.549m in overall height. The west elevation of the conservatory is to be a brick wall in order to prevent any direct overlooking into the neighbouring property to the west. The proposed extension will step out onto a raised platform and steps leading into the applicant's rear garden.</p> <p>In addition to the residential amenity not being significantly affected by the works, the proposed works also are of an acceptable scale which will not significantly impact on the visual amenity of the existing house or the surrounding developments.</p> <p>This proposal adheres to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines, 2015. It is recommended that the application is granted planning permission.</p>			

Proposed Enforcement Actions - 19/06/2020

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0154/20	Ms Kennedy	177 Norman Rise, Dedridge, Livingston, West Lothian, EH54 6NN	Livingston South	Take no Action	<p>The owner has a number of structures within the rear garden of the property, all structures apart from the pergola has been found to comply with permitted development rights.</p> <p>The pergolas sloping roof is a minor breach of planning control. The section of roof closest to the owners property is measured at 2.7m in height, which is 20cm above what the Permitted development rights allow however this roof slopes and is reduced to a height of 2.3m in height.</p> <p>While this is a minor breach, the owners property is at a lower level than that of the closest neighbour and the roof of the pergola is made from clear plastic sheeting. On this basis, the Council has no concerns over overshadowing and is using its discretionary powers to take no action on this minor breach.</p>
ENF/0369/19	D & S Flooring	100 West Main Street, Whitburn, West Lothian, EH47 0QU	Whitburn & Blackburn	Advert Enforcement Notice	<p>The owner applied in retrospect for the Display of 4 adverts at the property. The application was refused and their appeal was dismissed. The reporter confirmed that the size and location of the fascia signs, the freestanding sign and the cumulative effect of the four signs would contribute to clutter within the streetscape, contrary to the visual amenity of the town centre.</p> <p>Steps to comply :</p> <ol style="list-style-type: none"> 1. Remove the 2 fascia signs. 2. Remove the 1 window graphic sign 3. Remove the freestanding sign.

Applications determined under delegated powers to modify a planning obligation (s75) INFORMATION ONLY

Ref. No.	Applicant	Proposal	Ward	Decision	Reasons for decision
1007/PO/19	Mr J Bryce	Modification of planning obligation relating to planning permission 0493/P/02 to replace clause 6 relating to public transport interchange	Whitburn	Grant Modification of planning obligation	<p>Clause 6 of the current planning obligation requires a public transport interchange (PTI) to be constructed and completed within the site prior to 500 residential units and 19,000 square metres of business/industrial accommodation being occupied. The applicant sought to defer the trigger to deliver the PTI to 1000 residential units. The applicant also has agreed to a long-stop date of July 2025 whichever is the earliest trigger.</p> <p>The main reasoning for the proposed change is that to date there has been a lack of commitment from bus operators to use such a facility, mainly due to the rate at which development has progressed on the site.</p> <p>An objection was received about the link to commercial development and the avoidance of delivering the public benefits from the development</p> <p>In response to these concerns raised during the consultation period, a working group has been set up by the developer, community representatives and the relevant bus operators and a draft layout of the PTI has since been agreed in principle.</p> <p>It is therefore reasonable to allow the trigger for the development of the PTI to be extended and it is noted that progress is being made to deliver it.</p> <p>There are no other reasons why the modification to the current planning obligation should not be granted.</p>

Development Management

List of Delegated Decisions - 26th June 2020

DATA LABEL: OFFICIAL

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Ref. No.:	0192/FUL/20	Recommendation:	Refuse Permission
Proposal:	Formation of a car park (in retrospect)		
Address:	Five Sisters Zoo, West Calder, West Lothian, EH55 8PT, (Grid Ref: 302330,664377)		
Applicant:	Five Sisters Zoo	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>Planning permission is sought for formation of an additional overflow car park (in retrospect) for the Five Sisters Zoo. The application site is positioned south west across the road from the main entrance of the zoo.</p> <p>The proposed car park would have capacity for 500 cars. Despite several reminders sent to the agent, no drainage assessment or site investigation report has been submitted.</p> <p>Justification for the need of additional parking of the scale proposed was requested, as was a transport assessment to assess the impact on the surrounding road network. This information has not been submitted. Further, no details have been submitted in terms of proposed landscaping or surface finishing materials.</p> <p>The proposal fails to comply with LDP policies DES1, TRAN 1, ENV 3, ENV 9, NRG 1, EMG 3 and EMG 6.</p> <p>It is therefore recommended that planning permission be refused.</p>			

Ref. No.:	0333/FUL/20	Recommendation:	Refuse Permission	Meeting Date - 8 July 2020 Item No.9
Proposal:	Change of use from public open space to private garden ground and extension to house			
Address:	8 Leishman Court, Blackridge, Bathgate, West Lothian, EH48 3TL (Grid Ref: 289725,667056)			
Applicant:	Mrs Eileen Brough	Type:	Local Application	
Ward:	Armadale & Blackridge	Case Officer:	Rachael Lyall	

Summary of Representations

N/A

Officers report

This planning application proposes a single storey extension on to the property at 8 Leishman Court, Blackridge. The proposed site is located at the end of a terrace and appears prominent on the street corner of Leishman Court.

The extension is to be erected on the east side of the site and is to measure 4.300m x 8.085m and will be 2.690m in height to the proposed eaves and 6.385m to the ridgeline. The proposed extension will lead out onto a patio decking measuring 2.500m x 3.500m. The patio decking will feature a set of steps leading down to the side gardens area. The materials proposed for the side extension are to all match that of the existing house. The application also proposes the change of use of public open space to garden ground. The open space is located to the east of the house. The new garden ground is proposed to be screened with new 1.8m high fencing which is to extend from the existing boundary fence. In addition, the existing wall and hedging is to be retained.

The proposed change of use is not considered acceptable as it would result in a significant loss of open space which currently contributes positively to the surrounding area. In addition, extending the existing 1.8m boundary fence in order to enclose the full site will also have a significant detrimental visual impact on the surrounding area.

This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES 1) Policy and the guidance given in the House Extension and Alteration Design Guide. It is recommended that this application is refused planning permission.

